

# JOINT BUDGET COMMITTEE



## INTERIM SUPPLEMENTAL BUDGET REQUESTS FY 2016-17 AND FY 2017-18

### DEPARTMENT OF CORRECTIONS

JBC WORKING DOCUMENT - SUBJECT TO CHANGE  
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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## INTERIM SUPPLEMENTAL REQUESTS

### EXTERNAL CAPACITY CASELOAD (FY 2016-17)

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$1,408,572</b>	<b>\$0</b>
FTE	0.0	0.0
General Fund	\$0	\$0
Cash Funds	1,408,572	0

**Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?** [The Controller may authorize an expenditure in excess of the amount authorized by an item of appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.] **No**

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?** [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.] **YES**

**Explanation:** JBC staff and the Department agree that this request meets the JBC's supplemental criteria since it is the result of data that was not available when the original appropriation was made. However, staff doubts that this request meets *interim* supplemental criteria number 2 because the changes driving this supplemental began to occur during the session. However, staff recognizes that this appropriation adjustment could not have been computed with a reasonable degree of accuracy during the session due to the volatility of the private prison population count. Staff provides the following analysis and recommendation in case the Committee concludes otherwise.

**DEPARTMENT REQUEST:** The Department requests an additional appropriation of \$1,408,572 for FY 2016-17 from the State Criminal Alien Assistance Program (SCAAP) Cash Fund in order to pay for the placement of inmates in private prisons. The cost of these placements will exceed current appropriations because the inmate population has risen more than was anticipated at the time of supplementals in January when the current FY 2016-17 appropriation was set.

**STAFF RECOMMENDATION:** Staff recommends that the Committee not approve this request because staff believes it is inconsistent with the interim supplemental criteria.

This staff member tries to make recommendations that accord with statute but feels extremely conflicted about this recommendation because staff also believes that it is important to maintain a good relationship with a private prison contractor that will house an average of almost 3000 inmates during FY 2016-17 and probably house a greater number in the future. Staff fears that failure to pay a vendor for work performed may do lasting damage to the Department's future relationships with this and other contractors.

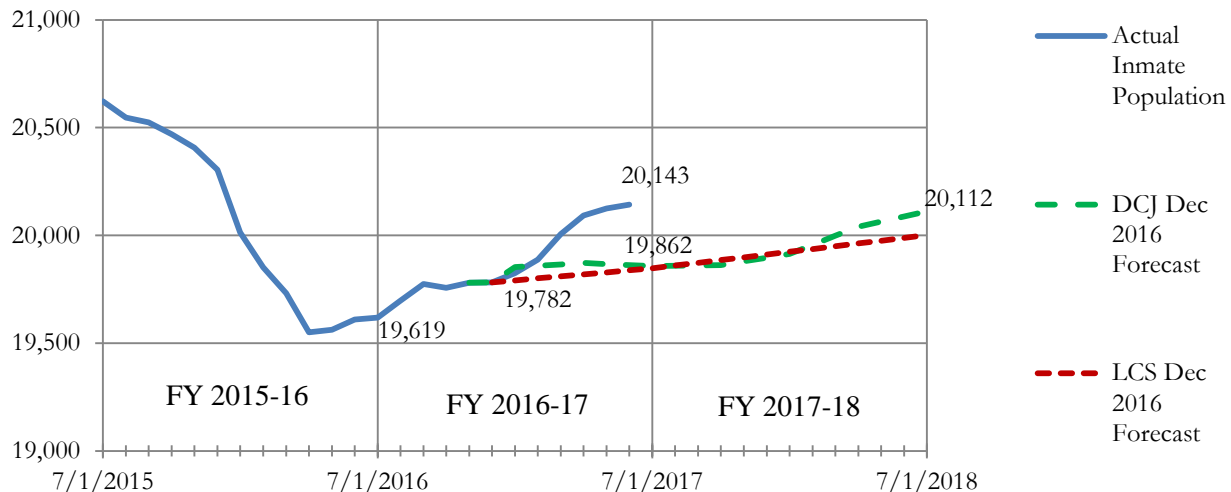
**STAFF ANALYSIS:** The term "external capacity" in the title of this request refers to beds for DOC offenders (both inmates and parolees) that are not operated by the DOC but are paid for by the Department. Private prisons, the subject of this request, are by far the largest component of external capacity. The term "inmate" refers to an individual who has been sentenced to DOC but has not yet been paroled or a parolee whose parole has been revoked. About 90 percent of offenders with

inmate status are in prison; the remainder are in jails, community corrections, the ISP-Inmate program, or have escaped (very seldom from prison).

This supplemental is the result of two unforeseen changes that have occurred since December 2016: the unexpectedly large increase of the inmate population and the higher percentage of the inmate population that is now in a DOC-operated prison or a private prison.

The chart below shows the actual inmate population since December 2016 when the two competing forecasts of the inmate population were issued by the Division of Criminal Justice (DCJ) and the Legislative Council Staff (LCS). During the first 11 months of FY 2016-17, the inmate population rose 524 from 19,619 to 20,143. As of the start of June 2017 the DCJ forecast was 281 too low while the LCS forecast was 305 too low, which equates to about 253 extra inmates in prison (= 90% \* 281). Note that the inmate population as of June 1, 2017 is higher than the DCJ and LCS forecasts for July 1, 2018. Thus this request is partly a consequence of the unforeseen surge in inmate population that began in December 2016, immediately after both forecasts were issued.

