

CORRECTIONS

Summary of FY 2010-11 Enacted Appropriations 2010 Public Act 188 (Senate Bill 1153)

Analyst: Bob Schneider

	FY 2009-10 YTD as of 2/11/10	FY 2010-11 Executive	FY 2010-11 House	FY 2010-11 Senate	FY 2010-11 Enacted	Difference: Enacted From FY 2009-10 YTD	
						Amount	%
IDG/IDT	\$891,900	\$915,400	\$915,400	\$915,400	\$915,400	\$23,500	2.6
Federal	7,746,100	7,868,500	7,868,500	7,868,500	7,868,500	122,400	1.6
Local	432,700	443,100	443,100	443,100	443,100	10,400	2.4
Private	0	0	0	0	0	0	0.0
Restricted	43,410,200	82,066,300	82,066,300	80,481,900	80,327,100	36,916,900	85.0
GF/GP	1,903,641,900	1,875,904,500	1,908,576,700	1,993,205,900	1,917,879,500	14,237,600	0.7
Gross	\$1,956,122,800	\$1,967,197,800	\$1,999,870,000	\$2,082,884,800	\$2,007,433,600	\$51,310,800	2.6
FTEs	15,767.1	14,630.3	15,937.5	15,966.0	15,877.5	110.4	0.7
Avg. Pop.	45,433	39,160	46,213	46,689	45,501	68	0.1

Note: FY 2009-10 appropriation figures do not reflect the impact of executive order, supplemental, or transfer adjustments made after the release of the FY 2010-11 Executive Budget on February 11.

Overview

The Michigan Department of Corrections (MDOC) operates under the codification of correctional statutes established under Public Act 232 of 1953. The MDOC budget funds operation of the state prison system, supervision of parolees and felony probationers, and a variety of offender programs both in prison and in the community. It also funds training of corrections officers and centralized functions of administration, research, and financial operations. Prison construction is funded through the Capital Outlay budget.

Major Budget Changes From FY 2009-10 YTD Appropriations

1. Prison Operation Savings

Does not concur with the Governor's proposal to assume \$129.5 million in net savings related to the implementation of "Good Time" sentencing reform legislation that would re-establish "good time" credits against their sentences for prisoners who avoid major misconducts and would eliminate current restrictions on community placement of prisoners. The Executive budget assumed a reduction of 7,529 prisoners on average for FY 2010-11, the closure of 4 to 5 state prisons by October 2010, and the elimination of 1,745 state custody staff positions.

	FY 2009-10 YTD (as of 2/11/10)	Enacted Change From YTD
Beds	45,433	(1,188)
FTEs	10,696.0	0.0
Gross	\$1,066,365,800	(\$42,125,400)
Federal	1,409,200	0
Restricted	2,180,500	0
GF/GP	\$1,062,776,100	(\$42,125,400)

Does include \$42.1 million in savings within the appropriations units which fund the state's correctional facilities. The appropriation for each facility is reduced by 3.8% from the revised Executive proposal. Prison population figures are also adjusted to reflect recent census figures.

2. Regional Administration Consolidation

Includes \$5.3 million in savings from the consolidation of the department's three regional administrations to two regions. The current Southwestern region will be consolidated with the Southeastern and Northern regions, resulting in a Southern and Northern region structure. Savings are related to the reduction of 54.0 FTE positions from the Southwestern region administration and clinical complexes. Remaining funding for the Southwestern region is transferred to the Southern and Northern regions and to individual facilities in the current Southwestern region.

	FTE	
Gross	405.3	(54.0)
Restricted	97,500	0
GF/GP	\$54,700,900	(\$5,300,600)

