

Office of the
Legislative Fiscal Analyst

FY 2001 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

Utah Department of Corrections

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1.0 Department of Correction

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

	Analyst FY 2001 Base	Analyst FY 2001 Changes	Analyst FY 2001 Total
Financing			
General Fund	\$163,165,200		\$163,165,200
General Fund, One-time		(6,508,300)	(6,508,300)
Federal Funds	2,308,300		2,308,300
Dedicated Credits Revenue	19,237,900	873,300	20,111,200
Transfers - CCJJ	1,497,900		1,497,900
Beginning Nonlapsing	818,900		818,900
Total	<u>\$187,028,200</u>	<u>(\$5,635,000)</u>	<u>\$181,393,200</u>
Programs			
Administration	\$8,717,900		\$8,717,900
Field Operations	41,615,600		41,615,600
Institutional Operations	85,620,400	(6,383,300)	79,237,100
Draper Medical Services	15,402,200		15,402,200
Utah Correctional Industries	14,929,900	748,300	15,678,200
Forensics	190,000		190,000
Jail Programs - Jail Reimbursement	20,552,200		20,552,200
Total	<u>\$187,028,200</u>	<u>(\$5,635,000)</u>	<u>\$181,393,200</u>
FTE	2,180.0	(3.0)	2,177.0

2.0 Issues: Utah Department of Corrections

2.1 Savings from delayed openings

These savings are from delayed and deferred openings of new state and privatized facilities as follows:

For the Privatized Prison	FY 2001	(\$ 1,900,000)
	FY 2000	(\$ 3,800,000)
Gunnison Prison	FY 2001	(\$ 1,958,300)

Should bed demand significantly change in the next year, the Department could approach the Legislature in the 2001 Session for a supplemental appropriation to accomplish that opening.

2.2 Camp Williams Closing

The off-site work programs and related activities formerly housed at the Camp Williams facility will be moved to the new Draper Dorms before July 1, 2000.

3.0 Department of Corrections

Summary

The Department of Corrections, as the adult correctional authority for the State of Utah, has a primary mission of community protection. To accomplish this goal, 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

The Department Mission Statement lists:

- Manage offenders in the most cost effective way
- Have safe and secure prisons while helping offenders lead crime free lives

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. Concurrently the annual forensics appropriation (\$190,000) was also broken into a separate line item. Overall growth in the administration and field operations budgets made the separation of the Field Operations Division budget into it's own line item also desirable. Since the FY 1991 budget appropriation the line items have generally been as follows:

- Administration
- Field Operations
- Institutional Operations
- Data Processing (Internal Service Fund)
- Clinical Services
- Forensics
- Utah Correctional Industries (Enterprise Fund)
- 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 note 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.

It should be noted that, since Corrections input to institutional operations 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 committed to its care or the length of stay of offenders in prison or on probation and parole.

*Budget Highlights:
Incapacitation is not
cost effective*

The adult corrections' program for the last 20 years has been based, at least in part, on a questionable assumption. That of incapacitation reducing crime or making the community safer. When the long term impact of incarceration is considered the Analyst questions this assumption. Incapacitation has marginal impact on the levels of crime and is the most expensive alternative treatment for offenders.

“Most criminologists today - whether left, right or center - generally acknowledge that only a fraction of serious crime can be prevented by increased incarceration.” Recidivism, or the rate of reoffense by a discharged prisoner, continues to show that prisons do not correct most offenders and society is not protected (except a short expensive period) by incarceration.

The Crime Task Force Report in recapitulating the Detroit Strategic Planning Project noted, *“One reality became abundantly clear: **building more prisons to accommodate a burgeoning number of felons is not the answer.**”* It must be remembered that **most prisoners will come out of prison and back into society.** How they come out, and what we do to change their potentials to be productive additions to society, rather than drains on its resources, is a 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. The most crime prone age groups, in fact, show an almost marginal increase. Impacting the arrest rates is the relative youth of the population of Utah. Utah has the youngest population in the nation. Where 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.

The average rate of crime in Utah has been approximately 5,300 offenses per 100,000 over the last seven years. While the general perception is that crime is on the rise, when adjusted for population increases, **it has not risen.**

*Crime Rate Flat but
Incarceration Grows*

In fact, the crime rate has not increased nor decreased more than 8 percent over the average rate for this period.

But, Utah's incarceration rate has grown as follows:
Incarceration rate 1980 69 per 100,000
Incarceration rate 2000 Over 220 per 100,000

Legislative policy is driving corrections not crime

If incarceration rate continues to grow and 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 each year with construction costs and additional annual operating costs.

Sentencing Commission Recommendations

The Utah Sentencing Commission report for 1998-1999 notes:

“Utah is approaching a cross-roads in corrections policy. Facing tremendous growth, it can decide to attempt to build its way out of the dilemma with many more prison beds and dedicate all new Corrections money into constructing prison cells, or it can adopt a more balanced, adaptive approach including significant increases in intermediate sanctions and revising probation and parole supervision.”

“Probation and parole supervision need to be intensified and be made more meaningful. There needs to be some re-prioritizing in the entire Corrections budget, both from the legislative and executive branches standpoints. Appropriations need to be spent on both added secure beds and intermediate sanctions.”

They go on to recommend:

“The Sentencing Commission recommends expanding existing intermediate sanctions and building upon current approaches rather than developing new ones. The following recommendations entail the second stage of what is anticipated to be ongoing recommendations from the Sentencing Commission concerning intermediate sanctions.

New Corrections Direction

The budget contained herein is an attempt by the current Executive Director to redirect the policy of the state and the programs of the Department towards a more realistic and cost effective system. The Analyst supports these efforts within the scope of available resources.

Recruitment and Retention

Recruitment and retention of correction officers are major concerns of the Administration and the Legislature. Competition for similar jobs in other states and with local government facilities have added pressure to the situation. The position of corrections officer is frequently used as a stepping stone to other law enforcement positions. This is true for all jurisdictions. The challenge is becoming particularly acute for the State along the Wasatch Front where new major facilities being brought on line by local governments are competing for corrections officers from the Draper and other state run facilities.

State Compensation Adjustment Policy

By law (Utah Code Annotated 67-19-12(4) and 67-19-12.3), the Department of Human Resource Management is charged with the responsibility of submitting a compensation package which incorporates market survey information of salaries ranges and benefits each year.

A job salary range midpoint position must be 11 percent or more below the comparable job salary range midpoint before an increase is recommended. The 11 percent figure used to determine whether or not market comparability adjustments are recommended is a *business practice* decision, rather than being law or rule driven. The State salary steps are 2.75 percent increments by current law. The 11 percent figure is a multiple of the 2.75 percent step increments.

Last year the Legislature provided \$3.5 million through the Human Resources Department to mitigate perceived corrections officer salary disparities.

Intent Language

The 1999 Legislative General Session also saw the inclusion of the following intent language in the Appropriations Act (HB1):

“ It is the intent of the Legislature that during 1999, The Department of Human Resource Management conduct a study comparing Correctional officer compensation with the market, for review during the 2000 Legislative General Session”

The sub-committee should hear the report on that study.

Benefits

Benefits among the four largest operators of correctional facilities in Utah are comparable. The State has used private sector compensation comparisons and found that the State benefits are better (up to ten percent) in many cases. In the case of Corrections, the comparisons are with other governmental agencies. All the major organizations use the Utah Retirement Systems, the same as the State. All offer medical, dental and life insurance, in most cases through Public Employees Health Program. Data prepared for the Law Enforcement and Criminal Justice Interim Legislative Committee indicated that the State benefits were greater than local government. Since many of the costs are fixed, the benefit on a percentage basis seems higher due to the lower base salary. The actual disparity between entities is not significant.

*Correctional Officer
Turnover*

Employee turnover is often cited by the Department as a symptom of low compensation. There are many factors that contribute to high employee turnover, including such things as benefits, duty hours, working conditions, and alternative employment opportunities. It is interesting to note that the state with one of the highest salaries also has one of the highest overall turnover rates. (Nevada)

There does seem to be a statistical correlation between salary levels and turnover rates between most states. Utah falls in the middle of the range when compared with other western states. The following chart is from the 1997 Corrections Yearbook.

Comparative Turnover Data

	Turnover Prior To Completing Probation	Total Officers Leaving Agency	State	Correctional Officer Turnover Rate
New Mexico	45	196	23.0%	15.7%
Montana	1	56	1.8%	N/A
Wyoming	15	58	25.9%	17.6%
Arizona	97	793	12.2%	17.0%
Utah		89		12.0%
Idaho		94		14.3%
Washington		140		6.6%
California	122	1,337	9.1%	6.6%
Colorado	72	116	62.1%	8.3%
Oregon	17	85	20.0%	7.6%
Nevada	17	212	8.0%	20.9%
Utah		89		12.0%
National Average				12.9%

The records reviewed by the Legislative Fiscal Analyst Office included the Department of Corrections Termination Logs for 1997 and 1998 and the Department of Human Resource Management Vacant Position Reports. Turnover in the State of Utah is very similar to most jurisdictions. Approximately half of employees leaving State Corrections employment go to other law enforcement jurisdictions. The 1998 figures reflect an increasing trend of movement toward other law enforcement agencies.

*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.

*Carter Gobel and
Associates (CGA)
Study*

In the Correctional Systems Needs Study conducted in 1995 by CGA the following forecasting models were used:

1. Exponential smoothing: computer generated forecast based on a exponential smoothing model. Incorporates data from the past into a forecast of the future populations while smoothing out the impact of the most erratic months that have no systematic impact on the general growth trend.
2. Forecast based on the annual average rate of change in average daily population. The annual average rate of change is the average of the percent increase from year-to-year during the period.
3. Forecast based on the average annual rate of change of the incarceration rate. Using the historical average rate of change per year.

Slower Growth

Admission trends from 1994 to 1998 show a net increase of 1.7 percent/month with an annual rate of growth averaging 450 plus inmates per year. The growth for the last year, however, has been approximately 23 inmates per month or 276 per year rather than the 450 per year of the previous years.

*Growth in Inmate
Population*

Adding to the inmate growth has been the increased length of stay of those sentenced. Average length of stay over the period 1985 to 1997 has changed from 19.8 to 20.77 months.

The growth in any incarcerated population is caused by an increase in the length of stay of offenders and/or an increased incarceration rate. Although, incarceration rates grow each year, starting in 1995 the rate of growth significantly increased. Legislation requiring longer lengths of stay has also increased the prison population.

Other Growth

Paralleling growth in the number of inmates will be a growth in the subsequent number of offenders on parole. Offender counts on probation will also continue to grow at high rates.

