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# Colorado

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## Criminal Justice Reform Coalition

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*Prevention, treatment, and alternatives work  
Prison should be the last resort*

**Southern Colorado  
Office**

July 7, 2003

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Honorable Senator Ron Tupa  
Chairman, Legislative Audit Committee  
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Dear Sen. Tupa:

On March 7, the Office of the State Auditor (OSA) released a performance audit on inmate restitution and child support payments (report control number 1477). As is the case with most reports issued by the OSA, the methodology appears sound, the issue was handled objectively, and generally accepted government auditing principles were adhered to. Most of the media attention, however, focused on information from the third paragraph on page 29 of the report, which states, in part:

We reviewed account statements from March through June 2002 for a sample of 43 inmates who owed restitution or child support. For this four-month period, we found that these 43 inmates had paid approximately \$1,000 for child support and another \$900 for restitution while spending \$6,400 on items from the Canteen.

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At first glance, this information does seem disturbing. Legislative Audit Committee member Representative Valentin Vigil was quoted in the *Denver Post* as saying “[t]he emphasis should be on child support and restitution. If they don’t have any money to buy (a TV), then I’m sorry, but that child needs formula and diapers to survive.”<sup>1</sup> Reactions such as this are understandable, but do not appear to be based on actual facts.

The aggregate dollar amounts mentioned in the OSA report serve to mask the experience of individual prisoners. The paragraph quoted above was based on a sample of forty-three inmates, over a four month period. Thus, the average monthly per-inmate amounts are \$5.81 for child support, \$5.23 for restitution, and \$37.21 for canteen items. Even these de-aggregated numbers seem troublesome. But it is important to remember that inmates are responsible for paying for their own personal hygiene items (with the exception of toilet paper),<sup>2</sup> postage,<sup>3</sup> and

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<sup>1</sup> Arthur Kane, “Audit questions spending of inmates’ personal funds,” *Denver Post* (June 18, 2003): B-01.

<sup>2</sup> Department of Corrections, Administrative Regulation 850-11, Section C.2.

<sup>3</sup> Department of Corrections, Administrative Regulation 850-14, Section C.

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phone calls.<sup>4</sup> The only inmates who do not pay for the aforementioned items are those who have proven indigent status, in which case they are also exempt from withholding for child support and restitution.<sup>5</sup>

With these facts in mind, the question then centers around whether \$37.21 per month is a reasonable amount to spend on an average inmate basket of goods. Table 1 shows common hygiene and health items that a prisoner would be likely to buy. The list does not include TVs,

**Table 1. Cost per month for an average basket of prisoner goods**

| Item                  | Quantity                     | Canteen Price  | Calculation              |
|-----------------------|------------------------------|----------------|--------------------------|
| Toothpaste            | 1 tube                       | 1.45           | Avg (n=3, s=0.48)        |
| Soap                  | 2 bars                       | 2.62           | Avg (n=7, s=1.21)        |
| Shampoo               | 1 bottle                     | 2.81           | Avg (n=5, s=1.65)        |
| Conditioner           | 1 bottle                     | 3.01           | Avg (n=6, s=1.42)        |
| Deodorant             | 1 stick                      | 1.74           | Avg (n=3, s=0.88)        |
| Writing Paper         | 1 tablet                     | 0.67           | Lowest Cost (Item #5230) |
| Envelopes             | 12 envelopes                 | 0.43           | Lowest Cost (Item #5242) |
| Stamps                | 12 stamps                    | 4.44           | per current postal rates |
| Phone Time            | 2 20 min. calls              | 10.10          | per DOC AR 850-12        |
| OTC Pain Killers      | 6 tablets                    | 1.62           | Lowest Cost (Item #1465) |
| Vitamins              | 1 bottle                     | 3.25           | Lowest Cost (Item #1520) |
| Chapstick             | 1 stick                      | 0.95           | Lowest Cost (Item #4130) |
| Razor Blades          | 5 disposable razors          | 0.70           | Lowest Cost (Item #4210) |
| Shaving Cream         | 1 can                        | 1.19           | Lowest Cost (Item #4250) |
| Tampons (female only) | 1 box                        | 3.60           | Lowest Cost (Item #6190) |
|                       | <b>Monthly Total, Male</b>   | <b>\$34.98</b> |                          |
|                       | <b>Monthly Total, Female</b> | <b>\$38.58</b> |                          |