Major Budget Changes From FY 2009-10 YTD Appropriations		FY 2009-10 YTD (as of 2/11/10)	Enacted Change From YTD
3. Reduce Guard Tower Staffing at Ryan and Mound Facilities		FTE 594.3	(23.5)
Reduces funding to reflect a reduction in the staffing of guard towers at the Mound Correctional Facility and Ryan Correctional Facility. The towers will be manned only during times of prisoner movement. The closures will result in the elimination of a net 23.5 FTE positions with savings of just under \$1.8 million	Gross	\$55,570,100	(\$1,798,300)
	GF/GP	\$54,700,900	(\$1,798,300)
4. Prisoner Health Care: Managed Care Contract		Gross	\$95,881,400
Assumes an \$11.0 million reduction from Executive-recommended level in costs of prisoner health care services delivered through the Department's managed care contract with Prison Health Services Inc. Savings are taken after allowing for an Executive-proposed increase related to inflationary and per-prisoner cost adjustments included in the contract (\$4.9 million). Savings would need to be met through further reductions in the utilization of off-site medical care or through reductions in contract rates paid for medical services.	GF/GP	\$95,881,400	(\$6,146,000)
5. County Jail Reimbursement Program		Gross	\$0
Restores \$16.6 million for county jail reimbursement program which provides state reimbursement to counties that house convicted felons who meet boilerplate criteria in their county jails. Program funding was vetoed in FY 2009-10, but partial-year funding of \$9.7 million was restored through a recent supplemental. Related boilerplate provides that counties choose between the traditional eligibility/reimbursement structure of the program, and the newer tiered reimbursement and eligibility provisions included in the FY 2009-10 supplemental. Budget also increases GF/GP funding to offset declines in restricted revenue available for the program.	Restricted	0	5,900,000
	GF/GP	\$0	\$10,672,100
6. Transportation: Supply Chain Efficiency Savings		FTEs 215.6	0.0
Includes \$6.5 million in assumed savings through supply chain management efforts related to transportation services. Cost savings would be achieved through moving toward a regular statewide schedule for transportation runs and other efficiencies that lead to reduced vehicle usage.	Gross	\$23,351,600	(\$6,500,000)
	GF/GP	\$23,351,600	(\$6,500,000)
7. Food Service: Supply Chain Efficiency Savings		FTEs 423.0	0.0
Includes \$7.6 million in assumed savings through supply chain management efforts related to prison food services. MDOC has established a standardized statewide food menu for the prison population using uniform recipes and portion sizes. These changes are expected to result in reduced storage needs and better leverage in making purchases from vendors.	Gross	\$72,611,800	(\$7,590,900)
	IDG	593,500	0
	GF/GP	\$72,018,300	(\$7,590,900)
8. New Custody Staff Training		Gross	\$250,500
Increases funding by \$3.4 million GF/GP to finance training for new correctional officers. The Department anticipates at least 600 corrections officers will retire between now and the end of FY 2011 based on normal attrition rates. The funding increase will allow 200 new officers to complete training. Funding for training had been reduced in recent years from \$11.2 million in FY 2007-08 to \$3.5 million in FY 2008-09 and finally to \$250,500 in FY 2009-10 as facility closures limited the need for new custody staff hiring.	GF/GP	\$250,500	\$3,373,300
9. New Parole/Probation Officers for High-Risk Caseloads		FTEs 1,992.6	40.0
Supports 40 new parole/probation officer positions with \$3.2 million GF/GP in order to allow for lower caseload volumes for agents who handle high-risk sex offender caseloads that require greater investigative work and specialized training.	Gross	\$171,935,100	\$3,154,600
	GF/GP	\$171,935,100	\$3,154,600
10. Supply Chain Transformation Initiative		Gross	\$1,800,000
Adds \$2.8 million in additional funding for supply chain transformation efforts aimed at achieving long-run savings in food service, transportation, warehousing, prison store and laundry operations, as well as other operational areas of the department.	GF/GP	\$1,800,000 (estimated)	\$2,800,000

