

Johnson County Sheriff's Office

Inmate Housing and Cost Assessment

Cost Comparison of Public and Private Inmate Housing

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Executive Summary

During the Johnson County Board of County Commissioners' (BOCC) retreat on May, 14, 2007, the Commissioners directed Sheriff Frank Denning to respond to several questions regarding the operation of the detention centers. Many of these questions directly related to the costs of operating the detention centers.

The Commissioners inquired about issues relating to the mental health impact on certain inmates in custody. Additional information requested concerned the different levels of costs, related to prisoner boarding fees. As the expense of staff is always an issue, the Commissioners inquired as to how the Sheriff's Office currently uses the civilian employees and what steps are being taken to increase their use.

The information being presented to you in this report will attempt to identify and clarify the daily cost per inmate, which includes the base cost to house an inmate in the local detention centers. The base fee of the current contract facilities used by the Sheriff's Office and the cost of using a proposed private facility, Corrections Corporation of America, CCA, will also be reviewed.

This report will explain the average inmate daily population and will breakdown the costs associated with incarcerating inmates and provide an overall cost related to housing inmates. The administrative costs associated with incarcerating inmates will be examined, to arrive at a base line cost of housing an inmate. The many different classification levels of inmates currently used in the detention centers will be another category of information which will be reviewed. The anticipated costs of housing an inmate with a private corporation, CCA, will be examined, and this paper will explain why the Sheriff's Office is in a better position to efficiently and economically house inmates. A breakdown of the options currently available for incarcerating inmates and the costs associated with these options will be reviewed.

Another question or area for discussion will be the DUI sentencing guidelines and how changes in legislation, as well as public demand, have resulted in an increase in the daily inmate population.

Also being reviewed is information relating to inmates with mental health issues and the Sheriff's Office limited options for managing these inmates. The issue of whether or not there is one classification level more suitable for boarding out than another will also be reviewed.

Additionally, the issue of staffing will be discussed, explaining where the staff is currently being assigned and what the Sheriff's Office is doing to ensure staff members are being used in the most cost effective and productive manner available.

Forward

The Johnson County Sheriff's Office, located in Olathe, Kansas was established in 1861 and has grown from a one man office to a highly skilled and advanced law enforcement agency.

The Johnson County Sheriff's Office is the fastest growing Law Enforcement Agency in Johnson County and is presently comprised of approximately 500 sworn officers and a support staff of over 100 employees.

With a full range of public safety duties including two Adult Detention Centers, Road Patrol, Communications, Investigations, Warrants, Civil Division, Courthouse Security, a Crime Lab and many other sections, the Sheriff's Office is able to provide quality law enforcement to the citizens of Johnson County.

Housing inmates is one of the statutorily required duties of a sheriff in Kansas. The jail system began in 1847 with the opening of the Gum Springs Jail. Since that time Johnson County has grown and gone through several major changes in the jailing of inmates. In 1973 there was a jail built in the county courthouse that would house 90 inmates. The next jail upgrade was a new facility across the street from the courthouse jail which had far exceeded its capacity. The 270 bed Olathe Adult Detention Center opened its doors on August 20, 1988 and was again over populated. By 2000 when the 263 bed New Century Adult Detention Center opened near Gardner, Kansas, it was full and the tradition of boarding inmates out continued.

The explosion of jail space was in response to the growing number of inmates. This can be directly attributed to a massive population growth in Johnson County and the surrounding metro area. In 1970 the population of the county was just over 220,000. By 1990 it rose to 355,000, then to 451,000 in 2000 and was 526,000 in 2007. This ever expanding population along with aggressive law enforcement, District Attorney and District Court has all caused the inmate population to surge in Johnson County, causing the need for more jail beds.

As of this report, the 554 bed Phase II expansion of the New Century Adult Detention Center is underway and scheduled to be complete in late 2009.

Average Daily Cost of Housing Inmates in Johnson County

When calculating the average daily cost to incarcerate an inmate in a Johnson County Adult Detention Center, several factors must be considered. While the easiest method may be to take the total operating budget of the detention facilities and divide it by the number of inmates in custody, this does not give a true or factual housing cost. This cost includes tasks that are not directly related to the base cost of housing an inmate but instead are related to the ancillary costs of incarceration, such as administrative costs to process inmates through the facilities.

Other costs directly related to running a detention center include transportation to courts, medical expenses, staffing for specific areas of the facility and support personnel.

When looking at the costs to operate our two detention centers, the first area to look at is the average inmate daily population. Although this number increases and decreases throughout the year, the costs to operate the facilities remain fairly constant. This is due to costs and tasks that must be completed, regardless of the daily inmate population.

For comparison purposes, the annual average daily inmate population (ADP) in 2006 was used. During that year, the ADP was 862.3 inmates. This number included 535.5 inmates who were physically housed in the two detention centers. The remaining 326.8 inmates were being housed in contract facilities at county jails throughout the state, as the two local detention facilities did not have adequate bed space.

The Sheriff's Office next looked at the year 2007, from 01-01-2007 to 09-30-2007. The ADP of inmates housed in the detention centers in Johnson County was 528.6. This equals a decrease of 6.9 inmates or 1.3% of ADP from 2006. However, when looking at the ADP of inmates being housed in the contract facilities, 357.2 inmates, or a 9.3% increase was seen over 2006.

