Criminal Justice Sub-Committee - Solutions for Overcrowding

Option	Description	Need	Type	Rate	FY 07 Financial Orders	FY08	FY09
5	Open all empty State Correctional Facilities	Charleston Option - 55 Beds - Financial Order 17 Limited Period Correctional Officers	Pers. Svcs.		$ 23,915	$ 1,133,921	$ 1,167,938
			All Other		14,308	189,837	195,532
			Capital		10,000		
					$ 48,223	**$ 1,323,758**	**$ 1,363,470**
				Annual Cost per CO-1			
17	Hire 18 Additional CO's 2 Pods	18 Step 1 Correctional Officers @ MSP	Pers. Svcs.	$ 49,776		$ 913,887	$ 932,165
			All Other	8,500		153,000	153,000
						$ 1,066,887	**$ 1,085,165**
				Avg. Daily Cost			
29	100+/- Inmates Boarded at County Jail Facilities	Two Bridges - 23 Males	Contractual	$85/Day	$ 112,635	$ 713,575	
		York - 45 Males	Contractual	$85/Day	$ 220,373	$ 1,396,125	
		Cumberland - 23 Females (through 11/01/07)	Contractual	$85/Day	$ 112,635	$ 242,420	
(41)	====================>	York - 44 Inmates - Use Existing MCC Staff - Voluntary	Contractual	$53/Day	$ 134,356	$ 851,180	
					$ 580,000	**$ 3,203,300**	
	MDOC Immediate Emergency Response - Female Option	Female Opt4 Transition & Reunification Program	40	$ 74.30		1,117,323	1,150,843
		Female Opt5 Group Homes/Half-Way Homes	20	$ 63.38		476,554	490,851
		Female Opt6 Expanded Apartment Units to use with SCCP	10	$ 15.12		56,844	58,549
						$ 1,650,721	**$ 1,700,243**
	Total All Immediate Response Options				**$ 628,223**	**$ 7,244,666**	**$ 4,148,878**

Change Package

Initiative #	Initiative	Proposal	2007	2008	2009
11	Provides additional funding for the increased costs associated with addressing the overcrowding issues in State facilities. These funds will not lapse at the end of the State fiscal year 2007; unexpended funds shall carry forward to use in state fiscal year 2008.		$ 1,268,739	$ 3,900,000	
10	Increases funding for 2008/2009 biennium for the cost of medical and other health and treatmetn costs of offenders in the Departments's custody.	**PROPOSED:** Use of Medical Services fund($1.5M) to fund Overcrowding Solutions		$ 1,000,000	$ 500,000
	Total Change Package		**$ 1,268,739**	**$ 4,900,000**	**$ 500,000**

	2007	2008	2009
Surplus/ Deficit from Change Package vs. Immediate Response Options	$ 640,516	$ (2,344,666)	$ (3,648,878)

Overcrowding Combined Options - Draft

Projected MDOC Adult Beds Space Deficit

FY	2007	2008	2009	2010
ProjADP	2,192	2,239	2,245	2,300
Capacity	1,946	1,946	1,946	1,946
Bed Deficit	(245)	(293)	(299)	(354)

Comparative Cost to Boarding Out of State to County Jail

Board All Out of State						
FY	**Beds**	**Per Diem**	**2007**	**2008**	**2009**	**2010**
PerDiemMed	250	$68.00	$68.00	$70.04	$72.14	$74.30
Transprt$			$0	$0	$74,000	$76,000
Year $			**$6,205,000**	**$6,391,150**	**$6,656,775**	**$6,855,875**
ADP Defic			**250**	**250**	**250**	**250**

County Jail Boarding						
FY	**Beds**	**Per Diem**	**2007**	**2008**	**2009**	**2010**
CJ Brd$	250	$88.00	$88.00	$90.64	$93.36	$96.16
FY$			**$8,030,000**	**$8,270,900**	**$8,519,027**	**$8,774,598**
Net # of Beds			**250**	**250**	**250**	**250**

Immediate Emergency Response

CCF Dorm, Board County Jail & Board Out of State						
FY	**Beds**	**Per Diem**	**2007**	**2008**	**2009**	**2010**
CCF Daily$	55	$64.02	$64.02	$65.94	$67.92	$69.96
FY$			$1,285,202	$1,323,758	$1,363,470	$1,404,374
CJ Brd$	50	$88.00	$88.00	$90.64	$93.36	$96.16
FY$			$1,606,000	$1,654,180	$1,703,805	$1,754,920
OOS Brd$	125	$68.00	$68.00	$70.04	$72.14	$74.30
ADP			125	125	125	179
Transport$			$0	$0	$36,000	$46,000
FY$			$3,102,500	$3,195,575	$3,327,388	$4,900,391
SCCP	25			25	25	25
Total Male			**$5,993,702**	**$6,173,513**	**$6,394,663**	**$8,059,684**
Net # of Beds			**230**	**255**	**255**	**309**
Female Option			**$1,602,642**	**$1,650,721**	**$1,700,243**	**$1,751,249**
Female # of Beds	**70**		**70**	**70**	**70**	**70**
Option 2 Incl. Female Option ($)			**$7,596,344**	**$7,824,234**	**$8,094,906**	**$9,810,933**
Total Beds Male & Female	**325**		**300**	**325**	**325**	**379**

Long Term Options

State Consolidation of County Jails						
FY			**2007**	**2008**	**2009**	**2010**
Savings					**$ 12,368,667**	**$ 14,317,401**
Bed Surplus					**+230 Beds**	**+131 Beds**
Estimated Cost Avoidance					**$ 6,944,063**	**$ 8,625,565**

Add Capacity to MSP						
FY			**2007**	**2008**	**2009**	**2010**
Added Capacity						256
Operational Costs						6,153,220
Capital Cost						38,000,000
Per Diem						$ 65.85
Total Added Capacity						**$44,153,220**

Overcrowding Combined Options - Draft

FY	2007	2008	2009	2010
ProjADP	2,192	2,239	2,245	2,300
Capacity	1,946	1,946	1,946	1,946
Bed Deficit	(245)	(293)	(299)	(354)

Female Options

FY	Beds	Cost / Day	2007	2008	2009	2010
Female Opt4 Transition & Reunification Program	40	$ 74.30	1,084,780	1,117,323	1,150,843	1,185,368
Female Opt5 Group Homes/Half-Way Homes	20	$ 63.38	462,674	476,554	490,851	505,576
Female Opt6 Expanded Apartment Units to use with SCCP	10	$ 15.12	55,188	56,844	58,549	60,305
Totals	**70**		**$1,602,642**	**$1,650,721**	**$1,700,243**	**$1,751,249**

Justice Reinvestment

Justice reinvestment is a data-driven strategy for policymakers to reduce spending on corrections, increase public safety, and improve conditions in the neighborhoods to which most people released from prison return.

STATE SPENDING ON CORRECTIONS HAS RISEN FASTER OVER 20 YEARS THAN SPENDING ON NEARLY ANY OTHER STATE BUDGET ITEM—INCREASING FROM $9 BILLION TO $41 BILLION A YEAR.[1]

Despite mounting expenditures, recidivism rates remain high and by some measures have actually risen. These failure rates are a key reason prison populations continue to swell nationally; the fastest growing category of admissions to prison are people already under some form of community-based supervision (many of whom were recently released from jail or prison). Any real effort to contain spending on corrections must have as its centerpiece a plan to manage the growth of the prison population.

ELECTED OFFICIALS CONCERNED ABOUT CRIME ROUTINELY REFER TO THE RECORD NUMBERS OF PEOPLE RETURNING TO THE COMMUNITY FROM PRISON OR JAIL: IN 2004 ALONE, MORE THAN 670,000 PEOPLE WERE RELEASED FROM PRISONS, AND AN ESTIMATED 9 MILLION WERE RELEASED FROM JAILS.[2]

Of those released from prison, half are returned within three years. Even more are rearrested.[3] To increase public safety, policymakers must improve the success rates for people released from prisons and jails.

IN EVERY STATE THERE ARE A HANDFUL OF "HIGH-STAKES" COMMUNITIES TO WHICH MOST PEOPLE RELEASED FROM PRISONS AND JAILS RETURN; THESE ARE ALSO THE COMMUNITIES WHERE TAXPAYER-FUNDED PROGRAMS ARE DISPROPORTIONATELY FOCUSED.

State and community agencies often provide costly uncoordinated services to the same neighborhoods, and to the same families, without successful outcomes. To improve results and accountability, policymakers must identify which distinct programs overlap in particular neighborhoods, integrate these efforts, and then employ place-based strategies to increase the capacity for receiving people returning from prison and for engaging individuals at risk of becoming involved in crime.

---

1. National Association of State Budget Officers, *State Expenditure Report 2004* (Washington, D.C.: National Association of State Budget Officers, 2005). This study provides an analysis of state spending, including corrections expenditures, for fiscal year 2003 and fiscal year 2004, and estimated data for fiscal year 2005. The state spending numbers for 1984 come from the National Association of State Budget Officers, *State Expenditure Report 1987* (Washington, D.C.: National Association of State Budget Officers, 1987). From 1991 to 2001, state spending on corrections grew faster than any other state budget item except Medicaid expenditures, according to the National Conference of State Legislatures, "State Spending in the 1990s," report available at http://www.ncsl.org/programs/fiscal/stspend90s.htm.

2. The number of people released from prisons has been steadily increasing—from about 600,000 in 2000 to more than 670,000 in 2004. See P. M. Harrison and A. J. Beck, *Prison and Jail Inmates at Midyear 2005*, U.S. Department of Justice, Bureau of Justice Statistics, NCJ213133 (Washington, D.C.: U.S. Government Printing Office, 2006). The jail numbers (2004) come from A. J. Beck, *"The Importance of Successful Reentry to Jail Population Growth,"* presented at the Jail Reentry Roundtable of the Urban Institute, Washington, D.C., June 27, 2006.

3. Two out of three people released from prison are rearrested within three years. See P. A. Langan and D. J. Levin, *Recidivism of Prisoners Released in 1994*, U.S. Department of Justice, Bureau of Justice Statistics, NCJ193427 (Washington, D.C.: U.S. Government Printing Office, 2002).

How Justice Reinvestment Works

1 Analyze the prison population and spending in the communities to which people in prison often return.

Justice reinvestment experts review prison admission data to determine what is driving increases in the population. They calculate the length of stay for various categories of people incarcerated, determine when and how people are released from prison, assess compliance rates for people under probation and parole supervision, and identify categories of people particularly likely to recidivate. Using mapping technology, these experts provide geographic analyses to pinpoint which neighborhoods receive people released from prison. These maps also highlight how spending on programs—Temporary Assistance to Needy Families (TANF), food stamps, child support, unemployment insurance, housing subsidies, Medicaid, and others—often converges on the same families and communities. These data highlight opportunities to manage the prison population growth, increase the integration of government programs and funding streams, and strengthen particular "high-stakes" neighborhoods.

2 Provide policymakers with options to generate savings and increase public safety.

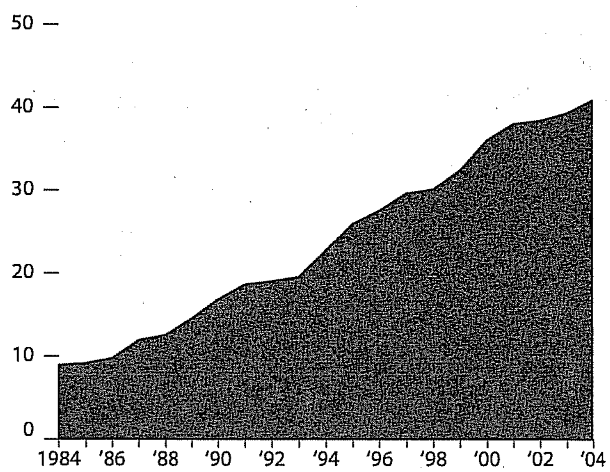
The justice reinvestment experts generate various options that recognize the uniqueness of each state's criminal justice system and tailor them to that jurisdiction, such as strategies to

- reduce parole and probation revocations,
- focus supervision resources where they can have the greatest impact, and
- hold offenders (and service providers) accountable for the successful completion of programs such as drug treatment and job training.

When implemented correctly, these and other options moderate the growth of a state's prison population and make programs more effective and efficient—results that help policymakers contain and cut spending. At the same time, using data to focus resources on those people most likely to re-offend makes communities safer.

"We've got a broken corrections system. Recidivism rates are too high and create too much of a financial burden on states without protecting public safety. My state and others are reinventing how we do business by employing justice reinvestment strategies that can put our taxpayers' dollars to better use." — U.S. Senator Sam Brownback (R-Kansas)

State Spending on Corrections by Year
BILLIONS OF DOLLARS



Data Source: National Association of State Budget Officers, *State Expenditures Report*, 1985–2004

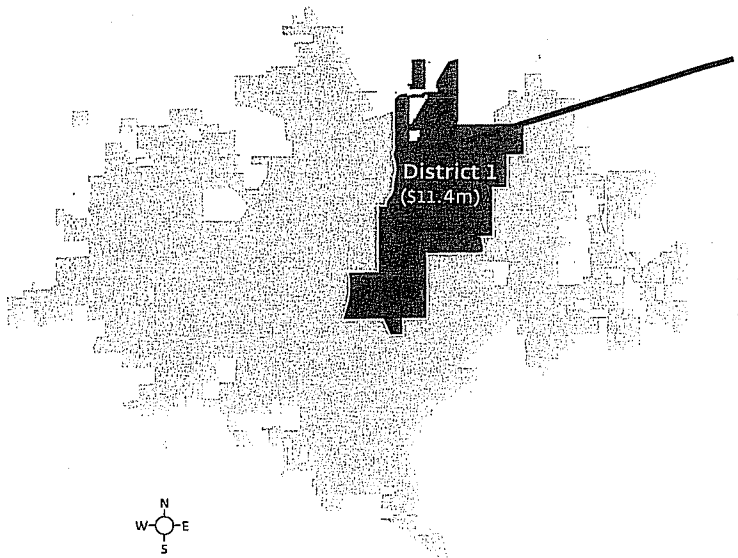
3 Quantify savings and reinvest in select high-stakes communities.

State and city leaders work with the justice reinvestment team to determine how much they will save, and avoid spending, by adopting some or all of the options identified by the experts. Policymakers and the team's experts develop plans for reinvesting a portion of these savings in new or enhanced initiatives in areas where the majority of people released from prisons and jails return. For example, officials can reinvest the savings and deploy *existing* resources in a high-stakes neighborhood to redevelop abandoned housing and better coordinate such services as substance abuse and mental health treatment, job training, and education. Unlike a prison reentry program, which residents may perceive negatively as prioritizing limited resources for people released from prison, these efforts are viewed generally as benefiting everyone in the community, regardless of their involvement in the criminal justice system.

4 Measure the impact and enhance accountability.

For each policy adopted, an appropriate state agency is charged with setting performance measures and projected outcomes, such as the amount of corrections costs saved or avoided, recidivism rates, and indicators of community capacity. Policymakers can use these measures to determine whether agencies are implementing the new policies effectively, assess how closely the actual impact of these new policies corresponds to projections, and make any necessary adjustments. The appropriate state agency is also charged with establishing systems that can span multiple agencies to collect and analyze data and provide periodic reports to policymakers. These integrated reports provide a comprehensive portrait of the effectiveness of state expenditures to increase public safety and build stronger neighborhoods.

Overlapping Spending in District 1, Wichita, Kansas



State spending on corrections for offenders from Wichita is approximately $28.9 million. Of that sum, 39 percent ($11.4 million) is spent on offenders who lived in a single district—Council District 1. In that same district, $8.7 million in additional taxpayer dollars is spent on food stamps, unemployment insurance, and Temporary Assistance to Families (TAF).

Data Sources: Kansas Department of Corrections, "Prison Admissions 01/01/04–12/30/04." Kansas Department of Labor, "Unemployment Insurance Recipients in December 2004." Kansas Department of Social and Rehabilitation Services, "Temporary Assistance to Families Recipients in December 2004" and "Food Stamp Recipients in December 2004."

Pursuing a Justice Reinvestment Strategy

The Council of State Governments Justice Center, with support from the U.S. Department of Justice's Bureau of Justice Assistance and private grant makers such as The Pew Charitable Trusts, the JEHT Foundation, and the Open Society Institute, is providing intensive technical assistance to a limited number of states that demonstrate a bipartisan interest in justice reinvestment.

Policymakers in **Connecticut**, facing an unprecedented budget deficit and a prison population growing faster than any other state, were presented with two options: release people from prison early or contract with other states for additional prison beds to relieve crowding. Instead they chose a third way—a justice reinvestment strategy. With nearly unanimous support in the legislature, the state enacted laws that streamlined the parole process for low-risk offenders, addressed the high rate of probation violations, and developed a comprehensive strategy to reduce recidivism. Almost $13 million of the nearly $30 million saved was reinvested in community-based pilot projects. Probation violations dropped from 400 in July 2003 to 200 in September 2005. The decrease in the prison population over a two-year period was steeper than that seen in almost any other state while the crime rate continued to drop.

In **Kansas**, violations of parole and probation accounted for 68 percent of state prison admissions in 2004; 50 percent of the violations were classified as drug/alcohol use or failure to report to supervision. The state, as part of a justice reinvestment strategy started in 2005, is making a concerted effort to cut these violations in half. If successful, the initiative could help policymakers avoid spending millions of dollars on new prison construction and operating costs. Geographical analyses illustrate that one-third of people completing their prison terms in Kansas return to a single county; within that county, people disproportionately return to one neighborhood. Using some of the anticipated savings, state and local officials are partnering to reinvest in the transformation of a neighborhood with numerous boarded-up houses, high crime rates, and a large number of prison admissions. The joint effort seeks to redevelop the neighborhood's housing stock, integrate and improve the delivery of services to support strong families, and expand employment opportunities for neighborhood residents (including those recently released from prison and jail).

"It's always been safer politically to build the next prison, rather than stop and see whether that's really the smartest thing to do. But we're at a point where I don't think we can afford to do that anymore. . . . We have to look for a better solution to the problem, and that isn't more new prisons." —Texas State Senator John Whitmire (D-Houston), Chairman of the Senate Criminal Justice Committee

Justice Center
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005

PROJECT CONTACT:
Crystal Garland
(646) 383-5744
cgarland@csg.org

MEDIA CONTACTS:
Martha Plotkin
(240) 482-8579
mplotkin@csg.org

Hope Glassberg
(646) 383-5737
hglassberg@csg.org

1. TDCJ. "Closing of a Millennium, Reviewing the Past Decade", Financial Services Division, 2000.

2. US Department of Justice, Bureau of Justice Statistics (BJS). Prisoners in 2005, November 2006. BJS counts in its report "sentenced prisoners under jurisdiction" and this count is higher than the population considered in Texas as the TDCJ population in prison, state jails or substance abuse treatment facilities. BJS counts prisoners in county jails on a bench warrant, prisoners in county jail awaiting transfer to prison, persons in parole intermediate sanction, pre-parole and halfway houses as offenders "under jurisdiction of the state". In Texas, state offenders in county jails are considered under the jurisdiction of jail authorities. Offenders in parole facilities are considered as parolees and not prisoners even if the offenders are housed in a parole intermediate sanction facility, pre-parole or halfway house facility operated by TDCJ. These facilities and their population are not part of the TDCJ institutional capacity that counts towards defining the statutory operational capacity of the prison system in Texas. The BJS "sentenced under jurisdiction" count for December 2005 was 159,255 compared to the TDCJ population count of 151,925.

