

Office of the
Legislative Fiscal Analyst

FY 2004 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

**Utah Department of Corrections
Overview**

Department of Corrections

Overview

The Department of Corrections, as the adult correctional authority for the State of Utah, has the mission of community protection and helping offenders succeed. To accomplish these goals, the Department must develop and provide programs that identify and control the convicted offender’s inappropriate behavior, and assist the offenders in functioning as law-abiding citizens.

The State statute defining the Department of Corrections also establishes its purposes in broad terms. These are:

- ▶ Protection of the Public
- ▶ Implementation of court ordered punishment
- ▶ Provision of program opportunities for offenders
- ▶ Management of programs to take into account the needs of victims
- ▶ Supervision of probationers and parolees-

	Analyst FY 2004 Base	Analyst FY 2004 Changes	Analyst FY 2004 Total
Financing			
General Fund	179,430,800	(8,214,600)	171,216,200
General Fund Restricted	246,700		246,700
Federal Funds	1,056,300		1,056,300
Dedicated Credits	17,113,700		17,113,700
Trust and Agency Funds		750,000	750,000
Transfers	897,700		897,700
Total	<u>\$198,695,200</u>	<u>(\$7,464,600)</u>	<u>\$191,230,600</u>
Programs			
Corrections Programs & Operations	141,933,800	(7,448,800)	134,485,000
Department Medical Services	16,209,300	(15,800)	16,193,500
Utah Correctional Industries	13,950,000		13,950,000
Jail Contracting	18,086,200		18,086,200
Jail Reimbursement	8,515,900		8,515,900
Total	<u>\$198,695,200</u>	<u>(\$7,464,600)</u>	<u>\$191,230,600</u>
FTE/Other			
Total FTE	2,301	(6)	2,295

Budget History

Prior to the 1990 General Session the Department appropriation included four line items.

In the 1990 General Session, litigation related to the “medical” budget component, and subsequent growth in that budget, caused legislators to break the medical component into a separate line item. Overall growth in the administration and field operations budgets made the separation of the Adult Probation and Parole budgets into its own line item also desirable. Since the FY 1991 budget appropriation the line items have generally been as follows:

- ▶ Administration
- ▶ Adult Probation and Parole
- ▶ Division of Institutional Operations
- ▶ Data Processing (Internal Service Fund)
- ▶ Medical Services
- ▶ Utah Correctional Industries (Enterprise Fund)
- ▶ Jail Contracting
- ▶ Jail Reimbursement

The appropriations history for the Department of Corrections has been relatively stable in form but growing in total for the last eight years. Department budget growth has reflected both fiscal notes funding of a series of “get tough on crime” legislation items as well as strong legislative support for increased institutional facilities and staffing through the budget appropriations process.

2002 Legislative Action

The 2002 Legislature combined the three largest line items into one creating the Programs and Operations line item. This combined the activities of the Administration, Adult Probation and Parole and the Division of Institutional Operations line items. This enables the Department to shift funds between programs and activities more easily. The funds are still being tracked and make up more than 80 percent of the Department’s budget.

The Legislature also assisted the Department by granting nonlapsing status for another year. This Department has had nonlapsing status for all of its line items for a number of years in the past. The Department claims that it has enabled them to more efficiently utilize their resources.

Impact of Fiscal Notes

The budget for the Department of Corrections is impacted by legislation that is passed each year, as are all agencies. The difference is the timing of the funding requirements. Most fiscal notes related to the Department of Corrections have a delayed fiscal impact because of the extension of prison sentences. The impact comes in the subsequent years instead of the current budget year and consequently is rarely dealt with directly. Legislation passed over the last three Legislative Sessions has a delayed impact of well over \$1,000,000. These are typically addressed in the annual building blocks on an as needed basis rather than automatically increasing the Department budget. The Analyst recommends tracking and monitoring the requirements and the actual needs for future years.

A Driving Fiscal Factor

It should be noted that, since the Department’s input to its jurisdiction is through court action and releases on parole are under the authority of the Board of Pardons, the Department does not have control over the number of offenders initially committed to its care or the length of stay of offenders in prison or on probation and parole.

