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SECURE WORK PROGRAM

The Legislature created 303.063 of the Wisconsin Statutes; the "Secure Work Program." The Statute states that "The department may establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes."

The department proposes to implement secure work crews at two of its medium security facilities; Racine and Fox Lake Correctional Institutions.

The purposes of the Secure Work Program is to:

- 1) Provide work opportunities for inmates;
- 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; and
- 5) To serve as a disciplinary disposition for violation of Administrative Rules.

The program will target repeat offenders and rules violators who do not get the message. This will include inmates in the Intensive Sanctions Program being sanctioned back to prison and probationers or parolees as an alternative to revocation as well as inmates who violate Administrative Rules. The Secure Work Program will help these inmates take responsibility for their actions and will require them to perform productive community service, thereby giving back to their fellow citizens.

Inmates placed on secure work crews will be medium security offenders. They will be screened and selected for this assignment by the institution Program Review Committees subject to the final review and approval of the institution Warden.

Each secure work crew will be supervised by two Correctional Officer 3's. One of the two Correctional Officers will be armed with a Remington Model 870 shotgun. Work Crew Officers will be issued chemical agents at the discretion of the Warden. The Officers will also be equipped with radio communication devices and appropriate transport vehicles.

Each secure work crew will normally work a four day week, ten hour day during daylight hours. Work performed will vary and will include such activities as roadside maintenance, landscaping, weed control, gardening and assistance with civic/non-profit or state agency work projects.

Assignment to a secure work crew will be from 30 to 60 days in duration. Assignment will not be voluntary and participation for those inmates selected will be mandatory. Inmates refusing to work will be required to travel to the work site and will remain in view of the rest of the work crew until he agrees to participate.

Inmates on the work crews will normally be fed their noon meal consisting of a bag lunch on the work site. Other meals will be taken at the institution.

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Inmates on the work crews will be clothed appropriate for weather conditions and the work to be performed. They will wear distinctively colored outerwear which will bear the wording "Wisconsin DOC."

Administrative Rules and Security Internal Management Procedures have been drafted to implement the Secure Work Program. It is the department's intent to establish the program at two of our institutions and after some experience, we will evaluate security procedures and work crew expectations to determine the need for changes and future applications.

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.

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SUBJECT: SECURE WORK CREWS

I. Policy of the Department

In accordance Wisconsin Statute 303.063, the Department of Corrections has established Secure Work Crews.

II. Authority and Access to this Document

This Security Internal Management Procedure is made pursuant to W.S. 303.063 and the following Admin. Rules: 3____, 302.18, 302.12, 303.

III. Purpose of Secure Work Crews is:

- A. Secure Work Crews are to provide work opportunities for inmates who are appropriately restrained for security purposes.
- B. 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.
- C. To fulfill the correctional goals of public protection and reintegration of the inmate back into the community.
- D. To provide service to the community.
- E. To serve as a disciplinary disposition for violations of Administrative Rules.

IV. General Security Procedures

- A. Inmates will be positively identified to ensure that the proper subject is on the Work Crew.
- B. The inmate shall be strip searched prior to leaving and upon return to the secure perimeter.
- C. Inmates will be outfitted in distinctively colored outer garments and clearly labeled "Wisconsin DOC."
- D. Clothing and all other items accompanying the inmate will be thoroughly inspected.
- E. Upon becoming the responsibility of the Work Crew Officers, the inmate shall not be out of visual contact of the Work Crew Officers until returned inside the secure perimeter or until turned over to proper authorities.
- F. For transport to and from the work site, the inmate will be placed in restraints consistent with security classification and in compliance with SIMP #1.
- G. Work Crew Officers will carry a copy of Face Card C-120 on each inmate member of the Secure Work Crew.

H. Inmates shall not be allowed contact with anyone other than the Work Crew Officers, other members of the work crew and other authorized correctional and/or law enforcement personnel.

I. Additional Security Principles:

- (1) Work Crew Officers assigned to this duty will conduct themselves in an objective, professional manner toward the public and the inmates.
- (2) The Officers must be alert, calm and business-like in carrying out their responsibilities.
- (3) Officers will conduct themselves professionally at all times. They are to treat inquiring citizens courteously but shall permit no interviews, conversations or other contact by the inmate with unauthorized persons.
- (4) Work Crew Officers are to be alert for communications among inmates which may produce investigative information. All such information shall be reported to the immediate supervisor.
- (5) A copy of this SIMP, SIMP #1 and SIMP #22 will be issued to and shall be in the possession of all Correctional Officers assigned to Secure Work Crews.