3. Legislative Budget Board, Historical Statistical tables for TDCJ Population and Capacity.

4. LBB, "Adult and Juvenile Correctional Population Projections, FY 07–12." January 2007.

5. Ibid, endnotes 2 and 3.

6. Texas Department of Criminal Justice, "Fiscal Year 2007 Operating Budget and FY 08–09 Legislative Appropriations Request," August 18, 2007.

7. Ibid, endnote 2.

8. Texas Department of Public Safety, Crime in Texas, 2005.

9. Population figures from the US Census and convictions figures from the Texas Office of Court Administration.

10. This has been documented by the TDCJ, Community Justice Assistance Division (CJAD), in a recent report to the Governor and Legislature entitled "Monitoring of Community Supervision Diversion Funds," December 1, 2006.

11. Texas Department of Criminal Justice, Community Justice Assistance Division, Statistical Tables, December 2006.

12. Memorandum from Deanne Breckenridge, Texas Department of Criminal Justice, December 7, 2006.

13. Sunset Advisory Commission: Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee Staff Report, October 2006.

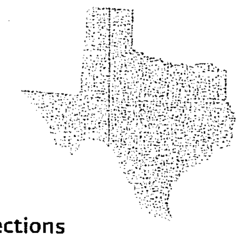
The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities. The board of directors for the center includes, as its vice chairperson, the Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals. Representative Jerry Madden, Chair of the Texas House Corrections Committee, also serves on this board. Dr. Tony Fabelo, working with designated agency and legislative staff in Texas, coordinates the project in Texas for the Justice Center.

Research and analysis described in this report has been funded by the Bureau of Justice Assistance, a division of the U.S. Department of Justice and The Pew Charitable Trusts. Through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems, Pew's project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

Justice Center
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005
www.justicecenter.csg.org

PROJECT CONTACT:
LaToya McBean
(646) 383-5721
lmcbean@csg.org

Recent and Projected Growth of the Texas Prison Population



I. Bipartisan Leadership to Increase Public Safety and to Manage State Spending on Corrections

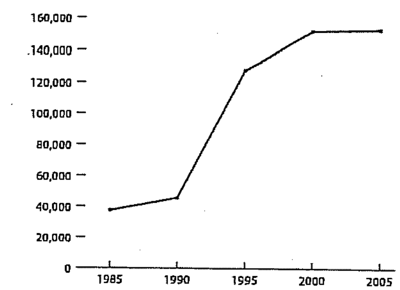
Under the leadership of three key lawmakers, policymakers in Texas are reviewing policies in the state to find ways to increase public safety and to manage corrections spending and growth in the prison population. In 2006, Senator John Whitmire (D, Chair, Criminal Justice Committee), Representative Jerry Madden (R, Chair, Corrections Committee), and Senator Kim Brimer (R, Chair, Sunset Advisory Commission) each convened hearings and commissioned reviews to improve their understanding of why the prison population continues to grow and what is contributing to high rates of failure among people released from prison to the community and people sentenced to probation.

This policy brief, prepared at the request of Senator Whitmire and Representative Madden, summarizes increases in the prison population (and corresponding increases in spending on the corrections system) over the past several years, reviews the most recent prison population projections for the state, and explains factors that have contributed to recent and projected growth of the prison population.

II. Texas Corrections System: Under Stress

Between 1983 and 1997, Texas expanded its prison capacity by over 108,000 prison beds, at a cost of \$2.3 billion.[1] According to the U.S. Department of Justice Bureau of Justice Statistics, in 2005, Texas had the second highest incarceration rate in the country: 691 per 100,000 population.[2]

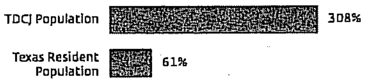
FIGURE 1: *Texas Department of Criminal Justice (TDCJ) Population, 1985, 1990, 1995, 2000 and 2005*



The Justice Center is providing intensive technical assistance to Texas and a limited number of other states that demonstrate a bipartisan interest in justice reinvestment—a data-driven strategy for policymakers to reduce spending on corrections, increase public safety, and improve conditions in the neighborhoods to which most people released from prison return.

The exponential growth in the state's prison population has significantly outpaced the increase in the state's resident population. From 1985 to 2005, the correctional population increased 308 percent (37,281 to 152,217), a rate that vastly exceeds the 61 percent growth rate of the resident population between 1980 and 2005.[3]

FIGURE 2: *Percentage Change in Texas Resident Population 1980–2005 and Percent Change in TDCJ Population 1985–2005*



Approximately one year ago, the state once again found itself with its prison beds full and the prison population continuing to grow. Accordingly, the Texas Department of Criminal Justice (TDCJ) contracted with county jails to house 2,000 people sentenced to prison, at a cost of $27.5 annually.

This most recent contract with the county jails, and the construction and use of private facilities in preceding years, has enabled, at least until recently, the TDCJ to operate under its maximum statutory capacity of 97.5 percent. As of December 2006 the TDCJ population was 152,671, which exceeds its statutory operational capacity of 150,834, in addition to the contracted capacity with counties of almost 2,000 beds.

III. Official State Projection: Prison Population Will Continue to Grow

The most recent prison population projection for the state, which the Legislative Budget Board (LBB) generated in January, 2007, reflects that if existing policies remain unchanged, the state's prison population will continue to grow: 14,317 prisoners will be added to the system by 2012, an increase of 9.3 percent.[4]

By fiscal year 2009, the annual cost to operate the prison system in Texas will be $2.8 billion. This represents a 257 percent increase in the TDCJ operational budget since 1990 and a 26 percent increase since 1999.[5]

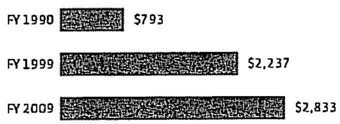
FIGURE 3: *Legislative Budget Board Projections of Total Incarcerated Population in TDCJ FY 06-12*

FY	Population	Capacity at 97.5%*	Number of Prisoners Above Capacity
2007	153,849	150,834	3,015
2008	157,029	150,834	6,195
2009	159,492	150,834	8,658
2010	162,298	150,834	11,464
2011	164,592	150,834	13,758
2012	168,166	150,834	17,332

* Statutory operational capacity

FIGURE 4: *Operating Budget of Texas Department of Criminal Justice, FY 90, FY99 and Requested FY 09*

IN MILLIONS OF DOLLARS



TDCJ's overall annual operating budget for the most recent fiscal year is over $2.5 billion. For the upcoming 2008-2009 biennium, TDCJ has requested an additional $899 million (additional operational funds plus the new construction dollars).[6] The budget request includes new funding for the following expansions to the state system's capacity:

- $440.6 million for three prison units totaling 5,080 beds
- $173.9 million for 7,328 beds in temporary contracted facilities
- $284.8 million for additional operations and carry over construction projects.[7]

The above requests may soon need to be revisited, however, because they were based upon the prison population projection that the LBB conducted in June, 2006 for 2007 through 2011. That June, 2006 projection showed a bed shortfall by 2011 that is 2,602 beds lower than the most recent projection conducted in January, 2007.

TDCJ's budget request also includes increased funding to expand treatment and probation alternative sanction facilities. This request attempts to address the backlog that has accumulated since 2003 among people in prison or on probation who need community-based substance abuse and/or mental health treatment to comply with conditions of release.

IV. Factors Driving the Increase in the Prison Population

Population Growth and Higher Conviction Rates

The state's resident population has increased, but, as explained earlier, this growth nowhere near matches the growth in the prison population. No portion of the increase in the Texas prison population can be attributed to an increase in crime: according to the most recent figures available, the crime rate in Texas declined by 1.9 percent between 2000 and 2005.[8] Coinciding with this drop in crime was a 29 percent increase in the number of felony convictions in the state. That these two trends occurred at the same time is puzzling. No data exists that fully explains the increase in felony convictions, although one reason could be a judicial system that has become more efficient in processing criminal cases.[9]

Increased probation revocations

Probation revocations to prison have become a significant factor driving the prison population growth. Between 1997 and 2006 the number of probation revocations to prison increased 18 percent, while the total number of felons under community supervision decreased three percent. There were 24,609 probation revocations to prison in 2004, the year with the highest number of revocations during the five-year period. This number decreased to 23,202 in 2006, in part due to the impact of new funding that the Texas legislature appropriated to the probation system in 2005.[10]

Despite the recent reduction in probation revocations, there still were 12,440 probationers revoked to prison in 2006 for reasons other than a subsequent arrest and/or conviction ("technical violations").[11]

Lack of treatment services and alternative sanctions

The growth in the prison population has coincided with reductions in funding for community-based substance abuse and mental health services. Waiting lists for people in prison or sentenced to probation who need drug treatment have lengthened considerably.

As of December 2006, the Transitional Treatment Centers (TTCs are used to reintegrate offenders in the community after in-prison substance abuse treatment) were short 500 beds to support the Substance Abuse Felony Punishment (SAFP) program. In addition, there were 823 offenders in county jails awaiting treatment space in an SAFP facility, and another 174 were in prison awaiting in-prison therapeutic treatment (a list potentially shorter than demand since the parole board is no longer referring offenders to this program due to the waiting list). Further, 1,206 therapeutic treatment beds in State Jails were previously eliminated, placing even more pressure on the system.[12]

Low parole grant rates

The parole grant rate is especially low—lower than the rates suggested by the Parole Guidelines—and that contributes to the increase in the prison population. For example, had the parole board adhered to its minimum approval rates for offenders with scores of 6 or 7, an additional 2,252 offenders would have been released from prison in 2005.[13]

Projections by the Legislative Budget Board show that Texas will be short **more than 17,000 beds by 2012** unless changes in policies are adopted.

1. The base of knowledge cited in this document is drawn from previous research conducted in the 1990s by the Criminal Justice Policy Council (CJPC). CJPC was the primary research agency for the state. Although CJPC is no longer operational, the agency's research supporting the diversionary impact calculation continues to be the best available research in this area. See March 1995, "Treatment Alternatives to Incarceration Program, An Analysis of Retention in Treatment and Outcome Evaluation;" April 1998, "Implementation of the TDCJ Rehabilitation Tier Treatment Program: Progress Report;" March 1999, "Three Year Recidivism Tracking of Offenders Participating in Substance Abuse Treatment Programs;" February 2001, "Evaluation of the Performance of the Texas Department of Criminal Justice Rehabilitation Tier Programs;" February 2001, "The Substance Abuse Felony Punishment Program: Evaluation and Recommendations;" May 2002, "Trends, Profile and Policy Issues Related to Felony Probation Revocations in Texas;" March 2002, "Report to Senate Criminal Justice Interim Committee: Recidivism Rates and Issues Related to TDCJ Substance Abuse Treatment Programs;" February 2003, "The Second Biennial Report on the Performance of the Texas Department of Criminal Justice Rehabilitation Tier Programs." The aforementioned reports can be found on the LBB website under their Public Safety and Criminal Justice publications (www.lbb.state.tx.us).

2. The Council of State Governments Justice Center, Texas Justice Reinvestment Scenarios, January 2007.

3. ISFs are used extensively for parole and have a significant impact on diverting violators from prison. For example, in FY 2005, the parole board in Texas reviewed 30,868 violation allegations for administrative decisions. Of those allegations, 34 percent resulted in a revocation of parole to prison. However, 33 percent of the cases were recommended for an ISF in lieu of a prison revocation, which represented 10,043 diversions from prison. See Texas Board of Pardons and Paroles, Annual Report, FY 2005.

4. The present probation ISF capacity is 439 to sanction over 239,000 felons on probation supervision (1 bed per 544 probationers). Compared to parole, probation is short of ISF capacity. In FY 2006 there were 12,440 technical probation revocations to prison that could have benefited from this alternative sanction.

5. The number of probationers with substance abuse problems requiring residential treatment far exceeds current resources. Of the 187,054 offenders on probation with an alcohol and/or substance abuse addiction, only 9 percent received residential substance abuse treatment and 19 percent received outpatient treatment. See Sunset Advisory Commission: Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee Staff Report, October 2006, page 13.

6. Currently, DWI offenders in prison receive little treatment and the parole board is reluctant to release these offenders without treatment.

7. The present number of halfway house beds is inadequate to address the growing need for them, which consequently led to a current backlog of 600 offenders who cannot be released from prison without a suitable residence plan.

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities. The board of directors for the center includes, as its vice chairperson, the Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals. Representative Jerry Madden, Chair of the Texas House Corrections Committee, also serves on this board. Dr. Tony Fabelo, working with designated agency and legislative staff in Texas, coordinates the project in Texas for the Justice Center.

Research and analysis described in this report has been funded by the Bureau of Justice Assistance, a division of the U.S. Department of Justice and The Pew Charitable Trusts. Through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems, Pew's project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

Justice Center
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005
www.justicecenter.csg.org

PROJECT CONTACT:
LaToya McBean
(646) 383-5721
lmcbean@csg.org

Policy Options to Increase Public Safety and to Manage the Growth of the Prison Population

Under the leadership of three key lawmakers, policymakers in Texas are reviewing policies in the state to find ways to increase public safety and to manage corrections spending and growth in the prison population. In 2006, Senator John Whitmire (D, Chair, Criminal Justice Committee), Representative Jerry Madden (R, Chair, Corrections Committee), and Senator Kim Brimer (R, Chair, Sunset Advisory Commission) each convened hearings and commissioned reviews to improve their understanding of why the prison population continues to grow and what is contributing to high rates of failure among people released from prison to the community and people sentenced to probation.

This policy brief, prepared at the request of Senator Whitmire and Representative Madden and with assistance of staff from the Legislative Budget Board, provides policy options for policymakers interested in increasing public safety and averting the current growth projected for the state's prison population. These options include descriptions of the impact that each policy would have on the prison population.

The projections provided in this policy brief, drawing on previous research conducted, assume that these treatment facilities will receive some people who would not have otherwise been incarcerated, and therefore contribute to some "net-widening." In addition, these projections assume that a significant number of people participating in these programs will fail and return to prison.[1] Funded at an appropriate level and administered effectively, however, these programs could engage in minimal net-widening and have low recidivism rates. Even taking into account net-widening and recidivism rates, however, enacting the options below, as the chart reflects, would divert a significant number of people from prison to community-based sanctions/treatment programs.

The Justice Center is providing intensive technical assistance to Texas and a limited number of other states that demonstrate a bipartisan interest in justice reinvestment—a data-driven strategy for policymakers to reduce spending on corrections, increase public safety, and improve conditions in the neighborhoods to which most people released from prison return.

Policy Options	Description	Proposed Number of Beds	Turnover Per Year	Placements	Anticipated Net Widening	Placements Taking into Account Projected Net Widening	Projected Returns to Prison	Net Diversions	Other Impacts
Intermediate Sanction Facilities (ISF), Parole/ Probation	ISFs are secure facilities that serve as detention centers for offenders violating supervision conditions ("technical violations"). These facilities are used to sanction offenders in lieu of a revocation to prison. The average length of stay in a parole ISF is approximately 60 days.[3] The present capacity of ISFs is 1,793 beds for parole and 439 beds for probation.[4]	2,332	6	13,992	3,498 (25%)	10,494	4,250 (40.5% Four Year Rate)	6,244	N/A
Probation Residential Treatment	Residential treatment beds provide substance abuse treatment, counseling, and rehabilitation services. Programs range in length from 3 to 12 months. The present capacity of PRT facilities is 2,123 beds (1 bed per 88 probationer with substance problems).[5]	1,600	2	3,200	800 (25%)	2,400	955 (39.8% Four Year Rate)	1,445	N/A
In-Prison Therapeutic Community (IPTC)	The IPTC program provides intensive substance abuse treatment services to offenders in prison and post release. The 6 month in-prison phase is followed by 3 months in a Transitional Treatment Center (known as TTCs, a residential facility in the community), and 3 to 9 months of outpatient counseling. The present IPTC capacity is 537 beds with 174 inmates on a waiting list for the program as of December 2006.	200	2	400	N/A	N/A	48 (12% Four Year Rate)	48	200 additional yearly releases by shortening prison stay by six months
Substance Abuse Felony Punishment (SAFP)	The SAFP program provides intensive substance abuse treatment services to offenders on probation who are violating supervision due to substance abuse problems. The program involves treatment in a secure facility for 6 months, followed by 3 months in a TTC, and 3 to 9 months of outpatient counseling. The present SAFP capacity is 3,250 beds with a waiting list of 823 offenders as of December 2006.	500	2	1,000	300 (30%)	700	336 (48% Four Year Rate)	364	Length of stay impact: 6 months in SAFP facility vs. 3 years in prison
DWI Prison Treatment	A DWI facility would enhance parole prospects for offenders completing a DWI treatment program. The DWI treatment is expected to be a 6 month treatment program.[6]	500	2	1,000	N/A	N/A	Four Year Rate Not Available	N/A	Elimination of treatment backlog: 160 yearly releases by shortening length of stay by 2 months
Parole Halfway Houses	Halfway houses are utilized for offenders approved for parole or mandatory release contingent upon a suitable residence plan. Presently, there are 1,159 halfway house beds under contract through the Texas Department of Criminal Justice (TDCJ). The average length of stay in a halfway house is approximately 90 days.[7]	150	3	600	N/A	N/A	Four Year Rate Not Available	N/A	600 additional prison releases due to elimination of backlog

Projected Fiscal Impact

$65.1 million

net savings for the five-year period of 2008–2012

EXPLANATION: For the 2008–2009 fiscal year, the LBB projects no savings in General Revenue because of the $78.9 million cost associated with increasing the number of treatment-oriented beds and services. For the three-year period of 2010–2012, however, the total projected savings is of $144.1 million as the prison population is reduced from the projected baseline level. This results in a five-year net savings of $65.1 million. This does not include avoided construction cost of $377.7 for the construction of new prisons as was proposed by TDCJ as an "exceptional item" to the state appropriations bill.

FIGURE 4: *General Revenue Related Funds, Five-Year Fiscal Impact of Scenario Two ("Increase Availability of Substance Abuse and Mental Health Treatment-Oriented Facilities and Services")*

FY	Probable Net Positive/(Negative) Impact to General Revenue Funds
2008	($58,899,220)
2009	($20,074,299)
Subtotal 2008–09	($78,973,519)
2010	$19,672,192
2011	$46,755,795
2012	$77,679,739
Subtotal 2010–12	$144,107,726
Total Net Savings 2008–12	$65,134,207

1. Projections by the Legislative Budget Board, January 2007 as discussed in the Council of State Governments Justice Center bulletin entitled "Recent and Projected Growth of the Texas Prison Population," January 2007.

2. Memorandum from John O'Brian, Director of the LBB to Senator John Whitmire, January 23, 2006.

3. The Sunset Advisory Commission is a 12-member body of legislators and public members appointed by the Lieutenant Governor and the Speaker of the House of Representatives to provide the legislature with assessments of an agency's programs. The Commission convened a review of the Texas Department of Criminal Justice in 2006. In October 2006, the Commission published its staff report entitled "Sunset Advisory Commission: Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee Staff Report."

4. Sunset Advisory Commission: Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee Staff Report, October 2006, page 13.

5. *For a complete analysis*, see The Council of State Governments Justice Center, "Policy Options to Increase Public Safety and to Manage the Growth of the Texas Prison Population," January 2007.

6. Ibid, Sunset Advisory Commission Staff Report, page 11.

7. Ibid, page 13.

8. Council of State Governments Justice Center, "Policy Options to Increase Public Safety and to Manage the Growth of the Texas Prison Population," January 2007.

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities. The board of directors for the center includes, as its vice chairperson, the Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals. Representative Jerry Madden, Chair of the Texas House Corrections Committee, also serves on this board. Dr. Tony Fabelo, working with designated agency and legislative staff in Texas, coordinates the project in Texas for the Justice Center.

