

COLORADO DEPARTMENT OF CORRECTIONS



**Budget Hearing
January 6, 2011**

**ARISTEDES W. ZAVARAS
EXECUTIVE DIRECTOR**

DEPARTMENT OF CORRECTIONS

**DEPARTMENT OF CORRECTIONS
FY 2011-12 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Thursday, January 6, 2011
2:30 pm – 5:00 pm**

2:30-2:45 INTRODUCTIONS AND OPENING COMMENTS

2:45-3:00 COMMON HEARING QUESTIONS

- 1. Please identify your department's three most effective programs and your department's three least effective programs, and explain why you identified them as such. How do your most effective programs further the department's goals? What recommendations would you would make to increase the effectiveness of the three least effective programs?**

Answer:

Three most effective programs:

Most Effective Program 1: Therapeutic Communities - *The Department has experience and support studies show that intensive substance abuse treatment for offenders with the most severe needs is effective. Therapeutic Communities (TCs) provide that intensive treatment. The Department's most effective programs are the Therapeutic Communities for substance abuse treatment.*

Therapeutic communities play a key role in the treatment of substance abuse in correctional facilities. Viewing substance abuse as a disorder of the whole person, the TC model is based on the notion of "community as method." Separated from general population offenders and/or other antisocial influences, offenders are immersed in a highly structured residential program that incorporates the principles of social learning, group and individual counseling, monthly urinalysis (UA) testing, leadership training, work activities and job skills development, 12-Step programming, and community-based aftercare services. The TC is particularly well-suited to offenders with long histories of substance abuse whose recovery depends on a complete change in their thinking, lifestyle, and identity. Within the Colorado Department of Corrections (DOC), TC living units are located at Arrowhead Correctional Center (ACC), Buena Vista Minimum Center (BVMC), Denver Women's Correctional Facility (DWCF), La Vista Correctional Facility (LVCF), San Carlos Correctional Facility (SCCF), and Sterling Correctional Facility (SCF) and serve more than 500 offenders.

National studies provide strong evidence in support of the TC model as an effective approach to substance abuse treatment in correctional settings, particularly when coupled with aftercare in the community (see Figure 1). Outcome evaluations involving TCs at ACC, DWCF, and SCCF have been conducted by the National Development and Research Institute (NDRI), the University of Colorado, and the Department.

- **SCCF:** A 6-year NDRI study funded by the National Institute of Drug Abuse (NIDA) found that offenders randomized into the SCCF TC for dually diagnosed offenders had significantly lower rates of reincarceration and substance use compared to offenders receiving standard mental health services (see Figure 2).
- **ACC:** An outcome study completed by DOC and the University of Colorado in 2004 evaluated the effectiveness of the ACC TC in combination with the Peer I community TC. This study found that offenders who completed both programs significantly reduced 1-year recidivism by 78% and 2-year recidivism by 42% over an untreated comparison group (see Figure 3).
- **DWCF:** A 5-year NIDA-sponsored study of women with substance abuse concluded that in-prison TC treatment produced significant positive changes based on 12-month post-prison data, including reduced substance use and criminality (see Figure 4).

In addition, economic analyses of TCs suggest that the model is cost-effective, generating lower administrative costs for disciplinary actions, offender grievances, and major disruptive incidents. A cost-benefit analysis of Colorado TCs shows a \$6 cost-avoidance for every \$1 spent on treatment (see Figure 5, SCCF NDRI study).

Figure 1: National TC Studies

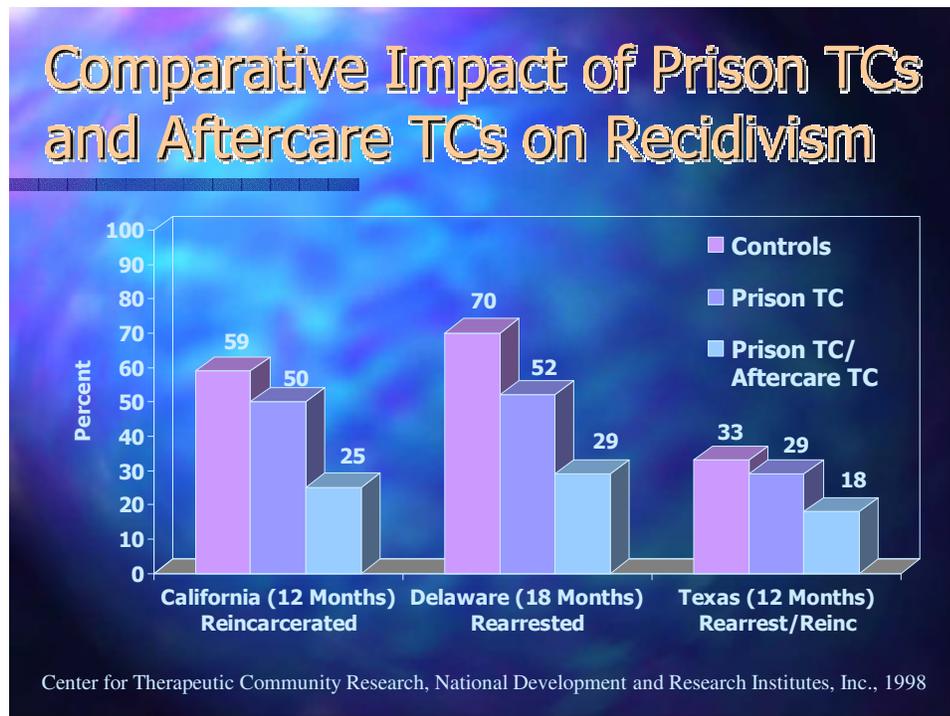


Figure 2: SCCF TC:
Offenders with Mental Illness and Chemical Abuse (MICA)

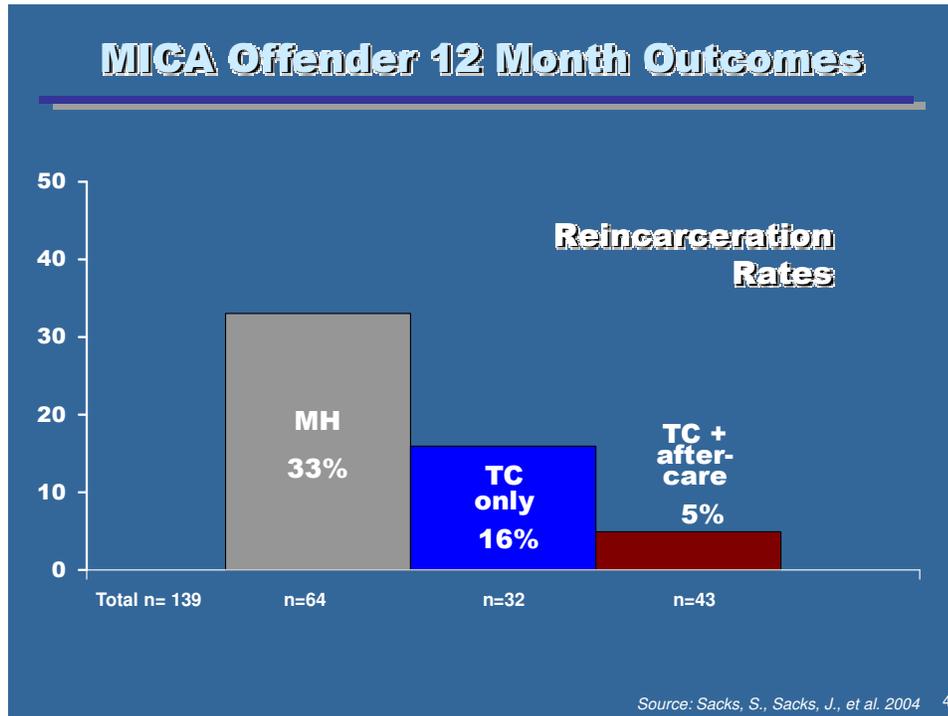


Figure 3: ACC/Peer I Outcome Study

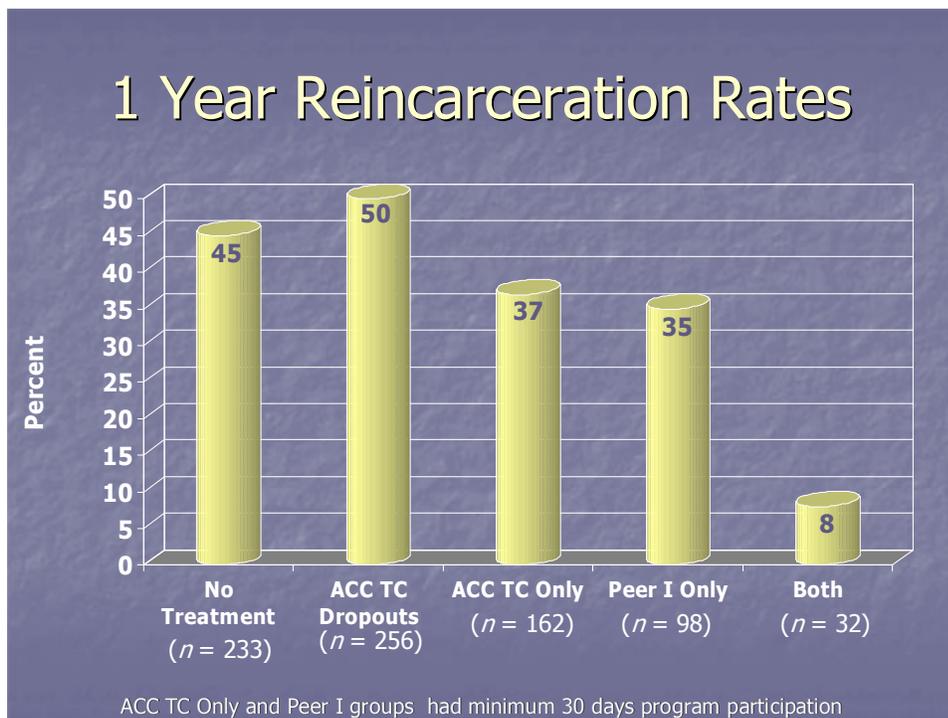


Figure 4: DWCF Outcome Study

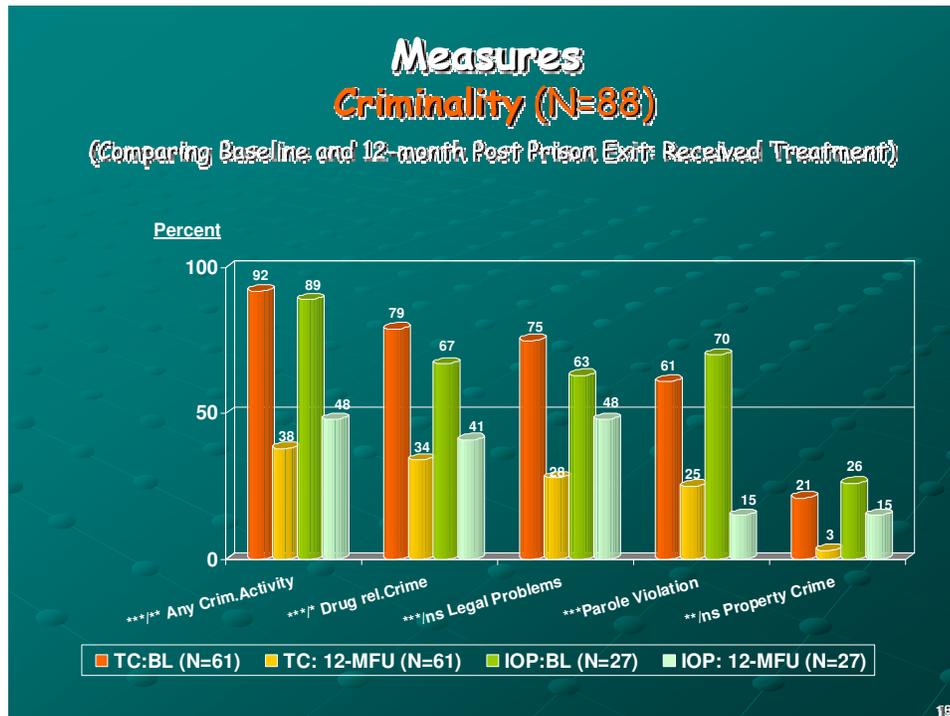
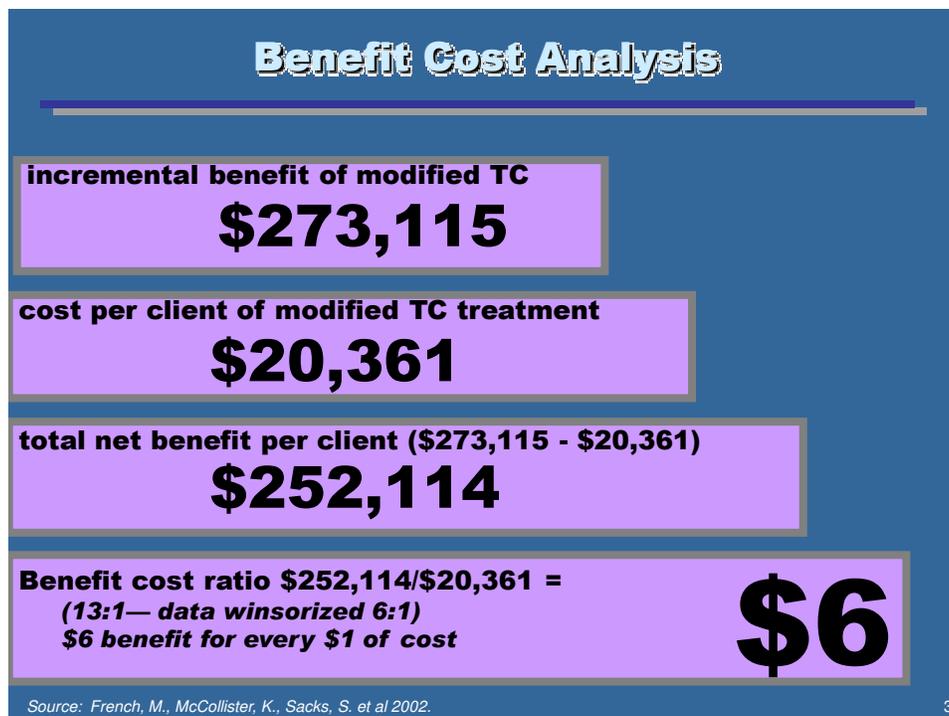


Figure 5: Benefit-Cost Analysis



2a. A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;

Answer: There is widespread federal and state support for the efficiency of TC programs, particularly when a continuity-of-care model is followed. Offender outcomes have been shown to be most successful when a prison-based TC is followed by a community-based TC program. This continuity-of-care model is one that the DOC has adopted for many years. The TC programs in the facilities work closely with several community-based TC programs for offenders. The Haven Modified TC and Peer I TC provide both residential and outpatient TC services to DOC offenders transitioning to the Denver region. Similarly, the Crossroads Turning Point for Southern Colorado is a community-based TC in Pueblo. Staff from the community programs provide in-reach services to offenders in the prison-based TCs. They offer education about their program, assist with transition planning, and work with prison TC staff to help plan the treatment needs of offenders as they move into the community.

2b. A statement of the statutory authority for these programs and a description of the need for these programs;

Answer: C.R.S. 16-11.5-102 dictates a system of treatment options for offenders:

“(b) A system of programs for education and treatment of abuse of substances which can be utilized by offenders who are placed on probation, incarcerated with the department of corrections, placed on parole, or placed in community corrections. The programs developed pursuant to this paragraph (b) shall be as flexible as possible so that such programs may be utilized by each particular offender to the extent appropriate to that offender. The programs developed pursuant to this paragraph (b) shall be structured in such a manner that the programs provide a continuum of education and treatment programs for each offender as he proceeds through the criminal justice system and may include, but shall not be limited to, attendance at self-help groups, group counseling, individual counseling, outpatient treatment, inpatient treatment, day care, or treatment in a therapeutic community. Also, such programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the criminal justice system. Any programs developed pursuant to this paragraph (b) shall include a system of periodic or random chemical testing for the presence of controlled substances or alcohol, or such other testing as provided in paragraph (a) of this subsection (1). The frequency of such testing shall be that which is appropriate to the particular offender in accordance with the offender's assessment performed pursuant to paragraph (a) of this subsection (1).”

