

LIFERS' GROUP INC.

MA DOC EXPENDITURES AND STAFFING LEVELS FOR FISCAL YEAR 2020

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HIGHLIGHTS

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A Lifers' Group Inc. Report On The Department Of Correction's Expenditures And Staffing Levels For Fiscal Year 2020

1. Public Records Request

In response to a Public Records Request, the Department of Correction (DOC) provided data on the expenditure of funds by the DOC in Fiscal Year 2020 (July 1, 2019 through June 30, 2020) as well as on the staffing levels of Full Time Employees (FTEs) in various categories for the same time period.

2. Fiscal 2020 DOC Expenditures

As in past Lifers' Group Inc. reports on DOC Expenditures and Staffing Levels,¹ the expenditure of funds and the percentages of the total amount spent in Fiscal 2020 were broken down into nine categories. For Fiscal 2020, those categories are listed below in order from highest to lowest in dollars spent and the resultant percentages:

Category	Amount	%
Employee Expenses	466,693,799	64.8
Inmate Health Costs	174,317,963	24.2
Utilities	22,204,778	3.1
Other Expenses ²	14,263,893	2.0
Infrastructure	13,842,167	1.9
Inmate Food Costs	13,646,814	1.9
Inmate Program Costs	8,865,120	1.2
Administrative Expenses	4,427,402	.6
Legislative Expenses	<u>2,420,000</u>	<u>.3</u>
Total Expenses	720,681,936	100.0

Total Expenses in Fiscal 2020 increased by \$39,941,611 or 6% over Fiscal 2019. Employee Expenses, Other Expenses, and Inmate Health Costs saw significant increases, i.e., over \$1,000,000. Inmate Program Expenses, while increasing slightly, continued to be only 1.2% of the total expenses for Fiscal 2020, i.e., or .012¢ of every dollar spent by the DOC in Fiscal 2020. Utilities decreased by \$1,145,761 or 5% from Fiscal 2019.

¹ Those past reports can be accessed at: www.realcostofprisons.org/writing

² Other Expenses include: Facility Furnishings, Cleaning Supplies, Security Equipment, Vehicle Maintenance.

3. Staffing Levels For Fiscal Year 2020

The numbers and percentages of the DOC's Full-Time Employees (FTEs) for Fiscal 2020 broke down as follows:

Category	Number	%
Security Personnel	3,324	71.4
Support Staff	514	11.0
Maintenance	279	6.0
Correction Program Officers (CPOs)	252	5.4
Management	204	4.4
Educational Staff	<u>86</u>	<u>1.8</u>
Total FTEs	4,659	100.0

The total number of FTEs in Fiscal 2020 decreased by 318 or 6.4% as compared to Fiscal 2019, while the total Employee Expenses increased by 6%. The number of Security Personnel, i.e., correctional officers and captains, decreased by 303 FTEs or 8.4%. The data in Fiscal 2020, other than for correctional officers and captains, were broken down into different categories than in Fiscal 2019 which precluded any further comparisons. See Section 5 for a three year comparison of the DOC's total FTEs and Security Personnel.

4. A Three Year Comparison of DOC Expenditures In Dollars

Category	Fiscal 2020	Fiscal 2019	Fiscal 2018
Employee Expenses	466,693,799	440,433,611	419,925,359
Inmate Health Costs	174,317,963	169,041,475	135,305,313
Utilities	22,204,778	23,350,539	22,564,558
Other Expenses	14,263,893	6,675,550	0
Infrastructure	13,842,167	12,872,382	17,909,259
Inmate Food Costs	13,646,814	13,500,699	13,808,628
Inmate Program Costs	8,865,120	8,173,475	11,871,919
Administrative Expenses	4,427,402	4,317,594	2,799,343
Legislative Expenses	<u>2,420,000</u>	<u>2,375,000</u>	<u>2,415,000</u>
Total Expenses	720,681,936	680,740,325	626,599,379
MA Custody Pop. Jan. 1	7,864	8,454	8,859
Annual Cost Per Inmate	91,643	80,523	70,730

The source for the MA Custody population for each year is the Institution Facts Cards published by the DOC. The Annual Cost Per Inmate is calculated by the author by dividing the Total Expenses by the Jan. 1st MA Custody Population number.

The percentage of Total Expenses for Employee Expenses increased in Fiscal 2020 to 64.8% from 64.7% in Fiscal 2019. Funds spent for Employee Expenses in Fiscal 2020 increased 6.0% over Fiscal 2019 and 11.1% over Fiscal 2018.

The total number of FTEs in Fiscal 2020, however, decreased from Fiscal 2019 by 318 or 6.4% and was only 25 FTEs higher than in Fiscal 2018, an increase of .5%. See the following section for the full comparison.

