

Office of the
Legislative Fiscal Analyst

FY 2002 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 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	172,328,600	179,400	172,508,000
Federal Funds	2,324,100		2,324,100
Dedicated Credits Revenue	19,249,300		19,249,300
GFR - Tobacco Settlement	81,700		81,700
Transfers - CCJJ	373,500		373,500
Transfers - Other Agencies	246,000		246,000
Closing Nonlapsing	(50,000)		(50,000)
Total	\$194,553,200	\$179,400	\$194,732,600
Programs			
Administration	8,068,200	30,200	8,098,400
Field Operations	36,815,200	90,400	36,905,600
Institutional Operations	93,793,700	248,800	94,042,500
Draper Medical Services	17,401,800		17,401,800
Utah Correctional Industries	15,822,500		15,822,500
Forensics	190,000	(190,000)	
Jail Programs - Jail Reimbursement	22,461,800		22,461,800
Total	\$194,553,200	\$179,400	\$194,732,600
FTE/Other			
Total FTE	2,336		2,336
Vehicles	394		394

2.0 Issues: Utah Department of Corrections

The following recommendations are contingent on funds becoming available.

2.1 Cost of opening the new Gunnison unit.

The new 288-bed unit at Gunnison has been completed and is ready to be opened. Full funding (12 months) for the facility includes staffing with 65.5 FTE. Costs for first year operations are \$5,266,700 in General Funds.

2.2 Parole and Probation Agents

With only 234 probation and parole agents covering over 14,000 offenders on the street the workload is over 68 offenders per agent. In addition to that workload, the agency prepares over 10,000 pre and post sentence investigations each year. The Analyst recommends adding 7 FTE officers at a cost of \$458,600 in General Funds (\$337,200 on-going and \$121,400 one-time).

2.3 Sex Offender Treatment

The prisons of the state hold over 1,200 offenders who are sex-offender registry eligible. Currently approximately 500 inmates are able to receive treatment. To bring treatment to the sex-offenders the Analyst recommends an additional 5 FTE at a cost of \$839,000 in General Funds.

2.4 Medical Services

General medical costs grow in relation to the population of the prison. For example, the Corrections contract with the University Hospital currently pays at approximately 68.6 percent of the contracted service charges. The new contract will require a higher payment ratio. At the same time the cost of pharmaceuticals and medical lab services have grown even more significantly. Therefore, the Analyst recommends \$1,150,000 in General Funds for overall medical cost increases.

2.6 Jails – Impacts of the Rate Change

Under 64-13c-302 (UCA) the costs for jail programs of the state is adjusted annually. The new rate (for FY 2002) will be \$43.95 per bed per day. To help offset the impact of the rate change the Analyst recommends \$621,000 in General Funds.

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

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 its 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 2000 General Session transferred the responsibility for the Forensics budget to the Department of Human Services, Division of Mental Health. Therefore, that line item will no longer appear in the Corrections budget and appropriations.

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 notes 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 initially 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 most of 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 current crime, is the most expensive alternative treatment for offenders, and can create long term costs in both the Criminal Justice and Human Services.

“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. Incarceration is the ultimate expression of the welfare program in that the needs of a sentenced inmate are totally the responsibility of the government holding them. In addition to basic food, shelter, and clothing the courts have held that the state has a responsibility to provide other services, including medical, that otherwise would be the responsibility of the individual.

**Most Prisoners Will
Come Out Of Prison**

While the natural inclination of most Americans is to punish offenders, it must be remembered that **most prisoners will come out of prison and back into society**. Sending the substance abuser, mentally ill, socially maladjusted to prison does not solve their problems. It can be equated to putting cancer patients in a ward and expecting them to cure each other. Programming to change cognitive patterns and educational deficits are cost effective taken over the long term. How offenders “come out” of prison, and what we do to change their inclination to crime and potential to be productive, rather than drains on its resources, is a major 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. Impacting the arrest rates is the proliferation of new offenses and penalties (i.e. drug offenses and mandatory sentences) and the relative youth of the population of Utah. Utah has the youngest population in the nation. Whereas 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 eight years. While the general perception is that crime is on the rise, when adjusted for population increases, **it has not risen**.

But, Utah's **incarceration rate has grown** as follows:

Incarceration rate 1980	69 per 100,000
Incarceration rate 2001	Over 250 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 periodically with attendant construction costs and annual operating costs (or extensive contracting for beds in other facilities).

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.”

New Corrections Direction

The budget contained herein is an attempt by the former 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 continues to support such efforts within the scope of available resources.

A review of such policies by the subcommittee with the current Executive Director would seem appropriate.

Recruitment and Retention

Recruitment and retention of correction officers are and should be major concerns of the Administration. Competition for similar jobs in other states, and with local government facilities, has 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.

Between, July 1, 1999 and June 30 2000 (FY 2000), 41 Trained Correctional Officers terminated their employment. This equates to a turnover rate of 7.8 percent. In total 126 employees left the Department in FY 2000, which equates to an overall turnover rate of 5.7 percent. The Analyst notes that the Legislature has provided extra funds to increase the pay level of corrections officers for the last two years.

Salary Recommendation

A shortfall in funding compensation for FY 2001 was discovered very late in the 2000 General Session. To provide a correction mechanism for the under-funded compensation the following language was added to the Supplemental Appropriations Act II (Item#137, page 21):

“It is the intent of the Legislature that the under-funded compensation for Adult Corrections, the Division of Youth Corrections, the courts, and the Board of Pardons, receive high priority for supplemental funding for fiscal year 2001. In addition, the Governor’s Office of Planning and Budget shall include the amount in the fiscal year beginning base budgets.”

The Analyst’s base budget recommendation includes those funds both as a supplemental and in the base budget calculation for FY 2002.

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, and 3) the length of stay variations caused by the cumulative decisions of the Board of Pardons and Parole.

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 closer to 276 per year rather than the higher level of the previous years. National data suggests that this is the general trend across the country and that it is to some degree related to the high employment rate and robust economy of the last several years. .

Growth in Inmate Population

The growth in any incarcerated population is caused by an increase in the length of stay of offenders (discussed in the Board of Pardons and Parole budget section) and/or an increased incarceration rate. While the tenor and degree of supervision by Adult Parole and Probation agents can and does impact the recidivism rate of offenders, the length of stay figures have also increased due to Legislative action.

Other Growth

Paralleling growth in the number of inmates will be a growth in demand for inmate medical services and inmate job opportunities. More especially the inmate growth guarantees a subsequent growth in the number of offenders on parole.

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 800 MHz equipment within the various user agencies will be presented to the Capitol Facilities Subcommittee for all agencies impacted. The 800 MHz Funds approved for the various agencies will be added to the respective budgets.

