

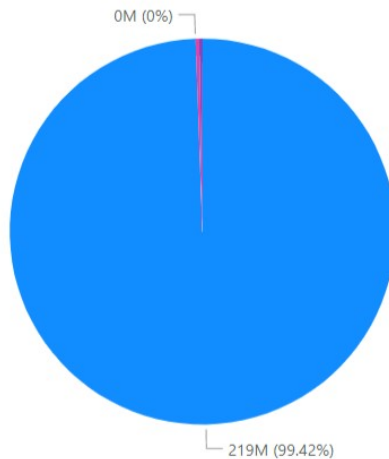
# DEPARTMENT OF CORRECTIONS

## (Spending report July 1 through November 30, 2021)

### TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the agency is shown in the pie chart below. HB 2 and HB 13 provide 99.4% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.

Total Modified Budget by Source of Authority



- Source of Authority**
- HB2 & HB13
  - Other House or Senate Bill
  - SA Statutory
  - BA Budget Amendment
  - CARES Act

Source of Authority	Modified Budget	Expended Budget	Percent Expended
HB2 & HB13	219,153,278	77,861,444	35.5%
Other House or Senate Bill	900		
SA Statutory	686,021	189,750	27.7%
BA Budget Amendment	590,606	29,299	5.0%
CARES Act	0		
<b>Total</b>	<b>220,430,805</b>	<b>78,080,493</b>	<b>35.4%</b>

- FiscalMonth**
- Select all
  - Jul
  - Aug
  - Sep
  - Oct
  - Nov
  - Dec
  - Jan

### Budget Amendments

The Department of Corrections (DOC) expended \$29,299 of the \$590,606 of budget amendment authority added through November of FY 2022. The authority is 100.0% federal funded. The budget amendment authority and expenditures are summarized as follows:

- \$548,877 of federal special revenue authority, the balance of an earlier budget amendment continued from FY 2021. The funding addresses the needs of incarcerated parents and their minor children. The funding supports 1.00 modified FTE in FY 2022. As of the end of November, DOC had expended \$29,299 of the authority (Note: these expenditures are through the Crime Control Bureau and were related to prior year expenditures. The current-year expenditures will be corrected soon)
- \$41,729 of federal special revenue authority to support rural schools in providing basic programs, effective instruction, and language instruction. The total authority consists of \$19,626 of authority that

was continued from FY 2021 and \$22,103 of new authority in FY 2022. DOC has not expended any of this authority yet in FY 2022

