



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

9

May 31, 2001

Joint Committee on Finance

Paper #331

Correctional Officer Position Modifications (DOC -- Adult Correctional Facilities)

[LFB 2001-03 Budget Summary: Page 217, #19, Page 218, #20 and Page 218, #23]

CURRENT LAW

Corrections currently staffs a number of correctional officer posts utilizing overtime funding to cover institutional security needs at the Waupun, Fox Lake, Kettle Moraine, Oakhill and Jackson Correctional Institutions, the Racine Youthful Offender Correctional Facility and the Prairie du Chien Correctional Facility. Further, the Dodge Correctional Institution has a transportation unit to provide inter-institutional inmate trips statewide.

GOVERNOR

Provide \$795,500 GPR and 20.0 GPR positions and \$296,300 PR and 10.0 PR positions in 2001-02 and \$754,600 GPR and 20.0 GPR positions and \$385,900 PR and 10.0 PR positions in 2002-03 to reduce the utilization of overtime funding to staff correctional officer posts at various adult correctional institutions and the Prairie du Chien Correctional Facility. In addition, provide \$913,000 GPR and 6.25 GPR positions in 2002-03 for an expansion of the inmate transportation unit at the Dodge Correctional Institution. Finally, provide \$115,000 GPR in 2001-02 and \$121,600 GPR in 2002-03 and 3.0 GPR positions annually for increased correctional officer staffing at three northern Wisconsin centers (one officer each at the Flambeau, Gordon and McNaughton Correctional Centers.)

MODIFICATION

Reduce funding by \$14,000 GPR and \$2,400 PR in 2001-02 and \$13,100 GPR and \$4,000 PR in 2002-03 associated with modified costs to staff correctional officer positions.

Explanation: When correctional officer positions are created, funding is provided for training and overtime costs and adjustments are made for turnover reduction. By applying calculation factors which are consistent with the reestimated standard budget adjustments and training cost calculations, the following adjustments can be made: (a) security posts staffed with overtime, -\$12,300 GPR and -\$2,400 PR in 2001-02 and -\$7,800 GPR and -\$4,000 PR in 2002-03; (b) Dodge Correctional Institution transportation unit, -\$4,100 GPR in 2002-03; and (c) correctional center system additional correctional officers, -\$1,700 GPR in 2001-02 and -\$1,200 GPR in 2002-03.

<u>Modification</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
2001-03 FUNDING (Change to Bill)	- \$27,100	- \$6,400	- \$33,500

Prepared by: Jere Bauer



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May 31, 2001

Joint Committee on Finance

Paper #332

Oakhill Correctional Institution Treatment Plant (DOC -- Adult Correctional Facilities)

[LFB 2001-03 Budget Summary: Page 218, #21]

CURRENT LAW

The 300-bed Oakhill Correctional Institution in Oregon is connected to the Village of Oregon sewage treatment facility. As of May, 2001, Oakhill Correctional Institution has an inmate population of 571.

GOVERNOR

Provide \$870,000 GPR in 2001-02 on a one-time basis to fund projected costs of upgrading the Oregon sewage treatment plant associated with the Oakhill Correctional Institution. Place funding in unallotted reserve pending a final determination of the actual amount owed.

MODIFICATION

Reduce funding provided for the Oakhill Correctional Institution for a Village of Oregon sewage treatment facility expansion by \$108,900 GPR in 2001-02.

Explanation: The Village of Oregon and the State have an agreement regarding the Oakhill Correctional Institution's utilization of the Village's sewage treatment facility. The Village recently initiated an expansion of the treatment plant. Based on engineering studies and a determination of usage, the State has agreed to make a "capital contribution for the treatment plant capital costs related to the State's increased allocated capacity from 55,000 gallons to 95,600 gallons (40,600 gallons)." The current draft version of the agreement, which DOA indicates is nearing final negotiations, indicates that the State will

provide \$761,100 in 2001-02. This amount is \$108,900 GPR less than that estimated in SB 55.

Modification	GPR
2001-03 FUNDING (Change to Bill)	- \$108,900

Prepared by: Jere Bauer



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May 31, 2001

Joint Committee on Finance

Paper #333

Prairie du Chien Kitchen Operation (DOC -- Adult Correctional Facilities)

[LFB 2001-03 Budget Summary: Page 219, #24]

CURRENT LAW

The Prairie du Chien facility is designated as a juvenile secured correctional facility, but is currently operated as an adult prison under contract with the Division of Juvenile Corrections for inmates who are not more than 21 years of age and who are not violent offenders. The facility houses an average daily population (ADP) of 300 inmates.

GOVERNOR

Provide 3.0 PR positions for the operation of the kitchen at the Prairie du Chien secured correctional facility.

MODIFICATION TO BILL

Delete \$85,200 in 2001-02 and \$111,500 in 2002-03 relating to the Prairie du Chien secured correctional facility. Transfer \$83,700 and 2.0 positions annually to Prairie du Chien from the Ethan Allen and the Lincoln Hills Schools and authorize a reduction to statutory daily rates for secured juvenile correctional facility care to reflect the transfer.

Explanation: Food services at the Prairie du Chien facility were converted from a vendor contract to operation by Corrections' staff late in 2000. The bill provides no additional expenditure authority for the positions or other operating costs because the kitchen operations would be funded by reallocating funds previously used for the vendor contract. However, funding under the bill was not adjusted to reflect the cost difference between the 6.5 positions requested by the Department and the 3.0 positions provided under the bill. The modification corrects expenditure authority to reflect the bill's provision. Further, the modification authorizes a reduction in daily rates for secured juvenile correctional facility care to reflect a transfer of \$83,700 and 2.0 positions

annually to the Prairie du Chien facility from the Ethan Allen School (1.0 position) and the Lincoln Hills School (1.0 position). The position transfer, which relates to the operation of the Prairie du Chien kitchen, has already occurred, but salary and fringe benefit costs are currently included in the cost basis for daily rates. The modification would result in an annual reduction to the daily rate of about \$0.24.

