FY 2012-13: DEPARTMENT OF CORRECTIONS

Summary: Conference Report

Senate Bill 951 (S-1) CR-1



Analyst: Bob Schneider

	FY 2011-12 YTD	FY 2012-13	FY 2012-13	FY 2012-13	FY 2012-13	Difference: Conference: From FY 2011-12	
	as of 2/9/12	Executive	House	Senate	Conference	Amount	%
IDG/IDT	\$974,700	\$992,100	\$992,100	992,100	992,100	\$17,400	1.7
Federal	8,259,500	8,784,400	8,784,400	8,784,400	8,784,400	524,900	6.3
Local	455,800	264,300	264,300	264,300	264,300	(191,500)	(42.0)
Private	0	0	0	0	0	0	
Restricted	53,870,300	72,271,500	69,751,500	72,271,500	49,389,500	(4,480,800)	(8.3)
GF/GP	1,950,939,100	1,982,185,600	1,945,453,900	1,909,608,900	1,941,485,600	(9,453,500)	(0.5)
Gross	\$2,014,499,400	\$2,064,497,900	\$2,025,246,200	\$1,991,921,200	\$2,000,915,900	(\$13,583,500)	(0.7)
FTEs	15,568.8	14,879.2	14,437.3	14,320.2	14,695.2	(873.6)	(5.6)

Notes: (1) FY 2011-12 year-to-date (YTD) figures include mid-year budget adjustments through February 9, 2012, as well as adjustments for Other Post Employment Benefit prefunding under Senate Bill 683.

<u>Overview</u>

The Michigan Department of Corrections (MDOC) is responsible for the operation and maintenance of the state's 31 correctional facilities that house felony offenders sentenced to prison. This includes the provision of physical and mental health care, education and other prisoner programs, and reintegration programs. The Department is also responsible for the supervision of all parolees and probationers under Department jurisdiction and has oversight over community corrections programs and other programs designed to encourage alternatives to prison placement for appropriate offenders. As of December 31, 2011, the Department was responsible for 115,926 Michigan offenders: 52,893 probationers, 42,904 prisoners, and 20,129 parolees.

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference <u>Change</u>
Conference increases funding by \$10.8 million to implement a planned MDOC restructuring of current prison and re-entry facilities. Ryan Correctional Facility would be re-purposed as the Detroit Reentry Center to house parolees and parole violators, while a similar Tuscola County re-entry facility will be closed. In addition, to maintain prison bed space, the Muskegon Correctional Facility will be reopened. Overall, the changes add 290 regular prison beds and 884 re-entry beds to the system. Funding impacts are summarized below: Action FTEs Funding Change Convert Ryan to re-entry center (117.4) (\$11,799,000) Close Tuscola re-entry center (34.0) (\$3,849,000) Re-open Muskegon prison 209.4 \$22,948,000 Food service/transportation/health care 26.0 3,500,000	FTE	N/A	84.0
	Gross	N/A	\$10,800,000
	GF/GP	N/A	\$10,800,000
2. Utilization of Retired Correctional Custody Staff Conference includes \$10.0 million GF/GP savings tied to the use of retired correctional officers to fill custody positions and reduce overtime usage by current officers. Amendments could be needed to the State Employees' Retirement Act to achieve the full projected savings.	Gross	N/A	(\$10,000,000)
	GF/GP	N/A	(\$10,000,000)
3. Reclassification of Resident Unit Officer positions Conference recognizes \$11.9 million in GF/GP savings related to the recent reclassification of 10-level resident unit officers back to the 9-level corrections officer classification. The action reduces salary and retirement costs for over 2,400 MDOC employees that had been classified as resident unit or medical unit officers.	Gross	N/A	(\$11,850,000)
	GF/GP	N/A	(\$11,850,000)

House Fiscal Agency 1 5/29/2012

⁽²⁾ Appropriation figures for all years include all proposed appropriation amounts, including both standard line items and appropriations designated as one-time.

