

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**INTERIM SUPPLEMENTAL REQUEST FOR FY 2011-12**

**DEPARTMENT OF CORRECTIONS**

**JBC Working Document - Subject to Change  
Staff Recommendation Does Not Represent Committee Decision**

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September 20, 2011**

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**Interim Supplemental Request #1  
 Payments to District Attorneys**

	Request	Recommendation
Total	\$385,502	\$108,000
FTE	<u>0.0</u>	<u>0.0</u>
General Fund	385,502	108,000

<p><b>Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?</b> [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]</p>	<b>YES</b>
<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	<b>YES</b>
<p>JBC staff and the Department agree that (1) this request meets the interim supplemental criteria of Section 24-75-111, C.R.S., and (2) this request is the result of data that was not available when the original appropriation was made.</p>	

**This request does not require separate legislation but staff will recommend, during briefing for the Department of Corrections, that the Committee consider related legislation.**

**Department Request:** The Department requests that its FY 2011-12 General Fund appropriation for *Payments to District Attorneys* be increased by \$385,502 (a 267.5 percent increase) in order to reimburse counties in various judicial districts for the costs that their District Attorneys (DAs) incurred in prosecuting offenders who commit crimes while confined in Department of Corrections facilities within the district. The most costly of these cases, and the cases that are driving this supplemental, involve the killing of a corrections officer and the killing of an inmate at the Limon Correctional facility.

**Staff Recommendation:** Staff recommends that the Committee increase FY 2011-12 General Fund appropriations by \$108,000 for this request.

*The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves.*

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**Staff Analysis:**

The Department of Corrections has, for many years, reimbursed counties for the costs of prosecuting crimes committed by offenders in the custody of the Department of Corrections within their judicial district. Section 16-18-101 (3), C.R.S., which requires these payments, states (*italics added*)

**16-18-101. Costs in criminal cases.** (3) The department of corrections, *from annual appropriations made by the general assembly, shall reimburse* the county or counties in a judicial district for the *costs* of prosecuting any crime alleged to have been committed by a person in the custody of the department. The county or counties shall certify these costs to the department, and *upon approval of the executive director of the department, the costs shall be paid. The provisions of this subsection (3) shall apply to costs that are not otherwise paid by the state.*

This subsection leaves the Department with few choices. It "shall" reimburse for costs of prosecution and "the costs shall be paid" after certification by counties and approval by the executive director (or, implicitly, by his designee); it would seemingly not be within the Department's power to announce that it will only reimburse 50 percent of DA costs. Approval by the Executive Director surely implies a review for accuracy ("Is the DA's math correct? Was this expense related to our case?") but it doesn't expressly grant the Executive Director the ability to apply a reasonableness test or a necessity test; is such a test implicit? The reimbursement is to be made "from annual appropriations made by the General Assembly". There's a Long Bill line item for *Payments to District Attorneys*? Are reimbursements limited to the amount appropriated for that line? Prior to 2008 the Department paid DA reimbursements from the Personal Services line in the Executive Director's Office. Statute did not change when the JBC split the new line off from personal services; surely reimbursements could still be paid from that line, maybe others as well. Then there's the word "costs," does it include all expenditures of a DA or are costs here distinguished from attorney fees, meaning that the Department is not to reimburse for the personal services of those who work in the DA's office? Finally, there's the "no double dipping" clause at the end of the subsection.

The Department of Corrections has interpreted the cost reimbursement directive in Section 16-18-101 (3), C.R.S., very broadly. If it receives a county-certified bill, and the costs accurately relate to a Department of Corrections case, it pays. Expenses paid by the Department include hourly fees for personal services of the DA's staff, witness fees, supplies, lodging, and travel expenses. JBC Staff believes that the Department's interpretation of statute is reasonable.

Counties pay the bulk of their DA costs from the county's General Fund; payments from the Department of Corrections compensate counties for the DA expenses that they incur when they

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prosecute crimes committed by Department of Corrections inmates. The following table shows actual payments to counties since 2005-06.

