Schedule 13 Change Request for FY 2010-11 Budget Request Cycle Decision Item FY 2010-11 Base Reduction Item FY 2010-11 Supplemental FY 2009-10 Budget Amendment FY 2010-11 Request Title: External Capacity Caseload Department: Corrections Dept. Approval by: Aristedes W. Zavaras Date: 11/01/09 **Priority Number:** DI-1 OSPB Approval: Date: 1 2 3 5 8 10 Total Decision/ Total Change Prior-Year Supplemental Revised Base Base November 1 Budget Revised from Base Actual Appropriation Request Request Request Reduction Request Amendment Request (Calumn 5) Fund FY 2008-09 FY 2009-10 FY 2009-10 FY 2009-10 FY 2010-11 FY 2010-11 FY 2010-11 FY 2010-11 FY 2010-11 FY 2011-12 Total of All Line Items Total 115.314.351 117.240.299 0 117,240,299 89.889.437 3.004.724 92.894.161 0 92,894,161 3.374.623 FTE 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 GF 110,781,958 114.881,592 114.881,592 87.530.730 3,004,724 90.535,454 0 90.535,454 3.374,623 **GFE** 0 0 CF 4.532.393 2,358.707 0 2.358,707 2,358,707 2.358.707 0 2.358.707 CFE/RF Ω 0 0 FF 0 0 0 0 0 (1) Management (B) External Capacity Total 7,595,058 8,427,112 n 8,427,112 8,427,112 (340.748) 8 086 364 0 8.086.364 (333,031) (2) Payments to House FTE 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 State Prisoners GF 7,595,058 8,427,112 0 8.427,112 8.427,112 (340.748)8.086.364 0 8,086.364 (333.031)**GFE** Payments to 0 0 0 Local Jails CF 0 0 0 0 0 CFE/RF 0 0 0 0 0 FF 0 0 0 0 (1) Management (B) External Capacity Total 90.735.091 91.782.615 0 91.782,615 64,431,753 1.693.999 66,125,752 0 66,125,752 2.004.817 (2) Payments to House FTE 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 State Prisoners GF 86,202,698 89,423,908 0 89,423,908 62.073.046 1.693,999 63,767,045 0 63.767.045 2,004,817 Payments to In-State GFE 0 0 Private Prisons CF 4,532,393 2,358,707 0 2.358,707 2,358,707 2.358.707 0 0 2,358,707 CFE/RF n 0 0 0 FF 0 0 0 0 0 0 0 (1) Management Total 13,588,203 (B) External Capacity 12.885.340 0 12,885,340 12,885,340 1,557,779 14,443,119 0 14,443,119 1.597.349 (2) Payments to House FTE 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 State Prisoners GF 13,588,203 12.885.340 12,885.340 0 12,885,340 1,557,779 14.443,119 14,443,119 1.597,349 Payments to **GFE** 0 0 0 Pre-Release CF 0 0 0 0 0 0 0 Parole Revocation CFE/RF 0 0 0 0 θ 0 Facilities ۴F 0 Ω 0 0 (1) Management (B) External Capacity Total 3,395,999 4,145,232 0 4,145,232 4,145,232 93,694 4.238.926 0 4.238,926 105.488 (2) Payments to House FTE 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 State Prisoners GF 3.395.999 4.145,232 0 4,145,232 4.145.232 93.694 4.238.926 4.238,926 105.488 GFE Community 0 0 0 0 0 0 0 0 CF Corrections Programs 0 0 0 0 0 Ô 0 0 0 CFE/RF 0 0 0 0 0 0 0 0 0 0 FF 0

Schedule 13 Change Request for FY 2010-11 Budget Request Cycle Decision Item FY 2010-11 Base Reduction Item FY 2010-11 Supplemental FY 2009-10 Budget Amendment FY 2010-11 Request Title: External Capacity Caseload Department: Corrections Dept. Approval by: Aristedes W. Zavaras Date: 11/01/09 **Priority Number:** DI-1 **OSPB** Approval: Date: 1 3 4 5 6 7 8 9 10 Total Decision/ Total Change Prior-Year Supplemental Revised Base November 1 Base Budget Revised from Base Actual Appropriation Request Request Request Reduction Request Amendment Request (Column 5) Fund FY 2008-09 FY 2009-10 FY 2009-10 FY 2009-10 FY 2010-11 FY 2010-11 FY 2010-11 FY 2010-11 FY 2010-11 FY 2011-12 Non-Line Item Request: None Letternote Revised Text: None Cash or Federal Fund Name and COFRS Fund Number: State Criminal Alien Assistance Program (SCAAP) #01410 Reappropriated Funds Source, by Department and Line Item Name: None Approval by OIT? Yes: No: N/A: 🐬

Schedule 13s from Affected Departments:

None

CHANGE REQUEST for FY 2010-11 BUDGET REQUEST CYCLE

Department:	Corrections				
Priority Number:	DI-1				
Change Request Title:	External Capacity Caseload				
SELECT ONE (click on box): Decision Item FY 2010-11 Base Reduction Item FY 2010-11 Supplemental Request FY 2009-10 Budget Request Amendment FY 2010-11	SELECT ONE (click on box): Supplemental or Budget Request Amendment Criterion: Not a Supplemental or Budget Request Amendment An emergency A technical error which has a substantial effect on the operation of the program New data resulting in substantial changes in funding needs Unforeseen contingency such as a significant workload change				
	Department of Corrections (DOC) requests a total General Fund appropriation increase of \$3,004,724 in FY 2010-11 to meet the funding needs associated with offender population growth. This request addresses the FY 2010-11 projected offender growth of the Department in the (1)(B) External Capacity Subprogram based on the assumption that all forecasted prison population growth will be absorbed in the External Capacity Subprogram. \$3,374,623 in General Fund is requested for FY 2011-12 which sustains the same \$3,004,724 funding for prison population growth and includes an additional \$369,899 for an extra day of external capacity bed occupancy due to the leap year. The funds requested assumes that private prison providers will supply beds for all offender population growth projected in FY 2010-11. Due to projected State revenue shortages, Colorado State Penitentiary II (CSP II) and the Denver Reception and				

constructed prison beds, in full or in part.

