

AGENDA

DEPARTMENT OF CORRECTIONS and PAROLE BOARD: BUDGET HEARING

Monday, January 15, 2007
2:30 p.m. to 5:00 p.m.

2:30 p.m. – 2:45 p.m. Introduction, Opening Remarks, and General Questions

Common questions (asked of all departments) and General Questions

**Briefing Issue – Strategic Plan / Performance Measures
(pages 62 through 66 of the JBC briefing packet)**

1. How do your performance measures influence department activities and budgeting?
2. To what extent do the performance outcomes reflect appropriation levels?
3. To what extent do you believe that appropriation levels in your budget could or should be tied to specific performance measure outcomes?
4. As a department director, how do you judge your department's performance? What key measures and targets do you used?

2:45 p.m. – 3:15 p.m. Decision Items (pages 13 through 16)

Decision Item #1

5. How many additional in-state private beds will be available in FY 2007-08 (above those needed for FY 2007-08)? Out-of-state?
6. What assumptions did the Department use regarding provider rates? Provide a table of current provider rates (by facility type — jails, in-state private prisons, out-of-state private prisons, pre-release parole revocation facilities, community corrections facilities) compared with the requested provider rates for FY 2007-08.
7. Is there a reason why the Department of Corrections is not fully utilizing Cheyenne Mountain pre-parole facility? What problems has the Department had with this facility? Have these problems been corrected? When does the Department expect to use the 250 beds that are available in that private prison?

8. Why did the Department request 4.0 FTE for the Private Prison Monitoring Unit? Are these needed since no additional facilities will be used in FY 2007-08? .
9. What is the status of double bunking male inmates? Given that these beds have not been used yet, why does the Department need the additional funds for private prison placements? Can't the Department double bunk inmates first? Justify why the department continues to need the appropriation for double bunking if these beds are not going to be utilized in the bed plan.
10. Why do we pay less for inmates in county backlog as compared to private prisons?

Decision Item #4

11. Does the Department provide a one-month supply of medicine for inmates upon their release? How much does this cost the Department? Can the Department provide a cost-benefit analysis of increasing the period of time we pay for medicine upon an inmates release? Would it decrease the number of parole violations if inmates received medication for a longer period of time upon release?

Decision Item #5

12. How long has the state been giving \$100 for "Dressout" when an inmate is released? Is this amount set in statute? Do all inmates get \$100 upon their release? Does the Department believe that there would be any benefit to changing this amount?

Decision Item #6

13. Why is the maintenance in this line item not funded out of controlled maintenance in the capital construction budget? Would it be possible to change the funding mechanism for prison maintenance? What types of expenditures are paid for from the "Maintenance Subprogram"?

Decision Item #7

14. Why does the Department need this request now? Are the IT-related expenses for this request new expenses in FY 2007-08, or have these expenses been increasing over time? How has the Department managed in recent years with out the funds requested in this decision item?

**3:15 p.m. – 3:30 p.m. Briefing Issue – Population Projections
(pages 67 through 72 of the JBC briefing packet)**

15. In 1985, the presumptive range for prison sentences doubled pursuant to the provisions of H.B. 85-1320 (Mielke / Arnold). Is this bill the primary reason that the prison population continues to grow so rapidly?
16. Can a model reflect when the effect of H.B. 85-1320 bill leveled off? Has the Department calculated this? What is the Department's opinion about the effect of this bill relative to our current inmate population?
17. Does mandatory parole have an impact on the length of stay for DOC inmates? What has been the impact of mandatory parole on the Department? Has the recidivism rate changed since this bill went into effect? Has the percentage of prison admissions for parole violations increased since mandatory parole went into effect? If an inmate violates their conditions of parole and their parole is revoked, does their period of mandatory parole start over when they are re-released? If they violate their conditions of parole the second time they are released, is there a revolving door for these type of inmates (can they keep being returned and released in perpetuity without a new conviction)? What can be done to prevent this?
18. Has there been any change in the custody level of inmates over time? In other words, has the percentage of inmates who are classified in each of the various custody levels changed? If so, what trends have been identified? Are inmates more difficult to manage today than in the past? Are there any trends in the problems that inmates have (e.g., drug and alcohol treatment needs, mental health treatment needs, sex offender treatment needs, etc.)?
19. Can the Department provide data regarding the recidivism rates for various cohorts? For example, are the inmates who are in prison longer more prone to higher rates of recidivism?
20. Can the rapid growth in female inmates be attributed to meth use? What percentage of the female inmate population is in prison for drug offenses? What percentage of the women are violent offenders? Is there a better alternative than prison for female inmates?
21. Has Colorado looked at drug courts? How does Colorado's experience compare to the rest of the nation? Could this be expanded?