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference <u>Change</u>
4. Prison Savings - Perimeter Security Vehicle Assignments Conference reduces funding by \$15.6 million GF/GP across prison facilities to reflect the elimination of 135.4 FTE custody positions that had been assigned to operate perimeter security vehicles to monitor the perimeter of various prison facilities. Represents 5.2 FTE positions at 26 different facilities that utilize an ARV for security purposes. House and Senate concurred with Executive proposal for \$13.2 million in GF/GP savings affecting 114.4 FTE positions.	FTE Gross Federal Restricted GF/GP	10,240.9 \$1,097,527,600 1,615,900 377,000 \$1,095,534,700	(135.4) (\$15,600,000) 0 (\$15,600,000)
5. Prison Savings - Facility and Regional Office Staffing Conference reduces budget by \$7.2 million to recognize savings from proposed staffing changes in MDOC prisons and regional offices. Newberry Correctional Facility will be converted from a mixed Level I and II facility to a Secure Level I facility (reduction of 56.1 FTEs, \$3.5 million GF/GP). Level IV housing at the Alger Correctional Facility will be converted to Level II (8.7 FTEs, \$1.0 million GF/GP), and custody staffing efficiencies will be achieved at the Marquette Correctional Facility through the use of Level I prisoners within the prison kitchen (7.2 FTEs, \$750,000 GF/GP). In addition, further staffing savings will be achieved in the Southern regional office (25 FTEs, \$1.9 million GF/GP).	FTE	1,012.5	(93.8)
	Gross	\$115,610,900	(\$7,150,000)
	GF/GP	\$115,610,900	(\$7,150,000)
6. General Prison Operations Savings Conference reduces GF/GP authorization to each correctional facility line item by \$80,400 and 1.0 FTE position from Executive-recommended levels, which equates to total savings of \$2.3 million. Department would need to identify additional staffing reductions or operating efficiencies to achieve these savings. House had imposed 2% across-the-board savings totaling \$20.1 million, while Senate had cut 580.0 FTE positions to achieve \$58.8 million in GF/GP savings.	FTE	10,240.9	(28.0)
	Gross	\$1,097,527,600	(\$2,251,200)
	Federal	1,615,900	0
	Restricted	377,000	0
	GF/GP	\$1,095,534,700	(\$ 2,251,200)
7. Other Prison Operation Savings Initiatives Conference recognizes savings from various other MDOC savings proposals, including \$1.8 million in negotiated personnel contract savings, \$2.0 million assumed from bidding out for linens and prisoner clothing and reducing Michigan State Industries laundry operations, \$600,000 from converting to an electronic prison law library system, and \$500,000 from converting Assistant Resident Unit Supervisor positions to Prisoner Counselor positions (with lower pay scale) upon new attrition.	FTE	10,240.9	0.0
	Gross	\$1,097,527,600	(\$4,900,000)
	Federal	1,615,900	0
	Restricted	377,000	0
	GF/GP	\$1,095,534,700	(\$4,900,000)
8. Reverse FY 2012 Budgeted Prison Operations Savings Conference removes \$31.3 million in net GF/GP savings included in FY 2011-12 budget to be achieved through contracting for cost-effective housing of prisoners and through other prison operations savings and efficiencies. This includes the elimination of a \$47.9 million Cost Effective Housing Initiative appropriation to support payments to a third-party contractor as well as offsetting savings of \$79.2 million in the Inmate Housing Fund line item. Both line items are retained as \$100 placeholders. House had retained \$7.1 million in net savings related to a proposal to close the Michigan Reformatory and competitively bid for alternative bed space.	Beds	1,750	(1,750)
	Gross	(\$31,326,500)	\$31,326,500
	GF/GP	(\$31,326,500)	\$31,326,500
9. County Jail Reimbursement Program Conference concurs with House in reducing program funding by \$2.0 million to bring appropriations down closer to recent spending levels. Total reimbursement payments to counties for FY 2010-11 were just under \$13.0 million. No changes are proposed to eligibility and per diem reimbursement provisions in boilerplate.	Gross Restricted GF/GP	\$17,072,100 5,900,000 \$11,172,100	(\$2,000,000) 0 (\$2,000,000)
10. Clinical Complexes - Prisoner Health Care Savings Conference reduces appropriations for MDOC clinical complexes by \$2.9 million GF/GP. Action reflects that total spending for FY 2010-11 was \$140.5 million gross, which fell significantly below appropriated levels. House had proposed \$5.0 million reduction.	Gross	\$159,582,100	(\$2,908,900)
	Restricted	354,900	0
	GF/GP	\$159,227,200	(\$2,908,900)