3.1 Administration

Recommendation

Details of programs and budgets will be discussed in the individual programs that follow.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$8,385,700	\$8,374,100	\$8,219,400	(\$154,700)
General Fund, One-time		9,600		(9,600)
Federal Funds		8,700	8,700	
Dedicated Credits Revenue	47,000	150,000	150,000	
Transfers - CCJJ	167,600			
Beginning Nonlapsing	306,500	339,800	339,800	
Closing Nonlapsing	(339,800)			
Total	\$8,567,000	\$8,882,200	\$8,717,900	(\$164,300)
Expenditures				
Personal Services	\$5,673,000	\$6,321,200	\$6,203,900	(\$117,300)
In-State Travel	34,000	20,800	20,800	
Out of State Travel	14,800	11,700	13,500	1,800
Current Expense	1,330,200	1,532,300	1,484,300	(48,000)
DP Current Expense	547,300	375,500	376,300	800
DP Capital Outlay	967,300			
Other Charges/Pass Thru	400	620,700	619,100	(1,600)
Total	\$8,567,000	\$8,882,200	\$8,717,900	(\$164,300)
FTE	104.8	101.8	98.8	(3.0)

Purpose

To provide a more detailed overview of the budgets of the Department Administration, the administrative programs are separately represented in the budget presentation. The aggregate budget of: The Executive Director's Office, Administrative Services functions, Training and the Corrections Advisory Council are represented in this line item.

Executive Director’s Office

Recommendation The Analyst recommends a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$1,814,000	\$1,867,900	\$1,841,300	(\$26,600)
General Fund, One-time		9,600		(9,600)
Federal Funds		8,700	8,700	
Dedicated Credits Revenue	7,400	34,500	34,500	
Beginning Nonlapsing	306,500	339,800	339,800	
Closing Nonlapsing	(365,400)			
Total	<u>\$1,762,500</u>	<u>\$2,260,500</u>	<u>\$2,224,300</u>	<u>(\$36,200)</u>
Expenditures				
Personal Services	\$1,410,100	\$1,486,000	\$1,460,600	(\$25,400)
In-State Travel	6,400	5,600	5,500	(100)
Out of State Travel	5,700	3,200	4,800	1,600
Current Expense	184,900	189,800	179,100	(10,700)
DP Current Expense	146,400	58,500	58,500	
DP Capital Outlay	8,600			
Other Charges/Pass Thru	400	517,400	515,800	(1,600)
Total	<u>\$1,762,500</u>	<u>\$2,260,500</u>	<u>\$2,224,300</u>	<u>(\$36,200)</u>
FTE	27.1	23.1	23.1	

Purpose The Executive Director of Corrections has direct administrative responsibility for the entire Department. The director is the Department spokesperson and representative on The Commission for Criminal and Juvenile Justice and interfaces with areas such as the Board of Pardons, Courts, Legislature, etc. He provides the direction for the Department as a whole and establishes major policies and priorities to be implemented by the Department.

The Executive Director is assisted by a Corrections Advisory Council appointed by the Governor.

Internal Auditing Since the inception of the Bureau of Internal Audit in late 1983, numerous internal audits and other projects have been conducted to assist Department executives and managers in decision making. Internal auditors perform systematic, objective appraisals of the diverse operations and controls within the Department.

In compliance with Utah Code Annotated 67-13-25, requiring audits of all correctional programs every three years, and Utah Code Annotated 63-91-101, the Utah Internal Audit Act, internal auditors determine whether:

“Financial and operating information is accurate and reliable; risks to the organization are identified and minimized; external laws, regulations and acceptable internal policies and procedures are followed; standards adopted by the organization are met; resources are used efficiently and economically; and legislative and executive mandates, and the organization's objectives are effectively achieved.”

These determinations are made for the purpose of assisting members of the organization in the effective discharge of their responsibility.

The Corrections Investigations Bureau provides services in the areas of:

Criminal conduct by offenders, employees and others
Non-criminal employee misconduct, and
Employee background

This bureau also manages the mandated Sex Offender Registry.

*Information
Technology Bureau*

The Information Technology Bureau handles all the departments hardware and software needs.

The Department of Corrections is becoming increasingly reliant on information technology to fulfill its mission. It has undertaken an aggressive initiative to overhaul its record keeping system, is working to automate routine procedures.

*Offender Tracking
System (O-Track)*

The Department of Corrections Administration Division has implemented a department-wide management information system that streamlines processing of inmates from pre-sentence investigation through parole, and will directly interface with Courts, Public Safety, and other primary stakeholders. The Department has successfully transitioned from its non-Y2K-compliant OBSCIS system to O-Track, with O-Track replicating and enhancing functionality found in the old system.

Finances

The Financial Service Bureau processes more than 300,000 documents in a year. These include: Department payroll and leave accounting, expenditure and revenue accounting, purchasing coordination, and annual budget documents preparation.

*Council on Sexual
Victims and Offenders*

During the 1999 General Session, the Legislature passed a bill creating a Utah Council on Sexual Victims and Offenders (HB116). Statutory charges to the Council were:

- ▶ early intervention
- ▶ post-incarceration or treatment care
- ▶ civil commitment for sex offenders
- ▶ defining sexual predators, and
- ▶ other related issues determined by the Council.

The staffing and administrative support for this activity was placed in the Department of Corrections and given \$9,600 in General Funds to cover costs.

The Analyst recommends that the committee hear a report on that committee and it's activities.

Administrative Services

Recommendation The Analyst recommends a continuation for this budget for this Program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$5,917,800	\$5,789,300	\$5,672,000	(\$117,300)
Dedicated Credits Revenue	26,300	51,500	51,500	
Transfers - CCJJ	167,600			
Closing Nonlapsing	38,000			
Total	\$6,149,700	\$5,840,800	\$5,723,500	(\$117,300)
Expenditures				
Personal Services	\$3,802,400	\$4,351,800	\$4,268,900	(\$82,900)
In-State Travel	12,800	9,200	9,300	100
Out of State Travel	8,400	6,500	6,700	200
Current Expense	984,500	1,129,800	1,094,400	(35,400)
DP Current Expense	382,900	300,200	300,900	700
DP Capital Outlay	958,700			
Other Charges/Pass Thru		43,300	43,300	
Total	\$6,149,700	\$5,840,800	\$5,723,500	(\$117,300)
FTE	69.2	69.2	66.2	(3.0)

Purpose

Administrative Services is responsible for the Department facilities' construction, planning and research, contracts and records, professional standards and ethics, Community Relations, and training (shown by the Analyst as a separate budget).

The Planning and Research Bureau provides the data and planning analysis of statistical data required for Department wide policy, planning, and programming decisions.

The consultant study ordered by the Legislature several years ago included a recommendation that this bureau be given... "responsibility for tracking UDC's Classification decision-making and provide periodic reports..." The classification of inmates can cause inordinate costs increases through upgraded facility designs and operational costs.

Due to the present rate of growth of the Corrections system and demand for the very specialized facilities used for confinement of offenders, the Division has a Facilities and Construction Bureau. This bureau coordinates with DFCM and other technical input and review for all related projects and construction.

The Records Bureau is responsible for Department Total Quality Management (TQM) programs and both internal and external records systems and issues coordination.

Office of Professional Services is responsible for Government Records Management Act (GRAMA) requests and obtaining contract services. Over 350 GRAMA requests were answered last year.

Training

Recommendation

The Analyst recommends a continuation for the Training Bureau.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$653,900	\$716,900	\$706,100	(\$10,800)
Dedicated Credits Revenue	13,300	64,000	64,000	
Closing Nonlapsing	(12,400)			
Total	\$654,800	\$780,900	\$770,100	(\$10,800)
Expenditures				
Personal Services	\$460,500	\$483,400	\$474,400	(\$9,000)
In-State Travel	14,800	6,000	6,000	
Out of State Travel	700	2,000	2,000	
Current Expense	160,800	212,700	210,800	(1,900)
DP Current Expense	18,000	16,800	16,900	100
Other Charges/Pass Thru		60,000	60,000	
Total	\$654,800	\$780,900	\$770,100	(\$10,800)
FTE	8.5	9.5	9.5	

Intent Language

The Analyst continues to suggest that the Public Safety (POST) and Corrections training should be consolidated and collocated to accomplish the economies of a single records and admissions office, a single audio video facility, common classroom, range, and gym use, etc. In previous years both the Department of Corrections and the Department of Public Safety have studied consolidation of their several training programs at one facility on a single site.

No such facility has been approved or built as of this time, however, there has been an increasing cooperation between the agencies in corrections training programs.

Purpose

Centered on the Fred House Academy facility in Draper, the training unit provides:

- ▶ Preservice academy program
- ▶ The Conversion Academy trains correctional officers to operate as police officers (the equivalent of POST certification).
- ▶ Basic supervision courses
- ▶ An Advanced Supervisor course
- ▶ Inservice classes
- ▶ Special courses: Example are: Blood-borne Pathogens, Government Records Management Act (GRAMA), Americans with Disabilities Act, etc.

Auditor's Observation

The Legislative Auditor General found that the Department spends, without remuneration, 27 percent of its training expenditures for officers employed by county jails. In 1997 this is the equivalent to \$320,000 of the training budget. They also noted that the privately contracted facility, Promontory at Draper, has been undercharged between \$7,000 and \$18,000 (1997).

The degree to which the Legislature wishes to continue this form of subsidization to the county sheriff's jail departments and private prison contractors should be a matter for subcommittee review and policy decision.

3.2 Field Operations Division

Field Operations Division includes Adult Probation and Parole, and Community Correctional Centers. With approximately 24 percent of the FTE resources the Division oversees more than 75 percent of those under Department supervision.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$32,734,100	\$36,228,500	\$35,577,300	(\$651,200)
Federal Funds	1,799,600	2,465,600	2,199,600	(266,000)
Dedicated Credits Revenue	1,956,600	4,381,600	3,580,000	(801,600)
Transfers - CCJJ	109,300		258,700	258,700
Beginning Nonlapsing	456,500	300,000		(300,000)
Closing Nonlapsing	(3,349,500)			
Total	\$33,706,600	\$43,375,700	\$41,615,600	(\$1,760,100)
Expenditures				
Personal Services	\$25,653,100	\$32,598,700	\$30,084,000	(\$2,514,700)
In-State Travel	63,400	70,400	67,200	(3,200)
Out of State Travel	23,100	15,100	7,000	(8,100)
Current Expense	4,537,800	5,216,200	5,706,700	490,500
DP Current Expense	1,047,200	1,115,200	763,800	(351,400)
DP Capital Outlay	62,000	37,000		(37,000)
Capital Outlay	2,432,200	21,600		(21,600)
Other Charges/Pass Thru	(112,200)	4,301,500	4,986,900	685,400
Total	\$33,706,600	\$43,375,700	\$41,615,600	(\$1,760,100)
FTE	540.3	552.3	552.3	

Purpose

Field Operations was created as a separate entity within the Department in 1983 and fulfills the requirements of the corrections’ statute for presentence investigations and community supervision. The Field Operations program is responsible for: 1) Pre-sentence Investigations, 2) Adult Probation and Parole and 3) Community Correction Centers (half-way houses).

Increase Public Safety by Reducing Recidivism

One of the truisms of corrections is that almost everyone that goes in, also comes out of prison and back to our communities. Field Operations’ job is to see that they don’t go back to their old problems but on to productive lives. Changing their lives is better for the parolee and cheaper than prisons. Approaches vary from a strict law enforcement model where parolees are on their own and sent back to prison at the slightest infraction, to the human resources model where authorities work with the parolees to change their lives and tolerate some infractions. In recent years Utah has mostly followed the law enforcement model but the current administration is moving towards a balanced approach.

Concurrent with the new approach to corrections policy in general, the new Executive Director has begun a process to better analyze and document the relative effectiveness of the various programs. The ultimate measure of many of these programs will be a longitudinal study of recidivism. In the past, programs were started and ended without an analytic component or valid measure of effectiveness.