<b>Actual Payments to Counties to Reimburse District Attorney Expenses</b>	
<b>Fiscal Year</b>	<b>Payment</b>
2005-06	\$241,477
2006-07	155,617
2007-08	532,847
2008-09	247,888
2009-10	293,346
2010-11	283,129
Average, FY 2005-06 to FY 2010-11	\$292,384
2011-12 estimate	\$529,610
2011-12 estimate exceeds average by	237,226

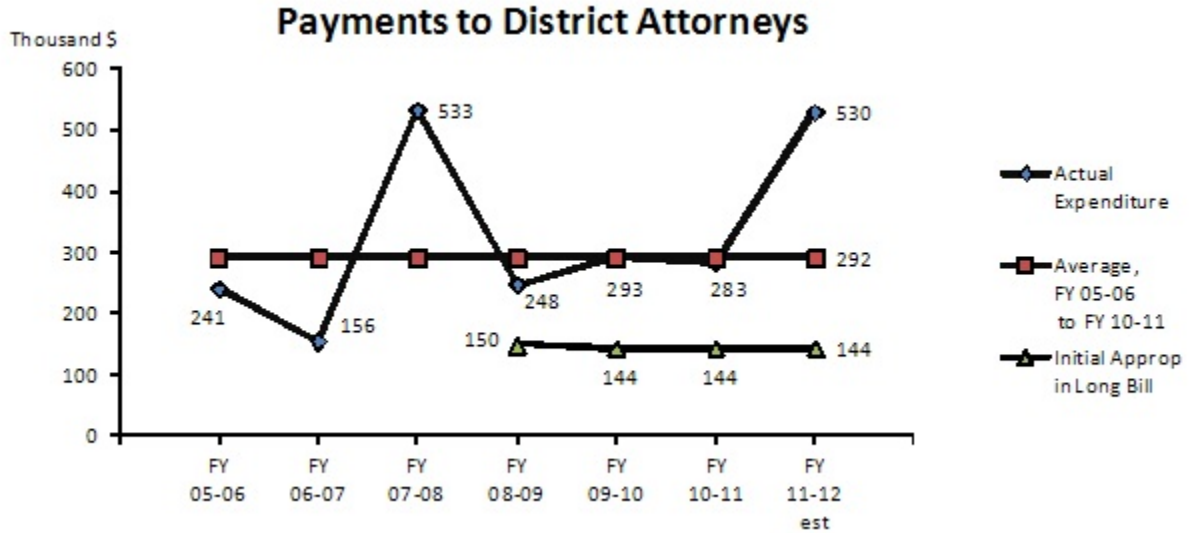
As noted above, prior to 2007-08 there was no separate appropriation for payments to DAs; these expenses were paid from the Long Bill personal services appropriation within the Executive Director's Office. When expenditures spiked during the course of FY 2007-08, the JBC decided to split off the district attorney appropriation from the personal services appropriation and present it separately in the Long Bill; it has remained separate since that time.

As the following chart illustrates, initial Long Bill appropriations for Payments to District Attorneys have, since FY 2008-09, been consistently too low; in fact they have typically been less than half the average actual payment over the period from FY 2005-06 to FY 2010-11. The excess of actual payments over the initial appropriation came from supplementals approved by the General Assembly, from transfers among Department of Corrections line items approved by the Governor pursuant to Section 24-75-108, C.R.S., from over-expenditures and subsequent appropriation restrictions approved by the state controller pursuant to Section 24-75-109, C.R.S., or by a combination of these options.<sup>1</sup>

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<sup>1</sup> Section 24-75-108, C.R.S., allows departments, upon approval by the governor, on or after May first of a fiscal year, to transfer moneys from one Long Bill line item to another in the same department. Total transfers cannot exceed \$5 million. Section 24-75-109, C.R.S. allows the state controller to approve up to \$3 million in overexpenditures at the end of each fiscal year and requires that a like amount of spending authority be restricted in the year following the overexpenditure. The Controller's *Fiscal Procedures Manual* requires departments to explain why the transfer or overexpenditure is needed, the steps taken to minimize the expenditures, the consequences of the transfer being denied, and the events or circumstances leading up to the request.

