

# **COLORADO DEPARTMENT OF CORRECTIONS**



**Budget Hearing  
January 5, 2012**

**TOM CLEMENTS  
EXECUTIVE DIRECTOR**

**DEPARTMENT OF CORRECTIONS**

# DEPARTMENT OF CORRECTIONS FY 2012-13 JOINT BUDGET COMMITTEE HEARING AGENDA

Thursday, January 5, 2012  
2:30 pm – 5:00 pm

**2:30-2:45** INTRODUCTIONS AND OPENING COMMENTS

**2:45-3:10** OVERVIEW QUESTIONS

- 1. How does the General Fund growth shown in the chart on page 6 compare with growth other states? Is Colorado number one on spending for Corrections as a percentage of the General Fund? What about spending per inmate?**

*Answer: According to a Pew report, Colorado spent 8.8% of its total general fund expenditures on corrections in fiscal year 2007, ranking it fourth in the country behind Oregon (10.9%), Florida (9.3%), and Vermont (9.3%).<sup>1</sup> The national average was 6.8%. In an unrelated more current report, the National Association of State Budget Officers (NASBO) listed Colorado's correctional expenditures at 9.5% of its general fund for fiscal year 2011 (when the average was 7.4%).<sup>2</sup> In daily costs per incarcerated offender, Colorado ranked 13<sup>th</sup> (of 33 states responding) in a May 2011 survey by the Association of State Correctional Administrators, spending \$88.59 for incarceration costs (compared to an average of \$76.23).<sup>3</sup>*

*It is difficult to draw meaningful conclusions from these studies due to the different structures and reporting systems of state correctional departments. Oregon was quick to denounce the Pew data because, unlike many other states, its corrections budget includes parole and probation.<sup>4</sup> In Colorado, the Department of Corrections (DOC) is responsible for parole supervision but not probation supervision, which is located in the Judicial Branch. In other states, parole and probation may both be in the corrections department or both in the judicial department. Additionally, in Colorado community corrections is partially funded in the Department of Corrections and partially in the Department of Public Safety, in contrast with states that fully fund community corrections beds in their correctional systems. According to NASBO, 23 states completely or partially excluded juvenile delinquency counseling; 19 states completely or partially excluded spending on juvenile facilities; 20 states excluded (wholly or partially) spending on drug abuse rehabilitation centers; 41 states excluded (wholly or partially) spending on institutions for the criminally insane; and 18 states excluded (wholly or partially) aid to local governments for jails. Colorado excludes juvenile delinquency counseling and partially excludes*

---

<sup>1</sup> Warren, J. (2008). *One in 100: Behind bars in America 2008*. Washington, DC: Pew Charitable Trusts.  
Retrieved from [http://www.pewtrusts.org/news\\_room\\_detail.aspx?id=39006](http://www.pewtrusts.org/news_room_detail.aspx?id=39006)

<sup>2</sup> National Association of State Budget Officers. (2011). *2010 state expenditure report*. Washington, DC: Author.  
Retrieved from  
<http://www.nasbo.org/Publications/StateExpenditureReport/State%20ExpenditureReportArchives/tabid/107/Default.aspx>

<sup>3</sup> Association of State Correctional Administrators. (2011, May). *ASCA responses: Inmate cost per day*.

<sup>4</sup> Crime Victims United. (2011). *Pew report sparks debate on corrections (Crime Victims United Op Ed; the Oregonian, March 9, 2008)*. Retrieved from  
<http://www.crimevictimsunited.org/issues/corrections/pewreport.htm>

*juvenile institutions and facilities for the criminally insane from correctional expenditures. In short, it is difficult to obtain a true comparative spending analysis.*

*Pew noted that policy differences also play a role. For example, Kentucky's indeterminate sentencing structure, along with other policies, has fueled a 12% offender population increase in that state. In addition, employee wages and benefits, offender-to-staff ratios, medical care, and the growth in offenders over 50 are factors driving up costs. In Colorado, the number of offenders aged 50 and over increased by 836% from 1991 to 2011; 38% of those offenders have significant medical needs, compared to 12% of offenders under 50.<sup>5</sup> The Bureau of Justice Statistics also pointed to the wide range of factors affecting state prison expenses, many of them "outside the influence of correctional officials: differences in the cost of living, variation in prevailing wage rates, climate, and other factors" (p. 5).<sup>6</sup>*

- 2. What impact have the recent changes in Earned Time had on the prison population? How close to the Fiscal Note projections are the actual population changes? What groups of inmates are ineligible for Earned Time? For what reasons are they ineligible? If this was changed so that they are eligible for Earned Time, what would the impact be on the population? Can the General Assembly change the law so that they are now eligible?**

**What impact have the recent changes in Earned Time had on the prison population? How close to the Fiscal Note projections are the actual population changes?**

*Answer: House Bill 09-1351 (Concerning An Increase In The Amount Of Time An Inmate May Have Deducted From The Inmate's Sentence) increased the maximum amount of monthly earned time from 10 days to 12 days for certain offenders serving a class 4, 5, or 6 felony who have no code of penal discipline (COPD) violations and are program compliant while incarcerated. In addition, offenders with class 4 or 5 felonies can earn a one-time award of up to 60 days, and offenders with a class 6 felony can earn a one-time award of up to 30 days.*

*House Bill 10-1374 (Concerning Parole) modified the same statute slightly, primarily the requirement that offenders could have no COPD violations during their entire incarceration to allow offenders who have had no class 1 COPD within the last 24 months or class 2 COPD violations within the last 12 months to qualify for the additional earned time. This law was signed and immediately went into effect upon passage on May 25, 2010. The table below compares the projected and actual reduced bed days as a result of this legislation; the data indicate that actual reductions were only about half of the projected reductions.*

---

<sup>5</sup> Office of Planning and Analysis, Colorado Department of Corrections. (2011, September). *Examining offender data using the risk-need-responsivity principle*. [PowerPoint slides]. Presented at the Colorado Symposium on Offender Reentry, Denver, CO.

<sup>6</sup> Stephan, J. J. (2004). *State prison expenditures, 2001* (NCJ 202949). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <http://cacs.unlv.edu/pdf/spe01.pdf>

	<i>Reduced Bed Days</i>		
	<i>Projected</i>	<i>Actual</i>	<i>Difference</i>
<i>Fiscal Year 2010</i>			
<i>HB09-1351</i>	<i>53,363</i>	<i>23,761</i>	<i>29,602</i>
<i>Fiscal Year 2011</i>			
<i>HB 09-1351</i>	<i>93,112</i>	<i>--</i>	<i>--</i>
<i>HB10-1374</i>	<i>8,636</i>	<i>--</i>	<i>--</i>
<i>FY 2011 Subtotal</i>	<i>101,748</i>	<i>54,966</i>	<i>46,782</i>

*The Department investigated possible reasons for the discrepancy between actual and projected reductions. DOC implemented procedural changes in December 2005 affecting offenders scheduled for parole release during the weekend. Releases on the mandatory release date or mandatory re-parole date falling on a weekend day were released a few days earlier, resulting in offenders being reported as discretionary parole instead of the mandatory parole or re-parole categories. Beginning in December 2008, weekend releases (mandatory and re-parole) were reported separately from discretionary parole releases. Projections for HB09-1351 were made in early 2009, essentially based on only a couple complete months of corrected release data. This is critical because offenders releasing on their mandatory parole date were the ones who would benefit from this change. The data support this explanation as well. The large number of offenders who released in fiscal years 2010 and 2011 and earned the additional two days per month (3,232 and 10,687, respectively) is substantially larger than only the mandatory parole releases who received earned time under this law (505 and 1,030 for each fiscal year). As such, more offenders than anticipated who were eligible for the additional earned time had a discretionary parole release, which negated the savings directly attributable to this law. However, a discretionary release should be considered a savings as well in that offenders are releasing from prison prior to their mandatory release date, which can reduce prison time by months or even years.*

*Until recently, offenders were not eligible to receive earned time on their sentences while in administrative segregation. Concerning Appropriate Use Of Restrictive Confinement, SB 11-176 passed, allowing offenders in administrative segregation to become eligible for earned time if he or she meets criteria developed by DOC. In accordance with DOC policy, offenders classified in administrative segregation become eligible for earned time after 90 days in administrative segregation. They must also be at Quality of Life Incentive Level III or above (e.g., maintain good behavior, display group living skills, participate in the programs, adhere to case management plans) to receive earned time. This law went into effect July 1, 2011. Savings from earned time are only realized when an offender releases from prison. From July 1 through November 30, 2011, 26 offenders were released from the DOC who accumulated earned time while classified in administrative segregation. These offenders released a total of 204 days early; the fiscal note projects a total of 2,244 fewer bed days in fiscal year 2012. Although there is a large discrepancy between projected and actual bed savings, it should be noted that actual data is only for five months of fiscal year 2012.*

**What groups of inmates are ineligible for Earned Time? For what reasons are they ineligible?**

*Answer: By statute, the following identifies offenders who are ineligible for earned time:*

- 1. Offenders who committed their crime on or after July 1, 1993 and who have been revoked from a mandatory period of parole and are incarcerated for the revocation are ineligible for earned time while serving the revocation.*
- 2. Offenders who are serving a 10-, 20-, 40-year Life sentence or Life Without Parole are ineligible for earned time.*
- 3. Offenders who have been paroled on a 10-, 20-, 40-year Life sentence are ineligible for earned time while they are serving their five calendar years of parole.*
- 4. Sex offenders who are serving an indeterminate-Life sentence and are past their Parole Eligibility Date are ineligible for earned time (there is no value in reducing the "Life" portion of their sentence).*
- 5. Sex offenders with a 1 day to life sentence are ineligible.*
- 6. Administrative Segregation offenders must have been in administrative segregation for at least 90 days, AND must have attained a Quality Level of Life Incentive Level III AND have not harassed their victim to be eligible for earned time. Those who do not meet these criteria are ineligible.*
- 7. Offenders who have been convicted of certain crimes (per Section 17-22.5-403, C.R.S.), committed prior to July 1, 2004 AND have two or more previous convictions for what would have been violent crimes under Section 18-1.3-406, C.R.S., are ineligible for earned time.*
- 8. Offenders with a class 2 or 3 felony conviction for one of the crimes in Section 17-22.5-403, C.R.S., committed after July 1, 2004 AND have one or more previous convictions for a violent crime under Section 18-1.3-406, C.R.S., are ineligible for earned time.*
- 9. Offenders with a class 4 or 5 felony conviction for one of the Section 17-22.5-403, C.R.S., crimes, committed after July 1, 2004 AND have two or more previous violent convictions under Section 18-1.3-406, C.R.S., are ineligible for earned time.*
- 10. Offenders who have already reached the maximum accrual for earned time in proportion to their sentence (30%) cannot earn any more earned time.*
- 11. Offenders on escape or abscond status are ineligible.*

12. *Offenders who have been sentenced to DOC are ineligible if they are unavailable because of:*

- *Pending charges in another jurisdiction*
- *Being held in the custody of another jurisdiction*
- *The custodial agency has alternate reasons for delaying custody to DOC*

13. *Offenders who are serving a consecutive misdemeanor sentence at the county jail prior to being delivered to DOC or returned to DOC to resume serving their felony sentence are ineligible during the time they are serving their misdemeanor sentence. In addition, they do not receive credit for their felony time while their felony sentence(s) are suspended so that they can serve their misdemeanor.*

14. *Code Of Penal Discipline (COPD) convictions make an offender ineligible to earn time for one, two, or three months depending on the class of the COPD -- the month of conviction for a class III COPD, the month of and one month following the month of conviction for a class II COPD, and the month of and two months following the month of conviction for a class I COPD.*

15. *Offenders sentenced to Youthful Offender System (YOS) are ineligible.*

**If this was changed so that they are eligible for Earned Time, what would the impact be on the population? Can the General Assembly change the law so that they are now eligible?**

*Answer: As indicated by recent statute changes, the General Assembly has the authority to change earned time laws, including the eligibility of offenders who are currently ineligible. However, under certain sentencing structures such as life without parole or lifetime sex offender statute, enabling earned time may not be practical. A specific proposal regarding earned time is necessary to project its impact on the offender population; a number of factors are considered in the projection, including number of offenders who will be affected, days that they may be eligible to accrue, and during which year the earlier release might occur.*

**3. Is the Division of Criminal Justice the best place to locate community corrections? Is that the best place to locate the appropriations? Should it alternately be in the Department of Corrections or in the Judicial Branch?**

*Answer: The policy decision to fund community corrections in the department of Public Safety was made by the General Assembly. This could be changed with a statutory change by the General Assembly. Division of Criminal Justice (DCJ) currently has the role of "oversight" for the Community Corrections facilities/programs for both DOC and Judicial (Probation). DCJ also audits all Community Corrections programs in the State. There is a mixed population in Community Corrections facilities and programs. The transitional clients are DOC offenders which are supervised by Community Parole Officers. Diversion clients, sentenced directly to community corrections by the courts, are supervised by probation officers in the judicial department. As the current clients are a mix of clients*

between DOC and DCJ, so are the appropriations. DOC does manage the referral process that transitions offenders to Community Corrections beds.

**4. How many DOC FTE deal with offenders as compared to the number of FTE that are in administration? What are the ratios of correctional officers to inmates in the different facilities?**

*Answer: All staff other than those working at headquarters, the training academy, payroll, and the business office including accounting, purchasing, and contracting work with offenders. This equates to 5,902 DOC staff who deal with offenders out of the total of 6,373 DOC positions.*

*When an offender is assigned to programs, education, mental health, or substance abuse, he/she is supervised by that staff during the program time. These positions are classified outside of the normal uniformed officer classifications that tend to be thought of when considering offender supervision.*

<b>Facility</b>	<b># Of Offenders (capacity)</b>	<b># CO I – CO IV</b>	<b>Ratio of Offender To Staff</b>	<b>Custody Level</b>
<i>Rifle Correctional Center</i>	<i>192</i>	<i>28</i>	<i>6.9</i>	<i>I</i>
<i>Delta Correctional Center</i>	<i>484</i>	<i>70</i>	<i>6.9</i>	<i>I</i>
<i>Colorado Correctional Center</i>	<i>150</i>	<i>23</i>	<i>6.5</i>	<i>I</i>
<i>Buena Vista Correctional Facility</i>	<i>1,224</i>	<i>203</i>	<i>6.0</i>	<i>II, III</i>
<i>Canon Minimum Centers (1)</i>	<i>1,298</i>	<i>224</i>	<i>5.8</i>	<i>I and II (1)</i>
<i>Fremont Correctional Center</i>	<i>1,661</i>	<i>310</i>	<i>5.4</i>	<i>III</i>
<i>Arkansas Valley Correctional Facility</i>	<i>1007</i>	<i>194</i>	<i>5.2</i>	<i>III</i>
<i>Trinidad Correctional Facility</i>	<i>484</i>	<i>93</i>	<i>5.2</i>	<i>II</i>
<i>Sterling Correctional Facility</i>	<i>2,545</i>	<i>558</i>	<i>4.6</i>	<i>I-V</i>
<i>Limon Correctional Facility</i>	<i>898</i>	<i>219</i>	<i>4.1</i>	<i>IV</i>
<i>Colorado Territorial Correctional Facility</i>	<i>928</i>	<i>232</i>	<i>4.0</i>	<i>III</i>
<i>LaVista Correctional Facility</i>	<i>589</i>	<i>130</i>	<i>4.5</i>	<i>III</i>
<i>Denver Complex (2)</i>	<i>1,518</i>	<i>461</i>	<i>3.3</i>	<i>V (2)</i>
<i>Ft Lyon Correctional Facility</i>	<i>194</i>	<i>76</i>	<i>2.6</i>	<i>III</i>
<i>Colorado State Penitentiary</i>	<i>756</i>	<i>331</i>	<i>2.3</i>	<i>V</i>
<i>San Carlos Correction Facility</i>	<i>255</i>	<i>133</i>	<i>1.9</i>	<i>V</i>

<i>Facility</i>	<i># Of Offenders (capacity)</i>	<i># CO I – CO IV</i>	<i>Ratio of Offender To Staff</i>	<i>Custody Level</i>
<i>Centennial Correctional Facility</i>	652	292	2.2	V
<i>Youthful Offender System</i>	273	127	2.1	III

(1) *Canon Minimum Centers (CMC) includes: Fourmile Correctional Center (Level II), Arrowhead Correctional Center (Level 2), and Skyline Correctional Center (Level I).*

(2) *Denver Complex includes: Denver Reception and Diagnostic Center (Level V) and Denver Women’s Correctional Facility (Level V).*

**Section 17-1-104.3 C.R.S. Correctional facilities - locations - security level.**

*(1) (a) Each facility operated by or under contract with the department shall have a designated security level. Designation of security levels shall be as follows:*

*(I) Level I facilities shall have designated boundaries, but need not have perimeter fencing. Inmates classified as minimum may be incarcerated in level I facilities, but generally inmates of higher classifications shall not be incarcerated in level I facilities.*

*(II) Level II facilities shall have designated boundaries with a single or double perimeter fencing. The perimeter of level II facilities shall be patrolled periodically. Inmates classified as minimum restrictive and minimum may be incarcerated in level II facilities, but generally inmates of higher classifications shall not be incarcerated in level II facilities.*

*(III) Level III facilities generally shall have towers, a wall or double perimeter fencing with razor wire, and detection devices. The perimeter of level III facilities shall be continuously patrolled. Appropriately designated close classified inmates, medium classified inmates, and inmates of lower classification levels may be incarcerated in level III facilities, but generally inmates of higher classifications shall not be incarcerated in level III facilities.*