Research and analysis described in this report has been funded by the Bureau of Justice Assistance, a division of the U.S. Department of Justice and The Pew Charitable Trusts. Through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems, Pew's project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

Justice Center
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005
www.justicecenter.csg.org

PROJECT CONTACT:
LaToya McBean
(646) 383-5721
lmcbean@csg.org

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

Texas Justice Reinvestment Scenarios

Under the leadership of three key lawmakers, policymakers in Texas are reviewing policies in the state to find ways to increase public safety and to manage corrections spending and growth in the prison population. In 2006, Senator John Whitmire (D, Chair, Criminal Justice Committee), Representative Jerry Madden (R, Chair, Corrections Committee), and Senator Kim Brimer (R, Chair, Sunset Advisory Commission) each convened hearings and commissioned reviews to improve their understanding of why the prison population continues to grow and what is contributing to high rates of failure among people released from prison to the community and people sentenced to probation.

This policy brief, prepared at the direction of Senator Whitmire and Representative Madden, reviews aspects of two possible justice reinvestment scenarios in which policymakers enact policies to address the projected shortfall of over 17,000 prison beds in Texas by 2012.[1] In the first scenario, policymakers increase tools available to the Parole Board to enhance the use of parole guidelines in the state. In the second scenario, policymakers increase the capacity of treatment-oriented facilities and the availability of substance abuse and mental health services. Although the scenarios each include distinct strategies, there is also some overlap between the two, so the scenarios cannot be combined simply to double the impact on prison beds or on corrections spending.

The fiscal impact projected for each scenario is based upon assumptions regarding cost, timing, and diversion that have been used in prior research. Both these assumptions and the projections described in this brief were developed with the help and approval of Legislative Budget Board staff. Savings were calculated by comparing the cost of each scenario with the status quo (i.e., the budget presented by TDCJ in the General Appropriations Bill, As Introduced, Eightieth Legislative Regular Session, 2007.)[2]

The Justice Center is providing intensive technical assistance to Texas and a limited number of other states that demonstrate a bipartisan interest in justice reinvestment—a data-driven strategy for policymakers to reduce spending on corrections, increase public safety, and improve conditions in the neighborhoods to which most people released from prison return.

SCENARIO ONE:

Increase Tools Available to Parole Board to Enhance Use of Parole

Overview

1. **Make available the following resources to the Parole Board:**
   - An additional 1,000 bed unit, with 500 beds dedicated to DWI treatment and 500 beds dedicated to in-prison therapeutic substance abuse treatment (operational September 1, 2008)
   - 150 additional parole halfway house beds (operational January 1, 2008).
2. **Maintain the prison population at its current levels by increasing the overall parole release from an average of 26% in FY 2006 to 29% in 2012 and by increasing the Discretionary Mandatory Supervision Release (DMS) from an average of 52% in FY 2006 to an average of 57% in FY 2012.**

EXPLANATION: The Sunset Advisory Commission found that the Texas Board of Pardons and Paroles has not adhered in recent years to its parole guidelines, which are based on risk factors and crime severity.[3] Had the Parole Board followed its guidelines, there would have been considerably less growth in the prison population over the past five years. In 2005 alone, an additional 2,252 non-violent offenders would have been released.[4]

To help the Parole Board work within its guidelines, policymakers must ensure that people with substance abuse problems and mental illness who are incarcerated receive the treatment they need. Furthermore, policymakers should reduce the number of people who have been cleared for parole release, but remain incarcerated because appropriate community-based housing and treatment services are not available.

Projected Impact on Prison Population

151,817
compared to 168,166 under the baseline projection

EXPLANATION: Under this scenario, there would be an average 1,705 additional parole releases for each year of the projection. In addition, there would be an average of 1,567 DMS releases for each year of the projection. As a result, in 2012, TDCJ would be operating at capacity—without a shortage of beds.

These releases are primarily nonviolent offenders, and they are only those offenders whose score reflects low severity of crime and low risk to public safety, according to the Parole Board's guidelines.

Projected Fiscal Impact

$99.8 million
for the 2008–09 biennium

$543 million
for the five-year period of 2008–2012

EXPLANATION: These projections do not include $377.7 million in savings that would be associated with avoided construction costs, which were included in TDCJ's proposed budget (as an "exceptional item" in the introduced bill).

FIGURE 1: *General Revenue Related Funds, Five-Year Fiscal Impact of Scenario One ("Increase Tools Available to Parole Board to Enhance Use of Parole")*

FY	Probable Net Positive Impact to General Revenue Funds
2008	$34,677,271
2009	$65,197,659
Subtotal 2008–09	$99,874,930
2010	$109,203,535
2011	$143,714,570
2012	$190,268,872
Total 2008–12	$543,061,907

SCENARIO TWO:

Increase Availability of Substance Abuse and Mental Health Treatment-Oriented Facilities and Services

Overview

Provide funding to increase the capacity of the following facilities and services: Intermediate Sanction Facilities (ISF) for probation and parole, Probation Residential Treatment (PRT) facilities, In-Prison Therapeutic Community (IPTC), Substance Abuse Felony Punishment (SAFP), DWI treatment beds and halfway houses.[5]

EXPLANATION: The Sunset Advisory Commission and other legislative reviews found a significant shortage of programs for people in prison and people who have violated conditions of release. According to the Sunset Advisory Commission's report, 59% of prisoners (about 90,000) are chemically dependent, but only 5% of potential program participants are admitted to substance abuse programs each year. Less than 10% of the $2.5 billion budget for the Texas Department of Criminal Justice "supported offender treatment programs."[6]

Of the 187,054 offenders on probation whose alcohol and/or substance abuse played a role in their crime, only 9% received residential substance abuse treatment and 19% received outpatient treatment.[7]

FIGURE 2: *Proposed Increases to Substance Abuse and Mental Health Treatment-Oriented Facilities and Services*

Proposed Increases to Capacity	Timetable
2,400 beds in ISF facilities, state operated; available for probation and parole	1,200 in Sept.1, 2008 1,200 in Sept.1, 2009
1,600 beds in Probation Residential Treatment (PRT) facilities	800 in Sept. 1, 2009 800 in Sept. 1, 2010
200 IPTC beds	Jan. 1, 2008 with 100 TTC beds support
500 SAFP beds	Jan. 1, 2008 with 250 TTC beds support
500 DWI treatment beds	Sept. 1, 2009
150 halfway houses	Jan. 1, 2008
Transfer to TDCJ of TYC San Saba and Marlin Units*	600 beds each for total of 1,200 beds by Sept.1 2008

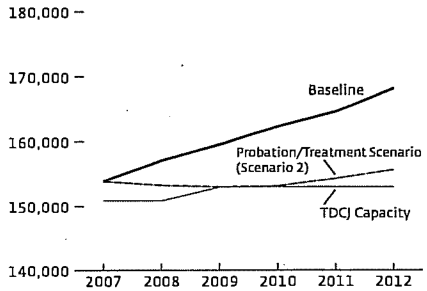
*This scenario also assumes the transfer of two Texas Youth Commission (TYC) facilities to TDCJ, which is already being considered by state leaders for reasons other than those described in the brief. These facilities were previously adult units that had been converted to juvenile facilities.

Projected Impact on Prison Population

155,616
compared to 168,166 under the baseline projection

EXPLANATION: The LBB analyzed three possible diversion scenarios for this option. The different scenarios assumed that the increases in treatment-oriented facilities would divert from prison 100%, 75% or 50% of the offenders. Prior research has shown that about 75% diversion can be the expected baseline, and this is assumption used here.[8] The increase in beds and services described in this scenario would translate into 16 percent fewer prison admissions in 2012 than the baseline projection reflects.

FIGURE 3: *Projected Prison Population Impact of Scenario 2/75% Diversion ("Increase Availability of Substance Abuse and Mental Health Treatment-Oriented Facilities and Services")*



Report identifies prison problems

Study: Create more treatment programs.

By Mike Ward
AMERICAN-STATESMAN STAFF
January 31, 2007

The state's criminal justice system came under intense criticism Tuesday as legislative leaders made clear that business as usual — building prisons every few years — will no longer be a solution to an increasing shortage of cells and operating problems.

A new study and testimony at the Capitol on Tuesday appeared to portray the system as seriously ailing. Lawmakers heard about crime-ridden neighborhoods whose residents are filling prisons at disproportional rates, a mushrooming prison population and growing prison costs.

"We are working to change the course of Texas," said House Corrections Committee Chairman Jerry Madden, R-Plano.

Senate Criminal Justice Committee Chairman John Whitmire, D-Houston, echoed him. "If we don't change the course now, we will be building prisons forever and ever — prisons we can't afford," he said.

In a historic joint hearing of the Senate and House panels, committee members expressed frustration with the prison and parole systems over an assortment of operational issues that they insist have backlogged thousands of convicts in prison cells long after they have been approved for parole.

The growing consensus: Fund more rehabilitation and treatment programs to cut recidivism rates and keep more low-risk convicts from filling expensive maximum-security beds.

Tuesday's meeting seemed to mark a significant shift in legislative support for rehabilitation and treatment programs, perhaps the greatest in two decades.

In 1991, lawmakers approved 12,000 drug-treatment beds as part of an initiative by then-Gov. Ann Richards, but most of the beds were never funded or built.

A study undertaken by the Council of State Governments' Justice Center that was made public Tuesday found that if Texas were to expand treatment and rehabilitation programs, it could avoid building any expensive maximum-security prisons.

Although the 6,550 new treatment and rehabilitation beds would cost an estimated $78 million in 2008 and 2009, the study says, putting inmates in less expensive facilities and avoiding costly prison construction would save taxpayers more than $543 million by 2012.

Even if lawmakers should decide to build prisons, officials and statistics suggested at the hearing that the state might not be able to hire enough guards to staff them.

Brad Livingston, executive director of the Texas Department of Criminal Justice, acknowledged that the system is currently 3,200 guards short and that some prisons are operating at only 62 percent of proper staffing.

But the report highlighted much deeper problems in the state's current corrections policies.

Texas had 6,910 empty prison beds in December 2001, but they were filled within a year. And the 13,083 beds that have been added since 1997 have been insufficient for the fastest-growing prison system in the United States, said Tony Fabelo, a former Texas criminal justice statistician who oversaw the study.

While the state's crime rate dropped 19 percent from 1980 to 2005, the incarceration rate ballooned 206 percent even though its population grew only 61 percent. That was higher than California, Florida and New York, the next-largest prison systems, the report showed.

The study also said several "high-stakes communities" in Houston and other cities are disproportionately filling Texas prisons.

Ten of 88 neighborhoods in Houston account for almost $100 million in prison costs annually, the study said.

Those neighborhoods have low-rated or poor-performing schools, high dropout rates, poverty levels of 40 percent of more, and high numbers of parolees and probationers living there, Fabelo said.

To successfully redirect the corrections system, the study recommends that treatment and rehabilitation programs for both probationers and felons be greatly expanded, that parole rates be increased by following to follow mandated approval guidelines for nonviolent offenders and that thousands of prisoners already approved for parole be let out.

At least 1,900 people are filling prison cells because treatment programs are unavailable, Whitmire said. Expedite the development of additional programs now, he bluntly ordered Livingston. "Make it happen."

Reps. Pat Haggerty, R-El Paso, and Jim McReynolds, D-Lufkin, asked why more programs cannot be developed more quickly to alleviate growing waiting lists.

McReynolds cited one case in which a convict was No. 131 on a waiting list a year ago. He is now 207. He suggested legislation that would require prison officials to release a convict 90 days after his parole is approved as a way to get new programs in place.

"This whole thing doesn't make any sense," he said. " We need to cut to the chase and get there."

mward@statesman.com

Criminal Justice Trends from 1980 To 2005

State	Incarceration rate	Population increase	Crime rate
Texas	+206 percent	61 percent	-19 percent
California	+188 percent	50 percent	-40 percent
Florida	+106 percent	82 percent	-31 percent
New York	+74 percent	10 percent	-54 percent

Note: Incarceration rates are per 100,000 residents.

Source: Council of State Governments, Justice Center.

Lawmakers Locking in Prison Policy Change

By Mike Ward
American-Statesmen Staff
February 9, 2007

Don't expect lots of bills; they aim to boost rehab by shifting cash

Billed as the biggest shift in Texas corrections policy in years, proposals to greatly expand rehabilitation and treatment for convicts have made headlines for months as legislative leaders grapple for a way to avoid building expensive new prisons.

A month into the legislative session, the massive bills have yet tobe filed. And they probably won't be, say lawmakers pushing the changes.

"Most of the changes we want are already allowed in current law," said House Corrections Committee Chairman Jerry Madden, a Plano Republican. "We're going to do most of (the changes) this time through Appropriations."

For the first time in decades, a change in the way Texas deals with its nonviolent lawbreakers could soon come about, not as a result of inches-thick legislation or boisterous public policy hearings, but in quiet, behind-the-scenes budget discussions.

Reform by decimal point, some lawmakers are calling it.

Madden and his Senate counterpart, Criminal Justice Committee Chairman John Whitmire, D -Houston, said a few bills might soon emerge that will address such topics as expanded drug cort procedures, progressive punishment levels and parole rules.

But the more substantive changes will be made when Appropriations Committee members start to allocate state dollars.

In recent days, the focus of legislative attention on the changes, has shifted from the House and Senate committees that oversee corrections policy to the Senate Finance Committee and House Appropriations Committee, where the budget decisions are made. Senate and House leaders agree that the attention mostly will stay there throughout the legislative session that ends in May.

Whitmire said, "We need to change the way we're operating our criminal justice system. - - You don't need to write a lot of new laws to fix that."

In their blueprint for change, Whitmire and Madden want to expand: -

- In-prison therapeutic drug programs by 1,500 beds.
- Transitional treatment centers by 1,400.
- Parole counseling by 1,800.
- Specialized drug treatment programs by 1,000.

• Halfway houses by 900.

All are existing programs, all allowed by current law. The total cost wifi be $149.5 million.

On Wednesday, prison officials confirmed plans to double the amount of faith-based rehabilitation programs in the prison system in coming months.

It's the latest of several signals that a prison system once known for its tough-on-criminals reputation chain gangs, no air conditioning, solitary confinement, scant programs — was beginning to soften to embrace therapy and counseling, job training, addiction treatment, even after- care programs to help convicts adjust to civilian life.

Even Gov. Rick Perry, who two years ago vetoed probation changes that were designed to accomplish much of what the current changes will do, seemed open to the policy shift. In his State of the State speech to the Legislature on Tuesday, Perry, sounding much kinder and gentler-than before, suggested a new "approach to crime that is both tough and smart."

Perry proposed spending $1258 million for two new medium-security lockups to add 1,000 beds and converting a Texas Youth Commission lockup to a prison for adults to add 600 more. Whitmire and Madden earlier proposed much the same, using all those beds for treatment programs.

Perry also proposed $14 million in additional spending for rehabilitation and parole placement programs — which help ex-cons get jobs and housing — for as many as 5,000 prisoners in the next two years. Ditto from Madden and Whitmire, essentially.

Whitmire, who spearheaded an overhaul of Texas' criminal code in 1993 and has chaired the Criminal Justice Committee for a decade, says that the changes are not about overhauling the system as much as fine-tuning it.

"It's about how we spend our money, where we spend our money," he said. "We can't continue building new prisons and expect to ever solve the problems we're facing.

"This is about spending our' money more wisely."

mward@statesman.com

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

Tough and Smart:
Opportunities for Kansas Policymakers to Reduce Crime and Spending

Prison population is growing.

- The prison population is projected to increase 26 percent over the next ten years.[1]
- Unless policymakers act, the projected prison population will cost the state over $500 million in additional spending over the next ten years.[2]

People on supervision are failing at high rates.

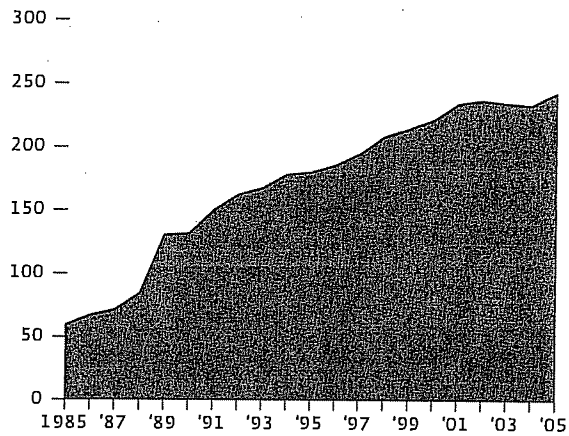
- 65 percent of admissions to prison are people who violated the conditions of their probation or parole.[3]
- Over the past two years, probation revocations increased 17 percent while parole revocations decreased 26 percent.[4]

Prisoners are being released without completing programs to reduce their risk.

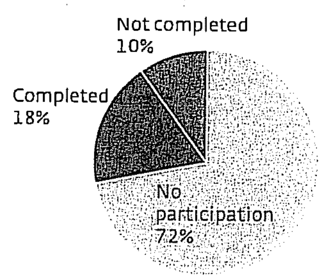
- 72 percent of prisoners needing vocational education do not participate in programs prior to release.[5]
- Half of prisoners in need of substance abuse treatment do not participate in treatment prior to release.[6]

Over the past 20 years, state spending on corrections increased from $60 million to $243 million.

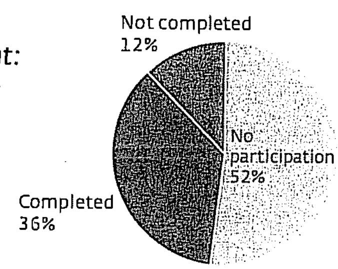
KANSAS DEPARTMENT OF CORRECTIONS EXPENDITURES
(FISCAL YEARS 1985 – 2005, IN MILLIONS)



Offenders in need of vocational education: Program participation & completion prior to release



Offenders in need of substance abuse treatment: Program participation & completion prior to release



---

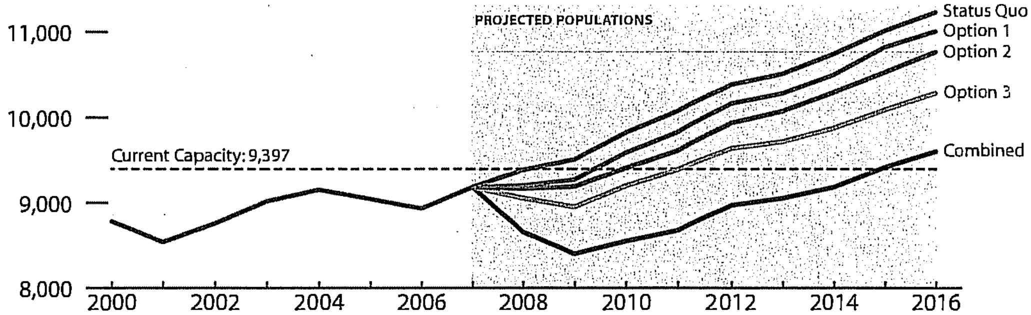
1. Kansas Sentencing Commission, *Fiscal Year 2007 Adult Inmate Prison Population Projections*, August 2006.
2. Cost based on Kansas Department of Corrections expansion options and inflation-adjusted estimate of operating costs.
3. Kansas Sentencing Commission, *Fiscal Year 2007 Adult Inmate Prison Population Projections*, August 2006, pg. 35.
4. Ibid.
5. Department of Corrections Analysis, October 2006.
6. Ibid.