3.1 Administration

Recommendation

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

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	8,038,200	30,200	8,068,400
Dedicated Credits Revenue	30,000		30,000
Total	\$8,068,200	\$30,200	\$8,098,400
Programs			
Executive Director	2,177,300	17,200	2,194,500
Administrative Services	5,169,400	13,000	5,182,400
Training	721,500		721,500
Total	\$8,068,200	\$30,200	\$8,098,400
FTE/Other			
Total FTE	99		99
Vehicles	34		34

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 budgets 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.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	2,037,600	2,256,300	2,194,700	(61,600)
Federal Funds	87,700	137,900		(137,900)
Dedicated Credits Revenue	6,800	18,500	(200)	(18,700)
Transfers - Other Funds	67,500			
Transfers - Commission on Criminal and	67,500			
Beginning Nonlapsing	339,800	29,300		(29,300)
Closing Nonlapsing	52,400			
Total	<u>\$2,659,300</u>	<u>\$2,442,000</u>	<u>\$2,194,500</u>	<u>(\$247,500)</u>
Expenditures				
Personal Services	1,893,600	1,962,400	1,855,800	(106,600)
In-State Travel	6,600	5,900	5,800	(100)
Out of State Travel	9,400	6,400	4,800	(1,600)
Current Expense	318,500	193,100	209,800	16,700
DP Current Expense	205,700	192,700	57,400	(135,300)
DP Capital Outlay	144,600			
Capital Outlay	56,100			
Other Charges/Pass Thru	24,800	81,500	60,900	(20,600)
Total	<u>\$2,659,300</u>	<u>\$2,442,000</u>	<u>\$2,194,500</u>	<u>(\$247,500)</u>
FTE/Other				
Total FTE	23	23	23	
Vehicles		22	22	

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. As chief executive, 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 The Corrections Advisory Council, which is 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.

**Investigations
Bureau**

The Corrections Investigations Bureau provides services in the areas of:

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

This bureau also manages the mandated Sex Offender Registry. The Analyst notes that the registry is now available on the Internet at (www.cr.ex.state.ut.us). The registry contains approximately 4,700 names of known Utah sex offenders. The listing has also been published (Salt Lake Tribune, Friday Dec. 8, 2000). Federal challenges against similar public listings of sex offenders in other states have failed at the appeals court level.

**Information
Technology Bureau**

The Information Technology Bureau handles the department's 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 all aspects of its record system and 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.

The main Appropriations Act for FY 2001 (Senate Bill #1, 2000 General Session, Item#27. page10) included intent language designed to prioritize carry-forward balances in the Department in favor of further OTRACK development.

“It is the intent of the Legislature that OTRACK systems development shall take priority over all other projects for allocation of carry-forward balances authorized in the Division of Administration”.

In the Supplemental Appropriations Act (House Bill #1, 2000 General Session, Item #10, page 3) there was an additional intent language regarding OTRACK with the exact same text as that cited above which would be effective for the FY 2000 budget.

The subcommittee may wish to have the Department report on how much of the FY 2000 Administrative budget was carried over and applied to the OTRACK development and its current status.

Recommendation

The Administration has asked for additional funding and staff for the Bureau of Information Technology. The Analyst has declined to support the request. Alternatively the Analyst suggests that the cost of additional upgrades and operations staff should be included in the existing Corrections Internal Service Fund operations and assigned by billing to the various user divisions/programs within the Department, as it is in other Departments.

Finance

The Financial Service Bureau processes more than 300,000 documents in a year. These include: Department payroll (for over 2,200 FTE) 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 (House Bill 116). Statutory charges to the Council were:

- ▶ early intervention
- ▶ post-incarceration treatment or 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 2000 General Session extended the Council without additional funding.

Recommendation

The Analyst recommends that the committee hear a report on that committee and its activities.

Administrative Services

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

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	5,393,600	5,399,900	5,166,900	(233,000)
Federal Funds	49,900			
Dedicated Credits Revenue	10,500	17,000	15,500	(1,500)
Transfers - CCJJ	218,500			
Beginning Nonlapsing		50,000		(50,000)
Closing Nonlapsing	(129,500)			
Total	\$5,543,000	\$5,466,900	\$5,182,400	(\$284,500)
Expenditures				
Personal Services	3,862,100	4,154,300	4,163,200	8,900
In-State Travel	14,300	9,400	9,400	
Out of State Travel	7,700	6,400	6,400	
Current Expense	1,136,400	995,100	703,000	(292,100)
DP Current Expense	376,800	300,400	300,400	
DP Capital Outlay	145,700			
Other Charges/Pass Thru		1,300		(1,300)
Total	\$5,543,000	\$5,466,900	\$5,182,400	(\$284,500)
FTE/Other				
Total FTE	66	66	66	
Vehicles		10	10	

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.

Training

Recommendation The Analyst recommends a continuation for the Training Bureau.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	826,900	738,900	706,800	(32,100)
Dedicated Credits Revenue		15,000	14,700	(300)
Closing Nonlapsing	(2,200)			
Total	\$824,700	\$753,900	\$721,500	(\$32,400)
Expenditures				
Personal Services	577,100	510,900	499,100	(11,800)
In-State Travel	29,200	6,000	6,000	
Out of State Travel	600	2,000	2,000	
Current Expense	200,300	218,100	197,500	(20,600)
DP Current Expense	32,500	16,900	16,900	
Other Charges/Pass Thru	(15,000)			
Total	\$824,700	\$753,900	\$721,500	(\$32,400)
FTE/Other				
Total FTE			10	10
Vehicles		2	2	

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 corrections training unit provides:

- ▶ Preservice academy program
 - 19 academies were conducted
 - 468 officers received pre-service training
 - 117 of these were Department employees
- ▶ In-service classes
 - 3,482 hours were offered
 - 5,911 staff trained
 - 318 non-staff trained
- ▶ The Conversion Academy - trains correctional officers to operate as police officers (the equivalent of POST certification).
- ▶ Basic supervision courses

- ▶ An Advanced Supervisor course
- ▶ Special courses:
Examples 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 training expenditures for officers employed by county jails. In 1997 this is the equivalent to \$320,000 of the training budget. The degree to which the Legislature wishes to continue this form of subsidization to the county sheriff's jail departments should be a matter for subcommittee review and policy decision.

In FY 2000, 255 non-staff personnel were offered **Jail Training**, which yielded 5,796 hours of training overall.

Recommendation

The decision to subsidize the training of local jail officials at state expense is one of policy. The Analyst recommends that the sub-committee review the program, its objectives and its costs with the Department and discuss the policy implications of such a program.

3.2 Field Operations Division

Field Operations Division includes:

- ▶ Division Administration,
- ▶ Adult Probation and Parole, and
- ▶ Community Correctional Centers.