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As the following table shows, payments to counties in the 18<sup>th</sup> Judicial District, where Carol Chambers is the District Attorney, have accounted for half or more of total payments to district attorneys in recent years, a pattern that will continue in FY 2011-12.<sup>2</sup>

Judicial District	FY 07-08	FY 08-09	FY 09-10	FY 10-11
2 <sup>nd</sup> - Denver	42,556	0	748	1,826
3 <sup>rd</sup> - Huerfano, Las Animas	0	0	0	1,188
7 <sup>th</sup> - Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	0	0	372	0
10 <sup>th</sup> - Pueblo	0	0	700	213
11 <sup>th</sup> - Fremont, Chaffee, Park, Custer	70,899	44,749	59,452	30,524
13 <sup>th</sup> - Kit Carson, Logan, Morgan, Phillips, Sedgewick, Washington, Yuma	18,382	29,308	21,316	19,776
16 <sup>th</sup> - Bent, Crowley, Otero	32,107	50,475	43,018	46,334
18 <sup>th</sup> - Arapahoe, Douglas, Elbert, Lincoln	368,904	123,356	167,740	183,269
<b>Total</b>	<b>532,847</b>	<b>247,888</b>	<b>293,346</b>	<b>283,130</b>
18 <sup>th</sup> District's Percentage of Total	8.7%	40.9%	25.6%	25.3%
Other Districts Percentage of Total	30.8%	50.2%	42.8%	35.3%

<sup>2</sup> The 18<sup>th</sup> DA has often submitted her office's certified reimbursement requests in a subsequent year. For example, no certified requests from the 18<sup>th</sup> DA have yet been received for FY 2010-11. To enhance comparability with the other DAs, who submit their certified requests more promptly, this table presents payments to the 18<sup>th</sup> Judicial District on an accrual basis.

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The high payments to counties in the 18<sup>th</sup> district are the result of three murder cases that the 18<sup>th</sup> DA filed involving inmates at the Limon Correctional Facility. Each case has resulted in multiple court decisions and substantial state-paid costs.

**The Montour Case:** The first case resulted from the 2002 murder of a corrections officer in the kitchen of the Limon Correctional Facility, where inmate Edward Montour Jr. struck Sgt. Eric Autobee in the back of the head with a kitchen implement. Montour later stated that he killed Autobee to raise his stature in prison. District Attorney Chambers sought the death penalty. At his 2003 trial, Montour represented himself and pled guilty. He also represented himself in the subsequent penalty phase, offering no mitigating factors, and was sentenced to death. Subsequent competency hearings led to the appointment of counsel. In 2007 the Colorado Supreme Court reversed the death sentence but not the guilty verdict: it ruled that Colorado's death penalty statute unconstitutionally deprives a defendant of his Sixth Amendment jury trial right on the facts that are essential to the death penalty eligibility determination when that defendant pleads guilty. The decision remanded the case to the district court.

Late in July 2011, the 18<sup>th</sup> DA informed the Department of Corrections that Montour will be going to trial during FY 2011-12. The court has scheduled 29 days for motions and 59 days for a sentencing hearing. The case is expected to cost approximately \$324,000.

**The Bueno and Perez Cases:** The second and third cases involve Limon inmates David Bueno and Alejandro Perez, who allegedly murdered fellow inmate Jeffrey Heird in 2004. In late 2005, 18<sup>th</sup> DA Chamber's announced that she would file murder charges against Bueno and Perez. In October 2006 she announced that she would seek the death penalty.

**Bueno:** In 2008, a jury convicted Bueno of murder but rejected the death penalty, choosing the alternative of life without parole. In 2010, Bueno won a new trial when an 18<sup>th</sup> Judicial District judge ruled that Chambers' office withheld evidence that could have boosted the defense at the 2008 trial. The case is currently on appeal; if the prosecution wins, the conviction and life sentence will stand and further costs will be modest. If the defense wins, Bueno will be returned to the District court for a new trial.

Despite the fact that the appellate court has not handed down a decision, the Department of Corrections reports that in late July 2011, the DA informed it that Bueno will go to trial during FY 2011-12 and that the case is expected to cost approximately \$76,600.

**Perez:** In 2008, before Perez's murder trial began, an 18<sup>th</sup> Judicial District judge disqualified the office of the 18<sup>th</sup> District Attorney from prosecuting Perez based on its conclusion that special

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circumstances made it unlikely that Perez would receive a fair trial. The district court's disqualification decision (which commented upon Section 16-18-101, C.R.S., the basis of this supplemental request), was overturned in two separate Colorado Supreme Court decisions issued in 2009 and 2010. When finally tried in Prowers county in 2011, Perez was acquitted.

District Attorney Chamber's Supreme Court setback in the Montour case, which hinged on the unconstitutionality of a portion of statute, cannot be blamed on her office. However, the Bueno and Perez prosecutions have clearly not gone well; these thus far unsuccessful prosecutorial efforts, paid for with state funds, will at most yield one conviction, perhaps none, and at times have made her office appear inept.