Major Budget Changes From FY 2009-10 YTD Appropriations		FY 2009-10 YTD (as of 2/11/10)	Enacted Change From YTD	
11. Residential Substance Abuse Treatment Programs		Gross	\$19,191,500	\$5,000,000
Increases funding in the Substance Abuse Testing and Treatment line item by \$5.0 million targeted toward the operation of residential substance abuse treatment programs around the state.		Federal	143,500	0
		GF/GP	\$19,048,000	\$5,000,000
12. Interdepartmental Grant Programs - PARTIALLY VETOED		Gross	\$0	\$1,250,000
Provides \$1.0 million in new grant funding to the Judiciary to support drug treatment courts, \$500,000 for the legislative Office of the Auditor General to provide further oversight over MDOC programs, and \$250,000 for the Legislative Corrections Ombudsman. Also transfers \$100,000 to a new grant line item to Human Services to support two DHS eligibility specialists housed in correctional facilities. Governor vetoes allocation for Office of the Auditor General.		GF/GP	\$0	\$1,250,000
13. Community Corrections		Gross	\$12,758,000	\$1,200,000
Increases funding by \$1.2 million GF/GP to provide a 9.4% increase in appropriations for local community corrections programs, which provide local courts with alternative sentencing options to prison and jail.		GF/GP	\$12,758,000	\$1,200,000
14. Pennsylvania Inmates at Muskegon Correctional Facility		Beds	0	1,320
Includes \$29.9 million in new state restricted revenue to come from fees paid by the State of Pennsylvania to operate the Muskegon Correctional Facility to house inmates from that state. New revenue allows Michigan to continue to operate the 1,320-bed facility and retain the 238 staff employed there. Finalized contract calls for Pennsylvania to make \$62 per diem payments to Michigan for each prisoner housed. In addition, Pennsylvania is responsible for the costs of health care provided outside the prison.		FTEs	0.0	238.0
		Gross	\$0	\$29,871,600
		Restricted	0	29,871,600
		GF/GP	\$0	\$0
15. Other Program Enhancements		Gross	N/A	\$600,000
Adds \$500,000 proposed to support established recycling programs within non-profit agencies that include persons transitioning from prison as employees, and provides \$100,000 to allow MDOC to hire a child/adolescent psychiatrist.		GF/GP	N/A	\$600,000
16. Central Office Staffing Reductions		FTEs	N/A	(12.0)
Eliminates twelve central office positions within the Executive Office (1.0 FTE), Bureau of Fiscal Management (3.0 FTEs), Office of Legal Services (5.0 FTEs), Field Operations Administration (1.0 FTE), Parole Board operations (1.0 FTE), and Prison Food Service (1.0 FTE).		Gross	N/A	(\$1,000,000)
		Restricted	N/A	0
		GF/GP	N/A	(\$1,000,000)
17. Mental Health Services: Consolidate Administration and Reduce Pharmacy Costs		FTEs	149.7	0.0
Assumes \$10.0 million in savings related to the consolidation of the Department of Community Health's Corrections Mental Health Program into the MDOC. Savings will be partially achieved through the elimination of dual supervision and management positions. In addition, it is anticipated that savings will be achieved in pharmaceutical costs through the use of a single MDOC formulary for mental health pharmaceuticals.		Gross	\$60,112,200	(\$10,000,000)
		GF/GP	\$60,122,200	(\$10,000,000)
18. Mental Health Services: Residential Treatment and Outpatient Mental Health Teams		FTEs	149.7	0.0
Provides additional funding to annualize FY 2009-10 budget increases for six additional outpatient mental health teams and for an additional Residential Treatment Program unit. In addition to mental health staff provided through the Department of Community Health, this also includes funding for MDOC custody and support staff assigned to units. FTE authorization for these staff was already added to last year's budget.		Gross	\$60,112,200	\$5,401,100
		GF/GP	\$60,122,200	\$5,401,100
19. Field Operations: GPS tether oversight and usage		FTEs	1,992.6	(20.0)
Eliminates 20.0 FTE positions within the Field Operations administration related to changes in Department policy regarding oversight of GPS tether units. Responsibility for reviewing GPS maps would move from GPS parole agents to department specialists, reducing agent workload. Department will also review tether protocols to ensure appropriate use.		Gross	\$171,935,100	(\$2,805,500)
		GF/GP	\$171,935,100	(\$2,805,500)

Major Budget Changes From FY 2009-10 YTD Appropriations		FY 2009-10 YTD (as of 2/11/10)	Enacted Change From YTD
20. Office of Legal Services: Reduce administrative law examiners		FTEs	23.0
Reduces positions and funding for the Office of Legal Services to reflect changes in Department policy related to prisoner misconduct hearings. Hearings before administrative law examiners would be limited to serious misconduct cases that might involve the reduction of disciplinary credit or placement in administrative segregation. Other less serious cases would be reviewed within the facility through informal hearings		Gross	\$2,583,700
		GF/GP	(\$1,054,100)
			(\$1,054,100)
21. Other Budget Reductions		Gross	N/A
Implements budget reductions in the following areas:		GF/GP	(\$7,600,000)
<ul style="list-style-type: none"> Education programs: reduced \$4.0 million to reflect historical lapse in this program, assumed savings from contracting for computer and server maintenance, and assumed savings from a new partnership with the Department of Energy, Labor, and Economic Growth related to education programming Michigan Prisoner Re-entry Initiative (MPRI) contracts: reduced \$1.5 million to reflect reduced need for capacity-building and other start-up contracts Jackson steam contract: eliminates \$1.5 million in funding related to contract with Jackson incinerator for steam production; contract not cost effective according to MDOC IT savings: \$600,000 savings associated with conversion to M-1 system 			
22. Economic Adjustments		Gross	N/A
Includes economic adjustments of:		IDG/IDT	\$79,515,600
<ul style="list-style-type: none"> \$57.2 million gross, \$56.1 million GF/GP to cover a 3% salary and wage increase for unionized state employees as well as increased employee retirement costs. \$18.8 million gross, \$18.7 million GF/GP for insurance. \$1.8 million gross and GF/GP for worker's compensation. \$139,300 gross and GF/GP for building occupancy charges. \$941,800 gross and GF/GP for food. \$729,700 gross and GF/GP for fuel and utilities. 		Federal	23,400
		Local	119,400
		Restricted	10,400
		GF/GP	1,145,400
			\$78,217,000

