

FY 2017-18: DEPARTMENT OF CORRECTIONS
Summary: As Reported by the House Subcommittee
House Bill 4227 (H-1) Draft 2



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IDG/IDT	FY 2016-17 YTD as of 2/8/17	FY 2017-18 Executive	FY 2017-18 House	FY 2017-18 Senate	FY 2017-18 Enacted	Difference: House From FY 2016-17 YTD	
						Amount	%
	\$0	\$0	\$0			\$0	0.0
Federal	5,523,700	5,293,800	5,293,800			(229,900)	(4.2)
Local	8,692,800	8,842,400	8,842,400			149,600	1.7
Private	0	0	0			0	0.0
Restricted	36,554,600	36,149,400	39,649,400			3,094,800	8.5
GF/GP	1,951,957,900	1,964,133,600	1,954,133,600			2,175,700	0.1
Gross	\$2,002,729,000	\$2,014,419,200	\$2,007,919,200			\$5,190,200	0.3
FTEs	13,819.9	13,819.9	13,819.9			0.0	0.0

Notes: (1) FY 2016-17 year-to-date figures include mid-year budget adjustments through February 8, 2017. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

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, food service, transportation, 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 March 1, 2017, the department was responsible for 101,902 Michigan offenders: 40,938 prisoners, 44,875 probationers, and 16,089 parolees.

Budget Changes From FY 2016-17 Year-to-Date Appropriations

1. One-Time Funding for Training New Custody Staff

Executive includes one-time funding to train 177 corrections officers to meet projected attrition needs. Funding supports salary and payroll costs of new officers while they participate in training, as well as costs for uniforms, training materials, certifications, food, travel, and lodging. (Travel and lodging is paid during training if participants live away from the facilities to which they are assigned.) With the additional funding added to the FY 2016-17 base of \$9.2 million, the department will be able to train roughly 550 new officers in FY 2017-18. House concurs.

	FY 2016-17 YTD (as of 2/8/17)	House Change from YTD
Gross	\$9,216,500	\$4,359,000
GF/GP	\$9,216,500	\$4,359,000

2. Trinity Food Service Contract Adjustment

Executive includes funding to cover the required contract rate adjustment and an increase in the projected cost of food service utilizing a census-based billing model with prices per meal based on prisoner population levels. The contract requires that payment rates be adjusted annually by the greater of 1% or the change in the Consumer Price Index - All Urban Consumers, U.S. City Average for Food Away from Home. That CPI has averaged a 2.6% increase over the last 10 years. The amount of additional funding assumes the same increase in FY 2017-18. House concurs.

Gross	\$54,455,900	\$4,036,000
GF/GP	\$54,455,900	\$4,036,000

3. Corizon Health Care Contract Adjustment

Executive includes funding to cover required inflationary adjustments. The health care contract requires an annual increase in the base per prisoner per month cost for physical and mental health care services, including pharmaceuticals. House concurs.

Gross	\$122,945,400	\$3,511,900
GF/GP	\$122,945,400	\$3,511,900

4. Increased Oncology Costs

Executive includes funding to cover increased cancer treatment-related costs (e.g. costs for chemo/radiation, surgeries, observation, and office visits). The number of inmates treated for cancer increased by 48% from FY 2015 to FY 2016. The higher number of inmates requiring cancer treatment services is expected to continue. House concurs.

Gross	NA	\$2,328,300
GF/GP	NA	\$2,328,300

Budget Changes From FY 2016-17 Year-to-Date Appropriations

5. Westside Residential Alternative to Prison Program

Executive includes funding to expand the current Wayne Residential Alternative to Prison Program to thirteen counties on the west side of the state. The program provides new and additional sentencing options for probation violators who may otherwise be sentenced to prison, including vocational, educational, and cognitive programming in a secure, highly structured setting. Funding will be utilized to lease a housing unit at a jail on the west side of the state, and to pay for contracted vocational, cognitive, and substance abuse services. House concurs.