With approximately 24 percent of the FTE resources of the Department the Division oversees more than 75 percent of those under Department supervision.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	34,322,400	90,400	34,412,800
Federal Funds	(100)		(100)
Dedicated Credits Revenue	2,411,200		2,411,200
GFR - Tobacco Settlement	81,700		81,700
Total	\$36,815,200	\$90,400	\$36,905,600
Programs			
Administration	925,900		925,900
Adult Probation and Parole	26,439,500	90,400	26,529,900
Community Corrections Centers	9,449,800		9,449,800
Total	\$36,815,200	\$90,400	\$36,905,600
FTE/Other			
Total FTE	540		540
Vehicles	161		161

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 for the Courts, 2) Adult Probation, Adult 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 lives is better for everyone involved and cheaper than operating ever-increasing prisons.

Approaches to probation and parole supervision 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 previous years Utah has mostly followed the law enforcement model, but the recent administration has been moving towards a balanced approach.

Concurrent with the new approach to corrections policy in general, the former 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.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	946,400	1,108,300	910,600	(197,700)
Dedicated Credits Revenue	9,600	15,000	15,300	300
Beginning Nonlapsing	100,000	191,300		(191,300)
Closing Nonlapsing	(22,000)			
Total	\$1,034,000	\$1,314,600	\$925,900	(\$388,700)
Expenditures				
Personal Services	610,000	665,200	650,700	(14,500)
In-State Travel	1,900	2,000	2,000	
Out of State Travel	4,000	4,000	4,000	
Current Expense	296,800	211,500	239,400	27,900
DP Current Expense	70,700	21,000	21,000	
Other Charges/Pass Thru	50,600	410,900	8,800	(402,100)
Total	\$1,034,000	\$1,314,600	\$925,900	(\$388,700)
FTE/Other				
Total FTE	10	10	7	(4)
Vehicles		3	3	

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 officers. The demand for court ordered pre-sentence reports is increasing. To accommodate the increasing workload and to keep expensive and highly trained officers in the field, the Department is contracting with qualified outside officers for pre-sentence reports on a per report basis. The Analyst applauds this cost effective alternative.

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 felony offender sentenced to jail or prison will transition through some period of probation or parole.

Vehicles

This Division operates over 100 vehicles, most of which are approved for commuter use and unmarked. The Department has conducted 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.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	24,548,300	24,555,700	24,587,400	31,700
Federal Funds			(100)	(100)
Dedicated Credits Revenue	1,439,400	1,900,000	1,860,900	(39,100)
GFR - Tobacco Settlement		81,700	81,700	
Beginning Nonlapsing	1,079,800	1,442,600		(1,442,600)
Closing Nonlapsing	(1,515,800)			
Total	<u>\$25,551,700</u>	<u>\$27,980,000</u>	<u>\$26,529,900</u>	<u>(\$1,450,100)</u>
Expenditures				
Personal Services	19,468,600	22,120,800	21,682,700	(438,100)
In-State Travel	54,800	45,800	36,900	(8,900)
Out of State Travel	10,300			
Current Expense	4,338,600	3,170,700	2,750,100	(420,600)
DP Current Expense	993,000	539,000	502,500	(36,500)
DP Capital Outlay	56,800			
Other Charges/Pass Thru	629,600	2,103,700	1,557,700	(546,000)
Total	<u>\$25,551,700</u>	<u>\$27,980,000</u>	<u>\$26,529,900</u>	<u>(\$1,450,100)</u>
FTE/Other				
Total FTE	380	380	380	
Vehicles		139	139	

Auditor’s Report on Bonuses and Awards

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.

Recommendation

The sub-committee should hear from the new Department administration as to how such bonus and awards are being administered currently.

Presentence Reports adding workload

Prior to sentencing a pre-sentencing report may be required by the court. Prior to sentencing the court may also order a 90-day diagnostic evaluation. At the sentencing phase the judge would review the pre-sentence report and the results of the 90-day diagnostic evaluation prior to making a final decision.

The Offender may sentenced to: be under probation supervision, to a time in jail as a condition of probation with an additional under supervision thereafter, to prison (which normally will result in some period under parole supervision.

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.

With only 234 probation and parole agents covering over 14,000 offenders on the street the workload is over 69 offenders per agent. In addition to that workload, the agency prepares over 10,000 pre and post sentence investigations each year (many of which are prepared under contract).

Recommendation

The Analyst recommends adding 7 FTE Probation and Parole Officers at a cost of \$458,600 in General Funds (\$337,200 on-going and \$121,400 one-time).

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.
Parole and Probation agents

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

**Adult Corrections Statistics
 “Snapshot” of Probationers, October 16, 2000**

	Male	Female		Male	Female
Last Grade Comp.			Age		
1-6	94	13	Under 18	17	1
7-11	2769	853	18-19	421	66
12	2872	893	20-24	2313	508
12+	670	205	25-29	1368	391
Unknown	1342	403	30-34	1068	443
Citizenship			35-39	1005	404
U.S. Citizen	7455	2327	40-44	765	325
Non U.S. Citizen	154	8	45-49	398	151
Unknown	138	32	50-54	206	54
Race			55-59	96	16
White	5932	1964	60-64	43	4
Hispanic	813	153	65 and over	38	2
Black	313	73	Unknown	9	2
Native American	206	74	Marital Status		
Asian	111	21	Never Married	3516	670
Pacific Islander	61	15	Married	1412	530
Unknown	311	67	Separated	536	293
# of Convictions			Divorced	1199	578
1-5	3743	1198	Common Law	257	64
6-10	699	136	Widowed	38	36
11-15	159	30	Unknown	789	196
16-20	43	8	Number of Arrests		
Over 20	20	5	1-5	4322	1422
Unknown	3083	990	6-10	1043	240
Degree of Crime			11-15	362	78
First Degree	132	19	16-20	167	23
Second Degree	1311	341	Over 20	109	19
Third Degree	4256	1437	Unknown	1744	585
Compact	242	66	# of Incarcerations		
Class A Misdemeanor	1725	482	1	5514	1679
Class B Misdemeanor	54	15	2-4	340	57
Class C Misdemeanor	1	0	5-7	132	41
Unknown	26	4	8+	11	3
Offense Type			Unknown	5	2
Murder	37	7			
Person	1031	152			
Sex/Registerable	729	19			
Sex/Unregisterable	58	1			
Property	2363	960			
Weapons	88	5			
Alcohol/Drugs	2697	1091			
Driving	496	74			
Other	231	53			
Unknown	17	5			

