

LOCAL CORRECTIONS OFFICER TRAINING



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FISCAL ANALYSIS

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HOUSE BILL 5977 as introduced
Sponsor: Rep. Randy Richardville

FLOOR ANALYSIS - 11/25/02
Analyst(s): Marilyn Peterson

HOUSE BILL 5978 as introduced
Sponsor: Rep. Michael Kowall

HOUSE BILL 5979 as introduced
Sponsor: Rep. Jennifer Faunce

House Committee: Criminal Justice

SUMMARY

The bills constitute a package of legislation to require all local corrections officers to be certified by the Michigan Commission on Law Enforcement Standards (MCOLES). The package would have an indeterminate fiscal impact on the state and local units of government, depending on whom was responsible for costs of implementation, the amount of those costs, and the amount of any offsetting revenue collected under the legislation.

Exclusive of administrative costs, implementation costs would largely depend on the numbers of officers affected, whether they were paid while undergoing training, and what those pay levels were. Data are incomplete, but it appears that the cost of meeting training requirements for current officers could be roughly \$400,000 (assuming no additional wages or overtime) to \$2.6 million (assuming additional costs of wages or overtime) per year for the first three years of implementation. The bills provide for establishment of a Local Correctional Officers Training Fund to support the training program; deposits into the fund would come from \$10 booking fees assessed offenders admitted to jails and lockups. Given available data, it is not clear how much revenue could reliably be expected under both bills; however, if about half of the potential jail fees were collected, annual revenues could be about \$1.6 million annually.

ANALYSIS

HB 5977

House Bill 597 would create a new public act that would:

- Establish a local corrections officer training council within MCOLES;
- Require local corrections officers to be certified by MCOLES; and
- Create a local corrections officer training fund to defray costs of implementing the bill.

Individuals employed as local correctional officers before January 1, 2004 would have until January 1, 2006 to become certified.

Administration

The bill calls for the 12-member council to meet at least four times each year, to be reimbursed for expenses, and to appoint an executive secretary upon the recommendation of MCOLES. Administrative support services for the council and executive secretary would be funded through a separate appropriation for the council. Operational costs for MCOLES, an analogous entity, are about \$2.0 million annually. Operational costs for the council, with its more limited role, likely would be less. However, if MCOLES could meet the council's administrative needs with its current staffing levels (including having the MCOLES executive secretary also serve as the council's executive secretary), additional administrative costs would be minimal.

Training

Although the bill would require the council to establish minimum training requirements for certification as a local corrections officer, a 160-hour course of training has been developed for local correctional officers under the Correctional Officers' Training Act (1982 PA 415, MCL 791.501 et seq.). Between August 7, 2002 and October 10, 2002, this course was offered at Kirtland Community College, supported in part by a grant from MCOLES. Last year's costs for that program totaled about \$12,500, about \$1,500 of which was provided by the state grant.

At \$12,500 for a class capacity of 25, one can estimate that training costs for an individual officer would be a minimum of \$500. This figure is based on an assumption that classroom space could be obtained at no additional charge, as it is at Kirtland. Further, it does not include the costs of lodging or meals for officers while at the training course, nor the costs of the officers' salaries and benefits while at training, or overtime or other costs that might be incurred by local agencies while officers are at training.

The bill would require certification of officers staffing county jails and municipal lockups and holding centers. Data collected by the Michigan Sheriffs Association suggests that perhaps 35 to 40 percent of the roughly 3,400 officers who staff jails full- or part-time have completed some or all of the 160-hour training course. There are no comparable data on local officers who oversee offenders in municipal lockups and holding centers; however, a survey conducted by the Local Lockup Advisory Board (established under the Corrections Code) identified 71 facilities that hold offenders for up to 24 hours or more. Another 29 facilities held offenders from one to 16 hours and are not included in this analysis. There is no information on how the 71 lockups and holding centers were staffed; for instance, whether they were staffed 24 hours a day/seven days a week, whether there were officers whose primary responsibility was to supervise those cells, or whether lockup duty tended to rotate with other assignments.