	FY 2016-17 YTD (as of 2/8/17)	House Change from YTD
Gross	NA	\$1,500,000
GF/GP	NA	\$1,500,000

6. Removal of One-Time Funding

Executive eliminates one-time funding that was included in the FY 2016-17 budget. One-time funding was appropriated for training new custody staff (\$8.5 million), ballistic vests (\$481,300), and the Supervising Region Incentive Program (\$481,300). House concurs.

Gross	\$9,468,700	(\$9,468,700)
Restricted	481,300	(481,300)
GF/GP	\$8,987,400	(\$8,987,400)

7. Hepatitis C Funding Adjustment

Executive reflects a savings of \$3.2 million GF/GP to align FY 2017-18 base funding for Hepatitis C treatment with anticipated caseload needs. The Executive budget recommendation includes a supplemental request for \$13.9 million in the FY 2016-17 budget to address treatment needs of prisoners that have Hepatitis C with metavir scores of F2. Currently, the department is treating prisoners with metavir scores of F3 and F4. If the supplemental request is granted and the department is appropriated \$13.9 million in the FY 2016-17 budget, the FY 2017-18 base funding level should be reduced to reflect the amount of funding needed in FY 2017-18 for the projected number of prisoners still requiring treatment. House concurs with Executive on reduction of \$3.2 million GF/GP and reduces funding by an additional \$5.0 million GF/GP based on lower than anticipated costs for treatment drugs.

Gross	\$14,935,000	(\$8,199,500)
GF/GP	\$14,935,000	(\$8,199,500)

8. Program Eliminations

Executive eliminates the following programs from the budget:

- Goodwill Flip the Script (\$1.5 million) - Funding was first included in the FY 2014-15 budget for Goodwill Industries of Greater Detroit in Wayne County to provide education, job training, and mentoring to troubled 16-39 year-olds, who have entered into the criminal justice system for the first or second time, in an effort to keep them out of prison. House retains the program and current year funding.
- Supervising Region Incentive Program (\$2.5 million) - Funding was first included in the FY 2016-17 budget and was authorized to be expended in accordance with provisions contained in the Supervising Region Incentive Act, which, to date, has not been enacted. The idea was to provide incentives to field operations administration regions that implement supervision practices, procedures, and sanctions directed at parole and probation revocation reduction. House concurs.

Gross	\$4,018,600	(\$2,518,600)
GF/GP	\$4,018,600	(\$2,518,600)

9. DTMB Rate Adjustments

Executive includes funding to cover costs of service rate changes that DTMB will make in FY 2017-18. DTMB will be making statewide changes in the billing methodology for desktop services from a bundled rate per desktop to a rate based on the number of users and devices. This change will result in increased billings to the department. House concurs.

Gross	NA	\$1,500,000
GF/GP	NA	\$1,500,000

10. Pugsley Facility Closure

Executive eliminates funding that was included in the FY 2016-17 budget to assist with closure costs of the Pugsley Correctional Facility. The facility closed in September 2016. House concurs.

Gross	\$800,000	(\$800,000)
GF/GP	\$800,000	(\$800,000)

11. Funding Adjustment for Administrative Hearings Officers

Executive reduces funding for the Administrative Hearings Officers line item based on projected caseloads. Due to the declining prison population, the level of services provided to the department by DLARA, through the Michigan Administrative Hearings Services unit, has also declined. House concurs.

Gross	\$3,407,100	(\$200,000)
GF/GP	\$3,407,100	(\$200,000)

12. Funding Adjustment for Inmate Legal Services

Executive reduces funding for the Inmate Legal Services line item due to lower contract costs. Pursuant to a 1996 court order, the department contracts out to provide eligible prisoners with legal assistance in matters relating to their criminal conviction and/or conditions of confinement. House concurs.

