

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2012-13 STAFF BUDGET BRIEFING

DEPARTMENT OF CORRECTIONS

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

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December 20, 2011**

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**FY 2012-13 BUDGET BRIEFING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE**

DEPARTMENT OF CORRECTIONS

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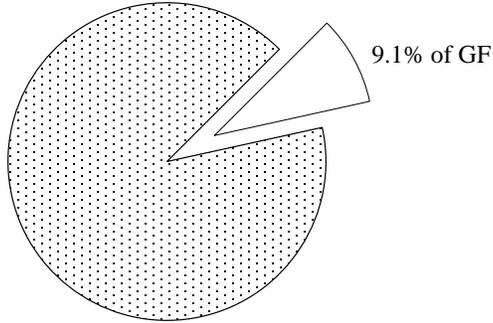
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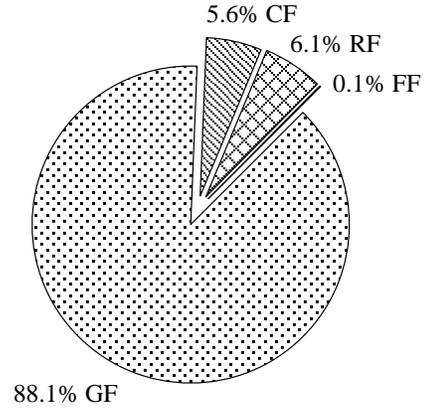
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 GRAPHIC OVERVIEW**

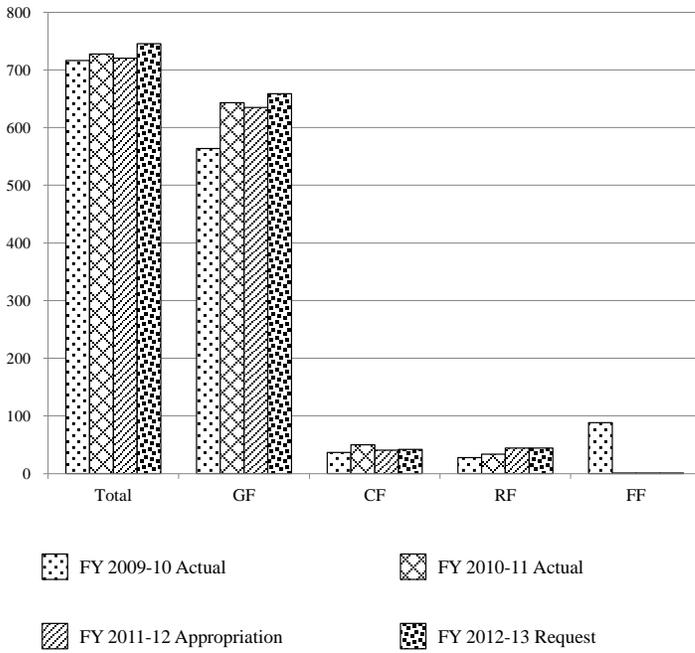
Department's Share of Statewide General Fund



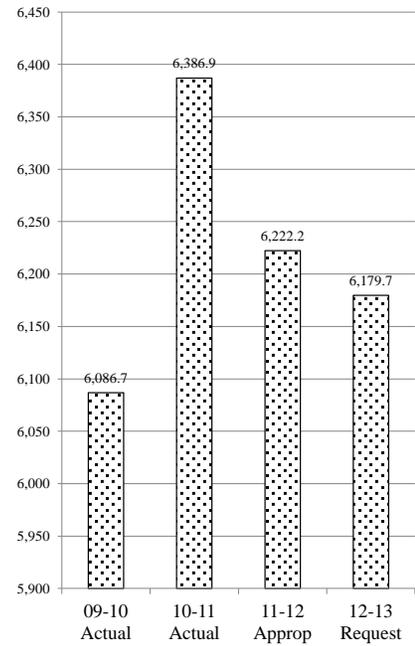
Department Funding Sources



**Budget History
 (Millions of Dollars)**

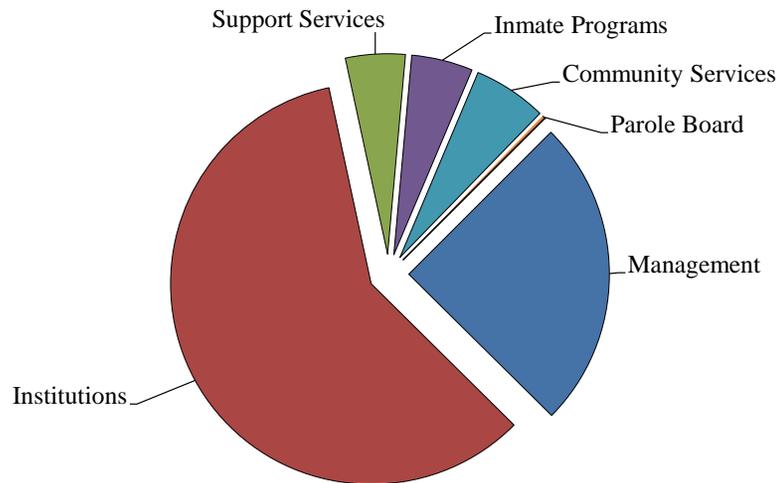


FTE History

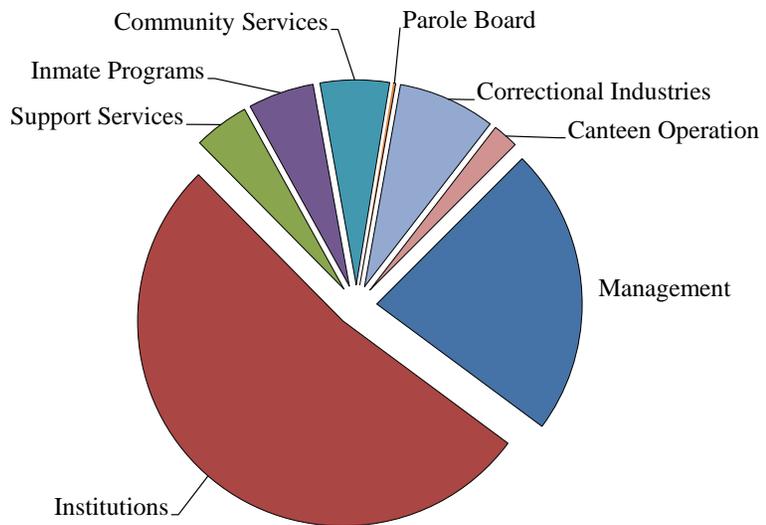


Unless otherwise noted, all charts are based on the FY 2010-11 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

DEPARTMENT OVERVIEW

Key Responsibilities

- Manage, supervise, and control the correctional facilities operated and supported by the State.
- Oversee privately operated prison facilities to monitor compliance with contracts.
- Provide programs to the inmate population in an effort to provide them with treatment and services that will improve the likelihood of successfully reintegrating into society following release.
- Supervise and counsel inmates in community corrections programs and offenders who have been placed on parole.
- Develop and operate correctional industries within the institutions which have a rehabilitative or therapeutic value for inmates and which also supply products for state institutions and the private sector.
- Operate the Youthful Offender System (YOS), which serves as a middle tier sentencing option (between the juvenile system and the adult system) for violent youthful offenders who would otherwise be sentenced to the adult prison system.

Factors Driving the Budget

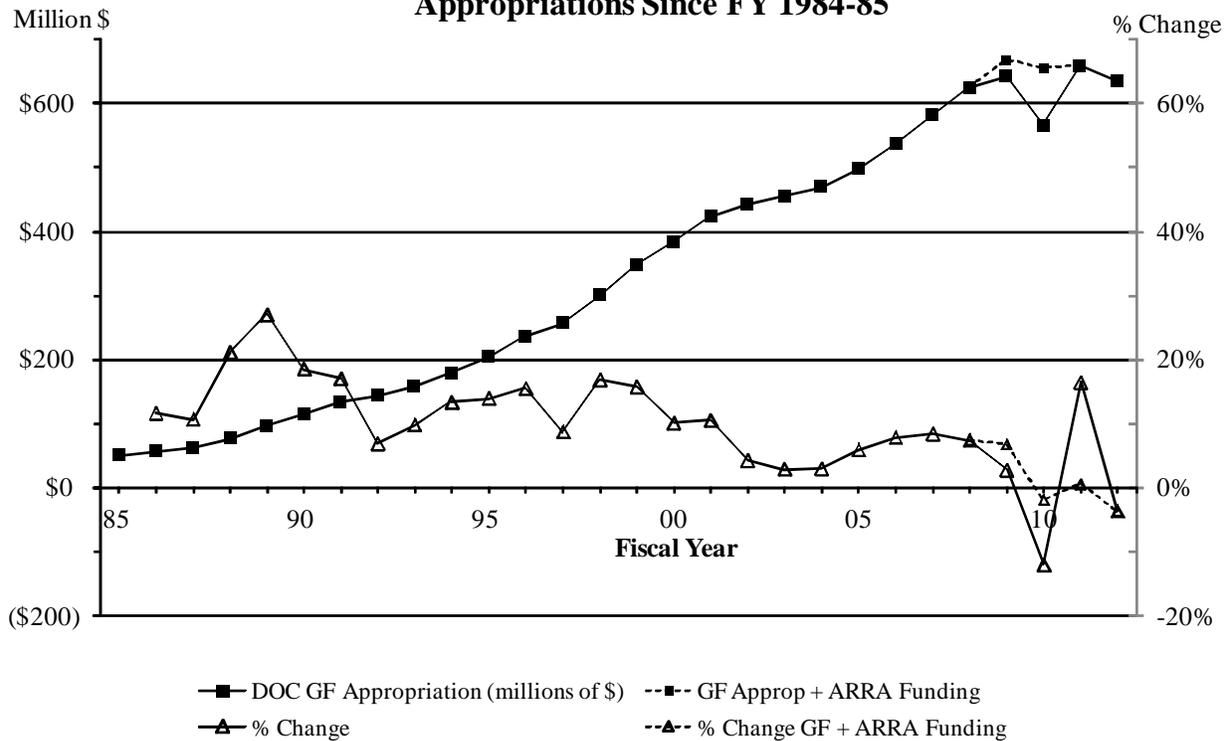
Significant Growth in Appropriations to the Department of Corrections

Background. General Fund Appropriations to the Department of Corrections (DOC) have grown more than 12 fold since FY 1984-85, a period during which Colorado's population grew by 57 percent. During this 27 year interval, DOC General Fund appropriations grew from \$51.0 million to \$634.9 million, an increase of \$512.6 million, which equates to a compound annual growth rate of 9.2 percent.

Historical Growth. The following graph depicts annual General Fund appropriations to the Department of Corrections since FY 1984-85 as well as the percentage change of these appropriations from the prior year. To enhance year-to-year comparisons, the dotted lines in the chart include FY 2008-09 and 2009-10 American Recovery and Reinvestment Act (ARRA) funding that the state received. This temporary funding, which equaled \$24.6 million in FY 2008-09 and \$89.0 million in FY 2009-10, displaced DOC General Fund appropriations, freeing the money to be used elsewhere in the budget. Without this ARRA funding, DOC General Fund appropriations would have undoubtedly been higher, though perhaps not as high as the dotted line in the graph.

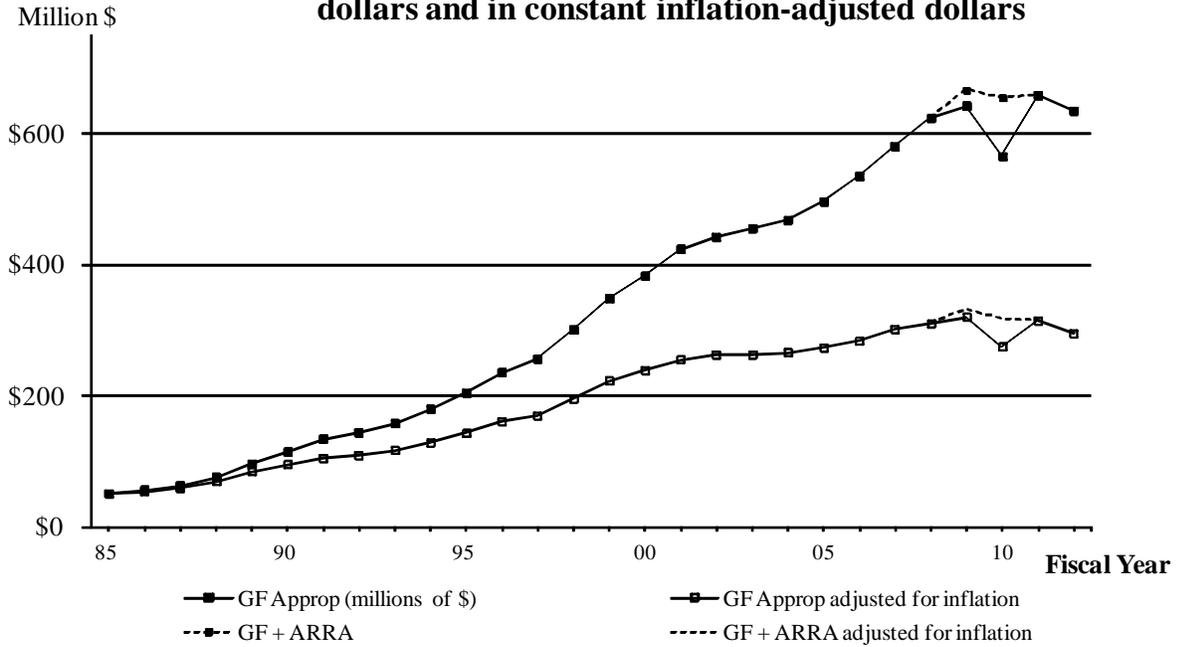
Focusing on the graph lines that include the ARRA funding, it is apparent that appropriation growth rates have generally been trending downward. From the mid 1980's until FY 2001-02, the growth rate consistently exceeded the 6 percent limit that constrained the growth of statewide General Fund appropriations. The growth rate averaged nearly 18 percent in the latter half of the 1980's, declined to an average of 12.8 percent in the 1990's, and further declined to an average of 5.6 percent in the first decade of this century. Average growth has equaled -1.6 percent annually since FY 2009-10, as combined General Fund and ARRA appropriations have declined from a peak of \$666.9 million in FY 2008-09.

Department of Corrections - Annual General Fund Appropriations Since FY 1984-85

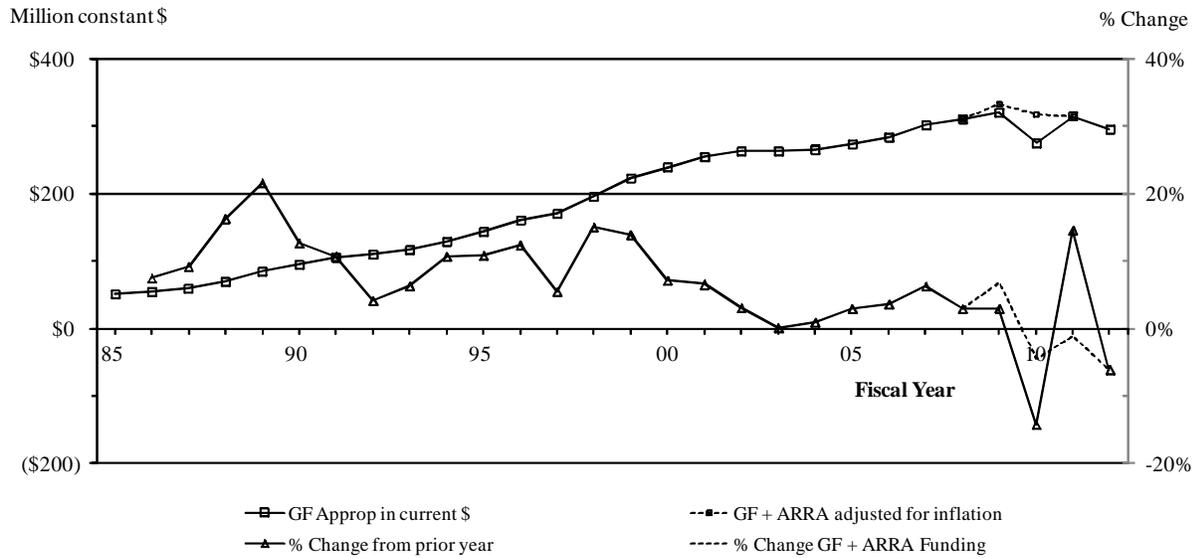


The General Fund growth surge in the latter 1980s was in part due to passage of H.B. 1320 in 1985, which doubled the maximum penalties of the presumptive sentencing ranges for all felony classes and to other changes in sentencing laws, but the surge also had a substantial inflation component. The following chart removes the effects of inflation by showing appropriations in "constant" inflation-adjusted dollars, comparing it with the growth of "current" dollar appropriations.

DOC General Fund appropriations since FY 1984-85 in current dollars and in constant inflation-adjusted dollars



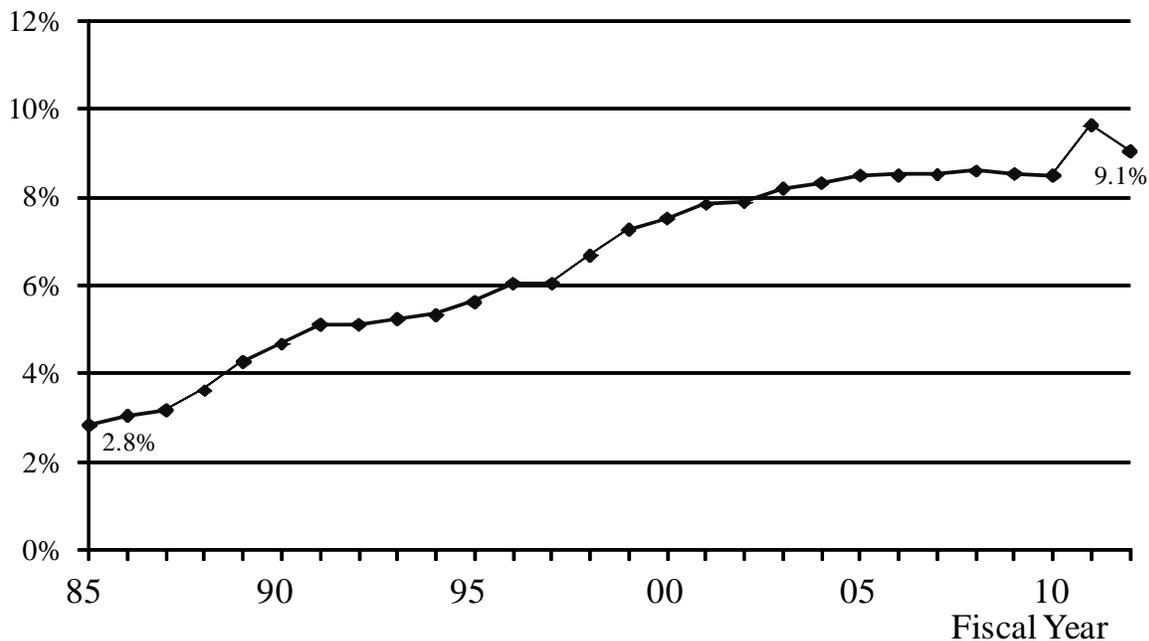
GF appropriations in constant inflation-adjusted dollars since FY 1984-85



Removing the effects of inflation reveals lower appropriation growth rates in all decades, though the general downward trend of growth rates is still apparent. Overall growth of constant dollar DOC appropriations since the mid 1980's is slightly less than half the growth of current dollar appropriations. The peak 27.1 percent growth that occurred between FY 1987-88 and FY 1988-89 in current dollars declines to 16.3 percent when measured in constant dollars. The dip in growth that occurred in FY 2002-03 and FY 2003-04 brought appropriation growth nearly to a halt in constant dollars and the declines since the GF + ARRA peak in FY 2008-09 are more apparent: in constant dollar terms, combined GF and ARRA appropriations declined 11.0 percent between FY 2008-09 and FY 2011-12.

As the Department of Corrections grew, it consumed a growing portion of the state's General Fund appropriations. The following graph, which excludes ARRA funding, illustrates this growth. In FY 1984-85 General Fund appropriations to the Department accounted for 2.8 percent of the state operating budget. By FY 2007-08 this share had reached 8.6 percent and would have grown to nearly 10 percent during depths of the recession had ARRA funding not reduced the need for General Fund appropriations to the Department. The expiration of ARRA funding in FY 2010-11, required restoration of General Fund appropriations creating a brief spike to 9.6 percent, followed by a decline in FY 2011-12 to 9.1 percent.

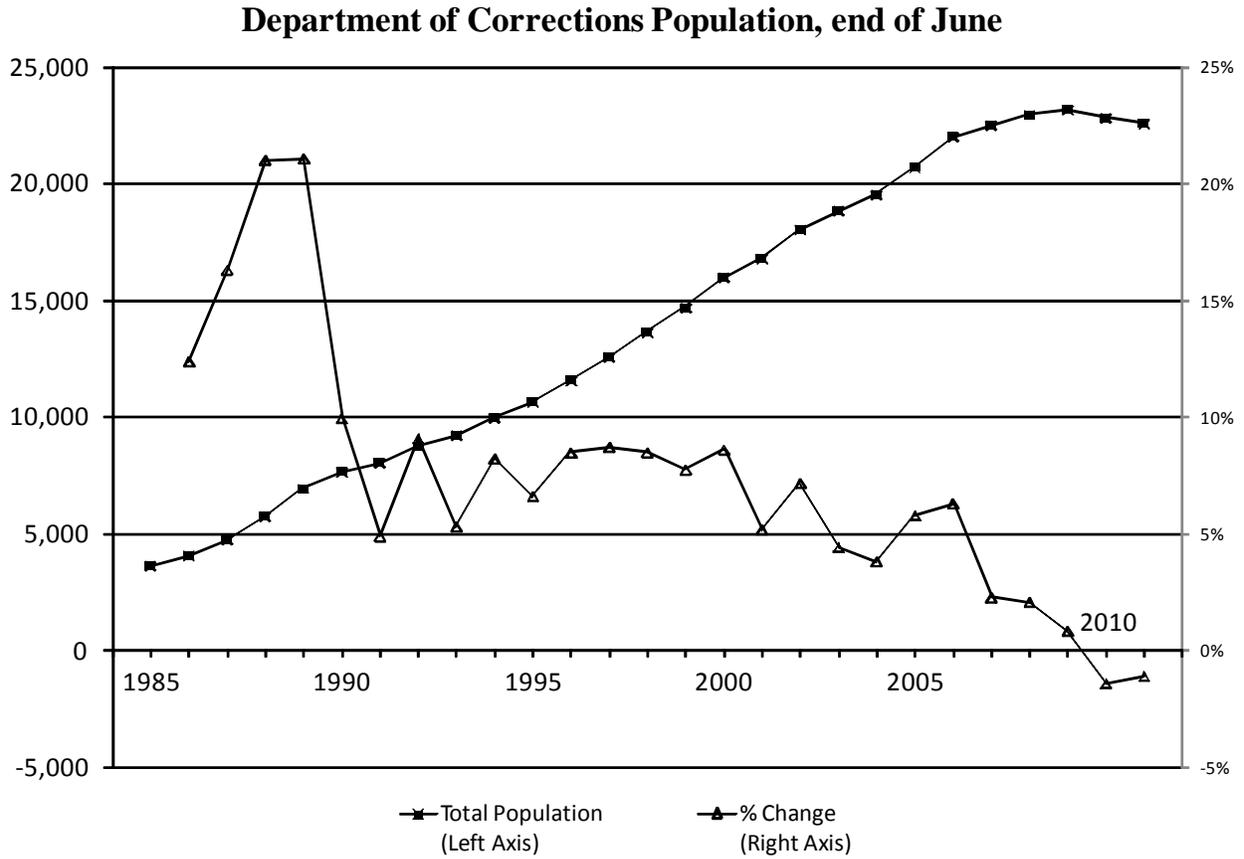
DOC General Fund appropriations as a % of total state General Fund operating appropriations since FY 1984-85



Inmate Population

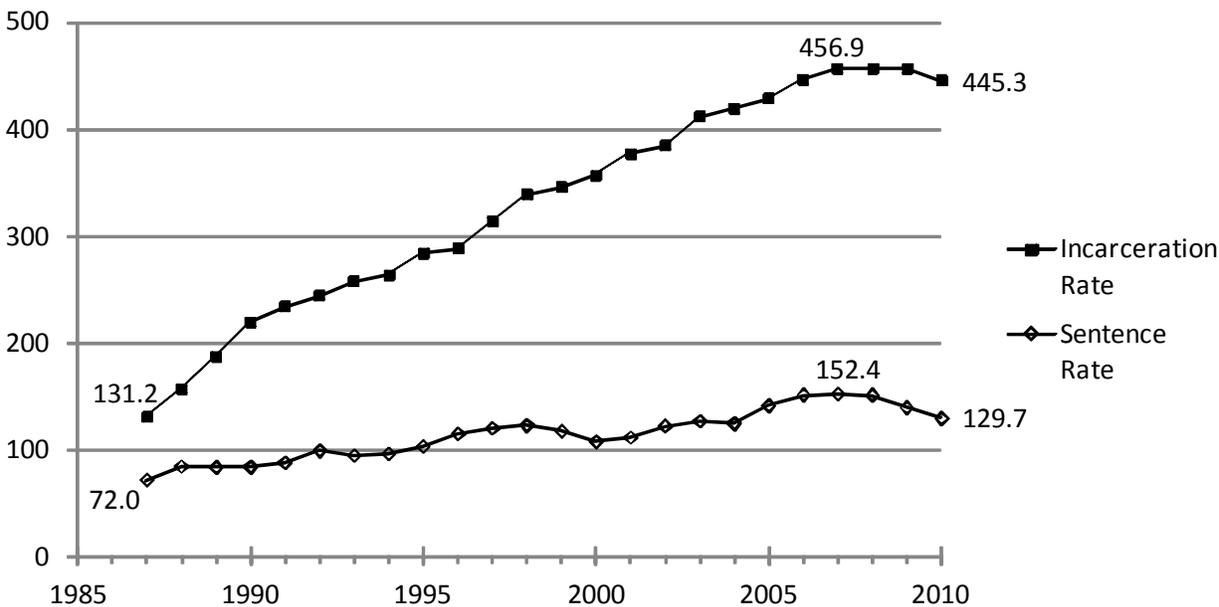
After inflation, the primary factor driving General Fund appropriations is growth of the inmate population, which includes inmates housed in private prisons and in community corrections facilities. As shown in the following graph, the DOC inmate population has grown more than 6 fold

since the mid 1980's, rising from 3,637 in 1985 to a peak of 23,186 in 2009, after which it began a modest decline.



Colorado's general population growth was an important contributor to this prison population growth, but the 57 percent increase of the general population over this interval cannot explain the 637 percent increase in the number incarcerated. A much more important factor behind the rise has been the dramatic increase in Colorado's incarceration rate, the number of inmates per 100,000 Colorado residents, which is illustrated by the following chart, along with the "Sentencing Rate," the number of offenders sentenced to prison (i.e., court commitments) during a fiscal year per 100,000 Colorado residents.

Sentence and Incarceration Rates Per 100,000 Colorado Residents



This chart highlights the key factors that determine the prison population: the number of people who go to prison (the sentence rate) and, implicitly, the amount of time that they remain there. The Sentence rate can change for a number of reasons, including

- changes of the proclivity of Colorado residents to commit crime, which may be linked to changes in the relative size of the "at risk" population (those aged 19 to 39, who are more likely to commit crime) and to the effects of numerous other factors, such as the effectiveness of the education system, the effectiveness of the criminal justice system in deterring crime, and the ability of the criminal justice system to alter the criminal proclivity of those who previously committed crimes and already have been through the justice system.
- legislative changes that define new crimes punishable with DOC incarceration or alter the definitions of existing crimes punishable with DOC incarceration.
- changes in the rate at which law enforcement arrests those who commit crimes,
- changes in the rate at which prosecutors obtain convictions that lead directly to periods of DOC incarceration,
- changes in the rate at which those who are convicted of crimes but receive probation or another alternative to DOC incarceration are "revoked" and sent to DOC.

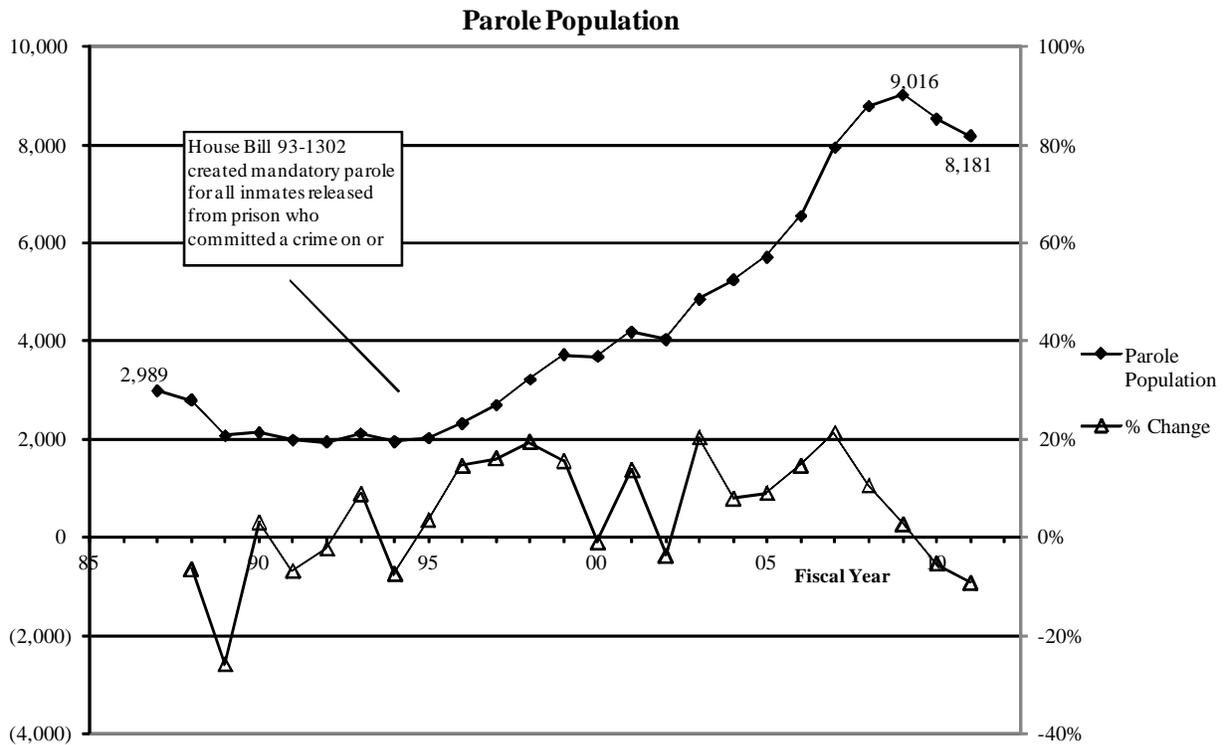
By itself, the 112 percent increase of the sentence rate between 1987 and 2007 would have approximately doubled Colorado's prison population, after a period of adjustment. Since the incarceration rate rose by 248 percent over this same period, the other key factor, the duration of

incarceration following a sentence, was also clearly at work. Duration of incarceration depends upon a number of factors, including

- the presumptive range for sentences as prescribed in law,
- the ability and willingness of offenders to reduce the length of their prison stay with good behavior,
- the willingness of the parole board to release offenders who are past their parole eligibility date but before their mandatory release date, and
- the ability of those paroled to avoid technical violations that result in a return to prison for a portion of their parole.

Parole Population Increase

The parole population also has an impact on the Department of Corrections' budget. The following graph illustrates parole population growth since FY 1986-87.



Parole costs, like prison costs, are caseload driven. The key factors driving caseload are the number of releases to parole and the length of stay on parole, possibly a stay that is punctuated by temporary reincarceration for a violation of the offender's conditions of parole.

Jail Backlog

Jail backlog occurs when inmates are sentenced to the Department of Corrections but state prisons and private contract prisons lack the facilities to hold them. In these instances, counties hold the inmates in county jails until the DOC has the capacity to take them. Pursuant to Section 17-1-112, C.R.S., the Department, subject to available appropriations, is required to reimburse the counties for holding these inmates. The following information highlights the recent jail backlog history.

Fiscal Year	04-05	05-06	06-07	07-08	08-09	09-10	10-11
Avg. Daily Population	723	801	635	443	413	569	639
Annual cost of jail backlog (\$ million)	\$12.3	\$13.9	\$11.3	\$8.0	\$7.6	\$10.5	\$11.8
Daily reimbursement rate to jails	\$46.49	\$47.42	\$48.96	\$49.69	\$50.44	\$50.44	\$50.44
Reimbursement rate change	n/a	2.0%	3.2%	1.5%	1.5%	0.0%	0.0%

Private Prisons

In the early 1990's, the DOC began contracting with private prisons to house DOC offenders. As of June 30, 2011, the DOC had 4,399 inmates in these contract facilities. Combined with the 110 inmates held in the jail backlog on this date, this represented 19.9 percent of the June 30, 2011 population.¹ The following information highlights the private contracts of recent years.

Fiscal Year*	04-05	05-06	06-07	07-08	08-09	09-10	10-11
Average Daily Population in private prisons	2,812	3,797	4,440	4,583	5,425	5,088	4,460
Annual Cost (\$ million)	\$50.9	\$69.7	\$84.1	\$88.4	\$104.3	\$97.8	\$85.8
Daily rate paid to private prisons	\$49.56	\$50.28	\$51.91	\$52.69	\$52.69	\$52.69	\$52.69
Rate Change	n/a	1.5%	3.2%	1.5%	0.0%	0.0%	0.0%

* Note: Offenders who were placed in contract facilities in Mississippi in FY 2004-05 and in Oklahoma in FY 2006-07 are not included in this table. In FY 2008-09, the daily rate was reduced from \$54.93 to \$52.69 during the mid-year supplemental process. The rate shown is the final rate approved for the fiscal year.