Probation and parole supervision are the foundation of the division, but, the budgets and staffing for Field Operations have not kept up with the growth.

Field Operations Division Administration

Recommendation The Analyst is recommending a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$863,000	\$946,400	\$902,900	(\$43,500)
Dedicated Credits Revenue	(13,200)			
Beginning Nonlapsing		100,000		(100,000)
Closing Nonlapsing	93,200			
Total	<u>\$943,000</u>	<u>\$1,046,400</u>	<u>\$902,900</u>	<u>(\$143,500)</u>
Expenditures				
Personal Services	\$599,700	\$535,300	\$622,300	\$87,000
In-State Travel	3,100	4,200	4,200	
Out of State Travel	7,300	5,800	5,800	
Current Expense	258,500	179,000	214,000	35,000
DP Current Expense	51,300	49,000	47,800	(1,200)
Other Charges/Pass Thru	23,100	273,100	8,800	(264,300)
Total	<u>\$943,000</u>	<u>\$1,046,400</u>	<u>\$902,900</u>	<u>(\$143,500)</u>
FTE	8.5	6.5	6.5	

Purpose Field Operations consists of seven geographical regions, 16 Probation and Parole field offices. Contracted services private providers in the areas of: mental health, sex offender treatment, assessment and psychotherapy, alcohol and drug addiction, and electronic monitoring.

Pre-sentence Reports adding workload Probation and Parole provides the courts with pre-sentence reports prior to sentencing. These reports, covering the offender’s family, employment, education, substance abuse, criminal history, medical and psychological situation, etc. are accompanied with a recommendation for the court’s action. At the time of sentencing the court may order a 90-day diagnostic evaluation. After sentencing, offenders may be under probation supervision or, following a term in prison, under parole supervision.

Following actual sentencing this report becomes the basis of an offender’s file for both Institutional Operations and Probation and Parole Service. The demand for pre-sentence reports is increasing. To accommodate the increasing workload and to keep officers in the field, the Department is contracting with qualified outside officers for pre-sentence reports on a per report basis.

Supervision Fee

Beginning September 1, 1993 probationers and parolees began paying a \$30.00 per month supervision fee. The revenue from this source goes into a fund for offender supervision programs. The history of these revenues is shown below:

	Rate	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Parole/Prob Fees	\$30.00	\$9,623	\$194,694	\$440,863	\$628,177	\$1,017,887	\$1,326,500
Home Confinement Fees	10.00			3,755	9,793	(1,830)	18,000
Total		\$9,623	\$194,694	\$444,618	\$637,970	\$1,016,057	\$1,344,500

Recommendation

The Analyst recommends that increased supervision fees be used to fully fund pre-sentence report contracting division wide. The Analyst also recommends that the fees be adjusted annually to the Consumer Price Index while recognizing that this would require a statutory change (Section 64-13-21(1)(b) UCA.

Some workload increases caused by courts

The workload increases in this division are driven by increased levels of activity in the courts and increased convictions resulting in probation and parole population growth (which impacts both the agent staff and the centers). Virtually every offender sentenced to prison will transition through some period of parole on release.

Vehicles

This Division operates over 100 vehicles, most of which are approved for commuter use and unmarked. The Department has conducted, within the last year, a major review of vehicle use and probation and parole officer assignment. Changes in internal working policies and annual reviews should keep vehicle use within acceptable limits. The Analyst recognizes the unique role that the Adult Probation and Parole officers play and generally supports the need for these uses.

Adult Probation and Parole

Recommendation The Analyst recommends a continuation budget.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$28,816,400	\$26,071,300	\$25,623,700	(\$447,600)
Federal Funds	8,100	266,000		(266,000)
Dedicated Credits Revenue	1,814,200	1,432,400	1,745,000	312,600
Transfers - CCJJ	109,300		258,700	258,700
Beginning Nonlapsing	456,500	200,000		(200,000)
Closing Nonlapsing	(1,272,900)			
Total	\$29,931,600	\$27,969,700	\$27,627,400	(\$342,300)
Expenditures				
Personal Services	\$22,484,000	\$23,324,600	\$21,363,700	(\$1,960,900)
In-State Travel	60,200	59,800	55,200	(4,600)
Out of State Travel	15,700			
Current Expense	3,990,600	2,004,000	3,144,000	1,140,000
DP Current Expense	943,000	800,000	559,000	(241,000)
DP Capital Outlay	5,900	37,000		(37,000)
Capital Outlay	2,432,200	21,600		(21,600)
Other Charges/Pass Thru		1,722,700	2,505,500	782,800
Total	\$29,931,600	\$27,969,700	\$27,627,400	(\$342,300)
FTE	519.0	533.0	380.0	(153.0)

The Analyst notes that the FTE differentials shown above are balanced by the additional Community Corrections Centers budget that follows.

Current Expense Reduction

In Report # 99-647 (Dated 16 December 1999) the State Auditor noted that the Department of Corrections had a bonus and awards program that had not been approved by DHRM (in accordance with DHRM Rule R477-7-5). This program distributed \$757,000 in bonuses and incentives in FY 1999. Whereas, the Department had serious salary issues that caused an additional \$3.5 million in special compensation to be provided in FY 2000 and has requested still more special compensation requests, it would seem that continuing three-quarters of a million in bonuses and awards is excessive.

Presentence Reports adding workload

Prior to sentencing a pre-sentencing report is provided to the court. At the time of sentencing the court may order a 90-day diagnostic evaluation. Following the sentencing period, the offender may be under probation supervision or, following a term in prison, under parole supervision. There is an ever increasing workload on Adult Probation and Parole driven by court requirements for presentence investigating and related reports. Contracting with qualified officers for pre-sentence reports for the courts free full-time agents to direct supervision duties.

Costs for conversion to 800 MHz emergency radio system

The new national radio frequency band for emergency services is in the 800 MHz portion of the spectrum. Law enforcement and emergency services agencies throughout the country are converting to the new standard. In Utah a new entity, The Utah Communications Agency Network (UCAN), was created to coordinate and become the service provider for this system has been specially created under Section 63C-7-101 to 63C-7-306 UCA).

New funding for 800MHZ equipment will be presented to the Capitol Facilities Subcommittee for all agencies impacted.

Staffing Shortages

Historical data shows an alarming growth in the workload in Probation and Parole populations that will continue. The growth in Probation and Parole populations justify additional agents to maintain the safety levels expected by the public.

Where supervision of the least serious probation offenders can be tracked at these staffing levels the most intense supervision needed for the most violent offenders should be at a level of approximately 15 per agent. Under existing staffing this is not always possible. To help cover the demand supervision resources are being changed to integrated teams of officers (in the more urban areas only) who oversee a full spectrum of offenders. This helps cover the volume of offenders, but, will lead to officer burnout at the current rates of probation and parole growth without additional supervision resources.

The following charts profile the probationers and parolees under Division supervision:

Adult Corrections Statistics
“Snapshot” of Probationers, December 6, 1999

	Male	Female		Male	Female
	#	#	Age	#	#
Veteran Status					
Veteran	552	10	Under 18	7	2
Non-Veteran	5,927	2,009	18-19	369	60
Active	26	0	20-24	2,255	461
Reserve	90	1	25-29	1,373	445
Other	17	0	30-34	1,087	407
Unknown	878	238	35-39	994	417
Last Grade Comp.			40-44	710	274
1-6	76	8	45-49	346	136
7-11	3,330	1,008	50-54	188	38
12	3,081	930	55-59	86	16
12+	867	282	60-64	31	2
Unknown	135	30	65 and over	44	0
Citizenship			Marital Status		
U.S. Citizen	6,732	2,076	Never Married	3,329	618
Non U.S. Citizen	179	17	Married	1,387	509
Unknown	579	165	Separated	588	297
Race			Divorced	1,142	535
White	5,657	1,826	Common Law	271	63
Hispanic	764	148	Widowed	31	29
Black	243	62	Unknown	685	194
Native American	214	57	Number of Arrests		
Asian	151	34	1-5	4,545	1,520
Unknown	461	131	6-10	1,332	293
Religion			11-15	438	99
LDS	2,47	712	16-20	210	28
Catholic	699	182	Over 20	143	19
Protestant	455	167	Unknown	822	299
Other	63	14	# of Convictions		
None	1,393	4,35	1-5	4,642	1,214
Unknown	2,333	7,46	6-10	866	177
# of Incarcerations			11-15	200	28
0	7,084	2,188	16-20	54	7
1	286	44	Over 20	28	305
2-4	50	23	Unknown	1,700	527
5-7	6	1	Degree of Crime		
8+	64	2	First Degree	79	10
			Second Degree	1,044	251
			Third Degree	3,815	1,364
			Compact	337	87
			Class A Misdemeanor	1,877	485
			Class B Misdemeanor	288	44
			Class C Misdemeanor	5	1
			Unknown	45	16

Adult Corrections Statistics
“Snapshot” of Parolees, December 6, 1999

	Male	Female		Male	Female
	#	#	Age	#	#
Veteran Status					
Veteran	385	3	Under 18	0	0
Non-Veteran	3,007	380	18-19	13	1
Active	19	0	20-24	509	33
Reserve	41	1	25-29	769	88
Other	8	0	30-34	681	95
Unknown	152	24	35-39	658	92
Last Grade Comp.			40-44	469	60
1-6	194	7	45-49	252	23
7-11	1,670	222	50-54	137	9
12	1,309	147	55-59	64	4
12+	410	32	60-64	32	2
Unknown	29	0	65 and over	28	1
Citizenship			Marital Status		
U.S. Citizen	3,150	398	Never Married	1,589	107
Non U.S. Citizen	424	4	Married	670	75
Unknown	38	6	Separated	171	58
Race			Divorced	933	127
White	2,378	308	Common Law	179	22
Hispanic	820	59	Widowed	21	8
Black	225	18	Unknown	44	9
Native American	94	11	Number of Arrests		
Asian	54	5	1-5	1,490	214
Unknown	41	7	6-10	894	90
Religion			11-15	373	43
LDS	1,102	119	16-20	242	14
Catholic	764	58	Over 20	370	17
Protestant	417	50	Unknown	243	30
Other	314	22	# of Convictions		
None	840	106	1-5	2,235	266
Unknown	175	53	6-10	843	62
# of Incarcerations			11-15	265	18
0			16-20	92	6
1			Over 20	82	3
2-4			Unknown	95	53
5-7			Degree of Crime		
8+			Capital	0	1
			First Degree	295	10
			Second Degree	1412	121
			Third Degree	1784	259
			Compact	90	16
			Misdemeanor	25	1
			Unknown	6	0

Community Corrections Centers

Recommendation

The organization of the Division includes Community Corrections Centers within the various regions. The Analyst chooses to show the Centers as a separate program so as to highlight the operations and related costs of these resident and non-resident facilities. The Analyst is recommending a continuation budget for the existing centers.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund		\$5,916,000	\$5,822,800	(\$93,200)
Dedicated Credits Revenue		2,744,200	1,630,000	(1,114,200)
Total	\$0	\$8,660,200	\$7,452,800	(\$1,207,400)
Expenditures				
Personal Services		\$5,835,600	\$5,252,700	(\$582,900)
In-State Travel		5,200	6,600	1,400
Out of State Travel		8,100		(8,100)
Current Expense		1,750,100	1,074,600	(675,500)
DP Current Expense		205,100	95,900	(109,200)
Other Charges/Pass Thru		856,100	1,023,000	166,900
Total	\$0	\$8,660,200	\$7,452,800	(\$1,207,400)
FTE		153.0	153.0	

Purpose

The Community Corrections' Centers facilitate the transition from prison to the community. The first center was established more than 20 years ago, in September 1970, and closed in July 1985. Since then, additional centers have been established.

