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**To:** [Schumacher, David \(OFM\)](#); [Holland, Carole \(OFM\)](#)  
**Cc:** [Murray, Julie \(OFM\)](#); [Brown, Nicholas \(GOV\)](#); [Warner, Bernie E. \(DOC\)](#)  
**Subject:** DOC Contingency Planning  
**Date:** Wednesday, June 19, 2013 1:40:23 PM  
**Attachments:** [13 June 17 DOC Contingency Planning.pdf](#)

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Good Afternoon,

Attached please find DOC's Contingency Planning document which has been revised based on your feedback. Please let me know if I we be of further assistance.

Best,

Susan Grisham, Confidential Secretary  
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June 19, 2013

**TO:** David Schumacher, Director  
 Office of Financial Management

**FROM:**   
 Bernard Warner, Secretary

**SUBJECT: Contingency Planning For State Agency Operations on July 1**

We have reviewed our operations using the criteria you provided and developed contingency plans should an operating budget fail to be passed by the legislature before July 1, 2013. Implementation of these plans would be complex and flexibility would be necessary as adjustments would certainly be required.

Over 5,100 Department of Corrections (DOC) staff will be working under these plans providing care and custody required by the constitution and meeting the requirements of federal law. Of that total, about 50 personnel will be working at headquarters. This includes 15 staff operating an emergency operations center on a 24-hour basis to ensure safety and 21 staff in Information Technology maintaining data and voice networks and access to mission critical systems. Approximately 3,000 DOC staff will be temporarily laid off.

**1. Services provided with funding from the transportation budget.**

None

**2. Services provided with funding that is non-appropriated includes:**

Number of Staff	Description of Service
3	Collection and processing of Cost of Supervision fees from offenders being supervised in the community.
211	Correctional Industries operations in prisons including critical institutional support such as food factories, laundry services and manufacturing of offender clothing. Examples of other operations include manufacturing of furniture, production of license plates and tabs, agriculture and mattress recycling.
18	The Offender Betterment fund supports prison recreation, law library, and family services staff.

Some of these staff could support other operations on a temporary basis.

### **3. Services based on constitutional mandates and federal law:**

#### Limited Prison Operations – Approximately 4,700 Staff

All prisons will provide a constitutional level of care and custody for those offenders under DOC jurisdiction and control as of midnight June 30, 2013. No new admissions will be accepted beginning July 1, and extending until budget authority is restored. During that time, counties will be required to hold any offenders due to be transferred to DOC in their jails.

Prison releases will continue during the shutdown to comply with the offender sentences; however release notifications to law enforcement and/or victims will cease. Offenders who will be on community supervision and must have an approved residence will not release prior to having field supervision available and/or up to their maximum expiration date.

Prison operations will be limited to safety and security, health care (including medical, mental, dental, and pharmaceutical services), food services, facility sanitation, religious services, offender mail and telephone access, offender grievances and access to the courts, core plant maintenance and systems (such as security electronics, water, electricity, waste water treatment facilities and steam plants), providing and laundering offender clothing, access to recreation and exercise, and compliance with the Prison Rape Elimination Act. All facilities will operate with restricted offender movement, reducing congregated activity. Offenders will have limited time out of their cells to provide for meals, hygiene needs, dayroom activities, and access to recreation yards.

Programming will be limited to offender work activities supporting the institutions such as food service, plant maintenance, and custodial services. Additionally Correctional Industries work programs are non-appropriated and will continue to operate.

Approximately 4,700 staff are necessary to provide limited operations, seven days a week 24-hours a day. The largest categories of staff include over 3,200 (out of 3506) custody staff, nearly 760 (out of 805) health services staff, and all 200 cooks. Also included are positions such as maintenance staff, chaplains, records staff, purchasing, warehousing, Information Technology, and a barebones level of management. This staffing is adequate for a short state shutdown, but will need to be adjusted depending on the duration. Continued operations at this staffing level and with limited offender movement will lead to problems associated with offender idleness. Historic experience has shown increased offender disciplinary actions, victimization, and violence occur when inmate idleness increases in conjunction with limited staffing.

#### Limited Community Corrections – Approximately 230 Staff

Community supervision will be significantly limited; the only offenders to be supervised will be those under the Interstate Compact in accordance with federal law. All other supervision will be suspended including contact standards, offender reporting, and the swift and certain response for violations. Offices will be locked with minimal staffing supervising the Interstate Compact offenders and responding to new offenses and imminent threats. There will not be 24-hour monitoring and response to Global Positioning System alerts for sexually violent predators on conditional release or next business day response to alerts for level 2 or 3 sex offenders. The 24-hour warrants desk will be operated on a reduced basis. Offenders in residential Drug Offender Sentencing Act beds will continue treatment.

On June 30, those offenders in local or tribal jail beds as a result of violating their conditions of supervision will be released. Outstanding Secretary's arrest warrants will also be suspended. Administrative hearings and appeals will cease. Any offenders pending transfer back to prison will transported promptly.

Work Release will continue to operate as partial confinement, but with limited operations. The only approved passes to leave the facility will be for existing work. The constitutional level of care and custody will continue to be provided similar to prison. Offender releases will continue consistent with their sentence.

These limited operations will require an estimated 230 staff, including 120 (out of 597) Community Corrections Officers supervising offenders, six (out of 57) Supervisors, all 72 Work Release staff, and other limited personnel including ten records technicians, six warrants desk personnel, five staff that access the Interstate Compact system, and a small number of other support staff.

#### Limited Indeterminate Sentence Review Board Hearings – 4 Staff

Hearings conducted by the Indeterminate Sentence Review Board will be limited to Community Custody – Board offenders (certain serious sex offenses with a determinate plus sentence). These hearings are held in prison and determine whether the offender is releasable. Four staff would be necessary including two Board members, a hearings investigator, and a records technician.

#### **4. Immediate response to issues of public safety**

An initial response to incidents such as prison disturbances, major criminal behavior in the community threatening public safety, or natural disaster would include the staffing included above; however additional personnel may be called in to work depending on the scope and nature of the issue. In addition, headquarters will have minimal ability to coordinate emergency response.

I sincerely hope these plans do not have to be put into action, but we stand ready to do so if necessary.