### Comparison of December 2016 forecasts to the actual inmate population

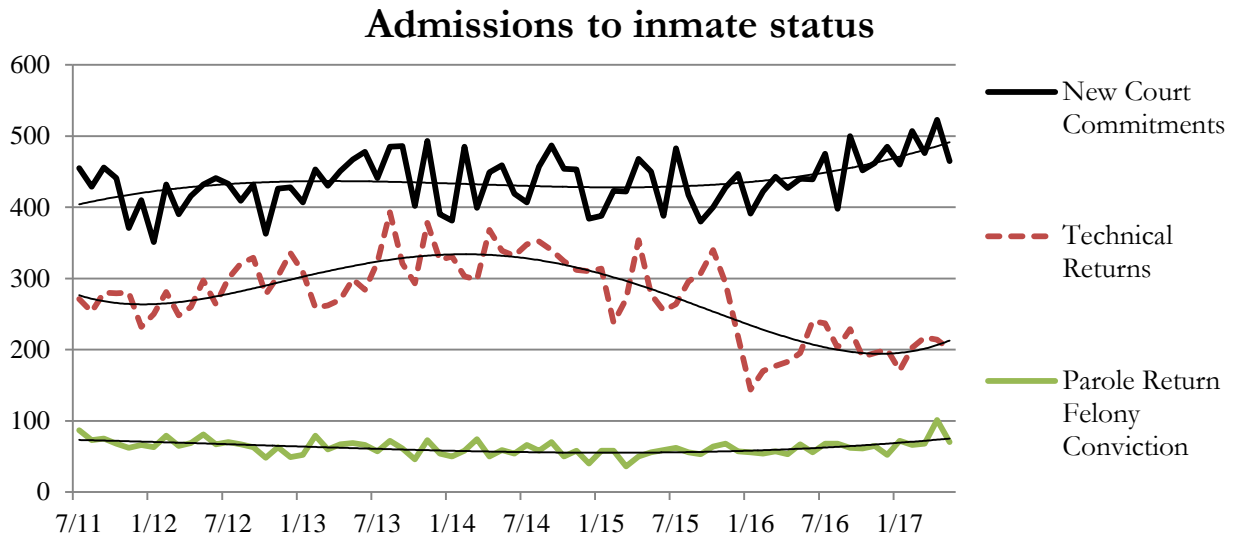


The DCJ and LCS forecasts predict the total number of inmates. To turn this into an appropriation, the proportion of inmates in prison must be projected. The second reason for the supplemental is the unexpected increase of this percentage above the 88.7 percent that was used to compute the appropriation. By June 2017 the percentage rose to 90.0, adding about 260 inmates.

The DOC did not have the ability to house the entire resulting increase of the inmate population. In collaboration with the Department the private prison at Crowley County Correctional Facility (CCCF) added 200 beds in late February, while Cheyenne Mountain Re-entry Center (CMRC) added 65 beds in March and April.

What's driving the population increase? The following chart, an up-to-date version of a chart staff presented to the Committee during the session, shows prison admissions. As staff has pointed out, the increase of new court commitments since 2015, who stay in prison for an average of 3 to 4 years

and some for life, will inevitably overwhelm the reduction in technical parolee returns that has occurred since 2014 because the vast majority of those returns are for a much shorter three to six months or less. It takes 16 3-month revocations to equal one 4-year new court commitment. If new court commitments continue to rise at the current pace, even if technical returns go to zero, the population will again rise after a year or two.



**Analysis and warning regarding the requested increase of SCAAP Cash Fund appropriations:** The Department requests that the increased appropriations be financed from the State Criminal Alien Assistance Program (SCAAP) Cash Fund. Pursuant to Section 17-1-107.5 (1), C.R.S., federal funds received from the SCAAP are deposited into this fund for the purpose of defraying the costs of incarcerating undocumented criminal aliens sentenced to the DOC. The General Assembly has for years used SCAAP funds to pay a small portion (2 to 4 percent) of the cost of private prisons. Because of the unpredictable nature of this funding source, staff recommended during 2017 figure setting that the General Assembly not appropriate SCAAP funds until they have been received. To implement this, staff recommended and the Committee applied the following rule: At the time of figure setting, set SCAAP appropriations in the Long Bill equal to the then current balance in the SCAAP Cash Fund. If further SCAPP grants arrive after figure setting and before July 1, a supplemental increase will be made the following January to appropriate that additional money. Based on this rule, the Committee approved a Long Bill appropriation for private prisons from the SCAAP cash fund of \$2,077,720 for FY 2017-18.

The Department is now requesting that about 2/3 of the SCAAP money that has been appropriated for FY 2017-18 be instead used to pay this year's private prison bills. As a consequence, at the start of FY 2017-18, there will only be enough money available in the SCAAP cash fund to pay for about 1/3 of the FY 2017-18 SCAAP appropriation that's in the FY 2017-18 Long Bill. In other words, if this requested supplemental is approved, the FY 2017-18 Long Bill will contain an appropriation of some SCAAP cash funds that have not yet been received and might not be received.

If more than \$1.4 million of SCAAP funding arrives from the Feds next year, that newly arrived money will be used to pay the unfunded part of the FY 2017-18 appropriation. If too little arrives, the Department will need a General Fund supplemental equal to the shortfall. It's the risk that's

always associated with the appropriation of cash funds that have not yet arrived. The risk is real in this case since 2015 SCAAP revenue equaled only \$1.2 million. This budgeting strategy can be continued indefinitely if SCAAP revenues stay steady or grow, but the strategy will unwind slowly if SCAAP funds gradually decline or unwind quickly if SCAAP funds suddenly dry up. As the strategy unwinds, the General Assembly must backfill with General Fund.

If the Committee approves this request, staff recommends that the Committee return next year to the recommended funding rule, which means approval during FY 2018-19 figure setting of an appropriation from the SCAAP cash fund that equals the amount on hand in the SCAAP cash fund at that time.

## OPENING PRIVATE PRISON FOR 500 OFFENDER BEDS (FY 2017-18)

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$14,536,903</b>	<b>\$0</b>
FTE	106.3	0.0
General Fund	\$14,520,820	\$0
Cash Funds	16,083	0

**Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?** [The Controller may authorize an expenditure in excess of the amount authorized by an item of appropriation for the fiscal year if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.] **No**

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?** **YES**  
 [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** JBC staff and the Department agree that this request meets the JBC's supplemental criteria since it is the result of data that was not available when the original appropriation was made during figure setting in March. However, staff doubts that this request meets *interim* supplemental criteria (2) because it resulted from a population surge that began to occur during the session and could have been addressed during the session. Staff believes that the request for an overexpenditure to operate a leased prison is consistent with existing statutory provisions, but a request for an overexpenditure to operate a modified Centennial South violates existing statute, which forbids using Centennial South to hold Colorado state offenders. Staff notes that an appropriation to add recreation yards to Centennial South so that it can be operated in a manner inconsistent with existing statute also appears contrary to the interim supplemental criteria. However the committee will consider that companion capital construction request separately.

**DEPARTMENT REQUEST:** To accommodate a rising inmate population, the Department of Corrections (DOC) requests an appropriation of \$14,536,903 total funds for FY 2017-18, including \$14,520,820 General Fund and 106.3 FTE, in order to implement a multi-part plan that will result in the opening of 500 beds in the currently closed Centennial Correctional Facility South, which is also known as Colorado State Penitentiary II or CSP II. Because it will be months before Centennial South can be opened, the Department will temporarily lease a currently vacant private prison facility

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that it will operate with DOC staff from approximately November 2017 to sometime between January and June 2018, when inmates and staff will be moved to Centennial South.

