

**Department of Corrections and Rehabilitation**  
**Budget No. 530**  
**House Bill No. 1015**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2023-25 legislative appropriation	929.79	\$255,467,963 <sup>1</sup>	\$190,317,124 <sup>2</sup>	\$445,785,087 <sup>3</sup>
2021-23 legislative appropriation	<u>907.79</u>	<u>218,165,809</u>	<u>83,500,199</u>	<u>301,666,008</u>
2023-25 appropriation increase (decrease) to 2021-23 appropriation	22.00	\$37,302,154	\$106,816,925	\$144,119,079

<sup>1</sup>This amount includes \$13,712,454 of one-time funding. Excluding this amount, the agency's ongoing general fund appropriation is \$241,755,509.

<sup>2</sup>This amount includes \$144,632,261 of one-time funding, including \$135,057,000 from the strategic investment and improvements fund (SIIF). Excluding this amount, the agency's ongoing other funds appropriation is \$45,684,863.

<sup>3</sup>This amount does not include any transfers of appropriation authority from the Office of Management and Budget funding pools for targeted market equity adjustments, retirement contribution increases, or new and vacant FTE positions.

**Item Description**

**Full-time equivalent changes** - The Legislative Assembly approved 929.79 FTE positions for the Department of Corrections and Rehabilitation (DOCR) for the 2023-25 biennium, an increase of 22 FTE positions from the 2021-23 biennium. The Legislative Assembly transferred 2 FTE positions to the Information Technology Department (ITD) for IT unification and added 24 FTE positions as follows:

- 5 FTE converted from temporary positions;
- 6 FTE parole and probation positions;
- 4 FTE pretrial services positions;
- 6 FTE inmate case manager positions;
- 2 FTE Heart River Correctional Center (HRCC) residential treatment positions; and
- 1 FTE HRCC behavioral health position.

**Targeted market equity** - The Legislative Assembly appropriated \$82.5 million, of which \$45.1 million is from the general fund, to the Office of Management and Budget for a targeted market equity pool to be distributed to state agencies.

**New and vacant FTE funding pool** - The Legislative Assembly reduced \$14,005,102 of 2023-25 biennium appropriation authority, including \$13,436,071 from the general fund and \$569,031 from other funds, for DOCR for the new and vacant FTE funding pool. This reduction included \$2,604,277 for new FTE positions and \$11,400,825 for vacant FTE positions.

**Status/Result**

The department transferred the 2 FTE positions to ITD on July 1, 2023, and filled all 24 new FTE positions in July and August of 2023.

The department received \$4,414,393 from the general fund for targeted market equity increases. Equity increases were provided to 504 employees.

Through January 2024, DOCR has received \$10,324,426 from the new and vacant FTE funding pool, including \$3,642,693 for new FTE positions and \$6,681,733 for vacant FTE positions. The department had estimated vacant FTE position savings of \$2,932,063. The department used \$1,857,124 for costs relating to the vacancies, including accrued leave, bonuses, and \$1,369,825 for overtime. The number of vacancies in the department has ranged from 52 to 93 with an average monthly vacancy rate of 69.86 FTE positions.

**One-time funding** - The Legislative Assembly provided \$328,930 of one-time funding for DOCR as follows:

	General Fund	Other Funds	Total
Inflationary costs, including food, medical, clothing, and resident payroll	\$3,478,998		\$3,478,998
Transitional facility contract inflation	2,759,222		2,759,222
Dakota Women's Correctional and Rehabilitation Center (DWCRC) contract	2,450,000		2,450,000
Contract for 16 female beds at the Dickinson Adult Detention Center	1,003,434		1,003,434
Staff and resident training and development	100,000		100,000
Contract for a consultant review of the offender management system	500,000		500,000
New cameras	275,000		275,000
Equipment, including washing machines, kitchen equipment, other equipment, and a federally funded tattoo removal machine	1,145,800	\$75,000	1,220,800
Maintenance and extraordinary repairs	2,000,000		2,000,000
DOCSTARS maintenance (SIIF)		307,000	307,000
HRCC facility project (SIIF)		131,200,000	131,200,000
James River Correctional Center (JRCC) maintenance shop (SIIF)		1,550,000	1,550,000
Software (SIIF)		2,000,000	2,000,000
JRCC remodeling project		255,500	255,500
Roughrider Industries (RRI) supplies		4,083,681	4,083,681
RRI equipment		2,019,000	2,019,000
RRI IT costs		642,080	642,080
RRI cold storage		200,000	200,000
RRI paint line replacement		2,300,000	2,300,000
<b>Total</b>	<b>\$13,712,454</b>	<b>\$144,632,261</b>	<b>\$158,344,715</b>