*(IV) Level IV facilities shall generally have towers, a wall or double perimeter fencing with razor wire, and detection devices. The perimeter of level IV facilities shall be continuously patrolled. Close classified inmates and inmates of lower classification levels may be incarcerated in level IV facilities, but generally inmates of higher classifications shall not be incarcerated in level IV facilities on a long-term basis.*

*(V) Level V facilities comprise the highest security level and are capable of incarcerating all classification levels. The facilities shall have double perimeter fencing with razor wire and detection devices or equivalent security architecture. These facilities generally shall use towers or stun-lethal fencing as well as controlled sally ports. The perimeter of level V facilities shall be continuously patrolled.*

**5. How does the Department define FTE? Is the Department using more FTE than are appropriated to the Department in the Long Bill and other legislation? How many vacant FTE did the Department have in FY 2009-10 and FY 2010-11?**

*Answer: The Office of State Planning and Budgeting and Department of Personnel and Administration are working with all departments to provide quarterly reports on FTE usage to the JBC. These reports will ensure that all departments are employing the same definition of FTE. This definition comprises a backward-looking assessment of total hours worked by department employees to determine the total full-time equivalent staffing over a specific period. It is intended for these reports to provide the JBC with a more clear linkage between employee head-count and FTE consumption. As it concerns FTE usage in excess of Long Bill 'authorizations,' departments will continue to manage hiring practices in order to provide the most efficient and effective service to Colorado's citizens within the appropriations given by the General Assembly.*

*An FTE is a position scheduled and budgeted for 2080 hours per fiscal year (State Personnel Board Rule 1-48). The Department had 460.9 vacant FTE ending FY 2009-10, and 335.2 vacant FTE ending FY 2010-11. Each year the Department reverts FTE for positions that are unfilled. These positions are unfilled due to a variety of factors: vacancy savings to manage to the appropriation; normal attrition and staff turnover; the time it takes to post, test and fill positions including the challenges of hard to fill positions such as clinical positions or the challenges of hard to fill locations such as some of the rural locations. The 335.2 vacant positions the Department recorded at the end of FY 2010-11 are not necessarily the same vacant positions the Department noted in FY 2009-10 with the 460.9 vacancies.*

**6. How is the Department adjusting to the lower level of FTE in the FY 11-12 appropriation?**

*Answer: The Department is operating within our appropriation as outlined by the Governor in his May 6, 2011 letter to the General Assembly. The Department is managing the operations within the scope of the personal services funds appropriated in Senate Bill (SB) 11-209. The Department is managing within its appropriations, but there may be a need to adjust FTE in various subprograms in the future.*

**7. Does the state handle all transportation between prisons whether they be state or private?**

*Answer: By contract, the privates are contractually responsible to transport offenders to medical appointments and any emergency medical appointments that do not require ambulance. Additionally, the Kit Carson Correctional Facility transports from Burlington to Limon. All other transports are normally handled by DOC.*

**8. Please report on the progress the department has made in determining the correct amount of time that offenders should remain in administrative segregation.**

*Answer: This past year during the legislative session, there was significant debate*

*regarding offenders in administrative segregation environments or 23-hour lockdown. Administrative segregation is an important tool to assist the state in operating correctional institutions safely. Review of DOC administrative segregation operations in Colorado indicated that the Department has a basically sound system, but over time an over reliance on administrative segregation has emerged.*

#### *Independent Analysis*

- 1. In April 2011, the Department of Corrections (DOC) made a formal request to the National Institute of Corrections (NIC), U.S. Department of Justice, to have an objective analysis of our administrative segregation operations.*
- 2. Dr. James Austin, a national expert in offender classification systems, and Emmitt Sparkman, Deputy Commissioner of the Mississippi Department of Corrections, conducted this important work.*
- 3. The independent analysis report was received by the DOC in November, 2011 and the department currently has a team working on implementing recommendations.*
- 4. The average length of stay in administrative segregation is about 24 months with a median length of stay of 14 months.*
- 5. An offender remains in Administrative Segregation until it is believed he can be safely returned to the general population without endangering offenders, staff, and public safety. To make this determination, an assessment is made of his incarceration history and current behavior to include what has changed that resulted in his placement in Administrative Segregation. In speaking with the consultants there is no "national data" on this issue. But in the states that they have worked with (Ohio, Illinois, Washington state and Mississippi) the policies allow most inmates to be returned within a year, absent further misconduct and the severity of the offense that sent them to Administrative Segregation to begin with.*
- 6. The Department is in the process of reviewing and rewriting the DOC policy on Administrative Segregation and have included Recommendation #6 which recommends the department to incorporate a 4 level system that would have, in general, 90 day periods which would allow an offender to be returned to General Population within 9 months if compliant with the program.*

#### *DOC Administrative Segregation Individual Case Reviews*

- 1. While awaiting the NIC review, on August 30, 2011 Executive Director Tom Clements issued Executive Directive 28-11.*
- 2. This Executive Directive requires the two Deputy Directors of Prisons to perform an individual case review of all administrative segregation offenders who have been at that classification for more than one year.*
- 3. 45% of the 870 cases reviewed were identified for movement out of administrative segregation.*
- 4. The DOC has begun movement of identified offenders out of administrative segregation. Due to the number of offenders identified for progressive movement, this process will take time to complete, and the DOC is currently making adjustments to its system to accommodate these moves, including the establishment of a Protective Custody unit.*

(Decision Item 3, Consolidate appropriations for San Carlos Correctional Facility with other DOC facilities)

**9. Please explain why this facility has not been combined previously. What was the reason that San Carlos was appropriated separately in the Long Bill in the first place? What has changed to now make it more appropriated to combine San Carlos with the other programs?**

*Answer: The request to consolidate the San Carlos Subprogram into the functional Long Bill Subprograms is intended to simplify the budget and create consistency in how the adult correctional facilities in the Department are funded. The request does not represent a programmatic or operational change to the Department's commitment to provide services to Offenders with Mental Illness (OMI). San Carlos funding will move to the appropriate functional subprograms: housing staff and expenses will transfer to the Housing and Security Subprogram, Case Management staff and expenses to the Case Management Subprogram, etc.*

*The San Carlos Correctional Facility (SCCF) was opened in the latter part of FY 1994-95 and was partially funded through the Supplemental process. SCCF became a regular standalone Long Bill subprogram during FY 1995-96 in SB 95-214. In accordance with the directive for a Zero Based Budget (ZBB) submission, the DOC reorganized the Department's FY 1996-97 budget request into functional subprograms that are generally reflective of the current Long Bill structure: Housing, Security, Food Service, Inmate Pay, etc. (Joint Budget Committee FY 1996-97 Figure Setting, March 12, 1996, page 37). The last facility opened under the previous Long Bill format, SCCF was left as a standalone subprogram for future facility expansion(s). As documented in the FY 1996-97 JBC Figure Setting Document (March 12, 1996, page 73), the San Carlos Correctional Facility Subprogram was "designed as a 'catch all' for capacity expansion projects". Although this was the intent for the subprogram appropriation at the time, subsequent new facilities: Sterling Correctional Facility, Fort Lyon Correctional Facility, Denver Women's Correctional Facility, Centennial Correctional Facility, as well as numerous capacity expansions were funded through appropriations made to the functional subprograms and not the SCCF Subprogram.*

*Line item consolidation will allow the Department the greatest flexibility to direct limited resources to the greatest need. A program for Offenders with Mental Illness (OMI) was funded starting July 1, 2010 at the Colorado State Penitentiary, marking a shift in the way the Department delivers mental health services to severely mentally ill, high-custody offenders. This program serves the offender population in administration segregation assisting with the transition to general population facilities. This program was funded in the mental health subprogram further outlining the importance of line item consolidation.*

(Decision Item 4, External Capacity Caseload)

**10. JBC staff calculates that the appropriation is 724 offenders too low. Is that an unusually large adjustment given that the population is falling?**

*Answer: When establishing the budget for the Department of Corrections each year, the Joint Budget Committee bases its funding on the estimated number of offenders in the upcoming fiscal year. The JBC relies on two prison population projections in making this determination – the annual December prison population forecast from the Division of Criminal Justice (DCJ) and the annual December prison population forecast from Legislative Council Staff (LCS).*

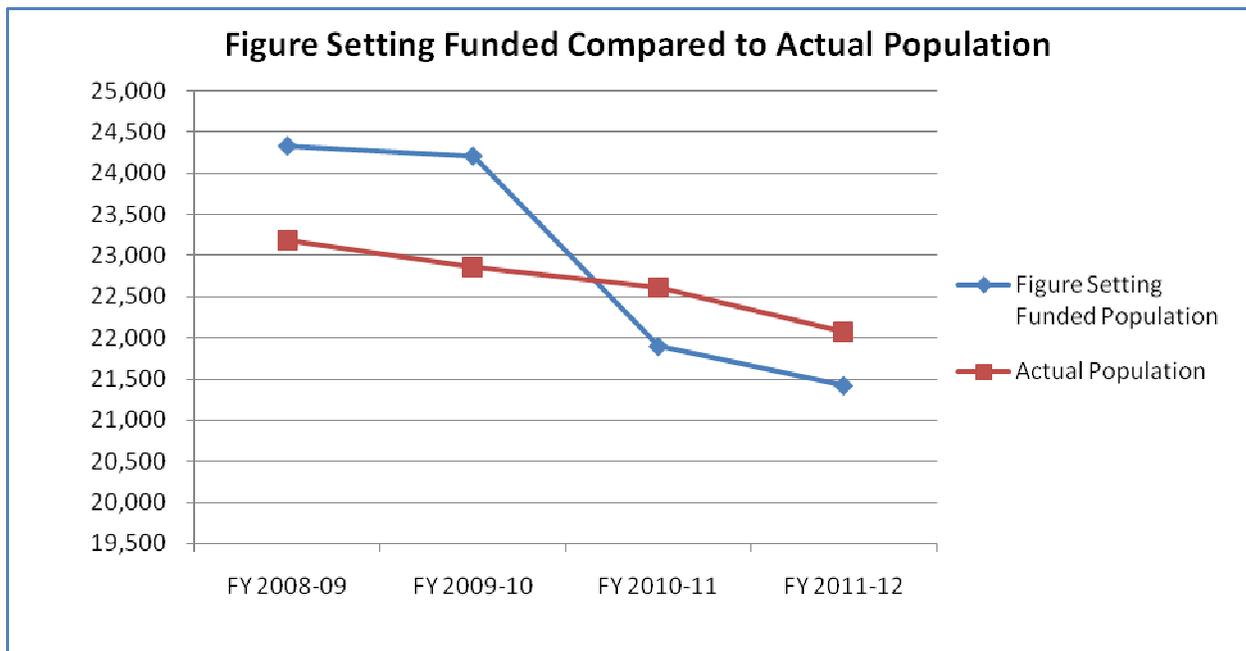
*Forecasting the prison population has always been difficult. There are a number of factors that can change from year to year that have an impact on the number of offenders in the DOC system: criminal sentencing laws, crime rates, effectiveness of local law enforcement, prosecutorial discretion, judicial discretion, release decisions by the parole board, revocation decisions made by the parole board, to name a few. The difficulty in forecasting is evidenced by the disparity between the two forecasts this year. For the upcoming fiscal year, the forecasts differ by an average daily population of 820 offenders: 550 offenders at the beginning of the year (June 30, 2012) and 1,090 offenders at the end of the year (June 30, 2013) as shown in the table below:*

<b>December 2011 Prison Population Projections</b>			
Period Ending:	DCJ	LCS	Difference between DCJ & LCS projections
June 30, 2012 (FY 2011-12)	21,438	21,988	550
June 30, 2013 (FY 2012-13)	20,637	21,727	1,090

*Historically, when funding has been more readily available, tradition has been to fund External Capacity caseload using the “worst case scenario” so that large mid-year funding increases can be mitigated. When actual prison populations are less than then funded level, the Department provides negative supplemental budget requests. The most recent fiscal years are shown in the table and graph below:*

<b>Populations: Funded Compared to Actual (FY's 2009-2012)</b>				
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
Figure Setting Funded Population	24,327	24,204	21,900	21,425
Actual Population	23,186	22,860	22,610	22,064*
Difference	1,141	1,344	(710)	(639)

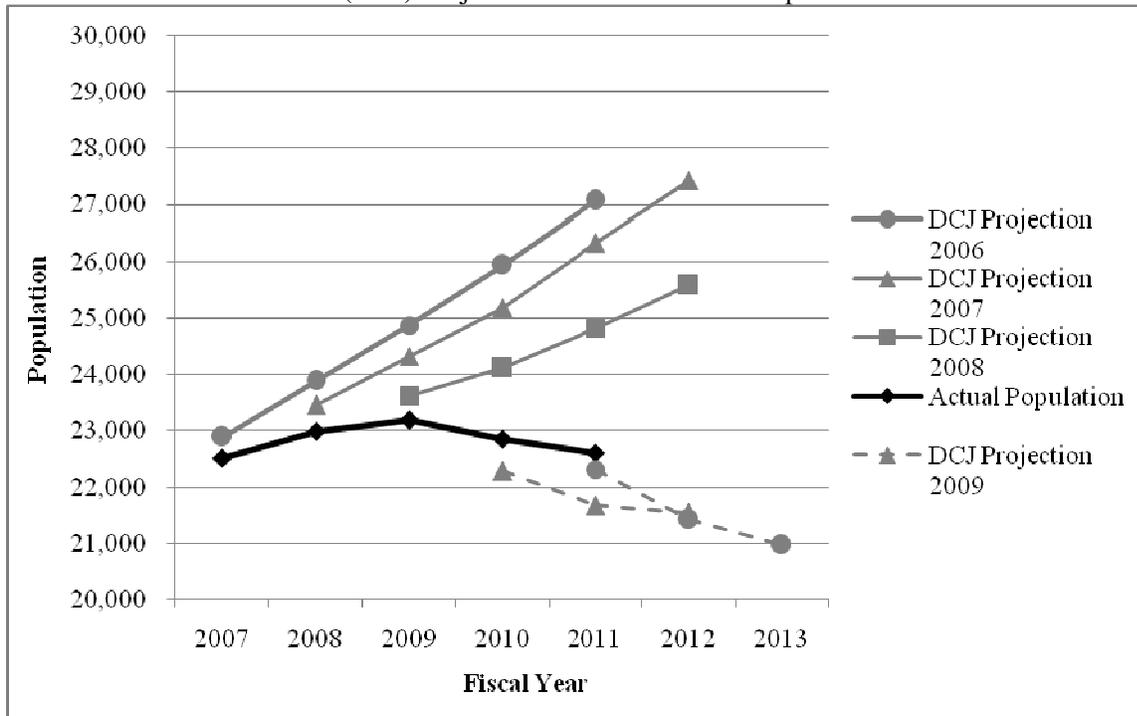
\*FY 2011-12 is 11/30/11 Actual



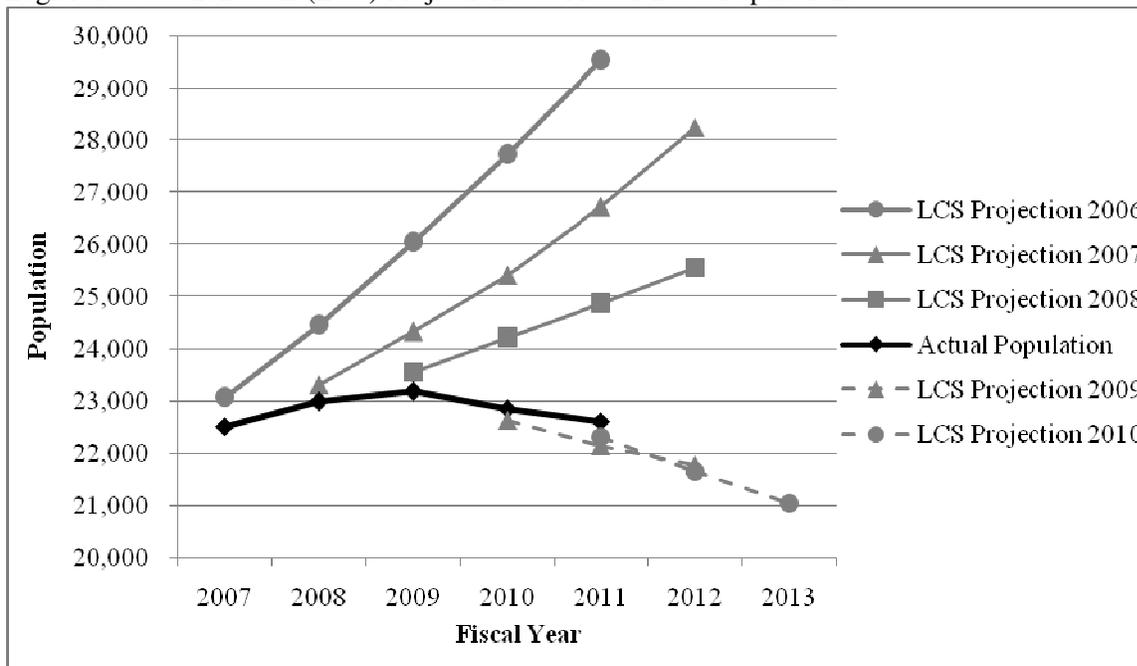
*As illustrated in the graph above, FY 2010-11 resulted in a substantial External Capacity increase of \$16,817,209. The FY 2012-13 base continuation funding is at the FY 2011-12 level of 21,425 offenders which already appears to be too low for current year funding needs. In fact, a FY 2011-12 supplemental request has been submitted for an increase of \$15,106,180. The FY 2012-13 increase is for \$13,916,129, or \$1,190,051 less than the FY 2011-12 amount. Due to timing of budget submissions, request year submissions are due in November and updated prison population projections are released in December. JBC staff typically makes a recommendation to apply the DCJ or LCS projection and recalculates the caseload request just prior to figure setting.*

*The following graphs display the changing population projections from year to year for both DCJ and LCS. This illustrates that five year projections adjust annually due to dynamic population variances. For example, the DCJ 2011 projection was estimated to be 27,000 in 2006, and about 25,000 in 2008, when the actual population was less than 23,000.*

Division of Criminal Justice (DCJ) Projections vs. Actual DOC Population.