Council of State Governments
Justice Center
100 Wall Street, 20th Floor
New York, NY 10005

Phone: 212-482-2320
Fax: 212-482-2344
www.justicecenter.csg.org

Options for policymakers

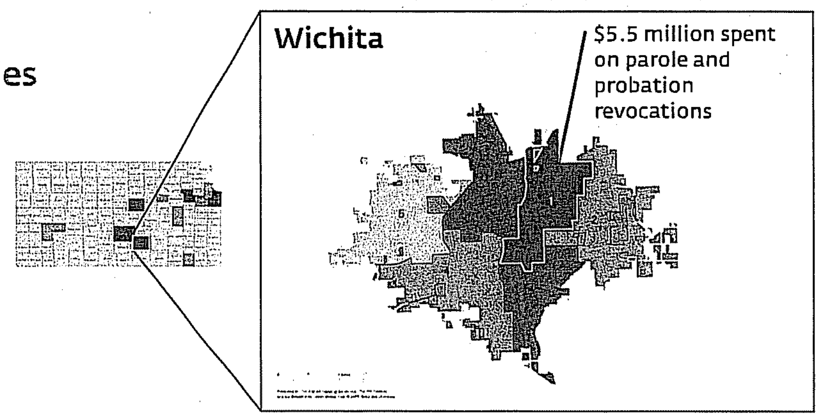
FY2008-2016 (9 years) Projected Population Impact[7]



POLICY OPTION	BED SAVINGS	9 YEAR AVERTED OPERATING COSTS
1. Maintain recent reductions in the number of parole revocations at 90 per month **KEY ELEMENTS** • Expand the capacity of community-based treatment and sanctions • Focus increased resources toward counties with high revocation rates	223	$52 million
2. Reduce the number of probation/community corrections violators by 20 percent **KEY ELEMENTS** • Provide incentive grant funding to community corrections to expand treatment and sanctioning capacity • Require community corrections programs and judges to develop consistent supervision and sanctioning strategies	465	$97 million
3. Create a 10 percent "Risk Reduction Program Credit" for guideline offenders who successfully complete treatment, educational, and vocational programs before release **KEY ELEMENTS** • Use risk/needs assessments to determine which offenders should be required to complete programs prior to release • Expand substance abuse, vocational, and educational programming in prison using savings generated from the program credit	943	$171 million
Combined Impact	1,631	$320 million + $177 million [AVERTED CONSTRUCTION COSTS] $497 million

Opportunities for neighborhood-based strategies

- Sedgwick and Wyandotte counties account for 40 percent of the state's prison admissions.
- In just one year, Kansas taxpayers spent $5.5 million to incarcerate parole and probation violators from the 1st Council District in Wichita.[8]

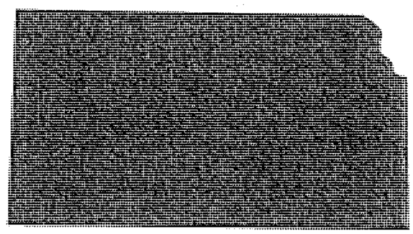


7. Tony Fabelo & Marshall Clement, "Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending," Presentation to the Kansas Sentencing Commission, October 5, 2006.
8. Eric Cadora & Tony Fabelo, "Building Community Capacity to Reduce Crime and Save Prison Space," Presentation to 3-R's Committee, April 18, 2005.

The Pew Charitable Trusts is providing assistance to state leaders in Kansas through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems. Working with the Council of State Governments and other partners, Pew's project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

Policy Options to Increase Public Safety & Manage the Growth of the Prison Population



Kansas policymakers are looking for ways to increase public safety and to manage corrections spending and growth in the prison population. Unless policymakers act, the prison population is projected to increase 26 percent over the next ten years, at a cost to taxpayers of over $500 million in additional spending over the next ten years.

This policy brief provides options for policymakers interested in increasing public safety and averting the current growth projected for the state's prison population. These options include sustaining the recent reductions in parole revocations, strengthening the community corrections and behavioral health treatment systems to reduce probation revocations, and increasing the percent of offenders completing programs shown to reduce their risk prior to release. This document provides descriptions of the impact that each policy would have on the prison population and provides cost estimates for the purposes of comparing the options against one another. The estimates provided in this policy brief about the impact of these policies on the prison population are based upon various projections developed by the Kansas Sentencing Commission and reference legislation currently being considered by Kansas policymakers.

When considering the options described in this brief, it is important for policymakers to keep the following research-based principles in mind:

- **State and local agencies must implement programs that have been shown to reduce recidivism.** The literature is clear that programs, such as substance abuse treatment, vocational education, and basic education can reduce recidivism. There is no one program, however, that can reduce recidivism for all offenders. Programs are only effective when they are targeted towards offenders whose need for a particular program is related to their criminal behavior. The type of programs needed to reduce the multiple needs and risks of individual offenders is best determined by corrections officials using individualized and objective risk/needs assessments that are validated and research-based.

- **Effective programs cannot do it alone, and must be accompanied by smart policies.** State and local policies must be modified to ensure that services, supervision, and revocations are targeted towards the offenders that pose the highest risk to public safety. The state can achieve the greatest return on its investment by focusing on these offenders and working to appropriately reduce their risk of committing another crime. Clear goals, incentives for meeting those goals, and accountability mechanisms can all be established in policy to help state agencies, local programs, and offenders buy into this approach.

The Justice Center is providing intensive technical assistance to Kansas and a limited number of other states that demonstrate a bipartisan interest in justice reinvestment—a data-driven strategy for policymakers to reduce spending on corrections, increase public safety, and improve conditions in the neighborhoods to which most people released from prison return.

Projected Prison Population (FY2016)[1] **10,869**

Current Prison Capacity **9,347**

Policy Options	Policy Cost (Annual)	Bed Savings (By FY2016)
No Policy Change	—	—
Governor's Budget Proposal to Sustain 50% Reduction in Parole Revocations	**$2.4m** (Gov. Budget) $1.3m (JEHT Foundation)	223
HB2141: Strengthen Community Corrections and Reduce Revocations by <u>20 Percent</u>	$4.5m	465
HB2141 + <u>Treatment Capacity Enhancement</u> to Reduce Community Corrections Revocations by <u>30 Percent</u>	$4.5m +$3.0m =**$7.5m**	687
HB2142: Reduce Risk Prior to Release (60 day Program Completion Credit)		
• Current assumptions of Sentencing Commission[4]	—	123
• **If capacity and completion rates increase** (Bed savings impact assumes 50% of offenders complete one program, 10% complete two programs, and program participation reduces recidivism by 10 percent.)	$3.6m	400
Package 1 • Governor's Budget Proposal • HB2141: Community Corrections (20%)	$6.9m	688
Package 2 • Governor's Budget Proposal • HB2141: Community Corrections (20%) • <u>HB2142: Program Credit (60 days)</u>	$10.5m	1,088
Package 3 • Governor's Budget Proposal • HB2141: Community Corrections (20%) • HB2142: Program Credit (60 days) • <u>Increase good time from 15% to 20% (non-retroactive) (FY2017 Bed Impact: -389)</u>	$10.5m	1,477
Package 4 • Governor's Budget Proposal • HB2141 + <u>Treatment Enhancement (30%)</u> • HB2142: Program Credit (60 days) • Increase good time from 15% to 20% (non-retroactive) (FY2017 Bed Impact: -389)	$13.5m	1,699

1. The official Kansas Sentencing Commission prison population projection issued for FY2007 projected a prison population in FY2007 of 9,185 and in FY2016 of 11,231. However, due to lower numbers of parole and probation revocations in late FY2006 and in FY2007, the prison population at the end of FY2007 is now estimated to be 8,896, or 289 beds lower than the projection estimated. The FY2016 projected prison population listed here accounts for this lower "starting point" for the projection in FY2007.

[redacted]

[redacted]

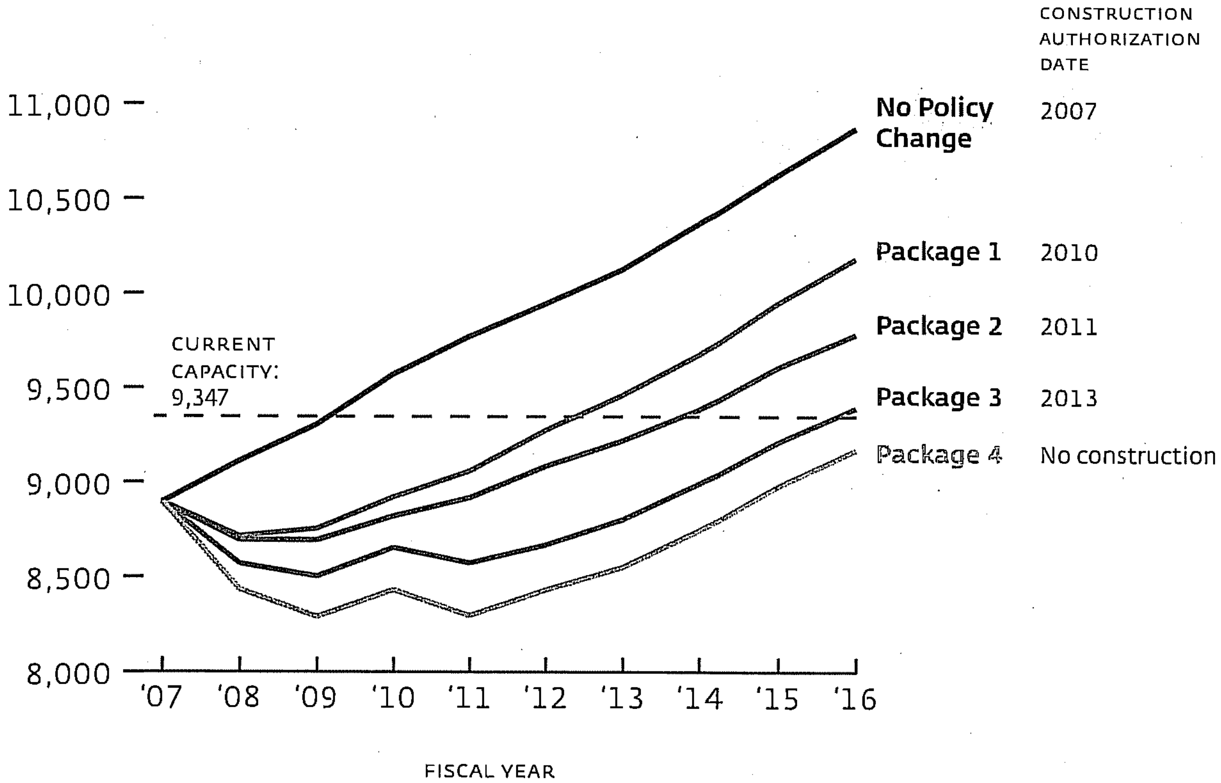
Return on Investment: Annual Cost of Averting One Prison Bed	Additional Prison Beds Needed (by FY 2016)	Prison Construction Required by FY 2016 & Annual Operating Cost (One-Time Construction & Annual Operating Cost)		Comparative Cost (Annual Policy Cost + One-Time Construction + Annual Operating)
—	1,522	$186m + $50m =	**$236m**	$236m
$11,000	1,299			
$10,000	1,057			
$11,000	835			
	1,399			
$9,000	1,122			
$10,000	834	$46m + $18.5m =	**$64.5m**	$71m
$9,600	434	$26.4m + $10m =	**$36.4m**	$47m
$7,000	45	$22m + $8.3m =	**$30.3m**	$41m
$8,000	—	No Construction		$13.5m

2. The estimated prison construction and operating costs listed in this column reflect the costs associated with likely construction scenarios provided by the Kansas Department of Corrections.

3. The Sentencing Commission's prison bed impact for HB2142 currently assumes that program completion rates remain at current levels (27 percent of offenders complete 1 program prior to release, and 1 percent complete two programs prior to release).

Projected Kansas Prison Population

Fiscal Year 2007–2016



The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

Research and analysis described in this report has been funded by the Bureau of Justice Assistance, a division of the U.S. Department of Justice and The Pew Charitable Trusts. Through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems, Pew's project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

Justice Center
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005
www.justicecenter.csg.org

PROJECT CONTACT:
Marshall Clement
(646) 383-5719
mclement@csg.org

Last Updated: March 6, 2007

CJOnline

Presentation to legislators shows prison population issue

Tim Carpenter
February 6, 2007

It is rare when a couple of out-of-state guys waltz into a legislative committee room and toss out solutions to the tricky business of reducing the prison population, maintaining public safety and saving the state millions of dollars.

And it is extraordinary when such talk is taken seriously.

The Senate's judiciary and budget committees met together Monday to absorb a presentation by Tony Fabelo and Fred Osher, who argued the state can spend modestly now to address root problems of low-level offenders right or pay dearly later when those people get into serious trouble triggering longer prison sentences.

Fabelo, executive director of the Texas Criminal Justice Policy Council from 1991 to 2003, said the heart of the new direction was rehabilitation.

States, such as Kansas, need to invest more in inmates preparing to be paroled from prison, he said. Better job training, substance abuse treatment and mental health services will keep more men and women from recycling back into custody, he said.

Texas is an example of what inaction can mean, he said. Lawmakers there are grappling with a potential $900 million increase in spending for prison construction.

"The point is, you don't want to be where Texas is today," Fabelo said. "You don't want to be there four or five years from now."

While the Kansas Department of Corrections has had some success in reducing parole revocations, the latest projections indicate Kansas will need 1,800 more prison beds by 2017. That inmate population could trigger $180 million in new prison construction and necessitate allocation of $320 million for new prison operating expenditures.

Osher, associate professor of psychiatry at the University of Maryland's medical school, said addressing problems of probationers in community corrections — most often mental health and substance abuse — would save the state money and improve public safety.

About 60 percent of Kansans who had their probation revoked during a six-week study had either substance abuse or mental health issues, Osher said. He said a $7 million program of evaluation, placement and treatment, if handled properly, could keep enough people out of prison to reduce incarceration costs by $21 million.

Sen. Dwayne Umbarger, R-Thayer, and chairman of the Senate Ways and Means Committee, said improving rehabilitation programs in state prisons and building up the support system in community corrections was common sense.

"Once we've got these people incarcerated," he said, "it's our duty as taxpayers to help people through this transition."

Tim Carpenter can be reached at (785) 296-3005 or timothy.carpenter@cjonline.com.

Kansas.com
The Wichita Eagle

Be Smart On Crime

March 25, 2007
BY REP. MICHAEL O'NEAL

Despite recent declines in crime, the growth of the state's prison population is not leveling off. The Kansas Sentencing Commission projected earlier this year that during the next 10 years we would need to construct another 2,000 prison beds at a cost of $186 million.

But will spending that money make Kansans that much safer?

To answer this question, Senate President Steve Morris, R-Hugoton, and House Speaker Melvin Neufeld, R-Ingalls, established a bipartisan task force that brought in national experts and commissioned an exhaustive review and analysis of data about who is admitted to prison, for how long, and what happens when they are released. As chairman of the task force, I'm pleased to share our findings.

The data show that although we keep offenders behind bars longer than ever, we aren't doing any better increasing the likelihood that these people will succeed once returned to the community.

More than 95 percent of people currently in prison will one day finish their sentence and be released. Sixty percent of people released from prison in 2003 were re-incarcerated for a new crime or a violation of their post-release supervision during the ensuing 3 years.

These high rates of failure are one of the key reasons the prison population continues to climb. Two-thirds of all prison admissions last year were people who had violated the conditions of their probation or post-release supervision, but did not necessarily commit a new crime.

Part of the problem is what we don't do while people are in prison.

Most voters assume people in prison get treatment for their addictions and training for a job after release. In fact, nearly three-quarters of offenders in need of vocational education, and half of those offenders in need of substance abuse treatment, do not participate in these programs before their release. Unlike many other Midwestern states that provide offenders the incentive of time off their sentence for completing programs, Kansas offers no such incentive.

The second part of the problem is a weak post-release supervision and community corrections system that hasn't seen the same types of increases in funding that our prisons have. Without additional officers needed to keep caseloads low, without the infrastructure to train officers in the latest evidence-based approaches, and without the resources to connect parolees and probationers to the services they need to stay clean, parole and community corrections officers are unable to reduce the risk that people under supervision pose to communities.

Based on these findings, the task force concluded that taking scarce resources we have in the state to grow the prison system further, without doing anything to make incarceration and community supervision any more effective, isn't being smart on crime. Instead, the task force recommended investing in stronger and smarter supervision at the community level and implementing effective programs.

We've already spent millions ensuring that Kansans are safe by locking up offenders for longer periods of time. Now it's time to make Kansas safer by making sure that when offenders inevitably finish their sentences, they are productive taxpaying members of our community.

Strengthening our approach to fighting crime by reducing recidivism will also save taxpayer dollars. The approach recommended by the task force requires investing now, but over the next 5 years will result in a net savings of $28 million. Not a bad price tag for a safer Kansas.

Rep. Michael O'Neal, R-Hutchinson, is chairman of the Judiciary Committee.

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

Recent and Projected Growth of the Arizona Prison Population

Arizona's prison population has increased significantly in recent years.

- The prison population increased 52 percent over the last 10 years.
- Arizona's spending on corrections has increased by 100 percent, from $409 million in FY1997 to $817 million in FY2007. By FY2005, corrections spending accounted for 10 percent of state general fund expenditures, one of the highest proportions in the nation.

FIGURE 1: *Arizona Prison Population: 1995–2005*

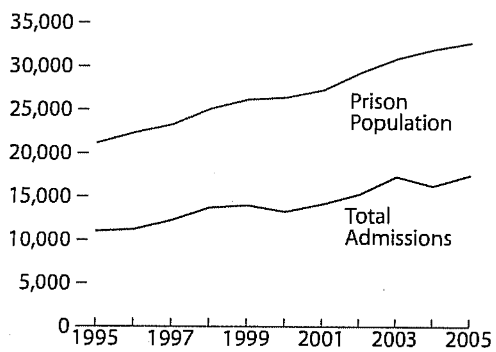
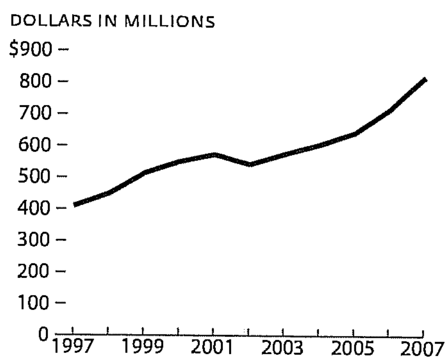


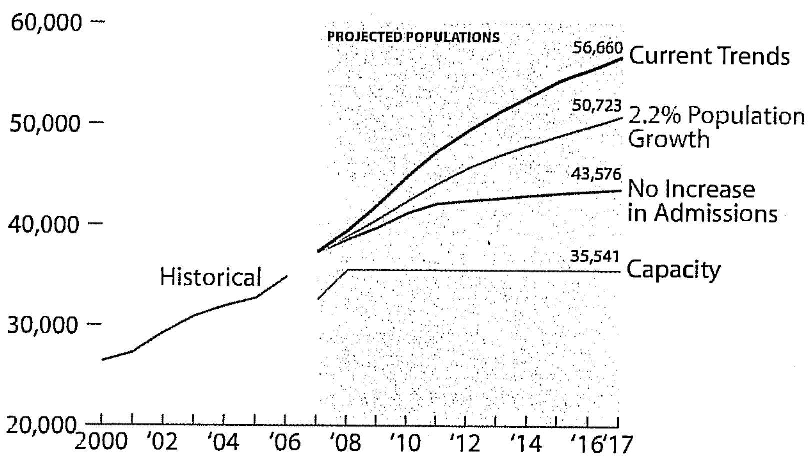
FIGURE 2: *Arizona Department of Corrections Expenditures (FY1997–2007)*



The growth of the state's prison population is projected to accelerate.