In fiscal year 2009, 79% of DOC offenders were identified as having substance abuse needs. Of those offenders who were assessed 25% of males and 46% of females were recommended for residential treatment program.

2c. A description of the activities which are intended to accomplish each objective of the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;

Answer: Therapeutic Community programs operate under the “community as method” approach, which seeks to immerse offenders in a prosocial environment where their behavior is shaped through positive and negative reinforcement from peers and staff alike. Research has shown that appropriate matching of offenders to treatment modality is an important first step to getting offenders the treatment they need and improving outcomes. In DOC, offenders are screened and assessed to identify those who are most appropriate for TC treatment.

The objective of the TC as a treatment modality is to address substance abuse as a disorder of the whole person. Once enrolled in the TC program, offenders’ treatment needs are individually addressed. TC clients are engaged in activities that include group and individual therapy, work, job skills development, 12-step programming, education classes, monthly urinalysis testing, leadership training, and recreation. Evidence-based practices include cognitive behavioral therapies and continuity of care, which have been shown to be strong factors in the program’s success. Through this holistic approach to treatment, personal growth is promoted through lifestyle and attitude changes. A distinct aspect of a criminal justice TC is the program’s ability to address the offender’s criminal behavior. This is a primary reason the program’s effectiveness is often measured not only by its ability to decrease substance abuse but also by its impact on crime and recidivism.

Measures of Effectiveness (As described in #1):

- *State and national findings have shown time in treatment is a strong predictor of successful outcomes and providing offenders with a continuum of care significantly impacts recidivism.*
- *Offenders completing DOC TC programs spend anywhere from 6 to 12 months in treatment, and staff work with the offender to place him or her in an aftercare program once treatment is complete.*
- *Outcome evaluations have shown DOC TC programs are effective in reducing the rates of recidivism among offenders; findings are consistent among male and female offenders as well as those with dual diagnosis needs.*

2d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and

Answer: There is no real priority order of activities. All activities and interactions within the TC are part of the “community as method” approach and are believed to contribute to recovery and lower rates of recidivism. TC programs require a separate

living space for the offenders, a dedicated work site, intensive training for the staff, and a commitment from the facility it is housed in to support the program. Offenders must be accurately identified and matched to TC treatment to be most effective, treatment itself must subscribe to evidence-based practices, and the support of the program through staff training, quality assurance, and research is critical to its sustainability.

2e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.

Answer: Supervisory staff is responsible for overseeing the training of TC staff, standardization of programs curricula, and implementing new TCs across the state. Currently there are three assessment staff at DRDC who administer the SOA-R to identify substance abusing offenders, and the TC program seeks to maintain a relatively high ratio of staff to offenders (1:12).

The Department's TC programs are funded for 60.5 FTE for an annual personal services cost of \$3,364,569. The Department also contracts with the University of Colorado Health Science Center for an additional 6.0 FTE and contract costs of \$323,218.92.

The funding for TC community residential beds is controlled by DCJ (Division of Criminal Justice). These residential community TC beds serve as a continuum of treatment for offenders transitioning from the prison TC environment. The assignment of individuals to Community Corrections beds is currently on an open allocation system controlled by the local Community Correction boards and the Community Correction facilities. Open allocation means that there are no "pre-determined" number of beds assigned to the different client types (parole, probation, TC, Mental Health, etc.) by individual Community Corrections providers. Community Correction providers also have "out patient" TC programs that do not require a residential bed. The census, as of 1/3/2011 was:

<i>Facility</i>	<i>Residential TC Offenders</i>	<i>Residential Bed Per Diem + Enhancement</i>	<i>Out Patient TC Offenders</i>	<i>Out Patient Per Diem</i>
<i>Peer I</i>	39	\$37.74 + \$14.34/day	80	\$13.32/day
<i>Haven</i>	11	\$33.74 + \$14.34/day	0	NA
<i>Crossroads</i>	27	\$37.74 + \$14.34/day	12	\$13.32/day

Most Effective Program 2: Youthful Offender System – *The Colorado Department of Corrections Youthful offender System (YOS) is a nationally recognized comprehensive model of incarceration specifically designed to address the individual needs of violent youthful offenders who have been sentenced as adults. In doing so, YOS offers "hope" and "opportunity" and as such is an investment in the success of each individual sentenced to the Youthful Offender System and in the future of Colorado.*

Colorado Youthful Offender System (YOS) stands at the forefront of states in addressing and solving the problem of violent juvenile offenders. The YOS was established within the Colorado Department of Corrections (DOC) under special legislation enacted in 1993, through Senate Bill 93-S9. The 1993 special session of the Colorado Legislature was convened to address youth violence as a result of what has become known as the summer of violence. Senate Bill 93-S9 provided the state with a new comprehensive “middle-tier” sentencing option whereby eligible youthful offenders could be sentenced as adults, and serve their sentence in a controlled and regimented environment that affirms dignity of self and others, promotes the values of work and self-discipline, develops useful skills and abilities through enriched programming, and focuses upon re-entry from day one.

The first priority of the Department of Corrections is public safety and by statute YOS is designated as a 256 bed Level III Security Correctional Facility. The number of violent juvenile crimes is a serious problem faced by all the states of this nation. By creating the YOS, Colorado stands at the forefront in addressing and solving the problem of violent juvenile offenders.

Addressing academic needs, providing cognitive intervention and rehabilitation services, the development of pro-social skills and behaviors, and re-entry planning, is the primary focus within YOS. This is a high risk population comprised of 84% violent offenders that includes approximately 75% being involved in some type of gang affiliation prior to incarceration.

In 2009 and 2010, legislation was passed at the recommendation and support of the Commission on Criminal and Juvenile Justice, to expand the eligibility requirements of YOS. Today both male and female offenders between the ages of 14 to 19, who are convicted of committing Class 2 through Class 6 felony offenses are eligible to be sentenced to YOS.

Sentences to YOS are for a determinate period ranging from two to seven years, and are comprised of four distinct progressive phases designed to provide a continuum of specialized services tailored to meet the individual needs of each offender while providing for a smooth transition back into the community:

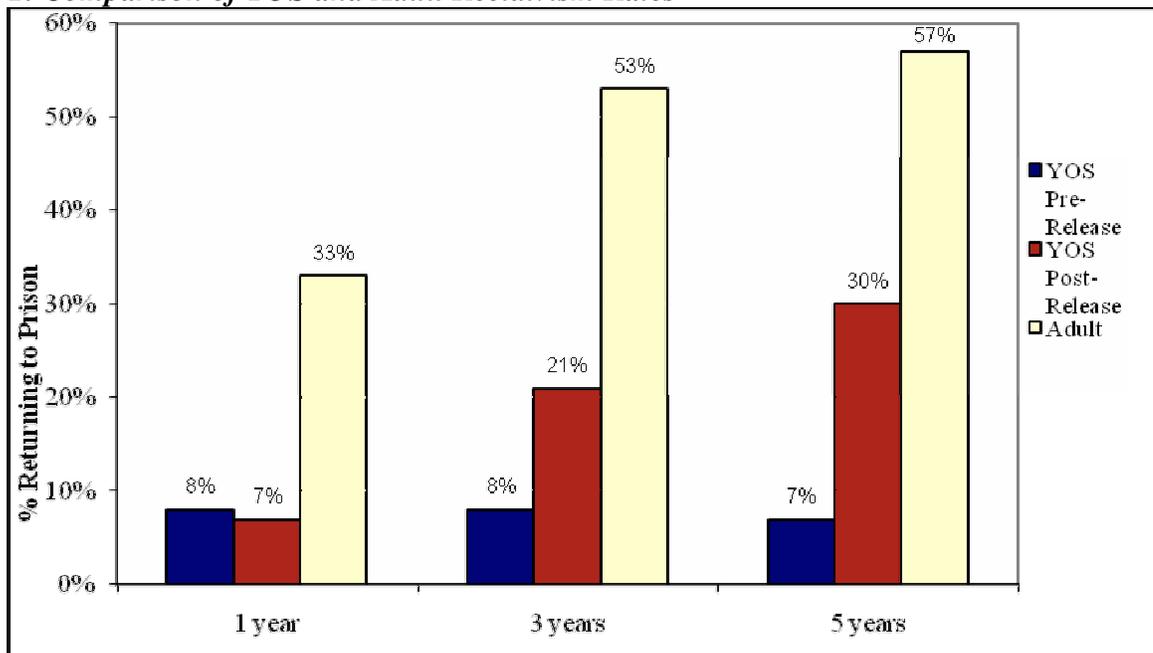
- ***IDO (Intake, Diagnostic and Orientation):*** *Orientation to the expectations and phases of YOS; lasts approximately four weeks and includes assessment, participation in highly regimented physical activities, and development of an individualized progress plan.*
- ***PHASE I:*** *The longest portion of a YOS sentence with the most intense service delivery to include core programs, supplemental activities, education, treatment, behavior modification, security, and discipline.*
- ***PHASE II:*** *The last three months of confinement during which the offender participates in programs and services to help prepare for community reintegration.*

- **PHASE III:** Period of community supervision during which the offender is monitored and reintegrated into society.

While providing for public safety, the YOS has historically focused on re-entry planning by developing an individualized plan that addresses education, self-discipline, and pro-social skills while incarcerated and includes comprehensive, supportive aftercare to slowly transition each offender back into the community.

YOS offenders are a high risk, high need population. Of the FY 2010 admissions to YOS, 94% were violent offenders and 76% had security threat group status. In addition, YOS offenders had considerably greater needs than adult offenders for academic, career and technical education, and treatment for anger management and substance abuse problems. Considering the high risk and high needs of the YOS population, it is remarkable how low their recidivism rates are. In fact, YOS recidivism rates are considerably lower than those of the adult DOC population (see Figure 1). Even after combining pre-release recidivism rates (defined as a new conviction for an offense that occurred during an offender’s YOS sentence that resulted in his or her termination from YOS) and post-release recidivism rates (defined as new criminal activity that resulted in placement in the DOC adult prison system following successful completion of their YOS sentence), recidivism rates of all YOS releases are substantially lower than the adult population recidivism rate.

Figure 1: Comparison of YOS and Adult Recidivism Rates



Note: Adult recidivism rates are from the FY2010 Statistical Report, and YOS recidivism rates are from the FY2010 YOS report.

YOS has intensive treatment and education services, which are higher on a daily rate than adult facility costs. However, the recidivism rate for YOS is so low that the

overall cost per positive outcome is estimated at \$70,195 less for YOS as compared to adult prison. A positive outcome for YOS offenders is defined as successfully completing their YOS sentence or receiving a court ordered discharge and not returning to prison within three years of release. A positive outcome for adult offenders is defined as not returning to prison within three years of release. Please see the FY 2010 YOS Legislative Footnote report for an in-depth discussion of this cost analysis.

2a. A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;

Answer: Colorado does not administer a similar type program. The Colorado Department of Corrections operates the Youthful Offender System (YOS) for youthful offenders who have been adjudicated, direct filed, and sentenced as adults. Juveniles sentenced to DYC are not eligible to be housed at YOS, and offenders sentenced to YOS are not eligible to be housed at DYC, in accordance with both state and federal law.

YOS is a nationally recognized comprehensive “middle-tier” model of incarceration. Other states have implemented steps to address violent juvenile crimes, and many other state officials have toured the YOS Program to observe the operation; however, the YOS has not identified any other state or federal agencies that have similar programs.

2b. A statement of the statutory authority for these programs and a description of the need for these programs;

Answer: Colorado Revised Statutes 18-1.3-407 & 18-1.3-407.5 provides statutory authority and guidelines for the Youthful Offender System. Eligibility for sentencing to the YOS is regulated by CRS 19-2-517 or 19-2-518. “It is the intent of the general assembly that the youthful offender system shall benefit the state by providing a controlled and regimented environment that affirms dignity of self and others, promotes the value of work and self-discipline, and develops useful skills and abilities through enriched programming as a sentencing option for certain youthful offenders.”

The Youthful Offender System continues to be a nationally recognized comprehensive “middle-tier” model of incarceration combined with habilitation programs and services designed to meet the individual needs of a unique class of offenders who have been adjudicated and sentenced as adults to the Department of Corrections. Individuals sentenced to YOS have been given the opportunity to obtain specialized programs, services and resources that specifically address the criminogenic needs of this unique, high-risk violent offender population through evidence based practices.

Successful completion rates at YOS are very high and recidivism rates are remarkably low, particularly considering that this is a high risk offender population.

In fact, recidivism rates are considerably lower than those of the adult DOC population. Through the end of FY 2010 a total of 1,269 offenders have been sentenced to the Youthful Offender System, with a 3 year recidivism rate of approximately 21%.

2c. A description of the activities which are intended to accomplish each objective of the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;

Answer: YOS is based upon the following guiding principles:

- ***Provides for teaching offenders self-discipline by providing clear consequences for inappropriate behavior*** – Incentives and Sanctions such as visitation, telephone calls, televisions, radios, and canteen items are available when such privileges have been earned under a merit system. Privileges increase with the offender's status level but can be lost through unacceptable behavior or rule infractions. Each offender must meet the minimum required goals prior to moving to the next status level.
- ***Includes a daily regimen that involves offenders in physical training, self-discipline exercises, education and work programs, and meaningful interaction with a tiered system for swift and strict discipline for noncompliance*** – Cognitive Education includes Positive Peer Culture, Cognitive-Behaviorial Redirection, Guided Group Interaction, and Quick Skills; Therapeutic Interventions include mental health services, substance abuse services, and sex offender treatment and monitoring program. The YOS education department provides a comprehensive program including academic, career and technical education, and cognitive classes supported by special education and Title 1 services. A total of 29 high school diplomas and 15 GED certificates were awarded during graduation exercises held at Century High School (CHS) at YOS in 2010; approximately 35 graduates are expected in 2011. CHS has awarded an average of 32 diplomas per year since starting the program: 315 from 2000-2010. High school diplomas are issued through Pueblo School District 60.
- ***The system utilizes staff models and mentors to promote an offender's development of socially accepted attitudes and behaviors*** – The YOS sentencing statute requires YOS employees to have experience working with juvenile offenders or receive the proper training prior to working with this population. YOS has established a 40-hour orientation training program for new staff to meet this mandate. The YOS is made up of a community of concerned employees committed to the principles of adolescent development. Through modeling, mentoring, and other planned interventions, they provide opportunities for offenders to acquire skills and ability that enable them to group and develop into successful, productive citizens.
- ***The system provides offenders the opportunity to gradually reenter the***

community while demonstrating the capacity for self-discipline and the attainment of respect for the community – YOS Community Supervision, also referred to as Phase III, is the final component of a YOS sentence that transitions the offender from a facility setting to the community. This phase provides intensive supervision and surveillance and holds the offender to a high level of accountability while in the community. It is designed to ensure close offender monitoring and supervision by incorporating intensive community parole officer (CPO) contact and counseling sessions that enhance public safety. Phase III employees use evidence-based practices to instill compliant behavior, reinforce self-discipline, and provide the appropriate programs and services to assist with the offender's transition back to the community.

2d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and

Answer: The following is a list of the major programming available at YOS. YOS is a comprehensive system that employs all the different programs to make a whole. A broad prioritization entails the following: 1) secure housing of offenders; 2) re-entry plan that includes education (academic and vocational), cognitive education that provides self-discipline, develops pro-social skills, and life skills; and work programs; 3) different phases that provides the offender with positive progression resulting from program compliance, positive behavior, and personal advancement but also provides clear consequences for inappropriate behavior; 4) community supervision that uses evidence-based practices to instill compliant behavior, reinforce self-discipline, and provide the appropriate programs and services to assist with the offender's transition back to the community.

2e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.

Answer: Trained and professional staff at YOS deliver the multiple programs as previously detailed to the offender populations. The intensive treatment environment correlates to the high success rate of the program and the low recidivism rate. The FY 2010-11 funded level is \$10,723,596 and 171.9 FTE.

Most Effective Program 3: Correctional Industries Programs – Colorado Correctional Industries (CCi) programs are a major component of the prison system's offender management toolkit. Offender employment with CCi allows offenders to learn meaningful job skills and reduces offender disciplinary issues by requiring program compliance for participation. As outlined in Section 17-24-102, C.R.S., CCi is charged with being a self-sustaining, profit-oriented business. CCi programs instill skills and a work ethic that will enable offenders to become productive members of society once released from prison. Providing offenders with skills for successful community re-entry is part of DOC's continuing efforts to ensure that as many offenders as possible do not return to the Colorado correctional system.

