

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

St. John's Correctional Center Expansion (Corrections--Community Corrections)

[LFB Summary: Page 188, #3]

CURRENT LAW

The Department of Corrections currently leases space for the 50-bed St. John's Correctional Center in Milwaukee. Base funding for the Center is \$941,000 with 16.0 GPR positions.

GOVERNOR

Provide \$991,800 GPR and 8.5 GPR positions in 1998-99 for the relocation and expansion of the leased St. John's Correctional Center from 50 beds to 100 beds under a lease/purchase agreement.

DISCUSSION POINTS

1. Under the Governor's recommendation, funding and positions are included as follows: (a) \$184,200 GPR and 8.5 GPR positions in 1998-99 for housing unit and work crew security, social services and institutional support; (b) \$32,700 GPR for officer preservice training, overtime, risk management, vaccines and internal services; (c) \$201,700 GPR for startup and one-time costs; (d) \$62,600 GPR for three vans; (e) \$24,000 GPR for institutional supplies; (f) \$400,000 GPR related to increased lease costs; (g) \$50,000 GPR for sex offender treatment; and (h) \$36,600 GPR for utilities and maintenance. Staffing includes 5.5 correctional officers for

house unit security and work crews, and 1.0 social worker, program assistant and maintenance mechanic.

2. The current St. John's Correctional Center is located in a building owned by a church. The church has indicated that it wishes to utilize the space for other purposes. As a result, Corrections needs to relocate its current facility by August, 1998. Current rent on the 50-bed facility is \$106,600 annually.

3. A contract for a new facility has not yet been negotiated nor have terms of the agreement been determined. Lease activities are being handled by a private firm, contracted by the Department of Administration. It is not clear, at this time, how much additional rent will be required, how many beds the selected facility will accommodate or what type of staffing will be required. Given the uncertainties regarding the new facility, the Committee could place funding in the Committee's supplemental funding appropriation for release under s. 13.10 when lease arrangements have been made. If funding is placed in the Committee's appropriation, position authority could be eliminated because of the Committee's ability to create positions under s. 13.10.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to provide \$991,800 GPR and 8.5 GPR positions in 1998-99 for the relocation and expansion of the leased St. John's Correctional Center from 50 beds to 100 beds under a lease/purchase agreement.

| <u>Alternative 1</u> | <u>GPR</u> |
|-------------------------------------------|------------|
| 1997-99 FUNDING (Change to Base) | \$991,800 |
| [Change to Bill | \$0] |
| 1998-99 POSITIONS (Change to Base) | 8.50 |
| [Change to Bill | 0] |

2. Place funding for the St. John's Correctional Center in the Joint Committee on Finance's supplemental appropriation for release under s. 13.10 when lease arrangements have been made.

| <u>Alternative 2</u> | <u>GPR</u> |
|------------------------------------|------------|
| 1997-99 FUNDING (Change to Base) | \$991,800 |
| [Change to Bill | \$0] |
| 1998-99 POSITIONS (Change to Base) | \$0 |
| [Change to Bill | - 8.50] |

3. Take no action.

| <u>Alternative 3</u> | <u>GPR</u> |
|------------------------------------|--------------|
| 1997-99 FUNDING (Change to Base) | \$0 |
| [Change to Bill | - \$991,800] |
| 1998-99 POSITIONS (Change to Base) | 0 |
| [Change to Bill | - 8.50] |

MO# Alt 2
Prepar

| | | | |
|-----------|-----|---|---|
| BURKE | (Y) | N | A |
| DECKER | (Y) | N | A |
| GEORGE | (Y) | N | A |
| JAUCH | (Y) | N | A |
| WINEKE | (Y) | N | A |
| SHIBILSKI | (Y) | N | A |
| COWLES | (Y) | N | A |
| PANZER | (Y) | N | A |
| | | | |
| JENSEN | (Y) | N | A |
| OURADA | (Y) | N | A |
| HARSDORF | (Y) | N | A |
| ALBERS | (Y) | N | A |
| GARD | (Y) | N | A |
| KAUFERT | (Y) | N | A |
| LINTON | (Y) | N | A |
| COGGS | (Y) | N | A |

AYE 15 NO 0 ABS 1

CORRECTIONS -- COMMUNITY CORRECTIONS

Emergency Government/Corrections Mobile Transport Unit

Motion:

Move to provide \$50,000 GPR in 1997-98 for Corrections to purchase a used mobile military command post self-contained vehicle from federal surplus property.

Note:

This motion would provide Corrections with \$50,000 GPR to purchase a camper-trailer type vehicle, which would be used to transport supplies and equipment for inmates working at state flood, tornado or other disaster sites. This provision was recommended by the Senate Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

[Change to Base: \$50,000 GPR]

[Change to Bill: \$50,000 GPR]

MO# 1663

| | | | |
|-----------|-----|-----|---|
| BURKE | (Y) | N | A |
| DECKER | Y | (N) | A |
| GEORGE | Y | N | A |
| JAUCH | (Y) | (N) | A |
| WINEKE | Y | (N) | A |
| SHIBILSKI | (Y) | N | A |
| COWLES | Y | (N) | A |
| PANZER | (Y) | N | A |
| | | | |
| JENSEN | Y | (N) | A |
| OURADA | (Y) | N | A |
| HARSDORF | Y | (N) | A |
| ALBERS | Y | (N) | A |
| GARD | (Y) | N | A |
| KAUFERT | (Y) | N | A |
| LINTON | (Y) | N | A |
| COGGS | (Y) | N | A |

AYE 9 NO 6 ABS 1

CORRECTIONS

Community Corrections

LFB Summary Items for Which No Issue Papers Have Been Prepared

| <u>Item #</u> | <u>Title</u> |
|---------------|------------------------------------------------------------------|
| 4 | Drug Abuse Correctional Center Expansion |
| 5 | Monitoring Center Staffing |
| 6 | Parole Commission Staff |
| 7 | Collection of Probation and Parole Supervision Fees |
| 8 | Exemption from Probation and Parole Supervision Fees |
| 9 | Minimum and Administrative Supervision |
| 10 | Extension of Probation for Failure to Pay Supervision Fees |
| 11 | Setoff of Fees Owed for Supervision of Probationers and Parolees |

LFB Summary Items for Introduction as Separate Legislation

| <u>Item #</u> | <u>Title</u> | MO# | <u>include items</u> | |
|---------------|-------------------------------------------------|-----|----------------------|---------|
| 12 | Probation and Parole Revocation Hearing Process | 2 | BURKE | (Y) N A |
| 13 | Alternative to Probation and Parole Revocation | | DECKER | (Y) N A |
| 14 | Community Corrections -- Employment Programs | | GEORGE | Y N A |
| | | | JAUCH | (Y) N A |
| | | | WINEKE | (Y) N A |
| | | | SHIBILSKI | (Y) N A |
| | | | COWLES | (Y) N A |
| | | | PANZER | (Y) N A |
| | | | JENSEN | (Y) N A |
| | | | OURADA | (Y) N A |
| | | | HARSDORF | (Y) N A |
| | | | ALBERS | (Y) N A |
| | | | GARD | (Y) N A |
| | | | KAUFERT | (Y) N A |
| | | | LINTON | (Y) N A |
| | | | COGGS | (Y) N A |

AYE 15 NO 0 ABS 1

Corrections

Juvenile Corrections

(LFB Budget Summary Document Page 192)

LFB Summary Items for Which Issue Papers Have Been Prepared

| <u>Item #</u> | <u>Title</u> |
|---------------|--------------------------------------------------------------------------|
| 1,2 | Overview of Juvenile Population Projections and Daily Rates (Paper #320) |
| 6 | Temporary Use of Prairie du Chien for Young Adults (Paper #321) |
| 7 | Southern Oaks Girls School Staffing (Paper #322) |
| 8 | Residential Alternate Care (Paper #323) |
| 9 | Population-Related Cost Adjustments (Paper #324) |
| 10 | Juvenile Corrective Sanctions Program Expansion (Paper #325) |
| 11 | Aftercare Supervision (Paper #326) |
| 16 | Funding Transfer to Mendota Juvenile Treatment Center (Paper #327) |
| 18 | Secure Detention in State Juvenile Facilities (Paper #328) |

Corrections

Juvenile Corrections

(LFB Budget Summary Document - Page 192)

LFB Summary Items for Which Issue Papers Have Been Prepared

| <u>Item #</u> | <u>Title</u> |
|---------------|--------------------------------------------------------------|
| 1&2 | Juvenile Population Projections and Daily Rates (Paper #329) |
| 3 | Youth Aids (Paper #330) |
| 4 | Serious Juvenile Offender Program (Paper #331) |
| 8 | Residential Alternate Care (Paper #332) |

Agency: Corrections-Juvenile Corrections

Staff Recommendations:

(Corrections is a base-level agency)

Paper No. 329: Approve Modification to Base

Paper No. 330: Part A -- Alternative 2

Comments: This is what Milw Cnty wants, it would increase community youth aids to counties to reflect increases in average daily rates (see paragraphs 9, 10). In past 7 years, county costs have gone up 300% while state youth aids have only increased 29%.

Alt 3 is second choice. Alt 4 is third choice.

Possible Burke Motion: For Milwaukee County - move to provide an increase in youth aids that corresponds to a statutory rates for daily care. Nichole has more information.

Part B -- Alternative 1

Comments: Milw Cnty has no position here. They just want funding for juvenile correctional care to be distributed equitably. Apparently there already was a study, mentioned in paragraph 15, but the recommendations were not followed (see paragraphs 14 & 16)

Part C -- Alternative 1

Comments: (see paragraph 17)

Paper No. 331: Approve Modification to Base

Comments: Someone may have motion here to transfer \$10.7 million deleted here to youth aids for counties. Milw Cnty supports this.

Paper No. 332: Approve Modification to Previous JFC Motion

To: Joint Committee on Finance
 From: Bob Lang, Director
 Legislative Fiscal Bureau

ISSUE**Overview of Juvenile Population Projections and Daily Rates (Corrections -- Juvenile Corrections)**

[LFB Summary: Page 192, #1 and Page 193, #2]

GOVERNOR

Reestimate the juvenile correctional average daily population (ADP) from 1,562 in 1996-97 to 1,493 in 1997-98 and 1,635 in 1998-99, as shown in the following table.

| | <u>1996-97</u> | <u>1997-98</u> | <u>1998-99</u> |
|----------------------------------------------|----------------|----------------|----------------|
| Secured Correctional Facilities ¹ | 1,130 | 1,074 | 1,162 |
| Other Placements | | | |
| Corrective Sanctions | 105 | 119 | 161 |
| Aftercare Services ² | <u>327</u> | <u>300</u> | <u>312</u> |
| Subtotal -- Other | 432 | 419 | 473 |
| Total ADP | 1,562 | 1,493 | 1,635 |
| Alternate Care ³ | 167 | 127 | 136 |

¹ The secured facilities include Ethan Allen School, Lincoln Hills School, Southern Oaks Girls School, Youth Leadership Training Facility (Boot Camp), the SPRITE Program, the Mendota Juvenile Treatment Center, the Prairie du Chien boys' facility (scheduled to open July 1, 1997, and under the bill, to be temporarily used in 1997-98 for young adult property offenders) and the Racine boys' facility (scheduled to open in January, 1998, and under the bill, to be renamed the Racine Youthful Offender Facility for males 15 to 23 years old and operated by the Division of Adult Institutions). Included in the institutional population projection are 89 juveniles in 1997-98 and 154 juveniles in 1998-99 receiving dispositions as serious juvenile offenders.