V. Restraints

- A. Transport: For transport to and from the work site, restraints will be consistent with appropriate security classification and in compliance with Transportation SIMP #1.
- B. Work Site: At the work site, all inmate crew members will be in individual leg restraints. Other security technology may be utilized to include the React stun belt.

VI. Work Crew Composition

The Work Crew will be composed of up to 12 inmate crew members. Crew size may vary dependent upon inmate security classifications and the specific work assignments involved.

VII. Correctional Staff

- A. Crew Supervision: Each inmate Secure Work Crew will be supervised by two (2) Correctional Officer 3's - Sergeant.
- B. Staff Qualifications: All staff supervising inmate Secure Work Crews shall be -
- (1) CPR Certified;
 - (2) Certified in Basic First Aid;
 - (3) Qualified on the 870 Remington 12 gauge shotgun;
 - (4) Qualified in armed escort training;
 - (5) Qualified in the use of appropriate chemical agents;
 - (6) Trained in use of all appropriate restraints including electronic devices; and
 - (7) Training in ATV operation.

VIII. Use of Force (See SIMP #22)

- A. Defined: "Force" is the exercise of strength or power to overcome resistance or to compel another to act or refrain from acting in a particular way.
- B. "Force Option Continuum" is a systematic progression of force based upon the perceived level of threat. This includes presence, dialogue, empty hand control, intermediate weapons and deadly force.
- C. Firearms: One of the Work Crew Officers will be armed with a Remington Model 870 shotgun and 20 rounds of number four buckshot.
- D. Chemical agents will be issued to Work Crew Officers along with instructions for use at the discretion of the Warden.
- E. Escape: If an inmate attempts to escape by fleeing the immediate area of the work assignment as defined by the OIC, the armed Work Crew Officer will attempt to apprehend the inmate by using only the degree of force necessary to stop the escape up to and including deadly force.
- F. "Deadly Force" is force which the user reasonably believes will create a substantial risk of causing death or great bodily injury to another.
- G. All levels of force used shall be in compliance with SIMP #22. Corporal punishment of inmates is forbidden.

IX. Work

- A. Hours: Inmates will normally work a four day week, ten hours/day. The crew will depart the institution no sooner than daybreak and return no later than sunset on a given day.
- B. Types of Work: Work to be performed will be determined on a daily basis by the respective parent institution and include such work as weed control, gardening, maintenance of roadsides and assisting with civic/non-profit or state agency projects.

X. Staff Equipment

In addition to weapons and restraints, each crew will be equipped with:

- A. Appropriate transport vehicles
- B. Two (2) portable radios
- C. One (1) cell phone
- D. One (1) ATV
- E. Appropriate watering/feeding/toileting equipment

F. Vehicle equipped with mobile radio

XI. Inmate Food

The morning and evening meals will be served at the parent institution. The noon meal will consist of an on-site bag lunch which will be nutritionally comparable to the meal served the general population.

XII. Medical Considerations

A. Inmates assigned to the Secure Work Crew will be medically classified as either:

- (1) Any Activity (01)
- (2) Moderate Activity (03)
- (3) Light Activity (02)

Work tasks will be appropriate to the assigned medical classification.

B. Sickness/Injury: If an inmate becomes ill or is injured while on a work crew, a Work Crew Officer will contact the institution to obtain medical advice.

XIII. Weather

Weather conditions which constitute a threat to safety will be considered in making decisions to deploy a work crew outside the institution or return a work crew to the institution.

XIV. Inmate Attire

Inmates will be clothed appropriate to weather conditions and the work to be performed. Inmate outer wear will be distinctively colored and bear the wording "Wisconsin DOC."

XV. Work Crew Eligibility

- A. PRC: The inmate's participation in the Secure Work Program will be approved by the Program Review Committee of the correctional facility where the inmate is assigned.
- B. Assignment to the Work Crew will be for 30 to 60 days.
- C. Inmates may be assigned to a Work Crew as a disciplinary disposition.
- D. Any assignment of an inmate to the Secure Work Program will be reviewed and approved by the Warden or his/her designee.