**Staff believes that Section 16-18-101 (3), C.R.S. obligates the Department to pay DA expenses and recommends a supplemental appropriation of \$108,000 for the Montour case.** This equals 1/3 of the requested \$324,000 appropriation and is designed to cover costs related to the 29 court days that have been set for motions, which will last until the beginning of February, 2012. Staff will monitor this case and return to it during figure setting next spring as developments warrant.

**Based on the above review of the Bueno case, staff recommends no supplemental for Bueno at this time.** The \$76,600 requested for the Bueno case is not a certain expenditure; if the prosecution prevails, there will be few expenses and the appropriation will be unnecessary. Staff will also monitor this case.

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**Interim Supplemental Request #2  
Sex Offender Treatment Expansion**

	<b>Request</b>	<b>Recommendation</b>
Total	\$824,348	\$0
FTE	<u>9.5</u>	<u>0.0</u>
General Fund	824,348	0

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<p><b>Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?</b> [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]</p>	<b>YES</b>
<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	<b>YES</b>
<p>JBC staff and the Department agree that (1) this request meets the interim supplemental criteria of Section 24-75-111, C.R.S., and (2) this request is the result of data that was not available when the original appropriation was made, namely a recent court decision, a recently filed civil action suit, and the threat of a class action lawsuit.</p>	

**Department Request:** The Department requests that the FY 2011-12 General Fund appropriation for its Sex Offender Treatment and Monitoring Program be increased by \$824,348 and 9.5 FTE in order to reduce the backlog of sex offenders who require treatment under Colorado's sex offender laws. Note that the 9.5 FTE are in reality 23 individuals who will be paid for five months during FY 2011-12.

This supplemental is the first stage of a proposed two-year expansion of the Department's Sex Offender Treatment and Monitoring Program. In the second year, these 23 individuals will work for the entire year, thus counting as 23.0 FTE, and they will be joined by 14.9 individuals who will be paid for 11 months and thus count as 13.6 FTE. In FY 2012-13, the expansion will cost an additional \$1,700,959. The following table summarizes the two years:

Year	General Fund Increase	FTE Increase
FY 2011-12 (this supplemental)	\$824,348	9.5
FY 2012-13	\$1,700,959	27.1
Cumulative increase over two years	\$2,525,307	36.6

*The committee should not approve this supplemental unless it plans to approve the second year expansion.*

**Staff Recommendation:** Staff recommends that the Committee not approve this request. Staff acknowledges that this supplemental addresses an important problem that the Committee will probably have to consider in the near future. However, Staff believes that there are strong reasons not to take action at this time.

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1. The Department did not consider the possibility that private prisons could provide some or all of the sex offender treatment and monitoring services described in this supplemental in return for extra payments.

There are no statutory reasons why a sex offender treatment and monitoring program cannot be conducted in a private prison. Numerous private-sector providers currently provide these services for sex offenders who are on probation around the state, so there's no reason to think that a private prison could not do the same work. Staff spoke with a regional manager for Corrections Corporation of America (CCA) who said that CCA would definitely be interested in such work. The manager stated that CCA currently runs a sex offender treatment program in its Idaho prisons.

Staff believes that the Committee should know the feasibility and cost of the private-sector alternative before it makes a decision on this proposed program expansion. Even if a proposal from the private sector doesn't work out, it will provide a useful benchmark for gauging the efficiency of the Department's existing program and of its proposed program expansion.

2. An interim supplemental is not an ideal vehicle for considering a proposal that is very much like a decision item. This proposal deserves the consideration that decision items get during the normal briefing, hearing, and figure setting process, including the opportunity the Committee would have to directly talk to the Department about it. Even if the Department fails to bring this up as a decision item for FY 2012-13, the Committee can still talk with the Department about it at the Department's hearing.

3. The Governor's November budget submission for FY 2012-13 will probably include a modest number of decision items that will increase appropriations. Some of these decision items may be compelling. Budgetary necessity may force the Committee to reject some of the proposed decision items; thus it's wise to wait on this decision item until you have seen the Governor's entire portfolio. The Committee and the General Assembly will be able to make better-informed choices as a consequence. If the Department fails to bring this supplemental back as a decision item, the Committee can bring it back on its own.