There is an overall increase of 23.6 inmates, or a 2.7% increase in ADP of inmates from 2006 in the custody of Johnson County, for a total of 885.9 inmates. This figure represents the first nine months of 2007 compared to the full 12 months of 2006. (See figure 1) ¹

¹ Appendix A

Average Inmate Daily Population			
	2006	2007 thru 9/30	% Change
ADP in County	535.5	528.6	-1.3%
ADP Boarded Out	326.8	357.2	9.3%
Total Ave Daily Pop	862.3	885.9	2.7%

Figure 1

Comparing the full year of 2006 with the first 9 months of 2007, there is a slight fluctuation in the number of inmates housed in Johnson County versus contract facilities. While the fluctuation is minor, the overall outcome is an increase in the number of inmates being housed in custody of the Sheriff's Office. As the current bed space in Johnson County is static, the only recourse currently available is to increase the number of inmates being held in contract facilities.

Average Daily Operational Costs for All Inmates (Including Farm outs)

When calculating the average daily operational cost of incarcerating inmates in the custody of the Johnson County Sheriff's Office, there are three main cost categories to examine. The first category is the cost of boarding, or the amount of rent paid to the contract counties to house the overflow of inmates. In 2006, the cost to board inmates was \$4,835,252. The average daily cost of boarding an inmate will be reviewed further in this report.

The second category that is included in the average daily operational cost for inmates is transportation. In 2006 the costs for transporting inmates was \$2,388,267. These costs include: deputies' salaries, vehicle costs, costs to transport inmates to other facilities, transporting inmates to court, external doctor visits and other costs directly related to the movement of inmates outside of the facilities.

The third and final category to be reviewed in the average daily operational costs to incarcerate inmates totals \$27,280,512. These are the basic costs of operating the detention facilities. Included in the \$27,280,512 are costs the Sheriff's Office must absorb regardless of where the inmate is ultimately housed, such as: utilities, maintenance, and salaries for deputies.

When combining the boarding, transportation and all other operation costs, the detention division expenses totaled \$34,504,031.

The next step is to determine the total number of days inmates have served in custody during the year. This is calculated by adding up the individual inmate days that are served in custody. As an example, ten inmates serving twenty days in custody equates to 200 days served. The total number of inmate days served in custody of the Sheriff's Office for 2006 was 335,283. This averages 918.5 inmates per day over the course of 2006. Keep in mind that this figure is not the same as the average daily inmate population. The average daily inmate population is the actual number of inmates in custody at 6:00 a.m., each day.

Once the number of days has been calculated, the daily operational costs per inmate can be determined. This is accomplished by dividing the total operating costs of \$34,504,031 by the total number of inmate days served, which are 335,283. The average daily operational cost for inmates in custody comes out to be \$102.91 per inmate, per day. (See figure 2)²

² Appendix B

Average Daily Operational Costs	
For All Inmates (including farm out)	
Cost of Boarding	\$4,835,252
Cost of Transporting	\$ 2,388,267
All other operational expenses	<u>\$27,280,512</u>
Total cost of Detention Division	\$34,504,031
Number of Inmate Days	<u>335,283</u>
Cost per day per inmate	<u>\$102.91</u>

Figure 2

To determine the base line cost of housing inmates and conducting a fair comparison between the Sheriff's Office and the private contractor, CCA, certain costs need to be deducted from the \$102.91 per day cost that was mentioned. Because there are administrative costs the Sheriff's Office incurs regardless of where inmates are housed, such as booking, classifying and releasing of inmates, those costs need to be identified and deducted from the total cost of incarcerating inmates. Only by doing so can the base cost of keeping an inmate in custody be determined. This is the cost to be used when conducting a fair comparison of the Sheriff's Office costs with the costs of other facilities for a similar function and classification of inmate.

What are the Administrative Costs?

As mentioned earlier, when attempting to do a fair comparison of the costs of housing an inmate in a detention center operated by the Sheriff's Office, to a detention center operated by CCA, there are certain administrative costs the Sheriff's Office has to absorb. This is true for each and every inmate processed into a detention center, regardless of where they are housed.

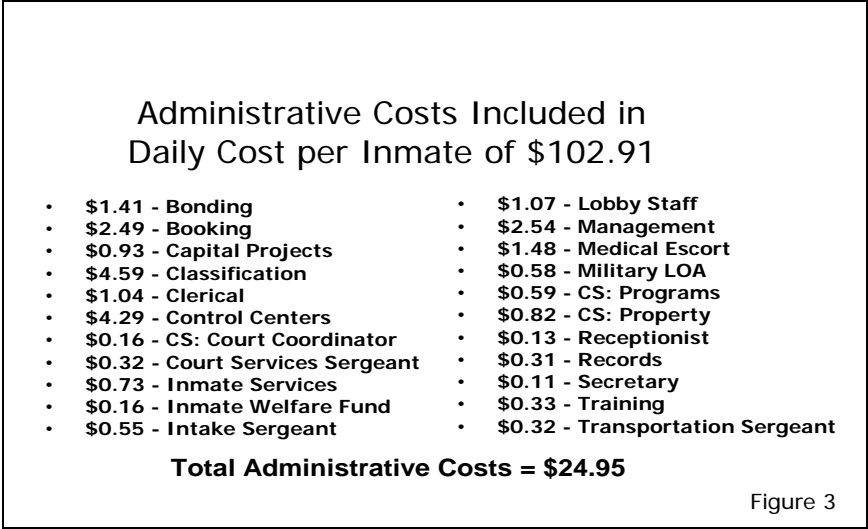
When determining the administrative costs, the Sheriff's Office first looked at all of the tasks that are involved in the process of accepting an inmate into the facility. They also looked at all of the other job functions that are required throughout the inmate's incarceration, including the release process. The Sheriff's Office then assigned a cost value to each of those functions. These are the functions and staff levels that must be present regardless of where the inmates are ultimately housed.