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference <u>Change</u>
11. Prison Savings - Direct Prisoner Observation Duties Reflects savings of \$2.2 million GF/GP attributable to use of trained prisoners, rather than custody staff, for direct and continuous observation duties for prisoners who display a self-injury or suicide risk. The policy change would reduce personnel costs, particularly overtime costs, that are often incurred when custody staff is used for direct observation.	Gross	\$1,097,527,600	(\$2,200,000)
	Federal	1,615,900	0
	Restricted	377,000	0
	GF/GP	\$1,095,534,700	(\$2,200,000)
12. Prison Savings - Staffing Reductions Eliminates a net 32.8 miscellaneous FTE positions across the state's prison facilities and within both regional administrative offices. Position adjustments are based on need, with some facilities gaining positions and others losing positions. Proposal results in total savings of \$2.4 million GF/GP.	FTE	10,240.9	(32.8)
	Gross	\$1,097,527,600	(\$2,400,000)
	Federal	1,615,900	0
	Restricted	377,000	0
	GF/GP	\$1,095,534,700	(\$ 2,400,000)
13. Prison Savings - Issuance of Prisoner Clothing Reduces funding by \$1.1 million GF/GP tied to reductions in the provision of state-issued clothing to prisoners The Department will seek savings from both reductions in the standard set of clothing items issued to prisoners and from exploring the purchase of clothing from outside vendors rather than manufacturing clothing internally.	Gross	\$1,097,527,600	(\$1,100,000)
	Federal	1,615,900	0
	Restricted	377,000	0
	GF/GP	\$1,095,534,700	(\$1,100,000)
14. Closure of Mound Correctional Facility The Mound Correctional Facility in Detroit was closed in December 2011, and partial-year savings from the closure were included as part of the MDOC's FY 2011-12 contingency savings plan to achieve GF/GP savings in lieu of employee concessions. Budget includes \$34.1 million GF/GP in full-year savings from the closure, including \$27.3 million in direct savings from the facility line item, \$1.6 million from food service, \$845,200 in education savings, and \$4.3 million from health care.	FTE	324.4	(324.4)
	Beds	1,062	(1,062)
	Gross	\$34,106,300	(\$34,106,300)
	GF/GP	\$34,106,300	(\$34,106,300)
15. Prisoner Phone Revenue – Special Equipment & Maintenance Appropriates \$5.8 million in new restricted revenue from prisoner phone charges in the Special Equipment and Maintenance line item. New prisoner telephone contract will assess additional charges on prisoner calls with a portion of the revenue deposited into a Special Equipment Fund (SEF). Restricted revenue would be used for special security equipment such as tasers, ballistic vests, and contraband detection equipment. Combination of SEF revenue and reductions to normal equipment and maintenance spending result in \$1.5 million GF/GP savings.	Gross	\$0	\$4,300,000
	Restricted	0	5,800,000
	GF/GP	\$0	(\$1,500,000)
Conference rejects proposal to appropriate Special Equipment Fund revenue for capital outlay expenditures. Senate and Executive provided \$13.9 million in Special Equipment Fund revenue from prisoner phone charges to finance security-related capital outlay purchases. \$11.4 million would have been used to begin financing the replacement of personal protection equipment across the prison system. Another \$2.5 million would support the installation of new security cameras within two cell blocks at the Michigan Reformatory. House had concurred with personal protection equipment proposal, but removed \$2.5 million allocation for security cameras.	Gross	\$0	\$0
	Restricted	0	0
	GF/GP	\$0	\$0
17. Field Operations Staff Reductions Conference includes \$11.3 million GF/GP savings and reduction of 125.0 field operations staff positions related to supervision of parolees and probationers. House and Senate had concurred with Executive reductions of 115 FTE positions and \$10.0 million GF/GP that were initially included in MDOC's FY 2011-12 contingency plan issued in September 2011 by the State Budget Office to achieve GF/GP savings in lieu of employee concessions that did not materialize. Conference includes additional savings of \$1.0 million tied to the elimination of an additional 10 parole/probation agent positions and \$280,000 related to the conversion of around 300 agent positions to parole supervision assistant positions.	FTE Gross Restricted Federal Local GF/GP	2,173.9 \$257,063,200 11,585,100 144,200 455,800 \$244,878,100	(125.0) (\$11,280,000) 0 0 (\$11,280,000)