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

Inflationary costs, including food, medical, clothing, and resident payroll	The department anticipates food and clothing expenses to be on budget for the biennium; however, resident payroll is anticipated to be approximately \$130,000 over budget and medical costs are anticipated to be approximately \$1 million over budget.
Transitional facility contract inflation	The department estimates transitional facility contract inflation to be approximately \$2 million to \$3 million more than budgeted due to the need to house residents in jails because of increased facility populations.
DWCRC contract	The department used the funding to increase its contract with DWCRC from \$11.3 million to \$13.75 million for the biennium, the total of which it anticipates spending by June 30, 2025.
Contract for 16 female beds at the Dickinson Adult Detention Center	As of March 31, 2024, DOCR has spent \$894,000 and anticipates using the entire appropriation prior to the end of the biennium.
Staff and resident training and development	The department has procured a vendor to provide wellness services to staff and residents.
Contract for a consultant review of the offender management system	The department has procured a contractor for \$250,000 to evaluate its systems and outline a plan. The department anticipates the remaining \$250,000 will be used to contract with business analysts to conduct process inventory and data mapping related to the offender management system.
New cameras	The department has received an estimate of \$320,020 for the new cameras, or \$45,020 more than budgeted. The project is currently on hold to allow ITD to ensure all necessary equipment is available to be installed; however, the department anticipates the project will be completed during the 2023-25 biennium.
Equipment, including washing machines, kitchen equipment, other equipment, and a federally funded tattoo removal machine	The department has expended \$849,762 as of March 31, 2024, for the purchase of washing machines, kitchen equipment, ultrasound machines, handheld radios, and other equipment. The department was unable to secure the \$75,000 of federal grant funding for a tattoo removal machine.
Maintenance and extraordinary repairs	See <b>Maintenance and extraordinary repairs</b> section below.
DOCSTARS maintenance	The department reported several maintenance projects and enhancements are completed or in progress for DOCSTARS and the department anticipates the full appropriation will be expended by the end of the biennium.

HRCC facility project	See <b>Women's correctional and rehabilitation facilities</b> section below.
JRCC maintenance shop	The department received a bid for \$2.3 million that included demolition of Devine Hall, or \$1.8 million without the demolition. The department received approval through the Emergency Commission to use \$275,771 of carryover funds for this project. The project has begun, and the department will not be demolishing Devine Hall this biennium.
Software	The department reported it has begun work on multiple technology projects, including server migrations, a JRCC fiber line, medical software replacement, data management, and a human resources timekeeping system.
JRCC remodeling project	The department reported the JRCC 6 <sup>th</sup> floor remodel has been completed at a cost of \$255,500.
RRI supplies	The department reported RRI anticipates spending all of these funds due to inflation.
RRI equipment	The department reported RRI has purchased \$148,277 in equipment and anticipates spending at least \$500,000 this biennium.
RRI IT costs	The department reported it will not be moving forward with certain anticipated RRI IT projects this biennium; however, the department does anticipate spending between \$2,000 and \$3,000 for employee licenses and server hosting with ITD.
RRI cold storage	The department reported RRI paid architect fees of \$21,200, but the department is still considering its storage needs at JRCC before moving forward with the project.
RRI paint line replacement	The department reported the paint line replacement project is now projected to cost \$4 million and RRI is working on an alternate procurement request. The department reported it may need to request additional special fund spending authority from the Emergency Commission for this project.

**Women's correctional and rehabilitation facilities** - The Legislative Assembly, in House Bill No. 1015, appropriated \$131.2 million from SIF for a new women's prison at HRCC. The Legislative Assembly also required DOCR to establish an HRCC facility steering committee to oversee the design and construction of the new facility, including one member of the senate, one member of the house, and one member of the minority party from either the senate or the house.

The Heart River Correctional Center steering committee consists of Representatives Pat D. Heinert and Mary Schneider, Senator Jim P. Roers, DOCR staff, and representatives of the contracted architect. The department reported the committee has completed the schematic design phase and will begin the design development phase in April 2024. As of March 31, 2024, DOCR has spent \$2,097,747 for the project.

