

**Summary: Executive Budget Recommendation
for Fiscal Year 2021-22
DEPARTMENT OF CORRECTIONS**



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	FY 2020-21 Year-to-Date as of 2/11/21	FY 2021-22 Executive	Difference: FY 2021-22 vs. FY 2020-21	
			Amount	%
IDG/IDT	\$0	\$0	\$0	--
Federal	196,370,900	5,364,100	(191,006,800)	(97.3)
Local	9,680,600	9,646,100	(34,500)	(0.4)
Private	0	0	0	--
Restricted	45,478,500	45,493,400	14,900	0.0
GF/GP	1,809,258,400	2,018,523,400	209,265,000	11.6
Gross	\$2,060,788,400	\$2,079,027,000	\$18,238,600	0.9
FTEs	13,702.8	13,500.4	(202.4)	(1.5)

Notes: (1) FY 2020-21 year-to-date figures include mid-year budget adjustments through February 11, 2021. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

The Michigan Department of Corrections (MDOC) is responsible for operation and maintenance of the state's 28 correctional facilities that house felony offenders sentenced to prison. This includes provision of physical and mental health care, education, food service, transportation, and reintegration programming. The department is also responsible for supervision of all parolees and probationers under the department's jurisdiction and has oversight over community corrections programs and other programs designed to encourage alternatives to prison placement for appropriate offenders. As of February 1, 2021, the department was responsible for 79,992 Michigan offenders: 33,396 prisoners, 33,783 probationers, and 12,813 parolees. From 1 year ago, the total number of offenders dropped by 12,702, or by 13.7%. The number of prisoners dropped by 4,593, or 12.1%, the number of probationers dropped by 7,743, or 18.6%, and the number of parolees dropped by 366, or 2.8%.

Major Budget Changes from FY 2020-21 Year-to-Date (YTD) Appropriations	FY 2020-21 YTD (as of 2/11/21)	Executive Change from YTD
1. Premium Pay for Front Line Workers – Fund Shift	Gross \$191,000,000	\$0
Restores \$191.0 million GF/GP that was reduced from the FY 2020-21 budget and replaced with federal Coronavirus Relief Fund revenue. Federal funding was allocated to support premium pay for front-line workers throughout the department, but primarily at correctional facilities. Federal funding has been exhausted and GF/GP needs to be restored for ongoing departmental payroll costs.	Federal 191,000,000 GF/GP \$0	(191,000,000) \$191,000,000
2. John Does v Department of Corrections Settlement	Gross NA	\$40,000,000
Includes \$40.0 million GF/GP to support the final 2 payments of the <i>John Does v Department of Corrections</i> settlement agreement. The remaining payments will be made on October 15, 2021 (\$25.0 million) and on October 15, 2022 (\$15.0 million). The case involved approximately 1,300 members that were incarcerated October 2010 through the date of the settlement, March 2020. The lawsuits claimed a variety of injuries including sexual assault and harassment, inappropriate use of segregation, and deprivation of educational and rehabilitative experiences due to the young age of the members. The case settled for \$80.0 million total inclusive of attorney fees and costs.	GF/GP NA	\$40,000,000