The Division operates Community Correction Centers (half-way houses) and Day Reporting Centers. There are four CCCs, three in the Salt Lake Valley and one in Ogden. CCCs require parolees to have a job, pay for part of their costs, receive training and therapy, and be in residence. Day reporting centers are similar and may be co-located, but they have no residence requirement.

Currently there are not enough beds for temporarily indigent probationers and parolees. There are no centers in the state south of 2100 South in Salt Lake. The appropriations subcommittee has encouraged the Department to establish a Community Corrections Center in the southern part of the state but the Department has been unable to locate such a facility.

Recommendation

The Analyst recommends that, subject to funding availability, the state establish Community Corrections Centers in Utah and Washington counties and consider privatizing their operation.

Intent Language

Last year (1999) the Legislature required by intent language (House Bill, Item 31) that:

“It is the intent of the Legislature that the Department of Corrections study and implement a plan to privatize management of a minimum of three Community Corrections Centers (half-way houses). If it is not feasible to privatize the Community Corrections Centers, the Department shall report to the Law Enforcement Interim Committee in their August or September meeting.

It is the intent of the Legislature that the Department communicate with the Office of the Legislative Fiscal Analyst in the planning and implementation process.

It is the intent of the Legislature that the Division of Facilities and Construction Management assist the Department in assessing and prioritizing needed repairs in conjunction with the plan developed by the Department”

Required Report should be heard

The Department report, dated 4 October, was delivered at the October 20 meeting of the interim Law Enforcement Committee. Although the report was accepted the Department was asked to provide an additional report to the sub-appropriations committee by Feb 1, 2000. This report is to include” the anticipated financial savings of privatization and coordination with the Department of Facilities and Construction Management and The Office of the Legislative Fiscal Analyst.’

The sub-committee should hear the revised and expanded report from the Department.

Performance Measures

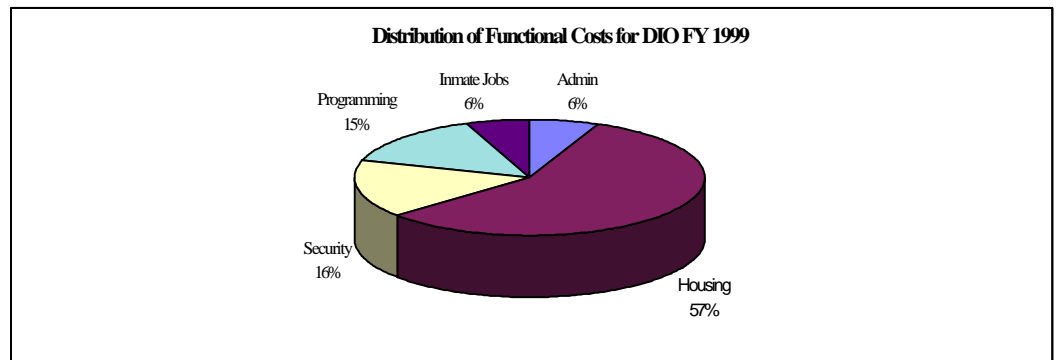
Overall the Centers provide housing and services for more than 1,000 clients annually. The supervision continuum ranges from 24-hour lockup to light supervision. General services to the residents include intake and career development, job placement, and reintegration and linkage with community resources.

3.3 Institutional Operations

Recommendation

The Division of Institutional Operations manages the inmate population of the system. It is the Division that demands the most expensive facilities and over half of all department employees while supervising approximately 5,400 inmates in three separate state facilities and under contracts in other locations.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$76,205,300	\$82,154,200	\$84,585,200	\$2,431,000
General Fund, One-time			(6,508,300)	(6,508,300)
Dedicated Credits Revenue	351,300	415,500	540,500	125,000
Transfers - CCJJ	225,500	619,700	619,700	
Transfers - Other Agencies		3,500,000		(3,500,000)
Beginning Nonlapsing	1,641,200	4,213,200		(4,213,200)
Closing Nonlapsing	(2,077,100)			
Total	\$76,346,200	\$90,902,600	\$79,237,100	(\$11,665,500)
Expenditures				
Personal Services	\$51,282,100	\$58,116,300	\$57,093,300	(\$1,023,000)
In-State Travel	38,700	48,500	39,600	(8,900)
Out of State Travel	23,400	1,800	1,800	
Current Expense	23,242,100	23,409,800	14,666,200	(8,743,600)
DP Current Expense	1,362,100	1,034,800	1,034,800	
DP Capital Outlay	138,900			
Capital Outlay	556,400	500	600	100
Other Charges/Pass Thru	(297,500)	8,290,900	6,400,800	(1,890,100)
Total	\$76,346,200	\$90,902,600	\$79,237,100	(\$11,665,500)
FTE	1,221.3	1,242.3	1,209.3	(33.0)



Purpose

The Division of Institutional Operations includes the prisons and support facilities related to prison operations. Included in these programs are all services to and for inmates. This line item is broken down into the following budgeted programs:

- ▶ Division Administration
- ▶ Support Services
- ▶ Draper Operations
- ▶ Commissary
- ▶ Central Utah Prison (Gunnison)
- ▶ Iron County Prison (Cedar City)
- ▶ Transition Programs (includes Camp Williams and Promontory)
- ▶ Privatized Facility

There is a constant shortage of inmate housing

The prisons are operating close to operational capacity and can exceed the threshold for emergency release (64-13-38 UCA) for periods short of the statutory 45 days. How to manage the growing bed demand in the light of the current “get tough on crime” trend is one of the most challenging problems facing the subcommittee. As noted earlier, there is an annual net increase of approximately 275 inmates. This constant pressure to provide an ever increasing number of “beds” in the institutional arm of the Department severely limits resources available for programming and other aspects of the Division’s Mission.

Current Department of Corrections Facility Trends

The current administration of the DOC is moving in a direction consistent with the 1995 Carter Gobel Associates study recommendations. In addition, many of the concerns expressed by the Legislative Fiscal Analyst in a June 1997 report to the Executive Appropriation Committee entitled Prison Construction Costs are being addressed. It should be noted that as the total number of beds increase, the cost per bed decreases.

Recommendation

The Analyst recommends that the subcommittee discuss the various housing options available in the context of the corrections philosophy desired and then act on the budgets.

Lower cost facilities for some of the incarcerated population.

At least one-third of the prisoners at the Draper Penitentiary can be classed as nonviolent. Such inmates are being housed and fed in our prisons ostensibly to protect the general public. However, costs of \$60,000 per bed to build a security cell and approximately \$20,000 per bed for annual operations and maintenance are financially inappropriate expenditures for felons who:

- ▶ Are not violent, and
- ▶ Can be successfully managed and controlled in a less expensive setting.

The Legislative study referred to earlier, indirectly supports this view. Utah builds to a higher standard than required for a given population to gain “flexibility” and thereby gives up economy. The newest dormitory style facilities at Gunnison and Draper reflect a turn towards these economies.

A “Snapshot/profile” of the inmates in custody as of 1999 shows the following composition:

Inmate Profile

The following chart shows the census data for inmates.

	Male	Female		Male	Female
	#	#	Age	#	#
Veteran Status					
Veteran	529	0	Under 18	14	0
Non-Veteran	3,539	290	18-19	107	3
Active	20	0	20-24	791	33
Reserve	42	0	25-29	776	66
Other	14	0	30-34	708	59
Unknown	253	21	35-39	736	76
Last Grade Comp.			40-44	538	48
1-6	117	3	45-49	335	12
7-11	2,069	177	50-54	181	9
12	1,653	98	55-59	104	3
12+	461	30	60-64	64	0
Unknown	97	3	65 and over	43	2
Citizenship			Marital Status		
U.S. Citizen	4,113	301	Never Married	1,974	98
Non U.S. Citizen	201	3	Married	798	66
Unknown	83	7	Separated	257	35
Race			Divorced	1,065	83
White	2,980	228	Common Law	160	12
Hispanic	757	37	Widowed	53	7
Black	338	24	Unknown	90	10
Native American	139	11	Number of Arrests		
Asian	110	2	1-5	2,039	136
Unknown	73	9	6-10	1,031	78
Religion			11-15	546	46
LDS	1,346	76	16-20	300	17
Catholic	773	47	Over 20	363	20
Protestant	529	42	Unknown	118	14
Other	360	13	# of Convictions		
None	994	69	1-5	2,696	204
Unknown	395	64	6-10	995	56
# of Incarcerations			11-15	343	19
1	2,915	75	16-20	121	7
2-4	942	19	Over 20	91	5
5-7	89	3	Unknown	151	20
8+	15	1	Degree of Crime		
Unknown	436	213	Capital	79	1
			First Degree	1,001	23
			Second Degree	1,627	92
			Third Degree	1,608	186
			Compact	33	3
			Misdemeanor	46	5
			Unknown	3	1

Education Programs

From inmate data it is apparent that 50 percent of the population have not finished high school and many have not finished sixth grade. The State of Utah provides educational services to inmates incarcerated in the State's prison system. Higher Education Institutions, Applied Technology Centers and Applied Technology Center Service Regions, and local school districts participate in providing this education and training.

Statutory Provisions

The current statutory provisions governing corrections education enacted by the Legislature during the 1992 Legislative Session under House Bill 28 are as follows:

(53A-1-403.5.)

The State Board of Education and the State Board of Regents, subject to legislative appropriation, are responsible for the education of persons in the custody of the Department of Corrections. In order to fulfill this responsibility, the boards shall, where feasible, contract with appropriate private or public agencies to provide educational and related administrative services.

(a) As its corrections education program, the boards shall develop and implement a recidivism reduction plan, including the following components:

- (i) inmate assessment;
- (ii) cognitive problem-solving skills;
- (iii) basic literacy skills;
- (iv) career skills;
- (v) job placement;
- (vi) post release tracking and support;
- (vii) research and evaluation;
- (viii) family involvement and support; and
- (ix) multi agency collaboration.

The plan shall be developed and implemented through the State Office of Education and the Board of Regents office in collaboration with the following entities:

- (i) local boards of education;
- (ii) Department of Corrections;
- (iii) Department of Workforce Services;
- (iv) Department of Human Services;
- (v) Board of Pardons and Parole;
- (vi) State Office of Rehabilitation; and
- (vii) the Governor's office.

The Boards shall make annual reports to the Legislature through the Education Interim Committee on the effectiveness of the recidivism reduction plan.

*Corrections
Education Program
Description*

Under House Bill 28, passed in 1992, the Recidivism Reduction Program (also known as Project Horizon) was established as the State's correction education program (see section (3)(a) above) and began in FY 1993. The program is a nine-component plan and based on a highly researched program initiated in Canada and now utilized throughout the world. In addition to literacy and job skills, the plan is designed to provide important life skills training plus interagency support and family involvement to increase the likelihood of a successful, law-abiding return to the free world for the offender.

