



House Bill 12-1223 - Inmates Eligibility for Earned Time

Background

HB 12-1223 expanded eligibility for earned time accrual to include offenders who were convicted for felony offenses that occurred on or after July 1, 1993, and who were re-incarcerated under a parole revocation. Additionally, the bill created a new category of earned time called “achievement earned time,” which may be awarded to offenders who successfully complete a milestone or phase of an educational, vocational, therapeutic, or re-entry program; or who demonstrate exceptional conduct that promotes safety of correctional staff, volunteers, contractors, or other persons under the supervision of the Department. Savings attributable to the bill are realized when offenders reach their sentence discharge date, which includes all periods of incarceration and parole. The bill directed that savings generated by the increased accrual of earned time be appropriated to the Department’s Education subprogram for academic and vocational programs to offenders, and to the Parole subprogram for parole wrap-around services.

Earned Time Savings Calculations for FY 2014-15 Budget Request

Since the nature of earned time is to reduce an offender’s sentence, the Department tracked the number of days awarded to offenders who were discharged between program implementation on August 1, 2012 and April 30, 2013. The Department found that 903 offenders were released ahead of their original discharge date during this time period due to the receipt of 40,732 earned time days. The details on the status of the offenders when released are as follows:

	Offender Status		
	Incarcerated	Parole	Total
# Offenders Released Early	611	292	903
# Earned Time Days	26,260	14,472	40,732

In addition to determining the number of days for the savings calculation, the Department also applied separate cost per day savings factors for determining prison and parole savings. For parole, the cost per day factor of \$15.45 from the FY 2013-14 budget request was utilized. The starting point for prison savings was the current private prison provider rate of \$53.74 per day. A daily medical cost of \$4.38 was added to the prison per diem rate for a total prison savings rate of \$58.12. Because the medical program is in the midst of implementing a major policy change with the expansion of Medicaid, the Department started with the FY 2014-15 base request for calculating the medical rate in an effort to accurately capture expected savings in FY 2014-15:

Medical Rate Calculations			
	FY 2014-15 Base Request	FY 2013-14 POPM Population*	Per Offender Per Day (POPD)
Purchase of Med Services from Other Med Facilities	\$18,339,411	17,202	\$2.92
Catastrophic Medical Expenses	\$9,186,356	17,202	\$1.46
Total Medical POPD Rate	\$27,525,767	17,202	\$4.38

* From JBC Figure Setting, March 2013

The total cumulative savings, as of April 1, 2013, from the 903 offenders that were released early due to 40,732 earned days is \$1,749,823. In order to establish a correct base increase for FY 2014-15, this amount was reduced by the FY 2013-14 earned time base established in HB 12-1223. Specifically, this included \$81,569 and 2.0 FTE for the offender services subprogram to implement the bill and \$193,900 to the Education subprogram. The FY 2014-15 budget request, therefore, includes a net earned time savings base adjustment of \$1,474,355 calculated as follows:

Earned Time Savings (as of April 30, 2013)			
	Incarcerated	Parole	Total
# Earned Days	26,260	14,472	40,732
Daily Rate	\$58.12	\$15.45	
Savings	\$1,526,231	\$223,593	\$1,749,824

FY 2014-15 Earned Time Savings - Net Increase		
	FY 2013-14 Appropriation	
Cumulative Earned Time Savings		\$1,749,824
Less: Earned Time Base		
3C - Offender Services Personal Services	(\$79,669)	
3C - Offender Services Operating	(\$1,900)	
4B - Education Operating	(\$193,900)	
Total FY 2013-14 Earned Time Base		(\$275,469)
FY 2014-15 Earned Time Savings Increase		\$1,474,355

Application of Earned Time Savings

The Department plans to use the savings increase generated by HB 12-1223 for the following purposes in FY 2014-15:

