

C

**13.10 Meeting  
September 5, 2001  
Agenda Item V**

**Issue: Corrections – Request for Serous Juvenile Offender Costs**

**Staff Recommendation:** Alternative 1

**Comments:**

Corrections needs more money for the SJO program. LFB thinks it's reasonable to use funding from the prison contract beds appropriation. Seems fine to me.

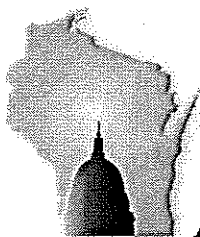
**Prepared by:** Julie

VI. Department of Corrections – Jon Litscher, Secretary

The department requests the transfer of \$8,318,200 GPR from the Committee's appropriation under s. 20.865(4)(a) in fiscal year 2000-01 to the department's general program operations appropriation under s. 20.410(1)(a) to correct a projected salary deficit.

Governor's Recommendation

Modify the request. Transfer \$8,005,900 GPR from Committee's appropriation under s. 20.865(4)(a) in fiscal year 2000-01 to the department's general program operations appropriation under s. 20.410(1)(a) to correct a projected salary deficit.

**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**SCOTT McCALLUM  
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**Date:** June 29, 2001

**To:** Members, Joint Committee on Finance

**From:** George Lightbourn, Secretary  
Department of Administration *George Lightbourn*

**Subject:** Section 13.10 Request from the Department of Corrections for a Salary Deficit

**Request**

The department requests the transfer of \$8,318,200 GPR from the Committee's appropriation under s. 20.865(4)(a) in fiscal year 2000-01 to the department's general program operations appropriation under s. 20.410(1)(a) to correct a projected salary deficit.

**Background**

In July 2000 the Department of Corrections (DOC) received \$2,677,900 GPR from the Committee's appropriation to offset a salary deficit. DOC's actual salary deficit for fiscal year 1999-2000 was \$8.6 million GPR. The department was able to absorb a significant portion of the deficit through internal salary savings in other divisions. DOC projects a salary deficit of \$9.9 million GPR in fiscal year 2000-01. Internal salary savings from other divisions are much smaller in the current fiscal year, resulting in the current \$8,318,200 projected deficit that the department has indicated it cannot absorb.

During the September 2000 s. 13.10 meeting of the Joint Committee on Finance, \$3,393,600 GPR was placed in reserve in anticipation of the DOC's fiscal year 2000-01 salary deficit. The funding was the result of savings from the delay of the Milwaukee Secure Detention Facility and converting the kitchen at Redgranite Correctional Institution to a full production kitchen.

The Division of Adult Institutions has implemented several salary savings measures in fiscal year 2000-01, including:

- Freezing non-overtime generating positions;

- Reviewing all limited-term employee (LTE) positions for continuing need;
- Reviewing individual officer posts to determine if overtime must be used when a post is not covered;
- Using training and program captains to provide shift coverage for vacant supervising officer positions; and
- Postponing the majority of officer training to minimize overtime expenditures.

Despite these efforts a salary deficit of \$8,318,200 GPR is anticipated. This projection is based on actual expenditures through May 19, 2001, with three pay periods remaining in the fiscal year.

### Analysis

The salary deficit in the first year of the 1999-2001 biennium was primarily due to overtime. The Department of Corrections (DOC) faced issues of overcrowding, unfunded leave time, the use of limited-term employees (LTEs) to increase health care coverage and unfunded social worker and probation and parole agent upgrades that were mandated by a Department of Employment Relations Compensation and Labor Relations Bulletin dated June 7, 1999. DOC continues to struggle with many of these same issues in fiscal year 2000-01. A portion of the fiscal year 2000-01 salary shortfalls can also be attributed to a lack of funding for the 27<sup>th</sup> pay period.

### Overtime

FY01 Overtime Budget	Actual Overtime Expenditures Through May 19, 2001	FY01 Projected Overtime	FY01 Shortfall
\$7,406,000	\$15,394,000	\$17,359,000	\$9,953,000

Factors that have contributed to the overtime salary deficit, include:

- When the John Burke Correctional Center (JBCC) was converted to a female facility, medium security barracks at Fox Lake Correctional Institution (FLCI) were converted to minimum security to house JBCC's former inmates. This resulted in overcrowding and additional security needs at FLCI at an approximate cost of \$570,400 GPR.
- DOC was budgeted for two hours of overtime per officer, per week at a rate of \$20.88 per hour for 3,006 officers. Currently, the average overtime rate is \$24.15. Assuming overtime rates throughout the year have been at the \$24.15 per hour rate, this results in a shortfall of over \$1 million GPR.
- The Division of Adult Institutions (DAI) was budgeted for six hours of overtime per month at a rate of \$26.235 for 79.80 GPR nurse clinicians. Nurse clinician overtime in fiscal year 2000-01 has averaged \$33.61 per hour. Assuming overtime

rates for nurses throughout the year have been at the \$33.61 per hour rate, this results in a shortfall of over \$42,000 GPR.

- Past labor contracts for DOC's officer staff have resulted in additional leave time. This additional time was not included in the department's security staffing formula. This has resulted in an increasing number of security posts' hours being covered by overtime. DOC has begun to address this staffing issue in the 2001-03 biennial budget. The 2001-03 biennial budget recommendation made by the Governor and modified by the Joint Committee on Finance includes \$1,530,000 GPR and 30.0 GPR FTE to reduce utilization of overtime funding at Prairie du Chien, Waupun, Fox Lake, Kettle Moraine, Oakhill, Jackson and Racine Youthful Offender correctional facilities.

While the total overtime deficit in fiscal year 2000-01 is close to \$9.9 million GPR, DOC has been able to absorb a portion of the deficit through the monitoring of salary expenditures and hiring practices in DAI and salary savings generated in other divisions.

#### Health Care LTE's

The Department of Corrections has no funding budgeted for health care LTE's. Actual health care LTE expenditures through June 2, 2001 are \$1,755,600 GPR. Total healthcare LTE expenditures through June 30, 2001 are projected to be \$1,947,600 GPR. Health care staff in DOC has not increased at the rate the inmate population has increased. Additionally, health services units for new and expanded facilities have traditionally not been staffed to provide enough coverage for vacations, training and other leave. DOC has developed a post shift formula similar to that used to staff security officers. LTE's are used to supplement this staffing.

#### 27<sup>th</sup> Pay Period Funding

Fiscal year 2000-01 contained a 27<sup>th</sup> pay period. DOC received \$4,693,200 GPR based on filled positions as of October 1998. Additional staff hired after that point, pay plan increases and Department of Employee Relations regrades were not funded. DOC attributes approximately \$1,932,000 GPR of the deficit to the 27<sup>th</sup> pay period. The Redgranite and Supermax Correctional Institutions were most seriously impacted by this lack of funding because many positions were not authorized until after October 1998.

The Department of Corrections requests a one-time transfer of \$8,318,200 GPR in fiscal year 2000-01 from the Committee's supplemental appropriation under s. 20.865(4)(a) to the department's general program operations appropriation under s. 20.410(1)(a), for the Division of Adult Institutions (DAI) to address a projected fiscal year 2000-01 salary deficit. Subsequent to the request, DOC was able to update fiscal

Members, Joint Committee on Finance  
Page 4  
June 29, 2001

year 2000-01 salary expenditures through June 16, 2001. As a result, the request can be reduced by \$312,300.

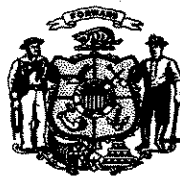
**Recommendation**

Modify the request. Transfer \$8,005,900 GPR from Committee's appropriation under s. 20.865(4)(a) in fiscal year 2000-01 to the department's general program operations appropriation under s. 20.410(1)(a) to correct a projected salary deficit.

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Scott McCallum  
 Governor

Jon E. Litscher  
 Secretary

State of Wisconsin  
 Department of Corrections

DATE: June 20, 2001

TO: The Honorable Brian Burke, Co-Chair  
 Joint Committee on Finance  
 Room 317 East, State Capitol  
 Madison, WI 53702

The Honorable John Gard, Co-Chair  
 Joint Committee on Finance  
 Room 308 East, State Capitol  
 Madison, WI 53702

FROM: Jon E. Litscher, Secretary  
 Department of Corrections

SUBJECT: §13.10 Request – Department of Corrections Salary Deficit

**Request**

The Department of Corrections requests a one-time transfer of \$8,318,200 GPR in FY01 from the Joint Committee on Finance's appropriation under §20.865(4)(a) to the appropriation under §20.410(1)(a), general program operations, to address a projected salary deficit in the Division of Adult Institutions.

**Background**

In FY00 the Department exceeded its overtime budget by approximately \$8.6 million. The Department projects overtime expenditures to exceed the budget by approximately \$9.9 million in FY01. Last fiscal year the Department was able to absorb a significant portion of this overtime deficit from internal salary savings in other divisions. The result of these savings was the Department's FY00 final salary deficit request to transfer \$2,677,900 GPR from the Joint Committee on Finance's appropriation. In FY01 internal salary savings from other divisions to offset the FY01 overtime deficit are much smaller, resulting in the current \$8,318,200 projected deficit.