The nine components of the Program include:

Inmate Assessment;
Cognitive Problem- solving Skills;
Basic Literacy Skills;
Career Skills;
Job Placement;
Post Release Tracking and Support;
Research and Evaluation;
Family Involvement and Support; and
Multi Agency Collaboration.

**Performance
Measures**

In January 1997, a report was released analyzing the effects of the Recidivism Reduction Program or Project Horizon on recidivism rates of participants. Results from the study are based on an analysis of data provided by the Department of Corrections covering all parolees since the program's inception. Major findings in this report are:

- ▶ Project Horizon participant recidivism rates are significantly lower than non-Horizon rates.
- ▶ Anticipated long term recidivism rates for non-Horizon participants range from 71 percent to 90 percent. Corresponding recidivism rates for Horizon participants range from 61 percent to 72 percent. The estimate for non-Horizon participants is 82 percent, for Horizon participants it is 65 percent, which represents a 20 percent reduction in recidivism. These values are in accord with previous national and local studies.
- ▶ Even slight reductions in recidivism can bring about large economic benefits. The project has a quick pay back and potentially can save the State of Utah millions of dollars in direct operating costs.
- ▶ The benefits of recidivism reduction and the associated decrease in crime are associated with large intangible benefits that amount to millions of dollars annually.
- ▶ Because costs related to recidivism are large relative to education costs, even minimal reductions in recidivism have potential for creditable savings.

*Legislative
Appropriation
Overview*

As stipulated under section (3)(c) of the law, the Legislature annually appropriates line item funding to the State Office of Education for basic educational services. The State Office of Education, in turn, contracts with the Jordan, South Sanpete, and Iron School Districts to provide basic educational services to State prison inmates at the Draper, Gunnison, and Iron County/Utah State Correctional Facilities respectively. Funding for post secondary educational services is provided by the Legislature to the State Board of Regents and from client tuition fees.

Sex Offenders

The growth in the sex offenders population over the last 15 years has had significant impact on the Corrections' system, particularly prison operations. Sex Offenders now represent approximately 25 percent of the total prison population. Specialized treatment and extended terms of confinement make these very expensive prisoners.

Programming Works

A study done for the Department of Corrections by expert consultants has shown sex offender treatment to be effective. A summary of that study is:

**A Study of Twelve Measures of Recidivism
In 407 Adult Sex Offenders Over Ten Years**

**Stephen P. Kramer, Ph. D., Larry Bench, Ph. D.,
and Susan Erickson, Ph. D.**

Four hundred and seven adult sex offenders in a community residential treatment facility were divided into control groups as follows: treatment completers, passive failure to complete, and treatment failures. Twelve measures of recidivism were collected on each offender through the National Crime Information Center and through the Utah Bureau of Criminal Identification. The recidivism measures used are as follows: probation revoked, parole revoked, warrant issued non-sex offense, warrant issued sex offense, re-arrested misdemeanor non-sex offense, re-arrested for misdemeanor sex offense, convicted misdemeanor non-sex offense, convicted misdemeanor sex offense, re-arrested felony non-sex offense, re-arrested for felony sex offense, convicted felony non-sex offense, and convicted for a felony sex offense.

The data shows that for all categories of recidivism, the more treatment which has been completed, the less there is recidivism. For rule violations (failure to report, drinking, curfew, etc.), there was 67 percent recidivism for the treatment failures, 38 percent for the passive failures, and 21 percent for the treatment completers.

For non-sex offenses the recidivism rate was 32 percent for treatment failures, 20 percent for passive failures, and 16 percent for the treatment completers. For sex offenses the recidivism rate was 28 percent for treatment failures, 19 percent for passive failures, and 13 percent for the treatment completers. Across all definitions of recidivism, the result was similar.

- ▶ The treatment failures re-offended at a 71 percent rate.
- ▶ The passive failures re-offended at a 48 percent rate.
- ▶ The treatment completers re-offended at a 31 percent rate.

These results carry several important conclusions. Firstly, it appears quite clearly that the treatment as applied in this context was effective at reducing sex offender recidivism. This is a significant finding when one considers the ongoing debate on the effectiveness of sex offender treatment. Secondly, the recidivism rates shown here, particularly for sex offenses, are not as high as expected. This finding suggests that perhaps more sex offenders can effectively be treated in community settings, which could lift some of the financial burden from struggling correctional systems.

*Inmate Labor can
reduce Construction
Costs*

The 1997 Legislature passed the following intent language:

“It is the intent of the Legislature that the Department of Corrections, in conjunction with the Division of Facilities Construction and Management, develop an inmate construction and facility maintenance program. The purpose of this program should be to expand inmate employment in construction related fields in order to provide training for the inmate and a cost savings to the State. The program should be able to identify specific areas for application to state owned projects, with emphasis on correctional facilities. The program plan should identify specific project savings with any offsetting costs necessary to achieve those savings. The facility budgets for FY 1999 should be prepared to include those components specific to inmate labor, with identification of the components and the anticipated savings.”

As a result of this language a committee was formed with DFCM and the Department of Corrections to evaluate inmate use in prison construction. As of this writing, the committee has developed a draft proposal that includes the following issues:

- ▶ What other states are doing
- ▶ Utah experiences in using inmates in construction projects
- ▶ Private sector concerns
- ▶ Corrections concerns
- ▶ Committee discussions and recommendations
- ▶ Inmate construction training and experience

The draft proposal from this committee is as follows:

- A. Utah Correctional Industries expand its existing inmate construction program to include:

1. On-site construction crews. This would begin on a small scale with the construction of the remodel of the Forensics Facility. Working with DFCM certain aspects of this building should be set aside for UCI. These projects could include landscaping, painting, some exterior concrete work such as sidewalks, rough electrical (conduit and fixtures, no wire hookup), etc. The bid specifications would go out asking for a bid for the entire project, and a second bid excluding the selected projects. This would provide a means to measure actual cost savings;
 2. Development of a metal fabrication plant for appropriate fixtures and furnishings for prison construction. Actual approval for this operation will require thorough cost analysis, UCI Advisory Board Approval, Public Hearing, etc;
 3. Development of a pre-cast concrete panel operation. Actual approval for this operation will require thorough cost analysis, UCI Advisory Board Approval, Public Hearing, etc; and
- B. In concert with one or more educational entities an apprentice program will be developed for inmates participating in UCI construction projects.

The amount of savings using inmate labor cannot be quantified at this time. However, the committee has roughly estimated that \$2.9 million to \$5.2 million might be saved on future projects. Future project estimates will identify the inmate labor components as directed by the intent language.

Recommendation

The DFCM and Department of Corrections joint effort to increase the use of inmate labor should be encouraged and **an annual report on progress** should be made starting in the 2001 General Session.

Inmate Programming

In accordance with Legislative intent from the 1997 General Session the following inmate programming data for FY 1999 is provided for the subcommittee review. The Analyst notes that these figures do not include housing, security, and staffing.

Program Name	Program FTE	Inmate Jobs Payroll	Programming
Direct Costs:			
Mental Health/Sex Offender Treatment	78.69		\$3,684,896
Employment of inmates		\$1,582,862	
Facility Programming	91		2,762,724
SSD			586,871
Urine Lab	1.5		186,431
Work Release & Transition - Lone Peak	29	1,538,600	
Horizon Program	18		752,476
Chaplain/Volunteers	3.65		162,642
Forensic - State Hospital			190,000
Inmate Placement	10		251,573
DHS Substance Abuse Grant	9		337,941
Greenhouse Program	1		54,170
Library Services	3		149,295
Recidivism Model			299,170
Promontory Pre-Release	9		3,916,317
Diagnostic	16		846,116
Commissary	2.33		
Receiving & Orientation			257,351
Interdiction Grant	2		16,747
Therapeutic Com. Grant	3.5		136,378
Sex Offender Program	12		521,918
Con-Quest Grant	8		<u>242,615</u>
DIRECT COSTS	310	3,121,463	<u>15,355,633</u>
Institutional Operations			
Motor Pool - Staff costs related to training inmates	2	98,778	
Food Services - Staff costs related to training inmates	23	1,018,548	
Maintenance - Staff costs related to training inmates	35	1,751,616	
Laundry Services - Staff costs related to training inmates	3	143,012	
INDIRECT COSTS	63	3,011,954	-
TOTAL DIO COSTS:	373	6,133,417	<u>15,355,633</u>
Education costs from Board of Education			2,391,400
Education costs from Board of Regents			600,000
Exodus from Board of Education			-
Volunteer Hours of 98,781			987,810
Donated Equipment - approximately (includes computers, software, bookcases, etc)			9,000
OUTSIDE COSTS:			<u>\$3,988,210</u>

The outside costs are programming costs from other agencies and volunteers.

Draper Operations

Recommendation

The Analyst recommends a continuation budget for this budget. It should be noted that the Division of Institutional Operations and the Division-wide Administrative Services are shown as separate budget programs, which will be presented later in this document.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$45,140,600	\$46,850,000	\$47,439,300	\$589,300
Dedicated Credits Revenue	92,500	150,100	150,100	
Transfers - CCJJ	(373,800)			
Transfers - Other Agencies		3,500,000		(3,500,000)
Beginning Nonlapsing		4,066,400		(4,066,400)
Closing Nonlapsing	157,500			
Total	\$45,016,800	\$54,566,500	\$47,589,400	(\$6,977,100)
Expenditures				
Personal Services	\$33,952,600	\$39,046,200	\$35,557,000	(\$3,489,200)
In-State Travel	6,500	6,200	6,200	
Out of State Travel	1,000	1,000	1,000	
Current Expense	10,714,000	10,659,000	11,192,200	533,200
DP Current Expense	606,200	642,000	601,000	(41,000)
Capital Outlay	(3,500)	500		(500)
Other Charges/Pass Thru	(260,000)	4,211,600	232,000	(3,979,600)
Total	\$45,016,800	\$54,566,500	\$47,589,400	(\$6,977,100)
FTE	788.4	809.4	776.4	(33.0)

Note: FTE changes reflect shifts of staff between programs not overall reductions.

Co-ed Prison

The relocation of the women inmates to the Timpanogas Facility (formerly all male) has turned that facility into a co-ed prison. Such facilities typically require additional attention to movement, accountability of inmates and staff training. How these special programs for women fit into a co-ed facility with its additional restrictions is a management question to be answered by the Department.

The Analyst suggests that the Department report on the impact on co-ed prison operations and on women's programming.

Treatment of Addicts

National data suggests that addicts that undergo treatment are 40 percent less likely to be arrested for violent or non-violent crimes. Addicts that receive appropriate treatment in prison are 50 percent to 60 percent less likely to be arrested again during the 18 months following their release. (*Join Together*, Fall 1999, Boston University School of Public Health)

Performance Measures

The Analyst is aware of many programs at the Draper facility that benefit the community and special public. Perhaps the most significant of these is the Reading for the Blind program. The Analyst compliments the inmates and staff for their extra efforts in this laudable enterprise. The Analyst notes that vegetables grown onsite are now being used to enrich the prison culinary offerings as well as supply community charitable activities.

