

1995-96 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee on
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

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➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 95hrJC-Fi_Misc_pt51b

➤ Record of Comm. Proceedings ... RCP

➤ **

8-5-3

Representative Brancel

Department of Corrections

Intensive Sanctions Population Limitations

Motion:

Move to limit the population in the Department of Corrections Intensive Sanctions program to 1,600 inmates in community placement during 1996-97.

now 1580 inmates in ISP

Act 416 caps ISP at 2200
Sullivan said take cap down to 1900 to
fund Texas transfer

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin



Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864

TOMMY G. THOMPSON
GOVERNOR
JAMES R. KLAUSER
SECRETARY

September 25, 1996

The Honorable Brian Burke, Co-Chair
Joint Committee on Finance
100 North Hamilton, Room 302
Madison, WI 53702

The Honorable Ben Brancel, Co-Chair
Joint Committee on Finance
119 Martin Luther King, Jr. Blvd., LL2
Madison, WI 53702

Dear Senator Burke and Representative Brancel:

Upon further review with the Department of Corrections regarding the department's s. 13.10 request for additional prison capacity which will be before the Committee on September 26, I want to reinforce the department's immediate need for additional capacity to handle the increasing adult population.

Since my recommendations were submitted to you on September 19, the Administration has decided to cap the community-based intensive sanctions program at the current level of 1,600 slots. In light of this decision, it is imperative that DOC be given immediate approval to proceed with the 700 jail bed contract with Hood County, Texas and associated Texas counties and funding and staffing for the 361 beds created within existing facilities as I recommended in my September 19 memo.

I understand that there may be some interest on the Committee to delay the contract with Texas pending the identification of the additional Texas counties needed to accommodate 700 beds. In order to expedite the transfer of 700 Wisconsin inmates to the State of Texas, I want to urge the Committee to approve the contract as to form and authorize the Department of Corrections to enter into agreements with any county jail in the State of Texas to house Wisconsin inmates. Without this approval, the Department of Corrections will be left with no option but to release additional inmates into the community through the intensive sanctions program.

With your approval of the 700 jail beds in Texas and the resources needed for the 361 beds in existing institutions, we believe that the inmate population can be managed until the Spring of 1997 within the current cap on community-based intensive sanctions. In the meantime the prison overcrowding condition will continue to be closely monitored to determine if additional resources will be needed during the 4th quarter of FY97.

I think we share the same concerns for community safety and hope we can work together to address those concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Klauser".

James R. Klauser
Secretary

cc: Members, Joint Committee on Finance



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections -- Texas Jail Contracts and Staffing Increases -- Agenda Item IV

INTRODUCTION

The Department of Corrections requests increased funding of \$7,563,400 GPR in 1996-97 with an additional 102.5 GPR positions for contracting with county jails in Texas and for increased staffing associated with projected population increases. In addition, Corrections requests the Committee's approval to use up to \$1,000,000 GPR in 1996-97 currently appropriated for contracts with Wisconsin county jails to instead contract with Texas counties. The Committee should note that the Department has identified an error in its original request for \$7,760,200 which reduced the total request by \$196,800. This paper uses the revised funding request.

In addition to the Department's s. 13.10 request, the Committee is also required under s. 302.26 to approve any contract to transfer 10 or more inmates in any fiscal year to any one state or any one political subdivision of another state. The Department of Corrections has submitted a contract with four Texas counties for the Committee's approval.

BACKGROUND

In 1995 Act 416 (the Corrections budget adjustment act), budgeted populations for the adult correctional institutions were increased for 1996-97 from 12,006 (estimated in Act 27) to 12,728. During deliberations in the budget adjustment bill, the Department requested additional funding for inmate food, clothing and medical care, but did not request increased staffing to address the increased populations. In part to accommodate the increased populations, Act 416 provided funding to support 455 contract jail beds (\$9,718,900 GPR in 1996-97) and placed \$2,073,800

GPR in the Committee's appropriation for release to Corrections for additional jail contracts with Wisconsin counties or other states. The \$2,073,800 GPR represents sufficient funding for an additional 102 Wisconsin jail beds, at \$58 per day.

In its s. 13.10 request, Corrections has reestimated its 1996-97 average prison population to 13,242, with a June 30, 1997, population estimated at 13,948. This population estimate includes state prisoners held in Wisconsin county jails, but does not include any reduction for prisoners sent to Texas or for increased participation in the intensive sanctions program (ISP).

In order to address the increase in inmate populations, Corrections plans to increase the number of inmates being released to ISP by up to 600, contract with Texas counties for up to 700 beds, add an additional 398 beds in existing institutions and construct a 150-bed dormitory for female offenders. The Department will utilize existing resources to accommodate more ISP inmates. Inmates released to ISP will either be placed in the program after review by the Parole Commission or as an alternative to having their probation or parole revoked.

SUMMARY OF REQUEST

The Department's request consists of four parts: (a) the requested approval of the Texas contract; (b) the release of funding in the Committee's appropriation which has been reserved for jail contracts and increased funding to support additional contracted jail beds; (c) increased staffing at the correctional institutions associated with increased prison populations; and (d) increased staffing for the Taycheedah Correctional Institution associated with the construction of a 150-bed dormitory unit. The funding and positions requested are shown in the following table:

| <u>Item</u> | <u>FTE Positions</u> | <u>Amount Requested</u> |
|----------------------|----------------------|-------------------------|
| Jail Contracts | 2.0 | \$6,154,800 |
| Increased Staff | 80.3 | 2,215,200 |
| Taycheedah Dormitory | <u>20.2</u> | <u>193,400</u> |
| Total | 102.5 | \$8,563,400 |

| <u>Funding Sources</u> | <u>Amount</u> |
|---------------------------------------|---------------|
| (a) Committee Reserve Funds | \$3,011,700 |
| (b) Committee Unallocated Balance | 4,551,700 |
| (c) Base Resources for Jail contracts | 1,000,000 |

ANALYSIS

Contract with Texas Counties

Under 1995 Act 344, any contract involving the transfer of more than 10 prisoners in any fiscal year to any one state or to any one political subdivision of another state must first be approved by the Legislature by law or the Joint Committee on Finance. Consequently, the Department is submitting its unsigned agreement with four Texas counties for the Committee's review and approval. Note that the agreement submitted by the Department as part of its s. 13.10 request was revised on September 20, 1996. The major provisions of the revised agreement are summarized below. A complete summary can be found in Attachment I.

Parties, Terms, Number of Beds and Reimbursement. The agreement calls for the housing of up to 700 Wisconsin inmates in four Texas county jails at a cost of \$39.96 per day per inmate. The agreement would be in effect from October 15, 1996, through June 30, 1997, and could be amended or extended in one-year increments upon the written agreement of the parties.

While the Sheriff of Hood County Texas would be administering the agreement with the Department, there are three additional counties which are parties to this agreement: Johnson, Palo Pinto and Comanche Counties. These neighboring counties are located southwest of Fort Worth. Both the Department and the Hood County Sheriff indicated that the four counties identified in the current agreement could accommodate approximately 350 to 400 Wisconsin inmates, and that other counties would need to be added to the agreement to reach the 700 inmate level. The Sheriff indicated that he did not want to begin the process of identifying additional counties until the agreement was approved by the Committee, but stated there would be no problem in securing the additional beds. The Department believes that because the agreement is with Hood County, and that subsequent counties would in effect be subcontractors and not contractors, that once the agreement is approved by the Committee, subsequent Committee approval would not be required to add counties to the agreement.

However, all four counties are clearly party to the agreement and any additional counties would be added as parties and would be required to sign an amended contract. Therefore, to the extent any county outside the four currently named would contract to accept more than 10 Wisconsin inmates, approval by the Finance Committee of passage of legislation would be required prior to the transfer of the inmates. Corrections argues the time required to meet the statutory requirement may delay the transfer of inmates to Texas. To respond in a timely fashion and fulfill the statutory requirement, the Committee could allow a 14-day passive review process for approving the addition of counties to the current contract proposal.

what about a subcontract?

would we retain control over the number of transfers?

Selection of Inmates. The criteria for inmate selection would be: male, medium custody inmates who, at the time of transfer, have been cleared by Correction's health, dental and medical services as having no health concerns. Inmates with a history of institutional violence, escape or attempted escape from secure custody would not be eligible. The Texas counties would have the right to reject any inmate for medical or behavior problems. While not in the agreement, the

Department states that it would not transfer inmates whose transfer would have a negative effect on the likelihood of parole. (This means that if a prisoner requires a certain type of program to become eligible for parole and that program is not available in Texas, that inmate would not be transferred.) The Department further states that those prisoners volunteering for transfer to Texas would be considered. Finally, in determining transfer, the Department would give higher priority to newly admitted inmates.

While not stated in the agreement, the Department's plan, pending 1997-99 funding, is to transport inmates for one-year stays in Texas. After one year, inmates would be returned to Wisconsin to serve the remainder of their sentences, to be replaced in Texas with other inmates.

Programming and Medical Services. The Texas counties would be responsible for confining the inmates in appropriate penal surroundings but would not be required to provide additional treatment, facilities or programs to Wisconsin inmates which they do not provide to other similar inmates. The counties would provide: (a) lodging facilities; (b) programs; (c) constant monitoring of the premises; (d) three nutritious meals a day (at least two of which would be hot); and (e) basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates would also have access to all volunteer programs/activities, chaplaincy directed programs and crisis intervention and social services treatment available to other jail inmates. The counties would provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Inmates would receive medical, optometric, psychiatric and dental diagnosis and treatment necessary to safeguard their physical and mental health, and not less than that provided to other inmates. These costs would be paid by the counties if the services are provided by the jail. The cost of any special care would be paid by the Department. The Hood County Sheriff indicates that his county would be willing to provide additional programming if the Department would pay for it. The current proposal would provide for funds for additional medical expenses, but no additional programming.

Liability Issues. It should be noted that inmates transported to Texas under this agreement would remain in the custody of the Department. While there is a provision in the agreement to require the counties to defend themselves at their expense in any action or proceeding arising out of confinement in the county jails which involves conditions of confinement action of county employes, this would not, according to legislative attorneys, relieve the Department of potential liability.

Department officials personally inspected three of the four county jails included in this agreement, and conducted a phone interview and watched a videotape concerning the fourth county jail. The Department indicates that the s. 13.10 request includes funding for monthly monitoring visits by Corrections officials for the first six months of the agreement and visits

every other month for the remainder of the fiscal year to assure that the conditions in the four jails and in any additional jails meet Wisconsin standards.