There is a specific cost associated with booking an inmate into a facility. This process includes completing computerized booking screens, photographing and fingerprinting. An additional cost associated with booking is that of the property officer, who maintains and logs the inmate's property. The cost of the intake control center for the booking lounge is also a cost that must be included in the administrative cost of incarcerating an inmate. While this control center is not required for the physical housing of the inmates, it is required for processing them into the facility. Another cost related to the initial processing of inmates into the facility is that of the officers assigned to conduct the proper classification of the inmates. This is done to ensure they are housed in the proper housing area based on risk and other factors.

Other costs which must be factored into the total cost of incarcerating inmates is that of the support staff and supervisor of the transportation division, the court services supervisor and the officers assigned to assist the medical staff. There are also additional costs associated with the staff assigned to assist the general public in the lobby, generate paperwork in the records division, plus training of staff. These costs are constantly present, regardless of the number of inmates in custody at the detention facilities or the contract facilities.

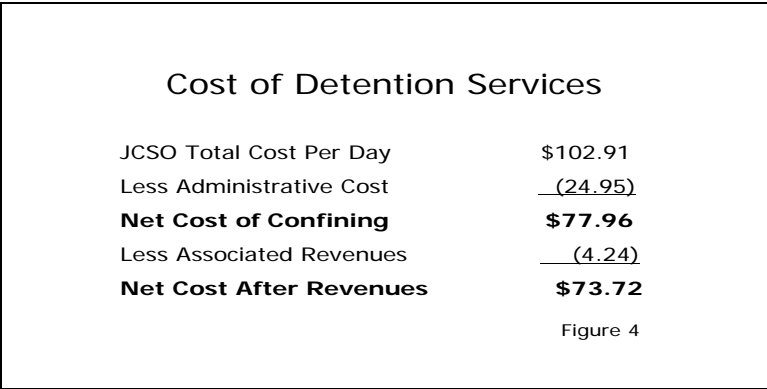
The total cost associated with these administrative functions is \$24.95. (See figure 3)³

³ Appendix C



When determining the actual cost to house inmates, after removing the administrative costs, there is one other factor to consider. This is the value of the associated revenues that are generated and deposited into the county’s general fund. This revenue is the county’s share of the funds generated primarily from fees assessed to house inmates on charges from area cities and the State of Kansas, and from the inmate telephone service that is currently used in the detention centers. The value of the associated revenue is \$4.24 per inmate.

When figuring the total cost of incarcerating an inmate, the Sheriff’s Office started with \$102.91. Subtracted from that initial cost is the administrative cost of \$24.95. This leaves a cost of \$77.96 to house an inmate in a detention center. The value of the associated revenue of \$4.24 is then subtracted from the \$77.96. Although the associated revenue is submitted to the county’s general fund and not directly to the Sheriff’s Office, it does lower the overall cost to the County. The net cost to house an inmate after the revenue is subtracted, is \$73.72. (See figure 4)⁴



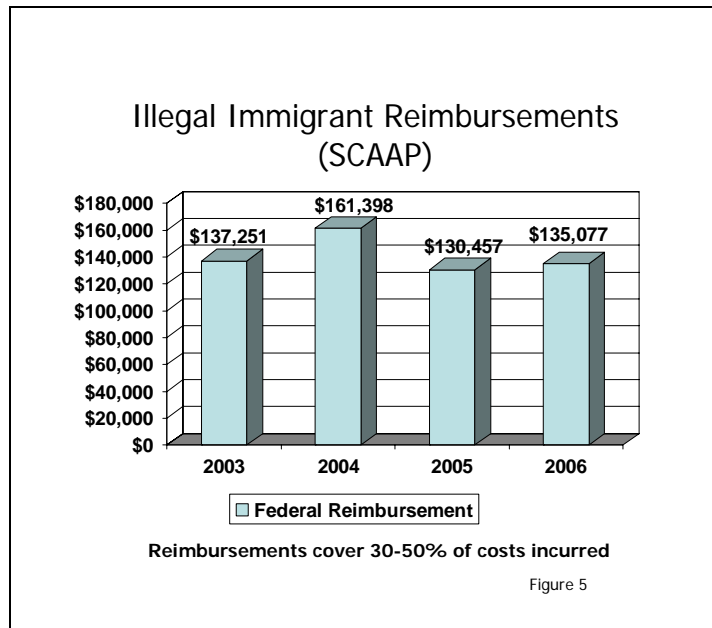
⁴ Appendix D

Illegal Immigrant Reimbursements

The Bureau of Justice Assistance administers the State Criminal Alien Assistance Program, SCAAP, in conjunction with the Bureau of Immigration and Customs Enforcement and Citizenship and Immigration Services, Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least four consecutive days during the reporting period.

