

1999 DRAFTING REQUEST

**Bill**

Received: **08/10/1999**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC 6-0932**

By/Representing: **Mary Matthias**

This file may be shown to any legislator: NO

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - misc  
Criminal Law - district attys  
Counties  
Children - miscellaneous  
Health - social services**

Extra Copies: **JEO  
GMM  
MES**

**Pre Topic:**

No specific pre topic given

**Topic:**

Faith-based approaches to crime prevention and criminal justice

**Instructions:**

See Attached

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>       | <u>Reviewed</u>         | <u>Typed</u>         | <u>Proofed</u> | <u>Submitted</u> | <u>Required</u> | <u>_____</u> |
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Instructions:

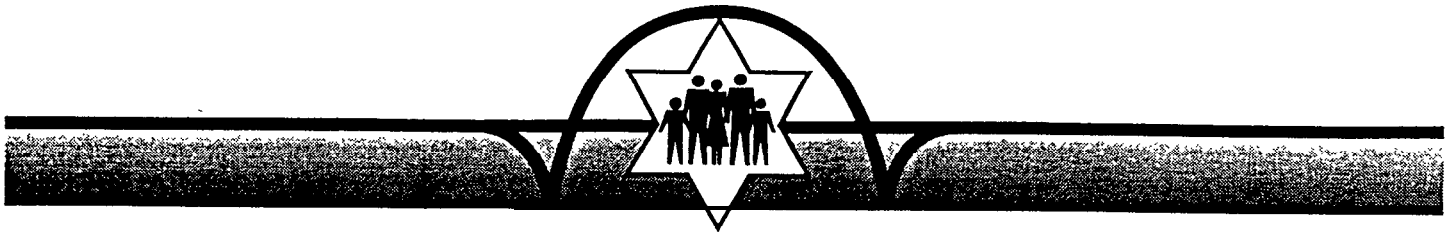
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Milwaukee Jewish Council for Community Relations

Testimony to Special Committee on Faith-Based Approaches to Crime Prevention and Justice

Scott Jensen, Chairman

Prepared by:  
Paula Simon  
Executive Director  
May 24, 1999

The Milwaukee Jewish Council for Community Relations appreciates the opportunity to respond to the recommendations generated by the Special Committee on Faith-based Approaches to Crime Prevention and Justice. The Milwaukee Jewish Council for Community Relations speaks as the representative voice of the Milwaukee Jewish community on behalf of its public affairs and community relations issues. The Council includes representation from twenty-seven constituent member organizations, synagogues and agencies, reflecting the diversity of the Milwaukee Jewish community.

The proposed recommendations raise two major concerns. First and foremost, the Council regards efforts to utilize public dollars to fund social service programs operated by pervasively sectarian organizations as fraught with potential danger. The Council is particularly disturbed by all legislative initiatives that blur the clear distinction between "religiously **affiliated**" and "**pervasively** sectarian" organizations. This concern emerges from the Council's longstanding support for, and on-going commitment to, the separation of church and state.

Our second concern stems from this Committee's apparent intent to forward these recommendations directly to the legislature for action in the budget process. Although we are mindful of the tremendous needs related to crime prevention and criminal justice, as well as the fact that sectarian organizations may have substantial contributions to make in this arena, the significant risk to the fundamental principle of the separation of church and state requires that any journey down this path must be taken with great caution. To this end, the Council advocates for a process that permits the legislature to address the substance of these issues, not merely their budgetary implications. This must include a full legislative process, including committee and public hearings.

The Council regards efforts to utilize public dollars to fund social service programs operated by pervasively sectarian organizations as a critical church-state issue. Historically, religiously affiliated organizations such as, but not limited to, Jewish Family Services, Lutheran Social Services and Catholic Charities, have been eligible to receive public funding because the primary mission of these agencies has not been to promote religious practice or belief. These institutions were not faith-based. Religiously affiliated institutions provide valuable and efficient social services to clients regardless of religious affiliation and should continue to qualify for government funding for such programs.

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However, any potential use of public funds to provide services through religiously affiliated organizations must also contain appropriate and effective First Amendment safeguards. This includes those that prevent proselytizing, coercion or indoctrination and that safeguard against discrimination on the basis of religion for both beneficiaries and direct providers of funded services.

The Milwaukee Jewish Council for Community Relations supports those amendments proposed by Representative Spencer Black related to Nondiscrimination Against Religious Organizations (WLCS:0132/1) and Inmate Rehabilitation Services (WLCS:0133/1). In addition, to Representative Black's safeguards, the Council would like to advocate for an additional safeguard, which relates to rights *of beneficiaries of service*. We strongly recommend that all beneficiaries of service receive prior written notification about their right to object to the religious character of the organization or service provider from which they receive, or might receive service, and their entitlement to service provision from an alternative, accessible provider. This safeguard is intended to proactively inform potential service recipients of their rights.

It is the Council's firmly held belief that public funding of social services provided by pervasively sectarian organizations, such as churches, synagogues and mosques, necessarily and unavoidably violates both the U.S. and Wisconsin Constitutions. Because constitutional infringements are so fundamentally unavoidable when public funds are disbursed to pervasively sectarian organizations, no form of enabling legislation, no matter how carefully crafted in a professed attempt to provide first amendment safeguards, can effectively or realistically avoid such constitutional infringements.

The Council will remain vigilant and vocal in monitoring the implementation of all publicly funded programs in order to prevent First Amendment violations as well as to protect the religious freedom of program beneficiaries and employees of service providers. We encourage this committee to make certain that all proposals that involve public funding of religious organizations adhere to the following requirements:

- Public monies may not be used to fund any religiously oriented program, including those programs that integrate worship, religious instruction or adherence to any religious tenet. Public funds may be used to fund secular programs of religiously affiliated agencies; they may not fund faith-based programs.
- Public funds must not be used to contract with, make referrals to, or provide direct grants to pervasively sectarian organizations. These are defined as having a primary or substantial goal of conversion or proselytizing.
- **Government may not encourage participation in any faith-based program, favor any one denominational approach, or limit referrals solely to religious providers when non-sectarian alternatives are available.**
- Neither the government nor any recipient of funds may require participation in any religious activity. Neither can the state mandate or enforce any religious requirement of an optional faith based program.

## TESTIMONY

### SPECIAL COMMITTEE ON FAITH-BASED APPROACHES TO CRIME PREVENTION AND JUSTICE

Monday, May 24, 1999  
10:00 a.m.

Room 417 North, State Capitol, Madison

My name is **Bernice** Popelka. I now live in Glendale just north of Milwaukee. Currently I am president of United for Choice, an organization of Unitarian Universalists and friends. We are a non-partisan, faith-based group concerned about the policy direction being taken by our local, state, and federal elected officials. Dedicated to grassroots political action with a positive, pro-active emphasis, United for Diversity was formed as a progressive, pro-community organization to challenge the agenda of religious and political extremists in Wisconsin. I have included with a copy of my presentation a copy of our brochure, if you would like to know more about us. Included in our mission statement is this: "We challenge religious extremists in their attempt to 'take back America' and establish a 'de facto' state religion."

The Second Edition, Unabridged, of The Random House Dictionary of the English Language defines religion thusly: (1) A set of beliefs concerning the cause, nature, and purpose of the universe, esp. when considered as the creation of the superhuman agency or agencies, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs. (2) a specific fundamental set of beliefs and practices generally agreed upon by a number of persons or sects. (6) something one believes in and follows devotedly; a point or matter of ethics or conscience.

Although it is true that many of the major religions of the world promote positive aspects in individual and community living and functioning, it is also true that some religions do not. Some religions practice hate and intolerance. Take, for instance, some representative religions of the far right who are currently very evident in our society. There was a teacher who was supposed to teach social studies to my two children when they were in high school in West Bend. All the **freshmen** in the high school were required to take this social studies class. Instead he passed out comic books that displayed violence against what this religion described as "the enemy" and preached Armageddon and creationism.. In the conservative community where we lived at the time he was tolerated and allowed to continue practicing his religion until he retired. His radical religious right beliefs were not of love and compassion, but of fear and hate under the surface. I have conversed with religious right people who label gays and lesbians as evil. And, as you know, many religious right people **adamantly** feel their way is the only true **way**.