- The state's prison population is projected to increase by 52 percent over the next ten years if current trends continue.[1] The graph below reflects this growth scenario, as well as two additional scenarios.
- The growth projected for the state's prison population is twice the rate of increase projected for state's resident population (26 percent from 2005–2015).

FIGURE 3: *Projected Growth of State Prison Population*



Explanation

- Current Trends: Forecast assumes the increase in new sentences will continue and match the overall five-year trend.
- 2.2 Percent Population Growth: Forecast assumes the number of new sentences will stabilize at FY2006 levels and grow steadily from that point by the 2.2 percent growth expected in the at-risk demographic population.
- No Increase in Admissions: Forecast assumes the number of admissions per year will remain at FY2006 levels.

The Department of Corrections is currently short beds; current construction plans fall well short of the growth projected for the state's prison population.

- The Department of Corrections has been authorized and funded to add 3,000 beds to its prison system.
- To accommodate the growth projected for the prison population, the state will need to build an additional 20,000 beds within 10 years.
- Costs associated with the construction and operation of the additional beds needed will rise to an additional $3 billion in expenditures over 10 years.

High rates of failure among particular segments of the population under supervision of the criminal justice system are contributing significantly to an increase in the prison population.

- 42 percent of those released from prison in Arizona from 1990–1999 were reincarcerated within three years.
- 18,017 people were released from prison to the community in FY2006. Prison releases increased by 10 percent in FY2006, and admissions to prison increased by 15 percent.
- 60 percent of people admitted to prison in Arizona live in the Phoenix-Mesa area.
- People who have violated conditions of probation account for one-third of all prison admissions. These probation violators receive, on average, a two-year sentence for failing probation.
- The number of women admitted to Arizona state prisons has increased 60 percent in the last 6 years, twice the rate of increase of male admissions.
- About one-half of all female admissions are probation violators.
- Parole revocations account for an additional 17 percent of prison admissions.
- The average length of stay for all released prisoners in FY2006 was 25 months.

---

1. This projection assumes that current trends will continue, but factors currently driving the growth in the prison population **are unstable**. The number of people admitted to prison for new sentences from the courts grew by an unprecedented number in FY2006. At this time, it remains to be seen whether this increased rate of admissions will persist or whether it will level off and return to levels seen before 2006.

Methodology

This prison population forecast was generated by the JFA Institute, a Washington DC-based consulting firm. Under the direction of Dr. James Austin, JFA Associates utilized the Wizard 2000 model, a computerized simulation model which mimics the admissions and releases of people in prison over a ten-year period based on the current state sentencing structure, recent inmate population trends, and computer-extracted files provided by the Arizona Department of Corrections. To produce the projections, the Wizard 2000 model takes into account external (demographic, socio-economic, and crime trends) and internal factors (the criminal justice system's authority to release, recommit, give, and restore a wide array of good time credits, and offer programs that may reduce recidivism).

About this Report

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities. The Justice Center contracted with Dr. Austin and JFA Institute staff to assist Republican and Democratic leaders in the executive and legislative branches of Arizona state government.

Research and analysis described in this report has been funded by the Bureau of Justice Assistance, a division of the U.S. Department of Justice and The Pew Charitable Trusts. Through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems, Pew's project provides nonpartisan research, analysis, and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

Justice Center
Council of State Governments
100 Wall Street, 20th Floor
New York, NY 10005

PROJECT CONTACT:
Marshall Clement
(646) 383-5719
mclement@csg.org

THE ARIZONA REPUBLIC

Arizona part of prison, crime study

Amanda J. Crawford
February 7, 2007

Facing burgeoning prison growth that will cost taxpayers billions over the next decade, Arizona has been selected to take part in a multimillion-dollar research project examining crime and prison trends and developing possible policy solutions.

The Council of State Governments' Justice Center announced Tuesday that Arizona was one of five states selected as part of the new initiative that will look for ways to curb prison population growth projected to be as high as 50 percent over the next decade. A new analysis unveiled to launch the research project shows that left unchecked, growth could cost taxpayers and additional $3 billion over the next decade. That's on top of a corrections budget that is approaching nearly $1 billion per year.

The Justice Reinvestment project, funded by the Pew Charitable Trusts and the U.S. Department of Justice, plans to release a detailed report on crime and prison trends and policy options for Arizona next month. The hope is that the report could help state officials find ways to address the root cause of crime and invest money in the most fruitful ways.

"There should be a discussion on what does the data show that will have the biggest impact on crime in the state," said James Austin, of the JFA Institute, a researcher for the project. "That's something that Republicans and Democrats agree we need to do before just doing more of the same."

Arizona's prison system grew by more than 50 percent over the past decade, and corrections spending has doubled from $409 million in fiscal 1997 to $817 million in fiscal 2007. The prison population, now around 35,000 could grow to nearly 57,000 if current trends continue, the group estimates. That would be a huge strain on the state budget, prison capacity and manpower.

The state prison system is already understaffed. It is underfunded by more than 4,000 beds. And corrections officials are asking for more money to place nearly 2,000 inmates in temporary private prison cells elsewhere, while planning to squeeze about 1,300 inmates into existing facilities by double-bunking or using tents, Corrections Director Dora Schriro said.

Some legislators involved in the project said they hope to find ways to target state resources to reduce crime and address prison growth. The suggestions from the experts could range from sentencing reforms to changes in incarceration practices to community-intervention strategies.

Sen. John Huppenthal, a Chandler Republican who chairs the Senate Judiciary Committee, said researchers are developing maps that show which neighborhoods spawn the most criminals. That could allow policymakers to target state dollars for intervention programs and encourage more community outreach in those areas. He also looks forward to learning from experts involved in programs in other states, like New York, where violent crime has fallen.

"I think it is an incredible opportunity to bring the best research to Arizona on how we can reduce violent crime," said Huppenthal, who also serves on the Justice Center's board of directors. But he was quick to point out that he's not "soft" on crime and is not as interested in recommendations that could address Arizona's sentencing policies, which are among the toughest in the nation.

Austin points out that Arizona is unique in the nation by having long sentences and no parole for many non-violent offenses.

In Texas, where the Justice Reinvestment project released its findings last week, legislators have been holding hearings to discuss policy suggestions from the group. Among the recommendations in Texas: more drug and alcohol treatment and releasing non-violent substance abusers from prison earlier into halfway houses.

Rep. Bill Konopnicki, R-Safford, said he hopes the group's work in Arizona gets the public thinking more about tough-on-crime policies that have grown prison numbers but may not be reducing crime. Konopnicki led a legislative work group whose lengthy report in 2005 recommending alternatives to prison and sentence reductions for non-violent offenders went nowhere.

"It's easy to say on TV, 'Lock them up let them do the time,' " said Konopnicki, who believes the state needs more balanced approach, including electronic monitoring to allow for more intensive probation. "Our report was objective, but people said the people that did it were soft on crime. This is going to have facts and numbers and compare us to other states. . . . This is huge."

Connecticut

CASE STUDY

Updated February 2007

In 2002, the state of Connecticut faced an $817 million budget deficit and a prison crowding crisis.[1] When confronted with the persistent growth of their prison populations, policy makers across states typically pursue one of two strategies:

1. They appropriate funds to build additional prisons, hoping the population growth will somehow abate, only to find a few years later that they need to build even more; or

2. They release numbers of inmates, often with insufficient discrimination between those who pose high and low risk, and generate a firestorm of public criticism.

Connecticut policy makers, however, chose a third way: a comprehensive long-term strategy known as justice reinvestment. Using data-driven analyses, they identified ways to check the growth of prison populations and spending, increase public safety, and improve conditions in the neighborhoods to which most prisoners return. In the two years following the development and adoption of this strategy, the number of prisoners declined—generating significant savings to taxpayers—while crime rates continued to drop.

By 2007, new challenges emerged: growth in the pretrial population, a segment of the prison population that was not a focus of the justice reinvestment initiative in 2003 and 2004, has created spikes in the prison population.[2] Recognizing that justice reinvestment is an ongoing strategy rather than a one-time policy fix, policy makers are now studying how their previous successes can be applied to this subset of the prison population.

The Challenge

"In this day and age, we have to be smarter with the dollars we have."

—Senator John Kissel (R-Enfield)

From 1995 to 2002, growth of the state's prison population exceeded regional and national trends.

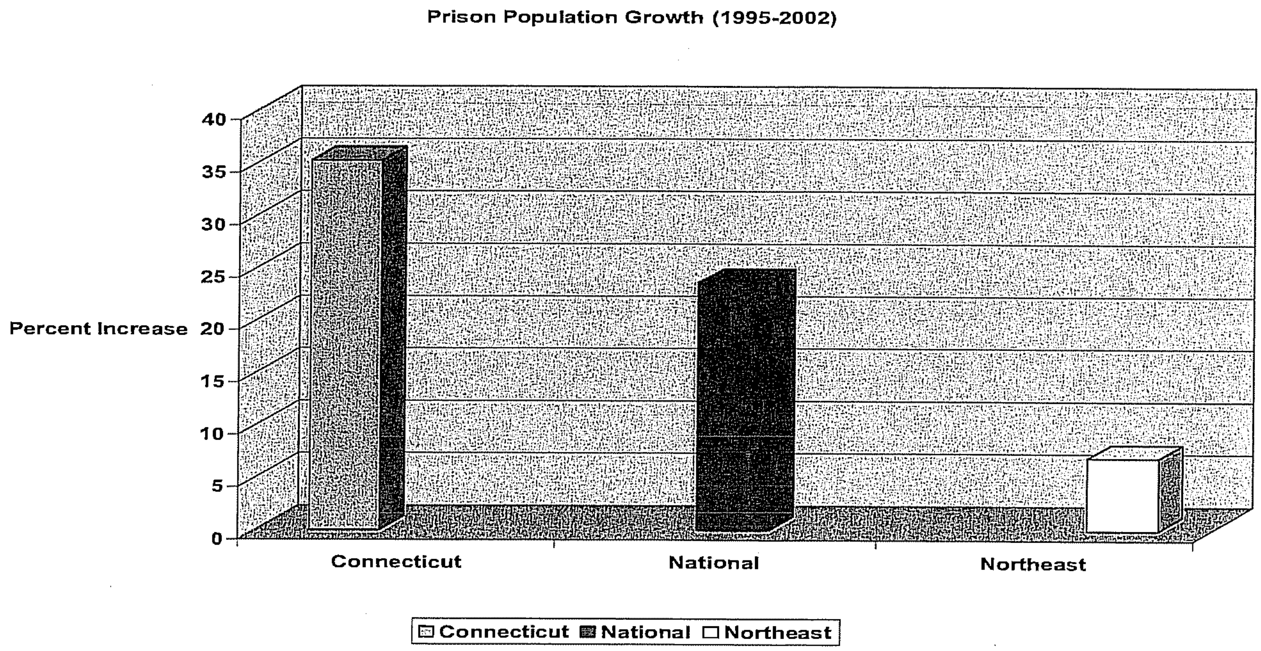
- Over a seven-year period, Connecticut's prison population increased by 35.2 percent, a growth rate exceeding the national average of 23.6 percent and significantly higher than the growth rate of 6.9 percent among Northeastern states.[3]

---

[1] This deficit refers to a general funds deficit in fiscal year 2002. See "Financial Schedule 54: General Fund Surplus or Deficit from Operations."

[2] Unlike most states, there is no county jail system in Connecticut; the Department of Corrections administers a unified system, responsible for both sentenced and unsentenced populations.

[3] Jacobson, M. (2005). *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration.* New York, New York. University Press. Hill, G. & Harrison, P. (2005, December 6). Prisoners Under State or Federal Jurisdiction. Washington, D.C.: Bureau of Justice Statistics. The growth in the prison population was not unique to this time frame. The population actually had grown steadily from 4,308 in 1980 to 11,022 in 1992.



Connecticut increased its prison bed capacity significantly, yet the growth of the prison population outpaced the new construction.

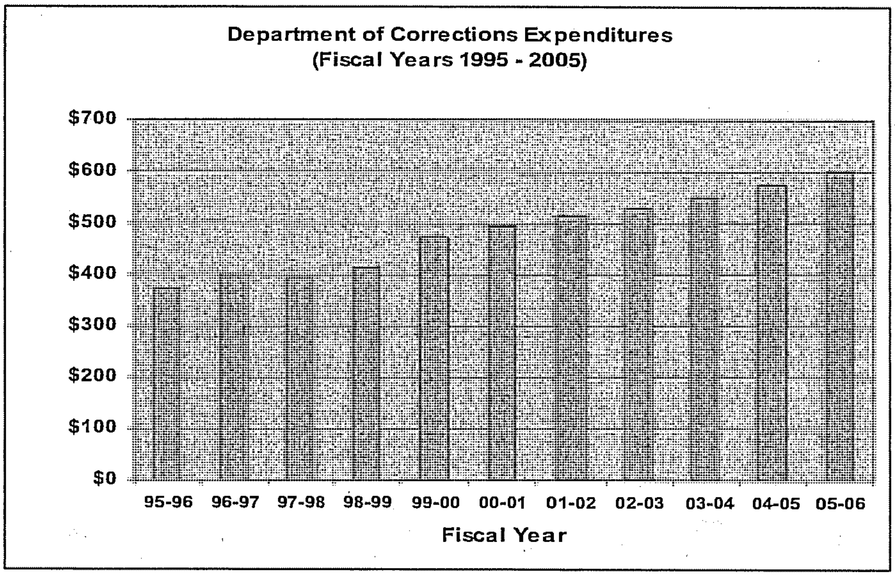
- In 1996, the state completed a 10-year, $1 billion project to build 12 new correctional facilities, renovate 13 existing prisons and increase the Department of Corrections' (DOC) authorized capacity by 50 percent.
- Just three years later, the state was once again out of prison beds. In response, the governor executed a contract with Virginia, sending 484 Connecticut offenders to facilities operated by the Virginia DOC. The contract cost Connecticut $12 million per year.[4]
- By 2003, prison overcrowding had resumed. Several hundred inmates were sleeping on cots and floors in prison cafeterias and gymnasiums. That same year, the state legislature approved a proposal for 2,000 additional out-of-state beds in fiscal years 2004 and 2005.[5]
- Housing inmates outside Connecticut provided temporary relief to crowded DOC facilities. But the practice generated significant public controversy. Two Connecticut inmates died while in custody at a Virginia prison and there were allegations of racial harassment of prisoners transferred to Virginia facilities.[6]

---

[4] Gary Fields, "To Cut Prison Bill, States Tweak Laws, Try Early Releases," *The Wall Street Journal*, December 21, 2005.

[5] In 2002, then-Governor Rowland tried to increase the number of out-of-state beds from 500 to 1,000, but the state legislature rejected his proposal.

[6] Family members of the deceased prisoners filed civil lawsuits against Connecticut, which the state paid several million dollars to settle. Subsequently, the state's Commission on Human Rights substantiated the claims of harassment and recommended the return to Connecticut of those prisoners who had been transferred to Virginia.



By 2002, the hurdles to building new prisons or expanding existing ones in Connecticut had become nearly insurmountable.

- Among state policy leaders, insufficient support existed to finance the construction or the ongoing costs of operating additional corrections facilities. Local elected officials, particularly those representing areas of the state where prisons were already located, adamantly opposed building new facilities in their communities.
- A 2004 poll conducted by the University of Connecticut's Center for Survey Research Analysis revealed that more than 50 percent of state residents opposed additional prison construction generally, 61 percent supported reducing mandatory minimum sentences for first-time offenders, and only 45 percent supported transferring inmates to out-of-state facilities.[7]
- Nearly every major daily newspaper in the state published editorials between June 2003 and April 2004 urging policy makers to consider alternatives to incarceration instead of more prison construction or out-of-state transfers.[8]
- Community leaders, and members of the state's African-American and Latino Caucus of State Legislators who occupied influential posts in the General Assembly, called attention to a 2003 report that found the state's overall disparity in incarceration rates between whites, blacks and Hispanics was the highest in the nation.[9]

---

[7] Keith M. Phaneuf, "Residents Favor Easing Sentences to Cut Crowding," *Journal Inquirer*, March 8, 2004.

[8] See "A Budget Solution in Prison Reforms," *New Haven Register*, July 4, 2003; "Time to Examine Sentencing Options," *Connecticut Post*, December 14, 2003; "More Signs of Strain with State Prisons," *Greenwich Time*, December 26, 2003; "19,000 Connecticut Inmates," *The Hartford Courant*, April 13, 2004.

[9] Commission on Racial and Ethnic Disparity in the Criminal Justice System, "Annual Report and Recommendations 2003-2004," Hartford, CT, p. 9.

The Approach

"Unless we make a systemic change, we're going to be authorizing an additional transfer of 1,000 inmates to private prisons every year."

—Representative Michael Lawlor (D-East Haven)

Policy makers sought detailed, data-driven analyses to go beyond anecdotal explanations for the growth of the prison population and to inform the development of options.

Like their counterparts in most states, policy makers in Connecticut did not have the tools, such as a management information system or dedicated staff positions, to generate frequent, up-to-date analyses of prison admissions and releases.

Leaders in Connecticut engaged the Council of State Governments (CSG), which through the support of the U.S. Department of Justice, private foundations and other partners provides assistance to help states interested in pursuing justice reinvestment strategies.[10]

Studies conducted by CSG showed that problems regarding probation and parole were driving, at least in part, the growth of the prison population.[11]

- Offenders who had violated conditions of their parole or probation accounted for a significant percentage of prison admissions. Twenty-five percent of prison beds on any given day were occupied by people whose probation or parole had been revoked.
- In 2003, the average length of stay for parole violators was about one year, compared to three to four months in most other states.[12]
- Insufficient coordination between corrections and parole (which at the time were two distinct, independent agencies), as well as bureaucratic inefficiencies, bogged down the parole process. People in prison eligible for parole—70 percent of whom were incarcerated for nonviolent crimes and whom leaders in the system agreed were ready to be returned to the community—remained incarcerated an average of nine months beyond their parole eligibility date.[13]

---

[10] CSG is a nonprofit, nonpartisan membership association serving elected and appointed officials in all three branches of state government.