Diagnostic Center (DRDC) expansion will not receive any funding to occupy newly

Background and Appropriation History:

The Department's External Capacity Subprogram was created to provide alternatives to house the State's increasing offender population. To meet the need for housing offenders and parole revocations, contracts are negotiated with private prison providers, pre-release and parole revocation center operators, and community corrections program service providers. If the number of offenders sentenced to the Department exceeds the number of state and contracted beds available, offenders must remain in local jails until a suitable bed is available.

Division of Criminal Justice (DCJ) and Legislative Council Staff (LCS) provide adult prison population growth projections bi-annually. The DCJ July, 2009 Interim Adult Prison Population Projections were used to develop this request. Placement options relating to current and future bed capacities are developed as projected growth dictates. The Department projects the average daily population in specific placement types, based on growth, availability, and capacity. Appropriations are requested to reflect the expected cost of populations by placement type. A summary of the placement projections is provided in Exhibit A.

Local jail population fluctuations are based on monthly jurisdictional population growth projections, less targeted growth to community corrections facilities, private prisons, and other placement options used by the Department. In FY 2004-05, the Department experienced a higher use of local jails due to community regressions and parole revocations. The Department increased projections for this population in FY 2006-07 and FY 2007-08 based on financial need. Due to population growth periodically outpacing additional bed capacity in the private and state run prisons, continued dependency on local jails is anticipated in FY 2010-11.

Pre-Release and Parole Revocation Facilities were conceptualized in HB 01-1370 to provide intensive treatment and programming to targeted offenders who are either close to release or who have had parole revoked for technical violations. Return to Custody (RTC) providers are another placement alternative for the Parole Board to address technical parole violators who meet the statutory criteria set forth in SB 03-252. These placement alternatives were developed to reduce the demand for regular prison beds.

General Description of Request:

Based on the projected prison population estimates and the assumptions outlined below, appropriations are being requested to align funding with anticipated need. The "Payments to House State Prisoners" section of the External Capacity Subprogram (1)(B)(2) is comprised of separate funding lines that are designated as: Payments to Local Jails, In-State Private Prisons, Pre-Release Parole Revocation Facilities, and Community Corrections Programs. Funding is requested annually based on population projections available at the time of Joint Budget Committee Figure Setting and the daily provider rate. Appropriations are adjusted with actual offender population data during the Supplemental budget process, if necessary.

The FY 2010-11 population projections (DCJ Interim Adult Prison Population Projections, July, 2009) have been applied in the spreadsheet to the various External Capacity subprogram lines (attached Exhibit A) to determine the FY 2010-11 bed need. The FY 2009-10 provider rate is used in the calculation to identify funding requirements (\$52.69 per day for the Private Prison and Pre-release provider rate, \$50.44 per day for Jails, and \$43.68 per day for Community Corrections). Assuming base continuation funding from SB 09-259, the FY 2009-10 long bill, the appropriation of each line has been subtracted from the requirement to calculate the incremental increased/(decreased) funding request.

Local Jails (1)(B)(2)

FY 2010-11 Decreased Request for Local Jails = (\$340,748).

Funds in the Local Jails line are associated with offenders sentenced to the Department who are being held until an appropriate bed is available. This includes offenders with new commitments, parole violators, or community corrections regressions who are awaiting Parole Board dispositions or transport to a prison facility. The Local Jails line also includes appropriations for offenders at the Park County Jail who are being held until sent to the Boot Camp program at Buena Vista. Offenders held in local jails are not receiving program services to address criminal behavior. The daily rate per offender for housing in the local jails during FY 2009-10 is \$50.44. The \$50.44 per day rate is

applied to the FY 2010-11 bed need projections to identify the FY 2010-11 required funding amount.

In-State Private Prison Facilities (1)(B)(2) FY 2010-11 Increased Request for In-State Private Prison Facilities = \$1,693,999.

An increase of \$1,693,999 is requested to fund the prison population forecast that will be housed in private prison facilities, as per the DCJ July, 2009 population projections (see Exhibit A). The funding requested for this line is further reduced by the anticipated effects of HB 09-1351 in the amount of (\$4,906,083) for the 2nd year impact of the legislation. The estimated costs savings resulting from increased earned time in HB 09-1351 are preliminary estimates that are not reflected in the DCJ July, 2009 population projections. Subsequent updated prison population forecasts will need to be determined if the effects of HB 09-1351 have been considered to conclude if the associated estimated reduction of dollars needed should continue or be eliminated. The funding request in the In-State Private Prison line is also adjusted by a (\$1,248) reduction for the annualization of FY 2009-10 Decision Item #10, Re-entry.