In actual dollars spent in Fiscal 2020, eight of the nine categories showed increases when compared to Fiscal 2019. Those eight categories were:

- a) Employee Expenses by \$26,260,188 or 6%
- b) Other Expenses by \$7,588,343 or 114%
- c) Inmate Health Costs by \$5,276,488 or 3%
- d) Infrastructure by \$969,785 or 8%
- e) Inmate Program Expenses by \$691,645 or 8%
- f) Inmate Food Costs by \$146,115 or 1%
- g) Administrative Expenses by 109,808 or 3%
- h) Legislative Expenses by \$45,000 or 2%

As noted on page 1, Utilities was the only category to decrease in total dollars spent in Fiscal 2020 as compared to Fiscal 2019 - a decrease of \$1,145,761 or 5%.

The number of inmates in custody on Jan. 1, 2020 decreased by 590 in Fiscal 2020 as compared to Fiscal 2019 or by 7.0%. Total Expenses, however, increased by \$39,941,611 or 6% in Fiscal 2020 as compared to Fiscal 2019. As a result, the Average Cost Per Inmate in Fiscal 2020 was \$91,643, an increase of 13.8% from Fiscal 2019.

5. A Three Year Comparison Of DOC Staffing Levels For FTEs

Comparing Fiscal 2018 with Fiscal 2020, the total number of FTEs increased by 25 or .5%. The total number of MA Custody inmates on Jan. 1, 2020 as compared to Jan. 1, 2018, however, decreased by 995 or 11%.

The ratio of all FTEs to prisoners in Fiscal 2018 was 1:1.9. In Fiscal 2020, the ratio was 1:1.7, meaning that there were fewer prisoners per FTE in Fiscal 2020 than in Fiscal 2018. The ratio of Security FTE personnel to prisoners in Fiscal 2018 was 1 FTE for every 2.6 prisoners, while that ratio in Fiscal 2020 was 1:2.4. Thus, even though the number of Security FTEs and the number of prisoners both decreased comparing Fiscal 2018 to Fiscal 2020, the decrease in

the number of Security FTEs did not keep pace with the decrease in the number of prisoners.

In addition, the Educational Staff in Fiscal 2020 numbered 86, or a ratio to the number of prisoners of 1:91. In contrast, in Fiscal 2020, the ratio of Support Staff to prisoners was 1:9, of Corrections Program Officers to prisoners was 1:18, and the ratio of Management FTEs to prisoners was 1:23.

The table below gives the three year comparisons in the total number of FTEs and the number of Security FTEs for Fiscal Year 2018 through Fiscal 2020. Note: the ratios were calculated by the author.

Category	Fiscal 2020		Fiscal 2019		Fiscal 2018	
	#	%	#	%	#	%
Security Personnel	3,324	71.4	3,627	72.8	3,366	72.6
Other	<u>1,335</u>	28.6	<u>1,350</u>	27.2	<u>1,268</u>	27.4
Total FTEs	4,659		4,977		4,634	
Total Prisoners - 1/1	7,864		8,454		8,859	
Ratio FTEs to Prisoners	1:1.7		1:1.7		1:1.9	
Ratio Security to Prisoners	1:2.4		1:2.3		1:2.6	

6. Comparison Of Percentage Changes In Expenditures For Fiscal Year 2020, Fiscal Year 2019, And Fiscal Year 2018

	Fiscal Year 2020 to Fiscal Year 2019	Fiscal Year 2020 to Fiscal Year 2018
Other Expenses	+113.7%	-----
Inmate Program Expenses	+8.5%	-25.3%
Infrastructure Expenses	+7.5%	-22.7%
Employee Expenses	+6.0%	+11.1%
Inmate Health Costs	+3.1%	+28.8%
Administrative Expenses	+2.5%	+58.2%
Legislative Expenses	+1.9%	+ .2%
Inmate Food Expenses	+1.1%	- 1.2%
Total Expenses	+6.0%	+15.0%
Total Custody Count 1/1	-7.0%	-11.2%
Total FTEs	-6.4%	+ .5%
Annual Cost Per Prisoner	+13.8%	+29.6%

7. Discussion

The DOC spent nearly three-quarters of a billion dollars in Fiscal 2020, a 6% increase or nearly \$40 million over Fiscal 2019. What makes this stand out even more is that the number of prisoners incarcerated by the DOC actually decreased. There were 590 fewer prisoners under the DOC's control in Fiscal 2020 than in Fiscal 2019 - a decrease of 7%. Thus, expenses increased by 6%, while the prisoner population decreased by 7%.

This converse relationship is worse when Fiscal 2020 is compared to Fiscal 2019. The expenditures by the DOC in Fiscal 2020 exceeded those in Fiscal 2018 by 15% - \$720,681,936 to \$626,599,379, an increase of \$94,082,557 in just two years. This could be justified if the prisoner population had increased proportionately. But, it did not. Rather, the prisoner population decreased by 11% from Fiscal 2018 to Fiscal 2020.

So, what could account for the increasing expenditures? First, Employee Expenses increased 11% or \$46,758,440 from Fiscal 2018 to Fiscal 2020. Second, Inmate Health Costs increased 29% in Fiscal 2020 as compared to Fiscal 2018 or by \$39,012,650. These two categories alone accounted for \$85,781,090 of the \$94,082,557 difference between the two fiscal years, or 91%.