Inmates in custody on criminal charges may also be determined to be illegal by Immigration and Customs Enforcement (ICE). Once the criminal case has been resolved, they may be held for Immigration. A percentage of the costs to house those inmates is reimbursed by the federal government according to their formulas. The amount of reimbursement covers between 30 to 50% of the costs incurred for incarcerating these inmates.

As the amount of reimbursement is calculated by the federal government, it is not possible to determine what the dollar amount of reimbursement will be in any given year. In 2003, the reimbursement was \$137,251. The dollar amount increased to \$161,398 in 2004 and dropped to \$130,457 in 2005. For the year ending 2006, the federal reimbursement was \$135,077. (See figure 5)⁵



⁵ Appendix E

What's included in the \$73.72?

Now that there is a base line figure of what it costs to house an inmate, the next step is to make a fair comparison with CCA. To do so, it is necessary to evaluate the \$73.72 and breakdown exactly what is included in this cost.

While the main expense is the cost of the bed space, there are additional cost factors that are included in the housing of an inmate. As mentioned earlier, there is a transportation cost including staff salaries, time and equipment necessary to transport the inmates to: court hearings, medical appointments, and contract counties.

Another expense which is included in the transportation cost category are the costs involved in the prisoner release process. These expenses include the costs of the bonding procedures, property release, and transportation, as related to release.

Laundry services are another cost which is included in the \$73.72. Each inmate housed in a facility is provided with uniforms, shoes, linens, blankets and towels. Indigent inmates are provided underclothing and hygiene items. The cost of laundry services includes the cost of the staff, equipment and supplies to wash the clothing and linens twice a week.

For each inmate in custody of the Sheriff's Office, there is an expense for medical care. Each inmate who enters the facility is interviewed by a member of the medical staff, and a Receiving Screening questionnaire is completed. If the inmate is taking any type of prescription medications, a follow up by the medical staff is conducted to verify the medical information of the inmate. For each inmate who is taking any psychotropic medications, a referral is automatically made to Johnson County Mental Health for a follow up review.

Inmates housed in the facility for an extended period, at least seven days, are provided an additional medical examination. After the first seven days, a History and Physical examination is conducted on the inmate, including tuberculosis. As with any physical examination, the results may require further tests or treatments. Additionally, all inmates who request dental or vision care are referred to the appropriate medical professional.

The \$73.72 also provides for the cost of inmates who are temporarily housed at the local hospital due to a medical condition, as well as providing for the cost to provide security at the hospital.

The base cost of \$73.72, provides indigent inmates to receive legal materials, such as envelopes, ink pens, writing tablets, postage stamps, carbon paper and other associated material necessary to prepare for their legal cases. Additionally, indigent inmates are provided hygiene items.

Inmates in custody receive three meals per day. Along with the normal meal service, the kitchen staff prepares special meals for those inmates on medical restrictions, or who request them due to religious reasons.

One last factor to be aware of is that the detention centers in Johnson County provide custody and care for all classification levels of inmates, including maximum custody and special needs inmates.

Cost per Day by Classification

Now that the cost per day to house inmates is known, it is necessary to discuss the cost per day, per classification. Because of the unique needs of the different classification levels, the cost per day varies. Some factors which cause this are the number of inmates in a housing area, the design of the housing area, and the classification level, such as minimum, medium, maximum or special needs. The type of cell construction and the amount of staff to operate the different housing areas also has an impact on the cost. The cost per day per classification ranges from a low of \$36.01 in the minimum security to a high of \$115.77 for the medical housing. (See figure 6)⁶

Cost per Day by Classification							
Salary + Benefits + Operating Cost	Minimum Security	Medium Security	Admin and Disciplinary Segregation	Medical	Special Mgt.	Max Security	Pre-Class
Average	\$36.01	\$55.62	\$87.83	\$115.77	\$94.88	\$63.62	\$107.75
# of Beds	236	104	40	12	28	60	54

Figure 6

This review will begin by looking at the cost per day for 236 minimum security beds. This count includes the dormitory cells and the single inmate cells. Minimum security inmates typically require minimal supervision and are the most likely to comply with facility rules. Because of the lower risk factors, one deputy can manage and supervise more minimum security inmates than medium or maximum security.

As an example, at the New Century Detention Center (NCADC) there are three minimum security housing areas. Each area houses 48 inmates with an inmate to officer ratio of 48:1. The medium security housing area at NCADC also holds 48 inmates, with one officer to supervise them. However, only 24 inmates are out of their cells at one time. Because one officer is typically able to supervise more inmates in minimum security housing, the overall cost to operate the minimum security housing is the lowest of all the classification levels. The average cost per inmate per day in this security level is \$36.01, which includes salary, benefits and operating costs.

Medium security housing is the next cost per day category. As fewer inmates are able to be supervised at one time in medium security housing the cost per day is \$55.62. Between the two detention facilities, there are 104 medium security beds, each being a single inmate cell.