Impact on Wisconsin Prisons. Higher inmate population projections, based on most recent admission trends, indicate a need for accommodating more inmates this fiscal year. The Department indicates that virtually all available Wisconsin county jail beds will be used in 1996-97 and in subsequent years. If the Texas jail agreement is not approved, crowding would become more severe. The Department indicates serious concerns regarding the safety of institution staff and inmates would result without the agreement.

Funding for Texas County Jail Bed Contracts

Current funding in 1996-97 for contract county jail beds is \$9,718,900 GPR. This funding allows the Department to purchase an estimated 455 beds per day to house state prisoners. In 1995 Act 416, an additional \$2,073,800 GPR in 1996-97 was placed in the Committee's appropriation for possible release to Corrections if the Department was able to contract for additional jail beds space in Wisconsin or with another state. Currently, only Wisconsin county jails are utilized and the daily cost averages \$58. In 1995-96, the Department contracted for an average of 407 jail beds per day; the Department estimates the same level for 1996-97.

In its s. 13.10 request, the Department plans to transport inmates to Texas beginning October 15 in groups of 80, twice a month until 700 beds are filled (by February 5, 1997). To fund the Texas contract, the Department requests the release of the funding currently in the Committee's appropriation for jail contracts (\$2,073,800 GPR) and an additional \$3,081,000 GPR and 2.0 GPR positions to support the contract with Texas county jails from October, 1996 to June, 1997. In addition, Corrections has indicated that it would use \$1,000,000 GPR from its current jail contracts appropriation to fund the Texas jail beds. In total, the \$6,154,800 would support 700 county jail beds in Texas, with an average daily population for 1996-97 of 391 inmates. The Department's request for the Texas jails contract is divided as follows:

| | <u>FTE Positions</u> | <u>Amount Requested</u> |
|---|----------------------|-------------------------|
| Jail Contract | | \$5,711,200 |
| Transportation and Contract Administration | | 191,100 |
| Medical Services | | 195,600 |
| Records Administration | <u>2.0</u> | <u>56,900</u> |
| Total | 2.0 | \$6,154,800 |

Subsequent to its s. 13.10 submission, the Department has indicated that the plan to transport all 700 inmates to Texas by the beginning of February may be optimistic. Since the current agreement with the four counties would not provide all 700 beds, other Texas counties

need to be identified, inspected, and submitted for Committee review before inmates could be transported to additional counties. An alternative plan which would transport 360 inmates to Texas by the end of the calendar year, and have all 700 inmates transported by early May, 1997, would require additional funding of \$3,881,500 GPR. Another alternative would be to provide funding at this time only for the 360 inmates to be transferred to the four counties by December, 1996. Additional funding could be released upon identification of additional beds and submission of additional agreements to the Committee for review. This alternative would require \$2,553,200 GPR and 2.0 GPR positions.

The \$191,100 GPR requested for transportation and contract administration would pay for inmate transportation costs and the expenses of Department monitoring visits to Texas. These costs would not change with an alternative transportation schedule.

Medical services (\$195,000) are budgeted at \$500 per inmate, calculated from the average daily population. This is slightly less than half of the current annual average of \$1,082 per inmate for medical service expenses. The lower budget estimate for the Texas contract assumes that inmates will be healthy when transported, and that medical services for approximately 30% of the medical costs will be provided in the jails and therefore payable by the counties. If the alternative transportation schedule is approved, costs for medical services would be reduced to \$153,400.

Finally, 2.0 GPR positions (1.0 program assistant and 1.0 institutions registrar) are requested for the Dodge Correctional Institution at a cost of \$56,900 GPR in 1996-97 (\$63,100 GPR annually) to handle the paperwork associated with the Texas inmates. This request appears reasonable given the numbers of inmates, the logistics needed to conduct program review and parole interviews by phone and conduct off-site file reviews, and the annual turnover of inmates.

Increased Staffing at Existing Correctional Institutions

The following table indicates the estimated 1996-97 inmate populations under Act 416 and the Department's s. 13.10 request.

| | Total Institution Population | Wisconsin Prisons | Wisconsin Jail Contracts | Texas Jail Contracts |
|------------------------------|------------------------------------|----------------------|--------------------------------|----------------------------|
| Current Law (Act 416) | | | | |
| Average Daily Population | 12,728 | 12,171 | 557* | 0 |
| June 30, 1997 | 13,530 | 12,973 | 557* | 0 |
| S. 13.10 Request | | | | |
| Average Daily Population | 12,992** | 12,194 | 407 | 391 |
| June 30, 1997 | 13,348** | 12,241 | 407 | 700 |

* Includes funding for additional jail beds held in the Committee's appropriation.

** Deducts s. 13.10 estimate of additional releases to Intensive Sanctions.

Since submitting its s. 13.10 request, the Department has indicated that a more realistic estimate of increased intensive sanctions program inmates is 300, rather than 600. This would result in a projected June 30, 1997, institution population of 13,648, with an average daily population in 1996-97 of 13,117.

Using Corrections' revised population estimates (13,117 in 1996-97 when the revised intensive sanctions program increases are deducted) and assuming the Department places 700 inmates in Texas jails under the alternative plan, the average daily inmate population in Wisconsin prisons in 1996 will be 12,403, 232 inmates higher than estimated in Act 416 and 817 higher than estimated in Act 27. Current institutional staffing levels were allocated based on the Act 27 estimates. It should be noted that in Act 416, the Department did not request additional staff to deal with higher population levels.

In order to support the increased inmate population in Wisconsin prisons, the Department is requesting \$2,215,200 GPR and 80.3 GPR positions. On an annualized basis, the cost of these positions is \$2,688,900 GPR.

Corrections plans to add 398 beds to existing institutions. The requested positions would provide increased security staffing, additional inmate support services (social services, education and health), inmate work crew staffing and general institutional support. Attachment II details by institution the requested number and type of positions.

The Department argues that an emergency currently exists within the institutions concerning understaffing resulting from overcrowding. The Department argues that all positions requested, which include security staff (officers for the housing units), work crew staff (officers and facility repair workers), and other staff (food production assistants, social workers, nurse clinicians, teacher assistants, program assistants and officers for laundry supervision, patrol and transportation) provide essential services in maintaining the safety of an institution, and that the increased inmate populations warrant funding of the requested positions through the s. 13.10 process. Alternatively, the Committee could determine that safety concerns are related to security staffing in inmate housing units only, and provide staff and funding for 47.27 officer positions at a cost of \$1,293,600 GPR in 1996-97. Annualized costs would be \$1,526,900 GPR for these positions. While other increased staffing may be warranted, security officers in housing units can be considered as being more urgent and other positions may be addressed in the 1997-99 biennial budget.

Another alternative that the Committee could consider would be to provide increased staffing based on staffing ratios that would result from the Department's increased number of beds. Under this alternative, Corrections request could be reduced by \$592,500 GPR and 21.86 GPR positions in 1996-97. The alternative would provide security housing staff at all institutions except Green Bay. The Department has indicated that the staffing request at Green Bay is not directly related to the increased number of inmates, but rather a change in the scheduling of school and work assignments for inmates. This need could be addressed in the 1997-99 biennial

budget. In addition the alternative would provide: (a) work crew staffing at medium security institutions and minimum security correctional centers; (b) teacher assistants at Green Bay and Waupun Correctional Institutions; (c) social workers at Waupun and Jackson County Correctional Institutions and at the Burke Correctional Center; and (d) nurse clinicians at Waupun and Kettle Moraine Correctional Institutions. Total funding provided would be \$1,622,700 GPR and 58.44 GPR positions in 1996-97. On an annualized basis, the cost of the increased staffing would be \$1,934,500 GPR.

It should be noted that while the above alternative would not provide work crew staffing at Waupun, Green Bay and Oakhill, based primarily on current staffing ratios and the relative inmate population increases, in Act 416 the Legislature placed \$183,800 GPR in the Committee's appropriation for costs associated with secured inmate work programs ("chain gangs"). The Department could request, at a later s. 13.10 meeting, the release of the reserved funding, either for implementation of chain gangs or for other work crew staff positions.

Staffing of Taycheedah Correctional Institution Dormitory

The Department requests that \$193,400 GPR be transferred from the Committee's supplemental appropriation and that 20.2 GPR positions be created for three months to operate a new 150-bed dormitory at the Taycheedah Correctional Institution. These positions include security staff (13.3 positions), work crew supervisors (2.4 positions), a unit supervisor (1.0 position), and health, social service and other support staff (3.5 positions). According to the Department, the dormitory would be constructed using \$900,000 from a federal grant and a 10% state match from general fund support borrowing. On an annualized basis, staffing of the dormitory would cost \$539,200 GPR.

The Committee should note that Corrections has not yet received any federal funding but expects to be informed of the receipt of any grant by the end of September. While the Department indicates that the facility would be similar to dormitories at Kettle Moraine and Oshkosh and could be constructed quickly, the Building Commission has not approved the project or the state match. Timing of action by the Commission is uncertain. Construction delays could also be encountered during the winter months. Given these issues the Department's request for staffing appears to be premature.

Funding Options Identified by the Department

In addition to the funding appropriated for jail contracts (\$2,073,800 GPR in the Committee's appropriation for additional jail contracts and \$1,000,000 GPR currently appropriated for contracts with Wisconsin county jails), the Department has identified the following additional options for funding this request. Only the first option was included in the s. 13.10 request.

Committee Appropriation for Increased Intensive Sanctions Population (s. 20.865(4)(a)).

As a result of Corrections' revised estimates concerning the ISP population in 1996-97, the \$937,900 GPR originally placed in the Committee's appropriation for possible intensive sanction population increases could be released to provide partial funding for this request.

*Me
Motion
* 3002*

Intensive Sanctions Appropriation (s. 20.410(1)(ai)). In its s. 13.10 request, the Department planned to increase efforts to utilize the intensive sanctions program, with an additional 600 inmates released to the program over current levels by the end of the year. Since submitting its request, the Department now indicates that an increase of 300 inmates to ISP is a more realistic estimate. Act 416 provided funding for an intensive sanctions population of 2,220; 300 additional inmates would bring the population to 1,858. As a result, the Department has identified \$1,216,300 GPR in appropriation s. 20.410(1)(ai) which could be transferred to fund this request.

Serious Juvenile Offender Appropriation (s. 20.410(3)(cg)). As outlined in the Fiscal Bureau paper concerning agenda item III, Corrections officials now estimate that approximately \$5.0 million in 1996-97 may be available to address its request under s. 13.10, through a transfer from the serious juvenile offender appropriation under s. 20.410(3)(cg). The purpose of the serious juvenile offender (SJO) appropriation is to provide reimbursement for correctional costs for certain violent juvenile offenders and additional juveniles adjudicated as serious offenders after July 1, 1996. The SJO appropriation is provided \$14,056,700 GPR in 1996-97.