Modification	PR
2001-03 FUNDING (Change to Bill)	- \$196,700

Prepared by: Art Zimmerman

CORRECTIONS

Adult Correctional Facilities

Bill Agency

LFB Summary Items for Which No Issue Paper Has Been Prepared

<u>Item #</u>	<u>Title</u>
1	Adult Correctional Facility Populations
13	Continued Use of Prairie du Chien Facility as Adult Prison
15	Correctional Health Care Services
16	Inmate Death Investigations
17	Medical and Dental Services Copayment
22	New Lisbon Correctional Institution Treatment Plant
25	Establishment of the Redgranite Correctional Institution
26	Naming of the Jackson Correctional Institution
27	Institution Operations and Charges Lapse
28	Increased Preservice Training Funding
30	Badger State Industries Cost Increases
32	Private Business/Prison Employment Program Cost Reestimate
33	Prison Farm Cost Increases
34	Prison Farm Program Expansion

LFB Summary Items to be Addressed in a Subsequent Paper

<u>Item #</u>	<u>Title</u>
31	Computer Recycling

LFB Summary Items For Introduction as Separate Legislation

<u>Item #</u>	<u>Title</u>
18	Conditional Medical Parole and Extended Supervision
29	Change Obsolete Terminology

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Medical Records in Electronic Format

Motion:

Move to require the Department of Corrections, in connection with the integrated corrections system, to convert all inmate medical histories including prescription, laboratory and x-ray orders, to electronic format that will be accessible by Corrections staff using the internet. Require that the conversion to electronic format be accomplished by June 30, 2003.

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Repeal of Private Business/Prison Employment Program

Motion:

Move to reduce the number of allowed private business/prison employment programs to two projects. Specify that the program be eliminated once the existing programs achieve a positive cash balance.

Note:

Under current law, Corrections is authorized to lease space within state prisons and juvenile secured correctional institutions to not more than six private businesses that would employ prison inmates or juveniles in secured institutions to manufacture products or components or to provide services for sale on the open market. In selecting businesses to participate in the program, the Department is required to comply with state procurement laws by soliciting proposals. The Department must also consult with trade organizations and labor unions prior to issuing requests for proposals and prior to selecting proposals. In addition, before a private business/prison employment project begins, the Joint Committee on Finance must hold a public hearing and approve the contract, and the Prison Industries Board must approve the business. Any contract or amendment to a contract must specify each state prison or juvenile correctional institution at which the private business/prison employment program will operate. The program had a cash balance at the end of 1999-00 of -\$1,609,800.

The motion would reduce the number of allowed private business/prison employment programs to two. Further, the motion would eliminate the program once the program had a positive cash balance.

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Chaplains

Motion:

Move to provide 3.0 GPR chaplain positions annually in the Department of Corrections.

Note:

The Department of Corrections currently has a total of 30.4 chaplain positions in its adult correctional facilities (25.9 GPR positions) and juvenile schools (4.5 PR positions).

The motion provides an additional 3.0 GPR chaplain positions annually. Corrections would be required to fund the positions using available resources. On an annualized basis, the positions would cost \$138,600 GPR annually.

[Change to Bill: 3.0 GPR positions]

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Probation and Parole Hold Facility Feasibility Study

Motion:

Move to require the Department of Corrections, in connection with its 2003-05 capital budget request, to study the feasibility of constructing a probation and parole hold facility in north central Wisconsin.

Senator Shibilski

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Repeal of Private Business/Prison Employment Program

Motion:

Move to reduce the number of allowed private business/prison employment programs to two projects.

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Eliminate Inmate Secure Work Program

Motion:

Move to delete \$171,500 GPR and 3.0 GPR positions annually in the Department of Corrections associated with the secure inmate work program ("chain gangs"). Repeal statutory provisions (s. 303.063) related to the secure inmate work program.

Note:

The secure inmate work program ("chain gangs") was created in 1995 Act 416. Corrections currently has one 12-inmate work crew at the medium-security Fox Lake Correctional Institution. The work crew is supervised using three correctional officers.

The motion deletes the statutory authority for the program and associated funding and positions.

[Change to Bill: -\$343,000 GPR and -3.0 GPR positions]

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Inmate Health Care

Motion:

Move to require the following of the Department of Corrections regarding inmate health care:

- a. A report to the Joint Committee on Finance by January 4, 2002, concerning its implementation of the Legislative Audit Bureau's (LAB) recommendation that it identify and review all professional medical services contracts, including those for medical, laboratory, dental and optical services, to determine whether costs can be controlled by either seeking better rates with alternate vendors or consolidating contracts.
- b. A report to the Joint Committee on Finance by January 4, 2002, concerning its implementation of a plan to provide at least 12 hours of annual continuing education and staff development for health care staff and provide correctional officers with increased training in the delivery of controlled medications.
- c. The Department of Corrections examine the allocation of mental health resources to ensure that, within available resources, the mental health needs of inmates are met in an equitable and efficient manner. Require Corrections to evaluate the effectiveness of efforts to allocate mental health resources to meet the mental health needs of inmates in an equitable and efficient manner.
- d. The Department of Corrections begin regular, random reviews of medical charts by a physician to help ensure that proper medical procedures are followed. Require Corrections to evaluate the outcome and findings of medical chart reviews.
- e. A report to the Joint Legislative Audit Committee and the Joint Committee on Finance by September 1, 2001, on its progress toward meeting the standards it has selected as the basis for health care delivery.
- f. The preparation of written contracts for all health care vendors, for the delivery of basic health services at correctional institutions. Require that any contract, agreement or extension of existing contracts or agreements over \$500,000 be submitted to the Joint Committee on Finance for prior approval.

g. A report to the Joint Committee on Finance by January 4, 2002, regarding all monies collected from reimbursement available in health contracts.

h. The Department of Corrections negotiate in all of its future contracts with hospitals that provide inpatient care for inmates the willingness to accept Medical Assistance rates for those who are eligible. Require Corrections to evaluate the outcome of efforts to negotiate in all future hospital contracts providing inpatient care for inmates that MA rates be accepted for the care.

i. The Department of Corrections to work with the Department of Health and Family Services to explore options for determining Medical Assistance eligibility for certain inmates. Require Corrections and DHFS to evaluate the progress of efforts to determine MA eligibility.

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Corrections Corporation of America Contract Bed Rate

Motion:

Move to specify that the Corrections Corporation of America (CCA) rate will remain at \$44 for each year of the biennium. Subsequent to actions by the Joint Committee on Finance related to the Department of Corrections, reduce funding for contract prison beds accordingly.

Note:

Under the bill, cost estimates related to prison contract beds are estimated at a cost of \$44 per day in 2001-02 and \$45.32 in 2002-03. The current contract rate with Corrections Corporation of America is \$44 per day. Any increase in the rate would require approval of the Joint Committee on Finance.

The motion estimates funding for contract beds at \$44 per day and requires that funding under the bill be reduced accordingly.

[Change to Bill: Unknown]

CORRECTIONS--ADULT CORRECTIONAL FACILITIES

Badger State Industries License Plates

Motion:

Move to prohibit Badger State Industries from charging the Department of Transportation more than 10% above estimated costs for the production of license plates and highway signage.

Note:

The Department of Corrections' Badger State Industries produces license plates for the Department of Transportation under annually negotiated contracts. The motion would limit the profit that BSI could make on license plates to 10% above estimated costs of producing license plates and highway signage.