⁶ Appendix F

The daily cost for the maximum security housing is \$63.62 per day. As of December 2007, there were 60 maximum security cells. As the security level rises, more staff is required to manage these inmates, thus the daily increase in expense. As the classification level increases, the layout of the modules and cells also change. Maximum security cells are equipped with: solid, high security sliding doors, which are more expensive than the standard, hinged doors. Maximum security cells include a stainless steel sink and stool, in place of less expensive porcelain sink and stool, designed for lower custody housing.

Administrative and Disciplinary Segregation housing is designed for inmates whose non-compliance with facility rules is a cause for concern. Again, extra supervision is required in each of these modules, and additional security measures must be taken. Because of these factors, the daily cost per inmate per day rises to \$87.83. As of December 2007 there were 40 segregation cells within three different housing areas. The inmate to officer ratio is 12:1.

The next costliest modules to operate are Special Management at \$94.88. Within the two facilities, there are 28 cells available for this classification of inmate. The inmates in this classification group are those taking psychotropic medications or those inmates suffering from a mental illness and who cannot function in a regular housing area. Inmates placed on a suicide watch are also housed in the Special Management module. The supervision for these inmates is extremely high. They require a significant amount of "one on one" supervision as they are visually observed every ten to fifteen minutes. The ratio of inmate to officer in this housing area is 14:1.

During the first 90 days of 2007, there were 147 inmates, or 16.4% of the inmate population, taking some form of psychotropic medication. As of 09/30/2007, 17% of the inmate population was taking some form of psychotropic medication which also represents the national average.

The Pre-Classification module is the next classification level to discuss. While newly booked inmates are waiting for their classification level to be determined, they are housed in one of the 48 Pre-Classification cells. The cost per day for this classification is \$107.75. Newly booked inmates are generally housed in Pre-Classification for up to 72 hours before they are classified and housed in general population. Often these inmates will be released from custody prior to being classified to general housing.

Inmates in the Medical housing area are the most expensive within the facility. These inmates require extensive supervision, monitoring and assistance to accommodate their medical needs. The cells are designed to accommodate medical needs: wider doors, shelves are placed at different heights, handrails and wider cell configuration. For some cells, special ventilation systems are also in place. The daily cost to house inmates in the Medical module is \$115.77 per day.

What's Not Included in Private Jail Costs?

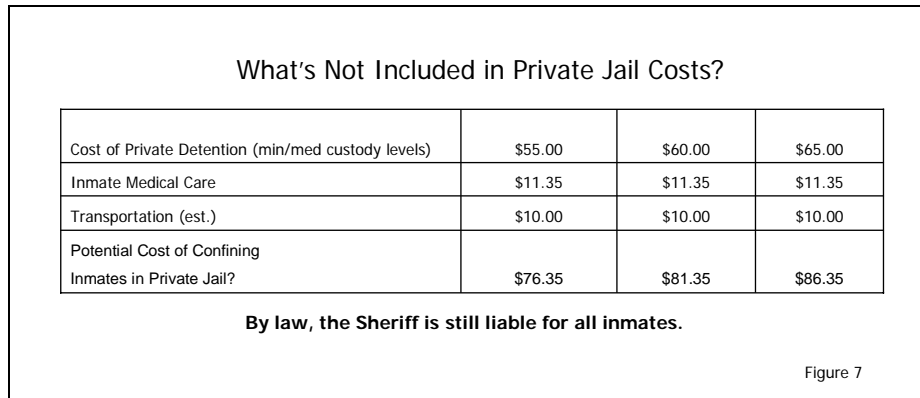
In May of 2007, representatives of CCA gave a presentation⁷ to the BOCC, concerning the overcrowding at the Johnson County Sheriff's Office detention centers. The representative indicated that CCA would be willing to act as a contract facility, housing the overflow of inmates. During the presentation, the estimated expense for housing the overflow of inmates was given as \$60.00 per inmate, per day, with a variation of \$5.00 either up or down in cost.

In making the "apples to apples" comparison, it is necessary to look at what the actual per day cost would be if using CCA. Although numerous information requests were made to CCA, the Sheriff's Office was unsuccessful in obtaining the necessary information that would be beneficial in this comparison. Because of the inability to obtain information from CCA, the Sheriff's Office was forced to use estimated cost figures, based on current housing cost information and on information that was presented by CCA to the BOCC. Also of special importance is that the figures represented are for minimum and medium security inmates only. For the other classification levels and types, it is anticipated that extra fees would be added by CCA. Based on a review of other agencies which have entered into contracts with CCA, additional services such as providing medical care or transporting inmates are extra expenses, not included in the price.

There are two additional costs that must be included in the CCA base cost of \$60.00 per day, per inmate. The first cost is inmate medical care. Due to contract obligations with Prison Health Services (PHS), the provider of inmate health care at the Johnson County detention centers, there is an \$11.35 per day, per inmate fee that is assigned to every inmate in custody. The Sheriff's Office is obligated to pay this fee, regardless of where the inmate is housed, whether held in Johnson County, in one of the regular contract facilities, or in a CCA facility. As such, this fee must be added to the base fee that is provided by any group showing interest in being a contract facility for Johnson County.