- New General Educational Development (GED) testing standards go into effect on January 1, 2014. This is the first major change in GED testing since 2003 and will increase the academic rigor required for successful completion of the program. The Department needs to update classroom textbooks and software (\$250,000) to help offenders prepare for the new standards. The software purchase includes a Spanish version for offenders that have learned English as a second language.
- The Department will expand vocational certification opportunities offered through the Colorado Department of Transportation (CDOT) and the Colorado Department of Regulatory Agencies (DORA) (\$100,000). The CDOT certification instructs offenders to become flaggers for road and bridge construction projects. DORA offers a safety certification from the Occupational Safety and Health Administration. Contracts approved by these state agencies hire releasing offenders that hold flagging and safety certifications.
- The Department will purchase 10 virtual welding machines (\$500,000). Two machines each will go to the four facilities that currently provide welding instruction (Arkansas Valley, Fremont, Buena Vista, and Sterling Correctional Facilities). In addition, the Department will establish a welding program at the Limon Correctional Facility (LCF) and purchase another two machines for this

purpose. While expensive to purchase at \$50,000 each, these technologically advanced machines will reduce the amount of welding rod and other materials necessary to operate a welding program. The Department will rely on the virtual welding machines during Level I basic welding training to develop muscle memory and comprehension of welding techniques. Those offenders that demonstrate the required aptitude will advance to Level II training that utilizes actual welding equipment. Because the virtual machines used in Level I training will lessen the need for traditional instruction and welding equipment, the Department will have increased capacity for offering welding training as the space and safety constraints that previously limited the number of offenders that could be in the classroom will no longer be an issue. The expansion of Level I training to LCF will allow offenders at this facility to complete basic welding training (not previously offered due to the facility's security level) and enables their transition to a lower custody facility.

- The Department will reestablish a culinary program for LCF and add a culinary program at Trinidad Correctional Facility (TCF) (\$150,000). With the addition of medium custody level offenders at LCF, the facility has more offenders eligible for participation in vocational education programs. Adding a culinary program at TCF has been an unfulfilled goal for the Department due to significant start-up costs. The establishment of culinary programs at both facilities will help fill a growing need in Colorado for food service workers per Colorado Department of Labor and Employment statistics. The food service industry has a long history of hiring releasing offenders.
- The Department will add 3.0 FTE (State Teacher I) to instruct the welding program at LCF, the culinary program at LCF, and the culinary program at TCF (\$158,244).
- The Department will put \$316,111 toward cognitive behavioral therapy, an evidence-based treatment modality for offenders, within Parole wrap-around services.

FY 2014-15 Earned Time Savings Summary			
Personal Services	Appr	FTE	FY 2014-15
4B - Education	E06	2.7	\$151,794
Total Personal Services		2.7	\$151,794

Operating	Appr		FY 2014-15
1C - Inspector General Operating	G21		\$75
2G - Superintendents Start-up	X13		\$4,350
3D - Communications Operating	C29		\$1,350
3F - Training Operating	T29		\$75
3G - Information Systems Operating	D29		\$600
4B - Education Operating	E26		\$900,000
4B - Education Contract Services	E56		\$100,000
5A - Parole Wrap-around Services	032		\$316,111
Total Operating			\$1,322,561
Overall Total		2.7	\$1,474,355

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Expenditure Detail		FY 2014-15		FY 2015-16	
Personal Services:		FTE	\$	FTE	
	Monthly Salary				
Teacher I	\$ 4,122	2.7	136,016	3.0	148,392
PERA			13,806		15,062
AED			-		6,529
SAED			-		6,307
Medicare			1,972		2,152
STD			-		258
Health-Life-Dental			-		14,570
Subtotal Position 1, 3.0 FTE		2.7	\$ 151,794	3.0	\$ 193,270
Subtotal Personal Services		2.7	\$ 151,794	3.0	\$ 193,270
Operating Expenses					
(3)(D) Telephone Expenses	450	3.0	1,350	3.0	1,350
(1)(C) Drug Testing	25	3.0	75	3.0	75
(3)(F) Training	25	3.0	75	3.0	75
(3)(G) OIT Software Licensing	200	3.0	600	3.0	600
(2)(G) Start-Up Expenses					
Basic Training Cost (Per Diem)	1,450	3.0	4,350	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
Subtotal Operating Expenses			\$ 6,450		\$ 2,100
TOTAL REQUEST		2.7	\$ 158,244	3.0	\$ 195,370
<i>General Fund:</i>			\$ 158,244		195,370
<i>Cash funds:</i>			\$ -		-
<i>Reappropriated Funds:</i>			\$ -		-
<i>Federal Funds:</i>			\$ -		-

	FY 2014-15	FY 2015-16	
PERA	10.15%	10.15%	
AED	0.00%	4.40%	
SAED	0.00%	4.25%	
Medicare	1.45%	1.45%	
STD	0.000%	0.174%	
Health-Life-Dental	0.00	4,856.64	4451.92

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