Population and Parole Impact on Community Services

Community corrections allows an inmate to transition to the community while still classified as a DOC inmate. Inmates assigned to community corrections are either placed in a halfway house or in an intensive supervision program (ISP). Inmates are released to parole based on the discretion of the Parole Board, or are paroled because they have reached their mandatory parole date. There are

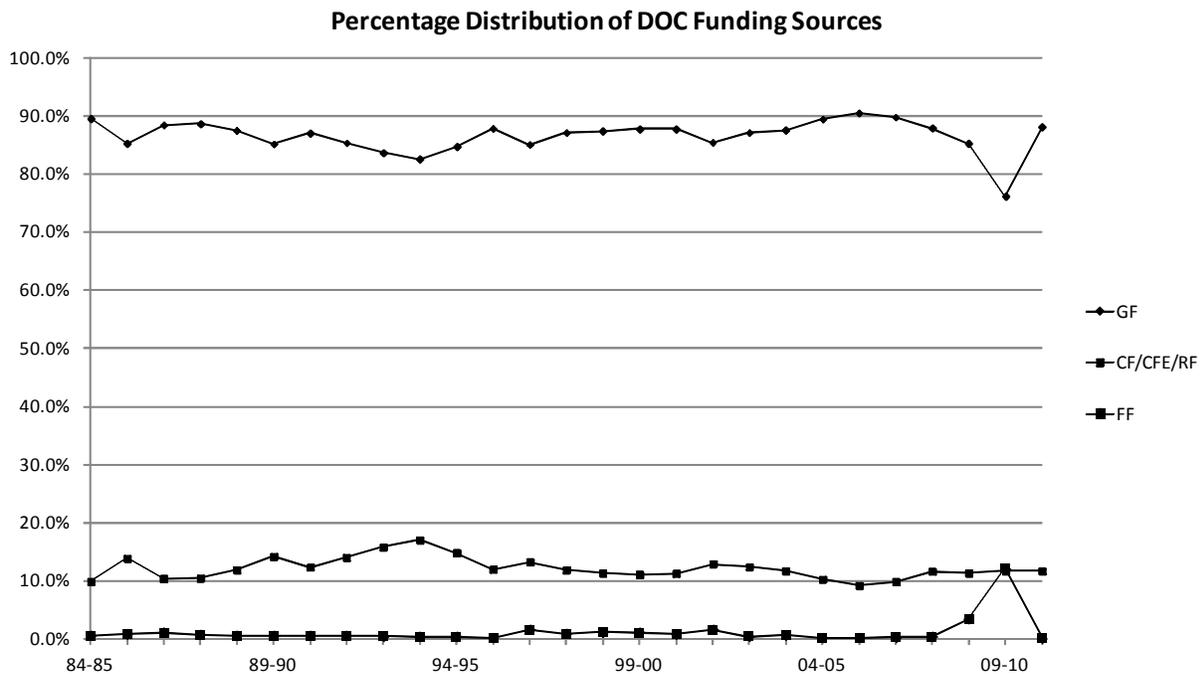
¹ Including 2,249 community corrections placements, 29.8 percent of the inmate population was in privately operated placements as of June 30, 2011.

two types of parole, regular and intensive supervision. Many of the appropriations for community corrections programs are presented in the Division of Criminal Justice portion of the Long Bill, but the costs of supervising offenders on parole and in community corrections is contained in the DOC portion of the Long Bill.

Fiscal Year	04-05	05-06	06-07	07-08	08-09	09-10	10-11
DOC Community Corrections Expenditures (\$ million)	\$8.6	\$10.1	\$9.7	\$11.2	\$11.0	\$11.9	\$11.0
Percent Change	n/a	16.9%	(3.9)%	15.4%	(1.6)%	7.8%	(7.6)%
Parole Expenditures (\$ million)	\$10.9	\$12.8	\$14.7	\$18.4	\$20.8	\$21.1	\$22.2
Percent Change	n/a	18.0%	14.6%	24.9%	13.4%	1.4%	5.2%

Distribution of Total Appropriations Among Fund Sources

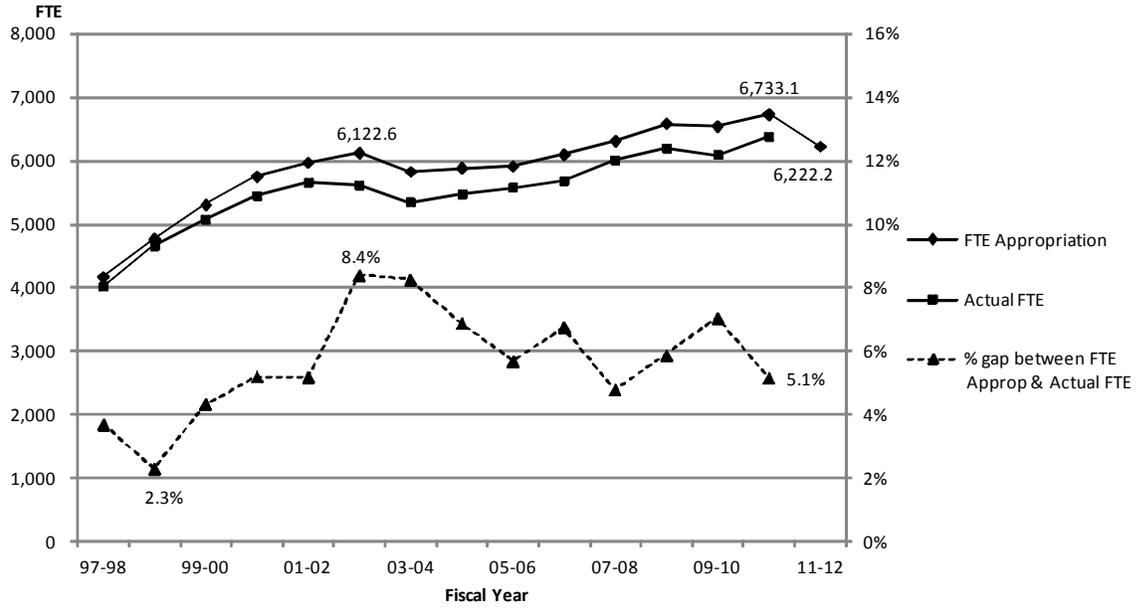
The following chart shows the percentage distribution of the Department's funding sources. The FY 2009-10 temporary spike in federal funds and the offsetting effect on General Fund appropriations is readily apparent. Also note that cash and reappropriated funds have remained relatively constant in recent years but are now relatively lower than they were in the early 1990's.



The Growth of Department of Corrections FTE

The following chart shows the growth of Department of Corrections FTE in recent years. Note that the percentage gap between actual and appropriated FTE peaked during the FY 2001-03 recession and peaked again during the current period of slow economic growth.

Appropriated and Actual FTE



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Department of Corrections**

DECISION ITEM PRIORITY LIST

Decision Item	GF	CF	RF	FF	Total	FTE
1	\$1,923,692	\$0	\$0	\$0	\$1,923,692	24.9
<p>Sex Offender Treatment Expansion</p> <p>Inmate Programs Division and other divisions. DOC requests a FY 2012-13 appropriation of \$1,923,692 General Fund and 24.9 FTE for personal services, operating, polygraph testing, and start-up costs to begin expansion of the Sex Offender Treatment and Monitoring Program during FY 2012-13. The proposed expansion will slightly more than double treatment capacity and will reduce the backlog of sex offenders who require treatment under Colorado's sex offender laws. The cost of the proposed expansion rises to \$2,525,430 General Fund and 37.9 FTE in FY 2012-13. <i>Statutory authority: Sections 16-11.7-101 and 18-1.3-1001, C.R.S., and following sections.</i></p>						
2	0	1,358,474	0	0	1,358,474	19.0
<p>Colorado Correctional Industries (CCi) Program Expansion</p> <p>Correctional Industries Division and other divisions. DOC requests a FY 2012-13 appropriation of \$1,358,474 cash funds and 19.0 FTE to expand Correctional Industries programs to further offender training and rehabilitation. Proposed new ventures include a water buffalo milking station, vegetable processing for elementary schools, television assembly, and clothing manufacture. The revenue for this cash spending authority will come from the sale of goods and services produced by the new ventures. The extra FTE are needed to supervise the estimated 190 offenders who will perform the new work. In FY 2013-14 expenditures are projected to rise by another \$8,000 cash funds but FTE will remain unchanged. <i>Statutory authority: Sections 17-24-102 and 17-24-121, C.R.S.</i></p>						
3	0	0	0	0	0	0.0
<p>Line Item Consolidation</p> <p>Institutions Division. DOC requests that the stand-alone appropriations for the San Carlos Correctional Facility be combined with the appropriations for most other DOC correctional facilities, which are already combined. The appropriations for these other facilities are separated into functional categories, such as food services, medical services, and laundry; the \$13.4 million appropriation for San Carlos would be allocated among these functional areas. After this consolidation, only one DOC facility, YOS (the Youthful Offender System) would be separately appropriated. <i>Statutory authority: none required.</i></p>						
4	13,916,129	0	0	0	13,916,129	0.0
<p>External Capacity Caseload</p> <p>Management division. The Department requests that the appropriation for external capacity be increased by \$13,916,129 General Fund for FY 2012-13 to meet the funding needs associated with an offender population that is larger than the population projection on which the FY 2011-12 appropriation is based. This equates to a funding deficiency of 724 offenders (= \$13,916,129 / \$19,232 cost of housing an offender in a private facility for one year). <i>Statutory authority: Sections 17-1-105, 112, and 206.5, C.R.S.</i></p>						

Decision Item	GF	CF	RF	FF	Total	FTE
5	4,722,804	0	0	0	4,722,804	0.0
<p>POPM - Per Offender Per Day Medical Expenses</p> <p>Institutions Division. The Department requests a \$4,722,804 increase in FY 2012-13 General Fund appropriations to pay for expected increases in offender medical costs. Most of this increase is due to <i>Statutory authority: Sections 17-2-102 and 17-27.5-101, C.R.S.</i></p>						
NP-1	241,864	130,145	0	0	372,009	0.0
<p>Fleet Replacement</p> <p>Management Division. In addition to statewide changes in vehicle lease rates, the Department requests replacement for 93 vehicles.</p>						
Total	\$20,804,489	\$1,488,619	\$0	\$0	\$22,293,108	43.9

**FY 2011-12 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BASE REDUCTION PRIORITY LIST

Base Reduction	GF	CF	RF	FF	Total	FTE
1	(\$529,974)	\$0	\$0	\$0	(\$529,974)	15.5
Conservation Camp Program						
<p>Management Division, Institutions Division, and other divisions. The Department requests a \$529,974 General Fund <i>decrease</i> and a 15.5 FTE <i>increase</i> for FY 2012-13 so it can create a new "Conservation Camp" in the building that formerly housed the Department's (now discontinued) boot-camp program. This building is located next to the Buena Vista Minimum Center. The beds in this building are in four large rooms, approximately 25 to a room, in a unique arrangement that is poorly suited for security reasons to all but the lowest risk inmates. DOC would then move 100 offenders out of the Minimum Center into the new Conservation Camp. Of these 100 offenders, 60 are members of the Correctional Industries "Swift" and "Trails" teams that fight wildfires, perform forest management work, and build trails. Another 40 are trainees who will join these teams as current members parole and openings arise. DOC will then move 100 offenders who are currently housed in private prisons into the 100 now-empty beds in the Minimum Center, reducing payments to private prisons by $\\$19,232 * 100 = \\$1,923,200$. The staffing level for the Minimum Center will remain unchanged, but DOC will only need to expand the overall Buena Vista staff by 17 individuals (15.5 FTE in the first year due to the payday shift) in order to provide adequate security and supervision within the conservation camp. Because of the low security risk of the Swift and Trails team members and the fact that they are frequently off grounds under the supervision of Correctional Industries personnel, staffing and support levels for the Conservation camp are lower than similarly sized DOC operation elsewhere. <i>Statutory authority: Sections 17-1-103, 17-1-105 and 17-24-124, C.R.S.</i></p>						
2	(994,460)	0	0	0	(994,460)	(11.2)
Parole/Parole Intensive Supervision Program Caseload						
<p>Community Services Division. The Department requests a \$994,460 General Fund, 11.2 FTE decrease to align staffing levels, operating expenses, and contract services in the Parole and Parole Intensive programs with the declining number of offenders on parole. This request annualizes to a \$1,052,717 General Fund and 12.1 FTE reduction in FY 2013-14. <i>Statutory authority: Sections 17-2-102 and 17-27.5-101, C.R.S.</i></p>						
3	(22,101)	0	0	0	(22,101)	0.0
Community Corrections Caseload						
<p>Community Services Division. The Department requests a \$22,101 General Fund decrease to align contract services in its community supervision programs with the modestly declining number of offenders in community corrections programs. The impact in FY 2013-14 is the same. <i>Statutory authority: Sections 17-2-102 and 17-27.5-101, C.R.S.</i></p>						
Total	(\$1,546,535)	\$0	\$0	\$0	(\$1,546,535)	4.3

**FY 2011-12 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

OVERVIEW OF NUMBERS PAGES

The following table summarizes the total change, in dollars and as a percentage, between the Department's FY 2011-12 appropriation and its FY 2012-13 request.

Total Requested Change, FY 2011-12 to FY 2012-13 (millions of dollars)

Category	GF	CF	RF	FF	Total	FTE
FY 2011-12 Appropriation	\$634.9	\$40.6	\$44.1	\$0.7	\$720.4	6,270.4
FY 2012-13 Request	658.6	42.0	44.3	0.7	745.6	6,179.7
Increase / (Decrease)	\$23.7	\$1.4	\$0.1	\$0.0	\$25.2	(90.7)
Percentage Change	3.7%	3.3%	0.3%	0.0%	3.5%	(1.4)%

The following table highlights the individual changes contained in the Department's FY 2012-13 budget request, as compared with the FY 2011-12 appropriation. For additional detail, see the numbers pages in Appendix A.

Requested Changes, FY 2010-11 to FY 2011-12

Category	GF	CF	RF	FF	Total	FTE
Department Base Request						
Total Comp Common Policy Adjustment	9,500,572	285,324	0	0	\$9,785,896	0.0
Restore prior year PERA adjustment	7,846,706	99,856	132,218	0	8,078,780	0.0
Restore prior temporary operating and therapeutic community cuts	1,525,164	0	0	0	1,525,164	22.0
Indirect cost assessment	6,740	(20,708)	0	0	(13,968)	0.0
Annualize prior year legislation	(8,262,910)	(493,619)	0	0	(8,756,529)	0.0
Annualize prior year decision items	(7,244,757)	(19,963)	0	0	(7,264,720)	(112.7)
DPA and OIT common policy adjustments	1,299,963	18,109	0	0	1,318,072	0.0
Subtotal - Base Request	\$4,671,478	(\$131,001)	\$132,218	\$0	\$4,672,695	(90.7)

Category	GF	CF	RF	FF	Total	FTE
Caseload Requests						
External capacity (R-5)	13,916,129	0	0	0	13,916,129	0.0
Medical per offender per month (R-6)	4,722,804	0	0	0	4,722,804	0.0
Parole/Parole ISP (R-7)	(994,460)	0	0	0	(994,460)	(11.2)
Leap year adjustment	(230,109)	0	0	0	(230,109)	0.0
Community Corrections (R-8)	(22,101)	0	0	0	(22,101)	0.0
Subtotal - Caseload	\$17,392,263	\$0	\$0	\$0	\$17,392,263	(11.2)
Other Requests						
Sex Offender Treatment (R-1)	1,923,692	0	0	0	1,923,692	24.9
CCi Program Expansion (R-2)	0	1,358,474	0	0	1,358,474	19.0
Conservation Camp Program (R-3)	(529,974)	0	0	0	(529,974)	15.5
Fleet vehicle replacements (NP-1)	241,864	130,145	0	0	372,009	0.0
Subtotal - Non-Prioritized	\$1,635,582	\$1,488,619	\$0	\$0	\$3,124,201	59.4
Total Change	\$23,699,323	\$1,357,618	\$132,218	\$0	\$25,189,159	(42.5)

**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: Performance-based Goals and the Department's FY 2012-13 Budget Request

This issue brief summarizes the Department of Correction's report on its performance relative to its strategic plan and discusses how the FY 2012-13 budget request advances the Department's performance-based goals. Pursuant to the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act (H.B. 10-1119), the full strategic plan for the Department of Natural Resources can be accessed from the Office of State Planning and Budgeting web site.

This issue brief assumes that the performance-based goals are appropriate for the Department. Pursuant to the SMART Government Act legislative committees of reference are responsible for reviewing the strategic plans and recommending changes to the departments. The issue brief also assumes that the performance measures are reasonable for the performance-based goals. Pursuant to the SMART Government Act the State Auditor periodically assesses the integrity, accuracy, and validity of the reported performance measures.

DISCUSSION:

The Department of Correction's strategic plan does not fit easily into the five-or-six-objective framework established for this briefing issue. The Key Performance Indicators section of the Department's plan lists 24 separate performance measures which are accompanied by numerous "strategic actions" that the Department will take to reach the many targets. Taken collectively, the strategic actions will engage and direct the Department's personnel for a minimum of several years to come.

JBC staff believes that the numerous individual performance measures can be grouped into 4 broad categories with implicit objectives that are consistent with the framework established for this briefing issue. The Department does not present past year benchmarks for determining whether targets have been met in recent years, but, staff does not consider this to be a deficiency since a benchmark established after outcomes are known is easily manipulated. As time progresses, the Department's FY 2011-12 targets will become realistic measures of past success or failure.

Performance-based Goals and Measures

The Department's objectives can be grouped under the following four broad objectives:

1. Safety.

Broad Objective: Increase safety within the DOC.

Corresponding to this broad objective are the following objectives listed by DOC:

- .05% reduction in the number of positive random urinalysis results.
- 3% reduction in the rate of inmate on staff assaults
- 3% reduction in the rate of inmate on inmate assaults
- 0 escapes from secure DOC facilities
- 7% decrease in walkaway escapes from community correction centers
- 5% reduction in staff work related injuries
- 2% reduction in grievances

Rate of inmate on staff violence	FY 09-10	FY 10-11	FY 11-12
Actual	1.4%	1.3%	
Benchmark			1.3%

a. How is the Department measuring the specific goal/objective?

JBC staff choose inmate on staff violence as a high profile measure of the safety of DOC facilities. Inmate on staff violence is measured by the rate of inmate on staff assaults per 100 inmates, stated as a percentage.

b. Is the Department meeting its objective, and if not, why?

The department has not provided benchmarks for FY 2009-10 and FY 2010-11. As noted above, staff does not consider this a deficiency.

c. How does the budget request advance the performance-based goal?

The budget request does not advance this goal.

2. Parole/Transition.

Broad Objective: Improve parole and transition outcomes.

Corresponding to this broad objective are the following objectives listed by DOC:

- 36% increase in the portion of offenders who progress to parole from Community Corrections.
- 3% reduction in the rate of offenders who regress from community corrections to prison
- 3.1% decrease in the total recidivism rate
- 2% increase in number of parolees employed
- 3% increase in sex offenders participating in sex offender treatment services
- 10% increase in the number of moderate-high risk offenders completing the prerelease program.

Progress to parole from Community Corrections	FY 09-10	FY 10-11	FY 11-12
Actual	30.0%	29.0%	

Progress to parole from Community Corrections	FY 09-10	FY 10-11	FY 11-12
Benchmark			65%

a. How is the Department measuring the specific goal/objective?

JBC staff decided to focus on progress to parole from Community Corrections because the objective to more than double the parole rate is surprisingly aggressive and because parole is a high-profile measure of success.

b. Is the Department meeting its objective, and if not, why?

The department has not provided benchmarks for FY 2009-10 and FY 2010-11. As noted above, staff does not consider this a deficiency.

c. How does the budget request advance the performance-based goal?

The caseload-driven contraction of parole, parole ISP, and community corrections will keep staffing ratios at current levels.

3. Education and training.

Broad Objective: Increase the number of offenders participating in education and training.

Corresponding to this broad objective are the following objectives listed by DOC:

- 3% increase in GED test batteries passed
- 3% increase in career/technical certificates approved/awarded

Number of individual GED test batteries passed	FY 09-10	FY 10-11	FY 11-12
Actual	6,265	6,464	
Benchmark			6,657

a. How is the Department measuring the specific goal/objective?

JBC staff decided to focus on the number of individual GED test batteries passed because the GED is another high-profile outcome.

b. Is the Department meeting its objective, and if not, why?

The department has not provided benchmarks for FY 2009-10 and FY 2010-11. As noted above, staff does not consider this a deficiency.

c. How does the budget request advance the performance-based goal?

The requested expansion of Correctional Industries will increase training opportunities for offenders.

4. Operations

Broad Objective: Increase the efficiency/reduce the cost of operations.

Corresponding to this broad objective are the following objectives listed by DOC:

- Decrease energy and water use up to 2%.
- Increase to 25% the portion of parole hearings conducted by video conference.

Reduce staff turnover rate to 10%.

Reduce percentage of offenders classified as Administrative Segregation by 5%.

Maintain level of state procurement cards (P-card) violations at 0.7%.

Percentage of parole video conferences	FY 09-10	FY 10-11	FY 11-12
Actual	n/a	n/a	
Benchmark			25%

a. How is the Department measuring the specific goal/objective?

JBC staff choose to focus on the percentage of Parole video conferences because they so clearly increase efficiency. The lack of past measures is a minor concern since this is a new program.

b. Is the Department meeting its objective, and if not, why?

The department has not provided benchmarks for FY 2009-10 and FY 2010-11. As noted above, staff does not consider this a deficiency.

c. How does the budget request advance the performance-based goal?

The Department has requested that appropriations for the San Carlos Correctional Facility be consolidated with the appropriations for other correctional facilities. The added budgeting flexibility could reduce costs. The requested Conservation Camp Program may also increase efficiency.

**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: Population Projections

Legislative Council Staff (LCS) and the Division of Criminal Justice (DCJ) both project that the prison population will decrease through FY 2013-14. DCJ projects a larger decline than does LCS. The LCS December 2011 parole projection forecasts a steady decreases of the parole population. The DCJ forecast foresees a parole increase in FY 2011-12 followed by decline.

SUMMARY:

- ❑ Both the LCS and the DCJ December 2011 inmate population projections forecast a decrease of the prison population. The DCJ population projection is lower than the LCS projection in each year, with the difference widening from 551 at the end of June 2012 to 1,327 by June of 2014.
- ❑ The LCS December 2011 parole projection forecasts a steady decreases of the parole population. The DCJ forecast foresees an increase in FY 2011-12 followed by decline.

RECOMMENDATION:

Staff recommends that the Committee wait until closer to supplementals and figure setting to determine which projections to use to fund the required level of prison beds. Waiting will allow more time to determine which monthly growth looks more reasonable. This recommendation is consistent with the approach taken by the JBC in prior years.

DISCUSSION:

Comparison of 2012 LCS and DCJ Prison and Parole Population Projections. Legislative Council Staff and the Division of Criminal Justice are responsible for developing population projections for the adult inmate population and the adult parole population. The following table is a comparison of the December 2011 projections for each of these agencies:

Comparison of Adult Population Projections					
Population	Actual as of June 30, 2011	Projected June 30, 2014 Populations			
		LCS Projection	% Change from 6/30/11	DCJ Projection	% Change from 6/30/11
Total Inmates	22,610	21,583	-4.5%	20,256	-10.4%
Male	20,512	19,641	-4.2%	18,347	-10.6%
Female	2,098	1,942	-7.4%	1,909	-9.0%
Parole	8,181	9,390	14.8%	8,508	4.0%

A comparison of the projected annual growth rates over the three years from June 2011 to June 2014 (based on the population figures from the previous table) are delineated in the following table.

Compound Annual Growth Rate		
	LCS Projection	DCJ Projection
Total Inmates	-1.5%	-3.6%
Male	-1.4%	-3.6%
Female	-2.5%	-3.1%
Parole	-3.6%	-2.0%

Comparison to Previous Year's Projections. The LCS December 2011 total inmate population projections are slightly higher than the December 2010 projections(see Appendix D).

Setting the Appropriation. Because the inmate change varies by month and because of the differences between the two projections, staff recommends waiting until closer to the supplemental and figure setting process to decide which projection to use when setting appropriations for private prisons and jail backlog for the remainder of FY 2011-12 and for FY 2012-13.

Staff has prepared graphs to illustrate the differences between the LCS and DCJ projections (see Appendix D). The tables on the next four pages contain the data used to prepare the graphs in Appendix D.

LCS and DCJ Total Inmate Population Projections						
	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
<i>Legislative Council Staff Forecast</i>						
Beginning of FY Population	22,860	22,610	21,988	21,727	n/a	n/a
Growth	(250)	(622)	(261)	(144)	n/a	n/a
End of FY Population	22,610	21,988	21,727	21,583	n/a	n/a
Avg. Monthly Change	(21)	(52)	(22)	(12)	n/a	n/a
Annual Change	-1.1%	-2.8%	-1.2%	-0.7%	n/a	n/a
<i>Division of Criminal Justice Forecast</i>						
Beginning of FY Population	22,860	22,610	21,438	20,637	20,256	19,896
Growth	(250)	(1,172)	(801)	(381)	(360)	(292)
End of FY Population	22,610	21,438	20,637	20,256	19,896	19,604
Avg. Monthly Change	(21)	(98)	(67)	(32)	(30)	(24)
Annual Change	-1.1%	-5.2%	-3.7%	-1.8%	-1.8%	-1.5%
<i>Difference Between Projections</i>						
LCS vs. DCJ (year end pop.)	0	550	1,090	1,327	n/a	n/a

Total Inmate Growth. During FY 2010-11, the number of inmates declined by an average of 21 per month. In addition, the inmate population has decreased by an astonishing average of 109 per month for the first five months of FY 2011-12.

Historical Average Monthly Population Growth – Total Inmates										
FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
70	101	67	60	95	109	42	39	16	(27)	(21)

Comparison of Male Population Projections. The following table summarizes the male population for the two projections.

LCS and DCJ Male Inmate Population Projections						
	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
<i>Legislative Council Staff</i>						
Beginning Population	20,766	20,512	20,020	19,779	n/a	n/a
Growth	(254)	(492)	(241)	(138)	n/a	n/a
Ending Population	20,512	20,020	19,779	19,641	n/a	n/a
Avg. Monthly Change	(21)	(41)	(20)	(12)	n/a	n/a
Annual Change	-1.2%	-2.4%	-1.2%	-0.7%	n/a	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	20,766	20,512	19,405	18,671	18,347	18,020
Growth	(254)	(1,107)	(734)	(324)	(327)	(242)
Ending Population	20,512	19,405	18,671	18,347	18,020	17,778
Avg. Monthly Change	(21)	(92)	(61)	(27)	(27)	(20)

LCS and DCJ Male Inmate Population Projections						
Annual Change	-1.2%	-5.4%	-3.8%	-1.7%	-1.8%	-1.3%
<i>Difference Between Projections</i>						
LCS vs. DCJ (year end pop.)	0	615	1,108	1,294	n/a	n/a

Male Inmate Growth. During FY 2010-11, the number of male inmates declined by an average of 21 per month (the same as the total population decline). In addition, the male inmate population has decreased by an average of 103 inmates per month for the first five months of FY 2011-12.

Historical Monthly Population Growth – Male Inmates										
FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
63	87	57	49	68	97	32	42	18	(11)	(21)

Comparison of Female Population Projections. The table below summarizes the female population for the two projections.

LCS and DCJ Female Inmate Population Projections						
	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
<i>Legislative Council Staff</i>						
Beginning Population	2,094	2,098	1,969	1,948	n/a	n/a
Growth	4	(129)	(21)	(6)	n/a	n/a
Ending Population	2,098	1,969	1,948	1,942	n/a	n/a
Avg. Monthly Change	0	(11)	(2)	(1)	n/a	n/a
Annual Change	0.2%	-6.1%	-1.1%	-0.3%	n/a	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	2,094	2,098	2,033	1,966	1,909	1,876
Growth	4	(65)	(67)	(57)	(33)	(50)
Ending Population	2,098	2,033	1,966	1,909	1,876	1,826
Avg. Monthly Change	0	(5)	(6)	(5)	(3)	(4)
Annual Change	0.2%	-3.1%	-3.3%	-2.9%	-1.7%	-2.7%
<i>Difference Between Projections</i>						
LCS vs. DCJ (year end pop.)	0	(64)	(18)	33	n/a	n/a

Female Inmate Growth. During FY 2010-11, the number of female inmates remained constant. However, the female inmate population has decreased by an average of 6 inmates per month for the first five months of FY 2011-12.

Historical Monthly Population Growth – Female Inmates										
FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
6	14	10	11	27	12	10	(3)	(1)	(16)	0

Comparison of Parole Projections. The table below summarizes the parole population for the two projections.

LCS and DCJ Parole Population Projections						
	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
<i>Legislative Council Staff</i>						
Beginning Population	8,535	8,181	7,840	7,590	n/a	n/a
Growth	(354)	(341)	(250)	(257)	n/a	n/a
Ending Population	8,181	7,840	7,590	7,333	n/a	n/a
Avg. Monthly Change	(30)	(28)	(21)	(21)	n/a	n/a
Annual Change	-4.1%	-4.2%	-3.2%	-3.4%	n/a	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	8,535	8,181	8,288	8,076	7,695	7,446
Growth	(354)	107	(212)	(381)	(249)	(239)
Ending Population	8,181	8,288	8,076	7,695	7,446	7,207
Avg. Monthly Change	(30)	9	(18)	(32)	(21)	(20)
Annual Change	-4.1%	1.3%	-2.6%	-4.7%	-3.2%	-3.2%
<i>Difference Between Projections</i>						
LCS vs. DCJ	0	(448)	(486)	(362)	n/a	n/a

Parole Population Growth. During FY 2010-11, the number of parolees declined by an average of 26 per month. In addition, the parole population has remained very close to constant for the first five months of FY 2010-11.

Historical Monthly Population Growth – Parole Population										
FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
42	(13)	68	32	39	70	116	70	19	(40)	(26)

**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: Sex Offender Treatment

The Department of Corrections has requested a \$1.9 million FY 2012-13 General Fund appropriation to expand its Sex Offender Treatment and Monitoring Program in order to reduce the backlog of sex offenders who need treatment. The JBC asked the Department to consider private-sector alternatives to this proposal. The Department responded with a memorandum discussing difficulties with this approach. This issue discusses these difficulties.

SUMMARY:

- The Department of Corrections has requested a \$1.9 million General Fund, 24.9 FTE appropriation for FY 2012-13 to expand the Department's Sex Offender Treatment and Monitoring Program. The cost rises to \$2.5 million General Fund and 37.9 FTE in FY 2013-14.
- The JBC asked the Department to consider private-sector alternatives to this proposal. The Department responded with a memo that questions whether private sector alternatives are practicable, given the legal obstacles involving state personnel rules and the lack of trained sex offender therapists near Colorado private prisons.
- The legal obstacles to providing this service in a private prison may be significant, especially in light of a federal class action lawsuit relating to sex offender treatment that is likely to be filed in the next few months.

RECOMMENDATIONS:

- Staff recommends that the Committee ask the Department about the various private sector alternatives that it considered. Did it contact a private prison provider and ask whether it could operate sex offender treatment and monitoring programs in its facilities? What did the private prisons provider say about cost and about its ability to hire qualified staff?
- Staff recommends that the Committee ask the Department to provide more information about the possibility, mentioned in the Department's memorandum on this topic, that the Department could contract with private-sector therapists to provide sex offender treatment and management services. Would the services be provided at state facilities? Would the therapists serve for longer than six months? Would the therapists be independent contractors as required by Section 24-50-503, C.R.S.? Would the other requirements of this section be satisfied?

DISCUSSION:

The Department's Budget Request. The Department of Corrections has requested a FY 2012-13 appropriation of \$1,923,692 General Fund and 24.9 FTE for personal services, operating, polygraph testing, and start-up costs to begin expansion of the Sex Offender Treatment and Monitoring Program during FY 2012-13. The cost of the proposed expansion rises to \$2,525,430 General Fund and 37.9 FTE in FY 2013-14. The proposed expansion will reduce the backlog of sex offenders who require treatment under Colorado's sex-offender laws.

The deferred September interim supplemental. In September 2011, the Joint Budget Committee considered an identical DOC interim supplemental request for expansion of the Department's Sex Offender Treatment and Monitoring Program that differed from the current request only in the timing of implementation. During the presentation of the September request to the JBC, staff acknowledged that the supplemental addressed an important problem but recommended that the Committee defer action because

1. The Department of Corrections did not consider the possibility that private prisons could provide some or all of the sex offender treatment and monitoring services
2. An interim supplemental is not an ideal vehicle for considering a proposal that is essentially a decision item and deserves the scrutiny that decision items normally receive.
3. Given the current budgetary situation, the Committee should wait to see the Governor's entire portfolio of FY 2012-13 requests before deciding on this one.

The Committee agreed with the staff analysis and sent the Department a letter stating, "If the Department decides to resubmit the request, either as a regular FY 2011-12 supplemental or as a decision item for FY 2012-13, the Committee requests that you also submit information concerning the feasibility and cost of private-sector alternatives to the Department's proposal. Please also consider the possibility that the proposed program expansion could partially occur at private facilities and partially occur at state facilities."

The Department's response to this request. The Department responded with an undated memorandum that was posted on the OSPB web site. This memorandum is attached as an appendix to this Budget Issue.

In the memorandum, the Department states that it has reviewed "a number of alternatives" for program expansion and continues to believe that its request is the best option. However, the Department would "consider modifying" what it calls the Band II portion of the FY 2012-13 request, which would begin on March 1, 2013 and would require 14.9 FTE. The Department would request the same dollar amount for Band II but it would hire external therapists to deliver services and would not require an FTE appropriation. The memorandum does not say where these contractors would deliver services, but staff assumes it would be in state owned facilities.

