

Office of the
Legislative Fiscal Analyst

FY 2004 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

Jail Reimbursement

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1.0 Summary: Jail Reimbursement

Summary

Jail Reimbursement is a public policy decision by the State to pay the counties a portion of the cost for the confinement of offenders sentenced to jail as a condition of probation (and in lieu of a prison sentence). The Legislature has decided to fund Jail Reimbursement. State statute (64-13c-303 states, “the Legislature shall fund the total jail reimbursement core inmate incarceration costs at a rate of 70 percent.”

Over the last twenty years, Jail Reimbursement has, on a number of occasions, been included with other programs in general discussions regarding the relative roles of state and local governments. The State’s assumption of responsibility for the Circuit Courts, the District Courts and the Juvenile Detention Centers, as well as responsibilities for certain jail programs, has been a part of those ongoing discussions. At the time of the original legislation, (1982) there was a debate over the responsibility and costs to county jails for inmates placed in custody by city ordinances.

The current program is established by Section 64-13c-303 UCA. This section of the code details the process to determine the “core rate” to be paid for Jail Reimbursement and the means by which it is to be allocated. The 2002 Legislature maintained funding for Jail Reimbursement at 70 percent of the total calculated cost.

	Analyst FY 2004 Base	Analyst FY 2004 Changes	Analyst FY 2004 Total
Financing			
General Fund	8,515,900		8,515,900
Total	\$8,515,900	\$0	\$8,515,900
Programs			
Jail Reimbursement	8,515,900		8,515,900
Total	\$8,515,900	\$0	\$8,515,900

2.0 Issues: Jail Reimbursement

Any recommendations for additional funding are based on the availability of funds.

2.1 Legislative Commitment of 70 Percent Funding Level

State statute requires Jail Reimbursement to be funded at 70 percent of full funding. This is the highest percentage it has ever been funded. During the 2002 General Session, Jail Reimbursement received a building block of \$755,300, while the Department of Corrections budget as a whole was reduced by more than 5 percent. Based on the statutorily established funding formula, a building block of \$286,400 is required to maintain funding at the 70 percent level. The Subcommittee will have to recommend to Executive Appropriations that funding be provided or shift funds from other budget areas.

3.0 Program: Jail Reimbursement

Recommendation

The Analyst recommends an ongoing budget for this program of \$8,515,900 General Fund for FY 2004. This maintains Jail Reimbursement at the current funding level, but drops the percentage to 66 percent of the total calculated funding level requirement.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
Financing				
General Fund	7,760,600	8,515,900	8,515,900	
Total	\$7,760,600	\$8,515,900	\$8,515,900	\$0
Expenditures				
Other Charges/Pass Thru	7,760,600	8,515,900	8,515,900	
Total	\$7,760,600	\$8,515,900	\$8,515,900	\$0
FTE/Other				

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency

Summary

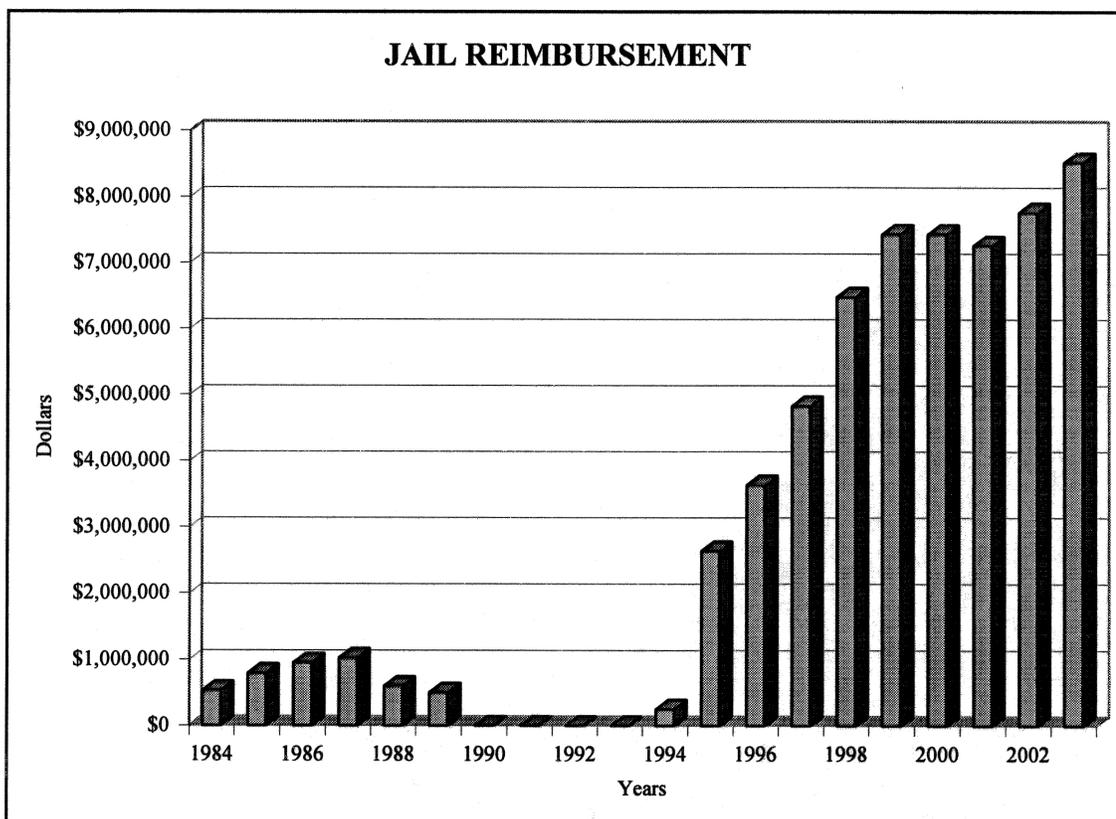
Jail Reimbursement is paid to counties for offenders sentenced to “jail as a condition of probation” according to a statutorily established funding formula. The Utah Department of Corrections acts only as a collection and disbursement agent for these funds.