Funds in the Private Prisons line are associated with placing offenders in private prison facilities in-state on a long term basis. Currently, the Department maintains contractual arrangements with three private prison facilities to house male state prisoners in Colorado: Bent County Correctional Facility, Kit Carson Correctional Facility, and Crowley County Correctional Facility. The DOC's Private Prison Monitoring Unit (PPMU) continues to oversee the Huerfano County Correctional Facility; however, only offenders from Arizona currently reside there. In FY 2009-10, 750 new male beds will come online with the opening of Hudson Correctional Facility. The Department does not anticipate needing these new beds in the immediate future therefore; Alaska offenders will be placed in the facility with oversight from DOC's PPMU. The Department also contracts with High Plains Correctional Facility, a private prison facility in Brush, Colorado, to house female state prisoners. At the present time, and in the foreseeable future, the Department does not intend to house any Colorado offenders in out-of-state facilities.

The FY 2009-10 daily rate per offender for in-state private prisons is \$52.69. The \$52.69 per day rate is applied to the FY 2010-11 and FY 2011-12 bed need projections to identify the required funding amount.

Funding in the In-State Private Facilities line includes State Criminal Alien Assistance Program (SCAAP) federal funds. Funds received from the U.S. Department of Justice help offset the costs of housing illegal aliens in the state prison system. During FY 2004-05, HB 05-1278 created a cash fund to receive SCAAP grant monies and to retain the fund for future use to defray the cost of housing illegal aliens. SCAAP funding is erratic and difficult to predict. Therefore, the Department requests the \$2,358,707 appropriation of Cash Funds representing the SCAAP grant award to be base continuation funding for the FY 2010-11 budget cycle. Adjustments based on actual grant awards, if any, will be made during the Supplemental process.

Pre-Release Parole Revocation Facilities (1)(B)(2) FY 2010-11 Increased Request for Pre-Release Parole Revocation Facilities = \$1,557,779.

Funds in the Pre-Release Parole Revocation Facilities are used to house Colorado offenders in the Cheyenne Mountain Re-entry Center (CMRC). This appropriation was approved during the FY 2005-06 Legislative Session to house offenders who are eligible to receive this program's services authorized under HB 01-1370. The Department may initiate placement of offenders in this facility prior to parole, based upon criteria defined in 17-1-206.5, for periods of either nine months or nineteen months. Additionally, the Parole Board is authorized to revoke the parole of offenders and to direct placement in this program for a maximum period of 180 days based upon set eligibility criteria. As with Community Corrections Programs, the expectation is to avert the need to revoke the offender back to a regular prison setting. The daily rate per offender for pre-release/parole revocation services in FY 2009-10 is \$52.69. The \$52.69 per day rate is applied to the FY 2010-11 and FY 2011-12 bed need projections to identify the required funding amount.

Community Corrections Programs (1)(B)(2) **FY 2010-11 Increased Request for Community Corrections Programs = \$93,694.**

Funds in the Community Corrections Programs line are associated with population targets and corresponding costs to house placements by the Parole Board of qualified technical parole violators. SB 03-252 stipulated that only non-violent, class 5 or class 6 felons may be sentenced by the Parole Board for up to 180 days in this program in an effort to stem the number of parolees who return to the Department of Corrections for technical parole violations. Short-term program services are provided to address specific violations by offenders while in placement. The daily rate per offender for placement in a Community Corrections Programs is funded at \$43.68 per day, and is significantly less than other prison placement alternatives. The \$43.68 per day rate is applied to the projections to identify the required funding amount.

The total of the separate funding lines within the "Payments to House State Prisoners" section of the External Capacity Subprogram, (1)(B)(2), result in a FY 2010-11 increase in funding request of \$3,004,724.

In FY 2011-12, the funding need of the External Capacity Subprogram is affected by the leap year. The \$3,004,724 requested in FY 2010-11 for population growth is needed to continue into FY 2011-12. The extra day due to the leap year creates the need for \$369,899 in additional funding, resulting in a total increase funding request of \$3,374,623 for FY 2011-12 (see Tables 2-4).

For FY 2009-10, an early negative Supplemental budget request was submitted on August 24, 2009 totaling (\$1,157,869) across all appropriations in the External Capacity Subprogram. This funding adjustment is the result of a recalculation of the Department's needs during FY 2009-10 only with the July, 2009 DCJ Interim Adult Prison Population Projections applied. Because the most current offender population projections are less than those previously used to determine the External Capacity

appropriation, the DOC provided the FY 2009-10 negative Supplemental submission of (\$1,157,869) that is detailed as follows:

(\$	1,157,869)	Total FY 2009-10 Early Supplemental Request
(\$	260,944)	Community Corrections Programs
\$	1,705,101	Pre-release Parole Revocation Facilities
(\$	1,886,786)	In-State Private Prisons
(\$	715,240)	Local Jails

Consequences if Not Funded:

Without increases in funding, the Department will not be able to pay the service providers for housing the expected numbers of state offenders in FY 2010-11 and FY 2011-12. If adequate appropriations are not in place for contracting with the private prison providers, excess numbers of offenders will be in local jails. Payments for housing state prisoners in local jails are subject to legislative approval, but are the Department's responsibility to make known the need for such payments.