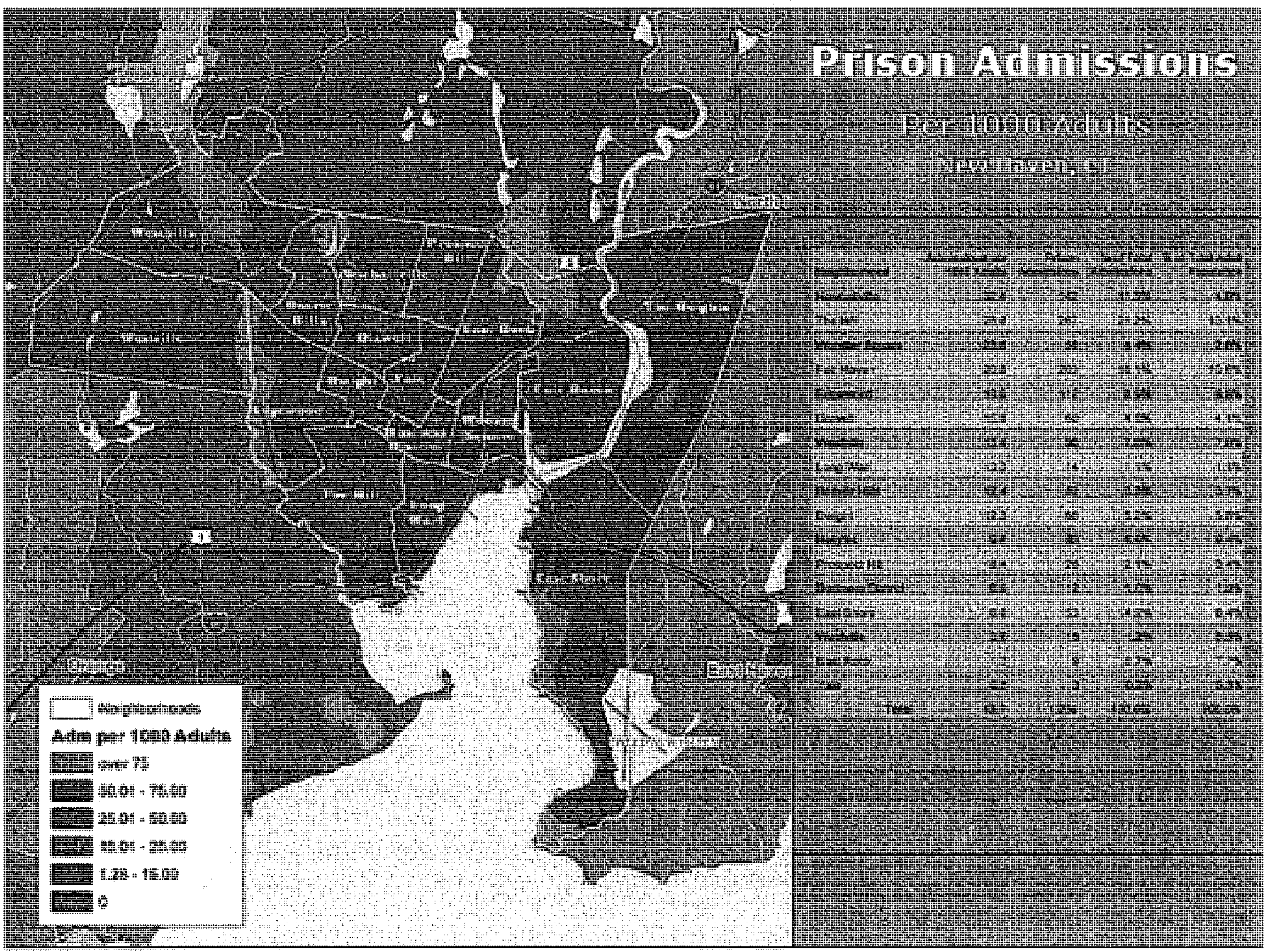
[11] These findings confirmed the results of initial analyses conducted by the state's Legislative Program Review and Investigations Committee. In this regard, CSG's studies helped validate reports that to date had received insufficient attention in the media or among key state leaders.

[12] James Austin, Eric Cadora and Michael Jacobson, "Building Bridges: From Conviction to Employment: One Year Later," New York, Council of State Governments, 2004.

[13] James Austin, Eric Cadora and Michael Jacobson, "Building Bridges: From Conviction to Employment," New York, Council of State Governments, 2003. An analysis conducted by the Legislative Program Review and Investigations Committee showed most inmates who were parole-eligible after serving 50 percent of their court-imposed sentences were serving an average of almost 75 percent of their sentences before being granted parole.

The majority of people released from prison were returning to a handful of communities.

- Nearly 50 percent of male inmates came from the state's three largest cities—Bridgeport, Hartford and New Haven.
- Further analysis of New Haven revealed a single neighborhood from which the number of people incarcerated amounted to $20 million in corrections costs. Of that total, $6 million was spent for probation violators.
- A comparative analysis of criminal justice, Department of Labor and Department of Social Services data for New Haven revealed that the neighborhoods that received the largest share of people returning from prison also were home to a disproportionate share of recipients of unemployment insurance, Temporary Assistance for Needy Families and food stamps.

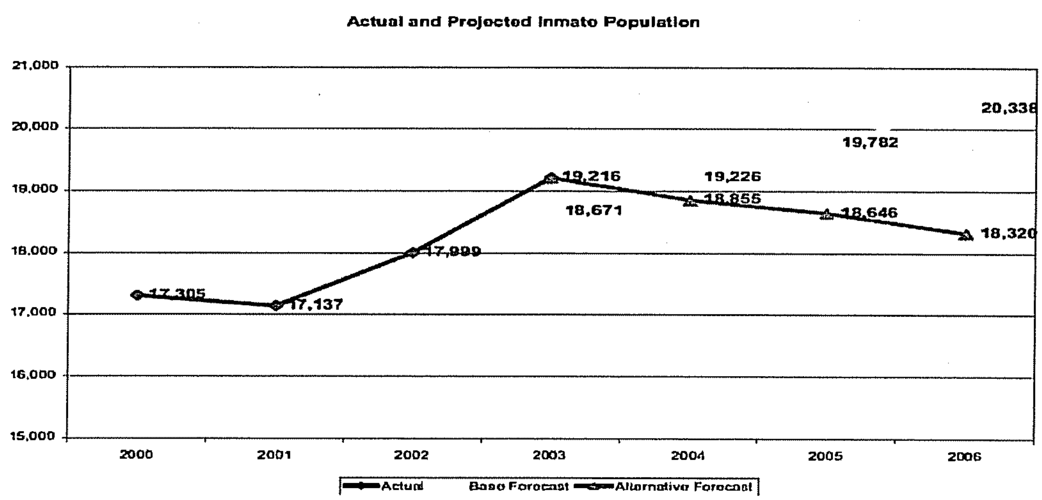


CSG identified policy options that would enable the state to reverse the growth of the state's prison population and increase public safety.

- The policy options included requiring persons sentenced to at least two years to serve no more than 85 percent of their sentence, reducing the length of stay for people returned to prison for a technical violation, and reducing the number of technical violations admissions by 25 percent by seeking to increase compliance among probationers and parolees.[14]
- Implementing these policy options was projected to reduce the prison population (from 2003 to 2006) by as much as 2,000.

Legislators and representatives of the governor and the judiciary led an intensive effort to educate state policy makers and the public about the problem and a possible justice reinvestment response.

- Representative Bill Dyson, then chair of the Appropriations Committee, convened a statewide forum, "Building Bridges: From Conviction to Employment," in January 2003 at Central Connecticut State University to bring together state leaders and hundreds of agency staff and advocates, and focus their attention on corrections issues.
- Theresa Lantz, commissioner of the Department of Corrections, and Bill Carbone, executive director of the Court Support Services Division, testified at various hearings affirming the results of the analyses and recommending that policy makers take action.
- Representative Dyson and Representative Mike Lawlor (the chairman of the Joint Committee on Judiciary), together with the ranking members of their committees, held bipartisan press conferences and appeared on numerous radio shows to explain the analyses and make the case for a policy response.[15]



[14] Austin, J.F., Cadora, E., & Jacobson, M., (2003). *Building Bridges: From Conviction to Employment.* New York: Council of State Governments. Legislative Program Review and Investigations Committee, (2005, December 13). *Public Act 04-234 Compliance Monitoring Project.* Hartford, CT: Connecticut General Assembly. The analysis conducted by the Legislative Program Review and Investigations Committee found that people sentenced to prison for a violent offense were parole eligible after serving 85 percent of their court-imposed sentences, but they were serving, on average, 95 percent of their sentences before being granted parole. As a result, most of this portion of the prison population was completing their sentence in prison, which meant that they went straight from prison to the community without supervision.

[15] Blint, D.F., "State Urged To Adopt Prison Reforms," *Hartford Courant*, June 25, 2003. Bipartisan press conferences were held on June 24, 2003, and February 18, 2004.

With overwhelming bipartisan support, the General Assembly enacted laws to manage prison growth safely, generate savings and reinvest in particular high-stakes communities.

- An "Act Concerning Prison Overcrowding," passed in 2004, set goals for the parole, the court system (which oversees probation) and the Department of Corrections to reduce by 20 percent the number of parole and probation revocations. It also included provisions to ensure a period of supervision for all persons released from prison, and require the state to develop a comprehensive reentry plan to address high recidivism rates.
- In 2004, policy makers canceled the state's contract with Virginia for 2,000 additional beds, and reduced the budget request for the Department of Corrections by $30 million.
- Policy makers reinvested $13 million of the savings in community-based strategies for reducing recidivism and increasing public safety. As part of this reinvestment, $1 million was dedicated to community-led planning processes in New Haven and Hartford to develop neighborhood-focused initiatives to further integrate funding streams and achieve better outcomes for residents. Funding also was provided to the Department of Mental Health and Addiction Services to support community-based programming.
- With the reinvested funds, probation officials established two programs. The Probation Transition Program (PTP) targets "split sentence" probationers, focusing on opportunities to reduce the number of technical violations while the person is on probation. The Technical Violations Unit (TVU) provides intensive treatment and supervision for probation violators who otherwise would have been incarcerated.
- The state hired 96 new probation officers between 2004 and 2005, reducing caseloads from approximately 160 cases per officer in January 2004 to about 100 cases per officer in June 2005.[16]

The Results

"Connecticut's experience shows that major statutes don't need to be tossed out to reduce prison overcrowding."

—*"To Cut Prison Bill, States Tweak Laws, Try Early Releases,"*
Gary Fields, The Wall Street Journal, *December 21, 2005*

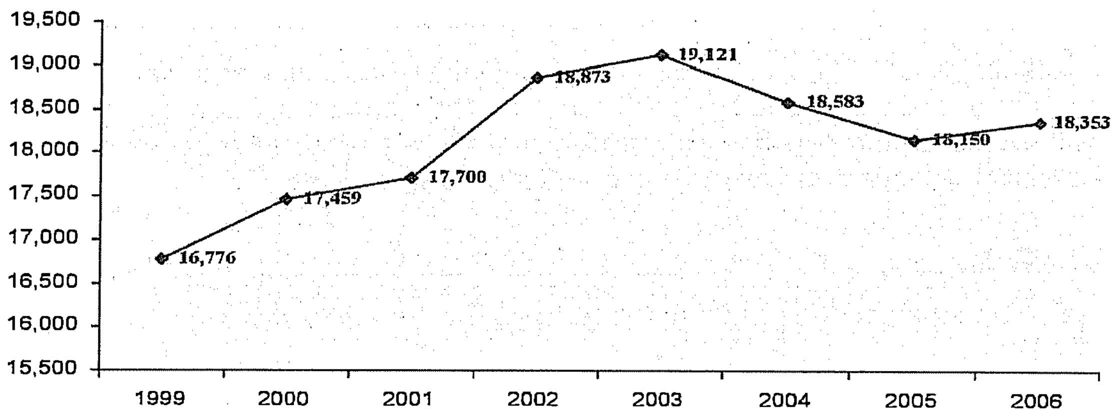
Over a three-year period, Connecticut experienced a sharp decline in its prison population.

- Connecticut went from having one of the fastest-growing prison populations in the nation to experiencing a decline steeper than almost any other state.

[16] Legislative Program Review and Investigations Committee, "Public Act 04-234 Compliance Monitoring Report," December 13, 2005. Of course, caseloads of 100 still greatly exceed national standards. The Court Support Services Division received funding for the 2007/08 biennium to hire additional probation officers to manage specialized caseloads and provide intensive pre-trial supervision.

- By mid-year 2004, the sentenced population had decreased for the first time since 1990. The 2.5-percent drop was the second-largest decrease in the country.[17]
- The state experienced a 4-percent decline in the prison population between mid-year 2003 and mid-year 2006.

Connecticut Prison Population



Governor Rell instructed the DOC to return all inmates being held in out-of-state prisons to Connecticut facilities.

- By November 2005, all 500 inmates had been returned to Connecticut prisons and the time remaining in the Virginia contracts was allowed to expire.

Evaluations of the probation violation programs show promising results.

- A Central Connecticut State University evaluation suggests that the PTP and TVU programs have been successful in reducing recidivism among high-risk probationers.[18] By December 2005, the number of persons re-incarcerated for technical violations had dropped by 20 percent.[19]
- Because of the success of the PTP and TVU programs, state policy makers anticipate savings of $6.3 million in fiscal year 2007 and $8 million in fiscal year 2008 once the two programs are implemented statewide.[20]
- Based on the initial results, policy makers approved $11 million in the FY2007-2008 budget to expand community-based treatment and residential programs, and expand the PTP and TVU programs to adult probation offices statewide.

---

[17] See Commission on Prison and Jail Overcrowding, "Report to the Governor and the Legislature 2006," State of Connecticut, Hartford, CT, January 15, 2006; Paige M. Harrison and Allen J. Beck, "Prison and Jail Inmates at Midyear 2004," U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C., 2005 (NCJ 208801); and Bureau of Justice Statistics, "Prison and Jail Populations at Midyear 2004."

[18] See Central Connecticut State University, Department of Criminology and Criminal Justice, "Addendum to the Final Report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit," June 2006.

[19] Ibid.

[20] See Fiscal Impact "Raised Bill #5651 An Act Adopting The Recommendations of the Report Of The Commission On Prison And Jail Overcrowding."

The state institutionalized systems to provide policy makers with regular reports reviewing trends in the prison population, and to develop population projections, track outcomes and recommend policy options.

- In 2005, lawmakers enacted "An Act Concerning Criminal Justice Planning and Eligibility for Crime Victim Compensation," establishing the Criminal Justice Policy and Planning Division (CJPP) to collect data from multiple criminal justice agencies and produce ongoing analyses of, and recommendations for, improving Connecticut's criminal justice system. CJPP is housed within the Office of Policy and Management.[21]
- In 2006, lawmakers passed "An Act Concerning Criminal Justice Policy and Planning and the Establishment of a Sentencing Task Force."[22] The Connecticut Sentencing Task Force will review criminal justice and sentencing policies, analyze sentencing trends, and assess the impact of corrections and sentencing policies.

The Next Steps

The state's prison population has stopped declining and shows signs of increasing in 2007.

- Since January 2006, the pretrial population, which was not a focus of the justice reinvestment strategy designed between 2003 and 2004, has grown significantly. Preliminary analysis shows that the pre-trial population increased 10 percent in 2006.[23]
- CJPP will need resources, including personnel and access to data, to assess the reasons for this growth and to determine whether additional dollars should be appropriated to increase the capacity of the prison system. It also will need to facilitate problem-solving discussions among elected officials and administrators of the state's criminal justice agencies.

Planning processes in Hartford and New Haven did not generate comprehensive neighborhood initiatives for policy makers to reinvest in.

- Planning processes in both cities resulted in two modest reentry programs that target a small number of people released from a particular prison—rather than targeting a particular neighborhood disproportionately affected by returning ex-offenders. Preliminary results of a study show that neither project appears to have had a demonstrable impact on the neighborhoods targeted by justice reinvestment.
- State officials will need to work with community leaders, help them get past their competing agendas, and facilitate planning that everyone agrees will ensure that various government-funded programs that converge in the same "high–stakes" neighborhoods are well coordinated and deliver strong results.

The Public Safety Performance Project has supported Connecticut's data-driven reform efforts with nonpartisan research, assistance and expertise since January 2006, principally through the work of the Council of State Governments and its consultants. The project will continue to work closely with Connecticut leaders to explore additional policy options for improving public safety and controlling corrections spending.

---

[21] Connecticut General Assembly, "Substitute House Bill 6976, Public Act No. 05-249, "An Act Concerning Criminal Justice Planning and Eligibility for Crime Victim Compensation," enacted 2005.

[22] Connecticut General Assembly, "Substitute House Bill 5781, Public Act No. 06-193, "An Act Concerning Criminal Justice Policy and Planning and the Establishment of a Sentencing Task Force," enacted 2006.

[23] Note: Final statistics are forthcoming.

PUBLIC SAFETY PERFORMANCE PROJECT

An operating project of The Pew Charitable Trusts, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

The project helps states diagnose the factors driving prison growth and provides policy audits to identify options for reform, drawing on solid research, promising approaches and best practices in other states. The initiative also helps state officials, practitioners and others share state-of-the-art knowledge and ideas through policy forums, public opinion surveys, multi-state meetings, national, regional and state-level convenings, and online information about what works.

The project works with the Pew Center on the States and a number of highly respected external partners, including the Council of State Governments (CSG) Justice Center and the Vera Institute of Justice, to provide expert, nonpartisan information and assistance to states.

CONNECTICUT PARTNERS

The Public Safety Performance Project currently is working in Connecticut with CSG, a national nonprofit organization that serves policy makers at the local, state and federal levels from all branches of government. CSG's Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

CONTACT

Adam Gelb, Project Director

agelb@pewtrusts.org

404.848.0186

www.pewpublicsafety.org

Public Safety Performance
A Project of The Pew Charitable Trusts

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

Criminal Justice Sub-Committee - Solutions for Overcrowding

Option	Description	Need	Type		FY 07 Financial Orders	FY08	FY09
5	Open all empty State Correctional Facilities	Charleston Option - 55 Beds - Financial Order **17** Limited Period Correctional Officers	Pers. Svcs.		$ 23,915	$ 1,133,921	$ 1,167,938
			All Other		14,308	189,837	195,532
			Capital		10,000		
					$ 48,223	**$ 1,323,758**	**$ 1,363,470**
				Annual Cost per CO-1			
17	Hire 18 Additional CO's 2 Pods	**18** Step 1 Correctional Officers @ MSP	Pers. Svcs.	$ 49,776		$ 913,887	$ 932,165
			All Other	8,500		153,000	153,000
						$ 1,066,887	**$ 1,085,165**
				Avg. Daily Cost			
29	100+/- Inmates Boarded at County Jail Facilities	Two Bridges - **23** Males	Contractual	$85/Day	$ 112,635	$ 713,575	
		York - **45** Males	Contractual	$85/Day	$ 220,373	$ 1,396,125	
		Cumberland - **23** Females (through 11/01/07)	Contractual	$85/Day	$ 112,635	$ 242,420	
(41)	====================>	York - **44** Inmates - Use Existing MCC Staff - Voluntary	Contractual	$53/Day	$ 134,356	$ 851,180	
					$ 580,000	**$ 3,203,300**	
	MDOC Immediate Emergency Response - Female Option	Female Opt4 Transition & Reunification Program	40	$ 74.30		1,117,323	1,150,843
		Female Opt5 Group Homes/Half-Way Homes	20	$ 63.38		476,554	490,851
		Female Opt6 Expanded Apartment Units to use with SCCP	10	$ 15.12		56,844	58,549
						$ 1,650,721	**$ 1,700,243**
	Total All Immediate Response Options				**$ 628,223**	**$ 7,244,666**	**$ 4,148,878**

Change Package

Initiative #	Initiative	Proposal	2007	2008	2009
11	Provides additional funding for the increased costs associated with addressing the overcrowding issues in State facilities. These funds will not lapse at the end of the State fiscal year 2007; unexpended funds shall carry forward to use in state fiscal year 2008.		**$ 1,268,739**	**$ 3,900,000**	
10	Increases funding for 2008/2009 biennium for the cost of medical and other health and treatmetn costs of offenders in the Departments's custody.	**PROPOSED:** Use of Medical Services fund($1.5M) to fund Overcrowding Solutions		**$ 1,000,000**	**$ 500,000**
	Total Change Package		**$ 1,268,739**	**$ 4,900,000**	**$ 500,000**

	2007	2008	2009
Surplus/ Deficit from Change Package vs. Immediate Response Options	**$ 640,516**	**$ (2,344,666)**	**$ (3,648,878)**

Projected MDOC Adult Beds Space Deficit

FY	2007	2008	2009	2010
ProjADP	2,192	2,239	2,245	2,300
Capacity	1,946	1,946	1,946	1,946
Bed Deficit	(245)	(293)	(299)	(354)

Comparative Cost to Boarding Out of State to County Jail

Board All Out of State - in County Jails						
FY	Beds	Per Diem	2007	2008	2009	2010
PerDiemMed	250	$68.00	$68.00	$70.04	$72.14	$74.30
Transprt$			$0	$0	$74,000	$76,000
Year $			**$6,205,000**	**$6,391,150**	**$6,656,775**	**$6,855,875**
ADP Defic			**250**	**250**	**250**	**250**