The next part of the memorandum discusses the legal difficulties that the State could encounter if it decides to utilize private-sector alternatives. These difficulties are discussed at length below in this issue.

The memorandum then presents the advantages of a DOC based program expansion, which include

1. Continuity of care for sex offenders who frequently move between DOC facilities,
2. Flexibility in reallocating FTE resources in response to changing needs when those resources are concentrated in DOC,
3. Consistency of gathering data for statutorily required sex-offender reports to the General Assembly, and
4. Assured program effectiveness, which would result from expanding a DOC program that has previously been evaluated and shown to reduce recidivism.

The final two pages of the memorandum discuss the difficulties that private prisons will confront if they try to hire qualified staff to run sex offender treatment and monitoring programs in their facilities. DOC notes that it tried to run a sex offender treatment program at the Sterling Correctional Facility but gave up because of staffing difficulties: few qualified providers are available in rural areas. The three private prisons that are alternatives to DOC for expansion (Bent, Kit Carson, and Crowley) are each located in counties with few or no licensed sex offender therapists. Nor are there many providers in counties close to Bent and Kit Carson. Crowley County, which adjoins the urban El Paso and Pueblo counties, has the most therapists in adjoining counties.

Class action lawsuit update. During the presentation of the interim supplemental request to the JBC, staff noted that a relevant federal class-action lawsuit was being organized. Staff recently learned more about this lawsuit, which will probably be filed in the United States District Court in Denver within the next three months. The lawsuit will seek injunctive relief and request that the Court order the Department of Corrections to provide inmates with statutorily required treatment. The lawsuit will probably refer to the legislative history of the Lifetime Supervision Act (which is contained in Section 18-1.3-1001, C.R.S.) and will claim that the bill's sponsors represented to the General Assembly that sex offenders sentenced to indeterminate sentences would have the option of treatment followed by released on parole with lifetime supervision or could decline treatment and remain in prison for the rest of their lives. It is unlikely that approval of this decision item will deal with all of the issues that will be raised in this lawsuit.

Potential legal difficulties associated with providing sex offender treatment in private prisons

Relevant sections of the State Constitution and relevant case law. Article XII, Sections 13 and 14 of the Colorado Constitution, which were added by initiative in 1918 and 1944, establish a framework for a state personnel system based upon merit and competitive tests of competence. In the latter 1980's, a group of Colorado employees sued the Department of Highways, seeking a ruling that contracts with private vendors for services previously performed by state employees within the state personnel system violated these sections of the constitution. The Department of Highways action would have eliminated 35 classified positions and employees of private companies would have performed work previously accomplished by state employees belonging to the state personnel system. The state personnel board rejected this contention but its ruling was overturned by a 1991 Colorado Supreme Court decision, *Colorado Association of Public Employees v. Department of Highways*.

In this decision, the Supreme Court pointed to Section 14 of Article XII, which establishes the state personnel board and states that the board "shall adopt, and may from time to time amend or repeal

rules to implement the provisions of this section." The Court noted that this directive requires the personnel board to elaborate on the personnel-system framework established by the constitution, and contemplates the possibility that the General Assembly will enact supporting statutes.

The Supreme Court noted that, at that time, no laws or rules had been adopted governing the privatization of state employee jobs but that such rules are necessary to ensure that privatization efforts will not subvert the constitutional principles on which the state personnel system is based. Privatization must be guided by laws and rules because privatization can contravene the constitution's personnel-system principles. In the words of the Court, privatization "implicates" the personnel system. If the General Assembly has not enacted privatization laws and the personnel board has not issued privatization rules, state agencies lack necessary guidance and cannot contract out for personal services. As a consequence, the Court held, the Department of Highways' contract for private sector personal services was invalid.

The Court's opinion also noted that the primary goal of privatization is cost savings, but it did not elaborate.

Statutory rules governing contracts for personal services. In 1993 the General Assembly responded to this decision by enacting Sections 24-50-501 through 514, C.R.S., titled "Contracts for Personal Services." The legislative declaration in Section 24-50-501 notes that the then-new TABOR amendment imposes "strict new constraints on state government" and declares that it is "the policy of this state to encourage the use of private contractors for personal services to achieve increased efficiency in the delivery of government services, without undermining the principles of the state personnel system requiring competence in state government and the avoidance of political patronage." It further declares that the purpose of the new sections "is to balance the benefits of privatization of personal services against its impact upon the state personnel system as a whole" and notes that "it is the intent of the general assembly that privatization of government services not result in diminished quality in order to save money." The following sections contain definitions and rules that balance the constitutional requirements of the state personnel system against the TABOR amendment's increased incentive to reduce costs through privatization. The state personnel board subsequently adopted supporting rules that flesh out the statute and are now found in *Personnel Board Rules*, chapter 10.

The two key sections that affect the outsourcing of sex offender treatment and monitoring jobs are Section 24-50-503 and 504, C.R.S. Section 24-50-504 enumerates various types of personal services contracts that do not "implicate" the state personnel system, i.e. personal services contracts that do not have the potential to conflict with the constitutional principles that underlie the state personnel system and hence are acceptable. A review of this section indicates that none of its cases apply to the proposed expansion of sex offender treatment and monitoring. For example, paragraph (2) (g) of the section states that contracts for services that are "urgent, temporary, or occasional in nature" do not implicate the state personnel system and thus are acceptable. Ongoing sex offender treatment of an incarcerated offender is not inherently urgent, temporary, or occasional and thus would not meet this criteria.

Section 24-50-503, C.R.S., deals with personal services contracts that do "implicate" the state personnel system but are none-the-less acceptable because cost saving considerations outweigh personnel system considerations. Such contracts must be with independent contractors and must satisfy all of the following conditions:

1. The contracting agency must clearly demonstrate that the proposed contract will result in overall cost savings to the state.
2. The contracting agency clearly demonstrates that the proposed contract will provide at least the same quality of services as that offered by the contracting agency.
3. The contract prescribes qualifications for the outside staff who will perform the services.
4. The potential economic advantages of contracting are not outweighed by the public's interest in having a particular function performed by a state agency.
5. Other less relevant conditions.

Such personal services contracts must be approved by the State Personnel Director, who is also the head of DPA.

Options open to the General Assembly.

The Department of Corrections indicates in its memorandum that it would consider substituting private contractors for the 14.9 FTE that it would hire in "Band II" of its proposal. There would be no reduction in cost, however.

It appears that the Department will be less willing if the General Assembly wants to expand the Sex Offender Treatment and Monitoring Program at a private prison. If the General Assembly wants to do so, it could proceed in two ways, both of which present difficulties.

- A. If the General Assembly includes funding for Sex Offender Treatment and Monitoring in the Long Bill and directs the Department of Corrections to contract for these services at a private prison, Section 24-50-503, C.R.S., will require the Director of the Department of Corrections to make the case to the state personnel board that the proposed contract with a private prison provider would satisfy conditions 1 through 4 above. However, the DOC memorandum discusses at length the difficulties that private providers will face as they try to hire qualified sex-offender therapists to work at their Colorado facilities. For this reason, the Director of the Department of Corrections may find himself unable to "clearly demonstrate" to the state personnel board that the proposed contract would "provide at least the same quality of services as that offered by the contracting agency" as required by item 2 above. Even if the Executive Director makes a good case, the state personnel board could decide that the contract does not satisfy the requirements of Section 24-50-503, C.R.S., meaning that the funded expansion would not occur.
- B. The General Assembly could enact legislation that requires DOC to contract for these services and declare in the legislation that this approach balances the personnel-system considerations and the TABOR considerations found in the constitution or that the state personnel system is not implicated because no state employees will be displaced. However,

by doing this, the General Assembly would be bypassing its own statutes and state personnel board rules, which were established in the early 1990's in response to the Colorado Supreme Court's declaration that such rules must be created. A lawsuit from a group representing state employees could result, potentially delaying the proposed expansion of the sex offender treatment and monitoring program.

Further complicating matters is the likelihood that a class-action lawsuit will be filed within the next few months that will seek to force DOC to expand its sex offender treatment program. If approaches A or B delay Sex Offender Treatment and Monitoring Program expansion, it could strengthen the plaintiff's argument for an injunction.

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SUMMARY: The Department of Corrections (DOC) was requested by JBC to provide information concerning the feasibility and cost of private-sector alternatives for the Sex Offender Treatment and Monitoring Program (SOTMP) Decision Item for FY 2012-13. Additionally, the DOC was requested to consider that the proposed SOTMP program expansion could partially occur at private facilities.

RISKS: The primary risks and underlying issues facing DOC in contracting/outsourcing a portion of the current program with private sector contracts are past state legal cases and rulings, C.R.S. statutes, and State Personnel Board Rules. These governing documents clearly outline the liability DOC and the State of Colorado might face concerning issues related to the state personnel system and maintaining the classification of contractors as non-employees. Associated with these risks is the shortage of sex offender licensed counselors, technical hiring issues, and limited oversight of contractors.

The Department's FY 2012-13 decision item requested funding for the SOTMP expansion is implemented over three Bands, with different timeframes and the numbers of offenders treated. Band I, starting on July 1, 2012, would treat 420 offenders in Phase I of their treatment; Band II, beginning on March 1, 2013, would treat 144 offenders in Phase II; Band III, beginning on July 1, 2013, would treat the remaining 296 of the 860 backlogged sex offenders. ($420 + 144 + 296 = 860$ offenders treated within 2 years of their parole eligibility date). The request does not include funding Band III, as this funding will be requested in the normal FY 2013-14 budget cycle.

DOC has reviewed a number of alternatives for the program expansion. In reviewing options, DOC initially determined that the original request is still the recommended and preferred option. However, as an alternative to the decision item, DOC could consider modifying the Band II request by requesting the same funding dollars without requesting FTE; under this alternative DOC would contract with external providers to provide treatment required as part of the SOTMP.

COLORADO LEGAL PRECEDENTS: A relevant case is *Colorado Association of Public Employees v. Department of Highways*, 809 P.2d 988, 992 (Colo. 1991) (referred to as "*Highways*"). The *Highways* case addresses the issue of privatization of services previously performed by classified state employees and constitutional protections provided by the state personnel system. The Colorado Supreme Court ruled that the agency's plan violated the constitutional protections provided by the state personnel system, because it eliminated positions held by state employees currently performing the services being outsourced.

In 1993, the Colorado General Assembly enacted HB 93-1212 to provide the statutory framework for personal services contracts. HB 93-1212 added statute C.R.S. 24-50-501, *et seq.*, including C.R.S. 24-50-503 (2), which states, "The state per the director shall not approve a personal services contract ... if the contract

would result directly or indirectly in the separation of certified employees from state services.”

In response to HB 93-1212, The Personnel Board Rules established conditions in which privatization of services could be considered; the parameters for personal contracts in Department of Personnel, 4 CCR 801 Personnel Board Rules, Chapter 10, Personal Services Agreements 10-3 D references temporary, occasional, and urgent state needs that may be met through contracting with outside providers, and states:

A contract for personal services does not implicate the state personnel system if the department head determines that it is necessary to retain outside contracts to meet a labor demand that is for:

1. A temporary need for a specific task or result for a finite period of time. Such a contract must state an ending date;
2. An occasional need that is seasonal, irregular, or fluctuating in nature; or,
3. An urgent need for immediate action to protect the health, welfare, or safety of people or property, or to meet an externally imposed deadline beyond the department’s control.

DOC INTERPRETATION AND INTERNAL PROCESS CONSIDERATIONS: The DOC’s interpretation is that the three criteria’s above are not met in the need for personal service contract in the SOTMP expansion. Specifically, this program’s expansion is anticipated to lead to a long term, stable, and predictable need for additional manpower. Personnel Board Rules, Chapter 10, Directives 10-1 to 10-4, outlines the procedures which further require the determination of a business case, (10-2), evaluation of potential impact on certified employee’s (10-3), and other contract processes and requirements (10-4).

In order to meet the SOTMP therapy requirements through a personal services contract, DOC would first make a business case showing that lower costs were expected under contracting than under a direct-hire approach and address the potential impact on the state personnel system. Next, the Director would review the business case to determine if any one of the eight specific conditions of C.R.S. 24-50-502 (1) and (2) personal service contracts not implicating state personnel system, are met. Finally, the Director would review the arrangement to ensure that it does not appear to create an employee/employer relationship. This review is essential to comply with federal labor and tax law related to appropriately distinguishing between employees and independent contractors.

ADDITIONAL CONCERNS: The DOC would like to accentuate potential risks of providing sex offender treatment through an extended contract with private sector contractors or facilities, as this may be a violation of statutes and State Personnel Board Rules. The DOC SOTMP program has been provided by DOC FTE since 1985. There was a short period of time that DOC contracted a portion of the personal services providing treatment, but due to the personal service contract issues, a conversion of contract service providers to DOC FTE’s was required in FY 2008-09.

The rationale for requiring that any contract program comply with the DOC SOTMP includes:

- Continuity of care in programming -- offenders frequently move between facilities and programs would need to allow for this movement.
- Consistency in treatment to avoid additional offender complaints and lawsuits.
- Flexibility to allow overall SOTMP resources to be responsive to the current and future offender population requirements (e.g., higher demands for specific types of treatment based on the number of offenders with different sentence types, minimum sentence lengths, ADA requirements, or special needs).

- Measurability to permit the DOC to report standard treatment participation and outcome data to the legislature on an annual basis.
- Continued effectiveness, as the current DOC SOTMP has been evaluated and found to reduce recidivism.

STAFFING CONSIDERATIONS – CONTRACTOR QUALIFICATIONS AND SEX OFFENDER MANAGEMENT BOARD (SOMB) REQUIREMENTS: SOMB standards require therapists to either be:

- Full Operating Level Treatment Providers (Licensed mental health professional, 1000 hours SOMB Full Operating Level Treatment Provider supervised clinical experience in sex offender evaluation and treatment, 65 hours training in sex offender specific treatment, 15 hours training in victim issues, 20 hours training specific to adult sex offender treatment, satisfactory references, pass a background check and be approved by the SOMB). or
- Associate Level Treatment Providers (Mental health professional, 100 hours direct adult sex offender face-to-face clinical contact in co-therapy with a Full Operating Level Treatment Provider, face to face clinical supervision by a Full Operating Level Treatment Provider, 32 hours sex offense specific training hours, 8 hours victim training hours, 10 hours adult sex offender treatment training, satisfactory references, pass a background check and be approved by the SOMB).
- Therapy should be co-led by a male and female counselor.
- Ratio for therapist to offender is 1:7 per program.

An issue DOC has repeatedly experienced is hiring qualified providers for the program, especially in remote locations. DOC has explored program expansion at other state facilities and determined the challenge was finding the appropriate staffing in some of the lower populated counties. Sterling Correctional Facility attempted to provide the SOTMP, but it was moved to another facility as the rural location made it difficult to hire and retain staff. Because of past experience in attempting to expand the program to other state facilities and the issues of limited qualified treatment providers, DOC chose to place the SOTMP at state facilities in more populated areas. All three of the private prisons that appear the logical test locations for privatizing aspects of offender treatment are located in remote areas. The number of current qualified treatment providers in the counties of each of the private prisons would appear to limit the DOC's flexibility to rapidly provide these services on a contract basis; Bent County and Kit Carson County have no providers in their respective counties, and Crowley County has only two, both of whom are currently employed by DOC. Table 1 shows the number of current approved SOMB treatment providers in the surrounding counties of DOC's current private prisons. Cheyenne Mountain Re-entry Center does not allow sex offenders at the facility per the current contract and is not included in the table. This underlines the limits to enhancing flexibility by contracting out for these services; qualified providers simply are not currently available where DOC needs the services.

In April, 2005 the State Auditor's Office conducted an audit of state versus private prisons and found that salaries at state operated prisons were approximately 50 percent higher than those of private prisons.¹ Due to lower private prison staff compensation and the scarcity of qualified providers, the privates could have significant issues with obtaining the required staffing with experience similar to that of personnel that DOC has successfully recruited and retained.

¹[www.leg.state.co.us/OSA/coauditor1.nsf/All/FC4A43C259BAD498725701B00755584/\\$FILE/1676%20Private%20Prisons%20Perf%/20April%202005.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/FC4A43C259BAD498725701B00755584/$FILE/1676%20Private%20Prisons%20Perf%/20April%202005.pdf)

Table I outlines the current SOMB Licensed Sex Offender Treatment providers in each of the counties surrounding current private prison facilities which indicate the pool of qualified providers in total.

Table I		
Current Licensed Sex Offender Treatment Provider Pool		
Current Private Facility	Surrounding Counties	SOMB Approved Providers
Bent Facility	Bent County	0
	Otero County	1
	Las Animas County	2
	Baca County	0
	Prowers County	0
	Kiowa County	0
	Crowley County*	2
	Total Licensed Sex Offender Providers Surrounding Bent Facility	5
Kit Carson Facility	Kit Carson County	0
	Cheyenne County	0
	Lincoln County	0
	Washington County	1
	Yuma County	0
	Total Licensed Sex Offender Providers Surrounding Kit Carson Facility	1
Crowley Facility	Crowley County*	2
	El Paso County	32
	Lincoln County	0
	Otero County	2
	Pueblo County	13
	Kiowa County	0
	Total Licensed Sex Offender Providers Surrounding Crowley Facility	49

* Currently DOC FTE's

Note: There is a duplication of counties listed in the table

DOC has carefully evaluated how to most consistently and reliably meet offender needs for this program, and has concerns related to contracting or outsourcing a portion of the current program. As outlined above, past state legal cases and rulings, C.R.S. statutes, and State Personnel Board Rules all indicate and clearly outline risks that DOC and the state could face relative to the classification of employees and the state personnel system. Compounding these risks is the consistent shortage of sex offender licensed counselors in general throughout the state, and particularly in the more remote areas in which many DOC facilities are located such as the attempt to place the program at Sterling Correctional Facility. This has created issues with filling open positions, and decreases the likelihood of meeting DOC and offender needs more cost effectively through contracting out for these services.

**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: The Structure of Salaries at the Department of Corrections

The salary structure at the Department of Corrections still reflects the step/anniversary system that guided state employee wage increases before 2002. Employees in many job classifications are increasingly concentrated at the bottom of the range for their salaries with possible adverse effects on turnover, morale, and motivation.

SUMMARY:

- Salaries at the Department of Corrections are increasingly concentrated at the low end of job class salary ranges.
- This may detrimentally effect turnover, morale, and morale.

RECOMMENDATIONS:

- Staff recommends that the Committee ask the Department to discuss the various effects of its salary structure.

DISCUSSION:

Over the course of the last decade a salary structure has developed at the Department of Corrections that may be detrimental to employee morale and to the effective operation of the organization. The salary structure seems to have developed as a result of factors that are largely beyond the Department's control.

Background on the step and anniversary systems: Prior to 1998 a step increase system existed that provided annual 5 percent salary increases to state employees, moving them upward in 5 annual steps through the salary range until they neared the top of the range and progress slowed. In 1998 this system was replaced with an anniversary increase system that lasted until July 2002. The anniversary system provided similar annual 5 percent increases on an employee's employment anniversary date, with slower salary growth as one approached the top of the salary scale.

In July 2002 anniversary increases were replaced with performance-based pay increases, which, due in substantial part to the two recessions that the state has experienced during the last decade, have often not been funded.

The step/anniversary system, though now nearly 10 years past, continues to leave a strong imprint on salaries at the Department of Corrections, effectively dividing the workers in many job classes into two categories:

1. Those who arrived prior to July 2002, benefitted from anniversary increases until they ended and continue to benefit relatively from them nearly a decade later, and
2. Those who arrived after July 2002 and have for the most part remained at the bottom of the salary range for their job classification.

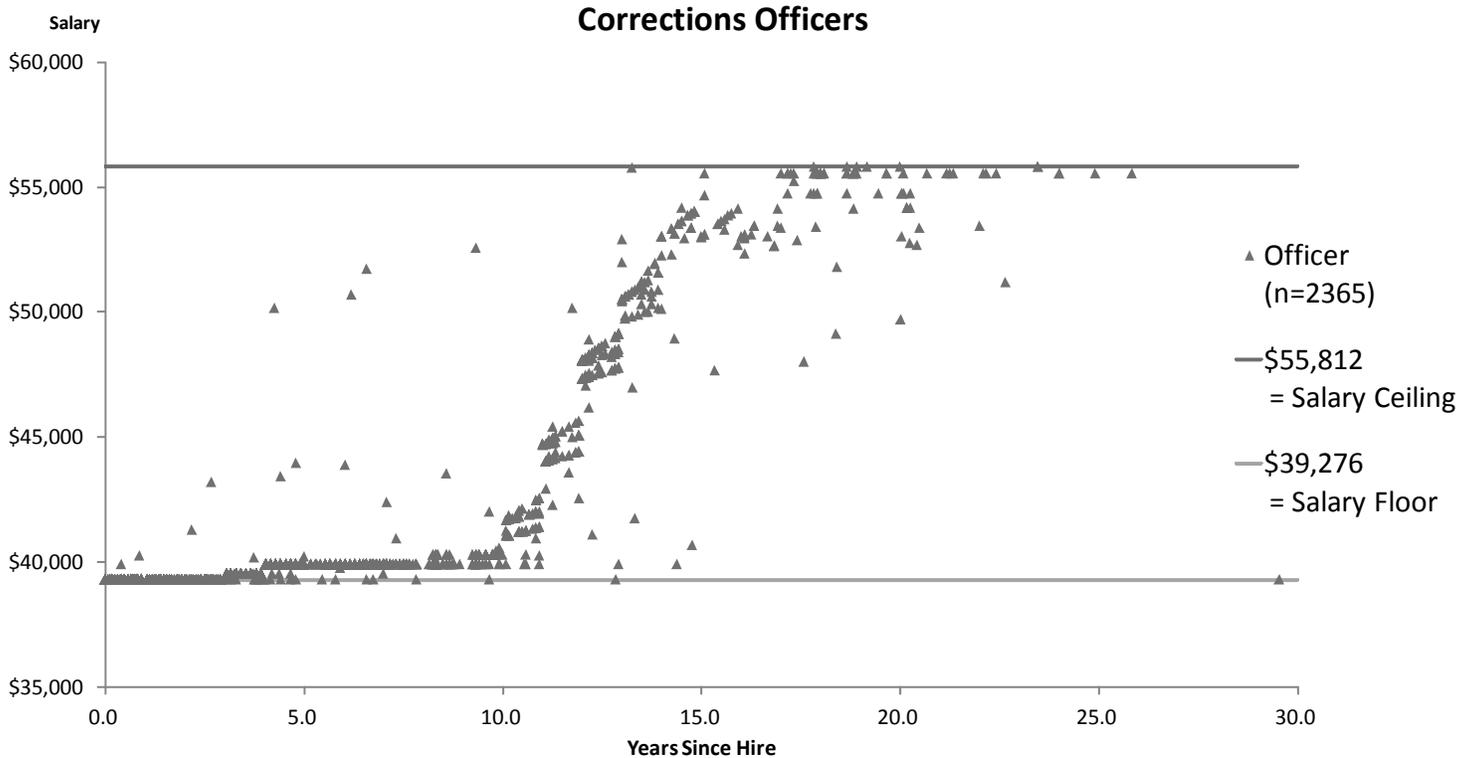
In July 2002, the anniversary system was replaced with a performance based pay system. The following table summarizes the average percentage salary increases that have been funded under salary survey and under performance-based pay since that time. This table indicates that a new Department of Corrections employee who arrived before July 1, 2002 would have experienced cumulative salary survey increases of 19.3 percent over the succeeding decade but would only have experienced performance based pay increases of 4.6 percent.

Fiscal Year	Salary Survey Funded?	Average Salary Survey % increase	Performance-based pay funded?	Average performance based pay % increase
FY02-03	Yes	4.7%	Yes	0.8%
FY03-04	No	-	No	-
FY 04-05	Yes	2.0%	Yes	1.0%
FY 05-06	Yes	3.0%	No	-
FY 06-07	Yes	2.6%	No	-
FY 07-08	Yes	3.7%	Yes	1.4%
FY08-09	Yes	3.3%	Yes	1.4%
FY09-10	No	-	No	-
FY10-11	No	-	No	-
FY11-12	No	-	No	-
Cumulative increase		19.3%		4.6%

A salary survey increase raises the salaries of all employees within a given job category by the same percentage, keeping relative positions unchanged, and raises the upper and lower salary bounds for the job category by the same percentage. Thus an employee hired at the bottom of the pay range for his job classification in FY 2004-05 who received the average salary survey increase of 3.0 percent and 2.6 percent in FY 2005-06 and FY 2006-07, would have remained at the bottom of the pay range because he received no performance pay increases during that year. In FY 2007-08 he would have received both a 3.7 percent salary survey boost and a 1.4 percent performance based pay boost, the latter moving him 1.4 percent off the floor for his job classification. If his salary before considering the 1.4 percent performance pay boost was \$30,000 annually, his salary with performance pay would have equaled $(1 + .014) * 30,000 = \$30,420$ – he has moved \$420 off the floor for his salary range.

Corrections officers are by far the most numerous class of employees at the Department of Corrections, making up more than half of total employees. These uniformed officers fall into five ranks classified as Corrections Officers I, II, III, IV, and V but are better known by the associated ranks of Officer, Sargent, Lieutenant, Captain and Major. Collectively this is known as the corrections officer "series".

The following diagram shows the distribution of annual salaries of Corrections Officer I, the entry level corrections officer, as of June FY 2011-12.



Each triangle on this diagram represents an Officer I. If you look at the diagram carefully you can see the history of the state's compensation system written in its data. Recent hires who arrived after the last performance pay increase, which occurred in FY 2008-09, are to the left, with 3 years or less service, resting on the salary floor of \$39,276. To their right, between the 3 and 4 year marks of the diagram are those who received the 1.4 percent performance pay hike in FY 2008-09 and are earning \$39,504. Next, starting at the 5 year mark, are the Officers who received the FY 2007-08 and the FY 2008-09 performance pay boosts that give them a salary of \$39,888. Starting at the 8 year point are the officers who benefitted from the one percent performance pay hike in FY 2004-05. There is a parallel group beneath them that for unknown reasons did not receive this pay boost.

At the 10 year mark we begin to see those who worked under the anniversary increase system that was replaced by performance pay in July 2002. Note that there are 5 distinct clumps of workers in this upward sloping section of the data, reflecting the five years of automatic increases that Officers and other state workers received as they worked under the old system. These clusters slope upward reflecting annualization based on the month in which the worker was hired – earlier hires receiving larger adjustments than those hired later. Fifteen years after hire, the salary clumps persist. Only when we reach the fifth clump does the cluster of officers begin to spread out, reflecting the longer service period that one needed to get to the top of the pay range.

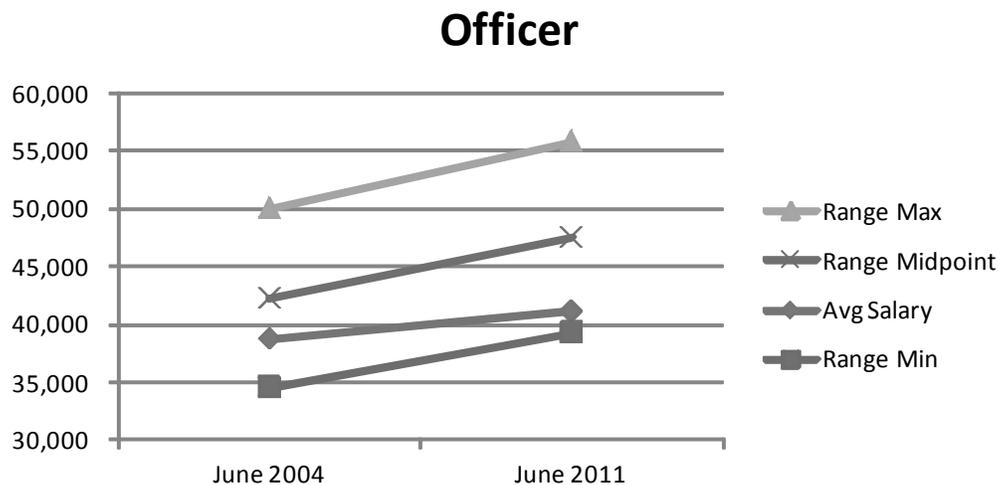
This salary structure has persisted among the Officer I job classification for a decade. Officers who arrived 12 years ago are making approximately \$7,764 more annually than their coworkers who

arrived 9 years ago. The same relative differential was present 9 years ago will probably persist for a number of years in the future. It may only disappear in the late 2020's when the last of those hired under the old anniversary system retire. In it's place would be a relatively meaningless salary range with everyone bunched at the bottom.

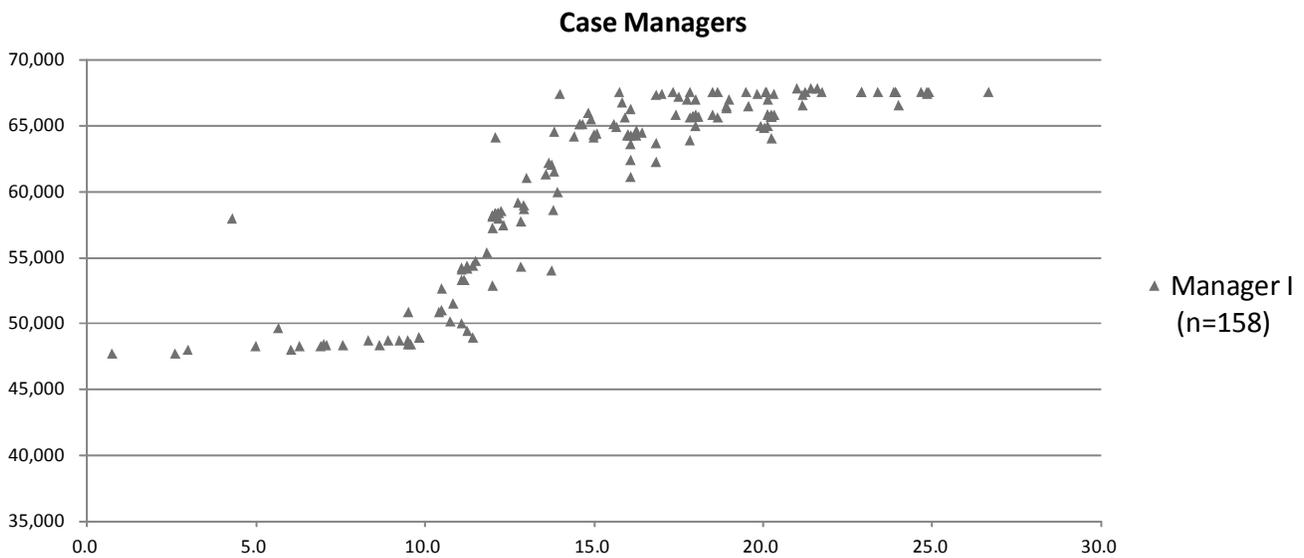
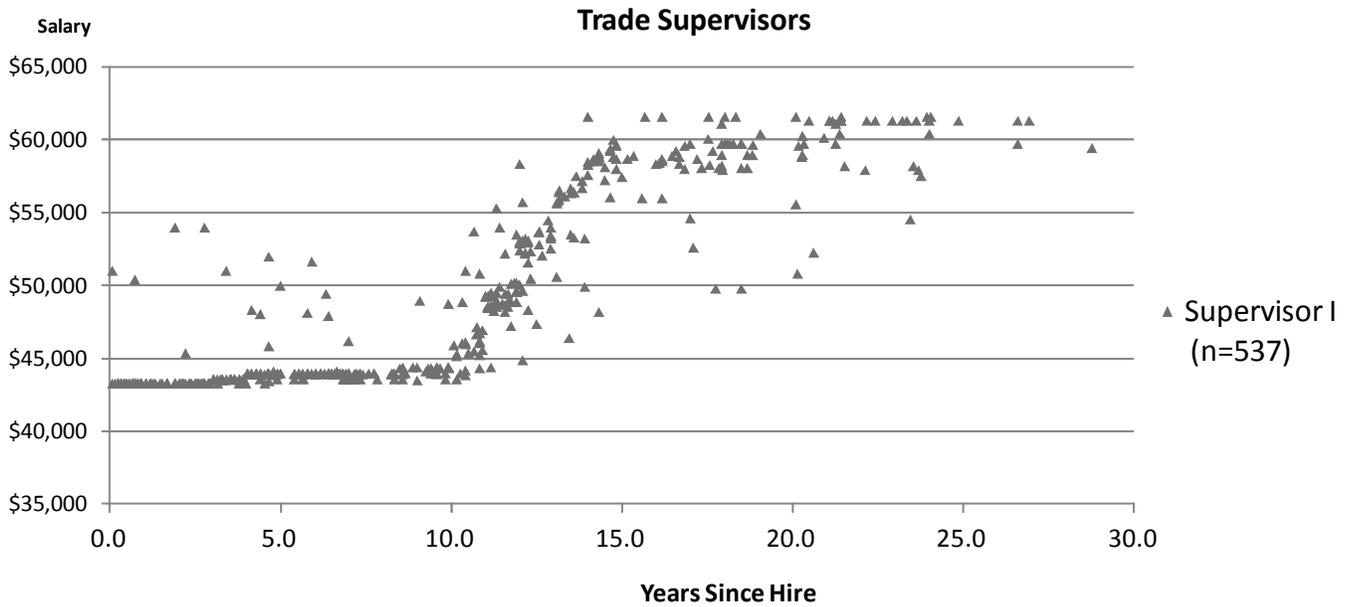
Note that the number of outliers in the above diagram appears larger than it truly is. At the left end of this diagram, triangle is stacked on triangle giving the illusion that there are far fewer Officers there receiving the minimum pay than there truly are. There are perhaps 25 outliers with service of less that 10 years out of a total of 2,365 officers.