XVI. Refusal to Work

Any inmate assigned to a Work Crew will be required to travel to the work site. Appropriate use of force will be utilized to gain compliance. Once at the work site, any

inmate who refuses to work shall be placed in full restraints and shall sit in plain view of the rest of the work crew until he decides to participate.



Legislative Fiscal Bureau

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March 27, 1997

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections--Increased Corrections Funding, 1996-97--Agenda Item VII-B

The Department of Corrections requests the creation of 147.78 GPR positions in 1996-97 and the transfer of \$3,731,000 GPR within the Department to fund: (a) the staffing of seven 150-bed inmate barracks at six correctional institutions (\$2,261,200 and 146.78 positions) approved by the Building Commission on October 16, 1996; (b) start-up costs to use the Prairie du Chien juvenile correctional facility as an adult institution in 1997-98 under an intra-agency contract (\$1,419,200); and (c) an additional position and purchase of services funding for the challenge incarceration program (\$50,600 and 1.0 position).

Funding and position authority for the barracks and funding and statutory provisions relating to the Prairie du Chien facility are included in the 1997-99 biennial budget bill currently before the Committee. Funding or additional position authority is not provided in the Governor's 1997-99 budget recommendations for the challenge incarceration program.

The following sections individually discuss each of the items addressed in the request and the sources of the proposed reallocations. In addition, a section is included that relates to the Department's ability to contract with the federal government for prison beds.

A. Funding Reallocations to Support Costs

To support the increased costs and positions in the request, the Department asks that \$3,731,000 in 1996-97 be transferred from three appropriations in Corrections: (a) \$1,419,200 FED from the federal projects operations appropriation; (b) \$1,124,700 GPR from funding previously provided for Texas county jail contracts; and (c) \$1,187,100 GPR from the serious juvenile offender program.

Funding being transferred from the federal projects appropriation is provided through the state criminal alien assistance program (SCAAP). Under SCAAP, the federal Department of Justice's Bureau of Justice Assistance provides assistance to state and local governments for costs incurred for the imprisonment of undocumented criminal aliens who are convicted of felony offenses or two or more misdemeanors. Awards to state and local governments are based on the total number of reimbursable aliens, the average length of incarceration and the cost per inmate. Total claims for all applicants are then divided into the amount available for reimbursement. No restrictions are placed on a state's use of the funds that are received. On December 5, 1996, Corrections was notified that it had received \$1,419,200 for federal fiscal year 1996. The request would transfer the amount received in 1996-97 from the federal projects appropriation to the Department's appropriation for startup and training costs at the Prairie du Chien Correctional facility.

On September 26, 1996, the Joint Committee on Finance provided \$3,881,500 GPR in 1996-97 to fund the costs of 700 jail beds in Texas counties by June 30, 1997, and an average daily population of 307. In addition, Corrections indicated that it would reallocate \$1,000,000 from its current jail contracts appropriation to fund the Texas contracts. The Department currently estimates that a maximum of 493 inmates will be placed in Texas county jails by June 30, 1997, with an average daily population of 181 inmates. In addition, the Department also projects that utilization of county jail space in Wisconsin will be less than anticipated. As a result of the lower than estimated utilization of Wisconsin and Texas county jail beds, \$2,918,800 is estimated to be available for reallocation to fund the Department's request.

The Department's request, however, only transfers \$1,124,700 of the available amount. The difference between the estimated utilization of Wisconsin and Texas county jails and the amount transferred under the request is \$1,794,100. This funding would be available for other governmental contracts for prison space. On March 19, 1997, Corrections announced that it would contract with the federal government to provide 330 beds at the minimum-security prison camps in Duluth, Minnesota and Oxford, Wisconsin. This issue is addressed in a separate section of this paper.

Corrections officials have indicated that, in addition to funding from criminal alien reimbursements and county jail contracts, \$1,187,100 GPR in 1996-97 would be available for transfer from the serious juvenile offender (SJO) appropriation. The purpose of the SJO appropriation is to provide reimbursement of correctional costs for certain violent juvenile offenders and additional juveniles adjudicated as serious offenders after July 1, 1996. Under 1995 Act 416, the Corrections budget adjustment bill, the SJO appropriation was set at \$14,056,700 GPR in 1996-97.

On September 26, 1996, the Committee approved two transfers from the SJO appropriation to address the DOC request under s. 13.10 relating to Texas jail contracts and staffing increases. The transfers totalled \$2.1 million and reduced the 1996-97 expenditure authority in the SJO appropriation to \$12.0 million.