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference <u>Change</u>
18. Other Field Operations Savings Conference reduces budget by \$450,000 and 11.0 FTE positions to recognize anticipated savings from expanded telephone reporting by offenders. MDOC will meet telephone reporting costs for offenders who are not able to meet the costs of using the system, thereby reducing staffing needs. MDOC reports that eligibility criteria for telephone reporting will not change. Also includes savings of \$650,000 and elimination of 2.0 FTE positions tied to the closure of Outer District parole office.	FTE Gross Restricted Federal Local GF/GP	2,173.9 \$257,063,200 11,585,100 144,200 455,800 \$244,878,100	(13.0) (\$1,100,000) 0 0 (\$1,100,000)
19. Contingency Plan – Competitive Bidding of Prisoner Health Care and Mental Health Services Reduces funding by \$10.1 million GF/GP in anticipation of savings to be achieved through competitive bidding of prisoner health care services and mental health services currently delivered by state employees along with the operations of the Woodland Center Correctional Facility, which houses MDOC prisoners with serious mental illness. While no specific FTE reduction is proposed, the plan could impact around 1,948 positions currently funded in the budget. Proposal was also included as part of MDOC's FY 2011-12 contingency savings plan to achieve GF/GP savings in lieu of employee concessions.	FTE	1,948.2	0.0
	Gross	\$251,237,300	(\$10,133,100)
	Restricted	746,300	0
	GF/GP	\$250,491,000	(\$ 10,133,100)
20. Public Safety Initiative Executive adds \$4.5 million GF/GP to implement the Governor's announced public safety initiative related to local corrections. Funding would assist distressed communities, particularly the City of Flint, in purchasing jail bed space in neighboring counties to address backlogs of active warrants. Conference concurs with House in providing an additional \$250,000 to the appropriation.	Gross	\$0	\$4,750,000
	GF/GP	\$0	\$4,750,000
21. New Custody Staff Training Conference increases funding for new custody staff training costs by \$3.5 million GF/GP to support completion of training for 350 new corrections officers to meet attrition. Executive and Senate had provided \$4.5 million GF/GP increase, while House provided \$3.0 million GF/GP for this purpose. Base training budget for FY 2011-12 provides funding for around 200 trained officers. Funding primarily supports salary and payroll costs of new officers while they participate in training.	Gross	\$4,304,200	\$3,531,500
	GF/GP	\$4,304,200	\$3,531,500
22. Post-Closure Maintenance Costs Conference concurs with Senate in not including new funding for post- closure maintenance costs. Executive and House had added \$3.5 million to support maintenance costs related to closed correctional facilities and camps. This would include security, utilities, and other costs related to closed facilities as well as demolition costs to the extent that funds remained available.	Gross	\$0	\$0
	GF/GP	\$0	\$0
23. Neal Settlement Agreement Adds \$5.0 million to cover an increase in the required settlement payment arising from a lawsuit brought by female inmates alleging sexual harassment within MDOC facilities during the 1990s. Total payment will be \$20.0 million for both FY 2012-13 and FY 2013-14 before increasing to \$25.0 million for final payment in FY 2014-15.	Gross	\$15,000,000	\$5,000,000
	GF/GP	\$15,000,000	\$5,000,000
24. Information Technology Maintenance and Development Adds \$2.4 million GF/GP to cover the costs of information technology system development and maintenance. Around \$1.8 million will support additional contractual programming services related to MDOC offender assessment tools and interstate compact development. The remaining \$615,700 will support 6 additional programmer/analysts within the Department of Technology, Management and Budget (DTMB) to work on support and maintenance of existing MDOC systems.	Gross	\$22,382,800	\$2,445,500
	Restricted	805,900	0
	GF/GP	\$21,576,900	\$2,445,500