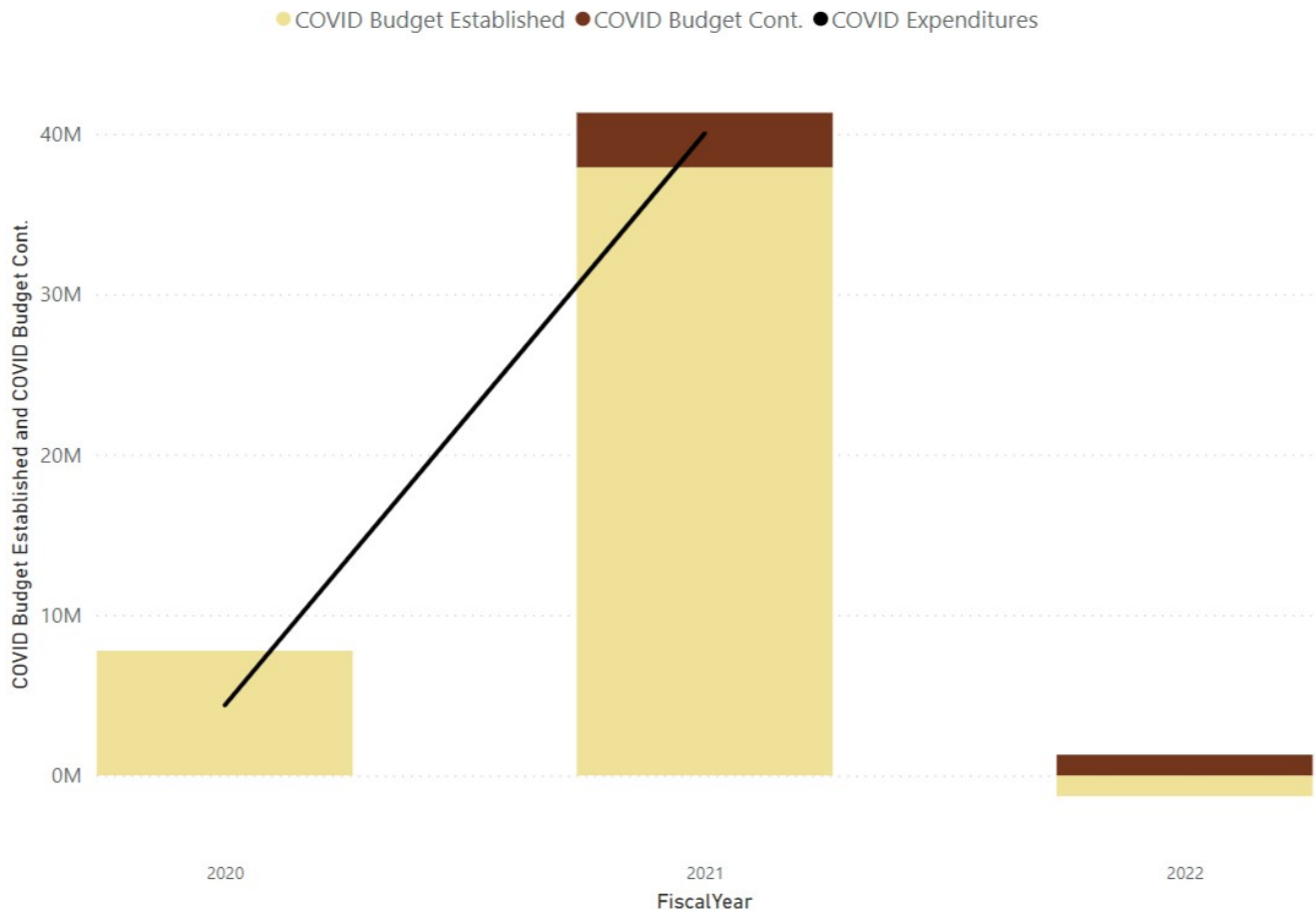
### Other Bills

The department has \$900 of general fund authority provided through non-HB 2 legislation in FY 2022. The authority funds the actions of HB 658, which provides guidelines for mental health appraisals for inmates in restrictive housing. The funds will be used to provide an additional camera in the restrictive housing unit at the Montana State Prison. As of the end of November, DOC has not expended any of the authority.

### COVID-19 Authority

The following chart is provided to allow the legislature to examine the funding that is available to the agency for COVID-19 impacts. Administrative authority for CARES I and ARPA appropriations was allocated to the agency by the Governor’s Office. Administrative authority is not an appropriation and thus is not included in the total appropriation authority shown on the previous page.

COVID Established Budget, COVID Continuing Budget, and COVID Expenditures by Fiscal Year



DOC continued \$1.3 million of CARES I funding into FY 2022, but subsequently returned the authority to the Governor’s Office. The department no longer has COVID-19 related authority in the budget and has not received an ARPA allocation through HB 632.

## **Statutory Appropriations**

Through November of FY 2022, the department expended \$189,750, or 27.7%, of the \$686,021 in statutory appropriation authority to support the Pine Hills Correctional Facility and the state prisons. This funding supports the needs of residents, inmates, and/or their families.

## **Non-Budgeted Proprietary Funding**

Not included in the total authority figure, DOC has \$18.3 million in off-budget proprietary authority within the Montana Correctional Enterprises program. Enterprise programs at the Montana State Prison (Deer Lodge) and Montana Women's Prison (Billings) such as license plate manufacturing, motor vehicle shop, wood shop, state ranch, tailor shop, and canine training are supported by this funding. Through the end of November, expenditures were \$5.6 million, or 30.5%, of the total authority.

## HB 2 BUDGET MODIFICATIONS

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the HB 2 modified budget through November 30, 2021. Net modifications to the budget include operating plan changes from one expenditure account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

### Legislative Budget Compared to Modified Budget - HB 2 Only

Agency Name	Legislative Budget	Modified Budget	Net Modifications
<b>Dept of Corrections</b>	<b>219,153,278</b>	<b>219,153,278</b>	<b>0</b>
ADMINISTRATIVE SUPPORT SRVCS	16,647,321	16,647,321	
BOARD OF PARDONS & PAROLE	1,103,257	1,103,257	
CLINICAL SERVICES DIVISION	26,855,939	26,855,939	0
MONT CORRECTIONAL ENTERPRISES	5,916,535	6,061,535	145,000
PROBATION & PAROLE DIVISION	80,503,506	80,503,506	0
SECURE CUSTODY FACILITIES	88,126,720	87,981,720	-145,000
<b>Total</b>	<b>219,153,278</b>	<b>219,153,278</b>	<b>0</b>