Major Boilerplate Changes From FY 2009-10

Sec. 204a. Health Care Professionals Compensation Study – NEW

Requires the Michigan Department of Corrections (MDOC) to work with the Civil Service Commission and Department of Civil Service to review compensation rates for health care professionals who provide direct services to prisoners and to compare compensation with comparable health care professionals in the private sector; requires department to make recommendations to address any disparity.

Sec. 212. Quarterly FTE Report and On-line Expenditure Information – NEW

Requires quarterly report on the number of FTEs in pay status by civil service classification; requires MDOC to develop and maintain website listing all expenditures within a fiscal year, including the purpose of the expenditure.

Sec. 235. Cost Reduction Strategies– NEW

Establishes legislative intent that the MDOC reduce expenditures by following recommendations outlined in specified reports from the Office of the Auditor General, and by continuing the supply chain transformation utilizing a contract with a supply chain external resource.

Sec. 236. Revenues from Sale of Scott Correctional Facility – NEW

Establishes legislative intent that from revenue resulting from the sale of the Scott Correctional Facility, sufficient funds shall be appropriated to MDOC to reimburse Michigan State Industries for costs related to the construction of the Industries Building, which was operated on that site by Michigan State Industries.

Sec. 410(3). Residential Substance Abuse Treatment Programs – REVISED

Increases the maximum per diem reimbursement for community corrections residential services from \$47.50 to \$48.50 for facilities that have been accredited by the American Corrections Association or a similar organization as approved by MDOC. Maximum per diem remains \$47.50 for non-accredited facilities.

Major Boilerplate Changes From FY 2009-10

Sec. 414. County Jail Reimbursement Program (CJRP) – RESTORED

Restores language guiding the CJRP program. Language was vetoed in FY 2009-10 budget. Language is revised to provide counties with the option of electing one of two eligibility/reimbursement standards. The first standard incorporates the provisions of the FY 2010 supplemental that restored partial-year program funding, including the provision of a three-tiered reimbursement rate with a \$60 per diem for diverted offenders with presumptive prison guideline scores, a \$50 per diem for those with a straddle cell guideline for a group one crime, and a \$35 per diem for those with a straddle cell guideline for a group two crime. The second standard includes the more traditional eligibility requirements and a flat \$43.50 per diem reimbursement rate as was in effect during FY 2008-09.

Also establishes a reimbursement committee review of payments for eligible claims under the new tiered reimbursement standard, and requires the State Budget Office to request a transfer from other MDOC line items if there appears to be a shortfall in funding.

Sec. 416. Felony Drunk Driver Jail Reduction and Community Treatment – REVISED

Expands eligible purposes for the use of funds to include jail diversion for felony drunk drivers who would have been sentenced to jail and whose lower limit of the minimum sentencing guideline range is one year or less, whose upper limit of the range is more than 18 months, and whose prior record variable score is less than 35 points.

Sec. 418. State Identification and Birth Certificates – REVISED

Requires MDOC to collaborate with the State Court Administrative Office to seek changes to Michigan Court Rules that would require the court to collect relevant identification at sentencing from persons being admitted into the corrections system; requires collaboration with Department of State to develop an achievable list of documents necessary to obtain driver's license or state ID for use by prisoners before discharge or parole; requires cooperation with Department of Community Health to create and maintain a process through which prisoners can obtain Michigan birth certificates and requires MDOC assistance in obtaining out-of-state certificates.

Sec. 422. MPRI Programs and Services – REVISED

Establishes legislative intent that Michigan Prisoner Re-entry Initiative (MPRI) programs be maintained as standard operating procedure within the MDOC from prisoner entry into the system until re-entry into the community. New language clarifies that services should focus on moderate- to high-risk individuals, and that special in-prison programming be provided to individuals who were paroled, have returned to prison, and will be eligible for parole again. Also adds that MPRI services shall include basic computer skills training.

Sec. 426. Employment in Recycling Programs for Parolees – REVISED

Allocates \$500,000 to one or more non-profit agencies with established public utility asset recovery recycling programs, and requires hiring at least 45% returning citizens through the funded program. Requires programs to be administered by Michigan-chartered non-profit corporations with documented entrepreneurial social enterprise expertise in creating employment opportunities for parolees.