Major Budget Changes From FY 2011-12 YTD Appropriations		FY 2011-12 Year-to-Date (as of 2/9/12)	FY 2012-13 Conference <u>Change</u>
25. Prisoner Re-entry Programs Conference reduces total funding for prisoner re-entry by \$3.9 million. House and Senate had concurred with Executive reduction of \$2.5 million. In addition, \$3.1 million is transferred into the prison facility line items to support prison program coordinators	Gross Federal GF/GP	\$54,944,700 1,035,000 \$53,909,700	(\$3,910,000) 0 (\$3,910,000)
26. FTE Position Authorization Adjustments Conference concurs with House in reducing FTE authorization by 128.0 positions in order to better align FTEs with actual staffing levels across several budget line items. In addition, budget adds 21.0 FTE positions to Ryan Correctional Facility line item and 5.0 FTE positions to Public Works Program line item to correct budget adjustments from last year.	FTE	N/A	(102.0)
27. Public Works Restricted Revenue Adjustment Conference reduces restricted revenue appropriations for prisoner public works programs by \$9.0 million. Program was revised last year to require public works beneficiaries to meet the full costs of providing public works services. Since the policy change, spending has fallen well below appropriated levels.	Gross Federal GF/GP	\$10,000,000 10,000,000 \$0	(\$9,000,000) 9,000,000 \$ 0
28. Economic Adjustments Includes \$37.3 million Gross (\$36.3 million GF/GP) to account for various economic adjustments related to personnel (salaries, insurance, retirement), building occupancy, worker's compensation, food and fuel costs.	Gross IDG Federal Local Restricted GF/GP	N/A N/A N/A N/A N/A N/A	\$37,267,800 13,500 36,900 4,500 863,800 \$36,349,100
29. One-Time Appropriations Executive proposes one-time funding of \$1.1 million GF/GP for computerized document imaging equipment and the utilization of DTMB's File Net system for the digitization of prisoner files and \$13.2 million gross (\$12.9 million GF/GP) to cover lump-sum payments to state employees (in boilerplate section 1001). Conference concurs but appropriates in separate line item unit.	Gross IDG Federal Local Restricted GF/GP	\$0 0 0 0 0	\$14,355,400 3,900 83,400 1,300 263,500 \$14,003,300

30. Anticipated FY 2013-14 Budget Changes

Reflects anticipated increase from FY 2012-13 budget of \$37.6 million Gross (\$43.0 million GF/GP) for economic and facility utility cost adjustments net of reductions in capital outlay needs in FY 2013-14. (Boilerplate intent language only; would not be binding appropriation.)

Major Boilerplate Changes From FY 2011-12

Sec. 219. Special Equipment Fund – REVISED

Executive adds new guidelines for Special Equipment Fund revenue derived from prisoner telephone charges. Provides that revenues be used for special equipment and security projects which include, but are not limited to, replacement of personal protection systems, acquisition of contraband detection systems, and critical facility repairs to protect the safety of the public, staff, and prisoners. Provides that unexpended funds be carried forward and be available for appropriation in subsequent fiscal years. Conference modifies language to eliminate critical facility repairs from the list of allowable uses and adds reporting requirement on revenues and spending from Special Equipment Fund.

Sec. 239. Management-to-Staff Ratio - REVISED

Expresses legislative intent that Department maintain management-to-staff ratio of 1 supervisor to for each 5 employees at Lansing central office and regional administration offices. Conference concurs with Senate in revising to "not more than" 1 supervisor to for each 5 employees.

Sec. 403a. Dashboard Indicators of Offender Success – REVISED

Requires collaboration between Department and stakeholders on development and utilization of "dashboard" indicators of offender success or failure. Conference amends current law to require continued efforts with technical assistance provided by the Justice Center of the Council of State Governments on establishing criteria and indicators.

Sec. 416. Felony Drunk Driver Jail Reduction and Community Treatment Program - REVISED

Establishes purposes of the felony drunk driver jail reduction and community treatment program, outlines process for development of program standards, and lists allowable program expenditures. Conference retains guidelines related to allowable expenditures, but eliminates other program guidelines.