Legislative Council Staff (LCS) Projections vs. Actual DOC Population.



Projection Released	DCJ	LCS	Projection Difference	Dt Actual Pop Cnt	Actual PopCnt	<u>Projected Minus Actual</u>	
	Projection	Projection				DCJ	LCS
Dec-02	20,562	20,270	292	6/30/2004	19,569	993	701
Dec-03	21,131	20,881	250	6/30/2005	20,704	427	177
Dec-04	20,843	21,850	-1007	6/30/2006	22,012	-1,169	-162
Dec-05	22,827	23,159	-332	6/30/2007	22,519	308	640
Dec-06	23,880	24,448	-568	6/30/2008	22,989	891	1,459
Dec-07	24,327	24,327	0	6/30/2009	23,186	1,141	1,141
Dec-08	24,114	24,203	-89	6/30/2010	22,860	1,254	1,343
Dec-09	21,669	22,148	-479	6/30/2011	22,610	-941	-462
Dec-10	21,425	21,662	-237	6/30/2012	N/A	N/A	N/A
Average						363	605

*Note.* Projections are made in December of every year; projected numbers in this table are for the end of the following fiscal year (i.e., projections are made 1.5 years out).

**11. How does Colorado’s percentage of private prisons compare with other states? How much would be saved by sending offenders to private prisons as opposed to state prisons? Please discuss how you calculated the difference in cost between a private and a state facility is computed. Please give an apples to apples comparison that definitively answers the question of how private prisons costs compare to state facilities.**

**How does Colorado’s percentage of private prisons compare with other states?**

*Answer: Colorado ranks 9<sup>th</sup> in the country for both the total number of offenders in contract facilities and the percentage of the jurisdictional population in contract facilities. 47 states reported:*

American Correctional Association  
2011 Directory  
September 30, 2010

State	% Rank	# Rank	Jurisdictional Population	# of Offenders In In-State Contract Facilities	# of Offenders In Out-of-State Contract Facilities	Total Contract	% in Contracted Facilities
NM	1	13	5,377	2,839	90	2,929	54.47%
HI	2	18	3,803	28	1,908	1,936	50.91%
MS	3	4	19,501	8,143	0	8,143	41.76%
MT	4	20	3,684	1,487	26	1,513	41.07%
VT	5	22	1,251	0	513	513	41.01%
TN	6	5	20,076	7,236	0	7,236	36.04%
ID	7	17	7,587	2,055	89	2,144	28.26%
OK	8	6	24,943	6,705	93	6,798	27.25%
<b>CO</b>	<b>9</b>	<b>9</b>	<b>23,036</b>	<b>4,538</b>	<b>0</b>	<b>4,538</b>	<b>19.70%</b>

American Correctional Association  
2011 Directory  
September 30, 2010

State	% Rank	# Rank	Jurisdictional Population	# of Offenders In In-State Contract Facilities	# of Offenders In Out-of-State Contract Facilities	Total Contract	% in Contracted Facilities
ND	10	23	1,442	249	23	272	18.86%
AZ	11	7	41,756	6,367	72	6,439	15.42%
NJ	12	12	25,382	2,950	87	3,037	11.97%
WY	13	24	2,145	234	20	254	11.84%
KY	14	15	20,356	2,215	15	2,230	10.96%
GA	15	8	51,527	5,199	0	5,199	10.09%
LA	16	10	40,159	4,047	0	4,047	10.08%
TX	17	2	155,022	15,267	0	15,267	9.85%
FL	18	3	100,206	9,866	0	9,866	9.85%
IN	19	14	27,371	2,621	0	2,621	9.58%
CA	20	1	166,969	6,128	9,744	15,872	9.51%
PA	21	11	46,344	1,095	2,192	3,287	7.09%
NH	22	28	2,891	0	137	137	4.74%
VA	23	19	38,699	1,579	151	1,730	4.47%
OH	24	16	50,944	2,169	26	2,195	4.31%
AL	25	31	30,886	537	255	792	2.56%
RI	26	21	2,120	0	48	48	2.26%
KS	27	34	8,871	115	79	194	2.19%
ME	28	26	2,240	34	10	44	1.96%
NV	29	36	12,702	76	154	230	1.81%
MA	30	25	9,754	11	66	77	0.79%
UT	31	30	6,795	0	47	47	0.69%
NC	32	35	35,165	192	0	192	0.55%
NE	33	27	4,276	0	22	22	0.51%
WA	24	40	16,992	0	73	73	0.43%
IA	35	37	8,464	0	35	35	0.41%
MD	36	29	21,985	80	0	80	0.36%
MN	37	39	10,029	0	28	28	0.28%
SC	38	32	23,608	10	53	63	0.27%
AR	39	38	14,192		29	29	0.20%
MO	40	33	30,678	0	50	50	0.16%
IL	41	41	48,195	0	17	17	0.04%
CT	N/A	N/A	13,343	0	0	0	0.00%
MI	N/A	N/A	44,113	0	0	0	0.00%
NY	N/A	N/A	56,911	0	0	0	0.00%
SD	N/A	N/A	3,471	0	0	0	0.00%
WV	N/A	N/A	6,479	0	0	0	0.00%
WI	N/A	N/A	21,604	0	0	0	0.00%
DE				DID NOT REPORT	21	21	N/A
AK				DID NOT REPORT			

American Correctional Association  
2011 Directory  
September 30, 2010

State	% Rank	# Rank	Jurisdictional Population	# of Offenders In In-State Contract Facilities	# of Offenders In Out-of-State Contract Facilities	Total Contract	% in Contracted Facilities
OR	DID NOT REPORT						
TOTALS	*		1,313,344	94,072	16,173	110,245	8.39%

\*Source: American Correctional Association (Ed.). (2011) *2011 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (72nd ed). Croton, MD: Author.

*As of December 31, 2011, Colorado had an additional 1,603 offenders in contract Community Corrections beds.*

**How much would be saved by sending offenders to private prisons as opposed to state prisons? Please discuss how you calculated the difference in cost between a private and a state facility is computed. Please give an apples to apples comparison that definitively answers the question of how private prisons costs compare to state facilities.**

*Answer: **Executive Summary.** Housing offenders at state-owned prison facilities or private prison facilities is an operational safety, as well as a financial, decision. The comparison most similar to an “apples to apples” cost analysis is provided in comparing state Level III facility costs to those of private prisons, as private prisons currently operating in Colorado are constructed and operated at Level III standards.*

*This analysis provides operational and cost details for private and state prisons. When the cost per day of state-owned beds at the same Level III custody level as a private facility is examined with the costs of items not provided by private facilities removed, the state prison cost per day is \$66.26 versus a direct billed private prison rate of \$52.69. An additional \$11.09 per offender per day, while typically included in DOC cost summaries, is the cost of providing central services to all offenders, and is detailed on this document.*

**Background ~ Private Prison Providers.** *Due to sustained offender population growth and shortages in state beds, the Department of Corrections (DOC) has contracted with private prisons to house and supervise offenders since 1993. The private prison partners provide a service to the DOC and the State of Colorado and invested resources to create additional beds when there was a shortage of capital construction funds to build state-owned prison beds.*

*Contractually, the DOC requires private prison providers to operate prison facilities according to American Correctional Association standards and Departmental Administrative Regulations. These measures afford a continuity of basic operations between state and private prisons. Despite the similarities, there are key differences. For example, the Department has statutory responsibilities for maintaining certain specialized prisons which include functions such as the management of offenders with special medical*

*and mental health needs and housing offenders whose are classified at higher custody levels due to their institutional behavior.*

**State vs. Private Prison Costs.** *In recent years, there have been ongoing questions about the costs of operating state beds in comparison to the costs of private prison beds. It is challenging to provide a clear cost analysis between private prisons and state facilities for the following reasons: (a) certain expenses for all offenders have been attributed exclusively to state facilities; (b) the Department is responsible for specialized mission-specific prisons; (c) the state supervises offenders with higher needs (e.g., those with higher medical needs, mental health needs, and sex offender treatment needs); and the state is responsible for supervising offenders in higher custody levels who have proven to be management problems because of their institutional behavior. As such, cost comparisons between state facilities and private facilities are “apples and oranges” comparison. There are clear differences between private prisons and state prisons, which tie directly to the cost per day figures.*

**Higher Needs Offenders.** *The DOC typically supervises offenders who have the highest needs: medical, mental health, developmental disabilities, self-destructive or dangerous and disruptive behavior, and sex offenders in treatment. For example, 88.25% of the offenders with high medical needs in Level III facilities (Medical M4 or M5 code classifications,) are housed in state facilities. Of the offenders with high mental health needs (Mental Health P4 or P5 code classifications), 99.1% are housed in state facilities. Of the offenders who are severely developmentally disabled, 96.72% are housed in a state prison bed. All sex offender treatment is done in state prison beds.*

**High-Custody Offenders.** *Private prisons were constructed to Level III specifications; this matches their staffing model and design of programs offered to offenders. To safely house offenders who are classified as Close Custody or Administrative Segregation Level IV and Level V, (Section 17-1-104.9, C.R.S.) higher staffing levels as well as additional services and higher designated security levels requirements would need to be provided. (Section 17-1-104.3, C.R.S.)*

**Other Considerations.** *The state needs to consider a wide range of issues in comparing state versus private prisons.*

**Staffing Levels.** *An April 2005 audit conducted by the State Auditor’s Office found that staffing levels at privately-operated facilities were 80 percent of the staffing ratios at state-operated facilities (page 43).<sup>7</sup> Given that higher need offenders are housed in state prisons, the higher staffing levels necessary for the security of these facilities impact costs per day.*

**Staff Stability.** *The April 2005 audit also found that salaries at state operated prisons were approximately 50 percent higher than those of private prisons. This allows the state to recruit highly qualified staff and maintain lower turnover rates. The resulting stability helps to ensure that prison staff has the experience to respond to problems and situations as they arise, which is essential given the make-up of state prison populations.*

---

<sup>7</sup> [http://www.leg.state.co.us/OSA/coauditor1.nsf/All/FC4A43C259BADC498725701B00755584/\\$FILE/1676%20Private%20Prisons%20Perf%20April%202005.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/FC4A43C259BADC498725701B00755584/$FILE/1676%20Private%20Prisons%20Perf%20April%202005.pdf)

**Expenses attributed to state prisons.** Department of Correction's cost allocation model historically has attributed expenses for certain functions (on a per offender basis) to state operated facilities. In FY 2010-11, these expenses were approximately \$59.6 million.

Such expenses include the following and the associated calculated cost per day (CPD):

- a. Medical care and offenders with high-cost pharmaceuticals, CPD is \$6.80
- b. Private Prison Monitoring Unit, CPD is \$0.32
- c. Payments to district attorneys for prosecuting crimes in prisons, CPD is \$0.05
- d. Offender Services (time computation, offender classification system, and permanent offender records), CPD is \$0.55
- e. Planning and Analysis Unit responsible for criminal justice research, CPD is \$0.13
- f. Inspector General's Office, CPD is \$0.83
- g. Initial issuance of offender clothing (\$100 per initial offender), CPD is \$0.19
- h. Dress out (gate money, transportation, and clothing for offenders who are released), CPD is \$0.13
- i. Offender banking, CPD is \$0.04
- j. Transportation of offenders (used 98% of costs for movements of offenders; private facilities complete 2% of all offender movements), CPD is \$0.47
- k. Offender-specific information technology systems (DCIS and PCDCIS, 25% of total cost), CPD is \$0.31
- l. Sex Offender Treatment, CPD is \$0.59
- m. Parole Board, CPD is \$0.31
- n. Executive Director's Office (Executive Management personal services and operating expenses), CPD is \$0.37

**Mission-specific Prisons.** By statute, the state is responsible for certain mission driven prisons. Because of the unique program considerations for these facilities, they are higher cost than an average prison bed. The following specialty prisons cost \$169.8 million in FY 2010-11.

- a. Denver Reception and Diagnostic Center. This facility is uniquely staff intensive because of the responsibilities of diagnosing, assessing, classifying, and screening the offender population upon intake (Section 17-40-101, C.R.S.). It contains a medical infirmary, including dialysis and cancer treatment. This facility cost \$30.7 million to operate in FY 2010-11 (\$175.94 per offender per day for an average daily attendance of 478 offenders).
- b. San Carlos Correctional Facility. This facility provides staff intensive services, in a secure/high custody environment to the Department's most severely mentally ill and developmentally disabled offenders. This facility cost \$16.9 million to operate in FY 2010-11 (\$189.31 per offender per day for an average daily attendance of 245 offenders).
- c. Colorado Territorial Correctional Facility. This facility houses an infirmary and hospice care unit and provides services to offenders with high medical and mental health needs. It includes the Central Transport Unit, responsible for offender moves throughout a major geographic territory. This facility cost \$32.8 million to operate in FY 2010-11 (\$98.38 per offender per day for an average daily attendance of 913 offenders).

- d. *Colorado State Penitentiary.* This facility provides staff intensive supervision to high-custody offenders that are housed in secure cells 23-hours per day, with double escorts when out of cells. This facility cost \$31.9 million to operate in FY 2010-11 (\$118.53 per offender per day for an average daily attendance of 739 offenders).
- e. *Centennial Correctional Facility.* This facility provides staff intensive supervision to administrative segregation custody offenders in a secure environment. This facility cost \$29.2 million to operate in FY 2010-11 (\$151.06 per offender per day for an average daily attendance of 530 offenders).
- f. *Arrowhead Correctional Center.* This facility is unique because of the Therapeutic Communities that are offered at this facility. This facility cost \$14.8 million to operate in FY 2010-11 (\$82.65 per offender per day for an average daily attendance of 489 offenders).
- g. *Youthful Offender System.* YOS was originally designed for violent youthful offenders between the ages of 14 and 18 at the time of their offense and direct filed or transferred as adults in accordance with C.R.S. 19-2-517 & C.R.S. 18-1.3-407. Effective October 1, 2009, the eligibility criteria for sentencing to YOS was expanded to include offenders who are between the ages of 14 and 20 at the time of their offense, sentenced prior to their 21st birthday, who commit class II through class VI felony offenses in accordance with Section 18-1.3-407, C.R.S. and Section 18-1.3-407.5, C.R.S.. This facility cost \$13.4 million to operate in FY 2010-11 (\$169.51 per offender per day for an average daily attendance of 217 offenders).

**How Cost Per Day Analysis is Completed.** Each year, as a part of DOC's November budget request, the DOC reports the cost per day of operating each of the DOC's state facilities. This analysis uses a cost allocation model that includes facility-specific expenses plus a pro-rated share of overhead costs. This includes costs of Department-wide services provided to offenders who are housed in private prisons.

This analysis compares private prisons, which are classified as Level III (medium) facilities, with direct costs of \$52.69 per offender per day, to state Level III facilities. Denver Women's Correctional Facility is not included in this analysis in order to provide a more accurate cost comparison; private prisons do not house female offenders and their unique expenses. Fort Lyon Correctional Facility was not included as it will be decommissioned in March 2012.

The average cost of state Level III facilities is \$77.35 per offender per day (\$28,233 per offender per year). Services listed under the expenses attributed to state prisons above provided by DOC exclusively for all offenders (including private prisons) total \$11.09 per day. The state's cost of providing services equal to those provided by private prisons is \$66.26 per day, with higher staffing patterns, competitive compensation, and more stability in the workforce than private prisons.

While the state has benefited significantly from private prison partners, it is important to recognize that the DOC is ultimately responsible for all offenders. DOC has responsibility for supervising the offenders and keeping the public safe while the offenders are in custody.

Accordingly, some DOC costs for offenders housed in private prisons are not reflected in the private prison reimbursement rate. A mix of private prison beds and state-operated beds allows DOC to cost-effectively meet its public safety mission.

**Conclusion:** This document analyzed the costs and operational aspects of operating Level III state-owned prison facilities, which are the most similar to private prisons based on the classification of offenders housed. Cost comparisons generated by examining DOC costs per offender per day versus direct payments to private prison companies per offender per day provide an incomplete picture, as numerous costs related to all private and state-housed offenders are included in DOC cost figures.

If these expenses were to be excluded from the estimated DOC average cost, the cost of a similar Level III facility would be reduced by \$11.09 per offender per day to \$66.26 per offender per day compared to the direct private prison rate of \$52.69.