Draper/Jordan River Parkway

The 1998 Legislature included the following intent language in Senate Bill 1, item 28, page 8.

“It is the intent of the Legislature that any relocation of property adjacent to the Draper Prison facility will include provisions for a barrier to guarantee the integrity of the security of Prison facilities and inmates from public or other agency contact. If there are excess funds in Senate Bill 37, they may be used to provide the barrier.”

The analyst recommends the Department report on the status of the barrier.

Forensic Facility

The facility originally built as a woman’s prison has been converted to a forensic facility. The women previously housed in this facility have been moved into a formerly all male facility which will now be co-ed (see above discussion).

Commissary Operations

Commissary operations have been privatized with the Canteen Corporation as the providing agent. To guarantee that the private provider maintain reasonable prices in the commissary, the Analyst does an annual price comparison with open market sources. The following are the results of that comparison.

Products	Canteen	K-Mart	Albertsons	Fred Meyer
Irish Spring Soap	\$1.00	\$0.59	3/\$1.79 = \$0.60	3/\$1.83 = \$0.61
Tweezers	0.55		1.59 – 3.29	2.89 – 2.99
Afta Fresh Scent Lotion	2.97	2.49 (3 oz.)	2.69 (3 oz.)	2.59 (3 oz.)
Hair Pic	0.65	3/1.99 = 0.62	2.29	3/1.89 = 63
Bic Pen	0.30		10/2.29 = 0.23	10/1.39 = 0.14
T.V. Guide	1.39	1.79	1.79	1.79
Medium T-shirt	2.86	5.99*		9.00
Large Sweat Shirt	11.15	7.99*		11.25*
Bean Dip	1.86		2.50 (9 oz.)	1.89
Swiss Roll	6/1.26 = 0.21	12/1.25 = 0.10	12/1.39 = 0.12	
Tasters Choice	7.55 (8 oz.)		6.49* (7 oz.)	7.75 (7 oz.)
Skittles	0.46	0.49	0.50	0.49
Honey Graham Crackers	3.22	2.99 (16 oz.)	2.69 (16 oz.)	2.99 (16 oz.)
Christmas Card	1.51	2.65 – 4.50	2.65 – 4.50	1.50 – 4.95

Purpose

Inmates of the correctional institutions are provided a “Commissary” or local store at which to purchase personal items from their own resources. Commissary services at the Draper complex sell hygiene aids, non-prescription drugs, letter writing materials, selected clothing items and snack foods. These sales govern non-personnel services operating expenses.

Performance Measures

The commissary operates primarily as a management tool to keep inmates pacified, without giving enough emphasis to good management practices. Further, the contractor responsible for the commissary has a strong background in institutional services. Checks of commissary prices against the open market for comparable goods and quality has shown commissary prices to be roughly equivalent to those in convenience stores in this market area.

Policy Questions

Since the price comparisons reflect comparability with local markets, the Analyst raises the following questions:

- ▶ Since, the contract vendor has no overhead and sells to a captive market, should prices be lower than the general market?
- ▶ Should the State benefit from a share in the profits to help cover State provided infra-structure costs.

Central Utah Correctional Facility at Gunnison

Recommendation

The Analyst recommends a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$18,082,600	\$21,575,700	\$19,313,700	(\$2,262,000)
Dedicated Credits Revenue	76,800	110,400	110,400	
Transfers - CCJJ	107,400	119,700	119,700	
Closing Nonlapsing	(274,000)			
Total	<u>\$17,992,800</u>	<u>\$21,805,800</u>	<u>\$19,543,800</u>	<u>(\$2,262,000)</u>
Expenditures				
Personal Services	\$13,942,700	\$15,521,100	\$15,235,400	(\$285,700)
In-State Travel	23,200	31,000	22,000	(9,000)
Out of State Travel	1,800			
Current Expense	3,730,400	3,761,200	1,793,900	(1,967,300)
DP Current Expense	294,700	303,200	303,200	
Capital Outlay	37,500			
Other Charges/Pass Thru	(37,500)	2,189,300	2,189,300	
Total	<u>\$17,992,800</u>	<u>\$21,805,800</u>	<u>\$19,543,800</u>	<u>(\$2,262,000)</u>
FTE	314.3	314.3	314.3	(0.0)

Purpose

The Gunnison facility began operations with inmates in September 1990. The core facility is designed to accommodate additional buildings up to an expansion capacity of 2,000 beds (roughly the size of the Draper Facility).

Performance Measures

As of 20 November , 1999, there were 816 inmates in this facility. Using this figure, the Operations and Maintenance (O&M) cost per inmate for the Gunnison facility is \$25,006 per inmate per year, excluding overhead costs for the division, department, medical costs and facility amortization.

Iron County

Recommendation

The Analyst is recommending a continuation budget for this facility.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$1,447,600	\$1,446,900	\$1,439,000	(\$7,900)
Dedicated Credits Revenue	114,600	11,000	11,000	
Closing Nonlapsing	168,600			
Total	<u>\$1,730,800</u>	<u>\$1,457,900</u>	<u>\$1,450,000</u>	<u>(\$7,900)</u>
Expenditures				
Personal Services	\$326,900	\$301,000	\$295,000	(\$6,000)
In-State Travel	2,000	5,400	5,400	
Out of State Travel		800	800	
Current Expense	1,362,600	1,140,000	1,138,000	(2,000)
DP Current Expense	39,300	10,700	10,800	100
Total	<u>\$1,730,800</u>	<u>\$1,457,900</u>	<u>\$1,450,000</u>	<u>(\$7,900)</u>
FTE	5.0	5.0	5.0	

Purpose

The Iron County Resource Center is a jointly operated county jail/satellite prison. This funding is based on a contractual obligation for the State to pay 51 percent of the costs.

The Analyst observes that although this budget includes only seven State FTEs, it also includes funds to pay the salaries of the other employees in the facility as contractual services (under the title “current expense” in the budget). Under the existing contract, actual State employees are limited in number, and the remainder of the work force are employed by the Resource Center. Salaries are based upon county salaries, which have been slightly lower than State salaries.

Performance Measures

As of 20 November 1999, there were 74 inmates in this facility (maximum capacity is 90). Using this figure the Operations and Maintenance (O&M) cost per inmate for the Cedar City facility is \$19,702 per year, excluding overhead costs for the Division, Department and facility amortization.

Transition

Recommendation

The Department has consolidated the programs relating to prison release and parolee violators into a new transitions budget. The Analyst has represented that budget as a continuation of previous programs under a new budget category

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$7,756,200	\$8,161,300	\$8,089,600	(\$71,700)
General Fund, One-time			(2,650,000)	(2,650,000)
Dedicated Credits Revenue	24,900	73,000	73,000	
Transfers - CCJJ	491,900	500,000	500,000	
Closing Nonlapsing	(463,800)			
Total	<u>\$7,809,200</u>	<u>\$8,734,300</u>	<u>\$6,012,600</u>	<u>(\$2,721,700)</u>
Expenditures				
Personal Services	\$2,386,400	\$2,579,100	\$2,512,400	(\$66,700)
In-State Travel	3,400	5,900	5,900	
Out of State Travel	100			
Current Expense	5,363,600	6,109,300	3,454,300	(2,655,000)
DP Current Expense	55,700	40,000	40,000	
Total	<u>\$7,809,200</u>	<u>\$8,734,300</u>	<u>\$6,012,600</u>	<u>(\$2,721,700)</u>
FTE	48.0	48.0	48.0	

Camp Williams/Lone Peak

The Analyst is not recommending a budget for this facility. The adult corrections programs, formerly at the Camp Williams will be relocated to the new dormitory facility at Draper.

Promontory

The privately operated Promontory Pre-release/Violators Center, approved by the Legislature, came on line in FY 1996. The center prepares inmates for living outside of the institution after their incarceration. They also assist parolees who have violated their conditions of parole.

The Operations and Maintenance (O&M) cost per inmate for the Promontory facility is \$25,946 per bed per year, excluding overhead costs for the Division, Department, medical costs and facility amortization.

Draper Dormitories

The availability of Federal Violent Offender Incarceration/Truth in Sentencing Funds (VOI/TIS) and the continuing need for the 300 additional prison beds made approval of the new Dormitory Facility at Draper an easy decision in the 1999 General Session. The Subsequent decision to abandon the Camp Williams facility and shift the programs to the Draper dormitories resulted in a net gain of only 90 beds overall.

The Analyst notes that opening costs for the Draper Dormitory facility will be \$4,359,900

Intent Language

The Analyst suggests that the consolidation of the several facilities under the transition label may be programmatically effective. It does not, however, allow ongoing analysis of comparative costs for operating the several facilities. Some of which are privately operated and some of which are state owned and operated. To provide the on-going oversight of the Legislature with the requisite detail on facility costs the Analyst suggests the subcommittee adopt the following language:

“It is the intent of the Legislature that the Department continue to show operations costs for the several facilities in the transitions program as separate budget categories in the annual budget data prepared for Legislative review in future years.”

Privatized Facility

Recommendation

We have recommended to the Executive Appropriation Committee that a privatized prison would be an appropriate addition to the mix of inmate housing options. Due to delays in the original RFP and contract awards process and subsequent slowing of demand for beds the current plan does not call for opening the facility until late in FY 2001, if at all that year. Accordingly the Analyst has not included funding for that facility.

Support Services

Recommendation

The Analyst is recommending a continuation budget.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$3,054,700	\$3,294,800	\$3,227,900	(\$66,900)
Federal Funds	1,791,500	1,449,600	1,449,600	
Dedicated Credits Revenue	155,600	205,000	205,000	
Closing Nonlapsing	(2,169,800)			
Total	<u>\$2,832,000</u>	<u>\$4,949,400</u>	<u>\$4,882,500</u>	<u>(\$66,900)</u>
Expenditures				
Personal Services	\$2,569,400	\$2,903,200	\$2,845,300	(\$57,900)
In-State Travel	100	1,200	1,200	
Out of State Travel	100	1,200	1,200	
Current Expense	288,700	533,100	524,100	(9,000)
DP Current Expense	52,900	61,100	61,100	
DP Capital Outlay	56,100			
Other Charges/Pass Thru	(135,300)	1,449,600	1,449,600	
Total	<u>\$2,832,000</u>	<u>\$4,949,400</u>	<u>\$4,882,500</u>	<u>(\$66,900)</u>
FTE	12.8	12.8	12.8	

Purpose

This budget includes those support services required for a system housing over 5,400 and with a staff of 1,242 including:

- ▶ Inmate Funds Accounting Office
- ▶ Food Services
- ▶ Commissary (shown as a separate budget category)
- ▶ Warehouse/Purchasing Services
- ▶ Mail/Property Unit
- ▶ Laundry/Clothing Issue
- ▶ Records Unit

