

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2009-10 STAFF BUDGET BRIEFING

DEPARTMENT OF CORRECTIONS

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

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December 23, 2008**

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**FY 2009-10 BUDGET BRIEFING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE**

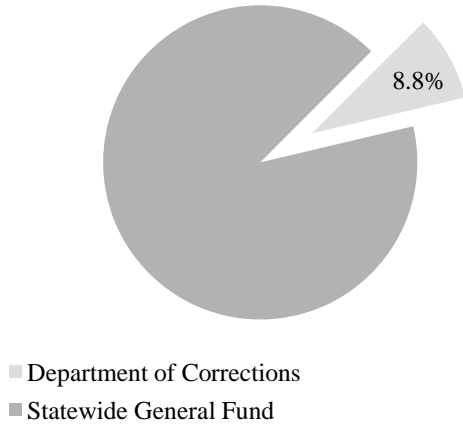
DEPARTMENT OF CORRECTIONS

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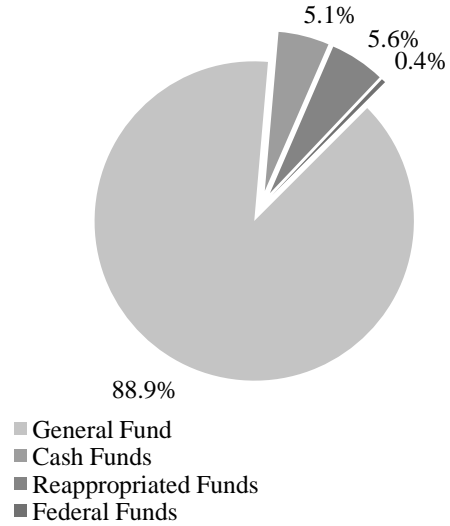
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**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections
GRAPHIC OVERVIEW**

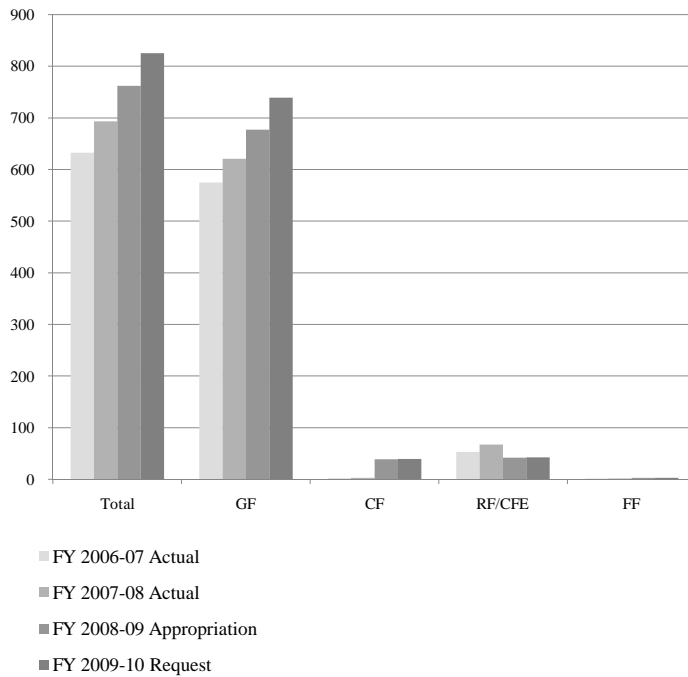
Department's Share of Statewide General Fund



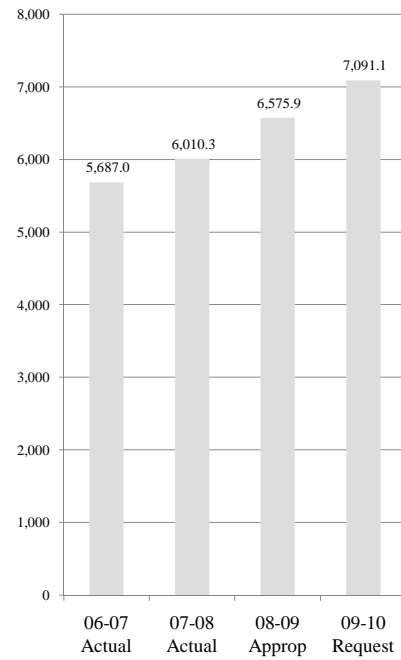
Department Funding Sources



**Budget History
(Millions of Dollars)**

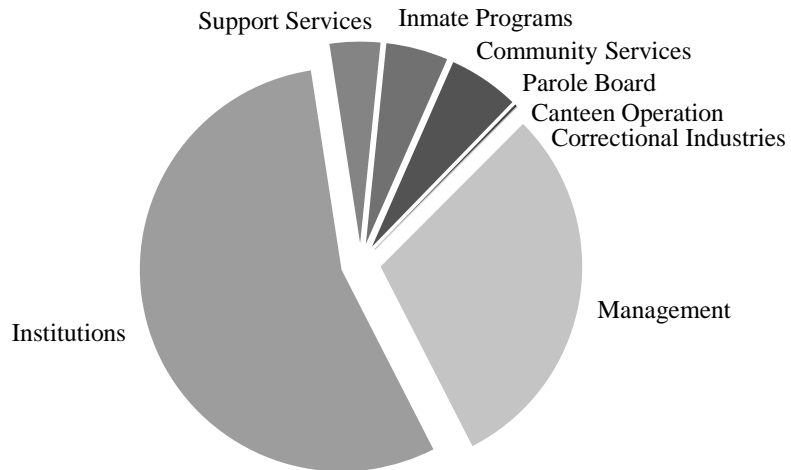


FTE History

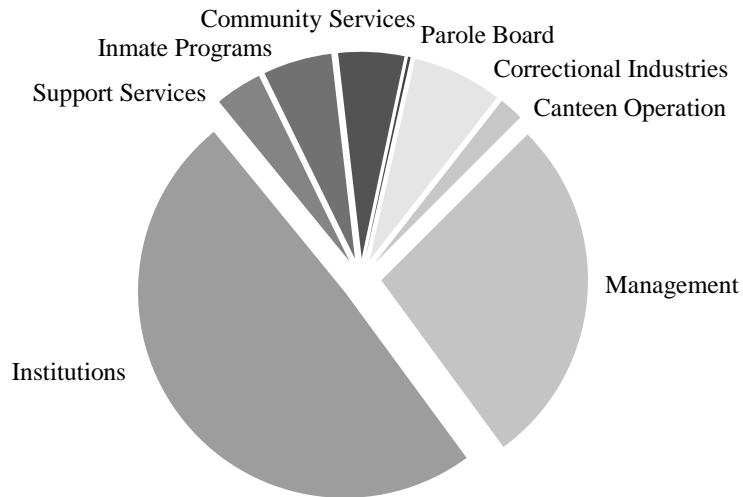


Unless otherwise noted, all charts are based on the FY 2008-09 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

DEPARTMENT OVERVIEW

Key Responsibilities

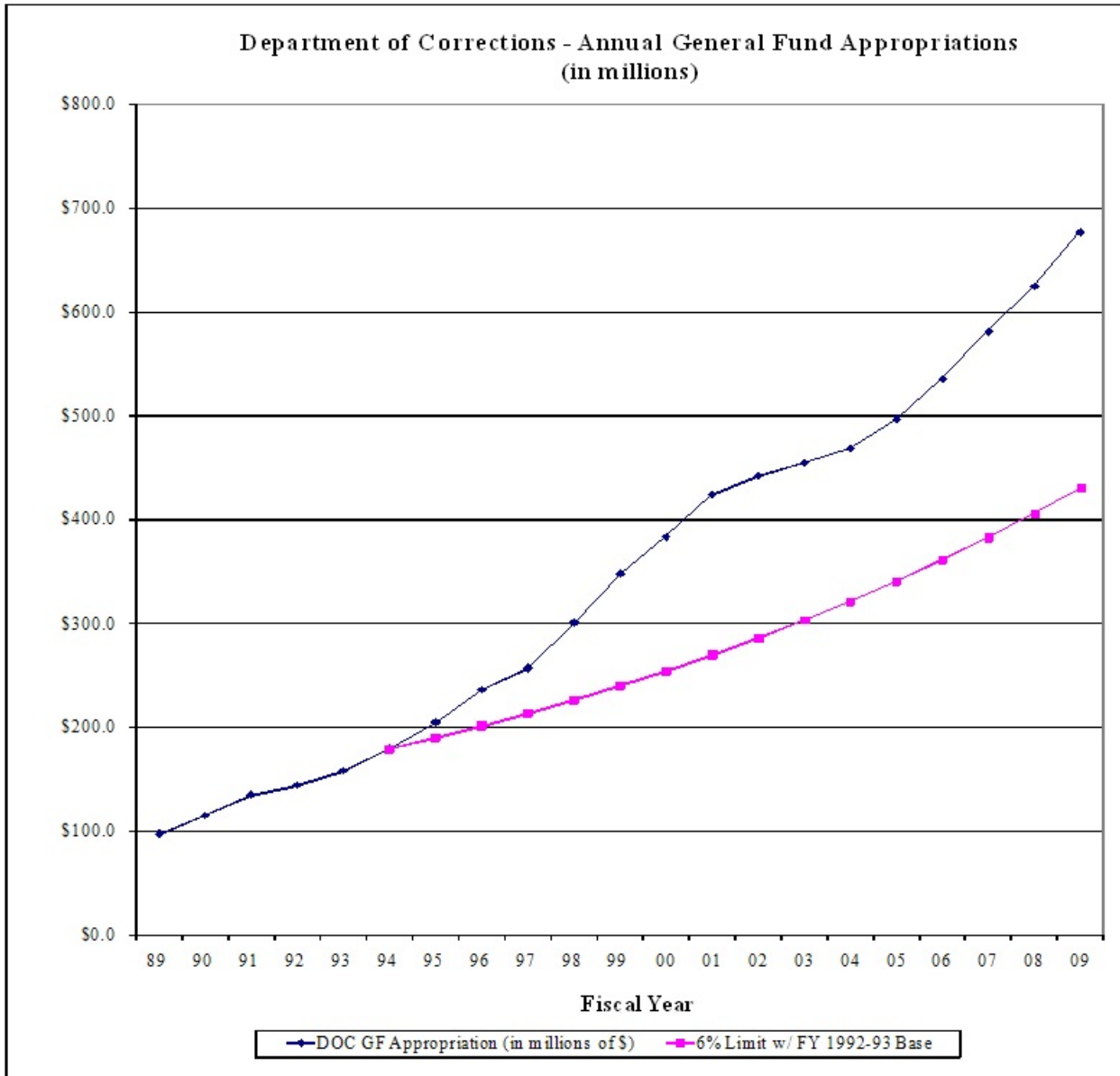
- Manage, supervise, and control the correctional facilities operated and supported by the State.
- Oversee privately operated prison facilities to monitor contract compliance with the Department.
- Provide programs to the inmate population in an effort to provide them with treatment and services designed to improve the likelihood of successfully reintegrating into society following their incarceration.
- Supervise and counsel inmates in community corrections programs and offenders who have been placed on parole.
- Develop a systematic building program providing for the projected, long-range needs of the institutions under the Department's control.
- Develop correctional industries within the institutions which have a rehabilitative or therapeutic value for inmates and which also supply necessary products for state institutions and other public purposes, as provided by law.
- Develop and operate the Youthful Offender System.

Factors Driving the Budget

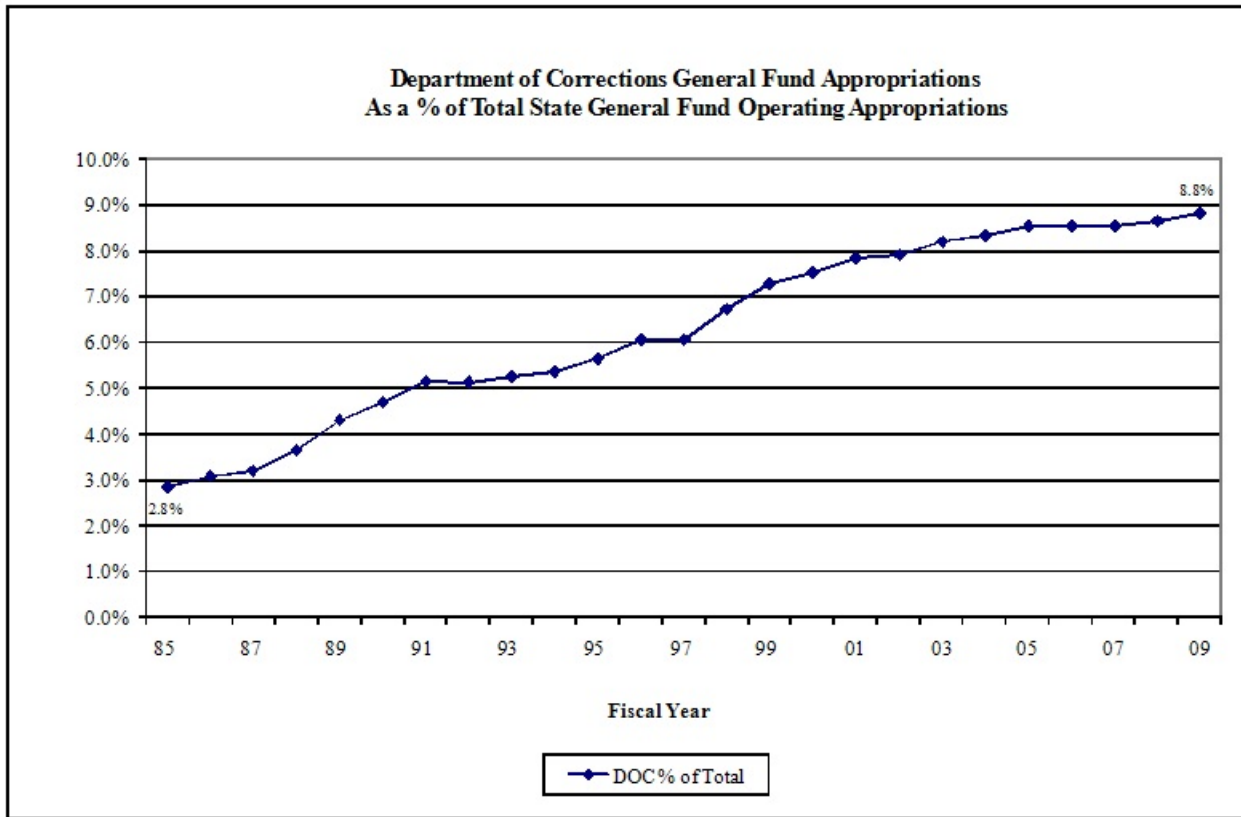
Significant Growth in Appropriations to the Department of Corrections

Background. The Department of Corrections (DOC) has grown significantly in the past 20 years. From FY 1988-89 through FY 2008-09, the General Fund appropriation to the Department grew from \$97.0 million to \$676.8 million, an increase of \$579.8 million. This growth rate represents a compound annual growth rate of 10.2 percent over the 20-year period. During the 16 years since the 6.0 percent limit on General Fund appropriations was established, General Fund appropriations to the Department have grown at a compound annual rate of 9.5 percent.

Historical Growth. The following graph depicts the annual General Fund appropriations to the Department of Corrections for the past 20 years. From FY 1992-93, the graph also contains a hypothetical line that demonstrates the growth that would have occurred had General Fund appropriations to the Department of Corrections been limited to an annual growth rate of 6.0 percent. The FY 2008-09 General Fund appropriation is 57.4 percent higher (\$246.9 million) than it would have been had appropriations to the Department of Corrections been limited to 6.0 percent annual compound growth during this time period. This difference is illustrated by the difference between the two lines on the graph.

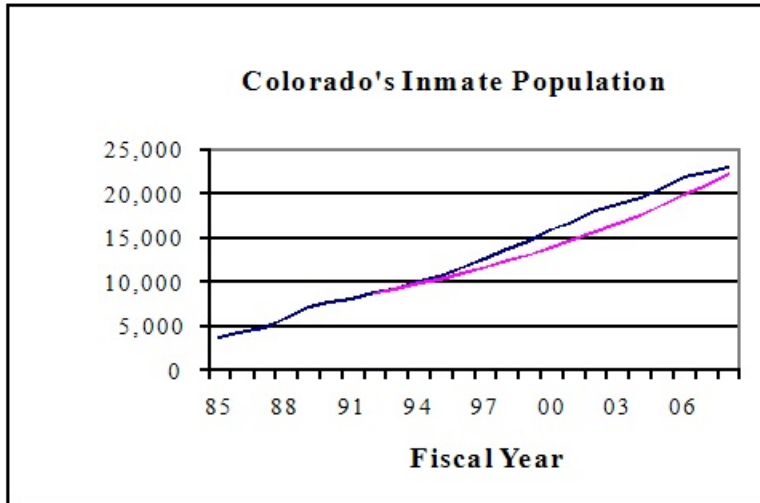


Department of Corrections Becoming Larger Share of State Operating Budget. The Department of Corrections comprises a larger share of the state budget than in prior years. This has occurred because of the significant growth in General Fund appropriations to the Department of Corrections relative to limitations on available funds and statutory limitations on appropriations. In FY 1984-85, General Fund appropriations to the Department of Corrections comprised 2.8 percent of the state operating budget. By FY 2008-09, DOC General Fund appropriations have increased to 8.8 percent of the state operating budget (see the following graph).



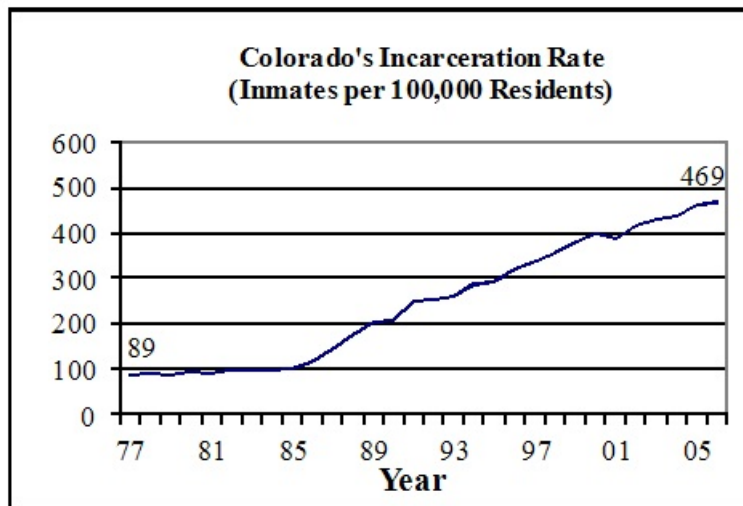
Inmate Population – Primary Factor Driving DOC's Budget

The growth in the inmate population is the primary factor driving the Department of Corrections' budget. The inmate population includes inmates sentenced to DOC including those who are in a transition community corrections placement. As shown in the following graph, the inmate population growth has exceeded the 6.0 percent limit.



Source: Colorado Department of Corrections, Monthly Population Reports.

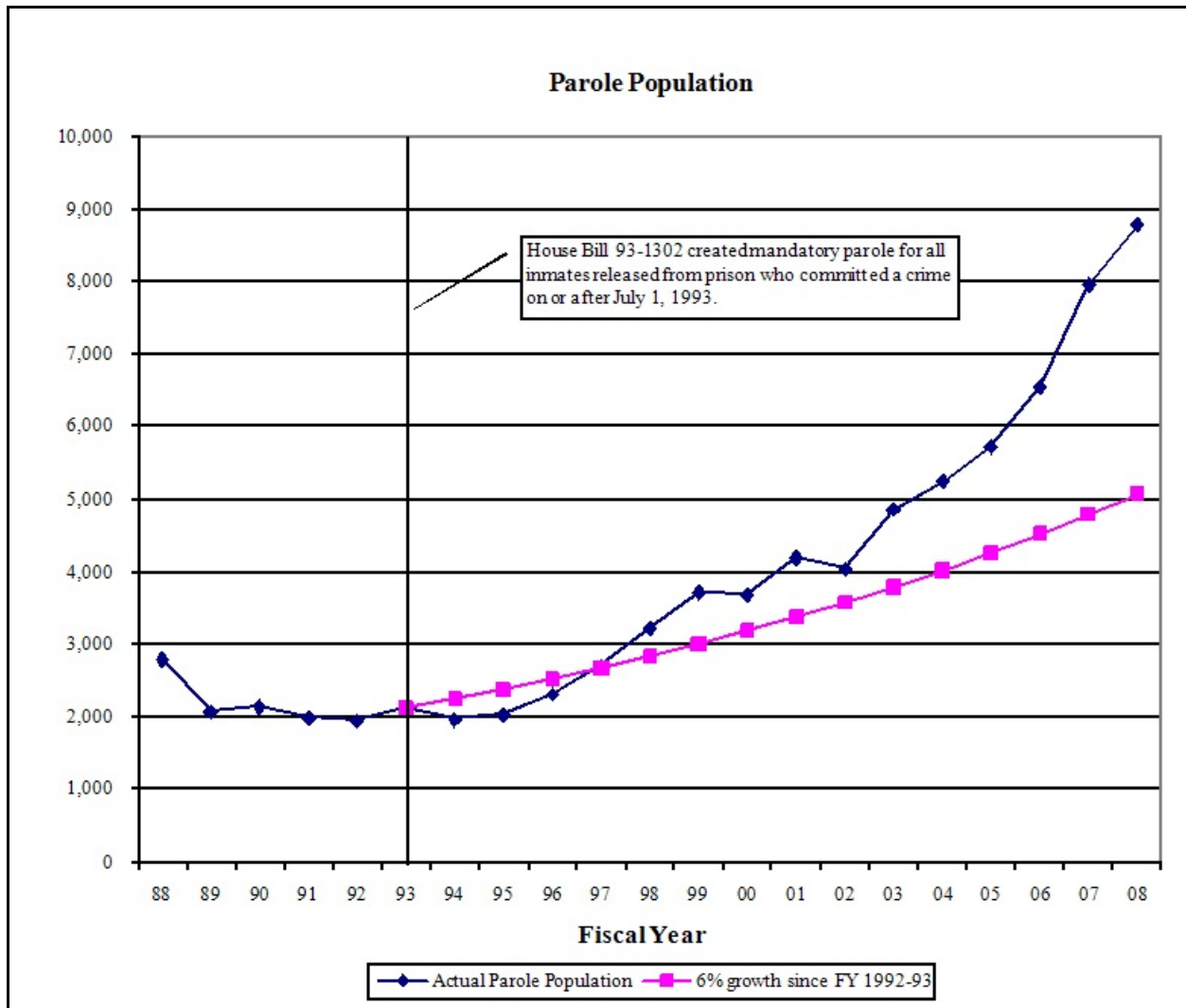
This increase cannot be explained entirely by the growth in the Colorado population. Over the past 20 years, the incarceration rate has increased steadily. As such, a higher percent of Colorado's residents are incarcerated than in prior years.