During the September 2000 13.10 meeting of the Joint Committee on Finance, \$3,393,600 was placed in reserve in anticipation of the Department's FY01 salary deficit needs.

Salary savings measures implemented by the Department in the Division of Adult Institutions during FY01 included:

- Freezing non-overtime generating positions;
- Reviewing all LTE positions for continuing need;
- Reviewing individual posts to determine if overtime must be used when a post is not covered;
- Using Training and Program Captains to provide shift coverage for vacant Supervising Officer positions; and
- Postponing the majority of officer training to minimize overtime expenditures.

Despite these efforts the Department projects a salary deficit of \$8,318,200. This projection is based on actual expenditures through pay period 11 (May 19, 2001), with three pay periods remaining in the fiscal year.

### Analysis

The salary deficit in the first year of this biennium was due primarily to overtime related to overcrowding, unfunded leave time, the use of LTEs for health care coverage, and unfunded Social Worker and Probation and Parole Agent upgrades, which were mandated on a Department of Employment Relations Compensation and Labor Relations Bulletin dated June 7, 1999. The Department continues to struggle with many of these same issues in FY01. Additionally, a portion of the FY01 salary shortfalls can be attributed to the lack of funding for the 27<sup>th</sup> pay period.

Overtime - The Department's current FY01 overtime budget for the Division of Adult Institutions is \$7,406,000. Actual overtime expenditures through May 19, 2001 (pay period 11) were \$15,394,000. Total overtime through June 30, 2001 is projected to be \$17,359,000, resulting in a projected overtime deficit of \$9,953,000. Factors, which have contributed to the overtime salary deficit, include:

- Additional security needs due to overcrowding in the Fox Lake Correctional Institution's medium security housing units during the time period that the barracks were being converted into minimum security resulted in approximately \$570,400 in overtime expenditures.
- The Department was budgeted for 2 hours of overtime a week per officer, at a rate of \$20.88/hour for 3006 officers. Currently, the average overtime rate is \$24.15, significantly higher than the level budgeted. Assuming that overtime rates throughout the year were at the \$24.15/hour rate, this would result in a shortfall in the overtime budget of over \$1 million.
- DAI was budgeted for 6 hours of overtime per month for 79.80 Nurse Clinicians at a rate of \$26.235. Nurse Clinician overtime is averaging \$33.61 per hour. Assuming that overtime rates for nurses throughout the year were at the \$33.61/hour rate, this would result in a shortfall in the overtime budget of over \$42,000.



- Past labor contracts for the Department's Officer staff have resulted in additional leave time. Existing security posts that must be manned at all times had their staffing determined by a formula that did not include the additional leave time mandated by the labor agreements. This has resulted in an increasing number of security posts' hours being covered by overtime. The Department has begun to address this staffing issue in the 2001-03 biennial budget.

While the total overtime deficit in FY01 approximates \$9.9 million, through the monitoring of salary expenditures and hiring practices in DAI and salary savings generated in other divisions, the Department has been able to absorb some of these unfunded costs.

Health Care LTE's - The Department has no funding budgeted for health care LTE's. Actual health care LTE expenditures through May 19, 2001 are \$1,755,600. Total healthcare LTE expenditures through June 30, 2001 are projected to be \$1,947,600. Health care LTE's were used throughout the correctional system to supplement staffing levels because the number of health care staff in DOC has not commensurately risen with the inmate population. Additionally, in the past when health services units (HSU's) for new construction or expansions were staffed the staffing need was not calculated using a formula that would provide enough staff to cover vacations, training, etc. LTE's are being used to supplement this staffing.

27<sup>th</sup> Pay Period Funding - FY01 contained an additional 27<sup>th</sup> pay period. The 27<sup>th</sup> pay period was funded based on filled positions as of October 1998. All additional staff hired beyond that point, plus all pay plan increases and Department of Employee Relations re-grades, were not funded in the 27<sup>th</sup> payroll supplement. Of the Department's \$8.3 million dollar salary deficit, approximately \$1,932,000 can be attributed to the unfunded 27<sup>th</sup> pay period. The Redgranite and Supermax Correctional Institutions were most seriously impacted by this lack of funding, projecting a salary shortfall of \$590,300 in the current fiscal year.

### Summary

The Department of Corrections requests a one-time transfer of \$8,318,200 GPR in FY01 from the Joint Committee on Finance's appropriation under §20.865(4)(a) to the appropriation under §20.410(1)(a), general program operations for the Division of Adult Institutions (DAI), to address a projected FY01 salary deficit.

cc: Robert Lang, Legislative Fiscal Bureau  
George Lightbourn, Department of Administration

Prepared By: Nathan White, Bureau of Budget and Facilities Development  
240-5415

V. Department of Corrections – Jon Litscher, Secretary

The department requests a supplement of \$268,700 GPR in fiscal year 2000-01 from the Committee's appropriation under s. 20.865(4)(a) to the department's serious juvenile offender appropriation under s. 20.410(3)(cg) to correct a projected deficit in the Serious Juvenile Offender Program.

Governor's Recommendation

Deny the request and direct the Department of Corrections to pay for the projected deficit of \$132,300 GPR from fiscal year 2001-02 funds.



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**


SCOTT McCALLUM  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY

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**Date:** June 29, 2001

**To:** Members, Joint Committee on Finance

**From:** George Lightbourn, Secretary  
Department of Administration 

**Subject:** Section 13.10 Request from the Department of Corrections for the Serious Juvenile Offender (SJO) Program.

**Request**

The department requests a supplement of \$268,700 GPR in fiscal year 2000-01 from the Committee's appropriation under s. 20.865(4)(a) to the department's serious juvenile offender appropriation under s. 20.410(3)(cg) to correct a projected deficit in the Serious Juvenile Offender Program.

**Background**

The Serious Juvenile Offender (SJO) Program was created by 1995 Wisconsin Act 27 with an effective date of July 1, 1996. The SJO appropriation s. 20.410(3)(cg) pays all institutional, alternate care, corrective sanctions, and aftercare costs for juveniles with the following dispositions: SJO, Violent Offender, and juveniles sentenced under extended and waived jurisdictional orders. The SJO appropriation was changed from an annual appropriation to a biennial appropriation in 1999 Wisconsin Act 9.

Table 1 below shows the pattern of SJO funding deficits experienced by the department from fiscal year 1997-98 to present.

*Table 1: SJO Budget/Expenditure History FY98 through FY01*

<b>Fiscal Year</b>	<b>Budget</b>	<b>Actual/Projected Expenditures*</b>	<b>Difference</b>
FY98	\$ 5,191,800	\$ 6,569,600	(\$1,377,800)
FY99	\$10,813,200	\$11,064,300	(\$251,100)
FY00	\$11,973,400	\$12,282,900	(\$309,500)
FY01 Est.	\$13,813,200	\$14,081,900	(\$268,700)

\* Expenditures for FY99, FY00 and FY01 include the payment of the prior fiscal year's deficit.

### **Analysis**

The department ended fiscal year 1997-98 with a \$1,377,800 deficit in the SJO appropriation. The Joint Committee on Finance directed the department to cover the deficit by transferring funds from fiscal year 1998-99 SJO funding. To a lesser degree, this pattern was repeated in fiscal year 1998-99 when the program experienced a \$251,100 deficit. The Joint Committee on Finance directed the department to pay for this deficit from its fiscal year 1999-00 SJO funding.

At the end of fiscal year 1999-2000, expenditures in the SJO appropriation exceeded the fiscal year 1999-2000 budget by \$309,500. Since the appropriation is now a biennial appropriation, the department was able to transfer funds from fiscal year 2000-01 to pay the remaining fiscal year 1999-2000 costs. This action pushed the deficit into the current fiscal year, and the department is currently projecting a fiscal year 2000-01 deficit in the SJO appropriation of \$268,700.

The Average Daily Population (ADP) for the SJO program for the first nine months of this fiscal year was 298.3. During the month of April the ADP for SJO institutional placements spiked up to 174.9 (the ADP for institutional placements through March was 156.7). The department assumed this increase in institutional placements would continue for the remainder of this fiscal year. Summary data from May is now available and indicates that the institutional ADP fell by 9.4 to 165.5 during the month of May. Factoring in May data reduces the department's projected deficit by \$136,400.

In the Joint Committee on Finance's version of the budget, funding for the SJO program is increased by \$5,894,800 over the next biennium. This funding increase is based on a projected ADP of 330 in fiscal year 2001-02 and 329 in fiscal year 2002-03. It is likely that the increased funding will allow the department to cover the projected deficit. Population projection modeling suggests that the number of juveniles entering into the SJO program over the next biennium may be stabilizing.

### **Recommendation**

Deny the request and direct the Department of Corrections to pay for the projected deficit of \$132,300 GPR from fiscal year 2001-02 funds.