Corrections officials have now projected 1996-97 SJO expenditures at approximately \$9 million, based on updated estimates of average daily populations and certain assumptions concerning how juveniles will transition from institutional care to various types of community programming. The Department's new projection would result in a surplus of approximately \$5 million in 1996-97.

The number of new serious juvenile offender dispositions that will be made in 1996-97 is a critical consideration in projecting any potential surplus. The SJO disposition option (available for juveniles committing an offense on or after July 1, 1996) is new and no historical data is available at this time. Further, to the extent that additional juveniles receive SJO dispositions, counties will retain a greater proportion of their youth aids allocations; this financial incentive may result in counties seeking SJO dispositions whenever possible. Due to these factors, the Department's estimate of SJO dispositions in 1996-97 is speculative.

The uncertainty regarding the actual number of SJO admissions in 1996-97 could mean that the \$5.0 million projected surplus could vary to some extent. For example, if the average number of SJO admissions vary from the DOC estimates of 14 per month by three juveniles (to 11 or 17 per month), the cost to the SJO appropriation would vary by about \$672,000.

Additional data on continuing costs under the appropriation and on the number of SJO dispositions being ordered will be available later in the fiscal year. A more accurate estimate of

a surplus in the appropriation, which would be available to transfer or to lapse to the general fund, would be possible at a later date.

The following table summarizes the potential Corrections funds which could be used to fund the Department's requests (Agenda items III and IV).

| | |
|---|------------------|
| Committee Reserve Funds for Jail Contracts | \$2,073,800 |
| Wisconsin Jail Contract Funds | 1,000,000 |
| Committee Reserve Funds for Intensive Sanctions | 937,900 |
| Intensive Sanction Funds | 1,216,300 |
| Serious Juvenile Offender Funds | <u>5,000,000</u> |
| Total | \$10,228,000 |

Inmate Expenses

Inmate food, wages, clothing, health care, and other inmate supplies and services are budgeted on an annual per inmate cost of \$3,347. In its s. 13.10 request, the Department did not request additional funds for these inmate expenses because the projected increase in the institutional population would largely be handled through the increased releases to intensive sanctions and the Texas jail contract. With the revised projections, there will be an average daily population of 232 more prison inmates than budgeted in Act 416. This represents a \$776,500 GPR shortfall in the amount budgeted for inmate expenses. The Department has not requested these funds and indicates that there are no additional funds available for reallocation beyond that identified in their revised request. The Department may manage within its current appropriation, or return under s. 13.10 at a later point. However, the Committee may wish to provide funding for this increase at this time. If the Committee provides full funding for the Department's requests under the revised estimates, there would be \$236,800 GPR remaining from the potential \$5 million surplus identified in the serious juvenile offender appropriation. If the Committee adopts any other alternatives, more than \$776,500 GPR would be remaining from the potential \$5 million surplus in serious juvenile offender appropriation for reallocation. Alternatively, the Committee could take no action at this time in order to determine if: (a) current projections are accurate; and (b) the Department can manage within its current appropriation.

ALTERNATIVES

A. Approval of Contracts for Use of County Jail Beds in Texas

1. Approve the agreement between the Texas counties of Hood, Johnson, Palo Pinto and Comanche and the Department which would provide up to 700 beds for Wisconsin inmates in Texas county jails between October 15, 1996 and June 30, 1997.

2. In addition to alternative A1, allow the Department to submit to the Committee for a 14-day passive review the names of any additional counties to be added as parties to this agreement and copies of the proposed agreements.

B. Funding for Contracts with Texas County Jails

1. Approve the Department's request for an additional \$5,154,800 GPR and 2.0 GPR positions (\$5,097,900 under appropriation 20.410(1)(ab) and \$56,900 and 2.0 positions under appropriation 20.410(1)(a)) to provide funding to transfer 700 Wisconsin prisoners to Texas jails by February, 1997. Funding sources for this request would be: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; (b) the release of \$937,900 from the Committee's appropriation (s. 20.865(4)(a)) for intensive sanctions funding; and (c) the transfer of \$2,143,100 from the Committee's appropriation (s. 20.865(4)(a)).

2. Provide \$3,881,500 GPR and 2.0 GPR positions (\$3,824,500 to appropriation s. 20.410(1)(ab) and \$56,900 and 2.0 positions to appropriation s. 20.410(1)(a)) to provide funding for the transfer of 360 inmates by December, 1996, and a total of 700 Wisconsin prisoners to Texas jails by May, 1997. Provide the funding from: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; (b) the release of \$937,900 from the Committee's appropriation (s. 20.865(4)(a)) for intensive sanctions funding; and (c) the transfer of \$869,800 from the intensive sanctions appropriation (s. 20.410(1)(ai)).

3. Provide \$2,553,200 GPR and 2.0 GPR positions (\$2,496,300 to appropriation s. 20.410(1)(ab) and \$56,900 and 2.0 positions to s. 20.410(1)(a)) to provide funding for the transfer of 360 Wisconsin prisoners to Texas jails by December, 1996. Provide the funding from: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; and (b) the release of \$479,400 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts. Under this alternative, the Department could request funding for the additional beds, when additional county contracts are submitted to the Committee for approval.

4. Deny the Department's request.

C. Increased Staffing at Existing Correctional Institutions

1. Approve the Department's request to transfer \$2,215,200 GPR from the Committee's appropriation (s. 20.865(4)(a)) to the Department's general program operations appropriation (s. 20.410(1)(a)) to provide funding for 80.3 GPR positions at existing correctional institutions.

2. Provide \$1,622,700 GPR and 58.44 GPR positions in 1996-97 for the Department of Corrections based on staffing ratios that would result from an increased number of inmate beds in existing correctional institutions. Transfer \$346,500 from the intensive sanctions appropriation

(20.410(1)(ai) and \$1,276,200 from the serious juvenile offender appropriation (20.410(3)(cg) to s. 20.410(1)(a)).

3. Provide \$1,293,600 GPR and 47.27 positions for security staffing only in housing units at existing institutions. Transfer \$346,500 from the intensive sanctions appropriation (20.410(1)(ai)) and \$947,100 from the serious juvenile offender appropriation (20.410(3)(cg)) to s. 20.410(1)(a).

4. Deny the request.

D. Staffing of Taycheedah Correctional Institution Dormitory

1. Approve the Department's request to transfer \$193,400 GPR from the Committee's supplemental appropriation (s. 20.865(4)(a)) to the Department's general program operations appropriation under s. 20.410(1)(a) for the operation of a 150-bed dormitory at the Taycheedah Correctional Institution. Provide an additional 20.2 staff positions for the dormitory.

2. Deny the request.

E. Inmate Expenses

1. Provide \$775,900 GPR for inmate expenses to cover the projected increase in the average daily population of prison inmates in 1996-97. Transfer \$775,900 from the serious juvenile offender appropriation under s. 20.410(3)(cg) to s. 20.410(1)(a). [Note: If the Department's requests are fully funded, this alternative would reduce the serious juvenile offender appropriation by \$539,100 more than is estimated to be available. Thus, an additional funding source would need to be identified.]

2. Take no action.

ATTACHMENT I

Summary of Major Provisions of the Agreement Between Four Texas Counties and Wisconsin Department of Corrections for the Temporary Housing of Inmates

Parties. Hood County Texas and associated Texas counties of Johnson, Palo Pinto and Comanche (Counties), and the Wisconsin Department of Corrections (Department).

Terms. In effect from October 15, 1996 through June 30, 1997; may be terminated upon 30 days written notice to the other party, and may be amended or extended in one-year increments upon the written agreement of the parties. The Department will remove its inmates within 30 days of termination of the agreement.

Number of Beds. Up to 700 inmate beds, dependent on bed space availability.

Selection of Inmates. The criteria for inmate selection is medium custody males who, at the time of transfer, are cleared by health, dental and medical services. Inmates with a history of institutional violence, escape or attempted escape from secure custody will not be eligible for transfer. The counties have the right to reject any inmate due to medical or behavior problems which county Sheriff determines to be unacceptable. The Department can return any inmate to Wisconsin at any time and replace or not replace the inmate with another.

Responsibility for Inmate Custody, Services and Discipline. The counties will be responsible for confining the inmates in appropriate penal surroundings consistent with applicable federal and state laws and regulations, but the counties will not be required to provide additional treatment, facilities or programs to Department inmates which they do not provide to other similar inmates. Inmates will not be permitted or required to participate in any training or work program contrary to Department rules. The counties will have physical control over and power to exercise disciplinary authority over inmates, but counties are not authorized to permit punishment prohibited by Department rules.

Right of Inspections. The Department will have the right to inspect the county jails at all reasonable times to determine that appropriate standards of care and discipline are being met.

Medical Services. The Department will provide appropriate medical information prior to transfer, including certification of tuberculosis screening or treatment. Inmates will receive medical, optometric, psychiatric and dental diagnosis and treatments as necessary to safeguard their physical and mental health and comply with federal, Wisconsin and Texas law. These services will not be less than that provided to other inmates. These costs will be paid by the counties if the services are provided by the jail and the inmate requires no special care in addition to that commonly provided by the jail. The cost of any special care will be paid by the Department. Except in an emergency, the counties will contact the Department for prior written approval for medical, psychiatric or dental expenses for which the Department is responsible.

In an emergency, the counties will notify the Department as soon as practicable. If required mental health treatment is not available in the counties, the Department will transfer the inmate to its own facility. Dental services payable by the Department will not exceed services necessary for the relief of continuous pain or acute infection. Copies of health care and related records will be provided by the Department upon request to the counties health care providers. These remain the property of the Department and may not be altered, and will be returned to the Department when the inmate is removed from the jail.

Laws and Regulations for Inmate Conduct. Inmates will be subject to all provisions of law and regulations applicable to similar county jail inmates. When an inmate would be subject to discipline under the Department's Administrative code and the counties want the inmate removed, the Department may discipline the inmate under its rules.

Inter-Institutional Transfer. The counties may transfer an inmate between facilities under this agreement with written notification to the Department.

Escape. The counties will have the primary responsibility and authority to direct the pursuit, retaking and prosecution of escaped inmates within their own territories. Any associated costs will be borne by the counties.

Retaking of Inmates. The decision to retake an inmate is the Department's and is not reviewable by the counties, unless there is a pending criminal charge or if the inmate is suspected of having committed a criminal offense, the inmate will not be taken without the consent of the Sheriff until discharged from prosecution or imprisonment for the offense. All inmates will be returned to Wisconsin; no inmates will be released in Texas.

Cost and Reimbursement. The Department will pay the counties \$39.96 per day per inmate for the term of this agreement (October 15, 1996 through June 30, 1997). The counties will invoice the Department monthly, and the Department will pay within 30 days of receipt of the invoice. Payment will be made for the day of the inmate's arrival but not the day of his departure.

