

25g 1

Joint Committee on Finance, March 27, 1997

6.

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

Withdrawn.

Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



Mailing Address  
149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471

## State of Wisconsin Department of Corrections

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March 14, 1997

### MEMORANDUM

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

The Honorable Scott Jensen, Co-Chair  
Joint Committee on Finance

FROM: Michael J. Sullivan, Secretary  
Department of Corrections

A handwritten signature in black ink that reads "Michael J. Sullivan".

RE: Withdrawal of s. 13.10 Request for Purchase of Farm Land

The Department of Corrections wishes to withdraw its March 5, 1997 s. 13.10 request relating to the purchase of additional farm land surrounding the Oregon Correctional Farm.

cc: Ave Bie, Dpt. Sec.                      Scott Peterson, Ex. Asst.  
Bill Clausius, Public Info              Kate Rathburn, Sec. Office  
Ken Sondalle, DAI                        Pam Brandon, DMS  
Cindy Schoenike, DAI                    Dick Verhagen, DAI  
Steve Kronzer, DAI/BCE                Mary Rondou, BCE  
Al Woodard, BCE                         Mary Cassady, BoB  
Roger Fetterly, DOA                     Cathy Halpin, BoB

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## State of Wisconsin Department of Corrections

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March 6, 1997

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

Honorable Scott Jensen, Co-Chair  
Joint Committee on Finance

From: Michael J. Sullivan, Secretary  
Department of Corrections

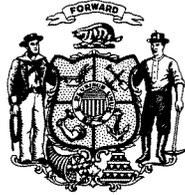
Re: March Meeting of the Joint Committee on Finance under s. 13.10

On February 25, 1997, the Department of Corrections submitted two s.13.10 requests. Since that time, we have learned that the net amount deposited in the appropriation under s. 20.865 (4)(a) for the sale of the parcels of land was \$741,622 rather than \$847,767 as stated in the request to purchase additional farmland at Oregon Correctional Farm. This reduces the amount that the DOC can request to \$370,800. A revised s.13.10 request is attached.

If you need additional information, please let me know. Thank you.

Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



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## State of Wisconsin Department of Corrections

---

March 5, 1997

### MEMORANDUM

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

The Honorable Scott Jensen, Co-Chair  
Joint Committee on Finance

FROM: Michael J. Sullivan, Secretary  
Department of Corrections

SUBJECT: Revised S. 13.10 Request - Purchase of Farm Land

The Department of Corrections requests a transfer of \$370,800 from appropriation s. 20.865(4)(a) to s. 20.410(1)(kf) to provide funds to purchase additional farm land at the Oregon Correctional Farm.

#### Background/Statutory Criteria

Wisconsin Statutes 13.101(13)(b) provides that "If the building, structure or land was used by a single agency as defined in s. 13.48(14)(a), the committee may, upon request of that agency, transfer not more than 50% of the moneys so credited to any appropriation account of that agency, other than a sum sufficient appropriation account..." and does not require a finding of emergency as defined in s. 13.101(3)(a).

The State has sold a number of parcels of Department of Corrections' land. Most of that land was former Correctional Farm land. The net sales proceeds deposited in s. 20.865(4)(a) were:

<u>Parcel</u>	<u>Purchase Price</u>
Former Winnebago State Farm (3 Parcels)	\$508,600
Deerfield (former Thompson Farm), Fond du Lac (Taycheedah) and Winnebago (farm land)	<u>233,000</u>
<b>TOTAL NET</b>	<b>\$741,600</b>

Senator Brian Burke  
Representative Scott Jensen  
March 5, 1997  
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Under 13.101(13)(b) the Department is allowed to request transfer of 50% of the net proceeds to one of its appropriations. This request would transfer \$370,800 to the Department's 1(kf) farm land sale appropriation for the purpose of purchasing additional farm land near or adjacent to the Oregon Farm.

#### Statutory Criteria

Section 13.101(13)(b) provides that the request for this type of transfer does not require a finding of emergency as defined in s. 13.101(3)(a).

#### Current Situation

The Oregon Farm currently consists of 850 acres of which only 525 acres are tillable. The primary crops grown are wheat, alfalfa, oats, corn and straw grown for feed for the cows and hogs on the farm.