Adult Corrections Statistics
“Snapshot” of Parolees, October 16, 2000

	Male	Female		Male	Female
Last Grade Comp.			Age		
1-6	177	8	Under 18	1	0
7-11	1332	206	18-19	10	0
12	1158	146	20-24	408	32
12+	297	35	25-29	617	73
Unknown	102	12	30-34	576	80
Citizenship			35-39	528	112
U.S. Citizen	2669	402	40-44	413	65
Non U.S. Citizen	385	4	45-49	238	26
Unknown	12	1	50-54	137	11
Race			55-59	65	2
White	2008	317	60-64	25	1
Hispanic	673	49	65 and over	19	1
Black	207	22	Unknown	19	4
Native American	96	11	Marital Status		
Asian	50	3	Never Married	1370	107
Pacific Islander	7	1	Married	597	81
Unknown	25	4	Separated	173	41
# of Convictions			Divorced	734	146
1-5	1868	262	Common Law	149	18
6-10	679	63	Widowed	14	10
11-15	201	20	Unknown	29	4
16-20	85	6	Number of Arrests		
Over 20	62	6	1-5	1462	221
Unknown	171	50	6-10	755	98
Degree of Crime			11-15	368	42
Capital	3	0	16-20	204	19
First Degree	295	15	Over 20	223	18
Second Degree	1347	136	Unknown	54	9
Third Degree	1358	242	# of Incarcerations		
Compact	59	12	1	2486	344
Misdemeanor	1	0	2-4	480	47
Unknown	3	2	5-7	33	6
Offense Type			8+	10	1
Murder	75	14	Unknown	57	9
Person	489	31			
Sex/Registerable	450	4			
Property	916	138			
Weapons	38	0			
Alcohol/Drugs	956	206			
Driving	88	9			
Other	43	1			
Unknown	11	4			

Interstate Compact

The National Institute of Corrections (NIC) and the Council of State Governments (CSG) have been coordinating an update of the 60-year-old compact that governs the transfer of parolees and probationers across state lines. During the year 2000, eight states enacted new legislation incorporating the new agreement.

The sub-committee may wish to have this issue reviewed by the Probation and Parole staff of the Department of Corrections.

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.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	8,352,700	9,134,000	8,914,800	(219,200)
Dedicated Credits Revenue	523,900	530,000	535,000	5,000
Beginning Nonlapsing		189,800		(189,800)
Closing Nonlapsing	(285,900)			
Total	\$8,590,700	\$9,853,800	\$9,449,800	(\$404,000)
Expenditures				
Personal Services	5,849,900	6,926,500	6,943,300	16,800
In-State Travel	2,900	4,000	4,000	
Out of State Travel	3,500			
Current Expense	1,385,700	1,453,900	1,195,700	(258,200)
DP Current Expense	251,100	116,300	116,300	
Capital Outlay	15,100	160,000		(160,000)
Other Charges/Pass Thru	1,082,500	1,193,100	1,190,500	(2,600)
Total	\$8,590,700	\$9,853,800	\$9,449,800	(\$404,000)
FTE/Other				
Total FTE			153	153
Vehicles		19	19	

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.

A cost breakdown (FY 2001 Estimated) for the centers would be:

Northern (Ogden)	\$2,887,000
Bonneville	1,541,400
Fremont	1,586,400
Orange Street	1,625,600

Currently there are not enough beds for temporarily indigent probationers and parolees and there are no centers in the state south of 21st South in Salt Lake.

In previous years the 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 to date.

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.

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 5,500 inmates in three separate state facilities and under contracts in other locations.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	90,778,100	248,800	91,026,900
Federal Funds	2,235,200		2,235,200
Dedicated Credits Revenue	780,400		780,400
Total	<u>\$93,793,700</u>	<u>\$248,800</u>	<u>\$94,042,500</u>
Programs			
DIO Administration	4,805,600	248,800	5,054,400
Draper Facility	52,498,300		52,498,300
Central Utah/Gunnison	20,231,500		20,231,500
Southern Utah/Iron County	1,581,100		1,581,100
Inmate Placement	1,528,800		1,528,800
Transition	10,841,300		10,841,300
Support Services	2,307,100		2,307,100
Total	<u>\$93,793,700</u>	<u>\$248,800</u>	<u>\$94,042,500</u>
FTE/Other			
Total FTE	1,304		1,304
Vehicles	129		129

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 Promontory)

There is a constant pressure to plan for 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.

Required Report on Bed Projections

The General Appropriations Act for FY 2001 (Senate Bill1, 2000 General Session, Item #27, page 9) included the following language:

“It is the intent of the Legislature that the Department of Corrections report their projected bed needs. The report should include: the projected number of beds needed in state-owned facilities, contracted jails, and private correctional facilities. The report shall be provided to the Legislative Law Enforcement and Criminal Justice and Joint Executive Appropriations interim committees in September.”

These reports were provided to the interim committees as indicated.

The Analyst recommends that the subcommittee also hear that report as a preparation for a discussion of 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 can be classed as nonviolent. Such inmates are being housed and fed as a part of the general prison population ostensibly to protect the general public. However, costs of \$60,000 per bed to build a security cell and approximately \$21,000 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 supported this view in prior years. Utah has built 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.

Inmate Profile

The following chart shows the census data for inmates.

**Adult Corrections Statistics
“Snapshot” of Inmates in Custody**

	Male	Female		Male	Female
Last Grade Comp.			Age		
1-6	108	6	Under 18	7	1
7-11	2426	172	18-19	114	5
12	1828	135	20-24	959	47
12+	447	29	25-29	936	80
Unknown	433	36	30-34	868	78
Citizenship			35-39	875	87
U.S. Citizen	4951	370	40-44	695	56
Non U.S. Citizen	279	6	45-49	410	15
Unknown	12	2	50-54	225	18
Race			55-59	110	1
White	3545		60-64	69	1
Hispanic	884		65 and over	48	3
Black	402		Marital Status		
Native American	193		Never Married	2448	127
Asian	90		Married	904	91
Pacific Islander	32		Separated	294	37
Unknown	68		Divorced	1185	91
# of Incarcerations			Common Law	204	13
1	3843	292	Widowed	55	9
2-4	951	62	Unknown	152	10
5-7	84	7	Number of Arrests		
8+	21	0	1-5	2476	191
Unknown	343	17	6-10	1110	87
Degree of Crime			11-15	615	48
Capital	78	1	16-20	308	23
First Degree	1196	27	Over 20	374	15
Second Degree	2140	142	Unknown	359	14
Third Degree	1782	204	# of Convictions		
Compact	41	3	1-5	3259	235
Misdemeanor	5	1	6-10	1063	76
Unknown	0	0	11-15	366	19
Offense Type			16-20	122	6
Murder	505	30	Over 20	93	2
Person	1117	38	Unknown	339	40
Sex/Registerable	1227	12			
Property	1117	110			
Weapons	47	1			
Alcohol/Drugs	1066	176			
Driving	118	7			
Other	45	4			

The Analyst notes that the inmate profile reflected in the snapshot data shows:

- ▶ 46 percent of the female inmates are here due to alcohol and drug convictions
- ▶ approximately half of the men and women inmates have 1 to 5 arrests
- ▶ approximately 2/3 have 1 to 5 convictions
- ▶ approximately 75 percent are on a 1st incarceration in prison
- ▶ 8 inmates are under 18 years of age and 127 are under 20
- ▶ approximately 17 percent of the inmates have more than a 12th grade education, but
- ▶ over 46 percent did not complete High School (12th grade)

Education Programs

From inmate data it is apparent that almost half 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. Education funds are generally provided through the education budgets and delivered by local school districts or institutions of higher education.