A companion capital request for an additional \$636,000 General Fund appropriation for FY 2017-18 will be presented by the JBC's capital analyst. This appropriation will pay for the addition of outdoor recreation yards to Centennial South, which currently only has indoor recreation rooms.

Statute currently forbids placing inmates in Centennial South. The Department requests that the General Assembly enact legislation early in the 2018 session to remove this restriction.

The Office of State Planning and Budgeting (OSPB) requests that the increased FY 2017-18 General Fund appropriations be funded by reducing the General Fund reserve.

During FY 2018-19 and subsequent years Centennial South will be open for the entire year and the cost of the request is \$15,083,579 total funds, including \$15,059,466 General Fund and 182.3 FTE

**STAFF RECOMMENDATION:** Staff recommends that the Committee not approve this request for several reasons: (1) it is quite possibly inconsistent with the interim supplemental rules, (2) there are other alternatives that some, including this staff member, may consider more desirable than the department's request, and (3) the decision to open a prison has lasting consequences that other members of the General Assembly may want to express opinions upon. If this supplemental is approved during the interim, rather than during the session, other members may feel that they have limited room to object because physical modifications to Centennial South are already underway or complete, more than 180 new employees have been hired, a lease has been signed and a temporary prison is in operation.

Though delay will likely cause hardship for the Department, Staff recommends that the Committee defer a decision until the session has begun. Staff also recommends that the Committee instruct the Department in a letter to fully explore other options such as those described in this document before resubmitting a request. That request should carefully examine alternatives, explaining the advantages and disadvantages of each, and present as much detailed cost and benefits information as possible.

#### MORE DETAILS ON THE REQUEST:

- The offenders who would be placed in Centennial South are "general population" inmates, not the administrative-segregation inmates for whom Centennial South was designed.
- Once moved, the 500 offenders will occupy slightly more than half of the total beds in Centennial South.
- The Department plans to staff the leased facility and later Centennial South with a mixture of experienced DOC staff transferred from elsewhere and newly hired employees. Some of the new employees will replace the experienced employees at the facilities that lost staff. The same number of employees will be on hand during FY 2017-18 and FY 2018-19, however the FY 2018-19 FTE count is higher (182.3 verses 106.3) because of the pay date shift and the fact that

the new employees will work 8 months in FY 2017-18. When the leased facility closes, its inmates and staff will transfer to Centennial South.

- Centennial South lacks outdoor recreation yards. Recent federal court decisions require that inmates held for more than short periods have access to the outdoors. It would take six to nine months to complete construction, with most of the work done by DOC.
- Leasing a facility requires a contract, which may take several months to finalize, however a formal bidding process is not required. The leased facility would probably open in November 2017 but this date may change, depending on inmate population trends. The request assumes the lease will be for 8 or fewer months during FY 2017-18 and would cost \$3.5 million, but this is an estimate with a wide confidence interval; the Department does not know how much it will cost. The DOC must also upgrade communications infrastructure in the leased facility to DOC standards at a cost of \$700,000. These upgrades would remain at the leased facility after the DOC moves inmates and staff to Centennial South.
- In addition to the first-year recreation-yard construction costs, the lease cost, and the cost of the communications infrastructure upgrades at the leased facility, the FY 2017-18 portion of the request includes other one-time costs that total \$972,995 and consist of:
  - \$622,995 of FTE startup costs for such things as initial basic training, uniforms, desks, and computers.
  - \$261,652 of other startup costs for department specific items (mattresses, bedding, radios, security equipment such as flashlights, handcuffs, pepper spray, safety vests, weapons, and ammunition).
  - \$200,000 for cell modification. The cells contain computer kiosks that were designed to let ad seg offenders take classes, communicate with staff, and teleconference with visitors at the East Cañon Complex’s visitor center without leaving their rooms. The computers are now outdated and cannot be used. The Department has alternatives to the in-cell computer kiosks, which would cost an estimated \$2.5 million to update. Abandonment of the computer kiosks requires additional modification to cells before offenders can be housed there, including closing the opening that previously held a computer screen.
  - \$150,000 for day room furniture. The changed offender populations at Centennial South means that offenders will now be using “day room” areas outside their cells, which were not needed for ad seg offenders. The cost includes tables, chairs, and other furniture that will be bolted to the floor.

The following table summarizes the costs:

	FY 2017-18		FY 2018-19	
	COST	FTE	COST	FTE
Personal Services	\$7,455,662	106.3	\$12,614,638	182.3
Operating	1,269,954		1,903,981	
Medical Services – Pharmaceutical Costs	376,640		564,960	
FTE Startup	622,995			
Facility Startup	1,311,652			
<b>Total Operating and Startup Costs</b>	<b>\$11,036,903</b>	<b>106.3</b>	<b>\$15,083,579</b>	<b>182.3</b>



	FY 2017-18		FY 2018-19	
	COST	FTE	COST	FTE
Leased Space (Not in this part of the request)	3,500,000		0	
<b>Total Operating Request &amp; Lease</b>	<b>\$14,536,903</b>	<b>106.3</b>	<b>\$15,083,579</b>	<b>182.3</b>
<b>Capital Construction 1331 Supplemental</b>	<b>636,000</b>		<b>0</b>	

STAFF ANALYSIS:

**Does DOC need a prison?**

The analysis of the preceding supplemental request showed that the number of DOC inmates surged unexpectedly after the December 2016 prison population forecasts were issued and that an unexpectedly high proportion of these inmates were placed in prisons. However, this doesn't necessarily mean that the DOC needs an additional prison.

**New prison beds.** To address its growing population, the Department added 112 temporary beds at La Vista Correctional Facility as well as 24 temporary and 8 permanent beds at Denver Women's Correctional Facility. Even with these additions, the Department's empty bed rate has declined below the target of 2 percent in 3 of the last 4 months. In March and May it reached 1.6% (=228 empty beds). Note that it becomes increasingly difficult to push the vacancy rate down further as it declines. In collaboration with the Department, the private prison at Crowley County Correctional Facility added 200 beds in late February, while Cheyenne Mountain Re-entry Center added 65 beds in March and April. All three private prison facilities are now operating at or near capacity.

**Jail backlog and parolees in jail.** Could a substantial number of additional DOC inmates be kept in jails? Staff believes that this is unlikely. It's difficult to obtain data on jail populations and capacity; as far as staff is aware, the only way to get up-to-date information is to contact jails individually and ask. A call to Pueblo's sheriff, for example, revealed that his jail is operating at 150 percent of its capacity. He believes Pueblo's is the most overcrowded jail in the state, but adds that many are full or nearly full.<sup>1</sup> Chris Johnson, Director of the County Sheriffs of Colorado, holds a similar opinion. Each described DOC as part of the crowding problem. Staff understands that the county sheriffs met with the DOC director to express their concerns. Staff also contacted two of the three jails that in past years have absorbed DOC inmate overflow and found that they now have modest excess capacity.