<u>Major Budget Changes from FY 2020-21 Year-to-Date (YTD) Appropriations</u>		<u>FY 2020-21 YTD (as of 2/11/21)</u>	<u>Executive Change from YTD</u>
3. Savings from Closure of the Detroit Reentry Center	FTE	202.4	(202.4)
Reflects a net reduction of \$10.5 million GF/GP and 202.4 FTE positions resulting from closure of the Detroit Reentry Center on January 9, 2021. The savings amount is the net amount that results from reduced costs for operations and administration at the center, a shift of funding for the prisoner dialysis unit that was transferred to the Woodland Correctional Facility, and a shift of funding for the parole violators who were transferred to the Macomb Correctional Facility.	Gross	\$10,523,600	(\$10,523,600)
	GF/GP	\$10,523,600	(\$10,523,600)
4. Funding for Training New Custody Staff	Gross	\$13,850,100	\$7,373,700
Includes \$7.4 million GF/GP to train additional corrections officers in an effort to reduce the number of vacant positions and meet projected attrition needs. Funding supports salary and payroll costs of new officers while they participate in training, as well as costs for uniforms, training materials, certifications, food, travel, and lodging. In FY 2019-20, an average of 52 custody staff left the department each month. With \$7.4 million added to the FY 2020-21 base of \$13.9 million, and with expenditure of carried forward work project account funding from prior years, the department will be able to train an estimated 800 new officers in FY 2021-22.	GF/GP	\$13,850,100	\$7,373,700
5. Employee Wellness Programming	Gross	\$1,190,600	\$809,400
Includes \$809,400 GF/GP to support additional employee wellness resources and support services for department employees.	GF/GP	\$1,191,600	\$809,400
6. Administrative Hearing Caseload Increase	Gross	\$3,200,300	\$204,000
Restores \$204,000 of GF/GP that was reduced from the FY 2020-21 budget as part of statewide budget reductions. Funding would be used to support departmental billings for administrative hearings through the LARA Michigan Office of Administrative Hearings and Rules. The number of hearings increased by over 9% from 2019 to 2020.	GF/GP	\$3,200,300	\$204,000
7. Transportation Costs for Prison Industries	Gross	NA	\$72,000
Includes an additional \$72,000 in state restricted funding authorization for Prison Industries Operations to cover increased transportation costs resulting from moving more of MSI-made goods sold to correctional facilities.	Restricted	NA	72,000
	GF/GP	NA	\$0
8. Economic Adjustments	Gross	NA	(\$4,696,900)
Reflects a net reduction of \$4.7 million Gross (\$4.6 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2021 and 1.0% on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, and other economic adjustments.	Federal	NA	(6,800)
	Local	NA	(34,500)
	Restricted	NA	(57,100)
	GF/GP	NA	(\$4,598,500)
9. Removal of Current Year One-Time Funding	Gross	\$15,000,000	(\$15,000,000)
Reduces the budget by \$15.0 million GF/GP to reflect removal of one-time funding included in the FY 2020-21 budget. Funding removed was for the third payment of the <i>John Does v Department of Corrections</i> settlement agreement.	GF/GP	\$15,000,000	(\$15,000,000)

Major Boilerplate Changes from FY 2020-21

GENERAL SECTIONS

Sec. 206. Disciplinary Action Against State Employees and Prisoners – DELETED

Prohibits MDOC from taking disciplinary action against classified civil service employees or prisoners for communicating with legislators or their staff unless the communication is prohibited by law and MDOC is exercising its authority.

Major Boilerplate Changes from FY 2020-21

Sec. 210. Contingency Funding – REVISED

Appropriates up to \$2.5 million in federal contingency funds; authorizes expenditure of funds after legislative transfer to specific line items. Revised to appropriate up to \$10.0 million in federal, up to \$10.0 million in state restricted, up to \$2.0 million in local, and up to \$2.0 million in private contingency funds.

Sec. 216. FTE Positions, Long-Term Vacancies, and Remote Work – DELETED

Requires MDOC to report on the number of FTE positions in pay status by civil service classification, including an accounting of all vacant positions, all vacant and filled corrections officer positions by facility, all vacant healthcare-related positions, and all vacant positions being held open for temporarily non-active employees; requires a report on the number of full-time positions authorized compared to the actual number employed by line item, number of employees authorized to work remotely and number of employees working remotely, estimated cost savings achieved by remote work, and reduced use of office space associated with remote work.

Sec. 217. Coronavirus Relief Fund Appropriations – DELETED

Unappropriates any Coronavirus Relief Fund appropriations for which expenditures have not been incurred as of December 30 and reappropriates them for deposit into the Unemployment Compensation Fund to support costs incurred due to the COVID-19 pandemic.