Can you picture, then, one of these politically overactive groups crossing all its "t's" and dotting all its "I's" to apply for one of these opportunities to minister to prisoners? If the state is involved with passing out taxpayer money to any religious group that applies and meets all the criteria for serving prisoners and, by the way, imposes its avid beliefs along the way, it is very possible that Wisconsin may end up getting involved with holy wars at taxpayers' expense.

If the state has so much taxpayer money to expend, United for Diversity suggests that a wiser use of our money would be to provide alternative nonreligious programming and upgrade its own rehabilitation efforts. We certainly could allow religious groups to continue with their ongoing work in prisons under the current law, but more effectively enforce the law of **nondiscrimination** for such groups as the Muslims and Native Americans.

Thank you for this opportunity to present a different point of view. I hope the members of this committee will seriously consider the consequences of any legislation it will propose to the State Legislature.

prefatory note:

paragraph 2:

... This draft authorizes the appointment of one assistant district attorney position for Milwaukee County and one for Dane County. to develop and operate restorative justice programming with community input. in those counties, and to assist...

paragraph 3 :

Restorative Justice programming broadens the focus of the criminal justice system. It focuses on victims needs. seeks victim and community input into the criminal iustice process. and holds offenders accountable to those directly harmed by their criminal acts. One common restorative justice program involves the establishment of neighborhood panels of residents which meet to discuss the impact of a crime. and collaboratively, with all the stakeholders. works to develop a plan to repair the harm caused by the criminal act. Another common restorative justice program is victim-offender conferencina. where an offender meets with the victim..

P 2, line 19

“Offender” means an individual who could be. or is, charged with or petitioned for having committed a crime.

P3, line 5

(a) establish restorative justice programm that provides a forum where an offender meets with his or her victim or community members to:

P3 line 7

1. discuss the impact of the crime on the victim or on the community;

P3 line 10

(delete) [ because some cases might still go to court for sentencing, or might be referred to a restorative justice forum from court as part of a sentence, similar to sec. ]

P3 line 13

... establishment of restorative justice programming as described in par.(a)

P3 line 20 (a) (add)

5. The extent of community <sup>satisfaction with</sup> ~~involvement in~~ restorative justice programming
6. The extent of victim satisfaction with restorative justice programming

and the criminal justice system.

P4 line 4

... ~~admin~~ administration shall evaluate the success of the restorative justice programming. in serving victims. offenders and communities affected by crime, and shall report its findings to the appropriate . .



## WISCONSIN CATHOLIC CONFERENCE

**FAITH-BASED APPROACHES TO CRIME PREVENTION AND JUSTICE**  
**Testimony to the Special Legislative Council Committee**  
**May 24, 1999**  
**Presented by John Huebscher, Executive Director**

I want to comment on these drafts briefly in light of our own Wisconsin Catholic Conference work on corrections issues, and more generally in light of our view on the relationship between government and faith-based or religiously affiliated organizations.

As some of you know, last summer the bishops formed a Task Force on Corrections issues under the direction of Bishop Momeau of Green Bay. The bishops are still reviewing the task force report so we are not yet ready to address specific approaches to corrections.

While we are not yet ready to endorse specific strategies for improving our corrections system, the approaches contained in the drafts pertaining to restorative justice, community youth grants, inmate rehabilitation, and a neighborhood organization incubator all appear consistent with the draft recommendations of the task force.

We also want to share some observations about the proposals as a whole.

We commend the committee for thinking “outside the box” and for offering focused, achievable suggestions.

We applaud the community-based approach over an institutional one. This is certainly more reflective of where faith-based groups operate and where they are effective. And it reflects the reality that potential offenders are best assisted within the communities in which they live.

Now I want to turn to the question of where these proposals take us in terms of the ongoing relationship between religion and government.

In their 1995 statement on welfare reform, Wisconsin’s bishops affirmed that government has basic obligations to all its citizens that cannot be ignored or set aside.

The bishops also said that welfare reform must include a reassessment of current relationships between the religious and the secular in American society and called for an openness to new structures and arrangements to respond to the needs of families. The bishops went on to say:

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"....**government** should not insist on being the provider of every service or program for needy families. Rather through direct cash assistance to individuals and grants to organizations, government can encourage and enable families to find help from local organizations and institutions of their choice. This would include religious and nonprofit organizations. Welfare reform should facilitate such choices, not obstruct them."

Generally, the committee's six drafts represent reasonable strategies to facilitate such relationships. For now, I want to focus my comments on two of them: Draft #0321/1 which authorizes the Department of Corrections and counties to contract with faith-based groups for crime prevention and rehabilitation of offenders, and draft #0136/1, which creates an office of government-sectarian facilitation.

Draft #0132/1, is consistent with legislation we supported when it was applied to the Department of Workforce Development and the Department of Health and Family Services. To a great extent it merely reflects the way in which our Catholic Charities agencies have long operated with contracts in the human services area. When we discussed the language for DWD and DHFS two years ago with our diocesan Catholic Charities directors, they advised us that such language would be helpful in educating government officials who don't always know what current law and constitutional interpretation already permit.

To this end, the language addressing nondiscrimination against religious organizations and that pertaining to religious character and freedom will be beneficial. It allows us to work with the government agencies in a way that does not compromise our religious identity and permits us to be of help to people who might not otherwise be served.

Draft #0136/1, can also be helpful. For the facilitation of relationships almost always breeds understanding. Such understanding between government and "mediating structures" should be encouraged.

We do not agree with those who say this bill implies a state endorsement of religion over other groups. We note that the Department of Commerce maintains offices of Minority Business Development and Small Business Development. In the past, Governor's have devoted special "desks" to address concerns of women, minorities, and native Americans.

These structures are not and were not statements that such firms or groups deserve special treatment but as a recognition that these businesses or groups add something of value to society. Reaching out to them means that their involvement with public policies or programs should be facilitated not that acceptance of their views be guaranteed.

Similarly, these bills suggest nothing more than the fact that faith-based groups can be of help in solving problems facing the community and that a properly constructed partnership between such groups and government may be in the public interest.

Government does not establish a state religion merely by inviting religious groups to enter the public square.



Having said that, we are concerned about an ambiguity in the draft on page two at lines 16-21.

We assume the intent here is to evaluate the manner in which the agencies are implementing the directive to be open to arrangements with faith-based groups and not to compel religious groups to report on their involvement with government agencies. If the intent here is something other than that, we believe the bill should be more specific as to what else is expected.

As you assess these proposals, I urge you to keep them in perspective.

One of former President Carter's advisors lived by the axiom that few things were as good or as bad as they first appeared. That is true of partnerships between government and faith-based groups.

Such partnerships will not solve all of society's problems though they can help us do better.

But neither will they destroy our liberties or betray our traditions, as some opponents suggest.

Faith-based groups generally don't provide these services to win converts. We don't do this work to save the souls of the clients, we do for the sake of our own souls. As the study Faith-Based Outreach to at Risk Youth in Washington D.C by White and Marcellus states, "evangelization was more motive than method." The secular purposes of fighting hunger, poverty, restoring relationships, and teaching the ignorant, helping people battle alcohol and drug dependencies have sacred results -- for the act of doing these things ennobles both the helper and the person who is helped.

No Constitutional amendment prohibits that.

If such groups do operate with the goal of proselytizing, we believe this law is drafted to prevent them from doing so with public funds.

Some may suggest that entering into such partnerships will jeopardize the identity of religious organizations. We don't think so. We can walk away.

As some of you may know, Catholic Charities of the Superior diocese entered into a contract with Douglas County to provide services to W-2 transitional placements. By mutual agreement the contract was not renewed and the contractual relationship came to an end in March of this year.

There was more than one reason for this but, in all candor, a difference in philosophy was one of the major ones. Catholic Charities staff believed that on a number of occasions poor families who were eligible for services were told by the county W-2 agency that they did not need the services. Over time, the staff at Catholic Charities became more uncomfortable with its inability to serve people who were in need of help at a time when there were ample funds to do so.