Acct & Lvl 1 DESC	Legislative Budget	Modified Budget	Net Modifications
61000 Personal Services	93,783,536	93,993,828	210,292
62000 Operating Expenses	123,734,791	123,304,493	-430,298
63000 Equipment & Intangible Assets	317,852	364,937	47,085
64000 Capital Outlay	20,773	20,773	
67000 Benefits & Claims	489,573	489,573	
68000 Transfers-out	345,467	518,388	172,921
69000 Debt Service	461,286	461,286	

Fund Type	Legislative Budget	Modified Budget	Net Modifications
01 General	212,438,804	212,438,804	0
02 State/Other Spec Rev	6,561,634	6,561,634	0
03 Fed/Other Spec Rev	6,723	6,723	
06 Enterprise	109,118	109,118	
06 Internal Service	36,999	36,999	

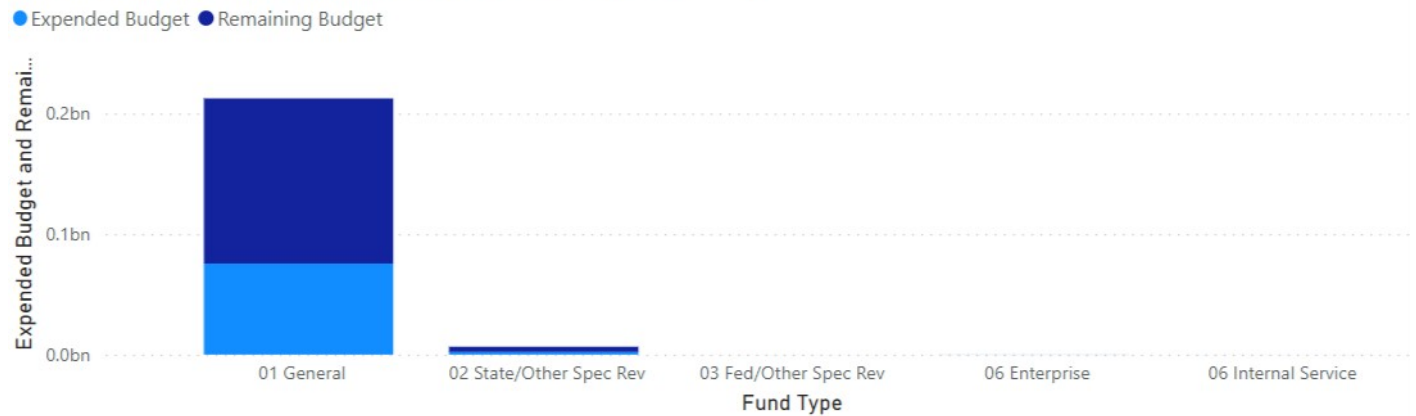
Through November, DOC made several modifications to the HB 2 budget that changed the budget within the first-level accounts. These modifications did not change the total budget authority. The modifications were funded within the general fund budget and include:

- An increase in personal services within the Correctional Enterprises program to fund two teachers. The modification reduced operating expenses in the Secure Custody Facilities program
- An increase in transfers-out to fund a MOU with the Montana Highway Patrol for services of public safety radio in the Probation and Parole Division and the Secure Custody Facilities program. These modifications remained within the respective programs

## HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through November 30, 2021.

Expended Budget and Remaining Budget by Fund Type - HB 2 Only



acclv1_descr	Modified Budget	Expended Budget	Percent Expended
Personal Services	93,993,828	34,065,088	36.2%
Operating Expenses	123,304,493	42,926,417	34.8%
Equipment & Intangible Assets	364,937	206,206	56.5%
Capital Outlay	20,773	17	0.1%
Benefits & Claims	489,573		
Transfers-out	518,388	76,571	14.8%
Debt Service	461,286	587,143	127.3%

Program Name	Modified Budget	Expended Budget	Percent Expended
ADMINISTRATIVE SUPPORT SRVCS	16,647,321	8,025,924	48.2%
BOARD OF PARDONS & PAROLE	1,103,257	373,119	33.8%
CLINICAL SERVICES DIVISION	26,855,939	7,290,697	27.1%
MONT CORRECTIONAL ENTERPRISES	6,061,535	2,696,043	44.5%
PROBATION & PAROLE DIVISION	80,503,506	26,048,249	32.4%
SECURE CUSTODY FACILITIES	87,981,720	33,427,412	38.0%
<b>Total</b>	<b>219,153,278</b>	<b>77,861,444</b>	<b>35.5%</b>