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Community Reintegration Facility

Motion:

Move to require the Department of Corrections to prepare a feasibility study for a transitional placement facility for parolees. Require that the Department submit the study to the Joint Committee on Finance, including a proposal on funding the facility. Require that the Department consider the following criteria in conducting the study:

- a. The facility house not less than 150 parolees.
- b. The facility be located in a region of the state closest to the inmate population it will serve.
- c. The facility be located in a nonresidential area.
- d. Qualified respondents must be considered non-profit entities by the Internal Revenue Service.
- e. Qualified respondents must have control over an identified and properly zoned site.
- f. There must be at least 180 days between the awarding of the winning bid to opening of the facility in order to allow the contractor sufficient time to acquire and remodel a facility and secure necessary local approvals.
- g. The facility provide alcohol and other drug abuse (AODA) treatment, education, job preparation, and other elements of programming designed to prepare parolees for their return to the community.
- h. The treatment program must be provided on a continuum of care, moving from the most restrictive level of care to the least restrictive.
- i. The facility provide a comprehensive curriculum emphasizing assessment, education, substance abuse treatment and relapse prevention.
- j. The assessment phase provide comprehensive assessments of individuals in order to

decide on appropriate courses of treatment and rehabilitation needs. Require that areas assessed include academic and vocational factors as well as risks of substance abuse and recidivism. Treatments must be designed for each parolee with the objective of successful reintegration into the community.

k. The treatment phase of the program focus on successful re-integration of the offender into the community which requires that: (1) treatments be carried out by trained, certified, clinically supervised staff; and (2) treatment progress be managed and monitored by a team of licensed professionals, including educators, certified alcohol and drug counselors, vocational specialists and medical professionals.

L. Residential treatment be provided seven days a week and include the following: substance abuse treatment; offender rehabilitation; life-skills training; education; group therapy; family program; experiential workshops; anger management; and conflict resolution.

m. A plan to contract for a third-party evaluation of the program to measure effectiveness and rate of recidivism.

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Integrated Corrections System (ICS)

Motion:

Provide \$317,400 GPR and 18.0 GPR positions in 2001-02 and \$1,267,700 GPR and 18.0 GPR positions in 2002-03 to fund continued development of the Department of Corrections' integrated corrections system. Delete \$461,100 GPR in 2001-02 and \$1,124,000 GPR in 2002-03 associated with the replacement of Corrections' information technology systems and equipment.

[Change to Bill: 18.0 GPR positions]

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Medical Records in Electronic Format

Motion:

Require the Department of Corrections, in connection with the integrated corrections system, to convert all inmate medical histories including prescription, laboratory and x-ray orders, to electronic format that will be accessible by Corrections staff using the internet. Require that the conversion to electronic format be accomplished by June 30, 2003.

Representative Kaufert

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Adult Correctional Facilities Increased Staffing for Population Management

[Paper #330]

Motion:

Delete \$437,900 GPR and 10.5 GPR positions in 2001-02 and \$13,100 GPR in 2002-03, and provide that all positions are two-year project positions. This would make modifications associated with the computation of overtime costs, turnover reductions and preservice training costs and the delays in opening Highview and the workhouses.

[Change to Bill: -\$451,000 GPR]

Corrections

Community Corrections

Bill Agency

(LFB Budget Summary Document: Page 222)

LFB Summary Items for Which Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
1, 3 & 5	Community Corrections Increased Staffing (Paper #350)
2	Community Corrections Purchase of Services Funding (Paper #351)
4	Milwaukee Drug Court Project (Paper #352)
6	Parole Commission Membership and Staffing (Paper #353)
-	Intensive Sanctions Program (Paper #354)



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May 31, 2001

Joint Committee on Finance

Paper #350

Community Corrections Increased Staffing (DOC -- Community Corrections)

[LFB 2001-03 Budget Summary: Page 222, #1 and #3 and Page 223, #5]

CURRENT LAW

Base GPR funding for probation, extended supervision and parole supervision is \$86,093,000 and 1,786.3 positions. Of the base positions, 1,239 are probation and parole agents.

GOVERNOR

Provide \$1,068,800 GPR and 21.5 GPR positions in 2001-02 and \$5,870,700 GPR and 97.0 GPR positions in 2002-03 to provide additional community corrections supervision. Transfer \$1,587,800 GPR in 2001-02 and \$1,589,900 GPR in 2002-03 and 24.0 GPR positions annually from the intensive sanctions program to probation and parole. Estimate an end-point population (June 30) of 56,840 in 2001-02 and 57,741 in 2002-03.

DISCUSSION POINTS

1. The probation, parole and extended supervision program supervises offenders in the community who are completing a sentence of imprisonment by being placed on parole, who have been placed on probation by the Court or those serving the extended supervision portion of a bifurcated sentence. After being placed on probation, released on parole or while serving an extended supervision sentence, the person is placed under the supervision of a community corrections agent.

2. There are currently a total of 1,239 agent positions in the Department of Corrections. Of that total, 47 agents are assigned to two enhanced probation and parole projects and 20 are assigned to an absconders unit. The remaining agents (1,172) are assigned regular probation,

extended supervision and parole caseloads.

3. In 1999 Act 9, it was estimated that the end-point population for probation and parole would be 64,010 in 2000-01. Resources were provided to support that population, excluding the enhanced probation and parole unit positions, with an agent to offender ratio of one agent per 54 offenders. As of February 28, 2001 (the last date for which information is available), the probation and parole population was 55,525.

4. Under the bill, the following positions would be provided: (a) probation and parole agents, 17.0 positions in 2001-02 and 75.0 positions in 2002-03; (b) probation and parole supervisors, 1.0 position in 2001-02 and 6.0 positions in 2002-03; (c) program assistant supervisors, 2.0 positions in 2002-03; (d) program assistants, 3.0 positions in 2001-02 and 13.0 positions in 2002-03; and (e) program assistant for the monitoring center, 0.5 position in 2001-02 and 1.0 position in 2002-03. The bill provides \$1,068,800 GPR and 21.5 GPR positions in 2001-02 and \$5,870,700 GPR and 97.0 GPR positions in 2002-03 to provide additional community corrections supervision. Adjustments to reflect cost reestimates associated with agent and monitoring center overtime could reduce the bill by \$300 GPR in 2001-02 and \$3,700 GPR in 2002-03. According to DOA, the increased funding and positions were intended to reduce the overall agent to offender ratio to one agent to every 44 offenders. However, the calculation included both the absconder unit, whose cases are not reflected in the population estimates, and the enhanced supervision units, which have an offender to agent ratio of one to 17.