Jail Reimbursement History

Jail Reimbursement existed before the court of general jurisdiction (District Court) and the city courts (Circuit Courts) became state courts. Formerly the District Court was a county court. The original Jail Reimbursement statute was terminated by the Legislature in 1988. By some accounts, Jail reimbursement was eliminated with an agreement that the State would fund the leases on the District Courts and pay for bailiffs in the District Courts. This continues to be done at the present time. The 1993 Legislature recreated a jail reimbursement program (64-13c-302 UCA) to fund county jails for keeping offenders sentenced to jail as a condition of probation. The bill required the Department of Corrections to request an increasing amount of jail reimbursement funds each year on a sliding scale so that after five years the program would be at full funding. The first year funding (FY 1994) for this program was \$250,000. Funding for FY 2003 is \$8,515,900. This will pay 70 percent of the total Jail Reimbursement days billed by the counties for the fiscal year. FY 2004 funding is continued at \$8,515,900. This will not cover the mandated 70 percent of the total cost of the program. Jail Reimbursement has never received full funding by the Legislature.

Section 64-13c-304 requires the Department of Corrections to submit a report regarding the housing of inmates. It was delivered to the Law Enforcement and Criminal Justice Interim Committee in October. It is attached at the end of this report.

The chart below details the funding history for Jail Reimbursement.



Jail Reimbursement Committee

State statute (64-13c-302 UCA) establishes a committee to determine the core rate to be paid for jail reimbursement. The members of the committee are: two designees from the sheriff’s association, the Executive Director of the Department of Corrections, two representatives of the Utah Association of Counties, the Executive Director of the Commission on Criminal and Juvenile Justice and the Director of the Governor’s Office of Planning and Budget.

This committee is to negotiate for the daily core inmate incarceration costs. The Legislature negotiated rate must be approved in the annual appropriations act before the rate may be implemented.

Jail Reimbursement Funding Formula

As defined in 64-13c-101 UCA, each fiscal year, a new jail programs core rate is negotiated with the Utah Sheriff’s Association, with input from local elected officials, the Commission on Criminal and Juvenile Justice (CCJJ) and the Governor’s Office of Planning and Budget (GOPB). The rate is based on operating costs reported by the counties to Corrections for calendar year 2001. The rate established was arrived at by utilizing all expenses for the counties divided by all the inmates held in county jails. All 29 counties have participated in the process and have agreed on a rate of \$44.33, to be effective on July 1, 2003. Last year, Corrections contracted with counties at a rate of \$42.32 per day. The new rate is \$2.01 per day higher than last year’s contracted rate. (This core rate is used for both Jail Reimbursement and Jail Contracting.)

**Medical and
Transportation
Expenses**

Medical and transportation expenses related to the care and service of the inmates are negotiated separately with each county. These are on top of the jail reimbursement core rate.

**Performance
Measures**

FY 2001 Jail Data:

Days billed for jail as a condition of probation	247,520
Days paid for condition of probation	159,081
Days contracted	397,640

FY 2002 Jail Data:

Days billed for jail as a condition of probation	237,036
Days paid for condition of probation	156,444
Days contracted	398,727

4.0 Additional Information: Jail Reimbursement

4.1 Funding History

	2000	2001	2002	2003	2004
Financing	Actual	Actual	Actual	Estimated*	Analyst
General Fund	7,428,200	7,261,000	7,760,600	8,515,900	8,515,900
Lapsing Balance	5,500				
Total	\$7,433,700	\$7,261,000	\$7,760,600	\$8,515,900	\$8,515,900
Programs					
Jail Reimbursement	7,433,700	7,261,000	7,760,600	8,515,900	8,515,900
Total	\$7,433,700	\$7,261,000	\$7,760,600	\$8,515,900	\$8,515,900
Expenditures					
Other Charges/Pass Thru	7,433,700	7,261,000	7,760,600	8,515,900	8,515,900
Total	\$7,433,700	\$7,261,000	\$7,760,600	\$8,515,900	\$8,515,900

*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.