The counties will provide: lodging facilities; programs; constant monitoring of the premises; three nutritious meals a day (two will be hot); and basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates will have access to all volunteer programs/activities and chaplaincy directed programs, crisis intervention and social services treatment available to other jail inmates.

The counties will provide necessary program space required to conduct any supplemental treatment programs arranged by the Department.

The counties will provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Responsibility for Legal Proceedings. The Department will defend any action or proceeding involving the legality of revocations or sentence computations of its inmates or the placement or removal of inmates in county jails. The counties will be reimbursed for any expense connected with such actions or proceedings.

The counties will defend, at their expense, any action or proceeding arising out of confinement in the county jails which involves the conditions of confinement or the actions of county employees.

Disputes. Any disputes arising from this agreement which cannot be settled by contract administrators will be subject to arbitration as provided under Wisconsin statutes.

Rights or Benefits. This agreement does not provide or create any rights or benefits to any of the inmates.

ATTACHMENT II
DOC Positions Requested by Institutions

| <u>Correctional Facility</u> | <u>Position</u> | <u>Number</u> |
|---|--|---------------|
| Dodge Correctional Institution | Food Production Assistant | 1.0 |
| | Correctional Officer-Laundry | 0.4 |
| | Correctional Officer-Housing | 5.0 |
| John Burke Correctional Center | Correctional Officer-Housing | 5.0 |
| | Social Worker | 0.5 |
| Jackson County Correctional Institution | Correctional Officer-Housing | 5.0 |
| | Correctional Officer-General Projects/Work Crews | 5.0 |
| | Social Worker | 1.0 |
| | Nurse Clinician | 1.0 |
| Oakhill Correctional Institution | Correctional Officer-Work Crews | 1.2 |
| | Correctional Officer-Patrol & Trans. | 5.0 |
| Black River Correctional Center | Correctional Officer-Housing | 1.6 |
| | Correctional Officer-Work Crews | 1.2 |
| | Social Worker | 0.5 |
| Waupun Correctional Institution | Correctional Officer-Housing | 10.0 |
| | Facility Repair Worker-Work Crews | 2.0 |
| | Teacher Assistant | 1.0 |
| | Social Worker | 1.0 |
| | Program Assistant | 0.5 |
| | Nurse Clinician | 1.0 |
| Kettle Moraine Correctional Institution | Correctional Officer-Housing | 5.0 |
| | Correctional Officer-Housing AODA Unit | 1.6 |
| | Correctional Officer-Work Crews | 2.4 |
| | Nurse Clinician | 1.0 |
| St. Croix Correctional Center | Correctional Officer-Housing | 5.0 |
| Thompson Correctional Center | Correctional Officer-Housing | 5.0 |
| | Correctional Officer-Work Crews | 1.2 |
| | Supervising Officer | 1.0 |
| | Food Production Assistant | 1.0 |
| | Program Assistant | 0.5 |
| | Social Worker | 0.5 |
| Green Bay Correctional Institution | Correctional Officer-Housing | 5.0 |
| | Correctional Officer-Work Crews | 1.2 |
| | Teacher Assistant | <u>1.0</u> |
| Total | | 80.3 |

IV. Department of Corrections -- Michael J. Sullivan, Secretary

The Department of Corrections requests that \$2,073,800 GPR designated for intergovernmental corrections agreements in the Committee's appropriation (s. 20.865(4)(a)) for FY97 be transferred to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for prison beds outside of the State of Wisconsin. The department also requests approval to use up to \$1 million currently appropriated in s. 20.410(1)(ab) to contract for beds outside of Wisconsin, and in addition, requests the transfer of \$2,637,400 GPR from s. 20.865(4)(a) to s. 20.410(1)(ab) for additional out-of-state beds.

The Department of Corrections further requests that \$937,900 GPR designated for intensive sanctions in the Committee's appropriation (s. 20.865(4)(a)) for FY97 be transferred to the adult correctional services general program operations appropriation (s. 20.410(1)(a)). In addition, DOC requests the transfer of \$2,111,100 GPR from s. 20.865(4)(a) to s. 20.410(1)(a) to cover the variable costs of additional inmate population housed in Wisconsin and staffing and operating costs for utilization of existing space and a new dormitory at Taycheedah Correctional Institution. Associated with these transfers is a request for 102.5 GPR FTE positions to staff the additional beds.

The Department of Corrections also requests the Committee's approval of the contract for jail beds between DOC and Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche as required under s. 302.26.

Governor's Recommendation

Approve the department's request as follows:

1. Approve the contract for jail beds between DOC and Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche as required under s. 302.26; and
2. Authorize DOC to reallocate \$1 million from within the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) from local jail beds to Texas jail beds (Does not require the Committee's approval).

In addition, modify the department's request as follows:

1. Authorize DOC to reallocate \$1,216,300 GPR from the intensive sanctions appropriation (s. 20.410(1)(ai)) to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for jail beds in Texas;
2. Transfer \$2,617,000 GPR from the Committee's appropriation designated for DOC to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for jail beds in Texas;
3. Transfer \$394,700 from the Committee's appropriation designated for DOC to the general program operations appropriation (s. 20.410(1)(a)) to provide part of the funding for 357 beds in existing institutions;
4. Transfer \$1,159,800 from the Serious Juvenile Offender appropriation (s. 20.410(3)(cg)) to the general program operations appropriation (s. 20.410(1)(a)) to provide funding for the remainder of the 357 beds in existing institutions; and
5. Create 57.0 GPR FTE positions in DOC's general program operations appropriation (s. 20.410(1)(a)) to provide positions to staff the 357 beds recommended in existing institutions.

CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN
Department of Administration**

Date: September 19, 1996

To: Members, Joint Committee on Finance

From: James R. Klauser, Secretary
Department of Administration

Subject: Section 13.10 Request #2 from the Department of Corrections

Request

The Department of Corrections requests that \$2,073,800 GPR designated for intergovernmental corrections agreements in the Committee's appropriation (s. 20.865(4)(a)) for FY97 be transferred to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for prison beds outside of the State of Wisconsin. The department also requests approval to use up to \$1 million currently appropriated in s. 20.410(1)(ab) to contract for beds outside of Wisconsin, and in addition, requests the transfer of \$2,637,400 GPR from s. 20.865(4)(a) to s. 20.410(1)(ab) for additional out-of-state beds.

The Department of Corrections further requests that \$937,900 GPR designated for intensive sanctions in the Committee's appropriation (s. 20.865(4)(a)) for FY97 be transferred to the adult correctional services general program operations appropriation (s. 20.410(1)(a)). In addition, DOC requests the transfer of \$2,111,100 GPR from s. 20.865(4)(a) to s. 20.410(1)(a) to cover the variable costs of additional inmate population housed in Wisconsin and staffing and operating costs for utilization of existing space and a new dormitory at Taycheedah Correctional Institution. Associated with these transfers is a request for 102.5 GPR FTE positions to staff the additional beds.

The Department of Corrections also requests the Committee's approval of the contract for jail beds between DOC and Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche as required under s. 302.26.

Background

1995 Act 416 placed \$2,073,800 in the Committee's appropriation for allocation to DOC in FY97 under s. 13.10 for the purpose of funding new contracts between DOC and county jails or contracts with other states if the need for jail beds exceeds 455 for FY97.

Act 416 also placed \$937,900 in the Committee's appropriation for allocation to DOC if the number of intensive sanctions participants in the community is projected to rise above 2,220 by June 30, 1997.

Analysis

The following table shows actual average daily population (ADP) for FY96 and revised projections of ADP growth for FY97:

| | <u>Act 416</u> | <u>Actual ADP</u> | <u>June 30, 1996 ADP Projection</u> | <u>Increase over Act 416</u> |
|----------|----------------|-----------------------|---|----------------------------------|
| FY96 ADP | 11,304 | 11,510 | | 206 |
| FY97 ADP | 12,728 | | 13,242 | 514 |

It should also be noted that the revised projections for FY97 show an end-point population increase on June 30, 1997 from 13,090 to 13,948, or an increase of 858 inmates over the original projections used in Act 416.

Texas Jail Bed Contract

DOC is proposing to address part of the 514 ADP increase over the population budgeted in ACT 416 by contracting with Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche for up to 700 beds to house an ADP of 391 inmates for FY97. The contract would provide for all the costs of housing inmates except outside medical services, transportation and related DOC staff costs.

The following funding is requested for contracted jail beds in Texas:

| | |
|--|----------------|
| ADP of 391 at \$40 per day | \$5,711,200 |
| Medical services not provided by contract at \$500 per day | 195,600 |
| Administrative and transportation costs | <u>191,100</u> |
| Total | \$6,097,900 |

The Texas jail bed contract appears to be a cost-effective solution to the prison crowding problem for the short term. The cost of \$42.73 per day or \$15,595 annually per inmate, including medical services, transportation and administration under the Texas contract compares to approximately \$58 per day or \$21,170 annually that DOC is currently paying for county jail beds in Wisconsin, which excludes medical services, transportation and administration. It should be noted for comparison that the Racine Correctional Institution, the lowest cost institution in the Wisconsin system which provides more treatment services to inmates than the Texas jails, operated at \$45.98 per day or \$16,781 annually in FY95.

In addition to the transfer of funds from other appropriations, DOC is requesting the reallocation of \$1 million in appropriation s. 20.410(1)(ab) from local jails beds to Texas jail beds. DOC is also requesting the Committee's approval of the jail contract with the Texas counties.