Division Administration

Recommendation The Analyst is recommending a continuation budget.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$1,888,300	\$2,230,300	\$2,197,200	(\$33,100)
Dedicated Credits Revenue	42,500	71,000	71,000	
Beginning Nonlapsing	1,641,200	146,800	146,800	
Closing Nonlapsing	224,600			
Total	<u>\$3,796,600</u>	<u>\$2,448,100</u>	<u>\$2,415,000</u>	<u>(\$33,100)</u>
Expenditures				
Personal Services	\$673,500	\$668,900	\$657,800	(\$11,100)
In-State Travel	3,600			
Out of State Travel	20,500			
Current Expense	2,071,500	1,740,300	1,718,300	(22,000)
DP Current Expense	366,200	38,900	38,900	
DP Capital Outlay	138,900			
Capital Outlay	522,400			
Total	<u>\$3,796,600</u>	<u>\$2,448,100</u>	<u>\$2,415,000</u>	<u>(\$33,100)</u>
FTE	65.6	65.6	65.6	0.0

3.4 Medical Services

Recommendation

The Analyst recommends a continuation for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	\$13,905,900	\$14,393,700	\$14,144,100	(\$249,600)
Federal Funds	500,000			
Dedicated Credits Revenue	107,000	159,500	159,500	
Transfers - CCJJ	431,300	619,500	619,500	
Beginning Nonlapsing	139,200	479,100	479,100	
Closing Nonlapsing	(479,100)			
Total	\$14,604,300	\$15,651,800	\$15,402,200	(\$249,600)
Expenditures				
Personal Services	\$9,417,400	\$11,242,100	\$11,003,900	(\$238,200)
In-State Travel	7,700	11,000	11,000	
Out of State Travel	2,400	2,300	2,300	
Current Expense	2,338,500	2,111,700	2,100,300	(11,400)
DP Current Expense	123,000	82,000	82,000	
Other Charges/Pass Thru	2,715,300	2,202,700	2,202,700	
Total	\$14,604,300	\$15,651,800	\$15,402,200	(\$249,600)
FTE	199.9	199.9	200.0	0.1

Purpose

The recommendation reflects the requirement to provide medical, dental and mental health care to those incarcerated by the state. Local medical services for the Gunnison and Iron County facilities are carried in those budgets. Major medical expenses are provided by outside contracts, most notably the University of Utah Medical Center.

This budget represents the medical care provided for those in State custody. Prisoners have a right to medical care and the State has a duty to provide this care. The Draper clinical area and medical and mental health units continue to serve the growing population with basic medical services. One of the consequences of a history of inadequate care has been lost lawsuits.

Dental health is another area of concern. Inmates are also entitled to reasonable dental care, but, slowness in providing this care is not a violation of the reasonable provision of dental care. The rule-of-thumb is providing service similar to what is available to the general public. In an average week the Draper dental staff sees 215 inmates for routine dental care and emergency work. In addition, some are sent to community dentists for specialized dental surgery.

Pre-existing Medical Problems

Inmates enter prison with a variety of preexisting conditions that put inordinate economic pressure on the administration of health care. Among these are high rates of: drug and alcohol abuse, psychiatric disorders, suicide, trauma, seizure disorders, asthma, sexually transmitted diseases (including the HIV virus), Tuberculosis, dental problems and Hypertension.

As an inmate, they have limited control of their environment. Medical care represents the facing of the “establishment,” and provides an inmate an opportunity to manipulate authority - related people. For this and other reasons, inmates have a higher incidence of requests for medical services. This effort to achieve personal secondary gains add greatly to the cost and frustration of inmate medical services. Utah has made a surcharge to the inmate for supplemental (not requested by staff) medical services as a mechanism to control extra care/treatment requests. The Department should report on its success date.

HIV and AIDS

The HIV virus is also known to be transmitted via IV-drug use as well as sexual contact and blood transfusions. While the incidence of AIDS in the general population has been increasing, the incidence within the prison system is growing at 2 to 5 percent, *per year*. This is compounded by with the fact that 90 percent of seropositive HIV shows some degree of immune deficiency within five years and doctors believe that all individuals infected with HIV will become ill and eventually die.

Typically, correctional systems are being expected to spend between \$72,000 and \$130,000 for hospitalization and treatment of a single AIDS patient. Currently the prison system has approximately 36 HIV positive inmates.

Hepatitis

The potential loss of life is much greater for Hepatitis, however, than from AIDS, *per se*. Fulminate Hepatitis B causes death within seven to 48 days with an average cost for treatment running from \$88,000 to \$155,000 per patient.

Hepatitis C is a much slower killer, but, more pervasive in the inmate population. Interferon treatments for this disease are \$306.28 per month or \$3,700 per year per individual. The interferon/ribavirin treatment costs \$1,411.78 per month or \$16,900 per year per individual. There is no vaccine against Hepatitis C. Current inmate cases:

Hepatitis B	57
Hepatitis C	217
Hepatitis B & C	39

*Aging Population
means increased
medical demands*

The percentage of inmates over the age of 60 has increased dramatically and will continue to do so. Existing data show this population used one and one-half as much medical care as the general population. These individuals are more prone to chronic diseases. "Senior" inmates require many more prescriptions and most particularly the expensive medications, and much more of the in-patient services when sent to the University Medical Center.

*Need for an Extended
Care Facility*

Treatment of the elderly and terminally ill with their expensive diseases and treatments demand the system develop an extended care facility for the frail elderly and terminally ill within the next few years. Lacking these facilities the State can anticipate extended legal challenges and inflated medical budgets for years to come.

The 1997 Legislature included the following intent in the Appropriations Act (item 31, House Bill 400, 1997 General Session):

"It is the intent of the Legislature that the Department of Corrections develop a long term plan for the frail elderly and terminally ill that will provide 1) the requisite medical care, 2) mental health and grief support, and 3) education and family support components, while representing the most cost effective alternative or combination of alternatives. This plan is to be presented to the Judiciary Interim Committee by November 1996."

The report was presented and the subcommittee should now give the Department an opportunity to report progress on their plan to deal with this specialized and costly population.

Mentally Ill

A 1997 one-day count in Alaska prisons found 29 percent of inmates suffered from mental illness. Estimates as high as 15 percent for the Utah system have been made with 150 or more being serious and chronic.

A Bureau of Justice Statistics Special Report (July 1999) indicates that 53 percent of mentally ill inmates are in prison for a violent offense, compared to 46 percent of the other inmates. Conversely, Mentally ill offenders were less likely than others to be incarcerated for a drug related offense (13 percent vs 22 percent).

The facility formerly used as a woman's prison has been refurbished and remodeled and now serves as a forensic facility.

The subcommittee may wish a report on the progress of programs for the mentally ill with the new facility now on-line.

Co-pay for Medical Services

As in 15 other states, Utah recognized the increasing demand for medical services in its institutions. Inmate non-emergency visits grew both in parallel with the growth in general population and as a result of the inmate's perception that this was a part of the "system" over which they had some control and options.

To forestall unnecessary medical visits the Department instituted a co-pay system which immediately saw results in reduced spurious medical demands. Other benefits of such a program are:

- ▶ Increased time for medical staff to spend with the truly need patients
- ▶ Promotion of responsibility among patients
- ▶ Increased staff morale
- ▶ Saved staff hours

Clearly co-pay reduces the number of sick call visits. Research being conducted by the Florida Department of Corrections on their \$4 co-pay program suggests that any savings may be offset by increased emergency services required. Preliminary data shows a number of inmates defer sick call but eventually cost even more in: (1) treatment, (2) inmate grievances and (3) potential lawsuits.

The Analyst recommends that the department be asked to report of the savings and the changes in the related grievances and medical based lawsuits since co-pay was instituted.

3.5 Forensic Services

Recommendation The Analyst recommends a continuation budget for this program.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$190,000	\$190,000	\$190,000	
Total	<u>\$190,000</u>	<u>\$190,000</u>	<u>\$190,000</u>	<u>\$0</u>
Expenditures				
Other Charges/Pass Thru	\$190,000	\$190,000	\$190,000	
Total	<u>\$190,000</u>	<u>\$190,000</u>	<u>\$190,000</u>	<u>\$0</u>

Purpose With the passage of the State Hospital Amendments Bill in the 1989 General Session, persons in the custody of the Department of Corrections who require mental health services, whether at the State Mental Hospital or at local mental health authorities, are the responsibility of the Department for funding.

3.6 Utah Correctional Industries (an Enterprise Fund)

Recommendation

The Analyst is recommending a continuation budget. Based on recent successes and the growth of the inmate population the Analyst is recommending a budget higher than in FY 2001.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
Dedicated Credits Revenue	\$12,795,700	\$14,500,000	\$15,678,200	\$1,178,200
Total	\$12,795,700	\$14,500,000	\$15,678,200	\$1,178,200
Expenditures				
Personal Services	\$4,490,700	\$5,581,200	\$5,511,200	(\$70,000)
In-State Travel	36,700	42,500	42,500	
Out of State Travel	9,500	11,200	11,200	
Current Expense	8,086,500	8,445,100	9,693,300	1,248,200
DP Current Expense	111,200	131,800	131,800	
DP Capital Outlay	14,900	17,700	17,700	
Capital Outlay	227,900	270,100	270,100	
Other Charges/Pass Thru	(181,700)	400	400	
Total	\$12,795,700	\$14,500,000	\$15,678,200	\$1,178,200
FTE	116.6	116.6	116.6	0.0

Purpose

The Legislature’s intention, as indicated by statute, is that Correctional Industries provide an environment for the operation of correctional industries that closely resembles the environment for the business operations of a private corporate entity.

Included in this intent of the Legislature are four standards which Correctional Industries are to maintain. These are:

- ▶ The Division is to be a self-supporting organization.
- ▶ The Division’s economic goal is to be profit-oriented.
- ▶ Revenue for operations and capital investment are to be generated by the Division.
- ▶ The Division assume responsibility for training offenders in general work habits, work skills, and specific training skills that increase their employment prospects when released.

In relation to the Legislature’s mandate for Correctional Industries, the Division has developed the following mission statement:

“It is the mission of Utah Correctional Industries to provide inmates with the tools necessary to be competitive and enhance the prospects of success in the free world.”

“Utah Correctional Industries provides training and work experiences for inmates in the production of high quality products and the delivery of high quality services to government agencies and other approved customers.

“Utah Correctional Industries provides training and work experience in an environment that stresses performance standards comparable to those used by successful employers in the private sector.”

Method

The Division of Correctional Industries creates business opportunities under the direction of the Advisory Board of Utah Correctional Industries. This Board consists of seven members. The Director of the Department of Corrections, or his designee, is a member. Three members are appointed by the Speaker of the House of Representatives, the President of the Senate, and the Corrections Advisory Council. The Governor appoints the remaining three members. The members of the Board are to have decision-making experience in production, finance, and marketing. The statute also requires that one member of the Board represent labor.

Under the auspices of the Advisory Board, enterprises are created which allow the inmates an opportunity to work in operations which closely resemble business operations of a private corporate nature. The Division has chosen to operate those business enterprises, which operate at a profit and meet other Division goals. This means that profitable business enterprises subsidize unprofitable operations when it is determined that the unprofitable entities contribute to an extent with the inmates that justifies the training nature of the operation over the profit orientation of the enterprise.

Organization

The Division of Correctional Industries is managed under the direction of the Division Director. He has been given responsibility, by the Legislature, to:

- ▶ Determine personnel needs and requirements of the program.
- ▶ Hire all subordinate personnel in accordance with State policy and procedures.
- ▶ Market and deliver correctional industry products and services.

Inmate Employees

Obviously, businesses operated by the Division of Correctional Industries are manned by inmate populations. This raises two concerns: (1) security for the inmates, and (2) security from the inmates.