Over the last decade, the upward sloping portion of this salary distribution chart has marched rightward. Officers with high salaries toward the right of the distribution have left the Department of Corrections and been replaced by officers with lower salaries that have not risen relative to the bottom of the pay range. The following diagram shows that the average salary over the period from June 2004 to June 2011 rose in dollar terms, but fell relative to the Officer I pay range.

The June 2011 collective salaries of Corrections Officers I's were, on an annual basis, equal to \$97.2 million. Had performance-based pay between June 2004 and June 2011 been sufficient to keep these officers at the same average point in the salary range (i.e. had it produced results equivalent to the anniversary increase system that it replaced), their collective annual salaries would have been \$7.1 million higher.



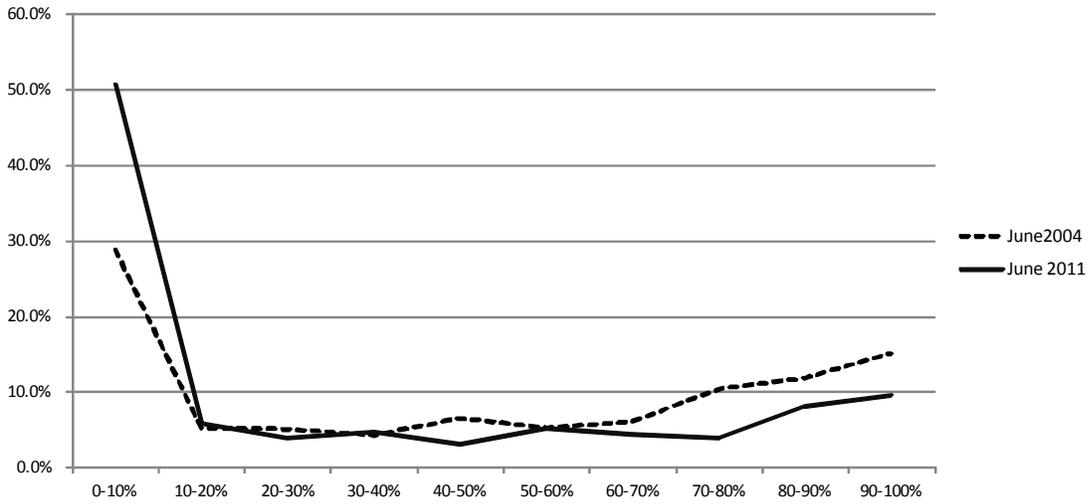
The same patterns can be seen with a number of other classes of employees at the Department of Corrections, such as trade supervisors and case managers. For other categories of workers, such as general professionals and health care workers the pattern is much less distinct or is non-existent.



At the end of this issue is a similar chart that simultaneously shows the distribution of salaries for all ranks of corrections officers.

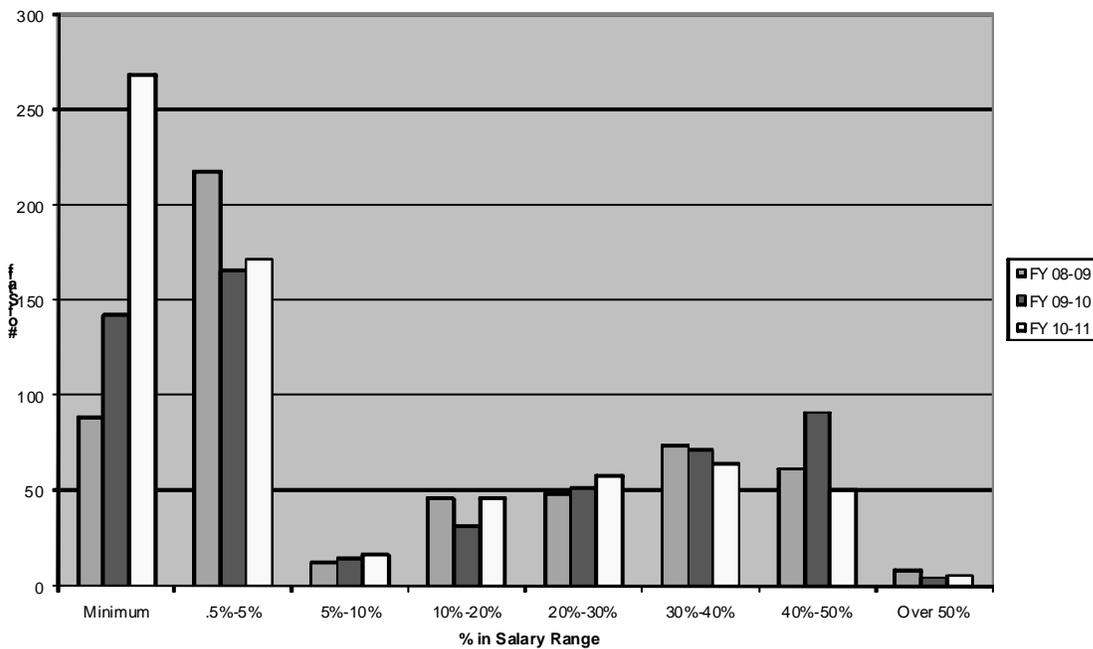
The following diagram shows the overall effect on the distribution of salaries at the Department. Salaries are increasingly concentrated at the lower end of salary ranges. In June 2004, 30 percent of those at DOC were in the bottom 30 percent of the salary range. By June 2011, this had risen to 50 percent.

Percentage of CDOC employees with salaries 0-10%, 10-20%, ... through the range for their salary classification, comparison of 2004 and 2011

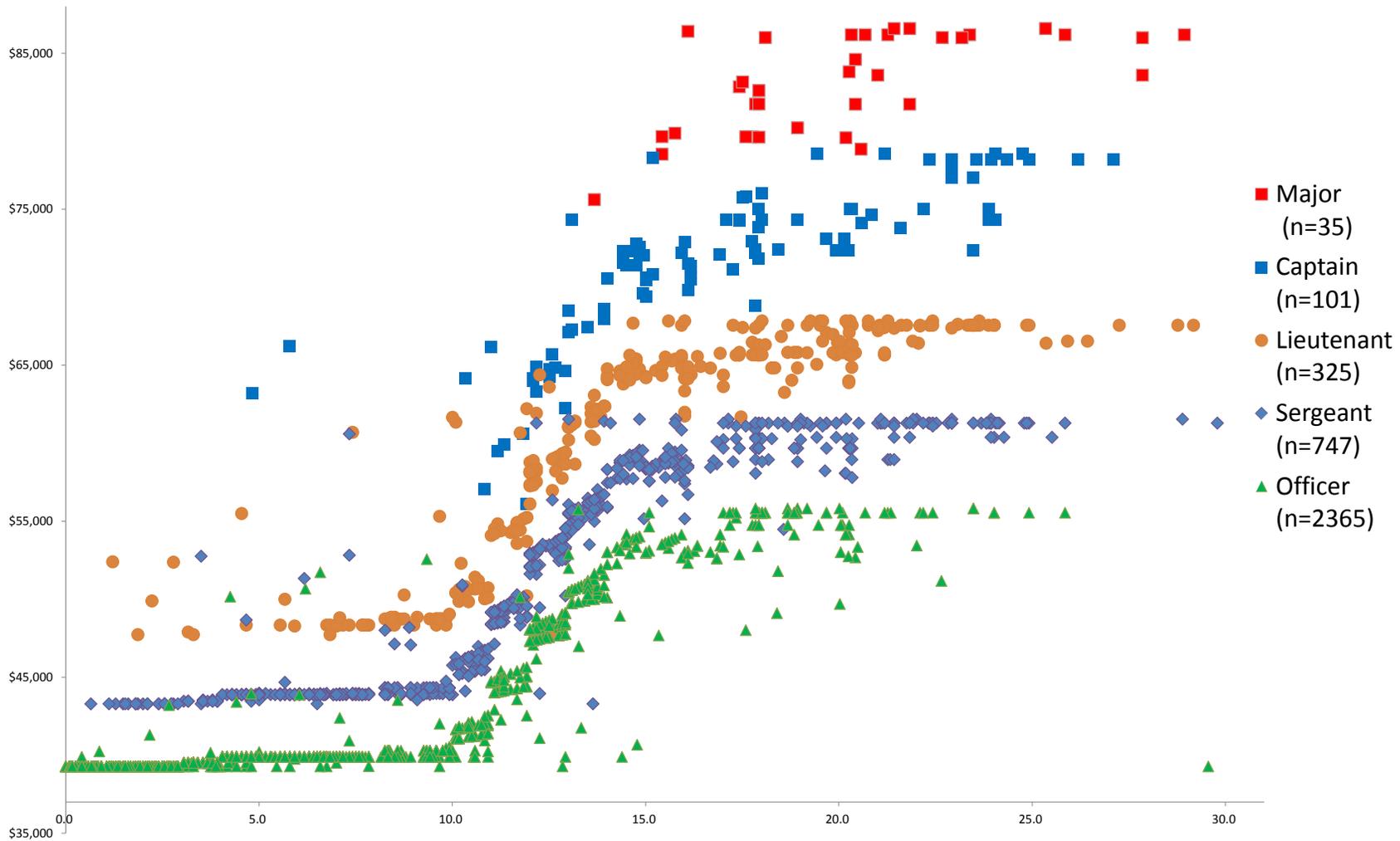


The next diagram, produced by DOC, suggests a possible consequence of this salary structure. It shows that a disproportionately large number of the employees who separate from DOC are at the bottom or very close to the bottom of their salary range. Thus it is possible that the Department's salary structure contributes to staff turnover. Based on anecdotal evidence, JBC staff suspects that this salary structure may also undermine employee morale.

**Percentage with in Salary Range
FY 08-09 through FY 10-11**



All Corrections Officers



**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: Reimbursement of District Attorney Prosecution Costs

In September the Department of Corrections requested a \$385,502 FY 2011-12 General Fund supplemental so it could reimburse District Attorneys for the costs of prosecuting offenders who commit crimes while in the custody of the Department. The supplemental request was largely driven by the high cost of prosecuting several death penalty cases against DOC offenders. This briefing issue proposes statutory changes that would reduce the need for similar supplementals in future years.

SUMMARY:

- In September the Department of Corrections requested a \$385,502 FY 2011-12 General Fund supplemental so it could reimburse District Attorneys for the costs of prosecuting offenders who commit crimes while in the custody of the Department.
- The supplemental request is largely the result of death penalty cases.
- Staff recommends that a provision be added to statute allowing the Department of Corrections to optionally limit reimbursements when the death penalty is sought by a District Attorney.

RECOMMENDATIONS:

- Staff recommends that the Committee introduce a bill that allows the Department of Corrections to optionally limit reimbursements when the death penalty is sought by a District Attorney.
- Staff recommends that the committee ask the Department to provide information on the prosecution of offenders who commit crimes while in the custody of the Department. How many of these crimes are prosecuted annually? What types of crimes are prosecuted? What are the results of these prosecutions?
- Staff recommends that the committee ask the Department to respond to the following questions:
 - What in general is the value of prosecuting a crime committed by an offender in DOC custody? What is the value of prosecuting a crime committed by an offender who already has a long sentence?

- If a District Attorney chooses not to prosecute an incarcerated offender for a crime, can DOC take action against that offender?
- Please comment on the merits of the JBC staff legislative proposals. Is there a better solution?

DISCUSSION:

The Department's September Supplemental Request. When a crime occurs in a Department of Corrections facility, the local district attorney (DA) prosecutes the case, and, pursuant to statute, the Department of Corrections reimburses the DA for costs incurred. The relevant statute reads:

16-18-101. Costs in criminal cases. (3) The department of corrections, from annual appropriations made by the general assembly, shall reimburse the county or counties in a judicial district for the costs of prosecuting any crime alleged to have been committed by a person in the custody of the department. The county or counties shall certify these costs to the department, and upon approval of the executive director of the department, the costs shall be paid. The provisions of this subsection (3) shall apply to costs that are not otherwise paid by the state.

In September 2011, the Department requested that its FY 2011-12 General Fund appropriation for Payments to District Attorneys, which equals \$144,108, be increased by \$385,502 in order to reimburse counties in various judicial districts for the costs that their District Attorneys incurred in prosecuting offenders who commit crimes while confined in Department of Corrections facilities within the district. The most costly of these cases, and the cases that drove the September supplemental request, involve the 2002 killing of a corrections officer, the 2004 killing of an inmate at the Limon Correctional facility, and the decision by the District Attorney for the 18th Judicial District to seek the death penalty in each of these cases. These death penalty cases have proved extremely expensive.

Recent payments have disproportionately gone to the 18th Judicial District. As the following table shows, payments to counties in the 18th Judicial District have accounted for half or more of total payments to district attorneys in recent years, a pattern that will continue in FY 2011-12.²

Judicial District	FY 07-08	FY 08-09	FY 09-10	FY 10-11
2 nd - Denver	42,556	0	748	1,826
3 rd - Huerfano, Las Animas	0	0	0	1,188
7 th - Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	0	0	372	0
10 th - Pueblo	0	0	700	213

² The 18th DA has often submitted her office's certified reimbursement requests in a subsequent year. For example, as of September no certified requests from the 18th DA had been received for FY 2010-11. To enhance comparability with the other DAs, who submit their certified requests more promptly, this table presents payments to the 18th Judicial District on an accrual basis.

Judicial District	FY 07-08	FY 08-09	FY 09-10	FY 10-11
11 th - Fremont, Chaffee, Park, Custer	70,899	44,749	59,452	30,524
13 th - Kit Carson, Logan, Morgan, Phillips, Sedgewick, Washington, Yuma	18,382	29,308	21,316	19,776
16 th - Bent, Crowley, Otero	32,107	50,475	43,018	46,334
18 th - Arapahoe, Douglas, Elbert, Lincoln	368,904	123,356	167,740	183,269
Total	532,847	247,888	293,346	283,130
18 th District's Percentage of Total	69.2%	49.8%	57.2%	64.7%
Other Districts Percentage of Total	30.8%	50.2%	42.8%	35.3%

As staff noted during the September presentation, DOC payments to district attorneys have consistently exceeded by a factor of at least two the expectations upon which Long Bill appropriations have been based, averaging \$292,384 over the period from FY 2005-06 to FY 2010-11. The Department estimates that reimbursement requests from DA's will total \$529,610 in FY 2011-12, with the 18th Judicial District again claiming the bulk of reimbursements.

Staff recommends statutory change. When the JBC heard this request in September, it took no action. Staff does not know whether the Department will resubmit this supplemental request in January, but staff recommends that the JBC consider statutory change that will reduce what has proved to be a long-standing and continuing budget problem.

Background information. Staff has spoken with the Department of Corrections and with District Attorneys in several districts that have large concentrations of incarcerated DOC offenders. Based on these conversations, staff observes that:

- **Some DAs don't charge the DOC as much as they could.** In the recent past there seems to have been an informal understanding among many DAs that the costs of DOC prosecutions would be shared by the local judicial district and the Department of Corrections. This understanding has held down DOC reimbursement costs. One former DA stated that his office would customarily absorb the entire cost of prosecuting a DOC case when prosecution costs were low. Two other DAs stated that they commonly did not seek reimbursement for all expenses associated with a DOC prosecution.

In recent years, the DA for 18th Judicial District has apparently been more aggressively billing the Department of Corrections for reimbursement, asking for reimbursement of prosecution costs that other districts would have absorbed. As word about these reimbursement requests has spread, at least one district attorney has openly wondered if he should mimic the 18th and seek to recoup most or all of his prosecution costs. The Colorado District Attorney's Council has been reminding members that DOC will reimburse DAs for DOC prosecutions. If other DAs start following the lead of the 18th, DOC reimbursement expenditures will rise.

- **DOC has always found a way to reimburse DAs.** In past years, the Department of Corrections has, through a combination of supplementals, governor-approved transfers among DOC line items, and over-expenditures (with subsequent appropriation restrictions as required by statute), seemingly done everything that it could to reimburse DAs for their DOC prosecution costs. As

far as staff can tell, the DOC has not, in recent memory, failed to pay a DA who submits a request for reimbursement, though it has delayed payment when funds were tight. DOC has apparently in the past interpreted Section 16-18-101, C.R.S., to require full reimbursement. It is not clear whether DOC will continue to interpret statute in this fashion in the future.

- **DOC funding is an important source of support for smaller judicial districts that contain prisons.** The 11th and 16th Judicial Districts both have assistant district attorneys who specialize in DOC crime. The DA for the 16th stated that he would have to lay off one of his assistants if he lost DOC funding or had it restricted substantially.
- **DOC reimbursement cuts will probably lead to fewer prosecutions.** When staff asked district attorneys how they would react if DOC cut reimbursements, the DA for the 11th suggested that he would limit prosecutions to inmate on corrections-officer violence and would stop prosecuting lesser cases. The DA for the 16th pulled out a list of 22 pending cases covering such things as prison drug use, other prison contraband, and assault. He stated that he would probably have to stop prosecuting these cases. The DA for the 13th, which includes Sterling Correctional Facility where four inmate-on-inmate murders were recently committed by 5 suspects, speculated that he might have to delay murder prosecutions in order to minimize the amount of extra staff he must hire; perhaps he could take some of the murder cases to trial several years from now. He added that delayed prosecution is undesirable; witnesses leave or die, memories fade, evidence disappears.

The proposed statutory change. Staff believes that the central problem is the cost of death penalty prosecutions. Without these prosecutions there would be little or no need for related supplementals. To address this problem, staff recommends that the Committee introduce a bill that amends Section 16-18-101, C.R.S., as follows:

16-18-101. Costs in criminal cases. (3) The department of corrections, from annual appropriations made by the general assembly, shall reimburse the county or counties in a judicial district for the costs of prosecuting any crime alleged to have been committed by a person in the custody of the department. The county or counties shall certify these costs to the department, and upon approval of the executive director of the department, the REASONABLE AND NECESSARY costs shall be paid. THE DEPARTMENT MAY LIMIT REIMBURSEMENT IN CASES IN WHICH THE PROSECUTOR SEEKS THE DEATH PENALTY. The provisions of this subsection (3) shall apply to costs that are not otherwise paid by the state. THE DEPARTMENT MAY PROMULGATE RULES REQUIRING TIMELY SUBMISSION OF REIMBURSEMENT REQUESTS.

- The "reasonable and necessary" provision echos terminology found in Section 20-1-302 and 303, C.R.S., which requires county commissioners to provide funding to their district attorneys; the provision would give more teeth to the executive director's required review of reimbursement requests.
- The rule making authority will limit cases in which requests are submitted months (or more) late.

- The provision allowing the Department to optionally limit reimbursements when the death penalty is sought is, of course, the most important of the proposed changes. It is designed to generally limit death-penalty cases while leaving open the possibility that the death penalty could still be sought in egregious crimes, such as the murder of a corrections officer. Staff imagines that a prosecutor who wishes to pursue the death penalty would first talk it over with the Department and find out if the Department will fund a death penalty case. The Department might be willing to do so if one of its employees had been murdered, for example. In other cases the Department might not be willing to pay the extra cost of such a prosecution, but the prosecutor would still be free to pursue the death penalty at the expense of the counties that make up the judicial district. If the offense was a high profile crime, such as the murder of a citizen by an DOC escapee, the counties might willingly fund the prosecution.

It is impossible to know what impact this provision might have had if it had been enacted 10 years ago, but one reasonable scenario is that it would have resulted in a single capital murder charge against the incarcerated offender who killed a corrections officer in 2002, rather than the three capital murder charges that were actually filed against DOC inmates in the 18th Judicial District over this interval.

While some might argue that this change would weaken the deterrent effect of the death penalty, offenders contemplating murder would still know that the death penalty is an option. Also note that, under current law, a costly death penalty prosecution by a district attorney could consume so much of the Department of Corrections limited pool of reimbursement dollars that less would be available for other types of prosecutions. If inmates then observe that offender crime within a corrections facility is less frequently prosecuted, the overall effect of a death penalty prosecution could actually be a reduction in the deterrent effect of the criminal justice system.

Alternative. In arriving at this recommendation, staff considered several alternatives that were deemed less desirable.

1. **A team that prosecutes murders by DOC inmates could be established in the Attorney General's office.** Such an option would be expensive (an estimated \$177,000 for an office comprised of one prosecutor and a legal assistant, which is a reasonably sized team to prosecute a single murder case for which the Inspector General at DOC supplies an investigator) and there would also be extensive travel costs as the Attorney General's staff repeatedly traveled to DOC facilities that are often located far from Denver. A local district attorney would not incur such costs.

2. **The appropriation for reimbursement could be allocated among judicial districts proportionate to the DOC offender population in those districts.** If some part of a district's share is not used, it is reallocated to the other districts. The problem with this arrangement is the lack of flexibility, even with the reallocations. Consider the 13th Judicial District, which must now prosecute 5 murder suspects in the Sterling Correctional Facility, which would reasonably be expected to require 10 new DA staff members. The 13th needs an allocation far out of proportion to its offender population.

3. Reimbursements could be expressly limited to the amount appropriated in the Long Bill for this purpose. Section 16-18-101, C.R.S., states that reimbursement must be made from "annual appropriations made by the general assembly." Is this a reference to the Long Bill appropriation for reimbursement or to the Department's entire appropriation? A limitation to the amount expressly appropriated in the Long Bill for DA reimbursements would leave DAs free to request reimbursement for death penalty prosecutions. This could lead to death-penalty years in which reimbursements abruptly stop when the available pool of money is exhausted, which could lead to a reduction in prosecutions for other DOC crimes.

4. A group of DAs representing districts with DOC facilities could meet and decide how to allocate the available funds. This solution is similar to the treatment of Judicial-branch mandated costs. It could be combined with a statutory change that limits reimbursements to the amount appropriated in the Long Bill for this purpose. Staff felt that this was a potentially viable solution that was less attractive than the recommendation because the recommendation more directly deals with the underlying problem that is driving supplemental requests and the recommendation is closer to the status quo.

**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

APPENDIX A: NUMBERS PAGES

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
DEPARTMENT OF CORRECTIONS					
Executive Director: Tom Clements					
(1) MANAGEMENT					
(A) Executive Director's Office Subprogram					
Primary Function: Responsible for providing oversight and developing policies for all operations throughout the Department.					
Personal Services	1,520,960	1,402,690	1,497,594	1,554,256	R-1
FTE	<u>18.2</u>	<u>19.4</u>	<u>17.1</u>	<u>18.0</u>	
General Fund	1,361,073	1,222,777	1,288,043	1,344,705	
FTE	16.5	15.4	13.1	14.0	
Reappropriated Funds	97,970	179,913	209,551	209,551	
FTE	1.7	4.0	4.0	4.0	
Federal Funds	61,917	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Health, Life, and Dental	<u>36,092,498</u>	<u>36,047,560</u>	<u>37,398,347</u>	<u>39,064,588</u>	R-1,2,3,7
General Fund	34,892,285	35,048,806	36,323,985	37,833,524	
Cash Funds	1,200,213	998,754	1,074,362	1,231,064	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Short-term Disability	<u>455,965</u>	<u>511,077</u>	<u>563,116</u>	<u>573,272</u>	R-1,2,3,7
General Fund	443,411	498,278	547,299	554,884	
Cash Funds	12,554	12,799	15,817	18,388	
S.B. 04-257 Amortization Equalization Disbursement	<u>6,203,010</u>	<u>7,617,487</u>	<u>8,852,868</u>	<u>10,360,855</u>	R-1,2,3,7
General Fund	6,031,275	7,418,488	8,602,662	10,028,421	
Cash Funds	171,735	198,999	250,206	332,434	
S.B. 06-235 Supplemental Amortization Equalization Disb	<u>3,809,532</u>	<u>5,501,239</u>	<u>7,067,007</u>	<u>8,890,020</u>	R-1,2,3,7
General Fund	3,702,324	5,356,795	6,865,949	8,604,334	
Cash Funds	107,208	144,444	201,058	285,686	
Salary Survey and Senior Executive Service	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0		
Cash Funds	0	0	0		
Performance-based Pay Awards	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0		
Cash Funds	0	0	0		
Shift Differential	<u>5,944,232</u>	<u>6,163,173</u>	<u>4,572,613</u>	<u>6,188,480</u>	
General Fund	5,931,240	6,155,996	4,566,169	6,175,025	
Cash Funds	12,992	7,177	6,444	13,455	
Workers' Compensation	<u>5,978,850</u>	<u>6,065,207</u>	<u>6,165,344</u>	<u>8,456,946</u>	
General Fund	5,790,615	5,871,120	5,970,392	8,189,532	
Cash Funds	188,235	194,087	194,952	267,414	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Operating Expenses	<u>268,722</u>	<u>283,075</u>	<u>304,960</u>	<u>315,033</u>	R-1
General Fund	182,433	181,881	181,882	191,955	
Reappropriated Funds	0	19,794	47,478	47,478	
Federal Funds	86,289	81,400	75,600	75,600	
Legal Services	<u>1,234,909</u>	<u>1,158,309</u>	<u>1,239,958</u>	<u>1,239,958</u>	
General Fund	1,192,522	1,117,368	1,200,579	1,200,579	
Cash Funds	42,387	40,941	39,379	39,379	
Payment to Risk Management and Property Funds	<u>4,246,414</u>	<u>1,299,105</u>	<u>2,823,339</u>	<u>3,061,463</u>	
General Fund	4,078,798	1,247,141	2,710,406	2,939,005	
Cash Funds	167,616	51,964	112,933	122,458	
Leased Space	<u>3,406,111</u>	<u>3,437,154</u>	<u>3,410,708</u>	<u>3,344,158</u>	R-7
General Fund	3,216,964	3,226,949	3,200,503	3,133,953	
Cash Funds	189,147	210,205	210,205	210,205	
Capitol Complex Leased Space	<u>175,242</u>	<u>166,586</u>	<u>126,730</u>	<u>171,142</u>	
General Fund	106,094	92,481	98,626	135,508	
Cash Funds	69,148	74,105	28,104	35,634	
Planning and Analysis Contracts - GF	49,620	56,160	56,160	82,410	
Payments to District Attorneys - GF	144,108	282,406	144,108	144,108	
Start-up Costs - GF	0	0	0	4,978	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
					Approp v Request
SUBTOTAL - Executive Director's Office	69,530,173	69,991,228	74,222,852	83,451,667	12.4%
FTE	<u>18.2</u>	<u>19.4</u>	<u>17.1</u>	<u>18.0</u>	<u>0.9</u>
General Fund	67,122,762	67,776,646	71,756,763	80,562,921	12.3%
Cash Funds	2,161,235	1,933,475	2,133,460	2,556,117	19.8%
Reappropriated Funds	97,970	199,707	257,029	257,029	0.0%
Federal Funds	148,206	81,400	75,600	75,600	0.0%

(B) External Capacity Subprogram

(1) Private Prison Monitoring Unit

Primary Function: Monitor private prison operations pursuant to Section 17-1-202 (1) (g), C.R.S.

Personal Services - GF	1,434,401	1,354,516	1,031,078	1,065,095	
FTE	18.8	17.5	13.3	13.3	
Operating Expenses - GF	226,239	224,316	172,170	183,976	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Private Prison Monitoring Unit - GF	1,660,640	1,578,832	1,203,248	1,249,071	3.8%
FTE	18.8	17.5	13.3	13.3	0.0

(2) Payments to House State Prisoners

Primary Function: To reimburse county jails and private prisons for state inmates housed in these facilities.

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Payments to in-state private prisons at a rate of \$54.93 per inmate per Day	84,561,358	72,481,021	60,161,219	65,664,113	R-3,5
General Fund	80,511,736	70,735,797	57,802,512	63,305,406	
Cash Funds	4,049,622	1,745,224	2,358,707	2,358,707	
Reappropriated Funds	0	0	0	0	
Payments to Pre-release Parole Revocation Facilities at a Rate of \$54.93 per Inmate Per Day - GF	13,283,421	13,118,883	12,245,683	12,731,933	R-5
Community Corrections Programs - GF	3,912,275	4,035,869	3,517,114	3,682,879	R-5
SUBTOTAL - Payments to House State Prisoners	<u>112,231,071</u>	<u>101,408,567</u>	<u>83,843,802</u>	<u>89,977,501</u>	<u>7.3%</u>
General Fund	108,181,449	99,663,343	81,485,095	87,618,794	7.5%
Cash Funds	4,049,622	1,745,224	2,358,707	2,358,707	0.0%
Reappropriated Funds	0	0	0	0	n/a
SUBTOTAL - External Capacity Subprogram	<u>113,891,711</u>	<u>102,987,399</u>	<u>85,047,050</u>	<u>91,226,572</u>	<u>7.3%</u>
FTE	<u>18.8</u>	<u>17.5</u>	<u>13.3</u>	<u>13.3</u>	<u>0.0</u>
General Fund	109,842,089	101,242,175	82,688,343	88,867,865	7.5%
Cash Funds	4,049,622	1,745,224	2,358,707	2,358,707	0.0%
Reappropriated Funds	0	0	0	0	n/a

(C) Inspector General Subprogram

Primary Function: Investigate crimes within the state prison system.

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Personal Services	3,871,588	3,839,507	3,583,965	3,673,016	
FTE	<u>49.2</u>	<u>48.0</u>	<u>45.2</u>	<u>45.2</u>	
General Fund	3,798,984	3,744,811	3,482,546	3,571,597	
FTE	49.2	48.0	45.2	45.2	
Cash Funds	72,604	94,696	101,419	101,419	
FTE		0.0	0.0	0.0	
Operating Expenses	<u>410,085</u>	<u>370,124</u>	<u>338,611</u>	<u>349,046</u>	R-1,2,3,7
General Fund	315,125	286,936	255,424	265,859	
Cash Funds	94,960	83,188	83,187	83,187	
Inspector General Grants	168,187	85,778	40,301	40,301	
FTE	<u>1.0</u>	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>	
Reappropriated Funds	0	83,820	20,301	20,301	
FTE	1.0	0.0	1.0	1.0	
Federal Funds	168,187	1,958	20,000	20,000	
FTE		0.0	0.0	0.0	
Start-up Costs - GF	0	0	0		
SUBTOTAL - Inspector General Subprogram	4,449,860	4,295,409	3,962,877	4,062,363	2.5%
FTE	<u>50.2</u>	<u>48.0</u>	<u>46.2</u>	<u>46.2</u>	<u>0.0</u>
General Fund	4,114,109	4,031,747	3,737,970	3,837,456	2.7%
Cash Funds	167,564	177,884	184,606	184,606	0.0%
Reappropriated Funds	0	83,820	20,301	20,301	0.0%
Federal Funds	168,187	1,958	20,000	20,000	0.0%

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
					Approp v Request
SUBTOTAL - MANAGEMENT	187,871,744	177,274,036	163,232,779	178,740,602	9.5%
FTE	<u>87.2</u>	<u>84.9</u>	<u>76.6</u>	<u>77.5</u>	<u>0.9</u>
General Fund	181,078,960	173,050,568	158,183,076	173,268,242	9.5%
Cash Funds	6,378,421	3,856,583	4,676,773	5,099,430	9.0%
Reappropriated Funds	97,970	283,527	277,330	277,330	0.0%
Federal Funds	316,393	83,358	95,600	95,600	0.0%

(2) INSTITUTIONS

(A) Utilities Subprogram

Primary Function: Provide heat, power, water, and sanitation at all facilities.

Energy Management Program - GF	313,249	320,211	296,099	300,792	
FTE	3.0	2.4	2.6	2.6	
Utilities	<u>18,442,169</u>	<u>19,581,181</u>	<u>18,964,769</u>	<u>18,301,445</u>	R-3
General Fund	17,571,672	5,468,517	17,994,888	17,331,564	
Cash Funds	870,497	14,112,664	969,881	969,881	
Reappropriated Funds	0	0	0	0	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Utilities Subprogram	18,755,418	19,901,392	19,260,868	18,602,237	-3.4%
FTE	<u>3.0</u>	<u>2.4</u>	<u>2.6</u>	<u>2.6</u>	<u>0.0</u>
General Fund	17,884,921	5,788,728	18,290,987	17,632,356	-3.6%
Cash Funds	870,497	14,112,664	969,881	969,881	0.0%
Reappropriated Funds	0	0	0	0	n/a

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
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(B) Maintenance Subprogram

Primary Function: Includes grounds maintenance, and maintenance of facilities, which includes the boiler house, janitorial, and life safety.

Personal Services - GF	17,478,337	18,672,802	18,271,027	18,188,216	R-3,4
FTE	295.3	314.2	313.2	303.6	
Operating Expenses - GF	5,176,376	5,082,314	6,620,053	5,071,149	R-3,4
Purchase of Services - GF	1,088,323	1,111,424	1,111,424	1,467,820	R-4
Maintenance Grants - RF	0	67,347	0	0	
Start-up Costs - GF	0	117,000	0	215	R-3
SUBTOTAL - Maintenance Subprogram	23,743,036	25,050,887	26,002,504	24,727,400	-4.9%
FTE	<u>295.3</u>	<u>314.2</u>	<u>313.2</u>	<u>303.6</u>	<u>(9.6)</u>
General Fund	23,743,036	24,983,540	26,002,504	24,727,400	-4.9%
Reappropriated Funds	0	67,347	0	0	n/a

(C) Housing and Security Subprogram

Primary Function: Responsible for ongoing inmate supervision, including the implementation and management of security operations.