Oregon is currently milking 130 cows per day with plans to increase that number to 150. Plans also are to increase the hogs to 150 sows to produce 2,100 to 2,400 butcher hogs per year. In order to accomplish these increases additional crop land would be the most cost effective way to provide the increased feed for the herds.

In FY 96 the Oregon Farm purchased over \$69,000 for corn to feed its herd in addition to what it grew itself. The projected costs for corn purchases in FY 97 are over \$91,000. With 242 acres of additional crop land, the Oregon Farm may be able to supply all of its own corn for FY 98. In an average year Farms will harvest 125 bushels per acre which is sufficient for its projected increase in herd size. A below average harvest could result in purchase of additional corn from outside vendors. Planting an additional 242 acres will cost the Department \$31,000. Assuming an average harvest, the Department would realize a \$60,000 savings. Also, growing more feed would insulate the farm from fluctuating corn prices. In the past year corn prices have fluctuated from \$2.74 per bushel to \$4.96 per bushel.

Currently, the Oregon Farm employs 63 inmates. The expansion of the herds and the crop land would increase the number of inmates that could be employed to 68. The increased herd size and crop land would not require additional staff or equipment.

The requested transfer of \$370,800 would cover the cost of purchasing 242 acres of land at an estimated cost of \$1,500 per acre for a total cost of \$363,000. Additionally this request would fund the cost of two appraisals at \$3,000 and the cost of a survey at \$5,000. The property purchased would be near or adjacent to the current Oregon Farm.

Senator Brian Burke  
Representative Scott Jensen  
March 5, 1997  
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Agency Effect If Request Is Denied

The herds of milking cows and hogs would not be able to be increased without expending more funds to purchase feed. This would result in less profit for the farm program. Additionally the savings of \$60,000 in current feed costs would not be realized.

Finally, it would not be possible to increase the inmate employment on the farm.

The Department of Corrections representatives for this request are Michael J. Sullivan, Secretary and Steve Kronzer, Director, Bureau of Correctional Enterprises.

cc: Ave Bie, Dpt. Sec.                      Scott Peterson, Ex. Asst.  
Bill Clausius, Public Info              Kate Rathburn, Sec. Office  
Ken Sondalle, DAI                         Cindy Schoenike, DAI  
Dick Verhagen, DAI                        Steve Kronzer, DAI/BCE  
Mary Rondou, BCE                         Al Woodard, BCE  
Mary Cassady, BoB                         Roger Fetterly, DOA  
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## State of Wisconsin Department of Corrections

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February 25, 1997

### MEMORANDUM

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

The Honorable Scott Jensen, Co-Chair  
Joint Committee on Finance

FROM: Michael J. Sullivan, Secretary  
Department of Corrections

A handwritten signature in cursive script, appearing to read "Michael J. Sullivan", written over the typed name in the FROM field.

SUBJECT: S. 13.10 Request

The Department of Corrections requests a transfer of \$422,000 from appropriation s. 20.865(4)(a) to s. 20.410(1)(kf) to provide funds to purchase additional farm land at the Oregon Correctional Farm.

#### Background/Statutory Criteria

Wisconsin Statutes 13.101(13)(b) provides that "If the building, structure or land was used by a single agency as defined in s. 13.48(14)(a), the committee may, upon request of that agency, transfer not more than 50% of the moneys so credited to any appropriation account of that agency, other than a sum sufficient appropriation account..." and does not require a finding of emergency as defined in s. 13.101(3)(a).

The State has sold a number of parcels of Department of Corrections' land. Most of that land was former Correctional Farm land. Those parcels and the purchase amounts were:

<u>Parcel</u>	<u>Purchase Price</u>
Former Winnebago State Farm (3 Parcels)	\$614,770
Deerfield (former Thompson Farm), Fond du Lac (Taycheedah) and Winnebago (farm land)	<u>232,997</u>
<b>TOTAL</b>	<b>\$847,767</b>

Senator Brian Burke  
Representative Scott Jensen  
February 25, 1997  
Page 2

Under 13.101(13)(b) the Department is allowed to request transfer of 50% of these proceeds to one of its appropriations. This request would transfer \$422,000 to the Department's 1(kf) farm land sale appropriation for the purpose of purchasing additional farm land near or adjacent to the Oregon Farm.