The second cost to be added to the CCA base cost per day is that of transportation of inmates. This cost has been estimated by the Sheriff's Office to be \$10.00 per inmate per day. Based on the location of the proposed CCA facility, the cost is estimated to be slightly less than half of what the Sheriff's Office currently spends on inmate transportation. Regardless of who eventually transports inmates, whether the Sheriff's Office or the private facility, there is going to be a transportation expenses that must be accounted for. (See figure7)⁷

⁷ Appendix G



When estimating the first base line cost to house an inmate at CCA, the rate of \$55.00 per inmate, per day is used. This is derived from the original \$60.00 figure presented to the BOCC and then subtracting the \$5.00 variation. When the fixed medical cost of \$11.35 is added and the estimated cost to transport the inmate of \$10.00 is added, the lowest estimated cost of confining an inmate at CCA would be \$76.35 per day.

Using this same formula, the middle cost of \$60.00 translates to \$81.35 and the high cost of \$65.00 is \$86.35

When reviewing the cost to house inmates in Johnson County the cost per day for minimum and medium security inmates ranges from \$36.01 to \$55.62. Housing inmates in a CCA facility is actually a more expensive option, as CCA has an estimated higher daily cost. The cost for CCA confinement ranges from \$76.35 per day to \$86.35 per day for the same custody level which is \$40.34 and \$30.73 per day higher than housing in Johnson County.

As the discussion continues on the possibility of using CCA as a contract facility to house the overflow of inmates, another issue that must be reviewed and discussed is the legal issues surrounding this option. One such consideration is the Kansas statute, relating to the housing of inmates, K.S.A. 19-811. It reads as follows:

19-811. Charge and custody of jail; liability for acts. *The sheriff shall have the charge and custody of the jail of his county, and all the prisoners in the same, and shall keep such jail himself, or by his deputy or jailer, for whose acts he and his sureties shall be liable.*

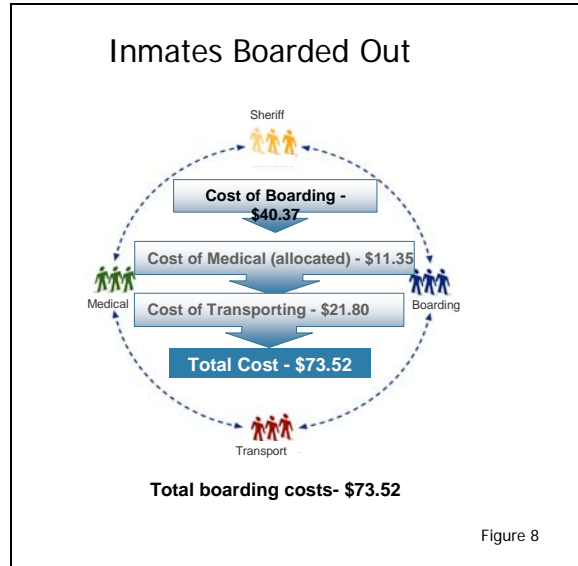
What this statute requires is that the Sheriff of Johnson County is responsible for the care and custody of those inmates in his custody, regardless of where the inmates are housed.

While CCA has made the statement that they would be responsible for any liability of inmates who might be housed in their contract facility, Kansas law clearly states the sheriff retains liability. While the sheriff would have no control over the hiring, training, of CCA employees nor their policies or regulations, he would still remain liable for the acts of employees of CCA.

Inmates Boarded Out

When making an “apples to apples” comparison of the base cost to house an inmate, we also have to look at the cost of housing inmates with government owned and operated contract facilities. Only after this base figure is known, can an educated decision be made about the cost effectiveness of using CCA or any of the other current contract facilities.

The average cost to house inmates in the current contract facilities is \$40.37. When the fixed cost of medical care of \$11.35, along with the transportation cost of \$21.80 is added, this brings the average base cost to house an inmate in the current contract facilities to \$73.52. (See figure 8)⁸



With a base cost to house inmates in the contract facilities of \$73.52, it is now possible to conduct an “apples to apples” comparison of the base cost to house an inmate in one of the three housing options: Johnson County, the current contract facilities or the CCA private facility.

These cost comparisons are for minimum and medium custody inmates only, since CCA based their estimates on these two custody levels.

The base cost to house an inmate in a Johnson County jail ranges from \$36.01 to a high of \$55.62. The next highest cost is \$73.52 to house an inmate with current contract facilities.

⁸ Appendix I

The highest cost to house an inmate would be with CCA. Their base costs range from a low of \$76.35 to a high of \$86.35. (See figure 9)⁹

Apples to Apples Comparison Average Daily Cost Per Inmate for Minimum & Medium Custody			
Custody Level	In-House	Farm Out	Private Company
Minimum/Medium	\$36.01 to \$55.62	\$73.52	\$76.35 to \$86.35

Figure 9

An important factor in the “apples to apples” comparison is the amount of control the Sheriff’s Office has over the contract facilities. By remaining with the current farm out facilities, the Sheriff’s Office is contracting with law enforcement agencies, which are regulated by state statutes and federal laws. However, this is not true of a private facility.