Personal Services	152,385,904	158,329,809	156,778,769	163,981,430	R-3,4
FTE	<u>2,857.0</u>	<u>3,122.0</u>	<u>3,057.9</u>	<u>3,116.0</u>	
General Fund	65,179,630	158,326,862	156,282,203	163,978,483	
Cash Funds	0	2,947	496,566	2,947	
Federal Funds	87,206,274	0	0	0	
Operating Expenses - GF	1,739,841	1,947,883	1,919,483	1,854,511	R-3,4

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Start-up Costs - GF	0	0	0	2,580	R-3
SUBTOTAL - Housing & Security Subprogram	154,125,745	160,277,692	158,698,252	165,838,521	4.5%
FTE	<u>2,857.0</u>	<u>3,122.0</u>	<u>3,057.9</u>	<u>3,116.0</u>	<u>58.1</u>
General Fund	66,919,471	160,274,745	158,201,686	165,835,574	4.8%
Cash Funds	0	2,947	496,566	2,947	-99.4%
Federal Funds	87,206,274	0	0	0	n/a
(D) Food Service Subprogram					
Primary Function: Provide three meals daily to all inmates.					
Personal Services - GF	14,378,839	15,130,075	14,926,745	15,030,999	R-3,4
FTE	241.8	265.4	261.1	257.5	
Operating Expenses	<u>15,723,999</u>	<u>16,025,292</u>	<u>15,984,566</u>	<u>15,980,599</u>	R-3
General Fund	15,723,999	15,880,464	15,904,566	15,900,599	
Federal Funds	0	144,828	80,000	80,000	
Purchase of Services - GF	857,828	831,367	859,098	1,228,011	R-4
Start-up Costs - GF	0	0	0	215	R-3
SUBTOTAL - Food Service Subprogram	30,960,666	31,986,734	31,770,409	32,239,824	1.5%
FTE	<u>241.8</u>	<u>265.4</u>	<u>261.1</u>	<u>257.5</u>	<u>(3.6)</u>
General Fund	30,960,666	31,841,906	31,690,409	32,159,824	1.5%
Federal Funds	0	144,828	80,000	80,000	0.0%

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
(E) Medical Services Subprogram					
Primary Function: Provide acute and long-term health care services to all inmates, using both state employees and contracted health care providers.					
Personal Services	27,836,986	27,872,112	27,658,959	30,658,207	R-4
FTE	<u>353.2</u>	<u>364.3</u>	<u>371.9</u>	<u>404.1</u>	
General Fund	27,680,233	27,715,291	27,433,762	30,433,010	
FTE	350.2	362.3	368.9	401.1	
Cash Funds	156,753	156,821	225,197	225,197	
FTE	3.0	2.0	3.0	3.0	
Operating Expenses - GF	2,747,730	2,609,418	2,673,259	2,751,758	R-3
Purchase of Pharmaceuticals - GF	9,733,410	10,421,518	9,680,484	10,612,565	R-5
Purchase of Medical Services from Other Medical Facilities - GF	21,979,398	20,435,719	20,479,959	20,355,600	R-5
Purchase of Medical Services from State Hospital - GF	16,050	0	0	0	
Catastrophic Medical Expenses - GF	7,948,051	11,992,258	7,906,222	11,640,956	R-5
Service Contracts - GF	2,401,631	2,469,255	2,452,396	2,389,886	
Indirect Cost Recoveries - CF	4,723	0	49,288	56,516	
Start-up Costs - GF	0	0	0		

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
SUBTOTAL - Medical Services Subprogram	72,667,979	75,800,280	70,900,567	78,465,488	10.7%
FTE	353.2	364.3	371.9	404.1	32.2
General Fund	72,506,503	75,643,459	70,626,082	78,183,775	10.7%
FTE	350.2	362.3	368.9	401.1	32.2
Cash Funds	161,476	156,821	274,485	281,713	2.6%
FTE	3.0	2.0	3.0	3.0	0.0

(F) Laundry Subprogram

Primary Function: Issue and maintains all clothing, bedding, jackets, and footwear for inmates.

Personal Services - GF	2,161,658	2,303,995	2,175,148	2,238,193	R-4
FTE	34.9	36.8	35.8	36.1	
Operating Expenses - GF	2,222,217	2,206,751	2,143,923	2,146,175	R-3,4
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Laundry Subprogram - GF	4,383,875	4,510,746	4,319,071	4,384,368	1.5%
FTE	34.9	36.8	35.8	36.1	0.3

(G) Superintendents Subprogram

Primary Function: Develop facility policy, procedures, and practices that conform with applicable laws, consent decrees, court orders, legislative mandates, and executive orders.

Personal Services - GF	9,869,648	9,989,742	9,669,571	9,998,563	R-4
FTE	158.9	166.5	153.9	153.9	
Operating Expenses - GF	2,979,124	3,364,780	3,944,006	3,962,124	R-4

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Dress out - GF	810,337	719,027	675,433	675,433	
Start-up Costs - GF	0	580,470	0	79,605	R-1,3
SUBTOTAL - Superintendents Subprogram - GF	13,659,109	14,654,019	14,289,010	14,715,725	3.0%
FTE	158.9	166.5	153.9	153.9	0.0

(Formerly H) Boot Camp Subprogram (Decommissioned)

Primary Function: Operate a 90-day minimum security military discipline training program with 100 beds.

Personal Services - GF	1,731,685	143,696	0		
FTE	28.3	0.0	0.0		
Operating Expenses - GF	52,413	0	0		
SUBTOTAL - Boot Camp Subprogram - GF	1,784,098	143,696	0	0	n/a
FTE	28.3	0.0	0.0	0.0	0.0

(H) Youthful Offender System Subprogram

Primary Function: Target offenders aged 14 to 18 years at the time of offense who have committed violent class 3 to 6 felonies. All sentences are determinate of 2-6 years.

Personal Services - GF	9,985,377	9,825,657	9,730,406	9,941,970	
FTE	162.5	161.8	162.7	162.7	
Operating Expenses - GF	197,670	333,350	469,028	604,705	
Contract Services - GF	23,716	28,800	28,820	28,820	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Purchase of Services - GF	620,218	624,451	624,589	624,589	
SUBTOTAL - Y.O.S. Subprogram - GF	10,826,981	10,812,258	10,852,843	11,200,084	3.2%
FTE	162.5	161.8	162.7	162.7	0.0

(I) Case Management Subprogram

Primary Function: Responsible for case analysis, classification reviews, performance assessment, earned time evaluations, sentence computation, and parole preparations.

Personal Services - GF	15,002,633	15,448,653	15,255,973	15,447,560	R-3,4
FTE	212.0	223.1	218.8	217.5	
Operating Expenses - GF	150,874	160,578	158,803	162,156	R-3,4
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Case Managemt Subprogram - GF	15,153,507	15,609,231	15,414,776	15,609,716	1.3%
FTE	212.0	223.1	218.8	217.5	(1.3)

(J) Mental Health Subprogram

Primary Function: Provide a full range of professional psychiatric, psychological, social work and other mental health services to inmates.

Personal Services - GF	7,255,423	8,544,023	9,008,822	10,769,600	R-4
FTE	83.2	96.1	120.6	132.6	
Operating Expenses - GF	91,904	266,162	268,508	261,045	R-4
Medical Contract Services - GF	526,030	560,790	616,894	1,034,762	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Mental Health Grants - RF	0	251,294	200,100	200,100	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Mental Health Subprogram	7,873,357	9,622,269	10,094,324	12,265,507	21.5%
FTE	<u>83.2</u>	<u>96.1</u>	<u>120.6</u>	<u>132.6</u>	<u>12.0</u>
General Fund	7,873,357	9,370,975	9,894,224	12,065,407	21.9%
Reappropriated Funds	0	251,294	200,100	200,100	0.0%

(K) Inmate Pay Subprogram

Primary Function: Provide pay between \$0.23 and \$0.60 per day to inmates for labor positions such as janitorial services, facility maintenance, food services, laundry, grounds keeping, etc.

Inmate Pay - GF	1,457,836	1,527,421	1,533,490	1,507,722	R-3
SUBTOTAL - Inmate Pay Subprogram - GF	1,457,836	1,527,421	1,533,490	1,507,722	-1.7%

(L) San Carlos Subprogram

Primary Function: Operate a 250-bed specialized facility designed to provide mental health treatment services to high needs mentally ill inmates.

Personal Services - GF	12,483,933	12,352,827	12,231,847	0	R-4
FTE	177.1	175.2	178.2	0.0	
Operating Expenses - GF	193,024	199,092	199,092	0	R-4
Service Contracts - GF	708,746	725,306	725,309	0	R-4
SUBTOTAL - San Carlos Subprogram - GF	13,385,703	13,277,225	13,156,248	0	-100.0%
FTE	177.1	175.2	178.2	0.0	(178.2)

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
(M) Legal Access Subprogram					
Primary Function: Provide inmates with resources to research and file claims with the courts.					
Personal Services - GF	1,377,292	1,359,467	1,237,412	1,321,783	R-4
FTE	21.5	23.0	20.5	21.5	
Operating Expenses - GF	294,090	284,622	284,622	299,602	
Contract Services - GF	70,905	70,905	70,905	70,905	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Legal Access Subprogram - GF	1,742,287	1,714,994	1,592,939	1,692,290	6.2%
FTE	21.5	23.0	20.5	21.5	1.0
					Approp v Request
SUBTOTAL - INSTITUTIONS	370,519,597	384,888,844	377,885,301	381,248,882	0.9%
FTE	<u>4,628.7</u>	<u>4,950.8</u>	<u>4,897.2</u>	<u>4,808.1</u>	<u>(89.1)</u>
General Fund	282,281,350	370,152,943	375,864,269	379,714,241	1.0%
Cash Funds	1,031,973	14,272,432	1,740,932	1,254,541	-27.9%
Reappropriated Funds	0	318,641	200,100	200,100	0.0%
Federal Funds	87,206,274	144,828	80,000	80,000	0.0%

(3) SUPPORT SERVICES

(A) Business Operations Subprogram

Primary Function: Provide all fiscal management and budgeting services for the Department.

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Personal Services	6,172,208	6,151,292	5,913,209	6,060,556	
FTE	<u>94.8</u>	<u>106.9</u>	<u>92.3</u>	<u>91.8</u>	
General Fund	5,714,564	5,734,158	5,472,762	5,627,977	
FTE	86.2	96.3	81.7	81.2	
Cash Funds	457,644	417,134	432,425	424,557	
FTE	8.6	10.6	10.6	10.6	
Reappropriated Funds	0	0	8,022	8,022	
FTE	0.0	0.0	0.0	0.0	
Operating Expenses - GF	230,733	224,245	223,630	234,201	
Start-up Costs - GF	0	0	0		
SUBTOTAL - Business Operations Subprogram	6,402,941	6,375,537	6,136,839	6,294,757	2.6%
FTE	<u>94.8</u>	<u>106.9</u>	<u>92.3</u>	<u>91.8</u>	<u>(0.5)</u>
General Fund	5,945,297	5,958,403	5,696,392	5,862,178	2.9%
FTE	86.2	96.3	81.7	81.2	(0.5)
Cash Funds	457,644	417,134	432,425	424,557	-1.8%
FTE	8.6	10.6	10.6	10.6	0.0
Reappropriated Funds	0	0	8,022	8,022	0.0%
FTE	0.0	0.0	0.0	0.0	0.0

(B) Personnel Subprogram

Primary Function: Provide services, including recruitment, examination, position classification, personnel records, affirmative action, appeals, grievance, benefits administration, etc.

Personal Services - GF	1,177,019	1,221,028	1,220,014	1,241,634	
FTE	15.7	21.6	17.0	17.0	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Operating Expenses - GF	93,296	89,259	82,259	86,931	
Start-up Costs - GF	0	4,795	0	0	
SUBTOTAL - Personnel Subprogram - GF	1,270,315	1,315,082	1,302,273	1,328,565	2.0%
FTE	15.7	21.6	17.0	17.0	0.0

(C) Offender Services Subprogram

Primary Function: Provide offender population management, offender classification, offender case management, sentence computation, release operations, jail backlog monitoring, etc.

Personal Services - GF	2,880,983	2,894,246	2,839,945	3,006,400	R-7
FTE	42.0	42.8	42.1	44.1	
Operating Expenses - GF	58,182	55,332	55,332	60,144	R-7
Start-up Costs - GF	31,368	0	0	0	
SUBTOTAL - Offender Services Subprogram - GF	2,970,533	2,949,578	2,895,277	3,066,544	5.9%
FTE	42.0	42.8	42.1	44.1	2.0

(D) Communications Subprogram

Primary Function: Manage staff voice communication, radio systems and equipment, cellular telephones, pagers, and video conferences.

Personal Services - GF	611,670	0	0	0	
FTE	7.6	0.0	0.0	0.0	
Operating Expenses - GF	1,522,718	1,538,605	1,478,755	1,536,800	R-1,2,3,7

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Multiuse Network Payments	<u>1,242,017</u>	<u>2,305,758</u>	<u>2,303,077</u>	<u>2,903,075</u>	
General Fund	1,174,948	2,235,601	2,233,566	2,815,455	
Cash Funds	67,069	70,157	69,511	87,620	
Reappropriated Funds	0	0	0	0	
Dispatch Services - GF	129,836	108,781	230,270	230,270	
Communications Services Payments - GF	1,687,070	1,624,537	1,736,517	1,964,120	
SUBTOTAL - Communications Subprogram	5,193,311	5,577,681	5,748,619	6,634,265	15.4%
FTE	<u>7.6</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	5,126,242	5,507,524	5,679,108	6,546,645	15.3%
Cash Funds	67,069	70,157	69,511	87,620	26.1%
Reappropriated Funds	0	0	0	0	n/a

(E) Transportation Subprogram

Primary Function: Manage the Department's vehicle fleet as well as the Central Transportation Unit.

Personal Services - GF	1,971,441	1,914,558	1,889,649	1,932,495	
FTE	35.9	35.3	35.9	35.9	
Operating Expenses - GF	291,079	277,550	269,888	284,794	
Vehicle Lease Payments	<u>2,586,001</u>	<u>2,649,554</u>	<u>2,459,054</u>	<u>2,799,293</u>	R-7, NP-1
General Fund	2,507,693	2,389,884	2,204,858	2,414,952	
Cash Funds	78,308	259,670	254,196	384,341	
Reappropriated Funds	0	0	0	0	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Transportation Subprogram	4,848,521	4,841,662	4,618,591	5,016,582	8.6%
FTE	<u>35.9</u>	<u>35.3</u>	<u>35.9</u>	<u>35.9</u>	<u>0.0</u>
General Fund	4,770,213	4,581,992	4,364,395	4,632,241	6.1%
Cash Funds	78,308	259,670	254,196	384,341	51.2%
Reappropriated Funds	0	0	0	0	n/a

(F) Training Subprogram

Primary Function: Provide basic, extended, in-service and advanced training to DOC employees.

Personal Services - GF	1,972,439	1,969,325	1,887,788	1,874,998	
FTE	27.0	27.6	25.7	25.0	
Operating Expenses - GF	273,333	270,432	267,146	280,497	R-1,2,3,7
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Training Subprogram - GF	2,245,772	2,239,757	2,154,934	2,155,495	0.0%
FTE	27.0	27.6	25.7	25.0	(0.7)

(G) Information Systems Subprogram

Primary Function: Responsible for the development and maintenance of automated information systems within the DOC.

Personal Services - GF	3,822,764	0	0	0	
FTE	44.5	0.0	0.0	0.0	
Operating Expenses	<u>1,582,629</u>	<u>1,565,322</u>	<u>1,538,722</u>	<u>1,613,208</u>	R-1,2,3,7
General Fund	1,582,629	1,565,322	1,538,722	1,613,208	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Reappropriated Funds	0	0	0	0	
Purchase of Services From Computer Center - GF	194,860	4,574,840	5,516,687	6,026,485	
Management and Administration of OIT - GF	128,028	434,410	439,320	430,870	
Start-up Costs - GF	0	27,928	0		
SUBTOTAL - Information Systems Subprogram	5,728,281	6,602,500	7,494,729	8,070,563	7.7%
FTE	44.5	0.0	0.0	0.0	0.0
General Fund	5,728,281	6,602,500	7,494,729	8,070,563	7.7%
Reappropriated Funds	0	0	0	0	n/a

(H) Facility Services Subprogram

Primary Function: Duties include contractor/design team selection, design review, contract administration, and fiscal management of the DOC's capital construction projects.

Personal Services - GF	967,123	963,340	942,136	956,936	
FTE	9.5	10.5	9.4	9.4	
Operating Expenses - GF	80,820	78,941	78,941	83,096	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Facility Services Subprogram - GF	1,047,943	1,042,281	1,021,077	1,040,032	1.9%
FTE	9.5	10.5	9.4	9.4	0.0

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	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
SUBTOTAL - SUPPORT SERVICES	29,707,617	30,944,078	31,372,339	33,606,803	7.1%
FTE	<u>277.0</u>	<u>244.7</u>	<u>222.4</u>	<u>223.2</u>	<u>0.8</u>
General Fund	29,104,596	30,197,117	30,608,185	32,702,263	6.8%
Cash Funds	603,021	746,961	756,132	896,518	18.6%
Reappropriated Funds	0	0	8,022	8,022	0.0%

(4) INMATE PROGRAMS

(A) Labor Subprogram

Primary Function: Supervise inmate work assignments involving physical labor to assist the DOC and outside agencies with reclamation, landscaping, construction, etc.

Personal Services - GF	5,405,607	5,341,465	5,280,225	5,374,726	R-3
FTE	91.3	89.4	90.9	90.5	
Operating Expenses - GF	81,117	91,420	90,297	89,052	R-3
Start-up Costs - GF		0	0	430	R-3
SUBTOTAL - Labor Subprogram - GF	5,486,724	5,432,885	5,370,522	5,464,208	1.7%
FTE	91.3	89.4	90.9	90.5	(0.4)

(B) Education Subprogram

Primary Function: Assist inmates in improving basic skills such as English, reading, writing, spelling, and math.

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Personal Services	14,343,937	14,592,214	11,712,202	11,631,729	
FTE	<u>218.1</u>	<u>225.4</u>	<u>183.4</u>	<u>175.9</u>	
General Fund	10,943,992	10,390,502	10,797,941	10,717,468	
FTE	218.1	225.4	183.4	175.9	
Cash Funds	3,399,945	4,201,712	914,261	914,261	
FTE	0.0	0.0	0.0	0.0	
Operating Expenses	<u>1,582,173</u>	<u>1,353,025</u>	<u>2,470,367</u>	<u>2,453,237</u>	
General Fund	17,903	0	0	0	
Cash Funds	1,185,653	963,882	1,859,352	1,842,222	
Reappropriated Funds	378,617	389,143	611,015	611,015	
Contract Services	<u>67,715</u>	<u>71,704</u>	<u>73,276</u>	<u>73,276</u>	
General Fund	67,715	71,704	73,276	73,276	
Reappropriated Funds	0	0	0	0	
Education Grants	356,128	633,469	498,000	498,000	
FTE	<u>2.0</u>	<u>0.0</u>	<u>2.0</u>	<u>2.0</u>	
Cash Funds	76	59	10,000	10,000	
Reappropriated Funds	0	202,446	238,000	238,000	
FTE	2.0	0.0	2.0	2.0	
Federal Funds	356,052	430,964	250,000	250,000	
Indirect Cost Recoveries - FF	0	0	5,476	5,476	
Start-up Costs - GF	0	0	0		

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
SUBTOTAL - Education Subprogram	16,349,953	16,650,412	14,759,321	14,661,718	-0.7%
FTE	<u>220.1</u>	<u>225.4</u>	<u>185.4</u>	<u>177.9</u>	<u>(7.5)</u>
General Fund	11,029,610	10,462,206	10,871,217	10,790,744	-0.7%
Cash Funds	4,585,674	5,165,653	2,783,613	2,766,483	-0.6%
Reappropriated Funds	378,617	591,589	849,015	849,015	0.0%
Federal Funds	356,052	430,964	255,476	255,476	0.0%

(C) Recreation Subprogram

Primary Function: Provide standardized, staff supervised recreational programs to inmates.

Personal Services - GF	6,308,619	6,274,379	6,149,951	6,394,753	R-4
FTE	115.7	118.3	114.8	115.8	
Operating Expenses - CF	73,864	73,132	74,033	71,200	
SUBTOTAL - Recreation Subprogram	6,382,483	6,347,511	6,223,984	6,465,953	3.9%
FTE	<u>115.7</u>	<u>118.3</u>	<u>114.8</u>	<u>115.8</u>	<u>1.0</u>
General Fund	6,308,619	6,274,379	6,149,951	6,394,753	4.0%
Cash Funds	73,864	73,132	74,033	71,200	-3.8%

(D) Drug and Alcohol Treatment Subprogram

Primary Function: Provide drug and alcohol treatment services to inmates.

Personal Services - GF	4,281,165	3,421,132	3,911,133	4,986,150	
FTE	57.0	60.9	42.8	64.8	
Operating Expenses - GF	117,580	117,580	117,316	110,932	
Drug Offender Surcharge Program - CF	995,127	845,858	995,127	995,127	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Contract Services	2,309,908	2,322,581	2,307,816	2,226,170	R-7,8
General Fund	2,059,908	2,110,081	2,057,816	1,976,170	
Cash Funds	250,000	212,500	250,000	250,000	
Treatment Grants	<u>218,023</u>	<u>211,652</u>	<u>125,000</u>	<u>125,000</u>	
Reappropriated Funds	0	169,173	125,000	125,000	
Federal Funds	218,023	42,479	0	0	
Start-up Costs - GF	265,586	0	0		
SUBTOTAL - Drug/Alcohol Treatment Subprogram	8,187,389	6,918,803	7,456,392	8,443,379	13.2%
FTE	<u>57.0</u>	<u>60.9</u>	<u>42.8</u>	<u>64.8</u>	<u>22.0</u>
General Fund	6,724,239	5,648,793	6,086,265	7,073,252	16.2%
Cash Funds	1,245,127	1,058,358	1,245,127	1,245,127	0.0%
Reappropriated Funds	0	169,173	125,000	125,000	0.0%
Federal Funds	218,023	42,479	0	0	n/a

(E) Sex Offender Treatment Subprogram

Primary Function: Provide treatment to sex offenders who are motivated to eliminate such behavior.

Personal Services	2,366,527	2,700,462	2,685,839	4,027,303	
FTE	<u>39.8</u>	<u>39.8</u>	<u>40.8</u>	<u>64.8</u>	
General Fund	2,345,044	2,672,206	2,657,460	3,998,924	
FTE	38.8	38.8	39.8	63.8	
Cash Funds	21,483	28,256	28,379	28,379	
FTE	1.0	1.0	1.0	1.0	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Operating Expenses	<u>84,776</u>	<u>84,776</u>	<u>84,776</u>	<u>98,261</u>	
General Fund	84,276	84,276	84,276	97,761	
Cash Funds	500	500	500	500	
Polygraph Testing - GF	99,569	99,500	99,569	240,569	
Sex Offender Treatment Grants - FF	0	171,330	248,513	248,513	
Start-up Costs - GF	0	0	0	183,689	
SUBTOTAL - Sex Offender Treatment Subprogram	2,550,872	3,056,068	3,118,697	4,798,335	53.9%
FTE	<u>39.8</u>	<u>39.8</u>	<u>40.8</u>	<u>64.8</u>	<u>24.0</u>
General Fund	2,528,889	2,855,982	2,841,305	4,520,943	59.1%
Cash Funds	21,983	28,756	28,879	28,879	0.0%
Federal Funds	0	171,330	248,513	248,513	0.0%
(F) Volunteers Subprogram					
Primary Function: Manage volunteer programs including volunteer chaplain services to inmates.					
Personal Services - CF	520,521	501,308	547,280	555,345	
FTE	7.2	7.0	7.4	7.4	
Operating Expenses - CF	17,518	16,577	17,912	17,912	
SUBTOTAL - Volunteers Subprogram - CF	538,039	517,885	565,192	573,257	1.4%
FTE	7.2	7.0	7.4	7.4	0.0
					Approp v Request

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
SUBTOTAL - INMATE PROGRAMS	39,495,460	38,923,564	37,494,108	40,406,850	7.8%
FTE	<u>531.1</u>	<u>540.8</u>	<u>482.1</u>	<u>521.2</u>	<u>39.1</u>
General Fund	32,078,081	30,674,245	31,319,260	34,243,900	9.3%
Cash Funds	6,464,687	6,843,784	4,696,844	4,684,946	-0.3%
Reappropriated Funds	378,617	760,762	974,015	974,015	0.0%
Federal Funds	574,075	644,773	503,989	503,989	0.0%

(5) COMMUNITY SERVICES

(A) Parole Subprogram

Primary Function: Supervise offenders who have been placed on parole by the Parole Board.

Personal Services - GF	10,724,211	10,163,591	10,180,707	10,005,215	R-7
FTE	165.4	165.8	162.4	153.1	
Operating Expenses - GF	1,116,326	1,087,337	1,120,865	1,088,665	R-7
Administrative Law Judge Services - GF	3,841	4,461	4,189	4,458	
Contract Services	<u>980,027</u>	<u>1,631,373</u>	<u>3,230,247</u>	<u>3,186,690</u>	R-7
General Fund	980,027	1,621,440	1,755,247	1,711,690	
Reappropriated Funds	0	9,933	1,475,000	1,475,000	
Wrap-Around Services Program - GF	0	1,108,764	1,207,225	1,207,225	
Parole Grants	<u>32,301</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Reappropriated Funds	0	0	0	0	
Federal Funds	32,301	0	0	0	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Start-up Costs - GF	58,257	116,294	0	0	
SUBTOTAL - Parole Subprogram	12,914,963	14,111,820	15,743,233	15,492,253	-1.6%
FTE	<u>165.4</u>	<u>165.8</u>	<u>162.4</u>	<u>153.1</u>	<u>(9.3)</u>
General Fund	12,882,662	14,101,887	14,268,233	14,017,253	-1.8%
Reappropriated Funds	0	9,933	1,475,000	1,475,000	0.0%
Federal Funds	32,301	0	0	0	n/a

(B) Parole Intensive Supervision Subprogram (ISP)

Primary Function: Manage high-risk offenders who are placed on parole by the Parole Board.

Personal Services - GF	5,180,138	4,784,519	4,690,703	4,634,776	R-7
FTE	80.5	87.1	74.3	70.4	
Operating Expenses - GF	508,384	476,428	470,102	454,254	R-7
Contract Services - GF	1,451,178	1,598,972	1,575,551	1,494,499	R-7
Non-residential Services - GF	1,006,856	1,188,017	1,178,055	1,115,575	R-7
Home Detention - GF	35,647	59,927	69,383	69,383	
Start-up Costs - GF	30,660	0	0	0	
SUBTOTAL - Parole ISP Subprogram - GF	8,212,863	8,107,863	7,983,794	7,768,487	-2.7%
FTE	80.5	87.1	74.3	70.4	(3.9)

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
(C) Community Intensive Supervision Subprogram (ISP)					
Primary Function: Monitor and supervises offenders in who are in non-residential, transition community corrections programs.					
Personal Services - GF	3,440,743	3,185,694	3,146,345	3,223,670	
FTE	50.8	48.0	45.6	45.6	
Operating Expenses - GF	519,823	515,731	515,113	517,792	
Contract Services - GF	3,775,111	3,169,618	3,174,885	3,157,198	R-8
Start-up Costs - GF	0	0	0		
SUBTOTAL - Community ISP Subprogram - GF	7,735,677	6,871,043	6,836,343	6,898,660	0.9%
FTE	50.8	48.0	45.6	45.6	0.0

(D) Community Supervision Subprogram

(1) Community Supervision

Primary Function: Supervise transition offenders who are placed in residential community corrections facilities.

Personal Services - GF	3,017,184	2,887,164	2,770,847	2,833,644	
FTE	39.4	41.4	35.5	35.5	
Operating Expenses - GF	171,323	151,099	138,366	139,269	
Community Mental Health Services - GF	471,702	525,245	457,083	431,511	R-7,8
Psychotropic Medication - GF	119,975	177,947	131,760	131,400	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Contract Services for High Risk Offenders - GF	285,996	280,355	243,162	242,214	R-8
Contract Services for Fugitive Returns	<u>66,956</u>	<u>70,027</u>	<u>74,524</u>	<u>74,524</u>	
General Fund	42,049	42,049	42,049	42,049	
Reappropriated Funds	24,907	27,978	32,475	32,475	
Start-up Costs - GF	0	0	0		
SUBTOTAL - Community Supervision	4,133,136	4,091,837	3,815,742	3,852,562	1.0%
FTE	<u>39.4</u>	<u>41.4</u>	<u>35.5</u>	<u>35.5</u>	<u>0.0</u>
General Fund	4,108,229	4,063,859	3,783,267	3,820,087	1.0%
Reappropriated Funds	24,907	27,978	32,475	32,475	0.0%

(2) Youthful Offender System Aftercare

Primary Function: Assist YOS offenders as they return to their communities after confinement in YOS.

Personal Services - GF	628,307	626,918	624,163	636,789	
FTE	7.8	7.6	8.0	8.0	
Operating Expenses - GF	130,903	140,362	140,362	141,067	
Contract Services - GF	1,031,196	1,060,770	1,062,396	1,062,396	
SUBTOTAL - Y.O.S. Aftercare - GF	1,790,406	1,828,050	1,826,921	1,840,252	0.7%
FTE	7.8	7.6	8.0	8.0	0.0

(E) Community Re-entry Subprogram

Primary Function: Provide emergency assistance to inmates who require temporary shelter, work clothes, bus tokens, small work tools, or other short-term emergency assistance upon release from custody.

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Personal Services - GF	1,961,539	1,959,152	1,950,504	1,995,144	
FTE	35.3	35.7	35.6	35.6	
Operating Expenses - GF	120,501	122,586	122,586	123,202	
Offender Emergency Assistance - GF	85,458	96,768	96,768	96,768	
Contract Services - GF	186,590	172,282	190,000	190,000	
Offender Re-employment Center	<u>363,618</u>	<u>364,000</u>	<u>374,000</u>	<u>374,000</u>	
General Fund	363,618	364,000	364,000	364,000	
Cash Funds	0	0	10,000	10,000	
Community Reintegration Grants	135,077	23,176	124,098	124,098	
FTE	<u>1.0</u>	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>	
Cash Funds	25,045	749	0	0	
Reappropriated Funds	0	2,250	85,000	85,000	
Federal Funds	110,032	20,177	39,098	39,098	
FTE	1.0	0.0	1.0	1.0	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - Community Re-entry Subprogram	2,852,783	2,737,964	2,857,956	2,903,212	1.6%
FTE	<u>36.3</u>	<u>35.7</u>	<u>36.6</u>	<u>36.6</u>	<u>0.0</u>
General Fund	2,717,706	2,714,788	2,723,858	2,769,114	1.7%
Cash Funds	25,045	749	10,000	10,000	0.0%
Reappropriated Funds	0	2,250	85,000	85,000	0.0%
Federal Funds	110,032	20,177	39,098	39,098	0.0%

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
					Approp v Request
SUBTOTAL - COMMUNITY SERVICES	37,639,828	37,748,577	39,063,989	38,755,426	-0.8%
FTE	<u>380.2</u>	<u>385.6</u>	<u>362.4</u>	<u>349.2</u>	<u>(13.2)</u>
General Fund	37,447,543	37,687,490	37,422,416	37,113,853	-0.8%
Cash Funds	25,045	749	10,000	10,000	0.0%
Reappropriated Funds	24,907	40,161	1,592,475	1,592,475	0.0%
Federal Funds	142,333	20,177	39,098	39,098	0.0%

(6) PAROLE BOARD

Primary Function: Conduct all parole hearings and parole revocation hearings statewide.

Personal Services - GF	1,361,506	1,174,391	1,164,841	1,197,526	
FTE	16.4	16.8	12.5	12.5	
Operating Expenses - GF	227,838	101,545	99,545	104,890	
Contract Services - GF	152,000	70,071	272,437	288,437	
Start-up Costs - GF	0	0	0	0	
SUBTOTAL - PAROLE BOARD - GF	1,741,344	1,346,007	1,536,823	1,590,853	3.5%
FTE	16.4	16.8	12.5	12.5	0.0

(7) CORRECTIONAL INDUSTRIES

Primary Function: Employ inmates in profit-oriented industries, usually within DOC facilities.

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Personal Services	8,223,700	9,204,427	9,974,587	11,132,251	R-2
FTE	<u>139.5</u>	<u>134.3</u>	<u>142.1</u>	<u>161.1</u>	
Cash Funds	1,657,118	2,067,109	2,935,802	3,961,248	
FTE	139.5	134.3	39.2	58.2	
Reappropriated Funds	6,566,582	7,137,318	7,038,785	7,171,003	
FTE		0.0	102.9	102.9	
Operating Expenses	<u>5,429,374</u>	<u>5,572,585</u>	<u>5,928,190</u>	<u>5,937,690</u>	R-2
Cash Funds	1,667,706	1,704,437	1,817,327	1,826,827	
Reappropriated Funds	3,761,668	3,868,148	4,110,863	4,110,863	
Raw Materials	<u>19,834,608</u>	<u>25,115,021</u>	<u>35,823,826</u>	<u>35,823,826</u>	
Cash Funds	4,609,638	5,528,887	8,441,080	8,441,080	
Reappropriated Funds	15,224,970	19,586,134	27,382,746	27,382,746	
Inmate Pay	<u>1,491,700</u>	<u>1,591,311</u>	<u>1,649,702</u>	<u>1,877,702</u>	R-2
Cash Funds	468,453	453,345	468,453	696,453	
Reappropriated Funds	1,023,247	1,137,966	1,181,249	1,181,249	
Capital Outlay	<u>447,392</u>	<u>370,702</u>	<u>1,406,200</u>	<u>1,406,200</u>	
Cash Funds	69,904	55,222	337,094	337,094	
Reappropriated Funds	377,488	315,480	1,069,106	1,069,106	
Indirect Cost Assessment	<u>354,981</u>	<u>330,462</u>	<u>347,654</u>	<u>341,462</u>	R-2
Cash Funds	71,447	46,928	64,120	57,928	
Reappropriated Funds	283,534	283,534	283,534	283,534	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
					Approp v Request
SUBTOTAL - CORRECTIONAL INDUSTRIES	35,781,755	42,184,508	55,130,159	56,519,131	2.5%
FTE	<u>139.5</u>	<u>134.3</u>	<u>142.1</u>	<u>161.1</u>	<u>19.0</u>
Cash Funds	8,544,266	9,855,928	14,063,876	15,320,630	8.9%
Reappropriated Funds	27,237,489	32,328,580	41,066,283	41,198,501	0.3%

(8) CANTEEN OPERATION

Primary Function: Provide various items for sale to DOC inmates at all DOC facilities.

