



JAIL CONTRACTING/JAIL REIMBURSEMENT & FUNDING FORMULA

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE

ISSUE BRIEF

STAFF: GARY SYPHUS

Background - Jail Contracting is used to help manage the state inmate population by allowing the Department of Corrections to contract with county jails to house state prisoners. Jail Reimbursement funds are paid to counties who house offenders who are convicted of a felony but are placed in county jails for up to one year as a condition of probation on a judges' order. Corrections contracts with county jails to provide inmate housing to State prisoners and are paid a set rate. The counties provide security, supervision, food and other services, while the State pays a specific rate/amount for each for each program.

Formula to Determine Rate – The daily amount paid to counties for the Jail Contracting program is largely determined by the “final state daily incarceration rate”. This “final” rate is set annually by the Legislature. The cost to the state for these programs will largely vary on where the Legislature sets this amount. For the current fiscal year, this amount was set at \$64.18 of which a percentage is paid out for both jail programs. Nothing prohibits the Legislature from setting this amount higher or lower than the previous year.

Jail Contracting The Jail Contracting program pays 73% of this “final” rate or \$46.85 to county jails per bed per day (and 79% or \$50.70 for a limited number of treatment beds). Unlike the Jail Reimbursement Program, counties have the ability to reject any potential inmate the Department of Corrections proposes. This limits the amount of inmates the Department could house in county jails.

Total Bed Days (Appropriation/Rate)

		Rate								
		73% rate	\$ 35.00	\$ 40.00	\$ 45.00	current rate \$ 46.85	\$ 50.00	\$ 55.00	\$ 60.00	
		79% rate (treatm.)	\$ 37.88	\$ 43.29	\$ 48.70	\$ 50.70	\$ 54.11	\$ 59.52	\$ 64.93	
		"Final" Rate	\$ 47.95	\$ 54.79	\$ 61.64	\$ 64.18	\$ 68.49	\$ 75.34	\$ 82.19	
Appropriation	\$ 22,000,000		1,710	1,495	1,327	1,274	1,193	1,084	992	
	\$ 23,000,000		1,788	1,563	1,388	1,333	1,248	1,133	1,038	
	\$ 24,000,000		1,866	1,632	1,449	1,391	1,303	1,183	1,084	
	\$ 25,000,000		1,945	1,700	1,510	1,450	1,358	1,233	1,129	
	\$ 25,215,200		1,961	1,715	1,523	1,462	1,369	1,244	1,139	
	\$ 26,000,000		2,023	1,768	1,571	1,508	1,412	1,283	1,175	
	FY 2014 Base	\$ 26,232,800		2,041	1,784	1,585	1,522	1,425	1,294	1,186
		\$ 27,000,000		2,101	1,837	1,632	1,567	1,467	1,333	1,221
	FY 2013 Total	\$ 27,512,800		2,141	1,872	1,663	1,597	1,495	1,358	1,244
		\$ 28,000,000		2,179	1,905	1,692	1,625	1,522	1,382	1,266
	\$ 29,000,000		2,258	1,974	1,753	1,684	1,577	1,432	1,312	
	\$ 30,000,000		2,336	2,042	1,814	1,742	1,632	1,482	1,358	
	\$ 31,000,000		2,414	2,111	1,875	1,801	1,686	1,532	1,403	
	\$ 32,000,000		2,493	2,179	1,936	1,859	1,741	1,582	1,449	
	\$ 33,000,000		2,571	2,248	1,997	1,917	1,796	1,632	1,495	
	\$ 34,000,000		2,649	2,316	2,058	1,976	1,851	1,681	1,540	

FY 2014 – The base appropriation for FY 2014 is \$26,232,800. At this rate and funding, approximately 1,522 beds per day for this fiscal year can be funded. As illustrated in the table, any change to the either the appropriation or the rate, will change the number of beds per day that can be funded. For FY 2014, assuming the Department of

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Corrections needs an estimated 160 additional beds, at the current rate, the cost will be an additional \$2,756,000 ongoing from the General Fund. Depending on where the Legislature sets the rate the cost may be lower or higher.

Jail Reimbursement The Jail Reimbursement program pays 50% of this “final” - \$32.09 per bed per day (based on a 5-year population average), or until funds run out. Converse to Jail Contracting, one payment is made to each county annually. Also, probation violators under the Jail Reimbursement program must be housed by the county jail – the county does not have the ability to reject these offenders.

Total Bed Days (Appropriation/Rate)

		Rate						
		50% Rate	\$ 25.00	\$ 30.00	current rate \$ 32.09	\$ 35.00	\$ 40.00	\$ 45.00
		"Final" Rate	\$ 50.00	\$ 60.00	\$ 64.18	\$ 70.00	\$ 80.00	\$ 90.00
Appropriation	\$ 3,000,000		329	274	256	235	205	183
	\$ 4,000,000		438	365	342	313	274	244
	\$ 5,000,000		548	457	427	391	342	304
	\$ 6,000,000		658	548	512	470	411	365
	\$ 7,000,000		767	639	598	548	479	426
	\$ 8,000,000		877	731	683	626	548	487
	\$ 9,000,000		986	822	768	705	616	548
	\$ 10,000,000		1,096	913	854	783	685	609
	FY '13/14	\$ 11,000,000		1,205	1,005	939	861	753
	\$ 12,000,000		1,315	1,096	1,025	939	822	731
FY '14 proj.	\$ 12,944,333		1,419	1,182	1,105	1,013	887	788
	\$ 13,000,000		1,425	1,187	1,110	1,018	890	791
	\$ 14,000,000		1,534	1,279	1,195	1,096	959	852
	\$ 15,000,000		1,644	1,370	1,281	1,174	1,027	913
	\$ 16,000,000		1,753	1,461	1,366	1,252	1,096	974
	\$ 17,000,000		1,863	1,553	1,451	1,331	1,164	1,035

FY 2014 – The base appropriation for FY 2014 is \$11,000,000. At this funding and rate (\$32.09 per day), the State can “fully” fund approximately 939 beds. For FY 2014, CCJJ estimates approximately 1105 beds needed, if fully funded, it would cost an additional \$1,944,300 from the General Fund. As with Jail Contracting, any change to the either the appropriation or the rate, will change the number of beds per day that can be funded, however regardless of funding, county jails are required to house offenders who are probation violators, even if state funding is not enough to cover these estimates.

Note: Before the Legislature sets the “final state daily incarceration rate” there are a specific steps. Per statute, the Department of Corrections annually submits a formula based calculation on the cost of housing state inmates in state facilities. This number advises the Legislature on the daily cost of an inmate in a state facility. For 2012, the 3-year average was \$77.94 (down from \$79.44 last year). While this number informs the Legislature, the Legislature ultimately determines the “final” rate.