Additional Beds in Existing DOC Institutions

To accommodate the remaining ADP of 123, DOC is proposing to add staff and funding for an additional 398 beds in the following existing correctional institutions (CI) and Correctional Centers (CC) and a 150 bed dormitory to be constructed at Taycheedah CI.

| <u>Institution</u> | <u>beds</u> | <u>FTE</u> | <u>Classifications requested</u> |
|--------------------|-------------|------------|--|
| Columbia CI | 9 | 0 | |
| Dodge CI | 45 | 8.4 | 1.0 Food production asst 0.4 Officer for 7 day laundry 5.0 Officers for housing unit 1.0 Program asst 2 -records 1.0 Institution registrar |
| Green Bay CI | 25 | 7.2 | 5.0 Officers-cell hall 1.2 Officers-work crew 1.0 Teacher asst |
| Waupun CI | 50 | 15.5 | 10.0 Officers-two 24 hour posts 2.0 Facility repair workers for work crew 1.0 Teacher asst 1.0 Social worker 0.5 Program asst-records 1.0 Nurse clinician |
| Racine CI | 25 | 0 | |
| Kettle Moraine CI | 67 | 10.0 | 5.0 Officer for 1st shift in each housing unit 1.6 Officers for AODA unit 2.4 Officers for work crew supervision 1.0 Nurse clinician |
| Jackson CI | 62 | 12.0 | 5.0 Officer for living units 5.0 Officers-general/ projects 1.0 Social worker 1.0 Nurse clinician |
| Oakhill CI | 16 | 6.2 | 1.2 Officers for work crew supervision |

| | | | |
|----------------|------------|--------------|--|
| | | | 5.0 Officers-post, patrol, transportation |
| St Croix CC | 30 | 5.0 | 5.0 Officers for 24 hour post |
| John Burke CC | 25 | 5.5 | 5.0 Officer 3 for 24 hour post 0.5 Social worker |
| Black River CC | 16 | 3.3 | 1.6 Officer 3-2nd shift 1.2 Officer 3-Work crew supervision 0.5 Social worker for STOP (Wood/Jackson County) \$35,000 for purchase of services for STOP (an AODA program) |
| Thompson CC | 28 | 9.2 | 5.0 Officer 3-24 hour post 1.2 Officer 3-work crew supervision 1.0 Supervising officer 2 1.0 Food production asst 0.5 Program asst-Jefferson County/Thompson CI 0.5 Social worker \$19,500 LTE funds to contract for clinician 24 hours per week |
| Taycheedah CI | 150 | 20.2 | 5.0 Officers 3's for day shift 8.3 Officer 1-2 1.0 Unit supervisor Social Worker Food production asst 2.4 Officers for work crew supervision 0.5 Psychologist |
| Total | <u>548</u> | <u>102.3</u> | |

The operating cost of this proposal is \$2,662,300 GPR during the last 8 months of FY97 and \$3,638,700 GPR annually in the next biennium. Assuming that all of the staff added to the existing institutions would be in place for the last 6 months of FY97, the additional 398 beds would accommodate an ADP of 199 and the dormitory at Taycheedah would accommodate an annual ADP of 12.5 during the last month of FY97 for a combined additional ADP capacity of 211.5.

According to DOC, up to 600 additional offenders could either be safely released to the community or diverted from incarceration with increased use of intensive supervision and existing community resources.

After submitting this request DOC suggests the following modifications to the original request:

| | <u>Beds</u> | <u>Cost</u> | <u>FTE</u> |
|---|---------------|--------------------|-------------|
| Current staff and funding capacity | 12,587 | | |
| FY97 end-point on June 30, 1997 | <u>13,948</u> | | |
| Capacity shortfall | -1,361 | | |
| Shortfall Solution: | | | |
| Texas jail beds | 700 | \$4,833,300 | |
| Reallocate from WI jail beds to Texas beds | | -\$1,000,000 | |
| Use existing Intensive Sanctions slots | 300 | | |
| Funds from 300 vacant Intensive Sanctions slots | | -\$1,216,300 | |
| Additional beds in existing institutions | <u>398</u> | <u>\$2,468,900</u> | <u>82.5</u> |
| Beds in excess of shortfall | +37 | \$5,085,900 | 82.5 |

An alternative to the modification would reduce the additional beds in the institutions to 357, rather than the 398 suggested by DOC, and reduce the staffing at the remaining institutions primarily to correctional officers. The additional beds and staffing at Green Bay CI, Oakhill CI and Taycheedah CI would be deleted. Under this alternative, the following funding and positions would be needed:

| | <u>Beds</u> | <u>Cost</u> | <u>FTE</u> |
|--|---------------|--------------------|-------------|
| Current staff and funding capacity | 12,587 | | |
| FY97 end-point on June 30, 1997 | <u>13,948</u> | | |
| Capacity shortfall | -1,361 | | |
| Shortfall Solution: | | | |
| Texas jail beds | 700 | \$4,833,300 | |
| Reallocate from WI jail beds to Texas beds | | -\$1,000,000 | |
| Use existing Intensive Sanctions slots | 300 | | |
| Funds from 300 vacant Intensive Sanction slots | | -\$1,216,300 | |
| Additional beds in existing institutions | <u>361</u> | <u>\$1,554,500</u> | <u>57.0</u> |
| Bed shortfall | 0 | \$4,171,500 | 57.0 |

Summary

An alternative to DOC's original request which appears to meet the need for an additional 514 ADP or a shortfall of 1,361 beds would provide \$4,171,500 GPR to contract for 700 Texas jail beds, 57.0 FTE to staff existing institutions for 357 additional beds and the use of 300 intensive sanctions slots which are already funded. This alternative makes 1,357 beds available to cover an end-point inmate population increase from the current capacity projected on June 30, 1997.

Funding Alternative

After the transfer of \$3,011,700 designated for DOC from the Committee's appropriation, \$1,159,800 remains unfunded.

Since the unreserved balance of \$474,300 in the Committee's appropriation is insufficient to fund the remainder of this request, an alternative option would be to use surplus funds from the Serious Juvenile Offender appropriation (s. 20.410(3)(cg)) which is experiencing populations lower than originally budgeted. Funding needed for the Serious Juvenile Offender program, and its precursor, the Violent Juvenile Offender program for FY97 can be revised downward from \$14,056,700 GPR to \$8,791,727 GPR which provides an estimated unexpended balance of \$5,264,973 GPR for FY97. Assuming that \$2,450,000 of this amount will be transferred to DOC to cover an accompanying 13.10 requesting restoration of supplies and services, the remaining balance of \$2,814,873 is sufficient to provide the \$1,159,800 GPR needed to fund the alternative proposal.

Recommendation

Approve the department's request as follows:

1. Approve the contract for jail beds between DOC and Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche as required under s. 302.26; and
2. Authorize DOC to reallocate \$1 million from within the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) from local jail beds to Texas jail beds (Does not require the Committee's approval).

In addition, modify the department's request as follows:

1. Authorize DOC to reallocate \$1,216,300 GPR from the intensive sanctions appropriation (s. 20.410(1)(ai)) to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for jail beds in Texas;
2. Transfer \$2,617,000 GPR from the Committee's appropriation designated for DOC to the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)) to contract for jail beds in Texas;
3. Transfer \$394,700 from the Committee's appropriation designated for DOC to the general program operations appropriation (s. 20.410(1)(a)) to provide part of the funding for 357 beds in existing institutions;
4. Transfer \$1,159,800 from the Serious Juvenile Offender appropriation (s. 20.410(3)(cg)) to the general program operations appropriation

Members, Joint Committee on Finance
September 19, 1996
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(s. 20.410(1)(a)) to provide funding for the remainder of the 357 beds in existing institutions; and

5. Create 57.0 GPR FTE positions in DOC's general program operations appropriation (s. 20.410(1)(a)) to provide positions to staff the 357 beds recommended in existing institutions.

Prepared by: Roger Fetterly 266-2213

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



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State of Wisconsin Department of Corrections

August 28, 1996

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable Ben Brancel Co-Chair
Joint Committee on Finance

From: Michael J. Sullivan
Department of Corrections

Subject: S. 13.10 Request

The Department of Corrections requests that \$ 2,073,800 appropriated in 1995 Wisconsin Act 416 be transferred from s. 20.865 (4)(a) to s. 20.410 (1)(ab) to contract for beds for prisoners outside of the State of Wisconsin. The Department also requests approval to use up to \$1 million currently budgeted in s. 20.410(1)(ab) to contract for beds outside of Wisconsin and requests an additional \$2,637,400 from s. 20.865(4) to increase the number of beds out of state.

In addition, the Department requests the transfer of \$937,900, authorized in 1995 Wisconsin Act 416 for intensive sanctions populations, from the Joint Committee of Finance appropriation s. 20.865 (4)(a) to s. 20.410 (1)(a), an additional \$ 2,111,100 from s. 20.865(4)(a) and authorization for 102.5 FTE. These actions will support the additional costs associated with inmates housed out-of-state, provide operating funds and staff for a new dormitory, provide staff and resources to increase the institution populations to 13,050, and provide sufficient funds for food, variable non-food and health care for the additional prison population.

Background

In January, 1996, the Department of Administration notified the Joint Committee on Finance that DOA would be forwarding a Department of Corrections appropriation bill to accommodate populations that were projected to be an average of 415 inmates higher in FY 96 and 616 inmates higher in FY 97 than projections used in 1995 Wisconsin Act 27. These projections were based on data and experience through September, 1995 which predicted an average daily population in FY 97 in the adult institutions of 12,622, with an endpoint population of 13,090 on June 30, 1997. These projections were modified by the Legislature to an average daily population of 12,728 in FY 97. Act 416 authorized \$2,397,200 in FY 97 for food, variable non-food, inmate supplies and services, health care and purchase of services for this increased population. It also appropriated \$752,900 to increase jail bed contracts in Wisconsin.

1995 Wisconsin Act 27 assumed a community population in the intensive sanctions program of 2,370 in June 1997. Based on population trends since January, 1994, intensive sanctions was projected to have a community population of 2,150 on June, 30, 1997. Consequently, Act 416 deleted \$913,900 from s. 410 (1)(ai) related to intensive sanctions and placed \$937,900 in s. 20.865 (4)(a) in the event the populations would increase beyond 2,220, the budgeted level for FY 97.

In addition, \$2,073,800 was placed in s. 20.865 (4)(a) to fund new contracts for prison beds either in-state or with other states. Act 416 specifies that no finding of emergency is required. Approval for prison beds by the Joint Committee on Finance, under s. 302.21, is required for all contracts for 10 or more inmates to be housed out of state.

Current Population Projections

Based on data through June 1996, the average daily population in adult institutions is projected to be 13,242 in FY 97, 514 more than projected in Act 416. These projections indicate a population of 13,948 by June 30, 1997. This growth trend is consistent with the fact that DOC has experienced a substantial increase in the number of admissions for the last four years and a record number of admissions in FY 96. Since January, 1996, there have been 3,967 admissions to the correctional institution reception centers.

Department of Corrections Plan

The Department has developed a plan for accommodating these increased populations. The plan includes increasing the number of individuals released and diverted to the intensive sanctions program, contracting for up to 700 additional beds out of state, and construction of a dormitory to house up to 150 females, thereby increasing populations in adult institutions to 13,050.

Increased Intensive Sanctions Populations

Act 416 provides funds for a community population of 2,220 inmates. As of August 9, 1996, there were 1,558 intensive sanctions inmates in the community. The DOC believes that with appropriate screening, up to 600 additional offenders can either be safely released to the community or diverted from incarceration with the increased use of intensive supervision and community resources. The Department proposes to do this within existing resources in appropriation s.20.410 (1) (ai). This appropriation has a budgeted level of \$16,961,900 in FY 97.