We believe this experience offers two lessons about relationships between government and faith-based organizations.

The first is that there may be times when the policies of the state and the mission of the faith-based group will not be a good fit. Secondly, that when this is the case it is possible for the faith-based organization to walk away without burning bridges or compromising its religious identity.

In conclusion, let me suggest that institutions are like the people who create them. **And** relationships between institutions undergo change as the different parties learn from experience and the wisdom that accompanies it. These bills recognize that new possibilities exist for one such relationship. We should not be afraid to explore them.



May 17, 1999

Memorandum

**To:** Speaker Scott Jensen  
Chair, Committee on Faith-Based Approaches to Crime Prevention and Justice

**From:** Senator Alberta Darling

**Subject:** Committee Recommendations

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As we finalize our work and prepare recommendations for the Legislature, I would like to submit the following proposal to be included in the package.

- Require the Department of Health and Family Services to develop and implement a grant program that would administer AODA grants to programs based on performance evaluations.

I would like to commend you on your work as Chair. If you would like to discuss this request or any other matter further, please do not hesitate to call upon me.

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Committees: Education and Financial Institutions, Chair • Judiciary • Business, Economic Development and Urban Affairs • Administrative Rules

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Speaker Jensen, and Committee Members, Good Morning.

Thank you for this opportunity to present my views in *opposition* to implementing religion-based approaches to crime prevention and justice funded by taxpayer dollars in the State of Wisconsin.

Speaker Jensen. Last month you informally remarked on the outpouring of interest by the many people who wished to give testimony before this committee. I'm surprised that you were surprised. It seems to me that any politician who chooses to use religiopolitics to enhance his career should be well aware that they are choosing the most dangerous road possible - tampering with that aspect of a citizen's being that is the *most* private and *most* personal - that individual's view of, "Who am I? Why am I here? What is a good life? And, for some, " What will happen to me after I die." For most people in the United States, the specter of government meddling and interfering with their innermost soul and religious practice is anathema - and giving preference (or even *appearing to give preference*) to *any* of the 1,500 different belief systems and sects in this country is sure to bring forth a strong response. That's why so many have requested input to this committee.

I'm Lee Balek, volunteer President of the South-Central Wisconsin Chapter of the national organization, Americans United for Separation of Church and State. The chapter services the *entire* state of Wisconsin, and is comprised of members of *all* religious persuasions or none. Our national Executive Director is the Rev. Barry Lynn, an ordained minister in the United Church of Christ, and you will recall that our national Legal Director, Dr. Steven Green, gave testimony before the committee in March. My testimony is my own - and has not been vetted by Americans United in any way.

Since so much of the mission of this committee has been framed as dealing with the social problems of minority, low-income, inner-city people, permit me to state my personal experience in that regard. I was a minority *white* employee of a 15,000 person bureaucracy completely controlled, including the financing, by a *black citizen majority* for the last 20 years of my professional career in the City of Detroit, Michigan. Living and working there from 1961-1990, when I retired and moved to Madison, I was intimately immersed in a wide variety of the social problems of urban America - from poverty to unemployment to crime to large-scale riots in 1967. I was also immersed in the many *positive* and *wonderful* aspects of African-American people and culture as well as persons of many other cultures



that many Americans don't have an opportunity to experience. (For example, Detroit has the largest Arabic population in the US, a group that I worked with a lot). My job required that I deal with both the virtues and the vices of the inner city on a one-to-one personal level on a day-to-day basis, as well as a large group basis, all the while being evaluated by and reporting to mostly black supervisors. That is a perspective that I don't think is shared by many people in this room - much less by many people in the largely ethnically homogeneous state of Wisconsin. I also think it gives me perspective on the subject at hand today.

At the March 11 meeting of the Committee, I had a visceral response to Mr. Mike Dean's image of the young black client who refused to be coerced into any action by an authority figure - even after kindness after kindness was shown to that client by that authority figure. The client's attitude towards the world was, "You can't prevent me from destroying myself if I want to, because this is the ONE thing I have complete control over." That image REALLY resonated with me - having been duplicated in my experience all through my career. Dealing with and interacting with brutalized black inner-city residents of all ages - both clients and colleagues - day after day after day, year after year after year, having your gut-wrenched daily by coping with and trying to resolve incidents similar to Mr. Dean's description leaves an imprint on the psyche that never goes away.

BUT - nevertheless, my position to you is, in the words of American United's Executive Director, Rev. Barry W. Lynn,

***"Even great human tragedy does not permit suspension of the Constitution."***

Why not? Because the consequences down the road will be disastrous for everyone in this nation if *we* do, in *particular* the most disenfranchised citizens you say you want to help.

On that basis, today I want to talk about four subjects: ***constitutionality, causality and validity, implementation, and oversight.***

First, ***constitutionality.*** At the March meeting of this committee, Steven Green articulated my organization's position on the constitutionality of the entire *Charitable Choice* concept, and its extension into the province of this committee. I agree in entirety with his views. Mr. Carl Esbeck, the author of the *Charitable Choice* legislation for Senator John Ashcroft, **R.Mo.**, who also gave a presentation before this committee in March, is in my view, incorrect in his conclusions, on many counts.

Esbeck inferred that his *Charitable Choice* legislation is *settled law* - that no one who implements programs under this law need fear legal scrutiny. This is **not** true. *Charitable Choice* has yet to be tested in the courts. I can safely say that this certainly will happen.

A few months ago, Esbeck gave a presentation before the Ethics and Public Policy Center, an organization headed by Reagan employee, Elliott Abrams, to a very friendly audience of *Charitable Choice* proponents, including Mayor Norquist of Milwaukee, which was broadcast on C-SPAN. Esbeck suggested that religious conservatives should *act* as though *Charitable Choice* had passed constitutional scrutiny in the courts as a tactic to get the concept implemented by churches and religious groups across the nation right away. He said,

*“It behooves us to start talking like the momentum is with us..I think we should have enthusiasm as though we’re clearly on the wave... We should start talking as though the debate is no longer ‘is this constitutional?’ but really is this good public policy?”*

Currently the “poster child” for the proponents of *Charitable Choice*, please note that many experts who have studied Esbeck’s legislation do *not* consider it Holy Writ.

Secondly, as regards Esbeck’s concepts of *indirect funding* and *neutrality principle*, I find it very sad that the lawyers have to resort to finely-tuned tax “money-laundering” schemes in order to promote particular religions. Esbeck’s *indirect funding* and *neutrality principle* obviously work against both the spirit and the letter of the very strongly opposing Wisconsin constitution separationist language (which no one seems to care about any more) - and - indeed - against many legal opinions handed down from the federal Supreme Court. (My Norwegian Wisconsin forbears, who arrived here in 1848, would NOT be happy with the current trashing of the state constitution.) As a “first amendment fundamentalist,” in most cases, I *oppose* using tax dollars to governmentally give advantage to (and thereby endorse) any few faiths from the many different organized religious beliefs extant today in the United States. The majority religions will benefit the most from *Charitable Choice* - as we can see has already happened with the Roman Catholic religion reaping the benefit of millions of taxpayer dollars the Milwaukee school choice scheme. Even as a non-lawyer, I perceive this clearly a violation of the Establishment Clause.

The rest of the legal mumbo-jumbo, I’ll leave to the lawyers.