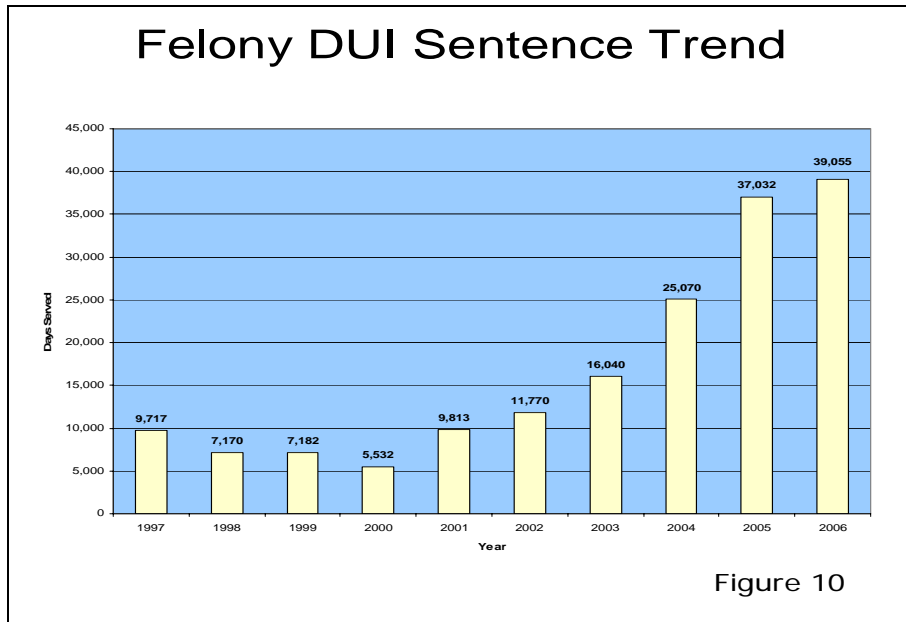
⁹ Appendix J

DUI Sentencing

One factor which is having an impact on the overcrowding of the jail and the need to house inmates in contract facilities is a change in the Driving Under the Influence (DUI) sentencing guidelines. Due to public demand and changes in Kansas legislation, the penalty for those convicted of DUI's has greatly changed.

Legislation that requires inmates convicted of felony DUI's, to serve their time in county jail has also had an impact on jail population. Because of this change, there are between 90 and 100 inmates, on average in custody, with active court hearings pending on felony DUI charges or serving a felony DUI sentence. The costs to house inmates serving felony DUI sentences are not reimbursed by the Kansas Department of Corrections but are instead passed on to the counties.

In 1997, the number of days served in custody on felony DUI charges was 9,717 days. This number gradually decreased to 5,532 days in 2000. However, in 2001, the number of days served in custody on felony DUI charges showed a significant increase, to 9,813. The number of days served in custody continues to increase with each consecutive year. (See figure 10)¹⁰

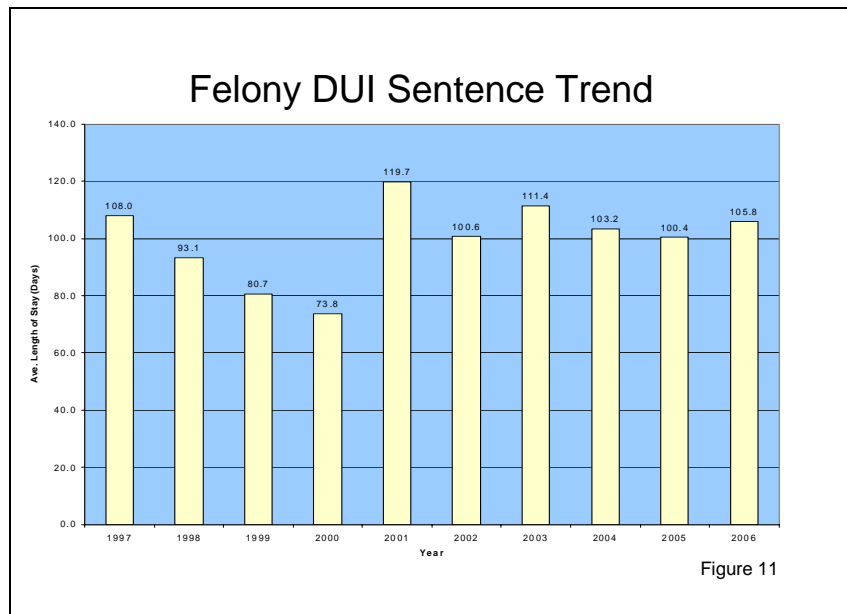


¹⁰ Appendix K

As trends to punish DUI drivers increase so do the number of days being served in county jail. By the end of 2005, the number of days served was 37,032, and for 2006, the number of days served jumped to 39,055.

As the numbers indicate, from 2000, the number of days served in custody on felony DUI's has increased dramatically each year. From 1997 to 2006, the number of days served in custody has increased over 400%.

Based on the information in figure 11, the average length of stay for a felony DUI sentence over the past 10 years was 99.67 days. For the past 5 years, 2001 to 2006, the average length of stay was 104.28 days, and in 2006, the average length of stay increased to 105.8 days. (See figure 11)¹¹



What these numbers indicate is although the sentence range has varied slightly, the overall number of days served has greatly increased. This increase of felony DUI days served in the custody of the Sheriff's Office has had a significant impact on the available bed space. DUI sentencing has played a major role not only in the overcrowding of the detention center, but has also had a detrimental impact on the overall operating budget of the Sheriff's Office.