Calculations for Request:

Summary of Request FY 2010-11	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$3,004,724	\$3,004,724	\$0	\$0	\$0	0.0
(1)(B)(2) Payments to Local Jails	(\$340,748)	(\$340,748)	\$0	\$0	\$0	0.0
(1)(B)(2) Payments to In-State Private	\$1,693,999	\$1,693,999	\$0	\$0	\$0	0.0
Prisons						
(1)(B)(2) Payments to Pre-Release Parole	\$1,557,779	\$1,557,779	\$0	\$0	\$0	0.0
Revocation Facilities						
(1)(B)(2) Community Corrections	\$93,694	\$93,694	\$0	\$0	\$0	0.0
Programs						

Summary of Request FY 2011-12	Total Funds	General	Cash Funds	Reappropriated	Federal	FTE
		Fund		Funds	Funds	
Total Request	\$3,374,623	\$3,374,623	\$0	\$0	\$0	0.0
(1)(B)(2) Payments to Local Jails	(\$333,031)	(\$333,031)	\$0	\$0	\$0	0.0
(1)(B)(2) Payments to In-State Private	\$2,004,817	\$2,004,817	\$0	\$0	\$0	0.0
Prisons						
(1)(B)(2) Payments to Pre-Release Parole	\$1,597,349	\$1,597,349	\$0	\$0	\$0	0.0
Revocation Facilities						
(1)(B)(2) Community Corrections	\$105,488	\$105,488	\$0	\$0	\$0	0.0
Programs						

Table 1: External Capacity Subprogram FY 2010-11 Funding Requirements					
Long Bill Line Description	Calculation				
Payments to Local Jails (1)(B)(2)					
FY 2009-10 GF Appropriation	\$8,427,112				
FY 2010-11 Estimate of Need (160,317 bed days x \$50.44 rounded)	\$8,086,364				
FY 2010-11 Request for (Reduction) in GF	(\$340,748)				
B					
Payments to In-State Private Prison Facilities (1)(B)(2)					
FY 2009-10 GF Appropriation	\$92,235,818				
Less (\$1,248) FY 2009-10 DI #10 Re-entry Annualization (GF)	(\$1,248)				
Plus Anticipated SCAAP Grant (CF)	\$2,358,707				
Total FY 2010-11 Base Appropriation	\$94,593,277				
FY 2010-11 Estimate of Need (1,920,542 bed days x \$52.69 rounded)	\$101,193,359				
Adjust Need by (\$4,906,083) for HB 09-1351 2 nd Year Impact	(\$4,906,083)				
Revised FY 2010-11 Need	\$96,287,548				
FY 2010-11 Request for Increase in GF	\$1,693,999				
Payments to Pre-Release Parole Revocation Facilities (1)(B)(2)					

Table 1: External Capacity Subprogram FY 2010-11 Funding Requirements					
Long Bill Line Description	Calculation				
FY 2009-10 GF Appropriation	\$12,885,340				
FY 2010-11 GF Estimate of Need (274,115 bed days x \$52.69 rounded)	\$14,443,119				
FY 2010-11 Request for Increase in GF	\$1,557,779				
Payments to Community Corrections Programs (1)(B)(2)					
FY 2009-10 GF Appropriation	\$4,145,232				
FY 2010-11 Estimate of Need (97,045 bed days x \$43.68 rounded)	\$4,238,926				
FY 2010-11 Request for Increase in GF					
Totals in Payments to House State Prisoners Lines					
Total Request for Increase in GF	\$3,345,472				
Total Request for (Reduction) in GF					
Total FY 2010-11 Request for Increase in GF	\$3,004,724				

Table 2: 02/29/12 (Leap Year) Prison Population Projection*					
June 30, 2012 DCJ Prison Population Projection	24,855				
June 30, 2011 DCJ Prison Population Projection	24,244				
Total Projected Growth in FY 2011-12	611				
Less 11.5% of Population to Community Corrections	-70				
Net Growth to External Capacity in FY 2011-12	541				
Monthly Growth (541/12)	45				
July, 2011-February, 2012	8 months				
Population Growth in External Capacity by February 29, 2012 (45*8)	360				
July 1, 2011 External Capacity Beginning Population Projection	6,713				
Accumulated Growth by February 29, 2012					
External Capacity Total Population Projection as of February 29, 2012	7,073				

^{*}Source: DCJ July, 2009 Interim Prison Population Projections

Table 3: 02/29/12 (Leap Year) External Capacity Population Projection								
One Day Additional Need								
02/29/12								
	06/30/11 Projected	Projected	FY 2009-10 Daily	Additional Leap Year				
	Population	Population	Provider Rate	Need for 02/29/12				
Local Jails	153	153	\$50.44	\$7,717				
Private Prisons*	5,539	5,899	\$52.69	\$310,818				
Pre-Release	751	751	\$52.69	\$39,570				
Community Corrections	270	270	\$43.68	\$11,794				
Total External Capacity	6,713	7,073		\$369,899				

^{*}Assumptions: State beds will be at capacity. The 360 population growth will occur in Private Prisons.

Table 4: FY 2011-12 Leap Year Adjusted Request							
	FY 2010-11 Requested	Leap Year	FY 2011-12				
	Amount	Adjustment	Requested Amount				
Payments to Local Jails	(\$340,748)	\$7,717	(\$333,031)				
Payments to In-State Private Prisons	\$1,693,999	\$310,818	\$2,004,817				
Payments to Pre-Release Parole Revocation Facilities	\$1,557,779	\$39,570	\$1,597,349				
Community Corrections Programs	\$93,694	\$11,794	\$105,488				
FY 2011-12 Request	\$3,004,724	\$369,899	\$3,374,623				

Cash Funds Projections:

The State Criminal Alien Assistance Program (SCAAP) is a grant that is appropriated as cash funds in the long bill. Receipt of SCAAP funds reduce the need for General Fund. Appropriations made to the (1)(B)(2) Management-External Capacity Subprogram-Payments to House State Prisoners-Payments to In-State Private Prisons line are adjusted annually during the Supplemental Request process. Fluctuations in SCAAP fund awards are reflected in associated modifications to the General Fund request.