5. The Criminal Penalties Study Committee (CPSC), created in 1997 Act 283 (the "truth-in-sentencing" act), was charged with making recommendations concerning a uniform classification system for all felonies and Class A misdemeanors for use under the bifurcated sentencing (truth-in-sentencing) structure that became effective December 31, 1999. Although not a part of its charge, in its August 31, 1999, final report the Committee identified probation supervision as an issue that needed further study. The report states that "[t]he issue of prison overcrowding is intertwined with ... lack of confidence in probation supervision, especially in Milwaukee." The Committee concluded that "Wisconsin must strengthen its probation system and develop credible alternatives to prison. The strength of probation supervision affects whether a judge will sentence an offender to prison or place that offender on probation."

6. As a result of the CPSC's recommendation, the Governor created a Task Force to Enhance Probation to study the effectiveness of probation supervision and to recommend improvements. As part of its charge, the Task Force surveyed judges to determine the judiciary's attitudes towards probation. In the survey judges expressed the need to: (a) increase the intensity of supervision; (b) ensure prompt sanctions for violations; (c) decrease agents' caseloads; and (d) enhance substance abuse treatment and other program options. While the Task Force final report has not been published, the Task Force indicated that the caseloads of probation and parole agents, as measured by the ratio of agent-to-offender, should be reduced. DOA officials indicate that the draft report was considered in preparing the Governor's budget recommendations concerning increased community corrections staffing and purchase of services funding.

7. The Committee should note that, based on the number of agents currently assigned to regular caseloads (1,172) and using the Governor's estimated community corrections populations, the agent to offender ratio provided under the bill (including the additional positions) would be one to 47.1 in 2001-02 and one to 45.7 in 2002-03. If the Committee wishes to provide community corrections staff at a one agent to 44 offender ratio for all offenders, excluding the enhanced supervision programs, an additional \$4,256,600 GPR and 122.0 GPR positions in 2001-02 and \$3,224,400 GPR and 76.5 GPR positions in 2002-03 would be required.

8. Corrections is currently revising its 1989 time study associated with agent workloads. Since the last study was completed 11 years ago, a number of changes have occurred regarding agent workload including duties related to sex offender registration and notification, electronic monitoring, Fair Labor Standards Act rulings related to hours of employment for agents, the addition of 17-year old offenders as adults to be supervised by agents and agent basic training requirements. Each of these changes has affected the number of hours an agent can allocate to his or her caseload. The Department indicates that the new study will be completed by October, 2001.

9. If current law is maintained, agent to offender ratios would be one agent per 48 offenders in 2001-02 and one agent to 49 offenders in 2002-03. However, the Committee may wish to consider providing probation and parole staffing at a modified level. The following table identifies the staffing and funding modifications to the bill under alternative agent to offender ratios.

<u>Agent to Offender Ratio</u>	<u>2001-02</u>		<u>2002-03</u>	
	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>
1 to 45	\$2,806,900	82.25	\$1,132,600	36.00
1 to 46	1,396,800	44.25	-873,000	-3.00
1 to 47	54,200	7.50	-2,809,900	-40.50
1 to 48	-1,068,800	-21.50	-4,647,800	-76.00

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$1,068,800 GPR and 21.5 GPR positions in 2001-02 and \$5,870,700 GPR and 97.0 GPR positions in 2002-03 and transfer \$1,587,800 GPR in 2001-02 and \$1,589,900 GPR in 2002-03 and 24.0 GPR positions annually from the intensive sanctions program to probation and parole to provide additional community corrections supervision.

2. Modify the Governor's recommendation by deleting \$300 in 2001-02 and \$3,700 in 2002-03 to reflect cost adjustments associated with agent and monitoring center overtime.

<u>Alternative 2</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$4,000

3. Modify the Governor's recommendation by providing an additional \$4,256,600 and 122.0 positions in 2001-02 and \$3,224,400 and 76.5 positions in 2002-03 to provide an estimated agent to offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 44 offenders. This alternative would provide a total number of additional positions as follows: (a) 101.0 agents in 2001-02 and 122.0 in 2002-03; (b) 8.5 probation and parole supervisors in 2001-02 and 10.0 in 2002-03; (c) 4.5 program assistant supervisors in 2001-02 and 5.5 in 2002-03; and (d) 29.5 program assistants in 2001-02 and 36.0 in 2002-03. Total increased funding would be \$5,325,400 and 143.5 positions in 2001-02 and \$9,095,100 and 173.5 positions in 2002-03.

<u>Alternative 3</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	\$7,481,000
2002-03 POSITIONS (Change to Bill)	76.50

4. Modify the Governor's recommendation by providing an additional \$2,806,900 and 82.25 positions in 2001-02 and \$1,132,600 and 36.0 positions in 2002-03 to provide an estimated agent to offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 45 offenders. This alternative would provide a total number of additional positions as follows: (a) 73.0 agents in 2001-02 and 93.0 in 2002-03; (b) 6.0 probation and parole supervisors in 2001-02 and 7.75 in 2002-03; (c) 3.25 program assistant supervisors in 2001-02 and 4.25 in 2002-03; and (d) 21.5 program assistants in 2001-02 and 28.0 in 2002-03. Total increased funding would be \$3,875,700 and 103.75 positions in 2001-02 and \$7,003,300 and 133.0 positions in 2002-03.

<u>Alternative 4</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	\$3,939,500
2002-03 POSITIONS (Change to Bill)	36.00

5. Modify the Governor's recommendation by providing an additional \$1,396,800 and 44.25 positions in 2001-02 and deleting \$873,000 and 3.0 positions in 2002-03 to provide an estimated agent to offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 46 offenders. This alternative would provide a total number of additional positions as follows: (a) 46.0 agents in 2001-02 and 65.5 in 2002-03; (b) 4.0 probation and parole supervisors in 2001-02 and 5.5 in 2002-03; (c) 2.0 program assistant supervisors in 2001-02 and 3.0 in 2002-03; and (d) 13.75 program assistants in 2001-02 and 20.0 in 2002-03. Total increased funding would be \$2,465,600 and 65.75 positions in 2001-02 and \$4,997,700 and 94.0 positions in 2002-03.

<u>Alternative 5</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	\$523,800
2002-03 POSITIONS (Change to Bill)	- 3.00

6. Modify the Governor's recommendation by providing an additional \$54,200 and 7.5 positions in 2001-02 and deleting \$2,809,900 and 40.5 positions in 2002-03 to provide an estimated agent to offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 47 offenders. This alternative would provide a total number of additional positions as follows: (a) 20.0 agents in 2001-02 and 39.25 in 2002-03; (b) 1.75 probation and parole supervisors in 2001-02 and 3.25 in 2002-03; (c) 1.0 program assistant supervisor in 2001-02 and 1.75 in 2002-03; and (d) 6.25 program assistants in 2001-02 and 12.25 in 2002-03. Total increased funding would be \$1,123,000 and 29.0 positions in 2001-02 and \$3,060,800 and 56.5 positions in 2002-03.