Source: Bureau of Justice Statistics
 (<http://www.ojp.usdoj.gov/bjs/pubalp2.htm#Prisoners>).

Parole Population Increase

The parole population also has an impact on the Department of Corrections' budget. Since FY 1993-94, the parole population has grown at a compound annual rate of 10.0 percent.



Population Increase - Impact on Capital Construction

Since 2002, no state-owned and operated facilities have come on line. In 2002, 1,000 male beds became available (500 in Ft. Lyon and 500 in Trinidad). In the four-year period from June 2008 through June 2012, Legislative Council Staff anticipates the total inmate population to increase by 2,569 inmates (an 11.2 percent increase).

When Governor Owen's administration took office in 1999, the capital construction requests for new prisons were withdrawn. This was done to give the new administration an opportunity to review options other than state prison construction, including the use of private facilities. Since that time, most projects for new beds were not funded due to revenue shortfalls.

Certificates of Participation. During the 2003 legislative session, the General Assembly enacted H.B. 03-1256 (Rep. Spradley / Sen. Anderson), which authorized a lease-purchase agreement for a 948-bed high-security facility to be built in Cañon City. This project is referred to as Colorado State Penitentiary II (CSP II). The legislation capped the total value of the certificates of participation (COPs) at \$102.8 million. Before the Department could issue the COPs, a lawsuit was filed against the State which prohibited their issuance. The lawsuit was recently resolved; however, the Department received additional funding of \$36.9 million in FY 2007-08 due primarily to construction inflation that occurred since the time of original funding.

Population Increase - Jail Backlog

Jail backlog occurs when inmates are sentenced to the Department of Corrections and the capacity does not exist in state prisons or private contract facilities to hold them. In these instances, counties hold the inmates in the county jail until the DOC has the capacity to take them. Pursuant to Section 17-1-112, C.R.S., the DOC, subject to available appropriations, is required to reimburse the counties for holding these inmates. The following information highlights the jail backlog history for the past seven years.

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
Avg. Daily Population	316	433	462	723	801	635	442
Cost of Jail Backlog	\$5,951,969	\$8,169,693	\$7,861,908	\$12,265,585	\$13,860,374	\$11,340,364	\$8,037,697
Daily Reimbursement Rate	\$51.65	\$51.65	\$46.49	\$46.49	\$47.42	\$48.96	\$49.69
Percent Change	N/A	0.0%	-10.0%	0.0%	2.0%	3.2%	1.5%

Population Increase - Private Contracts

In the early 1990s, the DOC began contracting with private prison operators in order to reduce the number of inmates in the jail backlog while state facilities were being constructed. As of June 30, 2008, the DOC had 5,224 inmates in contract facilities. Combined with the number of inmates held in the jail backlog, this represented approximately 23.0 percent of the existing population.¹ The following information highlights the private contracts over the past seven years.

¹ Including community corrections placements, 34.8 percent of the inmate population was in privately operated placements as of June 30, 2008.

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
Avg. Daily Pop.	2,271	2,447	2,885	2,804	3,786	4,428	4,765
Total Cost	\$45,301,729	\$46,854,454	\$53,190,046	\$50,865,321	\$69,679,801	\$84,119,878	\$91,888,162
Daily Rate	\$54.66	\$52.47	\$50.37	\$49.56	\$50.28	\$51.91	\$52.69
Percent Change	N/A	-4.0%	-4.0%	-1.6%	1.5%	3.2%	1.5%

* Note: in FY 2004-05, the Department placed inmates in a contract facility in Mississippi, at a cost of \$51.00 per inmate per day. The average daily population was 123.5 inmates at a total cost of \$2,298,162. These inmates are not reflected in the figures shown in this table. In addition, in FY 2006-07, the Department placed inmates in a contract facility in Oklahoma, at a cost of \$54.00 per inmate per day. The average daily population was 238 inmates at a total cost of \$4,699,470. These inmates are also not reflected in the figures shown in this table. Finally, in FY 2004-05, the rate was reduced by \$0.81 per inmate per day. As a result, the private prisons were no longer required to pay \$0.81 back to the State for the private prison monitoring unit. This change reduced TABOR revenue, but it did not have any net impact to the private prison providers.

Population and Parole Impact on Community Services

An expanding population results in an increase in the number of inmates placed on community corrections and parole (see the following table). Community corrections allows inmates to transition to 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 under mandatory parole statutes, depending on the statutes under which they were sentenced. There are two types of parole, regular and intensive supervision.

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
Comm. Corr. Exp.	\$7,454,131	\$7,317,576	\$7,454,466	\$8,626,429	\$10,088,431	\$9,690,231	\$11,183,246
Percent Change	N/A	-1.8%	1.9%	15.7%	16.9%	-3.9%	15.4%
Parole Expenditures	\$9,424,032	\$10,044,407	\$10,454,716	\$10,860,777	\$12,820,844	\$14,695,596	\$18,360,727
Percent Change	N/A	6.6%	4.1%	3.9%	18.0%	14.6%	24.9%

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

DECISION ITEM PRIORITY LIST

Decision Item	GF	CF	RF	FF	Total	FTE
1	16,471,845	220,779	0	0	16,692,624	237.1
Colorado State Penitentiary II Staffing						
<p>Various. The Department requests \$16,692,624, including \$16,471,845 General Fund and \$220,779 cash funds, and 237.1 FTE for personal services, operating, start-up, and contract funds for the new Colorado State Penitentiary II (CSP II). CSP II is a 948-bed Level V high custody facility that is anticipated to be on line in April, 2010. This request annualizes to \$38,654,151, including \$37,834,131 General Fund and \$820,020 cash funds, and 581.0 FTE in FY 2010-11. <i>Statutory authority: Sections 17-1-103, 105, and 24-82-102, C.R.S.</i></p>						
2	4,011,503	0	0	0	4,011,503	57.8
Denver Reception and Diagnostic Center Expansion						
<p>Various. The Department requests \$4,011,503 General Fund and 57.8 FTE for personal services, operating, start-up, and contract funds to provide for a total increase of 76 beds (62 transitional beds, 14 infirmary beds, and expanded intake with additional cell capacity) at the Denver Reception and Diagnostic Center (DRDC). The expanded intake will allow for the processing of five additional offenders per day through assessment and classification in order to help reduce the jail backlog population. The expansion is projected to be completed by April, 2009. This request annualizes to \$4,058,507 General Fund and 63.3 FTE in FY 2010-11. <i>Statutory authority: Section 17-1-103, C.R.S.</i></p>						
3	5,412,153	0	0	0	5,412,153	0.0
External Capacity Caseload						
<p>Management. The Department requests \$5,412,153 General Fund to meet the funding needs associated with offender population growth. The Department has based this request on the September, 2008, Division of Criminal Justice population projections. The Department also requests that the current Long Bill footnote authorizing up to \$2,000,000 of transfer authority within the External Capacity Subprogram be removed. <i>Statutory authority: Sections 17-1-105, 112, and 206.5, C.R.S.</i></p>						
4	5,223,131	0	0	0	5,223,131	52.3
Parole/Parole Intensive Supervision Program Caseload						
<p>Various. The Department requests \$5,223,131 General Fund and 52.3 FTE for personal services, operating, start-up, and contract funds to accommodate population increases in the Parole and Parole Intensive Supervision Program (ISP) subprograms. The Department has based this request on the September, 2008, Division of Criminal Justice population projections. This request annualizes to \$4,854,347 General Fund and 56.9 FTE in FY 2010-11. <i>Statutory authority: Sections 17-2-102 and 17-27.5-101, C.R.S.</i></p>						
5	1,255,696	0	0	0	1,255,696	26.6
Limon Correctional Facility Staffing						
<p>Various. The Department requests \$1,255,696 General Fund and 26.6 FTE for personal services, operating, and start-up costs at the Limon Correctional Facility. The request seeks these funds in order to improve the performance capability in areas of public safety, security, and operations at the facility. This request will annualize to \$1,297,753 General Fund and 29.0 FTE in FY 2010-11. <i>Statutory authority: Sections 17-1-103 and 109, C.R.S.</i></p>						

Decision Item	GF	CF	RF	FF	Total	FTE
6	188,851	0	0	0	188,851	0.0
<p>Caseload Impacts</p> <p>Various. The Department requests \$188,851 General Fund to address increased caseload impacts associated with offender population growth in the following subprogram areas: Inspector General, Laundry, Superintendents, and Transportation. The Department has based this request on the September, 2008, Division of Criminal Justice population projections. <i>Statutory authority: Sections 17-1-103 and 105, and 17-22.5-202, C.R.S.</i></p>						
8	4,262,696	0	0	0	4,262,696	63.3
<p>Therapeutic Communities</p> <p>Various. The Department requests \$4,262,696 General Fund and 63.3 FTE for personal services, operating, start-up, and contract funds for the expansion or addition of nine therapeutic communities in prison facilities as well as aftercare services. This request annualizes to \$4,250,674 General Fund and 69.0 FTE in FY 2010-11. <i>Statutory authority: Section 16-11.5-101, C.R.S.</i></p>						
9	112,020	0	112,020	0	224,040	1.0
<p>Tamarisk Removal</p> <p>Various. The Department requests \$224,040, including \$112,020 General Fund and \$112,020 reappropriated funds, and 1.0 FTE to pay for the services of an offender work crew operated by Correctional Industries to remove an infestation of non-native plants that exploit natural water resources in the State. <i>Statutory authority: Sections 17-1-103, 17-24-101, 106, and 124, and 24-30-2001 and 2003, C.R.S.</i></p>						
10	0	0	0	0	0	15.0
<p>Re-Entry Pre-Release Program</p> <p>Various. The Department requests 15.0 FTE, to be funded out of reductions in the External Capacity Subprogram, to continue to provide pre-release services within DOC facilities and to provide leased space funds for the John Inmann Work and Family Center. The pre-release program was started in FY 2008-09 using flexible spending funds from FY 2007-08 savings in the External Capacity Subprogram, as provided in a Long Bill footnote. <i>Statutory authority: Sections 17-1-103 and 17-33-101, C.R.S.</i></p>						
11	0	250,000	0	0	250,000	0.0
<p>Drug Offender Surcharge</p> <p>Inmate Programs. The Department requests \$250,000 cash funds from the Drug Offender Surcharge Fund to provide additional wrap-around and therapeutic community services to offenders requiring substance abuse treatment. The request would increase community-based therapeutic community programs to provide services for an additional 20 offenders, as well as expand the Treatment Accountability for Safer Communities (TASC) Offenders with Serious Mental Illness (OSMI) program services. <i>Statutory authority: Section 16-11.5-101, C.R.S.</i></p>						
12	1,901,012	14,548	0	0	1,915,560	0.0
<p>Inflation for Utilities, Food, and Medical</p> <p>Various. The Department requests \$1,915,560, including \$1,901,012 General Fund and \$14,548 cash funds, for inflationary increases in utilities, food, and medical expenses. The request includes an increase of 1.5 percent for utilities and medical and 8.5 percent for food. <i>Statutory authority: Section 17-1-103, C.R.S.</i></p>						

Decision Item	GF	CF	RF	FF	Total	FTE
13	3,023,021	0	0	0	3,023,021	34.8
<p>Academic and Vocational Instructors</p> <p>Variou s. The Department requests \$3,023,021 General Fund and 34.8 FTE for personal services, operating, and start-up costs for General Educational Development (GED) and vocational instruction. This request would annualize to \$2,365,132 General Fund and 38.0 FTE in FY 2010-11 and would provide 17 additional academic instructors and 21 additional vocational instructors. <i>Statutory authority: Sections 17-32-101 through 103 and 105, C.R.S.</i></p>						
14	1,389,574	0	0	0	1,389,574	0.0
<p>Medical Per Offender Per Month (POPM)</p> <p>Institutions. The Department requests \$1,389,574 General Fund for projected changes in the medical caseload and contractual increases for medical services. The Department has based this request on the September, 2008, Division of Criminal Justice population projections. <i>Statutory authority: Section 17-1-103, C.R.S.</i></p>						
15	120,669	0	0	0	120,669	1.2
<p>Community Supervision/Community Intensive Supervision Program Caseload</p> <p>Variou s. The Department requests \$120,669 General Fund for personal services, operating, and start-up costs to accommodate population increases in the Community Supervision and Community Intensive Supervision Program (ISP) subprograms. The Department has based this request on the September, 2008, Division of Criminal Justice population projections. The request annualizes to \$114,599 General Fund and 1.3 FTE in FY 2010-11. <i>Statutory authority: Sections 17-27-101, 102, 104, and 105.5, C.R.S.</i></p>						
17	63,307	0	0	0	63,307	1.9
<p>Recidivism Research and Evaluation</p> <p>Variou s. The Department requests \$63,307 General Fund and 1.9 FTE for personal services, operating, and start-up costs related to additional research staff. The request annualizes to \$62,704 General Fund and 2.0 FTE in FY 2010-11. One of the positions would be a statistical analyst to monitor the progress and effectiveness of recidivism reduction programs and would be funded with General Fund. The other position would be funded through reductions in the Payments to In-State Private Prisons line item and would be a general professional to analyze and monitor program outcome measures for the pre-release and community re-entry program operations. <i>Statutory authority: Sections 17-1-103 and 105, and 17-33-101, C.R.S.</i></p>						
18	116,908	0	0	0	116,908	0.0
<p>Lease Escalator Increase</p> <p>Management. The Department requests \$116,908 for leased space increases. These increases have historically been included in common policy requests. The request includes increases for parole offices throughout the State, the DOC headquarters, and the training academy. <i>Statutory authority: Section 17-1-103, C.R.S.</i></p>						

Decision Item	GF	CF	RF	FF	Total	FTE
19	4,970,826	0	0	0	4,970,826	0.0
<p>Provider Rate Increase</p> <p>Management. The Department requests \$4,970,826 General Fund for a provider rate increase for in-state private prisons. The request includes an increase of 4.25 percent to the daily rate for providers paid from the Payments to In-State Private Prisons and Payments to Pre-Release and Parole Revocation Facilities line items. <i>Statutory authority: Section 17-1-103, 105, 112, and 206.5, C.R.S.</i></p>						
NP-1	152	0	0	0	152	0.0
<p>Administrative Law Judge Services</p> <p>Community Services. The Department requests \$152 General Fund for administrative law judge services to accommodate increases in statewide expenses related to a decision item in the Department of Personnel and Administration request for the addition of 2.0 FTE to handle increases in caseload and general services work. <i>Statutory authority: Sections 24-30-1001 through 1003, C.R.S.</i></p>						
NP-2	6,591	2,887	0	0	9,478	0.0
<p>Capitol Complex Leased Space</p> <p>Management. The Department requests \$9,478, including \$6,591 General Fund and \$2,887 cash funds, to accommodate statewide increases in state building lease costs. <i>Statutory authority: Section 24-1-125, C.R.S.</i></p>						
NP-3	4,434	0	0	0	4,434	0.0
<p>Postage Increase and Mail Equipment Upgrade</p> <p>Institutions. The Department requests \$4,434 General Fund to accommodate a decision item in the Department of Personnel and Administration for increased postage rates and equipment upgrade. <i>Statutory authority: Section 24-30-1104, C.R.S.</i></p>						
NP-4	1,097,410	0	0	0	1,097,410	0.0
<p>Fleet Operating Increase</p> <p>Various. The Department requests \$1,097,410 General Fund to accommodate increases in statewide vehicle variable costs including fuel, maintenance, and insurance. <i>Statutory authority: Section 24-30-1104 (2), C.R.S.</i></p>						
NP-5	690,388	22,823	0	0	713,211	0.0
<p>Vehicle Reconciliation</p> <p>Support Services. The Department requests \$713,211, including \$690,388 General Fund and \$22,823 cash funds, to accommodate the replacement of fleet vehicles within the State Fleet Management Program. <i>Statutory authority: Section 24-30-1117, C.R.S.</i></p>						
NP-6	9,148	0	0	0	9,148	0.0
<p>Workers' Compensation</p> <p>Management. The Department requests \$9,148 General Fund to accommodate increases in statewide expenses related to the Department of Personnel and Administration's Ombuds Program to mitigate certain state business risks related to employee concerns about issues in the workplace. <i>Statutory authority: 24-50-604, C.R.S.</i></p>						

Decision Item	GF	CF	RF	FF	Total	FTE
NP-7	5,677	0	0	0	5,677	0.0
Inflationary Increase for DHS Residential Programs						
Institutions. The Department requests \$5,677 General Fund related to a 1.5 percent utility increase request in the Department of Human Services. This request represents the DOC portion of the increase for the Pueblo campus. <i>Statutory authority: Sections 26-1-105, 26-1-201, 19-2-402, 19-2-403, 24-82-602, C.R.S.</i>						
Total	50,337,012	511,037	112,020	0	50,960,069	491.0

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Department of Corrections**

BASE REDUCTION ITEM PRIORITY LIST

Base Reduction	GF	CF	RF	FF	Total	FTE
1	(4,385,060)	0	0	0	(4,385,060)	0.0
Division of Criminal Justice - 397 Diversion Beds						
Management. The Department requests a base reduction of \$4,385,060 General Fund related to a decision item in the Division of Criminal Justice to add 397 diversion community corrections beds. The request seeks a reduction based on the assumption that diversion beds reduce the demand for prison beds. <i>Statutory authority: Sections 17-27-101 through 108 and 18-1.3-301, C.R.S.</i>						
2	(835,996)	0	0	0	(835,996)	0.0
Division of Criminal Justice - 40 Bed Non-Residential Diversion Pilot						
Management. The Department requests a base reduction of \$835,996 General Fund related to a decision item in the Division of Criminal Justice to start a 40-bed non-residential community corrections diversion pilot program. <i>Statutory authority: Sections 17-27-101 through 108 and 18-1.3-301, C.R.S.</i>						
3	(501,598)	0	0	0	(501,598)	0.0
Division of Criminal Justice - 24 Bed Southern Colorado Therapeutic Community						
Management. The Department requests a base reduction of \$501,598 General Fund related to a decision item in the Division of Criminal Justice for 24 additional inpatient therapeutic community beds in southern Colorado. <i>Statutory authority: Sections 17-27-101 through 108 and 18-1.3-301, C.R.S.</i>						
Total	(5,722,654)	0	0	0	(5,722,654)	0.0

**FY 2009-10 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 2008-09 appropriation and its FY 2009-10 request.

Total Requested Change, FY 2008-09 to FY 2009-10 (millions of dollars)

Category	GF	CF	RF	FF	Total	FTE
FY 2008-09 Appropriation	\$676.8	\$39.1	\$42.4	\$3.2	\$761.5	6,575.9
FY 2009-10 Request	739.2	39.9	42.5	3.2	824.8	7,091.1
Increase / (Decrease)	\$62.4	\$0.8	\$0.1	\$0.0	\$63.3	515.2
Percentage Change	9.2%	2.0%	0.2%	0.0%	8.3%	7.8%

The following table highlights the individual changes contained in the Department's FY 2009-10 budget request, as compared with the FY 2008-09 appropriation. For additional detail, see the numbers pages in Appendix A.