Cash Fund Name	Cash Fund Number	FY 2008-09 Expenditures	FY 2008-09 End of Year Cash Balance	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate	FY 2011-12 End of Year Cash Balance Estimate
State Criminal Alien Assistance Program (SCAAP)	01410	\$4,532,393	\$768,786		\$0	\$0

Assumptions for Calculations:

State prison facilities are at capacity. The External Capacity Subprogram funding request is developed with the assumption that increases in the State's prison populations are to be housed first in state prisons. If the number of prisoners exceed the number of state beds, the excess number of prisoners are housed in available private prisons and pre-release parole revocation facilities with whom the Department contracts. When all placement alternatives are full, parole revocations and additional offenders sentenced to the Department must be housed in local jails pending the availability of beds in either state or private facilities. Local jail populations also grow when the Department's intake process is unable to keep up with new incarcerations or when security concerns slow placements to private facilities.

The July, 2009 DCJ Interim Adult Prison Population Projections estimates by June 30, 2011, the offender population will be 24,244. That figure represents an increase of 670 over the June 30, 2010 estimate. The June 30, 2009 actual offender population was 23,186, which is (441) less than the projected amount of 23,627. This information is displayed in Table 5 below:

Table 5: Department of Corrections Offender Population History and Projections

Fiscal Year	Figure Males		Females			Total			
Tiscai Teai	Projections	Actual	Change	Projections	Actual	Change	Projections	Actual	Change
FY 2008-09	21,277	20,896	(381)	2,350	2,290	(60)	23,627	23,186	(441)
FY 2009-10	21,265			2,309			23,574		
FY 2010-11	21,892			2,352			24,244		
FY 2011-12	22,452			2,403			24,855		
Source: DCI July 200	Source: DCI July 2009 Interim Adult Prison Population Projections								

Source: DCJ July, 2009 Interim Adult Prison Population Projections.

In formulating the FY 2010-11 and FY 2011-12 funding requests, the Department used the DCJ July, 2009 projections and applied a targeted use of Community Corrections beds of 11.5% of the Department's jurisdictional population growth to determine funding needs for the year. These assumptions and calculations can be found in the External Capacity Report (Exhibit A).

<u>Impact on Other Government Agencies:</u> Not applicable.

<u>Cost Benefit Analysis</u>: Not applicable; request is directly related to caseload increase. Benefits of funding this

request include:

-Safety and security of the public, staff and offenders.

-Suitable housing for offenders sentenced to the custody of the Department of Corrections

when bed space demands exceed State bed capacity.

-Ability to move newly sentenced offenders from local jails to prison beds.

-Ability to provide payment to service providers in a timely manner.

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	January 2010
Review Actual Caseload for Supplemental Adjustments	November 2010

Statutory and Federal Authority:

17-1-103 (2009) Duties of the executive director.

(a) To manage, supervise, and control the correctional institutions operated and supported by the state; to monitor and supervise the activities of private contract prisons; to manage and supervise the divisions, agencies, boards, and commissions that are or may be transferred to or established within the department by law or by the executive director pursuant to section 17-1-101 (2); to provide work and self-improvement opportunities; and to establish an environment that promotes habilitation for successful reentry into society;

17-1-105 (2009) Powers of the executive director.

- (a) All the right and power to transfer an inmate between correctional facilities.
- (c) The authority to enter into contracts and agreements with other jurisdictions, including other states, the federal government, and political subdivisions of this state, for the confinement and maintenance in state correctional facilities of inmates sentenced to imprisonment by the courts of such other jurisdictions. The executive director shall notify the appropriate authorities of other jurisdictions, as the executive director deems appropriate, of the availability of space in state correctional facilities for the confinement and maintenance of inmates from other jurisdictions.
- (e) The authority to enter into contracts with any county for the placement of inmates pursuant to section <u>16-11-308.5</u>, C.R.S.;
- (f) The authority to enter into contracts and agreements with other jurisdictions, including other states, the federal government, and political subdivisions of this state, for the confinement and maintenance of offenders sentenced to imprisonment by the courts of

this state and the authority to reimburse such jurisdictions for the expenses incurred by such jurisdictions in the confinement and maintenance of said offenders.

17-1-112 (2009) Expenses-reimbursement by department.

- 1) Subject to available appropriations the department shall reimburse any county or city and county for a portion of the expenses and costs incurred by that county or city and county in the confinement and maintenance in a local jail of any person who is sentenced to a term of imprisonment in a correctional facility. The general assembly shall annually establish the amount of reimbursement in the general appropriations bill. Such reimbursement shall be for each day following seventy-two hours after such sentence is imposed but prior to the transmittal of the sentenced inmate to a department facility. Subject to available appropriations, the department may contract with any county or city and county for the expenses incurred by that county or city and county in the confinement and maintenance of any person who is sentenced to a term of imprisonment pursuant to section 16-11-308.5, C.R.S.
- (1.5) In no event shall any agreement to reimburse any city and county or county affect or reduce any city and county's or county's duty to exercise reasonable care and use its best efforts to supervise and use reasonable precautions to assure the adequate care of any state inmate.

17-1-206.5 (2009) Preparole release and revocation facility-community return-tocustody facility.