The DOC is one of the reasons for the crowding. In its reports, the Department now distinguishes eight categories of DOC inmates who are in county jails. It also identifies the number of parolees who are in jail but have not yet been revoked (and thus have not yet returned to inmate status). On June 1, 2017 there were 383 jailed inmates and 1,289 jailed parolees, for a combined total of 1,672 DOC offenders in jail, which is up 302 from July 1, 2015. Staff estimates that this constitutes about 14 percent of Colorado's jail population.<sup>2</sup> It's difficult to compare this number with the 1990's,

<sup>1</sup> Sheriff Kirk Taylor of Pueblo believes that changes in state law are responsible for much of the population increase that has occurred at his jail and other jails around the state. He cites a number of supporting examples.

<sup>2</sup> This percentage is based on the Bureau of Justice Statistics (BJS) 2013 census of jails, which reported an estimated Colorado jail population of 11,660. Based on the past frequency of BJS jail census reports, staff expect a jail census update to be released in 2021. It will report Colorado's 2019 jail population. As staff noted, it's hard to find jail data.

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when county sheriffs expressed much unhappiness with the number of DOC offenders in their jails. The DOC did not start reporting the number of jailed parolees until 2012.

When assessing the DOC's capacity, it's also important to mention a missed opportunity to reduce the in-prison population: the decline in the number of Residential Transition inmates. These are inmates who are accepted in community corrections facilities and, if successful in those programs, move on to parole or enter the ISP-Inmate program, which allows them to live in an approved residence in the community under supervision until paroled. Over the last two years the number of Transition and ISP-Inmate offenders has declined by 413. Had the number not declined, there would be 413 fewer offenders in state and private prisons. All DOC offenders have an opportunity to apply to community corrections as they approach their parole date. Some are accepted into community corrections by the boards and programs that make this decision, some are not. Staff does not know what has caused the approximately 20 percent decline but knows it has increased the DOC population.

In summary, staff believes that the Department's assertion that it needs more prison beds is credible. DOC probably can't absorb more inmates in its facilities without overcrowding and jails probably can't accept many more DOC inmates. However, a DOC push to get more offenders into transition placements may help.

### **Background on Centennial South**

Centennial South ([aerial view](#), [photos](#)), which is located in the East Cañon Correctional Complex a few miles east of downtown Cañon City, was designed to hold 948 inmates in administrative segregation, with the inmates confined alone in single-bed cells for 23 hours per day. These "ad seg" offenders were given an hour of out-of-cell time for washing and for exercise in single-person interior exercise rooms.

During the 1980's and 1990's, as prison populations boomed, ad seg became a widely adopted means of controlling difficult offenders. Centennial South was built to house an ad seg population that the DOC expected to continue growing. Ad seg has become much less popular in recent years and the DOC has led the nation in reducing its ad seg population. In fact, the Department no longer has inmates in ad seg beds. The new classification, which provides four hours per day of out-of-cell time, is called Extended Restrictive Housing.

Centennial South consists of three cross-shaped towers containing 316 cells. There's also a large central building that contains support functions such as intake, medical, laundry, kitchen, loading docks, mail, and administration offices. The support building also services the adjoining Centennial North, which currently houses offenders who are in a mental health program. Together Centennial North and Centennial South make up the Centennial Correctional Facility, which is abbreviated CCF. Both parts of the facility are enclosed by the same fence.

Each of the five-story towers of Centennial South is divided into a lower two story unit and an upper three story unit. The cells on the bottom floor of each unit open onto an interior area known as the "day hall" while the upper floors open onto elevated steel walkways with stairs down to the day hall. The day hall is a common area where the tables and seats will be affixed to the floor so they cannot be used as weapons. There is no dining room or gym.

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It cost \$146.2 million to build Centennial South, with funding coming from certificates of participation (COPs). The state must make two remaining lease payments of \$20.3 million in FY 2017-18 and FY 2018-19. It must make these payments whether or not it uses the facility.

Centennial South was partially occupied beginning in September 2010 when a single tower housed c inmates. The DOC's ad seg population peaked in 2011 and the Department moved all offenders out of Centennial South in October 2012. A [Denver Post article](#) that appeared at the time of the closure described the towers as having little use other than ad seg.

During the 2012 session, the JBC sponsored H.B. 12-1337 which closed Centennial South for state housing of inmates while allowing non-state entities to house inmates there. The bill also required the DOC to actively try to sell or lease the facility. No buyer or lessor was ever found

**The repurposing plan in Utilization Study 2.0.** In February 2016, the Office of State Planning and Budgeting released a report prepared by an independent contractor titled [Colorado Prison Utilization Study Update](#), which extended the 2013 [Colorado Prison Utilization Study](#). That first utilization study was commissioned by H.B. 12-1336, a JBC companion bill to H.B. 12-1337. The *Utilization Update*, which some call Utilization Study 2.0, described Centennial South's deficiencies in the following terms:

The primary obstacle to alternative use of the facility has been its lack of outdoor recreation yards and program space. The federal courts have indicated that regular access to outdoor recreation is a basic right for inmates in a permanent housing assignment. CCF South lacks any outdoor recreation yards, which precludes its use for both administrative segregation and general population inmates. Moreover, the facility has no designated space that could be used for congregate program service delivery.

The state has pursued potential sale or lease of the facility to other jurisdictions and private correctional companies. However, the location of CCF South within an existing state prison complex ... would make independent operation of the facility by another entity difficult. Moreover, the lack of recreation yards and program space which makes CCF difficult for the DOC to use also makes the facility undesirable to other potential users.

The *Utilization Update* proposed the following coordinated repurposing of Centennial Correction Facility and the Denver Reception and Diagnostic Center:

1. Move central reception and diagnostic review of all newly arrived inmates from the Denver Reception and Diagnostic Center (DRDC) to CCF South.
2. Establish a centralized re-entry program at CCF South that will provide transitional preparation and support for inmates from throughout the prison system who are approaching the end of their terms of incarceration.
3. Designate Centennial Correctional Facility North (CCF North) as the DOC central transportation unit hub and support facility for CCF South and close the current transportation hubs at Territorial Correctional Facility and LaVista.