**3:30 p.m. – 3:45 p.m. Briefing Issue – Prison Bed Shortage
(pages 73 through 76 of the JBC briefing packet)**

22. Does the Department concur with the JBC staff's observations and conclusions regarding the shortage of prison beds?

23. How does the Department propose handling the bed deficit that is projected for FY 2007-08? Does the Department concur with the JBC staff estimate that an additional 484 inmates will back up in county jails? Are there any alternatives to having inmates back up in county jails?
24. When does the Department anticipate running out of female beds? What is the Department's plan for housing female inmates prior to 750 private beds becoming available in FY 2008-09?
25. How realistic is it for the Department to rely almost exclusively on private prisons to accommodate the growth in the inmate population?
26. Given that 7,300 beds are needed over the next five years, justify why no capital construction request was submitted for additional prison capacity (excluding the request for phase II of the DRDC project for 62 beds) in FY 2007-08?
27. Is the Department confident that 3,840 private prison beds will come on line in the next five years? Given that the 500-bed facility in Pueblo did not come on line, is it realistic to continue to rely on private prison providers? What will the Department do if the private prison beds do not come on line?
28. Provide a status report on private prison contracts that are underway. Provide a summary of additional private prison beds that the Department knows will be available in the planning horizon. How does this compare to the need of 7,300 beds?
29. Can the state approve a bed guarantee to private providers? What would be the implications if the state were to approve such a plan? Would private prison providers have any incentive to reduce recidivism? What alternatives to a bed guarantee have been explored? Is GEO the only company requesting a bed guarantee to build private beds?
30. What does the national market for private prison beds look like? Can the Department provide a summary of available private prison beds elsewhere in the country? Can the Department provide a summary of other states who may be competing for these beds?
31. What is the appropriate proportion of inmates to have in private prisons from a public safety standpoint? Are we over that rate now?
32. Are there any vacant state buildings that can be converted to prison beds at a faster pace than new construction? If so, what is the cost?
33. Are there buildings available on the grounds of CMHIP? How expensive would it be to renovate these buildings?
34. Are there old military institutions that could be converted in a cost effective manner?

**3:45 p.m. – 4:15 p.m. Briefing Issue – DOC Capital Construction Request
(pages 77 through 80 of the JBC briefing packet)**

35. Will the Department's five-year bed plan provide the Department with the ability to accommodate inmates with special needs? If private prisons are used instead will they be able to accommodate the inmate population with special needs?
36. Will the bed plan provide the Department with a sufficient number of female beds?
37. Given the recent prison construction inflation rates, how reliable are the cost estimates contained in the 5-year plan?
38. Could the \$43 million capital construction request for CSP II be rolled into the COPs? Could the COPs be reissued to include the additional funds that are needed?
39. Explain why expanding the Trinidad project is estimated cost \$260 million.
- 39a. If the 5-year capital construction plan were funded with COPs (\$806.0 million), how much would this require in annual COP payments over a 20-year period?

**4:15 p.m. – 4:30 p.m. Briefing Issue – Shortage of High Custody Beds
(pages 81 through 85 of the JBC briefing packet)**

40. Does the Department concur with the observations and conclusions regarding the shortage of high-custody prison beds?
41. Does the Department concur with the JBC staff concerns regarding the potential problems associated with the lack of high-custody beds?
42. What options are available to the Department in the short term to manage high-custody inmates given that no additional high-custody beds are anticipated through FY 2008-09?
43. Could another level be added to CSP II to get more capacity quickly?
44. Why does the Department continue to use private prisons to house inmates who are classified as administrative segregation and close custody in private prisons? When was the last time that the Department transferred a high-custody inmate (administrative segregation or close custody) to a private prison?
45. Provide a status report on the Department's ability to track major incidents. Explain why there has been a delay in implementing the Department's incident tracking system. Provide a summary of major incidents in 2005.

Note: In January 2005, the Department testified that a new incident tracking system would be implemented in January 2005. In January 2006, the Department indicated that it was in the process of rolling out its incident tracking system. The Department testified that it expected to have compiled data for the second half of calendar year 2005 by April 2006, and that it would forward this information to the JBC at that time. The information has not been received.

46. Why hasn't the Department prepared an annual report for 2005? When will the report be available?

4:30 p.m. – 5:00 p.m. Parole Board

47. What does it mean when the Parole Board paroles an inmate to their mandatory release date? What is the utility of doing this? How often is this used?
48. What percentage of inmates who are paroled are paroled to their mandatory release date?
49. Is it true that approximately 50 percent of inmates are beyond eligible parole date? What is the actual percentage? Has this percentage changed over time? Why or why not?
50. What can be done to reduce the percentage of inmates who are passed their parole eligibility date?
51. Is S.B. 03-252 having an impact on the number of inmates coming back to prison? Why or why not?
52. Does department break out technical violations by type of technical violation? Could the list of technical violations be tightened to help reduce the number of technical violations (i.e. decrease number of technical violations that result in return to prison)? Why or why not?