Personal Services	1,661,975	1,670,510	1,732,307	1,770,093	
FTE	<u>26.6</u>	<u>29.0</u>	<u>26.9</u>	<u>26.9</u>	
Cash Funds	1,661,975	1,670,510	1,732,307	1,770,093	
Reappropriated Funds	0	0	0	0	
Operating Expenses	<u>11,558,167</u>	<u>12,480,086</u>	<u>12,851,987</u>	<u>12,851,987</u>	
Cash Funds	11,558,167	12,480,086	12,851,987	12,851,987	
Reappropriated Funds	0	0	0	0	
Inmate Pay	<u>40,386</u>	<u>40,386</u>	<u>40,386</u>	<u>40,386</u>	
Cash Funds	40,386	40,386	40,386	40,386	
Reappropriated Funds	0	0	0	0	
Indirect Cost Assessment	<u>64,171</u>	<u>49,837</u>	<u>51,127</u>	<u>49,451</u>	
Cash Funds	64,171	49,837	51,127	49,451	
Reappropriated Funds	0	0	0	0	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Start-up Costs	<u>356,317</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0		
Cash Funds	356,317	0	0		
Reappropriated Funds	0	0	0		
					Approp v Request
SUBTOTAL - CANTEEN OPERATION	13,681,016	14,240,819	14,675,807	14,711,917	0.2%
FTE	<u>26.6</u>	<u>29.0</u>	<u>26.9</u>	<u>26.9</u>	<u>0.0</u>
General Fund	0	0	0	0	n/a
Cash Funds	13,681,016	14,240,819	14,675,807	14,711,917	0.2%
Reappropriated Funds	0	0	0	0	n/a
GRAND TOTAL - DEPARTMENT OF CORRECTIONS	716,438,361	727,550,433	720,391,305	745,580,464	3.5%
FTE	<u>6,086.7</u>	<u>6,386.9</u>	<u>6,222.2</u>	<u>6,179.7</u>	<u>(42.5)</u>
General Fund	563,731,874	643,108,370	634,934,029	658,633,352	3.7%
Cash Funds	36,728,429	49,817,256	40,620,364	41,977,982	3.3%
Reappropriated Funds	27,738,983	33,731,671	44,118,225	44,250,443	0.3%
Federal Funds	88,239,075	893,136	718,687	718,687	0.0%

R = Change Request (Decision Item or Base Reduction Item)

NP = Non-Prioritized Decision Item

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Department of Corrections**

APPENDIX B: SUMMARY OF MAJOR LEGISLATION

- ❑ **S.B. 11-076 (Steadman/Becker): PERA Contribution Rates.** For the 2011-12 state fiscal year only, reduces the employer contribution rate for the State and Judicial divisions of the Public Employees' Retirement Association (PERA) by 2.5 percent and increases the member contribution rate for these divisions by the same amount. In effect, continues the FY 2010-11 PERA contribution adjustments authorized through S.B. 10-146 for one additional year. Reduces the Department's appropriation by \$8,100,294 total funds, of which \$7,868,220 is General Fund, \$99,856 is cash funds, and \$132,218 is reappropriated funds.

- ❑ **S.B. 11-134 (Kopp/Murray and Vigil): Prohibit Synthetic Cannabinoids Salvia.** Defines the terms salvia divinorum and synthetic cannabinoids and specifies that synthetic cannabinoids are not to be considered medical marijuana under Colorado law. Creates the following new criminal offenses:
 - class 2 misdemeanor of unlawfully using or possessing synthetic cannabinoids or salvia divinorum;
 - class 5 felony of knowingly distributing, manufacturing, dispensing, selling, or cultivating synthetic cannabinoids or salvia divinorum; or
 - class 4 felony of knowingly distributing, dispensing, or selling synthetic cannabinoids or salvia divinorum when the person distributes, dispenses, or sells to a minor under the age of 18 and the person is at least 18 years of age and at least two years older than the minor.

Has a five-year fiscal impact of \$1,267,387, but includes a provision making an exception to the five-year appropriation requirement and therefore does not make any appropriations.

- ❑ **S.B. 11-136 (Hodge/Gerou): Supplemental for the Department of Corrections.** Modifies appropriations for FY 2010-11.

- ❑ **S.B. 11-176 (Carroll/Levy): Solitary Confinement Specific Population.** Permits the accrual of earned time for inmates who have been housed in administrative segregation for at least 90 days, provided they meet the statutory criteria for doing so. Makes the following appropriations and adjustments for FY 2011-12:
 - appropriates \$26,250 General Fund to the Department of Corrections, Executive Director's Office Subprogram, for annual reporting requirements;
 - appropriates \$49,933 General Fund to the Department of Corrections, Mental Health Subprogram, for behavior-modification programs, incentive programs, mental health services or programs, or similar efforts designed as viable alternatives to administrative segregation;
 - appropriates \$122,613 General Fund to the Department of Corrections, Information Systems Subprogram, for computer system programming modifications and ongoing

- maintenance related to changes to earned time accrual eligibility for inmates in administrative segregation;
- appropriates \$122,613 reappropriated funds and 2.0 FTE to the Governor - Lieutenant Governor - State Planning and Budgeting, Office of Information Technology, for the provision of programming services to the Department of Corrections; and
- decreases General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$198,796.

☐ **S.B. 11-209 (Hodge/Gerou): General appropriations act for FY 2011-12.**

☐ **S.B. 11-241 (King S. and Carroll/Gardner B. and Kagan): Parole Board Changes.**

Expands the definition of a special needs offender to include individuals who:

- are 60 years of age or older, have been diagnosed with a chronic infirmity, illness, condition, disease, or mental illness, and have been determined to be incapacitated to the extent that they are not likely to pose a public safety risk; or
- suffer from a chronic, permanent, terminal, or irreversible physical or mental illness, condition, or disease that requires costly care or treatment and have been determined to be incapacitated to the extent that they are not likely to pose a public safety risk.

Within the definition of a special needs offender, permits the inclusion of class 2 felony crimes of violence (when the offender has served fewer than 10 years in prison), sex offenses, and class 1 felonies (when the class 1 felony was committed before July 1, 1990, and the offender has served at least 20 years in prison). Creates a presumption in favor of granting parole for an inmate with a detainer on file from the United States Immigration and Customs Enforcement Agency (ICE) who:

- has reached his or her parole eligibility date;
- is not serving a sentence for a violent crime; and
- has been assessed as medium risk or below.

Makes a FY 2011-12 appropriation of \$43,800 General Fund to the Department of Corrections, Parole Board, for training and contract administrative and release hearing officers. Specifies that the act shall only take effect if H.B. 11-1064 is enacted and has a net reduction in General Fund appropriations for FY 2011-12 that is equal to or greater than the \$43,800 General Fund appropriation required by S.B. 11-241.

☐ **H.B. 11-1064 (Waller/Steadman): Parole Presumption for Certain Drug Offenders.**

Creates a presumption, subject to the discretion of the State Board of Parole, in favor of granting parole to an inmate who has reached his or her parole eligibility date and who:

- is serving a sentence for a felony drug possession or drug use offense (as described in Sections 18-18-404 or 18-18-405, C.R.S., as those offenses existed prior to August 11, 2010);
- has displayed satisfactory institutional behavior;
- is program compliant;

- has never been convicted of a specified list of crimes that include offenses against children and illegal possession of firearms, among others; and
- does not have an active felony or immigration detainer.

Decreases the FY 2011-12 General Fund appropriation to the Department of Corrections for payments to house state prisoners by \$45,243.

- **S.B. 10-128 (Hudak/Rice): Invasion of Privacy.** Moves the offense of invasion of privacy for sexual gratification from the unlawful sexual contact statute to its own statute. Raises the penalty for invasion of privacy for sexual gratification from a class 1 misdemeanor to a class 6 felony when it is the second or subsequent offense or the person observed or photographed is under the age of 15. Expands the definition of a "photograph" for the purpose of invasion of privacy for sexual gratification and criminal invasion of privacy to include a live feed. Lowers the penalty for the offense of eavesdropping from a class 6 felony to a class 1 misdemeanor. Makes the sections of the bill pertaining to invasion of privacy for sexual gratification effective July 1, 2012, and the remaining portions of the bill effective July 1, 2010. As required by Section 2-2-703, C.R.S., makes a five-year statutory appropriation as follows:

- for FY 2012-13, transfers \$83,861 from the General Fund to the Capital Construction Fund, and appropriates \$83,861 from the Capital Construction Fund to the Corrections Expansion Reserve Fund; and
- for FY 2013-14 and FY 2014-15, appropriates a total of \$32,496 General Fund to the Department of Corrections for operating expenses.

- **H.B. 10-1081 (Priola/Steadman): Money Laundering Criminal Fraud.** Relocates and amends provisions concerning money laundering, thereby allowing defendants to be charged with money laundering for activities other than those pertaining to drugs. As required by Section 2-2-703, C.R.S., makes a five-year statutory appropriation as follows:

- for FY 2010-11, transfers \$91,370 from the General Fund to the Capital Construction Fund, and appropriates \$91,370 from the Capital Construction Fund to the Corrections Expansion Reserve Fund; and
- for fiscal years 2011-12 through 2014-15, appropriates a total of \$115,200 General Fund (\$28,800 for each fiscal year) to the Department of Corrections for operating expenses.

Specifies that the act shall only take effect if H.B. 10-1338 is enacted and has a net reduction in General Fund appropriations for FY 2010-11 that is equal to or greater than the \$91,370 General Fund transfer required in H.B. 10-1081.

- **H.B. 10-1083 (Gardner B./Steadman): DOC Surgery Unit Lease Purchase.** Authorizes the Department of Corrections to enter into a lease-purchase agreement, for up to 12 years, to purchase a day surgery center to be located at the Denver Reception and Diagnostic Center. Allows the Department to execute a lease-purchase agreement of up to \$2.8 million in principal. Assumes the annual savings of approximately \$600,000 from performing

surgeries at the surgery facility rather than contracting with hospitals will be used to fund the lease-purchase agreement.

- ❑ **H.B. 10-1277 (DelGrosso/Steadman): Sexual Conduct in Correctional Facility.** Extends the prohibition on an employee, contractor, or volunteer of a correctional facility engaging in sexual conduct with an individual in the custody of the facility to employees, contractors, or volunteers of juvenile detention or commitment centers and community corrections facilities. As required by Section 2-2-703, C.R.S., makes a five-year statutory appropriation as follows:
 - for FY 2010-11, transfers \$83,861 from the General Fund to the Capital Construction Fund, and appropriates \$83,861 from the Capital Construction Fund to the Corrections Expansion Reserve Fund; and
 - for FY 2011-12 and FY 2012-13, appropriates a total of \$32,496 General Fund to the Department of Corrections for operating expenses.

- ❑ **H.B. 10-1338 (McCann/Steadman): Probation Eligible Two Prior Felony.** Allows a person who has two or more prior felony convictions to be eligible for probation, with certain exceptions. For the implementation of H.B. 10-1338, appropriates \$308,628 General Fund and 5.2 FTE to the Judicial Department for probation services, and decreases the General Fund appropriation to the Department of Corrections for payments to house state prisoners by \$2,541,810. Also includes the following appropriations and adjustments for FY 2010-11:
 - appropriates \$336,057 General Fund to the Department of Revenue for FY 2010-11 for the implementation of H.B. 09-1137;
 - increases the appropriation to the Department of Human Services for FY 2010-11 for child welfare services by \$1,719,794 to mitigate the reduction in funding for county staff salaries and benefits, community provider rates, and Medicaid treatment rates (the appropriation includes \$991,919 General Fund, \$343,959 local cash funds, \$75,209 reappropriated funds transferred from the Department of Health Care Policy and Financing (DHCPF), and \$308,707 federal Title IV-E funds); and
 - increases the appropriation to the DHCPF for child welfare services by \$75,209 (including \$28,887 General Fund and \$46,322 federal Medicaid funds).

- ❑ **H.B. 10-1352 (Waller/Steadman): Controlled Substance Crime Changes.** Makes a number of changes to offenses related to controlled substances. Directs the General Assembly to annually appropriate the General Fund savings generated by this bill to the Drug Offender Surcharge Fund, and requires that such moneys be allocated to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are on diversion, on probation, on parole, in community corrections, or in jail. Makes the following appropriations and adjustments for FY 2010-11:
 - appropriates \$1,468,196 General Fund to the Judicial Department, to be credited to the Drug Offender Surcharge Fund pursuant to Section 18-19-103 (3.5). C.R.S.;

- appropriates \$263,377 General Fund and 4.8 FTE to the Judicial Department for probation services;
- appropriates \$36,528 General Fund and 0.5 FTE to the Department of Public Safety, Division of Criminal Justice, for analyzing and reporting on the annual fiscal savings generated by H.B. 10-1352;
- decreases the General Fund appropriation to the Department of Corrections for payments to house state prisoners by \$1,523,589; and
- decreases General Fund appropriations to the Judicial Department for the Public Defender by \$244,512 and 5.6 FTE.

□ **H.B. 10-1360 (Pace/Steadman): Parole Placement for Technical Violation.** Allows certain parolees to be placed in a community return-to-custody facility rather than a state correctional facility, including those who:

- commit a technical violation that does not involve the commission of a crime;
- have no active felony warrants, felony detainers, or pending felony criminal charges; and
- are on parole for a class 4 nonviolent felony (except menacing, stalking, any unlawful sexual behavior, or a crime against an at-risk adult or at-risk juvenile).

Makes the following appropriations and adjustments for FY 2010-11:

- appropriates \$1,285,409 General Fund and 0.8 FTE to the Department of Public Safety, Division of Criminal Justice, for community corrections residential treatment beds;
- appropriates \$260,000 General Fund to the Department of Public Safety, Division of Criminal Justice, for ten transition community corrections beds specifically for sex offenders;
- appropriates \$1,807,225 General Fund to the Department of Corrections, Parole Subprogram, for parole wrap-around services;
- appropriates \$500,000 General Fund to the Department of Corrections, Parole Subprogram, for employment and job training services for parolees;
- appropriates \$250,000 General Fund to the Department of Corrections, Parole Subprogram, for outpatient mental health treatment for transition parolees;
- appropriates \$174,107 General Fund and 2.1 FTE to the Department of Corrections, Parole Subprogram, for community parole officers;
- appropriates \$80,774 General Fund and 2.0 FTE to the Department of Corrections, Parole Subprogram, for administrative support;
- appropriates \$65,553 General Fund and 1.0 FTE to the Department of Corrections, Business Operations Subprogram, for information technology support; and
- decreases General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$4,738,823.

□ **H.B. 10-1374 (Ferrandino/Penry): Parole Changes Evidence-based Practices.** Directs the Sex Offender Management Board (in consultation with the Department of Corrections, the Judicial Branch, the Division of Criminal Justice in the Department of Public Safety, and the Parole Board) to develop specific sex offender release guidelines for use by the Parole

Board in determining when to release a sex offender on parole. Directs the Division of Criminal Justice and the Parole Board to develop an administrative release guideline for use by the Parole Board in evaluating all applications for parole. Requires the Department of Corrections and the Parole Board to develop administrative revocation guidelines for use by the Board in making decisions about parole revocation. Repeals the statutory provision that requires a parole officer to arrest a parolee if he or she does not have lawful permission to be in a particular place (e.g., a county other than the one to which the individual was paroled). Allows up to 12 days of earned time each month be deducted from an offender's sentence provided he or she:

- is serving a sentence for a class 4, class 5, or class 6 felony;
- has not incurred a class I code of penal discipline violation within the 24 months immediately preceding the time of crediting or during his or her entire period of incarceration if such period is less than 24 months;
- has not incurred a class II code of penal discipline violation within the 12 months immediately preceding the time of crediting or during his or her entire period of incarceration if such period is less than 12 months;
- is program compliant; and
- was not convicted of certain specified felony offenses (four new offenses have been added to the existing list of disqualifying crimes).

Makes the following appropriations and adjustments for FY 2010-11:

- appropriates \$114,127 General Fund to the Department of Public Safety, Division of Criminal Justice, for costs associated with the Colorado Criminal and Juvenile Justice Commission;
- appropriates \$80,154 General Fund and 0.7 FTE to the Department of Public Safety, Division of Criminal Justice, for parole guideline duties and actuarial consultation;
- appropriates \$234,247 General Fund and 6.0 FTE to the Department of Corrections, Parole Subprogram, for parole services;
- appropriates \$119,539 General Fund and 1.9 FTE to the Department of Corrections, Executive Director's Office Subprogram, for research functions; and
- decreases General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$548,067.

□ **H.B. 10-1413 (Levy/Newell): Limitation on Juvenile Direct File.** Raises the minimum age to 16 from 14 for a district attorney to file criminal charges against a juvenile in district court, a process known as direct filing of charges, except in cases of:

- first degree murder;
- second degree murder; or
- a sex offense combined with one of the following:
 - the alleged crime is a crime of violence;
 - the juvenile used or threatened the use of a deadly weapon during the commission of the crime;

- the juvenile has, within the previous two years, been adjudicated as a juvenile delinquent for committing a class 3 felony;
- the juvenile has previously had charges direct filed or transferred, unless he or she was found not guilty of such charges; or
- the juvenile is determined to be a habitual juvenile offender.

Allows judges the discretion to sentence juveniles who were convicted of class 2 felonies (excluding sex offenses) to the Youthful Offender System (YOS) in the Department of Corrections (DOC) except in the case of a second or subsequent sentence to the DOC or the YOS.

Makes the following appropriations and adjustments for FY 2010-11:

- appropriates \$371,880 General Fund to the Department of Human Services, Division of Youth Corrections, for the purchase of contract placements;
- appropriates \$135,678 General Fund to the Department of Corrections for the youthful offender system subprogram; and
- decreases General Fund appropriations to the Department of Corrections for payments to house state prisoners by \$266,803.

Specifies that the act shall only take effect if H.B. 10-1360 is enacted and has a net reduction in General Fund appropriations for FY 2010-11 that is equal to or greater than the \$240,755 General Fund appropriation required in H.B. 10-1413.

**FY 2011-12 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

**APPENDIX C: UPDATE OF FY 2010-11
LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

Long Bill Footnotes

1aDepartment of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice; and Colorado Bureau of Investigation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from the Drug Offender Surcharge Fund, the Offender Identification Fund, the Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund, among other programs.

Comment: Of the funds listed, the Department of Corrections shares two with other state agencies: the Sex Offender Surcharge Fund, and the Drug Offender Surcharge Fund. Both are tracked by the Judicial Department.

The Sex Offender Management Board (SOMB) determined the following allocation for state agencies in FY 2012-13:

- \$28,879 to the Department of Corrections for sex offender data collection and risk assessment tests.
- \$302,029 to the Judicial Department for direct services;
- \$163,591 to the Division of Criminal Justice in the Department of Public Safety for training, and
- \$38,250 to the Department of Human Services to be used for training and technical assistance to county departments, the Division of Youth Corrections and the Division of Child Welfare.

The Drug Offender Surcharge Fund is administered by the Judicial Department. Surcharges range from \$200 to \$4,500 for each drug conviction or deferred sentence. The Judicial, Corrections, Human Services, and Public Safety departments cooperatively develop a plan for the allocation of moneys deposited in the Fund. The Judicial Department estimates the following allocation from the Drug Offender Surcharge Fund in FY 2012-13:

- \$1,245,127 to the Department of Corrections;
- \$1,396,383 to the Judicial Department;
- \$1,270,627 to the Department of Human Services; and
- \$1,107,813 to the Division of Criminal Justice in the Department of Public Safety.

- 2 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners --** It is the intent of the General Assembly that the Department of Corrections be authorized to transfer 5.0 percent of the total appropriation for external capacity subprogram between line items in the external capacity subprogram for purposes of reimbursing local jails, private prison providers, and community corrections providers.

Comment: This footnote authorizes the transfers. Request for Information #3, discussed below, details transfers that occurred during FY 2010-11.

- 3 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners --** It is the intent of the General Assembly that the appropriations made for payments to private facilities housing state inmates be used exclusively for the purpose of per diem payments. It is the intent of the General Assembly that the department not withhold funds from the per diem payments to cover major medical expenses incurred by state inmates assigned to private facilities. It is the intent of the General Assembly that appropriations made in the medical services subprogram are sufficient to cover major medical expenses incurred by state inmates held in both state and private facilities.

Comment: The Department states that it is not the Department's policy to withhold funds from the per diem payments to cover major medical expenses incurred by state inmates assigned to private facilities.

- 4 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners, Payments to in-state private prisons at a rate of \$54.93 per inmate per day, and Payments to pre-release parole revocation facilities at a rate of \$54.93 per inmate per day --** Due to current fiscal restraints, it is the intent of the General Assembly not to fund any supplemental requests from the Department of Corrections that are requested as a result of the Department of Corrections paying a higher per diem rate to private prisons than \$52.69. If caseload changes would result in a negative supplemental from the Department of Corrections given a private prison per diem rate of \$52.69, it is further the intent of the General Assembly to reduce the appropriation to the Department of Corrections accordingly.

Comment: The Department indicates that it will comply with this request. Staff will evaluate the need for a supplemental appropriation reduction as mentioned in the footnote when FY 2011-12 supplemental requests are received.

- 5 Department of Corrections, Institutions, Mental Health Subprogram --** It is the intent of the General Assembly that the funds being appropriated to convert beds at Colorado State

Penitentiary (CSP) for use by offenders with mental illness (OMIs) are being appropriated to create an appropriate, secure, therapeutic environment for OMIs within CSP and that the beds shall not be occupied or managed solely for disciplinary purposes.

Comment: The Department states that it is complying with this request.

- 6 Department of Corrections, Institutions, Mental Health Subprogram --** It is the intent of the General Assembly that the Department of Corrections work with the Mentally Ill Offender Task Force to develop a plan for the implementation and ongoing evaluation of the mental health unit at Colorado State Penitentiary (CSP).

Comment: The Department states that it will comply with this footnote request.

Requests for Information

- 1 All Departments, Totals --** Every department is requested to submit to the Joint Budget Committee, by November 1, 2011 information on the number of additional federal and cash funds FTE associated with any federal grants or private donations that were received in FY 2010-11. The Departments are also requested to identify the number of additional federal and cash funds FTE associated with any federal grants or private donations that are anticipated to be received during FY 2011-12.

Comment: The Department indicates that the following federal grants have been received that were not included in the FY 2010-11 Long Bill (as adjusted by supplementals) or in the FY 2011-12 Long Bill. Grants without asterisks were entirely expended in FY 2010-11. Grants with an asterisk can be partially expended in FY 2010-11 and FY 2011-12.

Federal grants that can be expended in FY 2010-11 or FY 2011-12	Amount	FTE
ARRA Mountain Re-Entry*	248,806	1.0
Colorado Information Analysis (ends 01/31/12)*	39,365	1.0
Residential Substance Abuse (ends 12/31/11)*	171,855	2.0
Sex Offender Community Reintegration*	577,184	1.0
C-SCHARP Second Chance Housing & Re-Entry Program	82,684	1.0
International Correctional Management Training Center	1,503,050	15.0
Total	2,622,944	21.0

*Award can be expended in FY 2010-11 and FY 2011-12.

- 1 Department of Corrections, Institutions, Mental Health Subprogram --** It is requested that the Department of Corrections submit a report to the House Judiciary Committee and the Senate Judiciary Committee by January 31, 2012, detailing the progress related to the mental health unit at CSP.

Comment: The Department states that it will provide the requested report to the Joint Budget Committee by January 31, 2012.

- 2 Department of Corrections, Community Services, Community Supervision Subprogram, Community Supervision, Psychotropic Medication** -- The Department is requested to submit a report to the Joint Budget Committee on or before February 1, 2012, summarizing the outcomes of offenders who were provided psychotropic medication from this line item. The report is requested to include the number of mentally ill offenders who receive medication from this line item, the regression rate of the offenders, and the number of offenders who commit new crimes. The report is requested to compare these outcomes with the population of mentally ill offenders in community corrections programs in FY 2005-06.

Comment: The Department states that it will provide the requested report to the Joint Budget Committee by February 1, 2012.

- 3 Department of Corrections, Executive Director's Office, External Capacity Subprogram, Payments to House State Prisoners** -- The Department is requested to provide a report to the Joint Budget Committee on or before November 1, 2011, summarizing transfers that were made within this subprogram pursuant to the flexibility authorized by footnote.

Comment: The department has provided the following information on FY 2010-11 transfers made pursuant to the flexibility authorized by Footnote #2.

Transferred Line Item	Amount transferred in (out)
Payments to Local Jails	(858,892)
Payments to In-State Private Prisons	1,130,000
Payments to Pre-Release Parole Revocation Facilities	(59,544)
Community Corrections Programs	<u>(324,943)</u>
Net transfers (sum of preceding 4 items)	(113,379)
Total dollars transferred	1,243,379
Total Appropriation, External Capacity Subprogram, Payments to House State Prisoners	82,195,504
5.0 percent of the total appropriation for external capacity subprogram	4,109,775
Amount Transferred in FY 2010-11	1,243,379
Amount Transferred as a percentage of Appropriated Total	1.5%

- 4 Department of Corrections, Institutions, Youthful Offender System Subprogram** -- The Department of Corrections is requested to submit a report to the Joint Budget Committee by November 1, 2011, justifying the ongoing need for the Youthful Offender System. The report is requested to summarize the cost effectiveness of the program, including the cost per offender, taking into consideration drop-out rates and recidivism rates for the program.

The Department provided a report with its budget request on November 1, 2011. The following table illustrates the costs of the YOS program in FY 2010-10:

Youthful Offender System FY 2010-11 Costs		
Type of Service	Annual Cost per Offender	Daily Cost per Offender
YOS	\$61,872	\$169.51
YOS Aftercare (Phase III)	60,320	165.26
YOS Backlog	20,849	57.12
Adult Prison	32,344	88.61
Adult Parole	4,566	12.51
Adult Parole ISP	8,401	23.02

The report also compared the cumulative cost of running the YOS program since its inception in 1993 with the hypothetical costs that would have been incurred if offenders in YOS had served their suspended adult sentences in DOC correctional facilities rather than serving their YOS sentences.

Cost Comparison since YOS Inception (N = 1,006)

YOS Actual Sentence Cost		Estimated Costs had YOS offenders instead served their Adult Suspended Sentences	
Phase I and II Cost	\$162,483,855	Prison Cost	\$190,976,388
Phase III Cost	<u>36,170,578</u>	Parole Cost	<u>19,132,415</u>
Total YOS Cost	\$198,654,433	Total Adult Cost	\$210,108,803

The resulting savings from the YOS system is thus $\$210,108,803 - \$198,654,433 = \$11,454,370$. On a per offender basis this savings equals $\$11,454,370 / 1,006 = \$11,386$ less per offender than putting a YOS offender through the DOC adult system.

Of course this analysis does not take recidivism into account. YOS offenders have a three year recidivism rate of 21 percent, which is much lower than the 53 percent three-year recidivism rate of adult offenders. (Recidivism is defined as returning to DOC.) Since the YOS program's inception, 779 offenders have either completed their YOS sentence or have had a court-ordered discharge. This means that there are approximately $779 * (1 - 0.21) = 615$ "good" outcomes among these 779 offenders (with "good" defined as not returning to DOC) but there would only have been only $779 * (1 - 0.53) = 366$ good outcomes had these same offenders gone through the adult system. Computing the cost per "good" outcome yields:

$$\begin{aligned} &\text{Cost per good YOS outcome} \\ &= \$198,654,433 / 615 = \$323,015. \end{aligned}$$

$$\begin{aligned} &\text{Cost per good outcome had these offenders been in the adult system} \\ &= \$210,108,803 / 366 = \$574,068 \end{aligned}$$

This implies that the YOS system produces good outcomes at a cost to the state that equals $\$323,015 / \$574,068 = 56$ percent of the cost of producing a good outcome with the adult-system. Note that this analysis ignores the fact that the crimes committed by those who

recidivate are costly to victims. The advantage of the YOS system would be even larger if victim cost was included.

- 5 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners --** The Department of Corrections is requested to require private prison providers to break-out their respective operating expenses and capital construction costs in the invoices that they submit to the Department for housing Colorado inmates. The Department of Corrections is further requested to submit a report to the Joint Budget Committee by November 1, 2011, summarizing this information for each of the private prison providers reimbursed from the External Capacity Subprogram.

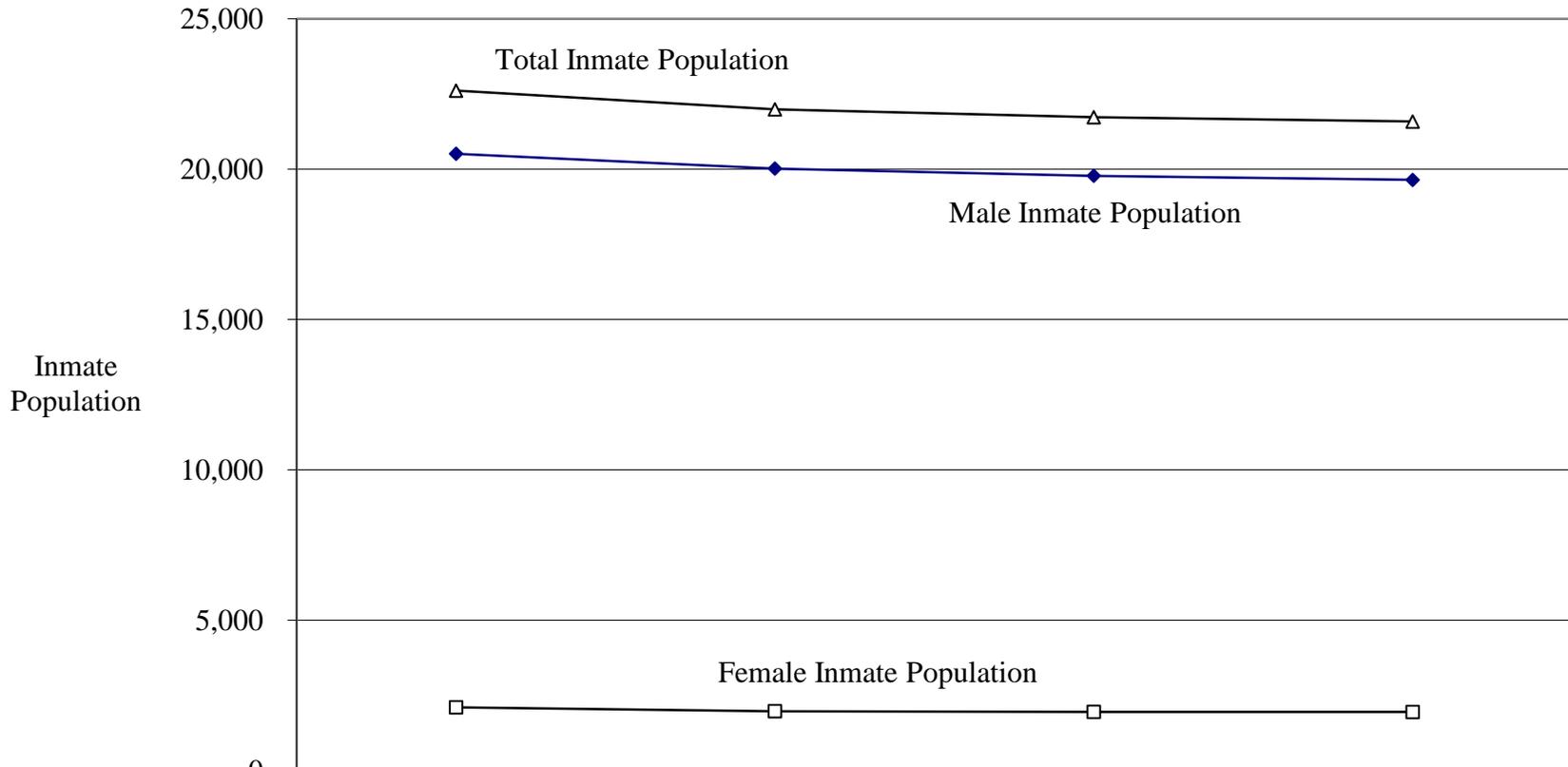
Comment: The Department states that it will comply to the extent feasible. The Department has requested this information from private prison providers and as of November 1, 2011 has not yet received any responses. The report will be promptly provided under separate cover if responses are received. Note that an identical information request for information was submitted to the Governor with the FY 2010-11 Long Bill. The Department submitted the same requests to private prison providers at that time but it received no responses.