- (1) On or before December 1, 2001, the department shall issue a request for proposal for the construction and operation of a private contract prison to serve as a preparole and revocation center, that shall be a level III facility, as described in section <u>17-1-104.3</u> (1) (a) (III).
- (b) The scope of the facilities' programming shall be limited to services and monitoring that address the failure of a nonviolent parolee whose parole is revoked pursuant to

section <u>17-2-103</u> (11) (b) (III) and will allow for limited performance-based access to the community. A request for proposals for such services and monitoring shall be issued by the department on or before August 31, 2003, and the contracts awarded by November, 2003.

Performance Measures:

Not applicable; request is based on caseload and prison population growth. The External Capacity Subprogram will be monitored for the following criteria:

- -The number of offenders processed into prisons from local jails.
- -Invoices received from service providers are accurate and paid in a timely manner.
- -Actual offender populations will be compared and adjusted monthly to projected amounts.

EXHIBIT A
FY 2010-11 EXTERNAL CAPACITY RECOMMENDATION
Population Projections from DCJ July, 2009
Placement Projections through FY 2010-11

	Males	Females	Total
June 2011 Total Population Projection	21,892	2,352	24,244
June 2010 Total Population Projection	-21,265	-2,309	-23,574
Total Projected Growth	627	43	670
Less Growth to Community Corrections 11.5%	<u>-62</u>	<u>-15</u>	<u>-77</u>
Net Growth to External Capacity	565	28	593
PROJECTED MONTHLY GROWTH IN POPULATION - July 2010 through June 2011	47	2	49

	Previous Month	Mal	e	Female		Month-end Pop.		Avg Daily			Total
	Ending Pop.	+ Grov	vth +	Growth	=	Ext. Capacity	x	Rate	Days	=	Need
July Total -	0 1					6,174			•		\$9,963,472
In State - Local Jails	133	0		0		133		\$50.44	31		\$207,964
Private Facilities	4,985	45		2		5,032		\$52.69	31		\$8,180,834
CMRC	751	0		0		751		\$52.69	31		\$1,226,676
Community RTC	256	2		0		258		\$43.68	31		\$347,999
State Bed Expansion	0	0		0		0					, , , , , ,
August Total -						6,223					\$10,042,950
In State - Local Jails	133	0		0		133		\$50.44	31		\$207,964
Private Facilities	5,032	45		2		5,079		\$52.69	31		\$8,257,603
CMRC	751	0		0		751		\$52.69	31		\$1,226,676
Community RTC	258	2		0		260		\$43.68	31		\$350,707
State Bed Expansion	0	0		0		0		7			4,
September Total -	v	· ·		Ü		6,272					\$9,795,864
In State - Local Jails	133	0		1		134		\$50.44	30		\$202,012
Private Facilities	5,079	45		1		5,125		\$52.69	30		\$8,064,731
CMRC	751	0		0		751		\$52.69	30		\$1,187,106
Community RTC	260	2		0		262		\$43.68	30		\$342,014
State Bed Expansion	0	0		0		0		φ+3.00	30		φ542,014
October Total	o o	· ·		Ü		<u>6,321</u>					\$10,201,800
In State - Local Jails	134	0		1		135		\$50.44	31		\$210,310
Private Facilities	5,125	45		1		5,171		\$52.69	31		\$8,408,692
CMRC	751	0		0		751		\$52.69 \$52.69	31		\$1,226,676
Community RTC	262	2		0		264		\$43.68	31		\$356,123
State Bed Expansion	0	0		0		0		\$ 4 5.06	31		\$330,123
November Total	U	U		U		<u>6,370</u>					\$9,949,556
In State - Local Jails	135	0		1		136		\$50.44	30		\$205,039
Private Facilities	5,171	45		1		5,217		\$50.44 \$52.69	30		\$8,210,156
CMRC	751	0		0		751		\$52.69 \$52.69	30		\$1,187,106
	264	2		0		266		\$32.69 \$43.68	30		\$347,256
Community RTC State Bed Expansion	0	0		0		0		\$43.08	30		\$347,230
December Total -	Ü	0		U		0					\$10,360,616
In State - Local Jails	136	0		1		6,419 137		\$50.44	31		\$213,437
				1							
Private Facilities	5,217	45		1		5,263		\$52.69	31		\$8,558,964
CMRC	751	0		0		751		\$52.69	31		\$1,226,676
Community RTC	266	2		0		268		\$43.68	31		\$361,539
State Bed Expansion	0	0		0		0					440 440 000
January Total		_		_		6,468					\$10,440,023
In State - Local Jails	137	0		1		138		\$50.44	31		\$215,001
Private Facilities	5,263	45		1		5,309		\$52.69	31		\$8,634,100
CMRC	751	0		0		751		\$52.69	31		\$1,226,676
Community RTC	268	2		0		270		\$43.68	31		\$364,248
State Bed Expansion	0	0		0		0					