*The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves.*

**Staff Analysis:**

**Insufficient sex offender treatment and monitoring program capacity.** The Department of Correction's Sex Offender Treatment and Monitoring Program, which is required by Colorado law, does not have sufficient capacity to provide timely treatment to the department's growing sex

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offender population. At current staffing levels, the Department's sex offender program can treat approximately 675 sex offenders annually. The Department's population of treatment-ready offenders currently equals about 1,750 and has been growing at the rate of about 225 offenders per year, resulting in increasing wait times for treatment. This supplemental is designed to reduce the backlog.

**Determinate and indeterminate sentences.** To understand the implications of this backlog, note that there are two categories of sex offenders in Colorado: those who have determinate sentences, such as a sentence of 6 years or a sentence of 8 years, and those who have indeterminate sentences with a lower bound of a fixed number of years and an upper bound of life, such as "2 years to life" or "6 years to life". Offenders sentenced under the *Lifetime Supervision of Sex Offenders Act*, which begins at Section 18-1.3-1001, C.R.S., receive indeterminate sentences. Sex offenders sentenced under alternative parts of statute receive determinate sentences. Determinate sentences frequently apply to what are sometimes called "economic" sex crimes, such as trafficking in children. Indeterminate sentences apply to such crimes as sexual assault and patronizing a prostituted child. Offenders with determinate sentences have a mandatory release date when they must be discharged from prison and placed on parole. There is no mandatory release date for those with indeterminate sentences. Those with determinate sentences have three primary ways out of prison: placement in a community corrections center prior to parole, parole, and discharge at the mandatory release date followed by parole. Those with indeterminate sentences have two primary ways out of prison: placement in a community corrections center or parole. A sex offender with an indeterminate sentence is eligible to go before the parole board when he reaches the lower bound of his sentence (reduced by "earned time", which can safely be ignored when considering this supplemental). Since sex offenders are seldom placed in community corrections, the community corrections possibility will be subsequently ignored.

**Parole is impossible without Sex Offender Treatment and Monitoring.** Section 18-1.3-1006, C.R.S., instructs the parole board to "determine whether a sex offender has successfully progressed in treatment and would not pose an undue threat to the community if released under appropriate treatment and monitoring...." This rule applies to sex offenders with determinate and indeterminate sentence and it explains the importance of entering the Department's Sex Offender Treatment and Monitoring Program. Without having "successfully progressed in treatment" an offender has no hope of parole. Thus for a sex offender with a determinate sentence, the Treatment and Monitoring Program offers the possibility of parole before one's mandatory release date. For a sex offender with an indeterminate sentence, the Treatment and Monitoring Program is a critical step along the path to parole, the only available path to release from prison.

**Most sex offenders with determinant sentences receive no treatment before release.** Because treatment is especially important for those with indeterminate sentences, the Department puts a high

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priority on placing them in the treatment and monitoring program. As a consequence most sex offenders with determinate sentences do not receive treatment in prison; they reach their mandatory release date before receiving treatment and are returned to the community, thus heightening the risk to the community.

Due to the lack of treatment capacity, offenders with indeterminate sentences frequently reach their parole eligibility date before they can even begin treatment, thus potentially lengthening their stay in prison even though they may have shown great progress in all other areas. .

**A recent court decision requires treatment for a specific sex offender.** In June 2011, a Colorado Springs district court judge considered a sex-offender treatment request from an inmate with an indeterminate sentence who is incarcerated in a Department of Corrections facility. The offender asked that he be immediately placed in the Department's Sex Offender Treatment and Monitoring Program. He was in the program in 2005, but due to a rules violation unrelated to sex-offender treatment, was required to leave. Over the ensuing five years, the offender several times requested or applied for readmission to the program, but the requests were either forgotten or ignored. The court found that "an individual... arbitrarily denied the opportunity to participate in sex offender treatment is denied the opportunity to be considered for parole based on the relevant law," and ordered that the offender be placed in treatment within 10 days. A similar suit was filed in the U.S. district court for Colorado in April 2011 and the Department indicates that it has received a number of internal grievances from sex offenders that are similar in nature.

**Possible class action lawsuit.** The Department also states that it has been notified of an effort to organize a class action lawsuit regarding lack of treatment access. The organizers intend to seek injunctive relief.