Both in terms of its specific mission and DOC's broader objectives, Colorado Correctional Industries is one of the Department's most effective programs.

CCi employs approximately 2,000 offenders, 40 hours per week in over 40 separate enterprises. Additionally, CCI's programs reduce the amount of General Fund dollars spent on supervising offenders. CCI staff salaries and benefits are Cash Funded from revenues earned from sales of CCI products and services. CCI Cash and Reappropriated funds for personal services in FY 2010-11 is \$10,112,940 for 163 FTE; the Cash and Reappropriated funds for CCI's inmate pay is \$1,649,702. If CCI programs did not exist, these offenders would participate in other DOC activities that require supervision from General Funded staff, and the offenders would earn inmate pay from General Fund appropriations. If 2,000 offenders were employed or assigned to General Fund programs, \$10 million (or approximately \$5,000 per offender assignment) would need to be funded by taxpayer dollars, and not through this enterprise. Without this innovative and effective program, prison safety would be compromised and significant cost avoidance would not be realized.

2a. A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;

Answer: Colorado Correctional Industries is the sole enterprise entity authorized to employ State sentenced offenders for the development of self-sufficient programs. UNICOR is the Federal Prison Industries, Inc. (FPI) program that is similar to CCI. UNICOR manages offender programs in Colorado at Federal facilities in Florence and Littleton. A small number of counties have considered starting correctional industries programs in a limited capacity since county jails typically have smaller offender populations and incarcerate offenders with shorter sentences. Cooperative operations between Federal, State, and County would not be practical due to numerous offender geographical locations and multiple jurisdictions. Generally, an offender program does not have a shortage of offender workers; therefore, sourcing other avenues for incarcerated labor is highly unlikely.

2b. A statement of the statutory authority for these programs and a description of the need for these programs;

Answer: Article 24 of Title 17 (Corrections) provides both statutory authority and requirements for CCI. Specifically, Section 17-24-102, C.R.S., is the legislative declaration that instills CCI with three primary objectives. First, CCI shall be profit-oriented and generate sufficient revenue to fund its operations. Second, CCI shall provide forty hours of work for able-bodied offenders. Third, CCI's operations and business environment shall approximate those of the private sector.

The greatest value of CCI programs is providing workplace and life skills for offenders, some of whom have never held regular employment, worked as part of a team, or reported to a supervisor. For many offenders, the discipline required to get out of bed each morning, get to work on time, and stay engaged in short- and long-

term projects is a growth opportunity. CCI is an integral part of DOC's goal of releasing offenders with the highest probability of succeeding as productive participants in mainstream society.

2c. A description of the activities which are intended to accomplish each objective of the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;

Answer: CCI accomplishes the three primary objectives as delineated in Section 17-24-102, C.R.S., through the creation and management of various businesses. These include a diverse array of shops including cow and goat dairies, wild horse training, license plate production, print shop, wild land firefighting, saddle shop, furniture, and installation. Two measures of CCI's effectiveness are the number of offenders employed in nearly 40 business operations (detailed in the table below) and continued profitability from year to year.

Enterprise	# of Positions
Auto Body Shop	10
Bag Manufacturing	5
CAD/MAP Digitization	40
Canon Farm	42
Canteen	85
CDL Training	10
Culinary Arts	25
Dairy/Dairy Processing	74
Delivery Crew	10
Farm Crew	15
Fiberglass	35
Filtration	15
Fire Fighting	72
Fishery	51
Furniture Factory	110
Garment Factory	165
General Services	180
Goat Dairy	45
Greenhouse	96
Heavy Equipment	60
K-9 Program	121
Labor Crews	50
Leather Products	68
License Plate Factory	110
Metal Products	90
Panel Systems	45
Power Sewing	20
Print Facility	40
Ranch	8
Recycling	15
Sales & Surplus Property	24
Scale House	2

Enterprise	# of Positions
Seating Factory	92
Service Station	25
Southern Administration	11
SWIFT Trails	34
Tab Operations	25
Transportation	10
WHIP	65
Total Offender Employment	2,000

2d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and

Answer: A broad prioritization of CCI's overall mission entails the following: 1) supervision of offenders, 2) training of offenders, and 3) creation of products and services.

2e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.

Answer: To effectively accomplish primary objectives, CCI must hire employees who have skills in a specific trade, the ability to teach those skills, and a willingness to supervise offenders in a correctional environment. CCI is a cash funded enterprise operated in state government. In FY 2009-10, CCI spent \$9.4 million on personal services (including Worker's Compensation), \$6.9 million on operating expenses, and \$20.0 million on raw materials. These costs have to be considered as a whole in pursuit of CCI's mission. Each area of expense is necessary to the successful management of CCI's array of nearly 40 business ventures.

Three least effective programs:

Least Effective Program 1: Vacant Beds at Boot Camp Complex – *One of the Department's least effective programs is not utilizing vacant state beds located at the Buena Vista Correctional Facility housing unit from the decommissioned Colorado Correctional Alternative Program (CCAP - previously known as the Boot Camp). The Department is recommending the development of a Conservation Camp Program at the former Boot Camp that will further develop an important resource for managing Colorado's forests through Colorado Correctional Industries. This new program will provide an estimated taxpayer savings of \$275,000 by the end of the second year of operations. The program's first year is anticipated to be cost neutral due to a projected phased occupancy of the facility.*

It is important to recognize the CCAP program suspension in FY 2009-10 was not because of physical plant inefficiency, but rather was the best alternative for the Department due to budget constraints and high program costs.

In 2001, C.R.S. 17-24-124 Inmate Disaster Relief Program authorized the formation

of a pool of offenders that fight fires, could be utilized to help with flood relief, and in the prevention of, and cleanup after, other natural or man-made disasters. Colorado Correctional Industries (CCi) developed the State Wildland Inmate Fire Team (SWIFT) program. The program has expanded from a single Type 2 wildland firefighting crew of 20 offenders to 3 full-time crews that fight wildfires and perform various kinds of forest management projects when not on fire assignment. Additionally, there are two crews that work full-time doing trail construction and fuels reduction projects, primarily in beetle-impacted areas. A total of over 100 offenders, including nearly 45 in the Buena Vista complex alone, are working daily on various forest management projects.

This facility is a geographically appropriate and operationally effective site for the development of the Conservation Camp Program. The space would serve as an incentive unit that would house the CCi operated SWIFT and Trail crews from BVCC and other BVCC off-grounds crews. Additionally, there would be enough beds to create a labor program to allow for training of new crew members and to work on additional forest and community development projects. Once trained, those offenders would replace releasing offenders that work on SWIFT and Trail crews in Buena Vista or in other parts of the state. CCi would provide offender supervision and the facility would provide security and support services. Offender movement throughout the system would result in a 100-bed reduction to the External Capacity subprogram.

Because of the nature of the SWIFT program, the strict requirements for entry into the program, and the amount of time offenders would spend outside the camp, staffing and support requirements would be lower than similar-sized operations elsewhere. Operationally, the camp would fall under the leadership of the Buena Vista Correctional Complex administration, but functional management of the program and the relationship with the various forest and natural resources stakeholders would fall to CCi.

There will be numerous opportunities to continue the partnership with the Colorado State Forest Service (CSFS), and this opportunity will further enhance training and inter-agency cooperation. A camp whose primary mission is to assist in maintaining the State's forests would be a great addition to the CSFS's toolkit. This program could potentially utilize Wildfire Preparedness Funds to assist in the training and outfitting of additional wildland fire resources that would be utilized statewide for response or prevention of wildfire in Colorado. The Wildfire Preparedness Fund is scheduled to expire at the end of calendar year 2011 and will need to be addressed during the current legislative session.

2a. A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;

Answer: Question is not applicable to this program.

2b. A statement of the statutory authority for these programs and a description of

the need for these programs;

Answer: Title 17 (Corrections) Article 1 provides the statutory authority for the Department of Corrections and Article 24 for CCI. Section 17-1-102 and 17-1-105 allows the executive director to manage, supervise, and control the correctional institutions operated and supported by the state and the right and power to transfer an offender between correctional facilities. Section 17-24-124 authorized the formation of a pool of offenders that could be utilized to fight forest fires, help with flood relief, and assist in the prevention of or clean up after other natural or man-made disasters. Section 17-24-124 the Inmate disaster relief program creates an incentive for current offenders due to the nature of the programs and the life skills learned to aid for the successful re-entry into society.

2c. A description of the activities which are intended to accomplish each objective of the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;

Answer: Utilizing the CCAP vacant program space for a Conservation Camp would enable the Department to create efficiency of services by combining several work programs into one area, as well as providing work opportunities for additional offenders benefiting the community and the state. Organization of the Camp is projected to be cost neutral in FY 2011-12, with a savings to the state of \$275,000 in FY 2012-13.

2d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and

Answer: Utilizing the CCAP vacant program space for a Conservation Camp would enable the Department to create efficiency of services by combining several work programs into one area, as well as providing work opportunities for additional offenders benefiting the community and the state. Consolidation of services will provide better communication and coordination with partners in the community and state.

2e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.

Answer: Evaluation to develop the Conservation Camp Program with appropriate staffing and associated costs would be cost neutral in FY 2011-12, and provide cost savings of \$275,000 in FY 2012-13. The Department will work with the JBC analyst for appropriate funding changes if the recommendation is approved.

Least Effective Program 2: Inmate Compensation: Inmate Pay and Release Money
There are two components of inmate compensation that are least effective due to lack of funding:

- a. **Inmate Pay.** In 2002, offenders were paid for jobs and program compliance on a graduated pay scale up to \$2.50 per day. During budget cuts, inmate pay was cut to the current \$.60 per day for fulltime employment, less than 25% of previous levels. The cut removed any incentive for offenders to be employed or to participate in programs, and transferred the financial burden to offender families for the offender's court costs, restitution, child support, and medical co-pays that must be paid. Incentive pay is an effective tool for managing the prison population. Since the budget reductions in 2003, inmate pay has not increased to allow the Department to adjust the pay scale.
- b. **Release Money.** The Department does not feel that the current release money is adequate for an offender initially entering society. The Colorado Commission on Criminal and Juvenile Justice, in 2008, recognized this as an issue also. The statute, C.R.S. 17-22.5-202(2010) Ticket to leave – clothes, money, transportation, requires the Department to furnish an eligible offender releasing from prison with \$100. This amount is not adequate for transportation, clothing, hygiene items, and sometimes short-term housing. The \$100 release allowance has been in statute for at least 37 years. The Department is not certain when the release allowance was first put into statute, but the rate is extremely outdated.

Offenders eligible for release funds are:

- *All those paroled, except under circumstances cited below.*
- *All offenders discharged at the completion of their maximum sentences, except as cited below.*

Offenders who are ineligible for the \$100 are as follows:

- *Any paroled offender who has been returned to the custody of a correctional facility before the completion of his/her parole period and has previously received such sum of money (per CRS 17-22.5-202(1)).*
- *Any offender released by a court order which vacates the sentence.*
- *Any offender released upon the posting of a bond.*
- *Any offender released by the court on a suspended sentence.*
- *Any offender paroled from a community corrections center or the Intensive Supervision Program.*
- *Any offender paroled or discharged to another felony charge.*
- *Any offender released to the Immigration and Customs Enforcement (ICE).*
- *Any offender who, at the time of release or parole, has a mandatory savings account exceeding \$100 due to participation in a Correctional Industries Prison Industry Enhancement (PIE) program.*

The inflation rate over the last 39 years has increased by 423.5%. The \$100 in 1972 would now be \$523.45.

2a. A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;

Answer: Inmate Pay - There are no similar Inmate Compensation or Release Money programs.

Release Money – There are no similar Inmate Compensation or Release Money programs.

2b. A statement of the statutory authority for these programs and a description of the need for these programs;

Answer: Inmate Pay - Colorado Revised Statute 17-20-115, 17-20-117, 17-29-101 through 103, and 17-29-105 provides statutory authority and guidelines for the offender labor programs and compensation for participating in these programs. “It is the intent of the general assembly that the offender labor programs shall benefit the state by providing meaningful programs, utilizing the physical labor of able-bodied offenders, which will be directed toward the reclamation and maintenance of land and resources, including those of any federal, state, or local governmental agency or nonprofit agency, and including the maintenance of state correctional facilities. Additionally authority is granted to establish off-ground work programs for minimum and minimum-restrictive offenders. The intent of off-grounds work programs is to provide employment opportunities, reinforce the rehabilitation of such offenders and to provide the necessary skills and work ethics in reentering the work force and their communities.”

The Inmate Pay Subprogram supports programs that reduce offender idleness and reward appropriate offender behavior by using a managed system of monetary stipends to offenders who participate at various levels of work and other re-entry programs. Included in these programs are food services, laundry services, housekeeping, maintenance and general facility operations. In addition, offenders who participate in educational and specialized treatment programs are also paid. The Department also has outside work crews who perform work for federal, state, local, and non-profit organizations. It allows offenders to purchase hygiene and canteen items, postage, or photo copies, and to pay restitution to victims and court ordered child support.

Release Money - C.R.S. 17-22.5-202 (2010) authorizes the issuance of a ticket to leave, clothing, transportation, and \$100 to offenders being discharged, other than a parolee.

“The executive director or the executive director's designee shall at the same time furnish such inmate with suitable clothing and may furnish transportation, at the expense of the state, from the place at which said

correctional facility is located to the place of the inmate's residence in Colorado, or any other place in Colorado. The executive director or the executive director's designee shall also furnish to any inmate being discharged, other than a parolee, one hundred dollars. The executive director or the executive director's designee may furnish any inmate being released on parole a reasonable sum of money not to exceed one hundred dollars; except that, if the executive director or the executive director's designee furnishes less than one hundred dollars, the difference between one hundred dollars and the amount furnished shall be credited to an account for such parolee."

2c. A description of the activities which are intended to accomplish each objective of the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;

Answer: Inmate Pay - The Inmate Pay subprogram is used to reduce offender idleness and reward appropriate offender behavior. However, the Department does not have the funding to compensate good performance to produce an incentive to work. The Department strives to establish environments to reward positive performance, but with the underfunding of this program, the Department is not able to do that. Offenders are forced to work in food service before being allowed to work in other areas, so that the critical food preparation and service can be adequately staffed. Other work performed by offenders within the facilities includes general maintenance and grounds maintenance offsets the number of FTE required to perform these tasks. The off-grounds programs work with other Federal, State, and Local governments to accomplish projects and work that saves government funds. Inmate Pay is an incentive for offenders to participate in education programs. In FY 2009-10 there were 2,895 offenders in academic and vocational classes.

At the facility level in FY 2009-10 there were 6,303 offenders that were employed working in kitchens, porters, ground maintenance, repair maintenance such as painting, laundry help, medical assistance, and business technology assistance. This offsets the number of FTE that would be required to perform this work.

Release Money – Providing discharging offenders with adequate clothing, transportation, and money assists them in re-entry into the community. The Department does allow families to provide clothing and transportation, but the majority of offenders discharging must rely on this release money, clothing, and transportation. The statutory amount of \$100 has not changed in over 30 years, and will buy much less in 2010 dollars than it did in 1972 due to inflation. The \$100 release money in 1972 buying power would equal \$523.45 in 2010 dollars.

2d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and

Answer: Inmate Pay - The primary functions of the Inmate Pay subprogram are to provide stipends to offenders for work performed, for participation in vocational/academic programs, for specialized program participation, and to provide

non-worked/non-students with a stipend for the purchase of hygiene items. Eight years ago, the Department inmate pay was cut drastically and DOC lost the ability to provide positive reinforcement for quality work performance. Pay scales ranging up to \$2.50 per day were reduced to 60 cents per day due to the cuts, and the funding has not been restored.

Release Money – As part of the pre-release plan through Community Re-entry and the facility case managers, the Department determines the transportation needs of the offender, as well as the housing needs and other requirements. An assessment by inmate bank staff determines whether the offender is eligible for the \$100 release money as well as any balance in the offender’s account, and the money is placed on a debit card for the offender. The offender is also issued a set of clothing for release. The amount of the release money has not increased with inflation, and remains at 1973 levels, which is sorely inadequate in today’s economy. With inflation factored in, it would take \$523.45 today to equal the \$100 from 1972. The release money as funded is a barrier to successful re-entry for offenders transitioning to Colorado communities.