Major Boilerplate Changes From FY 2011-12

Sec. 418. State Identification and Birth Certificates for Returning Prisoners – REVISED

Requires MDOC to collaborate with other state entities to develop processes to assist prisoners in obtaining state identification and their birth certificates and report on a plan to implement necessary process and policy changes. <u>Conference</u> eliminates provisions related to state identification that have been addressed through recent statutory changes.

Sec. 426. Prisoner Reintegration, Training, and Employment Programs – DELETED

Allocates \$600,000 to Michigan-chartered non-profit agencies to operate and expand public utility asset recovery recycling programs with at least 45% of employees returning to the community from incarceration.

Sec. 615. Report on Paroling of Lifers with Possibility of Parole - REVISED

Requires report from Parole Board with detailed explanation on why inmate who scores "high probability of release" is not being paroled. <u>Conference</u> amends language to require parole board to calculate parole guideline scores of each inmate and report on the specific reason any individual who scores "high probability of release" is not being paroled. Requires report to Legislature containing these reasons for each inmate.

Sec. 807. Prisoner Medications - REVISED

Requires MDOC to ensure all prisoner medications be transported with a prisoner upon transfer to another facility and requires the provision of at least a 30-day supply of medication and a prescription for refills when a prisoner is released. <u>Conference</u> amends language to require prisoners being released to "have access to" at least a 30-day supply of medication.

Sec. 814. Psychotropic Medications - NEW

Requires Department to assure that psychotropic medications are available, when deemed medically necessary by a licensed medical services provider, to prisoners with mental illness diagnoses but not enrolled in Corrections mental health services.

Sec. 924. Evaluation and Placement of Prisoners With Mental Illness - REVISED

Provides guidelines for treatment of prisoners with mental illness. <u>Conference</u> revises language to require evaluation of prisoners in therapeutic seclusion at a frequency defined in the Mental Health Code or every 12 hours, whichever requires more frequent evaluations. Current law required evaluations every 12 hours.

Sec. 935. Facility Closure Guidelines - DELETED

Establishes legislative intent that MDOC fully consider local economic impact when making determinations on facility closures and makes it a high priority to close a facility for which the local economic impact is minimized.

Sec. 935. Cost Effectiveness of Correctional Facilities – NEW

Requires MDOC to evaluate facilities in terms of cost effectiveness and to make determinations as to how long each facility should remain open; requires analysis of economic impact of closing obsolete facilities and provides that Department shall work with Michigan Economic Development Corporation and other entities to encourage private sector investment in affected communities.

Sec. 939. Competitive Bidding Provisions - REVISED

Requires competitive bidding for the privatization of the special alternative incarceration (SAI) facility at Camp Cassidy Lake. <u>Conference</u> modifies language to also require bidding of prison stores, food service, and up to 1,750 custody beds.

Sec. 943. Perimeter Security Measures - NEW

Establishes intent that the MDOC maintain sufficient perimeter security measures at prison facilities to ensure the safety of surrounding communities.

Sec. 945. Prohibition Against Restrictions on Prisoner Mentors - NEW

Requires MDOC to allow person acting as prisoner mentor to continue the mentoring relationship as that prisoner transitions back into the community during a parole term unless not in the best interest of the prisoner; prohibits MDOC policy from automatically disqualifying a mentor from continuing an established relationship during parole term.

Sec. 946. Faith-Based Programming - NEW

Prohibits Department from restricting access to programming or a qualified person providing programming because of the faith-based nature of the programming. Requires communication of a clear policy to key prison staff regarding the validity of faith-based programming.

Sec. 1009. Information Packet for Prisoner Families - NEW

Requires MDOC to create and annually update an information packet for families of incoming prisoners to be made available on the MDOC website. Language specifies packet content and encourages collaboration with families and advocacy groups.

Sec. 1011. Religious Cable Television Programming - NEW

Provides that MDOC accept in-kind services and equipment donations to facilitate the addition of a cable network that provides programming to address prisoner religious needs. Specifies added channels shall add no extra costs to the State.

Sec. 1201. Anticipated FY 2013-14 Appropriations

States legislative intent to provide appropriations for FY 2013-14, adjusting FY 2012-13 amounts based on economic and other factors.