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4. Relocate the mental health residential treatment program from CCF North to DRDC.
  5. Centralize housing for inmates with long-term care needs at DRDC. These inmates have physical, cognitive, and medical conditions that require special care.

The *Utilization Update* estimated that it would cost \$9,272,079 to modify DRDC and Centennial North and South to implement this plan. The modifications to Centennial South would cost \$2,800,705 and would involve remodeling administrative and program space to allow for the efficient processing of inmates through the reception and diagnostic process. This includes establishment of holding cells, work stations, staging areas, and interview rooms. The plan calls for extensive remodeling of the existing intake area, muster/roll call room, and library/programs area. The estimated cost of this portion of the work is \$1,875,000.

The modifications proposed in the *Utilization Update* would also add three outdoor recreation areas. According to the Department, if this request is approved, no further outdoor recreation changes would be needed to implement the *Utilization Update*.

When all the modifications in the *Utilization Update* are complete, the DOC will have 820 additional beds that it will be able to operate at a cost that is, according to the update, low compared to other Level V beds in DOC-run facilities.

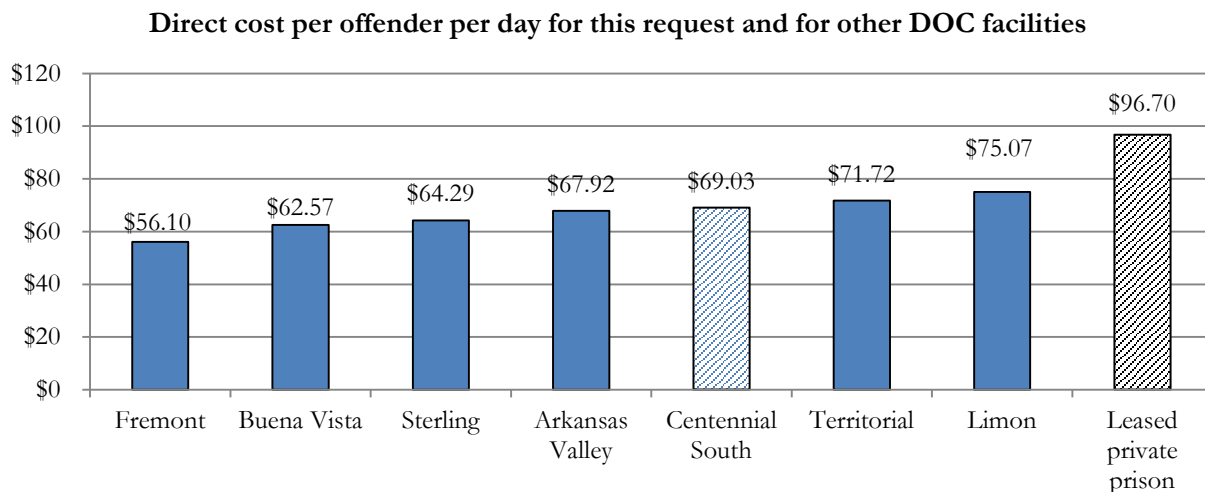
**Is Centennial South suitable for general population offenders?** Because of the statements in the *Utilization Update* and elsewhere about Centennial South's deficiencies, staff was surprised when the DOC proposed repurposing the facility to hold general population offenders. The proposed recreation yard construction dealt with the lack of outdoor access, but what about the lack of program space? Weren't substantial interior modifications needed to address that problem? Where would meals be served without a dining hall? Where would GED classes for the many offenders who lack high school degrees be held? How about adult basic education classes or vocational education classes? Is there room for drug and alcohol therapy and the Department's cognitive behavioral therapy programs? Would work opportunities be limited? Would offenders receive as much programming at Centennial South as they receive at other DOC-run facilities? Quality programming can make a prison safer and reduce recidivism.

The Department made the Director of Prisons Travis Traini, an experienced former warden, available to talk to staff about the suitability of Centennial south for its a new mission. Director Traini explained that meals would be brought in carts to the day halls and served there, in the same fashion that they are currently served at Colorado State Penitentiary. Director Traini also showed that more rooms are available for programming than staff realized from looking at floor plans, though these rooms are not as numerous as they would be in a facility that was initially designed for general population inmates. Director Traini indicated that the rooms could be used for more than one purpose. Staff also asked whether there were security concerns involved in using a structure designed for ad seg for another purpose. Ad seg offenders are out of their cells for a limited amount of time but general population inmates are out of their cells much of the day. Director Traini stated that there were no significant security concerns. Staff came away with the feeling that the repurposed facility will be adequate for its new mission, but not ideal. For example, it will not have a gym and other indoor exercise opportunities will be limited.

**How would costs at a leased private prison or a repurposed Centennial South compare with the cost of other DOC facilities?** Ad seg facilities like Centennial South are notoriously expensive. Can it be converted to a prison with costs comparable to those of Level III and IV prisons? The following chart compares the direct costs of operating various facilities, on a per offender per day basis. For Centennial South and the leased private prison, the cost estimate omits start-up costs, recreation-yard construction costs, and payments on Centennial South certificates of participation (COP's). The COP's are excluded because the state will have to make those payments whether or not Centennial South is placed in service; thus these payments should not be considered when making decisions. However, the lease expense for the prison that the DOC plans to rent with this request is included because it will only be incurred if a leased prison is opened.

As the diagram shows, Centennial South will have a moderate to moderate-high cost as compared with other DOC Level III and Level IV facilities *if it operates with 500 beds*. When making comparisons, note that Limon Correctional Facility is a Level IV facility and Sterling is Level V (with many lower security beds that reduce its cost); all others are Level III facilities. However, if all 948 of the beds in Centennial South are occupied, the cost would probably be substantially lower since it is inefficient to operate a half-full prison. Staff lacks sufficient information to compute Centennial South's per diem cost when the population is 948. Note that this chart assumes that the facility will be staffed with nothing but new FTE who are paid the minimum of their job classification. In reality, some of the workers at the new facility will have transferred from other facilities and will be more highly paid, which raises the cost. Why is this Level V facility not more expensive? At least some of the cost savings come from the efficiencies resulting from functions that are shared with Centennial North. For example, there is no need for a second perimeter patrol.

Finally note that a leased private prison is a high cost option because staffing is the same as for the Centennial South option and there is also a lease.



**Alternatives to the DOC plan.** Staff believes that there are other options that should be compared to this option before selecting a path forward.