Requested Changes, FY 2008-09 to FY 2009-10

Category	GF	CF	RF	FF	Total	FTE
Department Base Request						
Salary survey and performance-based pay	\$11,649,781	\$340,642	\$0	\$0	\$11,990,423	0.0
Employee benefits	5,647,214	149,162	199	196	5,796,771	0.0
Annualize prior year decision items and legislation	1,315,810	(5,546)	0	0	1,310,264	24.2
One-time appropriations	<u>(830,222)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(830,222)</u>	<u>0.0</u>
Subtotal - Base Request	\$17,782,583	\$484,258	\$199	\$196	\$18,267,236	24.2
Staffing New or Expanded Facilities						
CSP II staffing (DI #1)	\$16,471,845	\$220,779	\$0	\$0	\$16,692,624	237.1
DRDC expansion (DI #2)	<u>4,011,503</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4,011,503</u>	<u>57.8</u>
Subtotal - Facilities	\$20,483,348	\$220,779	\$0	\$0	\$20,704,127	294.9
Caseload Requests						
External capacity (DI #3)	\$5,412,153	\$0	\$0	\$0	\$5,412,153	0.0
Parole/Parole ISP (DI #4)	5,223,131	0	0	0	5,223,131	52.3
Medical POPM (DI #14)	1,389,574	0	0	0	1,389,574	0.0

Category	GF	CF	RF	FF	Total	FTE
Caseload impacts (DI #6)	188,851	0	0	0	188,851	0.0
Community supv/Comm ISP (DI #15)	<u>120,669</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>120,669</u>	<u>1.2</u>
Subtotal - Caseload	\$12,334,378	\$0	\$0	\$0	\$12,334,378	53.5
Provider Rate/Inflationary Increase						
Provider rate increase (DI #19)	\$4,970,826	\$0	\$0	\$0	\$4,970,826	0.0
Inflation - utilities, food, and medical (DI #12)	1,901,012	14,548	0	0	1,915,560	0.0
Lease escalator (DI #18)	116,908	0	0	0	116,908	0.0
Subtotal - Provider/Inflation	\$6,988,746	\$14,548	\$0	\$0	\$7,003,294	0.0
Non-Prioritized Requests						
Fleet operating	\$1,097,410	\$0	\$0	\$0	\$1,097,410	0.0
Vehicle reconciliation	690,388	22,823	0	0	713,211	0.0
Capitol complex leased space	6,591	2,887	0	0	9,478	0.0
Workers' compensation	9,148	0	0	0	9,148	0.0
DHS utility	5,677	0	0	0	5,677	0.0
Postage and mail upgrade	4,434	0	0	0	4,434	0.0
Administrative law judge	152	0	0	0	152	0.0
Subtotal - Non-Prioritized	\$1,813,800	\$25,710	\$0	\$0	\$1,839,510	0.0
New/Expanded Programs						
Therapeutic communities (DI #8)	\$4,262,696	\$0	\$0	\$0	\$4,262,696	63.3
Academic/vocational instructors (DI #13)	3,023,021	0	0	0	3,023,021	34.8
Limon staffing (DI #5)	1,255,696	0	0	0	1,255,696	26.6
Drug offender surcharge (DI #11)	0	250,000	0	0	250,000	0.0
Tamarisk removal (DI #9)	112,020	0	112,020	0	224,040	1.0
Research and evaluation (DI #17)	63,307	0	0	0	63,307	1.9
Re-entry pre-release program (DI #10)	0	0	0	0	0	15.0
Subtotal - New Programs	\$8,716,740	\$250,000	\$112,020	\$0	\$9,078,760	142.6

Category	GF	CF	RF	FF	Total	FTE
Base Reductions						
DCJ - 397 diversion beds (BR #1)	(\$4,385,060)	\$0	\$0	\$0	(\$4,385,060)	0.0
DCJ - 40 bed non-residential diversion pilot (BR #2)	(835,996)	0	0	0	(835,996)	0.0
DCJ - 24 southern Colorado TC beds (BR #3)	<u>(501,598)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(501,598)</u>	<u>0.0</u>
Subtotal - Base Reductions	(\$5,722,654)	\$0	\$0	\$0	(\$5,722,654)	0.0
Total Change	\$62,396,941	\$995,295	\$112,219	\$196	\$63,504,651	515.2

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BRIEFING ISSUE

ISSUE: Population Projections

Legislative Council Staff (LCS) and the Division of Criminal Justice (DCJ) both project the prison population and the parole population to increase through FY 2011-12.

SUMMARY:

- ❑ Both the LCS and the DCJ December 2008 inmate population projections forecast continued growth in the prison population.
- ❑ Both the LCS and the DCJ December 2008 parole population projections forecast continued growth in the parole population. Both parole forecasts, however, project a slower rate of growth in the parole population than the corresponding projections from December 2007.
- ❑ Both the DCJ and LCS December 2008 inmate population projections forecast slower overall growth through FY 2011-12 as compared with the corresponding projections from December 2007. However, the DCJ December 2008 inmate population projection forecasts greater growth in the male inmate population and less growth in the female inmate population in comparison to the LCS December 2008 inmate population projection.

RECOMMENDATION:

Staff recommends that the Committee wait until closer to supplementals and figure setting to determine which projections to use to plan 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 2008 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 2008 projections for each of these agencies:

Comparison of Adult Population Projections					
Population	Actual as of June 30, 2008	Projected Populations as of June 30, 2012			
		LCS Projection	% Increase over Actual	DCJ Projection	% Increase over Actual
Total Inmates	22,989	25,558	11.2%	25,584	11.3%
Male	20,684	22,935	10.9%	23,074	11.6%
Female	2,305	2,623	13.8%	2,510	8.9%
Parole	8,783	10,635	21.1%	10,879	23.9%

A comparison of the compound annual growth rates (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	2.7%	2.7%
Male	2.6%	2.8%
Female	3.3%	2.2%
Parole	4.9%	5.5%

Comparison to Previous Year's Projections. The LCS December 2008 total inmate population projections are significantly lower than the December 2007 projections (see Appendix D). In addition, the LCS December 2008 parole projections are lower than the corresponding December 2007 projections for each of the years in the planning horizon (see Appendix D).

Setting the Appropriation. Because the inmate growth varies by month and because of the significant differences between the two projections, staff recommends waiting until closer to the supplemental and figure setting process to decide which projection to use when planning appropriation levels for private prisons and jail backlog for the remainder of FY 2008-09 and for FY 2009-10.

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

LCS and DCJ Total Inmate Population Projections						
	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
<i>Legislative Council Staff</i>						
Beginning Population	22,519	22,989	23,567	24,203	24,870	n/a
Growth	470	578	636	667	688	n/a
Ending Population	22,989	23,567	24,203	24,870	25,558	n/a
Avg. Monthly Growth	39	48	53	56	57	n/a
Annual Growth	2.1%	2.5%	2.7%	2.8%	2.8%	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	22,519	22,989	23,627	24,114	24,826	25,584
Growth	470	638	487	712	758	1,073
Ending Population	22,989	23,627	24,114	24,826	25,584	26,657
Avg. Monthly Growth	39	53	41	59	63	89
Annual Growth	2.1%	2.8%	2.1%	3.0%	3.1%	4.2%
<i>Difference Between Projections</i>						
LCS vs. DCJ (year end pop.)	0	(60)	89	44	(26)	n/a

Total Inmate Growth. The actual average monthly growth rate for FY 2007-08 was 39 inmates per month, lower than any year in the past decade. In addition, the inmate population has grown by 39 inmates per month for the first five months of FY 2008-09.

Historical Monthly Population Growth – Total Inmates										
FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
89	89	106	70	101	67	60	95	109	42	39

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

LCS and DCJ Male Inmate Population Projections						
	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
<i>Legislative Council Staff</i>						
Beginning Population	20,178	20,684	21,203	21,763	22,348	n/a
Growth	506	519	560	585	587	n/a
Ending Population	20,684	21,203	21,763	22,348	22,935	n/a
Avg. Monthly Growth	42	43	47	49	49	n/a
Annual Growth	2.5%	2.5%	2.6%	2.7%	2.6%	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	20,178	20,684	21,277	21,708	22,377	23,074
Growth	506	593	431	669	697	1,016
Ending Population	20,684	21,277	21,708	22,377	23,074	24,090
Avg. Monthly Growth	42	49	36	56	58	85
Annual Growth	2.5%	2.9%	2.0%	3.1%	3.1%	4.4%
<i>Difference Between Projections</i>						
LCS vs. DCJ (year end pop.)	0	(74)	55	(29)	(139)	n/a

Male Inmate Growth. The actual average monthly growth rate for FY 2007-08 was 42 male inmates per month. However, the male inmate population has grown by 35 inmates per month for the first five months of FY 2008-09.

Historical Monthly Population Growth – Male Inmates										
FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
81	75	99	63	87	57	49	68	97	32	42

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

LCS and DCJ Female Inmate Population Projections						
	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
<i>Legislative Council Staff</i>						
Beginning Population	2,341	2,305	2,365	2,441	2,523	n/a
Growth	(36)	60	76	82	100	n/a
Ending Population	2,305	2,365	2,441	2,523	2,623	n/a
Avg. Monthly Growth	(3)	5	6	7	8	n/a
Annual Growth	-1.5%	2.6%	3.2%	3.4%	4.0%	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	2,341	2,305	2,350	2,406	2,449	2,510
Growth	(36)	45	56	43	61	57
Ending Population	2,305	2,350	2,406	2,449	2,510	2,567
Avg. Monthly Growth	(3)	4	5	4	5	5
Annual Growth	-1.5%	2.0%	2.4%	1.8%	2.5%	2.3%
<i>Difference Between Projections</i>						
LCS vs. DCJ (year end pop.)	0	15	35	74	113	n/a

Female Inmate Growth. The actual average monthly growth rate for FY 2007-08 was a reduction of three female inmates per month, which is the lowest level in the past decade. However, the female inmate population has grown by 4 inmates per month for the first five months of FY 2008-09.

Historical Monthly Population Growth – Female Inmates										
FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
9	14	7	6	14	10	11	27	12	10	(3)

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

LCS and DCJ Parole Population Projections						
	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
<i>Legislative Council Staff</i>						
Beginning Population	7,947	8,783	9,119	9,539	10,065	n/a
Growth	836	336	420	526	570	n/a
Ending Population	8,783	9,119	9,539	10,065	10,635	n/a
Avg. Monthly Growth	70	28	35	44	48	n/a
Annual Growth	10.5%	3.8%	4.6%	5.5%	5.7%	n/a
<i>Division of Criminal Justice</i>						
Beginning Population	7,947	8,783	8,926	9,596	10,319	10,879
Growth	836	143	670	723	560	342
Ending Population	8,783	8,926	9,596	10,319	10,879	11,221
Avg. Monthly Growth	70	12	56	60	47	29
Annual Growth	10.5%	1.6%	7.5%	7.5%	5.4%	3.1%
<i>Difference Between Projections</i>						
LCS vs. DCJ	0	193	(57)	(254)	(244)	n/a

Parole Population Growth. The actual average monthly growth rate for FY 2007-08 was 70 parolees per month. However, the parole population has grown by only 5 parolees per month for the first five months of FY 2008-09.

Historical Monthly Population Growth – Parole Population										
FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
44	42	(3)	42	(13)	68	32	39	70	116	70

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BRIEFING ISSUE

ISSUE: No Shortage of Prison Beds

Because of the projected inmate population growth, the State needs approximately 2,275 additional prison beds over the next four years. During this time period, approximately 1,000 state beds and 1,600 private prison beds are anticipated to come on line. Therefore, there is not a projected need for additional prison beds by FY 2011-12.

SUMMARY:

- ❑ All state-owned prison beds were filled by the end of FY 2007-08. In-state private prisons are also near capacity. However, the State will add 1,010 beds through the Denver Reception and Diagnostic Center expansion and the construction of Colorado State Penitentiary II. In addition, private prison providers are expected to add 1,590 beds over the next four fiscal years.
- ❑ Based on the existing capacity of beds and the anticipated growth in the inmate population, JBC staff estimates that approximately 2,275 additional prison beds will be required by FY 2011-12. Based on existing plans, approximately 1,000 state prison beds and 1,600 private prison beds are anticipated to come on line over the next four years. As a result, the State will not need additional beds by FY 2011-12.

DISCUSSION:

Colorado Prisons Full. As discussed in the previous issue brief, Legislative Council Staff (LCS) projects the inmate population projection to grow over the next four years. Available bed space is at a premium. The state-owned and operated prisons were full as of the end of FY 2007-08.²

Inmate Population Growth. Based on the LCS inmate population projection, the State will add 2,274 inmates over the next four years. This figure reflects *net* growth into the prison system. In FY 2007-08, the Department of Corrections released 10,565 inmates, a 4.7 percent increase over the prior year. Despite these releases, the State admitted 11,038 inmates in the same year, a 4.2 percent increase over the prior year. This trend is expected to continue over the four-year period according to the LCS projection.

Estimated Bed Need. For purposes of estimating the bed need, JBC staff assumed that 11.5 percent of the inmate population would be placed in community corrections. Using this assumption and the

² The Department of Corrections has the ability to double bunk up to 540 male inmates through facility modifications that were made in FY 2005-06. Furthermore, the Department received funding to bring 400 of these beds on line in FY 2006-07 and the remaining 140 on line in FY 2007-08.

December 2008 LCS inmate population projections, JBC staff estimates that an additional 2,274 prison beds will be needed over the next four years.

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	Total
Beginning Population	22,989	23,567	24,203	24,870	n/a
Ending Population	23,567	24,203	24,870	25,558	n/a
Gross Annual Growth	578	636	667	688	2,569
Minus Comm. Corr. (11.5%)	<u>(66)</u>	<u>(73)</u>	<u>(77)</u>	<u>(79)</u>	<u>(295)</u>
Total Beds Needed	512	563	590	609	2,274

Approved State-Operated Beds. To address the growing inmate population, the General Assembly has already approved two projects that will add 1,010 beds to the existing prison capacity. Specifically, Colorado State Penitentiary II (CSP II) will add 948 high-custody beds in April, 2010. In addition, the General Assembly approved a 62-bed addition to the Denver Reception and Diagnostic Center to be completed in April, 2009.

Private Prison Expansion. The Department of Corrections has made efforts to expand the capacity of the prison system by contracting with private prison providers. The Department provided the following summary of anticipated private prison beds in the planning horizon.

Anticipated Private Prison Beds*						
Vendor	Location	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-02	Total
CCA	Kit Carson County	420	0	0	0	420
CCA	Bent County	420	0	0	0	420
Cornell	Hudson	<u>0</u>	<u>0</u>	<u>750</u>	<u>0</u>	<u>750</u>
Total		840	0	750	0	1,590

* The Department had anticipated 500 beds to become available in Pueblo for a Pre-release Parole Revocation Facility and 1,400 beds in Ault. However, the Department has advised staff that it is terminating its agreement with the vendor (GEO). As such, these beds have not been included.

No Estimated Bed Shortage. With the anticipated private prison beds and the funded state prison beds, staff believes that there will not be a shortage of prisons beds in the planning horizon. The following table illustrates the lack of bed shortage.

Estimated Bed Shortage					
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	Total
Private Prison Beds	840	0	750	0	1,590
State Beds*	<u>62</u>	<u>948</u>	<u>0</u>	<u>0</u>	<u>1,010</u>
Anticipated Capacity Expansion	902	948	750	0	2,600
Minus Bed Need	<u>(512)</u>	<u>(563)</u>	<u>(590)</u>	<u>(609)</u>	<u>(2,274)</u>
Surplus (Deficit)	390	385	160	(609)	326
Cumulative Surplus (Deficit)	390	775	935	326	

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BRIEFING ISSUE

ISSUE: Update on CSP II Construction and DRDC Expansion

The construction of Colorado State Penitentiary II (CSP II) and the expansion of the Denver Reception and Diagnostic Center (DRDC) have required funding of \$141.7 million and \$25.6 million to date, respectively. In addition, because CSP II was built using Certificates of Participation (COPs), the State has incurred capitalized interest associated with the project of \$18.6 million. CSP II will add 948 high-security beds and is expected to open in April, 2010, and DRDC will add 62 transitional beds and is expected to open in April, 2009.

SUMMARY:

- ❑ The construction of CSP II, a 948-bed high-security facility, has required state funding of \$141.7 million to date. In addition, the State is obligated to pay \$18.6 million of capital interest that has accrued to date because CSP II was funded using COPs. In total, the COPs will cost the State \$167.3 million. CSP II is projected to open in April, 2010.
- ❑ The expansion of DRDC by 62 transitional beds has required state funding of \$25.6 million to date. The project will also add 14 infirmary beds and will expand the intake capabilities with additional cell capacity. The expansion will allow for the processing of five additional offenders per day through assessment and classification in order to help reduce the jail backlog population.

DISCUSSION:

CSP II Background. During the 2003 legislative session, the General Assembly enacted H.B. 03-1256 (Rep. Spradley / Sen. Anderson), which authorized a lease-purchase agreement for a 948-bed high-security facility to be built in Cañon City. This project is referred to as Colorado State Penitentiary II (CSP II). The legislation capped the total value of the certificates of participation (COPs) at \$102.8 million with a 15-year term. Before the Department could issue the COPs, a lawsuit was filed against the State which prohibited their issuance. The lawsuit was resolved; however, the Department received additional funding of \$36.9 million in FY 2007-08 due primarily to construction inflation that occurred since the time of original funding.

Construction work for the CSP II project started in July, 2008. Since that time site grading, erosion control, and drilled piers have been completed. Construction is underway on the Central Core areas and Housing Towers B and C including foundations, pre-cast concrete wall and roof members, and concrete topping slabs. To date approximately one-quarter (1100+ pieces) of the pre-cast concrete members have been placed. Placement of pre-cast concrete will continue through late July, 2009, including at Housing Tower A. Over 40 pre-manufactured steel cells have been placed (Housing Tower B) with over 800 of the 948 cells having been completed by Correctional Industries.

The projected occupancy/opening date is April, 2010, and the total projected cost of the project to date is reflected in the following table:

CSP II Project Funding History					
	FY 2003-04	FY 2006-07	FY 2007-08	FY 2008-09	Fund Totals
Bill Number	H.B. 03-1256	S.B. 07-239		H.B. 08-1375	
General Fund	\$0	\$36,911,874	\$0	\$2,000,000	\$38,911,874
Cash Funds	0	0	0	0	0
CFE/Reappropriated Funds COP's	102,800,000	0	0	0	102,800,000
Federal Funds	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	\$102,800,000	\$36,911,874	\$0	\$2,000,000	\$141,711,874
Capitalized Interest	\$18,594,477	\$0	\$0	\$0	\$18,594,477

Note 1: The totals do not reflect the \$2,000,000 for CSP II equipment and furnishings that is being requested in FY 2009-10 as a second phase of a \$4,000,000 equipment and furnishings request in FY 2008-09.

Note 2: The table above does not reflect funds for the CSP II inmate in-cell services information technology project. Funding for CSP II inmate in-cell services includes \$1,249,500 appropriated through S.B. 07-239 and \$1,249,592 requested as a FY 2009-10 capital construction IT project request.

DRDC Background. The Denver Reception and Diagnostic Center (DRDC) is the prison facility that processes the intake of all inmates entering DOC, including inmates who are sentenced by the courts, and inmates returned to DOC on prior convictions because of parole violations. According to the Department, DRDC was originally designed to accommodate 15 to 18 inmates per day. As the population growth has increased over time, additional resources have been appropriated to the Department to accommodate the growing caseload. For example, in 1998, the Department received an appropriation of \$3.1 million and 63.5 FTE to increase the intake from 23 inmates per day to 35 inmates per day. Currently, DRDC's intake capacity provides an intake of 40 inmates per day, and the FY 2009-10 request to staff DRDC includes funding for additional intake of 5 inmates per day for a total of 45 inmates per day.

Over the past three years, the admissions to DOC have increased by 17.0 percent (from 9,433 in FY 2004-05 to 11,038 in FY 2007-08). This correlates with an average annual increase of 5.4 percent (see the table below).

DOC Inmate Admissions				
	FY 2005	FY 2006	FY 2007	FY 2008
Total Admissions	9,433	10,168	10,625	11,038
Avg. Admissions per day (260 days per year)	36.3	39.1	40.9	42.5
Percent over prior year	n/a	7.8%	4.5%	3.9%
Cumulative percent over CY 2005	n/a	7.8%	12.6%	17.0%

If admissions are not processed quickly, inmates backup in county jails. Many county jails are currently experiencing overcrowding, and the jail backlog as of November 30, 2008, was 135 inmates. Additional staff and resources could increase DOC's ability to process more inmates per day. However, the Department is not currently admitting 45 inmates per day; therefore, additional inmate admission capacity staff may not be necessary.

To date, approximately 90 percent of the contract construction work has been completed on the DRDC expansion. This includes the following: demolition, earthwork, paving, concrete, masonry, structural steel, architectural woodwork, roofing, doors and frames, glazing, skylights, drywall, acoustical ceilings, carpeting, VCT flooring, and rolling file system. In addition, 85 percent of special flooring, painting, detention equipment, mechanical, and electrical work is complete.

Work that is still in progress includes the following: detention systems, gatehouse, finishes, data/communications, new roofing at the living units and the gymnasium, an updated nurse call system, addition of a dialysis room, the addition of a dock leveler at area E, and final clean-up of project.

The projected occupancy/opening date is April 1, 2009, and the total projected cost of the project to date is reflected in the following table:

DRDC Project Funding History						
	FY 2000-01	FY 2001-02	FY 2002-03	FY 2006-07	FY 2007-08	Totals
Bill Number	H.B. 00-1451	S.B. 01-212, S.B. 01S2-23	H.B. 02-1438	H.B. 06-1385	S.B. 07-239	
Phase I	\$1,092,594	\$746,783	(\$251,793)	\$0	\$0	\$1,587,584
Phase II	0	0	0	9,000,000	0	9,000,000
Phase III	0	0	0	0	14,966,051	14,966,051
Totals	\$1,092,594	\$746,783	(\$251,793)	\$9,000,000	\$14,966,051	\$25,553,635

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BRIEFING ISSUE

ISSUE: DNC Funding for DOC Employees

The Department of Corrections (DOC) has sought reimbursement for salaries, overtime, and operating costs associated with services provided by its employees during the Democratic National Convention (DNC) in Denver. The total amount being requested is approximately \$846,000, which includes \$385,000 for overtime, \$15,000 for operating expenses, and \$417,000 for salaries. The Department indicates that it cannot quantitatively determine the cost of overtime for backfilling staff for covering shifts or case workload; however, it is staff's understanding that employees, including parole officers, handled their regular caseload even while working the DNC. Therefore, staff believes that the Department is requesting reimbursement for approximately \$446,000 of salaries that have already been funded by the General Assembly.