County Jail Boarding						
FY	Beds	Per Diem	2007	2008	2009	2010
CJ Brd$	250	$88.00	$88.00	$90.64	$93.36	$96.16
FY$			**$8,030,000**	**$8,270,900**	**$8,519,027**	**$8,774,598**
Net # of Beds			**250**	**250**	**250**	**250**

Immediate Emergency Response

CCF Dorm, Board County Jail & Board Out of State						
FY	Beds	Per Diem	2007	2008	2009	2010
CCF Daily$	55	$64.02	$64.02	$65.94	$67.92	$69.96
FY$			$1,285,202	$1,323,758	$1,363,470	$1,404,374
CJ Brd$	50	$88.00	$88.00	$90.64	$93.36	$96.16
FY$			$1,606,000	$1,654,180	$1,703,805	$1,754,920
OOS Brd$	125	$68.00	$68.00	$70.04	$72.14	$74.30
ADP			125	125	125	179
Transport$			$0	$0	$36,000	$46,000
FY$			$3,102,500	$3,195,575	$3,327,388	$4,900,391
SCCP	25			25	25	25
Total Male			**$5,993,702**	**$6,173,513**	**$6,394,663**	**$8,059,684**
Net # of Beds			**230**	**255**	**255**	**309**
Female Option			**$1,602,642**	**$1,650,721**	**$1,700,243**	**$1,751,249**
Female # of Beds	**70**		**70**	**70**	**70**	**70**
Option 2 Incl. Female Option ($)			**$7,596,344**	**$7,824,234**	**$8,094,906**	**$9,810,933**
Total Beds Male & Female	**325**		**300**	**325**	**325**	**379**

Long Term Options

State Consolidation of County Jails						
FY			2007	2008	2009	2010
Savings					**$ 12,368,667**	**$ 14,317,401**
Bed Surplus					**+230 Beds**	**+131 Beds**
Estimated Cost Avoidance					**$ 6,944,063**	**$ 8,625,565**

Add Capacity to MSP						
FY			2007	2008	2009	2010
Added Capacity						256
Operational Costs						6,153,220
Capital Cost						38,000,000
Per Diem						$ 65.85
Total Added Capacity						**$44,153,220**

Overcrowding Combined Options - Draft

FY	2007	2008	2009	2010
ProjADP	2,192	2,239	2,245	2,300
Capacity	1,946	1,946	1,946	1,946
Bed Deficit	(245)	(293)	(299)	(354)

Female Options

FY	Beds	Cost / Day	2007	2008	2009	2010
Female Opt4 Transition & Reunification Program	40	$ 74.30	1,084,780	1,117,323	1,150,843	1,185,368
Female Opt5 Group Homes/Half-Way Homes	20	$ 63.38	462,674	476,554	490,851	505,576
Female Opt6 Expanded Apartment Units to use with SCCP	10	$ 15.12	55,188	56,844	58,549	60,305
Totals	**70**		**$1,602,642**	**$1,650,721**	**$1,700,243**	**$1,751,249**

Maine Sheriffs' Association

11 Columbia Street
Augusta, ME 04330
Tel. (207) 626-7695 Fax (207) 622-4437

Maine's Sheriffs – "Your choice for Law Enforcement & Corrections"

March 28, 2007

Senator Margaret Rotundo
Representative Jeremy Fischer
Committee on Appropriations & Financial Affairs
State House
Augusta ME 04333

Re: State Prison Overcrowding

Dear Senator Rotundo and Representative Fischer:

Two weeks ago, Corrections Commissioner Magnusson appears before the Committee on Criminal Justice & Public Safety to present 16 options for how DOC could deal with its overcrowding. One of those options involved boarding state inmates at county jails. At that time, the Commissioner had identified 75 beds at an average daily rate of approximately $102.

Since that time, being fully aware of the seriousness of the state's overcrowding situation (shared by several of the county jails), MSA asked those counties with empty beds to make available as many of them as possible and at the lowest rate which did not require an increase in county property taxes. The results of that request are reflected in the attached spreadsheet and were presented yesterday to the Committee on Criminal Justice & Public Safety.

While there are more than 130 empty beds in county jails on any given day, offering more than the 130 identified on the spreadsheet would require the hiring of more correctional officers, and other related expenses, either by the counties or by the state. Please let me know if you would like additional information. Thank you.

Sincerely yours,

Robert S. Howe
Executive Director

RSH/se
Encl.
C: committee members

Review of available county jail beds - 3/26/07

County	# of beds	daily rate	daily total	security class.; gender; other conditions
Androscoggin	2	$90	$180	medium males (short-term only) OR 5 minimum males
Cumberland	15	$85	$1,275	females in jail
	8	$85	$680	females in community corrections
Hancock	7	$90	$630	minimum males
Two Bridges (Sag.&Linc.)	12	$85	$1,020	medium males — with guar. of 300/bed/days/mo.
	11	$85	$935	minimum males
York	20	$85	$1,700	females
	27	$85	$2,295	medium males
	18	$85	$1,530	minimum males
	10	$85	$850	protective custody males
Total beds	**130**			
Total daily cost			$11,095	
Average daily cost			**$85.35**	

Note: The number of available beds is an estimate and is subject to change depending upon each county's own needs.

Impact of Maine Technology Institute Programs

For Awards Ending June 30, 2002-June 30, 2006

Maine Technology Institute
Investing in Promising Technologies

"MTI's successful track record over the last five years is evidence of the early returns that can be realized by such investments as an essential part of the long-term process of transforming Maine into an innovation based economy."

Prof. Charles Colgan, January 2007
Center for Business and Economic Research, USM

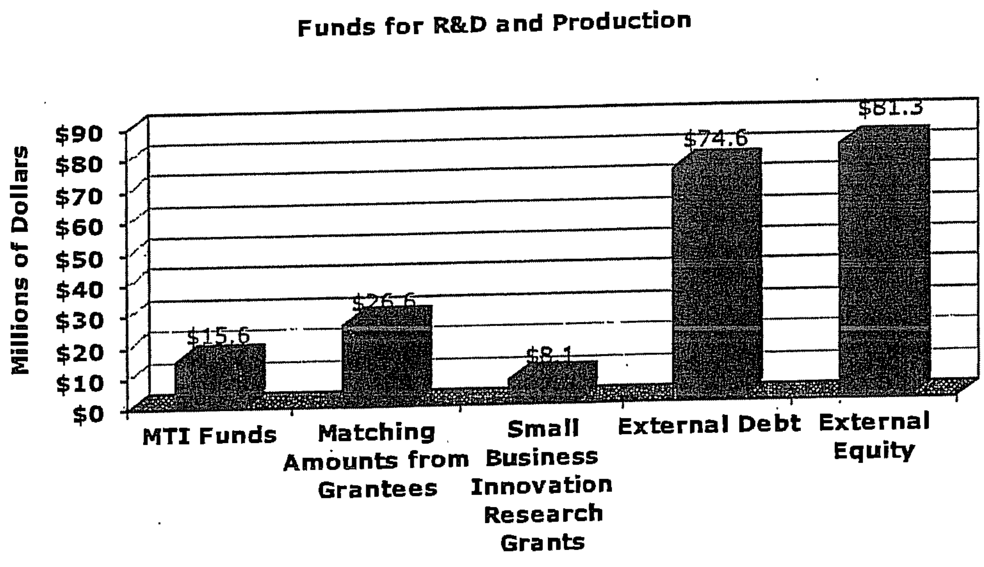
At MTI-funded companies:

- Jobs grew by 6.2% annually, compared with approx. 1% growth in the Maine economy between 2001 and 2006
- Wages were 20% higher than the average Maine wage

MTI-funded companies:

- Buy materials (32%) and services (43%) from other Maine companies
- Secured over $155 million in debt and equity funding
- Equaled or exceeded $100 million in revenues by 2006
- Secured intellectual property protection (63%)
- Say that MTI assistance was important to their commercial success

$1 in MTI funding leveraged $12 in additional private and public financing growing Maine's innovation economy



Center for Business and Economic Research
A Joint Center of the School of Business and the Muskie School of Public Service

USM

CORRECT
BUILDING PRODUCTS LLC®

Committee on Appropriations and Financial Affairs
5 State House Station
Augusta, ME 04333-0005

March 9, 2007

Dear Committee Member:

We wouldn't be here without the Maine Technology Institute! Thanks for funding it in the first place, and thanks for considering it again now. When we started our composite decking company in 1999, we projected a turn to profitability in 13 months. By June 2000, it was clear we weren't going to make that turn as quick as we thought. The equipment showed up late, and all the other challenges that plague startup businesses (couldn't get trade credit for raw material, had product - but no marketing, costs were higher than budgeted, etc) happened at once. That MTI grant saved us – and, lent us much-needed credibility with our creditors and customers. Since then we have sold and exported from the state more than 100 million of feet of our CorrectDeck composite decking and paid millions in payroll taxes, with our 65 employees and 24/7 operation. We've made the Inc 500 twice – only 0.1% of startups even make it once - and are one of the state's larger recyclers. We outsource work locally (making fasteners for our hidden fastener system) that keeps more than 40 people employed at Creative Work Systems, and have local vendors whose billings with us exceed more than $400,000 – so we're helping grow those businesses too.

I like the model that the MTI uses, the RFP for larger projects and the steady, published schedule for smaller ones, with relatively stringent guidelines and frequent business consultation followup to verify that milestones are being achieved before releasing the next stage of payment. It holds the business managers to their projections and can lead to problem-solving discussions. Almost no project goes according to plan, so it lets the course be flexible as long as the goal is achieved, and the MTI business counselors are knowledgeable and helpful. So you get more than just financial support.

Please feel free to contact me (mgrohman@correctbp.com) with comments or questions about the MTI or our business. Thank you for your generous support. Our goal is to continue helping put Maine's composite business on the map!

Sincerely yours,

Martin Grohman
President

Research and Development

TEX TECH industries

Committee on Appropriations and Financial Affairs
5 State House Station
Augusta, ME 04333-0005

March 9, 2007

Dear Committee Member:

I am writing this letter in support of the Maine Technology Institute (MTI) and its funding and assistance programs. MTI funding has played a critical role in helping Tex Tech Industries introduce new products to the market and remain competitive. As the State's only source of financial support for private industry research and development, MTI is a critical resource for tech based entrepreneurs and companies like ours.

Tex Tech industries has relied greatly on the support of MTI in funding small projects for the purpose of fundamental R&D that might otherwise not be funded due to inherent risk typical of the fundamental design step of product development.

Because Tex Tech Industries is working to develop new products from fundamental material science we are inherently advancing the state of the art for our industry. Tex Tech has developed 5 newly patented technologies based on R&D that was funded initially or in part by MTI funding.

MTI has made a significant difference in the development of new products that have resulted in long-term contracts, which have sustained and grown the business in the State of Maine.

David F. Erb Jr.
Director, R&D and New Product Development

PO Box 8, 105 North Main Street • North Monmouth, ME 04265
Phone: (207) 933-4404 • Fax: (207) 933-9292 • www.textechindustries.com

The AEWC Center
A research & development laboratory
specializing in:
• *Adhesives*
• *Building Code Reports*
• *Composite Materials*
• *Embedded Sensors*
• *Engineering Services*
• *Materials Testing*
• *Product Development*
• *Structural Testing*
• *Wood Products & Materials*

1865 THE UNIVERSITY OF MAINE

5793 AEWC Building
Orono, Maine 04469-5793
Tel: 207-581-2123
Fax: 207-581-2074
www.aewc.umaine.edu

March 9, 2007

Committee on Appropriations and Financial Affairs
5 State House Station
Augusta, ME 04333-0005

Dear Committee Member,

I am writing in support of the Maine Technology Institute (MTI) and how its funding and assistance programs have benefited Maine industry and clusters. I am currently Manager of Technical Services at the AEWC Center (www.aewc.umaine.edu), a 48,000 ft^2 integrated composites laboratory at the University of Maine dedicated to research, development and economic growth in Maine.

In early 2003, I submitted a Cluster Enhancement proposal to MTI titled: **"Increasing the AEWC Center Industrial Outreach and Technical Service to Maine Boatbuilding and Composites Companies."** which was accepted and ultimately funded. The overall objective of my proposal was to address what was -at the time – an apparent lack of innovation activity within the Composite Materials Technology (CMT) sector. My method for accomplishing this was to increase the industrial service testing the AEWC Center performed for CMT companies in Maine. In doing this, it was my hope that the AEWC would achieve closer relationships with Maine composites industry members, resulting in partnerships that would leverage the AEWC Center's technical capabilities with the innovators in Maine's composites industry to expand their presence in existing markets, find new markets, and figure out how to compete in them.

Following are some of the "highlight" returns on MTI's investment:

1) ***The partnership between AEWC and Hodgdon Yachts to develop the Mk V.1 composite boat for Navy SEALs.*** This partnership has raised $14 million in external funding to develop and test this technology, and has established a spin-off company called Maine Marine Manufacturing, which will compete for the next boat contract at SOCOM. Further, this project is reestablishing Maine boatbuilders as suppliers of high-quality military craft. Since the start of the Mk V.1 program, two other Maine boatbuilders have started to develop high-speed composite boats for the U.S. military.

2) ***The partnership between AEWC and Harbor Technologies to develop and refine composite piers, piles, and other composite products for waterfront infrastructure.*** This partnership culminated in the construction of a composite pier for the U.S. Coast Guard in Jonesport, Maine, demonstrating the applicability and durability of composite materials in harsh marine environments.

3) ***The delivery of testing, technical services, R&D services, and proposal assistance for more than 40 Maine companies*** both within and supporting Maine's boatbuilding and composites industries, including Hodgdon Yachts, Harbor Technologies, TexTech Industries, the Kenway Corp., Custom Composite Technologies, Seaway, York Marine, Wilbur Yachts, Correct Building Products, Hinckley, Maine Secure Composites, Maine Timber Works, Old Town Canoe, Saunders Brothers, and many others.

4) ***A rejuvenated Maine Composites Alliance.*** Prior to the Cluster Award, MCA was in a period of near hibernation. Over the past four years, we have developed a strategic growth plan for MCA, which includes

a planned joint venture/merger with the state-funded Composites Technology Centers (business incubators) in Sanford and Greenville. Within the next month, MCA will be applying for a follow-up Cluster Enhancement Award to significantly expand this growth plan, and strengthen the CMT industry cluster.

5) ***Finally, the work that was funded under my CEA was a critical factor in the development of a successful WIRED proposal.*** The projects with companies like Hodgdon and Harbor Technologies had significantly raised the activity level of the CMT sector, to the point that it was recognized by Governor Baldacci as a cluster with enough potential to put forth a strong proposal to WIRED. In addition, these University/Industry collaborative successes formed the basis for the public/private collaboration that is the North Star Alliance Initiative (NSAI). There were obviously other factors that contributed to our success, but the R&D and Innovation components of the proposal (which drew directly from the MTI-funded work) were clearly a compelling element to the grant reviewers. In short, ***the MTI Cluster Enhancement Award was a key factor in creating the critical mass that enabled the composites industry to respond so strongly to the WIRED solicitation, just like WIRED and the NSAI will be a key factor in creating the critical mass to significantly expand and grow the industry.***

In summary, MTI and the Cluster Enhancement Program were absolutely critical in helping the AEWC Center to grow our relationship with the composites and boatbuilding industry in Maine. Without MTI, we would not have been able to achieve the public-private collaborations that have expanded our industry into new ground, and we would not have been able to compete for WIRED.

Thank you for this opportunity to speak in strong support of the Maine Technology Institute and their Cluster Enhancement Award program. If I can be of any further assistance, please do not hesitate to call me at (207) 581-1465, or email me at rlindy@maine.edu.

Sincerely,

Dr. Robert F. Lindyberg, P.E.
Manager if Technical Services

Center for
Law+Innovation
University of Maine School of Law

Center for Law and Innovation
400 Commercial Street, Suite 405
Portland, Maine 04101
(207) 874-6521
www.lawandinnovation.org

The Law School of the University of Maine System
Fax (207) 874-6522

An Administrative Unit of the University of Southern Maine
TTY (207) 780-5646

March 7, 2007

Committee on Appropriations and Financial Affairs
5 State House Station
Augusta, ME 04333-0005

Dear Members of the Committee:

I write to urge ongoing and additional support for the Maine Technology Institute, unquestionably Maine's most prominent and successful organization assisting the innovation community. The Center for Law & Innovation at the University of Maine School of Law runs the Maine Patent Program, another successful and important state-funded service organization serving Maine's innovation economy and working closely in collaboration with MTI. Nearly one-third of the Maine Patent Program's clients receive MTI awards and MTI refers applicants seeking intellectual property advice to the Maine Patent Program for assistance.

In 2005, the Center received a Cluster Enhancement Award from MTI. The award has made a tremendous difference in making key services available for economic development in Maine and in changing the culture of the state's research community toward embracing entrepreneurship and innovation.

A few years ago, the Center conducted a study of the state's universities, colleges and non-profit research laboratories to determine to what extent their research faculty were developing new patentable innovations and licensing technology to industry, and what level of staff support each institution was devoting to such activity. Not surprisingly, very few institutions supported technology transfer infrastructure and very few science research faculty were engaged in seeking entrepreneurial opportunities. For most institutions, it made no economic sense to retain even part-time technology transfer staff because there was little or no activity from faculty to justify their presence. The culture against working with industry was also quite strong.

The Center began a deliberate program of developing the capacity to provide innovation disclosure/evaluation and technology licensing services for the state's universities and non-profit laboratories. Our study revealed that the most significant clusters of research statewide were in biotechnology and marine science. Accordingly, we submitted a proposal to MTI for funding to hold a workshop for faculty and administrators on knowledge transfer practices and skills, and to hire a life sciences technology transfer expert (Todd Keiller) to travel to all the participating institutions educating them on innovation practices and assisting them with disclosures and licensing opportunities.

The program has been highly successful. UNE, USM, and the Foundation for Blood Research have each had disclosures and licensing opportunities they would not likely have pursued without this assistance. The University of Maine and The Jackson Laboratory have called upon Keiller to help their in-house technology transfer staff make key connections to licensing partners and develop plans for new Maine-based start-ups. All of those institutions, and in addition the Mt Desert Island Biological Laboratory, have agreed to finance Keiller's ongoing relationship with the Center so they can continue to call upon him for services in the coming years.

We could not be more pleased with MTI's vision and responsiveness. The Cluster Enhancement Award process is swift, efficient, fair and targeted. I'd be happy to answer any additional questions you may have.

Best regards,

Rita Heimes
Director, Center for Law and Innovation

ENVIRONMENTAL & ENERGY
TECHNOLOGY COUNCIL OF
M · A · I · N · E

PO Box 11435, Portland, ME 04104 Tel: (207) 228-8524; Fax: (207)228-8526 www.e2tech.org

March 8, 2007

To Members of the Appropriations Committee:

Thank you for this opportunity to discuss how support from the Maine Technology Institute (MTI) has helped the environmental & energy technology cluster grow and be more competitive.

In a nutshell, use of MTI's funds by the Environmental & Energy Technology Council of Maine (E2 Tech Council) has helped catalyze the sector. This sector is experiencing healthy growth and is now viewed as integral to Maine's economy and technology development.

I have documented examples later in this letter, but first I must emphasize the importance of these accomplishments. Just five years ago, the Maine Science and Technology Foundation (MSTF) published a widely-read policy analysis that identified the environmental and energy technology cluster as having *the weakest cluster characteristics* among the State of Maine's seven targeted technology areas.

The E2 Tech Council initially sought MTI funding to take action on the major issues identified in the MSTF report and create infrastructure to support the sector.