<u>Alternative 6</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$2,755,700
2002-03 POSITIONS (Change to Bill)	- 40.50

7. Modify the Governor's recommendation by deleting \$1,068,800 and 21.5 positions in 2001-02 and \$4,647,800 and 76.0 positions in 2002-03 to provide an estimated agent to offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 48 offenders. This alternative would provide a total number of additional positions as follows: (a) 14.0 agents in 2002-03; (b) 1.25 probation and parole supervisor in 2002-03; (c) 0.75 program assistant supervisor in 2002-03; and (d) 5.0 program assistants in 2002-03. Total increased funding would be \$1,222,900 and 21.0 positions in 2002-03.

<u>Alternative 7</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$5,716,600
2002-03 POSITIONS (Change to Bill)	- 76.00

8. Delete the Governor's recommendation to provide \$1,068,800 and 21.5 positions in 2001-02 and \$5,870,700 and 97.0 positions in 2002-03 for community corrections. Under this alternative, funding and positions would provide an estimated agent to offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 48 offenders in 2001-02 and one agent to 49 offenders in 2002-03.

<u>Alternative 8</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$6,939,500
2002-03 POSITIONS (Change to Bill)	- 97.00

Prepared by: Jere Bauer

MO# Alt 7

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE 8 NO 8 ABS

MO# Alt 6

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE 8 NO 8 ABS

AGENCY: DOC (Community Corrections)

Alt 4

Paper #: 351

ISSUE: Purchase of Services Funding for Probation and Parole

ALTERNATIVE: 4 (Saves \$5,224,100 GPR and still increases per offender amount by \$69)

SUMMARY: Current amount is \$231. Alt. 4 is a midpoint and saves \$5 million.

BY: Tanya



Legislative Fiscal Bureau

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May 31, 2001

Joint Committee on Finance

Paper #351

Community Corrections Purchase of Services Funding (DOC -- Community Corrections)

[LFB 2001-03 Budget Summary: Page 222, #2]

CURRENT LAW

Base funding for probation, extended supervision, parole and intensive sanctions purchase of services for offenders is \$16,589,600 GPR.

GOVERNOR

Provide \$4,831,900 GPR in 2001-02 and \$5,027,300 GPR in 2002-03 for increased purchase of services funding in the Division of Community Corrections. Transfer \$1,595,000 GPR annually from the intensive sanctions program purchase of services to probation and parole purchase of services.

DISCUSSION POINTS

1. Purchase of services funding for probation, extended supervision and parole supports assessment and treatment services, employment services, day reporting centers, emergency housing, halfway houses, sex offender treatment, polygraph tests, temporary living placements, urinalysis testing and miscellaneous offender services. Base funding for these services (including purchase of service funding from the intensive sanctions program) is \$16,589,600 GPR. Of the total, \$1,600,000 supports increased purchase of services funding (\$2,000 annually per offender) in two enhanced supervision projects created in 1997 Act 27, and \$360,000 is used to support transitional living placements associated with one of the projects. The remaining \$14,629,600 is used for purchase of services for all other offenders in the community.

2. For 2000-01, budgeted purchase of services per offender is approximately \$231.

However, because the current probation, extended supervision and parole population is less than initially budgeted for 2000-01, purchase of services in 2000-01 are funded at approximately \$267 per offender.

3. Under the bill, purchase of services funding would increase from \$14,629,600 to \$19,461,500 in 2001-02 and \$19,656,900 in 2002-03. Corrections indicates that funding for purchase of services would be similar in 2001-02 and 2002-03 on a proportional basis to the funding distribution in 2000-01. As a result, funding would be provided as identified below.

<u>Item</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>
Halfwayhouse/Temporary Living Placements	\$11,095,200	\$14,759,900	\$14,908,000
Alcohol and Other Drug Abuse	886,000	1,178,600	1,190,500
Day Reporting/Treatment Centers	732,400	974,300	984,100
Sex Offender Treatment	476,600	634,000	640,400
Statewide Urinalysis Testing	412,200	548,300	553,800
Other Programs	219,000	291,300	294,300
Operation Fresh Start	150,000	199,500	201,500
Domestic Violence/Abuse	124,400	165,500	167,100
Miscellaneous	<u>533,800</u>	<u>710,100</u>	<u>717,200</u>
Total	\$14,629,600	\$19,461,500	\$19,656,900

4. In the table, other programs include cognitive intervention programs (teaching offenders specific skills to identify, control and change their personal thinking processes and beliefs that lead to criminal behavior), anger management programs and community service projects. Miscellaneous includes sundry purchases, emergency housing, meals and medications. It should be noted that while Corrections indicates that purchase of service funds would be distributed in a manner similar to current distributions, actual funding provided would be based on individual offender service needs.

5. The Criminal Penalties Study Committee (CPSC), created in 1997 Act 283 (the "truth-in-sentencing" act), was charged with making recommendations concerning a uniform classification system for all felonies and Class A misdemeanors for use under the bifurcated sentencing (truth-in-sentencing) structure that became effective December 31, 1999. Although not a part of its charge, in its August 31, 1999, final report the Committee identified probation supervision as an issue that needed further study. The report states that "[t]he issue of prison overcrowding is intertwined with ... lack of confidence in probation supervision, especially in Milwaukee." The Committee concluded that "Wisconsin must strengthen its probation system and develop credible alternatives to prison. The strength of probation supervision affects whether a judge will sentence an offender to prison or place that offender on probation."

6. As a result of the CPSC's recommendation, the Governor created a Task Force to Enhance Probation to study the effectiveness of probation supervision and to recommend

improvements. As part of its charge, the Task Force surveyed judges to determine the judiciary's attitudes towards probation. In the survey judges expressed the need to: (a) increase the intensity of supervision; (b) ensure prompt sanctions for violations; (c) decrease agents' caseloads; and (d) enhance substance abuse treatment and other program options. While the Task Force final report has not been published, the Task Force indicated that purchase of service funding generally, and purchase of service funding allocated for alcohol and other drug abuse services in particular, need to be increased.

7. The funding increase in the bill for purchase of services is based on providing an average of \$350 per offender. The bill assumes that there will be a probation, extended supervision and parole population of 56,040 in 2001-02 and 56,941 in 2002-03 (this excludes 800 offenders in the enhanced supervision programs). Increasing funding to \$350 per offender would provide a 31% increase in purchase of services over current funding.

8. In Corrections' 2001-03 budget request, the Department requested that \$350 per offender for purchase of services. Corrections indicates that the \$350 per offender funding level was requested because it would provide needed additional resources for purchase of services and appeared to be an appropriate level given general budget concerns. The Committee should note that in 1999 AB 722, related to providing additional probation and parole resources for Milwaukee County, Corrections would have been provided purchase of services funding at \$425 per offender. Assembly Bill 722 was recommended for passage by the Assembly Corrections and the Court Committee by an 8-1 vote. The bill failed to pass pursuant to Senate Joint Resolution 1.