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.

**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. Subsequent studies released in November 2000 tend to parallel these results. In addition they suggest that the cost of crime (to the public) is on the order of \$700 million per year.

Results from the education 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.
- ▶ Since the cost-of-crime are so significant, 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 costs.

- ▶ The benefits of recidivism reduction and the associated decrease in crime are associated with large intangible benefits as well as reduced government costs annually.
- ▶ Because of the costs of crime and 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 24 percent of the total prison population. Specialized treatment and extended terms of confinement make these very expensive prisoners.

**Programming
Works**

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

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.

**More treatment
results in lower
recidivism**

The study data also 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 intent language designed to encourage the use of inmate labor on new construction. As a result of this language a committee was formed with DFCM and the Department of Corrections to evaluate inmate use in prison construction. 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 1999 General Session the following inmate programming data for FY 2000 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		242,615
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.

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).

Draper Operations

Recommendation

The Analyst recommends a continuation budget for this program. It should be noted that the Division of Institutional Operations and the Division-wide Administrative Services are shown as separate budget programs.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	49,879,100	52,128,300	52,137,300	9,000
Dedicated Credits Revenue	278,400	352,100	361,000	8,900
Transfers - Other Funds	7,500			
Transfers - CCJJ	56,100			
Transfers	2,943,200			
Beginning Nonlapsing	4,066,400			
Closing Nonlapsing	(3,429,200)			
Total	<u>\$53,801,500</u>	<u>\$52,480,400</u>	<u>\$52,498,300</u>	<u>\$17,900</u>
Expenditures				
Personal Services	38,079,400	40,275,400	40,428,500	153,100
In-State Travel	4,800	5,000	5,000	
Out of State Travel	500			
Current Expense	11,602,500	11,331,100	11,195,900	(135,200)
DP Current Expense	685,300	676,900	676,900	
DP Capital Outlay	334,600			
Other Charges/Pass Thru	2,943,200	192,000	192,000	
Cost of Goods Sold	151,200			
Total	<u>\$53,801,500</u>	<u>\$52,480,400</u>	<u>\$52,498,300</u>	<u>\$17,900</u>
FTE/Other				
Total FTE			776	776
Vehicles		55	55	

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 the attendant additional restrictions, is a management question to be answered by the Department.

Recommendation

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

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).

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.

Similarly the Analyst recognizes the extra effort that Draper staff have put in to make the "B" North facility an effective program for special needs inmates.

The Analyst notes that vegetables grown onsite are now being used to enrich the prison culinary offerings as well as supply community charitable activities.

With a FY2001 base budget of \$49,011,600 and 3,394 inmates (as of 11 Dec 2000) the average cost for housing only is approximately \$39.56 per bed/per day.

**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.”

Recommendation

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

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.

**Draper Facilities -
Detail**

In that the Draper facility is the oldest and largest prison in the system, and Draper holds the most serious patients (both in terms of health as well as confinement categories - to include those under sentence of death) the Analyst is providing a breakdown of the housing only costs of the facilities within the Draper Complex.

Draper Facilities	FY 2001				
	Facilities or units	Beds*	Funding	Cost/bed (Annual)	Cost/bed (per bed/day)
Southpoint					
Oquirrah	5	819	\$4,956,200	6,052	16.58
Wasatch	7	700	4,527,600	6,468	17.72
Uintah	5	800	6,166,800	7,709	21.12
SSD	1	126	652,300	5,177	14.18
Subtotal	18	2,445	\$16,302,900	6,668	18.27
Northpoint					
Timpanogus	4	535	3,639,400	6,803	18.64
VOITIS Dorms	1	273	2,478,800	9,080	24.88
Olympus	1	141		0	0.00
Subtotal	6	949	6,118,200	6,447	17.66
* Beds = Inmate count as of 11 December 2000					

The Analyst notes that these costs represent basic housing costs and do not include the cost of support programs carried under administration and support services budgets.

Commissary

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. 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.

Commissary Pricing Survey			
Product	Commissary	Fred Meyer	Target
Blistex	\$1.76	\$1.99	\$0.97
Antiperspirant, Fresh	2.75	3.00	1.99
Tide 15 load	4.57	4.89	5.99
Toothpaste, Crest	3.09	4.00	1.79
Sensor Blades 5	8.25	8.50	5.74
Pen, Bic	0.31	1.29	1.50
Poker Cards	2.07	2.99	1.49
T-shirt small	2.95	5.99	7.99
T-shirt medium	2.95	5.99	7.99
T-shirt XXX large	4.09	19.99	7.99
Sweatshirt medium	11.50	29.99	12.99
Mrs. Dash	2.59	3.59	2.17
Microwave Popcorn	0.57	2.50	1.99
Snack Crackers	2.07	2.40	2.59
Butterfinger	0.47	0.49	0.49
Pepsi 20 oz.	0.73	0.99	1.07
Slice Orange	0.73	0.99	1.07
Oatmeal 10 pk.	3.11	2.99	2.00
Total Market Basket	\$54.56	\$102.57	\$67.81

Commissary Operations

Checks of commissary prices against those on 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 Recommendation

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

Negotiated contracts for such services should recognize that, the contract vendor has no physical plant overhead, no marketing costs, and sells to a captive market at current market prices, while the state provides the physical plant overhead and eliminates the need for traditional marketing costs, the State benefit from a share in the profits of commissary operations.

Central Utah Correctional Facility at Gunnison

Recommendation The Analyst recommends a continuation budget for this program.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	19,665,700	20,228,400	20,091,900	(136,500)
Dedicated Credits Revenue	94,000	110,400	139,600	29,200
Transfers - Federal	6,300			
Transfers - CCJJ	138,600	120,000		(120,000)
Closing Nonlapsing	577,400			
Total	<u>\$20,482,000</u>	<u>\$20,458,800</u>	<u>\$20,231,500</u>	<u>(\$227,300)</u>
Expenditures				
Personal Services	15,781,500	16,276,400	16,040,500	(235,900)
In-State Travel	13,900	12,500	12,400	(100)
Out of State Travel	2,900			
Current Expense	3,991,000	3,812,800	3,821,500	8,700
DP Current Expense	432,600	267,800	267,800	
DP Capital Outlay	175,600			
Other Charges/Pass Thru	69,700	89,300	89,300	
Cost of Goods Sold	14,800			
Total	<u>\$20,482,000</u>	<u>\$20,458,800</u>	<u>\$20,231,500</u>	<u>(\$227,300)</u>
FTE/Other				
Total FTE			314	314
Vehicles		33	33	

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).

Cost of Opening the New Gunnison Unit The new 288-bed unit at Gunnison has been completed and is ready to be opened. Full funding (12 months) for the facility includes staffing with 65.5 FTE. Costs for first year operations are \$5,266,700 in General Funds.