Next, I wish to speak to the subjects of *causality and validity*, which will take most of my time here today. By causality, I mean, *just what are the economic, social, cultural or biological influences that cause an individual to be poor, a criminal, a weak student, lazy, an alcoholic, a drug addict, irresponsible, or any of the other vices that are not in the interest of a successful society?* A corollary to that question is another question: *What, if anything, should society or government do about these people and how should they do it?*

Regarding *validity*, I'm referring to old-fashioned Science 101 - where a valid experiment is one that is executed *without* the experimenter having a preconceived advantage in a particular outcome, and one that can be replicated without end, with the result being consistent over time. ***What is the scientific validity of the various religion-based programs being proposed here in Wisconsin to be run with taxpayer dollars to effect societal reforms?***

The concept being perpetuated by some religious conservatives, and the voting bloc they represent, and their myriad well-financed supportive think-tanks, is that America has somehow lost its "moral compass" because of a dearth of religious participation by the citizenry - an aspect of the so-called "culture wars," if you will. One of the earliest to espouse of this view is Marvin Olasky, whose book, ***The Tragedy of American Compassion***, he says that America's social ills in recent years began with the implementation of AFDC in the **1930's**, which made it "easy" for mothers with children to establish households without the necessity of husbands. Olasky suggested that the government should do away with funding and operating welfare programs, and that welfare services delivery instead should be taken over by the nation's churches the way he said it was in "**the** good old days." He suggested that by the use of church volunteers, and a more personal one-to-one communication with the clients, plus indoctrination of religion's values, would solve the nation's welfare "problem." (Olasky's myopic view of the "good old days" reflects a severe case of historical amnesia and selective retrieval of historical fact in my opinion.)

Many governments at all levels in many parts of the country thought that Olasky's plan was a great idea. It would save government dollars by using church volunteers, and **fit** well into the entire **privatization** philosophy of many in the conservative and libertarian mold. In some cases, the churches would just be one more contractor in the privatization mix. And in others, churches would completely take the problems of the dispossessed off of governments' back! And, it would be very popular with a large voting block of religious conservatives, an important part of their party's voting base.

Senator Ashcroft, who at that time had presidential aspirations, enlisted Carl Esbeck from the University of Missouri to write the **Charitable Choice** legislation, which was added to the new federal welfare program a few years ago. Since then, Senator Ashcroft has vowed to add **Charitable Choice** to every applicable piece of social legislation coming out of Congress.

I first noticed **Charitable Choice** entering the picture in Wisconsin with Representative Jensen's press release of May 7, 1997 describing **DHFS's** permission to contract with religious organizations without placing any restrictions on the religious character of those organizations under a proposal added to the state **budget...in** short, adding the federal Ashcroft language to Wisconsin's TANF programs.



What really piqued my interest was this quotation by Representative Jensen, as follows:

*“Faith-based organizations have a tradition of service to society’s neediest members that is longer, broader, and more effective than any program government has ever created. It is ridiculous for government to discriminate against these people who literally wrote the book on social justice and charity.”*

Speaker Jensen - that statement cost me a *lot* of money on my personal telephone bill that month of May, 1977 - because I began looking for *evidence* - evidence that religiously based programs are *more effective* than government or private social service programs. (Incidentally, once again I did this without my national organization’s knowledge.) (I also proceeded without the benefit of the internet or the resources of a University connection. In short, I did this as layperson Jane Doe citizen.)

I telephoned the appropriate departments at the UW-Madison, University of Chicago, and Northwestern University. The fine professors were very helpful in referring me to colleagues and were very interested in my questions - but they *unanimously* told me that there is *nothing* in the research literature to support the idea that religion-based programs are as *good* as, much less *more effective*, than secular ones. One person at Northwestern referred to me to Stephen Monsma at Pepperdine University in California. (I later learned that Monsma is one of the group who is very involved in promoting *Charitable Choice*, with at least two books on the subject.)<sup>2</sup> Prof. Monsma and I had a very cordial chat, and when I asked him for the scientific evidence I was seeking, he replied, “Well, you know, churches are not very good at record-keeping...” (When a friend of mine wrote to Carl Esbeck asking for similar “evidence” - he did not dignify her letter with a reply.)( I also wrote to Rep. J.C. Watts of Oklahoma, one of the most vocal supporters of the wonderful results to be achieved by mixing religions with government, with the same request for “evidence” and he did not answer my letter, either.) Professor Monsma suggested that I contact Senator Ashcroft’s office. He also suggested that I contact Governor George W. Bush’s office in Texas, where they were about to embark on an elaborate religion-based program of social service delivery.

So, I called Senator Ashcroft’s office in Washington, and had an interesting conversation with his aide in charge of the *Charitable Choice* effort, who kindly sent me a copy of two scientific studies she said were *absolute proof* that religiously based social service programs were *significantly* more effective than secular or government programs. More about those studies later.

Then I called Governor Bush’s office in Austin, and had another interesting conversation with his aide in charge of the extensive *Charitable Choice effort* in Texas. They sent me both the Executive Summary and the Full Report of

December, 1996, titled, "Faith in Action...A new Vision of Church-State Cooperation in Texas," put together by Governor Bush's Advisory Task Force. (I believe a copy of the full report has been distributed to this committee.) Immediately, I found troubling this statement at the beginning of the full report by Governor George W. Bush:

*"Government can hand out money, but it cannot put hope in our hearts or a sense of purpose in our lives. It cannot bring us peace of mind I cannot fill the spiritual well from which we draw strength day to day. Only faith can do that. In the final analysis, there is no overcoming anything without faith - be it drugs or alcohol or poverty or flawed social policy."*<sup>3</sup>

(I, personally, think that quote is downright *wrong*, and object to any politician in a religiously pluralistic democracy making it from his governmental office.)

But, even more interesting were the names in the Acknowledgments at the beginning of the full report listed as the members of the task force. This included Marvin Olasky, Stephen Monsma and Carl Esbeck, whom I previously mentioned, and Stanley Carlson-Thies from the Center for Public Justice, a conservative think tank concerned with obtaining public dollars for religion-based social programs. I think even the proponents of *Charitable Choice* would agree that the Task Force had more than a tinge of bias, not to mention political self-interest.

Another quote from that report heightened my suspicions regarding the religious aims of the entire, *Charitable Choice effort*:

*"The act of conversion is empowering in ways that simply feeding the hungry, clothing the naked, and housing the homeless are not." Quotation by Anthony A. Parker of Sojourners Magazine.*<sup>4</sup>

This statement is clear promotion of religious proselytization in the extreme. The rest of that report is filled with sentimental platitudes, uninformed opinion - and certainly, no valid science.

Then, I turned to the two "studies" sent to me by Senator Ashcroft's office.

The first was a 1996 study comparing homeless shelter programs in New York City, one of which was operated by the Bowery Mission Transitional Center, Robert J. Polito, Executive Director. (I believe Mr. Polito has had input to this committee.) The data was supplied in the form of monthly reports the shelters had to file with the New York City DHS, who then compiled a comparative report of all the city's comparable shelters. *Assuming* that the data supplied to the city by Mr. Polito's shelter was accurate - the report showed great success by the Avenue "D"

shelter. But - that's a *big* assumption. Did anyone do any on-site evaluations and assessments who did not have a vested interest in the data supplied?

*Self-reported data on a mailed-in survey does NOT comprise valid scientific evidence.*

But, more troubling in my view is material contained on p.6 of the report:

*“As impressive as our statistical conclusion is, we haven’t yet discussed a final critical component of our success - our concentrated push by all the staff to enrich the lives of our interested clients by introducing, deepening, and furthering their relationships with Jesus Christ. No numbers exist to quantify this claim, but anyone who spends half a day here can feel the Holy Spirit busy at work.”<sup>5</sup>*

Proselytizing in the extreme...

Problems with that report pale in comparison to the other report sent to me by Senator Ashcroft’s office. This report they had to go back all the way to 1976 to dredge up. In 1973, the operators of the Pentecostal Protestant, religiously-based *Teen Challenge* chain of centers for the treatment of alcohol and drug abuse asked the National Institute on Drug Abuse for a grant to make a study of the effectiveness of their program. (*Teen Challenge’s current web site infers that their program was SO successful that the federal government asked them if they could do the study - which is clearly not true.* <sup>6</sup>)

On the same C-SPAN symposium broadcast referred to earlier, the Vice-President of *Teen Challenge USA*, Carl Chrisner, who is actively seeking federal drug-fighting money for his religion-based program, again reiterated the oft-touted “success rate” of his program:

*“from our own self-studies, we have over 40 years of proven success of 70%... We’ve also had studies conducted by the Federal Government...that confirm our 70% success rate, ”<sup>7</sup>*

(If there were other “government studies” of the *Teen Challenge* program that support Mr. Chrisner’s assertion, I’m sure Sen. Ashcroft’s office would have sent them to me rather than having to go back to *one* from 1976. And, as we will see, the one so-called study Mr. Chrisner refers to says *nothing* about a 70% success rate.)