9. As a result of a calculation error in the bill, funding provided under the bill would provide purchase of service support at \$347 per offender in 2001-02 and \$345 in 2002-03. These amounts represent a 30% increase in 2001-02 and a 29% increase in 2002-03.

10. If the Committee wishes to fund purchase of services at \$350 per offender per year an additional \$152,500 GPR in 2001-02 and \$272,500 GPR in 2002-03 could be provided.

11. Given that it is indicated that the amount of funding provided under the bill was not based on providing specific services, but rather increasing overall purchase of services funding, the amount of funding provided could be modified as identified in the table below.

Funding Level Per Offender	2001-02 Reduction	2002-03 Reduction	2001-02 Total Funding	2002-03 Total Funding
\$275	-\$4,050,500	-\$3,998,100	\$15,411,000	\$15,658,800
\$300	-2,649,500	-2,574,600	16,812,000	17,082,300
\$325	-1,248,500	-1,151,100	18,213,000	18,505,800

12. If no additional funding is provided, purchase of services for probation, extended supervision and parole would be supported at approximately \$261 in 2001-02 and \$257 in 2002-03.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$4,831,900 GPR in 2001-02 and \$5,027,300 GPR in 2002-03 and transfer \$1,595,000 GPR annually from the intensive sanctions program purchase of services to probation and parole purchase of services for increased purchase of services funding in the Division of Community Corrections. This alternative would provide purchase of service funding at an estimated \$347 per offender in probation, extended supervision and parole in 2001-02 and \$345 per offender in 2002-03.

2. Modify the Governor's recommendation to provide an additional \$152,500 in 2001-02 and \$272,500 in 2002-03. This alternative would provide purchase of service funding at an estimated \$350 per offender in probation, extended supervision and parole during the 2001-03 biennium as intended in the bill.

<u>Alternative 2</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	\$425,000

3. Modify the Governor's recommendation by reducing funding by \$1,248,500 in 2001-02 and \$1,151,100 in 2002-03. This alternative would provide purchase of service funding at an estimated \$325 per offender in probation, extended supervision and parole during the 2001-03 biennium.

<u>Alternative 3</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$2,399,600

4. Modify the Governor's recommendation by reducing funding by \$2,649,500 in 2001-02 and \$2,574,600 in 2002-03. This alternative would provide purchase of service funding at an estimated \$300 per offender in probation, extended supervision and parole during the 2001-03 biennium.

<u>Alternative 4</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$5,224,100

5. Modify the Governor's recommendation by reducing funding by \$4,050,500 in 2001-02 and \$3,998,100 in 2002-03. This alternative would provide purchase of service funding at an estimated \$275 per offender in probation, extended supervision and parole during the 2001-03 biennium.

<u>Alternative 5</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$8,048,600

6. Delete the Governor's recommendation to provide \$4,831,900 in 2001-02 and \$5,027,300 in 2002-03. This alternative would provide purchase of service funding at an estimated \$261 per offender in probation, extended supervision and parole in 2001-02 and \$257 per offender in 2002-03.

<u>Alternative 6</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$9,859,200

Prepared by: Jere Bauer

MO# Alt 4

BURKE	Y	<u>N</u>	A
DECKER	Y	<u>N</u>	A
MOORE	Y	<u>N</u>	A
SHIBILSKI	Y	<u>N</u>	A
PLACHE	Y	<u>N</u>	A
WIRCH	Y	<u>N</u>	A
DARLING	<u>Y</u>	N	A
WELCH	<u>Y</u>	N	A
GARD	<u>Y</u>	N	A
KAUFERT	<u>Y</u>	N	A
ALBERS	<u>Y</u>	N	A
DUFF	<u>Y</u>	N	A
WARD	<u>Y</u>	N	A
HUEBSCH	<u>Y</u>	N	A
HUBER	Y	<u>N</u>	A
COGGS	Y	<u>N</u>	A

AYE 8 NO 8 ABS _____

MO# Alt 3

BURKE	Y	<u>N</u>	A
DECKER	Y	<u>N</u>	A
MOORE	Y	<u>N</u>	A
SHIBILSKI	Y	<u>N</u>	A
PLACHE	Y	<u>N</u>	A
WIRCH	Y	<u>N</u>	A
DARLING	<u>Y</u>	N	A
WELCH	<u>Y</u>	N	A
GARD	<u>Y</u>	N	A
KAUFERT	<u>Y</u>	N	A
ALBERS	<u>Y</u>	N	A
DUFF	<u>Y</u>	N	A
WARD	<u>Y</u>	N	A
HUEBSCH	<u>Y</u>	N	A
HUBER	Y	<u>N</u>	A
COGGS	Y	<u>N</u>	A

AYE 6 NO 8 ABS _____

AGENCY: DOC (Community Corrections)

Paper #: 352

ISSUE: Increased funding for MKE Drug Court

ALTERNATIVES:

2 (approve w/ modification) Saves \$490,000 GPR

AND

3 (allow MKE Secure Detention Facility and a correctional center to be utilized)

SUMMARY: MKE county has no position. DOJ estimates that there will be fewer people going through the system. This would keep the funding at the same per offender.

BY: Tanya



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May 31, 2001 Joint Committee on Finance Paper #352

Milwaukee Drug Court Project (DOC -- Community Corrections)

[LFB 2001-03 Budget Summary: Page 222, #4]

CURRENT LAW

The Department of Corrections currently operates an alternative to prison program for young male, felony drug offenders in Milwaukee. In 2000-01, costs of the program (\$581,000 PR) are supported using a one-time federal Byrne grant.

GOVERNOR

Provide \$420,000 GPR annually for purchase of services funding associated with the Milwaukee drug court project.

DISCUSSION POINTS

1. The Department currently operates a full-time, 48-bed felony drug offender alternative to prison program serving young male drug offenders in Milwaukee County. These offenders enter the program as an alternative to prison as determined by the sentencing drug court judge. The program was designed by representatives of the Milwaukee County District Attorney's office, the State Public Defender's office, Milwaukee County circuit court judges, community organizations and Corrections.

2. The program is designed for prison-bound males between the ages of 17 and 25, who: (a) have no prior adult or juvenile prison commitment; (b) have a current offense committed on or after December 31, 1999; (c) are being convicted for delivery and/or possession of a controlled substance with intent to deliver cocaine, cocaine base or marijuana; and (d) are being convicted of an offense that did not involve the use of or the threat of a weapon.