Through November, DOC expended \$77.9 million, or 35.5%, of the modified HB 2 budget. The figure at the top of this page explains the HB 2 funding. The DOC HB 2 budget is principally funded, 96.9%, with general fund and the spending through November was funded with 97.0% of general fund. In the FY 2022 budget, federal special

revenues were significantly reduced, \$18.1 million in FY 2021 compared to \$6,723 in FY 2022, with the transfer of Board of Crime Control to the Department of Justice.

Expenditures through November were 35.5% of the modified budget, slightly higher than the five-year annual average of 34.7%, and approximately the same through November in FY 2021, 35.3% of the budget. Changes from the historic averages are small and insignificant. The highest level of expenditure occurs in the Secure Custody Facilities Division where spending through November was \$33.4 million, or 42.9% of the total DOC budget.

Through November, the department’s expenditures are weighted to operating expenses, accounting for 55.1% of total HB 2 expenditures in through November. In operating expenses, the department expended \$42.9 million, of which \$24.2 million or 56.3% can be attributed to costs for housing at county jails, regional prisons, private prison treatment facilities, and pre-release centers.

DOC expended \$34.1 million, or 36.2%, of the personal services budget through November, lower than the historic average of 36.9% of the personal services budget and \$3.2 million below the the same period of FY 2021. The greatest reduction in personal services spending, when compared to FY 2021, occurs in the Secure Custody Facilities Division where spending was more than \$2.0 million lower and the Administrative Support Services Division where spending was more than \$1.0 million lower. For more information on personal services, see the following section of this report.

The 2021 version of HB 2 included six items (excluding the Legislative Audit) that were listed as line-items. Those items, by program are shown in the figure below. The figure includes any conditions associated with the appropriation. Through November, there have been no expenditures related to this authority.

HB 2 Line Items by Program Including Legislative Conditions	
01 ADMINISTRATIVE SUPPORT SRVCS (Director's Office)	
Director's Office Contingency	\$1,617,909
While not restricted, this funding may be expended only after the budget director certifies that county jail holds are maintained at a monthly average of 250 or less each month.	
Evidence Based Practices	\$75,000
A one-time-only appropriation for core correctional practices training and continued training for staff in the correctional program checklist and the checklist group assessment.	
02 PROBATION & PAROLE DIVISION	
Jail Hold	\$6,353,738
It is the intent of the Legislature that the Department of Corrections pay no more than \$69.63/day in in the 2023 biennium to house inmates in county jails.	
Nonprofit Provider Per Diem	\$509,164
This appropriation is restricted to this use.	
03 SECURE CUSTODY FACILITIES	
For Profit Provider Per Diem	\$304,229
This appropriation is restricted to this use.	
Regional Prison Per Diem Increase	\$67,903
This appropriation is restricted to this use.	

## Personal Services

The following chart shows the filled and vacant FTE within the agency as of November 1, 2021.