**12. What is the unused capacity available at private and state prisons in the state, including closed facilities? What is the capacity, both used and unused in state prisons?**

Answer:

<b>DECEMBER 30, 2011</b>	<b>Total Capacity</b>	<b>12/30/11 Occupancy</b>	<b>12/30/11 Vacant Beds</b>
<b>Facility:</b>			
Denver Reception and Diagnostic Center	542	511	31
Colorado State Penitentiary	756	740	16
Sterling Correctional Facility	2,545	2,425	120
San Carlos Correctional Facility	255	246	9
Centennial Correctional Facility	652	567	85
Limon Correctional Facility	898	897	1
Buena Vista Correctional Complex	1,224	1,224	0
Fremont Correctional Facility	1,661	1,647	14
Colorado Territorial Correctional Facility	928	927	1
Arkansas Valley Correctional Facility	1,007	996	11
Ft. Lyon Correctional Facility	194	196	-2
Arrowhead Correctional Center	524	515	9
Four Mile Correctional Complex	525	522	3
Trinidad Correctional Facility	484	466	18
Skyline Correctional Center	249	246	3
Delta Correctional Center	484	401	83
Rifle Correctional Center	192	191	1
Colorado Correctional Center	150	127	23
Denver Women's Correctional Facility	976	968	8
La Vista Correctional Facility	589	562	27

<b>DECEMBER 30, 2011</b>	<b>Total Capacity</b>	<b>12/30/11 Occupancy</b>	<b>12/30/11 Vacant Beds</b>
<b>Sub-Total Active State Beds*</b>	<b>14,835</b>	<b>14,374</b>	<b>461</b>
<b>% Vacant State Beds</b>			<b>3.11 %</b>
Bent County Correctional Facility	1,466	1,306	160
Crowley County Correctional Facility	1,720	1,608	112
Kit Carson Correctional Center	1,562	800	762
Cheyenne Mountain Re-Entry Center	776	589	187
<b>Sub-Total Active Private Beds</b>	<b>5,524</b>	<b>4,303</b>	<b>1,221</b>
<b>% Vacant Private Beds</b>			<b>22.10%</b>
<b>Total All Active Beds</b>	<b>20,359</b>	<b>18,677</b>	<b>1,682</b>
<b>% All Vacant Active Beds</b>			<b>8.26%</b>
<b><u>Additional Bed Capacity</u></b>			
<b>State Beds:</b>			
Boot Camp	100		
Ft. Lyon Correctional Facility	306		
Centennial Correctional Facility	632		
<b>Total State Unused:</b>	<b>1,038</b>		
<b>Private Beds:</b>			
Huerfano Correctional Center	778		
High Plains Correctional Facility	250		
<b>Total Private Unused:</b>	<b>1,028</b>		
<b>Total Unused Capacity</b>	<b>2,066</b>		

Hudson is a private prison facility not included in this table; it has 1,312 Capacity, and is occupied solely by Alaska inmates

**13. Is there a wait list to step inmates down from Administrative Segregation to less restrictive facilities? If there is unused capacity, why is this happening?**

*Answer: Since July, 2011, in compliance with Executive Directive 28-11 signed by Executive Director Clements, the Deputy Directors assigned to Prison Operations, have reviewed 870 offenders that have been assigned to administrative Segregation for longer than 12 months at CSP, CCF, SCF, DWCF, and SCCF. This was done to determine their eligibility for placement in General Population, Special Management (protective custody) or continued placement in Administrative Segregation and the Offenders with Mental Illness (OMI program). Of those 870 reviews the Department identified 321 offenders for progressive movement out of Administrative Segregation. To date 289 offenders have been*

transferred to a General Population environment. The remaining 32 offenders are waiting to be reviewed by Offender Services for movement and placed in the appropriate facility.

(Decision Item 5, Per Offender Per Month Medical Expenses)

**14. If population projections are going down, why are medical costs going up? Is it due to aging inmates? Is it due to inflation? Is it due to something else?**

*Answer: DOC has a rigorous system to maintain health care costs. The use of the medication formulary is one of those tools. Additionally, all specialist health care is reviewed jointly by DOC and the third party administrator using nationally recognized standards. The care is paid based on negotiated rates from specialists and all claims are reviewed for accuracy of charges and rates. The third party administrator monitors hospitalizations and works to discharge as quickly as appropriate. All care and claims are scrutinized and can be denied if necessary. These efforts have controlled the increasing inflation costs of health below the community medical inflation rate.*

*The DOC population is aging with approximately 3,500 offenders over the age of 50. The offender population begins to show an increase in health care needs after the age of 50. In Colorado from 1991 to June 2011, the number of offenders aged 50+ increased by 836% compared to the total population that grew 203%. While aging offenders contribute to the cost of health care; chronic conditions such as kidney disease, cancer, and circulation problems, as well as orthopedic and injuries are the highest cost areas.*

*There are several reasons that pharmaceuticals continue to increase in cost. Inflation increases contribute to the cost increase; however the top 21 most expensive medications account for 50% of the cost. The top 21 include the following: seven antipsychotic medications, four respiratory medications, four HIV medications, three diabetic medications, one migraine headache medication, and one Multiple Sclerosis medication.*

	<b>POPM Rates by JBC FY 2010-11 Supplemental Figure Setting</b>	<b>POPM Rates by JBC FY 2011-12 Figure Setting</b>	<b>Estimated Need for FY 2011-12 Supplemental Request</b>	<b>Projected POPM Rates FY 2012-13</b>
<b>Purchase of Pharmaceuticals</b>	<b>\$57.97</b>	<b>\$56.50</b>	<b>\$72.09</b>	<b>\$72.09</b>
<b>Purchase of Medical Services from Other Medical Facilities</b>	<b>\$87.84</b>	<b>\$88.28</b>	<b>\$87.46</b>	<b>\$87.89</b>
<b>Catastrophic Medical Expenses</b>	<b>\$51.27</b>	<b>\$34.56</b>	<b>\$51.27</b>	<b>\$51.27</b>

**15. How does the cost of drugs in DOC compare to that of Medicaid? How do their formularies differ? What is driving the increase in medical costs? Break it down into all the factors that are causing the projected increases.**

*Answer: Medicaid reimburses the cost of medications based on “Medicaid best pricing” which is negotiated by CMS (Center for Medicaid and Medicare Systems) at the federal level. DOC and Health Care Policy and Finance (HCPF) have studied the system to see if DOC could obtain this pricing structure. The arrangements are made with drug companies at the federal level and not accessible for DOC to utilize.*

*DOC maintains their participation in a multi-state purchasing agreement to obtain medications. This agreement has pricing structures, discounted rates and rebates on certain medications. Generic medications are utilized as much as possible and account for approximately 85% of all prescriptions issued by the pharmacy. The cost for medications through the contract is not as low as Medicaid best pricing.*

*The DOC formulary is slightly more conservative in number of medications in each drug class than the Medicaid formulary. The Medicaid formulary must include more medications because they cover both adults and children. The Chief Medical Officer for DOC participates on the committee which governs the Medicaid formulary. Pharmacy staff from HCPF and DOC recently started a meeting every other month. Both departments are committed to identifying opportunities for additional efficiencies.*

*The increase in aging offenders contributes to the increasing cost of health care; however chronic conditions such as kidney disease, cancer, and circulation problems, as well as orthopedic and injuries are the highest cost areas. There are several reasons that pharmaceuticals continue to increase in cost. Inflation increases contribute to the cost increase; however the top 21 most expensive medications account for 50% of the cost. The top 21 include the following: seven antipsychotic medications, four respiratory medications, four HIV medications, three diabetic medications, one migraine headache medication, and one Multiple Sclerosis medication.*

**16. When was the last time the medical program in DOC was audited? What was the result of that audit?**

*Answer: The last performance audit of the medical program in the Department of Corrections was conducted in 2005. Both the internal and external systems were reviewed. The last financial audit of the medical program in the Department of Corrections was conducted in 2010.*

*In April 2005, the external health care system was reviewed and the results of that audit allowed the Department to change contractors for the external specialty services. The major areas of concern were the rate negotiation by the contractor for outside specialty services; duplication of costs for security services at hospitals when the negotiated rate for the hospital also included security; poor prior authorization practices; improve concurrent reviews and discharge planning; conducting risk based retrospective reviews of emergency health care claims submitted by outside entities for both DOC offenders and offenders housed in private prisons; ensure that the Department paid accurate claims submitted by outside providers; improve the oversight of the contractor, and evaluate the costs and benefits of using a capitation rather than a fee for service payment system.*

*In response to the audit recommendations, DOC produced a Request For Proposal (RFP) to ensure any selected vendor would be able to meet the outlined requirements in the audit. As a result of that process, the third party administrator was selected and the contract with Colorado Access was terminated. The new vendor was Correctional Health Partners (CHP) which still holds the contract. The Department has a monthly joint operations meeting with CHP that tracks many types of data including authorizations, discharge planning, and monitoring hospital bed days.*

*In September 2005, the internal health care system was reviewed and the results of that audit included the department meeting intake standards. The Department was to ensure the consistent application of standards of care; improve medication management policies and practices; ensure offender medical records are complete and current by reviewing such periodically. The DOC was also to develop and implement a proactive quality management program; improve use and management of critical decision-making information by periodically reviewing key operating data. The DOC will ensure clinic staffing levels are appropriate and provide efficient, effective, quality health care and ensure that co-payment policies and practices comply with statutory intent.*

*DOC reviewed the existing systems outlined in the audit and implemented changes in the quality management program. An RFP was issued to assist with updating and reviewing all pharmacy practices. The RFP resulted in a contract that improved pharmacy operations, began inventory management systems, and improved the delivery of medications to facilities.*

*In 2007, the Department provided an update to the Legislative Audit Committee regarding the implementation of the recommendations of the 2005 audit. Section 17-1-113 C.R.S. was revised to allow the Department to more efficiently assess co-payment fees from offenders for offender-initiated requests for health care from primary care providers, dentist, optometrists, and mental health.*

**17. Does this expense pertain to parole inmates, as well as, inmates in prison?**

*Answer: Once an offender is paroled, the costs for his or her medical care are met in the community to which he or she paroles, and the Department is not responsible for the cost.*

**18. Can parolees qualify for Medicaid? If they can, do we have difficulty getting parolees onto Medicaid? If they can't qualify for Medicaid, why not?**

*Answer: Yes, parolees may qualify for Medicaid if they meet the eligibility criteria in the State Medicaid plan. Currently HCFP utilize the following criteria:*

- 1. 65 years of age, but with incomes at the Supplemental Security Income (SSI) limit (once someone is over age 65, they are automatically assumed to pass the Social Security Administration (SSA) disability criteria)*
- 2. Receiving SSI*
- 3. Determined disabled (SSA disability criteria) by the State's Disability Vendor and eligible to receive SSI*

*In 2007, C.R.S. 17-1-113.5 was amended to allow offenders who prior to incarceration had qualified for Medicaid assistance to re-apply for benefits upon release from prison. The offender applies within 120 days of his or her release date and the application is coordinated through Clinical Services and the offender's case manager in accordance with the Department's Administrative Regulation 550-07, Assisting Offenders Applying for Disability Benefits. Since 2007, case managers routinely assist offenders in completing and submitting disability applications. Case management and clinical services staff have participated in training regarding the disability application process.*

*Once the offender has paroled, he or she can access public benefits in the same manner as a person who is not incarcerated. The Department does not keep statistics as to whether any offender applicant was approved for the Medicaid disability benefits and the Department does not receive information as to why an applicant was denied benefits. This information is sent directly to the applicant by the Social Security Administration.*

*To increase the number of offenders overall who may access disability resources, the Department has partnered with Jefferson County to use the SSI/Social Security Disability Insurance (SSDI) Outreach, Access, and Recovery (SOAR) model that Jefferson County was awarded through the Governor's office on Policy and Initiatives. This grant is to assist any offender with a disability (mental health or medical) with benefit acquisition (SSI/SSDI) using SOAR model. This model has been shown to increase the number of acceptances and decrease the amount of time to receive benefits. The project has been implemented and work continues.*

(NP-1, Fleet Replacement)

**19. What percentage of the DOC fleet does this represent? How does this compare to other departments?**

*Answer: The Department's budget request is to replace 7.9% of the total overall DOC fleet inventory. Overall replacement (statewide) is 10.2%. In general, the State Fleet Management program through Department of Personnel and Administration (DPA) first assesses a vehicle for replacement once it has accrued 100,000 miles, with the exception of the Colorado State Patrol, which has historically targeted its vehicles for replacement at 80,000 miles. On average, non-patrol vehicles are replaced between 130,000 and 140,000 miles. Other replacements may include: a vehicle that will be 16 years old or older at the time that the proposed replacement would occur, or vehicles with major recent repairs (new engine, transmission, etc.)*

*State Fleet Management also uses agency input to keep vehicles on the replacement list that are in exceptionally poor condition, create an unacceptable safety risk, or are not meeting the functional requirements of the agency, even in some cases when the vehicle does not meet typical replacement criteria.*

*Although 175 vehicles were recommended by the JBC analyst for DPA for replacement in FY 2010-11, none of the vehicles were for DOC. The Department has not received*

replacement vehicles since FY 2008-09. Source: FY 2010-11 DPA Figure Setting, pg. 12 and 13

(Decision Item 2, Colorado Correctional Industries (CCi) Program Expansion)

**20. Shouldn't this save some General Fund? Will this harm private sector businesses? What impact does the catering operation at Sterling have on catering businesses in and around Sterling?**

Answer: This request is expected to save \$529,974 in General Fund (GF) in FY 2012-13 and \$473,903 GF in FY 2013-14.

<b>Conservation Camp Program Savings FY 2012-13</b>		
<b>Line Item</b>	<b>GF</b>	<b>FTE</b>
<i>Total Request</i>	<i>(\$529,974</i>	<i>15.5</i>
<i>(1)(A) Management, Executive Director's Office, Health, Life, and Dental</i>	<i>\$68,895</i>	<i>0</i>
<i>(1)(A) Management, Executive Director's Office, Short-term Disability</i>	<i>\$1,134</i>	<i>0</i>
<i>(1)(A) Management, Executive Director's Office, S.B. 04-257 Amortization Equalization Disbursement</i>	<i>\$18,721</i>	<i>0</i>
<i>(1)(A) Management, Executive Director's Office, S.B. 06-235 Supplemental Amortization Equalization Disbursement</i>	<i>\$16,047</i>	<i>0</i>
<i>(1)(B) Management, External Capacity, Payments to House State Prisoners, Payments to in-state private prisons</i>	<i>(\$1,923,185)</i>	<i>0</i>
<i>(1)(C) Management, Inspector General, Operating</i>	<i>\$425</i>	<i>0</i>
<i>(2)(A) Institutions, Utilities</i>	<i>\$98,604</i>	<i>0</i>
<i>(2)(B) Institutions, Maintenance, Personal Services</i>	<i>\$44,279</i>	<i>0.9</i>
<i>(2)(B) Institutions, Maintenance, Operating</i>	<i>\$10,200</i>	<i>0</i>
<i>(2)(B) Institutions, Maintenance, Start Up</i>	<i>\$215</i>	<i>0</i>
<i>(2) (C) Institutions, Housing and Security, Personal Services</i>	<i>\$490,352</i>	<i>11</i>
<i>(2) (C) Institutions, Housing and Security, Operating</i>	<i>\$6,000</i>	<i>0</i>
<i>(2) (C) Institutions, Housing and Security, Start-up</i>	<i>\$2,580</i>	<i>0</i>
<i>(2)(D) Institutions, Food Service, Personal Services</i>	<i>\$44,279</i>	<i>0.9</i>
<i>(2)(D) Institutions, Food Service, Operating</i>	<i>\$235,425</i>	<i>0</i>
<i>(2)(D) Institutions, Food Service, Start Up</i>	<i>\$215</i>	<i>0</i>
<i>(2)(E) Institutions, Medical Services, Operating</i>	<i>\$151,383</i>	<i>0</i>
<i>(2)(F) Institutions, Laundry, Operating</i>	<i>\$19,662</i>	<i>0</i>
<i>(2)(G) Institutions, Superintendent's, Start-Up</i>	<i>\$24,650</i>	<i>0</i>

<b>Conservation Camp Program Savings FY 2012-13</b>		
<i>(2)(I) Institutions, Case Management, Personal Services,</i>	\$48,821	0.9
<i>(2)(I) Institutions, Case Management, Operating</i>	\$500	0
<i>(2)(K) Institutions, Inmate Pay</i>	\$9,360	0
<i>(3)(D) Support Services, Communications, Operating</i>	\$7,650	0
<i>(3)(F) Support Services, Training, Operating</i>	\$425	0
<i>(3)(G) Support Services, Information Systems, Operating</i>	\$3,400	0
<i>(4)(A) Inmate Programs, Labor, Personal Services</i>	\$88,559	1.8
<i>(4)(A) Inmate Programs, Labor, Operating</i>	\$1,000	0
<i>(4)(A) Inmate Programs, Labor, Start-up</i>	\$430	0

*The Buena Vista Correctional Facility (BVCF) is located near U.S. Forest Service land and land managed by the Bureau of Land Management (BLM). The State Wildland Inmate Fire Team (SWIFT) crews and Trail crews that work full-time doing trail construction and fuel reduction projects would be located in a geographically appropriate and operationally effective site at BVCF. The conservation camp may be used to further the missions of these programs and potentially to engage in business opportunities such as mitigation of beetle kill forests and the creation of products using wood from beetle kill forests. CCI has a contract with BLM and the Forest Service to provide firefighters when requested. While firefighting is the primary mission of the SWIFT program, project work done locally is what makes the program financially and operationally viable. Without enough forest improvement projects to keep crew members engaged year round, the program will not generate enough revenue to keep them operational and idleness will negatively impact crew cohesion. All DOC facilities were discussed in making the decision to place this program at BVCC. Since the Fire Fighting program is only located in Canon City, BVCF and Rifle Correctional Center (RCC), the Department determined that the facility with a suitable existing and unoccupied building was the most appropriate. The Boot Camp building at BVCF was not “stripped”, but rather winterized, and can be brought back to operation with minimal maintenance.*

*The revenue generated by Colorado Correctional Industries (CCI) stays within CCI to cover costs of FTE associated with programs, raw materials, and assist in building maintenance, capital equipment replacement, and expansion of programs. The proceeds from CI are contributed to cash funds pursuant to C.R.S. 17-24-102. As an attachment to this document please see page A-31 to A34 of the FY 2012-13 JBC Staff Budget Briefing, Department of Corrections (excerpts below).*

*CCI has an advisory board, made up of legislators, union members, and affected business owners. A review of each new program business plan is approved by the advisory board before going forward. Should an issue arise based on Business input, CCI reviews the program and searches for means to either include that business as a Joint Venture Partner, or the business is re-evaluated to determine if continuation is warranted.*