SUMMARY:

- The Department of Corrections has sought reimbursement from the federal government for services provided by its employees during the Democratic National Convention. The Department is requesting a reimbursement of \$846,793, of which \$385,399 is for overtime, \$15,031 is for additional operating costs, and \$446,363 is for salaries.
- The Department indicates that it cannot determine the cost for backfilling staff for covering shifts or case workload. However, because it is staff's understanding that backfilling did not occur during the DNC, staff believes the Department is requesting federal reimbursement for up to \$446,363 of salaries that have already been funded by the General Assembly.

RECOMMENDATION:

Staff recommends that the Committee reduce the Department of Corrections' budget by up to \$446,363 General Fund during the FY 2008-09 supplemental period in order to account for federal reimbursement being requested by the Department for services provided during the DNC.

DISCUSSION:

The Department of Corrections is seeking reimbursement of \$846,793 for services that its employees provided during the Democratic National Convention in Denver. This amount includes \$385,399 for overtime, \$15,031 for additional operating costs, and \$446,363 for salaries.

The Department has not received reimbursement for the DNC yet. Paperwork has been turned into the Denver Police Department (DPD) by the Department of Public Safety, who is the lead agency for the State. However, the reimbursement is contingent upon approval by DPD. It is anticipated the Department will know whether the reimbursement is approved within the next 30 days.

The Department indicates that it cannot quantitatively determine the cost of overtime for backfilling staff for covering shifts or case workload. However, the Department is requesting federal reimbursement for \$446,363 of salaries under the assumption that backfilling occurred for staff who were providing DNC services. Because it is staff's understanding that backfilling did not occur and that employees handled their typical workload during the DNC, staff recommends that the FY 2008-09 appropriation to the Department be reduced by the amount reimbursed by the federal government for salaries.

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: Lack of Funds Available to Support H.B. 07-1040

House Bill 07-1040 included a five-year appropriations clause because it was a sentencing bill projected to increase the number of individuals in state prisons. However, unlike other five-year sentencing bills that rely upon General Fund appropriations, H.B. 07-1040 attempts to fund the operating costs associated with increased prison beds with forfeited bond revenue from bonding agents who post surety bonds for individuals who are deported due to being in the country illegally. However, because the bonding agents are notified of a defendant's immigration status, very little revenue has resulted from forfeited bonds. As a result, the General Assembly has had to increase the General Fund appropriation to the Department of Corrections to make up for the lack of bond revenue available to support the statutorily required appropriations of H.B. 07-1040.

SUMMARY:

- ❑ House Bill 07-1040 prohibits a court from dismissing felony charges against an individual who is in the country illegally. As a result, the bill increases the number of offenders incarcerated in state prisons, and therefore, included a five-year appropriations clause. Unlike other five-year sentencing bills that rely upon General Fund appropriations, H.B. 07-1040 attempts to fund the operating costs associated with increased prison beds with forfeited bond revenue from bonding agents who post surety bonds for individuals who are deported due to being in the country illegally.

- ❑ Because the bonding agents are notified of a defendant's immigration status, very little revenue has resulted from forfeited bonds. As a result, the General Assembly has had to, and will have to, increase the General Fund appropriation to the Department of Corrections to make up for the lack of bond revenue available to support the statutorily required appropriations of H.B. 07-1040.

DISCUSSION:

House Bill 07-1040 (Stephens/Kopp) prohibits a court from dismissing felony charges against a person residing in this country illegally. Prior to this bill, if a person was here illegally and charged with a felony, he or she could be deported prior to conviction and sentencing. As a result of this bill, Legislative Council Staff estimated the following costs to DOC:

Five-Year Fiscal Impact On Correctional Facilities				
Fiscal Year	Inmate Bed Impact	Construction Cost	Operating Cost	Total Cost
FY 2007-08	0.0	\$1,126,485	\$0	\$1,126,485
FY 2008-09	9.0	700,924	248,823	949,207
FY 2009-10	14.6	375,495	402,770	778,265
FY 2010-11	17.6	50,066	485,531	535,597
FY 2011-12	18.0	0	496,566	496,566
Total	59.2	\$2,252,970	\$1,633,690	\$3,886,660

However, unlike other five-year sentencing bills, H.B. 07-1040 does not fund the operating costs shown above with General Fund. Instead, H.B. 07-1040 attempts to fund these operating costs with forfeited bond revenue from bonding agents who post surety bonds for individuals who are deported due to being in the country illegally. However, because the bonding agents are notified of a defendant's immigration status, very little revenue has resulted from forfeited bonds.

The Department of Corrections estimates that it will receive approximately \$5,000 of bond revenue each year under H.B. 07-1040. However, S.B. 08-134 (Kopp/McNulty) appropriates \$2,053 of this bond revenue toward maintenance and operation of county jails each year. Therefore, only \$2,947 of cash funds revenue is projected to be available each year to support H.B. 07-1040. As a result of this lack of cash revenue, the General Assembly, through the Long Bill, will be obligated to backfill approximately \$1.6 million of unfunded operating costs for H.B. 07-1040 over the next four fiscal years. For FY 2009-10, this equates to \$399,823 more that must be appropriated to the Department of Corrections in order to make up for the lack of revenue being generated by H.B. 07-1040.

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

BRIEFING ISSUE

ISSUE: Revocation for Technical Parole Violations

Technical parole violations (without a new crime) account for almost 30 percent of the prison admissions to Department of Corrections. These admissions will cost the State at least \$42.1 million during FY 2008-09. Although the costs associated with these technical parole violators is high, there are few guidelines provided to parole officers to determining when an individual's parole should be revoked for a technical violation.

SUMMARY:

- ❑ Almost 30 percent of admissions to the Department of Corrections are the result of technical parole violations (without a new crime). The Department often states that it does not control the inmates coming into prison, and it does not control the inmates leaving prison. However, the population of technical parole violators is a population that the Department can control, at least as to whether they are revoked to prison. Through the policies that the Department sets for its parole officers, the Department does have the ability to increase or decrease the number of parole revocations for technical violations.

- ❑ The Division of Criminal Justice (DCJ) reports that nearly 2,100 individuals were in prison in FY 2006-07 due to a technical parole violation. This represents a FY 2006-07 cost of \$39.8 million to the State, assuming that all of these individuals were in private prisons at the FY 2006-07 per diem rate of \$51.91. Assuming that at least 2,100 individuals are currently in prison for a technical parole violation, the cost to the State is at least \$42.1 million in FY 2008-09 based on the current year private prison per diem rate of \$54.93.

RECOMMENDATION:

Staff recommends that the Committee consider limiting the use of parole revocation for technical violations given the budgetary constraints in the current fiscal year.

DISCUSSION:

When an individual has his/her parole revoked, it is typically for one of three reasons: (1) a new crime; (2) a technical violation; or (3) self-revocation. Revocation for a new crime includes possession of a deadly weapon, or being charge with a felony, a crime of violence, a misdemeanor assault involving a deadly weapon or resulting in bodily injury, sexual assault in the third degree, or unlawful sexual contact. A technical violation includes any violation of the conditions of parole other than commission of a crime. These violations can include a misdemeanor charge, a traffic violation, a positive urinalysis test, or not showing up for appointments with a parole officer or treatment provider. Finally, self-revocation is available to all parolees through Section 17-2-103

(13), C.R.S. The statute requires the parolee to provide the Parole Board with a justifiable reason for requesting revocation of parole, and it also allows the Parole Board the option to recommend or implement appropriate interventions in order to assist the parolee with integration.

JBC staff believes there may be a lack of direction within the Department for intermediate sanctions when a parolee has violated a condition of parole, other than commission of a new crime. Staff was able to find an administrative regulation that allows for the use of verbal and written directives to clarify or enforce existing conditions of parole. In addition, the Department has an administrative regulation that says it is the policy of the Department to refer an eligible offender to a Community Corrections program who has had parole revoked for a period not to exceed 180 days. However, this sanction only applies after parole has been revoked, whereas what seems to be lacking are guidelines as to options available in lieu of revoking parole. In addition, staff was unable to find any administrative regulations that attempted to limit the use of prison for technical parole violations.

The percentage of the prison population that is incarcerated as a result of a technical parole violation has stayed fairly consistent at around 30 percent for the past several years. The following table illustrates the prison admissions by type since FY 1999-00.

Colorado Prison Admissions by Type					
	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	Total Admissions
FY 99-00	61.5%	6.0%	31.3%	1.2%	6,853
FY 00-01	64.4%	5.8%	28.7%	1.1%	6,952
FY 01-02	61.5%	6.0%	31.1%	1.2%	7,802
FY 02-03	67.7%	5.6%	26.1%	0.6%	7,799
FY 03-04	61.5%	6.0%	31.1%	1.2%	8,165
FY 04-05	61.4%	8.8%	28.9%	0.9%	9,433
FY 05-06	60.5%	10.2%	28.3%	1.0%	10,168
FY 06-07	<u>60.0%</u>	<u>9.6%</u>	<u>28.6%</u>	<u>1.8%</u>	<u>10,626</u>
Total	62.3%	7.3%	29.3%	1.1%	67,798

Note: Other admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

During FY 2006-07, DCJ reports that nearly 2,100 individuals were in prison for technical parole violations only (without a new crime). The 2,100 individuals who were in prison in FY 2006-07 due to a technical violation represents a cost of at least \$39.8 million to the State, assuming that all of these individuals were in private prisons at the FY 2006-07 per diem rate of \$51.91. Assuming that at least 2,100 individuals are currently in prison for a technical violation, the cost to the State is at least \$42.1 million in FY 2008-09 based on the current year private prison per diem rate of \$54.93.

One option for reducing the number of individuals imprisoned for a technical parole violation would be to create administrative regulations that limit the use of prison for technical parole violations. For example, administrative regulations limit the use of prison for technical parole violations in Michigan, Oregon, South Dakota, and Texas. Washington state passed legislation more than 20 years ago that prohibits state imprisonment for technical parole violators with no negative impact on the state crime rate.

In addition, the National Institute of Corrections promotes a new generation of policy to guide officer decision making regarding technical parole violations. Administrative violations are inevitable, particularly given that the issues that led an individual into the justice system will most likely continue until they learn new skills. However, the violation severity and offender's risk to the community should direct the development of these guidelines. The development of guidelines should include the identification of a range of local sanctions that prioritize offender accountability.

Technical violation programs used in others states also may provide a helpful example of how Colorado might reduce technical parole violations that result in incarceration without reducing public safety. For example, the Technical Violation Unit (TVU) in Connecticut targets people who are failing standard probation supervision. These individuals are referred by their probation officer and unit chief for intensive 30 to 60 days of supervision by the special TVU. Caseloads in the TVU are restricted to 25, and TVU participants receive specific services under tightened supervision requirements. Once the person's progress is stabilized, he or she is transferred back to a standard probation caseload. The project was evaluated by a research team at Central Connecticut State University, and in the 12 months following program participation, the research found that technical violations were at 14 percent compared to 26 percent for those who had not participated in the special TVU.

The Colorado Commission on Criminal and Juvenile Justice, in its 2008 annual report, provided data related to the costs averted assuming parole technical violations (no new crime) are reduced by 15 percent each year over the previous year. Those savings are as follows:

- Year 2 savings: 228 beds and \$4.6 million
- Year 3 savings: 431 beds and \$8.7 million
- Year 4 savings: 517 beds and \$10.4 million

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

APPENDIX A: NUMBERS PAGES

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
DEPARTMENT OF CORRECTIONS					
Executive Director: Aristedes W. Zavaras					
I. MANAGEMENT					
(A) Executive Director's Office Subprogram					
(Primary Function: Responsible for providing oversight and developing policies for all operations throughout the Department.)					
Personal Services	1,364,002	1,392,199	1,484,544	1,600,158	DI #17
FTE	<u>16.2</u>	<u>15.5</u>	<u>24.1</u>	<u>25.2</u>	
General Fund	1,261,861	1,284,932	1,336,851	1,452,465	
FTE	14.5	13.8	22.4	23.5	
Reappropriated Funds	102,141	107,267	147,693	147,693	
FTE	1.7	1.7	1.7	1.7	
Health, Life, and Dental	<u>20,149,648</u>	<u>24,841,802</u>	<u>31,963,927</u>	<u>38,848,635</u>	DI #1, 2, 4, 8
General Fund	20,074,389	24,127,205	30,919,858	37,637,912	
Cash Funds	0	0	1,044,069	1,210,723	
Cash Funds Exempt/Reappropriated Funds	75,259	714,597	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Short-term Disability	<u>316,362</u>	<u>390,952</u>	<u>431,965</u>	<u>474,754</u>	DI #1, 2, 4, 8
General Fund	314,966	380,627	417,032	459,046	
Cash Funds	0	0	14,933	15,708	
Cash Funds Exempt/Reappropriated Funds	1,396	10,325	0	0	
S.B. 04-257 Amortization Equalization					
Disbursement	<u>2,001,161</u>	<u>3,592,547</u>	<u>5,416,547</u>	<u>6,945,987</u>	
General Fund	1,991,895	3,495,766	5,232,759	6,709,658	
Cash Funds	0	0	183,788	236,329	
Cash Funds Exempt/Reappropriated Funds	9,266	96,781	0	0	
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	n/a	<u>641,392</u>	<u>2,614,829</u>	<u>4,374,245</u>	
General Fund		621,458	2,528,678	4,232,987	
Cash Funds		0	86,151	141,258	
Cash Funds Exempt/Reappropriated Funds		19,934	0	0	
Salary Survey and Senior Executive Service	<u>9,042,844</u>	<u>10,885,467</u>	<u>7,966,152</u>	<u>10,912,230</u>	
General Fund	9,000,741	10,605,180	7,747,555	10,612,790	
Cash Funds	0		218,597	299,440	
Cash Funds Exempt/Reappropriated Funds	42,103	280,287	0	0	
Performance-based Pay Awards	<u>0</u>	<u>4,508,469</u>	<u>5,030,339</u>	<u>0</u>	
General Fund	0	4,369,413	4,877,783	0	
Cash Funds	0	0	152,556	0	
Cash Funds Exempt/Reappropriated Funds	0	139,056	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Shift Differential	<u>4,805,037</u>	<u>5,759,853</u>	<u>6,364,428</u>	<u>6,556,683</u>	DI #1, 2, 5
General Fund	4,804,621	5,752,626	6,351,160	6,543,691	
Cash Funds	0	0	13,268	12,992	
Cash Funds Exempt/Reappropriated Funds	416	7,227	0	0	
Workers' Compensation	<u>4,428,224</u>	<u>4,726,112</u>	<u>6,027,568</u>	<u>6,036,716</u>	DI #NP-6
General Fund	4,228,914	4,569,678	5,828,055	5,837,203	
Cash Funds	0	0	199,513	199,513	
Cash Funds Exempt/Reappropriated Funds	199,310	156,434	0	0	
Operating Expenses	<u>197,297</u>	<u>275,098</u>	<u>276,631</u>	<u>299,024</u>	DI #17, NP-4
General Fund	183,079	190,455	191,455	213,848	
Reappropriated Funds	14,218	15,443	19,176	19,176	
Federal Funds	0	69,200	66,000	66,000	
Legal Services	<u>1,002,029</u>	<u>932,483</u>	<u>1,230,626</u>	<u>1,230,626</u>	
General Fund	988,341	928,693	1,188,239	1,188,239	
Cash Funds	0	0	42,387	42,387	
Cash Funds Exempt/Reappropriated Funds	13,688	3,790	0	0	
Payment to Risk Management and Property Funds	<u>4,982,853</u>	<u>4,187,498</u>	<u>5,405,253</u>	<u>5,393,103</u>	DI #5
General Fund	4,817,924	4,048,891	5,226,339	5,214,189	
Cash Funds	0	0	178,914	178,914	
Cash Funds Exempt/Reappropriated Funds	164,929	138,607	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Leased Space	<u>2,876,318</u>	<u>2,893,383</u>	<u>3,518,650</u>	<u>3,972,158</u>	DI #4, 10, 15,
General Fund	2,666,113	2,697,358	3,308,445	3,761,953	17, 18, 20
Cash Funds	0	0	210,205	210,205	
Cash Funds Exempt/Reappropriated Funds	210,205	196,025	0	0	
Capitol Complex Leased Space	<u>168,832</u>	<u>174,826</u>	<u>175,498</u>	<u>184,976</u>	DI #NP-2
General Fund	113,140	98,269	98,646	105,237	
Cash Funds	0	0	76,852	79,739	
Cash Funds Exempt/Reappropriated Funds	55,692	76,557	0	0	
Planning & Analysis Contracts - GF	n/a	n/a	56,160	56,160	
Payments to District Attorneys - GF	n/a	468,551	100,708 a/	144,108	
Start-up Costs - GF	n/a	n/a	8,210	5,728	DI #17
					Request v.
					Appropriation
Total (A) Executive Director's Office	51,334,607	65,670,632	78,072,035	87,035,291	11.5%
FTE	<u>16.2</u>	<u>15.5</u>	<u>24.1</u>	<u>25.2</u>	
General Fund	50,445,984	63,639,102	75,417,933	84,175,214	11.6%
Cash Funds	0	0	2,421,233	2,627,208	8.5%
Cash Funds Exempt/Reappropriated Funds	888,623	1,962,330	166,869	166,869	0.0%
Federal Funds	0	69,200	66,000	66,000	0.0%

a/ The FY 2008-09 appropriation includes a reduction of \$49,292 pursuant to H.B. 08-1382.

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(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	1,206,806	1,318,571	1,450,144	1,475,281	
FTE	17.3	19.2	21.4	21.5	
Operating Expenses - GF	218,664	264,233	231,514	262,791	DI #NP-4
Start-up Costs - GF	6,310	4,728	4,174	0	
					Request v. Appropriation
(1) Private Prison Monitoring Unit - GF	1,431,780	1,587,532	1,685,832	1,738,072	3.1%
FTE	17.3	19.2	21.4	21.5	
(2) Payments to House State Prisoners					
(Primary Function: To reimburse county jails and private prisons for state inmates housed in these facilities.)					
Payments to Local Jails at a Rate of \$50.44 per Inmate per Day - GF	11,340,364	8,037,697	7,949,041	8,130,524	DI #3
Payments to Private Prisons at a Rate of \$54.93 per Inmate per Day	<u>74,808,495</u>	<u>77,452,558</u>	<u>97,304,409</u>	<u>101,759,212</u>	DI #3, 10, 17, 19,
General Fund	73,437,232	74,248,014	94,945,702	99,400,505	BR #1, 2, 3
Cash Funds	0	0	2,358,707	2,358,707	
Cash Funds Exempt/Reappropriated Funds	1,371,263	3,204,544	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Payments to Out-of-State Private Prisons at a Rate of \$54.00 per Inmate Per Day - GF	4,699,470	8,477,784	0	0	
Payments to Pre-release Parole Revocation Prisons at a Rate of \$54.93 per Inmate Per Day - GF	9,311,383	10,935,963	14,435,604	13,480,435	DI #3, 19
Payments to Community Corrections Programs - GF	3,075,768	3,282,623	4,426,094	4,209,005	DI #3
					Request v. Appropriation
Total (2) Payments to House State Prisoners	<u>103,235,480</u>	<u>108,186,625</u>	<u>124,115,148</u>	<u>127,579,176</u>	2.8%
General Fund	101,864,217	104,982,081	121,756,441	125,220,469	2.8%
Cash Funds	0	0	2,358,707	2,358,707	0.0%
Cash Funds Exempt/Reappropriated Funds	1,371,263	3,204,544	0	0	N/A
					Request v. Appropriation
Total (B) External Capacity Subprogram	104,667,260	109,774,157	125,800,980	129,317,248	2.8%
FTE	<u>17.3</u>	<u>19.2</u>	<u>21.4</u>	<u>21.5</u>	
General Fund	103,295,997	106,569,613	123,442,273	126,958,541	2.8%
Cash Funds	0	0	2,358,707	2,358,707	0.0%
Cash Funds Exempt/Reappropriated Funds	1,371,263	3,204,544	0	0	N/A

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
(C) Inspector General Subprogram					
(Primary Function: Investigate crimes within the state prison system.)					
Personal Services - GF	3,216,478	3,427,621	3,676,080	3,857,237	DI #1
FTE	44.7	47.8	49.2	49.5	
Operating Expenses	<u>253,065</u>	<u>275,547</u>	<u>304,959</u>	<u>401,588</u>	DI #1, 2, 4, 5, 6,
General Fund	253,065	270,587	299,999	396,628	8, 10, 13, 15, 17,
Cash Funds	0	4,960	4,960	4,960	NP-4
Inspector General Grants	<u>252,408</u>	<u>398,536</u>	<u>973,319</u>	<u>973,319</u>	
Cash Funds Exempt/Reappropriated Funds	0	0	497,701	497,701	
Federal Funds	252,408	398,536	475,618	475,618	
Start-up Costs - GF	19,314	30,229	0	36,784	DI #1
					Request v.
					Appropriation
Total (C) Inspector General Subprogram - GF	3,741,265	4,131,933	4,954,358	5,268,928	6.3%
FTE	<u>44.7</u>	<u>47.8</u>	<u>49.2</u>	<u>49.5</u>	
General Fund	3,488,857	3,728,437	3,976,079	4,290,649	7.9%
Cash Funds	0	4,960	4,960	4,960	0.0%
Cash Funds Exempt/Reappropriated Funds	0	0	497,701	497,701	0.0%
Federal Funds	252,408	398,536	475,618	475,618	0.0%

* The amounts in this subprogram were included in the Executive Director's Office Subprogram prior to FY 2005-06.