#### Statutory Criteria

Section 13.101(13)(b) provides that the request for this type of transfer does not require a finding of emergency as defined in s. 13.101(3)(a).

#### Current Situation

The Oregon Farm currently consists of 850 acres of which only 525 acres are tillable. The primary crops grown are wheat, alfalfa, oats, corn and straw grown for feed for the cows and hogs on the farm.

Oregon is currently milking 130 cows per day with plans to increase that number to 150. Plans also are to increase the hogs to 150 sows to produce 2,100 to 2,400 butcher hogs per year. In order to accomplish these increases additional crop land would be the most cost effective way to provide the increased feed for the herds.

In FY 96 the Oregon Farm purchased over \$69,000 for corn to feed its herd in addition to what it grew itself. The projected costs for corn purchases in FY 97 are over \$91,000. With 276 acres of additional crop land, the Oregon Farm can produce all corn needed during FY 98 at a cost of \$34,600 and will not need to purchase any from outside vendors. Based on FY 97 costs, a net savings of \$56,400 per year would be realized. Also, growing more feed would insulate the farm from fluctuating corn prices. In the past year corn prices have fluctuated from \$2.74 per bushel to \$4.96 per bushel.

The expansion of the herds and the crop land would increase the number of inmates that could be employed. Currently, the Oregon Farm employs 63 inmates. The increased herd size and crop land would not require additional staff or equipment.

The requested transfer of \$422,000 would cover the cost of purchasing up to 276 acres of land at an estimated cost of \$1,500 per acre for a total cost of \$414,000. Additionally this request would fund the cost of two appraisals at \$3,000 and the cost of a survey at \$5,000. The property purchased would be near or adjacent to the current Oregon Farm.

Senator Brian Burke  
Representative Scott Jensen  
February 25, 1997  
Page 3

Agency Effect If Request Is Denied

The herds of milking cows and hogs would not be able to be increased without expending more funds to purchase feed. This would result in less profit for the farm program. Additionally the savings of \$56,400 in current feed costs would not be realized.

Finally, it would not be possible to increase the inmate employment on the farm.

The Department of Corrections representatives for this request are Michael J. Sullivan, Secretary and Steve Kronzer, Director, Bureau of Correctional Enterprises.



## Legislative Fiscal Bureau

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

March 27, 1997

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections--Secure Inmate Work Program--Agenda Item VII-A

The Department of Corrections requests the transfer of \$89,000 GPR from the Joint Committee on Finance's supplemental appropriation under s. 20.865(4)(a) to the Department's general program operations appropriation under s. 20.410(1)(a) and the creation of 4.0 GPR correctional officer positions to staff two secure inmate work crews. The Department also requests the approval of its plan for use of the funds. Under 1995 Act 416, \$183,800 GPR was placed in the Committee's appropriation for possible release to Corrections to support the costs of startup of secure inmate work crews and 4.0 GPR positions. Act 416 specified that no finding of emergency was necessary to submit a request. The request currently before the Committee would release of a portion of the reserved funding for secure inmate work programs for the remainder of 1996-97 and create 4.0 GPR positions.

### BACKGROUND

Under 1995 Act 416, Corrections is allowed to establish a secure inmate work program ("chain gangs") in which the inmates are assigned to work away from the grounds of an institution while appropriately restrained for security purposes. If a secure work program is established, Act 416 requires the Department to promulgate rules specifying the procedures and regulations relating to the program before implementing the program. The rules promulgated by Corrections must require that work crew inmates wear distinctively colored outer garments. Act 416 placed \$183,800 GPR in the Committee's appropriation for the secure work program. [The Committee should note that funding reserved for the secure work crews is to support 4.0 positions, but that those positions would need to be created.] Act 416 further specifies that the Committee cannot use the monies designated for the program for any other purpose.

Corrections' plan for the secure work program indicates that the program will be housed at the Racine and Fox Lake Correctional Institutions. According to the Department, the purposes of the secure work program are to: (1) provide work opportunities for inmates; (2) provide inmates opportunities to assume responsibility in work settings to prepare them for a productive return to the working world upon release to the community; (3) fulfill the correctional goals of public protection and reintegration of the inmate back into the community; (4) provide service to the community; and (5) serve as a disciplinary disposition for violation of administrative rules.