Performance Measures With a FY 2001 base budget of \$20,071,700 and 814 inmates (as of 11 Dec 2000) the average cost is approximately \$67.50 per bed/per day.

The Analyst notes that the Correctional Facilities building at Gunnison has been expanded using inmate labor and UCI funds during this year.

Iron County

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

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,446,900	1,449,800	1,445,700	(4,100)
Dedicated Credits Revenue	79,000	136,000	135,400	(600)
Closing Nonlapsing	263,900			
Total	<u>\$1,789,800</u>	<u>\$1,585,800</u>	<u>\$1,581,100</u>	<u>(\$4,700)</u>
Expenditures				
Personal Services	307,200	299,100	294,500	(4,600)
In-State Travel	1,700	3,400	3,400	
Current Expense	1,426,400	1,272,600	1,272,500	(100)
DP Current Expense	54,500	10,700	10,700	
Total	<u>\$1,789,800</u>	<u>\$1,585,800</u>	<u>\$1,581,100</u>	<u>(\$4,700)</u>
FTE/Other				
Total FTE	5	5	5	
Vehicles		3	3	

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 7 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 is employed by the Center. Salaries are based upon county salaries, which have been slightly lower than State salaries.

Performance Measures With a FY2001 base budget of \$1,586,600 and 79 inmates (as of 11 Dec 2000) the average cost is approximately \$55 per bed/per day.

Transition Facilities

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.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	8,548,200	7,192,600	10,769,400	3,576,800
Dedicated Credits Revenue	83,500	72,000	71,900	(100)
Transfers - Other Agencies	592,000			
Closing Nonlapsing	(542,500)			
Total	\$8,681,200	\$7,264,600	\$10,841,300	\$3,576,700
Expenditures				
Personal Services	2,861,000	1,783,500	5,360,200	3,576,700
In-State Travel	1,000	2,000	2,000	
Out of State Travel	100			
Current Expense	5,770,300	5,402,300	5,402,300	
DP Current Expense	48,800	36,800	36,800	
Other Charges/Pass Thru		40,000	40,000	
Total	\$8,681,200	\$7,264,600	\$10,841,300	\$3,576,700
FTE/Other				
Total FTE			89	89
Vehicles		6	6	

The main Appropriation Act (Senate Bill 1, 2000 General Session, Item#29, page 11). Included the following intent 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.”

The two facilities included in the transition budget are:

- ▶ Promontory \$6,277,000
- ▶ DIO Diagnostic \$1,005,900

The Lone Peak Facility at Camp Williams has been closed. Those inmates and programs formally located on the National Guard Base are now in the Voltis Dormitories at Draper.

The conservation/firefighters program is no longer carried as a part of Utah Correctional Industries budget. It is now shown as a part of Utah Correctional Industries.

The Diagnostic unit provides sentencing judges in-depth analysis of offenders for use in final sentencing.

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.

Support Services

Recommendation The Analyst is recommending a continuation budget.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	2,465,200	2,285,800	2,306,100	20,300
Dedicated Credits Revenue	200	1,000	1,000	
Closing Nonlapsing	(129,700)			
Total	<u>\$2,335,700</u>	<u>\$2,286,800</u>	<u>\$2,307,100</u>	<u>\$20,300</u>
Expenditures				
Personal Services	2,026,900	1,981,600	2,003,400	21,800
In-State Travel	(600)	2,000	2,000	
Out of State Travel	900			
Current Expense	280,400	277,100	275,600	(1,500)
DP Current Expense	28,100	26,100	26,100	
Total	<u>\$2,335,700</u>	<u>\$2,286,800</u>	<u>\$2,307,100</u>	<u>\$20,300</u>
FTE/Other				
Total FTE			13	13

Purpose This budget includes those support services required for a system housing over 5,500 and with a staff of 1,242 including:

- ▶ Inmate Funds Accounting Office
- ▶ Food Services
- ▶ Commissary (shown previously 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.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,329,200	2,266,300	2,750,700	484,400
Federal Funds	1,644,300	2,390,600	2,235,200	(155,400)
Dedicated Credits Revenue	53,100	71,000	68,500	(2,500)
Beginning Nonlapsing	146,800	2,148,900		(2,148,900)
Closing Nonlapsing	1,111,200			
Total	\$4,284,600	\$6,876,800	\$5,054,400	(\$1,822,400)
Expenditures				
Personal Services	849,600	749,200	987,900	238,700
In-State Travel	2,000			
Out of State Travel	18,400			
Current Expense	2,286,800	1,740,200	1,828,000	87,800
DP Current Expense	479,800	38,900	38,900	
DP Capital Outlay	525,100			
Capital Outlay	122,900			
Other Charges/Pass Thru		4,348,500	2,199,600	(2,148,900)
Total	\$4,284,600	\$6,876,800	\$5,054,400	(\$1,822,400)
FTE/Other				
Total FTE			66	66
Vehicles		3	3	

Placement

Recommendation The Analyst recommends a continuation budget.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund		1,515,900	1,525,800	9,900
Dedicated Credits Revenue		3,000	3,000	
Total	<u>\$0</u>	<u>\$1,518,900</u>	<u>\$1,528,800</u>	<u>\$9,900</u>
Expenditures				
Personal Services		962,500	972,400	9,900
In-State Travel		13,200	13,200	
Current Expense		513,100	513,100	
DP Current Expense		30,100	30,100	
Total	<u>\$0</u>	<u>\$1,518,900</u>	<u>\$1,528,800</u>	<u>\$9,900</u>

Jail Programs Management

It has been the policy of the Department for many years to place inmates in local jails under contract with the respective sheriffs. This policy reduces the number of new “beds” that the state has to construct and provides an opportunity for local jails to expand their facilities and staff while having the additional beds and staff support to some degree by the state contracts.

Contract costs for this program are included under a separate Jail Programs line item. Staffing costs for the review and contracting process requisite for the program are carried within the Institutions budget as “Placement”.

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.

3.4 Medical Services

Recommendation

The Analyst recommends a continuation for this program.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	14,393,700	16,847,800	16,638,100	(209,700)
Federal Funds	800,000		(11,000)	(11,000)
Dedicated Credits Revenue	128,600	159,500	155,200	(4,300)
Transfers - Other Agencies	246,000	246,000	246,000	
Transfers - CCJJ	201,700	373,500	373,500	
Beginning Nonlapsing	479,100	6,300		(6,300)
Closing Nonlapsing	(6,300)			
Total	\$16,242,800	\$17,633,100	\$17,401,800	(\$231,300)
Expenditures				
Personal Services	9,861,000	13,198,000	12,986,900	(211,100)
In-State Travel	6,600	4,600	4,600	
Out of State Travel	3,400	2,300	2,800	500
Current Expense	3,382,000	2,087,500	2,066,800	(20,700)
DP Current Expense	159,500	138,000	138,000	
DP Capital Outlay	2,830,300	2,202,700		(2,202,700)
Other Charges/Pass Thru			2,202,700	2,202,700
Total	\$16,242,800	\$17,633,100	\$17,401,800	(\$231,300)
FTE/Other				
Total FTE			277	277
Vehicles		3	3	

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. This budget includes medical services at Draper and major medical services provided in other settings. Major medical services (and 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 see 215 inmates for routine dental care and emergency work. In addition, some are sent to community dentists for specialized dental surgery.