E				C 518			do 501 (11
February Total	120			<u>6,517</u>	050.44	20	\$9,501,611
In State - Local Jails	138	2	1	141	\$50.44	28	\$197,019
Private Facilities	5,309	45	1	5,355	\$52.69	28	\$7,866,406
CMRC	751	0	0	751	\$52.69	28	\$1,107,965
Community RTC	270	0	0	270	\$43.68	28	\$330,221
State Bed Expansion	0	0	0	0			
March Total -				<u>6,566</u>			<u>\$10,599,468</u>
In State - Local Jails	141	2	1	144	\$50.44	31	\$222,819
Private Facilities	5,355	45	1	5,401	\$52.69	31	\$8,784,371
CMRC	751	0	0	751	\$52.69	31	\$1,226,676
Community RTC	270	0	0	270	\$43.68	31	\$365,602
State Bed Expansion	0	0	0	0			
April Total				<u>6,615</u>			\$10,334,801
In State - Local Jails	144	2	1	147	\$50.44	30	\$220,171
Private Facilities	5,401	45	1	5,447	\$52.69	30	\$8,573,717
CMRC	751	0	0	751	\$52.69	30	\$1,187,106
Community RTC	270	0	0	270	\$43.68	30	\$353,808
State Bed Expansion	0	0	0	0			
May Total -				6,664			\$10,759,121
In State - Local Jails	147	2	1	150	\$50.44	31	\$232,201
Private Facilities	5,447	45	1	5,493	\$52.69	31	\$8,934,643
CMRC	751	0	0	751	\$52.69	31	\$1,226,676
Community RTC	270	0	0	270	\$43.68	31	\$365,602
State Bed Expansion	0	0	0	0	\$ + 3.00	31	\$303,002
June Total -	O O	O	U	6,713			\$10,489,305
In State - Local Jails	150	2	1	153	\$50.44	30	\$229,250
	5,493	45	1			30	. ,
Private Facilities			•	5,539	\$52.69		\$8,719,141
CMRC	751	0	0	751	\$52.69	30	\$1,187,106
Community RTC	270	0	0	270	\$43.68	30	\$353,808
State Bed Expansion	0	0	0	0			40.000
SUBTOTAL: JAIL BACKLO						365	\$2,563,184
SUBTOTAL: PRIVATE FACI						365	\$101,193,359
SUBTOTAL: CMRC CHEYER						365	\$14,443,119
SUBTOTAL: COMMUNITY O						365	\$4,238,926
ESTIMATED COMMUNITY/I		<u>AT LOCAL JAILS</u>	<u>i</u>	<u>300</u>	<u>\$50.44</u>	<u>365</u>	<u>\$5,523,180</u>
TOTAL EXTERNAL CAPACI							\$127,961,768
DECISION ITEM CALCULAT	ΓΙΟN:						
LOCAL JAILS FY 2009-10 AP						\$8,427,112	
LOCAL JAILS FY 2010-11 ES	TIMATE					\$8,086,364	
LOCAL JAILS FY 2010-11 ES	TIMATED INCREASE/(R	EDUCTION)					(\$340,748)
PRIVATE FACILITIES FY 20	09-10 APPROPRIATION					\$94,594,525	
Adjust Appropriation by (\$1,24	18) for FY 2009-10 DI #10 F	Re-entry Annualizati	ion			(\$1,248)	
REVISED PRIVATE FACILIT						\$94,593,277	
PRIVATE FACILITIES FY 20						\$101,193,359	
Adjust need estimate by (\$4,906		vear impact				(\$4,906,083)	
Private Facilities FY 2010-11 A		cur impuet				\$96,287,276	
PRIVATE FACILITIES FY 20		EASE//REDUCTIO	N)			ψ>0,207,270	\$1,693,999
I KI VIII E I II CILII I LO I I LO	TO THE ESTIMATED IN CA	E/IDE/(REDUCTIO	21)				φ1,000,000
PRE-RELEASE/PAROLE REV	VOCATION (CMRC) EV 2	009-10 APPROPRI	ATION			\$12,885,340	
PRE-RELEASE/PAROLE REV						\$14,443,119	
				CTION		\$14,443,119	\$1,557,779
PRE-RELEASE/PAROLE REV	VOCATION (CIVIRC) FY 2	OLU-II ESIIMAIE	D LINCKEASE/(KEDU	CHON			φ 1 ,ωυ1,117
COMMINITY CODDECTION	NE DDOCD AME EN 2000	A A DDD A DDI A TITA	NAT.			\$4.145.222	
COMMUNITY CORRECTION			/17			\$4,145,232	
COMMUNITY CORRECTION			ODE A CE//PEDITOTIC	AND.		\$4,238,926	¢02 (04
COMMUNITY CORRECTION	NS PROGRAMS FY 2010-1	II ESTIMATED IN	CKEASE/(REDUCTIO	<u>JIN)</u>			<u>\$93,694</u>
TOTAL NICHE A CENTRAL	DIOM DOWN A MED TOD	DWEEDNAL CARA	OFFE DE 2010 11 DE	CICION PERM			¢2 004 724
TOTAL INCREASE/(REDUCT	TION) ESTIMATED FOR	EXTERNAL CAPA	CITY FY 2010-11 DE	CISION ITEM			\$3,004,724

External Capacity Bed Plan Recap - FY 2010-11

	Males	Females	Total
June 2011 Total Population Projection	21,892	2,352	24,244
June 2010 Total Population Projection	(21,265)	(2,309)	(23,574)
Total Projected Growth	627	43	670
Minus Growth to Community Corrections 11.5%	(62)	(15)	-77
Net Growth to External Capacity	565	28	593
Monthly Growth to External Capacity	47	2	49

Male Bed Plan (growing at 47 offenders per month)