*Pursuant to Section 17-24-104, C.R.S., this board is comprised of the following:*

- *The State Treasurer for the duration of his term of office*
- *Four members of the general assembly, two of whom shall be appointed by the speaker of the House of Representatives and two of whom shall be appointed by the president of the Senate. Of the legislative members appointed, one shall be a member of the minority party of the House of Representatives and one shall be a member of the minority party of the Senate. The legislative members shall be appointed in January at the beginning of the regular session held in odd-numbered years and shall serve through the legislative biennium;*
- *The Director of the Office of State Planning and Budgeting;*
- *The Executive Director of the Department of Personnel;*
- *Two members from affected industries in the business community, who shall be appointed by the governor for terms of three years each;*
- *Two members from organized labor, who shall be appointed by the governor for terms of three years each;*
- *The Executive Director of the Department of Corrections; and*
- *A County Sheriff appointed by the Governor.*

*CCi makes a concerted effort to be a good neighbor not only with their joint venture partners, but with the businesses and suppliers that provide raw materials and supplies. CCi purchases most of their materials within the State, and much of their business supports local enterprises in the areas in which CCi factories and businesses are located.*

*CCi future plans call for an expansion into a Water Buffalo Dairy that replaces product that was previously imported from India, a vegetable processing operation that will create a new market for locally grown produce, a sewing operation, and television assembly program that will return manufacturing from out-of-country operations.*

*In adherence with Colorado Revised Statute, CCi is encouraged to work with and create business opportunities by way of distributorships, joint venture partners, and private business/enterprise.*

### ***Culinary Arts Program***

*There is a food prep Culinary Arts program under the Departments Division of Education located at the Sterling Correctional Facility. The Culinary Arts program is instrumental in preparing offenders for release with a marketable job skill. The Department's Administration Regulation (AR)1050-06, Live Work Projects for Career and Technical Education Programs, only allows for projects with the following: DOC Employees, Contract Workers, Volunteers, State Elected and Appointed Officials, non-profit organizations, and Government Agencies. The Culinary Arts program prepares cookies, pastries, cakes, and food to those outside entities that fall within the above definition and according to the Department's policy on "educational value meeting course objectives".*

*The CCi funding is reflected in the Long Bill, which is reflected in the JBC staff numbers pages (excerpts from pages A-31 through A34 included for informational purposes).*



	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
<b>SUBTOTAL - COMMUNITY SERVICES</b>	37,639,828	37,748,577	39,063,989	38,755,426	-0.8%
FTE	380.2	385.6	362.4	349.2	(13.2)
General Fund	37,447,543	37,687,490	37,422,416	37,113,853	-0.8%
Cash Funds	25,045	749	10,000	10,000	0.0%
Reappropriated Funds	24,907	40,161	1,592,475	1,592,475	0.0%
Federal Funds	142,333	20,177	39,098	39,098	0.0%
<b>(6) PAROLE BOARD</b>					
Primary Function: Conduct all parole hearings and parole revocation hearings statewide.					
Personal Services - GF	1,361,506	1,174,391	1,164,841	1,197,526	
FTE	16.4	16.8	12.5	12.5	
Operating Expenses - GF	227,838	101,545	99,545	104,890	
Contract Services - GF	152,000	70,071	272,437	288,437	
Start-up Costs - GF	0	0	0	0	
<b>SUBTOTAL - PAROLE BOARD - GF</b>	1,741,344	1,346,007	1,536,823	1,590,853	3.5%
FTE	16.4	16.8	12.5	12.5	0.0
<b>(7) CORRECTIONAL INDUSTRIES</b>					
Primary Function: Employ inmates in profit-oriented industries, usually within DOC facilities.					

COR-brf

A-31

21-Dec-11

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

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

**(8) CANTEEN OPERATION**

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

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

Approp v Request

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

R = Change Request (Decision Item or Base Reduction Item)  
NP = Non-Prioritized Decision Item

**21. When was the last time CCI was audited? What were the results of that audit?**

*Answer: A Performance Audit was conducted by the Office of the State Auditor on “Correctional Industries: Surplus Property and Furniture Production” during the period of August 2002 through April 2003. The following is the recommendation summary contained in the published report dated June 2003:*

- 1. Through regulation require all state agencies to create and maintain an electronic inventory of all state surplus property, and require surplus property to be made available to state agencies for a reasonable period of time prior to sale to the general public.*
- 2. Develop an interagency agreement covering the sale of state fleet vehicles and the purchase of federal fleet vehicles or seek a written waiver.*
- 3. Establish and document a cost basis for fees for the sale of vehicles on behalf of State Fleet Management. Ensure that sales of cars to State Fleet Management meet statutory requirements.*
- 4. Seek specific approval from the Correctional Industries Advisory Committee and statutory authority to operate a used-car business. Legislative consideration should include whether or not a used-car business operated by a governmental entity needs to be licensed or is exempt from licensing requirements.*
- 5. Work with state agencies to develop a statewide policy detailing acceptable methods for purging confidential information from surplus computer equipment.*
- 6. Establish a policy to send surplus computer equipment to Computer Services Manufacturing, Refurbishing, and Recycling facility. Sell refurbished computers through Computer services and Surplus Property.*
- 7. Assist state agencies in finding legitimate recyclers and establish guidelines for the proper disposal of computer equipment.*
- 8. Evaluate the cost-effectiveness of daily warehouse sales, and if determined viable, seek statutory authority for this option.*
- 9. Evaluate the costs and benefits of allowing state employees to purchase surplus property, and if deemed appropriate, seek statutory authority.*
- 10. Ensure adequate controls over the collection, sale, and disposal of surplus property.*
- 11. Seek statutory authority to assess fees against the seller or disposer of surplus property.*
- 12. Establish procedures to ensure that fees are based on documented, reasonable administrative costs.*
- 13. Track statewide office furniture and office system purchases, and analyze the resulting data to better meet the needs of the State and its agencies and to ensure compliance with statutory purchasing requirements.*
- 14. Develop a written delegation agreement and specific guidelines for the waiver process.*
- 15. Improve marketing practices and increase marketing to non-state agencies.*

*The Department of Corrections agreed with and implemented all 15 recommendations, dependent on appropriate measures: through legislation (Section 17-24-106.6 C.R.S.), administration regulation AR 450-03, an interagency agreement with State Fleet Management, website documentation for information purposes, or creating accounting*

*sub-object code for tracking purposes. The computer manufacturing facility is closed, but CCI continues to recycle computers through Surplus Property.*

*In the FY 2010 financial audit, CCI had one control deficiency finding related to security access for a software program. A control deficiency is the least serious level of internal control weakness. Actions have already been taken to correct this deficiency. CCI is included in the DOC's annual financial audit; for FY 2010-11, the fieldwork was completed in September 2011. This audit concluded no findings for both the DOC and CCI. However, State Agency audit reports are not usually released until Spring (2012), after the annual audit hearing process. The DOC Internal Audit Department recently conducted its annual Procurement Card compliance audit for CCI, with very minimal errors found.*

(Base Reduction Item, 1, Conservation Camp Program)

**22. Why doesn't the department do this in Ft. Lyon rather than in the boot-camp program? Please explain what process was used to suggest this as opposed to utilizing Ft. Lyon. Please explain how the cost structure for this BR is going to work, especially how the costs are offset by savings when a closed building has to be reopened.**

*Answer: Fort Lyon Correctional Facility: In February after the announcement to decommission the Fort Lyon Correctional Facility, Governor Hickenlooper's chief of staff with the Executive Management Team for the Department participated in a Town Hall Meeting with the citizens of Las Animas and Bent County. Governor Hickenlooper also traveled to the region to meet with community leaders and facility staff in the month following the announcement.*

*The Fort Lyon Repurposing Team, established through Governor Hickenlooper's office, in partnership with Bent County and Las Animas leaders, continues to work vigilantly to develop a viable repurposing opportunity for the Fort Lyon Complex. The Fort Lyon Repurposing Committee began meeting in early March. The team is working diligently to develop a vital sustainable future use for Fort Lyon.*

*The repurposing of the Fort Lyon property is a priority in the Governor's economic development plan for the State.*

*Buena Vista Complex: The Buena Vista Correctional Facility (BVCF) is located near U.S. Forest Service land and land managed by the Bureau of Land Management (BLM). The State Wildland Inmate Fire Team (SWIFT) crews and Trail crews that work full-time doing trail construction and fuel reduction projects would be located in a geographically appropriate and operationally effective site at BVCF. Colorado Correctional Industries has a contract with the BLM and U.S. Forest Service in this region. Additionally, the trail crews could be deployed in this area for mitigation of beetle kill forests and the creation of products using wood from beetle kill forests. While firefighting is the primary mission of the SWIFT program, project work done locally is what makes the program financially and operationally viable. Without enough forest improvement projects to keep crew members*

*engaged year round, the program will not generate enough revenue to keep them operational and idleness will negatively impact crew cohesion.*

*The Boot Camp building at BVCF was not “stripped”, but rather winterized, and can be brought back to operation with minimal maintenance. Although the request incorporates opening a closed building on the BVCF grounds, the Department projects a cost savings.*

*The reduction of General Funds is calculated upon the \$52.69 per offender per day rate for the 100 offenders to be housed at the conservation camp, for a total savings of \$1,923,185. Operating expense, start-up and 15.5 FTE will total \$1,393,211 for the first year, for a net savings of \$529,974. The Department has the opportunity to utilize the vacant state beds and potentially allow the Department to realize \$1,003,877 savings over two years from moving private prison offenders to state facilities. Part of this request includes General Fund dollars. During the day, the SWIFT teams will be supervised by Correctional Industries cash-funded personnel while the crews are working. In the evenings and off hours, trained correctional staff are needed to provide security and case management support.*

**23. Please explain why the JBC should not see this as scope creep.**

*Answer: As responsible administrators this decision reflects our efforts to be good stewards of state resources. The Boot Camp proposal is about efficiently and effectively utilizing the physical plant in such a way that it results in a savings to the State. To that end, DOC is requesting to use the vacant Boot Camp beds at Buena Vista Correctional Facility (BVCF) for this purpose. The request is for a decrease of \$529,974 General Funds and an increase of 15.5 FTE. As the Department noted earlier, the offenders assigned to this program during their work hours will be supervised by Correctional Industries employees who are paid through cash funds. Evenings and off-hours, the requested 15.5 FTE are needed to provide trained correctional supervision and case management when the offenders are at the facility. Overall, the request saves general funds and effectively uses state assets.*

*The DOC has a history of identifying opportunities to use existing facilities to meet the strategic needs of the Department in a cost effective manner.*

*The Department has the opportunity to utilize the vacant state beds at the former Boot Camp and potentially allow the State to realize \$1,003,877 savings over two years from moving private prison offenders to state facilities.*

**17-24-106. General powers of the division.**

*(1) In addition to any other powers granted to the division by this article, the division shall have the following powers:*

***(a) To provide programs which are profit-oriented, which generate revenue for their operation and capital investment, and which partly reimburse the general fund for the use of inmate labor for the expense of adult correctional services;***

***(b) To develop, to the extent possible, programs that provide forty hours of work activity each***

*week for all able-bodied offenders;*

*(c) To develop programs that assume responsibility for training offenders in general work habits, general work skills, and specific training skills which increase the offenders' employment prospects when released;*

*(d) To acquire or purchase equipment, raw materials, supplies, office space, insurance, and services and to engage the supervisory personnel necessary to establish and maintain for the state programs at the state's correctional institutions pursuant to law;*

*(e) To utilize the labor services of prisoners in the manufacture or production of goods and services that are needed for the construction, operation, or maintenance of any office, department, institution, or agency supported in whole or in part by the state, any political subdivision of the state, or the federal government;*

### **3:40 – 3:50 NUMBERS PAGES OVERVIEW**

**24. What is the status of the closure of Ft. Lyon? What would it cost to delay the closure for six months? Please explain the 10 employee option that they are thinking about proposing as compared to what they are planning to do now? What is the status of repurposing the facility?**

*Answer: The Fort Lyon Repurposing Team, established through Governor Hickenlooper's office, in partnership with Bent County and Las Animas leaders, continues to work vigilantly to develop a viable and sustainable repurposing opportunity for the Fort Lyon Complex. The Fort Lyon Repurposing Committee began meeting in early March. Members of the repurposing team have met with numerous parties to explore interest in the property. Member of the Colorado Congressional have provided strong support for the repurposing efforts. The repurposing of the Fort Lyon property is a priority in the Governor's economic development plan for the State. The Department remains optimistic that a viable purpose will be identified.*

*During the 2011 legislative session, the General Assembly approved decommissioning of Fort Lyon Correctional Facility (FLCF) effective March 1, 2012. In addition to reducing the Department's budget, the Joint Budget Committee (JBC) also sponsored Senate Bill (SB) 11-214, which repealed the statutory provisions that authorized the Department to operate this facility as a prison effective March 1, 2012.*

*Pursuant to SB 11-214, the Fort Lyon Correctional Facility is required to close March 1, 2012. The Department is on track with the decommissioning efforts, and will complete offender moves and staff transfers by March 1, 2012.*

*FLCF is a 500-bed capacity facility, and prior to the decision to close, had 208.0 FTE assigned to it. As of October 31, 2011, the offender population at FLCF was reduced to 194, and the staffing level was reduced to 102.0 FTE. If the state were to operate FLCF for an additional six months (through August 31, 2012) at its current offender and current*

staffing level, the following actions would be required:

1. Legislation would be necessary to amend Section 17-1-104.3, C.R.S., authorize the Department to operate FLCF as a prison after March 1, 2012.
2. Additional General Funds would be required.

<b>Costs to keep FLCF Operational for 6 months 102.0 FTE and 194 Offenders</b>				
<b>General Fund</b>	<b>FY 2011-12</b>		<b>FY 2012-13</b>	
	<b>March -June 2012</b>	<b>FTE</b>	<b>July-August 2012</b>	<b>FTE</b>
	<b>3 months P/S, 4 months OP</b>		<b>3 months P/S*, 2 months OP</b>	
Personal Services	\$1,391,484	25.5	\$1,468,468	17.0
Operating Expenses	\$301,243		\$314,936	
<b>Subtotal</b>	<b>\$1,692,727</b>	<b>25.5</b>	<b>\$1,783,404</b>	<b>17.0</b>
Private Prison Savings (194 offenders x \$52.69 per day )	(\$1,243,660)		(\$621,830)	
<b>Total</b>	<b>\$449,067</b>	<b>25.5</b>	<b>\$1,161,574</b>	<b>17.0</b>

\*Includes the June 2012 paydate shift

**Please explain the 10 employee option that they are thinking about proposing as compared to what they are planning to do now? What is the status of repurposing the facility?**

*Answer: Pursuant to SB 11-214, the Fort Lyon Correctional Facility is required to close March 1, 2012. The Department is on track with the decommissioning efforts, and will complete offender moves and staff transfers by March 1, 2012. The DOC has submitted a supplemental request for 10 FTE to provide utilities & maintenance through December, 2012.*

*The DOC requests funds for utilities, grounds maintenance, and two critical 24/7 posts (10.2 FTE). Although there are promising leads and potentially interested parties in the facility, the Department does not anticipate that a new tenant will be able to occupy and maintain this facility on March 1<sup>st</sup>. Without utilities and light maintenance, the Department will be required to shut down facility systems (water, electricity, heat, ventilation, etc.). Without security services, the facility cannot be monitored and protected from vandalism and other events (e.g., fire) that could jeopardize the facility. These services are critical to the repurposing efforts. The Department submitted a supplemental request for FTE and funding through June 30, 2012, and a corresponding budget amendment for FTE and funding through December 31, 2012.*

<b>Costs to keep FLCF Maintained for Repurposing</b>				
<b>General Fund</b>	<b>FY 2011-12</b>	<b>FTE</b>	<b>FY 2012-13</b>	<b>FTE</b>
	<b>March -June 2012</b>		<b>July-December 2012</b>	
	<b>3 months P/S, 4 months OP</b>		<b>7 months P/S*, 6 months OP</b>	
Personal Services	\$80,682	1.3	\$384,248	6.0
Operating Expenses	\$329,888		\$549,841	
<b>Total</b>	<b>\$410,570</b>	<b>1.3</b>	<b>\$934,089</b>	<b>6.0</b>

\*Includes the June 2012 roll forward

**25. Should DOC have to take care of this facility? Why wouldn't it revert to the Department of Personnel and Administration for disposal? Isn't there a division in the Department of Personnel and Administration to decommission state properties?**

*Answer: The Department of Corrections acquired the Fort Lyon facility from the U.S. Veterans Administration (VA) in 2001. The Quit Claim deed included a provision that requires the facility to revert to federal ownership if it ceases to be operated as a correctional facility. To keep Fort Lyon Correctional Facility (FLCF) maintained and secure through December 2012, the Department, in conjunction with the Governor's office, is working with the VA to determine how best to accomplish this.*

*FLCF will not revert to the Department of Personnel and Administration (DPA) for disposal. However, the DPA does have a division, Office of State Architect, which is responsible for managing state properties.*

**3:50 – 4:00 Break**

**4:00 – 4:15 PERFORMANCE-BASED GOALS AND THE DEPARTMENT'S FY 2012-13 BUDGET REQUEST ISSUE**

**26. Please describe the process the Department used to develop its strategic plan.**

*Answer: The strategic plan provides a structured and coordinated approach to address long-term Departmental goals and objectives. The Department of Corrections (DOC) plan is outcome-based and serves as a roadmap for annual decision items and budget requests with performance-based measures to justify resource allocations consistent with the Colorado General Assembly passed House Bill (HB)10-1119 Concerning the Process by which the State Annually Allocates Moneys for its Budget, et seq., and the "Smart Act" signed into law by Governor Ritter.*