**Medical Services –
Contracts and Cost
Increase**

General medical costs grow in relation to the population of the prison. For example, the Corrections contract with the University Hospital currently pays at approximately 68.6 percent of the contracted service charges. The new contract will require a higher payment ratio. If the payment ratio increased to 80 percent and the contracted services increased 10 percent, hospital costs would increase \$543,200. At the same time the cost of pharmaceuticals and medical lab services have grown even more significantly. Therefore, the Analyst recommends \$1,150,000 in General Funds for overall medical cost increases.

**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 (numbers cited are for calendar year 2000) of:

- ▶ Drug and Alcohol Abuse,
- ▶ Psychiatric Disorders,
- ▶ Suicide,
- ▶ Angina (129 cases),
- ▶ Diabetes (173 cases),
- ▶ Seizure disorders (126 cases),
- ▶ Asthma (421 cases),
- ▶ Hypertension (549 cases),
- ▶ Sexually transmitted diseases (including the HIV virus),
- ▶ Tuberculosis, and
- ▶ Dental problems.

**Medical Co-pay by
inmates**

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 adds 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 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, and with the fact that 90 percent of seropositive HIV show some degree of immune deficiency within five years and doctors believe that all individuals infected with HIV will become ill and 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 37 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:

Tested positive for Hepatitis B or C	465
Currently have Hepatitis C	120

Aging Population Means Increased Medical Demands

The percentage of inmates over the age of 60 has increased dramatically (117 men and 4 women as of 11 Dec. 2000) over the last two decades 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, demands 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

In the Congressional debate on budgeting (reported Wednesday October 25, 2000 by AP Wire services) Rep. Strickland from Ohio suggested that , **“...prisons have become America’s new mental Asylums”**. In Senate debate Sen. DeWine of Ohio reported that” **...16 percent of all inmates in America’s state prisons and local jails are suffering from mental illness’**.

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).

In Utah a 16 percent figure would equate to over 800 inmates needing mental health services. The facility formerly used as a woman’s prison has been refurbished and remodeled and now serves as a forensic facility housing 141. The subcommittee may wish a report on the progress of programs for the mentally ill with the new facility now on-line.

The main Appropriations Act (SB1, 2000 General Session, Item 27, page 10) included language dealing with the mentally ill inmates as follows:

“It is the intent of the Legislature that the Department of Corrections, the Board of pardons and Parole, and the Department of Human Services shall select an organization whose primary responsibility is representing people with disabilities, and is recognized under the Protection and Advocacy for Individuals with Mental Illness Act. Together these organizations shall study whether pre-adjudicated and mentally ill persons who are detained in jail or in the Utah State Hospital should receive credit for time served. A report shall be produced and presented to the Law Enforcement and Criminal Justice Interim Committee in October.”

Recommendation

The report was made to the interim committee however, the report included a request for a 6 month extension to complete their work. Since the granted extension would not come due until after the General Session of the Legislature, the Analyst recommends that a status report on progress be provided the sub-committee at this time.

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. However, research 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.

Recommendation

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.

**Medical Services –
Sex Offender
Treatment**

The prisons of the state hold over 1,200 offenders who are sex-offender registry eligible. Currently only approximately 500 are able to receive treatment. The balance of the sex-offenders must wait for treatment opportunities to become available. Treatment for sex offenders is one of the criteria used by the Board of Pardons in reviewing inmate’s records for release decisions.

To bring needed treatment to the remaining sex-offenders, who can or will benefit from the treatment, the Analyst recommends an additional 5 FTE at a cost of \$839,000.

3.5 Forensic Services

The Analyst notes that Senate Bill 175, 2000 General Session transferred responsibility for this program to the State Mental Hospital. It will no longer appear in the Department of Corrections budget documentation and recommendations.

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.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
Dedicated Credits Revenue	14,119,200	14,500,000	15,872,500	1,372,500
Transfers - CCJJ	519,500	(50,000)		50,000
Closing Nonlapsing			(50,000)	(50,000)
Total	<u>\$14,638,700</u>	<u>\$14,450,000</u>	<u>\$15,822,500</u>	<u>\$1,372,500</u>
Expenditures				
Personal Services	4,719,800	5,752,200	13,184,500	7,432,300
In-State Travel	40,900	40,900	4,600	(36,300)
Out of State Travel	8,500	8,500	2,800	(5,700)
Current Expense	2,374,700	2,374,600	2,065,800	(308,800)
DP Current Expense	84,700	84,700	138,000	53,300
DP Capital Outlay	27,400			
Capital Outlay	269,000	296,400		(296,400)
Other Charges/Pass Thru		(100)	426,800	426,900
Cost of Goods Sold	7,113,700	5,892,800		(5,892,800)
Total	<u>\$14,638,700</u>	<u>\$14,450,000</u>	<u>\$15,822,500</u>	<u>\$1,372,500</u>
FTE/Other				
Total FTE		113	117	5
Vehicles		67	67	

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 should assume responsibility for training offenders in general work habits, work skills, and specific training skills that increase their employment prospects when released.

Operational Structure

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 which are:

The Director of the Department of Corrections (or his designee), Three members appointed by the House Speaker and the Senate President, One member appointed by the Corrections Advisory Council, and 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 enterprises, which closely resemble business operations of a private corporate nature. The Division has chosen to operate those business enterprises, which operate at a profit while meeting other Division goals. This means that profitable business enterprises subsidize unprofitable operations, but, only when it is determined that the unprofitable entities contribute to an extent that justifies the training/teaching 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 in the main 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 2000 financial data is for the UCI businesses and private firms working through UCI:

Current Employment (with 5 year comparisons)

- ▶ 18 percent of total inmate population (16 percent in 1997)
- ▶ 27 percent of the offenders available to work (national average is 5-7 percent)
- ▶ Daily participation of 900 offenders (634 in 1997)
- ▶ 2,650 participants throughout the year (1,000 in 1997)

Finance	Assets	\$5,979,701
	Liabilities	2,350,766
	Equity	3,628,924
	Cost of Goods Manufactured	11,522,046
	Cost of Goods Sold	11,522,900
	Retained Earnings	526,036
	Net Profit	(\$519,318)

The Analyst notes that negative net profits can occur as UCI provides capital for expansion, equipment, and facilities.

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 inclusion of the same intent language as in previous years as follows:

“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.”

