BOARD OF PARDONS AND PAROLE

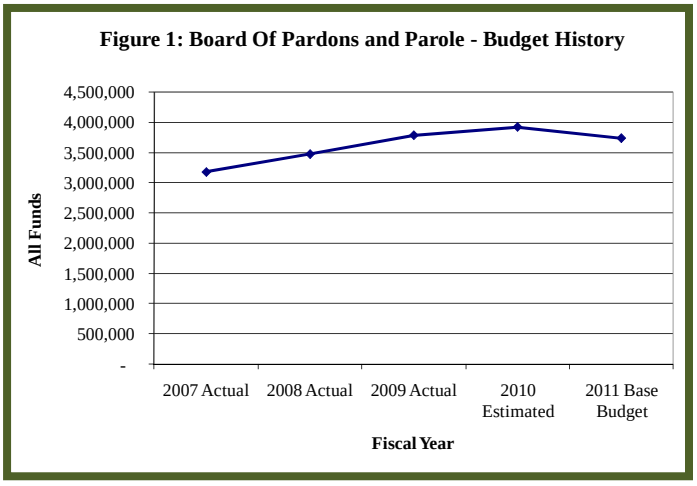
EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: GARY SYPHUS

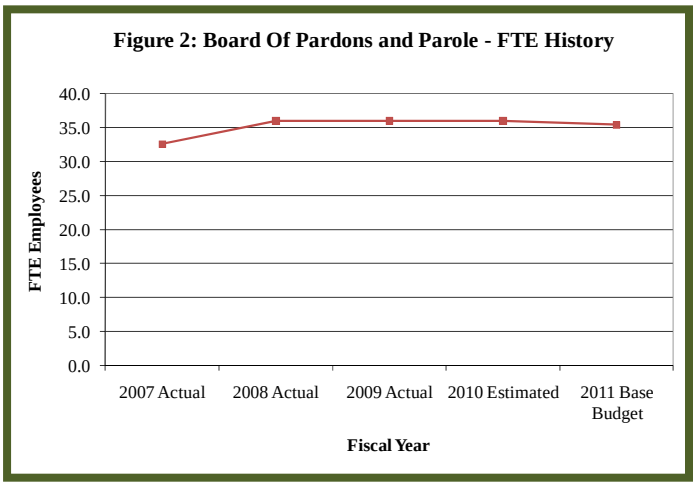
BUDGET BRIEF

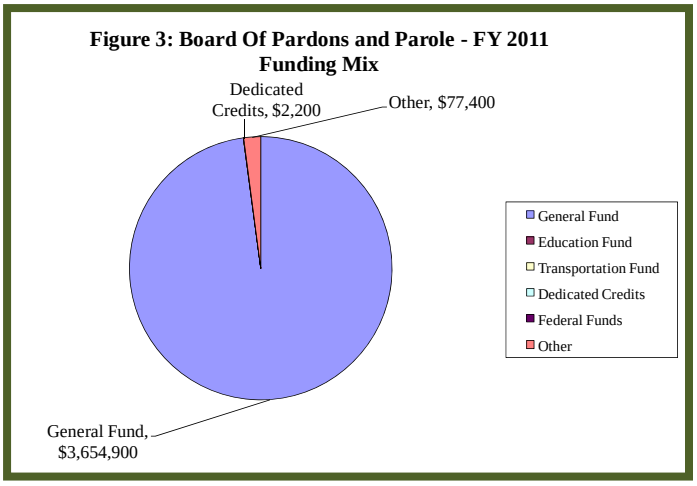
SUMMARY

The Board of Pardons and Parole (BPP) is the Constitutionally-empowered release authority for inmates in the State of Utah. As such, the Board reviews inmate performance and determines when and under what conditions an inmate may be released after serving the minimum sentence required by law.

The Board also reviews violations of release conditions and decides whether an offender should be returned to prison. The Board is an independent organization from Corrections and the Courts. The BPP has full parole, pardon, and commutation authority over all offenders in the custody of the UDC.







ISSUES AND RECOMMENDATIONS

The Board of Pardons and Parole plays a critical role in Correctional operations and capacity control and subsequent costs. Five Board Members and 10 hearing officers are responsible for making over 12,000 decisions relating to the release of inmates annually.

The BPP faces considerable pressure to release offenders from prison because of the growing inmate population. Currently, the State prison system is approaching maximum capacity. The Board is the sole organization authorized to release offenders from prison.

The budget reductions of FY 2010 are due to the reduction of one hearing officer and one intern position. In the case of any early release (when directed by the Legislature or when Corrections is 45 days above maximum capacity), the Board is responsible for all decisions regarding inmate release selection. Such decisions were made during budget reductions of the 2002 General Session when 400 inmates were released.

Intent Language

The Analyst recommends the following intent language to make the Board of Pardons line item's FY 2010 unexpended appropriations nonlapsing at the end of FY 2010.

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Board of Pardons in Item 17 of Chapter 396 Laws of Utah 2009 not lapse at the close of fiscal year 2010.