**Program description:** The Department's Sex Offender Treatment and Monitoring Program has two phases of treatment. Both phases are group-treatment based with supplemental individual and family sessions. A portion of the offenders who progress to phase two live and receive treatment in a therapeutic community. The program must be approved by the Sex Offender Management Board, which is located in the Division of Criminal Justice in the Department of Public Safety and for approval it must conform to the Sex Offender Management Board's *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*, which contains many program requirements, including offender-staff ratios for group treatment.

**Program capacity and (extremely speculative) cost savings:** The proposed expansion would increase program capacity by 860 inmates, from the current 675 to a projected 1,535. The Department has not provided estimates of the number of additional "graduates" that the program will

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produce annually, but it's tempting to speculate. If it takes two years for the average offender to complete the program and 75 percent of those who enter the program finish, the number of annual completers would equal<sup>3</sup>  $0.75 * 860 / 2 = 322.5$  at a cost of \$2,525,307, or \$7,830 per graduate ( $= \$2,525,307 / 322.5$ ).

The net savings to the department comes from decreased days spent in prison and an equal increase in the time spent on parole. Using the daily private prison rate of \$52.69 and the daily parole rate of \$11.82 yields savings per day not incarcerated of  $\$40.87 = 52.69 - 11.82$ . The savings for an offender who is released 1 year earlier than he would otherwise have been released thus equals  $\$40.87 * 365 \text{ days} = \$15,831$ .

The Parole Board scheduled release hearings for 630 lifetime supervision sex offenders during FY 2009-10, but many of the offenders may have had multiple hearings over the course of the year. Of these, the Parole Board granted 33 offenders parole during the fiscal year. Assuming that each sex offender has 2 hearings per year, this implies a parole rate for the current parole board of  $10.5\% = 33 / 315$ . If parole rates continue to equal 10.5% in the future, then  $34.9 = 332.5 * 10.5\%$  of program completers will be discharged and savings to the state in the first year would equal  $\$58,012 = 34.9 * 10.5\% * \$15,831$ . At the other extreme, if completers have 100% success before the parole board, the first year savings would equal  $\$552,502 = 34.9 * 100\% * \$15,831$ , which is much less than the \$2,525,307 cost of the program. These numbers suggest that this program expansion will probably not come close to paying for itself in the first years.

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<sup>3</sup>This formula uses the debatable assumption that failures occur just before program completion and does not make room for new participants.

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Interim Supplemental		
	Appropriation	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>DEPARTMENT OF CORRECTSION</b>					
<b>Executive Director - Tom Clements</b>					
<b>Interim Supplemental #1 - Payments to District Attorneys</b>					
<i>(1) Management (A) Executive Director's Office</i>					
Payments to District Attorneys - GF	144,108	144,108	385,502	108,000	252,108
<b>Interim Supplemental #2 - Sex Offender Treatment Expansion</b>					
<i>(1) Management</i>					
<i>(A) Executive Director's Office Subprogram</i>					
Personal Services	1,569,486	1,497,594	21,247	0	1,497,594
FTE	<u>26.6</u>	<u>17.1</u>	<u>0.4</u>	<u>0.0</u>	<u>0.0</u>
General Fund	1,361,078	1,288,043	21,247	0	1,288,043
Reappropriated Funds	208,408	209,551	0	0	209,551
Health, Life, and Dental	<u>36,136,950</u>	<u>37,398,347</u>	<u>42,368</u>	<u>0</u>	<u>37,398,347</u>
General Fund	35,048,806	36,323,985	42,368	0	36,323,985
Cash Funds	1,088,144	1,074,362	0	0	1,074,362
Short-term Disability	<u>513,015</u>	<u>563,116</u>	<u>818</u>	<u>0</u>	<u>563,116</u>
General Fund	498,268	547,299	818	0	547,299
Cash Funds	14,747	15,817	0	0	15,817
S.B. 04-257 Amortization Equalization Disbu	<u>7,646,842</u>	<u>8,852,868</u>	<u>5,774</u>	<u>0</u>	<u>8,852,868</u>
General Fund	7,418,488	8,602,662	5,774	0	8,602,662