Sec. 434. Employment Projects in High-Crime Neighborhoods – NEW

Establishes legislative intent that MDOC work with Department of Energy, Labor, and Economic Growth, Michigan State Housing Development Authority, and local government officials to implement employment-related projects for at-risk young adults, probationers, and parolees in high-crime neighborhoods with incarceration rates of at least 45%; requires MDOC to work with Department of Human Services (DHS) and Superintendent of Public Instruction to recommend programs that offer academic, counseling, and social support to children of incarcerated parents. In her signing letter, Governor noted the requirements imposed on DHS and the State Superintendent may be unconstitutional as appropriations for these departments are not contained in the act.

Sec. 505(2). Mental Health Awareness Training – NEW

Requires all staff having direct prisoner contact and employed within correctional facilities to attend at least one mental health awareness training session. New language extends the current boilerplate requirements which only apply to custody staff.

Secs. 507 through 509. Interdepartmental Grants – PARTIALLY VETOED

New sections provide guidance on the purpose of the interdepartmental grants appropriated in the MDOC budget: \$1.0 million to Judiciary for drug treatment courts; \$500,000 for Legislative Auditor General for MDOC oversight activities; and \$250,000 to Legislative Corrections Ombudsman for MDOC oversight. The allocation for the Legislative Auditor General in section 508 was vetoed by the Governor.

Sec. 615. Parole Board Review of Inmates Sentenced to Life with Possibility of Parole – NEW

Requires the parole and commutations board, after it has reviewed the cases of all inmates sentenced to life imprisonment with the possibility of parole who have good institutional records and pose low risk to the community, to provide an explanation to the Legislature as to why those who score "high probability of release" are not being paroled.

Major Boilerplate Changes From FY 2009-10

Sec. 803. Mental Health Services for Prisoners – NEW

Requires MDOC to use recognized performance standards and measures of quality to conduct periodic performance reviews of all mental health contracts. Requires renegotiation of contracts at least once every 3 years.

Sec. 807. Prisoner Medications During Transfers and Release from Facilities – REVISED

Requires MDOC to ensure that all medications for a prisoner be transported with that prisoner during any transfer to another facility and requires the provision of at least a 30-day supply of medication and a prescription for refills when prisoners are released from prison.

Sec. 813. Monitoring of Drug Utilization for Prisoner Health Care – NEW

Requires MDOC to collaborate with Department of Community Health to monitor and document drug utilization for prisoner health care services. Includes examination of drug utilization patterns and cost-cutting strategies used by corrections systems in other states, and requires report to Legislature on other states in this regard.

Sec. 814. Availability of Psychotropic Drugs – NEW

Requires that MDOC assure that psychotropic medications are available, when deemed medically necessary by a physician, to prisoners who have mental illness diagnoses but are not enrolled in the corrections mental health program.

Sec. 913. Programming as a Condition of Parole – REVISED

Establishes legislative intent that any prisoner required to complete an assaultive offender, sexual offender, or other program as a condition of parole be transferred to a facility where such programs are available in order to allow timely completion prior to expiration of his or her minimum sentence. Current law required transfer when possible and dealt only with assaultive offender programs.

Sec. 924. Evaluation of Prisoners at Intake for Mental Health Issues – REVISED

Current law requires evaluation for substance abuse disorders, developmental disorders, and serious mental illness. Revised language adds "other mental health disorders" and revises references to seclusion to "therapeutic seclusion".

Sec. 927. Evaluation of Prisoners at Intake for Mental Health Issues – REVISED

Requires MDOC to enter into an intergovernmental agreement with the Department of Human Services to place offenders less than 19 years of age who are committed to MDOC into underutilized units at the Maxey/Woodland Center Correctional Facility. Current law requires MDOC to examine the potential of such an agreement. In her signing letter, Governor noted the requirements imposed on DHS may be unconstitutional as appropriations for DHS are not contained in the act.

Sec. 929. Placement of Young Prisoners with Mental Illness – REVISED

Current law provides guidelines for placement of prisoners less than 19 years of age who have serious mental illness or a developmental disorder. Revised language includes those "serious emotional disturbance".

Sec. 933. Learning Management Pilot Programs – VETOED

Appropriates \$50,000 for two pilot programs for a secure, scalable inmate learning management tool to improve prisoner job skills and assist in GED work. The pilots would be housed on a single secure server for use in one state prison and one county jail. The section was vetoed by the Governor.

Sec. 934. Prison Industries Pilot Program – NEW

Requires MDOC to establish a pilot program for the manufacturing of textiles and clothing in at least one state correctional facility.