Gross	\$790,900	(\$200,000)
GF/GP	\$790,900	(\$200,000)

Budget Changes From FY 2016-17 Year-to-Date Appropriations

**FY 2016-17 YTD
(as of 2/8/17)** **House Change
from YTD**

13. Program and Fund Source Adjustments

Executive makes the following program and fund source adjustments:

- Reduces federal education fund source authorization to reflect the amount of federal revenue the department expects to receive (\$237,100)
- Increases local community tether reimbursement fund source authorization to reflect increased participation in the program by local entities (\$69,600)
- Increases the appropriation for DHHS eligibility specialists to cover increased payroll costs charged to MDOC by DHHS (\$16,000)
- Reduces state restricted reentry center offender reimbursement fund source authorization to reflect the amount of revenue the department anticipates collecting (\$14,300)
- Increases the appropriation for judicial data warehouse user fees to cover costs charged to MDOC by the Judicial branch for the department's access to the data warehouse (\$600)
- Eliminates the \$100 placeholders for the Future Facility and the Cost-Effective Housing Initiative line items (\$200).

Gross	NA	(\$165,400)
Federal	NA	(237,100)
Local	NA	69,600
Restricted	NA	(14,300)
GF/GP	NA	\$16,400

House concurs with all adjustments made by Executive.

14. Technical Adjustments

Executive makes internal FTE adjustments, funding adjustments, and transfers throughout the budget, which have no overall Gross or GF/GP impact. Adjustments are made in order to more accurately reflect employee counts and where expenditures occur as a result of reorganizations within the department. House concurs.

Gross	NA	\$0
GF/GP	NA	\$0

15. Economic Adjustments

Executive reflects a net increase in costs for negotiated salary and wage increases (3.0% ongoing after removing the FY 2016-17 one-time 1.5% lump sum), actuarially required retirement contributions, worker's compensation, building occupancy charges, private rent, and food and utilities. House concurs.

Gross	NA	\$12,507,200
Federal	NA	7,200
Local	NA	80,000
Restricted	NA	90,400
GF/GP	NA	\$12,329,600

16. Medication-Assisted Treatment Reentry Pilot Program

Executive retains current year funding for the Medication-Assisted Treatment Reentry Pilot Program, which provides prerelease treatment and post-release referral for opioid-addicted and alcohol-addicted offenders. Offenders receive one injection prior to being released from custody and are connected with an aftercare plan. House includes additional funding for expansion of the program.

Gross	\$500,000	\$500,000
GF/GP	\$500,000	\$500,000

17. Public Safety Initiative

Executive retains current year funding for the Public Safety Initiative. House reduces funding by \$3.5 million GF/GP.

Gross	\$4,500,000	(\$3,500,000)
GF/GP	\$4,500,000	(\$3,500,000)

18. Program and Special Equipment Fund Source Adjustment

Executive does not make a recommendation. House reduces GF/GP funding used for prisoner education by \$1.5 million and GF/GP funding used for reentry programs by \$2.0 million and replaces the GF/GP with state restricted Program and Special Equipment Fund (SEF) revenue. SEF revenue is collected from prisoners for telephone services. In the current year budget, authorization for SEF revenue was reduced based on anticipated rate changes made by the Federal Communications Commission. The FCC had ruled that rates charged to prisoners for telephone calling services were going to be reduced and capped at the lower amount. Given that prisoners were going to be paying less for phone services, revenue going into the SEF was expected to be reduced. Providers of telephone services to the prison industry have since filed suit against the FCC and the judge ordered a stay on implementation of the rate changes. As a result, revenue continues to be collected at the higher rate and is accumulating in the fund. Excess revenue is available to cover the reduction in GF/GP.

Gross	NA	\$0
Restricted	NA	3,500,000
GF/GP	NA	(\$3,500,000)

Boilerplate Changes From FY 2016-17

Sec. 206. Disciplinary Action Against State Employees and Prisoners – RETAINED

Prohibits MDOC from taking disciplinary action against employees or prisoners for communicating with legislators or their staff. Executive deletes. House retains.

Boilerplate Changes From FY 2016-17

Sec. 212. FTE Positions and Long-Term Vacancies – DELETED

Requires MDOC to report quarterly on the number of FTE positions in pay status by civil service classification, to include an accounting of long-term vacancies. Executive deletes. House deletes.

Sec. 214. Receipt and Retention of Required Reports – DELETED

Requires MDOC to receive and retain copies of all reports required; requires federal and state guidelines to be followed for short-term and long-term retention of records; authorizes MDOC to retain electronic copies of reports unless otherwise required by federal and state guidelines. Executive deletes. House deletes.