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
					Request v. Appropriation
I. SUBTOTAL - MANAGEMENT	159,743,132	179,576,722	208,827,373	221,621,467	6.1%
FTE	<u>78.2</u>	<u>82.5</u>	<u>94.7</u>	<u>96.2</u>	
General Fund	157,230,838	173,937,152	202,836,285	215,424,404	6.2%
Cash Funds	0	4,960	4,784,900	4,990,875	4.3%
Reappropriated Funds	2,259,886	5,166,874	664,570	664,570	0.0%
Federal Funds	252,408	467,736	541,618	541,618	0.0%

II. INSTITUTIONS

(A) Utilities Subprogram

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

Energy Management Program - GF	150,000	149,460	316,310	329,707	
FTE	1.0	1.0	2.8	3.0	
Utilities	<u>19,659,500</u>	<u>19,233,240</u>	<u>19,597,518</u>	<u>20,443,172</u>	DI #1, 9, 12, NP-7
General Fund	18,689,619	18,345,300	18,627,637	19,458,743	
Cash Funds	0	0	969,881	984,429	
Cash Funds Exempt/Reappropriated Funds	969,881	887,940	0	0	
Start-up Costs - GF	511,071	0	0	0	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
					Request v. Appropriation
Total (A) Utilities Subprogram	19,809,500	19,382,700	19,913,828	20,772,879	4.3%
FTE	<u>1.0</u>	<u>1.0</u>	<u>2.8</u>	<u>3.0</u>	
General Fund	18,839,619	18,494,760	18,943,947	19,788,450	4.5%
Cash Funds	0	0	969,881	984,429	1.5%
Cash Funds Exempt/Reappropriated Funds	969,881	887,940	0	0	N/A
(B) Maintenance Subprogram					
(Primary Function: Includes grounds maintenance, and maintenance of facilities, which includes the boiler house, janitorial, and life safety.)					
Personal Services - GF	16,000,314	17,120,084	18,086,116	20,046,888	DI #1, 2, 5
FTE	278.8	288.5	306.8	335.8	
Operating Expenses - GF	4,315,499	4,861,676	5,246,228	5,779,451	DI #1, 2, 5, NP-4
Purchase of Services - GF	1,023,537	1,106,925	1,111,424	1,111,424	
Start-up Costs - GF	0	0	0	10,522	DI #2
					Request v. Appropriation
Total (B) Maintenance Subprogram - GF	21,339,350	23,088,685	24,443,768	26,948,285	10.2%
FTE	278.8	288.5	306.8	335.8	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
(C) Housing and Security Subprogram					
(Primary Function: Responsible for ongoing inmate supervision, including the implementation and management of security operations).					
Personal Services	137,289,359	146,309,067	152,467,356 a/	165,630,363	DI #1, 2, 5
FTE	<u>2,795.9</u>	<u>2,951.9</u>	<u>2,995.7</u>	<u>3,197.0</u>	
General Fund	137,289,359	146,309,067	152,216,480	165,623,310	
Cash Funds	0	0	250,876	5,000	
Cash Funds Exempt/Reappropriated Funds	0	0	0	2,053	
Operating Expenses - GF	1,656,758	1,746,744	1,820,166	2,012,825	DI #1, 2, 5, NP-4
Start-up Costs - GF	0	0	4,105	5,728	DI #5
					Request v. Appropriation
Total (C) Housing & Security Subprogram	138,946,117	148,055,811	154,291,627	167,648,916	8.7%
FTE	<u>2,795.9</u>	<u>2,951.9</u>	<u>2,995.7</u>	<u>3,197.0</u>	
General Fund	138,946,117	148,055,811	154,040,751	167,641,863	8.8%
Cash Funds	0	0	250,876	5,000	-98.0%
Cash Funds Exempt/Reappropriated Funds	0	0	0	2,053	N/A

a/ The FY 2008-09 appropriation includes an increase of \$2,053 cash funds pursuant to S.B. 08-134, and an increase of \$1,767,320 General Fund and \$250,876 cash funds pursuant to criminal sentencing laws.

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(D) Food Service Subprogram					
(Primary Function: Responsible for providing three meals daily to all inmates.)					
Personal Services - GF	12,877,996	13,797,580	14,462,948	15,526,457	DI #1, 2, 5
FTE	246.7	253.6	265.2	277.2	
Operating Expenses	15,103,943	15,723,651	16,116,662	18,014,278	DI #1, 2, 5, 12
General Fund	15,103,943	15,723,651	16,036,662	17,934,278	
Federal Funds	0	0	80,000	80,000	
Purchase of Services - GF	680,256	850,700	859,098	932,121	DI #12
Start-up Costs - GF	32,318	0	0	0	
					Request v. Appropriation
Total (D) Food Service Subprogram	28,694,513	30,371,931	31,438,708	34,472,856	9.7%
FTE	246.7	253.6	265.2	277.2	
General Fund	28,694,513	30,371,931	31,358,708	34,392,856	9.7%
Federal Funds	0	0	80,000	80,000	0.0%

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 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	23,562,648	25,501,079	27,202,489	29,801,895	DI #1, 2, 12
FTE	<u>319.1</u>	<u>346.5</u>	<u>441.0</u>	<u>464.7</u>	
General Fund	23,303,217	25,235,629	26,973,863	29,573,269	
FTE	316.1	343.5	438.0	461.7	
Cash Funds	259,431	265,450	228,626	228,626	
FTE	3.0	3.0	3.0	3.0	
Operating Expenses - GF	2,589,588	2,704,009	2,763,684	2,919,769	DI #1, 2, 12, NP-4
Purchase of Pharmaceuticals - GF	9,626,416	9,719,793	10,195,764	9,944,904	DI #14
Purchase of Medical Services from Other Medical Facilities - GF	18,716,693	19,024,186	19,782,394	19,990,788	DI #14
Purchase of Medical Services from State Hospital - GF	1,006,681	1,422,447	1,572,650	1,319,396	DI #14
Catastrophic Medical Expenses - GF	6,033,095	9,500,963	9,775,729	11,461,023	DI #14
Service Contracts - GF	1,697,212	2,382,146	2,401,631	2,499,629	DI #1, 2, 12
Indirect Cost Recoveries - CF	n/a	n/a	6,053	4,723	
Start-up Costs - GF	70,783	0	0	17,690	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
					Request v. Appropriation
Total (E) Medical Services Subprogram	63,303,116	70,254,623	73,700,394	77,959,817	5.8%
FTE	<u>319.1</u>	<u>346.5</u>	<u>441.0</u>	<u>464.7</u>	
General Fund	63,043,685	69,989,173	73,465,715	77,726,468	5.8%
FTE	316.1	343.5	438.0	461.7	
Cash Funds	259,431	265,450	234,679	233,349	-0.6%
FTE	3.0	3.0	3.0	3.0	
(F) Laundry Subprogram					
(Primary Function: Issue and maintains all clothing, bedding, jackets, and footwear for inmates.)					
Personal Services - GF	2,010,660	2,180,605	2,216,400	2,468,864	DI #1, 2
FTE	35.2	36.1	37.4	41.5	
Operating Expenses - GF	1,971,471	2,093,698	2,191,334	2,312,167	DI #1, 2, 6
Start-up Costs - GF	114,442	0	0	0	
					Request v. Appropriation
Total (F) Laundry Subprogram - GF	4,096,573	4,274,303	4,407,734	4,781,031	8.5%
FTE	35.2	36.1	37.4	41.5	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(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	9,615,309	9,743,471	10,276,508	11,007,820	DI #1, 5
FTE	167.0	168.9	173.0	181.2	
Operating Expenses - GF	2,988,498	2,951,071	3,237,061	3,375,020	DI #1, 2, 5, NP-3
Dress out - GF	690,735	803,761	949,082	1,046,627	DI #6
Start-up Costs - GF	1,017,500	91,894	2,492	1,757,868	DI #1, 2, 5
					Request v. Appropriation
Total (G) Superintendents Subprogram - GF	14,312,042	13,590,197	14,465,143	17,187,335	18.8%
FTE	167.0	168.9	173.0	181.2	

Note: Prior to FY 2005-06, the "Dress Out" line item was included in the Community Reintegration Subprogram.

(H) Boot Camp Subprogram

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

Personal Services - GF	1,617,196	1,626,802	1,695,452	1,751,346
FTE	30.7	31.0	32.7	32.7
Operating Expenses - GF	52,416	52,419	52,419	52,419

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
					Request v. Appropriation
Total (H) Boot Camp Subprogram - GF	1,669,612	1,679,221	1,747,871	1,803,765	3.2%
FTE	30.7	31.0	32.7	32.7	
(I) Youthful Offender System Subprogram					
(Primary Function: Target offenders [14 to 18 years of age at the time of offense] who have committed violent felonies [Class 3 - 6]. All sentences are determinate of 2-6 years.)					
Personal Services - GF	9,261,540	9,307,755	9,744,404 a/	10,090,648	
FTE	161.4	163.6	172.9	172.9	
Operating Expenses - GF	182,323	182,323	197,672 b/	206,083	DI #NP-4
Contract Services - GF	27,000	28,820	28,820	28,820	
Purchase of Services - GF	624,504	617,389	624,589	647,736	DI #12
					Request v. Appropriation
Total (I) Y.O.S. Subprogram - GF	10,095,367	10,136,287	10,595,485	10,973,287	3.6%
FTE	161.4	163.6	172.9	172.9	

a/ The FY 2008-09 appropriation includes an increase of \$30,699 General Fund pursuant to S.B. 08-66.

b/ The FY 2008-09 appropriation includes an increase of \$15,349 General Fund pursuant to S.B. 08-66.

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(J) Case Management Subprogram					
(Primary Function: Responsible for case analysis, classification reviews, performance assessment, earned time evaluations, sentence computation, and parole preparations.)					
Personal Services - GF	13,970,151	14,355,918	15,243,198	16,309,325	DI #1, 2, 5
FTE	219.0	228.0	230.7	241.1	
Operating Expenses - GF	151,360	148,099	153,664	169,195	DI #1, 2, 5
Start-up Costs - GF	17,169	0	0	11,456	DI #5
					Request v. Appropriation
Total (J) Case Management Subprogram - GF	14,138,680	14,504,017	15,396,862	16,489,976	7.1%
FTE	219.0	228.0	230.7	241.1	

(K) 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	4,952,806	5,546,481	7,236,432	8,037,365	DI #1, 2, 12
FTE	53.9	57.3	105.1	113.1	
Operating Expenses - GF	56,872	59,864	91,904	105,108	DI #1, 2
Medical Contract Services - GF	501,595	558,035	572,577	566,545	DI #1, 2, 12
Start-up Costs - GF	14,476	0	77,995	2,900	DI #2

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
					Request v. Appropriation
Total (K) Mental Health Subprogram - GF	5,525,749	6,164,380	7,978,908	8,711,918	9.2%
FTE	53.9	57.3	105.1	113.1	
(L) Inmate Pay Subprogram					
(Primary Function: Provide nominal pay [\$0.23 to \$0.60/day] to inmates for labor positions such as janitorial services, facility maintenance, food services, laundry, grounds keeping, etc.)					
Inmate Pay - GF	1,411,768	1,485,644	1,501,642	1,553,278	DI #1, 2, 10 Request v. Appropriation
Total (L) Inmate Pay Subprogram - GF	1,411,768	1,485,644	1,501,642	1,553,278	3.4%
(M) 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	11,501,000	11,597,006	12,175,300	12,617,683	
FTE	186.4	187.3	196.1	196.1	
Operating Expenses - GF	199,092	199,092	199,092	207,219	DI #NP-4
Service Contracts - GF	725,309	725,309	725,309	750,463	DI #12

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
					Request v. Appropriation
Total (M) San Carlos Subprogram - GF	12,425,401	12,521,407	13,099,701	13,575,365	3.6%
FTE	186.4	187.3	196.1	196.1	
(N) Legal Access Subprogram					
(Primary Function: Provide inmates with resources to research and file claims with the courts.)					
Personal Services - GF	1,034,578	1,096,340	1,146,647	1,372,640	DI #1
FTE	19.1	21.3	21.5	21.8	
Operating Expenses - GF	262,652	296,427	299,602	305,018	DI #1, NP-4
Contract Services - GF	113,628	68,993	70,905	70,905	
Start-up Costs - GF	19,496	0	0	11,456	DI #1
					Request v. Appropriation
Total (N) Legal Access Subprogram - GF	1,430,354	1,461,760	1,517,154	1,760,019	16.0%
FTE	19.1	21.3	21.5	21.8	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
					Request v. Appropriation
II. SUBTOTAL - INSTITUTIONS	337,198,142	356,970,966	374,498,825	404,638,727	8.0%
FTE	<u>4,514.2</u>	<u>4,735.0</u>	<u>4,980.9</u>	<u>5,278.1</u>	
General Fund	335,968,830	355,817,576	372,963,389	403,333,896	8.1%
Cash Funds	259,431	265,450	1,455,436	1,222,778	-16.0%
Cash Funds Exempt/Reappropriated Funds	969,881	887,940	0	2,053	N/A
Federal Funds	0	0	80,000	80,000	0.0%

III. SUPPORT SERVICES

(A) Business Operations Subprogram

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

Personal Services	5,440,467	5,541,439	5,937,088	6,370,214	DI #1
FTE	<u>95.8</u>	<u>104.5</u>	<u>110.7</u>	<u>114.2</u>	
General Fund	4,969,698	5,070,069	5,331,718	5,785,842	
FTE	87.2	95.9	100.1	103.6	
Cash Funds	470,769	471,370	604,671	583,474	
FTE	8.6	8.6	10.6	10.6	
Cash Funds Exempt/Reappropriated Funds	0	0	699	898	
FTE	0.0	0.0	0.0	0.0	
Operating Expenses - GF	229,483	229,487	229,487	251,183	DI#1, NP-4

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
Start-up Costs - GF	0	0	0	17,184	DI #1 Request v. Appropriation
Total (A) Business Operations Subprogram	5,669,950	5,770,926	6,166,575	6,638,581	7.7%
FTE	<u>95.8</u>	<u>104.5</u>	<u>110.7</u>	<u>114.2</u>	
General Fund	5,199,181	5,299,556	5,561,205	6,054,209	8.9%
FTE	87.2	95.9	100.1	103.6	
Cash Funds	470,769	471,370	604,671	583,474	-3.5%
FTE	8.6	8.6	10.6	10.6	
Cash Funds Exempt/Reappropriated Funds	0	0	699	898	28.5%
FTE	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	844,820	965,392	1,143,654	1,282,430	DI #1
FTE	16.7	16.7	18.5	20.5	
Operating Expenses - GF	92,431	92,431	93,431	98,656	DI #1, NP-4
Start-up Costs - GF	0	0	8,210	11,456	DI #1 Request v. Appropriation
Total (B) Personnel Subprogram - GF	937,251	1,057,823	1,245,295	1,392,542	11.8%
FTE	16.7	16.7	18.5	20.5	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(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	2,160,685	2,360,603	2,562,604 a/	2,863,201	DI #1, 2
FTE	39.4	40.0	41.9	45.4	
Operating Expenses - GF	51,619	52,499	95,944 b/	57,071	DI #1, 2, NP-4
Start-up Costs - GF	6,876	3,118	0	33,440	DI #1, 2
					Request v. Appropriation
Total (C) Offender Services Subprogram - GF	2,219,180	2,416,220	2,658,548	2,953,712	11.1%
FTE	39.4	40.0	41.9	45.4	

a/ The FY 2008-09 appropriation includes \$3,912 General Fund and 0.1 FTE pursuant to H.B. 08-1382.

b/ The FY 2008-09 appropriation includes \$43,400 General Fund pursuant to H.B. 08-1382.

(D) Communications Subprogram

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

Personal Services - GF	483,695	562,447	600,628	624,589	
FTE	8.0	7.9	8.2	8.2	
Operating Expenses - GF	1,362,265	1,446,920	1,501,175	1,757,298	DI #1, 2, 4, 5, 8, 10, 13, 15, 17, NP-4

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Multi-use Network	<u>955,861</u>	<u>1,201,263</u>	<u>1,242,017</u>	<u>1,242,017</u>	
General Fund	904,532	1,136,756	1,174,948	1,174,948	
Cash Funds			67,069	67,069	
Cash Funds Exempt/Reappropriated Funds	51,329	64,507	0	0	
Dispatch Services - GF	221,431	200,562	230,270	230,270	
Communications Services Payments - GF	1,562,881	1,615,195	1,687,070	1,687,070	
					Request v.
					Appropriation
Total (D) Communications Subprogram	4,586,133	5,026,387	5,261,160	5,541,244	5.3%
FTE	<u>8.0</u>	<u>7.9</u>	<u>8.2</u>	<u>8.2</u>	
General Fund	4,534,804	4,961,880	5,194,091	5,474,175	5.4%
Cash Funds	0	0	67,069	67,069	0.0%
Cash Funds Exempt/Reappropriated Funds	51,329	64,507	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	1,551,423	1,849,791	1,901,736	2,113,290	DI #1, 2
FTE	29.9	35.5	36.1	39.6	
Operating Expenses - GF	218,348	289,230	291,545	518,088	DI #1, 2, 6, NP-4
Vehicle Lease Payments	<u>1,614,159</u>	<u>1,603,471</u>	<u>1,911,143</u>	<u>2,829,907</u>	DI #1, 2, 4, 9,
General Fund	1,565,173	1,562,116	1,848,075	2,743,016	10, 15, NP-5
Cash Funds	0	0	63,068	85,891	
Cash Funds Exempt/Reappropriated Funds	48,986	41,355	0	1,000	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
Start-up Costs - GF	116,426	3,091	0	178,877	DI #1, 2 Request v. Appropriation
Total (E) Transportation Subprogram	3,500,356	3,745,583	4,104,424	5,640,162	37.4%
FTE	<u>29.9</u>	<u>35.5</u>	<u>36.1</u>	<u>39.6</u>	
General Fund	3,451,370	3,704,228	4,041,356	5,553,271	37.4%
Cash Funds	0	0	63,068	85,891	36.2%
Cash Funds Exempt/Reappropriated Funds	48,986	41,355	0	1,000	N/A
(F) Training Subprogram					
(Primary Function: Provide basic, extended, in-service and advanced training to DOC employees.)					
Personal Services - GF	1,736,252	1,810,290	1,878,533	2,054,215	DI #1
FTE	27.1	26.8	27.3	28.2	
Operating Expenses - GF	275,050	276,744	278,976	291,027	DI #1, 2, 4, 5, 8, 10, 13, 15, 17, NP-4
Start-up Costs - GF	0	0	0	5,728	DI #1 Request v. Appropriation
Total (F) Training Subprogram - GF	2,011,302	2,087,034	2,157,509	2,350,970	9.0%
FTE	27.1	26.8	27.3	28.2	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(G) Information Systems Subprogram					
(Primary Function: Responsible for the development and maintenance of automated information systems within the DOC.)					
Personal Services - GF	3,387,891	3,676,702	3,870,301	4,135,188	DI #1
FTE	48.6	48.9	50.6 a/	53.4	
Operating Expenses - GF	914,381	1,354,625	1,378,378	1,625,263	DI #1, 2, 4, 5, 8, 10, 13, 15, 17, NP-4
Purchase of Services From Computer Center - GF	0	8,818	202,327	202,327	
Montez Contract Services - GF	135,712	0	0	0	
H.B. 06-1315 (Juv. Parole for Class I felony) - GF	4,480	0	0	0	
Start-up Costs - GF	9,748	0	0	17,184	DI #1 Request v. Appropriation
Total (G) Information Systems Subprogram - GF	4,452,212	5,040,145	5,451,006	5,979,962	9.7%
FTE	48.6	48.9	50.6	53.4	

a/ The FY 2008-09 appropriation includes a reduction of 3.0 FTE pursuant to S.B. 08-155.