Jail Bed and Out-of-State Contracts

Appropriation s. 20.410(1)(ab) has a budgeted level of \$9,718,900 in FY 97. In FY 96, the DOC contracted for an average of 407 jail beds per day. An additional \$350,400 was needed to cover temporary lock-up (TLU) charges for the Wisconsin Correctional Center System (WCCS). An estimated total (all bills have not yet been received) of \$8,931,000 was required in FY 96 to contract for jail beds and pay WCCS TLU costs.

1995 Wisconsin Act 416 appropriated additional funding to allow the Department to contract for a total of 455 beds at an average cost of \$58 per day. Beds at local jails are not available to contract for in a

cost-efficient manner since beds available in remote communities are in such small numbers that inmate transportation and related costs are too costly for the Department to utilize these few beds.

The DOC has been negotiating with Texas and has tentatively reached an agreement for up to 700 beds. The draft contract is attached to this request. The contract covers supervision, programs, on site medical care and other inmate necessities.

If approved, the Department would contract for the transportation of inmates and would transfer 700 inmates between October 15 and February 5, 1997. At a cost of \$40 per day, the cost for the contract beds would be \$5,711,200. An additional \$191,100 would also be needed to cover staff and inmate transportation and administrative costs and \$195,600 for medical services that are not provided on-site. Program review and parole interviews will be conducted by phone and off-site file reviews.

The Department is requesting release of the \$2,073,800 from the Joint Committee on Finance appropriation, s. 20.865(4)(ab), permission to use up to \$1 million currently budgeted for in-state beds for contracts in Texas and an additional \$2,637,400 from s. 20.465(4)(ab) to allow the Department to contract for up to an additional 350, for a total of 700 beds out-of-state. In addition, the Department requests \$386,700 to cover the additional costs associated with housing the inmates in Texas.

Add Inmates to Existing Institutions

On July 19, there were 12,422 inmates in the adult correctional institutions and contract jails. Due to the population projections and the record number of admissions, the Department surveyed the existing institutions to determine how many additional inmates could be safely placed in the institutions if appropriate staff could be authorized. With a population of 12,422, the Department determined that it could add 165 inmates to the Jackson Correctional Institution and an additional 398 male inmates to other existing institutions. Following is a chart of the number of inmates that could be placed in the institutions and the number of FTE required to provide supervision, work programs, education, and health services. They are as follows:

| | Inmates | FTE |
|---|-----------|------------|
| Columbia Correctional Institution | 9 | 0 |
| Dodge Correctional Institution | 45 | 8.4 |
| Green Bay Correctional Institution | 25 | 7.2 |
| Waupun Correctional Institution | 50 | 15.5 |
| Racine Correctional Institution | 25 | 0 |
| Kettle Moraine Correctional Institution | 67 | 10.0 |
| Jackson Correctional Institution | 62 | 12.0 |
| Oakhill Correctional Institution | 16 | 6.2 |
| St. Croix Correctional Center | 30 | 5.0 |
| John Burke Correctional Center | 25 | 5.5 |
| Black River Correctional Center | 16 | 3.3 |
| Thompson Correctional Center | <u>28</u> | <u>9.2</u> |
| | 398 | 82.3 |

In order to accommodate these increases, the Department is requesting \$ 2,468,900 and 82.3 FTE. Of this amount, the DOC is requesting that \$937,900 originally intended for intensive sanctions populations

be transferred from s. 20.865(4)(a) to s. 20.410 (1)(a) and the additional \$1,531,000 be provided by the same Joint Committee on Finance appropriation.

Construction of a Dormitory at Taycheedah Correctional Institution.

The Department has recently applied for a Federal Crime Bill grant for construction dollars. If the Department is awarded a grant, \$900,000 could be used to construct a dormitory at Taycheedah that would house up to 150 inmates.

Since the dormitory would be the same design as the dormitories at Kettle Moraine and Oshkosh, this building could be constructed very quickly. It would require 20.2 FTE and \$193,400 for three months of operation in FY 97. Construction would be contingent on a 10% cash match for the grant. Bonding authority can be used as a match.

Food, Variable Non-Food, Health Services, Inmate Supplies and Services

The June 1996 population projections project an ADP of 514 higher than budgeted in 1995 Wisconsin Act 416. The cost for food, variable non-food, health care, and inmates supplies and services for this increased ADP would be \$1.7 million. Assuming that up to 600 offenders are released or diverted to intensive supervision over a period of the next eight months and up to 700 inmates are transferred to Texas between October and December, the ADP would be reduced and no additional funds would be needed for this purpose. However, any decrease in jail beds or intensive supervision releases would result in increased costs at the rate of \$3,400 per ADP.

Summary

| | Funds | FTE |
|---|---------------------|----------------------|
| Increased Intensive Supervision populations | \$ 0 | |
| Out of State Contracts | \$ 6,097,900 | |
| Add Inmates to Existing Institutions | \$ 2,468,900 | 82.3 |
| Operating Costs for 150 bed dormitory | <u>\$ 193,400</u> | <u>20.2</u> |
| Total Costs and FTE | \$ 8,760,200 | 102.5 |
| Release from Joint Finance - Jail Beds | \$ 2,073,800 | to s. 20.410 (1)(ab) |
| Release from Joint Finance - Int. Sanctions | \$ 937,900 | to s. 20.410 (1)(a) |
| New funds required from Joint Finance | \$ 4,748,500 | to s. 20.410 (1)(a) |
| Funds authorized for jail beds | <u>\$ 1,000,000</u> | |
| | \$ 8,760,200 | |

Effects of not receiving the request

Failure to receive the request would jeopardize the safety of staff, inmates, and visitors.. It would also result in reduction of program, health, and custodial needs and increase inmate idleness to unacceptable levels.. It would also increase the potential for litigation and federal oversight of prison operations.

The Department of Corrections' representatives for this request will be Michael J. Sullivan, Secretary and Kenneth Sondalle, Administrator, Division of Adult Institutions.

August 15, 1996

AGREEMENT BETWEEN HOOD COUNTY, TEXAS
AND WISCONSIN DEPARTMENT OF CORRECTIONS
FOR THE TEMPORARY HOUSING OF INMATES

THIS AGREEMENT, is made and entered into by and between Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche (Counties) and the DEPARTMENT OF CORRECTIONS, STATE OF WISCONSIN (the Department), pursuant to Wisconsin Statutes 302.27 and 302.31.

WITNESSETH:

WHEREAS, the Department seeks temporary housing for inmates in the custody of the Department,

WHEREAS, the Counties have jail beds available for the temporary housing of inmates,

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Duration, Termination and Revisions

This agreement shall be in effect from October 15, 1996 through June 30, 1997 and may be terminated upon 30 days written notice to the other party and may be amended or extended for one year increments upon the written agreement of the parties. Extension will be based on availability and appropriation of funds and continued availability of beds.

2. Agreement Administrators

All notices, reports, and correspondence to the respective parties of this agreement shall be sent to the following:

HOOD COUNTY, TEXAS

Sheriff Rodney Jeanis
Hood County Sheriff
400 N. Gordon Street
Granbury, TX 76048

DEPARTMENT OF CORRECTIONS

Dick Verhagen
Assistant Administrator
Division of Adult Institutions
149 E. Wilson Street
Madison, WI 53707

Sharon Zunker, Director
Bureau of Health Services
Division of Adult Institutions
149 E. Wilson Street
Madison, WI 53707

3. Right of Inspection

The Department shall have the right to inspect the County Jails at all reasonable times in order to determine that appropriate standards of care and discipline are being met.

4. Vacancies

The Counties hereby agree to make available to the Department up to 700 beds for inmates. Transfer of inmates from the Department to the Counties will be dependent on bed space available at the County Jails.

5. Selection

The Department will provide inmates for placement according to mutually agreed upon criteria as specified in Attachment 1.

The Counties expressly maintain the right to reject any inmate brought to the County Jails by the Department if said inmate exhibits medical or behavior problems of such a nature, as determined by the County Sheriff or his or her duly authorized representative, as to make said inmate unacceptable.

The Department may retake any inmate at any time and replace or not replace such inmate with another.

The Counties will conduct an inventory of each inmate's personal property when the inmate is received. Unauthorized or excess property will be properly stored at the County Jail or disposed of consistent with the jail rules and at the inmate's expense.

6. Responsibility for the Custody of Offenders

It shall be the responsibility of the Counties to confine inmates from the Department in appropriate penal surroundings, consistent with the requirements of federal and applicable state laws, and regulations governing the operations of county jails. But nothing herein contained shall be construed to require the Counties to provide additional treatment, facilities or programs for any inmate confined pursuant to this agreement which it does not provide for similar inmates not confined pursuant to said agreement.

7. Medical Services

(A) Inmates from the Department shall receive such medical, optometric, psychiatric and dental diagnosis and treatment as may be necessary to safeguard their physical and mental health and comply with the requirements of federal and Wisconsin/Texas state laws. The medical, optometric, psychiatric and dental diagnosis and treatment received by inmates from the Department shall not be less than that which is provided by the Counties to other inmates of the County Jails. Except in the case of an emergency, the Counties shall contact the designated coordinator, identified in Attachment 1, for prior written approval for the medical, psychiatric, or dental expenses for which the Department is responsible under the terms of this contract.

In an emergency, the Counties may proceed with the necessary treatment without prior approval, but in every case the Counties shall notify the designated coordinator as soon as practicable thereafter and furnish full information regarding the nature of the illness or injury, the type of treatment provided or to be provided, and the estimated cost thereof to be borne by the Department. If the emergency requires extended hospitalization and 24 hour security coverage and the inmate's condition prohibits transportation to a Department provider, the costs of the required security coverage will be the responsibility of the Department. The Counties shall secure approval to incur charges and submit bills for such services to the Department in accordance with procedures set forth in Attachment 1.

- (B) The Counties shall make every reasonable effort to utilize only those medical services providers which provide appropriate health care services at a reasonable cost.
- (C) When medical, psychiatric or dental care requires the removal of the inmate from the jail for forty-eight (48) hours or longer, the inmate shall be removed only after notification to the Department. The Counties shall notify the Department in accordance with procedures set forth in Attachment 1. In the event of an emergency which does not permit prior notification, the Counties shall notify the Department as promptly thereafter as practicable.
- (D) All necessary precautions shall be taken to assure the safekeeping of the inmate while absent from the normal place of confinement. Necessary custodial supervision shall be provided by the Counties.
- (E) Any costs of medical, optometric, psychiatric or dental care equipment, medication, supplies, diagnostics, and services shall be considered normal costs incidental to the operation of the County Jails and shall be paid by the Counties, if the service is provided by the jail as part of the health or correctional program thereof and if the inmate requires no special medication, drugs, equipment, anesthetics, surgery, or nursing care in addition to that commonly provided by the jail. The cost of any special service, medication, equipment or nursing care not commonly provided by the jail and approved by the Department shall be chargeable to the Department. The Counties shall secure approval and submit bills for nursing and other special services to the Department in accordance with procedures contained in Attachment 1.
- (F) If an inmate's behavior indicates a possible need for mental health treatment, the Department shall be notified of the situation. If it is determined that the inmate requires mental health treatment that is not available in the Counties the Department shall transfer the prisoner to one of its own facilities.