*In February 2011, the DOC Executive Staff established a steering committee to oversee the strategic planning process. Staff from across the Department provided initial input to the planning process through an online survey which helped to focus strategic planning priorities. In April 2011, DOC senior managers, a representative from the employee partnership group, and representatives from the Parole Board met to engage in a strategic*

*planning process at the Federal Bureau of Prisons training facility in Florence, CO.*

*From the April strategic planning session, the DOC Executive Staff identified 24 strategic recommendations to move forward for further development. Twelve teams were established to draft implementation plans. Representatives from each work group made presentations to Executive Staff clarifying the preliminary recommendations. The Executive Staff then distilled the recommendations into 12 individual strategic projects with implementation plans to be developed by September 1, 2011.*

*In September 2011, in collaboration with the Departments of Public Safety, Labor and Employment and Human Services, the DOC hosted a statewide Re-Entry Symposium aimed at improving successful outcomes for offenders returning to Colorado communities. The symposium was well attended by a wide range of stakeholders from the four hosting agencies, treatment providers, law enforcement, the Parole Board, community corrections board members and offender advocate groups. The participating Department Executive Directors, committed to advancing collaborative offender re-entry recommendations from the symposium, established an inter-departmental Re-Entry Steering Team to guide the inter-agency effort.*

*Closely linked with the Department's strategic plan are key performance indicators (KPIs) that are quantifiable processes and outcome measures related to our mission. KPIs assist the Department leadership to monitor progress and assure we achieve our mission of protecting the public through the provision of safe, secure and humane correctional institutions, providing evidence-based self-improvement program opportunities and effectively supervising offenders in community corrections and on parole. KPIs are linked to our strategic plan and strategic objectives.*

*The DOC FY 2011-12 strategic plan and related strategic objectives represent the valuable efforts of Department's internal and external stakeholders who are committed to the successful achievement of the Department's mission and vision. Together we are building a safer Colorado for today and tomorrow.*

### **KEY PROJECTS**

*The Department identified seven critical projects to pursue in conjunction with the strategic planning process. These seven projects are essential to the core operations of the Department and will directly improve the efficiency and effectiveness of the services we deliver.*

#### **1. Independent Review of Administrative Segregation**

*Administrative Segregation is the Department's highest custody classification level. It is used to manage offenders who, through their own behavior, have shown that they cannot be managed effectively in General Population, a less restrictive environment.*

*Concerns were raised by outside interest groups suggesting Colorado has too many offenders in administrative segregation. The Department commissioned an analysis of administrative segregation with the support of the National Institute of Corrections (NIC). Jim Austin, founder of the JFA Institute and a nationally recognized expert in Correctional Classification Systems, and Emmitt Sparkman, an expert in Administrative Segregation*

*practices from the Mississippi Department of Corrections, will perform the review. They will evaluate all relevant Department policies, procedures and practices.*

*Objective: The Department of Corrections will use this analysis to ensure that Administrative Segregation beds are used to house the most dangerous and disruptive inmates in Colorado's prison system. The end result of this work will ensure that the Department is:*

- *Appropriately placing inmates in Administrative Segregation.*
- *Consistent with the current correctional standards for use of Administrative Segregation.*
- *Appropriately transitioning Administrative Segregation inmates to the community and to lower custody levels.*
- *Using appropriate programs, philosophies and practices.*
- *Receives the NIC report on or about November 19, 2011.*
- *Reviews and assesses the recommendations on or about December 31, 2011.*
- *Implements approved recommendations; timeline based on complexity and resource requirements; anticipate approximately twelve months to complete.*
- *Conduct internal analysis of the Offenders with Mental Illness, and implement recommendations.*

*Target Date: December 31, 2012    Responsibility: Division of Prison Operations*

## **2. Revalidation of Inmate Classification System**

*The offender classification tool is an objective instrument used within Prison Operations to assess offender risk and identify appropriate prison custody level and facility placement. It is essential to maintain a valid and reliable offender classification tool so offenders are supervised in the appropriate custody level, and to ensure the safety of the public, our staff and the offender population.*

*The Colorado Department of Corrections previously validated the male inmate classification system in 1996. However, revalidation of the classification tool is appropriate, as our inmate profile has changed dramatically over the past 15 years. The female classification instrument was implemented in December 2006 based upon an in depth study conducted through NIC with the assistance of Dr. Patricia Van Voorhis of the University of Cincinnati. Validation of our female classification system is also appropriate to ensure our female classification instruments and policies are performing as designed.*

*Objective: In a cooperative agreement with the National Institute of Corrections, Dr. James Austin, founder of the JFA Institute, a nationally recognized expert in Correctional Classification Systems, will conduct a thorough analysis of the Department's entire inmate classification system.*

- *Receive NIC report on or about January, 2012.*
- *Review and assess recommendations on or about February, 2012.*
- *Implement approved recommendations; timeline based on complexity and resource requirements; anticipate approximately twelve months to complete.*

*Target Date: December 31, 2012    Responsibility: Division of Prison Operations*

### **3. Implementation of the Colorado Violation Decision Making Process for Parole, Community Corrections and Youthful Offender Systems Violations**

*The Colorado Violation Decision Making Process (CVDMP) is part of an overall strategy designed to reduce the risk of recidivism, enhance success on parole and use resources in the most effective manner. The CVDMP relies on principles of evidence-based risk assessment and effective interventions. This tool identifies the appropriate response to each violation based on the offender's risk level and the severity of the violation. Through the use of the CVDMP, the Division of Adult Parole and Community Corrections will improve consistency and standard responses for offender behavior. As a part of Colorado's coordinated public safety strategy, CVDMP will promote transparency by enabling Community Parole Officers, Parole Board members, offenders and the public to understand the rationale for violation responses. CVDMP represents mission-focused supervision—holding offenders accountable and engaging them in positive behavior changes.*

*Objective: Implement the Colorado Violation Decision Making Process to include violations for community corrections inmates.*

- *Train community parole officers on proper application of the CVDMP.*
- *Program CVDMP into Division information system (CWISE). Updates ongoing.*
- *Establish a data collection system to assess the viability of the CVDMP to reduce the risk of recidivism.*
- *Integrate CVDMP with community corrections programs.*
- *Report results of the CVDMP implementation to the Department Executive Staff no later than December 31, 2012.*

*Target Date: December 31, 2012    Responsibility: Division of APCCYOS*

### **4. Reduction of Red Tape and Overall Number of Regulations**

*The Department codifies its operating procedures in Administrative Regulations (ARs). The Department solicits comment from all staff regarding the content of these regulations and incorporates the comments into cohesive documented practices. The process of obtaining staff input on ARs can be improved to reduce duplication of effort and delays in promulgating needed regulation. These improvements will assist the Department to reduce the volume of ARs and improve access to needed information.*

*Objective: Streamline and centralize the Administrative Regulation review and creation processes while simultaneously reducing the total number of regulations.*

- *Reduced the total number of days in each review cycle and revised review cycle dates to reduce bottleneck effect and to ensure regulations are only handled one time during a calendar year (absent emergent need).*
- *Maintain a tracking system identifying relationships between ARs to determine when an update to one AR will impact another AR.*
- *Maintain a tracking system to provide reportable information on timeliness of review process.*
- *Centralize policy creation to provide oversight and eliminate redundant or unnecessary policy creation.*

- *Systematic review of all ARs for content. Those with similar content need to be combined into one AR or abolished as needed.*

*Target Date: December 31, 2012 Responsibility: Division of Finance & Administration*

*Objective: Effectively use technology to improve the AR process.*

- *Implement use of technology to facilitate the deputy review portion of the AR cycle.*
- *Implement use of technology to speed the signature process.*
- *Research available web based software products to provide a centralized location for providing comment on pending regulation.*

*Target Date: June 30, 2013 Responsibility: Division of Finance & Administration*

### ***5. Increase Inmate Participation in the Pre-Release Program Prior to Release from Prison***

*The Pre-Release Program structure was developed based on evidence based principals in re-entry programming that maintain program fidelity and avoid adverse outcomes. These principals include:*

- *A comprehensive ten module curriculum that covers the known predictors of recidivism*
- *A program dosage minimum of 100 contact hours*
- *A class size of 10-13*
- *Voluntary participation*
- *Staff skill set that includes cognitive behavioral interventions*

*The Pre-Release Program curriculum addresses criminogenic needs through the use of assessments, action plans and cognitive based interventions to identify not only the offender's needs and barriers, but also their strengths in a framework that allows for the offender to take ownership of their own goals and transition plan. These individualized Pre-Release Transitional Plans target the specific challenges and needs that each individual will face upon release while developing and expanding their networks of support. This program assists offenders to identify critical barriers to successful re-entry, and identifies internal strengths and external resources to assist in the transition process. The ten curriculum modules are:*

- 1. Identification*
- 2. Housing*
- 3. Employment*
- 4. Transportation*
- 5. Money management*
- 6. Education*
- 7. Health and Life Skills*
- 8. Family and Relationships*
- 9. Victim Awareness and Restorative Justice*
- 10. Living Under Supervision*

Objective: Increase by 10% the number of offenders receiving the Pre-release Program. Reviewing two years of data indicates that an average of 866 offenders successfully completed the full Pre-Release Program. To meet target population:

- Increase the number of computers/class by two (2) at the sixteen (16) facilities where the Pre-Release program is currently offered; anticipate an increase in program participation by 192 offenders annually.
- Currently, offenders participating in Pre-Release programs are subject to facility moves or re-assignments. These moves impact program completions and participation rates. A “Facility Hold” will be placed on these offenders, without compromising security, to enable completions.
- Implement the Pre-Release program in private facilities (4) and YOS. If one Pre-Release program is offered in three annual blocks, 300 additional offenders will have access to the program.

*Target Date: June 30, 2012 Responsibility: Division of APCCYOS*

#### **6. Reduce Energy Use and Water Consumption**

*This strategic project will reduce energy use and reduce the consumption of water as an integral part of the Department’s energy efficiency plan and alignment with Governor Hickenlooper’s initiative for efficiency in government. The focus of this effort will have ongoing impacts beyond FY 12.*

*It is vital for the department to implement an energy efficiency plan due to rising utility costs. This plan will aid in the effective stewardship of state resources. Currently, the DOC, state-wide, uses approximately 117,000,000 kilowatt hours (kWh) of electricity, 867,000 dekatherms (DkThrms) of natural gas, and 773,000 kilo-gallons (kGals) of water annually.*

Objective: Reduce energy use by replacing inefficient equipment and systems.

- Implementation of the Energy Performance Contract at Buena Vista Correctional Facility (BVCF).
- Implementation of the Energy Performance Contract at Colorado Territorial Correctional Facility (CTCF).

*Target Date: June 30, 2012 Responsibility: Division of Finance and Administration*

Objective: Reduce water consumption by 10% in five years, beginning with 2% in FY 12.

- Implementation of Energy Performance Contracts at CTCF.
- Repurpose FLCF.

*Target Date: June 30, 2012 Responsibility: Division of Finance & Administration*

Objective: Educate DOC personnel on best practices, energy efficiency and each individual’s personal investment through the implementation a one hour energy efficiency class offered at each facility or on-line.

- *Coordinate curriculum development with the training academy by January 2012.*
- *Facility Management Services (FMS) staff will train on-site personnel for class presentation/instruction beginning FY 13, and/or course made available on-line.*
- *FMS annual curriculum update/training.*

*Target Date: June 30, 2012 Responsibility: Division of Finance & Administration*

### **7. Obtain Medicaid Reimbursement for Catastrophic Medical Cases.**

*The DOC is responsible to provide healthcare to offenders including specialty care which cannot be provided within the prison facilities. In FY09/10, the budget for this care was approximately \$28 million. The budget is separated into two lines in the clinical services budget: inpatient/outpatient and catastrophic care. Catastrophic care is defined as care for an offender that exceeds \$50,000 over the course of the fiscal year. During the last fiscal year, the DOC spent approximately \$7.7 million for catastrophic hospitalization for 54 offenders. If these offenders had been in a community setting, most likely, they would have qualified for Medicaid. The impact to the state budget would have been reduced by 50% or \$3.8 million in federal dollars. The Colorado Department of Corrections will collaborate with the Department of Health Care Policy and Finance (HCPF) to develop a system that will identify offenders whose catastrophic hospitalizations meet eligibility requirements for Medicaid, reducing the cost of offender hospitalizations through Medicaid funds. As defined by Center for Medicaid/Medicare System (CMS) when offenders are hospitalized for more than 23 hours and Medicaid eligible, hospitalizations may be billed to Medicaid.*

*Objective:* *Obtain Medicaid reimbursement for hospitalizations on eligible catastrophic offender medical cases resulting in fiscal savings to the state.*

- *Establish an interagency team to formulate procedures for the state of Colorado. Include such considerations as: electronic system for transmission of information—Medical Assistance Site; claims processing; establish a process for rebilling and tracking of eligible offenders and charges; discussion of individual hospital systems and their current systems.*
- *Assess Medicaid eligibility criteria in relation to the DOC offender population with considerations such as: approval of eligibility for offenders with disability not receiving SSI; inclusion of offender population in the adults without dependent children; eligibility would be approved for one year at a time and suspended, not terminated, when incarcerated; designation of state staff as contact for DOC and CHP perhaps through Eligibility Vendor; approval of billing proposal resulting in interagency transfer of funds instead of providers billing Medicaid directly; and, obtain necessary approvals from federal level.*
- *Designate of team of DOC staff to participate in this initiative and to: identify potentially eligible offenders; develop a system to track future eligible offenders; and create a tracking system for payments for Medicaid eligible offenders.*

- *Identify healthcare providers who are currently Medicaid approved providers. Educate existing healthcare contract providers to ensure they understand any new processes that would impact their operations.*

*Target Date: July 1, 2012 Responsibility: Division of Prison Operations*

**27. (Parole/Transition category) DOC proposes targets based on community-corrections progression and regression rates for offenders but these are not DOC-run programs, so how can DOC be responsible for them? How can DOC affect the community-corrections regression and progression rates?**

*Answer: DOC's Community Corrections beds are funded through DCJ but the referral and supervision of offenders in these beds are the responsibility of DOC.*

*The Department's Community Parole Officers (CPOs), in coordination with 34 Community Corrections facilities, have the responsibility of direct supervision and risk management of DOC offender's while they are in Community Corrections programs. The officers are also responsible for release planning in preparing offenders to transition to Community Intensive Supervision (ISP), parole release, or discharge of sentence, and coordination with local law enforcement departments on matters of public safety.*

*CPOs administer the Level of Supervision Inventory Revised (LSI-R), an instrument that assesses the offender's risk level and assists the CPO in identifying the offender's top criminogenic needs. Officers prioritize supervision and treatment resources based on the LSI-R. CPOs target interventions based on the offender's criminogenic needs. CPOs are trained in Motivational Interviewing, the Colorado Violation Decision Making Process (CVDMP), and Thinking for a Change.*

*CVDMP, developed specifically for the Division of Adult Parole, Community Corrections and YOS, relies upon the principles of evidence-based risk assessment and effective interventions. The process identifies the appropriate response to each violation based upon the offender's risk level and the severity of the violation. By implementing the CVDMP or a similar decision making process for community correction offenders the department will achieve consistency and appropriation sanctions for technical violations for offenders in residential Community Corrections programs across the state.*

**28. (Parole/Transition category) What is the department doing to implement more evidence based programs to advance the goals of this area? Why isn't the Cheyenne Mountain Reentry Center being utilized more if the goal is to increase success in transition?**

*Answer: The Department's Strategic Plan reflects the commitment to improving successful offender outcomes. To that end, the Department's outcome-based strategic plan establishes quantifiable process measures and objective outcome measures related to DOC's mission and operations. DOC cannot determine which program, work opportunity, teacher, chaplain or correctional professional will open the mind and heart of an offender to influence a change in behavior and attitude. Each offender will respond to different*

*stimuli. Cheyenne Mountain Re-Entry Center (CMRC) is a mission driven facility to support DOC's goal to improve successful outcomes. To that end, the Division of Adult Parole, Community Corrections and YOS is exploring opportunities to maximize beds at CMRC.*

*CMRC Pilot Proposal - Community Corrections Technical Regressions:*

*The Department has analyzed the current programming at CMRC and has developed a pilot aimed at increasing the effectiveness and efficiency of the CMRC program. The intent of the program is to create an opportunity for those offenders who had a technical violation to return to Community Corrections (after 6 months of intensive programming at CMRC) instead of being returned to a prison facility where they would remain until granted parole or until they reach their Mandatory Release Date (MRD). Facility Case Managers are not required nor do they typically put offenders back in for Community placement after a regression. As a result of this process, the offenders will be given a 2nd opportunity which could lead to successful community placement, to parole, to discharge, and to living as a productive contributing law abiding member of society. The primary goal of the pilot proposal would be to hold the offender accountable for their violation while protecting the citizens of Colorado which the Department is anticipating will begin in February 2012.*

*The pilot proposal would be a collaboration between the Department and the following Community Corrections Boards; Larimer, Arapahoe, El Paso (ComCor), and Mesa.*

*The Division of Adult Parole is expanding evidence based and promising practices such as Thinking for a Change (T4C), Level of Supervision Inventory (LSI), pre-release modules, motivational interviewing, increased offender incentives, and evidence-based responses to technical violations.*

**29. Do the measures of inmate-on-inmate and inmate-on-employee violence include private prisons?**

*Answer: The Department of Corrections statistics on violence do include private prisons but do not include community corrections. The 3% target reduction in the Department's strategic plan refers to assaults in both state and private prisons.*