Sec. 218. State Administrative Board Transfers – DELETED

Authorizes the legislature, by a concurrent resolution adopted by a majority of members elected to and serving in each house, to inter-transfer funds if the State Administrative Board transfers funds.

Sec. 221. Receipt and Retention of Reports – DELETED

Requires MDOC to follow federal and state guidelines for short-term and long-term retention of records; authorizes MDOC to electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 222. Report on Policy Changes Made to Implement Public Acts – DELETED

Requires MDOC to report on each specific policy change made by the department to implement a public act affecting the department.

Sec. 225. Expending Available Work Project Authorization – DELETED

Prohibits appropriations that have unexpended work project authorization associated with them, to the extent possible, from being expended until all existing work project authorization for the same purpose is exhausted.

Sec. 239. Management-to-Staff Ratio – DELETED

Expresses legislative intent that MDOC maintain a management-to-staff ratio of 1 supervisor to 8 employees at the central office in Lansing and at the northern and southern region administration offices.

Sec. 248. Consensus Revenue Estimating Conference (CREC) – DELETED

Requires the Senate and House Fiscal Agencies and the State Budget Director, or the State Treasurer, to establish a projected prisoner population, and a projected number of available beds based on prisoner population, at the May 2021 CREC.

DEPARTMENTAL ADMINISTRATION AND SUPPORT

Sec. 302. Staff Retention Strategies – REVISED

Requires MDOC to report on staff retention strategies, including how to improve employee engagement, how to improve employee wellness, how to offer additional training and professional development, metrics used by MDOC to measure success of employee wellness programming, mechanisms by which to receive employee feedback, how MDOC considers suggestions made by employees, and steps taken and future plans for retention and improving employee wellness; requires MDOC to establish a Staff Recruitment and Retention Advisory Board to assist the department with shaping and enhancing effectiveness of staff recruiting and retention strategies; requires a status report on establishing the Staff Recruitment and Retention Advisory Board and on the board's initial plans. Revised to strike the listing of information that is to be included in the report and to strike the requirement to establish an advisory board.

Sec. 304. Staff Suggestions – DELETED

Requires MDOC to maintain a staff savings initiative program for employees to submit suggestions for efficiencies for the department; requires MDOC to consider suggestions in a timely manner; requires a report on process improvements made based on suggestions.

Sec. 309. Maintenance and Utility Costs at Facilities – DELETED

Requires MDOC to report on maintenance and utility costs and plans for capital improvement costs for each correctional facility; for facilities closed prior to November 1, 2018, requires a list of costs associated with maintenance and upkeep of closed facilities, by facility, and estimated costs of demolition of closed facilities.

Major Boilerplate Changes from FY 2020-21

Sec. 312. PTSD Outreach and Employee Wellness – DELETED

Requires appropriation to be used for PTSD outreach, treating mental health issues, and providing mental health programming for all department staff; requires \$50,000 to be used for conducting a comprehensive follow-up study to the initial study conducted in FY 2018-19; requires MDOC to report on results of the study and on programs established, level of employee involvement, and expenditures made for employee wellness programming.

Sec. 312. Employee Wellness – NEW

Requires MDOC to maintain employee wellness programming, including programming focused on post-traumatic stress disorder outreach.

Sec. 314. Staff Overtime Hours – DELETED

Requires MDOC to report on the number of overtime hours worked by all custody staff, by facility, including the number of mandatory overtime hours worked, number of voluntary overtime hours worked, reasons for overtime hours worked, and average number of overtime hours worked by active employees.

Sec. 315. 12-Hour Shifts for Corrections Officers – DELETED

Requires MDOC to conduct a survey of corrections officers at all facilities on whether officers want to have 12-hour shifts implemented; requires MDOC to report on the results of the survey.

Sec. 317. New Corrections Officer Training Academy – DELETED

Requires MDOC to report on the status of the new training academy, including a listing of all structures and amenities on-site and expenditure data associated with structures and amenities on-site; lists all amenities the legislature intends for the new academy to have; requires a report on the projected cost of amenities that are listed but not included on-site; requires MDOC to name the facility and to solicit site name ideas from staff.