_	Local Jails	Private Prisons	CMRC	Community	DRDC	CSP II	Growth
June 30, 2010 Beginning Population	91	5,254	751	214	-	-	
July, 2010	-	45	-	2	-	-	47
August, 2010	-	45	-	2	-	-	47
September, 2010	-	45	-	2	-	-	47
October, 2010	-	45	-	2	-	-	47
November, 2010	-	45	-	2	-	-	47
December, 2010	-	45	-	2	-	-	47
January, 2011	-	45	-	2	-	-	47
February, 2011	2	45	-	-	-	-	47
March, 2011	2	45	-	-	-	-	47
April, 2011	2	45	-	-	-	-	47
May, 2011	2	45	-	-	-	-	47
June, 2011	2	45	-	-	-	-	47
June 30, 2011 Ending Population:	101	5,794	751	228	-	-	564
Projected Growth During FY 2010-11:	10	540	-	14	-	-	564
Total Capacity		5,243	580	228	62	948	

Female Bed Plan (growing at 2 offenders per month)

	Local Jails	Private Prisons	Community	State Beds	Growth
June 30, 2010 Beginning Population	42	271	42	-	
July, 2010	-	(3)	1	1	(2)
August, 2010	-	(2)	1	1	(2)
September, 2010	1	(2)	1	-	(1)
October, 2010	1	-	1	1	1
November, 2010	1	-	1	1	1
December, 2010	1	-	1	1	1
January, 2011	1	-	1	-	1
February, 2011	1	(1)	1	1	1
March, 2011	1	(1)	1	1	-
April, 2011	1	(1)	1	1	-
May, 2011	1	(1)	1	1	-
June, 2011	1	(2)	-	-	(1)
June 30, 2011 Ending Population:	52	258	43	-	(2)
Projected Growth During FY 2010-11:	10	(13)	1	-	(2)
Total Capacity		280	42		

Male Bed Days

	Local Jails	Private Prisons	CMRC	Community	CSP II	DRDC
July, 2010	2,821	146,832	23,281	6,665	-	-
August, 2010	2,821	148,227	23,281	6,727	-	-
September, 2010	2,730	144,795	22,530	6,570	ı	-
October, 2010	2,821	151,017	23,281	6,851	ı	-
November, 2010	2,730	147,495	22,530	6,690	1	-
December, 2010	2,821	153,807	23,281	6,975	ı	-
January, 2011	2,821	155,202	23,281	7,037	ı	-
February, 2011	2,576	141,442	21,028	6,384	ı	-
March, 2011	2,914	157,992	23,281	7,068	1	-
April, 2011	2,880	154,245	22,530	6,840	ı	-
May, 2011	3,038	160,782	23,281	7,068	ı	-
June, 2011	3,000	156,945	22,530	6,840	ı	-
						-
Total Bed Days	33,973	1,818,778	274,115	81,715	-	-

Female Bed Days

	Local Jails	Private Prisons	Community
July, 2010	1,302	8,432	1,302
August, 2010	1,302	8,494	1,302
September, 2010	1,275	8,265	1,260
October, 2010	1,349	8,572	1,302
November, 2010	1,335	8,325	1,260
December, 2010	1,411	8,634	1,302
January, 2011	1,442	8,665	1,302
February, 2011	1,330	7,854	1,176
March, 2011	1,504	8,727	1,302
April, 2011	1,485	8,475	1,260
May, 2011	1,566	8,789	1,302
June, 2011	1,545	8,535	1,260
Total Bed Days	16,844	101,765	15,330

FY 2010-11 Bed Days by Long Bill Line Item

	Male	Female	Total	Plus Jail Regressions	Total Bed Days	ADP
Local Jails	33,973	16,844	50,817	109,500	160,317	439
Private Prisons	1,818,778	101,765	1,920,542		1,920,542	5,262
CMRC-Cheyenne Mountain Re-Entry	274,115	0	274,115		274,115	751
Community Corrections Programs	81,715	15,330	97,045		97,045	266
State Bed Utilization	-	0	-		-	-

FY 2010-11 Funding Needs by Long Bill Item

	FY 2010-11 Daily Rate	Total Bed Days	General Fund	Cash Funds	Total Funds Needed
Local Jails	\$50.44	160,317	\$8,086,364		\$8,086,364
Private Prisons	\$52.69	1,920,542	\$98,834,652	\$2,358,707	\$101,193,359
Adjust for HB 09-1351 Year 2			(\$4,906,083)		(\$4,906,083)
Revised Private Prisons			\$93,928,569	\$2,358,707	\$96,287,276
CMRC-Cheyenne Mountain Re-Entry	\$52.69	274,115	\$14,443,119		\$14,443,119
Community Corrections Programs	\$43.68	97,045	\$4,238,926		\$4,238,926
State Bed Utilization	\$0.00	0	\$0		\$0

Total Need: \$123,055,685

FY 2010-11 Request by Long Bill Item

	FY 2010-11 Total Funds Needed	FY 2009-10 Appropriation	FY 2010-11 Bed Need Difference (Over)/Under	FY 2010-11 Request
Local Jails	\$8,086,364	\$8,427,112	(\$340,748)	\$8,086,364
Private Prisons		\$94,594,525		
Adj for 9/10 DI #10 Re-entry Annualization		(\$1,248)		
Private Prison Totals	\$96,287,276	\$94,593,277	\$1,693,999	\$96,287,276
CMRC-Pre-Release Parole Revocation	\$14,443,119	\$12,885,340	\$1,557,779	\$14,443,119
Community Corrections Programs	\$4,238,926	\$4,145,232	\$93,694	\$4,238,926
Total FY 2010-11 DI Request:	\$123,055,685	\$120,050,961	\$3,004,724	\$123,055,685