**4:15 – 4:25 SEX OFFENDER TREATMENT ISSUE**

**30. Are sex offenders moved among facilities more or less frequently than the rest of the population? Differentiate sex offenders who are undergoing treatment from those who are not if the answers are different. Are these moves from more secure to less secure, less to more, or lateral? If movement is different than the normal population, why? Why in general do inmates move between facilities?**

*Answer: Movement of offenders is necessary for the safe and secure management of the system. DOC moves offenders for a variety of reasons, including but not limited to protective custody issues, gang affiliation, ADA services, medical treatment needs, changes in security classification, program needs, progressive moves, etc. Once sex offenders start*

*treatment, they typically remain at the same facility until they complete that phase of treatment unless there are overriding needs such as medical treatment needs or security needs.*

*All offender movements in 2011 were analyzed to determine if sex offenders change facilities more frequently than the rest of the population. It was found that sex offenders comprised 21% of all offender movements, while sex offenders make up 25% of the offender population. Thus sex offenders are moved somewhat less frequently than other offenders.*

**31. Where does DOC get the people to staff the sex offender treatment program now?  
Does DOC have a problem getting qualified people?**

*Answer: There is a current shortage of behavioral health professionals in Colorado, particularly outside the metro Denver and metro Colorado Springs areas where most DOC prisons are located. In fact, a 2011 study<sup>8</sup> of Colorado behavioral healthcare services concluded that there are too few providers in Colorado and the need is growing. Further, many clinicians are not interested in working with offender populations, let alone sex offender populations. **As a result, DOC continues concerted efforts to recruit qualified staff.** The SOTMP has been intentionally located in areas with greater staff recruitment and retention capabilities. For example, SOTMP staff recruitment and retention at Sterling Correctional Facility was problematic. As a result, DOC relocated that portion of the SOTMP to Arkansas Valley Correctional Facility (AVCF). Since AVCF only houses a small component of the SOTMP, a sufficient number of staff can be recruited from the Pueblo area. The majority of the SOTMP is located in Canon City since staff can be recruited from Colorado Springs, Pueblo and Canon City. In addition, DOC recently obtained permission from DPA to recruit out of state.*

*Sex Offender Treatment positions are difficult to recruit based on the statutory obligations. Section 16-11.7-106 (1) C.R.S states the department of corrections “shall not employ or contract with and shall not allow a sex offender to employ or contract with any individual or entity to provide sex offender evaluation or treatment services pursuant to this article unless the sex offender evaluation or treatment services to be provided by such individual or entity conforms with the standards developed pursuant to Section 16-11.7-103 C.R.S.” The standards require full operating level sex offender treatment providers to meet the following qualifications:*

- *Licensed mental health professional*
- *Completed 1,000 hours of clinical experience specifically in the areas of sex offense specific evaluation and treatment, at least 500 of the hours shall have been direct fact-to-face clinical contact with adult sex offenders*
- *100 hours of professional training with a minimum of 65 hours in sex offense specific training, 15 hours in victim issues training, and 20 hours specific to adult sex offenders.*

---

<sup>8</sup> Advancing Colorado’s Mental Healthcare. (2011). The status of behavioral health care in Colorado: Advancing Colorado’s mental health care 2011 update. Denver, CO: Author

*Mental health professionals who have attained Sex Offender Management Board (SOMB) standards to be a Full Operating Treatment Provider are able to treat adult sex offenders without supervision and may supervise Associate Level Providers.*

*Mental health professionals who have not attained SOTMP Full Operating Provider status must apply for Associate Level Provider status and be supervised by a Full Operating Provider. Associate Level Providers must conduct a minimum of 100 hours of co-facilitated treatment in the same room as a Full Operating Provider. This is one of the reasons why DOC is requesting FTE resources in the first band of the decision item. Since DOC already has Full Operating Level Providers, new clinicians can be paired with Full Operating Providers to quickly expand treatment capacity.*

**32. Is sex offender treatment more analogous to a medical treatment?**

*Answer: The SOTMP is a cognitive behavioral mental health treatment program. The program is housed within DOC Clinical Services and all treatment is documented in the offender's confidential health record. The program must comply with Colorado Sex Offender Management Board (SOMB) Standards and Guideline for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders. In addition, the SOMB clinicians must comply with the Mental Health Practice Act, Section 12-43-101, C.R.S. through Section 12-43-805, C.R.S., and ethical standards for their profession.*

**33. How many offenders are eligible for sex offender treatment in DOC? How much would it cost to serve them all? What would be the funding impact if these inmates could be released from prison? How much money would that save?**

*Answer: The Department of Corrections as of June 30, 2011 has 5,476 of offenders who are in need of sex offender treatment. In 2003, the DOC Sex Offender Treatment Management Program (SOTMP) was evaluated by the Colorado Division of Criminal Justice Office or Research and Statistics with National Institute of Justice funding. The study found the program significantly improved parole outcomes and decreased recidivism throughout the length of the community release period studied -- up to eight years post release. The study found offenders who were not arrested for any crime following prison release had approximately 3.5 years of SOTMP. Based on this finding, it is beneficial to offer offenders the opportunity to participate in treatment when they are approximately 4 years to their Parole Eligibility Date (PED). Approximately 1,300 new court commitments are sentenced to DOC each year, and a substantial number of them will be within four years of their PED, and will become treatment ready.*

<b>Summary of DOC Sex Offenders</b>		
Total Offenders Required to Participate in Sex Offender Treatment as of June 30, 2011	5,476	
Sex Offenders Beyond 4 Years of PED	(1,517)	
Sex Offenders Lifetime and Traditional Within 4 Years of PED		3,959
Sex Offenders Within 4 Years of PED that Need Treatment Assessment Completed and/or Have Completed Program	(747)	
Remaining Sex Offenders Treatment-Ready and Refusing Treatment Within 4 Years of PED		<b>3,212</b>
Current Program Capacity Included		(675)
<b>Total Sex Offenders used for Funding Request ~ Treatment-Ready and Refusing Treatment</b>		<b>2,537</b>

*Lifetime supervision does not allow for mandatory release; however, they are less likely to parole without treatment. Some of the sex offenders currently refusing treatment will become treatment-ready after initially refusing treatment.*

*As with other programs and treatment, the offender must be willing to actively participate. The calculations are based first on the offenders who are willing to accept treatment and then all of the offenders who are either past or within four years of their first parole eligibility date. However, all sex offenders were not included in the calculations because of the DCJ research supporting treatment within four years of PED and their current sentence prevents them from meeting the parole board.*

*The following table defines the staffing needs to treat the population of sex offenders that are within four years of their PED. In an effort to define the FTE requirements, all offenders were included in the table. This includes 1,465 offenders who are currently refusing to participate in treatment.*

<b>FTE Required for Sex Offenders Within 4 Years of Their PED</b>			
	<b>Offenders</b>	<b>FTE Needed</b>	<b>Total Combined Costs*</b>
<i>Decision Item Request Band I and II</i>	564	37.9	\$2,496,259
<i>Band III Request</i>	296	15.0	\$1,030,362
<i>Year 3 &amp; 4 PED Treatment Ready Offenders</i>	212	11.0	\$763,134
<i>Total Treatment Ready Offenders and Costs within 4 Years of PED</i>	1,072	63.9	\$4,289,755
<i>Refusing Treatment with 4 Years PED</i>	1,465	75.6	\$5,183,003
<i>Total Costs for All Sex Offenders Within 4 Years of the PED</i>	2,537	139.5	\$9,472,758

\* Total Costs include personal services, benefits, operating, start-up costs, and polygraph testing

*It is difficult to predict the savings if sex offenders were released after receiving treatment. Each offender must write and get approval for their individual parole plans. Transition to community setting is not easy given the restrictions that many community have regarding sex offenders. It is unknown how many offenders would be approved for parole so the cost savings cannot be calculated.*

*The division of parole/community and YOS has resources available for sex offender treatment in the community. The following is a summary of the usage.*

*FY 9-10: 1,097 offenders received SO treatment (\$484,755 or \$441.89/offender)*

*FY 10-11: 1,150 offenders received SO treatment (\$591,664 or \$541.49/offender)*

*FY 11-12: (through October) 624 offenders received SO treatment (\$225,838 or \$361.92/offender)*

**34. Can the model used for treating sex offenders at the Grand Junction regional center for the developmentally disabled population be translated to DOC?**

*Answer: DOC is always interested in successful treatment models. The SOTMP administrators stay up-to-date on current research finding continually updating the DOC program based on new information. Currently, DOC SOTMP offers a program for developmentally disabled offenders. DOC SOTMP administrators will contact and discuss the Regional Center program with Grand Junction treatment staff.*

**35. If the strategic plan goal is to increase the number of offenders participating in sex offender treatment services by 5 percent per year, how long will it take to catch up with sex offender inmates who are beyond their parole eligibility dates? Is the**

**strategic plan goal of a 5 percent per year increase in sex offenders participating in sex offender treatment in sync with Decision Item 1?**

*Answer: The strategic plan addresses our goals and objectives for Fiscal Year 2011-12. The decision item is focused on expanding plans for Fiscal Year 2012-13 and beyond.*

*The 5% does not relate to the decision item request. The strategic goal of a 5% increase in sex offenders' participation applies to the current fiscal year. This objective involves on-going efforts to maximize existing resources. This will be accomplished by continuously monitoring program delivery for consistency; increase training for case managers and parole board members regarding offender successful progress in meeting Sex Offender Management Board (SOMB) treatment criteria; maximize treatment availability through continuous monitoring of assignment criteria, progress toward treatment goals and movement of offenders who have reached SOMB treatment eligibility yet are not on parole or in community corrections; continue evaluation of activities to assure program maintains evidence based practices/best practices; and refine the database to track treatment completions.*

**4:25 – 4:35 THE STRUCTURE OF SALARIES AT THE DEPARTMENT OF CORRECTIONS ISSUE**

**36. What are the effects of the department's salary structure on employee safety, morale, and turnover?**

*Answer: The Department is funded for positions at the minimum of the salary range for all classifications. Due to the budget challenges of the past several years, state employees have not received a cost of living increase but have been presented with increases in PERA and health/dental premiums. The Department is holding more positions vacant than previously to meet base budget reductions implemented through common policy initiatives. The Department is challenged by an overall 12% turnover rate and a 14% turnover rate among Correctional Officer I. Additionally, there is a significant number of veteran staff who are now retirement eligible.*

*An inadequate monetary incentive to continue state/DOC employment presents the strongest challenge to retention. A seasoned staff member (hired within the past 10 years) will have a salary equivalent to newly hired staff in the same job classification. This provides very little incentive for continued employment.*

*Correctional work by its nature is a stressful environment then it compounded the factors identified.*

*As a DOC employee leaves state service, the Department's Human Resources office requests each individual complete an Exit Survey. Not every employee chooses to complete the short survey or to answer all questions. Data reviewed from over the past eight (8) months, 498 staff, leaving DOC employment, completed the Exit Survey:*

- *214 staff or 43% identified salary and lack of monetary advancement as a factor or cause for separating from state service.*

- *Turnover data also indicates 298 staff that left state service had less than five years of service.*

*In the first state-wide Employee Engagement Survey conducted by the Department of Personnel and Administration:*

- *DOC employees indicated a 43% unfavorable response rate to question regarding satisfaction with opportunities for career growth, advancement,*
- *53% unfavorable response to act on innovative ideas which has an impact on the department's turnover and morale concerns.*

*In 2010, the Department published an online climate survey for all DOC employees to complete. The internal survey conducted in 2010 indicated several areas of concern which affect morale and turnover within the department:*

- *Climate/Work Conditions: staff identified low staffing levels, outdated equipment, declining physical plants, and loss of educational and training opportunities through tuition assistance as areas of concern.*
- *Performing Meaningful Work: staff identified the following as hindrances in the work environment -*
  - *in the lack of salary increases and benefits*
  - *no incentives for additional duty (forced doubles),*
  - *lack of options or flexibility with the 28 day schedule or shift scheduling.*
- *Stress/Work Pressure/Burnout: staff responses indicated being understaffed (too many double shifts), inability to fill vacancies.*

*The items measured from both survey instruments differ; however, the overall responses indicate employee dissatisfaction with career opportunities and salary benefits offered by state employment.*

*Mandatory overtime due to lack of staffing resources results in burn out and also adds to a feeling of loss of control of one's personal time and negatively impacts staff members' time with their family members. A younger workforce, with demands for a work-life balance, finds mandatory overtime and shift work burdensome and in direct conflict with their immediate and long-term plans. This generation of staff does not respond well to a lack of salary increase, a high demand to adjust personal time off and an increase in assigned duties without some form of recognition.*

**37. Please provide a chart on turnover rates over time. How does this affect training costs?**

*Answer: For your information, the Department has compiled a table of turnover rates, by classification, for the previous five fiscal years*

*Training costs are impacted by turnover. New employees fill vacant position and these new hires must be trained to maintain safe operations. Each month, the Corrections Training Academy conducts a Basic Training Academy for new employees, which is 20 days of instruction. On the turn-over table provided, the attrition rate for Correctional Officer I*

*(COI) for FY 11 was 14%; the loaded cost per COI student including the student's salary while in basic training is between \$6,000 to \$7,000. It is essential that the Department has an educated and trained workforce to supervise and manage the offender population. The health care industry remains competitive, even through a slow economy. The Department is challenged in clinical services to fill and retain critical positions when private industry can pay more and offer better benefit packages.*

<b>Class Title</b>	<b>FY 2007-2008</b>	<b>FY 2008-2009</b>	<b>FY 2009-2010</b>	<b>FY 2010-2011</b>	<b>Number of Separations FY 2010-11</b>
Parole Board Chairman	0 %	0 %	100 %	0 %	1
Parole Board Member	67 %	14 %	0 %	100 %	3
Dept Executive Director	0 %	0 %	0 %	100 %	1
Case Mgr I	4 %	4 %	8 %	3 %	5
Case Mgr II	13 %	7 %	30 %	0 %	0
Case Mgr III	23 %	15 %	8 %	7 %	1
CO I	14 %	12 %	12 %	14 %	335
CO II	7 %	5 %	6 %	7 %	52
CO III Spec	5 %	3 %	5 %	6 %	5
CO III Supv	5 %	5 %	6 %	5 %	11
CO IV	2 %	4 %	10 %	7 %	7
CO V	6 %	6 %	11 %	9 %	3
CSLTS I	5 %	4 %	0 %	27 %	7
CSLSTS II	7 %	0 %	3 %	9 %	3
CSLTS III	13 %	0 %	0 %	6 %	1
CSTS I	10 %	5 %	11 %	11 %	56
CSTS II	7 %	4 %	6 %	6 %	6
CSTS III	3 %	9 %	10 %	3 %	1
CSTS IV	100 %	0 %	0 %	100 %	1
Criminal Investigator I	0 %	0 %	0 %	0 %	1
Criminal Investigator II	0 %	4 %	8 %	6 %	2
Criminal Investigator III	0 %	0 %	0 %	0 %	0
Community Parole Officer	4 %	6 %	4 %	7 %	16
Community Parole Team Leader	0 %	0 %	0 %	8 %	2
Community Parole Supv	0 %	0 %	5 %	0 %	0
Community Parole Mgr	0 %	0 %	0 %	0 %	0
Accountant I	0 %	0 %	0 %	0 %	0
Accountant II	0 %	0 %	0 %	100 %	1
Accounting Technician II	25 %	50 %	13 %	40 %	2
Accounting Technician III	10 %	11 %	4 %	7 %	2
Accounting Technician IV	0 %	0 %	0 %	0 %	0
Controller III	0 %	0 %	0 %	0 %	0
Auditor II	100 %	0 %	0 %	0 %	0
Auditor III	0 %	0 %	0 %	0 %	0

Budget & Policy Anlst III	25 %	0 %	0 %	20 %	1
Budget & Policy Anlst IV	0 %	0 %	0 %	0 %	0
Social Work/Counselor III	36 %	5 %	7 %	20 %	8
Social Work/Counselor IV	13 %	14 %	7 %	20 %	4
Psychologist Candidate	20 %	100 %	0 %	0 %	0
Psychologist I	25 %	0 %	18 %	38 %	3
Client Care Aide II	0 %	0 %	13 %	67 %	4
Dental Care II	9 %	0 %	0 %	0 %	0
Dental Care IV	0 %	0 %	0 %	0 %	0
Health Care Tech I	23 %	23 %	12 %	10 %	4
Nurse I	29 %	16 %	21 %	13 %	18
Nurse II	0 %	7 %	0 %	8 %	1
Nurse III	0 %	17 %	8 %	4 %	1
Mid-Level Provider	18 %	19 %	21 %	32 %	9
Mental Health Clin III	0 %	100 %	0 %	0 %	0
Clinical Team Leader	0 %	0 %	0 %	0 %	0
Health Professional I	0 %	0 %	25 %	0 %	0
Health Professional II	5 %	2 %	7 %	11 %	8
Health Professional III	N/A	0 %	0 %	0 %	1
Health Professional IV	0 %	0 %	0 %	17 %	1
Health Professional VI	0 %	19 %	0 %	0 %	0
Health Professional VII	100 %	100 %	0 %	0 %	0
HCS Trainee I	0 %	0 %	50 %	167 %	5
HCS Trainee II	N/A	0 %	67 %	67 %	2
HCS Trainee III	N/A	11 %	0 %	36 %	4
Diag Procd Technol II	0 %	0 %	0 %	0 %	0
Diag Procd Technol III	0 %	0 %	0 %	0 %	0
Pharmacy II	0 %	50 %	0 %	0 %	0
Pharmacy III	N/A	0 %	0 %	0 %	0
Pharmacy Technician II	0 %	17 %	0 %	25 %	1
Pipe/Mech Trades II	33 %	0 %	0 %	0 %	0
Structural Trades II	0 %	0 %	N/A	N/A	0
Utility Plant Operator I	N/A	N/A	N/A	N/A	0
Utility Plant Operator II	0 %	0 %	0 %	0 %	0
Equipment Operator IV	17 %	17 %	0 %	0 %	0

