

**Department of Corrections and Rehabilitation  
Budget 530  
Senate Bill No. 2016**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2001-03 legislative appropriation	615.18	\$77,356,824	\$25,200,367	\$102,557,191
1999-2001 legislative appropriation	572.68	62,425,829	23,062,461	85,488,290
2001-03 appropriation increase (decrease) to 1999-2001 appropriation	42.50	\$14,930,995	\$2,137,906	\$17,068,901

**NOTE:** The 2001-03 appropriation amounts include \$576,061, of which \$508,793 is from the general fund, for the agency's share of the \$5,000,000 funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

**Item Description**

**Pay increases for correctional officers** - In addition to other amounts appropriated for compensation adjustments, the 2001 Legislative Assembly appropriated \$222,528 from the general fund for additional salary adjustments for correctional officers.

**Composite salary schedule teacher salary increases** - In addition to other amounts appropriated for salary increases, the 2001 Legislative Assembly appropriated \$200,000 from the general fund for teacher salary increases at the Youth Correctional Center, pursuant to the composite salary schedule developed by Central Personnel Division for teachers at the School for the Deaf, North Dakota Vision Services - School for the Blind, and Youth Correctional Center. Full funding of the composite salary schedule would have required an appropriation of \$291,375.

**Capital projects** - In addition to extraordinary repairs at the Youth Correctional Center and the Prisons Division, the 2001 Legislative Assembly appropriated \$101,000 from other funds for installation of fire suppression equipment in Brown and Maple Cottages at the Youth Correctional Center.

**Status/Result**

The appropriation was used to increase salaries for temporary correctional officers, correctional officer I positions, and correctional officer II positions. The appropriation also allowed the department to shorten from one year to six months the length of time a person remains a correctional officer I. The old and new salary amounts are shown below:

<b>Position</b>	<b>1999-2001 Biennium Salary</b>	<b>2001-03 Biennium Salary</b>
Temporary	\$1,350	\$1,600
Correctional officer I	\$1,500 (one year)	\$1,750 (six months)
Correctional officer II	\$1,830	\$1,900

For the 2001-02 school year, teacher contracts were increased by the 3 percent legislative increase and a portion of the step increases included on the composite salary schedule (the composite salary schedule was only partially funded by the 2001 Legislative Assembly). For the 2001-02 school year, 21 teachers received increases which ranged from \$80 to \$615 per month. For the 2002-03 school year, 21 teachers will receive increases which range from \$137 to \$684 per month.

As of the date of this report, the project is still being designed and construction has not begun.

**Inmate population** - The following table summarizes inmate population projections used to develop the legislative appropriation:

Month	Estimated Number of Inmates Sentenced to the Department of Corrections and Rehabilitation
July 2001	1,118
August 2001	1,125
September 2001	1,132
October 2001	1,139
November 2001	1,146
December 2001	1,154
January 2002	1,161
February 2002	1,167
March 2002	1,175

**Contract inmate housing** - The 2001 Legislative Assembly appropriated \$3,553,915 from the general fund for contract inmate housing during the 2001-03 biennium, \$1,741,424 more than the 1999-2001 biennium appropriation.

The actual inmate population has been less than estimated. The following table shows the actual inmate population on the first day of each month compared to the estimated inmate population for the period July 1, 2001, through March 1, 2002:

Month	Actual Number of Inmates Sentenced to the Department of Corrections and Rehabilitation	Actual Number More (Less) Than Estimated
July 2001	1,104	(14)
August 2001	1,090	(35)
September 2001	1,094	(38)
October 2001	1,093	(46)
November 2001	1,122	(24)
December 2001	1,127	(27)
January 2002	1,123	(38)
February 2002	1,131	(36)
March 2002	1,156	(19)

Although the inmate population has been slightly less than estimated, the department spent \$26,075 more than estimated for contract inmate housing through December 31, 2001. The reasons for the overexpenditure include the delay in establishing the prerelease center and the driving under the influence (DUI) offender treatment program operating at less than capacity for several months. The following schedule shows the budgeted and actual number of inmates housed in contract facilities and the budgeted and actual expenditures for each month during the period July 1 through December 31, 2001. The budgeted number of inmates is based on an average daily population during each month; however, the actual number reflects the number of inmates as of the last day of each month, which may be less than the average daily population during the month.

Month	Number of Inmates in Contract Facilities		Expenditures for Contract Inmate Housing	
	Budgeted	Actual	Budgeted	Actual
July 2001	57	76	\$79,825	\$114,030
August 2001	64	59	\$90,675	\$96,635
September 2001	71	55	\$98,250	\$81,355
October 2001	53	50	\$73,935	\$81,365
November 2001	55	46	\$74,250	\$67,090
December 2001	58	65	\$81,375	\$83,910
Total			\$498,310	\$524,385

**Seriously mentally ill (SMI) unit** - The 2001 Legislative Assembly appropriated \$1,093,436 from the general fund for establishment of a specialized unit to house SMI inmates. The funding is for the establishment and operation of the facility for the last nine months of the biennium. The SMI unit will occupy 23 cells currently referred to as the Forensic Unit at the James River Correctional Center and will be staffed by 28 new FTE positions.

