

**Department of Corrections and Rehabilitation
Budget No. 530
Senate Bill Nos. 2015 and 2345; House Bill No. 1505**

	FTE Positions	General Fund	Other Funds	Total
2021-23 legislative appropriation	907.79	\$218,165,809 ¹	\$83,500,199	\$301,666,008
2019-21 legislative appropriation	<u>899.79</u>	<u>229,678,076</u>	<u>96,814,143</u>	<u>326,492,219</u>
2021-23 appropriation increase (decrease) to 2019-21 appropriation	8.00	(\$11,512,267)	(\$13,313,944)	(\$24,826,211)

¹This amount includes \$306,000 of one-time funding. Excluding this amount, the agency's ongoing general fund appropriation is \$217,859,809.

Item Description

FTE changes - The Legislative Assembly authorized 907.79 FTE positions for the Department of Corrections and Rehabilitation (DOCR) for the 2021-23 biennium, an increase of 8 FTE positions from the 2019-21 biennium. The Legislative Assembly added 5 FTE pretrial services positions and 9 FTE community corrections positions and removed 6 FTE information technology positions that were transferred to the Information Technology Department as part of the information technology unification initiative.

One-time funding - The Legislative Assembly provided \$18,940,572 of one-time funding for DOCR as follows:

	General Fund	Other Funds	Total
State Penitentiary kitchen equipment	\$85,000		\$85,000
James River Correctional Center kitchen equipment	30,000		30,000
Miscellaneous equipment	191,000		191,000
Roughrider Industries equipment		\$1,281,988	1,281,988
Roughrider Industries storage warehouse		500,000	500,000
Payroll expenses (federal funds)		7,000,000	7,000,000
Statewide interoperable radio network equipment (federal funds)		2,057,384	2,057,384
County jail stipends (federal funds)		4,800,000	4,800,000
Free through recovery program (federal funds)		2,995,200	2,995,200
Total	\$306,000	\$18,634,572	\$18,940,572

Status/Result

The department has filled the new FTE pretrial services positions in Devils Lake and Bismarck. The department has also filled the new FTE community corrections parole and probation positions and administratively transferred the 6 FTE information technology positions to the Information Technology Department.

The following is a summary of the status of DOCR's one-time funding:

State Penitentiary kitchen equipment	The department is preparing requests for bids for an oven and a steamer.
James River Correctional Center kitchen equipment	The department has purchased bread-making equipment and expects delivery in May 2022.
Miscellaneous equipment	The department has spent \$37,732 through April 2022 for equipment, including furniture and other equipment under \$5,000. The department is working to procure other equipment needs by priority and delivery of some items is being delayed due to supply chain issues.
Roughrider Industries equipment	The department has expended \$196,553 through March 2022 for the purchase of three welders, a forklift, a tube bender, break press dies, an air compressor, sewing machines, sergers, and wireless timelocks.
Roughrider Industries storage warehouse	The department has not begun construction of a storage warehouse for Roughrider Industries as of March 2022.
Payroll expenses (federal funds)	The department received \$5.2 million of federal funds to replace general fund payroll costs. The department does not anticipate receiving the remaining authority of \$1.8 million from the federal Coronavirus Relief Fund.

Statewide interoperable radio network equipment (federal funds)	The department is awaiting installation of the radios and has spent \$0 as of March 2022.
County jail stipends (federal funds)	The department spent \$206,036 for deferred admission payments to county jails through February 2022.
Free through recovery program (federal funds)	See Free through recovery program section below.

The department reported \$921,450 was spent on the free through recovery program between July 1, 2021, and February 28, 2022, and 1,207 individuals had been served through the program as of April 30, 2022.

Free through recovery program - In Senate Bill No. 2015 (2017), the Legislative Assembly appropriated \$7 million from the general fund and authorized DOCR 1 FTE position for the community behavioral health program for the 2017-19 biennium. In addition, the Legislative Assembly appropriated \$7 million of special funds and authorized 6 FTE positions for the community behavioral health program in the Department of Human Services. The source of funds appropriated to the Department of Human Services was funding to be received from DOCR. In Section 9 of the bill, the Legislative Assembly provided for a community behavioral health plan as a term of parole or an alternative to incarceration. The 2019 Legislative Assembly continued the free through recovery program with ongoing funding of \$7 million from the general fund for the 2019-21 biennium.