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
(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; currently, the CSP II project is valued at \$141 million.)					
Personal Services - GF	762,397	824,443	945,710	985,231	
FTE	8.0	9.6	11.8	12.0	
Operating Expenses - GF	79,692	82,096	83,096	92,459	DI #NP-4
Start-up Costs - GF	17,845	0	8,210	0	
					Request v.
					Appropriation
Total (H) Facility Services Subprogram - GF	859,934	906,539	1,037,016	1,077,690	3.9%
FTE	8.0	9.6	11.8	12.0	
					Request v.
					Appropriation
III. SUBTOTAL - SUPPORT SERVICES	24,236,318	26,050,657	28,081,533	31,574,863	12.4%
FTE	<u>273.5</u>	<u>289.9</u>	<u>305.1</u>	<u>321.5</u>	
General Fund	23,665,234	25,473,425	27,346,026	30,836,531	12.8%
Cash Funds	470,769	471,370	734,808	736,434	0.2%
Reappropriated Funds	100,315	105,862	699	1,898	171.5%

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
IV. 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	5,107,086	5,177,533	5,405,327	5,672,084	DI #1
FTE	92.0	95.8	97.3	99.1	
Operating Expenses - GF	88,160	90,527	91,040	93,410	DI #1
					Request v. Appropriation
Total (A) Labor Subprogram - GF	5,195,246	5,268,060	5,496,367	5,765,494	4.9%
FTE	92.0	95.8	97.3	99.1	
(B) Education Subprogram					
(Primary Function: Assist inmates in improving basic skills [English, reading, writing, spelling, and math].)					
Personal Services - GF	8,250,790	8,211,425	14,049,940	17,358,203	DI #1, 13
FTE	<u>136.5</u>	<u>139.6</u>	<u>245.6</u>	<u>295.0</u>	
General Fund	8,250,790	8,211,425	13,138,418	16,458,258	
FTE	136.5	139.6	245.6	295.0	
Cash Funds	0	0	911,522	899,945	
FTE	0.0	0.0	0.0	0.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Operating Expenses	<u>1,435,045</u>	<u>2,210,530</u>	<u>2,231,766</u>	<u>2,358,761</u>	DI #1, 13
General Fund	0	0	20,000	146,995	
Cash Funds	660,663	602,524	1,700,751	1,700,751	
Cash Funds Exempt/Reappropriated Funds	774,382	1,608,006	511,015	511,015	
Contract Services	<u>5,093,300</u>	<u>5,989,208</u>	<u>592,003</u>	<u>73,276</u>	
General Fund	4,095,835	4,991,743	592,003	73,276	
Cash Funds Exempt/Reappropriated Funds	997,465	997,465	0	0	
Education Grants	564,349	733,082	1,986,705	1,986,705	
FTE	<u>0.0</u>	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>	
Cash Funds	0	0	10,000	10,000	
Cash Funds Exempt/Reappropriated Funds	190	54	225,808	225,808	
Federal Funds	564,159	733,028	1,750,897	1,750,897	
Vocational Grants - FF	360,517	0	0	0	
Indirect Cost Recoveries - FF	0	0	702	898	
Start-up Costs - GF	0	0	175,140	845,479	DI #1, 13
					Request v.
					Appropriation
Total (B) Education Subprogram	15,704,001	17,144,245	19,036,256	22,623,322	18.8%
FTE	<u>136.5</u>	<u>139.6</u>	<u>246.6</u>	<u>296.0</u>	
General Fund	12,346,625	13,203,168	13,925,561	17,524,008	25.8%
Cash Funds	660,663	602,524	2,622,273	2,610,696	-0.4%
Cash Funds Exempt/Reappropriated Funds	1,772,037	2,605,525	736,823	736,823	0.0%
Federal Funds	924,676	733,028	1,751,599	1,751,795	0.0%

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(C) Recreation Subprogram					
(Primary Function: Provide standardized, staff supervised recreational programs to inmates.)					
Personal Services - GF	5,981,880	6,120,787	6,386,745	6,617,548	DI #1
FTE	116.9	116.6	118.2	119.9	
Operating Expenses - CF	71,693	75,143	76,485	78,855	DI #1
					Request v. Appropriation
Total (C) Recreation Subprogram	6,053,573	6,195,930	6,463,230	6,696,403	3.6%
FTE	<u>116.9</u>	<u>116.6</u>	<u>118.2</u>	<u>119.9</u>	
General Fund	5,981,880	6,120,787	6,386,745	6,617,548	3.6%
Cash Funds	71,693	75,143	76,485	78,855	3.1%

(D) Drug and Alcohol Treatment Subprogram

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

Personal Services - GF	207,324	213,386	2,877,795	6,285,790	DI #1, 8
FTE	2.5	2.6	60.8	130.3	
Operating Expenses - GF	n/a	n/a	74,000	189,330	DI #1, 8
Drug Offender Surcharge Program - CF	636,867	995,127	995,127	1,245,127	DI #11
Contract Services - GF	3,692,662	4,276,060	2,074,956	2,445,189	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Treatment Grants	<u>193,107</u>	<u>173,350</u>	<u>468,884</u>	<u>468,884</u>	
Cash Funds Exempt/Reappropriated Funds	0	0	193,874	193,874	
Federal Funds	193,107	173,350	275,010	275,010	
Start-up Costs - GF	0	0	0	495,282	DI #8
					Request v.
					Appropriation
Total (D) Drug/Alcohol Treatment Subprogram	4,729,960	5,657,923	6,490,762	11,129,602	71.5%
FTE	<u>2.5</u>	<u>2.6</u>	<u>60.8</u>	<u>130.3</u>	
General Fund	3,899,986	4,489,446	5,026,751	9,415,591	87.3%
Cash Funds	636,867	995,127	995,127	1,245,127	25.1%
Cash Funds Exempt/Reappropriated Funds	0	0	193,874	193,874	0.0%
Federal Funds	193,107	173,350	275,010	275,010	0.0%

(E) Sex Offender Treatment Subprogram

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

Personal Services	2,363,840	2,376,441	2,697,260 a/	2,908,968	DI #1, 2, 12
FTE	<u>29.2</u>	<u>29.6</u>	<u>48.7</u>	<u>51.7</u>	
General Fund	2,335,029	2,352,320	2,668,449	2,880,157	
FTE	28.2	28.6	47.7	50.7	
Cash Funds	28,811	24,121	28,811	28,811	
FTE	1.0	1.0	1.0	1.0	
Operating Expenses	<u>265,344</u>	<u>269,516</u>	<u>100,724</u>	<u>89,422</u>	DI #1, 2, 12
General Fund	264,844	269,016	100,224	88,922	
Cash Funds	500	500	500	500	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Polygraph - GF	94,898	99,569	99,569	101,063	DI #12
Sex Offender Treatment Grants - FF	41,006	73,587	127,070	127,070	
Start-up Costs - GF	36,190	0	0	14,656	DI #2
					Request v.
					Appropriation
Total (E) Sex Offender Treatment Subprogram	2,801,278	2,819,113	3,024,623	3,241,179	7.2%
FTE	<u>29.2</u>	<u>29.6</u>	<u>48.7</u>	<u>51.7</u>	
General Fund	2,730,961	2,720,905	2,868,242	3,084,798	7.6%
Cash Funds	29,311	24,621	29,311	29,311	0.0%
Federal Funds	41,006	73,587	127,070	127,070	0.0%

a/ The FY 2008-09 appropriation includes an increase of \$1,980 General Fund pursuant to H.B. 08-1382.

(F) Volunteers Subprogram

(Primary Function: Manage volunteer programs including volunteer chaplain services to inmates.)

Personal Services - CF	471,724	519,114	543,935	559,562	
FTE	7.6	8.2	9.0	9.0	
Operating Expenses - CF	17,912	17,912	17,912	17,912	
					Request v.
					Appropriation
Total (F) Volunteers Subprogram - CF	489,636	537,026	561,847	577,474	2.8%
FTE	7.6	8.2	9.0	9.0	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
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(G) Community Reintegration 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.)

In FY 2005-06, this program was moved to the Community Services section of the budget, and was renamed the Community Re-entry Subprogram. The budget figures for all four years are shown in the Community Services section.

					Request v. Appropriation
IV. SUBTOTAL - INMATE PROGRAMS	34,973,694	37,622,297	41,073,085	50,033,474	21.8%
FTE	<u>384.7</u>	<u>392.4</u>	<u>580.6</u>	<u>706.0</u>	
General Fund	30,154,698	31,802,366	33,703,666	42,407,439	25.8%
Cash Funds	1,888,170	2,234,441	4,285,043	4,541,463	6.0%
Cash Funds Exempt/Reappropriated Funds	1,772,037	2,605,525	930,697	930,697	0.0%
Federal Funds	1,158,789	979,965	2,153,679	2,153,875	0.0%

V. COMMUNITY SERVICES

(A) Parole Subprogram

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

Personal Services - GF	7,139,809	8,664,962	10,192,309	12,324,334	DI #4, 17
FTE	109.3	147.2	179.2	214.6	
Operating Expenses - GF	845,495	1,016,260	1,078,379	1,438,026	DI #4, 17, NP-4

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Administrative Law Judge Services - GF	5,317	4,603	4,825	4,977	DI # NP-1
Contract Services - GF	543,323	800,398	889,082	1,081,945	DI #4
Wrap-Around Services Program - GF	n/a	n/a	1,800,000	2,400,000	
Parole Grants	<u>145,882</u>	<u>49,208</u>	<u>49,208</u>	<u>49,208</u>	
Cash Funds Exempt/Reappropriated Funds	0	0	49,208	49,208	
Federal Funds	145,882	49,208	0	0	
Start-up Costs - GF	263,937	415,230	245,578	506,880	DI #4, 17 Request v. Appropriation
Total (A) Parole Subprogram	8,943,763	10,950,661	14,259,381	17,805,370	24.9%
FTE	<u>109.3</u>	<u>147.2</u>	<u>179.2</u>	<u>214.6</u>	
General Fund	8,797,881	10,901,453	14,210,173	17,756,162	25.0%
Cash Funds Exempt/Reappropriated Funds	0	0	49,208	49,208	0.0%
Federal Funds	145,882	49,208	0	0	N/A

(B) Parole ISP Subprogram

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

Personal Services - GF	3,086,053	4,242,687	5,059,854	6,160,045	DI #4
FTE	56.2	76.9	94.0	114.0	
Operating Expenses - GF	375,780	454,967	487,071	599,770	DI #4, NP-4

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Contract Services - GF	1,155,343	1,379,975	1,642,172	1,998,094	DI #4
Non-residential Services - GF	918,649	1,060,339	1,265,893	1,540,260	DI #4
Home Detention - GF	69,383	69,383	69,383	69,383	
Start-up Costs - GF	175,575	202,715	129,343	287,812	DI #4
					Request v.
					Appropriation
Total (B) Parole ISP Subprogram - GF	5,780,783	7,410,066	8,653,716	10,655,364	23.1%
FTE	56.2	76.9	94.0	114.0	
(C) Community ISP Subprogram					
(Primary Function: Monitor and supervises offenders in who are in non-residential, transition community corrections programs.)					
Personal Services - GF	2,657,606	3,092,328	3,377,794	3,539,150	
FTE	43.6	49.4	57.5	57.5	
Operating Expenses - GF	513,810	535,728	535,728	574,515	DI #NP-4
Contract Services - GF	3,270,440	3,552,631	3,777,380	3,777,380	
Start-up Costs - GF	40,926	47,920	0	0	
					Request v.
					Appropriation
Total (C) Community ISP Subprogram - GF	6,482,782	7,228,607	7,690,902	7,891,045	2.6%
FTE	43.6	49.4	57.5	57.5	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
(D) Community Supervision Subprogram					
(Primary Function: Supervise transition offenders who are placed in residential community corrections facilities.)					
(1) Community Supervision					
Personal Services - GF	2,319,347	2,647,802	2,997,627	3,172,412	DI #15
FTE	36.6	39.7	50.0	51.5	
Operating Expenses - GF	150,641	166,954	178,297	228,242	DI #15, NP-4
Community Mental Health Services - GF	350,453	565,488	584,496	703,152	DI #4, 15
Psychotropic Medication - GF	6,872	167,314	131,400	131,400	
Contract Services for High Risk Offenders - GF	274,220	297,929	310,944	318,686	DI #15
Contract Services for Fugitive Returns	<u>61,058</u>	<u>74,524</u>	<u>74,524</u>	<u>74,524</u>	
General Fund	28,583	42,049	42,049	42,049	
Cash Funds Exempt/Reappropriated Funds	32,475	32,475	32,475	32,475	
Community Corrections Grant - CFE/RF	29,775	0	0	0	
Start-up Costs - GF	43,756	34,628	42,416	18,381	DI #15

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
					Request v. Appropriation
Total (D) (1) Community Supervision	3,236,122	3,954,639	4,319,704	4,646,797	7.6%
FTE	<u>36.6</u>	<u>39.7</u>	<u>50.0</u>	<u>51.5</u>	
General Fund	3,173,872	3,922,164	4,287,229	4,614,322	7.6%
Cash Funds Exempt/Reappropriated Funds	62,250	32,475	32,475	32,475	0.0%
(2) Youthful Offender System Aftercare					
Personal Services - GF	531,509	569,209	611,074	640,019	
FTE	7.5	7.8	9.5	9.5	
Operating Expenses - GF	141,067	141,067	141,067	141,067	
Contract Services - GF	811,175	1,023,130	1,062,396	1,062,396	
					Request v. Appropriation
Total (D) (2) Y.O.S. Aftercare - GF	1,483,751	1,733,406	1,814,537	1,843,482	1.6%
FTE	7.5	7.8	9.5	9.5	
(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.)					
Personal Services - GF	602,766	669,770	1,182,172	2,030,581	DI #1, 10
FTE	8.3	11.4	22.2	38.2	
Operating Expenses - GF	14,500	15,000	40,236	122,079	DI #1, 10

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Offender Emergency Assistance - GF	86,843	86,844	96,768	96,768	
Contract Services - GF	190,000	190,000	190,000	190,000	
Offender Re-employment	<u>100,000</u>	<u>100,000</u>	<u>110,000</u>	<u>374,000</u>	DI #10
General Fund	100,000	100,000	100,000	364,000	
Cash Funds	0	0	10,000	10,000	
Community Reintegration Grants	<u>210,839</u>	<u>197,067</u>	<u>779,500</u>	<u>779,500</u>	
Cash Funds	0	0	320,000	320,000	
Cash Funds Exempt/Reappropriated Funds	0	0	13,200	13,200	
Federal Funds	210,839	197,067	446,300	446,300	
Start-up Costs - GF	20,114	5,248	69,980	5,728	DI #1
					Request v.
					Appropriation
Total (E) Community Re-entry Subprogram	1,225,062	1,263,929	2,468,656	3,598,656	45.8%
FTE	<u>8.3</u>	<u>11.4</u>	<u>22.2</u>	<u>38.2</u>	
General Fund	1,014,223	1,066,862	1,679,156	2,809,156	67.3%
Cash Funds	0	0	330,000	330,000	0.0%
Cash Funds Exempt/Reappropriated Funds	0	0	13,200	13,200	0.0%
Federal Funds	210,839	197,067	446,300	446,300	0.0%

* Prior to FY 2005-06, the "Community Re-entry Subprogram" was called the "Community Reintegration Subprogram", and it was contained in "Inmate Programs" rather than in "Community Services".

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
					Request v. Appropriation
V. SUBTOTAL - COMMUNITY SERVICES	27,152,263	32,541,308	39,206,896	46,440,714	18.5%
FTE	<u>261.5</u>	<u>332.4</u>	<u>412.4</u>	<u>485.3</u>	
General Fund	26,733,292	32,262,558	38,335,713	45,569,531	18.9%
Cash Funds	0	0	330,000	330,000	0.0%
Cash Funds Exempt/Reappropriated Funds	62,250	32,475	94,883	94,883	0.0%
Federal Funds	356,721	246,275	446,300	446,300	0.0%

VI. PAROLE BOARD

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

Personal Services - GF	969,499	1,172,363	1,322,433	1,366,029	
FTE	13.2	12.8	17.5	17.5	
Operating Expenses - GF	104,890	105,390	106,890	116,427	DI #NP-4
Contract Services - GF	77,000	152,000	152,000	152,000	
Start-up Costs - GF	0	20,220	54,369	0	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	Change Requests
					Request v. Appropriation
VI. SUBTOTAL - PAROLE BOARD - GF	1,151,389	1,449,973	1,635,692	1,634,456	-0.1%
FTE	13.2	12.8	17.5	17.5	

VII. CORRECTIONAL INDUSTRIES

(Primary Function: Employ inmates in profit-oriented industries in DOC facilities.)

Personal Services	8,099,214	8,465,791	9,579,219	9,902,730	DI #9
FTE	<u>134.3</u>	<u>138.1</u>	<u>155.0</u>	<u>156.0</u>	
Cash Funds	0	0	2,299,013	2,574,219	
Cash Funds Exempt/Reappropriated Funds	8,099,214	8,465,791	7,280,206	7,328,511	
Operating Expenses	<u>4,880,351</u>	<u>4,997,702</u>	<u>5,409,030</u>	<u>5,457,345</u>	DI #9
Cash Funds	0	0	1,298,167	1,298,167	
Cash Funds Exempt/Reappropriated Funds	4,880,351	4,997,702	4,110,863	4,159,178	
Raw Materials	<u>21,065,298</u>	<u>29,986,242</u>	<u>35,228,799</u>	<u>35,228,799</u>	
Cash Funds	0	0	8,441,080	8,441,080	
Cash Funds Exempt/Reappropriated Funds	21,065,298	29,986,242	26,787,719	26,787,719	
Inmate Pay	<u>1,312,257</u>	<u>1,512,408</u>	<u>1,553,702</u>	<u>1,568,102</u>	DI #9
Cash Funds	0	0	372,453	372,453	
Cash Funds Exempt/Reappropriated Funds	1,312,257	1,512,408	1,181,249	1,195,649	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Capital Outlay	<u>908,969</u>	<u>470,589</u>	<u>1,406,200</u>	<u>1,406,200</u>	
Cash Funds	0	0	337,094	337,094	
Cash Funds Exempt/Reappropriated Funds	908,969	470,589	1,069,106	1,069,106	
Indirect Cost Assessment	<u>365,270</u>	<u>365,761</u>	<u>372,933</u>	<u>354,981</u>	
Cash Funds	0	0	89,399	71,447	
Cash Funds Exempt/Reappropriated Funds	365,270	365,761	283,534	283,534	
					Request v.
					Appropriation
VII. SUBTOTAL - CORRECTIONAL INDUSTRIES	36,631,359	45,798,493	53,549,883	53,918,157	0.7%
FTE	<u>134.3</u>	<u>138.1</u>	<u>155.0</u>	<u>156.0</u>	
Cash Funds	0	0	12,837,206	13,094,460	2.0%
Cash Funds Exempt/Reappropriated Funds	36,631,359	45,798,493	40,712,677	40,823,697	0.3%
VIII. CANTEEN OPERATION					
(Primary Function: Provide various items for sale to DOC inmates at all DOC facilities.)					
Personal Services	1,276,675	1,540,757	1,733,724	1,818,771	DI #1
FTE	<u>27.4</u>	<u>27.2</u>	<u>29.7</u>	<u>30.5</u>	
Cash Funds	0	0	1,733,724	1,818,771	
Cash Funds Exempt/Reappropriated Funds	1,276,675	1,540,757	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
Operating Expenses	<u>9,876,151</u>	<u>11,270,081</u>	<u>12,851,987</u>	<u>13,029,737</u>	DI #1
Cash Funds	0	0	12,851,987	13,029,737	
Cash Funds Exempt/Reappropriated Funds	9,876,151	11,270,081	0	0	
Inmate Pay	<u>34,986</u>	<u>34,986</u>	<u>40,386</u>	<u>41,636</u>	DI #1
Cash Funds	0	0	40,386	41,636	
Cash Funds Exempt/Reappropriated Funds	34,986	34,986	0	0	
Indirect Cost Assessment	<u>67,007</u>	<u>67,117</u>	<u>67,416</u>	<u>64,171</u>	
Cash Funds	0	0	67,416	64,171	
Cash Funds Exempt/Reappropriated Funds	67,007	67,117	0	0	
Start-up Costs	<u>2,808</u>	<u>0</u>	<u>0</u>	<u>11,456</u>	DI #1
General Fund	0	0	0	11,456	
Cash Funds	0	0	0	0	
Cash Funds Exempt/Reappropriated Funds	2,808	0	0	0	
					Request v.
					Appropriation
VIII. SUBTOTAL - CANTEEN					
OPERATION	11,257,627	12,912,941	14,693,513	14,965,771	1.9%
FTE	<u>27.4</u>	<u>27.2</u>	<u>29.7</u>	<u>30.5</u>	
General Fund	0	0	0	11,456	N/A
Cash Funds	0	0	14,693,513	14,954,315	1.8%
Cash Funds Exempt/Reappropriated Funds	11,257,627	12,912,941	0	0	N/A

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	Change
	Actual	Actual	Appropriation	Request	Requests
					Request v.
					Appropriation
GRAND TOTAL - DEPARTMENT OF CORRECTIONS	632,343,924	692,923,357	761,566,800	824,827,629	8.3%
FTE	<u>5,687.0</u>	<u>6,010.3</u>	<u>6,575.9</u>	<u>7,091.1</u>	
General Fund	574,904,281	620,743,050	676,820,771	739,217,713	9.2%
Cash Funds	2,618,370	2,976,221	39,120,906	39,870,325	1.9%
Cash Funds Exempt/Reappropriated Funds	53,053,355	67,510,110	42,403,526	42,517,798	0.3%
Federal Funds	1,767,918	1,693,976	3,221,597	3,221,793	0.0%

Please note: Actual years reflect records of the State Controller. Appropriation year equals Long Bill, special bills, roll forwards, and other adjustments.