2e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.

Answer: Inmate Pay - The Department is not able to quantify the costs associated with FTE in the administration of the Inmate Pay subprogram. Every teacher, work supervisor, and case manager is responsible to input days worked/attended for offenders on a monthly basis. Business Operations staff maintain and reconcile the inmate banking activity of the offenders, but inmate pay is a fraction of the activity they oversee. The Department expects to spend \$1,527,421 for Inmate Pay in FY 2010-11.

Release Money – The Department has instituted a cost-saving program which places the release money and any available account balance on a debit card for the offender rather than generating checks. The debit card is more convenient for the offender than the offender trying to cash a check after discharging. Dress out clothing and transportation vouchers are distributed at the discharging facility as part of the release process. Facility and business operations staff are involved in the coordination and issuance of the release money, but the duties are a small part of overall responsibilities. The Department expects to expend \$969,027 in FY 2010-11.

Least Effective Program 3: Special Needs Parole – *Special Needs Parole was identified as program that could be utilized more effectively. Special Needs Parole allows the DOC the ability to recommend an offender to the Parole Board, prior to the offender’s parole eligibility date, as a special needs offender pursuant to the provisions of 17-22.5-403.5.*

As defined in 17-1-102, a “special needs offender” is an offender who is physically handicapped, mentally ill or developmentally disabled; or who is 65 years of age or older and incapable of taking care of themselves; or who has a medical condition,

other than a mental illness that is serious enough to require costly care or treatment and who is physically incapacitated due to age or the medical condition.

The General Assembly may want to consider all options available including an analysis by the Colorado Commission on Criminal and Juvenile Justice.

2a. A statement listing any other state, federal, or local agencies that administer similar or cooperating programs, and outline the interaction among such agencies for each program;

Answer: In Colorado, for offenders under the jurisdiction of the Department, Special Needs Parole is the only program available for these eligible offenders. U.S. Department of Justice, Federal Bureau of Prisons administers a Compassionate Release Program for offenders under their jurisdiction. In a recent publication, the National Conference of State Legislators reports that as of 2009, at least 39 states had laws governing medical parole.

2b. A statement of the statutory authority for these programs and a description of the need for these programs;

Answer: Title 17 (Corrections) Special Needs Parole 17-22.5-403.5 and definitions in 17-1-102. The State Board of Parole determines, based on the special needs offender's condition and a medical evaluation, that he or she does not constitute a threat to public safety and is not likely to commit an offense.

There is a necessity for Special Needs Parole. The Department has an obligation to provide medical treatment for all offenders in our jurisdiction. Through case law, the courts have ruled that offenders must receive the same standard of care that would be available to them if they were in the community. In the first half of this fiscal year, the Department of Corrections has paid \$3,941,873 in catastrophic medical expenses for 26 offenders. Medical expenses are categorized as catastrophic once the total medical bill exceeds \$50,000. During this same time frame (July-mid December 2010) one offender's catastrophic medical bill totaled \$730,684.

Since May 2007, 48 offenders met criteria and were recommended to the parole board for release under special needs parole. Of those, 15 received a discretionary parole release; the remainder are still in prison (20), deceased (8), or released from prison through another mechanism such as mandatory parole or sentence discharge (5). Of the 15 offenders who released under special needs discretionary parole, 7 have since died, 5 are still under parole supervision, 2 completed their sentence, and 1 returned to prison as a parole return.

An offender released by Special Needs Parole will most likely utilize Medicaid services. Fifty percent of the Medicaid premiums are paid by the state and the remaining half is paid for with matching federal funds.

2c. A description of the activities which are intended to accomplish each objective of

the programs, as well as, quantified measures of effectiveness and efficiency of performance of such activities;

Answer: If the number of offenders that were considered for and granted Special Needs Parole increased, the DOC would realize a savings, most notably in the Medical Services Subprogram. The state would potentially have a cost shift to the Medicaid appropriation if the parolee accessed Medicaid, but the state would also realize a savings because of the matching federal funds for Medicaid patients.

2d. A ranking of the activities necessary to achieve the objectives of each program by priority of the activities; and

Answer: The General Assembly may want to consider all options available including an analysis by the Colorado Commission on Criminal and Juvenile Justice.

2e. The level of effort required to accomplish each activity associated with these programs in terms of funds and personnel.

Answer: An increase in the number of offenders released due to Special Needs Parole would result in a savings to the Medical Services Subprogram, but may also result in an increase in the Parole Subprogram due to an increased caseload in parole supervision. An increase in Special Needs Parole may impact the Medicaid budget as well.

3. Detail what could be accomplished by your Department if funding for the department is maintained at the fiscal year 2009-10 level.

Answer: The Department's FY 2011-12 request is for \$735,714,963 and 6,776.8 FTE; FY 2009-10 appropriation was \$741,708,796 and 6,751.8 FTE. Maintaining the FY 2009-10 funding would actually cost the state almost \$6 million.

However, reversing the FTE authority would cause extreme pressure on a system already under stress. Through FY 2003-04 the Department sustained significant budget reductions totaling \$56 million and 588.4 FTE which were not restored. In FY 2010-11, Tower I of the Centennial expansion came online in September, 2010 with 316 beds, 220.9 FTE and \$9,349,767 in funding; an Offenders with Mental Illness (OMI) program expansion at Colorado State Penitentiary, which began in August 2010, was funded for 28.4 FTE and \$1.4 million. If the FTE were reduced, the Department would be forced to discontinue some programs to adjust for critical security staff needs. Specialized treatment and/or educational programs would be scaled back or eliminated which would directly correlate to reduced staffing.

The Department's budget is caseload driven using population projections: parole and community supervision, private prisons, jails, pre-release facilities, community corrections, medical pharmaceutical costs, purchase of medical services from other medical facilities, and catastrophic medical expenses. Many factors affect the caseload funding, including actual usage of services by offenders (medical

pharmaceutical and catastrophic expenses) or alternatives to incarceration used by the court system for sentencing.

The Department is constantly working to efficiently manage resources and ultimately save money. As a result, the Department decommissioned Colorado Women's Correctional Facility and suspended the Boot Camp program.

- 4. How much does the department spend, both in terms of personnel time and/or money, dealing with Colorado WINs or any other employee partnership group? Has the level of resources dedicated to this effort changed in the past five years?**

Answer: The Department has a long history of working with line staff and employees to address issues and to garner feedback. In fact, prior to the establishment of employee partnerships the Department held quarterly meetings with representatives of employee groups. For decades the Department's employee councils have reached out to help employees in need. Wardens and Parole Managers meet regularly with all staff to communicate policy, mission, and goals and to solicit feedback.

The Department has established a professional working relationship with Colorado WINS. The Department participated in five department-level meetings with Colorado WINS. Three subcommittees were established to address specific topics; two subcommittees met twice and one subcommittee met three times. Since 2009, the Department has expended approximately \$26,300.

3:00-3:10 HEARING QUESTIONS FROM JUDICIAL BRIEFING

- 5. Background Information: The Judicial Department's FY 2011-12 budget request includes a General Fund appropriation of \$6,156,118 to the Drug Offender Surcharge Fund, based on anticipated savings in the Department of Corrections and consistent with the Legislative Council Staff fiscal note for H.B. 10-1352. The request also includes a request to spend \$7,000,000 from the Drug Offender Surcharge Fund to provide substance abuse treatment services to adult offenders on diversion, on probation, on parole, in community corrections, or in jail. Please provide information about the implementation of H.B. 10-1352 to date, including: (a) any data related to the number of offenders sentenced to probation rather than the Department of Corrections (and the related savings); and (b) the proposed use of moneys appropriated to the Drug Offender Surcharge Fund pursuant to this act.**

- (a) Answer: During the 2010 legislative session, HB10-1352 passed which reduced several drug-related offenses from a felony to misdemeanor, making convicted persons ineligible for incarceration. Other changes under this bill reduced the felony class of certain drug offenses, which would shorten an offender's length of incarceration. The effective date of this legislation was August 11, 2010. In dealing with criminal sentencing bills it generally takes at least one year to impact the correctional system due to the fact that offenders must be arrested, adjudicated, and sentenced before arriving at the DOC. For that reason, it is assumed that any operating costs associated with this bill or similar legislation will not take effect until*

a year following its passage. The DOC maintains data on offenders sentenced to prison, but does not have data regarding those sentenced to probation in lieu of the DOC. This information can be obtained from the Division of Criminal Justice (DCJ).

- (b) *H.B. 10-1352 requires that moneys appropriated pursuant to the bill be deposited in the Drug Offender Surcharge Fund (DOSF) and allocated according to a plan developed by specified stakeholders to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are: on probation; on diversion; on parole; in community corrections; or in jail. Therefore, the DOC is only one of several agencies that receive DOSF. The moneys appropriated to the Drug Offender Surcharge Fund (DOSF) are used to provide substance abuse assessment and treatment services to offenders in DOC. The Department provides a range of substance abuse services including intake assessment and evaluation, facility-based education and treatment continuum, community based urinalysis testing, training to those in the community who treat offenders, standardized offender assessment training, and program evaluation.*

The Drug Offender Surcharge Fund assists in funding the Treatment Accountability for Safer Communities (TASC) program. TASC provides substance abuse case management services to parolees and referrals to treatment providers.

- 6. The General Assembly is interested in tracking the actual impact of statutory changes to sentencing laws, such as H.B. 10-1338, H.B. 10-1347, H.B. 10-1352, and H.B. 10-1360, and H.B. 10-1374. To the extent that the General Assembly has requested that one or more agencies study and quantify the actual impact of these changes, has the General Assembly asked the relevant questions? Do you have the tools to quantify the impact of these acts or of sentencing bills that may be introduced in the future?**

Answer: The Department understands and appreciates the General Assembly's interest in tracking the actual impact of statutory changes to certain sentencing laws. By statute, the Department is involved in limited research on HB 10-1360 and HB 10-1374. Fiscal notes are calculated on the individual impact of each bill. It is important for the General Assembly to be aware that multiple sentencing bills can impact the same populations. Fiscal notes do not reflect this factor, but this may also diminish the impact on the overall population.

Generally, there is a one-year delay in the impact of any sentencing bill for an offender to commit the crime, arrested, adjudicated and sentenced. However, the Department anticipates a fiscal impact in the first year from HB 10-1360 and HB 10-1374; these bills are the exceptions to the rule. Quantifying legislative impacts generally requires additional resources for statistical analysis. The more complex the bill, the more complex the analysis; careful analysis is required in order to attribute changes/savings to the specific bill being studied rather than a range of other possible factors (including other legislation). Also, when the effect of legislation crosses agencies, it has historically been difficult to analyze the impact due to

limitations in data systems and matching individual case records. Even if one agency is designated as the lead, there is demand placed on each agency to extract data sets, match cases, and interpret data/findings. A recent trend allowing more court discretion further complicates matters.

Finally, if the General Assembly is interested in actual savings rather than projected savings, time is required to assess the impact of the bill.

3:10-3:30 OVERVIEW QUESTIONS

7. Does the department believe it is reasonable, given one year of negative growth, that the prison population will fall as projected over the next several years?

Answer: DOC relies on the prison population projections completed by the Division of Criminal Justice (DCJ) and Legislative Council Staff (LCS) each December for long-term bed planning, much as the JBC does for fiscal purposes. Their importance cannot be overstated. Yet the Department recognizes that accurate prediction is difficult, particularly when sentencing laws change significantly as they did in the 2010 legislative session.

The table below compares five years worth of DCJ and LCS projections to actual population data. Eighteen month comparisons between projected and actual numbers are made because that is the period of time directly affected by funding. For example, the December 2010 projections will be used to form funding decisions through June 2012, which is 18 months from when prison projections are issued.

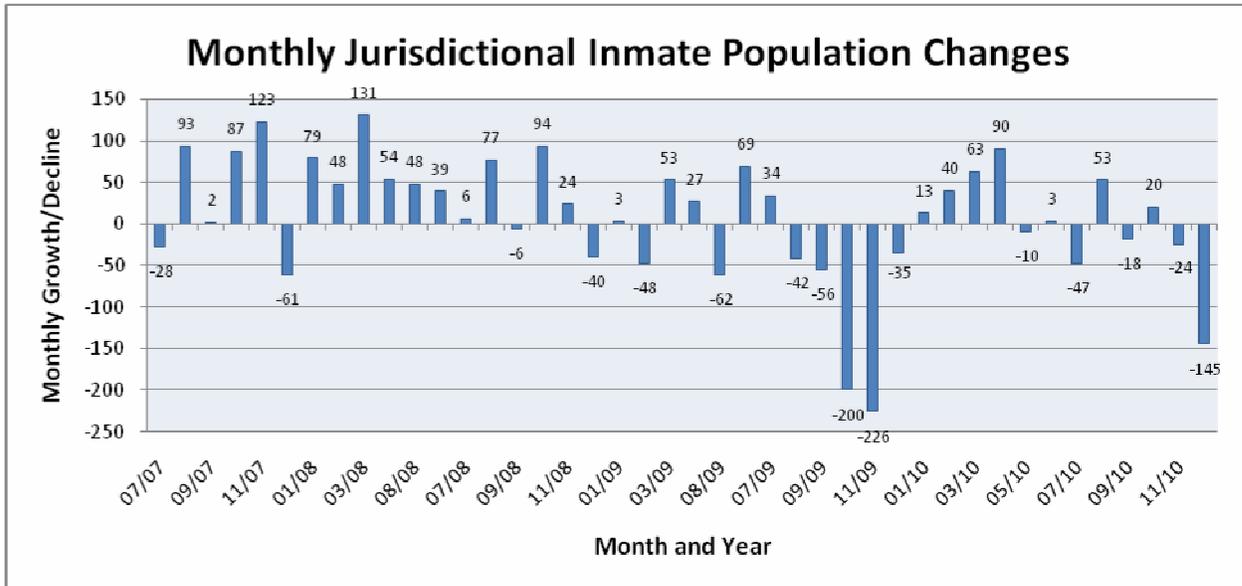
Date (EOM)	Division of Criminal Justice			Legislative Council Staff		
	Actual Population	Projected Population	Difference	Actual Population	Projected Population	Difference
Jun-07	22,519	22,827	308	22,519	23,159	640
Jun-08	22,989	23,880	891	22,989	24,448	1,459
Jun-09	23,186	24,327	1,141	23,186	24,327	1,141
Jun-10	22,860	24,114	1,254	22,860	24,203	1,343
Dec-10*	22,623	21,828	(795)	22,623	22,391	(232)

**12 month estimate is used instead of 18 month for most recent comparison.*

Until the current fiscal year, projections have typically over-estimated the offender population. In FY 2010, DOC had its first ever annual decline in the population, which amounted to a 1% decrease. However, because the population has not declined at the projected rates even at the start of the year on July 1, there is a significant funding gap in FY 2011.

The graph below details the monthly population changes of the offender jurisdictional population. As can be seen, decreases in the population have occurred sporadically over the past few years, with a higher concentration of declines during FY 2010 due mainly to the Accelerated Transition Pilot Program (ATPP) program where the Department has realized its full impact. In the current fiscal year to date, the Department has seen an overall decrease, even though the population has grown

during some months. December had a decline, although it is not possible to determine at this time if this is an anomaly or indicative of a real trend. It is expected that HB10-1374 and HB10-1360 may have an impact in the current year, but that the impact of the other sentencing bills passed during the 2010 legislative session will not affect the offender population until FY 2012.



8. Why are both the inmate and parole populations decreasing? Isn't that counter intuitive? How does community corrections factor into this equation?

Answer: The prison population is impacted by admissions and releases. In order for the prison population to decline, releases must exceed admissions, which happened in FY 2010 for the first time in the history of DOC operating as its own agency (since 1977). The rate of admissions to DOC slowed in fiscal years 2008 and 2009 and declined 3% in FY 2010. At the same time, the rate of releases from prisons has been increasing, such that releases finally exceeded admissions in FY 2010.

It is counter-intuitive for both the inmate and parole populations to decrease at the same time, particularly if the number of releases from prison is increasing as it has been in recent years. When DOC implemented the accelerated transition pilot program (ATPP), part of the program included an early parole discharge component. The Parole Board, in conjunction with the Parole Division, discharged 538 parolees early in FY 2010, which exceeded the number of early prison releases (287). The number of prison releases during the current fiscal year (2011) has dropped by an average of nearly 50 per month from FY 2010, which has caused the continued decline in the parole population.