Sec. 318. Professional Development and Training for Staff – DELETED

Requires MDOC to report on programs that offer professional development and training opportunities for all levels of custody supervisors and first line managers, including an overview of existing programs, and a review of similar programs available in other organizations and in other states.

OFFENDER SUCCESS ADMINISTRATION

Sec. 405. Substance Abuse Testing and Treatment – DELETED

Requires MDOC to report on expenditures for substance abuse testing and treatment services, program objectives, outcome measures, and results, including the impact on offender and programmatic success.

Sec. 408. Recidivism Measurement – REVISED

Requires MDOC to measure recidivism rates of offenders. Revised to require MDOC to measure the reincarceration recidivism rates of offenders based on available data.

Sec. 409. Workforce Development Program – REVISED

Requires MDOC to work with the Department of Labor and Economic Opportunity and local entities to design services and offender success vocational education programs for prisoners in an effort to encourage employment of prisoners upon release from prison; requires a report on the results of the workforce development program. Revised to require MDOC to ensure that the program provides relevant professional development opportunities to prisoners that are high quality, demand driven, locally receptive, and responsive to the needs of the communities where prisoners are expected to reside upon release from prison. Revised to delete the reporting requirement.

Sec. 410. Community Corrections Comprehensive Plans and Services – REVISED

Specifies purpose of and requirements for community corrections comprehensive plans (e.g., reduce admissions to prisons, improve utilization of jail facilities, contribute to offender success); lists award criteria for community corrections planning and residential services funds (e.g., trends in prison commitment rates, jail utilization, community corrections program capacity and utilization; impact and outcome of policies and procedures of programs on offender success); limits residential services per diem reimbursement rate to \$55.50; lists allowable uses of program funding for Drunk Driver Jail Reduction and Community Treatment Program (e.g., reimbursing counties for transportation, treatment costs, housing felony drunk drivers during period of assessment for treatment and case planning); provides for reimbursement for housing at a rate of \$43.50 per day per offender for up to five days. Revised to strike purpose of and requirements for community corrections comprehensive plans and listing of award criteria for community corrections planning and residential services funds.

Sec. 411. Comprehensive Corrections Plans – DELETED

Establishes further requirements for comprehensive corrections plans, such as information on sanctions and services available and utilized, local communities' plans to respond to sentencing guidelines, and strategies to collaborate with state and local alcohol and drug treatment agencies.

Major Boilerplate Changes from FY 2020-21

Sec. 417. Reports on Community Programs – DELETED

Requires MDOC to report on program objectives and outcome measures, the number of offenders completing programs, number of offenders successfully remaining in the community 3 years following completion, expenditures, impact on jail utilization, impact on prison admission, and other relevant information on the Drunk Driver Jail Reduction and Community Treatment Program and on any new initiatives aimed at controlling prison population growth.

Sec. 423. Collaboration with Michigan Restaurant Association – DELETED

Requires MDOC to collaborate with the Michigan Restaurant Association on job placement for individuals on probation and parole.

Sec. 424. Enhanced Food Technology Program – NEW

Requires MDOC to maintain the Enhanced Food Technology program that provides on-the-job training in prison kitchens that will lead to food service training credentials recognized by the restaurant industry.

FIELD OPERATIONS ADMINISTRATION

Sec. 602. Electronic Monitoring Contracts – DELETED

Expresses intent of the legislature that MDOC not extend any contracts for electronic monitoring devices, and that a complete review of all providers and technology be conducted to determine efficacy.

Sec. 604. Criminal Justice Reinvestment – REVISED

Requires funding for criminal justice reinvestment to be used for data collection and evidence-based programs designed to reduce recidivism among probationers and parolees; allocates \$600,000 to an organization that provides programming and job training services to county jail inmates to prepare them for employment upon release from jail. Revised to strike the \$600,000 allocation.