² Aftercare services include juveniles under DJC supervision following release from a juvenile correctional facility. Placement may be in an alternative care setting, a relative's home or the juvenile's own home.

³ Alternative care includes child caring institutions, group homes, foster homes and treatment foster homes. The ADP for alternate care is a subset of aftercare services.

Provide the following statutory daily rates for juvenile correctional services provided or purchased by the Department that would be charged to counties and paid through counties' youth aids allocations or, for certain juveniles, paid under the serious juvenile offender appropriation.

Daily Rates

| | Current Law | Governor | | |
|---------------------------------------|------------------------|-------------------------|-------------------------|------------------------|
| | 1-1-97 thru 6-30-97 | 7-1-97 thru 12-31-97 | 1-1-98 thru 12-31-98 | 1-1-99 thru 6-30-99 |
| Type 1 Secured Correctional Facility* | \$133.82 | \$137.52 | \$147.40 | \$151.32 |
| Child Caring Institutions | 157.08 | 160.22 | 161.79 | 163.36 |
| Group Homes | 108.98 | 111.16 | 112.25 | 113.34 |
| Corrective Sanctions | 82.11 | 77.75 | 69.16 | 62.81 |
| Treatment Foster Homes | 69.95 | 71.35 | 72.05 | 72.75 |
| Regular Foster Homes | 24.29 | 24.78 | 25.02 | 25.26 |
| Aftercare Supervision | 14.95 | 15.55 | 15.25 | 14.96 |

*Including transfers from a secured correctional facility to a treatment facility.

DISCUSSION POINTS

1. State juvenile correctional services include a broad range of care and treatment, including institutional care at secured correctional facilities, intensive community-based supervision under the corrective sanctions program, community-based aftercare services and a number of alternate care placement options at community-based facilities operated by licensed providers.

2. Each type of care has a different mix of costs associated with it that must be determined as accurately as possible in each budget cycle. In turn, these costs are paid through a combination of state and county funding. In general, an average daily rate is calculated for each type of care and either the state or counties are charged for each juvenile provided with the service. This daily rate may be paid through GPR youth aids allocated to each county on a calendar year basis or through county funding, if state youth aids are not available. The care and treatment of certain violent, extended jurisdiction and serious juvenile offenders, effective July 1, 1996, is entirely paid with state GPR funding under the serious juvenile offender appropriation.

3. The daily rates for juvenile care are set by statute in each biennial budget process and may be modified in the budget adjustment process. The calculation of the daily rates for facility care, the corrective sanctions program and aftercare services depend on only two variables: the total budgeted cost for the type of care provided; and the estimated average population (ADP) of juveniles that are expected to receive that care in a given year. Alternate care facilities are operated by licensed providers and daily rates, under the bill, are increased from current law levels by 2% in 1997-98 and 4% in 1998-99.

4. The projected juvenile population for a given budget cycle is a critical determination because of the effect on the rates charged to county youth aids and to the state's serious juvenile offender appropriation. In periods when the costs of care tend to remain relatively fixed, it is the variation in juvenile population projections that most affect changes in the daily rate. If populations are projected higher, the average daily rate decreases. On the other hand, if the juvenile population is projected to decrease, the daily rate would increase.

5. The current trend of the juvenile offender population in Wisconsin is one of decline. This decline follows a dramatic five-year growth period in the years 1991-92 through 1995-96, when the ADP for institutional care grew from 671 to 1,038. However, effective January 1, 1996, 17-year-old offenders in Wisconsin are treated as adults. In addition, the general growth in the levels of reported criminal offenses and arrests have abated to some degree in Wisconsin and nationally since 1994. Juvenile arrests for violent crimes in Wisconsin decreased by 4.7% between 1994 and 1995 and by 9.8% between 1995 and 1996. As a result of these and perhaps other factors, the state juvenile offender population is expected to decrease to 948 in the current fiscal year.

6. The Department of Corrections (DOC) makes quarterly juvenile population projections that are relied upon for budgeting purposes. The June, 1996, projections were used by DOC in preparing its 1997-99 budget request to the Governor. In turn, the Department of Administration used the projections of September, 1996 in preparing the Governor's 1997-99 budget recommendations under Senate Bill 77. The December, 1996, and March 1997, projections have subsequently been produced by DOC. The following table summarizes these projections.

Projections of State Juvenile Institutional Population

| <u>Report Date</u> | <u>1996-97</u> | <u>1997-98</u> | <u>1998-99</u> |
|--------------------|----------------|----------------|----------------|
| June 30, 1996 | 1,139 | 1,247 | 1,347 |
| September 30, 1996 | 982 | 1,044 | 1,107 |
| December 31, 1996 | 957 | 984 | 1,015 |
| March 31, 1997 | 948 | 936 | 931 |

7. The DOC projections are generated by a forecasting program that places greater emphasis on recent population data than on older data. The current projections, then, may finally reflect the effect of removing 17-year-old offenders from the juvenile population and other factors that may have influenced the current decline. The March projection is the first to project an annual decline in the 1997-99 biennium.

8. The following juvenile corrections budget papers utilize the March, 1997, population projections. These projections appear reasonable in that they reflect a modest decline in 1997-98 and 1998-99, which is consistent with the trend seen in the past year. It should be noted, however, that these projections are difficult to make and unpredictable changes in population levels could occur.

9. Based on the March, 1997, population projections and certain technical adjustments, the population assumptions under Senate Bill 77 may be modified, as follows:

| | <u>1996-97</u> | <u>Change to Bill</u> | <u>1997-98</u> | <u>Change to Bill</u> | <u>1998-99</u> | <u>Change to Bill</u> |
|---------------------------------|----------------|-----------------------|----------------|-----------------------|----------------|-----------------------|
| Secured Correctional Facilities | 948 | -182 | 934 | -140 | 914 | -248 |
| Other Placements | | | | | | |
| Corrective Sanctions | 105 | 0 | 116 | -3 | 161 | 0 |
| Aftercare Services | <u>279</u> | <u>-48</u> | <u>255</u> | <u>-45</u> | <u>238</u> | <u>-74</u> |
| Subtotal -- Other | 384 | -48 | 371 | -48 | 399 | -74 |
| Total ADP | 1,332 | -230 | 1,305 | -188 | 1,313 | -322 |
| Alternate Care | 116 | -51 | 107 | -20 | 105 | -31 |

10. Based on these population projections and the costs of care provided under SB 77, the following recalculation of daily rates may be made:

| | Current Law | | <u>Change to Bill</u> | <u>1-1-98 thru 12-30-98</u> | <u>Change to Bill</u> | <u>1-1-99 thru 6-30-99</u> | <u>Change to Bill</u> |
|---------------------------------|----------------------------|-----------------------------|-----------------------|-----------------------------|-----------------------|----------------------------|-----------------------|
| | <u>1-1-97 thru 6-30-97</u> | <u>7-1-97 thru 12-31-97</u> | | | | | |
| Secured Correctional Facilities | \$133.82 | \$157.56 | \$20.04 | \$173.21 | \$25.81 | \$189.20 | \$37.88 |
| Child Caring Institutions | 157.08 | 160.22 | 0.00 | 161.79 | 0.00 | 163.36 | 0.00 |
| Group Homes | 108.98 | 111.16 | 0.00 | 112.25 | 0.00 | 113.34 | 0.00 |
| Corrective Sanctions | 82.11 | 80.74 | 2.99 | 71.29 | 2.13 | 64.48 | 1.67 |
| Treatment Foster Homes | 69.95 | 71.35 | 0.00 | 72.05 | 0.00 | 72.75 | 0.00 |
| Regular Foster Homes | 24.29 | 24.78 | 0.00 | 25.02 | 0.00 | 25.26 | 0.00 |
| Aftercare Supervision | 14.95 | 17.92 | 2.37 | 18.69 | 3.44 | 19.51 | 4.55 |

11. The Committee, in taking action on the following papers (#321 thru #328), is likely to make modifications to the juvenile operating budget that would affect these daily rate estimates. Following Committee action on these papers, an additional issue paper will be prepared to establish the statutory daily rates, based on the Committee's work. In addition, a paper will be prepared that reestimates the serious juvenile offender appropriation, which must also reimburse the Division of Juvenile Corrections for the costs of care provided to certain state-funded juvenile offenders. Finally, a paper on community youth and family aids will be prepared to provide the Committee with options to retain or modify current levels of youth aids provided to counties.

Prepared by: Art Zimmerman

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Temporary Use of Prairie du Chien for Young Adults (Corrections -- Juvenile Corrections)

[LFB Summary: Page 195, #6]

CURRENT LAW

Under 1997 Act 4, DOC is authorized to operate the Prairie du Chien juvenile facility as a state prison for the placement of prisoners who are young adults, for the period July 1, 1997 until July 1, 1998. A GPR appropriation was created for start-up and training costs in 1996-97 associated with the use of the facility as a temporary adult prison. No funding was appropriated under Act 4.

On March 27, 1997, under s. 13.10 of the statutes, the Joint Committee on Finance approved a request by the Department of Corrections to transfer \$1,419,200 in 1996-97 from a federal appropriation for project operations to the newly-created GPR appropriation for the start-up and training costs associated with the preparation of the Prairie du Chien juvenile correctional facility as a temporary state prison for young adults.

GOVERNOR

Provide \$6,567,000 PR in 1997-98 for the Prairie du Chien juvenile correctional facility and provide that DOC may, until July 1, 1998, operate the Prairie du Chien facility as a state prison for the placement of prisoners who are young adults. Provide that the Secretary of DOC may direct the Division of Adult Institutions (DAI) and the Division of Juvenile Correctional Services (DJC) to enter into an intra-agency agreement for the use of the Prairie du Chien facility as a state prison. The agreement would require DAI to reimburse DJC from its general program

operations appropriation for the full cost, not to exceed \$65 per person per day, of operating that secured correctional facility as a state prison during the term of the agreement. However, no appropriation is made under the bill to increase the general program operations appropriation for this purpose. Provide that DJC credit the payments to its juvenile correctional services appropriation and use the monies to operate the state prison authorized under the bill.

Expenditure authority under the bill would provide \$271,000 for supplies and services (\$225,000 for utilities and heating and \$46,000 for repairs and maintenance) and \$6,296,000 in unallotted reserve (for release by DOA) for operations. The funds placed in reserve would be allotted following a determination of actual line item costs.