The community corrections population is a unique population that is counted among the offender population figures. It is counted in parole caseload for fiscal purposes and supervision. As a matter of policy, 11.5% of the total prison inmate population

can be in community corrections.

9. Why is there a jail backlog if we are closing prisons and decreasing the number of contract beds? Why did the jail backlog increase in FY 2009-10, especially since the prison population fell?

Answer: The jail backlog appropriation funds more than jail backlog; it also funds payments for community regressions, parole violators, technical parole violators and contracts. As displayed in the table below, the actual jail backlog Average Daily Population (ADP) has dramatically declined from a high of 511 in FY 06 to 46 ADP in FY 10. The increase in expenditures in this appropriation is driven more by other jail incarcerations. The following paragraphs explain the types of jail bed day usage for which the DOC provides payment to the local county jails:

***DOC Jail Backlog** consists of offenders who are newly sentenced to the DOC and are awaiting intake into the DOC system. The DOC jail backlog is affected by the 45 per day maximum intake capacity at the Denver Reception and Diagnostic Center (DRDC) and the availability of a suitable bed for the offender. For ease of transport, county jails move offenders from jails to DOC intake on designated days of the week, sometimes just one day a week. Natural jail backlog can also occur when offenders are waiting for court papers to arrive before transport to DOC.*

*A **Community Regression** occurs when a community based inmate has been found guilty of a violation and is being brought back into a higher level custody prison bed. Community Regressions are held in jails following a guilty finding resulting from a due process hearing until a bed becomes available.*

***Parole Violators (PV)** are parolees who committed a new crime while on parole. Parole Violators are held in jail at the DOC's expense after they are revoked by the Parole Board or an Administrative Hearings Officer.*

***Technical Parole Violators (TPV)** are parolees who have violated the terms of the parole agreement. Technical Parole Violators are held in jail at the DOC's expense until a determination of revocation or release is made by the Parole Board or an Administrative Hearings Officer.*

***Contracts:** Larger counties with heavy caseloads of TPV offenders have the option of transporting those parolees to several smaller county jails who have the bed space available to hold them. Contract jails hold various types of offenders for the DOC as needed.*

The following table further details the information displayed in the JBC briefing document (JBC FY 2011-12 Staff Briefing Document, December 20, 2010, page 9) by incarceration type Average Daily Population (ADP):

	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10
Avg. Daily Population	723	801	635	442	413	569
Cost Of Jail Backlog	\$12,265,585	\$13,860,374	\$11,340,364	\$8,037,697	\$7,595,058	\$10,474,017
Daily Reimbursement Rate	\$46.49	\$47.42	\$48.96	\$49.69	\$50.44	\$50.44
Percent Change	n/a	2.0%	3.2%	1.5%	1.5%	0.0%
ADP By Incarceration Type:						
Jail Backlog	445	511	346	137	49	46
Comm Regression	67	80	91	126	108	136
Parole Violators	171	179	152	97	37	18
Technical Parole Violators	n/a	n/a	n/a	n/a	170	156
Contracts	40	31	46	82	49	213
Total of ADP Detail	723	801	635	442	413	569

10. Discuss the impacts of those inmates with I.C.E. detainees.

Answer: The foreign born population housed in DOC has continually increased over the past five years (see table below). Over the past five fiscal years, an average of 5.9% of the offenders released to parole had an I.C.E. detainee.

Inmates with I.C.E. Detainers

Fiscal Year	Inmate Population	Foreign Born Population	Foreign Born with I.C.E. Detainer	% of Population with I.C.E. Detainer
June 2006	22,231	1,483	960	4.3%
June 2007	22,728	1,593	1,002	4.4%
June 2008	23,208	1,608	1,061	4.6%
June 2009	23,403	1,785	1,310	5.6%
June 2010	23,113	1,828	1,318	5.7%

Released to I.C.E. Detainers

Fiscal Year	Offenders Released to Parole	Offenders Released to I.C.E. Detainer	% of Releases to I.C.E. Detainer
2006	7,183	417	5.8%
2007	8,508	456	5.4%
2008	8,875	552	6.2%
2009	9,036	501	5.6%
2010	9,334	620	6.7%

The State Criminal Alien Assistance Program (SCAAP) is a payment program designed to provide federal assistance to states and localities for the costs of incarcerating certain criminal aliens who are being held as a result of state and/or

local charges or convictions. The 2010 SCAAP award of \$2,916,474 was used to help defray costs of incarcerating illegal immigrants in Colorado's state prisons.

Once an offender with an ICE detainer is approved for parole, the offender is paroled to the detainer and transported to an ICE facility. The DOC's interstate compact office stays in contact with ICE until the offender is deported. Before the offenders leave DOC, a Correctional Client notice is entered into National Crime Information Center (NCIC). This entry ensures that the offender's parole officer will be notified of any law enforcement contacts made with the parolee until the completion of sentence. Then if warranted, a parole complaint will be issued, which initiates the parole board's complaint process.

**3:30-3:40 SIGNIFICANT ACTIONS TAKEN FROM FY 2007-08 TO FY 2010-11 TO
BALANCE THE BUDGET**

11. Discuss to which facilities inmates from Colorado Women's Correctional Facility and Boot Camp were transferred.

Answer: Many decisions must be made when decommissioning a facility or program. The Department strives to place the right offender in the right bed with the right resources. Moving large numbers of any population involves multiple considerations: available treatment programs at the receiving facility, offenders currently assigned to programs, custody level, treatment needs, vocational needs, medical and mental health needs, educational needs, and custody issues (where offenders could not be housed with certain other offenders) as well as gang affiliation.

The Department has been experiencing a decline in the female population over the last three years. When CWCF was decommissioned, female offenders were transferred to the three available female prisons: La Vista Correctional Facility, Denver Women's Correctional Facility, and High Plains Correctional Facility (private). Due to the continued decreasing female populations, High Plains Correctional Facility closed in June 2010 and offenders were moved to DWCF and LVCF.

Once the decision was made to suspend the Boot Camp program, the referral process adding new offenders to the program was stopped. The program continued to operate for a few months allowing the offenders already in the program to graduate and be afforded the opportunity to be re-considered by the court based upon C.R.S. 17-27.7-104. Those offenders not released were moved into the right bed using the movement criteria as with all other moves.

12. Where would Drug Offender Surcharge Funds have been used in FY 2009-10 if they had not been used to refinance General Fund? Was something else decreased in order to do this?

Answer: The \$250,000 in spending authority from the Drug Offender Surcharge Funds was anticipated as an additional disbursement due to a \$1 million surplus in

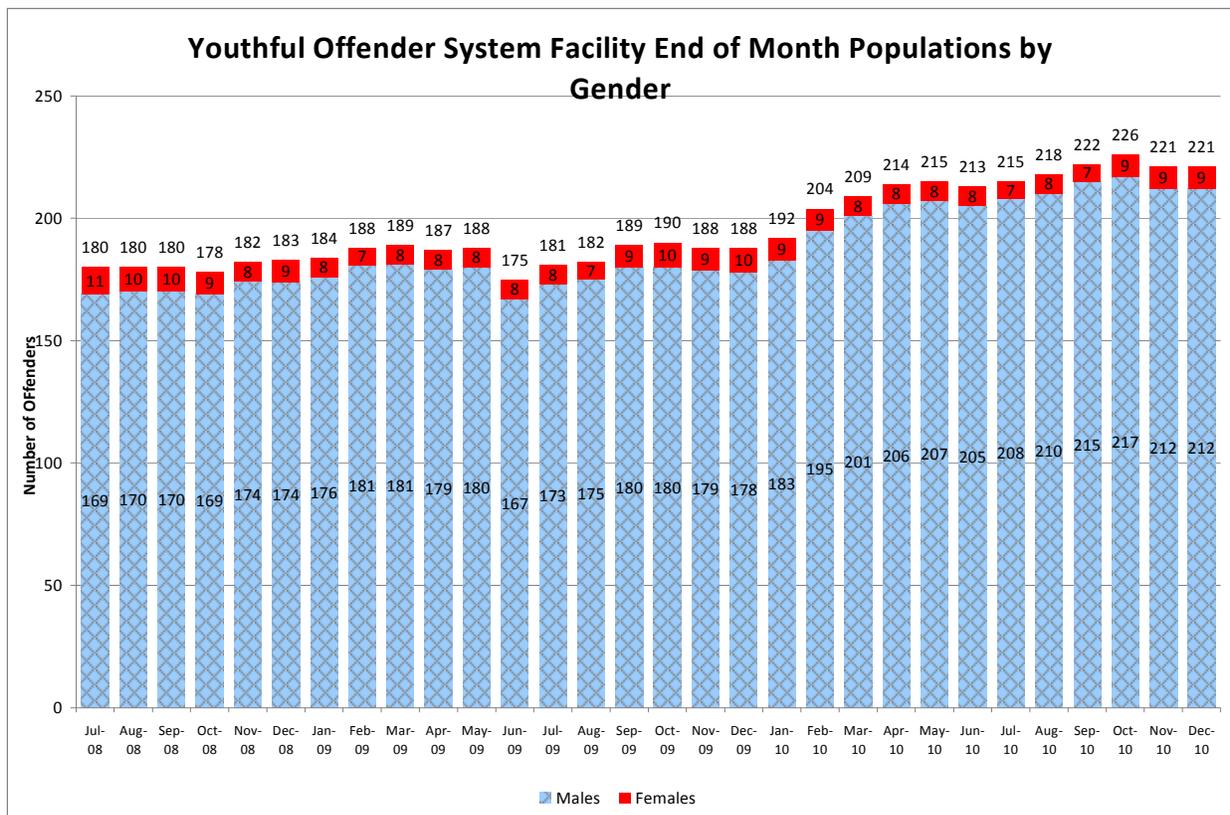
the Fund split between four agencies. This increase had not been received yet when the decision was made to refinance General Fund with the additional cash funds. No services were decreased from current spending. Additional services that were planned for expansion were not realized. The additional funds would provide an average increase of 20 offenders receiving community-based Therapeutic Community Treatment as a continuum of care following participation in prison TC programs. The monies would also expand services for approximately 2,500 offenders with the Denver Treatment Accountability for Safer Communities (TASC) program for Offenders with Serious Mental Illness (OSMI).

3:40-4:15 POPULATION PROJECTIONS

13. Discuss the department's projections for the Youthful Offender System by gender in future years.

Answer: Formal YOS projections are not done by DCJ, LCS, or DOC. However, when the fiscal note was completed for HB 09-1122, which expanded age eligibility criteria for the YOS population, the Department estimated that the YOS population would reach approximately 233 inmates and would then level out. During the 2010 legislative session, HB 10-1413 was passed, which again changed YOS age eligibility criteria. The Department estimated there would be an increase of 16 offenders in the YOS program by 2016.

The Department is currently funded for 233 offenders at YOS, with a total capacity capped at 256. The graph below shows an increase in the population upon passage of HB 09-1122, with continued growth expected over the coming years. The Department will monitor the population totals, and address budget shortfalls when average daily population figures exceed funded levels.



14. How many private prison beds were reduced in FY 2009-10?

Answer: The private prison providers housing Colorado offenders reduced 792 beds in FY 2009-10. The Kit Carson facility took 512 General Population male beds off-line and the High Plains Correctional Facility closed, reducing 280 female private beds.

The following table reflects the facility general population capacity of the private prisons that house Colorado offenders:

Private Prisons - General Population (GP) Facility Capacity			
	June 30, 2009 GP Capacity	June 30, 2010 GP Capacity	Difference + or ()
Bent County	1,387	1,387	0
Crowley County	1,616	1,616	0
Kit Carson	1,488	976	(512)
High Plains (Female) Closed 06/10	280	0	(280)
Sub-Total Private Prison Capacity	4,771	3,979	(792)
Pre-Release:			
Cheyenne Mountain Re-Entry Center	728	728	0
Total	5,499	4,707	(792)

The benefit of the partnership with private prison providers is the real time ability to increase or decrease prison bed capacity as the prison population fluctuates. As an example, the Department ended FY 2009-10 with 475 more offenders than projections

indicated. The private prisons provided the bed space as the Department began FY 2010-11 underfunded by 475 offenders, or \$9.1 million.

Additionally, there are two other private prisons in Colorado. The Huerfano Correctional Facility began housing Arizona offenders in FY 2008-09 and later closed the 752 bed facility when Arizona moved the offenders in-state during FY 2009-10. Hudson Correctional Facility opened a 1,188 General Population bed male facility during FY 2009-10 that presently houses Alaska offenders. The end result of out-of-state offenders to the Colorado private prison provider bed capacity is a gain of 436 beds. The following table shows the two facilities that housed out-of state offenders during FY 2009-10:

Private Prisons Housing Out-Of-State Offenders - General Population (GP) Facility Capacity			
	June 30, 2009 GP Capacity	June 30, 2010 GP Capacity	Difference + or ()
Huerfano (Occupied by AZ 05/09-03/10, then Closed)	752	0	(752)
Hudson (Occupied by AK through 06/12)	0	1,188	1,188
Total	752	1,188	436

15. What will the projected decrease in prison populations mean to the corrections system, both public and private? Are there high cost prisons we can close as a result of the lower prison populations? Can we reallocate between private and public beds to increase the degree of savings?

Answer: The Department is constantly looking at cost effective ways to efficiently manage resources and ultimately save money. The Departmental goal is to place the right offender in the right bed with the right resources. This is a constant effort as the offender population is dynamic with a wide range of needs.

The Department must consider factors such as custody level, medical needs, treatment needs (mental health, sex offender, substance abuse, or a dual diagnosis of these), required ADA accommodations, educational needs, and custody issues with other offenders when placing the right offender in the right bed with the right resources. Offenders not appropriate to place in private prisons are those with high medical or mental health needs, custody issues with other offenders in privates, sex offenders who are actively involved in treatment, ADA accommodation needs, or whose behavior is so dangerous and disruptive to be classified as close or ad seg custody level.

Some state facilities have unique populations: Youthful Offender System (juveniles direct filed as adults), San Carlos Correctional Facility (severe mentally ill and developmentally disabled), Colorado State Penitentiary and Centennial Correctional Facility (administrative segregation), as well as designated facilities that have ADA (Americans with Disability Act) beds, sex offender treatment programs, and therapeutic community programs. Some offenders in general population must be placed in state facilities to maintain services at the facilities.

The Department maintains that the reliance on private beds should not exceed 20-25% of the prison bed capacity. The projected decrease of Colorado prison populations will result in additional private prison bed space that would potentially be marketed to other State and/or Federal agencies. In a recent news release Corrections Corporation of America (CCA) announced plans to utilize the Crowley Correctional Facility which currently houses 1,600 Colorado offenders. The Department continues to work with its private prison partners to project bed needs and to assist in assuring that future Colorado bed needs are met.

Further, the “high cost” prisons are generally higher security level facilities with an appropriate physical plant that is designed to hold a higher custody level offender. There is a great need in the Department for housing close custody offenders; many close offenders are placed in Level III (medium custody) facilities. These offenders should be placed at a higher cost high security facility. By statute, private prisons house only offenders at or below a medium custody level.

Finally, the Department continually evaluates its state bed resources. In 2009, the Department decommissioned Colorado Women’s Correctional Facility (CWCF) in response to the declining female prison population and the high cost associated with the operation of CWCF. In 2010, the Department suspended the Boot Camp Program due to high operational costs and declining eligible population.

16. Is there a concern with parole officers having to purchase their own body armor? Discuss the department’s policy with regard to the purchase of body armor.

Answer: The Division of Adult Parole Community Corrections and YOS worked with its staff in the development of the existing body armor policy. The Department’s practice for protective vests is in line with other law enforcement agencies in the state. In an ongoing effort to improve practices, the Division has re-established a committee to further explore opportunities and options for regarding body armor, including fielding a survey of staff using these vests. Physical tests have also been conducted on the vests in an effort to provide quality equipment for the staff.

As a matter of policy, all tactical vests are included in the start-up expenditures for each new Parole Officer hired in the Department. These vests are currently purchased by Parole with no cost to the officer. Personal fitted vests are purchased upon request by the officer. These vests are funded 50% from staff funds and 50% from Department funds, since the vests are fitted to each individual and cannot be reused when the officer leaves the Department.

