

Fiscal Estimate Narratives

DOC 2/7/2014

LRB Number	13-4132/1	Introduction Number	SB-549	Estimate Type	Original
Description Development of a system of short-term sanctions for individuals who violate conditions of extended supervision, parole, probation, or a deferred prosecution agreement and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if an offender who is on probation, extended supervision (ES), or parole violates a rule or condition of supervision, the person is subject to sanctions including incarceration. This bill requires the Department of Corrections (DOC) to develop a system of short-term sanctions for violations of rules or conditions of supervision and permits the sanctions to be imposed on the offender. Included in the bill is the option for DOC to sanction parolees and probationers for up to 90 days in a regional detention facility, or a county jail, should the offender sign a statement admitting a violation of a condition or rule of probation. The bill also requires the Department to perform reviews of sanctions imposed in order to assess disparities among sanctions, evaluate the effectiveness of sanctions, and monitor the impact of sanctions on the number and type of revocations for violations.

While the Department currently has the authority to sanction probation, parole, and ES offenders, this bill requires a formalized system be put in place along with reviews of this system. The Department currently has a number of formalized procedures in place both with regards to the policies and procedures that are followed during sanctioning as well as the type of reviews conducted on its offenders. It is unknown at this time if codification of existing procedures by this bill, or the ongoing evaluations could be completed using the existing workforce.

When offenders violate rules or conditions of supervision, the Department uses a wide range of responses, depending on the violation and what objectives need to be accomplished. A low level response might include loss of privileges, geographic restrictions, or support groups; while a medium level response might include increasing treatment participation, day reporting, or cognitive group intervention programming; and a high level response could include extending electronic monitoring, initiating revocation, placement in a halfway house, a jail hold, or as is currently the case with ES offenders, up to 90 days in a county jail or regional detention facility.

At the end of June, 2013 the Department had 20,184 offenders on ES or Parole, and an additional 48,234 offenders on Probation. In 2013 Act 20, the 2013-15 Biennial Budget, the Department was provided funding for up to 500 ES Sanctions beds in each year of the biennium (a total of \$9,391,500 was budgeted in both FY14 and FY15). It is not possible to predict the impact this bill would have on the number of additional probation or parole offenders who would be placed in a county jail or detention facility as a sanction in lieu of revocation.

The average FY13 annual cost for an inmate in a DOC institution is approximately \$32,100. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,400 based on FY13 costs. Effectively addressing violations in the community may result in a reduction in the number of days an offender would be incarcerated. Should the Department use contract beds, that rate is approximately \$18,800 annually per person. The average FY13 annual cost to supervise one offender in the community is approximately \$2,700.

Long-Range Fiscal Implications