APPENDIX D

GRAPHICAL REVIEW OF 2010 POPULATION PROJECTIONS
Legislative Council and Division of Criminal Justice

December 2011 LCS Inmate Population Projections

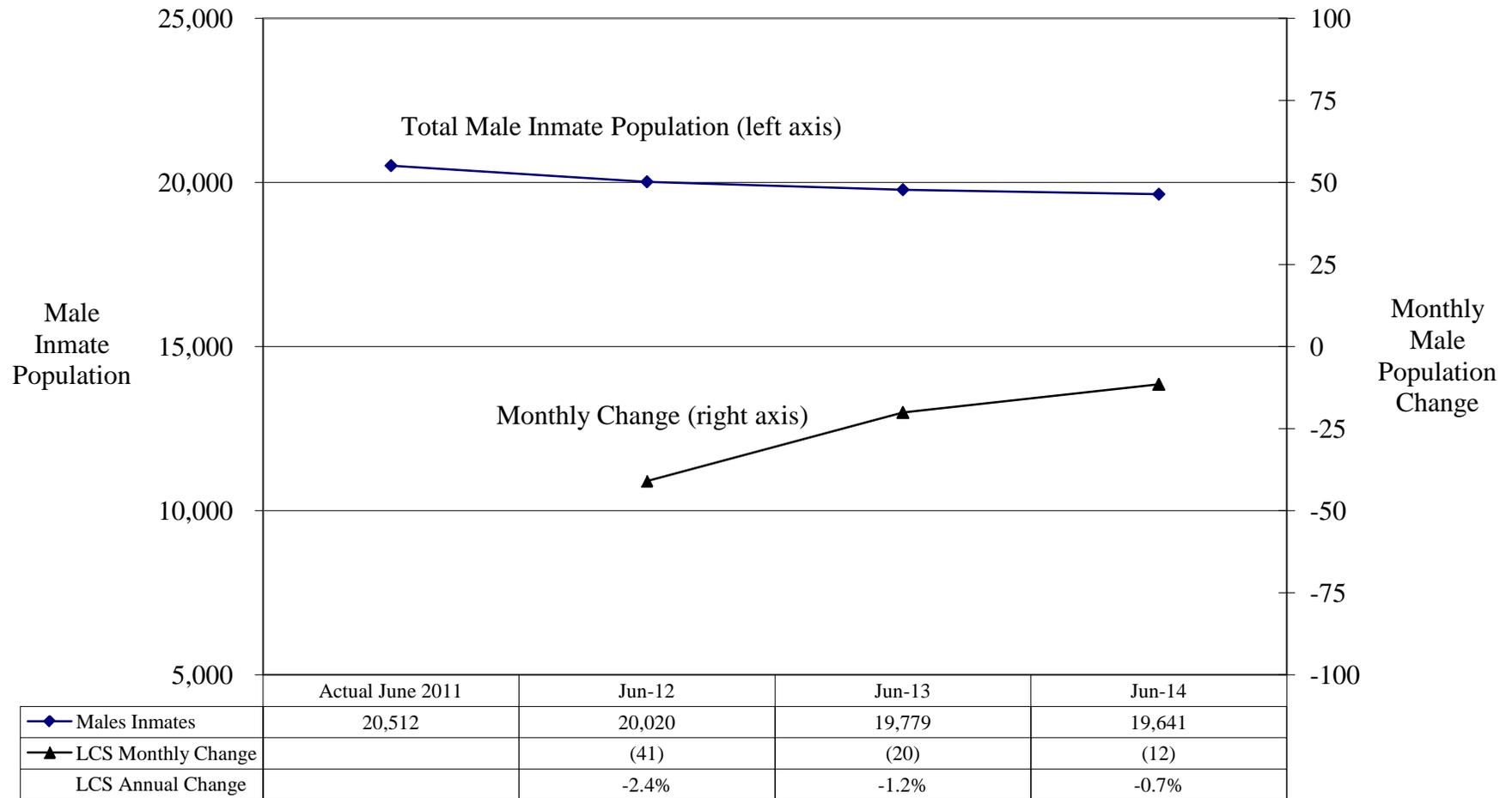
Chart #1



	Actual June 2011	Jun-12	Jun-13	Jun-14
—△— Total Inmate Population	22,610	21,989	21,727	21,583
—◆— Males Inmates	20,512	20,020	19,779	19,641
—□— Female Inmates	2,098	1,969	1,948	1,942

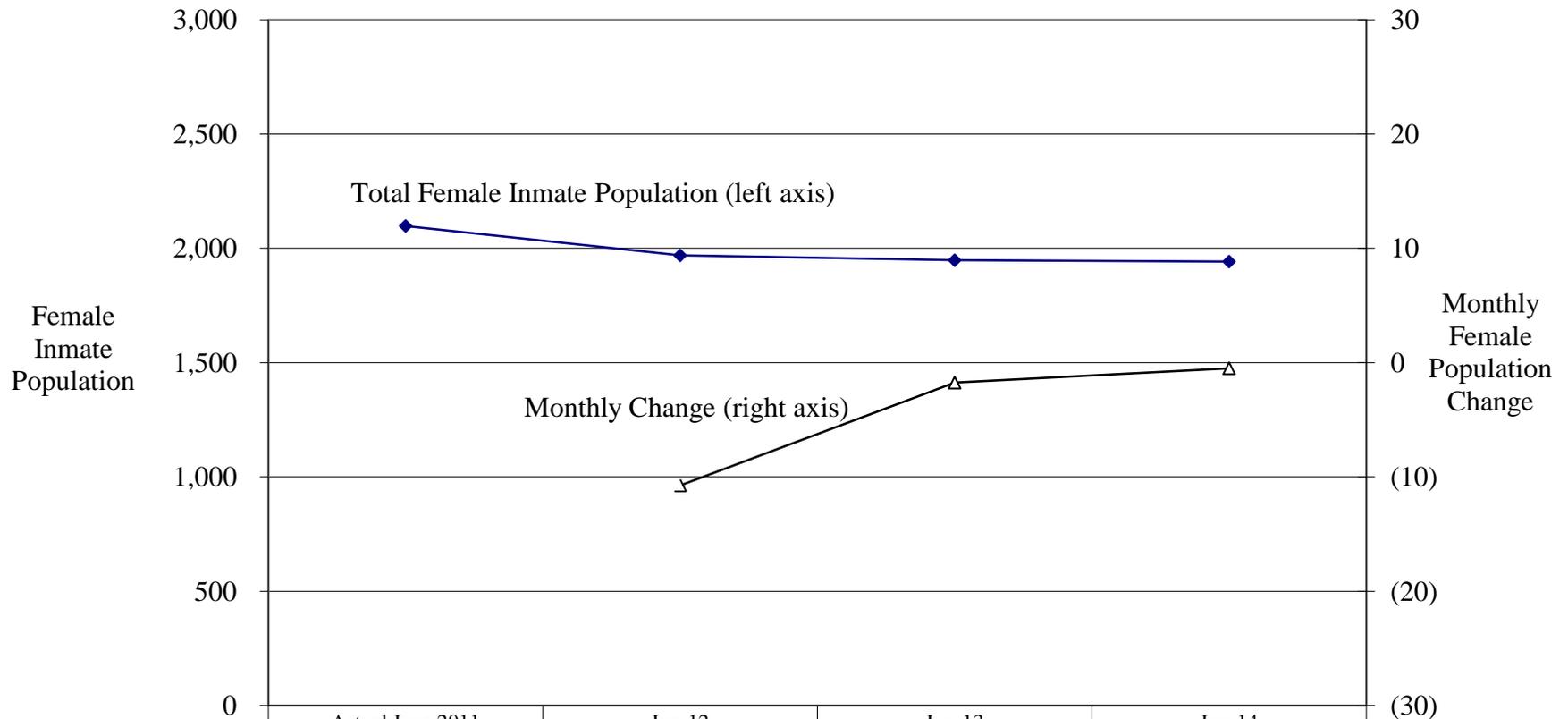
December 2011 LCS Male Inmate Population Projections

Chart #2



December 2011 LCS Female Inmate Population Projections

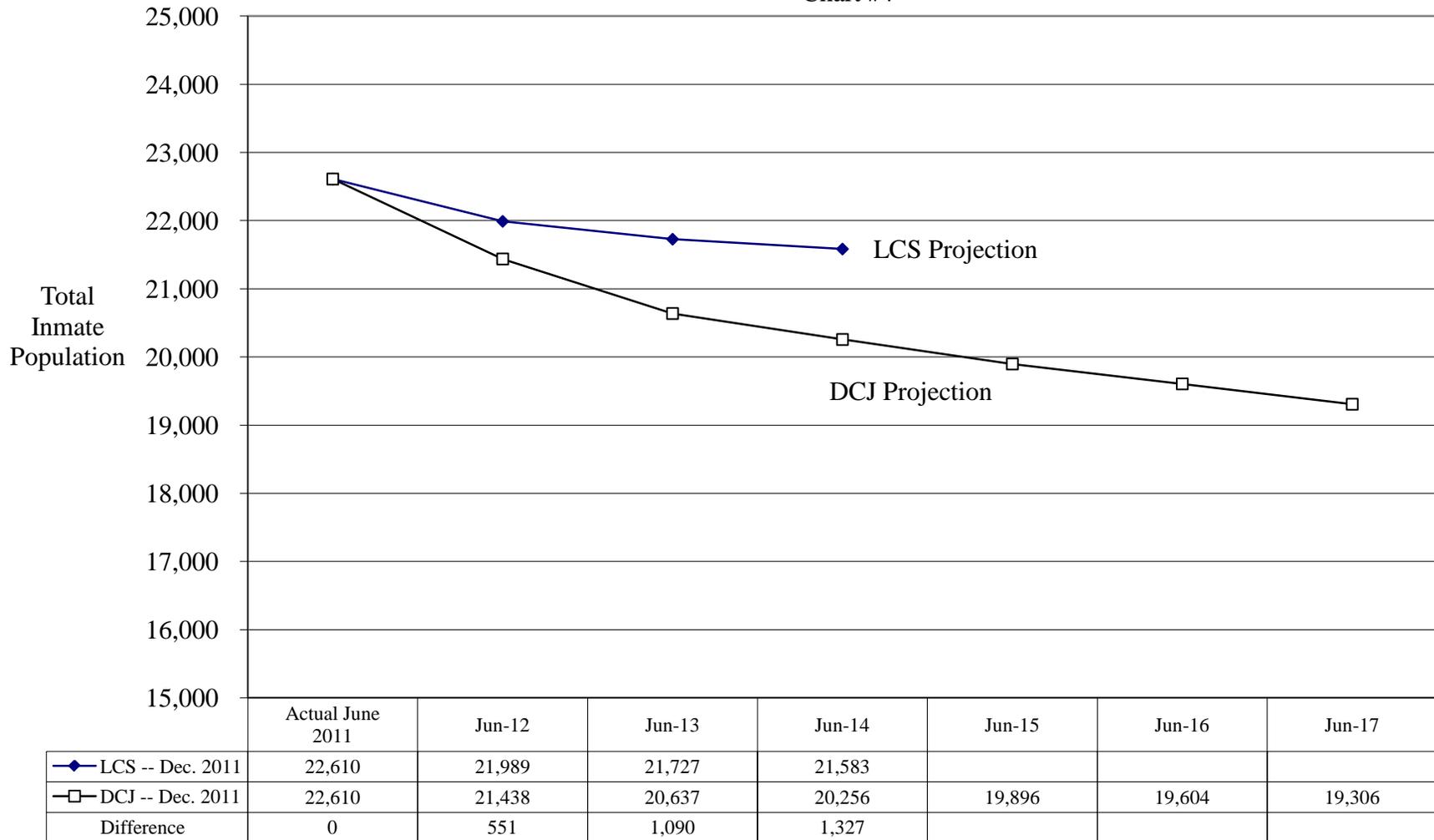
Chart #3



	Actual June 2011	Jun-12	Jun-13	Jun-14
◆ Female Inmates	2,098	1,969	1,948	1,942
▲ LCS Monthly Change		(11)	(2)	(1)
LCS Annual Change		-6.1%	-1.1%	-0.3%

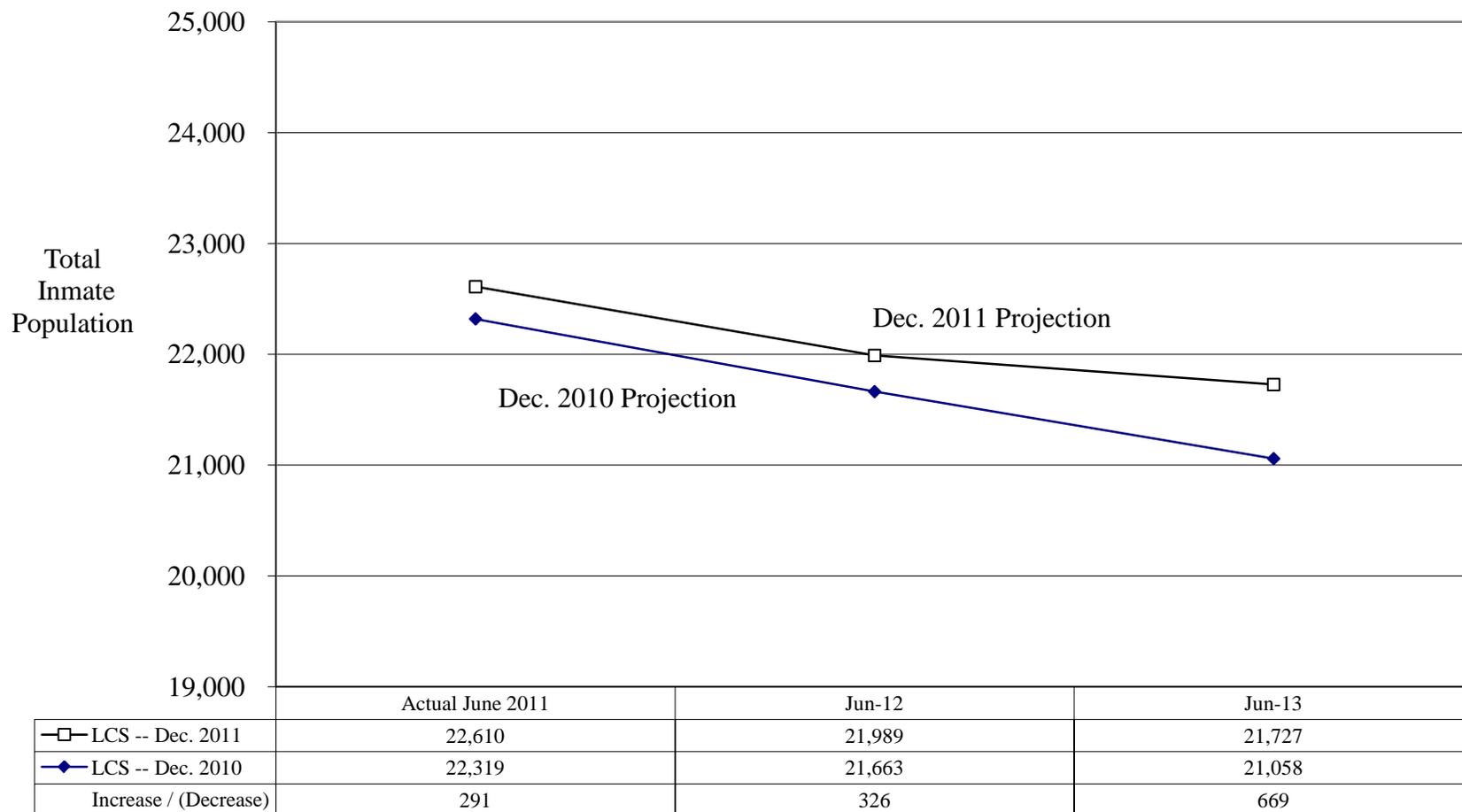
Comparison of Dec. 2011 Inmate Population Projections - LCS vs. DCJ

Chart #4



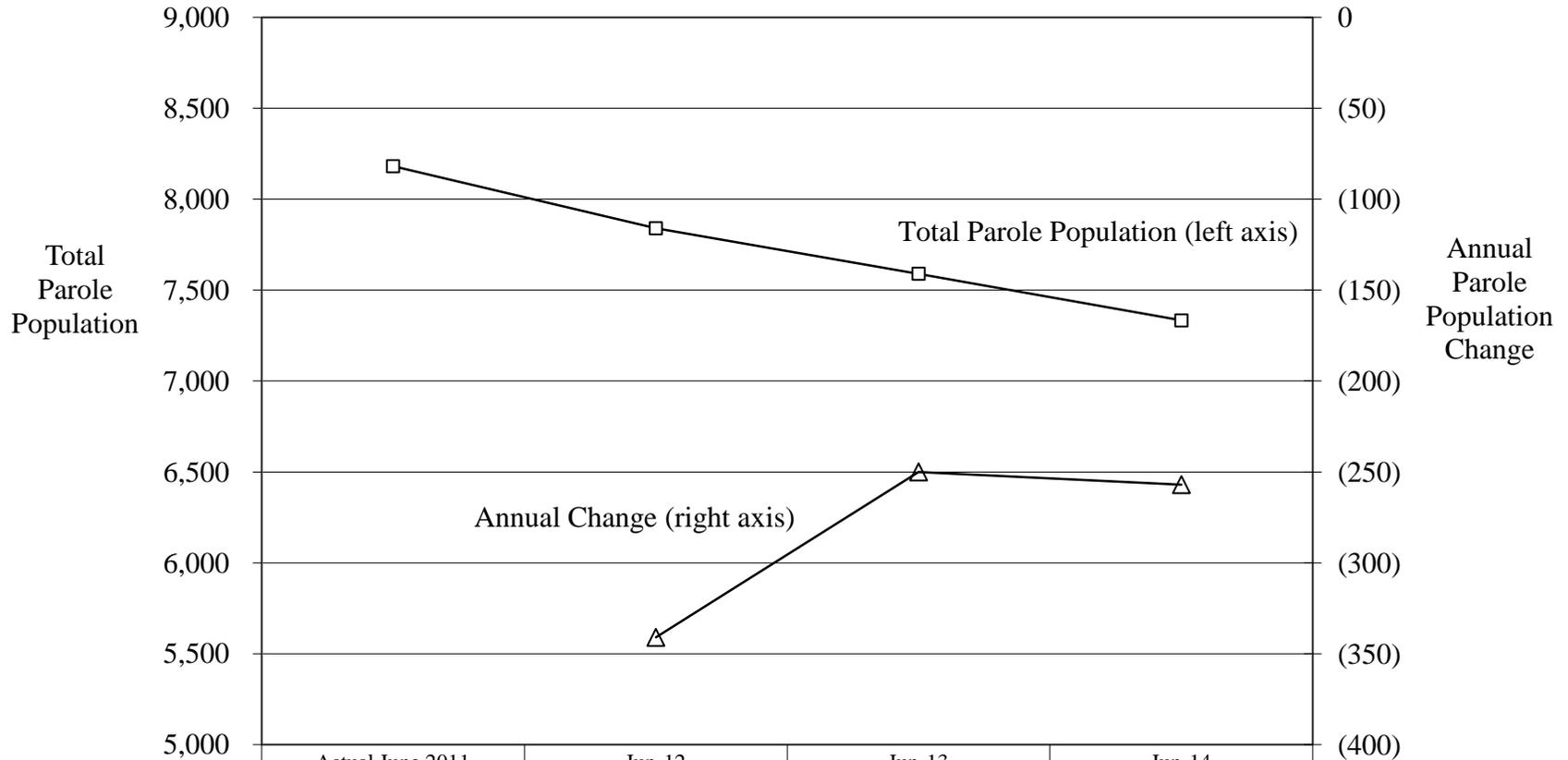
Comparison of LCS Inmate Population Projections - Dec. 2011 vs. Dec. 2010

Chart #5



LCS Parole Population Projections - December 2010

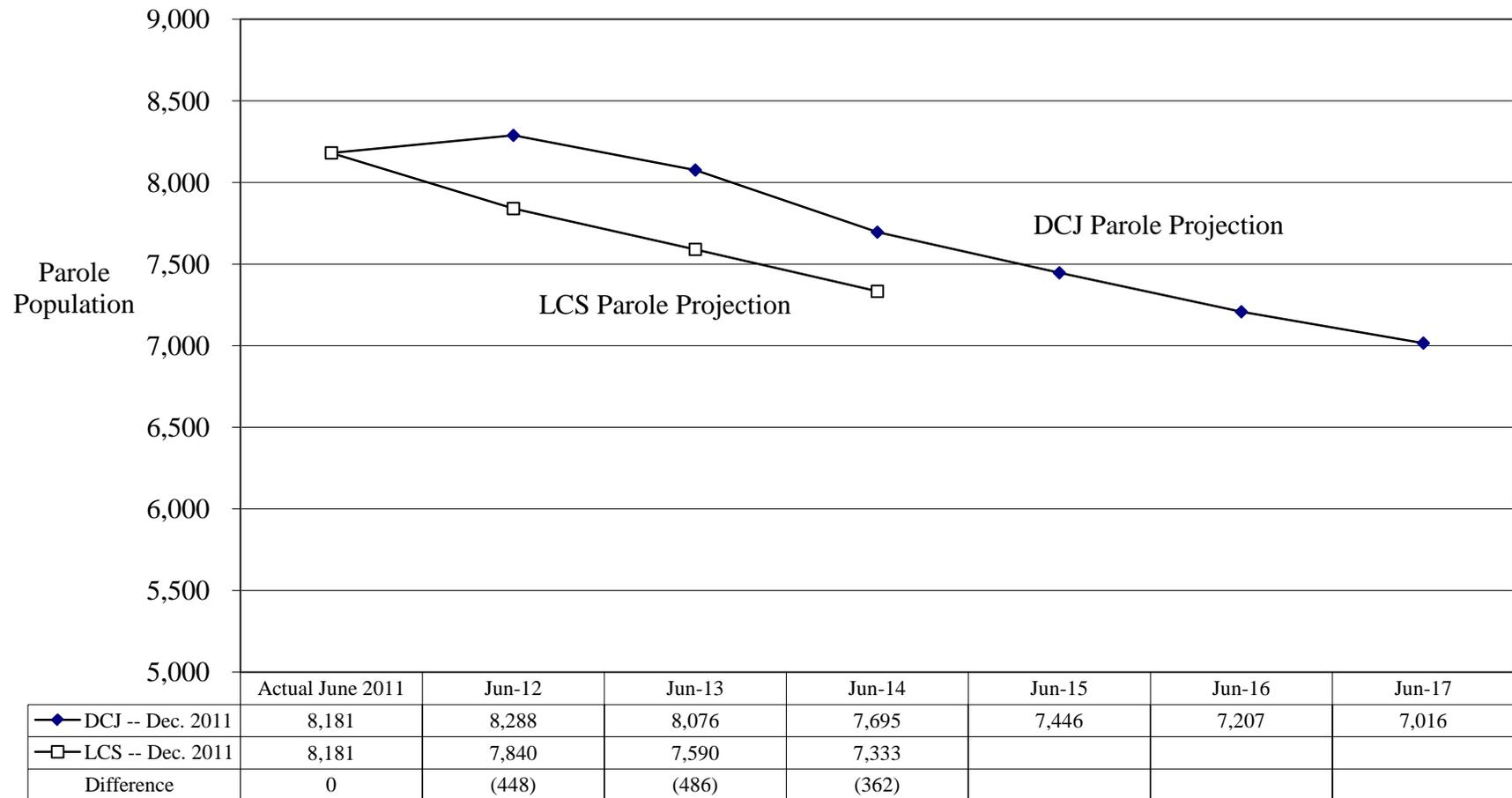
Chart #6



	Actual June 2011	Jun-12	Jun-13	Jun-14
—□— LCS -- Dec. 2011	8,181	7,840	7,590	7,333
—△— Annual Change		(341)	(250)	(257)
% Change		-4.2%	-3.2%	-3.4%

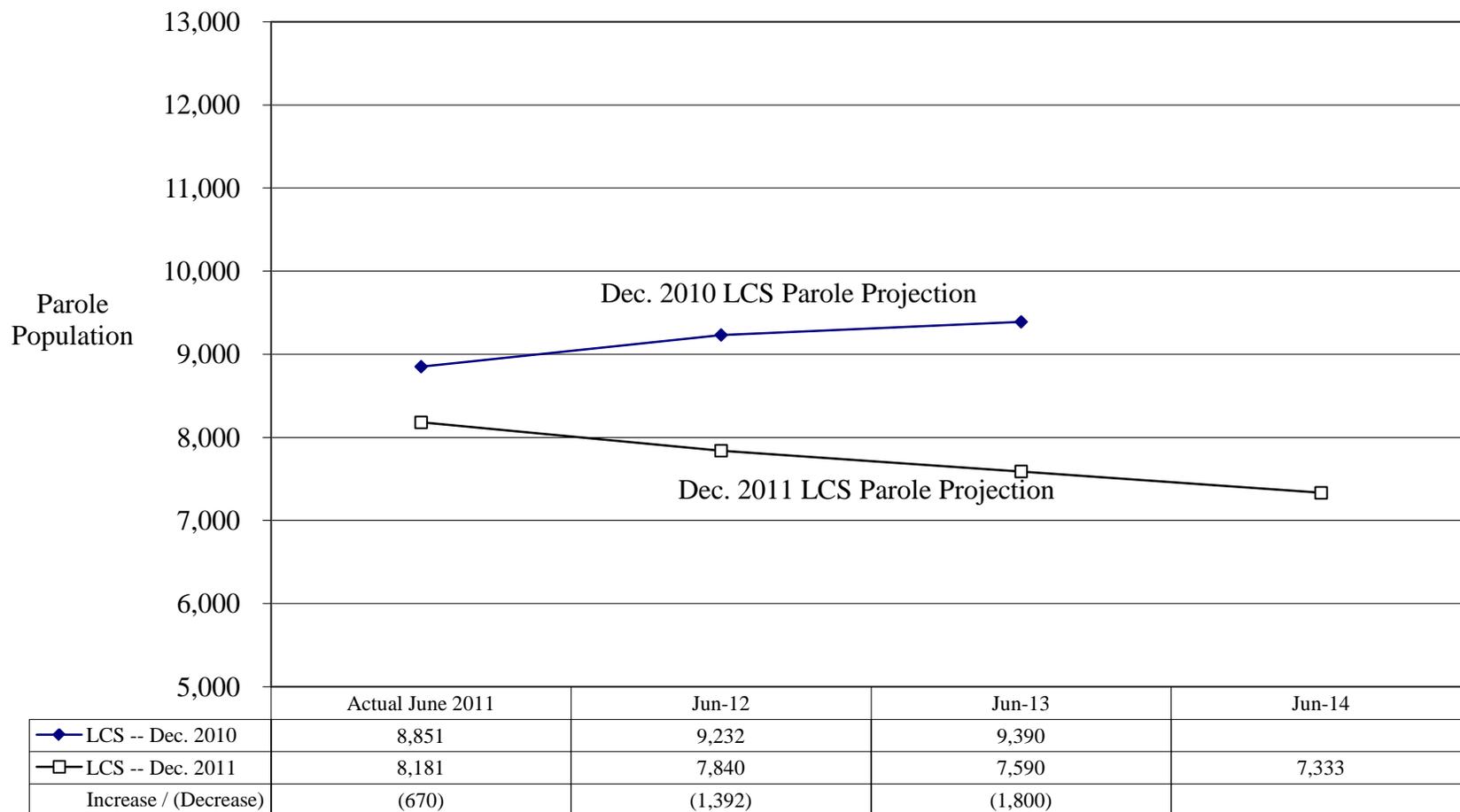
Comparison of December 2011 Parole Population Projections, LCS vs. DCJ

Chart #7



Comparison of LCS Parole Population Projections - Dec. 2011 vs. Dec. 2010

Chart #8



APPENDIX E

**SUMMARY OF CAPITAL CONSTRUCTION REQUESTS
FOR ADDITIONAL PRISON BEDS**

Appendix E

Capital Construction Request History for Additional Prison Beds in the Department of Corrections

Year	Project	Amount Requested	Amount Funded	Requested Beds	Built Beds	Security Level	Legislation	Status
FY 1999-00								
	TCF Phase II	\$77,889,123	\$0	710	0	V	-	Withdrawn
	DRDC Renovation/Expansion Design	\$1,019,047	\$0	0	0	V	-	Withdrawn
	SCCF Phase II Design	\$2,084,226	\$0	0	0	V	-	Withdrawn
FY 2000-01								
	SCCF Phase II Design	\$2,088,700	\$2,088,700	0	0	V	HB-00-1451	Complete
	DRDC Renovation/Expansion Design	\$1,092,594	\$1,092,594	0	0	V	HB-00-1451	Complete
	CWCF Expansion/Renovation Planning	\$410,887	\$0	0	0	IV	-	-
FY 2001-02								
	SCCF Phase II Construction (70%)	\$18,804,814	\$105,065	250	0	V	SB-01-212	Negative Appropriation
	AVCF High Custody Expansion (50%)	\$19,790,603	\$17,139	384	0	V	SB-01-212	Negative Appropriation
	DRDC Renovation/Expansion Construction	\$15,394,593	\$746,783	62	0	V	SB-01-212	Negative Appropriation
	CWCF Renovation Design	\$2,449,981	\$0	285 new	0	IV	-	Not Approved
	Fort Lyon Phases I and II	\$12,312,239	\$12,312,239	500	500	III	SB-01-212	Complete
FY 2002-03								
	AVCF High Custody Expansion (50%)	\$18,912,027	\$0	384	0	V	-	Not Approved
	DRDC Renovation/Expansion Construction	\$12,912,465	\$0	62	0	V	-	Not Approved
	SCCF Phase II Construction (70%)	\$18,371,304	\$0	250	0	V	-	Not Approved
	CCF High Custody Expansion (40%)	\$18,241,573	\$0	384	0	V	-	Not Approved
FY 2003-04								
	CSPII/CCF High Custody Expansion	\$102,800,000	\$102,800,000	948	n/a	V	HB 03-1256	Funded with COPs Lawsuit Delayed Project
FY 2004-05 and FY 2005-06								
	None	\$0	\$0	0	0	n/a	n/a	None Submitted
FY 2006-07								
	DRDC Renovation/Expansion Phase II	\$18,542,111	\$9,000,000	62	62	V	HB 06-1385	Approved in Phases
FY 2007-08								
	DRDC Renovation/Expansion Phase III	\$14,966,051	\$14,966,051	62	62	V	SB 07-239	Complete
	CSP II/CCF High Custody Expansion	\$36,911,874	\$36,911,874	948	948	V	SB 07-239	Complete
	CSP II/CCF High Custody Expansion	\$1,249,500	\$1,249,500	n/a	n/a	V	SB 07-239	Inmate In-Cell Services
FY 2008-09								
	CSP II/CCF High Custody Expansion	\$2,000,000	\$2,000,000	n/a	n/a	V	HB 08-1375	Equipment and Furnishings
FY 2009-10								
	CSP II/CCF High Custody Expansion	\$2,000,000	\$2,000,000	n/a	n/a	V	SB 09-259	Equipment and Furnishings
	CSP II/CCF High Custody Expansion	\$1,249,500	\$1,249,500	n/a	n/a	V	SB 09-259	Inmate In-Cell Services

APPENDIX F

INCARCERATION RATES PER 100,000 RESIDENTS
NATIONAL COMPARISON

Appendix F

	Sentenced Inmates		Inmate Change 1992 to 2009			Incarceration rate per 100,000 population				Incarceration Rate Change 1992 to 2009			
	CY 1992	CY 2009	Inmate Change	Total % Change	Avg annual % change	CY 1992		CY 2009		Change in Rate	Total % Change	Avg Annual % Change	Rank
						Rate	Rank	Rate	Rank				Incarceration Rate Growth
Northeast	138,144	167,344	29,200	21.1%	1.1%	261	4	302	4	41	15.7%	0.9%	
Connecticut	11,403	13,466	2,063	18.1%	1.0%	268	25	382	28	114	42.5%	2.1%	31
Maine	1,519	1,980	461	30.3%	1.6%	121	47	150	53	29	24.0%	1.3%	42
Massachusetts	10,053	10,070	17	0.2%	0.0%	161	41	213	49	52	32.3%	1.7%	35
New Hampshire	1,777	2,731	954	53.7%	2.6%	160	42	206	51	46	28.8%	1.5%	37
New Jersey	22,653	25,382	2,729	12.0%	0.7%	290	21	291	43	1	0.3%	0.0%	48
New York	61,736	58,455	(3,281)	-5.3%	-0.3%	340	14	298	41	(42)	-12.4%	-0.8%	50
Pennsylvania	24,974	51,316	26,342	105.5%	4.3%	207	33	406	26	199	96.1%	4.0%	10
Rhode Island	2,775	2,220	(555)	-20.0%	-1.3%	170	39	211	50	41	24.1%	1.3%	41
Vermont	1,254	1,724	470	37.5%	1.9%	151	44	277	44	126	83.4%	3.6%	14
Midwest	167,023	259,252	92,229	55.2%	2.6%	273	3	387	3	114	41.8%	2.1%	
Illinois	31,640	45,161	13,521	42.7%	2.1%	271	24	349	36	78	28.8%	1.5%	36
Indiana	13,945	28,788	14,843	106.4%	4.4%	242	27	447	20	205	84.7%	3.7%	13
Iowa	4,518	8,813	4,295	95.1%	4.0%	160	42	292	42	132	82.5%	3.6%	15
Kansas	6,028	8,641	2,613	43.3%	2.1%	238	28	305	40	67	28.2%	1.5%	39
Michigan	39,113	45,478	6,365	16.3%	0.9%	413	5	457	18	44	10.7%	0.6%	44
Minnesota	3,822	9,986	6,164	161.3%	5.8%	85	49	189	52	104	122.4%	4.8%	4
Missouri	16,189	30,554	14,365	88.7%	3.8%	311	20	509	12	198	63.7%	2.9%	21
Nebraska	2,514	4,392	1,878	74.7%	3.3%	151	44	243	46	92	60.9%	2.8%	22
North Dakota	477	1,486	1,009	211.5%	6.9%	67	50	228	48	161	240.3%	7.5%	2
Ohio	38,378	51,606	13,228	34.5%	1.8%	347	12	446	22	99	28.5%	1.5%	38
South Dakota	1,487	3,430	1,943	130.7%	5.0%	208	32	420	25	212	101.9%	4.2%	9
Wisconsin	8,912	20,917	12,005	134.7%	5.1%	176	37	369	32	193	109.7%	4.5%	7
South	313,216	625,121	311,905	99.6%	4.1%	355	1	551	1	196	55.2%	2.6%	
Alabama	17,453	30,723	13,270	76.0%	3.4%	407	7	650	4	243	59.7%	2.8%	24
Arkansas	8,285	15,144	6,859	82.8%	3.6%	340	14	522	10	182	53.5%	2.6%	27
Delaware	4,051	3,971	(80)	-2.0%	-0.1%	390	8	447	20	57	14.6%	0.8%	43
Florida	48,302	103,915	55,613	115.1%	4.6%	355	11	559	7	204	57.5%	2.7%	26
Georgia	25,290	52,012	26,722	105.7%	4.3%	365	10	526	9	161	44.1%	2.2%	29
Kentucky	10,364	20,672	10,308	99.5%	4.1%	274	23	478	14	204	74.5%	3.3%	19
Louisiana	20,896	39,780	18,884	90.4%	3.9%	484	2	881	1	397	82.0%	3.6%	17
Maryland	19,977	21,868	1,891	9.5%	0.5%	381	9	382	28	1	0.3%	0.0%	49
Mississippi	8,780	20,768	11,988	136.5%	5.2%	327	17	702	2	375	114.7%	4.6%	5
North Carolina	20,454	34,863	14,409	70.4%	3.2%	290	21	369	32	79	27.2%	1.4%	40
Oklahoma	14,821	24,396	9,575	64.6%	3.0%	459	3	657	3	198	43.1%	2.1%	30
South Carolina	18,643	23,486	4,843	26.0%	1.4%	486	1	512	11	26	5.3%	0.3%	46
Tennessee	11,849	26,965	15,116	127.6%	5.0%	234	29	426	24	192	82.1%	3.6%	16
Texas	61,178	162,186	101,008	165.1%	5.9%	344	13	648	5	304	88.4%	3.8%	12
Virginia	21,199	38,059	16,860	79.5%	3.5%	327	17	480	13	153	46.8%	2.3%	28
West Virginia	1,674	6,313	4,639	277.1%	8.1%	92	48	346	37	254	276.1%	8.1%	1
West	174,139	309,118	134,979	77.5%	3.4%	299	2	429	2	130	43.5%	2.1%	
Alaska	2,865	2,508	(357)	-12.5%	-0.8%	327	17	357	35	30	9.2%	0.5%	45
Arizona	16,477	38,529	22,052	133.8%	5.1%	409	6	580	6	171	41.8%	2.1%	32
California	109,496	170,131	60,635	55.4%	2.6%	339	16	458	17	119	35.1%	1.8%	34
Colorado	8,997	22,795	13,798	153.4%	5.6%	256	26	450	19	194	75.8%	3.4%	18
Hawaii	2,926	4,119	1,193	40.8%	2.0%	164	40	317	38	153	93.3%	4.0%	11
Idaho	2,256	7,400	5,144	228.0%	7.2%	209	31	476	15	267	127.8%	5.0%	3
Montana	1,498	3,605	2,107	140.7%	5.3%	180	36	368	34	188	104.4%	4.3%	8
Nevada	6,049	12,482	6,433	106.3%	4.4%	448	4	470	16	22	4.9%	0.3%	47
New Mexico	3,271	6,391	3,120	95.4%	4.0%	197	34	316	39	119	60.4%	2.8%	23
Oregon	6,583	14,365	7,782	118.2%	4.7%	174	38	373	31	199	114.4%	4.6%	6
Utah	2,699	6,519	3,820	141.5%	5.3%	146	46	232	47	86	58.9%	2.8%	25
Washington	9,959	18,199	8,240	82.7%	3.6%	192	35	271	45	79	41.1%	2.0%	33
Wyoming	1,063	2,075	1,012	95.2%	4.0%	226	30	377	30	151	66.8%	3.1%	20
Total States	792,522	1,360,835	568,313	71.7%	3.2%	305		442		137	44.9%	2.2%	

* Incarceration rate is calculated as the number of inmates per 100,000 residents.