DISCUSSION POINTS

1. A secured juvenile correctional facility has been developed on an existing site (formerly a private school) in Prairie du Chien for 138 male juvenile offenders. Authorized construction costs for the facility totalled \$11.5 million. The facility was originally scheduled to open July 1, 1996. Funding of \$5,984,800 PR with 165.02 PR positions has been provided for the facility in 1996-97; however, this amount will not be fully expended because the opening of the facility has been delayed to July 1, 1997. This delay was related primarily to the unexpected decline in juvenile correctional populations.

2. The opening of a correctional facility requires that staffing be in place and trained when placements first occur. The enactment of 1997 Act 4 and the funding provided by the Committee under s.13.10 action reflected this need. In anticipation of operating the Prairie du Chien facility as an adult facility, positions are being hired and will total 138.5 when the facility becomes operational on July 1, 1997. Total staff would be increased in 1997-98 to 142.5 positions. The following table shows the positions in each year by functional category.

| <u>Function</u> | <u>1996-97</u> | <u>1997-98</u> |
|----------------------------------------------|----------------|----------------|
| Administration | 14.0 | 14.0 |
| Educational services | 16.0 | 16.0 |
| Health, mental health and social services | 11.5 | 11.5 |
| Security and operations | <u>97.0</u> | <u>101.0</u> |
| Totals | 138.5 | 142.5 |

3. Under the Governor's recommendation, \$6,567,000 PR would be provided in 1997-98 for the use of the Prairie du Chien facility as an adult prison. The funding is based on an expected ADP of 277 in 1997-98, at an average cost of \$65 per inmate per day. The initial

population early in the fiscal year would be lower and would then gradually increase to about 300 by the end of the year.

4. The expenditure authority would be provided in the Department's juvenile correctional services program revenue appropriation, which would be reimbursed from the Department's GPR general operations appropriation for adult corrections. Adult corrections is GPR funded and this reimbursement arrangement provides the GPR funding while retaining the program revenue operating structure that will be needed when the facility becomes a juvenile institution. However, as noted above, base funding for the facility is \$5,984,800 PR. Further, an additional \$1,529,200 PR is provided for Prairie du Chien in a number of items relating to standard budget adjustments, food, compensation reserves and full-funding of non-salary items. The facility, then, is provided with \$7,514,000 expenditure authority, under the bill, apart from the \$6,567,000 PR increase for the temporary use of the facility as an adult prison (a total of \$14,081,000). In effect, the facility is double-funded in 1997-98. The Governor's recommendation could be technically corrected to reflect the actual need for \$6,567,000 PR in expenditure authority in 1997-98. The change to base to reflect this correction would be the provision of \$582,200 PR in 1997-98 and a reduction to the bill of \$7,514,000 PR.

5. On the other hand, no additional GPR spending authority was provided in the general operations appropriation for adult institutions to reimburse the juvenile correctional services budget for the 1997-98 expenses relating to the use of the facility as an adult prison. These expenses, under the bill, would have to be absorbed in the base budget for adult operations.

6. DOA and DOC officials now indicate that the GPR funding for the facility should come from the intergovernmental corrections agreement appropriation (s. 20.410(1)(ab)). This appropriation authorizes payments, pursuant to a contract with another state, for the placement of prisoners in that state and, pursuant to a contract with a Wisconsin county, for the temporary placement of prisoners in the county jail of that county. The funding of a temporary adult facility at Prairie du Chien from this appropriation would require a modification of the appropriation's statutory language.

7. By not providing additional GPR funds for the costs of Prairie du Chien, the Governor's recommendation provides a temporary alternative to sending prisoners to facilities in other states and does not increase overall correctional capacity for adult prisoners.

8. Under the bill, the intergovernmental corrections agreement appropriation would be provided \$20,349,500 GPR in 1997-98 and \$20,486,400 GPR in 1998-99. In the absence of increased GPR expenditure authority, the use of this appropriation for the Prairie du Chien facility would reduce, by \$6,567,000, the amounts available for prisoner placements in other states and in Wisconsin county jails. This reallocation would leave \$13,782,500 in 1997-98 for contracts with other governmental jurisdictions. DOC and DOA officials indicate that an increase

in the appropriation would not be required in 1997-98. A separate paper addresses funding for this appropriation.

9. Operated as an adult prison in 1997-98, the costs of the Prairie du Chien facility would not be included in the calculation of daily rates charged to counties' youth aids allocations for the care of juveniles at state secured juvenile correctional facilities. Under the bill, the Prairie du Chien facility would convert back to a juvenile secured correctional facility on July 1, 1998. The costs of operations would then be included in the calculation of daily rates charged to counties' youth aids allocations and, for certain offenders, charged to the state's serious juvenile offender program. The 1998-99 Prairie du Chien facility costs to be covered by daily rates, under the bill, totals \$7,641,700. This is 12.0% of the total costs (\$63.1 million) that would be provided for juvenile correctional facilities in 1998-99. This additional cost would increase the daily rate for facility care in 1998-99 by about \$23.

10. If the Committee chooses to convert Prairie du Chien back to a juvenile facility on July 1, 1998, it could be argued that the opening of a new juvenile facility at a time when juvenile offender population is declining should result in some degree of funding and position reallocation from other facilities to address the needed resources at the new facility. Such reallocations would help to limit the total cost of operating secured juvenile correctional facilities and mitigate the impact on daily rates that the operating costs of the Prairie du Chien facility would otherwise have.

11. The potential reallocation of juvenile facility staffing is a complex issue that would require careful planning. Because the Prairie du Chien facility would not be operated as a juvenile facility, under the bill, until July 1, 1998, there would appear to be an adequate timeframe to assess possible reallocation of staff and other resources. The Department of Corrections could be required to submit a report to the Joint Committee on Finance, on or before September 1, 1997, on the extent to which future expansions of secured juvenile correctional facility capacity may be operated and staffed through a reallocation of existing resources, including recommendations on staffing the Prairie du Chien facility in 1998-99 through some combination of existing and new resources. The 1998-99 funding and position authority for the Prairie du Chien facility could be deleted at this time and reinstated through s. 16.505/515.

12. Statutory daily rates for juvenile correctional services are established in order to enable the Department to notify counties of the daily rates to be charged counties during each calendar year. Under this alternative, the daily rates for secured correctional facilities would, therefore, need to be adjusted before January 1, 1998, to reflect Committee action concerning Prairie du Chien 1998-99 funding. This could be accomplished by creating a nonstatutory provision allowing the statutory daily rates for secured correctional facilities for calendar year 1998 and for the first six months of 1999 to be established by the Committee under a 14-day passive review process.

13. The current decline in juvenile populations is expected to continue through the 1997-99 biennium. A primary reason for this decline is the treatment, effective January 1, 1996, of 17-year-old offenders as adults. Apart from this effect, however, there appears to be a stabilization of the juvenile population in state facilities. DOC officials indicate that their most recent juvenile population projections (March, 1997) estimate that the average daily population (ADP) at state juvenile correctional facilities will total 936 in 1997-98 (857 males and 79 females) and 931 in 1998-99 (853 males and 78 females). These population projections are based on a model that is largely influenced by recent population history, which reflects the stabilization noted above.

14. The official capacity of state juvenile facilities for males, including Prairie du Chien, totals 877, as follows.

| | |
|-----------------------------------|------------|
| Ethan Allen School | 342 |
| Lincoln Hills School | 298 |
| Boys Boot Camp | 48 |
| Mendota Juvenile Treatment Center | 43 |
| Sprite Program | 8 |
| Prairie du Chien facility | <u>138</u> |
| Total | 877 |

15. With the addition of the Prairie du Chien facility, official capacity will exceed the anticipated male juvenile ADPs of 857 in 1997-98 and 853 in 1998-99.

16. In 1994-95 and 1995-96, Ethan Allen School operated with an ADP of about 140 to 150 juveniles over capacity and Lincoln Hills School operated at about 100 over capacity. Each correctional facility differs in its capability to handle greater population numbers, depending not only on bed space, but other functions such as food services, educational and recreational facilities, health services, visitor facilities, segregation housing and staffing. While true overcrowding is obviously an undesirable situation, facilities do have some flexibility to accommodate numbers higher than the official capacity. (Prairie du Chien, for example, is budgeted for an ADP of 277 in 1997-98, as an adult institution.)

17. It could be argued that, given the population decline and the relatively stable juvenile population levels that are anticipated in the 1997-99 biennium, the Prairie du Chien facility could be retained as a young adult institution through 1998-99. This would mean that projected juvenile ADP would be about 114 over capacity for the remaining facilities, approximately the same level that would be expected in 1997-98, and substantially lower than the ADP experienced in 1994-95 and 1995-96.

18. Maintaining the facility as a prison for an additional year would provide DOC with some added flexibility in dealing with adult population problems. Funding for Prairie du Chien

would continue to come from the base GPR funds under the intergovernmental corrections agreement appropriation. Under this alternative, the conversion of the facility to a juvenile facility could be authorized in 1999-2001 budget deliberations.

19. Maintaining the facility as a prison for an additional year would also remove \$7,641,700 PR from the total amount needed to operate secured juvenile correctional facilities in 1998-99. This would reduce the daily rate for facility care, for both the counties and the state's serious juvenile offender program, by about \$23.

20. If maintained as an adult prison in 1998-99, Prairie du Chien would continue to have an ADP of 300. At \$65 per day, \$7,117,500 PR in expenditure authority would be required in 1998-99. This would require an increase to base funding of \$1,132,700 PR in 1998-99 (which is a reduction to the bill of \$524,200).

21. Under the bill, 8.0 teacher positions would be provided for the Prairie du Chien facility. Preliminary data for placements at the facility indicate that approximately 5% of the young offenders would be under 18 years of age, requiring mandatory full-time education. If the remaining inmates (18 years of age and older) participate in education programs half-time, the total teacher to student ratio for the facility, under the bill, could be estimated at 1:18 in 1997-98 and 1:19 in 1998-99 (if the facility is maintained as an adult prison for one additional year).

22. Juvenile facilities, according to DOC officials, have teacher to student ratios in the range of 1:10 to 1:12. Under current law, adult prisons are authorized 160 teacher positions and 2,766 inmates participate in educational programs. Adult participation may be full- or part-time. DOC officials estimate the teacher to inmate ratio at adult prisons at approximately 1:15.

23. It appears that the Prairie du Chien facility would require 4.0 additional teacher positions in 1997-98 and 5.0 teacher positions in 1998-99 to achieve a teacher-to-student ratio of about 1:12. The cost of this increase would be \$163,600 in 1997-98 and \$204,500 in 1998-99. Corrections officials indicate that lower risk, nonviolent offenders are likely to be selected for placement at Prairie du Chien. It may be argued that higher teacher to student ratios could have greater positive benefits for inmates, particularly those who will be placed at Prairie du Chien.