Interestingly, two categories decreased as the prisoner population decreased when comparing Fiscal 2020 to Fiscal 2018. Inmate Program Expenses decreased by 25%; Inmate Food Expenses by 1.2%. Both categories, however, increased from Fiscal 2019 to Fiscal 2020 - Inmate Program Expenses by 8.5% and Inmate Food Expenses by 1.1%, even though the prisoner population decreased by 7%, from 8,454 in Fiscal 2019 to 7,864 in Fiscal 2020.

It is clearly unreasonable to expect a dollar-for-dollar decrease in expenditures as the prisoner population decreased, but the DOC has moved in the opposite direction. As the prison population has decreased, expenditures have increased. This is counter-intuitive and needs an explanation.

The net result was that the average annual cost per prisoner soared by 14% from Fiscal 2019 to Fiscal 2020 and 30% from Fiscal 2018 to Fiscal 2020, a mere two years. In Fiscal 2020, the average cost per prisoner exceeded \$90,000. Admittedly, the method used to calculate the average annual cost per prisoner may not be optimal (Total Expenses divided by the Jan. 1 prison population for each year). The number of prisoners does ebb and flow through each year as prisoners enter and others leave. But, the calculations of the percentage increases year by year do not suffer similarly as the method of calculation remains constant. Thus, while one might quibble with the actual dollar figures of the average annual costs per prisoner, the trend is unmistakable. If that trend continues, i.e., 13% per year, the average cost per prisoner in Fiscal 2021 will exceed \$103,000.

An additional question which needs to be addressed by the DOC is why did Employee Expenses increase by 6% from Fiscal 2019 when the number of Full-Time Employees (FTEs) decreased by 6.4% - from 4,977 in Fiscal 2019 to 4,659 in Fiscal 2020? The bulk of the decrease of 318 FTEs was for Security Personnel - 303 FTEs. The number of Security Personnel decreased by 8.4%, which was in line with the 7% decrease in the prisoner population. Thus, all remaining categories such as Support Staff, Corrections Program Officers, and Management remained relatively constant in spite of the decrease in the number of prisoners overseen by the DOC.

The continuing aging of the prison population with the attendant increase in medical costs contributes significantly to the rising Inmate Health Costs - 3% from Fiscal 2019 to Fiscal 2020 and 29% from Fiscal 2018 to Fiscal 2020. According to the DOC, on January 1, 2011, prisoners aged 50 and up comprised 17% of the total prisoner population. On January 1, 2020, that percentage was 29%. Thus, 2,281 prisoners out of 7,864 on January 1, 2020, were age 50 or over. That compares to 1,496 on January 1, 2020.

The Criminal Justice Reform Act of 2018, which included provisions for the medical parole of prisoners who were deemed terminally ill or debilitated, presented the DOC with an avenue to address burgeoning Inmate Health Costs. But, even after the Supreme Judicial Court's ruling in *Buckman v. Commissioner of Correction* which mandated that the DOC implement "an expeditious review process," the number of those so released has been few and far between. According to Prisoners' Legal Services, medical parole "remains a cruel illusion for far too many sick and dying prisoners." (*Massachusetts Lawyers Weekly*, October 5, 2020 at 1 and 23.)

The Lifers' Group Inc. has filed a public records request with the DOC for the numbers of prisoners who have applied for medical paroles since 2018 and the number of those who were approved. To date, the DOC has yet to reply. But, whatever the numbers and percentage are, it is clear that the DOC's is not implementing this program as envisioned by the legislature. According to state Senator Patricia Jehlen: "The Baker/Polito administration seems to approach this program with an attitude of, at best, indifference to its effectiveness, or, at worst, open opposition to its goals." (*Id. at 23*) One case in point was that of an 89-year-old prisoner with dementia and other medical conditions who was released only after a Superior Court judge ordered that he be. (*Id.*)

There are several other court cases still pending on medical paroles. It will be interesting to see if Inmate Health Costs for Fiscal 2021 show any decrease attributable to the DOC being forced to implement the law as it was intended.

Inmate Food Expenses increased by 1.1% in Fiscal 2020 as compared to Fiscal 2019, even though the prison population had decreased. In Fiscal 2020, the average cost per meal

was \$1.58, an increase of 8% over Fiscal 2019 which was \$1.46. The average cost per meal was calculated by dividing the total Inmate Food Expense (\$13,646,814) by the Inmate Population on Jan. 1, 2020 (7,864) by 365 and then by 3.

What precipitated the 8% increase is unknown, but an upgrade in the quality of food, i.e., increased vegetables and fruit and less processed foods, could only auger well for decreasing Inmate Health Costs. While it is not reasonable to expect every dollar increase in food expense to translate into a dollar or more decrease in Inmate Health Costs, increasing the quality of the food should pay dividends by decreasing health costs, especially for an aging prison population.

The Lifers' Group Inc. welcomes any and all comments, criticisms, and/or questions concerning this report. Please direct all such correspondence to: Gordon Haas, Chairman, Lifers' Group Inc., MCI-Norfolk, P.O. Box 43, Norfolk, MA 02056. Copies of this report are available upon request. This report can also be viewed at: www.realcostofprisons.org/writing. Permission is granted to copy or utilize any information contained in this report as long as proper attribution is made.