The program would be designed to target repeat offenders and rules violators and would include: (1) inmates in the intensive sanctions program being returned to prison; (2) probationers or parolees sanctioned as an alternative to revocation; and (3) inmates who violate administrative rules. The Committee should note that the inclusion of inmates who are not repeat offenders or rules violators would not be prohibited. Under the plan, inmates placed on secure work crews would be medium-security offenders. The draft administrative rules (Attachment I), however, would allow medium- or minimum-security inmates to be included.

Each secure work crew would consist of up to 12 inmates. Each crew would normally work a four-day week, ten-hour day during daylight hours. Work performed could vary but would include roadside maintenance, landscaping, weed control, gardening and assistance with civil/nonprofit or state agency work projects. Assignment to a secure work crew would be from 30 to 60 days in duration. Assignment would not be voluntary and participation for those inmates selected would be mandatory. Inmates refusing to work would be required to travel to the work site and would remain in view of the rest of the work crew until agreeing to participate. Inmates in work crews would be clothed appropriately for weather conditions and the work to be performed. They would also wear distinctively colored outerwear bearing the wording "Wisconsin DOC." Inmates would wear individual leg restraints and could also be required to wear an electronic stun belt or other security technology.

Each secure work crew would be supervised by two correctional officers. One of the two correctional officers would be armed with a shotgun. Work crew officers would be issued chemical agents at the discretion of the warden. The officers would also be equipped with radio communication devices and appropriate transport vehicles.

In addition to the plan submitted by Corrections, the Department also submitted a copy of draft administrative rules. These rules have not yet been promulgated.

## **ANALYSIS**

Funding provided under the request would be divided as follows:

	<u>1996-97</u>	<u>Annualized</u>
Correctional Officers	\$11,400	\$135,300
Supplies and Services	400	9,800
One-Time Costs		
Transportation	52,300	
Training	24,500	
Vaccines	<u>400</u>	<u>          </u>
 Total	 \$89,000	 \$145,100

The correctional officer positions would be funded for one month in 1996-97. One-time costs for transportation include the cost of two 15-passenger vans (\$22,100 each) and two all-terrain vehicles (\$4,000 each).

The Committee should note that the Department's request inadvertently did not include one-time funding for electronic stun belts (\$16,200), communications equipment (\$6,300) or miscellaneous supplies, such as portable toilets and coolers (\$1,700). If the Committee approves the Department's request, it could be argued that these one-time costs are necessary for security and health reasons. As a result, an additional \$24,200 GPR in 1996-97 could be added to the Department's request. If no additional funding is provided, Corrections would need to make these purchases utilizing existing resources.

On an annualized basis, the secure work crews will cost \$145,100 GPR. If the Committee creates the 4.0 permanent positions in 1996-97, the Legislature would need to add \$290,200 GPR to the 1997-99 biennial budget in order to continue the program at that level. The Committee should note that Corrections did not request funding and positions for secure work crews in its 1997-99 biennial budget request to the Governor nor did the Governor recommend funding and positions for the program in his 1997-99 budget bill. If the program is not to be funded in the future, one could question the necessity of providing funding and permanent positions for the remaining months of 1996-97.

Administrative rules for the secure work program have not yet been submitted to the Legislative Council Rules Clearinghouse for review. Under Act 416, the program cannot begin operating until administrative rules have been promulgated. In general, a formal administrative rule takes at least six months to promulgate. As a result, the program could not operate under a formal rule until at least September, 1997. Corrections has, however, indicated that the adoption of an emergency rule would most likely occur. Under an emergency rule, the program could begin to operate upon publication of the rule for up to 270 days while a formal rule was promulgated. Emergency rules are adopted without Legislative review. If the Committee wishes to have Corrections utilize the formal rules process and not adopt an emergency rule, the Department's request could be denied until formal rules have been adopted. Funding for secured work crews could be addressed in the 1997-99 biennial budget.

**ALTERNATIVES**

1. Approve the Department's request to transfer \$89,000 GPR from the Joint Committee on Finance's supplemental appropriation under s. 20.865(4)(a) to the Department's general program operations appropriation under s. 20.410(1)(a) and approve 4.0 GPR positions for the creation of two secure inmate work crews staffed with four correctional officers. Approve the Department's plan for use of the funds.