¹¹ Appendix L

Is There a Population More Suitable for Outsourcing to Private Sector Companies?

To answer this question, the Sheriff's Office needs to look at many variables related to the housing of inmates.

We first look at the classification of inmates. Classification is not solely driven by the offense. Classification is based on many factors, to include the current charge, past charges, disciplinary history while in custody and outstanding warrants.

Another factor in the classification process is the inmate's behavior. A low level offender may be classified as a maximum security inmate. At the same time, a high level offender may eventually be classified as a minimum security inmate.

One misconception about the classification process is that minimum and medium custody inmates may be less risky to board out. The inmates in both of the classification levels can pose a serious security risk while in local custody or in a contract facility.

Special Management inmates with mental and medical needs can be at all three custody levels and are not considered eligible to be boarded out to a contract facility. Maximum security level inmates are also not eligible to be boarded out to a contract facility.

Based on the many factors that are used to determine an inmate's classification level and the fact that an inmate's classification level can change on short notice, there is not a classification of inmates that, as a whole, is more suitable than any other level of inmate to be boarded out to a private sector facility. While the Sheriff's Office currently boards out minimum security inmates, it is impossible to claim that any classification of inmate is more suitable than any other for boarding. However, the maximum security custody inmates are never eligible to be boarded out to a contract facility.

Could Two Separate Types of Jail Facilities be Implemented by the Sheriff's Office?

Building jails designed for only one particular classification is inefficient. Under this method, the Sheriff's Office would need a separate facility for minimum, medium, maximum and all other classification types.

Having separate modules under one roof for the different classifications provide more flexibility and efficiency than building several types of jail facilities. As the classifications of inmates change, the Sheriff's Office needs the ability to change how the modules are being used to accommodate the different classification types.

Summary

When the BOCC presented the Sheriff's Office with a list of questions regarding the potential cost savings of using CCA, Sheriff Denning indicated that he would diligently research this issue and report back to them. (See figure 12)¹²

After conducting extensive research, the Sheriff's Office has documented the costs of processing an inmate into the detention center as well as the costs involved in the daily housing of an inmate. The research clearly shows housing inmates in the custody of the Sheriff's Office is the most fiscally responsible option. The research also indicates that continuing to use the current contracted boarding counties is less expensive than using the CCA facility. In conclusion it was determined that housing an inmate in the custody of CCA is fiscally irresponsible and would subject the Sheriff's Office to unnecessary legal liability.

The Sheriff's Office has documented many factors which increase the overall cost to house inmates. Some increased operating expenses are the result of the actions of state legislation, such as DUI sentencing laws. This is also true with the limited reimbursement from the Federal Government for housing illegal immigrants.

The Sheriff's Office is constantly looking for ways to improve operating efficiencies. In 2005, the Sheriff's Office proposed using Correction Specialists, who are less costly civilian employees, in certain positions within the department that did not require sworn law enforcement officers. Correction Specialists currently work in the property rooms, inmate programs area, intake, classifications and other areas within the department that did not require deputies but had previously been staffed by deputies.

With each new detention center that is built in Johnson County, there are added efficiencies, such as changing cell configurations to increase the housing unit capacity and using increased centralized monitoring points to reduce the number of sworn officers needed.

¹² Appendix M

About the Authors

Doug Wade has been with the Johnson County Kansas Sheriff's Office since May, 1990. During the first seven years with the department, he was assigned as a deputy, working in the detention center located in Olathe, KS. He was promoted to the rank of sergeant in September, 1997.

From April, 1998 to February 2006, he was assigned to the Court Security Division, developing policies and procedures. While there he supervised a staff of twenty deputies covering all areas of the courthouse, including entry procedures and courtroom security.

From February, 2006 to present, he has served as a shift sergeant, supervising all areas of the New Century Adult Detention Center. He currently supervises twenty staff members, with a jail population of two-hundred-fifty-six inmates.

Angela Dvorak has been with the Johnson County Kansas Sheriff's Office since June, 1995. She has spent her entire career working as a deputy in the detention centers located in both Olathe, KS and New Century, KS. She has worked a wide variety of assignments to include Court Services, Programs, Pre-Classification and Training. She is currently assigned as the New Century Classroom Training Coordinator.

Kent Brown joined the Johnson County Kansas Sheriff's Office in January 2005 as the Chief Financial Officer. His area of responsibility includes all fiscal, budgeting, and purchasing activity for the Sheriff's Office. Prior to joining the Sheriff's Office, Mr. Brown worked in private industry, primarily in the manufacturing sector, where he served in various capacities including Director of Financial Reporting and Taxes, Vice-President and Controller, and Vice-President of Finance and Administration. In these capacities, he completed several public offerings and many other official filings with the Securities and Exchange Commission. He was also responsible for budgeting, forecasting, financing arrangements, and mergers and acquisitions. Mr. Brown holds a Bachelor of Arts Degree in Mathematics from the University of Utah and a Master of Science Degree in Accounting from Wichita State University. He is a Certified Public Accountant and is a member of the American Institute of Certified Public Accountants, the Kansas Society of Certified Public Accountants, and the Kansas Government Finance Officers Association.