



State Senator Sheila Harsdorf

Date: February 6, 2014
To: Assembly Committee on Corrections
From: Senator Sheila Harsdorf
RE: Assembly Bill 702, Rapid Response Supervision

Chair Bies and Committee Members:

Thank you for holding a public hearing on Assembly Bill 702 (AB 702) which seeks to provide the option of short-term penalties for individuals who violate conditions of extended supervision, parole, probation, or a deferred prosecution agreement. I regret that I am unable to testify in person due to scheduling conflicts; however, I appreciate the opportunity to share with you the importance of this legislation.

AB 702 is an extension of the H.O.P.E. legislation seeking to address our state's heroin epidemic by establishing a mechanism to treat addiction as a public health issue. Individuals who are convicted of a drug offense are often either put on probation or, if sent to prison, are eventually released on extended supervision or parole. Unfortunately, many of these individuals end up violating the conditions of their supervision and/or use drugs again, as seen by recidivism rates. This legislation strives to address this problem by providing another tool for corrections officials to address violations and expand efforts to incorporate evidence-based practices and other community-based alternatives such as treatment and diversion programs.

Research shows that when an offender knows a sanction for a violation has immediate consequences, the offender is less likely to reoffend. AB 702 is based on an initiative in Hawaii where that state experienced some very encouraging results. A study of the Hawaii program referenced in the National Institute of Justice cites a control group of offenders compared to offenders in traditional supervision showed a difference in positive drug tests of 13% compared to 46%, a new arrest rate of 21% compared to 47%, probation revocation 7% compared to 15%, and the amount of days incarcerated 138 days compared to 267. Seattle has also begun a pilot program that is showing similar results.

AB 702 would require DOC to develop a system of short-term sanctions to be imposed on an individual for violations of release or probation. DOC must create a list of sanctions for the most common violations taking into account the objective to be accomplished by the sanction, the level of intensity necessary to achieve the objective, protection of the public, and if the sanction will correct the behavior and hold the offender accountable. In addition, district attorneys would be allowed to use sanctions for violations of a deferred prosecution agreement.

This initiative will build upon the H.O.P.E. legislation in our effort to save lives and address drug addiction. AB 702 will address the critical need for treatment while holding drug offenders accountable and protecting the community. I urge your support and timely passage of this bill.

Assembly Committee on Corrections
2013 Assembly Bill 702



Good Morning, Chairman Bies and Committee members and thank you for the opportunity to testify in support of 2013 Assembly Bill 702. My name is Melissa Roberts and I am the Legislative Advisor for the Department of Corrections. Thank you to Senator Harsdorf and Representative Nygren for introducing this important bill and for the cross-agency collaboration their staff facilitated in authoring this bill.

The Department of Corrections' Division of Community Corrections has over 67,000 offenders under supervision in the community. We strive to keep these offenders *safely* in the community with their families as they work towards addressing their programming, educational, and/or vocational needs. We work to enhance public safety through management of offender risk. We provide direct supervision of these offenders by collaborating with community partners. All of these efforts are accomplished through incorporating Evidence Based Decision Making.

How violations of conditions of supervision and revocations are handled has major implications for reducing the risk of re-offense. This bill codifies what research tells us should be taken into consideration when following best practice in responding to violations:

- Develop a violation decision making guideline that takes into account the risk of the offender and the severity of the violation behavior.
- Utilize a graduated continuum of both sanctions and services
- Sanctions should be swift, certain, and proportionate for technical violations
- For offenders assessed at low risk, violation responses need to be minimally intrusive, so as not to disrupt the very protective factors that make them low risk.
- Research suggests that programs that are able to incorporate sanctions in concert with the use of rewards to reinforce conforming behavior will be more effective than those that rely on sanctions alone. We need to utilize incentives for compliance and positive behavior (e.g., 4 rewards for every sanction).

February 6, 2014

Department of Corrections
Office of the Secretary
Legislative Advisor: Melissa B. Roberts
608.240.5056

State of Wisconsin
Department of Corrections

Since 2010, the National Institute of Corrections (NIC) has supported the implementation of local Evidence-Based Decision Making (EBDM) initiatives in Eau Claire and Milwaukee Counties, as well as five other communities across the nation. The purpose of NIC's assistance is to test and implement the *Evidence-Based Decision Making Framework*, which conceptualizes a criminal justice system guided by goals defined and shared by policymakers, decisions informed by research evidence, a collaborative policy development process, and ongoing data collection and analysis.

NIC entered into a partnership with the State of Wisconsin to conduct the Wisconsin EBDM Summit which was held last week. The purpose of the Summit was to share information with a broad group of state and local officials about the EBDM Framework. As such, the Summit addressed the importance of statewide evidence-based decision making to achieve improved criminal justice outcomes and reduce the harm that crime causes Wisconsin's communities. It provided state and local officials with the foundational information needed to consider engaging in a statewide EBDM effort.

Assembly Bill 702 would require the Department of Corrections to expand our current NIC pilot efforts toward a statewide rapid response model when offenders violate the terms of their community supervision. We look forward to working with the author and other stakeholders as this bill moves through the legislature.

Thank you again for the opportunity to testify and I am happy to answer any questions you have at this time.



Wisconsin State Public Defender

315 N. Henry St. - 2nd Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
www.wisspd.org

Kelli S. Thompson
State Public Defender

Michael Tobin
Deputy State
Public Defender

February 5, 2014

Chairman Garey Bies
Assembly Committee on Corrections
P.O. Box 8952
Madison, WI 53708

Dear Corrections Committee members,

Thank you for holding this hearing on Assembly Bill 702. The State Public Defender supports the work that Representative John Nygren has done in this bill to allow for the expanded use of rapid response sanctions for individuals released on probation, parole, extended supervision and under deferred prosecution agreements.

Based on the concept of "swift and certain" sanctions and the current statutory provisions for short term sanctions for persons on extended supervision, this bill allows for a system which balances holding people accountable for their actions with their right to due process in a revocation proceeding.

By requiring that the rapid response sanctions factor in and attempts to minimize the impact on issues such as employment and the family, the bill also takes into account the demand placed on offenders to reintegrate and rehabilitate. Maintaining employment and having a stable family life are not only key factors contributing to recidivism but are often requirements included in the release order.

These changes are consistent with Evidence Based Decision Making research and data which have shown tremendous success in the National Institute of Corrections pilot program sites in Eau Claire and Milwaukee Counties.

Operationally for the SPD, it is possible that we will represent in fewer or less complex revocation proceedings as a result of the offender agreeing to accept the rapid response sanctions. In fiscal year 2013, the SPD provided representation in more than 7500 revocation proceedings statewide. But it is important to note that ultimately the decision remains with the individual. They still have the ability to exercise their right to due process and request a full revocation proceeding in which the SPD may provide counsel as under current law.

AB 702 is a thoughtful and forward thinking approach to holding individuals accountable for their actions while preserving the ability to successfully reintegrate and protect key due process rights.

Thank you for your consideration of this legislation.

Sincerely,

Adam Plotkin
Legislative Liaison, Office of the Public Defender