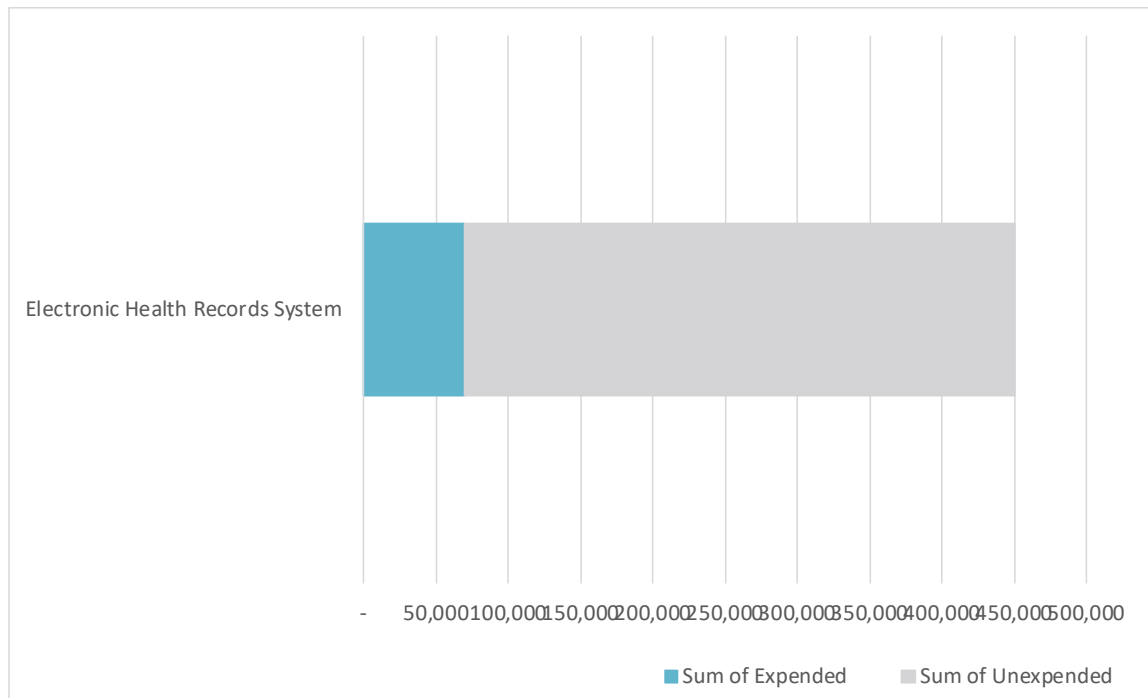


In FY 2022, the DOC is budgeted for 1,297.67 FTE, an increase of 23.50 FTE over the budgeted FTE in FY 2021. Of the total FTE, DOC had 158.02 positions vacant as of November 1, 2021. According to the State Human Resources data, 55.7% of those who left employment with the department (between July and November) also left state government employment. According to DOC, vacant correctional officer posts must be covered, so the agency is filling vacant positions with current staff who are paid overtime to cover these shifts.

## OTHER ISSUES

### Information Technology Project Expenditures

DOC IT Dashboard Report



Large Information Technology Projects Original and Revised Budgets			
Project	Original Budget	Revised Budget	Change from Original Budget
Electronic Health Records System	450,000	450,000	0.0%

Large Information Technology Projects Original and Revised Delivery Date				
Project	Start Date	Original Delivery Date	Revised Delivery Date	Change from Original Delivery Date
Electronic Health Records System	3/30/2021	11/8/2021	N/A	0.0%

As viewed in the State Information Technology Services Division (SITSD) dashboard report, the DOC has one major information technology project. The Electronic Health Records System project, with estimated costs of \$450,000, will allow the Clinical Services Division to make changes in state and federal policy and support new health care initiatives in a timely manner, leading to improvements in accuracy, efficiency, and costs. The project was started in FY 2021 and is 70.0% complete. The project is beyond the original delivery date, and DPC has not revised the delivery date. The department expended \$70,000 in FY 2021 and has made no expenditures associated with the project through November of FY 2022.



## REPORTING REQUIREMENTS

HB 693 Reporting – This legislation requires reporting by the DOC on the following items:

- 1) Each quarter of the fiscal year, the Department of Corrections shall report to the Law and Justice Interim Committee and the Legislative Finance Committee on the utilization of drug treatment beds and any payments made to contractors for the failure to allow the contractor to operate at 75.0% capacity.

[https://leg.mt.gov/content/publications/fiscal/2023-Interim/IBC-D/Quarterly\\_Treatment\\_Utilization.Guarantee\\_Report.Q1FY2021.pdf](https://leg.mt.gov/content/publications/fiscal/2023-Interim/IBC-D/Quarterly_Treatment_Utilization.Guarantee_Report.Q1FY2021.pdf)

- 2) Each quarter of the 2023 biennium, for the quarter preceding the report, the Department of Corrections shall report to the Law and Justice Interim Committee and the Legislative Finance Committee on:
  - a) the number of occasions a defendant sentenced for one or more felonies remained in a county detention facility for more than 10 business days after sentencing;
  - b) the names of the defendants who remained in a county detention facility for more than 10 business days after sentencing and the county detention facility in which they were held; and
  - c) for those defendants remaining in a county detention facility for more than 10 business days after sentencing, on the relevant facts leading to the delay in transfer out of the facility and whether the delay is attributable to untimely receipt of a judgment or other sentencing documents from the judicial branch.

[https://leg.mt.gov/content/publications/fiscal/2023-Interim/IBC-D/10\\_Day\\_Jail\\_Holds\\_11-31-21.pdf](https://leg.mt.gov/content/publications/fiscal/2023-Interim/IBC-D/10_Day_Jail_Holds_11-31-21.pdf)