The Analyst notes that the UCI operations have had to expand to accommodate the dispersion of the inmate population to Gunnison and jails throughout the state. The scope of that expansion is illustrated in the following map:

((((((((((((Debbie insert UCI MAP HERE))))))))))))))

3.7 Jail Programs

Recommendation

The Analyst recommends a continuation budget for these programs.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	22,361,800		22,361,800
Federal Funds	100,000		100,000
Total	<u>\$22,461,800</u>	\$0	<u>\$22,461,800</u>
Programs			
Jail Reimbursement	7,260,600		7,260,600
Jail Contracting	15,201,200		15,201,200
Total	<u>\$22,461,800</u>	\$0	<u>\$22,461,800</u>

Jail Reimbursement

The 1993 Legislature recreated a jail reimbursement program (64-13c-302 UCA) to fund county jails for keeping offenders sentenced to jail as a condition of probation. The bill required the Department of Corrections to request 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. Full funding for the fifth year was never added. Funding for FY 2000 was \$7,428,200. The program has never received full funding from the Legislature.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	7,428,200	7,261,600	7,260,600	(1,000)
Lapsing Balance	5,500			
Total	<u>\$7,433,700</u>	<u>\$7,261,600</u>	<u>\$7,260,600</u>	<u>(\$1,000)</u>
Expenditures				
Personal Services	126,100			
In-State Travel	3,300			
Current Expense			(4,000)	(4,000)
Other Charges/Pass Thru	7,304,300	7,261,600	7,264,600	3,000
Total	<u>\$7,433,700</u>	<u>\$7,261,600</u>	<u>\$7,260,600</u>	<u>(\$1,000)</u>

Jail Contracting

Jail Contracting was considered more cost effective, in the short term, than construction of additional prison beds since, the state does not have to bond for jail construction. Therefore, the State has annually contracted with local county sheriffs for the housing of State inmates in local jails.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	13,923,000	15,104,200	15,101,200	(3,000)
Federal Funds	2,800	100,000	100,000	
Dedicated Credits Revenue	1,200			
Lapsing Balance	(16,100)			
Total	<u>\$13,910,900</u>	<u>\$15,204,200</u>	<u>\$15,201,200</u>	<u>(\$3,000)</u>
Expenditures				
Personal Services	727,500			
In-State Travel	7,700			
Out of State Travel	4,000			
Current Expense	259,800			
DP Current Expense	27,500			
Other Charges/Pass Thru	12,884,400	15,204,200	15,201,200	(3,000)
Total	<u>\$13,910,900</u>	<u>\$15,204,200</u>	<u>\$15,201,200</u>	<u>(\$3,000)</u>

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 2002 will be \$43.95 per bed per day. This rate is effective for both Reimbursement and Contracting Programs. Medical and Transportation rates were also set. They only impact certain counties, however.

Impacts of the Rate Change

Under 64-13c-302 (UCA) the costs for jail programs of the state is adjusted annually. The new rate (for FY 2002) will be \$43.95 per bed per day. Cost of existing programs to add the new rate differential are:

Rate change on existing contracts	\$ 310,000
Rate change (to full funding) for	
Jail Reimbursement	<u>3,509,500</u>
Total	<u>\$3,819,500</u>

Performance Measures

FY 2000 Jail Data:

Days billed for jail as a condition of probation	202,557
Days paid for condition of probation	138,968
Days contracted	336,145

4.0 Additional Information: Utah Department of Corrections

4.1 Funding History

	1998	1999	2000	2001	2002
	Actual	Actual	Actual	Estimated	Analyst
Financing					
General Fund	137,166,800	150,056,900	161,374,700	169,663,800	172,508,000
Federal Funds	1,604,500	2,348,800	2,584,700	2,628,500	2,324,100
Dedicated Credits Revenue	14,180,400	15,258,400	16,827,400	17,900,500	19,249,300
GFR - Tobacco Settlement				81,700	81,700
Transfers			2,943,200		
Transfers - CCJJ	566,800	933,700	1,201,900	443,500	373,500
Transfers - Federal	706,700		6,300		
Transfers - Other Agencies			838,000	246,000	246,000
Transfers - Other Funds			75,000		
Beginning Nonlapsing	2,277,100	2,543,400	6,211,900	4,058,200	
Closing Nonlapsing	(2,388,000)	(6,211,400)	(4,058,200)		(50,000)
Lapsing Balance			(10,600)		
Total	\$154,114,300	\$164,929,800	\$187,994,300	\$195,022,200	\$194,732,600
Programs					
Administration	8,209,200	8,567,000	9,027,000	8,662,800	8,098,400
Field Operations	31,503,400	30,874,600	35,176,400	39,148,400	36,905,600
Institutional Operations	75,575,600	79,178,200	91,374,800	92,472,100	94,042,500
Draper Medical Services	14,224,400	14,604,300	16,242,800	17,633,100	17,401,800
Utah Correctional Industries	12,024,400	12,795,700	14,638,700	14,450,000	15,822,500
Forensics	190,000	190,000	190,000	190,000	
Jail Programs - Jail Reimbursement	12,387,300	18,720,000	21,344,600	22,465,800	22,461,800
Total	\$154,114,300	\$164,929,800	\$187,994,300	\$195,022,200	\$194,732,600
Expenditures					
Personal Services	93,952,000	97,082,200	107,601,300	117,618,000	128,053,600
In-State Travel	140,700	190,800	191,000	156,700	111,300
Out of State Travel	67,400	74,300	74,200	29,600	22,800
Current Expense	38,787,600	40,030,700	39,050,200	35,053,700	33,733,000
DP Current Expense	3,189,300	3,220,700	3,930,600	2,496,300	2,377,800
DP Capital Outlay	1,362,100	1,183,100	4,240,100	2,202,700	
Capital Outlay	446,500	3,216,500	463,100	456,400	
Other Charges/Pass Thru	16,168,700	19,931,500	25,164,100	31,116,000	30,434,100
Cost of Goods Sold			7,279,700	5,892,800	
Total	\$154,114,300	\$164,929,800	\$187,994,300	\$195,022,200	\$194,732,600
FTE/Other					
Total FTE	2,160	2,196	1,616	1,728	2,336
Vehicles				394	394

4.2 Federal Fund

		FY 2000 Actual	FY 2002 Estimated	FY 2003 Request
Administration	Federal	137,600	137,900	300
	State	48,800	0	0
	Total	186,400	137,900	300
Jail Programs	Federal	2,800	100,000	100,000
	State	0	0	0
	Total	2,800	100,000	100,000
Institutional Operations	Federal	1,644,300	2,390,600	2,335,200
	State	126,400	104,300	19,800
	Total	1,770,700	2,494,900	2,355,000
Clinical Services	Federal	800,000	0	0
	State	0	0	0
	Total	800,000	0	0
DP Internal Service Fund	Federal	7,900	0	0
	State	0	0	0
	Total	7,900	0	0
Totals	Federal	2,592,600	2,628,500	2,435,500
	State	103,400	102,100	102,100
	Total	2,696,000	2,730,600	2,537,600