Source: U.S. Department of Justice, Office of Justice Programs, *Bureau of Justice Statistics Bulletin Annual Prison Reports*.

APPENDIX G

CRIME RATES IN COLORADO

Appendix G

Year	Index offense rate	Violent Crime rate	Murder and nonnegligent manslaughter rate	Forcible rape rate	Robbery rate	Aggravated assault rate	Property crime rate	Burglary rate	Larceny-theft rate	Motor vehicle theft rate
1960	2,172.4	137.3	4.2	13.1	77.7	42.4	2,035.1	569.9	1,251.4	213.8
1961	2,404.0	149.3	4.7	12.9	91.7	40.0	2,254.7	655.9	1,322.3	276.5
1962	2,667.1	156.8	5.0	14.8	85.2	51.8	2,510.3	681.1	1,507.1	322.2
1963	2,660.8	130.3	4.8	14.5	68.3	42.6	2,530.5	670.5	1,553.5	306.5
1964	2,728.7	158.6	4.2	17.1	67.3	70.1	2,570.1	679.9	1,619.0	271.2
1965	2,704.5	152.7	3.5	16.2	54.5	78.6	2,551.8	650.9	1,652.2	248.7
1966	3,009.6	168.9	4.0	17.3	53.8	93.8	2,840.7	711.0	1,831.3	298.3
1967	3,309.1	191.8	4.1	20.9	67.9	98.9	3,117.2	789.4	2,019.5	308.4
1968	3,862.6	263.0	5.4	26.1	96.5	135.0	3,599.6	917.0	2,262.0	420.6
1969	4,498.2	298.8	5.3	28.8	110.7	154.0	4,199.4	1,133.2	2,559.2	507.0
1970	5,318.2	356.7	6.2	36.0	129.1	185.4	4,961.4	1,380.9	2,992.1	588.4
1971	5,517.0	373.6	6.5	38.4	134.9	193.8	5,143.3	1,450.0	3,128.5	564.8
1972	5,593.6	405.4	8.3	38.4	141.4	217.3	5,188.2	1,580.1	3,018.8	589.3
1973	5,495.8	414.0	7.9	38.7	162.9	204.4	5,081.9	1,598.8	2,910.6	572.5
1974	6,165.8	429.8	6.0	36.5	165.7	221.6	5,736.0	1,843.1	3,354.2	538.6
1975	6,675.5	463.1	7.4	41.5	174.1	240.1	6,212.4	2,001.2	3,744.0	467.2
1976	6,782.4	417.0	6.8	33.8	139.7	236.7	6,365.4	1,879.9	4,043.5	442.0
1977	6,827.5	511.9	6.3	42.0	170.7	292.9	6,315.6	1,935.2	3,903.2	477.1
1978	6,832.4	498.0	7.3	49.6	159.2	281.9	6,334.5	1,869.6	3,977.0	487.9
1979	7,051.1	522.1	5.8	53.1	157.0	306.1	6,529.0	1,794.4	4,253.2	481.4
1980	7,333.5	528.6	6.9	52.5	160.1	309.2	6,804.9	2,030.8	4,325.8	448.3
1981	7,353.2	531.7	8.1	45.6	159.5	318.5	6,821.4	2,031.6	4,375.9	413.9
1982	7,079.9	504.2	6.0	44.5	150.6	303.1	6,575.7	1,749.1	4,429.3	397.3
1983	6,627.1	476.4	6.4	41.9	126.4	301.7	6,150.7	1,532.4	4,245.7	372.7
1984	6,471.1	457.8	5.8	39.0	114.0	299.0	6,013.3	1,561.3	4,054.7	397.3
1985	6,919.1	471.0	5.8	40.9	124.2	300.1	6,448.0	1,748.1	4,267.0	432.9
1986	7,031.9	523.6	7.0	42.3	144.8	329.4	6,508.3	1,791.6	4,230.8	486.0
1987	6,451.3	467.5	5.8	40.8	118.8	302.1	5,983.8	1,534.6	4,012.9	436.3
1988	6,178.3	472.6	5.7	38.6	98.8	329.5	5,705.7	1,383.1	3,900.6	422.0
1989	6,039.4	471.4	4.4	36.2	90.0	340.8	5,568.0	1,250.4	3,864.8	452.9
1990	6,053.7	526.0	4.2	46.2	90.6	385.0	5,527.8	1,208.8	3,890.6	428.4
1991	6,074.1	559.3	5.9	47.0	107.4	398.9	5,514.8	1,158.3	3,930.0	426.4
1992	5,958.8	578.8	6.2	47.3	120.5	404.9	5,379.9	1,090.9	3,780.1	509.0
1993	5,526.8	567.3	5.8	45.8	116.7	399.0	4,959.5	1,009.8	3,499.4	450.3
1994	5,318.4	509.6	5.4	43.2	106.9	354.0	4,808.8	925.7	3,490.2	392.9
1995	5,396.3	440.2	5.8	39.5	96.2	298.7	4,956.1	934.1	3,634.5	387.5
1996	5,118.5	404.5	4.7	46.2	98.2	255.4	4,714.0	900.8	3,415.5	397.8
1997	4,650.4	363.2	4.0	43.1	83.3	232.8	4,287.2	796.1	3,077.3	413.7
1998	4,487.5	377.9	4.6	47.4	81.5	244.4	4,109.5	786.5	2,917.9	405.1
1999	4,063.4	340.5	4.6	41.4	75.3	219.2	3,722.9	665.2	2,693.0	364.8
2000	3,982.6	334.0	3.1	41.2	70.5	219.1	3,648.6	630.8	2,623.5	394.3
2001	4,218.9	350.7	3.6	43.7	80.5	222.9	3,868.2	645.9	2,747.1	475.2
2002	4,353.2	352.9	4.0	45.9	79.5	223.5	4,000.3	703.8	2,781.4	515.1
2003	4,298.1	346.5	4.1	42.1	82.2	218.2	3,951.6	712.3	2,737.6	501.7
2004	4,292.8	373.5	4.4	42.5	81.5	245.1	3,919.3	717.3	2,679.0	522.9
2005	4,436.0	396.5	3.7	43.4	84.6	264.7	4,039.5	744.8	2,735.2	559.5
2006	3,842.9	391.6	3.3	43.7	80.7	264.0	3,451.3	682.1	2,331.8	437.5
2007	3,353.9	347.8	3.1	41.1	71.0	232.5	3,006.1	591.4	2,069.3	345.4
2008	3,206.3	347.1	3.2	42.4	68.3	233.2	2,859.2	571.8	2,015.5	271.9
2009	3,004.0	337.8	3.5	44.6	67.4	222.3	2,666.2	530.4	1,887.9	247.9

Notes: When data are unavailable, the cells are blank or the year is not presented.

State offense totals are based on data from all reporting agencies and estimates for unreported areas.

Sources: FBI, Uniform Crime Reports, prepared by the National Archive of Criminal Justice Data

APPENDIX H

COLORADO INMATE POPULATION BY CRIME TYPE

Appendix H

Inmate Population Most Serious Offenses
as of June 30 each Year

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Change 1997 to 2010	
VIOLENT:																
1st Degree Murder	469	678	712	748	788	817	859	894	n/a	971	1,015	1,100	1,227	1,271	802	171.0%
2nd Degree Murder	391	506	527	567	592	629	653	678	n/a	750	770	822	767	794	403	103.1%
Manslaughter	119	118	113	108	101	100	98	87	n/a	87	84	82	222	208	89	74.8%
Homicide	92	103	111	119	125	137	163	168	n/a	196	203	227	94	100	8	8.7%
Negligent Homicide	15	12	18	22	25	18	12	10	n/a	13	15	n/a	n/a	n/a	n/a	n/a
Aggravated Robbery	522	607	632	671	702	740	775	829	n/a	891	924	983	595	572	50	9.6%
Simple Robbery	292	321	346	372	393	411	411	468	n/a	483	443	549	1,009	1,034	742	254.1%
Kidnaping	245	270	258	287	301	330	334	353	n/a	373	473	500	551	548	303	123.7%
Assault	869	1,079	1,120	1,224	1,254	1,331	1,411	1,495	n/a	1,604	1,685	2,078	2,150	2,260	1,391	160.1%
Menacing	314	340	384	414	493	565	616	618	n/a	658	720	697	750	707	393	125.2%
Sexual Assault	481	629	739	796	794	762	736	671	n/a	624	432	839	905	926	445	92.5%
Sexual Assault/ Exploit of Child	851	968	946	1,010	1,031	933	886	816	n/a	704	860	1,646	1,638	1,660	809	95.1%
Incest	68	72	72	77	78	70	56	55	n/a	49	44	n/a	n/a	n/a	n/a	n/a
Vehicular Assault	51	63	89	87	105	122	123	139	n/a	133	151	n/a	n/a	n/a	n/a	n/a
Att/Consp/Acc to Violent Crimes	629	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a						
Arson	40	48	60	64	60	63	61	58	n/a	69	57	71	62	65	25	62.5%
Weapons/Explosives	65	68	53	65	75	74	77	87	n/a	143	142	170	148	146	81	124.6%
Child Abuse	119	179	205	236	287	316	368	406	n/a	496	313	666	741	801	682	573.1%
Sex Offender Act	40	36	45	70	180	315	494	658	n/a	910	1,053	n/a	n/a	n/a	n/a	n/a
SUBTOTAL	5,672	6,097	6,430	6,937	7,384	7,733	8,133	8,490	n/a	9,154	9,384	10,430	10,859	11,092	5,420	95.6%
NON-VIOLENT:																
Drug Offenses	1,812	2,441	2,800	3,130	3,291	3,691	3,771	3,932	n/a	4,165	4,196	4,502	4,373	4,064	2,252	124.3%
Att/Consp/Acc to Non-violent Crimes	628	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a						
Theft	816	1,087	1,058	1,169	1,191	1,322	1,392	1,459	n/a	1,754	1,771	2,144	1,832	1,609	793	97.2%
Escape/Contraband	990	975	1,015	1,183	1,234	1,309	1,295	1,334	n/a	2,021	2,559	1,073	1,074	1,094	n/a	n/a
Burglary	1,046	1,234	1,256	1,346	1,378	1,398	1,436	1,436	n/a	1,519	1,542	1,818	1,800	1,772	726	69.4%
Traffic	166	214	265	228	185	180	191	191	n/a	172	170	206	220	199	33	19.9%
Trespassing	272	367	396	400	416	452	500	460	n/a	524	509	719	689	643	371	136.4%
Forgery	181	212	223	233	223	266	257	250	n/a	383	354	380	374	319	138	76.2%
M. V. Theft	191	268	308	313	334	376	455	473	n/a	565	572	725	665	606	415	217.3%
Fraud/Embezzlement	81	88	71	83	83	102	98	93	n/a	94	115	63	388	454	373	460.5%
Habitual	373	400	425	460	483	554	562	596	n/a	574	583	n/a	n/a	n/a	n/a	n/a
Miscellaneous	89	308	338	364	452	484	551	633	n/a	832	537	698	684	764	675	758.4%
SUBTOTAL	6,645	7,594	8,155	8,909	9,270	10,134	10,508	10,857	n/a	12,603	12,908	12,328	12,099	11,524	4,879	73.4%
TOTAL	12,317	13,691	14,585	15,846	16,654	17,867	18,641	19,347	n/a	21,757	22,292	22,758	22,958	22,616	10,299	83.6%

Appendix H

Inmate Population Most Serious Offenses
Percent Increase Over Prior Year

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
VIOLENT:														
1st Degree Murder	n/a	44.6%	5.0%	5.1%	5.3%	3.7%	5.1%	4.1%	n/a	n/a	4.5%	8.4%	11.5%	3.6%
2nd Degree Murder	n/a	29.4%	4.2%	7.6%	4.4%	6.3%	3.8%	3.8%	n/a	n/a	2.7%	6.8%	-6.7%	3.5%
Manslaughter	n/a	-0.8%	-4.2%	-4.4%	-6.5%	-1.0%	-2.0%	-11.2%	n/a	n/a	-3.4%	-2.4%	170.7%	-6.3%
Vehicular Homicide	n/a	12.0%	7.8%	7.2%	5.0%	9.6%	19.0%	3.1%	n/a	n/a	3.6%	11.8%	-58.6%	6.4%
Negligent Homicide	n/a	-20.0%	50.0%	22.2%	13.6%	-28.0%	-33.3%	-16.7%	n/a	n/a	15.4%	n/a	n/a	n/a
Aggravated Robbery	n/a	16.3%	4.1%	6.2%	4.6%	5.4%	4.7%	7.0%	n/a	n/a	3.7%	6.4%	-39.5%	-3.9%
Simple Robbery	n/a	9.9%	7.8%	7.5%	5.6%	4.6%	0.0%	13.9%	n/a	n/a	-8.3%	23.9%	83.8%	2.5%
Kidnaping	n/a	10.2%	-4.4%	11.2%	4.9%	9.6%	1.2%	5.7%	n/a	n/a	26.8%	5.7%	10.2%	-0.5%
Assault	n/a	24.2%	3.8%	9.3%	2.5%	6.1%	6.0%	6.0%	n/a	n/a	5.0%	23.3%	3.5%	5.1%
Menacing	n/a	8.3%	12.9%	7.8%	19.1%	14.6%	9.0%	0.3%	n/a	n/a	9.4%	-3.2%	7.6%	-5.7%
Sexual Assault	n/a	30.8%	17.5%	7.7%	-0.3%	-4.0%	-3.4%	-8.8%	n/a	n/a	-30.8%	94.2%	7.9%	2.3%
Sexual Assault/ Exploit of Child	n/a	13.7%	-2.3%	6.8%	2.1%	-9.5%	-5.0%	-7.9%	n/a	n/a	22.2%	91.4%	-0.5%	1.3%
Incest	n/a	5.9%	0.0%	6.9%	1.3%	-10.3%	-20.0%	-1.8%	n/a	n/a	-10.2%	n/a	n/a	n/a
Vehicular Assault	n/a	23.5%	41.3%	-2.2%	20.7%	0.8%	13.0%	13.0%	n/a	n/a	13.5%	n/a	n/a	n/a
Att/Consp/Acc to Violent Crimes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Arson	n/a	20.0%	25.0%	6.7%	-6.3%	5.0%	-3.2%	-4.9%	n/a	n/a	-17.4%	24.6%	-12.7%	4.8%
Weapons/Explosives	n/a	4.6%	-22.1%	22.6%	15.4%	-1.3%	4.1%	13.0%	n/a	n/a	-0.7%	19.7%	-12.9%	-1.4%
Child Abuse	n/a	50.4%	14.5%	15.1%	21.6%	10.1%	16.5%	10.3%	n/a	n/a	-36.9%	112.8%	11.3%	8.1%
Sex Offender Act	n/a	-10.0%	25.0%	55.6%	157.1%	75.0%	56.8%	33.2%	n/a	n/a	15.7%	n/a	n/a	n/a
SUBTOTAL	n/a	7.5%	5.5%	7.9%	6.4%	4.7%	5.2%	4.4%	n/a	n/a	2.5%	13.9%	15.7%	6.3%
NON-VIOLENT:														
Drug Offenses	n/a	34.7%	14.7%	11.8%	5.1%	12.2%	2.2%	4.3%	n/a	n/a	0.7%	7.3%	-2.9%	-7.1%
Att/Consp/Acc to Non-violent Crimes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Theft	n/a	33.2%	-2.7%	10.5%	1.9%	11.0%	5.3%	4.8%	n/a	n/a	1.0%	21.1%	-14.6%	-12.2%
Escape/Contraband	n/a	-1.5%	4.1%	16.6%	4.3%	6.1%	-1.1%	3.0%	n/a	n/a	26.6%	-58.1%	0.1%	1.9%
Burglary	n/a	18.0%	1.8%	7.2%	2.4%	1.5%	2.7%	0.0%	n/a	n/a	1.5%	17.9%	-1.0%	-1.6%
Traffic	n/a	28.9%	23.8%	-14.0%	-18.9%	-2.7%	6.1%	0.0%	n/a	n/a	-1.2%	21.2%	6.8%	-9.5%
Trespassing	n/a	34.9%	7.9%	1.0%	4.0%	8.7%	10.6%	-8.0%	n/a	n/a	-2.9%	41.3%	-4.2%	-6.7%
Forgery	n/a	17.1%	5.2%	4.5%	-4.3%	19.3%	-3.4%	-2.7%	n/a	n/a	-7.6%	7.3%	-1.6%	-14.7%
M. V. Theft	n/a	40.3%	14.9%	1.6%	6.7%	12.6%	21.0%	4.0%	n/a	n/a	1.2%	26.7%	-8.3%	-8.9%
Fraud/Embezzlement	n/a	8.6%	-19.3%	16.9%	0.0%	22.9%	-3.9%	-5.1%	n/a	n/a	22.3%	-45.2%	515.9%	17.0%
Habitual	n/a	7.2%	6.3%	8.2%	5.0%	14.7%	1.4%	6.0%	n/a	n/a	1.6%	n/a	n/a	n/a
Miscellaneous	n/a	246.1%	9.7%	7.7%	24.2%	7.1%	13.8%	14.9%	n/a	n/a	-35.5%	30.0%	-2.0%	11.7%
SUBTOTAL	n/a	14.3%	7.4%	9.2%	4.1%	9.3%	3.7%	3.3%	n/a	n/a	2.4%	-2.2%	-6.3%	-6.5%
TOTAL	n/a	11.2%	6.5%	8.6%	5.1%	7.3%	4.3%	3.8%	n/a	n/a	2.5%	4.6%	3.0%	-0.6%

Appendix H

Inmate Population Most Serious Offenses
Percent of Total Population

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
VIOLENT:														
1st Degree Murder	3.8%	5.0%	4.9%	4.7%	4.7%	4.6%	4.6%	4.6%	n/a	4.5%	4.6%	4.8%	5.3%	5.6%
2nd Degree Murder	3.2%	3.7%	3.6%	3.6%	3.6%	3.5%	3.5%	3.5%	n/a	3.4%	3.5%	3.6%	3.3%	3.5%
Manslaughter	1.0%	0.9%	0.8%	0.7%	0.6%	0.6%	0.5%	0.4%	n/a	0.4%	0.4%	0.4%	1.0%	0.9%
Vehicular Homicide	0.7%	0.8%	0.8%	0.8%	0.8%	0.8%	0.9%	0.9%	n/a	0.9%	0.9%	1.0%	0.4%	0.4%
Negligent Homicide	0.1%	0.1%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	n/a	0.1%	0.1%	n/a	n/a	n/a
Aggravated Robbery	4.2%	4.4%	4.3%	4.2%	4.2%	4.1%	4.2%	4.3%	n/a	4.1%	4.1%	4.3%	2.6%	2.5%
Simple Robbery	2.4%	2.3%	2.4%	2.3%	2.4%	2.3%	2.2%	2.4%	n/a	2.2%	2.0%	2.4%	4.4%	4.6%
Kidnaping	2.0%	2.0%	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%	n/a	1.7%	2.1%	2.2%	2.4%	2.4%
Assault	7.1%	7.9%	7.7%	7.7%	7.5%	7.4%	7.6%	7.7%	n/a	7.4%	7.6%	9.1%	9.4%	10.0%
Menacing	2.5%	2.5%	2.6%	2.6%	3.0%	3.2%	3.3%	3.2%	n/a	3.0%	3.2%	3.1%	3.3%	3.1%
Sexual Assault	3.9%	4.6%	5.1%	5.0%	4.8%	4.3%	3.9%	3.5%	n/a	2.9%	1.9%	3.7%	3.9%	4.1%
Sexual Assault/ Exploit of Child	6.9%	7.1%	6.5%	6.4%	6.2%	5.2%	4.8%	4.2%	n/a	3.2%	3.9%	7.2%	7.1%	7.3%
Incest	0.6%	0.5%	0.5%	0.5%	0.5%	0.4%	0.3%	0.3%	n/a	0.2%	0.2%	n/a	n/a	n/a
Vehicular Assault	0.4%	0.5%	0.6%	0.5%	0.6%	0.7%	0.7%	0.7%	n/a	0.6%	0.7%	n/a	n/a	n/a
Att/Consp/Acc to Violent Crimes	5.1%	n/a	n/a	n/a	n/a	n/a	n/a	n/a						
Arson	0.3%	0.4%	0.4%	0.4%	0.4%	0.4%	0.3%	0.3%	n/a	0.3%	0.3%	0.3%	0.3%	0.3%
Weapons/Explosives	0.5%	0.5%	0.4%	0.4%	0.5%	0.4%	0.4%	0.4%	n/a	0.7%	0.6%	0.7%	0.6%	0.6%
Child Abuse	1.0%	1.3%	1.4%	1.5%	1.7%	1.8%	2.0%	2.1%	n/a	2.3%	1.4%	2.9%	3.2%	3.5%
Sex Offender Act	0.3%	0.3%	0.3%	0.4%	1.1%	1.8%	2.7%	3.4%	n/a	4.2%	4.7%	n/a	n/a	n/a
SUBTOTAL	46.1%	44.5%	44.1%	43.8%	44.3%	43.3%	43.6%	43.9%	n/a	42.1%	42.1%	45.8%	47.3%	49.0%
NON-VIOLENT:														
Drug Offenses	14.7%	17.8%	19.2%	19.8%	19.8%	20.7%	20.2%	20.3%	n/a	19.1%	18.8%	19.8%	19.0%	18.0%
Att/Consp/Acc to Non-violent Crimes	5.1%	n/a	n/a	n/a	n/a	n/a	n/a	n/a						
Theft	6.6%	7.9%	7.3%	7.4%	7.2%	7.4%	7.5%	7.5%	n/a	8.1%	7.9%	9.4%	8.0%	7.1%
Escape/Contraband	8.0%	7.1%	7.0%	7.5%	7.4%	7.3%	6.9%	6.9%	n/a	9.3%	11.5%	4.7%	4.7%	4.8%
Burglary	8.5%	9.0%	8.6%	8.5%	8.3%	7.8%	7.7%	7.4%	n/a	7.0%	6.9%	8.0%	7.8%	7.8%
Traffic	1.3%	1.6%	1.8%	1.4%	1.1%	1.0%	1.0%	1.0%	n/a	0.8%	0.8%	0.9%	1.0%	0.9%
Trespassing	2.2%	2.7%	2.7%	2.5%	2.5%	2.5%	2.7%	2.4%	n/a	2.4%	2.3%	3.2%	3.0%	2.8%
Forgery	1.5%	1.5%	1.5%	1.5%	1.3%	1.5%	1.4%	1.3%	n/a	1.8%	1.6%	1.7%	1.6%	1.4%
M. V. Theft	1.6%	2.0%	2.1%	2.0%	2.0%	2.1%	2.4%	2.4%	n/a	2.6%	2.6%	3.2%	2.9%	2.7%
Fraud/Embezzlement	0.7%	0.6%	0.5%	0.5%	0.5%	0.6%	0.5%	0.5%	n/a	0.4%	0.5%	0.3%	1.7%	2.0%
Habitual	3.0%	2.9%	2.9%	2.9%	2.9%	3.1%	3.0%	3.1%	n/a	2.6%	2.6%	n/a	n/a	n/a
Miscellaneous	0.7%	2.2%	2.3%	2.3%	2.7%	2.7%	3.0%	3.3%	n/a	3.8%	2.4%	3.1%	3.0%	3.4%
SUBTOTAL	53.9%	55.5%	55.9%	56.2%	55.7%	56.7%	56.4%	56.1%	n/a	57.9%	57.9%	54.2%	52.7%	51.0%
TOTAL	100.0%	n/a	100.0%	100.0%	100.0%	100.0%	100.0%							

APPENDIX I

DEPARTMENT OF CORRECTIONS FACILITY COST

Appendix I

**Department of Corrections
Summary of Average Bed Cost
1-Nov-2011
(based on report prepared by the DOC)**

	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Annual Costs:									
Level I Facilities	22,531	20,644	21,217	21,747	22,579	24,028	26,225	25,930	24,878
Level II Facilities	24,729	22,867	22,685	22,995	23,397	24,532	26,875	26,703	26,101
Level III Facilities	25,988	24,721	25,203	26,076	27,302	28,463	30,324	30,631	29,934
Level IV Facilities	28,835	27,109	28,707	28,419	28,576	31,394	32,197	32,788	37,471
Level V Facilities	31,912	30,153	30,682	31,930	33,544	35,679	37,913	37,332	37,044
All Facilities	27,824	26,247	26,813	27,587	28,758	30,386	32,339	32,335	32,343
Daily Costs:									
Level I	61.73	56.56	58.13	59.58	61.86	65.83	71.85	71.04	68.16
Level II	67.75	62.65	62.15	63.00	64.10	67.21	73.63	73.16	71.51
Level III	71.20	67.73	69.05	71.44	74.80	77.98	83.08	83.92	82.01
Level IV	79.00	74.27	78.65	77.86	78.29	86.01	88.21	89.83	102.66
Level V	87.43	82.61	84.06	87.48	91.90	97.75	103.87	102.28	101.49
All Facilities	76.23	71.91	73.46	75.58	78.79	83.25	88.60	88.59	88.61
Community Services:									
Parole	3,311	3,343	3,154	3,318	3,402	3,562	3,975	4,314	12.51
Parole ISP	6,946	6,873	6,333	6,344	8,318	9,162	9,198	7,822	23.02
YOS Aftercare	58,123	66,985	55,097	63,568	66,456	70,741	67,098	69,292	165.26
Community Return-to-Custody (S.B. 03-252)	n/a	21,269	18,524	<i>Moved to Ext. Capacity</i>					
Community	3,442	3,449	3,770	4,077	4,114	4,581	4,628	4,088	11.05
Community ISP	9,946	10,333	9,877	9,910	9,600	10,180	10,716	11,446	33.99
External Capacity:									
Private Prisons									
Daily Rate	52.47	50.37	49.56	50.28	51.91	52.69	52.69	52.69	52.69
Annual Cost	19,152	18,385	18,089	18,352	18,999	19,232	19,232	19,232	19,232
Out-of-State Contract									
Daily Rate	n/a	n/a	51.00	n/a	54.00	54.00	n/a	n/a	n/a
Annual Cost	n/a	n/a	18,615	n/a	19,710	19,710	n/a	n/a	n/a
Jail Backlog									
Daily Rate	51.65	46.49	46.49	47.42	48.96	49.69	50.44	50.44	50.44
Annual Cost	18,852	16,969	16,969	17,308	17,919	18,137	18,411	18,411	18,411
Average Daily Cost (including DOC overhead) for all external capacity. (including DOC overhead) for all external capacity programs									
	n/a	54.37	55.25	56.44	57.82	59.28	61.19	59.10	59.96
	n/a	19,845	20,166	20,601	21,104	21,637	22,334	21,572	21,885

APPENDIX J

MAP OF CORRECTIONAL FACILITIES IN COLORADO

Colorado Department of Corrections: Facility Locations

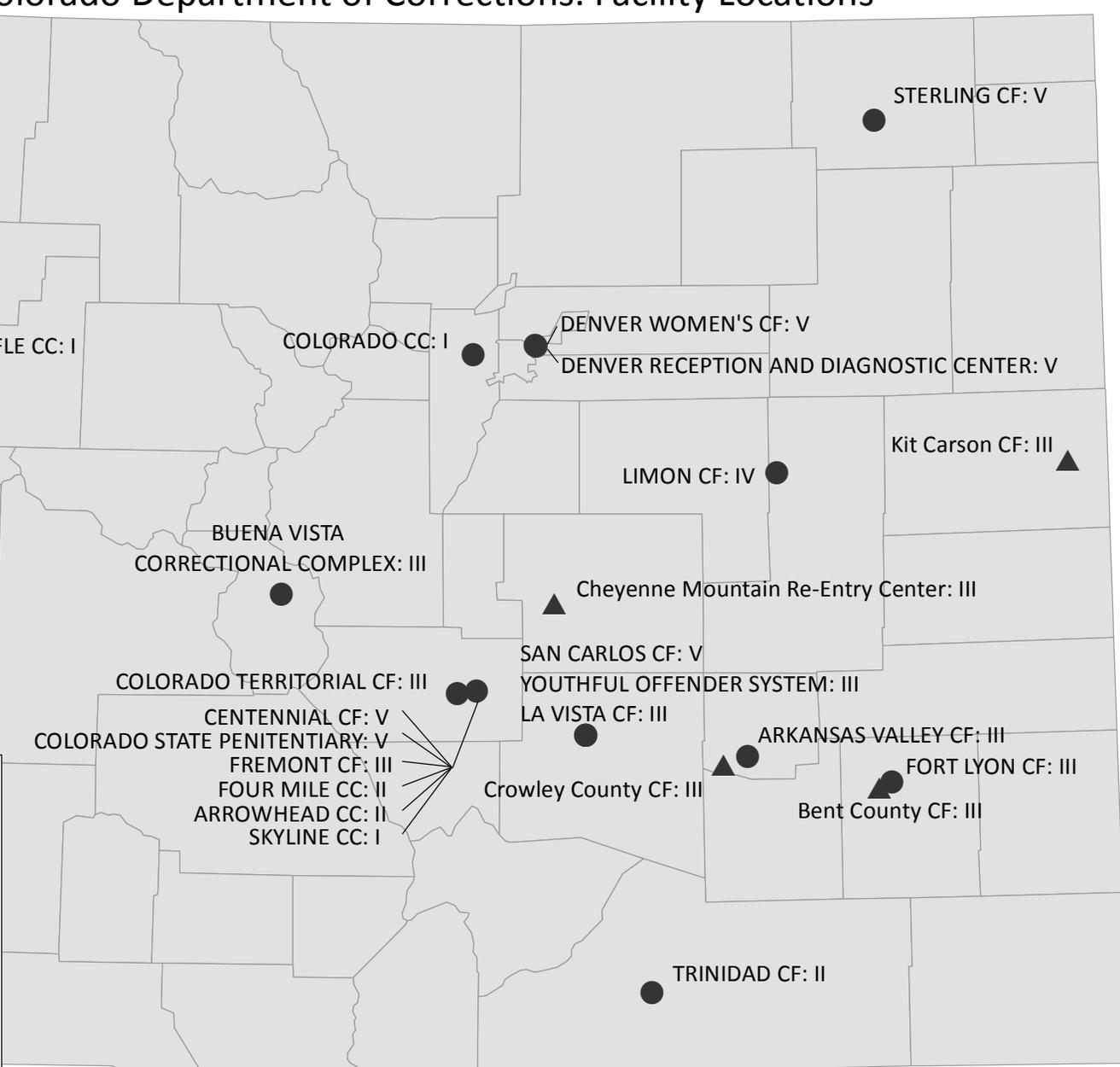


Facility Type:

- STATE
- ▲ Contract

CC: Correctional Center
CF: Correctional Facility

Security: I Minimum
II Minimum-Restrictive
III Medium
IV Close
V Multi-Custody
Administrative Segregation



Source: Ryan Hollamby, OPA. County Data: U.S. Census Bureau TIGER. December 15th, 2011