In event of a mental health related emergency, the Department shall transfer the inmate as soon as practicable.

- (G) Dental services for which the Department is responsible for payment shall not exceed services necessary for the relief of continuous pain or acute infection.

- (H) Pharmaceuticals not normally provided by the jail shall be provided per Hood County's contract on pharmaceuticals and billed to the Department on a quarterly basis.
- (I) Copies of health care records or health care related records shall be provided to the Department upon request. Summaries of health care or certified copies of Department medical records for each Department inmate in the County jails shall be provided to the Counties health care provider. The summaries or copies of records remain the property of the Department and may not be altered in any way. When an inmate is removed from the jail by the Department, escapes or is discharged or released by the Department, the summary or any record shall be returned to the Department. The Counties shall not make copies of the summary or any record except as needed for the delivery of health care services.

8. Inmate Services

- (A) Participation of the Department's inmates in services available to other jail inmates shall be subject to the regular discipline imposed upon jail inmates participating in the particular service. However, nothing contained herein shall be construed to permit or require any inmate of the Department to participate in any training, industrial or other work programs contrary to the rules of the Department.

9. Discipline

The Counties shall have physical control over and power to exercise disciplinary authority over all inmates from the Department. However, nothing contained herein shall be construed to authorize or permit the imposition of a type of punishment prohibited by the rules of the Department, or by other provisions of law. The Counties shall provide the necessary records, written documentation, and presentation of the facts regarding specific inmate behaviors that are subject to the program review processes of the Department.

10. Laws and Regulations for Inmate Conduct

Inmates, while in the custody of the Counties, shall be subject to all the provisions of law and regulations applicable to persons sentenced for violations of law to the County Jails not inconsistent with the sentence imposed. Inmates, while in the County Jails, are exempt from rules governing inmates at Department institutions. In circumstances where an inmate has engaged in conduct that could result in discipline under the Department's Administrative Code, and the Counties desire removal of the inmate, prior to imposing discipline, the Department may discipline the inmate under its rules.

11. Records and Reports from the County Sheriff

- (A) At such intervals as requested, the Hood County Sheriff shall furnish the Department a report giving a summary of the inmate's adjustment since the last requested report, including a recommendation for retention or return. All such reports shall be forwarded to the Department.

- B) The Counties will notify by telephone the designated contact person identified in Attachment 1 of any incident involving Department inmates relating to an inmate's death, serious illness or injury requiring hospitalization, escape (including attempt), attempted suicide, and assault on staff or other inmate within 24 hours of the occurrence. When the County's investigation/fact finding report is completed, a copy shall be forwarded to the designated contact person identified in Attachment 1.
- (C) The Sheriff shall keep all necessary and pertinent records concerning such inmates in a manner agreed between the Contract Administrators. During the inmate's confinement at the County Jails, the Department shall be furnished with copies of any such record or records upon request. Except 7(i), page 3, nothing herein contained shall be construed to prevent the Counties from keeping copies of any such record or records upon and after termination of confinement.

12. Removal from Institution

An inmate from the Department confined in the County Jails shall not be removed or furloughed therefrom by any person without an order from the Department. The Department will reimburse costs incurred by the Counties for transportation and/or security supervision related to approved removal of an inmate if the Department is unable to provide transportation and security supervision. This provision shall not apply to removal of the inmate for medical, dental, psychiatric treatment, discipline, or for a catastrophe or condition presenting imminent danger to the safety of the inmate. In the case of any removal for such causes, the Counties shall inform the Department of the whereabouts of the inmate or inmates so removed at the earliest practicable time and shall exercise all reasonable care for the safekeeping and custody of such inmate or inmates.

13. Hearings

The County Jails shall provide adequate facilities for any hearing by authorities of the Department, to which an inmate may be entitled by the rules of the Department.

14. Inter-Institutional Transfer

Notwithstanding any provisions herein to the contrary, the Counties may transfer an inmate between facilities under this contract with written notification to the Department.

Any custody classification which permits movement outside the confines of the jail shall require prior written approval of the Department.

15. Escape

In case any such inmate shall escape from custody of the County Jail, the County Sheriff will use all reasonable means to recapture the inmate. The escape shall be reported immediately to the Department. The Counties shall have the primary responsibility for and authority to direct the pursuit and retaking and prosecution of inmates within its own territory. Any costs in connection therewith shall be chargeable to and borne by the Counties.

16. Death of an Inmate

- (A) In the event of the death of an inmate from the Department, the medical examiner, coroner, or other official having the duties of such an office in the Counties shall be notified. The Department shall receive copies of any records made for or in connection with such notification.
- (B) The County Sheriff shall immediately notify the Department of the death of an inmate, furnish information as requested, and follow the instructions of the Department with regard to the disposition of the body. The body shall not be released except on order of the Department.
- (C) In the event of the death of an inmate from the Department, the Sheriff shall order an autopsy to be performed. The Sheriff shall submit costs for an autopsy to the Department for reimbursement.
- (D) The County Sheriff shall send a certified copy of the death certificate for any of the Department's inmates who have died while in the County Jail to the Department. A copy of the autopsy report shall be sent to the Department.

17. Expenses Attendant Upon Release

The provision of transportation and any other supplies upon release of an inmate shall be at the expense of the Department and shall be in accordance with its laws and rules.

18. Retaking of Inmates

The Department will be responsible for arranging for the transportation of Department inmates housed in the County Jails to other Department facilities. The inmate's personal property will be inventoried before transit and Department files associated with the inmate will be delivered to the transportation officer at the time of the transit.

The Department agrees to review any request by the Counties for the retaking of any particular inmate. It is the intent of the parties that such requests be granted under extraordinary and unusual circumstances.

Within thirty (30) days of receipt of notice of termination of this agreement by either party, the Department shall remove its inmates.

Officers of the Department may with proper advance written or oral notification enter the County Jails and there apprehend and retake any inmate. The Department employees will produce positive employee photo identification issued by the Department and written identification of the person to be retaken. The decision of the Department to retake an inmate shall be conclusive upon and not reviewable by the Counties; provided, however, that if at the time when the Department seeks to retake an inmate there should be pending against the inmate within the County Jail any criminal charge, or the inmate

should be suspected of having committed within such status a criminal offense, the inmate shall not be taken without the consent of the County Sheriff until discharged from prosecution or from imprisonment for such offense.

19. Photography and Publicity

Requests for interviews and information regarding Department inmates shall be referred to the Department. However, information of public record, such as sentence data or information concerning the escape of an inmate, may be given directly to the press by the County Sheriff. The County Sheriff may photograph Department inmates as a means of identification for official use only.

20. Cost and Reimbursement

- (A) In addition to cost and reimbursement required by other provisions of this agreement, the Department shall pay to the Counties \$39.95 per day per inmate for the custody of Department inmates. Payment and services provided in accordance with the terms of this agreement shall not exceed \$_____ for the term of this agreement, October 15, 1996 through June 30, 1997.

The Counties shall submit an invoice to the designated contact person within the Department as identified in Attachment 1, on a monthly basis for the cost of occupied beds. The invoice will identify the inmate's name and DOC identification number, date of arrival, date of departure, total days in custody, and total cost. Payment will be made for the day of the inmate's arrival but not the day of the inmate's departure. Payment under this contract will be made only for those inmates approved for transfer to the County Jails from the Department's Office of Offender Classification.

- (B) The Counties agree in return for this payment to provide lodging facilities and programs for said inmates. The Counties will provide constant monitoring of the premises at all times that inmates are at the facility. The Counties will provide three (3) meals per day at normal meal times. The meals will be nutritious, given in the morning, afternoon and evening. At least two (2) of these meals will be hot meals. The Counties will also provide the basic necessities to the Department's inmates including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreation facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available.

Department inmates shall also have access to all volunteer programs/activities and chaplaincy directed programs, crisis intervention and social services treatment available to other inmates in the County Jail.

- (C) The Counties will provide the necessary program space required to conduct any supplemental treatment programs arranged by the Department.
- (D) The Counties will provide all Department inmates an institution account and institutions needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

21. Responsibility for Legal Proceedings

- (A) The Department will undertake to defend any action or proceeding involving the legality of revocations or sentence computations of any of its inmates or the placement or removal of inmates in the County Jails. The Counties shall be reimbursed for any expense it may incur in connection therewith.
- (B) The Counties agree to defend at its expense any action or proceeding arising out of confinement in the County Jails which involves conditions of confinement action of County employees.

22. Non-Discrimination

In connection with the performance of work under this Agreement, The Counties agree not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), Stats., sex orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Counties further agree to take affirmative action to ensure equal employment opportunities. The Counties agree to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the Department's contracting officer setting forth the provisions of the non-discrimination clause.

23. Disputes

Any dispute arising out of the provisions of this Agreement which cannot be settled through discussion between the Agreement Administrators, shall be subject to arbitration as provided in Chapter 788, Wis. Stats.

24. Rights or Benefits

Nothing in this agreement shall be construed to provide or create any rights or benefits to any of the Department's inmates.

25. Conditions of the Parties Obligations

- (A) This Agreement is contingent upon complying with Wisconsin and United States law, and any material amendment or repeal of the same affecting relevant funding or authority of purchaser shall serve to revise or terminate this agreement without penalty, except as further agreed to by the parties hereto.
- (B) The Counties and the Department understand and agree that no clause, term or condition of this agreement shall be construed to supersede the lawful powers or duties of either party.
- (C) Nothing in this agreement shall be construed to affect the internal relationships of the subdivisions, offices, departments or agencies of the parties.

- (D) It is understood and agreed that the entire Agreement between the parties is contained herein, except for those matters incorporated herein by reference, and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter thereof.

IN WITNESS THEREOF, the undersigned duly authorized officers have subscribed their names on behalf of the Counties and the Department.