Prepared by: Brett Coomber  
266-8270

Scott McCallum  
Governor

Jon E. Litscher  
Secretary



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## State of Wisconsin Department of Corrections

DATE: June 20, 2001

TO: The Honorable Brian Burke, Co-Chair  
Joint Committee on Finance  
Room 317 East, State Capitol  
Madison, WI 53702

The Honorable John Gard, Co-Chair  
Joint Committee on Finance  
Room 308 East, State Capitol  
Madison, WI 53702

FROM: Jon E. Litscher, Secretary  
Department of Corrections

SUBJECT: §13.10 Request – Serious Juvenile Offender

### Request

The Department of Corrections (DOC) requests the transfer of \$268,700 GPR from the Joint Committee on Finance's appropriation under §20.865(4)(a) to the appropriation under §20.410(3)(cg), Serious Juvenile Offenders to address a projected FY01 deficit in this appropriation.

### Background

1995 Wisconsin Act 27 enacted the Serious Juvenile Offender (SJO) Program effective July 1, 1996. The SJO appropriation §20.410(3)(cg) pays all institution, alternate care, corrective sanctions, and aftercare costs for juveniles who are given the following dispositions: SJO, Violent Offender, extended, and waived jurisdiction. 1999 Wisconsin Act 9 changed the SJO appropriation from an annual appropriation to a biennial appropriation.

Table 1 below shows the pattern of SJO funding shortfalls experienced by the Department from FY98 to present.

Table 1: SJO Budget/Expenditure History FY98 through FY01

Fiscal Year	Budget	Actual/Projected Expenditures*	Difference
FY98	\$ 5,191,800	\$ 6,569,600	(\$1,377,800)
FY99	\$10,813,200	\$11,064,300	(\$251,100)
FY00	\$11,973,400	\$12,282,900	(\$309,500)
FY01 Est.	\$13,813,200	\$14,081,900	(\$268,700)

\* Expenditures for FY99, FY00 and FY01 include the payment of the prior fiscal year's deficit.

The Department ended FY98 with a \$1,377,800 deficit in the SJO appropriation, which the Joint Committee on Finance directed the Department to cover by transferring funds from the FY99 SJO funding. The Department then ended FY99 with a \$251,100 deficit in the SJO appropriation, which the Joint Committee on Finance authorized the Department to pay from its FY00 SJO funding. At the end of FY00, expenditures in the SJO appropriation exceeded the FY00 budget by \$309,500. Because the appropriation under §20.410(3)(cg) is now a biennial appropriation, the Department was able to use funds budgeted for FY01 to pay the remaining FY00 obligations. The Department is currently projecting an FY01 deficit in the SJO appropriation of \$268,700.

### Analysis

The original FY01 budget for the SJO appropriation was \$13,813,200 GPR. Because FY00 SJO obligations exceeded the FY00 budget by \$309,500, FY01 funds were used to cover this FY00 deficit. This decreased the FY01 available funds in the SJO appropriation to \$13,503,700 GPR. In addition to the \$309,500 for FY00 costs, the Department has spent \$11,270,100 between July 2000 and April 2001 for SJO expenditures. The Department is projecting that an additional \$2,502,300 GPR is needed to fund May and June costs. Total FY01 payments are estimated to be \$14,081,900, resulting in a budget shortfall of \$268,700.

In FY98 the SJO budgeted average daily population (ADP) was 157 while the actual ADP was 177. This was the cause for the initial \$1,377,800 deficit in FY98. Every fiscal year since FY98, budgeted ADPs have exceeded actual ADPs. However, the carryover of deficits from year to year has eliminated any savings that may have resulted from the lower ADPs.

### Summary

The Department of Corrections requests the transfer of \$268,700 GPR from the Joint Committee on Finance's appropriation under §20.865(4)(a) to §20.410(3)(cg) to address the Department's projected FY01 Serious Juvenile Offender deficit.

cc: Robert Lang, Legislative Fiscal Bureau  
George Lightbourn, Department of Administration

Prepared by: Dawn Woeshnick, Bureau of Budget and Facilities Management  
240-5417



## Legislative Fiscal Bureau

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

September 5, 2001

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections: Section 13.10 Request for Release of Funds for a Salary Deficit --  
Agenda Item VI

The Department of Corrections requests the transfer of \$8,318,200 GPR in 2000-01, on a one-time basis, to the Department's general program operations appropriation (s. 20.410(1)(a)) to address a projected salary deficit in the Division of Adult Institutions.

### BACKGROUND

In its request, the Department identifies a projected deficit in staff salaries of \$8,318,200 GPR. Subsequent to the submission, using more recent data and assuming that the Department's pay plan supplement request is approved, the Department indicates that deficit has been reduced to \$7,782,200 GPR. In total, Corrections' request is \$536,000 GPR less than originally requested to meet salary costs in 2000-01. This paper addresses only the modified request.

### ANALYSIS

On June 27, 2001, Corrections indicated the total salary shortfall in its general program operations appropriation (s. 20.401(1)(a)) would be \$28,626,200 GPR. Total 2000-01 salary costs in the appropriation were estimated to total \$202,520,200, with total budgeted salaries of \$173,894,000. Of the shortfall, \$20,599,100 GPR would be funded through requested pay plan supplements. Funding for the remaining shortfall, adjusted downward to reflect actual expenditures, is being requested through s. 13.10.

On July 12, 2000, the Joint Committee on Finance approved a s. 13.10 request to transfer \$2,677,900 GPR to Corrections related to salary shortfalls in 1999-00. At that time, the Department indicated that the deficit was caused primarily by two issues. First, overtime costs exceeded available funding because: (a) security and health care positions funded on overtime were used to staff overcrowded institutions until additional out-of-state contract beds were approved in December, 1999; and (b) additional leave time for correctional officers was provided under union contracts but not taken into account in the budgeted staffing of officer positions. The second primary cause of the salary deficit was that social worker and probation and parole agent position upgrades, with corresponding salary increases, were approved in June, 1999. These increases were not built into the Department's 1999-01 biennial budget and were not part of the 1999-00 pay plan supplement.

The Department indicates that, in general, for 2000-01 these same issues have resulted in a salary deficit. In addition, Corrections indicates that 2000-01 included a 27<sup>th</sup> pay period. Specifically, Corrections indicates that overtime costs exceeded budgeted costs (\$9.95 million) by approximately \$7.4 million because: (a) additional security coverage was needed at the Fox Lake Correctional Institution to house an increase in male inmates as the result of the John Burke correctional Center being converted to a facility for female offenders; (b) the hourly overtime salary for correctional officers used in the 1999-01 biennial budget to calculate overtime costs (\$20.88 per hour) is less than the current actual average hourly overtime salary (\$24.15 per hour); (c) the hourly overtime salary for nurses used in the 1999-01 biennial budget to calculate overtime costs (\$26.24 per hour) is less than the current actual average hourly overtime salary (\$33.61 per hour); and (d) additional leave time for correctional officers was provided under union contracts but not taken into account in the budgeted staffing of officer positions. Further, Corrections has utilized an estimated \$1.9 million to hire limited-term health care staff to address health care staffing needs throughout the correctional system. Finally, Corrections indicates the calculation of the 27<sup>th</sup> pay period was based on the number of filled positions in October, 1998, and not on the number of positions in existence during 2000-01.

In anticipation of a Corrections' salary shortfall in 2000-01, at the September 14, 2000, s. 13.10 meeting, the Committee placed \$3,393,600 GPR in the Committee's 2000-01 supplemental appropriation reserved for Corrections' salary shortfalls. In addition, in 1999 Act 9, \$13,799,000 GPR in 1999-00 and \$44,834,400 GPR in 2000-01 (\$58,633,400 total) was placed in the Committee's appropriation for prison contract beds. Through the April, 2001, s. 13.10 actions of the Committee, \$13,061,000 GPR in 1999-00 and \$34,396,100 GPR in 2000-01 (\$47,457,100 total) has been released by the Committee. In total, \$10,676,300 GPR reserved for contract beds has not been released. Corrections indicates that funding in the Committee's appropriation for contract beds will not be utilized for contract beds and, therefore, is available to fund the salary shortfall. In order to fund the s. 13.10 request related to the salary deficit, Corrections requests that the Joint Committee on Finance release \$7,782,200 GPR from its supplemental appropriation reserved for: (a) Corrections' salary shortfalls (\$3,393,600 GPR); and (b) prison contract bed funding (\$4,388,600 GPR).