**Maintenance and extraordinary repairs** - The Legislative Assembly, in Section 8 of House Bill No. 1015, authorized DOCR to continue up to \$6 million from the general fund appropriated for the 2019-21 biennium and continued by the 2021 Legislative Assembly into the 2021-23 biennium, and expend the funds in the 2023-25 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 federal State Fiscal Recovery Fund to the Office of Management and Budget for deferred maintenance and capital projects. In Section 9 of House Bill No. 1015, the Legislative Assembly authorized DOCR to continue and expend this funding during the 2023-25 biennium for deferred maintenance and extraordinary repairs.

In Section 9 of Senate Bill No. 2393 (2023 special session), the Legislative Assembly identified \$20 million from SIIF for a deferred maintenance funding pool and authorized the Office of Management and Budget to transfer funds from the pool to eligible state agencies for deferred maintenance.

**Stipends to county jails** - The Legislative Assembly, in Section 10 of House Bill No. 1015, authorized DOCR to continue up to \$990,000 from the State Fiscal Recovery Fund appropriated for the 2021-23 biennium into the 2023-25 biennium for payments for deferred admissions.

**Inmate populations** - The following table summarizes the 2023-25 biennium inmate population projections used to develop the legislative appropriation:

	Male	Female	Total
<b>Fiscal year 2024</b>			
July	1,528	223	1,751
August	1,529	223	1,752
September	1,530	224	1,754
October	1,530	224	1,754
November	1,531	225	1,756
December	1,532	226	1,758
January	1,533	226	1,759
February	1,533	227	1,760
March	1,534	227	1,761
April	1,535	228	1,763
May	1,536	228	1,764
June	1,536	229	1,765
<b>Fiscal year 2025</b>			
July	1,538	229	1,767
August	1,540	230	1,770
September	1,541	230	1,771
October	1,543	231	1,774

The department reported unexpended funds of \$1,328,194.91 for deferred maintenance and extraordinary repair projects were carried over to the 2023-25 biennium pursuant to Section 8 of House Bill No. 1015. This amount has been reduced to \$1,052,423.91 due to approval from the Emergency Commission to use \$275,771 for the JRCC maintenance shop project. Other projects funded with the general fund carryover during the current biennium include:

- State Penitentiary programmable logic controller replacement;
- JRCC asbestos abatement;
- Youth Correctional Center fire alarm panel replacement project; and
- JRCC elevator remodel project.

The department reported it was authorized to spend \$7,315,934 during the 2023-25 biennium from the State Fiscal Recovery Fund for deferred maintenance and extraordinary repairs. These funds are required to be obligated by December 31, 2024, and spent by December 31, 2026. As of April 2024, DOCR does not anticipate continuing any State Fiscal Recovery Fund money into the 2025-27 biennium.

The department reported it received an allocation of \$4,808,500 from the deferred maintenance funding pool. As of March 31, 2024, DOCR has spent \$33,508 on JRCC projects and is prioritizing projects for the remaining funds.

As of March 31, 2024, DOCR has \$44,525 remaining and will spend all funding on or prior to June 30, 2024.

The actual male and female inmate populations were more than estimated to begin the biennium. The department anticipates it will request \$3 million as a deficiency appropriation from the 2025 Legislative Assembly due to the increased populations. The tables below identify the actual monthly average inmate populations compared to the estimated populations for the period July 2023 through March 2024.

	Male Inmate Population Comparison			
	Legislative Estimated Population	Actual DOCR Population	Actual More (Less) Than Estimates	Deferred Admission
<b>Fiscal Year 2024</b>				
July	1,528	1,625	97	0
August	1,529	1,645	116	0
September	1,530	1,641	111	0
October	1,530	1,645	115	0
November	1,531	1,659	128	0
December	1,532	1,663	131	0
January	1,533	1,661	128	0
February	1,533	1,669	136	0
March	1,534	1,669	135	0

November	1,545	232	1,777
December	1,547	232	1,779
January	1,549	233	1,782
February	1,551	233	1,784
March	1,552	234	1,786
April	1,554	234	1,788
May	1,556	234	1,790
June	1,558	234	1,792

	<b>Female Inmate Population Comparison</b>			
	<b>Legislative Estimated Population</b>	<b>Actual DOCR Population</b>	<b>Actual More (Less) Than Estimates</b>	<b>Deferred Admission</b>
<b>Fiscal Year 2024</b>				
July	223	254	31	28
August	223	246	23	21
September	224	254	30	21
October	224	256	32	19
November	225	260	35	16
December	226	256	30	7
January	226	259	33	18
February	227	256	29	4
March	227	257	30	0