Attachment 1

OPERATIONAL AGREEMENT FOR TASKS, WORKLOAD, CONTACTS, AND
RESPONSIBILITIES FOR THE TEMPORARY HOUSING OF DEPARTMENT OF
CORRECTIONS INMATES AT HOOD COUNTY, TEXAS AND ASSOCIATED TEXAS
COUNTIES OF JOHNSON, PALO PINTO AND COMANCHE (COUNTIES)

Tasks, procedure, contacts and workload responsibilities relating to the placement of adult inmates in the Hood County, Texas and associated Texas Counties of Johnson, Palo Pinto and Comanche are identified as follow:

A. Designated Contact Persons:

1. Department of Corrections:

a. County Jail Liaison: Dick Verhagen, Deputy Admin.
Division of Adult Institutions
P.O. Box 7925
Madison, WI 53707-7925
608 266-3837/FAX 608 267-2323

Alternate: Ken Sondalle, Administrator
Division of Adult Institutions
P.O. Box 7925
Madison, WI 53707-7925
608 266-6604/FAX 608 267-2323

c. Bureau of Correctional Health Services: Sharon Zunker, Director
P.O. Box 7925
Madison, WI 53707-7925
608 266-1730/FAX 608 267-1751

Alternate: Kathy Berkley
Dodge Correctional Institution
P.O. Box 661
Waupun, WI 53963-0661
414 324-5577/FAX 414 324-5458

B. County Jail Responsibilities

1. Inventory inmate property and dispose of property per Jail rules in conjunction with inmate's preference.
2. Make cell assignments.
3. Provide necessary clothing, bedding and hygiene items.

4. Ensure that medical, dental, mental health, education, recreation, religious services, visiting, mail, canteen, telephone access, inmate complaint and other general conditions of confinement are made available to or received by inmates from the Department and that these services and programs are not less than that which is provided by the county to other inmates of the County Jails.
5. Special funds established in the daily per diem rate for services and programs arranged for Department inmates must be expended entirely for inmates from the Department.
6. Notify the respective Department representative by telephone within 24 hours of occurrence incidents involving Department inmates relating to an inmate's death, serious illness or injury that require hospitalization and removal of the facility, escape (including attempt), attempted suicide, and assaults on staff or other inmate. The investigative report must be forwarded to the Department contact person within the next business day of its completion.
7. Maintain disciplinary record of the conduct of inmates from the Department.
8. Provide a written report summarizing the conduct and any disciplinary actions taken when requesting the removal of an inmate from the facility.
9. Provide a method of hearing inmate grievances and concerns for conditions of confinement, work and program assignments.
10. Maintain an inmate account system for use of receiving, disbursing and transferring funds of inmates for canteen and other authorized purchases as may be permitted by the County Jails.
11. Provide to the Department contact person information, observations, and progress of each inmate's work and program status and participation.

C. Department Contact Responsibilities

1. Secure files and review records for appropriateness of transfer.
2. Identify program needs of inmate and distribute to appropriate County Jail staff.
3. Ensure medical files are received and retained by medical staff of the County Jails.
4. Provide and assist County Jail administration with training as may be deemed necessary.

5. Assist the County Jail staff in the development and modification of programming for inmates.
6. Monitor length of stays and coordinate the return of inmates to Department facilities via Program Review Committee action.
7. Assist the County Jail staff in resolving inmate problems.
8. Enforce Departmental Administrative Codes, policies and procedures as may be required for:
 - a. Inmate discipline under DOC 303,
 - b. Emergency removals of inmates,
 - c. Receipt and dissemination of reports and records from the counties,
 - d. Parole Commission notices and actions,
 - e. Transfer summaries,
 - f. Work and program assignments of inmates,
 - g. Segregation reviews,
 - h. Inmate compensation,
 - i. Special visits for inmates if required by the Counties,
 - j. Special placement needs, and
 - k. Reports of daily counts.
9. Receive legal files for Department inmates transferred to the Counties.
10. Perform required sentence calculations and adjustments as may be required.
11. Provide notifications necessary for Parole Hearings and reporting.
12. Review medical and dental requirements of inmates as may be recommended by the Counties.
13. Authorize emergency medical and dental care.
14. Provide notification to Department, and Classification for movements to meet medical and dental needs of inmates.
15. Receive and approve billing from the Counties for emergency medical and dental care authorized by the Bureau of Health Services.
16. Forward approved billing to Bureau of Administrative Services for payment.
17. Authorize emergency clinical/psychiatric treatment.
18. Provide notification and arrange placement for clinical treatment.

19. Receive and approve billing from the Counties for emergency treatment.

D. Procedures for Medical, Dental, and Clinical Services Approvals.

1. The Counties should take action necessary to provide for emergency care. The Counties must notify the Health Services contact person to secure approval for care as soon as can be arranged and provide the identification of the inmate, type of service, date of approval and anticipated date of service.
2. The Health Services contact person will confirm the need for the emergency care and provide the necessary verbal approval and follow with written approval.
3. The Health Services contact person may arrange for alternative care including a transfer to a Department facility if deemed appropriate rather than concur with the emergency care. Notify Department and Classification contact persons as appropriate to implement emergency transfer.
4. The Counties will provide the following documentation to the Health Services contact person within thirty days of the service for payment of the emergency care.
 - a. Identification of inmate
 - b. Date(s) of service
 - c. Type of service and itemizing medical, dental, transportation and security supervision charges.
 - d. Attach copy of Health Services contact person's written approval of service.
 - e. Attach copy of bill from the service provider to the Counties that contain itemized listing of services and charges.
5. Upon receipt of the documentation and billing, the Health Services contact person will verify approvals and billing documentation, and approve services for payment. The Health Services contact person will forward billing to the Bureau of Administrative Services for payment.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

113-1-1

September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Natural Resources -- Section 13.10 Request Related to Supplemental Snowmobile Trail Aids -- Agenda Item V

REQUEST

The Department of Natural Resources (DNR) requests approval to reallocate \$133,000 SEG in 1996-97 from the amount available for general snowmobile trail aids to be used for supplemental trail aid payments.

BACKGROUND

DNR administers a snowmobile recreation program to develop and maintain a statewide system of snowmobile trails and administer and enforce snowmobile laws. These activities are funded from the snowmobile account of the conservation fund. DNR distributes aids to counties for snowmobile trails and the enforcement of snowmobile laws. The account also funds DNR trails and enforcement efforts, coordination of snowmobile safety programs, and registration of snowmobiles. The Snowmobile Recreational Council advises DNR on matters related to appropriations and laws affecting snowmobiling. The council is a 15-member advisory committee whose members are nominated by the Governor with the advice and consent of the Senate and serve staggered three year terms.

The main expenditure from the snowmobile account is for snowmobile trail aids. DNR distributes aids to participating counties for the acquisition, development and maintenance of snowmobile trails throughout the state. Funds are also available for the development and maintenance of trails on state park and forest lands. Generally, these aids are provided to

counties and the DNR at 100% of eligible maintenance costs up to a maximum of \$200 per mile per year.

Expenditures eligible for state aid, listed in priority order under s. 23.09(26) of the statutes, are: (1) maintenance of existing approved trails; (2) club signing programs; (3) bridge rehabilitation; (4) municipal route signing; (5) trail rehabilitation; and (6) development of new trails.

In addition to basic aids, a county or DNR is eligible for supplemental trail aid payments if all the following occur: (a) an application is submitted; (b) actual eligible costs exceed the maximum of \$200 per mile per year; and (c) of the costs incurred, the actual trail grooming costs exceed \$130 per mile per year (other eligible costs include insurance and certain lease costs).

State funding for snowmobile recreation and safety programs primarily comes from two sources: (a) snowmobile registration fees; and (b) the snowmobile gas tax transfer. The gas tax transfer is equal to the motor fuel tax assessed on 50 gallons of gasoline multiplied by the number of snowmobiles registered on the last day of February of the prior winter. Since fiscal year 1991-92, supplemental trail aids have been funded by an additional gas tax transfer of 40% of the base calculation.

Under s. 350.12(4)(br) of the statutes, DNR may request that the Joint Committee on Finance take action under s. 13.101 without finding an emergency if the supplemental aid payable to counties exceeds available funding. DNR may also choose to prorate the trail aid payments if total claims are greater than available funds.

ANALYSIS

As shown in the following table, since the winter of 1990-91 supplemental funding has fully funded eligible requests in two years and has been prorated in three years.

Supplemental Snowmobile Trail Aids

| <u>Snowmobile Season</u> | <u>Counties</u> | <u>State Properties</u> | <u>Request</u> | <u>Total Payment</u> | <u>Amount Funded</u> |
|--------------------------|-----------------|-------------------------|----------------|----------------------|----------------------|
| 1990-91 | 16 | 1 | \$351,779 | \$351,779 | 100% |
| 1991-92 | 21 | 3 | 922,966 | 701,538 | 76 |
| 1992-93 | 21 | 3 | 983,890 | 724,590 | 74 |
| 1993-94 | 32 | 3 | 889,812 | 838,418 | 94 |
| 1994-95 | 11 | 4 | 477,739 | 477,739 | 100 |

The 1996-97 snowmobile gas tax transfer from the transportation fund to the snowmobile account of the conservation fund is \$3,161,200, with \$903,200 of this amount available for supplemental trail aid payments. Further, \$1,200,200 primarily from snowmobile registration fees and an opening balance of approximately \$400,000 are available for 1996-97 trail aids.

The application deadline for supplemental requests is October 1, 1996. Thus, a final figure for supplemental aids is unavailable at this time. However, requests for the 1995-96 snowmobiling season are expected to total between \$1.5 million and \$1.9 million. As of mid-September, 17 counties have submitted requests totalling over \$1 million. DNR program staff estimate that a total of 25 to 30 counties will submit requests for supplemental funds.

Assuming requests of \$1.9 million are actually made, supplemental funding is now available to provide payment of approximately 48% of eligible claims. If requests of \$1.5 million are actually made, however, there would be sufficient supplemental funding to provide payment of approximately 60% of claims.

The additional \$133,000 requested by DNR comes from funds not recommended for allocation by the Snowmobile Recreational Council on other snowmobile trail project requests under s. 23.09(26). After \$3,056,900 was allocated to satisfy the basic maintenance requests on 15,300 miles of existing approved trails at the statutory \$200 per mile rate, the Snowmobile Recreational Council had approximately \$730,000 available for other supplemental snowmobile trail project requests. After reviewing the projects in the priority order specified earlier, the council recommended approval of \$597,000 in projects and requested that the remaining \$133,000 be used for supplemental trail aids.

An additional \$133,000 would provide payment of approximately 55% of eligible claims if requests total \$1.9 million or approximately 69% of eligible claims if requests total \$1.5 million. Denial of the request will mean that the \$133,000 will be available for trail project costs in subsequent fiscal years.

ALTERNATIVES

1. Approve DNR's request to allocate existing expenditure authority of \$133,000 SEG in 1996-97 for supplemental snowmobile trail aids.
2. Deny the request.

Prepared by: Russ Kava