What is Jail Reimbursement?

What offenders are counted for the Jail Reimbursement program?

U.C.A. §64-13-104

1. Felony offenders sentenced to prison, but released on probation, and required to serve up to a year in jail as a condition of probation (COP).
2. Parolees on a 72-hour hold as a violation of parole.
3. Parolees or Probationers that have a sanction imposed created by the Justice Reinvestment Initiative.
Why Jail Reimbursement?

What state entity is responsible for what criminal charge?
Is one government entity subsidizing another or is it a shared workload?

Philosophies

1. Counties subsidize state work-load.
2. State subsidize county expenses.
4. Others Reasons.
Important Questions to Ask

- Are jailing costs being assigned appropriately?
- Is one government entity subsidizing another or is it a shared responsibility?
- Should the legislature set the rate at 50%? If so, should they appropriate to the statutory rate?
- Does the current structure of Jail Reimbursement create any negative consequences/incentives?
- What would happen if Jail Reimbursement ceased to exist?
- What if the state, or conversely counties, were to assume all costs for Jail Reimbursement?
- Is there an aspect of Jail Reimbursement that you would like to see measured?
How is Jail Reimbursement Calculated?

Statutory Rate

Step 1 – Department of Corrections calculates “actual daily incarceration rate”

Step 2 – Take the 3 year average

Step 3 – Statutory Jail Reimbursement rate = 50% of average rate
How is Jail Reimbursement Calculated

Payments

Step 1 – Decide how much money the state can appropriate to Jail Reimbursement.

Step 2 – Collect Jail Reimbursement eligible jail days from county jails.

Step 3 – Take 5 year average of jail days.

Step 4 – Distribute total funds to jails proportionally.
History of Jail Reimbursement

Inception
DOC

Circuit Courts

Re-inception
DOC

Finance

CCJJ

Statutory Requirment
Reimbursement Funds
Current Funding
FY 2018

Ongoing - $13,967,100
One-time - $1,725,000
Total - $15,692,100

Funding necessary to meet statutory rate
▪ $17,232,000
Budget Analysis – 2018 Appropriated

- Governor's Office
- Governor's Office of Management and Budget
- Commission on Criminal and Juvenile Justice
- CCJJ Jail Reimbursement
Performance Measures

**Base Budget Intent Language**

“Percent of the 50 percent of the average final daily incarceration rate paid to counties (Target equal = 87 percent) by October 15th 2018.”

**CCJJ Performance Measures**

1. Number of reimbursable jail beds by fiscal year – 374,600
2. Final state daily incarceration rate – $86.16
3. 50% Statutory rate – $43.08
4. Actual daily rate paid - $36.73
5. Percent of statutory rate paid – 42.63%
Statutory Rate Compared to Actual

- **Statutory Rate at 50%**
- **Actual Reimbursed Rate**
Actual Percentage of Daily Incarceration Rate
Reimbursement Distributed by County

![Chart showing reimbursement distribution by county over different fiscal years (FY) from FY 2008 to FY 2016. The chart includes data for Davis, Salt Lake, Utah, and Weber counties, with lines representing each county's reimbursement distribution over the years, indicating fluctuations and trends.](chart_image.png)
Budget/Policy Options

1. Maintain status quo - Continue to pay Jail Reimbursement and aim for 50% Statutory Rate
   - $3,264,900 Additional Funds

2. Modify Rate/Change the 50% statutory rate
   - 100%: $20,496,900
   - 75%: $11,880,900
   - 50%: $3,264,900
   - 25%: -$5,351,100
Budget/Policy Options

3. Change program structure
   1. Incarcerate our own probationers and 72-holds - $21,009,302 Additional Funds
   2. Incarcerate those eligible for Jail Reimbursement outside of the county of conviction (§77-18-1 8iii)
   3. Tie Jail Reimbursement funding to a different program or variable (e.g. Felons serving jail-time as a condition of probation)
   4. Require certain standards in order to get funding (i.e. JRI standards)
   5. Other changes?
Options to Fund Jail Reimbursement

- 90% Surcharge
- Criminal Asset Forfeitures
  - 24-4-117 - Encouraging cooperation between local, state, and multijurisdictional law enforcement agencies.
- Additional Jail Reimbursement Fee
- Others?