LTC Trainee VII	0 %	0 %	100 %	0 %	0
Materials Handler II	0 %	17 %	0 %	0 %	0
Materials Handler III	33 %	0 %	0 %	17 %	1
Correctional Ind Supv I	0 %	N/A	N/A	N/A	0
Correctional Ind Supv II	0 %	6 %	0 %	0 %	0
Correctional Ind Supv III	0 %	0 %	8 %	8 %	0
Dentist I	13 %	14 %	7 %	8 %	1
Dentist II	0 %	0 %	0 %	0 %	0
Dentist III	0 %	0 %	0 %	0 %	1
Physician II	33 %	33 %	10 %	30 %	3
Data Specialist	8 %	19 %	0 %	27 %	5
Admin Assistant I	0 %	N/A	N/A	N/A	0
Admin Assistant II	15 %	7 %	6 %	14 %	7
Admin Assistant III	7 %	4 %	5 %	11 %	21
Office Manager I	0 %	0 %	14 %	15 %	2
Library Technician I	0 %	N/A	N/A	N/A	0
Library Technician II	0 %	27 %	3 %	4 %	1
Library Technician III	0 %	0 %	25 %	25 %	1
Medical Record Tech I	20 %	6 %	21 %	7 %	1
Medical Record Tech II	0 %	0 %	0 %	0 %	0
Medical Record Tech III	50 %	100 %	0 %	0 %	0
Media Specialist IV	0 %	0 %	0 %	0 %	0
Technician II	0 %	0 %	7 %	43 %	3
Technician II – CFA	N/A	N/A	N/A	0 %	0
Technician II – CFC	N/A	N/A	N/A	50 %	2
Technician III	0 %	0 %	8 %	0 %	0
Technician III – CFC	N/A	N/A	N/A	0 %	0
Technician IV	0 %	0 %	29 %	0 %	0
Technician IV – CFA	N/A	N/A	N/A	0 %	0
Technician V	0 %	0 %	50 %	0 %	0
Technician V – CFC	N/A	N/A	N/A	0 %	0
Program Assistant I	10 %	4 %	10 %	0 %	0
Program Assistant II	0 %	0 %	33 %	0 %	0
State Serv Prof Train I	N/A	4 %	0 %	N/A	0
State Serv Prof Train II	23 %	17 %	33 %	N/A	0

Legal Assistant I	14 %	8 %	7 %	10 %	1
Legal Assistant II	0 %	0 %	25 %	0 %	0
General Professional I	0 %	0 %	0 %	50 %	1
General Professional II	18 %	20 %	0 %	17 %	1
General Professional III	8 %	9 %	7 %	10 %	10
General Professional III - CFA	N/A	N/A	N/A	0 %	0
General Professional III - CFC	N/A	N/A	N/A	20 %	1
General Professional IV	4 %	12 %	7 %	8 %	2
General Professional IV - CFC	N/A	N/A	N/A	0 %	0
General Professional V	9 %	0 %	6 %	10 %	3
General Professional V – CFC	N/A	N/A	N/A	0 %	0
General Professional VI	13 %	0 %	0 %	15 %	2
General Professional VI - CFA	N/A	N/A	N/A	0 %	0
General Professional VI - CFC	N/A	N/A	N/A	0 %	0
General Professional VII	7 %	13 %	14 %	6 %	1
General Professional VII - CFA	N/A	N/A	N/A	0 %	0
General Professional VII - CFC	N/A	N/A	N/A	0 %	0
Management	13 %	25 %	20 %	10 %	3
Corrl Account Sales Rep	0 %	50 %	0 %	0 %	0
Records Administrator I	0 %	0 %	0 %	0 %	0
Youth Serv Counselor I	0 %	0 %	0 %	0 %	0
Electronics Spec II	0 %	17 %	0 %	0 %	0
Electronics Spec III	0 %	25 %	29 %	29 %	0
Teacher I	8 %	13 %	5 %	10 %	17
Teacher II	0 %	0 %	0 %	9 %	1
Teacher IV	N/A	0 %	0 %	N/A	0
Teacher Aide	N/A	0 %	100 %	0 %	0
Department Wide – Annual Turnover	11 %	9 %	10 %	12 %	692

**38. How does this compare with private prisons? Do private prisons have a similar rank structure? Is there a morale problem in private prisons as well?**

*Answer: DOC's private prison partners historically have struggled with higher turnover rates and challenges in filling positions largely due to rural locations of facilities. Each facility is unique as are state operated facilities and our private prison partners work to meet the challenges of attracting a qualified workforce. Yes, the private prison providers have a comparable rank structure to the DOC. Corrections work instills teamwork and a shared mission, and Private Prison Monitoring Unit staff observe that among the workforce for the private prison providers.*

**4:35 – 4:45 REIMBURSEMENT OF DISTRICT ATTORNEY PROSECUTION COSTS**

**39. What is the status of FY 2011-12 reimbursements to DA's? From where will it be paid if there is no supplemental? Should the JBC anticipate another supplemental request on this issue?**

*Answer: As of 12/23/2011 DOC has posted \$82,858.98 for Payments to District Attorney (DA).*

*At this time, the department does not anticipate having sufficient funding in the existing budget to compensate DA's beyond what is contained in the FY 2011-12 Long Bill.*

*The Department requested an Emergency Supplemental General Fund increase in September of 2011, which was denied. The Department has submitted a Supplemental General Fund request on January 3, 2012, for \$441,424 GF to cover the anticipated DA expenses for FY 2011-12 primarily for the first degree murder case appeal costs and the death penalty murder case expenses involving the death of a DOC employee. It is unknown if DOC will have any additional funds available if the request is not funded.*

**40. Does DOC expect the 13<sup>th</sup> judicial district DA to seek the death penalty for any of the murder cases in Sterling Correctional Facility?**

*Answer: At this time, the decision to seek the death penalty is at the discretion of the DA in the 13<sup>th</sup> Judicial District. They have not advised the Department of their intent; however, the DOC is cooperating fully with the DA's office to provide them with the information to assist in the prosecution of these cases.*

**41. In general, what is the value to DOC of prosecuting these inmate crimes. What is the deterrent effect of prosecuting an offender who already has a long sentence?**

*Answer: The DOC has an obligation to maintain safety in its system with respect to staff and inmates. Prosecuting criminal actions within a correctional institution does serve as a deterrent to crime in the institution, and is a crucial element of achieving this goal.*

*When an individual is sentenced to an Colorado prison, they do not lose all the rights afforded citizens in this country. The courts have intervened on many occasions to delineate specifically which rights are intact. On the other side of the continuum are the responsibilities that the individuals do not forfeit. One of these responsibilities is to conduct themselves in prison within the rules of the system as well as the laws of the country/state. If an offender is allowed to commit a crime against a staff member, volunteer, and other offenders with no consequences, the fear is that this type of behavior will escalate. There is some evidence of this fear when looking at the effect of the change in the law that allowed assault to apply for instances of offenders throwing body fluids on staff. Prior to this change in practice, staff had to wear rain coats in the Administrative Segregation Units at Centennial Correctional Facility (CCF). The effect of this change in law curtailed this behavior dramatically. Assaults with body fluids do continue to occur, however the frequency is substantially lower.*

*The length of the sentence that an offender is serving should not be used to determine the need to file charges. All offenders are serving a sentence that can be overturned by some level of judicial oversight. If an offender with a long sentence is continuing to commit crimes, but is not prosecuted, and then is released from that sentence, they could be a serious risk to the community. Another concern centers on risk analysis. If an offender is willing to commit a crime in an environment where the likelihood of getting caught is very high, i.e. prison, then what are they likely to do on the streets?*

*The mission statement for the Department of Corrections includes "...holding offenders accountable..." This speaks very clearly to the need to hold offenders accountable to their actions both in society and within prisons. The consistent enforcement of the law is critical to role modeling expected behavior. It is also critical to the mission of public safety. When an offender is released to the community, an accurate representation of their past behavior is key to the prevention of future criminal behavior.*

*If the offenders that committed murder were not prosecuted, the value of the life that they took could be judged as not the same as someone that could be killed on the streets. The value of prosecuting inmate crimes in general is a value to the public, the staff, other offenders and ultimately to the offender.*

*The following is a list of typical types of crimes that are referred to DA's for prosecution. This list is not comprehensive and in no particular order. Crimes: Assault, sexual crimes, forgery and fraud, theft, drugs, contraband, and homicide.*

**4:45 – 5:00 PAROLE BOARD QUESTIONS- PRESENTED BY THE CHAIRMAN OF THE PAROLE BOARD, DR. ANTHONY P. YOUNG**

**INTRODUCTORY COMMENTS**

**PAROLE BOARD QUESTIONS**

- 1. Please update the committee on the status of changes in parole policy presumptions that were contained in H.B. 11-1064 (Parole Presumption for Certain Drug Offenders) and on the changes in S.B. 11-241 (Parole Board Changes). How are these bills working? Are they meeting the estimates that were laid out in the Fiscal Notes?**

*Answer: HB 11-1064 created a pilot program establishing a presumption in favor of granting parole for an offender who is parole-eligible and serving a sentence for a drug use or drug possession crime that was committed prior to August 11, 2010. If the offender meets all eligibility criteria related to previous criminal and institutional behavior, he or she must have a parole hearing within 90 days.*

*SB 11-241 created a presumption, subject to the final discretion of the Parole Board, in favor of granting parole to an offender who has reached his or her parole eligibility date, is medium-risk or below, and has an active Immigration and Customs Enforcement (ICE) detainer. An eligible offender may only be released to the custody of the U.S. Immigration and Customs Enforcement Agency or other authorized law enforcement agency. If the detainer is withdrawn or custody is declined, the Parole Board shall hold a rescission hearing to reconsider granting parole to the offender.*

**Table. Presumptive Parole Outcomes**

	<b>HB 11-1064</b>	<b>SB 11-241</b>
	<b>(Drug Offenses)</b>	<b>(ICE Detainers)</b>
<i>Reviewed by Parole Board</i>	143	190
<i>Granted</i>	91	161
<i>Ordered*</i>	16	11
<i>Deferred</i>	24	18
<i>Pending</i>	12	0
<i>Releases as of 11/30/2011</i>	67	120

*\*Ordered indicates that the Parole Board has ordered the offender be released on his/her mandatory release date.*

**HB 11-1064:**

*Drug Offenses* *From July through November, the Parole Board reviewed 143 cases for release consideration who meet the eligibility requirements under HB11-1064 (see table). Of the decided cases, the Parole Board granted discretionary parole to 76%. The fiscal note projected that nine offenders would receive the presumption of parole each year, with a reduction of 123 bed days each in fiscal year 2012 and 245 bed days each in fiscal year 2013. The large gap between the fiscal note projection (9) and the cases granted parole (91) cannot entirely be attributed to the legislative change. In the fiscal note, it was anticipated that 58% of eligible drug offenders would have received a discretionary parole release without this statute change. However, the current discretionary release rate of 76% is substantially higher than the anticipated rate. This difference is the result of the statute change as well as Parole Board practices.*

*An issue that has arisen under HB 11-1064 is that an aspect of parole eligibility (prior felony convictions including crimes against children, homicide, kidnapping, robbery, sexual assault, domestic violence, weapons possession, and others) is not automated and must be determined by a manual review of offenders' criminal history. As a result, the Parole Board must sift through a longer list of offenders than are truly eligible, creating a drain on resources.*

**SB 11-241:**

ICE Detainees *The Parole Board has reviewed 190 eligible ICE detainees for presumption of parole from July through November. As shown in the table, the Parole Board granted discretionary parole to 84% of decided cases. Although the fiscal note for SB11-241 did not project bed savings, DOC anticipated that 53% of eligible ICE detainees would have received discretionary parole without the statute change. Operating under this assumption, 101 ICE detainees (190 x 53%) would have been granted parole without the bill. The actual number released thus far (120, with the rest pending) is higher than this assumption, suggesting that the statute is resulting in some prison bed savings.*

*Of the 120 detainees released, 84 have been deported and 27 are currently being held in an ICE facility, leaving 9 offenders who have not been deported. These undeported offenders may represent a financial burden and risk of reoffending to Colorado communities due to their undocumented status that result in unemployment, lack of housing, and inability to access publicly funded medical and behavioral health care services, thus creating an unintended consequence of SB 11-241.*

Parole Board Changes

*An aggressive, innovative training program was initiated July 1, 2011, in accordance with SB11-241 to assure that Parole Board members, Administrative Hearing Officers, and Release Hearing Officers exceed the hours of mandatory training or continuing education in order to maintain proficiency and to remain current on changes in Parole laws and developments in the field. To date, Parole Board members have received 39 hours of training to enhance proficiency. It is anticipated that most training expenses will be incurred between January and June of FY 2012-13.*

*The process of updating the Parole Board Operations Manual has been initiated. Projected completion date is November 1, 2012.*

- 2. What is the status of parole eligibility of offenders who are terminally ill? Is the parole board looking at any of these offenders for parole? Has the number changed since the implementation of the bill? If so, by how much? If not, why not?**

*Answer: Special Needs Parole Senate Bill 11-241 made changes to the operation of the Parole Board regarding "special needs" offenders. A special needs offender is defined as an offender who is:*

- 60 years of age or older and has been diagnosed by a licensed health care provider, who is employed by or under contract with the Department, as suffering from a chronic infirmity, illness, condition, disease, or mental illness and the Department or the Parole Board determines that the person is incapacitated to the extent that he or she is not likely to pose a risk to public safety; OR
- who, as determined by a licensed health care provider, is employed by or under contract with the Department, suffers from a chronic, permanent, terminal, or irreversible physical or mental illness, condition, disease, or mental illness that requires costly care or treatment, and who is determined by the Department or the Parole Board to be incapacitated to the extent that he or she is not likely to pose a risk to public safety.

*An offender is ineligible if he or she was convicted of a class 1 felony, unless the offense was committed before July 1, 1990, and the offender has served at least 20 years in a DOC facility for the offense, or was convicted of a class 2 felony crime of violence, as described in section 18-1.3-406 C.R.S., and the offender has served fewer than 10 years in a Department of Corrections facility for the offense.*

*In regards to CRS 17-22.5-403.5, Special Needs Parole, the operations of the DOC and the State Board of Parole are in compliance with this statute in practice. The DOC is in the process of implementing an administrative regulation that details the procedures currently being used by the DOC to be in compliance with this statute. The administrative regulation will be signed and in effect in January 2012.*

*In fiscal year 2011, DOC identified nine offenders who met the special needs offender criteria and referred these cases to the Parole Board for release consideration. Of these, one died prior to a release hearing, one never received a special needs parole hearing (this offender had previously been deferred until 2017), one was tabled but released to probation through a court action, one received a deferral decision, and one was granted release. The remaining four offenders referred in fiscal year 2011 were not given a release hearing until fiscal year 2012; three of these were granted parole and one was tabled.*

*In fiscal year 2012 to date, DOC has referred six offenders to the Parole Board who met the special needs parole eligibility criteria. Of these, three were granted parole and have already released. One offender died 4 days after being referred to the Board, one was deferred, and one has been tabled but will be approved pending completion of a parole plan.*

*It is difficult to evaluate the impact of this legislation because it has not even been in effect for a full year. However, it appears that there may be an increase in the number of eligible offenders referred, cases reviewed and acted on by the Parole Board, and special needs offenders released. These early statistics indicate an increased number of releases under the revised special needs statute.*

**Table. Special Needs Parole Referrals and Decisions**

	FY 2011	FYTD 2012
Referred to Parole Board	9*	6
Deceased Before Parole Board Review	1	1
Reviewed by Parole Board		
Deferred	1	1
Granted	1	6
Tabled	1**	2
Subtotal	3	9
Released by the Parole Board as of 12/30/11	1	6

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED  
(QUESTIONS COMMON TO ALL DEPARTMENTS)**

- 1. What is the Department’s entire Information Technology (IT) budget for FY 2011-12 and FY 2012-13? Does the Office of Information Technology (OIT) manage the Department’s entire IT budget? If not, what IT activities is the Department managing separate from OIT and what percentage is that of the entire IT budget for the Department for FY 2011-12 and FY 2012-13? Of the IT activities the Department still manages outside of OIT, what could be moved to OIT?**

*Answer: Nearly all IT-related personnel appropriations have been consolidated into the Governor's Office of Information Technology. IT-related professional services and operating expense budgets continue to reside in departments' individual appropriations, and have not been consolidated into OIT. At this time, it is expected that budgets for IT professional services and operating expenses will remain in the departments' individual appropriations. However, during this fiscal year, all IT procurements will be centralized through the Office of Information Technology (the OIT Storefront). For FY 2012-13, the Executive Branch believes this represents the most efficient division of IT-related appropriations to ensure that departments maintain appropriate discretion in making technology and program decisions. The Executive Branch will consider further consolidation of IT appropriations in future fiscal years.*

- 2. What hardware/software systems, if any, is the Department purchasing independently of the Office of Information Technology (OIT)? If the Department is making such purchases, explain why these purchases are being made outside of OIT?**

*Answer: Pursuant to 24-37.5-105 C.R.S as well as DOC policy and procedure, the department requires all purchases of hardware and software systems go through Governor's Office of Information Technology.*

- 3. Please list and briefly describe any programs that the Department administers or services that the Department provides that directly benefit public schools (e.g., school based health clinics, educator preparation programs, interest-free cash flow loan program, etc.).**

*Answer: The DOC does not have any programs or services that directly benefit any public schools.*