2. In addition to alternative 1, provide an additional \$24,200 GPR in 1996-97 for one-time costs associated with stun belts, communications equipment and miscellaneous supplies.

3. Deny the Department's request.

Prepared by: Jere Bauer  
Attachment

*any \$ transferred*  
MO# for this program  
*be used only for this*  
*program*

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
2 OURADA	(Y)	N	A
1 HARSDORF	(Y)	N	A
ALBERS	(Y)	N	A
PORTER	(Y)	N	A
KAUFERT	(Y)	N	A
LINTON	(Y)	N	A
COGGS	(Y)	N	A

AYE 14 NO 0 ABS 2

MO# Alt 1

BURKE	Y	(N)	A
DECKER	Y	(N)	A
GEORGE	Y	N	(A)
JAUCH	Y	N	(A)
WINEKE	Y	(N)	A
2 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
PORTER	(Y)	N	A
KAUFERT	(Y)	N	A
LINTON	Y	(N)	A
COGGS	Y	(N)	A

AYE 9 NO 5 ABS 2

# ATTACHMENT I

## DRAFT

### CHAPTER DOC 3 \_\_\_\_\_ Secure Work Program

**DOC 3\_\_01** Purpose - The purposes of a Secure Work Program are:

- (1) To provide inmates work opportunities while appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for a productive return to the working world upon release to the community.
- (3) To fulfill the correctional goals of public protection and reintegration of the inmate back into the community.
- (4) To provide service to the community.

**DOC 3\_\_02** Applicability - This chapter applies to the Wisconsin Department of Corrections and adult inmates in its' custody. It interprets S 303.063, Stats. This chapter is adopted pursuant to the authority of S 303.063(2), Stats.

**DOC 3\_\_03** Definitions - In this chapter:

- (1) PRC means the Program Review Committee whose primary duties and composition are set forth in S. DOC 302.18.

**DOC 3\_\_035** Organization of the Secure Work Program -

- (1) Inmates shall be eligible under DOC 3\_\_04.
- (2) The inmate's participation in the Secure Work Program shall be approved by the PRC of the correctional facility where the inmate is assigned.
- (3) A secure work crew will be made up of up to 12 inmates.

- (4) Assignment to the Secure Work Program will be from 30 to 60 work days.
- (5) Inmate work crew members shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology.
- (6) Each work crew will be supervised by 2 Correctional Officers with a minimum of 1 of 2 Correctional Officers being armed.

**DOC 3\_\_04 Eligibility for Secure Work Program assignment -**

- (1) An inmate shall have a security classification of medium, minimum, or minimum CRC as described in S. DOC 302.12.
- (2) Inmates assigned to the Secure Work Program will include intensive sanctions inmates being sanctioned back to prison and probationers and parolees being held in custody as an alternative to revocation (ATR).
- (3) Inmates meeting the requirements of DOC 3\_\_04 may be assigned to the Secure Work Program as a disciplinary disposition under DOC 303.

**DOC 3\_\_05 Secure Work Program Operation -**

- (1) Inmates will be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.
- (2) Work assignments will include but not be limited to activities such as roadside cleaning, snow removal, construction projects and specific community service projects.
- (3) Inmate crew members will be required to wear distinctively colored outerwear.

**DOC 3\_\_06** Inmate Secure Work Crew Pay - Inmates not in disciplinary status assigned to secure work crews and who perform adequately will be paid at the rate of \$ .17 per hour for hours worked.

**DOC 3\_\_07** Review of Work Program Assignment - Any assignment of an inmate to the Secure Work Program will be reviewed and approved by the Warden or his/her designee.

CORRECTIONS

Secure Work Program  
Agenda Item VII A

Motion:

Move to delete \$8,600 GPR in 1996-97 associated with all terrain vehicles and trailers from the Department's request for the secure work program.

Note:

This motion would remove funding for all terrain vehicles and trailers from the Department of Corrections s. 13.10 request related to the secure work program.

MO# 1111

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
2 OURADA	(Y)	N	A
1 HARSDORF	(Y)	N	A
ALBERS	(Y)	N	A
PORTER	(Y)	N	A
KAUFERT	(Y)	N	A
LINTON	(Y)	N	A
COGGS	(Y)	N	A

AYE 14 NO 0 ABS 2