24. Any addition to the funding would also require that the nonstatutory language, which limits the reimbursement of DJC for the operation of the Prairie du Chien facility to not more than \$65 per person per day, be eliminated or adjusted upward. There does not appear to be any compelling reason to retain the \$65 per diem limitation (or some other amount) in the bill. While per diem expenses need to be closely budgeted and controlled, session law specification of the amount may unnecessarily restrict the ability of the Department and the Legislature to address cost of care issues at the facility.

ALTERNATIVES TO BASE

A. Temporary Use of Prairie du Chien for Young Adults

1. Adopt the Governor's recommendation, as technically corrected, to provide \$582,200 PR in 1997-98 for the Prairie du Chien juvenile correctional facility and provide that DOC may, until July 1, 1998, operate the Prairie du Chien facility as a state prison for the placement of prisoners who are young adults. Provide that the Secretary of DOC may direct the Division of Adult Institutions (DAI) and the Division of Juvenile Correctional Services (DJC) to enter into an intra-agency agreement for the use of the Prairie du Chien facility as a state prison. As a technical correction to the Governor's recommendation, require DAI to reimburse DJC from its intergovernmental corrections agreement GPR appropriation for the full cost, not to exceed \$65 per person per day, of operating that secured correctional facility as a state prison during the term of the agreement. Modify the GPR appropriation's title and purpose to reflect this authorization. Provide that DJC credit the payments to its juvenile correctional services appropriation and use the monies to operate the state prison authorized under the bill. Place \$6,296,000 PR in unallotted reserve for release by DOA following a determination of actual line item costs.

| <u>Alternative A1</u> | <u>PR</u> |
|------------------------------------|----------------|
| 1997-99 FUNDING (Change to Base) | \$582,200 |
| [Change to Bill] | - \$7,514,000] |
| 1998-99 POSITIONS (Change to Base) | 0.00 |
| [Change to Bill] | 0.00] |

2. Adopt A1. In addition, delete \$7,641,700 PR and 165.02 PR positions in 1998-99 for the Prairie du Chien facility. Require the Department of Corrections to submit a report to the Joint Committee on Finance, on or before September 1, 1997, on the extent to which future expansions of secured juvenile correctional facility capacity may be operated and staffed through a reallocation of existing resources, including recommendations for the staffing of the Prairie du Chien facility in 1998-99. Under this alternative, the provision of funding and positions for the Prairie du Chien juvenile school in 1998-99 would be provided through s. 16.515/.505 action. Provide that the statutory daily rates for secured correctional facilities for calendar year 1998 and for the first six months of 1999 be established by the Committee under a 14-day passive review process.

| <u>Alternative A2</u> | <u>PR</u> |
|------------------------------------|-----------------|
| 1997-99 FUNDING (Change to Base) | -\$5,402,600 |
| [Change to Bill] | - \$15,155,700] |
| 1998-99 POSITIONS (Change to Base) | -165.02 |
| [Change to Bill] | - 165.02] |

3. Modify the Governor's recommendation, as technically corrected, by deleting \$524,200 PR in 1998-99 for the Prairie du Chien juvenile correctional facility and providing that DOC may, until July 1, 1999, operate the Prairie du Chien facility as a state prison for the placement of prisoners who are young adults. (Under the alternative, \$7,641,700 PR would be deleted from the total amount budgeted for the operation of secured juvenile correctional facilities in 1998-99, reducing the daily rate for facility care by approximately \$23.)

| <u>Alternative A3</u> | <u>PR</u> |
|----------------------------------|----------------|
| 1997-99 FUNDING (Change to Base) | \$1,714,900 |
| [Change to Bill | - \$8,038,200] |

B. Additional Teacher Positions

1. In addition to Alternative A1 or A2, provide \$163,600 PR and 4.0 PR teacher positions in 1997-98 for the Prairie du Chien facility. Modify the requirement that DAI reimburse DJC from its intergovernmental corrections agreement appropriation for the full cost of operating Prairie du Chien secured correctional facility as a state prison during the term of the agreement by deleting the \$65 per person per day limit.

| <u>Alternative B1</u> | <u>PR</u> |
|----------------------------------|------------|
| 1997-99 FUNDING (Change to Base) | \$163,600 |
| [Change to Bill | \$163,600] |

2. In addition to Alternative A3, provide \$163,600 PR and 4.0 PR teacher positions in 1997-98 and \$204,500 PR and 5.0 PR teacher positions in 1998-99 for the Prairie du Chien facility. Modify the requirement that DAI reimburse DJC from its intergovernmental corrections agreement GPR appropriation for the full cost of operating Prairie du Chien secured correctional facility as a state prison during the term of the agreement by deleting the \$65 per person per day limit.

| <u>Alternative B2</u> | <u>PR</u> |
|----------------------------------|------------|
| 1997-99 FUNDING (Change to Base) | \$368,100 |
| [Change to Bill | \$368,100] |

3. Take no action.

Prepared by: Art Zimmerman

MO# A-3

| | | | |
|-----------|-----|-----|---|
| 2 BURKE | (Y) | N | A |
| DECKER | Y | (N) | A |
| GEORGE | Y | N | A |
| JAUCH | (Y) | N | A |
| WINEKE | (Y) | N | A |
| SHIBILSKI | (Y) | N | A |
| COWLES | (Y) | N | A |
| PANZER | (Y) | N | A |
| | | | |
| JENSEN | (Y) | N | A |
| OURADA | (Y) | N | A |
| HARSDORF | (Y) | N | A |
| ALBERS | (Y) | N | A |
| GARD | (Y) | N | A |
| KAUFERT | (Y) | N | A |
| LINTON | (Y) | N | A |
| COGGS | Y | (N) | A |

AYE 13 NO 2 ABS 1

MO# B-2

| | | | |
|-----------|-----|-----|---|
| 2 BURKE | (Y) | N | A |
| DECKER | (Y) | N | A |
| GEORGE | Y | N | A |
| JAUCH | (Y) | N | A |
| WINEKE | (Y) | N | A |
| SHIBILSKI | (Y) | N | A |
| COWLES | (Y) | N | A |
| PANZER | (Y) | N | A |
| | | | |
| 1 JENSEN | (Y) | N | A |
| OURADA | (Y) | N | A |
| HARSDORF | (Y) | N | A |
| ALBERS | (Y) | N | A |
| GARD | (Y) | N | A |
| KAUFERT | (Y) | N | A |
| LINTON | (Y) | N | A |
| COGGS | (Y) | (N) | A |

AYE 15 NO 0 ABS 1

To: Joint Committee on Finance
From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Southern Oaks Girls School Staffing (Corrections -- Juvenile Corrections)

[LFB Summary: Page 196, #7]

CURRENT LAW

The Southern Oaks Girls School has base funding of \$4,525,900 PR with 91.9 PR positions.

GOVERNOR

Provide \$1,773,200 PR and 58.05 PR positions in 1997-98 and \$2,370,600 PR and 59.05 PR positions in 1998-99 for the Southern Oaks Girls School for additional staffing, including staff relating to a 75-bed expansion, scheduled for completion in October, 1997.

DISCUSSION POINTS

1. The expansion of the Southern Oaks Girls School (SOGS) was funded under 1993 Act 16. The facility was scheduled to open in October, 1997. Corrections officials now indicate that the expansion is just getting underway and will take approximately a year to complete. The opening date for the new facility is now expected to be June, 1998. However, the 58.05 positions under the bill are budgeted to begin on October 1, 1997.

2. The positions that would be authorized under the bill include: (a) 5.0 positions for business and personnel functions; (b) 1.5 positions for the Office of Offender Review; (c) 6.5 positions in 1997-98 and 7.5 positions in 1998-99 relating to health, mental health and social

services; (e) 6.0 positions relating to educational services; and (f) 39.05 positions for security and operations.

3. Two of the business and personnel positions (a payroll and benefits specialist position and an institutional business director position) would supplement staffing for five existing units at the School and could still be funded for nine months in 1997-98. The balance of the positions in 1997-98 (56.05 FTE) would be provided for the three units and two entrance/control booth locations associated with the expanded facility and would not be needed until the expansion unit is operational. Corrections officials argue that these positions should be funded for two months in 1997-98 in order to provide an orientation and training period prior to the scheduled opening of the facility in June, 1998.

4. Administration officials indicate that this revision to the staffing of the expansion in 1997-98 (2.0 positions funded for nine months and 56.05 positions funded for two months) would be an appropriate technical correction to the Governor's recommendation given the revised opening date for the new facility. This would provide \$489,100 and 58.05 positions in 1997-98 and \$2,370,600 and 59.05 positions in 1998-99 (a change to the bill of -\$1,284,100 in 1997-98).

5. Another factor that would affect staffing needs for the SOGS positions is the anticipated average daily population (ADP) at the facility. The current official capacity of SOGS is 51 beds. Population beyond this total requires some degree of double celling. Each correctional facility differs in its capability to handle greater population numbers, depending not only on bed space, but other functions such as food services, educational and recreational facilities, health services, visitor facilities, segregation housing and staffing.

6. In 1995-96, the first full-year of operations of the SOGS facility, the ADP was 93 juveniles. In the April, 1997, the ADP was 85 juveniles. DOC population projections for SOGS (based on data through March, 1997) estimates the annual ADP at SOGS at 80 in 1996-97, 79 in 1997-98 and 78 in 1998-99. These projections are less than the actual ADP at the facility in 1995-96.

7. These population projections are based on a model that is largely influenced by recent population history, which has taken a downturn from previous levels. DOC officials believe that, while the new facility may temporarily remain under capacity, the availability of beds will be known to juvenile court officials and will result in more juveniles receiving dispositions to SOGS.

8. It is not clear, then, to what extent the new expansion would be utilized in the months immediately following its opening. DOC officials indicate that staff would not be hired until the facility's population warrants it.

9. In addition to the possibility of initially low populations, it is also typical for major construction projects to experience some delays. For these reasons, it could be argued that the

staffing levels recommended under the bill could be phased in during 1998-99, rather than provided in its entirety in May, 1998. The approved funding levels for juvenile facilities affect the calculation of daily rates charged to counties for the institutional care of juveniles. If expenditure authority is provided under the bill, but not utilized, daily rates increase unnecessarily through this period.

10. An alternative that phases in staff would provide 2.0 positions in 1997-98 for the existing facility and 59.05 positions in 1998-99 for the expansion. The funding of staff for the new facility would permit administrative and key health, education, operations and security positions to be hired for a full 12 months in 1998-99, and other staff to be added gradually during the year. DOC would have some flexibility in the timing of the new hires. This alternative would provide \$67,900 with 2.0 positions in 1997-98 and \$1,980,900 with 59.05 positions in 1998-99 (a change to the bill of -\$1,705,300 in 1997-98 and -\$389,700 in 1998-99).