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

APPENDIX B: SUMMARY OF MAJOR LEGISLATION

- ❑ **S.B. 08-66 (Williams/Marshall): Felony Murder Penalty for Juveniles.** Allows the court to sentence juveniles who are charged with felony murder, but plead to a class 2 felony, to the Youthful Offender System (YOS) only if they would be eligible for sentencing to the YOS for the offense underlying the felony murder charge. Appropriates \$46,048 General Fund to the Department of Corrections in FY 2008-09.
- ❑ **S.B. 08-134 (Kopp/McNulty): Minimum Bail for Drug Distribution.** Directs that 50 percent of the bond moneys and fees forfeited by persons in the country illegally shall go to the newly created County Jail Assistance Fund for allocation to counties for maintenance and operation of county jails. Appropriates \$2,053 cash funds to the Department of Corrections in FY 2008-09.
- ❑ **S.B. 08-155 (Cadman/Kerr A.): Centralize IT Management in OIT.** Consolidates the responsibility for information technology oversight of most of the State's executive branch in the Governor's Office of Information Technology (OIT). Transfers 3.0 FTE from the Department of Corrections to OIT in FY 2008-09. For more information on S.B. 08-155, see the "Recent Legislation" section at the end of the Governor's portion of this document.
- ❑ **H.B. 08-1115 (Liston/Renfroe): Retaliation Against a Judge.** Creates a new class 4 felony if a person threatens, harasses, or harms a judge, municipal judge, administrative law judge, or unemployment insurance hearing officer, or a family member or close associate in retaliation against the judge, municipal judge, administrative law judge, or unemployment insurance hearing officer. Makes a 5-year statutory appropriation as follows: for FY 2008-09, appropriates \$125,165 from the Capital Construction Fund to the Corrections Expansion Reserve Fund and transfers \$125,165 from the General Fund to the Capital Construction Fund; for FY 2009-10, appropriates \$28,758 from the General Fund to the Department of Corrections; for FY 2010-11, appropriates \$112,649 from the Capital Construction fund to the Corrections Expansion Reserve Fund, transfers \$112,649 from the General Fund to the Capital Construction Fund, and appropriates \$28,758 from the General Fund to the Department of Corrections; for FY 2011-12, appropriates \$54,640 from the General Fund to the Department of Corrections; for FY 2012-13, appropriates \$112,649 from the Capital Construction Fund to the Corrections Expansion Reserve Fund, transfers \$112,649 from the General fund to the Capital Construction Fund, and appropriates \$28,758 from the General Fund to the Department of Corrections.
- ❑ **H.B. 08-1194 (Judd/Veiga): Increasing Penalties for Drunk Driving.** Makes changes to sentencing laws for driving under the influence and increases the related fee for reinstatement of a driver's license from \$60 to \$95 with the incremental increase of \$35 to be credited to the First Time Drunk Driving Offenders Account. Makes a 5-year statutory appropriation as follows: for FY 2008-09, appropriates \$125,165 from the Capital Construction Fund to

the Corrections Expansion Reserve Fund and transfers \$125,165 from the General Fund to the Capital Construction Fund; for FY 2009-10, appropriates \$12,517 from the Capital Construction fund to the Corrections Expansion Reserve Fund, transfers \$12,517 from the General Fund to the Capital Construction Fund, and appropriates \$28,758 from the General Fund to the Department of Corrections; for FY 2010-11, appropriates \$31,634 from the General Fund to the Department of Corrections; for FY 2011-12, appropriates \$31,634 from the General Fund to the Department of Corrections; for FY 2012-13, appropriates \$31,634 from the General Fund to the Department of Corrections.

- **H.B. 08-1352 (Stephens/Morse): Parole Revocation Placement.** Modifies the revocation placement options available to the Parole Board for offenders whose parole has been revoked based on a technical violation, who have no active felony warrants (including felony detainers or pending felony criminal charges), and who were on parole for a class 5 or class 6 nonviolent felony offense other than menacing or unlawful sexual behavior by precluding such offenders from being placed in community return-to-custody facilities. Appropriates \$217,566 General Fund to the Department of Corrections in FY 2008-09.

- **H.B. 08-1382 (Carroll T./Shaffer): Criminal Procedural Matters.** Modifies current law regarding offenders for whom the Department of Corrections can mandate sex offender treatment. Also expands the population of offenders who are eligible for earned time by allowing earned time eligibility while on parole or after reparole following a parole revocation. Reduces the FY 2008-09 appropriation to the "Payments to District Attorneys" line item within the Department of Corrections by \$49,292 General Fund. Appropriates \$47,312 General Fund to the Support Services Division and \$1,980 General Fund to the Inmate Programs Division within the Department of Corrections in FY 2008-09.

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Corrections**

**APPENDIX C: UPDATE OF FY 2008-09
LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

Long Bill Footnotes

- 2 Department 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** -- 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 Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety 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. The Department indicates that the Judicial Department is responsible for tracking the Drug Offender Surcharge Fund and the Sex Offender Surcharge Fund.

The Sex Offender Management Board (SOMB) determined the following allocation for state agencies in FY 2009-10; however, the SOMB also required a spending restriction of \$95,000 for that fiscal year:

1. \$302,029 to the Judicial Department for direct services;
2. \$163,591 to the Division of Criminal Justice for training;
3. \$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; and
4. \$29,311 to the Department of Corrections for sex offender data collection and risk assessment tests.

The Drug Offender Surcharge Fund is administered by the Judicial Department. The Judicial Department estimates the following allocation from the Drug Offender Surcharge Fund in FY 2008-09:

1. \$1,745,479 to the Judicial Department;
2. \$1,270,616 to the Department of Human Services;
3. \$1,245,127 to the Department of Corrections; and
4. \$1,107,813 to the Division of Criminal Justice.

- 3 Department of Corrections, Management, External Capacity Subprogram; and Community Services --** It is the intent of the General Assembly that the Department of Corrections be authorized to transfer up to \$2,000,000 that would otherwise revert from line items within the external capacity subprogram to any line items within the community services section. It is further the intent of the General Assembly that if the Department does not expend any such transferred funds prior to June 30, 2009, the Department be allowed to roll forward such funds for expenditure in FY 2009-10. If savings do not occur in the external capacity subprogram, it is further the intent of the General Assembly that the Department of Corrections fund the first \$2,000,000 of any unfunded need within the external capacity subprogram with moneys transferred from one or more personal services line items.

Comment: The Department indicates that it transferred \$2,000,000 in FY 2007-08 from the External Capacity Subprogram to the Community Re-entry Subprogram. The Department has requested the removal of this footnote for FY 2009-10.

- 4 Department of Corrections, Management, Executive Director's Office Subprogram, 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: The Department indicates that the following transfers were made in FY 2007-08:

<u>Transferred Line Item</u>	<u>Amount</u>
Payments to Local Jails:	\$0
Payments to In-State Private Prisons:	359,948
Payments to Out-of-State Prisons:	398,235
Payments to Pre-Release Parole Revocation Facilities:	29,818
Community Corrections Programs:	<u>(788,011)</u>
Total Amount Transferred:	\$788,001

Total Amount of Line Item:	\$112,309,746
5.0 Percent Transfer Authority:	5,615,487
Amount Transferred in FY 2007-08:	788,011
Percent of Amount Transferred to Appropriation:	0.7%

- 5 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 indicates 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.

Requests for Information

- 1 All Departments, Totals** -- Every Department is requested to submit to the Joint Budget Committee information on the number of additional federal and cash funds exempt FTE associated with any federal grants or private donations that are applied for or received during FY 2008-09. The information should include the number of FTE, the associated costs (such as workers' compensation, health and life benefits, need for additional space, etc.) that are related to the additional FTE, the direct and indirect matching requirements associated with the federal grant or donated funds, the duration of the grant, and a brief description of the program and its goals and objectives.

Comment: The Department indicates that there have been 0.0 FTE added by the Department in FY 2008-09 that have been associated with federal grants or private donations.

- 5 Department of Corrections, Totals; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division, and Division of Youth Corrections; Department of Public Safety, Division of Criminal Justice** -- It is the intent of the Joint Budget Committee that the impacts of the Governor's Recidivism Reduction and Offender Diversion Package funded by the General Assembly in 2007, be analyzed using contract funding appropriated for this purpose to the Department of Public Safety, Division of Criminal Justice. The evaluation should specifically address: the Short-term Intensive Residential Remediation Treatment Program (STIRRT) in the Department of Human Services, Diversion Community Corrections Beds in the Department of Public Safety, Mental Health Beds in the Department of Public Safety, and any new programs or services created or implemented through additional budgetary flexibility provided to the Division of Youth Corrections in the Department of Human Services. It is the intent of the General Assembly that the contractor compare the outcomes for offenders who participate

in these programs with outcomes for offenders in predetermined control groups. The Department of Public Safety, Division of Criminal Justice, in conjunction with other state departments, is requested to submit an annual progress report to the Joint Budget Committee by November 1 of each year. This report is requested to include a summary of the number of offenders served by each program and a summary of the program evaluation techniques that will be used to examine the effectiveness of each program. The Department of Public Safety, Division of Criminal Justice, is requested to submit a final report to the Joint Budget Committee on or before November 1, 2012. The final report should specifically address whether any of the interventions funded were cost-effective and, based on this, recommendations for continuation, modification or elimination of each program.

Comment: The Division of Criminal Justice (DCJ) provided a memo on November 15, 2008, regarding the Recidivism Reduction and Offender Diversion Package and the evaluation techniques that will be used. With regard to the Department of Corrections, the memo indicates the following: (1) contracts were awarded on October 1, 2008, to 24 agencies across the State for services related to mental health, substance abuse, housing, vocational/educational assistance, and case management for parolees; (2) positions are being filled to add seven contract counselors to provide services to an expanded Therapeutic Community program at Arrowhead; (3) positions are being filled to add 21 new mental health positions within prison facilities; (4) positions were filled in July for additional vocational and academic instructors within prison facilities.

- 7 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, 2008, summarizing this information for each of the private prison providers reimbursed from the External Capacity Subprogram.

Comment: The Department indicates that it has requested this information from private prison providers; however, as of November 1, 2008, the Department had not received any responses. This information will be provided once responses are received.

- 8 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, 2008, summarizing this information for each of the private prison providers reimbursed from the External Capacity Subprogram.

The Department provided a report with its budget request on November 1, 2008. The following table illustrates the costs of the YOS program in FY 2007-08:

Youthful Offender System FY 2006-07 Costs		
Type of Service	Annual Cost per Offender	Daily Cost per Offender
YOS	\$68,653	\$188.09
YOS Aftercare (Phase III)	55,455	182.07
YOS Backlog	19,883	54.47

The YOS program has experienced a large percentage of successful discharges since its inception in FY 1993-94. The following table shows the categories of releases during the existence of the YOS:

Youthful Offender System Releases FY 2007-08		
Type of Release	Number of Releases	Percent of Releases
Successful Discharge	646	71%
Termination/Revocation	214	24%
Reconsideration	40	4%
Deceased	5	1%
Total	905	100%

In addition, the report indicates that the recidivism rates for YOS offenders is lower than the recidivism rate for the general adult prison population. The following table indicates the recidivism rates for YOS offenders versus the general adult prison population:

Recidivism Rates YOS vs. Adult		
Return	YOS	Adult
Within 1 year	7%	n/a
Within 3 years	21%	53%
Within 5 years	31%	n/a

- 9 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, 2009, 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 indicates that it will provide a report as requested on February 1, 2009.

- 10 Department of Corrections, Management, External Capacity Subprogram; and Community Services** -- The Department of Corrections is requested to submit a report to the Joint Budget Committee on or before November 1, 2008, summarizing transfers that were made from this subprogram pursuant to the flexibility authorized by footnote.

Comment: The Department indicates that it transferred \$2,000,000 during FY 2007-08 from the External Capacity Subprogram to the Community Re-entry Subprogram. This transfer was used to begin a pilot program to provide re-entry services to offenders in prison facilities.

- 11 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, 2008, summarizing transfers that were made from this line item pursuant to the flexibility authorized by footnote.

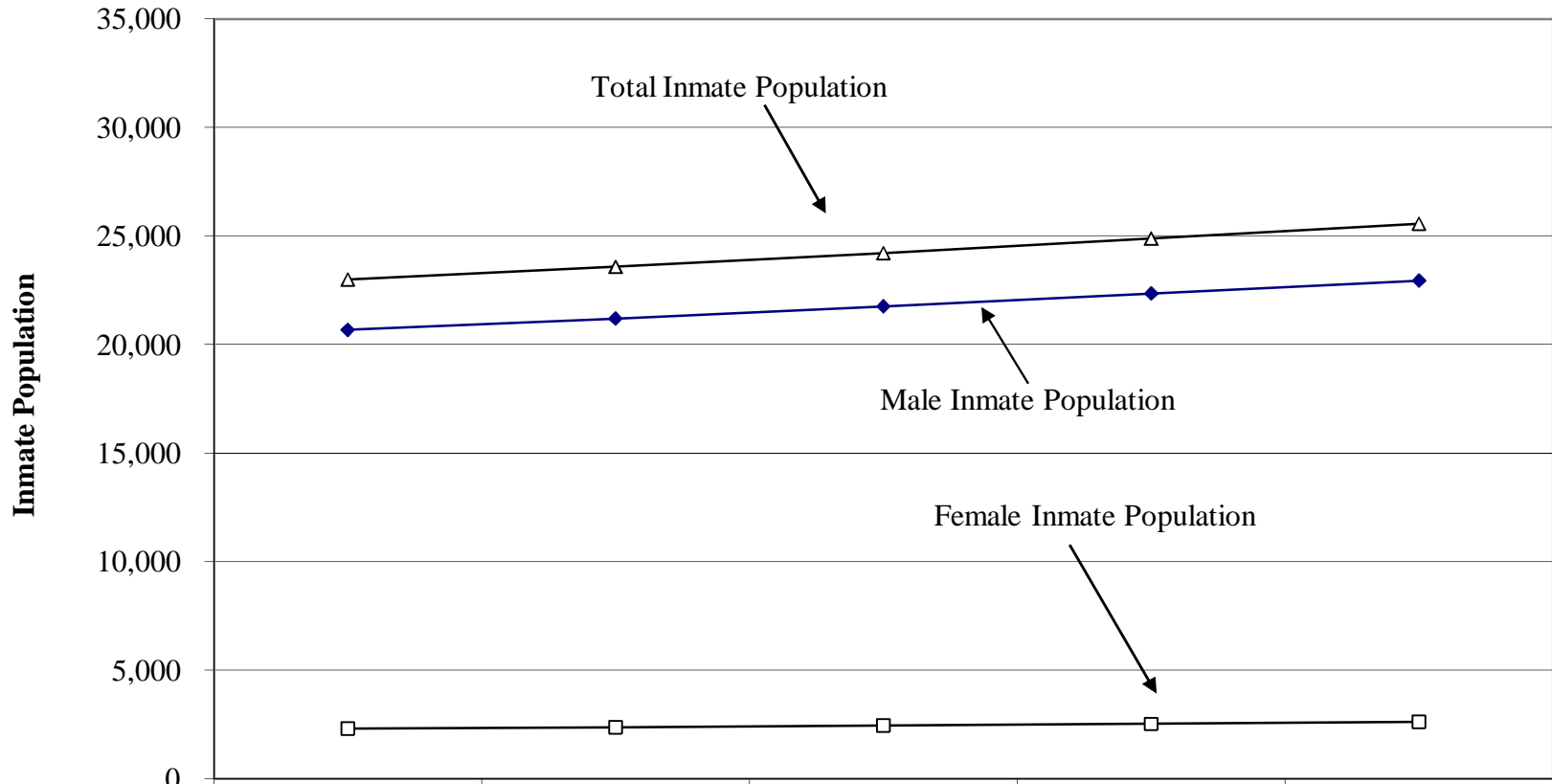
Comment: The Department provided a report, and the transfers are summarized above under Footnote #4.

APPENDIX D

GRAPHICAL REVIEW OF 2008 POPULATION PROJECTIONS
Legislative Council and Division of Criminal Justice

December 2008 LCS Inmate Population Projections

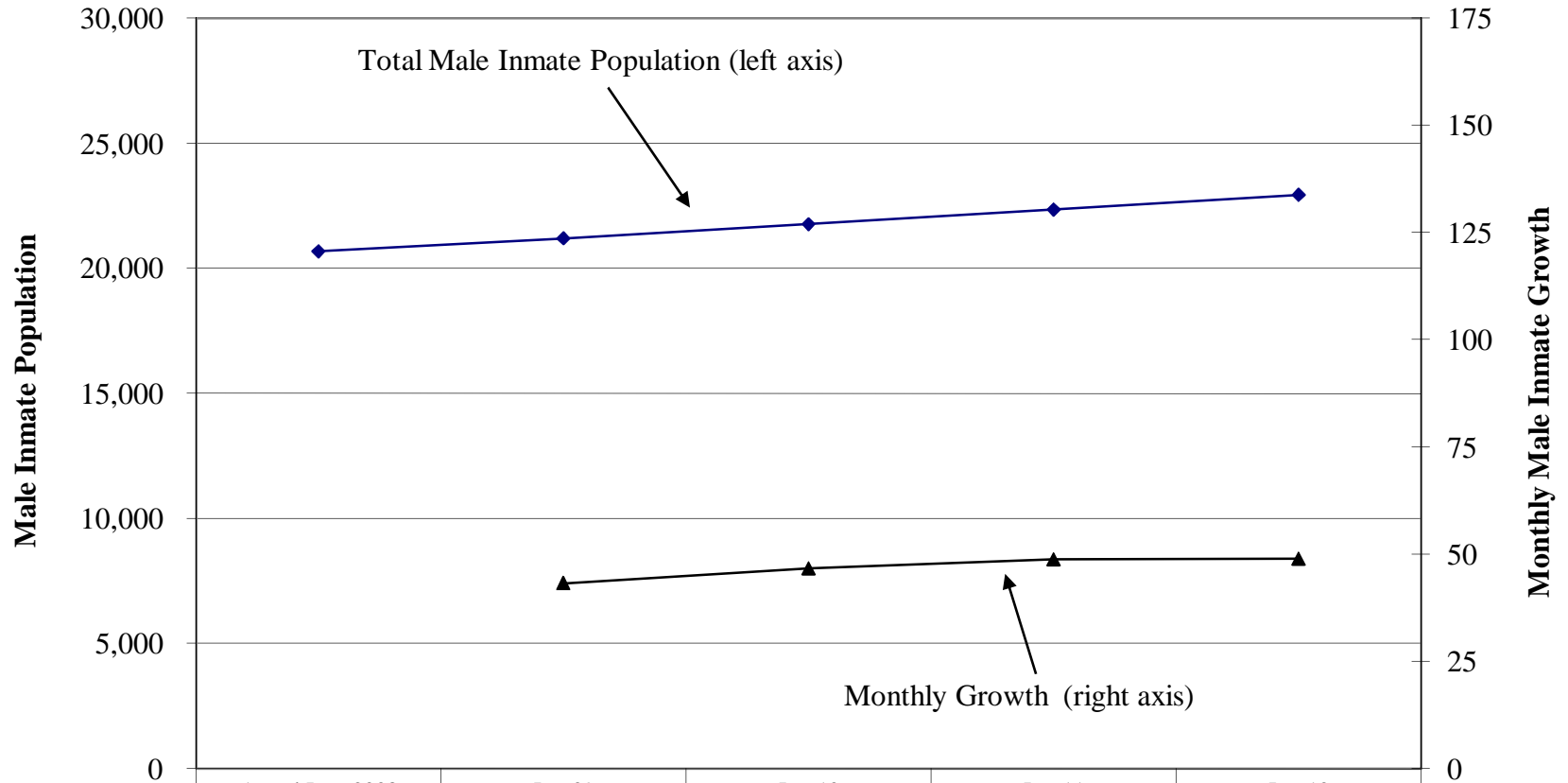
Chart #1



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
—△— Total Inmate Population	22,989	23,568	24,204	24,871	25,558
—◆— Males Inmates	20,684	21,203	21,763	22,348	22,935
—□— Female Inmates	2,305	2,365	2,441	2,523	2,623

December 2008 LCS Male Inmate Population Projections

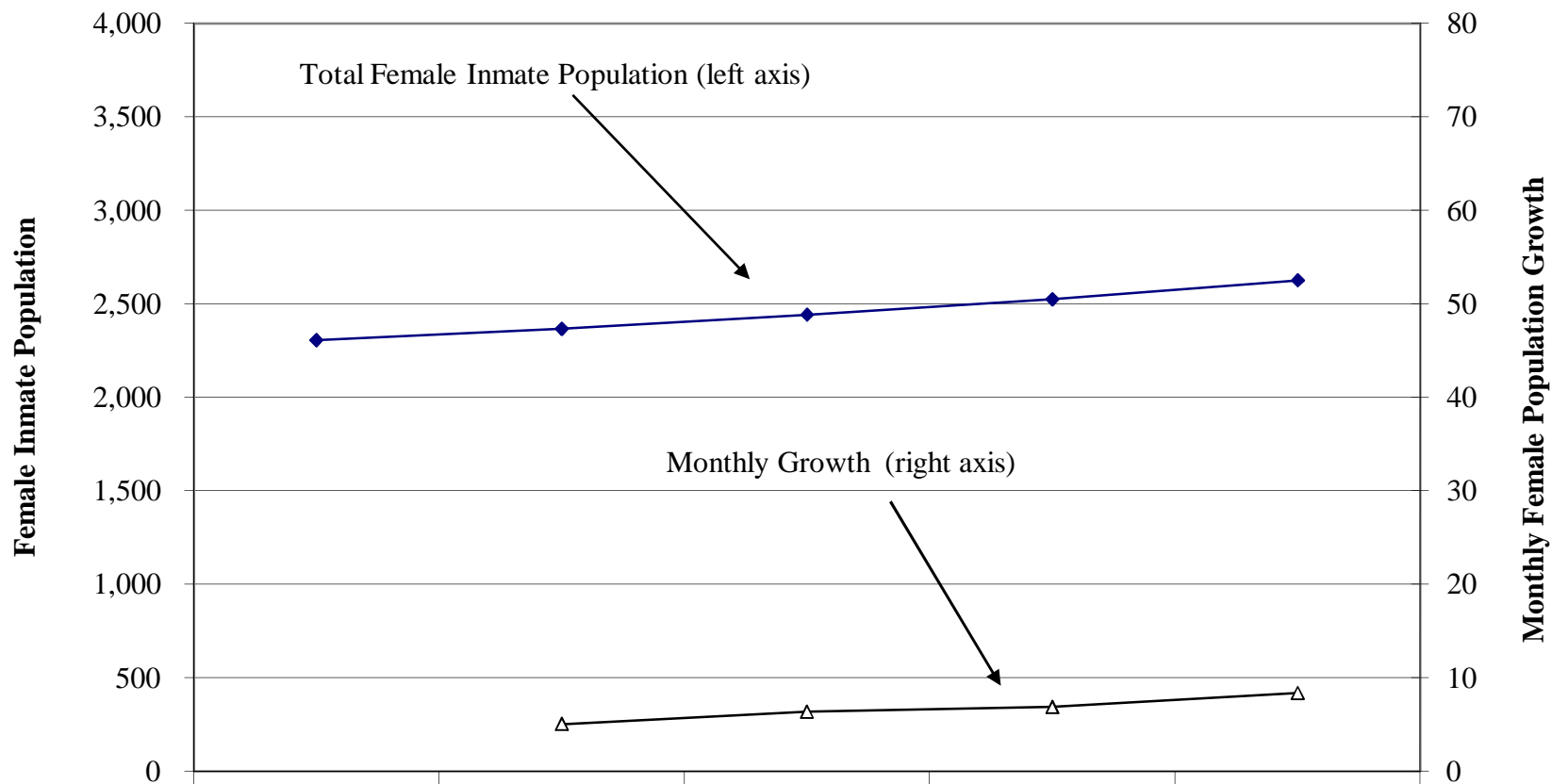
Chart #2



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
◆ Males Inmates	20,684	21,203	21,763	22,348	22,935
▲ LCS Monthly Growth		43	47	49	49
LCS Annual Growth		2.5%	2.6%	2.7%	2.6%