Sec. 239. Management-to-Staff Ratio – RETAINED

Expresses legislative intent that MDOC maintain a management-to-staff ratio of 1 supervisor to 8 employees at the central office in Lansing and at northern and southern regional administration offices. Executive deletes. House retains.

Sec. 247. Compilation of Data for Swift and Sure Sanctions Program – NEW

Requires MDOC to assist the State Court Administrative Office with data compilation for the Swift and Sure Sanctions Program. Executive includes new language. House includes new language.

Sec. 405. Substance Abuse Testing and Treatment – DELETED

Requires MDOC to report annually on substance abuse testing and treatment program objectives, outcome measures, and results, including the impact on offender success and programmatic success. Executive deletes. House deletes.

Sec. 411. Community Corrections Comprehensive Plans – RETAINED

Establishes further requirements for community corrections comprehensive plans, such as information on sanctions and services available and utilized, local communities' plans to respond to sentencing guidelines, and strategies to collaborate with state and local alcohol and drug treatment agencies. Executive deletes. House retains.

Sec. 412. Community Corrections Biannual Report – RETAINED

Specifies details to be included in the biannual report required by the Community Corrections Act, 1988 PA 511 (e.g. levels of funding, program utilization levels, profile information of offenders, data on residential services, and offender disposition data). Executive deletes. House retains.

Sec. 417. Reports on Community Programs – RETAINED

Requires MDOC to report annually on program expenditures, program details, and program impacts and results for the County Jail Reimbursement Program, Felony Drunk Driver Jail Reduction and Community Treatment Program, and any new initiatives aimed at controlling prison population growth. Executive deletes. House retains.

Sec. 419.(1) Offender Data Reports – RETAINED

Requires MDOC to provide weekly electronic mail reports on prisoner populations by security level by facility, prison facility capacities, and parolee and probationer populations. Executive deletes. House retains.

Sec. 425. Medication-Assisted Treatment Reentry Pilot Program – REVISED

Requires MDOC to establish a Medication-Assisted Treatment Reentry Pilot Program to provide prerelease treatment and post-release referral for opioid-addicted and alcohol-addicted offenders; requires MDOC to collaborate with residential and non-residential substance abuse treatment providers and with community-based clinics to provide post-release treatment; authorizes manufacturer to provide MDOC with samples of medication at no cost to department; requires MDOC to provide participating offenders with one injection prior to release from custody and to connect offenders with aftercare plan; requires MDOC to report follow-up information on offenders who receive injections. Executive retains current language. House revises language to specify coordination of direct and indirect services through federally qualified health centers in Wayne, Washtenaw, Genesee, Berrien, Van Buren, and Allegan counties.

Sec. 437. Goodwill Flip the Script – RETAINED

Requires MDOC to contract with a nonprofit entity in a county with greater than 1.5 million people to provide persons aged 16-39 with education, job training, and mentoring in an effort to keep them out of prison; requires the program to target individuals entering the criminal justice system for the first or second time; requires an annual report on program performance measures, number of individuals diverted from incarceration, number of individuals served, and outcomes of participants completing the program. Executive deletes. House retains.

Sec. 505. Mental Health Awareness Training – RETAINED

Requires MDOC to provide training for all custody staff who handle prisoners with mental illness; requires mental health awareness training to be incorporated into the training of new custody staff. Executive deletes. House retains.

Sec. 508. Maintenance and Utility Costs at Facilities – RETAINED

Requires MDOC to report annually on maintenance and utility costs and plans for capital improvement costs for each correctional facility. Executive deletes. House retains.

Sec. 511. Strategic Plan Reporting – RETAINED

Requires MDOC to report annually on strategies to decrease recidivism rates, strategies to increase the rehabilitative function of correctional facilities, metrics to track and ensure prisoner readiness to reenter society, and constructive actions for providing prisoners with life skills development. Executive deletes. House retains.

Boilerplate Changes From FY 2016-17

Sec. 601. Parole and Probation Agent Caseload Audits – RETAINED

Requires caseload audits of field agents to evaluate public protection issues and assess the agents' abilities to complete their professional duties. Executive deletes. House retains.