17. Discuss the impacts of H.B. 10-1360? Has the department seen more or less technical violations since it became effective? What impact has the reallocation of resources within the bill had in terms of the success of inmates?

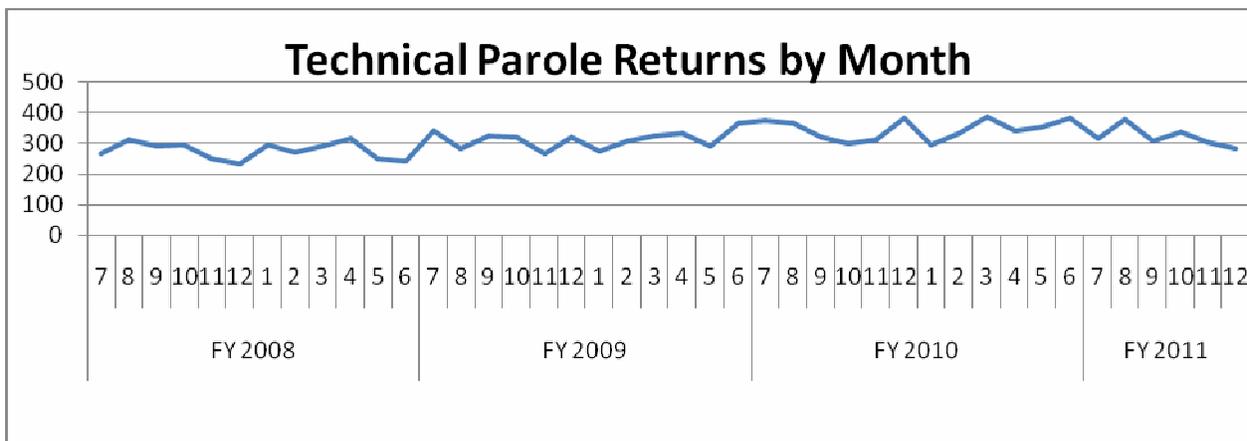
Answer: The Department received additional funding from HB 10-1360 for treatment and Wraparound Services for parolees. Some funding was added to existing

contracts and processes already in place throughout the Department. These areas include:

- Psychotropic Medications for Parolees (a new process patterned after the Offender Psychotropic Medication Program).
- Additional Substance Abuse Treatment (through TASC).
- Additional Mental Health/Sex Offender Treatment (through ATP - Approved Treatment Provider Network).
- Transportation (bus tickets/tokens).
- Additional/extended Housing (from 2 to 8 weeks).
- Educational Opportunities for Parolees (GED/HOPE/Gateway Programs).
- Employment & Job Training Services (On the Job Training employment vouchers through CDLE and local Work Force Centers).
- Funding for IRT (Intensive Residential Treatment) Aftercare Services.

The Department is encouraged with respect to the new funding source but due to some of the initiatives requiring procurement lead time (to adhere to state fiscal rules) to implement new contracts for additional services for parolees, expending funding has been limited.

In fiscal year 2010, 4,167 offenders returned to CDOC as a technical parole return. In fiscal year 2011 to date (July 1, 2010 through December 31, 2010), 1,928 offenders returned to CDOC as a technical parole return. This represents a 7 percent decline so far this year. However, variations from month to month in the rates of technical parole returns are common (see figure below). A longer time period is needed to determine whether changes are due to HB10-1360 or a natural variation in the rate of technical returns.



In addition to HB10-1360, other legislation passed at the same time, namely HB10-1374, may impact the rate of technical violations, which will make it difficult to attribute long-term changes to a single piece of legislation. (Please refer to the Department’s answer to question #6.) HB10-1374 mandated the use of a structured revocation guideline. Research shows that structured decision making tools provide a more accurate estimate of the likelihood that someone will reoffend than clinical

judgment alone¹. Therefore, Colorado's Division of Adult Parole has contracted with the Center for Effective Public Policy to assist the CDOC in developing a structured decision making tool for responding appropriately to parole violations. The Colorado Violations Decision Making Process (CVDMP) uses a matrix of the parolee's criminal risk and the severity of the parole violation to derive an appropriate level of response in order to promote a greater use of intermediate sanctions in lieu of return to prison.

18. Discuss how the department is currently using the Colorado Women's Correctional Facility and the Boot Camp. Could the State sell either property?

Answer: It is not feasible to sell either prison.

The Boot Camp vacant space is within the security buffer zone of the BVCF, and selling this property would compromise the security of the remainder of the facility.

Colorado Women's Correctional Facility (CWCF) houses the primary pumping stations for the potable water system serving the entire East Canon Complex, as well as utilities which are connected to the entire East Canon Complex.

The CWCF property is presently providing office space for the DOC's Payroll Staff, Risk Management Work Unit, and the Offender Time Computation Unit. At no additional cost, the Department moved these functions to CWCF, so production time is not lost during lockdown situations. The Department continues to review efficiencies gained by relocating other work units to this property. Through a CCi enterprise, the Department has provided space at CWCF for the U.S. State Department as a training center for prison officials from foreign countries.

19. Was the therapeutic community shut down at Denver Women's Correctional Facility?

Answer: No, the Therapeutic Community (TC) at the Denver Women's Correctional Facility (DWCF) has not been shut down. The TC at DWCF began in January 1999 and continues today providing programs for 65 female offenders. The TC program at DWCF remains full with the normal duration of the program being 9 to 12 months.

Another TC was implemented in July 2010 with a capacity of 72 female offenders at the La Vista Correctional Facility. This new TC program is in addition to the one in operation at DWCF, not in lieu of.

4:15-4:20 APPROPRIATIONS INCLUDED FOR CRIMINAL SENTENCING LAWS

20. Discuss whether capital construction appropriations should be reduced in

¹ Andrews, D. A., & Bonta, J. (1998). *The psychology of criminal conduct* (2nd ed.). Cincinnati, OH: Anderson Publishing Co.

criminal sentencing bills that result in a reduction in the inmate population?

Answer: The Department appreciates the opportunity to provide information regarding this policy discussion. Presently, there is a small balance in the capital construction reserve fund. In FY 2011-12, the balance in the fund will be used toward the first COP payment on CSP II; under current law, the fund balance of \$1,293,761 will be used as part of the \$18,436,900 million payment. By maintaining the fund, the balance can be applied to the COP payments for a portion of the state's obligation for the next 12 years, including this fiscal year. Without new sentencing bills with capital construction impacts, the capital construction reserve balance will decline to \$572,005 in FY 13 and \$0 in FY 14. The Department does not recommend a change in fiscal note policy that would reduce the capital construction reserve fund for criminal sentencing bills that result in a decline in the inmate population.

4:20-4:30 UPDATE ON THE OPENING OF TOWER I AT CSP II

- 21. Are inmates who are participating in the specialized mental health program at Colorado State Penitentiary being staffed at the levels that are consistent with the plan the department submitted to House and Senate Judiciary Committees? Discuss the status of the offenders who are on the waitlist for the program? What types of services are those in the program receiving versus those who are on the waitlist?**

Answer: The Colorado State Penitentiary (CSP)/Centennial Correctional Facility (CCF) Offenders with Mental Illness (OMI) program has progressed with implementation as outlined in the document submitted to the House and Senate Judiciary Committees. As of January 5, 2011 the program has 120 offenders in the treatment program. Offenders within the program (referred to as the CSP OMI program) participate in group sessions and therapeutic recreational activities are being developed. The CSP OMI mental health clinicians assess offenders and prepare individual treatment plans. Treatment services focus on three overlapping treatment groups (1) serious mental illness, (2) cognitive behavioral treatment, and (3) self injury. All offenders for the CSP program have been identified and will begin the program as staff are hired. The Department continues to work diligently to bring the program fully on-line.

Offenders who are participating in the specialized mental health program at Colorado State Penitentiary are being staffed at levels consistent with the plan the DOC submitted to the House and Senate Judiciary Committees. Recruitment for these positions has been a priority and the DOC has been successful in filling many of the positions. The Department has utilized several strategies for hiring including internet based recruitment sites. As newly hired staff complete basic training and facility training, new offender groups will be added until the program is fully operational.

Twelve additional offenders will begin the program on January 6, 2011, leaving 60 offenders on the waiting list for the CSP OMI program. When fully implemented, the

program capacity will be 192 offenders. Offenders on the waitlist for the CSP OMI program receive general mental health treatment on an individual basis with the same out of cell time as other administrative segregation offenders. Offenders in the OMI program currently have group therapy that increase the contact with mental health staff and out of cell time.

The OMI program at CCF currently has 96 offenders and will be expanding to add an additional 48 offenders. This transition program will assist offenders moving either to a general population setting or to community placement

22. Discuss the plan for implementing the specialized mental health program at Colorado State Penitentiary. What is the potential savings in dollars and FTE as a result of this program not being fully implemented?

Answer: Treatment at the CSP Offenders with Mental Illness (OMI) unit began in August 2010. Therapy tables and treatment modules have been installed in the living units. OMI offenders were moved together into the 192 beds assigned to the unit. As of 1/5/11 we have 120 offenders in mental health contact 3 hours per week -group therapy. An additional 12 offenders start the program on 1/6/11. The remaining 60 offenders will be fully engaged in the program by February 20, 2011 with the additional staff hired. Based upon the program goals, the time in therapy including recreational therapy will increase as staff complete training and as the offenders progress through the program. The offenders presently in the program are also out of their cells for five hours per week for hygiene and recreation. This will increase to seven hours per week as part of an incentive to participate; this time is in addition to the planned socialization therapy.

A comprehensive treatment program with corresponding curriculum has been developed based on the needs of this population. The program has been developed to enable solid research tracking with measurable benchmarks. Program participants will be assessed and will work with their primary therapist to develop an individualized treatment plan. Based on each individual's needs and treatment plan, offenders will participate in a variety of group therapy programs. The current program options include: anger management, depression management, anxiety management, The Price of Freedom is Living Free, social skills training, substance abuse, Cognitive Behavioral Therapy for Psychotic Symptoms, Social Anxiety in Schizophrenia, stress management, Controlling Anger and Learning to Manage It, bipolar management, Dialectic Behavior Therapy, journaling, and core groups in Strategies for Self-Improvement and Change, Wellness Recovery Action Plan, and Illness Management and Recovery. The Department is seeking to develop a recreational therapy program to meet the special needs of offenders in this program. The Department is also developing a database to track key components of offenders' progression/regression through the program, including group attendance, out of cell time, program level changes, and attainment of benchmarks. This database will be a multi-functional management tool for program staff as well as research staff. Planning and Analysis office is developing a research plan to conduct process evaluation to report on the activities of the program and outcome evaluation to

determine whether there is improvement in psychological well-being over time.

The program plan was submitted to the House and Senate Judiciary Committees as required per footnote 4c of HB 10-1376. An updated report detailing the progress related to the OMI unit is due to the Committees on January 31, 2011 per footnote 4b of HB 10-1376. The Department continues to refine the program module to create a state-of-the-art program for OMI offenders in ad seg. The Department has hired two forensic experts as consultants on program design and effectiveness.

Title	FTE Allocated	FTE filled as of 1-6-11	FTE filled as of 1-12-11	FTE filled as of Feb 2011*	FTE filled as of March 2011*
Health Professional I	12.0	8.0	1.0	2.0	1.0
Health Professional II	2.0	2.0			
Nurse I	3.0	2.0			1.0
Physician I (contract)	0.4	0.4			
Psychologist Candidate	4.0	2.0	1.0		
Psychologist I	1.0	0.0			1.0
Social Worker/Counselor III	5.0	4.0			1.0
Social Worker/Counselor IV	2.0	2.0			
Total	28.4	20.4	2.0	2.0	4.0

*Estimated hire dates

Policy development, program/curricula development, identification and movement of appropriate OMI offenders, and construction of the therapy tables and treatment booths has contributed to the delayed implementation of the program. As of January 6, 2011, the Department has hired 20.4 FTE out of the 28.4 allocated for the CSP OMI program. Two additional staff will begin on January 12, 2011; two more staff will start effective February 1, 2011. The DOC estimates that the remaining 4.0 will be hired by March 2011. Based on this calculation, the Department projects approximately \$406,000 in potential personal services savings in FY 2010-11. The Department will work with JBC staff to prepare necessary documents for the potential General Fund savings.

4:30-4:50 MANDATORY PAROLE

23. Discuss whether mandatory parole is a cost-effective method for maintaining public safety. Discuss the impacts of making the periods of incarceration and parole concurrent rather than consecutive.

Answer:

Cost effectiveness

Mandatory parole is cost effective and a critical component of the Department's public safety mission. Prior to HB 93-1302, certain offenders could discharge without

24. How has parole supervision changed since the adoption of mandatory parole? How have the number of man months on parole been impacted by mandatory parole? has the cost to manage parolees increased?

*Answer: **How has parole supervision changed since the adoption of mandatory parole?***

The complexity of supervision and the role of the Community Parole Officer (CPO) has changed significantly since the adoption of mandatory parole. The role of the CPO ranges from peace officer, regarding the supervision of the offender with respect to the conditions of parole and compliance, to counselor/social worker with respect to identifying individual parolee need and risk assessment.

Mandatory parole allows the Department to target high risk offenders with supervision and treatment that otherwise would have been discharged into the community without supervision. The need for these services were already evident in this population and over recent years have been coupled with the additional program resources of Community Re-Entry and evolving parole supervision strategies (global positioning monitoring systems, electronic home monitoring, day reporting centers, motivational interviewing and cognitive behavior education). Along with the Department's Pre-Release programs (prison facility based), these initiatives provide a continuum of services and programs to offenders transitioning from prison to parole. As a result of the last legislative session, HB 10-1360 and 1374 have added additional resources for the CPO's supervision of the parolee population (See response to question #17).

The real importance of mandatory parole is that the Department can provide supervision and treatment strategies, based on a risk needs assessment, to a high risk population that would have otherwise not have received these services.

How have the number of man months on parole been impacted by mandatory parole?

It is not possible to disentangle the effects of HB 1302, passed in 1993, from the effects of other legislation that changed length of time on parole. For example, HB 1320, passed in 1985, created discretionary parole. In 1990, HB 1327 allowed earned time rewards for parolees, which reduced time spent on parole. HB 1302 added a split sentence mandating a period of parole for all crimes following the prison sentence. This legislation also eliminated the earned time awards while on parole, thus increasing the average time on parole. In 1995, HB 1087 reinstated earned time while on parole for certain nonviolent offenders. In 1998, HB 1160 mandated that every offender complete a period of 12 continuous months of parole supervision after incarceration. In 2003, SB 252 removed the 12 continuous months of parole supervision after incarceration, allowing the parole board to return an offender who paroled on certain nonviolent class five or six felonies to a community corrections program or to a pre-parole release and revocation center for up to 180 days. Given all of these changes to the parole program and services, it is not possible

to accurately assess the effects of mandatory parole.

The chart included in question number 23 of Colorado offenders shows differences between prison time served and parole time served for non-mandatory and mandatory parole.

How has the cost to manage parolees increased?

In 1993, the Cost Per Day (CPD) per Parolee was \$6.06. The actual CPD in 2010 was \$11.82, which is higher than the inflation-adjusted 1993 cost (\$9.18). However, inflation is only one of many factors influencing the increase in CPD for parolees over the last 17 years. Parolees on mandatory parole have a higher treatment need and supervision level than those on discretionary parole, as they may have had more violent crimes, negative institutional behavior, or did not participate in expected treatment programs.

Some of the expanded parole services since 1993 include:

- *pre-release counseling and planning services*
- *education assistance*
- *weekly home, office and employment contacts*
- *surveillance (GPS and EHM)*
- *day reporting services*
- *educational assistance*
- *employment assistance*
- *increased wraparound services (psychotropic medications for inmates and parolees, substance abuse treatment – through TASC, and mental health treatment – through the Approved Treatment Provider network)*
- *Transportation (bus tickets/tokens).*
- *Additional/extended Housing (from 2 to 8 weeks).*
- *Educational Opportunities for Parolees (GED/HOPE/Gateway Programs).*
- *Employment & Job Training Services (On the Job Training (OJT) employment vouchers through CDLE and local Work Force Centers).*
- *Funding for IRT (Intensive Residential Treatment) Aftercare Services*
- *Motivational interviewing*
- *Cognitive Education*

In addition, the Department has expanded CWISE (the CPOs electronic offender management system) for referral and data tracking system.