The 2021 Legislative Assembly continued the free through recovery program with ongoing funding of \$8 million from the general fund and \$3 million from other funds for the 2021-23 biennium; however, the source of other funds was not identified. During the November 2021 special legislative session, the Legislative Assembly appropriated \$2,995,200 from the federal State Fiscal Recovery Fund for the program.

Deferred maintenance and extraordinary repairs - The Legislative Assembly, in Section 9 of Senate Bill No. 2015 (2021), authorized DOCR to continue up to \$6 million from the general fund appropriated for the 2019-21 biennium and expend the funds in the 2021-23 biennium for deferred maintenance, capital planning, and extraordinary repairs projects. In subsection 10 of Section 1 of Senate Bill No. 2345 (2021), the Legislative Assembly appropriated \$10 million from the State Fiscal Recovery Fund to the Office of Management and Budget for deferred maintenance and capital projects. The Office of Management and Budget allocated \$6,964,750 to DOCR for deferred maintenance and capital projects.

Women's correctional and rehabilitation facilities - The Legislative Assembly, in Section 9 of Senate Bill No. 2015 (2021), authorized DOCR to continue up to \$6 million from the general fund appropriated for the 2019-21 biennium and expend the funds in the 2021-23 biennium for deferred maintenance, capital planning, and extraordinary repairs projects. The Department of Corrections and Rehabilitation indicated a portion of the funds would be used to renovate facilities at the Youth Correctional Center for use by adult females sentenced to the department.

The department has allocated \$5,282,361 of the \$6,000,000 from the general fund for various projects, including \$1,600,000 at the State Penitentiary, \$1,300,000 at the James River Correctional Center, \$384,603 at the Missouri River Correctional Center, and \$2,000,000 at the Youth Correctional Center and Heart River Correctional Center.

The department has allocated \$6,964,750 from the Office of Management and Budget pool for various deferred maintenance and capital projects, including \$4,900,000 at the State Penitentiary, \$500,000 at the James River Correctional Center, \$600,000 at the Missouri River Correctional Center, and \$1,000,000 at the Youth Correctional Center and Heart River Correctional Center.

The department has budgeted approximately \$3 million for deferred maintenance and capital projects at the Youth Correctional Center and has established the Heart River Correctional Center for women inmates on the campus of the Youth Correctional Center. The department has renovated Hickory Cottage and Maple Cottage for use by women as part of the Heart River Correctional Center. The department is currently housing 32 women in Hickory Cottage; however, Maple Cottage is not being used due to lack of staff. The department

Inmate populations - The following table summarizes the 2021-23 biennium inmate population projections used to develop the legislative appropriation:

	Male	Female	Total
Fiscal Year 2022			
July	1,451	182	1,633
August	1,454	183	1,637
September	1,457	184	1,641
October	1,460	185	1,645
November	1,463	185	1,648
December	1,466	186	1,652
January	1,469	187	1,656
February	1,472	188	1,660
March	1,475	188	1,663
April	1,478	189	1,667
May	1,482	190	1,672
June	1,485	191	1,676
Fiscal Year 2023			
July	1,488	191	1,679
August	1,491	192	1,683
September	1,494	193	1,687
October	1,497	194	1,691
November	1,500	194	1,694
December	1,503	195	1,698
January	1,506	196	1,702
February	1,508	196	1,704
March	1,511	197	1,708
April	1,514	198	1,712
May	1,517	198	1,715
June	1,520	199	1,719

reported it plans to house a total of 56 women in the two cottages when Maple Cottage becomes available.

The actual male and female inmate populations were more than estimated to begin the biennium. The tables below identify the actual monthly average inmate populations compared to the estimated populations for the period July 2021 through March 2022:

	Male Inmate Population Comparison			
	Legislative Estimated Population	Actual DOCR Population	Actual More (Less) Than Estimates	Deferred Admission
Fiscal Year 2022				
July	1,451	1,453	2	1
August	1,454	1,464	10	0
September	1,457	1,476	19	0
October	1,460	1,484	24	0
November	1,463	1,489	26	0
December	1,466	1,493	27	0
January	1,469	1,494	25	0
February	1,472	1,501	29	0
March	1,475	1,506	31	0

	Female Inmate Population Comparison			
	Legislative Estimated Population	Actual DOCR Population	Actual More (Less) Than Estimates	Deferred Admission
Fiscal Year 2022				
July	182	191	9	0
August	183	190	7	0
September	184	187	3	0
October	185	195	10	0
November	185	202	17	0
December	186	197	11	0
January	187	193	6	0
February	188	201	13	0
March	188	205	17	0