Most Prisoners Will Come Out Of Prison Eventually

While the natural inclination of most Americans is to punish offenders, it must be remembered that **most prisoners will come out of prison and back into society**. Sending the substance abuser, mentally ill, socially maladjusted to prison does not solve their problems. It can be equated to putting cancer patients in a ward and expecting them to cure each other. Programming to change cognitive patterns and educational deficits are cost effective taken over the long term. How offenders “come out” of prison, and what we do to change their inclination to crime and potential to be productive, rather than drains on its resources, is a major policy decision.

Current demographic data shows that the number of Utah residents between the ages 20 and 29 has **not significantly increased** during the period from 1980 to present. Impacting the arrest rates is the proliferation of new offenses and penalties (i.e. drug offenses and mandatory sentences) and the relative youth of the population of Utah. Utah has the youngest population in the nation. Whereas national data shows that the 40 year old and under population represents 93 percent of all property crime arrests, 90 percent of violent crime arrests, and 85 percent of all non-index crimes, one should expect Utah to have a somewhat elevated arrest rate.

Crime Rates and Incarceration Rates

The Utah crime rate has decreased substantially in the last 5 years. The rate in 1997 was 56.77 per 1,000 population. In 2001, this rate was 41.02 per 1,000 population. While the general perception is that crime is on the rise, when adjusted for population increases, **it has not risen**. Utah’s incarceration rate has grown as follows:

Incarceration rate 1980	69 per 100,000
Incarceration rate 2001	230 per 100,000

Legislative policy is driving Corrections population -not crime

If the incarceration rate continues to grow and the crime rate is relatively flat what is the cause of the increases?

The escalating number of criminal offenses created by new legislation and increasingly punitive nature of sanctions is filling more and more prison and jail beds. This means that we are locking up more and more people for longer terms at an ever-increasing cost. Prison population projections and their attendant costs continue to be driven by these policy decisions.

Notwithstanding the current slowing of growth, the increased rate of incarcerations, without changes in current policies, the state will require new prison additions to be built periodically with attendant construction costs and annual operating costs (or extensive contracting for beds in other facilities).

Current Corrections Direction

Corrections new administration is working to contain prison growth while maintaining community safety. The Analyst continues to support such efforts within the scope of available resources.

Workload and Forecasts of Growth

Forecasting provides a quantitative basis from which to analyze the possible impact of policy changes on correctional populations and to estimate future facility needs. Projections of prisoner numbers should be based on properly thought out assumptions regarding: 1) future demographic trends and trends in patterns of offending, and 2) trends in patterns of policing and sentencing, resulting from political and community perceptions, and 3) the length of stay variations caused by the cumulative decisions of the Board of Pardons and Parole.

Growth in Inmate Population

The growth in any incarcerated population is caused by an increase in the length of stay of offenders (discussed in the Board of Pardons and Parole budget section) and/or an increased incarceration rate. While the tenor and degree of supervision by Adult Parole and Probation agents can and does impact the recidivism rate of offenders, the length of stay figures have also increased due to Legislative action.

Between 1990 and 2000, the incarcerated population more than doubled, increasing from an average daily population of 2769 in 1990 to 5573 in 2000. The population increased by an average of 280 inmates each year. Growth for 2001 was projected to be 325 inmates. That would lead to an average of approximately 5,900 for 2001. The Department made the decision to reduce inmate population and hold it at less than 5,500 inmates to achieve the budget reductions required of all state agencies. Beginning at the end of June, the prison population was reduced through the early release of a number of low risk offenders who already had parole dates between July and November 2001. The Department also increased its efforts to limit parolee returns to prison for violations of parole conditions to keep the population at its new lower level. For 2002, the average daily inmate population was 5,444. The Department is making an effort to operate at this level with no growth for FY 2003 and FY 2004.

The Department is unable to make a population projection for FY 2004 and beyond because the impact of its efforts to control prison population cannot be assessed at this early date. Adequate prison space is available for the next few years even if growth resumes. Currently, 400 beds at the Promontory facility, 192 beds at the Gunnison facility, and approximately 350 beds in the county jails are available for housing if funding is received. This would provide housing through FY 2006, even if growth returns to former levels in FY 2004.

Impact of Growth

Paralleling growth in the number of inmates will be a growth in demand for inmate medical services and inmate job opportunities. More significantly, any inmate growth guarantees a subsequent growth in the number of offenders on parole.

The chart on the next page details the daily inmate count for the last year.