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Interim Supplemental		
	Appropriation	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Cash Funds	228,354	250,206	0	0	250,206
S.B. 06-235 Supplemental Amortization Equ:	<u>5,523,303</u>	<u>7,067,007</u>	<u>4,812</u>	<u>0</u>	<u>7,067,007</u>
General Fund	5,356,795	6,865,949	4,812	0	6,865,949
Cash Funds	166,508	201,058	0	0	201,058
Operating Expenses	<u>296,087</u>	<u>304,960</u>	<u>250</u>	<u>0</u>	<u>304,960</u>
General Fund	173,009	181,882	250	0	181,882
Reappropriated Funds	47,478	47,478	0	0	47,478
Federal Funds	75,600	75,600	0	0	75,600
Start-up Costs	<u>8,873</u>	<u>0</u>	<u>4,978</u>	<u>0</u>	<u>0</u>
General Fund	8,873	0	4,978	0	0
<i>(C) Inspector General Subprogram</i>					
Operating Expenses	<u>370,154</u>	<u>338,611</u>	<u>290</u>	<u>0</u>	<u>338,611</u>
General Fund	286,967	255,424	290	0	255,424
Cash Funds	83,187	83,187	0	0	83,187

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Interim Supplemental		
	Appropriation	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<i>(2) Institutions (G) Superintendents Subprogram</i>					
Start-up Costs	<u>580,620</u>	<u>0</u>	<u>33,350</u>	<u>0</u>	<u>0</u>
General Fund	580,620	0	33,350	0	0
<i>(3) Support Services</i>					
<i>(D) Communications Subprogram</i>					
Operating Expenses	<u>1,538,605</u>	<u>1,478,755</u>	<u>5,175</u>	<u>0</u>	<u>1,478,755</u>
General Fund	1,538,605	1,478,755	5,175	0	1,478,755
<i>(F) Training Subprogram</i>					
Operating Expenses	<u>270,433</u>	<u>267,146</u>	<u>290</u>	<u>0</u>	<u>267,146</u>
General Fund	270,433	267,146	290	0	267,146
<i>(G) Information Systems Subprogram</i>					
Operating Expenses	<u>1,565,322</u>	<u>1,538,722</u>	<u>2,300</u>	<u>0</u>	<u>1,538,722</u>
General Fund	1,565,322	1,538,722	2,300	0	1,538,722
<i>(4) Inmate Programs (E) Sex Offender Treatment Subprogram</i>					
Personal Services	2,701,017	2,685,839	482,680	0	2,685,839
FTE	<u>49.1</u>	<u>40.8</u>	<u>9.1</u>	<u>0.0</u>	<u>0.0</u>
General Fund	2,672,206	2,657,460	482,680	0	2,657,460
Cash Funds	28,811	28,379	0	0	28,379
Operating Expenses	<u>84,776</u>	<u>84,776</u>	<u>5,500</u>	<u>0</u>	<u>84,776</u>
General Fund	84,276	84,276	5,500	0	84,276
Cash Funds	500	500	0	0	500

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Interim Supplemental		
	Appropriation	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Polygraph Testing	<u>99,569</u>	<u>99,569</u>	<u>105,000</u>	<u>0</u>	<u>99,569</u>
General Fund	99,569	99,569	105,000	0	99,569
Start-up Costs (New line item)	<u>0</u>	<u>0</u>	<u>109,516</u>	<u>0</u>	<u>0</u>
General Fund	0	0	109,516	0	0
<b>Total for Supplemental #2</b>	58,905,052	62,177,310	824,348	0	62,177,310
FTE	<u>75.7</u>	<u>57.9</u>	<u>9.5</u>	<u>0.0</u>	<u>0.0</u>
General Fund	56,963,315	60,191,172	824,348	0	60,191,172
Cash Funds	1,610,251	1,653,509	0	0	1,653,509
Reappropriated Funds	255,886	257,029	0	0	257,029
Federal Funds	75,600	75,600	0	0	75,600
<b>Totals</b>					
DEPARTMENT OF CORRECTIONS					
TOTALS for ALL Departmental line items	747,793,728	720,391,305	1,209,850	108,000	720,499,305
FTE	<u>6,733.1</u>	<u>6,222.2</u>	<u>9.5</u>	<u>0.0</u>	<u>6,222.2</u>
General Fund	658,794,383	634,934,029	1,209,850	108,000	635,042,029
Cash Funds	44,667,654	40,620,364	0	0	40,620,364
Reappropriated Funds	43,324,213	44,118,225	0	0	44,118,225
Federal Funds	1,007,478	718,687	0	0	718,687

Key:

"N.A." = Not Applicable or Not Available