11. Given the possibility of construction delays and the uncertainty of juvenile population projections, it could also be argued that any staffing decision relating to the SOGS expansion facility is premature. The Department could submit a revised request under s. 16.505/515 when both the availability date of the new facility and the anticipated population may be better known. The two administrative positions for the existing facility would be appropriate positions to provide beginning in 1997-98; however, these positions could be reallocated from base funding and position authority at one of the male juvenile correctional facilities.

ALTERNATIVES TO BASE

1. Adopt the Governor's recommendation, as technically corrected, to provide \$489,100 PR and 58.05 PR positions in 1997-98 and \$2,370,600 PR and 59.05 PR positions in 1998-99 for the Southern Oaks Girls School for additional staffing, including staff relating to a 75-bed expansion, scheduled for completion in June, 1998.

| <u>Alternative 1</u> | <u>PR</u> |
|------------------------------------|----------------|
| 1997-99 FUNDING (Change to Base) | \$2,859,700 |
| [Change to Bill | - \$1,284,100] |
| 1998-99 POSITIONS (Change to Base) | 59.05 |
| [Change to Bill | 0.00] |

2. Provide \$67,900 PR and 2.0 PR positions in 1997-98 and \$1,980,900 PR and 59.05 PR positions in 1998-99 for the Southern Oaks Girls School.

| <u>Alternative 2</u> | | <u>PR</u> |
|------------------------------------|-----------------|----------------|
| 1997-99 FUNDING (Change to Base) | | \$2,048,800 |
| | [Change to Bill | - \$2,095,000] |
| 1998-99 POSITIONS (Change to Base) | | 59.05 |
| | [Change to Bill | 0.00] |

3. Transfer \$67,900 PR and 2.0 PR positions in 1997-98 and \$91,300 PR in 1998-99 from base funding and position authority at the Ethan Allen School or the Lincoln Hills School to the Southern Oaks Girls School. Under this alternative, staffing for the facility's expansion would be taken up under s. 16.505/515.

| <u>Alternative 3</u> | | <u>PR</u> |
|------------------------------------|-----------------|----------------|
| 1997-99 FUNDING (Change to Base) | | \$0 |
| | [Change to Bill | - \$4,143,800] |
| 1998-99 POSITIONS (Change to Base) | | 0.00 |
| | [Change to Bill | - 59.05] |

MO# Alt 3

MO# Alt 2

| | | | | |
|-----------|----------------------------------|---|---|---------|
| 2 BURKE | <input checked="" type="radio"/> | N | A | Imerman |
| 1 DECKER | <input checked="" type="radio"/> | N | A | |
| GEORGE | <input checked="" type="radio"/> | N | A | |
| JAUCH | <input checked="" type="radio"/> | N | A | |
| WINEKE | <input checked="" type="radio"/> | N | A | |
| SHIBILSKI | <input checked="" type="radio"/> | N | A | |
| COWLES | <input checked="" type="radio"/> | N | A | |
| PANZER | <input checked="" type="radio"/> | N | A | |
| JENSEN | <input checked="" type="radio"/> | N | A | |
| OURADA | <input checked="" type="radio"/> | N | A | |
| HARSDORF | <input checked="" type="radio"/> | N | A | |
| ALBERS | <input checked="" type="radio"/> | N | A | |
| GARD | <input checked="" type="radio"/> | N | A | |
| KAUFERT | <input checked="" type="radio"/> | N | A | |
| LINTON | <input checked="" type="radio"/> | N | A | |
| COGGS | <input checked="" type="radio"/> | N | A | |

| | | | |
|-----------|----------------------------------|---|---|
| 2 BURKE | <input checked="" type="radio"/> | N | A |
| DECKER | <input checked="" type="radio"/> | N | A |
| GEORGE | <input checked="" type="radio"/> | N | A |
| JAUCH | <input checked="" type="radio"/> | N | A |
| WINEKE | <input checked="" type="radio"/> | N | A |
| SHIBILSKI | <input checked="" type="radio"/> | N | A |
| COWLES | <input checked="" type="radio"/> | N | A |
| PANZER | <input checked="" type="radio"/> | N | A |
| JENSEN | <input checked="" type="radio"/> | N | A |
| OURADA | <input checked="" type="radio"/> | N | A |
| HARSDORF | <input checked="" type="radio"/> | N | A |
| ALBERS | <input checked="" type="radio"/> | N | A |
| GARD | <input checked="" type="radio"/> | N | A |
| KAUFERT | <input checked="" type="radio"/> | N | A |
| LINTON | <input checked="" type="radio"/> | N | A |
| COGGS | <input checked="" type="radio"/> | N | A |

AYE 7 NO 8 ABS 1

AYE 14 NO 1 ABS 1

CORRECTIONS -- JUVENILE CORRECTIONS

Library/Education Materials for Southern Oaks Girls School

Motion:

Move to provide \$50,000 GPR in 1997-98 in one-time costs for library/education materials at Southern Oaks Girls School.

Note:

This motion would provide one-time funding of \$50,000 GPR to enable the Southern Oaks Girls School, the state's secured juvenile correctional facility for female delinquents, to upgrade its library and educational materials.

[Change to Base: \$50,000 GPR]

[Change to Bill: \$50,000 GPR]

MO# 1668

| | | | |
|-----------|-----|-----|-----|
| BURKE | (Y) | N | A |
| DECKER | (Y) | N | A |
| GEORGE | Y | N | (A) |
| JAUCH | (Y) | N | A |
| WINEKE | Y | N | (A) |
| SHIBILSKI | (Y) | N | A |
| COWLES | Y | (N) | A |
| PANZER | Y | (N) | A |
| JENSEN | Y | (N) | A |
| OURADA | Y | (N) | A |
| HARSDORF | Y | (N) | A |
| ALBERS | Y | (N) | A |
| GARD | Y | (N) | A |
| KAUFERT | Y | (N) | A |
| LINTON | (Y) | N | A |
| COGGS | (Y) | N | A |

AYE 6 NO 8 ABS 1

| |
|-----------------------------------------------------------------------------------------------------|
| <p>To: Joint Committee on Finance</p> <p>From: Bob Lang, Director Legislative Fiscal Bureau</p> |
|-----------------------------------------------------------------------------------------------------|

ISSUE**Residential Alternate Care (Corrections -- Juvenile Corrections)**

[LFB Summary: Page 196, #8]

GOVERNOR

Delete \$2,323,700 PR in 1997-98 and \$1,798,400 PR in 1998-99 for juvenile residential alternate care.

MODIFICATION TO BASE

Delete \$3,326,600 PR in 1997-98 and \$3,312,200 PR in 1998-99 for juvenile residential alternate care.

Explanation: The appropriation for alternate care funds the costs for juveniles, following release from institutional care, who are placed in child caring institutions, secure child caring institutions, foster homes, treatment foster homes and group homes. Base funding for alternate care costs is \$8,507,200. The modification of alternate care funding reflects statutory rate increases for alternate care settings under the bill and reestimated average daily population projections that are lower than those assumed under the bill. The alternate care average daily population is reestimated at 107 in 1997-98 and 105 in 1998-99.

| <u>Modification</u> | <u>PR</u> |
|----------------------------------|----------------|
| 1997-99 FUNDING (Change to Base) | - \$6,638,800 |
| [Change to Bill] | - \$2,516,700] |

Prepared by: Art Zimmerman

MO# Modifications
papers 323 + 324

| | | | |
|-----------|---|---|---|
| 2 BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |
| | | | |
| 1 JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

AYE 14 NO 0 ABS 2

UNRECOGNIZABLE

UNRECOGNIZABLE

UNRECOGNIZABLE

UNRECOGNIZABLE

UNRECOGNIZABLE

UNRECOGNIZABLE

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Population-Related Cost Adjustments (Corrections -- Juvenile Corrections)

[LFB Summary: Page 197, #9]

GOVERNOR

Delete \$587,200 in 1997-98 and \$333,600 in 1998-99 to reflect population-related cost adjustments for food, variable non-food and health care costs, as follows: (a) -\$343,300 in 1997-98 and -\$204,300 in 1998-99 for food costs at juvenile correctional institutions; (b) -\$16,100 in 1997-98 and \$50,800 in 1998-99 for variable non-food costs (such as laundry, clothing and personal items) for institutionalized juveniles; (c) -\$227,800 in 1997-98 and -\$180,100 in 1998-99 to reflect a reduction in juvenile health care costs.

MODIFICATIONS TO BASE

Food. Delete \$211,500 PR in 1997-98 and \$198,100 PR in 1998-99 for food costs at juvenile correctional institutions.

Variable Non-Food. Delete \$18,100 PR in 1997-98 and \$15,300 PR in 1998-99 for variable non-food costs.

Health Care. Delete \$392,500 PR in 1997-98 and \$410,500 in 1998-99 for juvenile health care costs.

Explanation: Variable costs for institutionalized juveniles are calculated on the basis of standardized annual amounts per juvenile. The modifications for food, variable non-food and health care costs are based on technically corrected DOC juvenile population

projections for March, 1997. Food costs also include meals for staff at the facilities and for juveniles who report to the Milwaukee corrective sanctions program center.

| <u>Modification</u> | <u>PR</u> |
|----------------------------------|---------------|
| 1997-99 FUNDING (Change to Base) | - \$1,246,000 |
| [Change to Bill | - \$325,200] |

Prepared by: Art Zimmerman

MO# _____

| | | | |
|-----------|---|---|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |
| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

AYE _____ NO _____ ABS _____

To: Joint Committee on Finance
From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE**Juvenile Corrective Sanctions Program Expansion (Corrections -- Juvenile Corrections)**

[LFB Summary: Page 197, #10]

CURRENT LAW

The juvenile corrective sanctions program provides a release option for juveniles in state secured facilities who are not considered dangerous. Under the program, a juvenile may be transferred from a correctional institution to intensive community supervision, including electronic monitoring, either in the youth's family or in an alternate home. Base funding for the program (\$3,233,900 with 55.0 positions) supports 105 corrective sanctions slots in six counties (Dane, Milwaukee, Outagamie, Racine, Rock and Winnebago). Statutes mandate that funding include an average of \$5,000 annually to purchase community-based treatment services for each participant. The number of corrective sanction slots may increase to more than the statutorily authorized number (105 slots), if supplemental funds are provided by the Joint Committee on Finance.

A contact worker providing corrective sanctions services must have a caseload of approximately 10 juveniles and, during the initial phase of a juvenile's placement in the community, must have at least one face-to-face contact per day with the juvenile. Case management services under the program must be provided by a corrective sanctions agent with a caseload of approximately 15 juveniles. The Department of Corrections (DOC) must also maintain a report center in Milwaukee County for on-site programming after school and in the evening for juveniles who are placed in the corrective sanctions program in Milwaukee County.