**CONCLUSION**

Based on final 2000-01 salary calculations, including the maximum available pay plan supplement, Corrections' salary line in its general program operations appropriation ended the fiscal year in deficit. In order to meet salary requirements, supplemental funding of \$7,782,200 GPR in 2000-01 is necessary. Corrections' request would fully utilize funding reserved in the Committee's appropriation for salary shortfalls (\$3,393,600 GPR). In addition, Corrections will not utilize the funding in the Committee's appropriation reserved for contract beds (\$10,676,300 GPR) for that purpose. As a result, funding is available in the Committee's appropriation to address the Department's salary needs. Given that Corrections has an identifiable salary deficit and funding is currently available to support the request, the Committee may wish to approve the Department's request to transfer \$7,782,200 GPR in 2000-01 to the Department's general program appropriation (s. 20.410(1)(a)) from the reserved portions of Committee's supplemental appropriation (s. 20.865(4)(a)) as follows: (a) Corrections' salary shortfalls (\$3,393,600 GPR); and (b) prison contract bed funding (\$4,388,600 GPR).

Prepared by: Jere Bauer

MO# Conclusion

1	BURKE	<input checked="" type="radio"/>	N	A
	DECKER	<input checked="" type="radio"/>	N	A
	MOORE	<input checked="" type="radio"/>	N	A
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AYE 16 NO 0 ABS \_\_\_\_\_



## Legislative Fiscal Bureau

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

September 5, 2001

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections -- Section 13.10 Request for Serious Juvenile Offender Costs -- Agenda Item V

The Department of Corrections (DOC) requests the transfer of \$268,700 GPR in 2000-01 from the Joint Committee on Finance supplemental appropriation for general purpose revenue [s. 20.865(4)(a)] to the appropriation for serious juvenile offenders [s. 20.410 (3)(cg)]. The transfer would address a shortage of funds for payments required under the serious juvenile offenders appropriation.

### BACKGROUND

The Serious Juvenile Offender (SJO) program was created under 1995 Act 27, the 1995-97 biennial budget act. A juvenile is subject to an SJO placement for certain acts committed on or after July 1, 1996, as follows: (a) if the juvenile is 14 years of age or over and has been adjudicated delinquent for committing an act that is equivalent to a Class A or B felony; or (b) the juvenile is 10 years of age or over and has been adjudicated delinquent for attempting or committing first-degree intentional homicide or for committing first-degree reckless homicide or second-degree intentional homicide. An SJO disposition may only be made for these juveniles if the judge finds that the only other disposition that would be appropriate is placement in a secured correctional facility.

For a juvenile receiving a disposition as a Serious Juvenile Offender, the court is required to make the order apply for a period of five years if the adjudicated act was equivalent to a Class B felony offense, or until the juvenile reaches 25 years of age if the adjudicated act was equivalent to a Class A felony offense. The program provides for component phases (various institutional, treatment and community-based sanctions) that are intensive, highly structured and based on both public safety considerations and the participant's needs. An SJO-adjudicated juvenile is subject to

supervision, care and rehabilitation that are more restrictive than ordinary supervision in the community.

The costs relating to institutional care and all components of aftercare for juveniles under an SJO disposition are paid by the state from a GPR appropriation for serious juvenile offenders. The state is also authorized to pay, from this appropriation, the institutional and aftercare costs of juveniles adjudicated for certain violent offenses committed before July 1, 1996 (termed "violent juvenile offenders" or VJO) and the costs of "waived and extended jurisdiction" juveniles (EJ). This latter category includes certain juveniles under adult court jurisdiction currently placed at juvenile facilities and juveniles under the extended jurisdiction of the juvenile court who committed certain serious offenses prior to July 1, 1996. Under current law, then, serious juvenile offenders, violent juvenile offenders and waived/extended jurisdiction juveniles are state funded; counties have no fiscal responsibility for the care and treatment of these offenders.

Under Enrolled 1999 Assembly Bill 133, the 1999-01 biennial budget bill, the SJO appropriation would have been provided \$11,973,400 in 1999-00 and \$14,407,100 in 2000-01 in a biennial appropriation based on a total estimated SJO population of 236 juveniles in 1999-00 and 277 juveniles in 2000-01. The Governor deleted \$593,900 of the SJO funding in 2000-01 under a partial veto. As a result, under the 1999-01 biennial budget act (1999 Act 9), the SJO appropriation was funded at \$11,973,400 in 1999-00 and \$13,813,200 in 2000-01.

## ANALYSIS

In each biennial budget process, the SJO and VJO/EJ populations in the new biennium are reestimated for each type of care that will be utilized for these juveniles (secured correctional facilities, the corrective sanctions program, aftercare supervision and various alternate care settings). The SJO appropriation is then adjusted to reflect these population estimates and the revised daily rates for each type of care. The average daily population (ADP) estimate assumed under Enrolled 1999 AB 133 was as follows:

### Estimated 1999-01 Average Daily Populations

Type of Care	SJO Juveniles		VJO/EJ Juveniles		Total ADP	
	1999-00	2000-01	1999-00	2000-01	1999-00	2000-01
Secured Correctional Facilities	101	105	26	19	127	124
Corrective Sanctions Program	49	73	6	4	55	77
Aftercare Supervision	<u>49</u>	<u>73</u>	<u>5</u>	<u>3</u>	<u>54</u>	<u>76</u>
Total ADP	199	251	37	26	236	277
Alternate Care*	49	73	0	0	49	73

\*Includes child caring institutions, treatment foster homes and group homes and are a subset of aftercare supervision.

In 1999-00, institutional populations for SJO juveniles were higher than the projections shown in this table, while corrective sanctions, aftercare and alternate care populations were lower than anticipated. As a result, expenditures from the SJO appropriation in 1999-00 totaled \$12,282,900, or \$309,500 more than the appropriated amount of \$11,973,400. Because the SJO appropriation is a biennial appropriation, expenditure authority in 2000-01 was used to cover these additional 1999-00 expenses. Following this transfer, the amount remaining for 2000-01 SJO expenses totals \$13,503,700.

Actual population and cost data relating to the SJO appropriation are now available for 2000-01. As was the case in 1999-00, the 2000-01 institutional populations for SJO juveniles were higher and corrective sanctions, aftercare and alternate care populations were lower than the projections made in the 1999-01 budget. The following table shows the actual ADP for each type of care in 1999-00 and 2000-01.

### Actual 1999-01 Average Daily Populations

<u>Type of Care</u>	<u>SJO Juveniles</u>		<u>VJO/EJ Juveniles</u>		<u>Total ADP</u>	
	<u>1999-00</u>	<u>2000-01</u>	<u>1999-00</u>	<u>2000-01</u>	<u>1999-00</u>	<u>2000-01</u>
Secured Correctional Facilities	144.6	161.8	17.3	9.3	161.9	171.1
Corrective Sanctions Program	30.8	52.2	4.1	2.7	34.9	54.9
Aftercare Supervision	<u>34.6</u>	<u>54.1</u>	<u>7.1</u>	<u>5.6</u>	<u>41.7</u>	<u>59.7</u>
Total ADP	210.0	268.1	28.5	17.6	238.5	285.7
Alternate Care	28.7	36.4	2.7	0.9	31.4	37.3

The Department's request for a supplement of \$268,700 GPR for the SJO appropriation was prepared in June, 2001, and was based on projected populations and costs for May and June. Actual data through June 30, 2001, is now available and actual 2000-01 SJO costs total \$13,620,700. Given current SJO expenditure authority of \$13,503,700, a supplement of \$117,000 GPR is needed.

In 1999 Act 9, \$13,799,000 GPR in 1999-00 and \$44,834,400 GPR in 2000-01 (\$58,633,400 total) was placed in the Committee's appropriation for prison contract beds. Through the April, 2001, s. 13.10 actions of the Committee, \$10,676,300 GPR reserved for contract beds has not been released. Funding in the Committee's appropriation for contract beds will not be utilized for contract beds and, therefore, is available to fund the SJO shortfall.

The Department faced a shortfall in its 1998-99 SJO appropriation and requested a supplement at the Committee's June, 1999, s. 13.10 meeting. At that time, the Committee authorized the Department to pay its remaining 1998-99 SJO expenses from its 1999-00 SJO appropriation. Similarly, as an alternative to providing a supplement, the Committee could authorize the Department to pay its remaining 2000-01 SJO expenses from its 2001-02 SJO appropriation, which totals \$16,486,900 GPR under Enrolled Senate Bill 55. It should be noted, however, that if the 2001-03 SJO population projections prove accurate, this alternative could result in a shortfall in the SJO biennial appropriation in 2002-03.

**ALTERNATIVES**

1. Modify the Department of Corrections' request and approve the transfer of \$117,000 GPR in 2000-01 from the Joint Committee on Finance supplemental appropriation for general purpose revenue [s. 20.865(4)(a)] reserved for prison contract beds to the appropriation for serious juvenile offenders [s. 20.410 (3)(cg)].

2. Authorize the Department of Corrections to pay \$117,000 in remaining 2000-01 SJO expenses from its 2001-02 SJO appropriation.