Source: DOC Canteen's website (www.doccanteen.com), unless otherwise noted.

snacks, or other items that the public might perceive to be "luxury goods" in a prison setting. The prices in table 1 are gathered from Department of Corrections (DOC) canteen prices, per the canteen's website. In cases where there are only one or two items in a category, the lowest priced item was chosen. In cases where there are a wider variety of items, the mean was calculated—sample size (n) and standard deviation (s) are given in the "calculation" column. The cost of an average basket of personal goods is \$34.98 for men and \$38.58 for women, thus making the OSA report's average of \$37.21 seem quite reasonable (especially considering that table 1 does not include more durable items such as combs, sweatshirts, tooth brushes, pens, etc.).

The cost of an average basket of personal goods in prison becomes even higher in comparison to inmate wage scales which used to range from 28¢ to \$2.53 per day,<sup>6</sup> and have since been cut due to the state's revenue shortfalls, with most inmates now earning 60¢ per day.<sup>7</sup>

You were quoted in the *Denver Post* as saying "[t]he big loser is the child. Fifty dollars a month to someone is actually a lot of money when times are tight and someone is just trying to get by."<sup>8</sup> Your statement is correct. But the answer does not lie in increasing the child support and/or restitution withholding percentage (as recommended by the OSA report), but rather in reducing the number of families that are torn apart by incarceration of a parent. Research has shown that

<sup>4</sup> Department of Corrections, Administrative Regulation 850-12.

<sup>5</sup> Department of Corrections, Administrative Regulation 200-15, Section IV.A.

<sup>6</sup> Department of Corrections, Administrative Regulation 850-03, Section IV.E.2.

<sup>7</sup> Sarah Huntley, "Prison lockdown goes into 2nd day" *Rocky Mountain News* (July 3, 2003).

<sup>8</sup> Kane, "Audit questions."

children of incarcerated parents experience negative behavioral and emotional changes as a result.<sup>9</sup> Of course some incarcerated parents are responsible for substantial harm to their children due to their pre-incarceration behavior; nevertheless, with the number of parents incarcerated for property and drug crimes outnumbering parents incarcerated for violent offenses,<sup>10</sup> many parents are sent to prison when they could be sentenced to community-based programs where they could seek employment and make more substantial contributions (both monetarily and emotionally) to the care of their children.

In fact, one way to ensure inmates could pay more in child support and restitution would be to run the canteen on a not-for-profit business model. The canteen has long been self-supporting and in 2002, the General Assembly passed House Bill 02-1171, which made the canteen a government enterprise. Making the canteen self-supporting is sound fiscal policy, however HB 1171 explicitly allows the canteen to make “a reasonable profit.” Canteen profits in FY 2001 and 2002 were \$3 million and \$4.5 million, respectively.<sup>11</sup> Canteen profits are used exclusively to fund library, education, and recreation programs for inmates, which makes the profit motive somewhat more palatable. If, however, inmate payments for child support and restitution are truly a policy priority, then the state should not be charging more for canteen items than is necessary to cover canteen operating costs.

On January 6, 2000, Governor Bill Owens issued Executive Order D-001-00, entitled “Protection of Families Policy.” In this order, Governor Owens states that its purpose is “to ensure that government action does not interfere with the formation and maintenance of healthy, nurturing families but instead strengthens and supports families.” We recognize that in some situations incarceration is the only appropriate course of action; however, because of the tremendously damaging impact which incarceration can have on children and families, it is our belief that community-based alternatives to incarceration should be expanded. Expansion of such programs would promote a healthy balance between the multiple goals of offender accountability, public safety, and child welfare.

There are no easy answers to the problems addressed in the OSA’s report on inmate child support and restitution. I hope that members of the Legislative Audit Committee will consider this issue in its totality instead of focusing on punitive remedies, as has been the case with media coverage thus far.

Sincerely,

Stephen Raher  
Senior Policy Analyst

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<sup>9</sup> Cynthia Seymour, “Children with parents in prison: Child welfare policy, program, and practice issues” *Child Welfare*, 77(1998): 469-494.

<sup>10</sup> Elizabeth Johnson and Jane Waldfogel, “Parental incarceration: Recent trends and implications for child welfare” *Social Service Review*, 76(2002): 460-479.

<sup>11</sup> Department of Corrections, *Budget Request FY 2003-04*, 1079.