**1. Implement the plan in the *Utilization Update (Utilization Study 2.0)*, which was summarized earlier.** When completed, this plan would produce an additional 820 beds in addition to other benefits. The beds can be operated at a cost that is significantly lower than the cost of other

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Level V beds in the DOC system and compare favorably with Level III and IV beds. The first step would be modification of Centennial South to perform its new reception and reentry duties, which would probably take much of a year. No new beds would be generated until the first phase is complete. Since authorization of this option could not occur until the General Assembly is in session, new beds would not appear until 2019, and initially fewer than 500 beds would become available as offenders nearing parole move to the reentry center from other prisons.

**2. Open a private prison in Colorado under private management.** Prior to July 2016, Colorado contracted with four in-state private prisons. The number of private prisons fell to three when Kit Carson Correctional Center closed. There's already an existing line item in the Long Bill to overexpend on a private prison, as required by the interim supplemental criteria. Reopen Kit Carson or another private prison, under private management, and plan to keep it open indefinitely. CoreCivic operates Bent and Crowley County Correctional Facilities and still owns Kit (1,500 beds) and Huerfano County Correctional Facility (750 beds), which stopped holding DOC offenders in 2009. Geo recently acquired Cheyenne Mountain Reentry Center and also owns an empty 1,300 bed correctional facility in Hudson, Colorado and an empty 430 bed facility in Aurora.

Surprisingly, opening a private prison quickly may require statutory change. Section 17-1-202.5 (1), C.R.S., describes a three year process for opening a private prison and assumes that the prison has yet to be built. It's not clear whether these procedures must be followed when the state considers opening an already-built private prison.

**3. Temporary out-of-state placement of inmates.** Rather than lease a private Colorado prison and operate it with DOC staff until Centennial South is ready, the Department could arrange to send 500 inmates to out of state prisons or jails and bring them back to Colorado for placement in Centennial South on July 1, 2018. Staff discussed this option with CoreCivic and the Geo Group, the two largest private prison providers in the country, and believes that out-of-state placement is viable. The cost per offender per day would probably be in the mid \$60's. Colorado would pay for offender transportation by air or bus, depending on the distance to the prison. Colorado would also send some of the members of its private prison monitoring unit out of state to keep tabs on the out-of-state facility. If Colorado sent 500 offenders out of state from November 1, 2017 to July 1, 2018 the cost would be about \$7,865,000 (=242 days \* \$65 per day \* 500 inmates). Add another \$500,000 for transportation and other costs and the total comes to \$8,365,000, as compared with \$14,536,903 that the DOC requests in this supplemental. A General Fund appropriation of \$636,000 would still be required to construct recreation yards at Centennial South so the offenders sent temporarily out of state can be placed there when they return on Jul 1, 2018.

On several occasions in the past, Colorado sent inmates out of state when it had too few in-state beds. The last time was from December 2006 to May 2008 when Colorado sent 480 inmates to a CoreCivic facility in North Fork Oklahoma. In 2005, ad seg offenders were sent to Tutwiler, Mississippi; troubles ensued, which suggests that high security offenders may not be appropriate for out-of-state placement. DOC also sent offenders to an Appleton, Minnesota prison in 2000. Other states that currently or recently have placed offenders out of state include Vermont, Alaska (which placed offenders in Hudson Correctional Facility), Idaho (which placed offenders in Kit Carson Correctional Center), California, Hawaii, and the State of Washington.

Perhaps unsurprisingly, out-of-state placements are about as controversial as private prisons. Even though placement would be for a short period of time as a bridge until Centennial South is ready,

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the placements would have to be examined carefully. Statutory change may also be needed to place offenders in out-of-state private prisons, though Section 17-1-105 (1)(f), C.R.S., clearly allows placement in government owned out-of-state facilities. This is surprising because DOC has placed offenders in private out of state prisons in the past yet Section 17-1-105 (1)(f), C.R.S., has not been amended since these placements occurred.

**4. Open Centennial South with more than 500 inmates and move inmates from private prisons into the extra beds.** Prisons are much more efficient when operated at full capacity and the added cost of placing more offenders at Centennial South might be less than the amount paid to house those inmates in a private prison.

**Appendix A: Numbers Pages**

	FY 15-16 Actual	FY 16-17 Appropriation	FY 16-17 Requested Change	FY 16-17 Rec'd Change	FY 16-17 Total w/ Rec'd Change
<b>1. External Capacity Caseload (FY 2016-17)</b>					
<b>(1) MANAGEMENT</b>					
<b>(B) External Capacity Subprogram</b>					
<b>(2) Payments to House State Prisoners</b>					
Payments to in-state private prisons at a rate of \$56.02 per inmate per day	65,036,792	59,816,400	1,408,572	0	59,816,400
General Fund	65,036,746	55,924,506	0	0	55,924,506
Cash Funds	46	3,891,894	1,408,572	0	3,891,894
<b>Total for External Capacity Caseload</b>	65,036,792	59,816,400	1,408,572	0	59,816,400
General Fund	65,036,746	55,924,506	0	0	55,924,506
Cash Funds	46	3,891,894	1,408,572	0	3,891,894



	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
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**2. Opening Private Prison for 500 Offender Beds (FY 2017-18)**

**(1) Management**

**(A) Executive Director's Office Subprogram**

Health, Life, and Dental	<u>50,481,587</u>	<u>54,289,850</u>	<u>982,965</u>	<u>0</u>	<u>54,289,850</u>
General Fund	48,999,350	52,708,749	982,965	0	52,708,749
Cash Funds	1,482,237	1,581,101	0	0	1,581,101

**(1) Management**

**(A) Executive Director's Office Subprogram**

Short-term Disability	<u>617,301</u>	<u>627,467</u>	<u>10,096</u>	<u>0</u>	<u>627,467</u>
General Fund	598,986	610,293	10,096	0	610,293
Cash Funds	18,315	17,174	0	0	17,174

**(1) Management**

**(A) Executive Director's Office Subprogram**

Amortization Equalization Disbursement	<u>15,955,728</u>	<u>16,876,581</u>	<u>265,727</u>	<u>0</u>	<u>16,876,581</u>
General Fund	15,491,590	16,422,847	265,727	0	16,422,847
Cash Funds	464,138	453,734	0	0	453,734

**(1) Management**

**(A) Executive Director's Office Subprogram**

Supplemental Amortization Equalization Disbursement	<u>15,789,522</u>	<u>16,876,581</u>	<u>265,727</u>	<u>0</u>	<u>16,876,581</u>
General Fund	15,330,219	16,422,847	265,727	0	16,422,847
Cash Funds	459,303	453,734	0	0	453,734