Prepared by: Art Zimmerman

MO#	<u>Alt. 1</u>		
BURKE	<u>Y</u>	N	A
DECKER	<u>Y</u>	N	A
MOORE	<u>Y</u>	N	A
<del>SHIBILSKI</del>	<u>Y</u>	N	A
PLACHE	<u>Y</u>	N	A
WIRCH	<u>Y</u>	N	A
DARLING	<u>Y</u>	N	A
ROSENZWEIG	<u>Y</u>	N	A
2 GARD	<u>Y</u>	N	A
KAUFERT	<u>Y</u>	N	A
ALBERS	<u>Y</u>	N	A
DUFF	<u>Y</u>	<u>N</u>	A
WARD	<u>Y</u>	N	A
HUEBSCH	<u>Y</u>	N	A
HUBER	<u>Y</u>	N	A
<del>GOGGS</del>	<u>Y</u>	N	A
<del>LASSA</del>			
AYE	<u>15</u>	NO	<u>1</u> ABS



## Legislative Fiscal Bureau

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

September 9, 2002

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Materials for the Committee's September 12, Section 13.10 Meeting

Attached is a paper, prepared by this office, on the item which is scheduled for the Committee's September 12 meeting under s. 13.10 of the statutes.

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The meeting is scheduled to begin at 9:00 a.m. in Room 412 East, State Capitol.

BL/lah  
Attachment



## Legislative Fiscal Bureau

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

September 12, 2002

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections: Section 13.10 Request Related to Redgranite, Supermax and Prairie du Chien Correctional Institutions' Health Services Staffing

### REQUEST

The Department of Corrections requests the creation of 32.25 GPR positions in the general program operations appropriation (s. 20.410(1)(a)) to assume staffing of the health services units at the Redgranite, Supermax, and Prairie du Chien Correctional Institutions from a privately contracted provider, Prison Health Services.

### BACKGROUND

The Department of Corrections currently contracts with Prison Health Services (PHS) to provide medical services at the Redgranite, Supermax, and Prairie du Chien Correctional Institutions. The contracts require PHS to provide comprehensive medical care for inmates at the facilities, including general medical care, periodic and annual health assessments, psychiatric care, dental care, emergency care, pharmaceuticals, and certain aspects of employee health. Corrections began contracting with EMSA Correctional Care (now PHS) in July, 1997, for health care services at the Prairie du Chien Correctional Institution. That contract expired on July 1, 2002. Corrections entered into health care contracts with PHS on November 1, 1999, for Supermax and January 8, 2001, for Redgranite. Both of these contracts specified that the terms would be for three years, with an option for two one-year renewals.

In 2001 Act 16, funding was provided to support the costs of contracted medical services at the Milwaukee Secure Detention Facility, and Redgranite, Supermax and Prairie du Chien in 2001-02 and 2002-03. On November 29, 2001, Corrections notified the Committee that it had not been able to negotiate a contract with Correctional Medical Services and requested 30.5 GPR positions to provide health care services at the Milwaukee facility. The Department reallocated \$1,654,200

GPR in 2001-02 and \$3,405,100 GPR in 2002-03 from contract funding to support the costs of additional staff. The Department's request was approved by the Committee on December 18, 2001.

## ANALYSIS

Under the original Supermax and Redgranite contracts, if PHS terminates the contract for any reason, "[w]ritten notice of said termination by PHS shall be delivered to WDOC not less than 120 days prior to the termination." According to Corrections, around May 14, 2002, PHS contacted the Department to indicate that written notice of termination for the Supermax and Redgranite contracts would be delivered by May 21, 2002, and that the Prairie du Chien contract would not be extended. Corrections indicates that PHS had "financial concerns regarding the continued provision of contracted healthcare to Wisconsin correctional institutions..." On May 15, 2002, Corrections requested that PHS continue to provide services until December 31, 2002. On May 21, 2002, PHS indicated to Corrections that it was willing to continue the contracts through the end of the calendar year if contract amendments could be negotiated. On June 19, 2002, PHS and Corrections signed contract amendments which established a December 31, 2002, expiration date for services and a fee schedule for the remainder of the contract period. If PHS had delivered the termination notice relating to Supermax and Redgranite at the end of May, 2002, contracted medical services would have terminated at these institutions at the end of September, 2002.

On August 29, 2002, Corrections requested that the Committee create 32.25 GPR positions in 2002-03 to assume staffing of the health services units at Redgranite, Supermax and Prairie du Chien from PHS. According to the Department, the request is "an emergency due to the unanticipated departure of PHS on January 1, 2003. The Department must have position authorization no later than September 15, 2002. This will ensure adequate time for union posting and completion of the interview and job offer processes so that DOC staff will be in place to assume responsibility for delivery of healthcare at these three institutions when PHS discontinues these services."

Currently, PHS operates health services units at Supermax and Redgranite 24 hour per day, seven days per week, and at Prairie du Chien 16 hours per day, five days per week, and eight hours per day on weekends. Under the Department's request, the Supermax health services unit would continue to operate 24 hours per day, but the number of hours per day at Redgranite would be reduced to 16 and Prairie du Chien would be reduced to 10 hours per day during the week and remain at eight hours per day on weekends. The Department indicates that staffing at these levels "will allow the Department to absorb the costs of operating these HSU's [health services units] for six months out of existing funds. It is the Department's intent to propose additional staffing in the 2003-05 biennial budget process so that healthcare services at these institutions can be restored to the current level of care."

The Department's request is divided as follows:



a. *Supermax Correctional Institution.* The Department estimates an average daily population at the facility of 400 inmates in 2002-03. The request for the facility includes the following 13.0 positions: (a) 1.0 nursing supervisor to serve as the administrator for the unit; (b) 0.5 physician and 1.0 nurse practitioner to provide medical services; (c) 0.5 dentist and 0.5 dental assistant to provide dental services; (d) 8.5 nurse clinicians to provide medical services; and (e) 1.0 program assistant for administrative activities in the health service unit. Correctional officers would temporarily be utilized to deliver medications to inmates.

b. *Redgranite Correctional Institution.* The Department estimates an average daily population at Redgranite of 990 inmates in 2002-03. The request for the facility includes the following 11.5 positions: (a) 1.0 nursing supervisor to serve as the administrator for the unit; (b) 1.0 physician to provide medical services; (c) 1.0 dentist, 1.0 dental assistant and 0.5 dental hygienist to provide dental services; (d) 6.0 nurse clinicians to provide medical services; and (e) 1.0 program assistant for administrative activities in the health service unit. As with Supermax, correctional officers would temporarily be utilized to deliver medications to inmates. In addition, a 0.5 nursing consultant currently used to supervise the contract would be reallocated to a nurse clinician position.

c. *Prairie du Chien Correctional Institution.* The Department estimates an average daily population at Prairie du Chien of 326 inmates in 2002-03. The request for the facility includes the following 5.0 positions: (a) 1.0 nursing supervisor to serve as the administrator for the unit; (b) 0.25 physician to provide medical services; (c) 2.5 nurse clinicians to provide medical services; and (d) 1.0 program assistant for administrative activities in the health service unit. In addition, Corrections requests 0.25 dental hygienist for Prairie du Chien and indicates that the dentist and dental assistant provided at Supermax would be shared with Prairie du Chien. Further, 1.0 nursing consultant currently used to supervise the contract would be reallocated to a nurse clinician position.

d. *Central Pharmacy.* Under the contracts with PHS, the contractor was required to provide pharmaceuticals at the contracted correctional facilities. Based on the number of additional inmates for whom Corrections would be required to provide pharmaceuticals and the time requirements to fill prescriptions, the Department requests an additional 1.0 pharmacist and 1.75 pharmacy technicians.

The Department indicates that in "recognition of the limited resources available in this fiscal year the Department is proposing to internally reallocate funding for the conversion of the HSUs to state operations and is, therefore, only requesting minimal position authority for the HSU staff." In 2002-03, \$4,305,400 GPR is budgeted for health care contracts as follows: (a) Redgranite, \$2,193,200 GPR for an average daily inmate population of 750; (b) Supermax, \$1,351,300 GPR for an inmate population of 400; and (c) Prairie du Chien, \$760,900 GPR for an inmate population of 300. Based on the addenda signed by the Department, health care contracts are estimated to cost \$2,482,600 GPR through December 31, 2002. State costs associated with operation of the health service units in 2002-03 are identified below:

<u>Item</u>	<u>2002-03</u>
Salaries	\$729,300
Fringe Benefits	281,000
Supplies and Services	143,000
Inmate Variable Health Care Costs	<u>1,153,300</u>
Total	\$2,306,600

In total, Corrections' costs associated with six months of services from PHS and six months of state operation in 2002-03 would be \$4,789,200 GPR. This cost would exceed budgeted contract costs by \$483,800. The Department indicates that in 2002-03 the institutions would be required to absorb additional staff-related supplies and services costs using existing resources. On an annualized basis, after fully funding staff supplies and services, the Department's request is estimated to cost \$5.2 million, including \$2.5 million associated with inmate variable health care costs based on 2002-03 costs.