These transfers from the SJO appropriation were possible because original estimates of SJO average daily population were high. The September, 1996 estimates of SJO average daily population, including estimates of how juveniles funded under the SJO appropriation would transition from institutional care to various types of community programming, indicated that SJO expenditures in 1996-97 would total approximately \$8.8 million. However, a precise estimate was difficult at that time because the program had only begun on July 1, 1996. An updated estimate of the SJO average daily population indicates that 1996-97 expenditures will be approximately \$7.3 million.

The current expenditure authority for serious juvenile offenders in 1996-97 of \$12.0 million exceeds the \$7.3 million in anticipated expenditures by about \$4.7 million. Approval of the DOC request to transfer \$1,187,100 in 1996-97 from the SJO appropriation would not affect the provision of SJO services in 1996-97. However, a transfer of funds from the SJO program would reduce the amount lapsed in the appropriation at the end of 1996-97 and the general fund balance would be affected accordingly. The January, 1997, general fund estimate projected an SJO lapse of \$4.7 million.

B. Staffing for Correctional Barracks

Summary

On October 16, 1996, the Building Commission approved the construction of an additional seven correctional barracks using \$8.5 million in residual borrowing authority. On January 23, 1997, an additional \$350,000 from residual borrowing authority was provided for added security measures, fencing and utilities. Each barracks is designed to house 150 inmates (doubled bunked) in an open area without cells. In general, each barracks will contain a food servery, shower and toilet facilities, work space and security station. Barrack units are scheduled to open at Dodge (two units), Taycheedah and Racine Correctional Institutions in May, 1997, and at Fox Lake, Columbia and Jackson County Correctional Institutions in July, 1997.

Although s. 13.48(5)(b) of the statutes requires DOA to provide the Building Commission with information concerning annual operating costs, including staff costs, associated with the construction or expansion of a correctional institution, such information was not submitted when the Commission approved the barracks units. Thus, the Building Commission approved the construction of the barracks without knowledge or discussion of the potential operating costs of the project. A request for making the barracks operational is now before the Committee.

The request would provide funding and a total of 146.78 staff to begin operation of the seven barracks units in 1996-97. Each unit would be staffed with 13.04 correctional officers for housing unit security, 2.25 officers to supervise inmates on work crews outside of the barracks, 1.0 corrections program supervisor to manage activities in each of the barracks and 1.0 social worker. In addition, each of the institutions, except the Jackson County Correctional Institution, would be staffed with an additional 0.5 psychologist for each unit. Another 22.75 positions are

also requested to provide security and non-security support in the institutions for activities such as inmate escort and transportation and for workload increases associated with higher inmate populations.

The positions that are requested are identical to those contained within the Governor's 1997-99 biennial budget bill. The Department's s. 13.10 request provides the positions and start-up costs in 1996-97. The biennial budget bill provides \$5,228,600 GPR in 1997-98 and \$5,234,600 GPR in 1998-99 and 146.78 positions annually associated with the barracks. Funding and positions in the biennial budget assume this request being approved for 1996-97.

Analysis

The following table indicates the distribution of funding and positions requested for staffing of the seven correctional barracks.

<u>Institution/Division</u>	<u>Amount</u>	<u>Positions</u>
Dodge	\$508,200	38.58
Racine	252,500	22.49
Taycheedah	226,600	18.79
Fox Lake	184,400	22.04
Columbia	206,900	25.59
Jackson County	168,200	17.29
Adult Institutions--Overtime	44,700	0.00
Management Services--Support	51,900	2.00
Management Services--Training	<u>617,800</u>	<u>0.00</u>
Total	\$2,261,200	146.78

Costs under the request would be funded by \$1,074,100 from jail contracts and \$1,187,100 from serious juvenile offenders.

Under the request, funding and positions for Dodge, Racine and Taycheedah (scheduled to open in May, 1997) are provided for two months in 1996-97. The request provides one month of funding and one-time costs for the other three institutions (Fox Lake, Columbia and Jackson County) which are scheduled to open in July, 1997. Funding and positions are being requested for Fox Lake, Columbia and Jackson County in order to allow Corrections to have staff available and trained for the July, 1997, opening dates.

