



MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

Room 110 Capitol Building * P.O. Box 201711 * Helena, MT 59620-1711 * (406) 444-2986 * FAX (406) 444-3036

Legislative Fiscal Analyst
CLAYTON SCHENCK

DATE: November 21, 2005

TO: Legislative Finance Committee

FROM: Pat Gervais, Senior Fiscal Analyst

RE: Correctional Facility Expansion

At its October meeting the Legislative Finance Committee (LFC) heard a report regarding the prison population that included information on the actions under consideration by the Department of Corrections (DOC) to house the larger than anticipated population of offenders. Among the actions undertaken or under consideration by DOC are several facility/bed expansions including:

- o The population of offenders housed in the private prison under the jurisdiction of the U.S. Marshall has decreased to about 50
- o The ADP of offenders housed in county jails and regional prisons was 548 males and 48 females through August 2005
- o A request for proposals for 256 "special needs" beds is scheduled to be issued January 1, 2006
- o A request for proposals for 120 methamphetamine treatment beds was issued on October 1, 2005
- o Conversion of the previous intake and reception center at MSP to an 85 bed revocation center will not be implemented. Rather, the department plans to use facilities on the Warm Springs campus as a revocation center and the previous intake and reception center as an "overflow" area
- o Additional pre-release beds are under development.
- o The department may house some offenders in out-of-state facilities on a short-term basis (perhaps for 18 – 24 months) pending availability of additional beds in state
- o Expansion of the private prison.
- o Temporary expansion to add 40 beds at MWP
- o Temporary housing in living areas at MSP
- o Additional enhanced supervision program options
- o Review of offenders within one year of discharge or parole
- o Work-release program and/or other options for housing female offenders

The actions undertaken or under consideration by the department vary from the actions approved and funded by the legislature in the following ways.

- o The legislature did not approve the expansion of the private prison
- o The legislature approved and funded:
 - o 240 special needs beds¹ rather than the 256 special needs and 120 methamphetamine treatment beds currently proposed by the department. The population to be served by the special needs bed expansion was not clearly articulated by the legislature. However, it appears the department is planning to develop more beds in this category than were funded by the legislature.
 - o 85 beds for revocation to be implemented by using the previous intake and reception center at the Montana State Prison (MSP) rather than a contracted revocation center located on the Warm Springs campus. It appears that the department will use the funding (and increased staff) provided to MSP to convert the intake and reception area to an overflow area
 - o 287 bed expansion in pre-release beds. Department staff indicated that an expansion of about 100 pre-release beds occurred prior to the end of the 2005 legislative session and expansion plans for about 200 more beds are in progress
 - o The legislature also approved an offset to the costs of secure care that moved \$3 million (for the biennium) to the Juvenile Diversionary Intervention Program

The legislature provided the department with a large degree of flexibility in developing options to serve the increase in offenders with emphasis placed on development of community options. Because a number of programs are in the development phase and the per diem cost of the special needs and methamphetamine treatment beds are not yet finalized, it is not possible at this time to predict the impact of a larger than approved bed expansion upon the budget. If lower than anticipated per diem costs can be negotiated the department may be able to support some or all of the increased beds within the appropriation provided for that purpose. However, historically, increases in offender population that were greater than budgeted resulted in requests for supplemental appropriations for the department. Continued analysis of prison population and facility expansion will occur as implementation progresses and more months of data are accumulated.

S:\Legislative_Fiscal_Division\LFD_Finance_Committee\LFC_Reports\2005\Dec\LFC_DEC_DOC_Facility_Expansion.doc

¹ Per exhibit 3 dated February 11, 2005, option 5c, which was adopted by the Joint Appropriations Subcommittee on Corrections and Public Safety.