The Department is dedicated to maintaining public safety for the citizens of Colorado through effective supervision of parolees residing in our communities. By using evidence-based or best practice methods of supervision, research indicates that both public safety and reduced recidivism can be achieved through offender success.

Pre-Release and Community Re-Entry have worked closely with National Institute of Corrections (NIC) to implement evidence-based practices. These programs were designed to prepare offenders transitioning into the community through targeting

known predictors of recidivism and provide a continuum of services from prison through parole.

As of November 8, 2010, the Division of Adult Parole, Community Corrections and Youthful Offender System, in collaboration with the State Board of Parole, has been in the process of piloting the Colorado Violation Decision Making Process (CVDMP). The CVDMP document provides officers a list of appropriate responses to violations based on the severity of the violation and an assessment of the offender's risk level using the Level of Service Inventory–Revised (LSI-R). Members of the State Board of Parole have been involved in both scaling violation severity and determining the appropriate responses for such violations. The instrument is designed to recommend intermediate sanctions in lieu of filing parole complaints or seeking revocation. In addition to such practices being supported by current best practice research, developing such guidelines for use by the Parole Board in evaluating complaints is required in legislation passed in HB 10-1374. As a result, the Department has utilized approximately 80 Condition of Parole Beds (from Community Correction's providers) in lieu of revoking the offender back to a more costly DOC bed.

25. How many states have mandatory parole? How do recidivism rates differ between non-mandatory and mandatory parole states? Are states that do not have mandatory parole transitioning inmates earlier into the community than in mandatory parole states?

Answer: How many states have mandatory parole?

Fifteen states are currently sentencing offenders to mandatory parole. An additional three states have mandatory parole by another name (e.g., mandatory supervised release).

How do recidivism rates differ between non-mandatory and mandatory parole states?

Recidivism is one measure for states to determine the effectiveness of incarceration and offender rehabilitation programs such as education, vocational, drug and alcohol treatment, and therapeutic community programs. While it seems logical to use recidivism to measure correctional system outcomes, challenges result from the differing ways it can be defined and measured. There are three common ways to measure or calculate recidivism rates. One is the re-arrest rate, which can be either a new misdemeanor and/or a felony arrest. Second, it can be calculated as the reconviction rate for a new misdemeanor and/or felony, and third is the re-incarceration rate or re-imprisonment rate.

Some states do not include misdemeanor charges, and others do not include technical parole/probation violations. Adding to the complexity of how states determine their recidivism rates is the period of time over which the measurement is calculated – 1, 2, 3, or 5 years and in some cases even 10 years of follow-up time. In addition, who is

included in a release cohort varies between states. Colorado follows the Association of State Correctional Administrators' guidelines for how to calculate recidivism, which means that the Department counts the number of offenders released per year, not the number of releases. An offender may have been released multiple times in that same year but is only counted once per calendar year.

Because the recidivism definitions and measurement vary, comparisons cannot be made between states.

Table 1 shows percentages of DOC offenders released in 2005 who returned to prison within three years by release type. For both male and female offenders, those released by parole board discretion had lower three-year return to prison rates than offenders with mandatory parole².

Table 1: Three-Year Return to Prison Rates, CY 2005

Release Type	Number of Releases	Percentage Returned to Prison		
		Males	Females	Total
Discretionary Parole	1,821	49.2%	43.6%	48.2%
Mandatory Parole	4,699	64.6%	58.3%	63.8%
Sentence Discharge	1,237	22.1%	14.4%	21.5%
Other	333	44.6%	34.3%	43.5%
Total	8,090	53.6%	48.9%	53.2%

Are states that do not have mandatory parole transitioning offenders earlier into the community than in mandatory parole states?

According to a Bureau of Justice Statistics analysis of nationwide trends in state parole, offenders releasing under mandatory parole served less time in prison on average than those released by a parole board³. In 1999, prisoners released by discretionary parole for the first time on their current sentence had served an average of 35 months in prison and jail, while those released through mandatory parole had served 33 months. Violent offenders on their first release served 12 months less under mandatory parole sentences than under discretionary parole board releases in 1999. Time served by property and drug offenders under mandatory release was shorter than discretionary release by one month. Although the average time served by discretionary releases exceeded the time served by mandatory parole releases in 1999, discretionary releases served a smaller percentage of their prison sentences before release. Discretionary releases served 37% of their total prison sentence (up from 34% in 1990), whereas mandatory releases served 61% of their sentence (up from 55%).

Solomon et al. (2005) found that for offenders released on mandatory parole, the average time served on parole was 18.5 months, and for offenders released on discretionary parole, the average time served was 21.3 months.

² Barr, B. & O'Keefe, M (2009). *Statistical Report: Fiscal Year 2009*. Colorado Department of Corrections.

³ Hughes, T. A., Wilson, D. J., & Beck, A. J. (2001). *Trends in State Parole, 1990-2000*. Bureau of Justice Statistics Special Report.

As discussed in the response to question 23, in Colorado, offenders released on discretionary parole spent an average of 4.2 more months in prison than offenders released on mandatory parole.

26. Is there any evidence on the optimal length that someone should be on parole? Do some inmates hit that point sooner than the length of stay mandatory parole requires?

Answer: No, there is no evidence that there is an optimal length for parole supervision. In Colorado, Department staff continually identify and focus on each offender's needs and risk management level, both prior to release and while on parole. The Department's system targets specific offender criminogenic needs which may result in the offender posing a risk to the community and creating a barrier to the offender's successful re-entry. While the offender is on parole, the Community Parole officer and division management continually re-assess those risk factors and focus resources (i.e. mental health and substance abuse treatment, housing assistance, community support) to address the specific management and supervision needs of each offender.

It is the policy of Adult Parole, Community Corrections, and Youthful Offender System to recommend an early discharge only for those parolees who have maintained compliance with parole conditions and whose performance on parole demonstrates pro-social stabilization. Offenders on both discretionary parole and mandatory parole are regularly presented to the Parole Board for consideration of early discharge from parole.

4:50-5:00 GENERAL QUESTIONS

27. Provide the report for Request for Information #10 regarding psychotropic medication. Discuss the effectiveness of this program and whether the funding is being fully utilized.

Answer: The Department is providing the Legislative Footnote Report for Senate Bill 07-160, dated February 1, 2010, for the Psychotropic Medication Program for Community-Based Offenders with Mental Illness as an attachment. This is the latest report available. The program was initiated with Senate Bill 07-160 in the FY 2006-07 supplemental budget process and a report is requested annually to compare the outcomes with the population of mentally ill offenders in community corrections programs in FY 2005-06.

The need for psychotropic medications

Mental health issues are prevalent within the U.S. offender population. Of those incarcerated in 2000, roughly 16% were diagnosed with a mental health condition or had some history of inpatient mental health care⁴. While mental health services (to

⁴ Beck, A.J. & Maruschak, L.M. (2001). Mental Health Treatment in State Prisons, 2000. *Bureau of Justice Statistics*. Retrieved September 8, 2010, from <http://bjsdata.ojp.usdoj.gov/content/pub/pdf/mhtsp00.pdf>

include psychotropic medications) are provided while the offender is incarcerated, traditionally, after release into the community, these needs often go unmet. Two of the major obstacles in receiving necessary mental health treatment have been an offender's inability to pay, as most do not have insurance,⁵ and the reluctance of certain mental providers to work with this population⁶. In a recent study conducted with Colorado parolees who had successfully discharged their sentences, 46% of parolees surveyed believed that mental health medications were highly important to their success and ability to complete parole, and 50% believed that substance abuse and mental health treatment were highly important⁷.

Effectiveness of the psychotropic medications program

The definition of recidivism used by the state of Colorado at the recommendation of the Association of State Correctional Administrators is a return to prison within 3 years of release. The psychotropic medications program was not implemented until 2007. Because the program is so young, a full cohort is not yet available for analyses. Thus, data analysis and findings must be considered tentative.

For the Feb 1, 2010, report, a change was made in the calculation of return to prison rates. When the first report was written in Feb 1, 2009, only one fiscal year of data was available since the psychotropic medications program started. It is difficult to evaluate a program with such little data, but the total return to prison rates were reported and compared with FY 2006 total returns to prison. In 2010, the one year return to prison rates were compared to the FY 2006 one year return to prison rates. This change was made because otherwise the return to prison rates would be biased higher for the FY 2006 group simply because they have had more time to recidivate.

As discussed in the 2010 psychotropic medications report, offenders in return to custody facilities who received funding for psychotropic medications paroled at a higher frequency than mentally ill offenders in return to custody facilities prior to this new funding (60% vs. 33%). Conversely, regressions to prison directly from return to custody facilities decreased substantially after the psychotropic medication program was implemented for offenders in return to custody facilities (33% vs. 56%). For offenders in community transition and intensive supervision programs, the percentages of offenders who paroled are similar before and after implementation of the psychotropic medications program. Prison returns were similar for offenders who received funding for psychotropic medications compared to those in community programs prior to this funding. However, prison return rates for new crimes were slightly lower for offenders receiving funding for psychotropic medications than for the FY 2006 comparison group (5% vs. 8% for community transition and 11% vs.

⁵ Petersilia, J. (2000). When prisoners return to the community: Political, economic, and social consequences. *Sentencing and Corrections: Issues for the 21st Century*, No. 9. Washington, DC: National Institute of Justice.

⁶ Draine, J., Wolff, N., Jacoby, J.E., & Hartwell, S. (2005). Understanding community re-entry of former prisoners with mental illness: A conceptual model to guide new research. *Behavioral Sciences and the Law*, 23, 689-707.

⁷ Green, R. (2010). *Factors Related to the Successful Completion of Parole Among a Sample of Offenders in Colorado*. Unpublished Manuscript, University of Colorado, Denver, Colorado, United States.

16% for return to custody facilities).

In FY 2009-10, the Department's original funding for psychotropic medications (for offenders) in community settings was \$131,400. With the implementation of the Accelerated Transition Pilot Program (ATPP) program, \$151,553 was added to the funding line for a total of \$282,953. ATPP funds were only for those inmates released by the Parole Board and only \$7,894 was spent on ATPP psychotropic medications. This is, in part, due to the fact that ATPP did not generate the expected releases. Therefore, the Department only spent 5.2% of the ATPP appropriation for psychotropic medications. If the \$7,894 amount is subtracted from the \$119,975, the result is the Department spent \$112,080 of the original \$131,400 or 85%.

Starting in FY 2010-11, the additional funding from HB-1360 will give the Department more opportunity and flexibility to provide assistance to the entire parole and offender population. The Department continues to educate and inform the community parole officers and the community corrections facilities with respect to the availability of these funds.

28. Does the State spend more per capita on corrections than any other state? How does Colorado rank against other states and why?

Answer: The Department prepared an analysis of nationwide Corrections spending utilizing data from the U. S Census Bureau, finding that Colorado ranks 8 in Corrections spending per capita. It must be noted that US Census data totals include probation and community corrections diversion bed costs, which in Colorado are budgeted in the Judicial Branch and the Department of Public Safety, Division of Criminal Justice, respectively. Capital Construction costs for CSP II in 2008 are also included in these figures.

Per Capita Corrections Spending in 2008				
Rank	State	State Government Corrections Expense:** 2008 ^(A) (in thousands)	Estimate of the Population for States July 1, 2008 ^(B)	Per Capita Spending
1	Alaska	243,961	688,125	\$354.53
2	Delaware	280,710	876,211	\$320.37
3	Wyoming	164,617	532,981	\$308.86
4	Maryland	1,366,211	5,658,655	\$241.44
5	California	8,829,940	36,580,371	\$241.38
6	Connecticut	723,346	3,502,932	\$206.50
7	Massachusetts	1,332,960	6,543,595	\$203.70
8	Colorado	996,266	4,935,213	\$201.87
9	Virginia	1,547,571	7,795,424	\$198.52
10	Vermont	120,328	621,049	\$193.75
11	Wisconsin	1,084,127	5,627,610	\$192.64
12	Oregon	720,504	3,782,991	\$190.46
13	New Mexico	376,627	1,986,763	\$189.57
14	Rhode Island	199,394	1,053,502	\$189.27
15	Michigan	1,863,464	10,002,486	\$186.30
16	Washington	1,205,895	6,566,073	\$183.66

Per Capita Corrections Spending in 2008				
Rank	State	State Government Corrections Expense:** 2008 ^(A) (in thousands)	Estimate of the Population for States July 1, 2008 ^(B)	Per Capita Spending
17	Montana	168,127	968,035	\$173.68
18	Louisiana	773,076	4,451,513	\$173.67
19	New Jersey	1,496,976	8,663,398	\$172.79
20	Hawaii	219,070	1,287,481	\$170.15
21	Oklahoma	616,933	3,644,025	\$169.30
22	Georgia	1,571,961	9,697,838	\$162.09
23	New York	3,135,187	19,467,789	\$161.04
24	Idaho	244,504	1,527,506	\$160.07
25	Arizona	1,023,693	6,499,377	\$157.51
26	Florida	2,770,179	18,423,878	\$150.36
27	Texas	3,565,217	24,304,290	\$146.69
28	Ohio	1,668,729	11,528,072	\$144.75
29	North Carolina	1,324,484	9,247,134	\$143.23
30	Nevada	367,241	2,615,772	\$140.39
31	Pennsylvania	1,744,264	12,566,368	\$138.80
32	South Dakota	110,268	804,532	\$137.06
33	West Virginia	241,996	1,814,873	\$133.34
34	Kansas	361,648	2,797,375	\$129.28
35	Missouri	754,740	5,956,335	\$126.71
36	Arkansas	361,537	2,867,764	\$126.07
37	Mississippi	369,248	2,940,212	\$125.59
38	Tennessee	768,711	6,240,456	\$123.18
39	Nebraska	219,278	1,781,949	\$123.06
40	Kentucky	527,311	4,287,931	\$122.98
41	Utah	332,828	2,727,343	\$122.03
42	South Carolina	514,479	4,503,280	\$114.25
43	Alabama	525,281	4,677,464	\$112.30
44	Maine	141,982	1,319,691	\$107.59
45	Indiana	676,633	6,388,309	\$105.92
46	Minnesota	536,760	5,230,567	\$102.62
47	Iowa	291,406	2,993,987	\$97.33
48	Illinois	1,244,230	12,842,954	\$96.88
49	North Dakota	61,368	641,421	\$95.68
50	New Hampshire	112,265	1,321,872	\$84.93

(A) Source: 2008 Annual Survey of State government Finances. Data was extracted from the U.S. Census Bureau "2008 Annual Survey of State Government Finances". The data in this table are based on information from public records and contain no confidential data.

Although the data in this table come from a census of governmental units and are not subject to sampling error, the census results do contain nonsampling error. Additional information on nonsampling error, response rates, and definitions may be found at http://www2.census.gov/govs/state/08_methodology.pdf.

(B) Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2009 (NST-EST 2009-01) Source: U.S. Census Bureau, Population Division Release Date: December 2009

** Corrections expenses include: Prisons operations, Parole, Parole Board, Probation, Capital Construction, Community Corrections, residential half way houses, prison industries, federal subsidies or assistance. In Colorado, Probation and Community Corrections diversion beds are in the Judicial Branch and the Division of Criminal Justice budgets. Capital Construction expenses for 2008 also include construction of CSP II prison facility which will not be expended past 2010. In 2008 those expenses were \$28,650,644.

ADDENDUM: QUESTIONS REQUIRING ONLY A WRITTEN RESPONSE

Please provide:

- 1. Please provide a table comparing the actual number of department FTEs in FY 2000-01 and the requested number of department FTEs in FY 2011-12, by division or program.**

Answer: There are many factors affecting the difference between the FY 2000-01 actual FTE and the request for FY 2011-12. The Department is a dynamic agency impacted by external elements, directly affected by caseload changes driven by the court system for admissions and the Parole Board for releases from prison and parole. During this time period, prison populations increased 35.4% (from 15,999 in 2000 to a projected 21,662 in June 2012), and parole populations increased 150.5% (from 3,685 in 2000 to 9,232 projected in 2012), while staffing increased 24%.