Security staffing in each of the barracks will provide for three officers for the first two shifts and two officers for the night shift. In addition, nonsecurity staff (a correctional program supervisor, social worker and half-time psychologist) will also work in each unit. Staffing for the units is similar to staffing for existing barracks facilities. In order to provide supervised activities outside of the barracks units, positions are also provided to allow two groups of eight

to 12 inmates to be supervised by an officer while performing work activities within the institution. Given the number of inmates that will be assigned to live in an open barracks unit, the staffing of structured activities away from the barracks seems appropriate in order to eliminate inmate idleness.

The 22.75 other requested positions that are not directly associated with the operations of the barrack units maintain the current staff to inmate ratios at each of the six institutions. These positions include: (a) health and dental staff (2.5 positions); (b) central office administrative staff to address increased payroll and personnel workload (2.0 positions); (c) institutional support staff (9.0 positions) for food production, inmate financial accounting and facilities repair; and (d) institutional security staff (9.25 positions) required as the result of a higher number of inmates and specific institutional staffing requirements at Columbia, Racine and Fox Lake. Based on current staffing at each of the institutions and staffing at similar institutions, the additional positions appear appropriate.

Corrections has indicated that current officers or those officers currently in training would be utilized to staff the barracks. As a result, funding requested for training would be used to train replacement officers. Currently, approximately \$5,300 is budgeted to train each officer (salary, fringe benefits and one-time supplies). The amount requested at this time is consistent with that figure.

Conclusion

Given the size and design of the barracks units and the maintenance of the current inmate to staff ratios, the requested funding and position increases for the barracks units appears appropriate. To reiterate, the Department seeks \$2,261,200 GPR (\$2,243,000 in appropriation s. 20.410(1)(a), \$3,500 in appropriation s. 20.410(1)(aa) and \$14,700 in appropriation s. 20.410(1)(f)) and 146.78 GPR positions in 1996-97 for the staffing of seven 150-bed inmate barracks at six correctional institutions approved by the Building Commission on October 16, 1996. Funding for this request in 1996-97 would be provided from: (a) \$1,074,100 transferred from jail contracts (s. 20.410(1)(ab)); and (b) \$1,187,100 transferred from serious juvenile offenders (s. 20.410(3)(cg)).

C. Prairie du Chien

Summary

The Department of Corrections requests the transfer of \$1,419,200 in 1996-97 from a federal appropriation for limited-term project operations to a 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.

Under current law, a secured juvenile correctional facility is being developed on an existing site (formerly a private school) in Prairie du Chien for 138 male juvenile offenders. Authorized construction costs for the facility total \$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.

Under the Governor's 1997-99 biennial budget bill, the Division of Juvenile Corrections (DJC) would be provided \$6,567,000 PR in 1997-98 for the operation of the Prairie du Chien juvenile correctional facility and DOC would be authorized, from July 1, 1997 to July 1, 1998, to operate the facility as a state prison for the placement of prisoners who are young adults. The Secretary of DOC would be authorized to direct the Division of Adult Institutions (DAI) and DJC to enter into an intra-agency agreement for the use of the facility as a state prison and to 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 the facility as a state prison during the term of the agreement. No appropriation is made under the bill to increase the general program operations appropriation for this purpose. The payments would be credited to the DJC juvenile correctional services appropriation and the monies would be used to operate the state prison authorized under the bill.

Another bill associated with the Prairie du Chien facility, Senate Bill 113, was passed by the Senate on March 11, 1997, on a 32-0 vote and by the Assembly on March 18, 1997, on a voice vote. Under SB 113, an appropriation would be created for start-up and training costs associated with the temporary use of the Prairie du Chien facility as a state prison for young adults. DOC would be authorized, from July 1, 1997 until July 1, 1998, to operate the Prairie du Chien facility as a state prison for the placement of prisoners who are young adults. No funding is appropriated under SB 113. While SB 113, if enacted, would establish a structure for the payment of start-up and training costs by DAI in 1996-97, the Legislature or the Joint Committee on Finance would need to provide expenditure authority in the appropriation before such payments would be possible.

Analysis

The Department's request is intended to provide GPR funds to reimburse DJC for the cost of start-up and training in preparation for operating the Prairie du Chien facility as a state prison. The Prairie du Chien facility and positions are funded from a program revenue appropriation for juvenile correctional services. The requested funding would largely, but may not fully, offset the total costs of the Prairie du Chien facility start-up. The balance of these costs, if any, would be funded from program revenue expenditure authority for juvenile correctional services.