GOVERNOR

Provide \$122,100 PR in 1997-98 and \$472,100 PR in 1998-99 to expand the juvenile corrective sanctions program. Under the bill, the number of slots would be increased by 14 (for a total of 119 slots) in 1997-98 and by an additional 42 slots (for a total of 161 slots) in 1998-99. The funding increase includes \$22,400 in 1997-98 and \$77,300 in 1998-99 for electronic monitoring services provided by the Division of Program Planning and Movement (monitoring center) in DOC.

Delete the current law requirements that: (a) a contact worker providing corrective sanctions services have a caseload of approximately 10 juveniles; and (b) case management services under the program must be provided by a corrective sanctions agent with a caseload of approximately 15 juveniles. Under the Governor's recommendation, the contact worker would still be required to have one face-to-face contact per day with a juvenile during the initial phase of placement in the community.

Provide that the number of corrective sanction slots may increase (to more than 119 in 1997-98 and 161 in 1998-99, under the bill), if funding and positions to serve additional juveniles are otherwise available.

DISCUSSION POINTS

1. Corrective sanctions funding is provided to six counties as a supplement to their GPR youth aids allocation. The authorized slots and funding under current law are as follows:

| <u>County</u> | <u>Slots</u> | <u>1997 Youth Aids Supplement</u> |
|---------------|--------------|-----------------------------------|
| Dane | 13 | \$263,000 |
| Milwaukee | 60 | 1,214,200 |
| Outagamie | 5 | 101,200 |
| Racine | 14 | 283,300 |
| Rock | 8 | 161,900 |
| Winnebago | <u>5</u> | <u>101,200</u> |
| Total | 105 | \$2,124,800 |

2. The total cost of a corrective sanctions slot under current law is \$29,970 a year (a daily rate of \$82.11). The supplemental funding provided to the six counties receiving corrective sanctions slots total \$20,236 per slot. The supplemental funds, therefore, cover 67.5% of the total cost of these corrective sanctions slots, assuming all the slots are filled. (These supplemental funds may only be used to pay for corrective sanctions daily rates; therefore, if the slots allocated

to any county are under utilized, a greater proportion of the cost is covered by the supplement. The corrective sanctions supplemental funds are not available to the county for other types of juvenile care.)

3. In addition to the counties that are allocated corrective sanctions slots and supplemental funding, several counties (Brown, Eau Claire and Marinette Counties) have requested corrective sanctions services. DOC has recently begun to respond to these requests by providing limited services; currently two juveniles in Eau Claire County and three in Brown County have been released under corrective sanctions supervision. The regular youth aids allocation for these counties are charged for these services.

4. Under the bill, the number of corrective sanctions slots would increase by 14 (for a total of 119 slots) in 1997-98 and by an additional 42 slots (for a total of 161 slots) in 1998-99. Of this increase, four juveniles in 1997-98 and 31 in 1998-99 are projected to be serious juvenile offenders under state-funded care. The remaining increase in slots, 10 in 1997-98 and 25 in 1998-99, would be available to county-funded juveniles under the program, with funding provided from the regular youth aids allocation.

5. According to DOC, a corrected estimate of the serious juvenile offender population for corrective sanctions in 1997-98 would be one juvenile, instead of the four estimated under the bill (the estimate of 31 serious juvenile offenders in corrective sanctions in 1998-99 remains unchanged). This technical correction to the bill would provide an increase in base funding of \$95,900 PR in 1997-98 for a total of 11 additional corrective sanctions slots. This is a decrease to the bill of \$26,200 PR.

6. The funding in SB 77 includes costs associated with the electronic monitoring of program participants and for the purchase of community-based treatment services (\$5,000 per slot as statutorily required). No additional positions for the program are provided.

7. The elimination of current law caseload ratios, for both contact workers (youth counselors) and case managers (corrective sanctions agents), was requested by DOC. The current provision for caseload (approximately 10 juveniles for youth counselors and approximately 15 juveniles for agents) was viewed as a restrictive factor that limited the flexibility of the Department. DOC officials, based on experience with the program, would like to establish ratios of 1:10 for youth counselors and 1:5 for agents (more intensive than current law requirement of approximately 15), but wish to have the flexibility to increase or decrease ratios as circumstances dictate.

8. Currently the corrective sanctions program is allocated 16.5 agent positions and 27.0 youth counselor positions, a total of 43.5 staff, working directly with juveniles. These positions, however, are regarded by the Department as interchangeable and may be reallocated, as vacancies occur, to address caseload ratios. DOC indicates that 29.0 agent positions and 14.5 youth

counselor positions would be an appropriate allocation of staff to establish the desired ratios for the number of slots provided under the bill. Current and projected ratios would be as follows:

| | <u>1996-97</u> | <u>1997-98</u> | <u>1998-99</u> |
|------------------------------|----------------|----------------|----------------|
| Corrective Sanctions Slots | 105 | 116 | 161 |
| FTE Agents | 16.5 | 29.0 | 29.0 |
| Agent to Juveniles Ratio | 1:6.4 | 1:4.0 | 1:5.6 |
| FTE Youth Counselors | 27.0 | 14.5 | 14.5 |
| Counselor to Juveniles Ratio | 1:3.9 | 1:8.0 | 1:11.1 |

9. This statewide calculation of staff ratios must be qualified, however, by county variations. For example, in Milwaukee County the requirement to operate a report center for on-site programming after school and in the evening for corrective sanctions juveniles requires a modified staffing pattern.

10. Corrective sanctions program services provide a release option from juvenile facilities for offenders requiring careful monitoring and supervision. Officials occasionally characterize corrective sanctions as an institution without walls; its success depends on the intensity and consistency of the supervision provided. It could be argued that the deletion of the statutory caseload limitations could, over time, dilute staff oversight if caseloads become too high.

11. The bill would also provide that the number of corrective sanctions slots may increase (to more than 119 in 1997-98 and 161 in 1998-99, under the bill), if funding and positions to serve additional juveniles are otherwise available. DOA indicates that if DOC is provided with greater flexibility in managing corrective sanctions placements (by removing the caseload limits under current law), DOC should also have the ability to increase the number of corrective sanctions slots, if the resources to do this are available.

12. While the program expansion, under the bill, in the 1997-99 biennium appears to be manageable with current staffing, the deletion of caseload limits and the bill's provision to allow DOC to add slots beyond those set in statute could be viewed as potentially having a negative effect on a program that requires intensive staff supervision of juveniles. It could be argued that the current law provisions concerning caseload be retained. This would not affect the program expansion under the bill, but could help to limit future growth of the program in the absence of additional staff resources.

13. The relatively marginal increase in funding provided under the bill and the increase in the number of corrective sanctions slots, particularly in 1998-99, results in a lower daily rate for a corrective sanctions placement under the bill (\$77.75 in 1997-98 and \$62.81 in 1998-99)

than under current law (\$82.11). No additional funding for the corrective sanctions youth aids supplement is provided under the bill. However, the daily rates for corrective sanctions programming, in comparison with the daily rates for secured correctional facility care (which increase substantially under the bill), would appear to make the corrective sanctions program an attractive alternative, from a county perspective, to facility care.

14. The current corrective sanctions population now includes juveniles adjudicated as violent juvenile offenders for certain offenses committed prior to July 1, 1996, and juveniles under extended jurisdiction orders prior to July 1, 1996. Beginning on July 1, 1996, corrective sanctions or regular aftercare for these juveniles are provided at state expense (from the serious juvenile offender appropriation). Monthly data for July, 1996, through March, 1997, indicate that: (a) state-funded juveniles averaged 13.7 corrective sanctions slots per month; (b) county-funded juveniles averaged 83.8 slots per month; and (c) total filled corrective sanctions slots averaged 97.5, about 7.1% below the 105 slots available. Under the bill, the number of violent and extended jurisdiction juveniles placed in the corrective sanctions program are estimated to total 11 juveniles in 1997-98 and nine juveniles in 1998-99.

15. This data also shows that corrective sanctions caseload has averaged 86.8 filled slots in the most recent four months of 1996-97 (December through March). As of May 8, 1997, total corrective sanctions caseload was 79 juveniles, 26 below the authorized number of slots. Corrections officials indicate that this level reflects the general decline in juvenile populations in recent months. However, it should also be noted that a corrective sanctions placement decision is made by DOC, and the Department may have some disincentive to fill all available corrective sanctions slots to the extent that corrective sanctions placements reduce already low secured correctional facility populations. As facility populations decrease, the revenue flow to cover relatively fixed institutional costs also decreases. Fully filling the available corrective sanctions slots throughout 1996-97 could have contributed to a potential deficit for the institutional budget.

16. The corrective sanctions program was instituted in the 1993-95 biennium as a placement alternative to secured facilities that were becoming overcrowded due to rapidly rising juvenile offender populations. Now that juvenile offender populations have declined, it could be argued that expanding the corrective sanctions program is not necessary, with the exception of addressing the increase in corrective sanctions placements in 1997-99 relating to serious juvenile offenders. This approach would provide 106 corrective sanctions slots in 1997-98 and 136 slots in 1998-99. This alternative would provide \$8,700 PR in 1997-98 and \$270,100 PR in 1998-99, a change to the bill of -\$324,100 PR in the 1997-99 biennium.

17. However, a corrective sanctions slot, with a daily rate between \$64.48 and \$80.74 over the biennium, is substantially less costly than facility care, with daily rates, under SB 77, ranging between \$157.56 and \$189.20.

18. Finally, maintaining current law would retain 105 corrective sanctions slots. Under this alternative, to the extent that state-funded juveniles are placed in the program in 1997-99, the number of slots available for county-funded juveniles would decline (to approximately 65 in 1998-99).

ALTERNATIVES TO BASE

1. Adopt the Governor's recommendation, as technically corrected, and provide \$95,900 PR in 1997-98 and \$472,100 PR in 1998-99 to expand the juvenile corrective sanctions program. The number of slots would be increased by 11 (for a total of 116 slots) in 1997-98 and by an additional 45 slots (for a total of 161 slots) in 1998-99. The funding increase would include \$17,600 in 1997-98 and \$77,300 in 1998-99 for electronic monitoring services provided by the Division of Program Planning and Movement (monitoring center) in DOC.

Delete the current law requirements that: (a) a contact worker providing corrective sanctions services have a caseload of approximately 10 juveniles; and (b) case management services under the program must be provided by a corrective sanctions agent with a caseload of approximately 15 juveniles. Under the Governor's recommendation, the contact worker would still be required to have one face-to-face contact with a juvenile during the initial phase of placement in the community. Provide that the number of corrective sanction slots may increase (to more than 116 in 1997-98 and 161 in 1998-99, under the bill as corrected), if funding and positions to serve additional juveniles are otherwise available.

| <u>Alternative 1</u> | <u>PR</u> |
|----------------------------------|-------------|
| 1997-99 FUNDING (Change to Base) | \$568,000 |
| [Change to Bill] | - \$26,200] |

2. Modify the Governor's recommendation by retaining the current law provisions concerning caseload ratios for contact and case management service workers.

| <u>Alternative 2</u> | <u>PR</u> |
|----------------------------------|-------------|
| 1997-99 FUNDING (Change to Base) | \$568,000 |
| [Change to Bill] | - \$26,200] |

3. Provide \$8,700 PR in 1997-98 and \$261,300 in 1998-99 to expand the juvenile corrective sanctions program for anticipated serious juvenile offender participants. The number of slots would be increased by one (for a total of 106 slots) in 1997-98 and by an additional 30 slots (for a total of 136 slots) in 1998-99. The funding increase would include \$1,600 in 1997-98

and \$42,800 in 1998-99 for electronic monitoring services provided by the Division of Program Planning and Movement (monitoring center) in DOC.