Given the nature of operations and how the Department is funded, actual hours worked does not accurately reflect FTE needs of the Department. DOC leaves 300 positions vacant to meet the gap in appropriations to pay for 20% unfunded shift differential, staff overtime (an unfunded cost standard for a 24/7 operation), and retirement payouts of annual and sick leave. This is a constant number that the Department is required to leave vacant to meet appropriations. These factors ensure the Department never has the ability of filling 100% of all positions so that the actual FTE (calculated by hours worked) meet the appropriated FTE in any given year.

Due to expanding prison populations, three new facilities were opened: Ft. Lyon Correctional Facility (2001), Trinidad Correctional Facility (2001), and Centennial Tower I (2010); and five facilities created 616 additional beds (540 male and 76 female) by double bunking cells: Colorado Territorial Correctional Facility, Sterling Correctional Facility, Buena Vista Correctional Facility, Fremont Correctional Facility, and Denver Women's Correctional Facility. Parole staffing is caseload driven, so the need for parole officers correlates to the population changes.

In 2008, the Department converted approximately 142.6 education and mental health contract staff to state FTE in order to comply with Department of Personnel and Administration guidelines. Treatment programs for mental health, drug and alcohol abuse, and sex offender treatment have been expanded during this same time period to keep up with caseload increases.

Between FY 2001 and FY 2004, the Department lost 588.4 FTE due to budget cuts which have never been restored. In recent years, staff reductions have been realized from the closing of Colorado Women's Correctional Facility and suspension of the Boot Camp program at Buena Vista. In 2010, information technology and

communications staff were transferred to the Office of Information Technology. Also, the Inspector General staff moved from the Executive Director's line to the Inspector General subprogram.

	FY 2000-01 Actual FTE*	FY 2011-12 Requested FTE**	Increase or Decrease ()
DOC Long Bill Subprogram:			
1) MANAGEMENT			
A) Executive Director's Office Subprogram	67.5	28.5	(39.0)
B) External Capacity Subprogram	11.2	20.5	9.3
C) Inspector General Subprogram	3.7	50.2	46.5
1) SUB-TOTAL MANAGEMENT	82.4	99.2	16.8
2) INSTITUTIONS			
A) Utilities Subprogram	0.0	3.0	3.0
B) Maintenance Subprogram	252.6	322.0	69.4
C) Housing & Security Subprogram	2,516.1	3,131.8	615.7
D) Food Service Subprogram	220.4	279.2	58.8
E) Medical Services Subprogram	317.7	444.8	127.1
F) Laundry Subprogram	31.2	40.4	9.2
G) Superintendents Subprogram	194.0	169.2	(24.8)
H) Boot Camp Subprogram	37.3	0.0	(37.3)
I) Youth Offender System Subprogram	206.2	171.9	(34.3)
J) Case Management Subprogram	216.3	234.7	18.4
K) Mental Health Subprogram	53.5	141.1	87.6
L) Inmate Pay Subprogram	0.0	0.0	0.0
M) San Carlos Subprogram	218.7	195.1	(23.6)
N) Legal Access Subprogram	13.9	21.5	7.6
2) SUB-TOTAL INSTITUTIONS	4,277.9	5,154.7	876.8
3) SUPPORT SERVICES			
A) Business Operations Subprogram	116.6	113.7	(2.9)
B) Personnel Subprogram	34.8	19.7	(15.1)
C) Offender Services Subprogram	38.7	47.9	9.2
D) Communications Subprogram	9.1	0.0	(9.1)
E) Transportation Subprogram	27.7	36.1	8.4
F) Training Subprogram	29.9	27.3	(2.6)
G) Information Systems Subprogram	34.6	0.0	(34.6)
H) Facility Services Subprogram	25.8	12.0	(13.8)
3) SUB-TOTAL SUPPORT SERVICES	317.2	256.7	(60.5)
4) INMATE PROGRAMS			
A) Labor Subprogram	91.6	95.3	3.7
B) Education Subprogram	130.4	256.3	125.9
C) Recreation Subprogram	108.0	116.7	8.7
D) Drug & Alcohol Treatment Subprogram	4.7	103.0	98.3
E) Sex Offender Treatment Subprogram	34.1	49.1	15.0
F) Volunteers Subprogram	7.0	9.0	2.0
4) SUB-TOTAL SUPPORT SERVICES	375.8	629.4	253.6
5) COMMUNITY SERVICES			
A) Parole Subprogram	96.4	185.9	89.5
B) Parole Intensive Supervision Subprogram	34.8	92.1	57.3

	FY 2000-01 Actual FTE*	FY 2011-12 Requested FTE**	Increase or Decrease ()
DOC Long Bill Subprogram:			
C) Community Intensive Supervision Subprogram	36.4	51.8	15.4
D) (1) Community Supervision Subprogram	28.5	47.3	18.8
(2) YOS AfterCare Subprogram	10.0	9.5	(0.5)
E) Community Re-entry Subprogram	7.7	39.0	31.3
5) SUB-TOTAL COMMUNITY SERVICES	213.8	425.6	211.8
6) PAROLE BOARD SUBPROGRAM	12.5	18.5	6.0
7) CORRECTIONAL INDUSTRIES SUBPROGRAM	156.4	163.0	6.6
8) CANTEEN OPERATION SUBPROGRAM	24.1	29.7	5.6
TOTAL ALL FTE	5,460.1	6,776.8	1,316.7
*FY 2000-01 Data Source is the Schedule 2A Actual			
**FY 2011-12 Data Source is the Schedule 3 Request			
Other relevant data:	Offender	Parole	
July 1, 2000 Population (actual)	15,999	3,685	
June 30, 2012 Population (projected-LCS December, 2010)	21,662	9,232	
Growth	5,663	5,547	
Growth Percentage	35.4%	150.5%	

2. Please provide a table comparing the actual number of FTEs in FY 2008-09 and FY 2009-10 to the appropriated level of FTE for each of those fiscal years, by division or program. If there is a discrepancy of 5.0 percent or more between your FY 2009-10 FTE appropriation and actual usage for that year, please describe the impact of adjusting the FY 2011-12 FTE appropriation to align with actual usage from FY 2009-10.

Answer:

	FY 2008-09 Appropriated FTE	FY 2008-09 Actual FTE	Over or Under ()		FY 2009-10 Appropriated FTE	FY 2009-10 Actual FTE	Over or Under ()
DOC Long Bill Subprogram:							
1) MANAGEMENT							
A) Executive Director's Office Subprogram	24.1	16.2	(7.9)		26.6	18.2	(8.4)
B) External Capacity Subprogram	21.4	19.5	(1.9)		21.5	18.8	(2.7)
C) Inspector General Subprogram	50.2	48.4	(1.8)		50.2	50.2	0.0
1) SUB-TOTAL MANAGEMENT	95.7	84.1	(11.6)		98.3	87.2	(11.1)
2) INSTITUTIONS							
A) Utilities Subprogram	2.8	2.8	0.0		3.0	3.0	0.0
B) Maintenance Subprogram	306.8	295.0	(11.8)		297.9	295.3	(2.6)
C) Housing & Security Subprogram	2,995.7	2,988.7	(7.0)		2,917.1	2,857.0	(60.1)
D) Food Service Subprogram	265.2	233.2	(32.0)		258.2	241.8	(16.4)
E) Medical Services Subprogram	441.0	320.4	(120.6)		434.0	353.2	(80.8)
F) Laundry Subprogram	37.4	37.2	(0.2)		36.4	34.9	(1.5)
G) Superintendents Subprogram	173.0	166.8	(6.2)		168.2	158.9	(9.3)
H) Boot Camp Subprogram	32.7	32.2	(0.5)		32.7	28.3	(4.4)

DOC Long Bill Subprogram:	FY 2008-09 Appropriated FTE	FY 2008-09 Actual FTE	Over or Under ()	FY 2009-10 Appropriated FTE	FY 2009-10 Actual FTE	Over or Under ()
I) Youth Offender System Subprogram	172.9	165.6	(7.3)	172.9	162.5	(10.4)
J) Case Management Subprogram	230.7	228.9	(1.8)	226.7	212.0	(14.7)
K) Mental Health Subprogram	105.1	83.5	(21.6)	106.2	83.2	(23.0)
L) Inmate Pay Subprogram	0.0	0.0	0.0	0.0	0.0	0.0
M) San Carlos Subprogram	196.1	184.1	(12.0)	196.1	177.1	(19.0)
N) Legal Access Subprogram	21.5	21.5	0.0	21.5	21.5	0.0
2) SUB-TOTAL INSTITUTIONS	4,980.9	4,759.9	(221.0)	4,870.9	4,628.7	(242.2)
3) SUPPORT SERVICES						
A) Business Operations Subprogram	110.7	104.4	(6.3)	112.7	94.8	(17.9)
B) Personnel Subprogram	18.5	16.4	(2.1)	18.7	15.7	(3.0)
C) Offender Services Subprogram	41.9	40.8	(1.1)	47.4	42.0	(5.4)
D) Communications Subprogram	8.2	7.7	(0.5)	8.2	7.6	(0.6)
E) Transportation Subprogram	36.1	35.9	(0.2)	36.1	35.9	(0.2)
F) Training Subprogram	27.3	26.1	(1.2)	27.3	27.0	(0.3)
G) Information Systems Subprogram	50.6	45.8	(4.8)	50.6	44.5	(6.1)
H) Facility Services Subprogram	11.8	10.8	(1.0)	12.0	9.5	(2.5)
3) SUB-TOTAL SUPPORT SERVICES	305.1	287.9	(17.2)	313.0	277.0	(36.0)
4) INMATE PROGRAMS						
A) Labor Subprogram	97.3	95.4	(1.9)	95.3	91.3	(4.0)
B) Education Subprogram	246.6	216.5	(30.1)	250.3	220.1	(30.2)
C) Recreation Subprogram	118.2	116.5	(1.7)	116.7	115.7	(1.0)
D) Drug & Alcohol Treatment Subprogram	60.8	40.8	(20.0)	99.9	57.0	(42.9)
E) Sex Offender Treatment Subprogram	48.7	40.5	(8.2)	49.1	39.8	(9.3)
F) Volunteers Subprogram	9.0	7.6	(1.4)	9.0	7.2	(1.8)
4) SUB-TOTAL SUPPORT SERVICES	580.6	517.3	(63.3)	620.3	531.1	(89.2)
5) COMMUNITY SERVICES						
A) Parole Subprogram	179.2	159.1	(20.1)	183.2	165.4	(17.8)
B) Parole Intensive Supervision Subprogram	94.0	82.6	(11.4)	95.4	80.5	(14.9)
C) Community Intensive Supervision Subprogram	57.5	52.3	(5.2)	57.5	50.8	(6.7)
D) (1) Community Supervision Subprogram	50.0	41.2	(8.8)	50.3	39.4	(10.9)
(2) YOS AfterCare Subprogram	9.5	7.8	(1.7)	9.5	7.8	(1.7)
E) Community Re-entry Subprogram	22.2	20.3	(1.9)	39.0	36.3	(2.7)
5) SUB-TOTAL COMMUNITY SERVICES	412.4	363.3	(49.1)	434.9	380.2	(54.7)
6) PAROLE BOARD SUBPROGRAM	17.5	14.0	(3.5)	17.5	16.4	(1.1)
7) CORRECTIONAL INDUSTRIES SUBPROGRAM	157.7	143.2	(14.5)	163.0	139.5	(23.5)
8) CANTEEN OPERATION SUBPROGRAM	29.7	28.5	(1.2)	29.7	26.6	(3.1)
TOTAL ALL FTE	6,579.6	6,198.2	(381.4)	6,547.6	6,086.7	(460.9)
			(5.8%)			(7.0%)
Data Source is the FY 2011-12 Schedule 3						

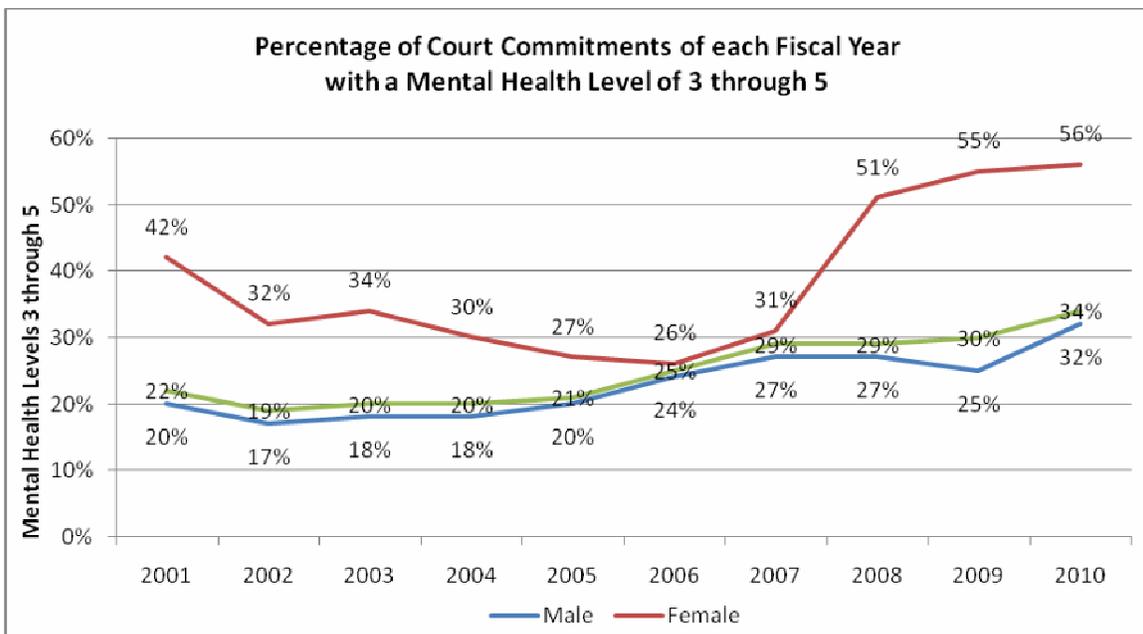
As explained in question 1 above, the differences between the actual FTE and appropriated FTE are due to vacant positions held to pay for unfunded shift differential, overtime, and retirement payouts. Difficulties in medical field recruitment also affect filling vacant positions in several areas. In FY 10-11, 220.9 FTE (annualizing to 249.7 in FY 2011-12) were added due to the opening of

Centennial Tower I. Reducing the FY 2011-12 FTE to the FY 2009-10 actual levels would eliminate the ability to pay for the unfunded shift and overtime (a requirement for operating a 24/7 operation), as well as eliminating the staff required to operate the CSP Offenders with Mental Illness program and Tower I at Centennial Correctional Facility. Additional staff positions would be required to be held vacant, reducing the work force by much more than the difference shown between requested and actual FTE. Between 2001 and 2004, the Department lost 588.4 FTE due to budget cuts; these FTE have never been restored which has forced the Department to maintain public safety with less resources.

3. Why have the rates of moderate to severe mental illness stabilized over the last couple of years for court commitments to the Department of Corrections?

Answer: The rate of moderate to severe mental illness among court commitments has not stabilized. The figure below shows a general upward trend over the past 10 fiscal years, with some years showing greater increases than other years and a decrease evident at the start of this period. Rates of mental illness are also shown by gender, which indicates that there are dramatic changes in the profile of female court commitments, although this has not had as large an effect on overall rates because females represent a small portion of the prison admissions and population.

The table below shows, by percentage, the number of male (blue line), female (red line) and total (green line) court commitments for each fiscal year of those offenders that have a mental health level of 3 through 5. In FY 2009-10, 390 of the new court commitments with a mental health level of 3-5 were females (56%), and 1,744 of the new court commitments with a mental health of 3-5 were males (32%), for a total 2,134 new court commitments with a mental health level of 3-5.



4. What is the department's plan for the inmates at Crowley Correctional Facility once California inmates are transferred there in 2012?

Answer: The Department has maintained a strong partnership with the private prison providers and remains in continued dialogue with them concerning prison populations.

As the Department has previously done when prisons have been decommissioned, the Department will review each offender's file and custody issues, treatment needs, and classification and will make a determination for placement in an appropriate state or private bed.

There are a number of empty beds in the Department: 62 transitional beds at Denver Reception and Diagnostic Center, 100 beds at the Buena Vista Correctional Complex, 632 beds at Centennial Correctional Facility, as well as private prison beds at Huerfano (752), Hudson (1,188 available at the end of 2012), and Kit Carson (512).