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(1) Management</b>					
<b>(A) Executive Director's Office Subprogram</b>					
Leased Space	<u>4,496,531</u>	<u>4,829,842</u>	<u>3,500,000</u>	<u>0</u>	<u>4,829,842</u>
General Fund	4,240,494	4,561,075	3,500,000	0	4,561,075
Cash Funds	256,037	268,767	0	0	268,767
<b>(1) Management</b>					
<b>(C) Inspector General Subprogram</b>					
Personal Services	<u>4,110,124</u>	<u>4,110,124</u>	<u>45,821</u>	<u>0</u>	<u>4,110,124</u>
FTE	48.2	48.2	0.6	0.0	48.2
General Fund	4,003,891	4,003,891	45,821	0	4,003,891
Cash Funds	106,233	106,233	0	0	106,233
<b>(2) Institutions</b>					
<b>(A) Utilities Subprogram</b>					
Utilities	<u>21,936,444</u>	<u>22,147,266</u>	<u>594,497</u>	<u>0</u>	<u>22,147,266</u>
General Fund	20,770,911	20,981,733	594,497	0	20,981,733
Cash Funds	1,165,533	1,165,533	0	0	1,165,533
<b>(2) Institutions</b>					
<b>(B) Maintenance Subprogram</b>					
Personal Services	<u>18,302,550</u>	<u>18,310,794</u>	<u>515,645</u>	<u>0</u>	<u>18,310,794</u>
FTE	276.8	276.8	9.3	0.0	276.8
General Fund	18,302,550	18,310,794	515,645	0	18,310,794
<b>(2) Institutions</b>					
<b>(B) Maintenance Subprogram</b>					
Operating Expenses	<u>5,714,113</u>	<u>5,714,113</u>	<u>110,775</u>	<u>0</u>	<u>5,714,113</u>
General Fund	5,714,113	5,714,113	110,775	0	5,714,113

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(2) Institutions</b>					
<b>(B) Maintenance Subprogram</b>					
Maintenance Start-Up	<u>0</u>	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	200,000	0	0
<b>(2) Institutions,</b>					
<b>(C) Housing and Security Subprogram</b>					
Personal Services	<u>170,532,665</u>	<u>170,947,454</u>	<u>2,778,011</u>	<u>0</u>	<u>170,947,454</u>
FTE	2,974.4	2,974.4	54.4	0.0	2,974.4
General Fund	170,529,718	170,944,507	2,778,011	0	170,944,507
Cash Funds	2,947	2,947	0	0	2,947
<b>(2) Institutions</b>					
<b>(C) Housing and Security Subprogram</b>					
Operating Expenses	<u>1,808,941</u>	<u>1,808,941</u>	<u>33,641</u>	<u>0</u>	<u>1,808,941</u>
General Fund	1,808,941	1,808,941	33,641	0	1,808,941
<b>(2) Institutions</b>					
<b>(C) Housing and Security Subprogram</b>					
Start-up	<u>0</u>	<u>0</u>	<u>411,652</u>	<u>0</u>	<u>0</u>
General Fund	0	0	411,652	0	0
<b>(2) Institutions</b>					
<b>(D) Food Service Subprogram</b>					
Personal Services	<u>18,368,960</u>	<u>18,395,900</u>	<u>359,413</u>	<u>0</u>	<u>18,395,900</u>
FTE	317.8	317.8	7.1	0.0	317.8
General Fund	18,368,960	18,395,900	359,413	0	18,395,900

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(2) Institutions</b>					
<b>(D) Food Service Subprogram</b>					
Operating Expenses	<u>17,010,023</u>	<u>17,010,023</u>	<u>362,312</u>	<u>0</u>	<u>17,010,023</u>
General Fund	16,930,023	16,930,023	362,312	0	16,930,023
Federal Funds	80,000	80,000	0	0	80,000
<b>(2) Institutions</b>					
<b>(E) Medical Services Subprogram</b>					
Personal Services	<u>32,510,792</u>	<u>32,552,234</u>	<u>909,853</u>	<u>0</u>	<u>32,552,234</u>
FTE	387.5	387.5	11.0	0.0	387.5
General Fund	32,272,409	32,313,851	909,853	0	32,313,851
Cash Funds	238,383	238,383	0	0	238,383
<b>(2) Institutions</b>					
<b>(E) Medical Services Subprogram</b>					
Operating Expenses	<u>2,579,052</u>	<u>2,579,052</u>	<u>27,773</u>	<u>0</u>	<u>2,579,052</u>
General Fund	2,579,052	2,579,052	27,773	0	2,579,052
<b>(2) Institutions</b>					
<b>(E) Medical Services Subprogram</b>					
Purchase of Pharmaceuticals	<u>15,832,887</u>	<u>15,832,887</u>	<u>376,640</u>	<u>0</u>	<u>15,832,887</u>
General Fund	15,832,887	15,832,887	376,640	0	15,832,887
<b>(2) Institutions</b>					
<b>(F) Laundry Subprogram</b>					
Personal Services	<u>2,414,728</u>	<u>2,414,728</u>	<u>59,103</u>	<u>0</u>	<u>2,414,728</u>
FTE	37.4	37.4	1.2	0.0	37.4
General Fund	2,414,728	2,414,728	59,103	0	2,414,728

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(2) Institutions</b>					
<b>(F) Laundry Subprogram</b>					
Operating Expenses	<u>2,197,545</u>	<u>2,197,545</u>	<u>27,525</u>	<u>0</u>	<u>2,197,545</u>
General Fund	2,197,545	2,197,545	27,525	0	2,197,545
<b>(2) Institutions</b>					
<b>(G) Superintendents Subprogram</b>					
Personal Services	<u>10,796,234</u>	<u>10,879,280</u>	<u>286,915</u>	<u>0</u>	<u>10,879,280</u>
FTE	156.7	156.9	4.6	0.0	156.9
General Fund	10,796,234	10,879,280	286,915	0	10,879,280
<b>(2) Institutions</b>					
<b>(G) Superintendents Subprogram</b>					
Operating Expenses	<u>5,186,951</u>	<u>5,202,001</u>	<u>40,384</u>	<u>0</u>	<u>5,202,001</u>
General Fund	5,186,951	5,202,001	40,384	0	5,202,001
<b>(2) Institutions</b>					
<b>(G) Superintendents Subprogram</b>					
Start-up Costs	<u>45,328</u>	<u>3,450</u>	<u>622,995</u>	<u>0</u>	<u>3,450</u>
General Fund	45,328	3,450	622,995	0	3,450
<b>(2) Institutions</b>					
<b>(I) Case Management Subprogram</b>					
Personal Services	<u>17,879,989</u>	<u>17,894,785</u>	<u>233,210</u>	<u>0</u>	<u>17,894,785</u>
FTE	247.3	247.3	4.1	0.0	247.3
General Fund	17,879,989	17,894,785	233,210	0	17,894,785