While the Department's request would lessen the number of hours that health service units at Prairie du Chien and Redgranite operate, the modified hours are similar to the hours of operations at other correctional facilities. Currently, the HSUs at seven correctional institutions (Waupun, Columbia, Oshkosh, Racine, Kettle Moraine, Fox Lake and Jackson) operate 16 hours per day during the week and eight hours per day on weekends. Health services units at Green Bay and Dodge operate 16 hours per day during the week and either 16 hours per day (Dodge) or 12 hours per day (Green Bay) on weekends. The units at the Racine Youthful Offender Correctional Facility and Oakhill (beginning October 1, 2002) operate 13 hours per day during the week and eight hours per day on weekends. Twenty-four hour units operate at Taycheedah, the Dodge Correctional Institution's infirmary and the Milwaukee Secured Detention Facility.

To maintain staffing for their current hours of operation (Supermax and Redgranite 24 hour per day, seven days per week, and Prairie du Chien 16 hours per day, five days per week and eight hours per day on weekends), 47.5 GPR positions (rather the requested 32.25 positions) would be required. Under this scenario, the following additional 15.25 positions would be necessary: (a) 3.5 licensed practical nurses at Supermax; (b) 1.0 health information technician at Supermax; (c) 1.0 physician assistant at Redgranite; (d) 1.75 nurse clinicians at Redgranite; (e) 4.75 licensed practical nurses at Redgranite; (f) 1.0 health information technician at Redgranite; (g) 0.5 physician assistant at Prairie du Chien; (h) 0.5 dental assistant at Prairie du Chien; (i) 0.75 nurse clinician at Prairie du Chien; and (j) 0.5 dentist at Prairie du Chien. Using the same cost assumptions as under the Department's request, in 2002-03 state staff would cost \$2,673,500 GPR and total health costs for 2002-03 at the facilities would total \$5,156,100 GPR. This cost would exceed budgeted contract costs by \$850,700. If this level of staffing were to be approved and Corrections could not absorb the additional costs, funding would need to be reallocated from other sources at a future s. 13.10 meeting. On an annualized basis, staffing the units at the current hours of operations is estimated to

cost \$6.1 million, including \$2.5 million associated with inmate variable health costs based on 2002-03 costs.

After the contracts with PHS expire on December 31, 2002, Corrections will no longer have comprehensive health service contracts at any correctional institution. The Department indicates that it does not have alternative proposals if the request is not approved.

**ALTERNATIVES**

1. Approve the Department's request to create 32.25 GPR positions in the general program operations appropriation (s. 20.410(1)(a)) to assume staffing of the health services units at the Redgranite, Supermax, and Prairie du Chien Correctional Institutions from Prison Health Services.

2. Create 47.5 GPR positions in the general program operations appropriation (s. 20.410(1)(a)) to assume staffing of the health services units at the Redgranite, Supermax, and Prairie du Chien Correctional Institutions from Prison Health Services at their current hours of operation. This alternative would allow Corrections to provide health services at Supermax and Redgranite 24 hour per day, seven days per week, and at Prairie du Chien 16 hours per day, five days per week, and eight hours per day on weekends. Funding of \$850,700 would either be absorbed by the Department or funded by the Committee at a future s. 13.10 meeting.

3. Deny the request.

Prepared by: Jere Bauer

MO# _____			
BURKE	Y	N	A
DECKER	Y	N	A
<del>MOORE</del> <sup>Kelson</sup>	Y	N	A
SHIBILSKI	Y	N	A
<del>PLACHE</del> <sup>Hansen</sup>	Y	N	A
WIRCH	Y	N	A
<del>DARLING</del> <sup>Huelsman</sup>	Y	N	A
<del>ROSENZWEIG</del> <sup>St. Gerold</sup>	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE \_\_\_\_\_ NO \_\_\_\_\_ ABS \_\_\_\_\_



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
ATTORNEY GENERAL  
Burneatta L. Bridge  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
V/TTY 608/267-8902

October 2, 2001

Senator Brian Burke  
316 South, State Capitol  
Madison, WI 53702

Representative John Gard  
315 North, State Capitol  
Madison, WI 53702

Dear Senator Burke and Representative Gard:

The Department of Justice requests the attached reallocation of reductions in its operating budget, as provided by Section 9159 (1)(b) of 2001 Wisconsin Act 16. Act 16 requires a reduction of \$1,770,000 in each of fiscal years 2002 and 2003 from the Department's appropriation under sec. 20.455(1)(a). We understand that these requests are to be submitted using the process provided in Section 13.10, Wisconsin Statutes.

The Department of Justice recognizes the need for effective fiscal management during these challenging times. The Department is committed to accomplishing the state's budget objectives while continuing to fulfill its critical law enforcement and public safety mission. Our Department has submitted a plan, as reflected on the attached spreadsheet, which includes cutting positions, cutting administrative programs and costs, and transferring some positions and costs from general-purpose revenue to other sources of funding. We believe that our proposed reductions will meet the budget target set for this Department without jeopardizing any critical law enforcement functions.

In order to accomplish this we have proposed the elimination of funding for the *Weed and Seed* and *Law Enforcement Technology* grant programs, which have provided supplemental grants to several local law enforcement agencies around the state. These programs are funded through a local assistance, rather than a state operations appropriation. In the six years these two programs have been in existence, the Department has helped a few communities per year with community-oriented crime prevention activities or the acquisition of computers or other specialized technology to enhance their law enforcement programs. None of these communities received funding from the state during this past fiscal year and there are currently no on-going state funded projects, which would be affected by elimination of this funding. In addition, the state programs are companions to federal anti-crime grant programs from which funding is still available for the same purposes.

We believe that, given the difficult choices we face, it is preferable to discontinue this discretionary program so that critical law enforcement and crime prevention programs, which benefit the entire state, can be maintained. The recent cycles of budget reductions have placed this department in a position in which we have little choice but to sacrifice wherever possible so that the critical law enforcement functions needed by all communities in this state can be maintained. This same reduction was proposed, and approved, by the Department of Administration in the last round of budget cuts, during Fiscal Year 2001.

We believe we have proposed a balanced approach that will enable us to maintain vital services of statewide importance. We will be happy to attempt to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Burneatta L. Bridge". The signature is written in black ink and is positioned above the typed name.

Burneatta L. Bridge  
Deputy Attorney General

cc: David Schmiedicke  
Robert Lang

enc.

**DEPARTMENT OF JUSTICE**

5% Cut: \$1,770,000

October 2, 2001

Alpha Appm.	Numeric Appm.	Total Amount	GPR Pos.	Description	Salaries	Benefits	Other
(1)(a)	101	\$408,300	3.0	Cut 3 GPR Attorneys	\$303,300	\$105,000	\$0
(1)(a)	101	53,600	0.4	Transfer 0.8 GPR Attorney to Med. Assist. Admin. (0.5 FED) funding	39,800	13,800	0
(1)(a)	101	66,100	0.5	Transfer 0.5 GPR Attorney to Regulation & Licensing funding	49,100	17,000	0
(1)(a)	101	57,400	1.0	Transfer 1 GPR WC Resolution Officer to Worker's Comp funding	42,600	14,800	0
(1)(d)	104	46,600	0.0	Cut 5% of Case Account base	0	0	46,600
(2)(a)	201-01	32,600	0.5	Transfer 1 GPR Special Agent to 50% HIDTA	24,200	8,400	0
(2)(a)	201-01	11,800	0.0	Transfer GPR costs to Asset Forfeiture	0	0	11,800
(2)(a)	201-05	75,000	0.0	Transfer 1 GPR Special Agent to Meth grant (freeze GPR pos. nbr.)	54,200	20,800	0
(2)(a)	201-05	11,500	0.0	Transfer GPR costs to Asset Forfeiture	0	0	11,500
(2)(a)	201-02	281,400	4.0	Transfer 4 GPR Forensic Scientists to 229	209,000	72,400	0
(2)(a)	201-03	138,400	3.0	Cut 2 GPR Crim. Hist. Spec.; trsf. 1 GPR Fingerprint Sup. to 236	102,800	35,600	0
(2)(cm)	206	42,800	0.0	Cut TIME maintenance costs	0	0	42,800
(2)(dg)	209	500,000	0.0	Cut Weed & Seed & Law Enforcement Technology funding	0	0	500,000
(5)(a)	501	34,800	0.0	Transfer GPR salary and benefits costs to 531	25,800	9,000	0
(5)(a)	501	9,700	0.0	Transfer GPR costs to 535	0	0	9,700
Total		\$1,770,000	12.4		\$850,800	\$296,800	\$622,400

Notes: (1) All reallocations are effective for FY02 and FY03. (2) Salaries based on 7/28/00 B-1. (3) Fringe Benefits are DOA-assigned rates.

DISTRICT ATTORNEYS

Additional Prosecutor Positions  
[Agenda Item IX--Substitute Alternative]

Motion:

Move to provide 14.75 GPR positions effective January 1, 2002, as follows: Ashland (0.25), Brown (2.0), Chippewa (0.75), Columbia (1.0), Dane (1.85), Jefferson (0.5), Juneau (0.5), Kenosha (1.0), La Crosse (0.7), Manitowoc (1.0), Marathon (1.0), Outagamie (2.0), Pepin (0.2), Rock (0.25), Sauk (0.5) and Winnebago (1.25). All positions would be assistant district attorneys, except for Pepin County, this would increase the position authority for the part-time elected district attorney from 0.6 to 0.8.