Provide that the number of corrective sanction slots may increase (to more than 106 in 1997-98 and 136 in 1998-99), if funding and positions to serve additional juveniles are otherwise available. Under this alternative, current law provisions concerning caseload ratios would be retained.

| <u>Alternative 3</u> | <u>PR</u> |
|----------------------------------|--------------|
| 1997-99 FUNDING (Change to Base) | \$270,100 |
| [Change to Bill | - \$324,100] |

4. Maintain current law.

| <u>Alternative 4</u> | <u>PR</u> |
|----------------------------------|--------------|
| 1997-99 FUNDING (Change to Base) | \$0 |
| [Change to Bill | - \$594,200] |

MO# Alt 3

Prepared by: Art Zimmerman

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AYE 15 NO 0 ABS 1

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Aftercare Supervision (Corrections -- Juvenile Corrections)

[LFB Summary: Page 198, #11]

CURRENT LAW

Base funding for aftercare services is \$1,862,000 PR with 40.5 PR positions, including 29.0 aftercare agents.

GOVERNOR

Delete \$100,000 PR and 3.0 PR positions in 1997-98 and \$102,000 PR in 1998-99 for juvenile aftercare services. Transfer aftercare services funding from the appropriation for juvenile correctional services to the appropriation for the juvenile corrective sanctions program.

DISCUSSION POINTS

1. Aftercare agents provide community supervision of juveniles following release from institutional care. Staff ratios for aftercare agents are one agent for every 12 juveniles receiving aftercare services.

2. The reduction in aftercare staffing, under SB 77, reflects lower average daily population projections. Under the bill, the aftercare average daily population (ADP) is projected at 327 in 1996-97, 300 in 1997-98 and 312 in 1998-99. This decline in ADP, in conjunction

with the DOC-recommended staffing ratios for aftercare agents, resulted in the Governor's recommendation to delete 3.0 PR agent positions from the program.

3. More recent DOC population projections (March 31, 1997) indicate that aftercare ADP is now projected at 279 in 1996-97, 255 in 1997-98 and 238 in 1998-99. This ADP is 45 fewer in 1997-98 and 74 fewer in 1998-99 than assumed under the bill. Given the DOC-recommended staffing ratios, additional agent positions could be deleted from the base. A base reduction of \$233,100 PR and 7.0 PR agent positions in 1997-98 and \$306,000 PR and 9.0 PR agent positions in 1998-99 could be made to reflect lower aftercare population estimates. (This would be a change to the bill of -\$133,100 and -4.0 positions in 1997-98 and -\$204,000 and -6.0 positions in 1998-99.)

4. If the Committee wished to provide a more intensive level of aftercare services, the positions could be retained. Using the revised population estimates, the Governor's recommendation would provide one agent for every 10 juveniles in 1997-98 and one agent for every nine juveniles in 1998-99. Maintaining current law would result in one agent for every nine juveniles in 1997-98 and one agent for every eight juveniles in 1998-99.

5. Under current law, aftercare services are budgeted under the juvenile correctional services appropriation. Under the bill, the aftercare services funding is budgeted under an appropriation for the juvenile corrective sanctions program. The administration indicates that this was an error and that aftercare services should remain budgeted under juvenile correctional services. The budgetary tracking system confirms that this transfer was an error and the bill should be technically corrected. The effect of this correction would be to reduce the total appropriation for corrective sanctions and increase the appropriation for juvenile correctional services by a corresponding amount.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to delete \$100,000 PR and 3.0 PR positions in 1997-98 and \$102,000 PR in 1998-99 for juvenile aftercare. In addition, continue to fund juvenile aftercare from the juvenile correctional services appropriation.

| <u>Alternative 1</u> | <u>PR</u> |
|-------------------------------------------|-------------|
| 1997-99 FUNDING (Change to Base) | - \$202,000 |
| [Change to Bill | \$0] |
| 1998-99 POSITIONS (Change to Base) | - 3.00 |
| [Change to Bill | 0.00] |

2. Reduce base funding by \$233,100 PR and 7.0 PR agent positions in 1997-98 and \$306,000 PR and 9.0 PR agent positions in 1998-99 to reflect lower aftercare population

estimates and continue to fund juvenile aftercare from the juvenile correctional services appropriation.

| <u>Alternative 2</u> | <u>PR</u> |
|------------------------------------|--------------|
| 1997-99 FUNDING (Change to Base) | -\$539,100 |
| [Change to Bill | - \$337,100] |
| 1998-99 POSITIONS (Change to Base) | - 9.00 |
| [Change to Bill | - 6.00] |

3. Maintain current law.

| <u>Alternative 3</u> | <u>PR</u> |
|------------------------------------|------------|
| 1997-99 FUNDING (Change to Base) | \$0 |
| [Change to Bill | \$202,000] |
| 1998-99 POSITIONS (Change to Base) | 0.00 |
| [Change to Bill | 3.00] |

MO# Alt 2

Prepared by: Art Zimmerman

| | | | |
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AYE 14 NO 1 ABS 1

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE**Funding Transfer to Mendota Juvenile Treatment Center (Corrections -- Juvenile Corrections)**

[LFB Summary: Page 199, #16]

CURRENT LAW

The Mendota Juvenile Treatment Center (MJTC), a unit of the Mendota Mental Health Institute operated by the Department of Health and Family Services (DHFS), provides evaluations for and treatment of, male juvenile offenders under state custody with complex emotional and behavior problems. Following treatment, juveniles are either placed in the community or returned to the juvenile correctional facility that they came from. MJTC has a capacity of 43 beds. While operated by DHFS, MJTC is statutorily defined as a state correctional institution and DOC has general authority to provide educational programs and health and psychiatric services for juveniles placed at MJTC. DOC is authorized to expend not more than \$2.5 million annually for the treatment costs of juveniles placed at MJTC and reimburses these costs to DHFS through an interagency agreement.

GOVERNOR

Provide that DOC is required to transfer \$3,125,100 PR in 1997-98 and \$3,236,200 PR in 1998-99 to the Department of Health and Family Services for services for juveniles placed at the Mendota Juvenile Treatment Center (MJTC). Delete MJTC from the statutory definition of a state correctional institution and delete the general authority of DOC to provide educational programs and health and psychiatric services for juveniles placed at MJTC.

DISCUSSION POINTS

1. The MJTC provision, under the bill, increases the amounts to be provided to DHFS by \$625,100 in 1997-98 and \$736,200 in 1998-99. These increases were agreed to by the two Departments. The total funding is intended to cover the staffing costs relating to the care and treatment of juveniles at an average daily population (ADP) of 43.

2. At this level of funding, the average daily cost of care and treatment at MJTC would total \$199.11 in 1997-98 and \$206.19 in 1998-99. The cost of care and treatment at MJTC is added to the total costs of all secured juvenile correctional facility care and is part of the daily rate charged to counties. The daily rate is calculated by dividing the total costs of care by the projected population that would receive care. Under the bill, as technically modified to reflect updated population projections, the daily rate for secured correctional facilities, including juveniles transferred to a treatment facility, is \$157.56 in 1997-98 and \$189.20 in 1998-99.

3. The amount of DOC funds provided to DHFS for the care and treatment of juveniles at MJTC is set by statute. Under current law, DOC is authorized to expend not more than \$2,500,000 annually for services at MJTC. Under the bill, this statutory language is amended to reflect the new funding level and to specify that the funds are to be transferred from an appropriation under DOC to an appropriation under DHFS. Administration officials indicate that because the payment would be made through a transfer of funds, no increase in expenditure authority (\$625,100 in 1997-98 and \$736,200 in 1998-99) is provided to DOC under the bill. Thus, there is no decision item, under the bill, to reflect the fiscal effect of the increase on DOC, nor is the increase reflected in the appropriation for the operation of juvenile secured facilities.

4. This approach is inconsistent with the balance of funding (\$2.5 million in base funds) provided by DOC to DHFS for MJTC costs. Under the bill, DOC would be required to transfer \$3,125,100 PR in 1997-98 and \$3,236,200 PR in 1998-99, but would only be provided with expenditure authority of \$2.5 million annually for this purpose.

5. Further, the DHFS appropriation receiving the funds is a program revenue-service (PR-S) appropriation. A PR-S appropriation is defined as appropriated moneys, derived from any revenue source, that are transferred between or within state agencies or miscellaneous appropriations. The statutory definition also provides that these moneys are shown as expenditures in the appropriation of the state agency or program from which the moneys are transferred and are also shown as program revenue in the appropriation of the agency or program to which the moneys are transferred.

6. It would be appropriate to modify the Governor's recommendation by providing DOC with \$625,100 in 1997-98 and \$736,200 in 1998-99 to reflect the increased payments to DHFS. This would treat the total payment to DHFS in a consistent manner and better conform to the statutory definition of a PR-S appropriation. Further, these costs would then be reflected in the total amount appropriated for facility operations.

MODIFICATION TO BASE

Provide an additional \$625,100 PR in 1997-98 and \$736,200 PR in 1998-99 in expenditure authority to properly reflect the MJTC treatment costs to be paid by DOC. In addition, adopt the Governor's recommendation to delete MJTC from the statutory definition of a state correctional institution and delete the general authority of DOC to provide educational programs and health and psychiatric services for juveniles placed at MJTC.

| <u>Modification</u> | <u>PR</u> |
|----------------------------------|--------------|
| 1997-99 FUNDING (Change to Base) | \$1,361,300 |
| [Change to Bill | \$1,361,300] |

Prepared by: Art Zimmerman

| MO# | <u>modification</u> | | |
|-----|---------------------|----------------------------------|-----|
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| | DECKER | <input checked="" type="radio"/> | N A |
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AYE 15 NO 0 ABS 1

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Secure Detention in State Juvenile Facilities (Corrections -- Juvenile Corrections)

[LFB Summary: Page 201, #18]

CURRENT LAW

Under current law, a county board, or two county boards jointly, may establish a secure detention facility for holding in secure custody juveniles who: (a) meet certain criteria prior to disposition; (b) are placed in secure detention under a dispositional order; or (c) are subject to a sanction for, or a short-term detention to investigate, a violation of a condition of a dispositional order. A county board may also contract with Minnesota counties for holding juveniles who meet current law criteria for placing a juvenile in secure detention prior to disposition.