**Drug court** - The 2001 Legislative Assembly authorized one FTE parole and probation officer III and appropriated \$239,283 from other funds (parole and probation supervision fees) for the establishment and operation of the South Central Judicial District drug court. The department's budget for the 2001-03 biennium assumes that the drug court program will result in 10 offenders per month receiving treatment services through the program rather than being incarcerated in a state facility or being housed in a contract jail. Section 9 of 2001 Senate Bill No. 2016 provides legislative intent that the department seek federal funding for the drug court program. If federal funds become available, the department must spend the federal funds in place of the special funds appropriated for the program; the special funds appropriated for the program must then be used in place of general fund money appropriated for other programs.

**Prerelease center** - The 2001 Legislative Assembly authorized one FTE parole and probation officer III and appropriated \$1,505,461 from the general fund for the establishment of a prerelease center. The center will be operated on a contract basis and will house up to 50 inmates who are within six months of release. The center will provide counseling, job skills training, cognitive restructuring, and alcohol and drug abuse treatment services. The department's budget for the 2001-03 biennium assumes that the prerelease center will result in 25 to 45 inmates per month being housed at the center for the period October 2001 through February 2002 and 50 inmates per month being housed at the center for the period March 2002 through June 2003 rather than being incarcerated in a department facility or a contract jail.

The department plans to establish the SMI unit within the timeframe authorized by the 2001 Legislative Assembly.

In order to monitor the effectiveness of the program, judges sentencing offenders to the drug court complete a questionnaire indicating whether or not an offender would have been sentenced to a Department of Corrections and Rehabilitation (DOC) facility if not for the drug court program. Based on these questionnaires, the following number of drug court participants would have been sentenced to DOC facilities if not for the drug court. Participant counts are as of the last day of each month, which may differ from the average number of participants during the month.

	<b>Number of Participants Diverted From Department of Corrections and Rehabilitation Facilities</b>
July 31, 2001	5
August 31, 2001	6
September 30, 2001	7
October 31, 2001	8
November 30, 2001	10
December 31, 2001	11
January 31, 2001	10

The department anticipates that approximately \$167,000 of federal funds will be available for the drug court program during the 2001-03 biennium. The federal funds will be used in place of special funds appropriated for the program; the special funds will be used in place of general fund money appropriated for the Field Services Division.

Due to difficulty in selecting a suitable site for the prerelease center, the facility is not anticipated to begin operation until June or July 2002, approximately nine months later than the anticipated October 2001 opening date. The delay in opening the prerelease center has resulted in additional inmates in contract beds. Money budgeted for the prerelease center contract has been used to house those inmates in other contract facilities.

**DUI offender treatment center** - The 2001 Legislative Assembly appropriated \$1,600,000 from the general fund to allow the department to contract with the State Hospital for the establishment and operation of a DUI offender treatment program, also referred to as the corrections rehabilitation and recovery program. The program will provide treatment services to DUI offenders with three or more offenses and will result in 25 inmates per month being housed at the State Hospital rather than being incarcerated in a department facility or a contract jail.

The DUI offender treatment program has been established at the State Hospital, as authorized. The program has operated at or near the 25-inmate capacity since January 2002. Through March 15, 2002, 27 offenders have been discharged from the program, 24 for successfully completing the program. The number of inmates participating in the program and consequently being housed at the State Hospital rather than a DOCR facility is:

	<b>Average Number of Offenders Participating in Program</b>
July 2001	8
August 2001	13
September 2001	14
October 2001	15
November 2001	16
December 2001	21
January 2002	25
February 2002	24
March 2002 (through March 15)	25

**Federal funding reductions** - Section 7 of Senate Bill No. 2016 provides that if during the 2001-03 biennium federal funding is reduced below the level anticipated by the 2001 Legislative Assembly, the department may not supplant the federal funds with general or special funds without first obtaining Budget Section approval. The department must also identify in its 2003-05 biennium budget request any programs for which general or special fund appropriation authority is requested to replace federal funds previously available.

As of the date of this report, the department has not requested Budget Section approval to supplant federal funds with general or special funds money.

**Interstate parole and probation compact** - House Bill No. 1270 (2001) enacts a new interstate compact for the supervision of adult offenders on parole or probation status. The compact does not become effective until legislative enactment by at least 35 states.

The new interstate parole and probation compact has not taken effect. Through March 13, 2002, 26 states have enacted the compact legislation.