Fundamentally, the sector needed a systematic means for linkage, collaboration, and networking as well as a central clearinghouse for industry information. E2 Tech used initial MTI support of approximately $15,000 as start-up funds that facilitated the creation of a 501(c)(3) corporation, the recruitment of a board of directors representative of the sector, the identification of companies and organizations within the sector, and the initiation of a series of informational and educational programs.

E2 used a second award of approximately $61,000 to develop a paying membership and expand programming with special workshops. Two examples included how to accelerate clean energy business opportunities with the National Renewable Energy Laboratory and how to take advantage of economic opportunities resulting from climate change initiatives in the European Union.

Specific industry and business-to-business growth opportunities that resulted from E2 Tech's activities have included:

- ✓ **The creation of Maine's biofuel subcluster:** This includes the pilot plant project developed by the Chewonki Foundation of Wiscasset, the feasibility analysis of commercial biofuel production by Wright Pierce of Topsham, the Biodiesel for Maine market information project (partnership of Chewonki and the Maine Energy Investment Corp. of Brunswick) and the first retailing of biodiesel in Maine by Frontier Energy of South China. In each instance, E2 Tech provided principals with introductions to business partners, grant writers and project consultants, or connections on how to utilize the research and development capacity of the University system.

- ✓ **The creation of Maine's hydrogen energy subcluster**: E2 Tech partnered with the Chewonki Foundation, the Fractionation Development Center of Rumford, the Hydrogen Energy Center of Portland and Acadia Environmental Technology of Portland to convene a public workshop on "Building Supply and Demand for Hydrogen in Northern New England." The workshop included major players involved in hydrogen energy activities in the region and provided the first public identification of private sector investment by Maine companies in this technology.

- ✓ **Advancement of the solar energy subcluster**: The only company manufacturing solar energy equipment in Maine, Ascendant Energy of Rockland, created its management team and advanced its technology through relationships formed through E2 Tech. MTI has provided Ascendant with both Seed Grant and Development Award financing (the latter totaling $324,000) toward commercialization of the company's patented rooftop co-generator system. In addition, the Maine Energy Investment Corp. (MEIC) of Brunswick, has utilized the E2 network to document increased company formation by firms providing solar equipment, installation and consulting services, and to develop a web-based calculator tool that allows commercial business owners to better understand the economics of installing solar energy for either electrical or hot water needs.

- ✓ **Increased understanding of Maine's tidal power potential**: While MTI provided separate cluster funding to The Electric Power Research Institute (EPRI) to help fund EPRI's tidal power feasibility project, many of the project partners and advisors had organized originally through the E2 network, such as Jim Atwell of Sevee & Maher Engineers in Cumberland and Andre Casavant of Devine Tarbell & Associates of Portland.

- ✓ **Improved opportunities for start-up companies**: As a result of its partnership with the E2 Tech Council, the Maine Center for Enterprise Development, Maine's oldest incubator for start-up technology companies, has witnessed strong growth in the number of new companies creating clean energy and environmental technology products. The MCED, formerly known as the Center for Environmental Enterprise, now has the largest clean energy and environmental products clientele in Northern New England. In 2006, the MCED forged an economic development partnership with the University of Southern Maine resulting in the relocation of the incubator program to USM's Portland campus.

- ✓ **Development of new professional and scientific expertise**: Because of investments in renewable energy, engineering and science consulting firms, law practices and other service companies have been able to create new areas of practice. Many firms are learning of these opportunities through their membership in E2 Tech. For the engineering and science firms, the opportunities are reminiscent of an industry transition in the 1970s when consulting firms, which historically had focused on traditional infrastructure projects, soon became recognized for their expertise in waste water treatment, clean water issues and air quality.

- ✓ **Expansion of the environmental and energy sector into other areas of the Maine economy**: There is increased participation in industry activities by environmental, facilities or transportation managers at manufacturing and other types of companies that are incorporating sustainable practices, using renewables, increasing recycling etc. For example, LL Bean is represented on the E2 Board of Directors and companies such as Fairchild Semiconductor and Dragon Cement regularly participate in E2 activities.

E2's most recent Cluster Enhancement Award of approximately $57,000 has been used to: a) document the economic impact of Maine's environmental & energy technology industry, b) invest in a dynamic web site portal, c) increase development of membership and d) expand the sector. E2 will be publishing a business development document for use by economic development agencies such as the Department of Economic and Community Development, the Maine International Trade Center, Maine & Co. and the Maine State Chamber of Commerce.

According to the economic information compiled for E2 by Professor Todd Gabe of the University of Maine Department of Resource Economics and Policy, the E2 sector is a source of good jobs, innovation and technology development. Furthermore, the industry exhibits strong cluster characteristics, which is a strong measure of progress since the 2002 MSTF study.

According to UMaine's report, the environmental and energy technology sector is characterized by the following:

- ✓ 688 businesses and organizations
- ✓ 2006 sales of $574.1 million
- ✓ 2006 jobs of 5,269
- ✓ 2006 salaries of $222.8 million (Avg. wage $45K)
- ✓ Over one quarter of the firms experienced a revenue increase greater than 10% in the last year while 44% expect to see revenue increases greater than 10% in the next 12 months.
- ✓ 47% anticipate launching a new service in the next three years.
- ✓ 24% anticipate launching a new product in the next three years
- ✓ More than 60% are engaged in cooperative activity with another Maine entity: this includes joint ventures, joint purchases, marketing efforts and R&D efforts to develop new products.

Furthermore, we also know from a recent evaluation of MTI's programs that R&D and commercialization in the environmental and energy sector is increasing.

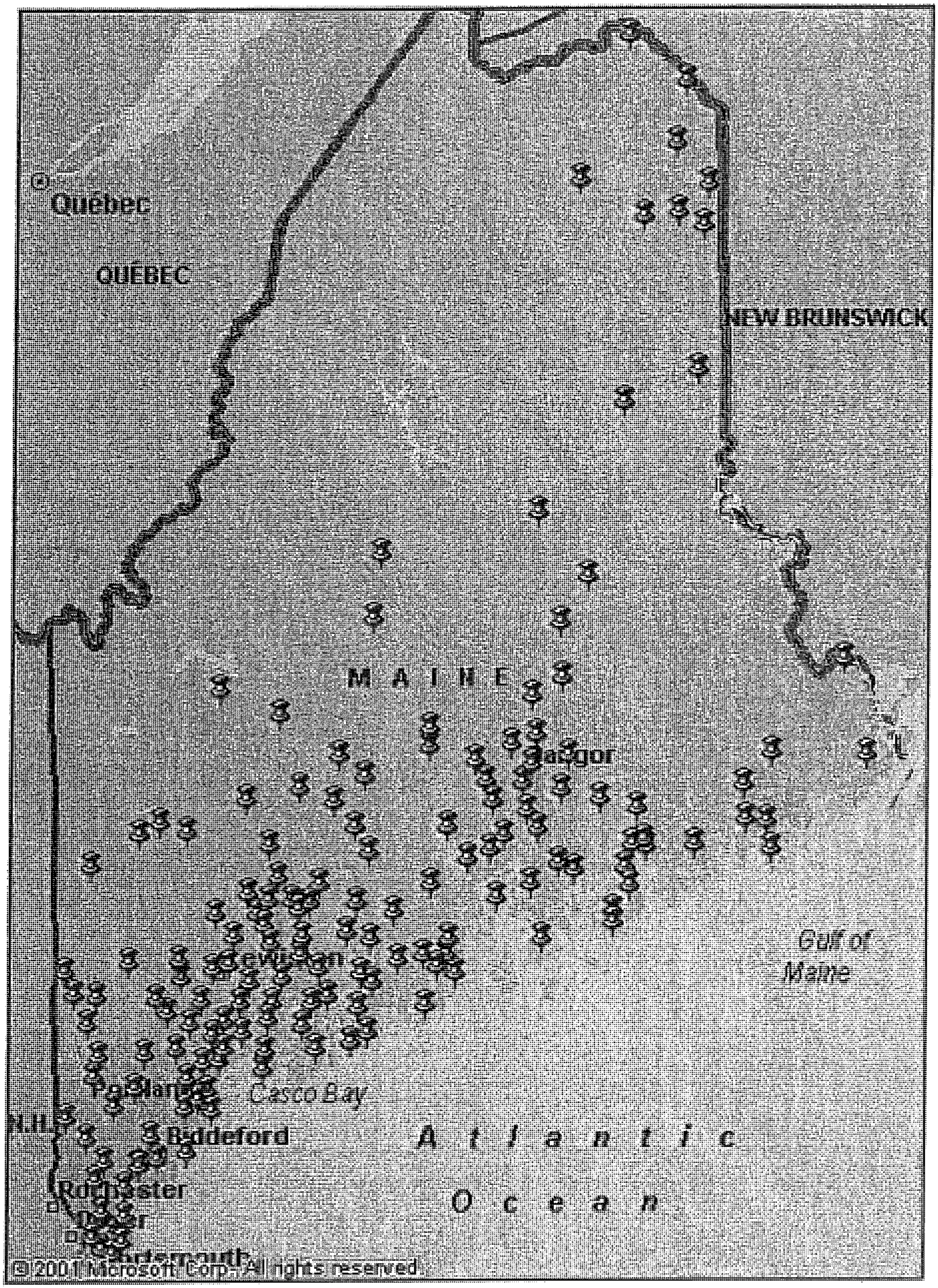
Nearly 30% of Maine's academic R&D was performed in the Environmental Sciences, a much higher share than for the rest of US. (Both New England and national figures are under 9%). For Maine, that represented $22.5 million of research in the environmental sector. Since 2000, MTI has invested $3.3 million in environmental and energy technology projects, leveraging an additional $5 million in matching funds.

As you can see, the environmental and energy technology sector is now a force in Maine and much of the impact can be attributed to MTI's support. We appreciate this opportunity to share this information with you about our sector's history, performance and potential. Please contact me if I can answer any questions or provide additional information.

Sincerely,

John M. Ferland
President and Executive Director

Geography of MTI Funding by Town



State of Maine
Executive Department
FINANCIAL ORDER

03314 F7

APPROVED
MAY - 1 2007
5/1/07
BY GOVERNOR

ORDERED,

That the State Controller transfer $580,000 from the All Other line category in account 010-03A-0286-01, Correctional Medical Services, to the All Other line category in account 010-03A-0141-01, Department of Corrections; and,

Be it further ordered,
that the State Controller increase allotment in account 010-03A-0141-01, Department of Corrections, in the All Other line category and decrease the allotment in account 010-03A-0286-01, Correctional Medical Services, in the All Other line category for the purpose of providing funds for the relocation of inmates; and,

Be it further ordered,
that the State Controller authorize the expenditure in accordance with the attached "Revision of the Work Program for Fiscal Year ending June 30, 2007", for which this shall be our sufficient warrant.

Statement of Fact

This financial order transfers All Other allotment from the Correctional Medical Services account to the Department of Corrections administrative account to provide funding for the relocation of inmates to county jails. The Correctional Medical Services funds being transferred are not required in the current fiscal year.

Martin Magnusson
Signature of Department Head

Martin Magnusson, Commissioner
Name and Title

FOR BUREAU OF THE BUDGET USE ONLY

Signature of State Budget Officer

Policy Area: 06 - Justice and Protection
Umbrella: COS00 - DEPARTMENT OF CORRECTIONS
Agency Contact: T. Scott Ferguson
Agency Phone: (207) 287-4387

COS00-0037

COS00 DEPARTMENT OF CORRECTIONS

Expenditures

Level: Account Summary

State of Maine
Budget & Financial Management System

Department and Agency Financial Order Report

Agency Ref COS00-0037

Account: 01003A014101 DEPARTMENT OF CORRECTIONS

	Object	Month	2007 1st Quarter	2007 2nd Quarter	2007 3rd Quarter	2007 4th Quarter	2007 Annual Total
All Other							
PROF. SERVICES, NOT BY STATE	400000	1				580,000	580,000
Subtotal All Other		1				580,000	580,000
Total All Other						580,000	580,000
Total						580,000	580,000

COS00 DEPARTMENT OF CORRECTIONS

Expenditures

Level: Account Summary

State of Maine

Budget & Financial Management System

Department and Agency Financial Order Report

Agency Ref COS00-0037

Account: 01003A028601 CORRECTIONAL MEDICAL SERVICES FUND

	Object	Month	2007 1st Quarter	2007 2nd Quarter	2007 3rd Quarter	2007 4th Quarter	2007 Annual Total
All Other							
PROF. SERVICES, NOT BY STATE	400000	1				(580,000)	(580,000)
Subtotal All Other		1				(580,000)	(580,000)
Total All Other						(580,000)	(580,000)
Total						(580,000)	(580,000)

COS00 DEPARTMENT OF CORRECTIONS

Transfers

Level: Account Summary

State of Maine

Budget & Financial Management System

Department and Agency Financial Order Report

Agency Ref COS00-0037

Account: 01003A014101 DEPARTMENT OF CORRECTIONS

	Object	Month	2007 1st Quarter	2007 2nd Quarter	2007 3rd Quarter	2007 4th Quarter	2007 Annual Total	Transfer Account
REG TRANSFER ALL OTHER	296400	1				580,000	580,000	01003A028601
Subtotal		1				580,000	580,000	
Total						580,000	580,000	
Total						580,000	580,000	

Account: 01003A028601 CORRECTIONAL MEDICAL SERVICES FUND

	Object	Month	2007 1st Quarter	2007 2nd Quarter	2007 3rd Quarter	2007 4th Quarter	2007 Annual Total	Transfer Account
REG TRANSFER ALL OTHER	296400	1				(580,000)	(580,000)	01003A014101
Subtotal		1				(580,000)	(580,000)	
Total						(580,000)	(580,000)	
Total						(580,000)	(580,000)	

SENATE

BILL DIAMOND, DISTRICT 12, CHAIR
EARLE L. MCCORMICK, DISTRICT 21
GER L. SHERMAN, DISTRICT 34

MARION HYLAN BARR, LEGISLATIVE ANALYST
FERN NEILSON, COMMITTEE CLERK

O.F.P.R.
2007 MAR -7 PM 1:42

HOUSE

STAN GERZOFSKY, BRUNSWICK, CHAIR
PATRICIA A. BLANCHETTE, BANGOR
ANNE M. HASKELL, PORTLAND
STEPHEN P. HANLEY, GARDINER
DAWN HILL, YORK
BRYAN T. KAENRATH, SOUTH PORTLAND
RICHARD M. SYKES, HARRISON
CHRISTIAN D. GREELEY, LEVANT
GARY E. PLUMMER, WINDHAM
JOSEPH L. TIBBETTS, COLUMBIA

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

To: Sen. Margaret Rotundo, Senate Chair
Rep. Jeremy Fischer, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

From: Sen. Bill Diamond, Senate Chair
Rep. Stan Gerzofsky, House Chair Stan Gerzofsky
Joint Standing Committee on Criminal Justice and Public Safety

Re: LD 499, "An Act to Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

Date: March 5, 2007

Please accept this memo and the attached worksheets as the report of the Joint Standing Committee on Criminal Justice and Public Safety's recommendations regarding LD 499, "An Act to Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009."

MAINE EMERGENCY MANAGEMENT AGENCY

Eight of the eight members of the committee who were present at the time of the vote and one additional member who voted after voted unanimously to support all of the Governor's proposed budget recommendations pertaining to the Maine Emergency Management Agency.

DEPARTMENT OF PUBLIC SAFETY

Seven of the seven members of the committee who were present at the time of the vote and one additional member who voted after voted unanimously to support all of the Governor's proposed budget recommendations pertaining to the Department of Public Safety. Although the committee voted to support the LD 499 requests for the Department of Public Safety, the

100 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0100 TELEPHONE 207-287-1122

committee also asked the department to look at a number of issues, which may influence future budget recommendations. Those questions included the following.

- Would it be less expensive to the State for the Bureau of Capitol Security to provide security within Riverview Hospital, instead of contracting with a private security company for those services?

- How many vehicles doe the Department of Public Safety have? Which bureaus are requesting vehicles in LD 499 and how many? Do all bureaus of the State Police, besides patrol vehicles, have the same vehicle use and replacement policies? If not, how are they different?

Another concern raised by the committee during its work session on the Department of Public Safety budget was the fact that certain areas that are under the committee's jurisdiction in its legislative work, including the Computer Crimes Unit, the State Bureau of Identification and the DNA Database and Databank Act, which all fall under the Maine State Police program in the budget, are reviewed in the budget before the Joint Standing Committee on Transportation. Although most of the programs receiving combined Highway and General Fund monies do fall under that committee's jurisdiction, those that relate to criminal justice and public safety matters are better reviewed by the committee with greater familiarity with the issues. The Criminal Justice and Public Safety Committee believes that some of these bureaus under the umbrella of the State Police should appear before this committee in the budget review process and plans to further look into this and determine what steps should be taken to ensure that such a review occurs in the next budget.

DEPARTMENT OF CORRECTIONS

Eight of the eight members present at the time of the vote expressed unanimous concern that the Governor's proposed flat-funded budget for the Department of Corrections does not pay for necessary services. The budget does not reflect the real costs of providing medical services to inmates, of addressing the overcrowding issue and of paying for the necessary overtime used to deal with the population. By underfunding these programs, the department is impacted in a number of ways. Budgeting only $940,000 for over time expenses, when as of January of 2007 the department already has expended $2.9 million in overtime costs, the department is forced to make decisions about when to stop mandatory training, which influences employee morale and retention. The department is then put in the position of being dependent on supplemental budgets to pay for the over time, as well as for the increased medical services costs and for dealing with the overcrowding at all facilities – and no one can guarantee when and if such supplemental requests will come forward. The Department of Corrections budget before us does not represent realism, and it is a disservice to the budgetary process to present a budget that does not reflect what the true costs are.

These concerns being raised, eight of the eight members of the committee who were present and one additional member who voted after voted unanimously to support all but 2 of the programs of the Governor's proposed budget recommendations pertaining to the Department of Corrections. Although no members want to take money from any program in the department, some members did vote to appropriate more General Fund money to the department for 2 programs. Those voting against the motions support increasing appropriations to these programs, but because they were unable to find existing money in the department to reappropriate or because they did not feel they had enough information at this time, the members opposed the additional appropriations.

The 2 programs that had differing recommendations are the County Jail Prisoner Support and Community Corrections Fund and the Correctional Medical Services Fund. Costs of living increases were proposed by the department for both of these programs, but the programs were flat funded at the FY 06 level in LD 499. On the County Jail Prisoner Support and Community Corrections Fund program, 5 of 8 members present and one additional member who voted after voted to appropriate an additional total $547,731.10 over the biennium to this account (without specifying how that amount would be applied). The 6 members supporting this motion do not favor taking additional money from any other Department of Corrections accounts to accomplish this. The 3 members who voted to oppose this motion also support giving the counties additional funding to address county jail expenses; however because they do not want to take monies from other Department of Corrections accounts either and were unable to identify additional monies to support this recommendation, they opposed the motion. The committee believes that this program has been underfunded for many years, which creates additional burdens on the local taxpayers that the State needs to address.

On the Correctional Medical Services Fund, the 2 members of the 9 who voted supported increasing the program by 4% in the first year of the biennium and by 3% in the second year. All members present support appropriating additional monies to this program; however, 6 of the members present at the time of the vote and one who voted after opposed the motion, as the department is currently looking at having to renegotiate the medical services contract. Additional information regarding the actual costs of the contract will be forthcoming, and the committee anticipates that the additional funding will be sought through supplemental requests.

G:\COMMITTEES\CRJ\Budget\123rd1stReg\LD 499 FY0809 Budget recommendations.doc (3/7/2007 12:50:00 PM)