Sec. 605. Chance for Life Program – DELETED

Requires MDOC to allocate \$250,000 to issue a request for proposal for a vendor to provide evidence-based mentoring, employment soft skills training, and job placement assistance for offenders released from prison.

Sec. 611. Annual Program Reports – DELETED

Specifies content to be included in reports by MDOC on residential reentry, electronic monitoring, and special alternative incarceration programs (e.g., successful and unsuccessful terminations, end of month populations, length of placements, returns to prison, cost effectiveness of programs).

Sec. 612. Violators of Parole and Probation – DELETED

Requires MDOC to review and revise proposals for alternatives to prison for technical violators of parole and probation; requires a report on the number of probationers and parolees returned to or sent to prison for new crimes, number of probationers and parolees returned to or sent to prison for technical violations, educational history of offenders, number of offenders who participated in reentry programs, and number of offenders who participated in substance abuse treatment programs, mental health programs, or both.

Sec. 613. Placement of Parolees with Chronic Technical Violations – DELETED

Requires MDOC to give priority to placing parolees with chronic technical violations in intensive detention programs that offer specific programming to address behavioral needs and to work on a plan to help assure success of parolees upon release.

HEALTH CARE

Sec. 802. Health Care Timeliness and Expenditures – DELETED

Requires MDOC to report on expenditures, allocations, status of payments, and projected expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment; requires a report on pharmaceutical prescribing practices, including a detailed accounting of expenditures on antipsychotic medications and any changes made to prescription drug formularies.

Sec. 812. Medicaid Utilization by Prisoners – DELETED

Requires MDOC and DHHS to exchange information regarding newly committed prisoners who may be Medicaid-eligible; requires MDOC to assist outgoing prisoners with Medicaid enrollment; requires report on utilization of Medicaid benefits for prisoners.

CORRECTIONAL FACILITIES ADMINISTRATION

Sec. 901. Enhanced Food Technology Program – DELETED

Requires MDOC to expand food technology education program to at least 700 inmates annually; requires inmates participating in the program to complete 408 hours of on-the-job training in a prison kitchen.

Major Boilerplate Changes from FY 2020-21

Sec. 908. Online High School Diploma and Career Certificate Program – DELETED

Authorizes MDOC to establish a pilot online high school diploma and career certificate program to serve up to 400 inmates through a provider that offers career-based online high school diplomas designed to prepare adult inmates for transition into the workplace.

Sec. 940. Use of State-Owned Facilities – DELETED

Requires for-profit entities using state-owned facilities to pay fair market value for use of facilities and to make payments in lieu of taxes to local jurisdictions equivalent to what local units would receive if facilities were privately owned.

Sec. 942. Auditor General and Corrections Ombudsman Access to Contracted Facilities – DELETED

Requires any contract with a public or private party to operate a facility to house Michigan prisoners to include a provision allowing access to the facility and appropriate records by the Auditor General and the Legislative Corrections Ombudsman.

Sec. 943. Savings from Prison Closures – DELETED

Requires MDOC to report on actual and projected savings achieved by closing correctional facilities, starting with closure of the Pugsley Correctional Facility, which closed in September 2016.

Sec. 944. Economic Impact of Prison Closures – DELETED

Requires MDOC, when planning to close a correctional facility, to consider the potential economic impact of the prison closure on the community where facility is located.

MISCELLANEOUS

Sec. 1011. Religious Cable Programming – DELETED

Authorizes MDOC to accept in-kind services and equipment donations to facilitate the addition of a cable network that provides religious programming for prisoners; prohibits the addition of channels from costing the state.

Sec. 1013. Faith-Based Reentry Programs – DELETED

Authorizes priority to be given to funding reentry or rehabilitation programs that have been demonstrated to reduce prison violence and recidivism, including faith-based initiatives.

ONE-TIME APPROPRIATIONS

Sec. 1101. John Does v MDOC Settlement Work Project Designation – NEW

Designates unexpended funds as a work project appropriation; authorizes funds to carry forward and to be available for the same purpose in the following fiscal year.