As of March 21, 1997, Enrolled SB 113 had not been signed by the Governor. The approval of the Department's request under s. 13.10, which would transfer federal funds to the GPR appropriation created under the bill, would be contingent on the enactment of SB 113.

The opening of any correctional facility requires that staffing be in place and trained when placements first occur. In anticipation of operating the Prairie du Chien facility, DJC has already hired 29.0 positions and plans to add 109.5 positions by June 1, 1997, for a total staffing of 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

As noted, the Department is currently budgeted 165.02 PR positions to operate Prairie du Chien as a juvenile correctional facility with an average daily population of 138. Corrections officials indicate that the level of staffing currently proposed conforms to the provision under the Governor's 1997-99 budget that limits costs to \$65 per day per inmate, or about \$6.5 million in 1997-98. Under the Department's projections, the Prairie du Chien facility would house an average daily population (ADP) of 252 for the first six months of 1997-98 and an ADP of 302 during the second six months of the fiscal year, for an ADP of 277 for the entire year.

The 29.0 positions currently in place at the facility include 21 positions for security and operations, seven positions for administration and one position for social services. Positions would be funded under the request as follows: (a) three administrative positions would be funded for five months; (b) one administrative and one social worker position would be funded for four months; (c) one administrative and two security and operations positions would be funded for three months; (d) 89.0 security and operations positions would be funded for two months; and (e) 41.5 positions would be funded for one month, including nine for administration, 16.0 for educational services, 10.5 for health, mental health and social services and six for security and operations.

The use of the facility as an adult prison for one year provides a rationale to utilize GPR funding for the start-up and training costs of the facility. The costs of operating the Prairie du Chien facility, which was originally expected to become operational early in 1996-97, were included in the calculation of the institutional daily rate to charge counties for the care of juveniles in 1996-97. However, because the average daily population for juvenile institutional correctional care is below projected levels, DJC program revenue is reduced accordingly. Juvenile facility cost reduction measures have been implemented to ensure that an appropriation deficit does not occur.

Corrections officials indicate that a major factor in their plan to reduce DJC program revenue costs in 1996-97 would be the reimbursement of the Prairie du Chien facility costs by DAI. With the requested reimbursement for the Prairie du Chien facility costs, the adequacy of program revenues for DJC operations remains a concern, but appears manageable. Without the reimbursement, a program revenue deficit would likely occur.

The Department indicates that expenditures in 1996-97 for start-up and training may total approximately \$1.9 million, but that efforts are being made to bring these costs down. To the extent that actual expenditures for the Prairie du Chien facility exceed the reimbursement of \$1.4 million, DJC would need to realize additional savings in the operations of other juvenile facilities in order to avoid a deficit.

Conclusion

Contingent upon enactment of Enrolled Senate Bill 113, approval of the Department's request to transfer \$1,419,200 in 1996-97 from a federal appropriation for project operations (s. 20.410(1)(m)) to a 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 (s. 20.410(1)(ac)) appears appropriate. Senate Bill 113 was adopted by the Legislature with the intention of preparing the Prairie du Chien facility for use, on a temporary basis, as an adult prison. The request before the Committee would allow that to occur. Therefore, the Committee may wish to approve the request as submitted.

D. Challenge Incarceration Program

Summary

The request would provide \$50,600 GPR and 1.0 GPR position in 1996-97 for the challenge incarceration (boot camp) program at the St. Croix Correctional Center and would transfer this amount from the jail contracts appropriation. Funding is being requested to provide services for an increased number of inmates at St. Croix. According to Corrections, an additional 30 inmates have been placed at the Center, but resources to provide inmate program activities are not available. Funding would support 1.0 program assistant and contracted education, social work and alcohol and other drug abuse services.

Under current law, Corrections is required to provide a challenge incarceration program that provides participants with strenuous physical exercise, manual labor, personal development counseling, substance abuse treatment and education, military drill and ceremony and counseling in preparation for release on parole. The program is designed to include at least 50 participants at a time and be completed in not more than 180 days. Corrections is allowed to restrict participant privileges as necessary to maintain discipline. In order to participate in the program, an inmate must meet all of the following criteria:

- (a) The inmate must volunteer to participate in the program;
- (b) The inmate must be under 30 years old;
- (c) The inmate is not incarcerated for homicide, sexual assault, battery, kidnapping, or sexual or physical assault of a child;
- (d) The inmate has a substance abuse problem;
- (e) The inmate has no psychological, physical or medical limitations that would preclude participation in the program.