3. The 12-month long program includes the following three phases:

- *Intensive Treatment.* Intensive treatment for alcohol and other drug abuse is provided during the first four- to six-month phase of incarceration. Inmates spend 45 hours per week in programming. Each inmate is assigned a probation and parole agent. In addition to addressing substance abuse problems, offenders are taught skills for responsible decision making and problem solving, with a strong emphasis placed on upgrading educational skills. Inmates are also paired with a community mentor. Inmates are currently incarcerated at the Milwaukee County House of Correction. [There are currently 49 offenders in the intensive treatment phase.]

- *Correctional Center.* The intensive treatment phase is followed by up to two months at a correctional center where offenders are assisted to gain full-time employment or part-time employment while attending school. In addition, at the correctional center offenders receive additional education, programming to address ways to change behavior patterns, AODA aftercare sessions and a continuation of the mentorship relation. Offenders must have at least two urinalysis screens per week and provide a minimum of 10 hours of community service. During the correctional center phase, the offender and agent develop a release plan. [There are currently 20 offenders in the correctional center phase.]

- *Field Supervision.* A six-month period of enhanced supervision in the community, including aftercare services, at least weekly urinalysis and close surveillance, is the final program phase. Upon successful completion, offenders are subsequently supervised by a probation and parole agent from a specialized drug unit until completion of their sentence. [There are currently 15 offenders in the field supervision phase.]

4. As the program is designed, the sentencing court imposes and stays a prison sentence and places the offender on a minimum of three years and a maximum of five years probation. As a condition of probation, the court then orders the offender to serve one year in the House of Correction and orders the person to complete the drug court program. The court may reduce the House of Correction time if the offender completes the incarceration and correctional center portion of the program before one year. If an offender in the program is revoked, he can be ordered to serve his stayed prison term.

5. In 2000-01, the program is budgeted \$581,000 PR to support purchases of services for offenders in the program. These funds were provided through a federal Byrne grant on a one-time basis. Under SB 55, grant funding is removed as a noncontinuing item.

6. In the bill, the Governor recommends that \$420,000 GPR annually be provided in the 2001-03 biennium to support the purchase of services for the program at \$2,000 per offender. The funding level per offender is the same as that provided in the enhanced probation and parole programs in Racine and Dane Counties. The Governor indicates that the program will begin to utilize the state-operated Milwaukee Secure Detention Facility. The Facility has 210 beds for inmates in AODA treatment and 838 beds for probation and parole holds. Use of the Secure Detention Facility for the first phase of the program will allow state staff to provide the necessary

programming and allow the use of purchase of service funding for offenders in the later two phases of the program.

7. Corrections currently has a memorandum of understanding (MOU) with the Milwaukee County House of Correction to house felony probation and parole violators from southeast Wisconsin. The MOU, signed in 1998, expires in April, 2002. Under the bill, funding associated with the MOU in the contract beds appropriation is eliminated as of November, 2001. Recently, however, Corrections indicated that it will continue to utilize the House of Correction for felony probation and parole holds through the expiration of the MOU, using available resources. Subsequent to April, 2002, Corrections intends to utilize the Milwaukee Secure Detention Facility for violators.

8. Corrections indicates that because the House of Correction agreement will continue through April, 2002, it will utilize some of the 838 probation and parole hold beds for the program. "The department does not plan on allocating more than 105 beds to [the program] to ensure the smooth transition of the program from the Milwaukee House of Correction to MSD [Milwaukee Secure Detention]." As a result, endpoint populations are estimated to be 70 on June 30, 2002, and 105 on June 30, 2003. "The department has revised the estimate downward to ensure the availability of the 210 AODA beds for DOC inmates at MSD."

9. Based on the revised program participation figures, costs of the program can be reduced by \$280,000 GPR in 2001-02 and \$210,000 GPR in 2002-03. A technical correction is necessary to place funding for the program in the purchase of services appropriation, rather than the Department's general program operations appropriation.

10. Under current law (s. 302.19), Corrections "may use any of its facilities for the temporary detention of persons in its custody." Individuals placed on probation are in the custody of the Department. Under this authority, Corrections is currently placing offenders from the Milwaukee drug court program in the Felmers O. Chaney Correctional Center in Milwaukee during the correctional center phase of the program. The Committee should note that under current probation statutes, however, confinement time associated with a probation placement is served in a county facility, not a state-operated facility. In order to clarify that the Milwaukee Secure Detention Facility and a correctional center in Milwaukee County may be utilized for the program, the Committee may wish to modify current law to specify that individuals placed on probation under the program may be placed at these facilities.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$420,000 GPR annually for purchase of services funding associated with the Milwaukee drug court project.

2. Reduce the Governor's recommendation associated with the Milwaukee drug court project by \$280,000 GPR in 2001-02 and \$210,000 GPR in 2002-03. Place funding in the Department of Corrections' purchase of services appropriation. This alternative provides purchase

of services funding of \$140,000 GPR in 2001-02 and \$210,000 GPR in 2002-03 for the program based on endpoint populations of 70 offenders on June 30, 2002, and 105 offenders on June 30, 2003.

Alternative 2	GPR
2001-03 FUNDING (Change to Bill)	- \$490,000

3. In addition to Alternatives 1 or 2, modify current law to allow the Milwaukee Secure Detention Facility and a correctional center to be utilized for the Milwaukee Drug Court program.

4. Maintain current law.

Alternative 4	GPR
2001-03 FUNDING (Change to Bill)	- \$840,000

Prepared by: Jere Bauer

MO# 115713

BURKE	<input checked="" type="radio"/>	N	A
DECKER	<input checked="" type="radio"/>	N	A
MOORE	<input checked="" type="radio"/>	N	A
SHIBILSKI	<input checked="" type="radio"/>	N	A
PLACHE	<input checked="" type="radio"/>	N	A
WIRCH	<input checked="" type="radio"/>	N	A
DARLING	<input checked="" type="radio"/>	N	A
WELCH	<input checked="" type="radio"/>	N	A
GARD	<input checked="" type="radio"/>	N	A
KAUFERT	<input checked="" type="radio"/>	N	A
ALBERS	<input checked="" type="radio"/>	N	A
DUFF	<input checked="" type="radio"/>	N	A
WARD	<input checked="" type="radio"/>	N	A
HUEBSCH	<input checked="" type="radio"/>	N	A
HUBER	<input checked="" type="radio"/>	N	A
COGGS	<input checked="" type="radio"/>	N	A

AYE _____ NO _____ ABS _____

AGENCY: DOC (Community Corrections)

Paper #: 353

ISSUE: Parole Commission Membership and Staffing

ALTERNATIVE: 3 (approve w/ modification)

SUMMARY: Estimated 75 more parole hearings per month. Need staff to deal with it. Expansion of 6 to 8 members and making it permanent will allow to get more qualified people to serve.

