



Legislative Fiscal Bureau

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September 18, 2013

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections: Section 13.10 Request for Office of Special Operations Funding --
Agenda Item II

REQUEST

On September 4, 2013, the Department of Corrections submitted a s. 13.10 request for the transfer of \$935,900 GPR annually from the Joint Committee on Finance's supplemental appropriation [s. 20.865(4)(a)] to the Department's general program operations appropriation [s. 20.410(1)(a)] to fund the Department's new Office of Special Operations.

ANALYSIS

The 2013-15 biennial budget introduced by the Governor included a provision to provide \$377,600 GPR and 7.0 GPR positions in 2013-14 and \$1,027,100 GPR and 13.0 GPR positions in 2014-15 for the creation of an Office of Special Operations (originally called the Office of Inspector General). In addition, funding and positions of \$935,900 GPR and 11.5 GPR positions annually would have been transferred from within the Department's appropriations for the new Office to the Secretary's Office. As such, funding and staffing for the Office of Special Operations (OSO) would have totalled \$1,302,300 GPR and 16.5 GPR positions in 2013-14 and \$1,952,400 GPR and 22.50 GPR positions in 2014-15.

As enacted, the biennial budget act did not provide the new funding and positions for the Office (\$377,600 GPR and 7.0 positions in 2013-14 and \$1,027,100 GPR and 13.0 positions in 2014-15). Further, instead of transferring existing funding within the Department, 2013 Act 20 transferred the \$935,900 GPR annually into the Joint Committee on Finance's supplemental appropriation for possible release to the Department upon approval by the Committee under s. 13.10 of the statutes, based on a plan detailing the operations and duties of the new OSO. The 11.5 GPR positions were transferred under Act 20 to the Secretary's Office without funding. The Department indicates that a 0.5 GPR position already located in the Secretary's Office will also be

utilized for OSO, for a total of 12.0 positions.

While funding for the OSO would be less than originally recommended in the biennial budget, Corrections indicates that "the configuration of the OSO has been modified to function within allotted resources." According to the request, the OSO will be overseen by 1.0 correctional services manager and include two units: (a) the special investigations section, with 1.0 corrections services supervisor, 5.0 investigators, and 1.0 program and policy analyst; and (b) the preparedness and response section, with 1.0 corrections services supervisor and 2.0 corrections planning and operations specialists. [See Attachment] The original proposal also included a section for quality assurance to review contracts and compliance.

Regarding the operations and duties of the OSO's special investigations section, the Department indicates:

- The purpose of the section is to review all allegations of supervisory misconduct, serious staff misconduct, PREA violations (Prison Rape Elimination Act) by staff or inmates, offenders, or juveniles, and determine appropriate action. The section will also provide staff training throughout the Department to improve the consistency, quality, and timeliness of investigations. Corrections currently pulls staff from their regular assignments to conduct investigations, which may result in delayed or inconsistent investigations, and staff under investigation being on paid administrative leave longer.

- Regarding PREA investigations, the Department follows executive directive policies in the case of an allegation of sexual contact or sexual intercourse in the facilities. In 2009, there were 147 PREA investigations, 19 of which were substantiated. In 2010, there were 93 investigations, 16 of which were substantiated; and in 2011, there were 98 investigations, 27 which were substantiated.

- The goals of the section are "to provide for consistent, fair, objective and timely investigations; provide complete and high level technical investigations of sensitive subjects; to establish quality investigative standards; to collect data to identify operational trends; to analyze data to identify needs/areas of improvement (deficiencies); and to make recommendations to improve operations.

Regarding the operations and duties of the OSO's preparedness and response section:

- The purpose of the section will be to provide system-wide emergency preparedness and management not just to the Division of Adult Institutions, but also Corrections' community field offices, juvenile facilities, and central office. The positions were previously located within the Division of Adult Institutions, but were moved to the Secretary's Office to expand emergency preparedness plans and policies for the whole Department.

- The areas the section will be responsible for include continuity of operations planning, emergency operations plans and response, National Incident Management

System compliance, training and policy development, and statewide intelligence gathering and information sharing.

As part of the staffing for the OSO, 1.0 position would be utilized to create an attorney dedicated primarily to provide legal research and counsel for OSO investigations. According to the request, Corrections' current legal chief previously provided employment law expertise for the Department and has been "performing double duty since moving to the Chief position. While other DOC attorneys do handle defense of DOC decisions as related to employment matters, there was a significant need for a position to be added to serve as the consult in all employment matters."

In total funding, and positions for the OSO would be provided as identified in the following table.

OSO Funding and Staffing

	<u>Funding</u>	<u>Positions</u>
Office of Special Operations	\$159,600	2.0
Special Investigations Section	483,300	7.0
Emergency Preparedness Section	<u>305,300</u>	<u>3.0</u>
	\$948,200*	12.0

*The difference of \$12,300 from the \$935,900 in the supplemental appropriation is associated with the 0.5 position already under the Secretary's Office which would be utilized for OSO.

Without funding for the OSO, the Department indicates it will continue to struggle with handling alleged misconduct and investigations: "The result can be untimely investigations or inconsistent quality and gaps can also be left at correctional facilities when high level officials such as Security Directors, Deputy Wardens and Wardens are tapped to conduct staff investigations. Similarly, PREA investigations will be more thoroughly investigated with the allegations resolved in a more timely manner through the dedicated resources of this office."

While the Department has been able to conduct investigations and reviews, these functions have not been centrally coordinated and reviewed. As such, the Committee may wish to release the funding for the OSO.

Alternatively, if the Committee wished for further review of the new Office's operations, one year of funding could be provided, with the requirement that Corrections return to the Committee with a report identifying how the OSO has improved the timeliness and consistency of investigations, and for release of funding in the second year.

ALTERNATIVES

1. Approve the request to transfer \$935,900 GPR annually from the Joint Committee on

Finance's supplemental appropriation [s. 20.865(4)(a)] to the Department's general program operations appropriation [s. 20.410(1)(a)] to fund the Department's Office of Special Operations.

2. Modify the request and transfer \$935,900 GPR in 2013-14 from the Joint Committee on Finance's supplemental appropriation [s. 20.865(4)(a)] to the Department's general program operations appropriation [s. 20.410(1)(a)] to fund the Department's Office of Special Operations for one year.

3. Deny the request.

Prepared by: Chris Carmichael
Attachment

ATTACHMENT

Department of Corrections Office of Special Operations