In addition, transfer: (a) \$31,400 GPR from the pharmacological treatment for certain child sex offenders appropriation (s. 20.410(1)(bm)) in 2001-02 to District Attorneys' salaries and fringe benefits appropriation (s. 20.475(1)(d)) in 2001-02; (b) \$347,400 GPR from the Joint Committee on Finance's supplemental appropriation (s. 20.865(4)(a)) reserved in 2001-02 for the Department of Corrections' fuel and utility costs to the District Attorneys' salaries and fringe benefits appropriation (s. 20.475(1)(d)) in 2001-02; (c) \$356,500 GPR from the pharmacological treatment for certain child sex offenders appropriation (s. 20.410(1)(bm)) in 2001-02 to District Attorneys' salaries and fringe benefits appropriation (s. 20.475(1)(d)) in 2002-03; (d) \$331,600 GPR from the pharmacological treatment for certain child sex offenders appropriation (s. 20.410(1)(bm)) in 2002-03 to District Attorneys' salaries and fringe benefits appropriation (s. 20.475(1)(d)) in 2002-03; and (e) \$68,400 GPR from the Joint Committee on Finance's supplemental appropriation (s. 20.865(4)(a)) reserved for the Department of Corrections' fuel and utility costs in 2001-02 to District Attorneys' salaries and fringe benefits appropriation (s. 20.475(1)(d)) in 2002-03.

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Note:

The motion would provide 14.75 GPR prosecutor positions starting in January, 2002. Under the motion, funding to support the positions would be transferred from the following appropriations: (a) the Joint Committee on Finance's supplemental appropriation reserved for the Department of Corrections' fuel and utility costs; and (b) the Department of Corrections' pharmacological treatment for certain child sex offenders (chemical castration) appropriation. Under the motion, adjusted base funding in 2003-05 for the pharmacological treatment for certain child sex offenders program would be reduced from \$676,000 GPR to \$344,400 GPR.

MO# \_\_\_\_\_

BURKE	<input checked="" type="radio"/>	N	A
DECKER	Y	<input checked="" type="radio"/>	A
MOORE	Y	<input checked="" type="radio"/>	A
SHIBILSKI	<input checked="" type="radio"/>	N	A
PLACHE	<input checked="" type="radio"/>	N	A
WIRCH	<input checked="" type="radio"/>	N	A
DARLING	<input checked="" type="radio"/>	N	A
ROSENZWEIG	<input checked="" type="radio"/>	N	A
GARD	<input checked="" type="radio"/>	N	A
KAUFERT	<input checked="" type="radio"/>	N	A
ALBERS	<input checked="" type="radio"/>	N	A
DUFF	<input checked="" type="radio"/>	N	A
WARD	<input checked="" type="radio"/>	N	A
HUEBSCH	<input checked="" type="radio"/>	N	A
HUBER	<input checked="" type="radio"/>	N	A
COGGS	<input checked="" type="radio"/>	N	A

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# DANE COUNTY

Kathleen M. Falk  
County Executive

November 2, 2001

TO: Members, Joint Finance Committee  
FROM: Kathleen M. Falk, Dane County Executive *KM*  
RE: District Attorneys Item – November 5, 2001 Section 13.10 Meeting

I write in support of the Department of Administration's Section 13.10 request for additional Assistant District Attorney (ADA) positions. Through this request, the Administration honored its commitment to expand ADA positions without diverting funds from local government.

The Administration's funding request upholds the state's responsibilities and funds new ADA positions to handle increasing caseloads and maintain the integrity of the state criminal justice system. I ask your support for the new ADA positions Section 13.10 request. Thank you for your consideration.

Cc: Dane County Legislative Delegation  
Dane County Board of Supervisors  
Dane County District Attorney, Brian Blanchard  
Dane County Clerk of Courts, Judith Coleman

IX. District Attorneys – Stuart Morse, Director of State Prosecutors Office

The Department of Administration requests funding and position authority for 14.75 new FTE GPR prosecutorial positions by transferring \$387,900 GPR in fiscal year 2001-02 and \$400,000 GPR in fiscal year 2002-03 from the Department of Corrections' pharmacological treatment for certain child sex offenders appropriation under s. 20.410(1)(bm) in the following manner: in fiscal year 2001-02 transfer \$31,400 GPR into the District Attorneys' salaries and fringe benefits appropriation under s. 20.475(1)(d) and \$356,500 GPR into the Committee's general purpose revenue general program supplementation appropriation under s. 20.865(4)(a). On July 1, 2002, transfer the \$356,500 GPR from the Committee's appropriation into s. 20.475(1)(d). In addition, transfer \$400,000 GPR from s. 20.410(1)(bm) into s. 20.475(1)(d) on July 1, 2002.

Allocate the new assistant district attorney positions to the following counties: Ashland 0.25, Brown 2.0, Chippewa 0.75, Columbia 1.0, Dane 1.85, Jefferson 0.5, Juneau 0.5, Kenosha 1.0, La Crosse 0.7, Manitowoc 1.0, Marathon 1.0, Outagamie 2.0, Rock 0.25, Sauk 0.5 and Winnebago 1.25. The additional 0.2 elected district attorney position is in Pepin County.

Governor's Recommendation

Modify the request to transfer \$378,800 in FY02 to the district attorneys salaries and fringe appropriation from the portion of the Committee's supplemental appropriation reserved for fuel and utilities in the Department of Corrections. Also in fiscal year 2001-02 transfer \$393,000 from the pharmacological treatment appropriation to the Committee's supplemental appropriation. Then in fiscal year 2002-03 transfer \$363,500 from the pharmacological treatment appropriation and transfer \$393,000 from the Committee's supplemental appropriation to the district attorneys salaries and fringe appropriation on July 1, 2002.



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

SCOTT McCALLUM  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY

Office of the Secretary  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1741  
Fax (608) 267-3842  
TTY (608) 267-9629

**Date:** November 1, 2001

**To:** Members, Joint Committee on Finance

**From:** George Lightbourn, Secretary  
Department of Administration *George Lightbourn*

**Subject:** Section 13.10 Request from the District Attorneys for 14.75 additional FTE positions.

**Request**

The Department of Administration requests funding and position authority for 14.75 new FTE GPR prosecutorial positions by transferring \$387,900 GPR in fiscal year 2001-02 and \$400,000 GPR in fiscal year 2002-03 from the Department of Corrections' pharmacological treatment for certain child sex offenders appropriation under s. 20.410(1)(bm) in the following manner: in fiscal year 2001-02 transfer \$31,400 GPR into the District Attorneys' salaries and fringe benefits appropriation under s. 20.475(1)(d) and \$356,500 GPR into the Committee's general purpose revenue general program supplementation appropriation under s. 20.865(4)(a). On July 1, 2002, transfer the \$356,500 GPR from the Committee's appropriation into s. 20.475(1)(d). In addition, transfer \$400,000 GPR from s. 20.410(1)(bm) into s. 20.475(1)(d) on July 1, 2002.

Allocate the new assistant district attorney positions to the following counties: Ashland 0.25, Brown 2.0, Chippewa 0.75, Columbia 1.0, Dane 1.85, Jefferson 0.5, Juneau 0.5, Kenosha 1.0, La Crosse 0.7, Manitowoc 1.0, Marathon 1.0, Outagamie 2.0, Rock 0.25, Sauk 0.5 and Winnebago 1.25. The additional 0.2 elected district attorney position is in Pepin County.

**Background**

During the 2002-03 budget, the Committee provided funding and position authority for 14.55 FTE prosecutorial positions. The funding source identified by JCF would be from vehicle-related fines, penalties and forfeitures under Chapters 341 to 347, 349 and 351. The conference committee later added an additional 0.2 FTE position to this budget item to increase the position authority for the elected district attorney in Pepin County.

In 2001 Wisconsin Act 16, the Governor vetoed the funding and position authority for the 14.75 FTE prosecutor positions. In his veto message, the Governor stated he was doing so "because the identified funding source is contrary to the state's commitment to pay for all prosecutor positions, limits revenues for county judicial operations and requires all counties to forego revenue increases to aid a few counties." However, the Governor recognized and supported the need for additional prosecutorial resources and stated that it was his intent that this need be addressed in a s.13.10 meeting.

### **Analysis**

The start date identified by the Legislature in the budget for the DA positions was January 1, 2002. The s. 13.10 request, however, has the DA positions starting on the last pay period of FY02. This would have allowed the new positions to be included in the state's full-funding calculations for the next budget cycle. The delayed start date in the request for the positions was dependent on the available funding identified in the request.

In developing the Governor's recommendation for this request, additional funding has been identified from estimated fuel and utility savings. Recent estimates for natural gas prices indicate significant price reductions. In light of these reestimates it is possible to begin the positions in January.