BY: Tanya



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May 31, 2001

Joint Committee on Finance

Paper #353

Parole Commission Membership and Staffing (DOC -- Community Corrections)

[LFB 2001-03 Budget Summary: Page 223, #6]

CURRENT LAW

Base funding for the Parole Commission is \$761,800 GPR and 12.0 GPR positions. The Commission has a statutorily-established membership of six parole commissioners, including the Commission Chair.

GOVERNOR

Provide \$321,300 GPR in 2001-02 and \$351,500 GPR in 2002-03 and 6.0 GPR positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission. Modify current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003.

DISCUSSION POINTS

1. Under current law, the six-member Parole Commission is created in the Department of Corrections. Members of the Commission include a chairperson who is nominated by the Governor and, with the advice and consent of the Senate, appointed for a two-year term, and five members in the classified service appointed by the Chairperson. Statutes require that members have knowledge of or experience in corrections or criminal justice. The Parole Commission Chairperson may be removed by the Governor, at his or her pleasure.

2. The Chairperson of the Parole Commission is required to administer and supervise the Commission and its activities and be the final parole granting authority. (Statutes do allow the

Secretary of the Department of Corrections to make parole release decisions in certain circumstances.) The Parole Commission is required to conduct regularly-scheduled interviews to consider the parole of eligible inmates of the adult correctional institutions, eligible inmates transferred to mental health facilities and under the control of the Department of Health and Family Services and eligible inmates in any county house of correction.

3. The Department of Corrections is required to provide all of the following to the Parole Commission: (a) records relating to inmates which are in the custody of the Department and are necessary to the conduct of the Commission's responsibilities; (b) scheduling assistance for parole interviews at the correctional institutions; (c) clerical support related to the parole interviews; and (d) appropriate physical space at the correctional institutions to conduct the parole interviews.

4. For all felony offenses committed on or after December 31, 1999, except for those punishable by life imprisonment, felons sentenced to prison are given a bifurcated (two-part) sentence, under which a sentencing judge specifies an amount of time a convicted felon will serve in prison and an amount of time a felon will serve in the community on extended supervision. Offenders sentenced under a bifurcated sentence may not be placed on parole. For felony offenses committed before December 31, 1999, convicted felons may be sentenced to an indeterminate term of imprisonment. This sentencing structure is referred to as "indeterminate" because felons may be paroled from prison and discharged from supervision prior to serving the maximum sentence imposed by the court.

5. For calendar year 2000, Corrections indicates that 82.3% of all admissions were associated with individuals serving indeterminate sentences. As of December 31, 2000, 19,440 inmates out of 21,054 were in prison under an indeterminate sentence. In addition, a portion of offenders in prison on that date under a bifurcated sentence (1,614 offenders) also had a simultaneous indeterminate sentence.

6. Since 1997, the average number of monthly parole interviews conducted by the Parole Commission has increased by 33.5%, from 1,041 per month in 1997 to 1,390 in 2000.

7. According to DOA, during calendar year 2000, for a period between August, 2000 and December, 2000, the Commission hired an additional commissioner on a contract basis and four additional limited-term clerical positions. While questions can be raised regarding the appropriateness of exceeding the statutory number of commissioners by hiring a seventh commissioner, during the August to December, 2000, period, the Commission was able to increase the number of paroles from a monthly average of 168 at the beginning of the year to 230 during the last months of 2000. During this period, the Parole Commission expended or encumbered 81% of its supplies and services budget for 2000-01 through the beginning of December, 2000, and was required to submit a s.13.10 request for supplemental funding. As a result, the Committee provided an additional \$121,900 GPR in 2000-01. In connection with cost savings measures, the Commission terminated the additional positions. Subsequent to December, 2000, the number of monthly paroles decreased.

8. The bill provides \$321,300 in 2001-02 and \$351,500 in 2002-03 and 6.0 positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission and modifies current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003. Under the bill, funding would be provided as follows: (a) staff costs including rent, \$267,200 in 2001-02 and \$287,400 in 2002-03; (b) limited-term employees, \$21,500 annually; and (c) additional supplies and services for the Commission, \$32,600 in 2001-02 and \$42,600 in 2002-03.

9. The recommendation included in the bill is identical to the 2001-03 biennial budget request from the Department of Corrections except for the creation of parole commissioner positions that would expire on June 30, 2003. In support of its request, Corrections indicated: "The Commission reports they have a backlog of cases and has recently been admonished by the Courts for poor record-keeping (State ex rel. Anthony Meriweather vs. Jerry Smith, Jr. et. al.). The PC [Parole Commission] also indicates they have a shortage of storage space for records and not enough clerical support to transcribe records when the Court requests those services. It should also be noted that most of the Commissioners are long-term state employees earning more than six-weeks leave time each year. This reduces the amount of time available to hold parole hearings. In addition, as the number of inmates and locations inmates are housed grow, the workload of the Commission continues to grow."

10. The Governor's prison and probation, extended supervision and parole populations estimates are predicated on additional resources being provided to the Parole Commission in a manner similar to the Commission's expenditures and staffing in 2000-01 between August, 2000, and December, 2000. With these resources, the Governor assumes that an average of 75 offenders per month will not remain in prison, but rather will be on parole supervision.

11. While the bill would expand the size of the Commission by two members until June 30, 2003, permanent commissioner positions would be created. DOA has indicated that project positions were intended to have been authorized. If the Committee wishes, these positions could be converted to two-year project positions.

12. Inmates admitted to prison under an indeterminate sentence are eligible for parole until the expiration of their sentence. It should also be noted that individuals sentenced to prison under both determinate and indeterminate sentences simultaneously, remain eligible for parole while serving an indeterminate sentence. When an individual will be eligible for parole under an indeterminate sentence is determined by the initial length of the sentence, the sequence of the determinate and indeterminate sentences established by the sentencing judge and whether sentences are concurrent or consecutive.

13. Under current law, no project position may exceed four years. Given that there are currently a large number of offenders who will, at some time, be eligible for parole and continue to be eligible for parole until expiration of their sentence, it can be argued that the additional commissioner positions created in the bill should be permanent positions. Further, the ability of the Parole Commission to recruit for a two-year position may limit the pool of qualified candidates

interested in filling the positions. In order to make the positions permanent, the Committee could remove the provision which returns the Commission to a six-member body on June 30, 2003.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to: (a) provide \$321,300 GPR in 2001-02 and \$351,500 GPR in 2002-03 and 6.0 GPR positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission; and (b) modify current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003.

2. Modify the Governor's recommendation to specify that the Parole Commissioner positions created in the bill are two-year project positions expiring on June 30, 2003.

3. Modify the Governor's recommendation by specifying that the expansion of the Parole Commission from six members to eight is permanent, rather than until June 30, 2003.

Prepared by: Jere Bauer

MO# AK 3

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE 14 NO 0 ABS 0