Sec. 602. Supervising Region Incentive Program – DELETED

Requires funding for the Supervising Region Incentive Program to be used to provide incentives to field operations administration regions that implement supervision practices, procedures, and sanctions directed at parole and probation revocation reduction. Executive deletes. House deletes.

Sec. 611. Annual Program Reports – RETAINED

Specifies content to be included in annual reports by MDOC on community reentry, electronic monitoring, and special alternative incarceration programs (e.g. successful and unsuccessful terminations, end of month populations, length of placements, returns to prison, and cost effectiveness of programs). Executive deletes. House retains.

Sec. 612. Violators of Parole and Probation – RETAINED

Requires MDOC to review and revise proposals for alternatives to prison for technical violators of parole and probation; requires an annual report on the number of probationers and parolees returned to or sent to prison for new crimes, number of probationers and parolees returned to or sent to prison for technical violations, educational history of offenders, number of offenders who participated in reentry programs, and number of offenders who participated in substance abuse treatment programs, mental health programs, or both. Executive deletes. House retains.

Sec. 616. Parole Board Reviews of Parolable Lifers – DELETED

Requires the Parole Board to review its policies related to review and parole of offenders serving parolable life sentences, with consideration given to those that do not pose an ongoing risk to society. Executive deletes. House deletes.

Sec. 617. Residential Alternative to Prison Program – NEW

Requires MDOC to provide vocational, educational, and cognitive programming in a secure environment to enhance existing alternative sentencing options, increase employment readiness and successful placement rates, and reduce new criminal behavior for the West Michigan probation violator population. Executive includes new language. House includes new language.

Sec. 802. Health Care Expenditures – REVISED

Requires MDOC to report quarterly on expenditures, allocations, status of payments, and projected expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment. Executive deletes. House revises "quarterly" report to "annual" report.

Sec. 803. Standard Medical Release Form – RETAINED

Requires MDOC to give all prisoners the opportunity to sign a medical release of information form, effective for one year, designating a family member or other individual to whom MDOC is authorized to release information; requires MDOC to assure forms follow prisoners if and when they are transferred to other facilities or released from prison. Executive deletes. House retains.

Sec. 806. Mental Health and Sex Offender Programming – DELETED

Requires funding appropriated for expanded mental health and sex offender programming to be used to address increased caseloads, reduce the number of prisoners on waiting lists who are past their earliest release dates, and reduce the percentage of prisoners readmitted to mental health programs at their previous level of care. Executive deletes. House deletes.

Sec. 812. Medicaid Utilization by Prisoners – RETAINED

Requires MDOC and DHHS to exchange information regarding newly committed prisoners who may be Medicaid-eligible; requires MDOC to assist outgoing prisoners with Medicaid enrollment; requires a quarterly report on utilization of Medicaid benefits for prisoners. Executive deletes. House retains.

Sec. 816. Pharmaceutical Expenditures – RETAINED

Requires MDOC to report annually on pharmaceutical expenditures and prescribing practices, including expenditures on antipsychotic medications and any changes made to prescription drug formularies. Executive deletes. House retains.

Sec. 901. Leasing of Facilities, Purchasing Private Facilities, and Reopening Closed Facilities – RETAINED

Requires MDOC to work with DTMB on determining the costs of entering into an agreement to lease or purchase a private facility to be operated by the department, as well as costs of reopening closed facilities already owned by the department, to determine if it would be in the best interests of citizens to house prisoners in one of those settings, rather than in a facility currently operated by the department; requires an annual report on acquisition, lease, reopening, and modernization costs, taxes, utilities, and expected future capital repair and upgrades at facilities. Executive deletes. House retains.

Sec. 902. Vocational Village – DELETED

Requires MDOC to expend \$2.0 million of the appropriation for education programs on expansion of the vocational village program. Executive deletes. House deletes.

Sec. 904. Cost Per Prisoner Per Day – RETAINED

Requires MDOC to report annually on per prisoner/per day costs for each prisoner security custody level, including actual direct and indirect costs, and allocation of statewide legacy costs. Executive deletes. House retains.