I have given this 1976 *Teen Challenge* religion-based program report to physicians and researcher friends to assess. They all had grave reservations regarding the methodology and execution of the evaluation, and said that no legitimate peer reviewed journal would even *consider* to allow its inclusion. Nowhere does *Teen Challenge’s* famous 70% success rate statistic appear in the

report. The report is a seven year follow -up study of a sample portion of heroin addict clients *who they could locate*. The sample was divided into three groups - those who completed the religion-based program in 1968, those who were admitted but dropped out, and those who dropped out of the pre-induction center. Data were collected from March through August, 1975 seven years *after* the clients were associated with the program. Clients were paid to participate. They were asked to *recall* their actions, attitudes and feelings as they were seven years earlier and to compare it with the way their actions, attitudes and feelings were at the time of the interview. The data they *could remember* were compiled and compared. The results showed that the clients who completed the program were more “successful” (by *Teen Challenge’s* selected criteria) than those who dropped out.

But - as disturbing as the bad science - are the things that *are* in the report that *Teen Challenge* always neglects to mention. For example:

*“When all former clients were asked specifically what they did not like about Teen Challenge, all emphasized an excess of religion.”<sup>8</sup>*

And:

*“The Teen Challenge Program appears to have its greatest impact on youth who had experienced *fegef difficulty* around the issue of drug use, youth of Hispanic background and youth without a prior marital history. BLACK YOUTH APPEAR TO HAVE FARED PARTICULARLY POORLY IN THE TEEN CHALLENGE ENVIRONMENT.”<sup>9</sup>*

Why have I taken all this time to walk you through all this? Because the two studies that the founders and proponents of *Charitable Choice* insist *prove* the efficacy of religion-based programs are themselves of dubious value by any standard of objective evaluation. These two studies have been referred to by some giving testimony before this committee, and time after time at other government hearings and conferences across the country to encourage joining the *Charitable Choice* bandwagon. Millions of dollars in government and politically affiliated think tank dollars have been expended to transform opinion and “spin” into public policy the implementation of religion-based social programs *based on these two studies!*

NO one has any scientific data to associate the *causality* of religious inculcation or indoctrination with positive social outcomes. Perceived positive outcomes may be the result of myriad other variables. As we learned only too well in the book, *The Bell Curve*, by Richard J. Herrnstein and Charles Murray, it is a dangerous thing to even consider changes in social policy based on the *causality* assumptions in a single variable (such as religion) in regression analysis and other sociological measurement devices. Especially dubious is information from research funded by think tanks that have a clear political and religious axe to grind. This has

been the case with most of the materials given to this committee, as well as the source of financial support for Herrnstein and Murray in writing *The Bell Curve*.

Wisconsin's own Dr. Zorba Paster tells his radio audience *never* to rely on less than *three* well designed and objectively executed medical studies' results when making decisions regarding medical treatment. I think this would be a good plan for all who are considering making public policy on the *Charitable Choice* model.

Evangelical pollster, George Barna, in his book, "The Second Coming of the Church," beautifully illustrates that making assumptions regarding the correlation between religious belief and positive social outcomes does not hold up scientifically. Barna, a devout evangelical Christian, who is hired by churches and organizations throughout the evangelical Christian world to do polling and research for them - had EVERY motive in the world to "spin" his findings in ways most advantageous to his personal views. To his *great* credit, and clear intellectual honesty, this, he does not try to do. In his table titled, "Examples of the Similarity of Behavior between [born-again] Christians and Non-Christians," he notes little difference in the selected positive social behaviors between the two groups - and even notes that the divorce rate is higher for born-again Christians." This evidence certainly belies a *lot* of the testimony and information given to this committee.

Another strong proponent of religion-based programs is John DiIulio, who is another one who at least is attempting to examine the concept in an intellectually honest way. In Joe Klein's lengthy article about religion-based programs in *The New Yorker* in 1977, later reprinted in the *Responsive Community*, the communitarian journal, Klein says about DiIulio,

*"His main task is an attempt to prove, beyond the shadow of an academic doubt, that faith-based programs are the most efficacious way to deliver social services.. ."* {DiIulio says,} *'I also want to crank up the reliability of the {pro-religion-based approaches} material we already have.'*" (Referring to a program that seems to have a good success rate after one year), DiIulio says, *'But what does it look like two years out.'*"<sup>1</sup> And, I might add, three or four or more years out....The jury is still out on DiIulio's efforts.

Referring to those who are skeptical about religion-based programs, Klein continues, *"....there has always been a feeling that religion is God's own methadone for the addictive personality. There is a class of programs, including certain drug-treatment centers and certain prison ministries, like those administered by Colson /Prison Fellowship for the Nation of Islam, that promise immediate salvation: accept Jesus (or Allah) and you can liberate yourself from your *life* of degradation, The religious opiate is clearly preferable to the chemical variety, but there is also a not very subtle coercive aspect to *this* process: If you don't accept Jesus as your personal Savior, then you are doomed"*<sup>2</sup>

Do we want government at any level in the United States to be in the religious coercion business? Rather, why don't we find ways for churches to cooperate with social service providers in ways that don't co-opt the constitution? Voluntary client referral programs, and tax incentives for charitable contributions are possibilities that come to mind.

I ask this committee for the intellectual honesty to tell the public that *Charitable Choice* in all its guises is an unproved process - and that *any* religion-based program that government starts is *experimental* and should be publicized as such.

And - I ask - if the Ashcroft language prohibits religious proselytizing, no matter whether the financial track of the taxpayer dollars is direct or indirect - what is the point of injecting religion at all if it is the proselytizing that is the active ingredient of supposed behavioral change?

The final two items on my list of subjects I'll cover much more quickly.

***Implementation.*** Once again, a personal note. I lived in Detroit through the 1967 riots. Afterward, millions and millions of dollars, both public and private, flowed through the system into the city to community-based groups, including religious groups, from well-meaning people and organizations of all kinds, Program after program was started to help the city and its people recover.....and then, one by one, the programs disappeared, along with the money. Volunteers poured in from the suburbs to "help." .....and then, within a few months, they disappeared. Running social service programs, just as running good schools, takes a lot more than a willing heart. It takes organization and expertise and educational background that is lacking from most well-meaning volunteers, and, in my view, most churches. (This information, admittedly anecdotal, can be checked out by contacting old-timers from one of the few programs that lasted from those years, called *Focus Hope*, which was organized in 1968 and continues to this day. Contact information is in the Endnotes of my talk." )

Do churches really want to implement *Charitable Choice* programs? In an article in *The Christian Century* magazine, Arthur E. Farnsley II concludes:

*"But the people who are pushing for congregations to shoulder more of the burden of urban development need to be honest about church realities and capacities. In the long run, congregations could be damaged by shifting too much attention to community development and away from their many other ministries, both internal and external. The more immediate danger is that many needy people will go unserved if we assume that most congregations are doing or could do something that they cannot."*<sup>14</sup>

On October 6, 1998, in a press release, Governor Thompson offered financial incentives to W-2 agencies that establish and maintain partnerships with local faith-based organizations. This is *illegal* under the *Charitable Choice* legislation itself. If I were a non-religion based firm bidding competitively for a subcontract, I'd be very unhappy.

And finally, my last topic - *Oversight*. I asked Mr. Blaska's office two years ago what oversight there would be in the implementation of W-2 programs under the *Charitable Choice* language to guarantee that religious proselytization would not occur and that wouldn't it be nice if the welfare client would be told up front that non-religious alternative providers would be made available if they wished. I was told that it was the W-2 *contractor's* responsibility to do this and that the state would have nothing to do with this oversight.

Now, most of the W-2 programs are administered by counties, but, in some places, the counties subcontract to private businesses, and in others, particularly in Milwaukee, others do the administering, including for-profit companies. (Part of the continuing efforts by libertarian-types toward privatization of government services, as you may note.) These for-profit companies would be the entities that would provide the aforementioned proselytization oversight. Is it really in their profit interest to do this? And the providing of duplicate non-religion-based programs - what does this do their bottom line? But, most importantly, who, from the taxpayer's point of view, sees that proper oversight is done? The fox guarding the henhouse?