Fees

The following are the reimbursement amounts charged by the Board of Pardons and Parole.

Records copies	$0.25/page
Hearing Transcripts	$40.00 deposit; $2.25 per page
Audiotape of Hearings	$10.00 per copy
Compact Disc of Hearings	$10.00 per copy
e-mail copy of Hearings	Free

ACCOUNTABILITY

Included below are measures submitted to the Governor's office to determine progress and performance. The timeliness of hearings is of special importance as the most recent cost of inmate per day is $83.82 or $30,600 per year. An inmate that is released one month later than scheduled as a result of inability to process the case costs $2,500 per month (on average) to the Department of Corrections.

KPI	Metric	Status	Trend	Target	Annual Average	Measured	Definition
1	**Timeliness of All Hearing Results**		▲	**95%**	**99%**	Hearing	Percentage of hearings processed from conducting hearing to entry of result within 30 days or less.
2	**Parole Revocation Timeliness**		▲	**85%**	**88%**	Case	Percentage of cases addressed within the 30 day target time frame for a parole violator to go from in-state custody to first action by the Board addressing the parole violaton.
3	**Response Time for Correspondenc**		▲	**5**	**3.68**	Day	Average number of days to respond to correspondence from date of receipt to sending a response.
4	**Victim Notification**		▲	**70%**	**82%**	Person	Percentage of contact made with identified victims pursuant to: UCA 77-27-9.5(3)(a)
5	**Conduct Hearings According to Rule** *(Less parole violations)*		▲	**90%**	**99%**	Case	Average of total hearings conducted pursuant to timeline defined by UAC R671-201
6	**Non-hearing Routings Timeliness**		▶	**100%**	**98%**	Case	Percentage of Non-hearing cases completed within 15 days - measured from receipt to entry of result.

BUDGET DETAIL

The Board of Pardons and Parole is funded with 98% General Funds. Nearly all other funding comes from the Tobacco Settlement Restricted Account which is used to fund the Drug Board.

LEGISLATIVE ACTION

The Executive Appropriations Committee adopted FY 2011 General and Education Fund revenue estimates that are 98% of the original FY 2010 ongoing appropriations. The FY 2011 base budget bills (S.B. 1 and H.B. 1) reduce appropriations for all line items and programs proportionately to match revenues. However, the Executive Appropriations Committee allocated 95% of original FY 2010 ongoing appropriations to each subcommittee and directed the subcommittees to compile a list of options equal to a 5% ongoing cut. The Executive Appropriations Committee will use these options to make final adjustments to the FY 2011 budget. The Analyst recommends the following alternatives for budget changes in the Programs and Operations Line item to help accomplish the subcommittee's 5% target:

BPP - Eliminate Benefits for Part-time Hearing Officer	$	10,000

This reduction will recognize the elimination of the funding of benefits for a hearing officer that is already in place.

BUDGET DETAIL TABLE

Board Of Pardons and Parole						
Sources of Finance	**FY 2009 Actual**	**FY 2010 Appropriated**	**Changes**	**FY 2010 Revised**	**Changes**	**FY 2011* Base Budget**
General Fund	3,696,500	3,729,500	0	3,729,500	(74,600)	3,654,900
General Fund, One-time	(33,100)	0	0	0	0	0
Dedicated Credits Revenue	1,300	2,200	0	2,200	0	2,200
GFR - Tobacco Settlement	77,400	77,400	0	77,400	0	77,400
Beginning Nonlapsing	151,700	0	110,400	110,400	(110,400)	0
Closing Nonlapsing	(110,400)	0	0	0	0	0
Total	$3,783,400	$3,809,100	$110,400	$3,919,500	($185,000)	$3,734,500
Programs						
Board Of Pardons and Parole	3,783,400	3,809,100	110,400	3,919,500	(185,000)	3,734,500
Total	$3,783,400	$3,809,100	$110,400	$3,919,500	($185,000)	$3,734,500
Categories of Expenditure						
Personnel Services	3,108,500	3,110,100	11,600	3,121,700	(74,600)	3,047,100
In-state Travel	23,300	25,000	(1,700)	23,300	0	23,300
Out-of-state Travel	5,000	14,700	(9,800)	4,900	0	4,900
Current Expense	527,700	533,300	117,400	650,700	(110,400)	540,300
DP Current Expense	118,900	126,000	(7,100)	118,900	0	118,900
Total	$3,783,400	$3,809,100	$110,400	$3,919,500	($185,000)	$3,734,500
Other Data						
Budgeted FTE	37.3	36.1	0.1	36.2	(1.5)	34.7
Vehicles	6.0	6.0	0.0	6.0	0.0	6.0

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

RECOMMENDATIONS

The Analyst recommends the Legislature:

1. Adopt the base budget shown in the budget detail table on page 3.
2. Approve the intent language on page 1-2.
3. Approve the Fee schedule on page 2.
4. Consider how to prioritize the 5% General Fund budget reduction item on page 2.