Security for the inmates is a cost incurred by the Division already addressed earlier and poses an interesting problem. How much freedom do you allow an inmate and to what extent can you utilize inmate labor before it becomes a security concern?

Inmates are housed in a correctional facility because of a past history of actions on their part which were deemed inappropriate in our society. Through Correctional Industries we are allowing them some freedom in order to help reintroduce them into society after they serve their allotted time. Inherent in this freedom is the chance that an inmate could manipulate the system. Manipulation of the system could range from innocent pranks to serious problems.

Programs of UCI

The following chart shows the type of correctional employment programs being offered around the country and within Utah:

Correctional Industries Products and Services

Product/Service	# of States	Federal	Local	Utah
Agricultural Commodities	28		Y	
Architectural/Engineering	4	Y		
Asbestos Abatement	4			Y
Athletic Products	7	Y	Y	
Bakery	7		Y	
Beef Cattle	20		Y	Y
Beverages	3			Y
Bindery	20	Y	Y	Y
Boxes/Cartons	13			
Brooms/Brushes/Mops	11	Y	Y	
Community Work Crews				Y
Construction	13		Y	Y
Crack Sealing				Y
Dairy	19		Y	Y
Data Processing	29	Y	Y	Y
Decals	40	Y	Y	Y
Dental	8			
Electronics (Computer for Schools	9	Y	Y	Y
Emergency Products	8			
Flat Goods	39	Y	Y	
Food Processing	17		Y	
Footwear	11		Y	
Furniture	51	Y	Y	Y
Garments	48	Y	Y	Y
GIS/CADD	17	Y	Y	
Healthcare Products	6		Y	
Laser Cartridge Rebuilding				Y
Laundry	20	Y	Y	Y
License Plates	43			Y
Lumber	10		Y	
Mattresses	44	Y	Y	Y
Metal Products	50	Y	Y	Y
Micrographic	13			Y
Optical	9	Y		
Paint	8		Y	
Poultry	4		Y	
Print	48	Y	Y	Y
Recycled Products	18	Y	Y	Y
Refurbishing	44	Y	Y	
Roofing				Y
Sanitary Maintenance	16		Y	
Signs	48	Y	Y	Y
Telephone Services	20	Y	Y	Y
Tires	5			
Upholstery	48	Y	Y	Y
Vehicle Renovation	18	Y	Y	

Source: 1998 correctional Industries Association Directory and BJA Jail Work and Industry Center

The following UCI FY 1999 financial data is for the UCI businesses and private firms working through UCI:

Employment

- 18% of total inmate population
- 27% of the offenders available to work
(National average is 5-7%)
- Daily participation of 855 offenders
- 2,500 participants throughout the year

Totals	Assets	\$5,092,418.81
	Liabilities	944,166.20
	Equity	4,148,252.61
	Cost of Goods Manufactured	10,224,774.85
	Cost of Goods Sold	10,205,979.65
	Retained Earnings	1,045,355.19
	Net Profit	\$113,173.32

Entrepreneurship at UCI

While the Division seeks to identify business opportunities that would enhance their program and broaden the inmate population affected by their operations, they continually start and eliminate business ventures. This process is appropriate since they are not mandated to operate for profit purposes, only to operate at a profit. The Analyst notes that all new business start-ups are subject to advisory board review.

The Analyst has in the past recommended that the Legislature allow latitude to the UCI Board in regards to FTE. Where a new business opportunity might present itself within a year (between Legislative Sessions) the Board should be able to act and, if necessary, approve new hires to accommodate the new opportunity. The Analyst notes that there are two representatives of the Legislature on the Board.

Intent Language

The Analyst recommends the following intent language.

“It is the intent of the Legislature that the Utah Correctional Industries Board be authorized to approve increases in FTE for the Division where such increases will directly impact employment opportunities for the state and/or benefits to other state programs.”

3.7 Jail Programs

Recommendation

The Analyst recommends a continuation budget for these programs.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$18,635,900	\$20,450,200	\$20,449,200	(\$1,000)
Federal Funds	49,200	100,000	100,000	
Dedicated Credits Revenue	800	3,000	3,000	
Closing Nonlapsing	34,100			
Total	\$18,720,000	\$20,553,200	\$20,552,200	(\$1,000)
Expenditures				
Personal Services	\$565,900	\$762,900	\$596,900	(\$166,000)
In-State Travel	10,300	13,100	13,000	(100)
Out of State Travel	1,100			
Current Expense	495,600	508,100	507,200	(900)
DP Current Expense	29,900	13,200	30,000	16,800
Other Charges/Pass Thru	17,617,200	19,255,900	19,405,100	149,200
Total	\$18,720,000	\$20,553,200	\$20,552,200	(\$1,000)
FTE	13.0	3.0	10.0	7.0

Jail Reimbursement

The 1993 Legislature recreated a jail reimbursement program (House Bill 162) to fund county jails for keeping offenders sentenced to jail as a condition of probation. The bill required the Department of Corrections to request jail reimbursement funds each year on a sliding scale so that after five years the program would be at full funding. First year funding (FY 1994) for this program was \$250,000. Funding for FY 2000 was \$7,428,200.

Jail Contracting

Contracting for jail beds in local jails helps relieve prison crowding and defers emergency relief. Jail Contracting is also much more cost effective than prison beds. The State has contracted with local county sheriffs for the housing of State inmates at local jails. There is a significant savings to the State in this program. Additionally, there will be inmates both to and from other states on interstate compacts, and in other in-state non-prison facilities.

The New Jail Program

Under provisions of "Sentencing of Convicted Felons" (House Bill 118, 1999 General Session) the Jail Programs of the Department came under new rules and standards. One such provision required the state and local governments to establish a core rate for prisoners in county jail beds. That rate for FY 2001 will be \$43.07 per bed per day. Medical and Transportation rates were also set (only impact certain counties however).

Full funding of the Jail Reimbursement program at the new rate will require an additional \$3,259,400. Inmate placement costs would also be increased depending on the number of inmate days contracted for.

Performance Measures

Billed days for FY 1999 were:

Jail as a condition of Probation (Reimbursement)	174,558 days billed
Jail contracting	265,639 days billed

As of 20 November 1999 there were 872 contracted county beds occupied by state offenders. This equates to approximately 17 percent of all inmates on that date.

Interstate Compact

Utah also participates with other states in a compact, which provides for the placement of inmates from one state in another state's prisons. Good management keeps the exchanges close to revenue neutral for the State. On any given day there may be as many as 68 Utah inmates in other states and a similar number from other states in Utah prisons. The Department has been very attentive to guarantee that Utah does not operate at an exchange deficit and wind up "housing" other states prisoners per se.

3.8 Data Processing Internal Service Fund (ISF)

Recommendation The Analyst recommends a continuation budget for the ISF.

	FY 1999	FY 2000	FY 2001	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
Intergovernmental Revenue	\$1,434,000	\$1,612,400	\$1,692,300	\$79,900
Reimbursement	2,000			
Total	\$1,436,000	\$1,612,400	\$1,692,300	\$79,900
Expenditures				
Personal Services	\$164,600	\$199,700	\$198,300	(\$1,400)
In-State Travel	200	2,300	2,300	
Out of State Travel	1,700	9,800	9,800	
Current Expenses	21,300	24,000	24,000	
DP Current Expenses	883,000	1,157,800	1,157,800	
DP Capital Outlay	153,400	218,800	300,100	81,300
Total	\$1,224,200	\$1,612,400	\$1,692,300	\$79,900
Net Operating Income	\$211,800	\$0	\$0	\$0
FTE	10.0	10.0	10.0	
Authorized Capital Outlay		\$226,400	\$300,100	\$73,700

Financing

As an internal service fund the following data elements need to be reviewed and affirmed by formal action of the subcommittee to be included in the appropriations act:

FTE	10
Capital Outlay	\$300,086
Billing Rate	\$250 per device per month

4.0 Tables

4.1 Funding History

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	\$127,251,000	\$137,166,800	\$150,056,900	\$161,790,700	\$163,165,200
General Fund, One-time				9,600	(6,508,300)
Federal Funds	1,914,700	1,604,500	2,348,800	2,574,300	2,308,300
Dedicated Credits Revenue	12,386,700	14,180,400	15,258,400	19,609,600	20,111,200
Transfers - CCJJ	342,300	566,800	933,700	1,239,200	1,497,900
Transfers - Federal	821,300	706,700			
Transfers - Other Agencies				3,500,000	
Beginning Nonlapsing	3,052,300	2,277,100	2,543,400	6,211,400	818,900
Closing Nonlapsing		(2,388,000)	(6,211,400)		
Total	\$145,768,300	\$154,114,300	\$164,929,800	\$194,934,800	\$181,393,200
% Change		5.7%	7.0%	18.2%	-6.9%
Programs					
Administration	\$7,677,400	\$8,209,200	\$8,567,000	\$8,920,200	\$8,717,900
Field Operations	30,220,600	31,503,400	33,706,600	44,217,000	41,615,600
Institutional Operations	74,154,000	75,575,600	76,346,200	90,902,600	79,237,100
Draper Medical Services	12,902,400	14,224,400	14,604,300	15,651,800	15,402,200
Utah Correctional Industries	10,810,700	12,024,400	12,795,700	14,500,000	15,678,200
Forensics	179,600	190,000	190,000	190,000	190,000
Jail Programs - Jail Reimbursement	9,823,600	12,387,300	18,720,000	20,553,200	20,552,200
Total	\$145,768,300	\$154,114,300	\$164,929,800	\$194,934,800	\$181,393,200
Expenditures					
Personal Services	\$85,140,000	\$93,952,000	\$97,082,200	\$114,622,400	\$110,493,200
In-State Travel	190,400	140,700	190,800	206,300	194,100
Out of State Travel	67,000	67,400	74,300	42,100	35,800
Current Expense	40,594,700	38,787,600	40,030,700	41,223,200	34,158,000
DP Current Expense	2,929,400	3,189,300	3,220,700	2,790,500	2,418,700
DP Capital Outlay	1,066,000	1,362,100	1,183,100	54,700	17,700
Capital Outlay	2,058,600	446,500	3,216,500	292,200	270,700
Other Charges/Pass Thru	13,722,200	16,168,700	19,931,500	35,703,400	33,805,000
Total	\$145,768,300	\$154,114,300	\$164,929,800	\$194,934,800	\$181,393,200
FTE	2,048.8	2,159.5	2,195.9	2,215.9	2,177.0

4.2 Federal Fund

Program		FY 1999 Actual	FY 2000 Estimated	FY 2001 Analyst
Administration	Federal	\$0	\$8,700	\$8,700
Department of Justice	State Match	0	0	0
Indirect Cost	Total	0	8,700	8,700
Institutional Operations	Federal	49,200	49,200	0
Federal Inmate Housing	State Match	0	0	0
	Total	49,200	49,200	0
Institutional Operations	Federal	2,299,600	2,516,400	2,299,600
Alien Program	State Match	0	0	0
	Total	2,299,600	2,516,400	2,299,600
	Federal Total	2,348,800	2,574,300	2,308,300
	State Match Total	0	0	0
	Total	\$2,348,800	\$2,574,300	\$2,308,300