Speaker Jensen - last month you suggested the possibility of some kind of an oversight mechanism - perhaps an "Ombudsperson" model - for just this kind of oversight to the religion-based programs you are about to propose. How about starting with the TANF programs? I hereby volunteer to be an unpaid assistant to that Ombudsperson - to be sure that constitutional compliance with the existing and proposed *Charitable Choice* language be guaranteed.

And, I'm sure, that all the proposals you will bring forth later today will be in *perfect* compliance with the law. . . ...? Duplicate non-religious programs available. . . ...? (And will someone be nice enough to tell the client that he's entitled this up front, even if not required to by the law?) (The *only* contact I've had with anyone from the Americans United national office regarding my remarks today was to send the listing of the preliminary proposals to Steven Green for his evaluation. He said they are all *unconstitutional* with the exception of the Restorative Justice plan, if the plan were implemented properly.)

In closing, I couldn't disagree with you more, Speaker Jensen, in your belief, quoted in last week's *Isthmus*, that, "You can't have morality without religion." What's more, as a religious person, but one who has equal respect for people who

make the intellectual choice to be non-religious, I find your statement arrogant, and insulting.

Rather, I agree with the words of Albert Einstein:

*“The foundation of morality should not be made dependent on myth nor tied to any authority lest doubt about the myth or about the legitimacy of the authority imperil the foundation of sound judgment and action. ”*

Einstein also said:

*“If people are good only because they fear punishment and hope for reward, then, we are a very sorry lot indeed ”*

Permit me to state my personal view on what makes a moral person, with words attributed to the prophet, Micah:

*“and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your **God**....<sup>16</sup>*

And, in closing, let me repeat, once again, the words of, American United’s, Barry Lynn:

*“Even great human tragedy does not permit suspension of the Constitution, ”*

Thank you.

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ENDNOTES

- <sup>1</sup> Carl Esbeck: quotation from speech, from Ethics and Public Policy Center-sponsored **symposium**, 2-5-99 telecast on C-SPAN.
- <sup>2</sup> Stephen V. Monsma: "When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money," 1996, and "Positive Neutrality: Letting Religious Freedom Ring."
- <sup>3</sup> "Faith in Action.. .A New Vision for Church-State Cooperation in Texas," Governor's Advisory Task Force on Faith-Based Community Service Groups, Full Report, December, 1996. Introduction, p.v
- <sup>4</sup> Ibid, p. 31
- <sup>5</sup> "Placements from DHS Adult Shelters and Programs, Fiscal Year 1996 to June 30, 1996," New York City Department of Homeless Services, September **26, 1996** - summary, p.6
- <sup>6</sup> National Institute on Drug Abuse, Services Research Report, "An Evaluation of the Teen Challenge Treatment Program," US Dept. of HEW, DHEW Publication No. (ADM) 77-425, Printed 1977, Preface and reiterated on p.2
- <sup>7</sup> Carl Chrisner: quotation from speech, from Ethics and Public Policy Center-sponsored symposium, 2-5-99 telecast on C-SPAN.
- <sup>8</sup> Op.Cit., National Institute on Drug Abuse....**p.10**
- <sup>9</sup> Op.Cit., National Institute on Drug Abuse.. .**p.12**
- <sup>10</sup> George Bama, "The Second Coming of the Church, Word Publishing, 1998, p.6
- <sup>11</sup> Joe Klein, "Can Faith-Based Groups Save Us?" *The Responsive Community*, Vol. 8 Number 7, Winter **1997-8**, p.33 (From original article in *The New Yorker* magazine, 1997
- <sup>12</sup> Ibid, pp 33-34
- <sup>13</sup> Focus Hope, Administrative Offices, 1355 **Oakman** Boulevard, Detroit, Michigan 48238, (313) 4945500, <http://www.focushope.edu/>
- <sup>14</sup> Arthur E. Famsley II, "Can churches save the city? A look at resources," *Christian Century* magazine, December**9, 1998**
- <sup>15</sup> Judith Davidoff, "See Scott Run," *Isthmus*, May 21, 1999, p.11
- <sup>16</sup> *Holy Bible*, NRSV, **Micah 6:8**



COMMENTS TO THE SPECIAL COMMITTEE ON FAITH-BASED  
APPROACHES TO CRIME PREVENTION AND JUSTICE  
MAY24, 1999

I am Kit Murphy McNally, executive director of the Benedict Center, an interfaith nonprofit criminal justice agency which has been providing services in Milwaukee for 25 years.

The Benedict Center supports an interfaith chaplaincy program in the Milwaukee County Jail, an alternative to jail program for female offenders, and citizen advocacy for safe, effective and affordable alternatives to incarceration. So I am fully aware of the value of faith and religious support in the criminal justice system. I am also very aware of the dangers of a focus on specific religious beliefs in a system as devoid of personal choice and individual rights as the criminal justice system.

I am offended by the presumption of materials produced by this committee that only religious organizations are value-based. I believe values are inherent in the nonprofit sector. The very nature of the services provided demands a foundation of core values.

I am also concerned that recommendations of this Committee tend to reflect the specific interests of committee members. This state is full of religious and nonprofit organizations which have much to offer men, women and youth at risk and involved in criminal behavior. Most have seriously inadequate funding, and many are not adequately evaluated. Most are also completely unaware of the work of this committee.

I would ask that this committee seriously look at more inclusive recommendations, setting aside funding for innovative programs which include broad concepts found in all faiths and which are not

## Benedict Center 2

exclusive of providers who profess no religious affiliation. invite counties and nonprofit organizations to apply for the funds and rate the applications on the merits of the programs, not the religious tenets involved.

I support the funding of a district attorney to further the development and use of restorative justice concepts, but would again prefer expansion and comparative evaluation of the venture. Why not set-aside funds for at least three assistant district attorneys: one in a large urban county, one in a medium sized county, and one in a rural county? Why not include funds for nonprofit restorative justice programs, exclusive of the ADA, in the same mix of counties? Then provide funds and a process to evaluate the results to determine where to intensify resources in the future.

I also believe the modifications to drafts under consideration, proposed by Representative Spencer Black in regard to Nondiscrimination Against Religious Organizations and Inmate Rehabilitation Program, are essential.

My comments this morning reflect only my views as Executive Director of an interfaith nonprofit criminal justice agency, although these views are also representative of the Benedict Center staff.

**Thieszen, Walter D. (Exchange),**

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**From:** O'Brien, Sean (Exchange)  
**Sent:** Tuesday, April 27, 1999 10:30 AM  
**To:** Thieszen, Walter D. (Exchange); Albino, David (Exchange)  
**Subject:** FW: WITS religious preference data

The following is a list of religious preference of all inmates who were booked at DCI in 1998:

| Religion            | Total |
|---------------------|-------|
| -----               |       |
| 7th Day Adventist   | 8     |
| Assembly of God     | 6     |
| Baptist             | 1077  |
| Buddism             | 7     |
| Catholic            | 933   |
| Christian Science   | 58    |
| Church of Christ    | 5     |
| Episcopalian        | 12    |
| Hebrew              | 1     |
| Holiness/Sanctified | 8     |
| Jehovah's Witness   | 34    |
| Jewish              | 6     |
| Lutheran            | 441   |
| Methodist           | 75    |
| M o r m a n         | 10    |
| Mourish Sci Temple  | 2     |
| Muslim/Islam        | 136   |
| Native American     | 70    |
| None                | 1136  |
| Orthodox            | 6     |
| Other               | 149   |
| Other Christian     | 730   |
| Pentecostal         | 133   |
| Presbyterian        | 15    |
| Protestant          | 112   |