The funding needed in FY02 for this request would come from the \$454,500 reserved in the Joint Committee on Finance's supplemental appropriations 20.865 (4)(a) for the Department of Correction's fuel and utilities needs in FY02. Of the reserved amount, \$378,800 of the \$454,500 would be needed to meet the FY02 funding requirement for the prosecutor positions. Funds from the Department of Correction's pharmacological treatment program would be utilized to fulfill the funding needs for the prosecutor positions in FY03.

The reduction from the pharmacological treatment appropriation leaves adequate funding for the program to increase from its current level of three offenders to nine offenders by the end of fiscal year 2001-02 and allows the program to maintain nine offenders in the program by the end of fiscal year 2002-03. Even with this rise in number of inmates in the program, the Department of Corrections could lapse \$393,000 in fiscal year 2001-02 and \$363,500 in FY03.

Eligibility for the program requires that the offender have a conviction for sexual assault of a child who was under the age of thirteen at the time of the offense. The eligible treatment population is reduced significantly by the fact that strict medical and psychiatric requirements must be met and few offenders voluntarily accept treatment. Of the offenders who meet all of the requirements, it is estimated that only one-third actually receive treatment and even fewer continue to receive treatment for significant periods of time due to the adverse side effects of the treatment. Of the five offenders who were receiving treatment in June 2001, only

Members, Joint Committee on Finance

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three are currently receiving treatment, with two having dropped out since the beginning of this fiscal year.

Current inmate population figures and reestimated fuel and utilities would indicate that funding for the DA request could be transferred from the pharmacological treatment appropriation and the Committee's supplemental appropriation.

**Recommendation**

Modify the request to transfer \$378,800 in FY02 to the district attorneys salaries and fringe appropriation from the portion of the Committee's supplemental appropriation reserved for fuel and utilities in the Department of Corrections. Also in fiscal year 2001-02 transfer \$393,000 from the pharmacological treatment appropriation to the Committee's supplemental appropriation. Then in fiscal year 2002-03 transfer \$363,500 from the pharmacological treatment appropriation and transfer \$393,000 from the Committee's supplemental appropriation to the district attorneys salaries and fringe appropriation on July 1, 2002.

Prepared by: Brett Coomber  
267-0370



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

SCOTT McCALLUM  
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DATE: October 5, 2001  
TO: Senator Brian Burke, Co-Chair  
Representative John Gard, Co-chair  
Joint Committee on Finance  
FROM: George Lightbourn, Secretary  
Department of Administration  
SUBJECT: **13.10 REQUEST FOR FUNDING ADDITIONAL DISTRICT ATTORNEYS**

**Request**

On behalf of the District Attorneys offices listed below, the Department of Administration is submitting a request under s.13.10 for 14.55 GPR FTE assistant district attorney (ADA) positions and 0.2 GPR FTE District Attorney position. The request is made under s.13.10 as no other funds are available to meet the need. In order to fund these positions starting in mid-June 2002, \$787,900 is needed. To obtain these funds, DOA proposes that 1) \$31,400 GPR of FY02 funds now in s.20.410(1)(bm) be immediately transferred into s.20.475(1)(d), 2) \$356,500 of FY02 funds now in s.20.410(1)(bm) be immediately transferred into s.20.865(4)(a) and on July 1, 2002 these fund be further transferred into s.20.475(1)(d), and 3) \$400,000 of FY03 funds now in s.20.410(1)(bm) be transferred into s.20.475(1)(d) on July 1, 2002.

The additional assistant district attorney positions that would be funded are as follows: Ashland 0.25, Brown 2.0, Chippewa 0.75, Columbia 1.0, Dane 1.85, Jefferson 0.5, Juneau 0.5, Kenosha 1.0, La Crosse 0.7, Manitowoc 1.0, Marathon 1.0, Outagamie 2.0, Rock 0.25, Sauk 0.5, and Winnebago 1.25. The additional elected district attorney position is Pepin 0.2.

**Background**

In his Act 16 veto message to the Legislature, the Governor deleted funding for 14.75 prosecutor FTE and stated that he was doing so "because the identified funding source is contrary to the state's commitment to pay for all prosecutor positions, limits revenues for county judicial operations and requires all counties to forego revenue increases to aid a few counties." He further stated that he "recognize[d] and support[ed] the need for additional prosecutorial resources." He

also stated that it was his intent that this need "be addressed in a s.13.10 meeting, which will give the Joint Committee on Finance the opportunity to consider a more appropriate funding source for prosecutorial positions."

Senator Brain Burke, Committee co-chair, in a letter to the Governor dated August 30, 2001, requested that the Governor provide the Committee with advice on possible funding sources. By this s.13.10 submission, a funding source is identified.

### ***Analysis***

Based on current and projected patterns of usage, it appears that \$378,900 in FY02 and \$400,000 in FY03 can be transferred to the district attorney program without affecting the ability of the child sex offender pharmacological treatment program in the Department of Corrections to function properly.

### ***Fiscal Analysis***

Full funding from June 2002 will cost \$787,900.

### ***Special Information***

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.13.10 request for additional positions in the DA program.

1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of the new positions requested on the DA Offices that would receive additional positions. The table uses the most current court data available (1998-2000) and the positions authorized as of October 2, 2001.

2) *An assessment of similar caseload problems in counties not addressed by the request.*

Table 1 shows the general need in all other DA offices using the same methodology.

3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

This request would implement the prosecutorial position decisions reached by the Legislature during its development of the 2001-2003 state budget for the DA program.

4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The request will address the general prosecutorial caseload of DA offices rather than being limited to one specific type of case.

Attachments

cc: Stuart Morse, Director, State Prosecutors Office, DOAS  
Richard Wagner, Budget Analyst, DOAS



Table 1

DA Office	FTE needed before 13.10	FTE needed after 13.10
Adams	0.38	0.38
<b>Ashland</b>	<b>0.75</b>	<b>0.50</b>
Barron	0.53	0.53
Bayfield	0.28	0.28
<b>Brown</b>	<b>4.59</b>	<b>2.59</b>
Buffalo	-0.24	-0.24
Burnett	0.61	0.61
Calumet	0.23	0.23
<b>Chippewa</b>	<b>0.71</b>	<b>-0.04</b>
Clark	0.36	0.36
<b>Columbia</b>	<b>1.90</b>	<b>0.90</b>
Crawford	0.04	0.04
<b>Dane</b>	<b>5.54</b>	<b>3.69</b>
Dodge	0.88	0.88
Door	0.28	0.28
Douglas	1.22	1.22
Dunn	-0.15	-0.15
Eau Claire	3.08	3.08
Florence	0.01	0.01
Fond du Lac	2.32	2.32
Forest	0.37	0.37
Grant	0.70	0.70
Green	0.47	0.47
Green Lake	0.05	0.05
Iowa	-0.05	-0.05
Iron	-0.12	-0.12
Jackson	-0.35	-0.35
<b>Jefferson</b>	<b>1.20</b>	<b>0.70</b>
<b>Juneau</b>	<b>0.59</b>	<b>0.09</b>
<b>Kenosha</b>	<b>6.60</b>	<b>5.60</b>
Kewaunee	-0.29	-0.29
<b>La Crosse</b>	<b>2.40</b>	<b>1.70</b>
Lafayette	-0.26	-0.26
Langlade	1.03	1.03
Lincoln	0.78	0.78
<b>Manitowoc</b>	<b>1.85</b>	<b>0.85</b>
<b>Marathon</b>	<b>2.41</b>	<b>1.41</b>
Marinette	0.19	0.19
Marquette	0.27	0.27
Milwaukee	-9.02	-9.02
Monroe	0.94	0.94
Oconto	0.38	0.38
Oneida	0.60	0.60
<b>Outagamie</b>	<b>6.21</b>	<b>4.21</b>
Ozaukee	0.99	0.99

## 13.10 submission regarding District Attorneys

October 5, 2001

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DA Office	FTE needed before 13.10	FTE needed after 13.10
<b>Pepin</b>	<b>0.01</b>	<b>-0.19</b>
Pierce	-1.25	-1.25
Polk	0.49	0.49
Portage	0.59	0.59
Price	0.14	0.14
Racine	3.82	3.82
Richland	-0.44	-0.44
<b>Rock</b>	<b>2.16</b>	<b>1.91</b>
Rusk	-0.09	-0.09
Saint Croix	-1.24	-1.24
<b>Sauk</b>	<b>1.48</b>	<b>0.98</b>
Sawyer	0.54	0.54
Shaw/Men	1.14	1.14
Sheboygan	4.23	4.23
Taylor	0.35	0.35
Trempealeau	0.60	0.60
Vernon	-0.94	-0.94
Vilas	-0.48	-0.48
Walworth	0.68	0.68
Washburn	0.29	0.29
Washington	1.29	1.29
Waukesha	-1.75	-1.75
Waupaca	0.27	0.27
Waushara	0.18	0.18
<b>Winnebago</b>	<b>4.12</b>	<b>2.87</b>
Wood	N/A	N/A