Boilerplate Changes From FY 2016-17

Sec. 908. High School Diploma in Lieu of High School Equivalency – DELETED

Requires MDOC to explore the feasibility of establishing an online career high school education pilot program, or other alternatives for providing prisoners with a high school diploma instead of a high school equivalency; requires MDOC to explore establishing outside partnerships to assist with providing high school diplomas; requires MDOC to report on steps the department would have to take, resources needed, and organizational changes required to provide prisoners with a high school diploma instead of a high school equivalency. Executive deletes. House deletes.

Sec. 909. Educational Programming – DELETED

Requires MDOC to focus on providing career-based educational programming for prisoners, to include vocational trade programs and employment readiness programs. Executive deletes. House deletes.

Sec. 910. Braille Program – RETAINED

Requires MDOC to allow the Michigan Braille Transcribing Fund Program to operate at its current location in the G. Robert Cotton Correctional Facility. Executive deletes. House retains.

Sec. 912. Institutional Staffing – DELETED

Requires MDOC to report annually on ratios of corrections officers to prisoners, shift command staff to line custody staff, and noncustody institutional staff to prisoners for each correctional institution. Executive deletes. House deletes.

Sec. 913.(2) Prisoner Completion of Various Programming – RETAINED

Expresses legislative intent that prisoners who are required to complete violence prevention, sexual offender, or other programming, as conditions of parole, be placed on waiting lists for the appropriate programming upon entrance to prison and transferred to facilities where programming is available. Executive deletes. House retains.

Sec. 930. Youth in Prison – NEW

Requires the department to submit quarterly reports on the number of youth in prison, including the number of inmates under age 18 not on HYTA status, number of inmates under age 18 on HYTA status, and number of inmates aged 18 - 23 on HYTA status. Executive does not include new language. House includes new language.

Sec. 937. Competitive Bidding – DELETED

Prohibits MDOC from issuing a RFP for a contract in excess of \$5.0 million unless MDOC has first considered a request for information (RFI) or a request for qualification (RFQ) relative to the contract. Executive deletes. House deletes.

Sec. 940. Use of State-Owned Facilities – DELETED

Requires any for-profit entities using state-owned facilities to pay fair market value for use of the facilities and to make payments in lieu of taxes to local jurisdictions equivalent to what local units would receive if the facilities were privately owned. Executive deletes. House deletes.

Sec. 942. Auditor General and Corrections Ombudsman Access to Contracted Facilities – RETAINED

Requires any contract with a third party to operate a facility to house Michigan prisoners to include a provision allowing access to the facility and to appropriate records by the Auditor General and the Legislative Corrections Ombudsman. Executive deletes. House retains.

Sec. 943. Savings from Prison Closures – NEW

Requires the department to submit a report on actual and projected savings achieved by closing correctional facilities. Executive does not include new language. House includes new language.

Sec. 944. Economic Impact of Prison Closures – NEW

Requires the department to consider the potential economic impact of a prison closure on the community where the facility is located. Executive does not include new language. House includes new language.

Sec. 945. Notice on Intent to Renew or Rebid Food Service Contract – NEW

Requires the department to provide notice to the legislature and to the fiscal agencies of its intent to renew or rebid the prisoner food service contract. Executive does not include new language. House includes new language.

Sec. 1000. Increased Information Technology Bandwidth – DELETED

Requires one-time funding appropriated for increasing information technology bandwidth to be used to support critical information technology systems that provide platforms for several mandated programs and department cost savings efforts. Executive deletes. House deletes.

Sec. 1011. Religious Cable Programming – DELETED

Authorizes MDOC to accept in-kind services and equipment donations to facilitate the addition of a cable network that provides programming that will address the religious needs of prisoners. Executive deletes. House deletes.

Sec. 1201. Anticipated FY 2017-18 Appropriations – DELETED

Expresses legislative intent that FY 2017-18 appropriations will be funded at the same level as FY 2016-17 appropriations, adjusting for changes in caseloads, federal fund match rates, economic factors, and available revenues. Executive deletes. House deletes.