The table below summarizes a range of cost estimates based on available data and various assumptions.

Assumptions*	Estimated Number of Officers to be Trained	Estimated Training Cost at \$500/Officer Excluding Meals, Lodging, Wages, Classroom Rental*	Additional Cost of Wages or Overtime at \$17.50/hour	Estimated Total Training Cost Excluding Meals, Lodging, Classroom Rental*
I. 60% of 3,400 jail officers and 100% of lockup and holding center officers. Lockups and holding cells with 24/7 coverage, one officer per shift. (2,040 jail officers, 298 lockup/center officers) Three-year average annual cost*	2,338	\$1,169,100	\$6,546,960	\$7,716,060
II. 60% of 3,400 jail officers and half-time coverage for lockups and holding centers Three-year average annual cost*	2,189	\$1,094,550	\$6,129,480	\$7,224,030
III. 60% of 3,400 jail officers; no holding center officers Three-year average annual cost*	2,040	\$1,020,000	\$5,712,000	\$6,732,000
* Overall assumptions:				
1. 160-hour training course analogous to current course under Correctional Officers' Training Act				
2. Does not include costs of training new officers to accommodate officer turnover				
3. Assumes training requirement would apply only with regard to cells holding offenders for 24 hours or more				
4. Assumes initial costs of implementation for current officers would be spread evenly over three years.				

There likely would be additional costs to accommodate annual staff turnover and continuing education requirements. There also could be some savings in terms of deferred costs of litigation or other expenses that presumably could be avoided or minimized with a fully-trained staff; however, such savings are impossible to quantify. Finally, it is not clear whether Article IX, Section 29 of the state constitution, which requires the state to assume the costs of newly-imposed mandates for local units of government, would pertain.

House Bills 5978 and 5979

House Bills 5978 and 5979 would amend the statute pertaining to county jails (1846 RS 171) to require each person incarcerated in a county jail (HB 5978) or municipal lockup (HB 5979) to pay a \$10 fee upon admission. Failure to pay would subject the offender to a \$100 civil fine. Revenue collected under the bills would go into the Local Correctional Officers Training Fund created under HB 5977.

- Various factors make estimates of revenue under the bills problematic. For example, there are no data to indicate the numbers of admissions to municipal lockups and holding centers. There also are additional questions that could arise:
- Could individuals who have been arrested but not charged be assessed the fee? Could individuals who have been charged but not convicted be assessed the fee?
- How many times in a year could a given individual be assessed the fee?
- There are a number of statutes that set forth the order of priority of payments of court costs, victim restitution, fines, fees, and reimbursements for the costs of incarceration. How would the \$10 payments fit into this framework? How would these other fees affect collection of the \$10 payment?
- How would the bills apply to indigent individuals, juveniles, or individuals who were held in cells but not "admitted?"
- How would collection costs compare to revenues?

HB 5978 would require each person incarcerated in a county jail to pay a fee of \$10, payable to the county sheriff when the person is admitted into the jail. For those counties reporting jail data to the Department of Corrections in 2001 (representing about 90 percent of the jail beds statewide), there were a total of 287,380 admissions to jail. If one could assume that \$10 was received for each of these admissions (a 100 percent collection rate), and that the resulting revenue accounted for 90 percent of the statewide revenue, then the bill could be assumed to generate up to a maximum of \$3.2 million annually. A 50 percent collection rate thus could generate around \$1.6 million annually.

HB 5979 would require each person incarcerated in a municipal jail, lockup, or holding center to pay a fee of \$10, payable to the officer in charge of the facility when the person is admitted. Available data suggest that there are about 71 such facilities¹ in the state; however, there are no data to indicate how many beds they contain, or what the occupancy rates might be. Development of a revenue estimate for this bill therefore is problematic.

¹ This total includes forty-six 72-hour lockups, nine 48-hour lockups, and sixteen 24-hour holding centers. There are another 29 municipal facilities that hold offenders for a maximum of one to 16 hours.