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(2) Institutions,</b>					
<b>(I) Case Management Subprogram</b>					
Operating Expenses	<u>172,581</u>	<u>172,581</u>	<u>881</u>	<u>0</u>	<u>172,581</u>
General Fund	172,581	172,581	881	0	172,581
<b>(2) Institutions</b>					
<b>(J) Mental Health Subprogram</b>					
Personal Services	<u>12,601,517</u>	<u>12,659,259</u>	<u>128,977</u>	<u>0</u>	<u>12,659,259</u>
FTE	152.1	152.9	1.8	0.0	152.9
General Fund	12,601,517	12,659,259	128,977	0	12,659,259
<b>(2) Institutions</b>					
<b>(J) Mental Health Subprogram</b>					
Operating Expenses	<u>280,266</u>	<u>280,716</u>	<u>1,261</u>	<u>0</u>	<u>280,716</u>
General Fund	280,266	280,716	1,261	0	280,716
<b>(2) Institutions</b>					
<b>(K) Inmate Pay</b>					
Total	<u>2,247,885</u>	<u>2,247,885</u>	<u>51,906</u>	<u>0</u>	<u>2,247,885</u>
General Fund	2,247,885	2,247,885	51,906	0	2,247,885
<b>(3) Support Services</b>					
<b>(A) Business Operations Subprogram</b>					
Personal Services	<u>6,306,714</u>	<u>6,306,714</u>	<u>27,882</u>	<u>0</u>	<u>6,306,714</u>
FTE	99.8	99.8	0.6	0.0	99.8
General Fund	5,429,390	4,945,118	27,882	0	4,945,118
Cash Funds	40,297	40,297	0	0	40,297
Reappropriated Funds	837,027	1,321,299	0	0	1,321,299

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(3) Support Services</b>					
<b>(D) Communications Subprogram</b>					
Start-up	<u>0</u>	<u>0</u>	<u>700,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	700,000	0	0
<b>(3) Support Services</b>					
<b>(F) Training Subprogram</b>					
Personal Services	<u>2,498,825</u>	<u>2,498,825</u>	<u>32,579</u>	<u>0</u>	<u>2,498,825</u>
FTE	33.0	33.0	0.6	0.0	33.0
General Fund	2,498,825	2,498,825	32,579	0	2,498,825
<b>(3) Support Services,</b>					
<b>(F) Training Subprogram</b>					
Operating Expenses	<u>287,006</u>	<u>287,056</u>	<u>1,304</u>	<u>0</u>	<u>287,056</u>
General Fund	287,006	287,056	1,304	0	287,056
<b>(4) Inmate Programs,</b>					
<b>(A) Labor Subprogram</b>					
Operating Expenses	<u>88,017</u>	<u>88,017</u>	<u>1,612</u>	<u>0</u>	<u>88,017</u>
General Fund	88,017	88,017	1,612	0	88,017
<b>(4) Inmate Programs</b>					
<b>(B) Education Subprogram</b>					
Personal Services	<u>12,671,728</u>	<u>12,719,114</u>	<u>244,685</u>	<u>0</u>	<u>12,719,114</u>
FTE	189.1	189.9	4.7	0.0	189.9
General Fund	12,671,728	12,719,114	244,685	0	12,719,114

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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(4) Inmate Programs</b>					
<b>(B) Education Subprogram</b>					
Operating Expenses	<u>4,519,163</u>	<u>4,519,613</u>	<u>14,674</u>	<u>0</u>	<u>4,519,613</u>
General Fund	2,814,746	2,815,196	0	0	2,815,196
Cash Funds	1,293,402	1,293,402	14,674	0	1,293,402
Reappropriated Funds	411,015	411,015	0	0	411,015
<b>(4) Inmate Programs</b>					
<b>(C) Recreation Subprogram</b>					
Personal Services	<u>6,899,127</u>	<u>6,899,127</u>	<u>214,937</u>	<u>0</u>	<u>6,899,127</u>
FTE	116.7	116.7	4.5	0.0	116.7
General Fund	6,899,127	6,899,127	214,937	0	6,899,127
<b>(4) Inmate Programs</b>					
<b>(C) Recreation Subprogram</b>					
Operating Expenses	<u>71,232</u>	<u>71,232</u>	<u>1,409</u>	<u>0</u>	<u>71,232</u>
Cash Funds	71,232	71,232	1,409	0	71,232
<b>(4) Inmate Programs</b>					
<b>(D) Drug and Alcohol Treatment Subprogram</b>					
Personal Services	<u>5,301,250</u>	<u>5,301,250</u>	<u>31,675</u>	<u>0</u>	<u>5,301,250</u>
FTE	85.4	85.4	0.6	0.0	85.4
General Fund	5,301,250	5,301,250	31,675	0	5,301,250
<b>(5) Community Services</b>					
<b>(A) Parole Subprogram</b>					
Personal Services	<u>18,990,679</u>	<u>18,990,679</u>	<u>30,425</u>	<u>0</u>	<u>18,990,679</u>
FTE	293.2	293.2	0.6	0.0	293.2
General Fund	18,990,679	18,990,679	30,425	0	18,990,679



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	FY 16-17 Appropriation	FY 17-18 Appropriation	FY 17-18 Requested Change	FY 17-18 Rec'd Change	FY 17-18 Total w/ Rec'd Change
<b>(5) Community Services</b>					
<b>(B) Community Supervision Subprogram</b>					
Personal Services	<u>6,177,477</u>	<u>6,177,477</u>	<u>32,016</u>	<u>0</u>	<u>6,177,477</u>
FTE	83.8	83.8	0.6	0.0	83.8
General Fund	6,177,477	6,177,477	32,016	0	6,177,477
<b>Total for Opening Private Prison for 500 Offender</b>					
<b>Beds</b>	<u>513,681,462</u>	<u>520,720,443</u>	<u>14,536,903</u>	<u>0</u>	<u>520,720,443</u>
FTE	5,499.2	5,501.0	106.3	0.0	5,501.0
General Fund	506,755,363	513,215,592	14,520,820	0	513,215,592
Cash Funds	5,598,057	5,692,537	16,083	0	5,692,537
Reappropriated Funds	1,248,042	1,732,314	0	0	1,732,314
Federal Funds	80,000	80,000	0	0	80,000