December 2008 LCS Female Inmate Population Projections

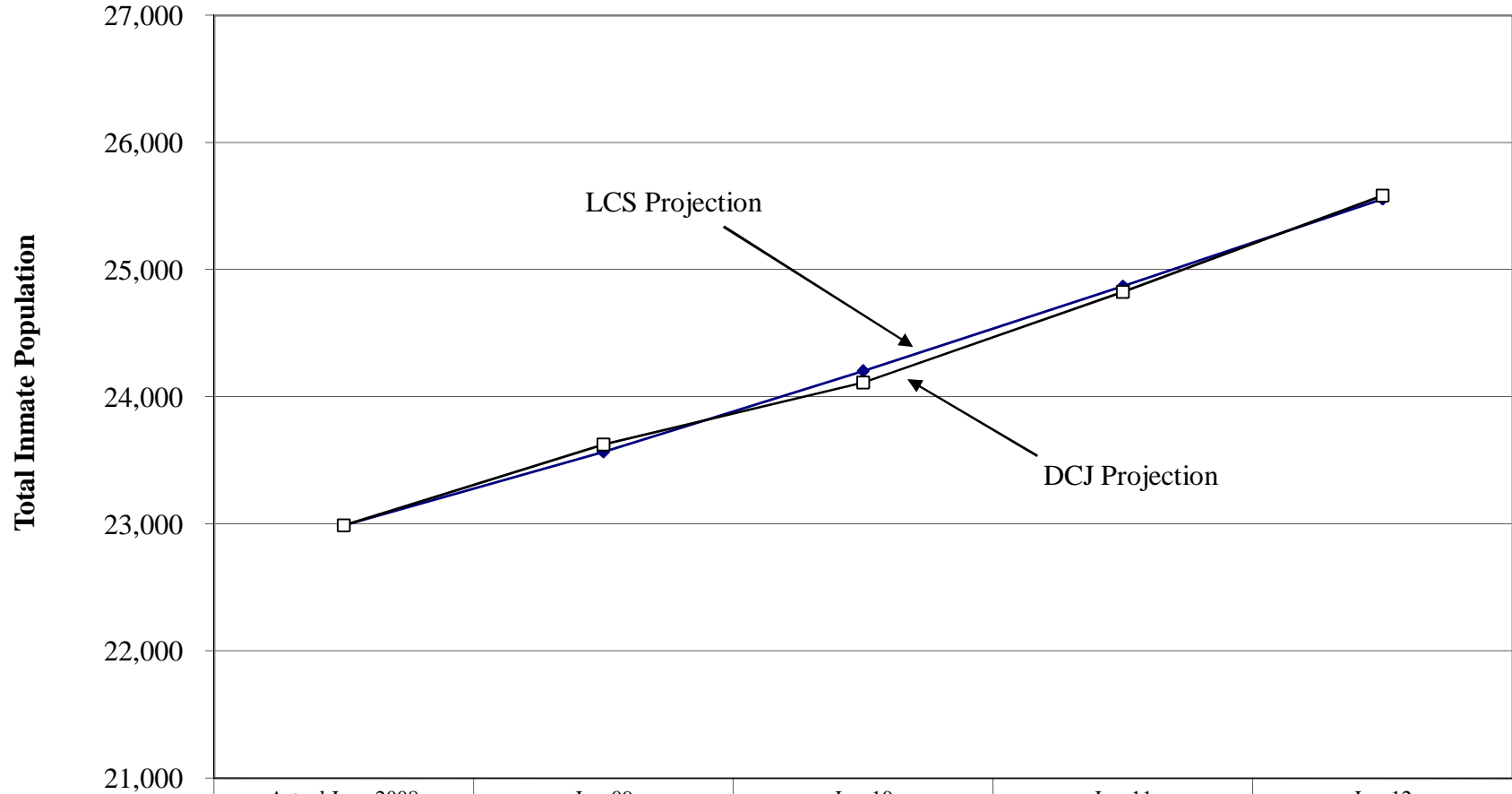
Chart #3



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
◆ Female Inmates	2,305	2,365	2,441	2,523	2,623
△ LCS Monthly Growth		5	6	7	8
LCS Annual Growth		2.6%	3.2%	3.4%	4.0%

Comparison of Dec. 2008 Inmate Population Projections - LCS vs. DCJ

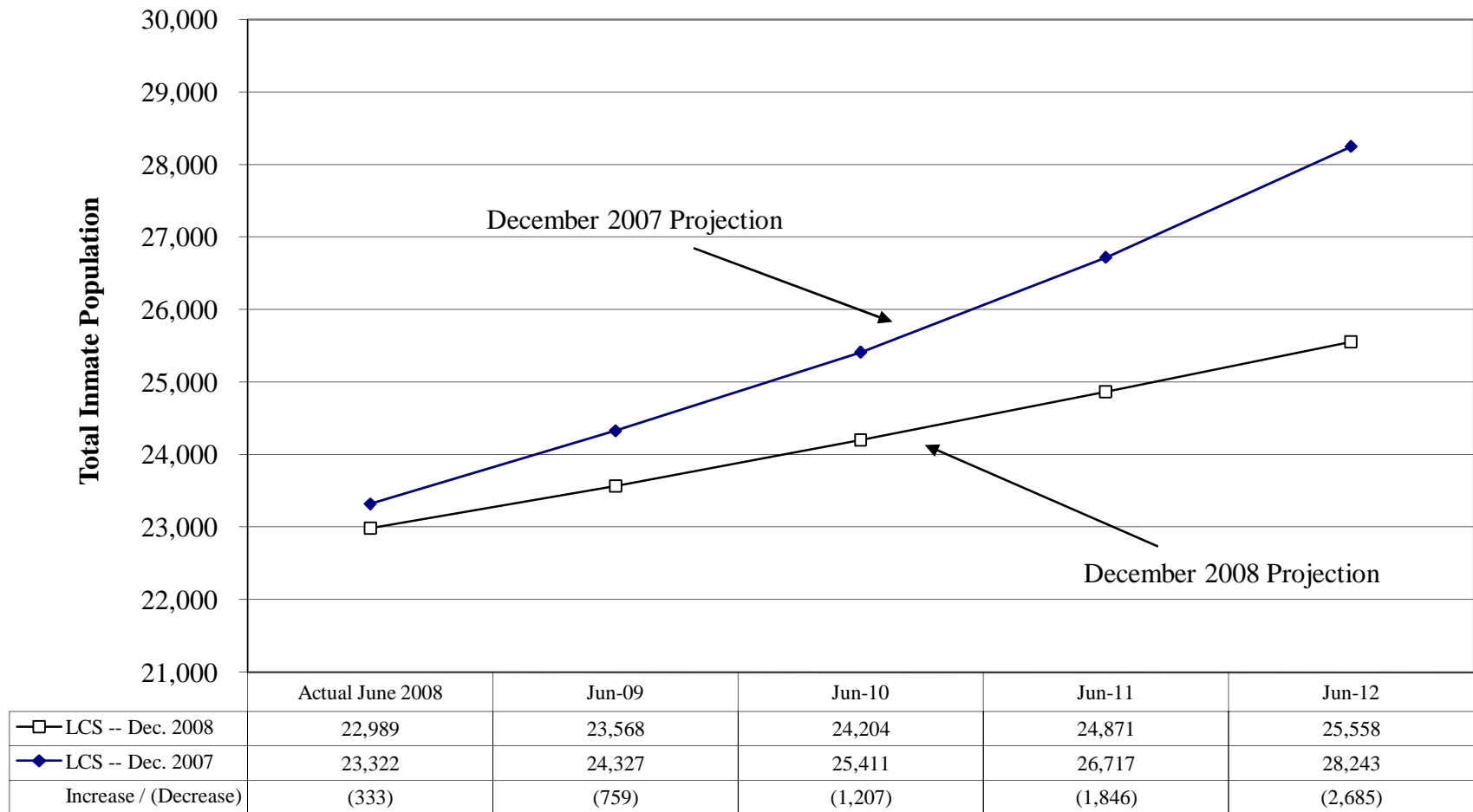
Chart #4



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
◆ LCS -- Dec. 2008	22,989	23,568	24,204	24,871	25,558
□ DCJ -- Dec. 2008	22,989	23,627	24,114	24,826	25,584
Difference	0	(59)	90	45	(26)

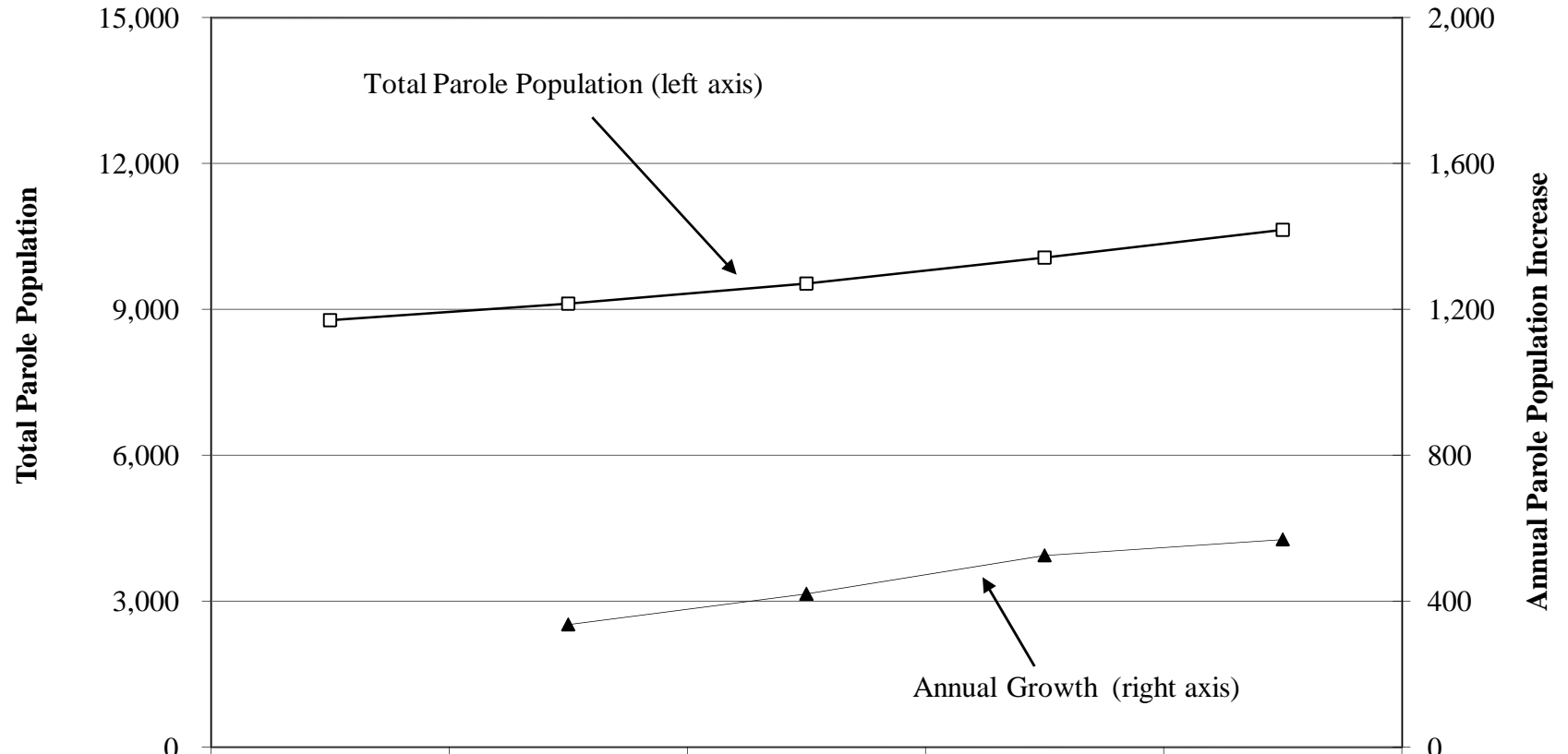
Comparison of LCS Inmate Population Projections - Dec. 2008 vs. Dec. 2007

Chart #5



LCS Parole Population Projections - December 2008

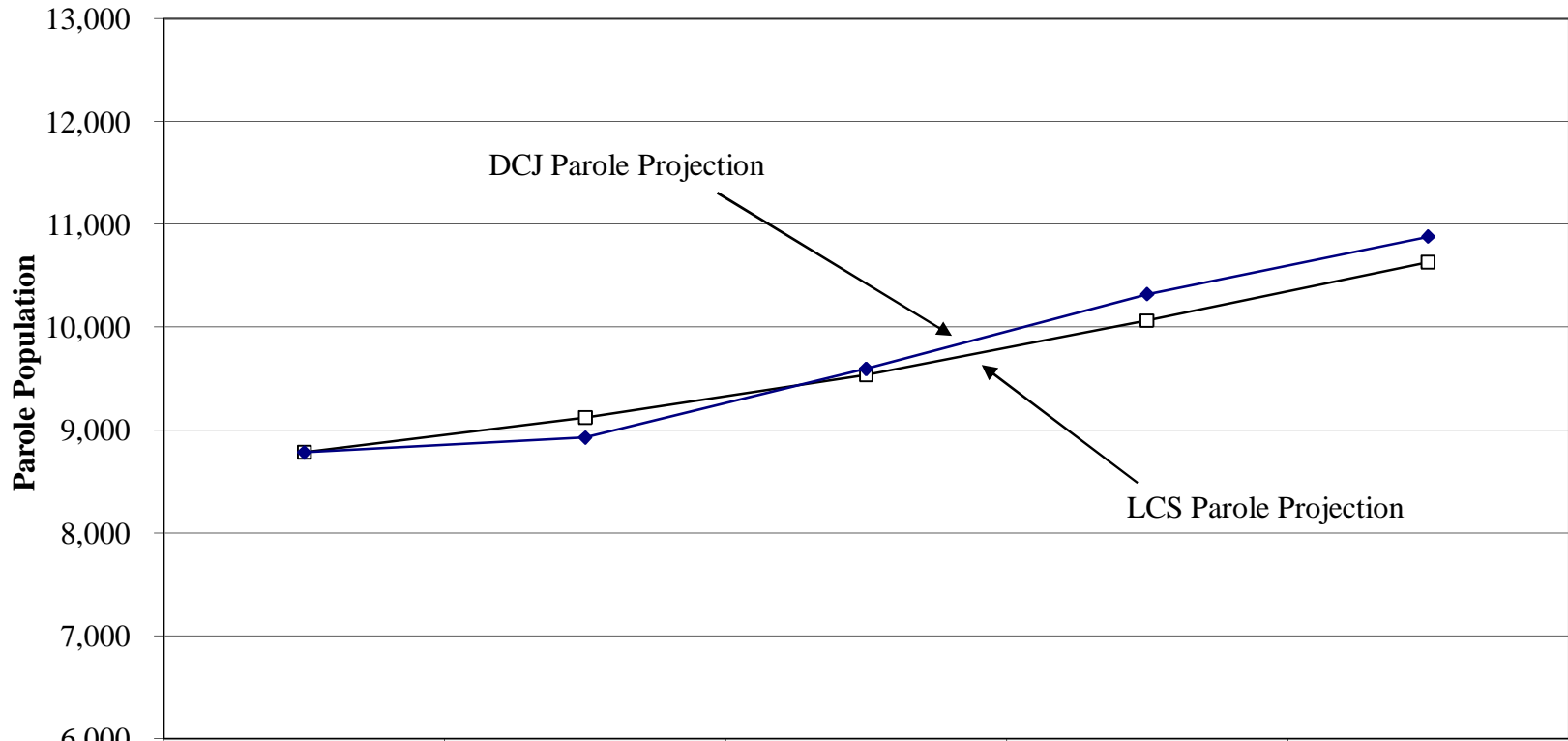
Chart #6



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
—□— LCS -- Dec. 2008	8,783	9,119	9,539	10,065	10,635
—▲— Annual Increase		336	420	526	570
% Increase		3.8%	4.6%	5.5%	5.7%

Comparison of December 2008 Parole Population Projections LCS vs. DCJ

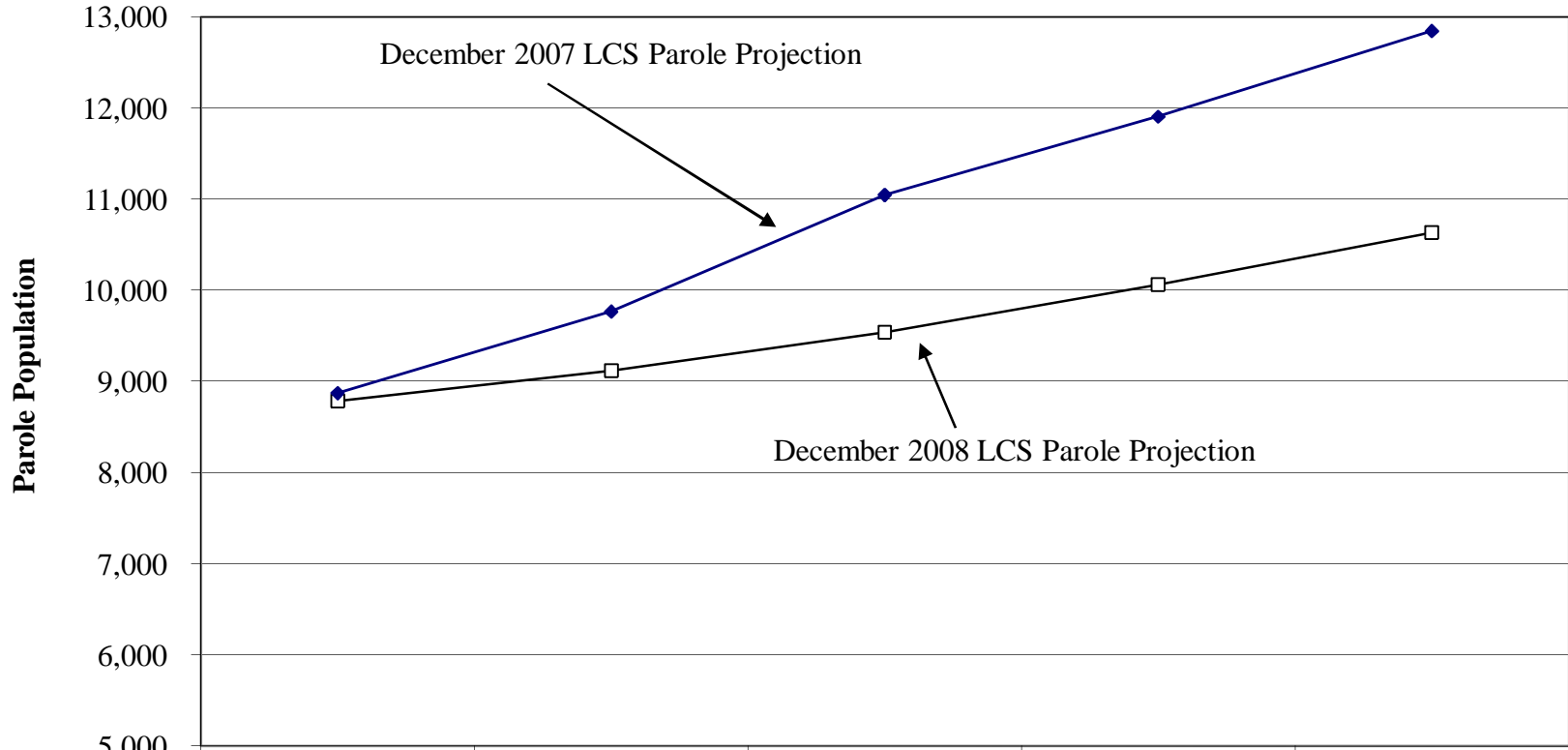
Chart #7



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
—□— LCS -- Dec. 2008	8,783	9,119	9,539	10,065	10,635
—◆— DCJ -- Dec. 2008	8,783	8,926	9,596	10,319	10,879
Difference	0	193	(57)	(254)	(244)

Comparison of LCS Parole Population Projections - Dec. 2008 vs. Dec. 2007

Chart #8



	Actual June 2008	Jun-09	Jun-10	Jun-11	Jun-12
—□— LCS -- Dec. 2008	8,783	9,119	9,539	10,065	10,635
—◆— LCS -- Dec. 2007	8,871	9,765	11,045	11,905	12,844
Increase / (Decrease)	(88)	(646)	(1,506)	(1,840)	(2,209)