GOVERNOR

Provide that a county board of supervisors may contract with DOC for the use of a state secured correctional facility for the secure detention of juveniles who meet certain criteria. Provide that a county may use a secured correctional facility for holding a juvenile only if any of the following criteria are met: (a) there is no county-operated secure detention facility within 75 miles of the county seat of the county; or (b) there is no bed space available in a county-operated secure detention facility within 75 miles of the county seat of the county. Provide that the county may use a secured correctional facility for holding a juvenile only if DOC approves that use based on the availability of beds in the secured correctional facility and on the programming needs of the juvenile. Provide that the county/DOC contract specify: (a) the per person daily rate to be paid by the county for holding a juvenile; (b) the charges to be paid by the county for any extraordinary medical and dental expenses and any programming provided

for the juvenile by DOC; and (c) any other matters that are necessary and appropriate concerning the obligations, responsibilities and rights of the contracting county and DOC. Provide that a juvenile held in custody under a county/DOC contract is under the supervision and control of DOC and is subject to the rules and discipline of the Department. Create a program revenue appropriation under DOC to receive payments from counties for holding juveniles in secure custody in a state secured correctional facility. Estimate average daily population for secure detention juveniles at state facilities at 35 juveniles annually.

Provide that secure detention in a state secured correctional facility would be authorized if the juvenile: (a) meets current law criteria for placing a child or juvenile in secure detention prior to disposition or trial, including certain juveniles violating traffic laws; (b) is a juvenile less than 15 years of age who is being held in secure custody under original adult court jurisdiction for criminal proceedings; (c) is subject to a disposition that includes placement in secure detention; (d) is subject to a secure detention sanction for a violation of a condition of a dispositional order; or (e) is subject to short-term detention by a caseworker for an investigation of a violation of a condition of a dispositional order or a condition of the juvenile's participation in an intensive supervision program.

Provide that a county board of supervisors may contract with one or more counties in Minnesota that operate a secure detention facility for holding juveniles, if the juvenile: (a) meets current law criteria for placing a child in secure detention prior to disposition or trial, including certain juveniles violating traffic laws; (b) is a juvenile less than 15 years of age who is being held in secure custody under original adult court jurisdiction for criminal proceedings; (c) is subject to a disposition that includes placement in secure detention; (d) is subject to a secure detention sanction for a violation of a condition of a dispositional order; or (e) is subject to short-term detention by a caseworker for an investigation of a violation of a condition of a dispositional order or a condition of the juvenile's participation in an intensive supervision program.

DISCUSSION POINTS

1. According to DOC and DOA, the provision is primarily intended to provide an option for the secure detention of juveniles for certain counties that do not have a secure detention facility in or near the county. Juveniles from these counties are transported to an available county secure detention facility and the facility charges a daily fee.
2. DOC monitors county secure detention facilities and the Office of Justice Assistance (OJA) tracks secure detention statistics in the state. There are 15 county-operated secure detention centers approved by DOC with a combined capacity of 498 beds. The attachment to this paper provides a listing of the facilities, their DOC-approved capacities, the average daily population for February, 1997, and the current daily fee.

3. One of the criteria for the use of a state correctional facility would be that there is no county-operated secure detention facility within 75 miles of the county seat of the county. The counties that would clearly meet this criteria, being outside a 75-mile radius of any facility, are the northern counties of Ashland, Bayfield, Burnett, Douglas, Florence, Iron, Oneida, Price, Sawyer and Vilas. Some other counties may be eligible under this criterion if highway driving mileage from the county seat to a facility exceeds 75 miles. Forest, Grant, Polk and Washburn counties may fall in this category.

4. A second criterion, under the bill, would allow a county to utilize a state facility if there is no bed space available in a county-operated secure detention facility within 75 miles of the county seat. Under this criterion, any county would be potentially eligible to use a state secured facility. However, this is not likely to occur frequently because average daily populations at most county facilities do not meet or exceed rated capacity. In 1996, average daily population data recorded each month indicates that the 15 secured detention facilities operated between 53% to 69% of capacity. The facilities in Brown, Dane, Milwaukee and Portage counties tended to be near capacity more often than the other facilities through the year. The most recent monthly data available is February, 1997, and is shown in the attachment.

5. Administration and DOC officials also indicate that the provision under the bill is designed to make state facilities available only if county facilities are not available. The state facilities would not be used to compete with county facilities that currently house secure detention juveniles from other counties. The county facilities housing juveniles from other counties benefit from the added revenue provided through the daily fee charged to the juveniles' resident counties.

6. To the extent that secure detention juveniles are housed in state facilities, revenue provided to DOC would help to defray the cost of operating state secured correctional facilities. The anticipated state secure detention average daily population (ADP) under the bill (35 juveniles annually) is added to the population estimates for state facilities and results in a lower daily rate charged to counties for the care and treatment of juveniles at the facilities. If this population estimate is changed, the daily rate would change accordingly; a decrease in the population estimate would increase daily rates.

7. DOC officials indicate that the estimate of 35 juveniles annually is based on a projected ADP of 15 juveniles each at the Ethan Allen School and the Lincoln Hills School, and an ADP of five at the Southern Oaks Girls School. Under the bill, the Prairie du Chien facility would be used as an adult facility in 1997-98 and a juvenile facility in 1998-99. While the existence of an additional juvenile facility in 1998-99 may affect which facilities are used for secure detention, DOC does not anticipate a change in the total estimate.

8. Under current law, a county board may contract with Minnesota counties for holding certain juveniles in secure detention prior to disposition. This authority would be expanded under the bill to make the Minnesota provision consistent with the secure detention of

juveniles in a Wisconsin correctional facility. The Minnesota option was predicated on the anticipated availability of secure juvenile beds in Duluth, Minnesota. However, these beds did not materialize and no Wisconsin juveniles are held in secure detention in Minnesota.

9. It could be argued that the Lincoln Hills School would be the only facility used to any extent for secure detention due to its relative proximity to the northern counties that are more than 75 miles from any county facilities. The Ethan Allen School (Waukesha County) and Southern Oaks Girls School (Racine County) are unlikely to be used because bed space at existing county facilities, most of which are located in the southeastern quadrant of the state, is typically available. For counties outside of the southeastern quadrant, the relative proximity of various county facilities or the Lincoln Hills School would make the costs of transporting juveniles to Ethan Allen or Southern Oaks unattractive.

10. It is also possible that some northern counties may still prefer to use a county facility, if one is available, rather than utilizing Lincoln Hills. Counties may feel, at least for some juveniles, that secure detention at a state correctional facility would be an inappropriate experience for the juvenile. Further, many of the counties in the northwest quadrant of the state would be closer to the Northwest regional facility in Eau Claire than to the Lincoln Hills School in Lincoln County. On the other hand, the Lincoln Hills School would be significantly closer to seven county seats than is any county detention facility. This includes Ashland, Bayfield, Forest, Iron, Oneida, Price and Vilas counties.

11. According to OJA, 164 juveniles were held in secure detention, exclusive of a county jail placement, in these seven counties in 1995. This includes 17 year-old offenders who now are treated as adults. OJA data also indicates an average length of stay in secure detention of 8.8 days. Reducing the number of juveniles by an estimated 15%, to reflect the removal of 17 year-old offenders, and calculating average daily population based on average length of stay, an estimated ADP of three juveniles would result.

12. The ADP for secure detention of juveniles at state facilities should, therefore, be reestimated to three juveniles annually in the 1997-99 biennium. The adjustment would increase daily rates for institutional care, under the bill, by about \$4 annually. The daily rate charged counties for the care and treatment of juveniles at secured correctional facilities will require a reestimate based on the Committee's action relating to the secure detention provision for state facilities, as well as a number of other decision items in the juvenile corrections budget. If secure detention populations at state facilities occur at higher than anticipated levels, a modification of daily rates could be made in the budget adjustment process or under a subsequent biennial budget bill.

13. The availability of the Lincoln Hills School for secure detention may be of some benefit to certain northern counties and the Governor's recommendation could be adopted for this reason. On the other hand, the low average daily populations that may be anticipated under the provision, the possible county resistance to using state correctional facilities for secure detention

CORRECTIONS -- JUVENILE CORRECTIONS

Secure Detention in State Juvenile Correctional Facilities

Motion:

Move to modify the Governor's recommendation regarding secure detention in state juvenile correctional facilities to allow a county to use a state juvenile correctional facility for secure detention if there is no bed space available in a county-operated secure detention facility within 40 miles of the county seat of the county.

Note:

Under SB 77, a county would be allowed to use a state juvenile correctional facility for secure detention if there is no bed space available in a county-operated secure detention facility within 75 miles of the county seat of the county.

MO# 3076

| | | | |
|-----------|---|---|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |
| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

AYE 15 NO 0 ABS 1

and the fact that counties currently do not use Minnesota facilities may provide a basis for maintaining current law. Eliminating the estimated 35 secure detention juveniles from the population projections for state facilities would increase the daily rates, under the bill, by approximately \$5 annually.

ALTERNATIVES TO BASE

1. Adopt the Governor's recommendation relating to the secure detention of juveniles at state secured correctional facilities or a county facility in Minnesota. Create a program revenue appropriation under DOC to receive payments from counties for holding juveniles in secure custody in a state secured correctional facility. Reestimate the average daily population for secure detention juveniles at state facilities at three juveniles annually.

2. Maintain current law. The average daily population estimate of juveniles in state facilities would be reduced by 35 juveniles annually from the estimate made under the bill.

MO# 101

Prepared by: Art Zimmerman

| | | | |
|-----------|---|---|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |
| | | | |
| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

AYE _____ NO _____ ABS _____

ATTACHMENT

County Secure Detention Facilities

| <u>Facility</u> | <u>Approved Capacity</u> | <u>February, 1997 ADP</u> | <u>ADP as % of Capacity</u> | <u>Current Daily Fee</u> |
|---------------------------------|--------------------------|---------------------------|-----------------------------|--------------------------|
| Brown County | 12 | 12 | 100% | \$131 |
| Dane County | 16 | 16 | 100 | 105 |
| Fond du Lac County | 17 | 15 | 88 | 100 |
| La Crosse County | 26 | 15 | 58 | 120 |
| Manitowoc County | 21 | 15 | 71 | 110 |
| Milwaukee County | 120 | 83 | 69 | 155 |
| Northwest Regional (Eau Claire) | 28 | 17 | 61 | 120 |
| Oconto County | 10 | 10 | 100 | 130 |
| Outagamie County | 26 | 26 | 100 | 120 |
| Ozaukee County | 14 | 9 | 64 | 130 |
| Portage County | 14 | 10 | 71 | 125 |
| Racine County | 131 | 47 | 36 | 100 |
| Rock County | 35 | 22 | 63 | 150 |
| Sheboygan County | 12 | 12 | 100 | 115 |
| Waukesha County | <u>16</u> | <u>10</u> | <u>63</u> | <u>125</u> |
| Totals | 498 | 319 | 64% | \$122* |

* Average rate