Once an inmate has successfully completed the challenge incarceration program, the Parole Commission is required to parole the inmate regardless of the time the inmate has served. Inmates who are paroled from the program are required to participate in an intensive supervision program for drug abusers as a condition of parole. Under current law, inmates from the intensive sanctions program may be placed in the challenge incarceration program by Corrections and are not automatically granted parole.

Analysis

Funding under the request for the Challenge Incarceration program is provided as follows:

	<u>1996-97</u>	<u>Annualized</u>
Program Assistant	\$15,200	\$30,500
Teacher Contract	12,500	50,000
Social Worker Contract	12,500	50,000
Alcohol and Other Drug Abuse Contract	<u>10,400</u>	<u>41,600</u>
Total	\$50,600	\$172,100

Funding for 1997-98 and 1998-99 is not currently included in the 1997-99 biennial budget bill.

In the September, 1996, s. 13.10 request to the Committee relating to prison staffing increases, Corrections requested 5.0 correctional officers at the St. Croix Correctional Center in order to house an additional 30 inmates. These positions were provided by the Committee. At the time, Corrections did not request additional program staff for St. Croix. Likewise, no staffing increase was requested by the Department in its 1997-99 budget request to the Governor, nor provided by the Governor in the 1997-99 biennial budget bill. Given that Corrections did not request the positions in September and the positions have not been included in the 1997-99 biennial budget bill, it could be argued that no additional funding or positions is necessary.

On the other hand, Corrections argues that the 30 additional inmates at the Center are only being housed, and are not receiving program services. The additional program assistant and contracted staff are requested to provide services and support at approximately the same inmate to staff ratio as currently exists.

If this request is approved and the Committee believes that it should be continued into the next biennium, the Governor's 1997-99 budget would need to be increased by \$344,200 for the next biennium. If that increase is not desirable, then the Committee could deny the request now, rather than funding it for only the remaining months of the current fiscal year.

Alternatives

1. Approve the Department's request to provide \$50,600 GPR and 1.0 GPR position in 1996-97 (\$15,200 in appropriation 20.410(1)(b) and \$35,400 GPR in appropriation s. 20.410(1)(d)) for the challenge incarceration program at the St. Croix Correctional Center. Transfer funding for the request from the jail contract appropriation (s. 20.410(1)(ab)).
2. Deny the Department's request.

E. Use of Jail Contract Appropriation for Federal Beds

On March 19, 1997, Corrections announced that it would contract with the federal government to provide 330 beds at the minimum-security prison camps in Duluth, Minnesota and Oxford, Wisconsin. It is the Department's intention to utilize the appropriation for intergovernmental correctional agreements (s. 20.410(1)(ab)) for this purpose. The Committee should note, however, that as currently structured, the appropriation may only be used to fund interstate correctional agreements (to which the federal government is not a party) and county jail beds. As a result, this appropriation cannot be utilized to fund costs associated with contracts with the federal government.

Total costs for the contract with the federal government are currently unknown. The Department indicates that daily costs at the Duluth camp will be \$41.03 per day if 300 inmates are placed at the facility. Daily costs at Oxford have not yet been determined. However, current estimates suggest that the maximum cost of the contracts for the remainder of 1996-97 would be \$1.1 million.

Corrections does not specifically have an appropriation which could be utilized to pay for contracts with the federal government. However, an argument could be made that language associated with its general program operations appropriation could allow such expenditures. In order to allow Corrections to contract with the federal government for prison beds in 1996-97, the Committee could transfer \$1,100,000 GPR from the jail contracts appropriation to the general program operations appropriation. Statutory language could be amended in the 1997-99 biennial

budget to clarify that the jail contracts appropriation could also be used for contracts with the federal government for prison beds. If funding is not transferred, Corrections could not fund contracts with the federal government from the current jail contracts appropriation.

Alternatives

1. Transfer \$1,100,000 GPR in 1996-97 from Corrections' jail contract appropriation (s. 20.410(1)(ab)) to the general program operations appropriation (s. 20.410(1)(a)) to fund the costs of placing Wisconsin inmates in federal prisons.

2. Take no action.

Prepared by: Jere Bauer and Art Zimmerman

Support B.C,

MO# _____

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
	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, part E

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
	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, part D

	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
2	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 10 NO 4 ABS 2