Wicca

ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS ON December 31, 1998

TABLE OF SUPVINST BY RACETH

| SUPVINST              | RACETH                      |                              |                             |                              |                            |                           |                            |                             | Total           |
|-----------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|----------------------------|---------------------------|----------------------------|-----------------------------|-----------------|
|                       | WHITE<br>HISPANIC           | WHITE<br>NON HISP            | BLACK<br>HISPANIC           | BLACK<br>NON HISP            | AMERICAN<br>INDIAN         | ASIAN                     | OTHER                      | NO DATA                     |                 |
| WAUPUN                | 82<br>0.44<br>6.79<br>7.43  | 470<br>2.52<br>38.94<br>6.00 | 9<br>0.05<br>0.75<br>10.84  | 619<br>3.32<br>51.28<br>6.92 | 18<br>0.10<br>1.42<br>3.86 | 4<br>0.02<br>4.40         | 4<br>0.33<br>9.76          | 0<br>0.00<br>0.21<br>0.99   | 1207<br>6.47    |
| GREEN BAY             | 69<br>0.37<br>7.38<br>6.26  | 345<br>1.85<br>36.90<br>4.41 | 1<br>0.01<br>0.11<br>1.20   | 483<br>2.59<br>51.66<br>5.40 | 24<br>0.13<br>2.57<br>5.15 | 9<br>0.05<br>0.96<br>9.89 | 2<br>0.01<br>0.21<br>4.88  | 2<br>0.01<br>0.21<br>1.98   | 935<br>5.01     |
| DODGE PROPER          | 20<br>0.20<br>6.50<br>2.63  | 1227<br>53.14<br>3.03        | 0<br>0.00<br>0.45<br>2.41   | 167<br>0.90<br>37.44<br>1.87 | 10<br>0.05<br>2.24<br>2.15 | 0<br>0.00<br>0.00<br>0.00 | 1<br>0.01<br>2.44          | 0<br>0.00<br>0.00           | 446<br>2.39     |
| DODGE A&E F           | 6<br>0.03<br>9.09<br>0.54   | 20<br>0.11<br>30.30<br>0.26  | 0<br>0.00<br>0.00           | 35<br>0.19<br>53.03<br>0.39  | 3<br>0.02<br>4.55<br>0.64  | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00          | 0<br>0.00<br>3.03<br>1.98   | 66<br>0.35      |
| DODGE RECEPTION       | 72<br>0.39<br>6.70<br>6.53  | 390<br>2.09<br>36.31<br>4.98 | 3<br>0.02<br>0.28<br>3.61   | 541<br>2.90<br>50.37<br>6.05 | 27<br>0.14<br>2.51<br>5.79 | 6<br>0.03<br>6.59         | 0<br>0.00<br>0.19<br>4.88  | 33<br>0.18<br>32.67<br>3.07 | 1074<br>5.76    |
| COLUMBIA              | 4<br>0.51<br>6.33<br>4.62   | 1387<br>43.30<br>4.46        | 0<br>0.02<br>0.50<br>4.82   | 378<br>2.03<br>46.90<br>4.23 | 0<br>0.08<br>1.74<br>3.00  | 5<br>0.03<br>5.49         | 4<br>0.02<br>9.76          | 0<br>0.00<br>0.12<br>0.99   | 806<br>4.32     |
| RACINE CORR INST      | 110<br>0.59<br>7.43<br>9.97 | 472<br>2.53<br>31.87<br>6.03 | 10<br>0.05<br>0.68<br>12.05 | 828<br>4.44<br>55.91<br>9.26 | 27<br>0.14<br>5.79         | 3<br>0.02<br>3.30         | 0<br>0.00<br>19.51<br>0.54 | 23<br>0.12<br>1.55<br>22.77 | 1481<br>7.94    |
| WIS RESOURCE CNT<br>R | 13<br>0.07<br>5.37<br>1.18  | 112<br>0.60<br>46.28<br>1.43 | 0<br>0.00<br>0.00<br>0.00   | 109<br>0.58<br>45.04<br>1.22 | 0<br>0.00<br>2.07<br>1.07  | 0<br>0.00<br>0.00<br>0.00 | 3<br>0.02<br>1.24<br>7.32  | 0<br>0.00<br>0.00<br>0.00   | 242<br>1.30     |
| Total                 | 1103<br>5.91                | 7827<br>41.96                | 3<br>0.44                   | 8941<br>47.93                | 466<br>2.50                | 91<br>0.49                | 41<br>0.22                 | 101<br>0.54                 | 18653<br>100.00 |

(Continued)

ADULTS UNDER INSTITUTION SUPERVISION  
 ALL ADULTS ON December 31, 1998  
 TABLE OF SUPVINST BY RACETH

| SUPVINST           | RACETH            |                   |                   |                   |                    |       |       |         | Total  |
|--------------------|-------------------|-------------------|-------------------|-------------------|--------------------|-------|-------|---------|--------|
|                    | WHITE<br>HISPANIC | WHITE<br>NON HISP | BLACK<br>HISPANIC | BLACK<br>NON HISP | AMERICAN<br>INDIAN | ASIAN | OTHER | NO DATA |        |
| FOX LAKE           | 52                | 425               | 2                 | 459               | 21                 | 4     | 3     | 2       | 968    |
|                    | 0.28              | 2.28              | 0.01              | 2.46              | 2.17               | 0.02  | 0.02  | 0.01    | 5.19   |
|                    | 5.37              | 43.90             | 0.01              | 47.42             | 4.51               | 0.41  | 0.31  | 0.21    |        |
|                    | 4.71              | 5.43              | 2.41              | 5.13              |                    | 4.40  | 7.32  | 1.98    |        |
| KETTLE MORAINE     | 82                | 421               | 7                 | 612               | 0.13               |       |       | 4       | 1160   |
|                    | 0.44              | 2.26              | 0.04              | 3.28              | 2.16               | 0.00  | 0.00  | 0.02    | G.22   |
|                    | 7.43              | 36.29             | 0.60              | 52.76             | 5.36               | 7.69  | 4.88  | 0.34    |        |
|                    | 5.38              | 8.43              | 6.84              | 6.84              | 5.36               | 7.69  | 4.88  | 3.96    |        |
| OAKHILL            | 34                | 217               | 5                 | 303               | 0.05               |       |       | 0       | 571    |
|                    | 0.18              | 1.16              | 0.03              | 1.62              | 1.75               | 0.00  | 0.01  | 0.00    | 3.06   |
|                    | 5.95              | 38.00             | 0.88              | 53.06             | 2.15               | 0.18  | 0.18  | 0.00    |        |
|                    | 3.08              | 2.77              | 6.02              | 3.39              | 2.15               | 1.10  | 2.44  | 0.00    |        |
| JACKSON            | 45                | 483               | 4                 | 387               | 36                 | 1     | 0     | 2       | 958    |
|                    | 0.24              | 2.59              | 0.02              | 2.07              | 0.19               | 0.01  | 0.00  | 0.01    | 5.14   |
|                    | 4.70              | 50.42             | 0.42              | 40.40             | 3.76               | 0.10  | 0.00  | 0.21    |        |
|                    | 4.08              | 6.17              | 4.82              | 4.33              | 7.73               | 1.10  | 0.00  | 1.98    |        |
| OSHKOSH            | 91                | 988               | 7                 | 675               | 60                 | 7     |       | 4       | 1834   |
|                    | 0.49              | 5.30              | 0.04              | 3.62              | 0.32               | 0.04  | 0.00  | 0.02    | 9.83   |
|                    | 4.96              | 53.87             | 0.38              | 36.80             | 3.27               | 0.38  | 0.11  | 0.22    |        |
|                    | 8.25              | 12.62             | 8.43              | 7.55              | 12.88              | 7.69  | 4.88  | 3.96    |        |
| WCCS D R U G ABUSE | 11                | 106               | 0                 | 80                | 8                  | 1     | 0     | 1       | 207    |
|                    | 0.06              | 0.57              | 0.00              | 0.43              | 0.04               | 0.01  | 0.00  | 0.01    | 1.11   |
|                    | 5.31              | 51.21             | 0.00              | 38.65             | 3.86               | 0.48  | 0.00  | 0.48    |        |
|                    | 1.00              | 1.35              | 0.00              | 0.89              | 1.72               | 1.10  | 0.00  | 0.99    |        |
| TAYCHEedah         | 21                | 256               | 2                 | 305               | 24                 | 3     |       | 3       | 615    |
|                    | 0.11              | 1.37              | 0.01              | 1.64              | 0.13               | 0.02  | 0.00  | 0.02    | 3.30   |
|                    | 3.41              | 41.63             | 0.33              | 49.59             | 3.90               | 0.49  | 0.16  | 0.49    |        |
|                    | 1.90              | 3.27              | 2.41              | 3.41              | 5.15               | 3.30  | 2.44  | 2.97    |        |
| WCCS OREGON        | 4                 | 53                | 0                 | 53                |                    | 1     | 0     | 0       | 112    |
|                    | 0.02              | 0.28              | 0.00              | 0.28              | 0.00               | 0.01  | 0.00  | 0.00    | 0.60   |
|                    | 3.57              | 47.32             | 0.00              | 47.32             | 0.89               | 0.89  | 0.00  | 0.00    |        |
|                    | 0.36              | 0.68              | 0.00              | 0.59              | 0.21               | 1.10  | 0.00  | 0.00    |        |
| Total              | 83                | 489               | 83                | 489               | 246                | 91    | 41    | 101     | 18653  |
| (Continued)        |                   |                   |                   |                   |                    |       | 0.22  | 0.54    | 100.00 |

ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS OH December 31, 1998

TABLE OF SUPVI NST BY RACETH

| SUPVI NST                   | RACETH            |                   |                   |                   |                    |              |              |              | Total           |
|-----------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|--------------|--------------|--------------|-----------------|
|                             | WHITE<br>HISPANIC | WHITE<br>NON HISP | BLACK<br>HISPANIC | BLACK<br>NON HISP | AMERICAN<br>INDIAN | ASIAN        | OTHER        | NO DATA      |                 |
| WCCS THOMPSON               | 6<br>0.03         | 53<br>0.28        | 0<br>0.00         | 50.41<br>0.69     | 0.00<br>0.81       | 1<br>0.01    | 0<br>0.00    | 0<br>0.00    | 123<br>0.66     |
|                             | 0.54 4.88         | 43.09 0.68        | 0.00              | 0.21              | 1.10               | 0.00         | 0.00         | 0.00         |                 |
| WCCS ROBERT E EL<br>LSWORTH | 11<br>0.06        | 89<br>0.48        | 0<br>0.00         | 116<br>0.62       | 7<br>0.04          | 0<br>0.00    | 1<br>0.01    | 0<br>0.00    | 224<br>1.20     |
|                             | 4.91<br>1.00      | 39.73<br>1.14     | 0.00              | 51.79<br>1.30     | 3.13<br>1.50       | 0.00         | 0.45<br>2.44 | 0.00<br>0.00 |                 |
| WCCS WINNEBAGO              | 4<br>0.02         | 57<br>0.31        | 0<br>0.00         | 44<br>0.24        | 5<br>0.03          | 2<br>0.01    | 0<br>0.00    | 0<br>0.00    | 112<br>0.60     |
|                             | 0.36 3.57         | 50.89<br>0.73     | 0.00              | 39.29<br>0.49     | 4.46<br>1.07       | 1.79<br>2.20 | 0.00         | 0.00         |                 |
| WCCS SANGER B P O<br>WERS   | 4<br>0.02         | 62<br>0.33        | 0<br>0.00         | 38<br>0.20        | 8<br>0.04          | 0<br>0.00    | 0<br>0.00    | 0<br>0.00    | 112<br>0.60     |
|                             | 3.57<br>0.36      | 55.36<br>0.79     | 0.00              | 33.93<br>0.43     | 7.14<br>1.72       | 0.00         | 0.00         | 0.00         |                 |
| WCCS JOHN C BURK<br>E       | 9<br>0.05         | 83<br>0.44        | 1<br>0.01         | 126<br>0.68       | 0.00<br>0.00       | 2<br>0.01    | 0<br>0.00    | 0<br>0.00    | 226<br>1.21     |
|                             | 3.98<br>0.82      | 36.73<br>1.06     | 0.44<br>1.20      | 55.75<br>1.41     | 2.21<br>1.07       | 0.88<br>2.20 | 0.00<br>0.00 | 0.00<br>0.00 |                 |
| WCCS KENOSHA                | 14<br>0.08        | 33<br>0.18        | 1<br>0.01         | 62<br>0.33        | 0<br>0.00          | 0<br>0.00    | 0<br>0.00    | 0<br>0.00    | 110<br>0.59     |
|                             | 12.73<br>1.27     | 30.00<br>0.42     | 0.91<br>1.20      | 56.36<br>0.69     | 0.00               | 0.00         | 0.00         | 0.00         |                 |
| WCCS BLACK RIVER            | 12<br>0.06        | 38<br>0.20        | 0<br>0.00         | 43<br>0.23        | 0.00<br>0.00       | 1<br>0.01    | 0<br>0.00    | 0<br>0.00    | 96<br>0.51      |
|                             | 12.50<br>1.09     | 39.58<br>0.49     | 0.00              | 44.79<br>0.48     | 2.08<br>0.43       | 1.04<br>1.10 | 0.00         | 0.00         |                 |
| WCCS FLAMBEAU               | 3<br>0.02         | 33<br>0.18        | 0<br>0.00         | 34<br>0.18        | 0.00<br>0.00       | 0<br>0.00    | 0<br>0.00    | 0<br>0.00    | 72<br>0.39      |
|                             | 0.27 4.17         | 45.83 0.42        | 0.00              | 47.22<br>0.38     | 2.78<br>0.43       | 0.00         | 0.00         | 0.00         |                 |
| Total                       | 1103<br>5.91      | 7027<br>41.96     | 83<br>0.44        | 47.93 89.41       | 250 466            | 91<br>0.49   | 0.22 41      | 101<br>0.54  | 18653<br>100.00 |

(Continued)



ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS ON December 31, 1998

TABLE OF SUPVINST BY RACETH

| SUPV INST                  | RACETH                     |                             |                           |                             |                           |                           |                      |                           |     | Total           |
|----------------------------|----------------------------|-----------------------------|---------------------------|-----------------------------|---------------------------|---------------------------|----------------------|---------------------------|-----|-----------------|
|                            | WHITE<br>HISPANIC          | WHITE<br>NON HISP           | BLACK<br>HISPANIC         | BLACK<br>NON HISP           | AMERICAN<br>INDIAN        | ASIAN                     | OTHER                | NO DATA                   | m-M |                 |
| WCCS GORDON                | 3<br>0.02<br>4.11<br>0.27  | 38<br>0.20<br>52.05<br>0.49 | 0<br>0.00<br>0.00         | 25<br>0.13<br>34.25         | 6<br>0.03<br>82.129       | 1<br>0.01<br>1.10         | 0.00<br>0.00         | 0.00<br>0.00              |     | 73<br>0.39      |
| WCCS MCNAUGHTON            | 0.00<br>0.00<br>0.00       | 44<br>0.24<br>51.16<br>0.56 | 0.00<br>0.00              | 36<br>0.19<br>41.86<br>0.40 | 0.00<br>5.81<br>1.07      | 0.00<br>0.00<br>0.00      | 0.00<br>0.00         | 0.00<br>1.16<br>0.99      |     | 86<br>0.46      |
| WCCS MARSHALL E<br>SHERRER | 2<br>0.01<br>4.26<br>0.18  | 10<br>21.28<br>0.13         | 0.00<br>0.00              | 39<br>74.47<br>0.39         | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00    | 0<br>0.00<br>0.00         |     | 47<br>0.25      |
| WCCS ABODE                 | 4<br>0.02<br>7.02<br>0.36  | 8<br>14.04<br>0.10          | 1<br>1.75<br>1.20         | 24<br>77.19<br>0.49         | 44<br>0.00<br>0.00        | 0.00<br>0.00<br>0.00      | 0.00<br>0.00         | 0.00<br>0.00              |     | 57<br>0.31      |
| WCCS ST CROIX              | 10<br>0.05<br>0.91<br>8.33 | 58<br>0.31<br>48.33<br>0.74 | 0<br>0.00<br>0.00         | 46<br>0.25<br>38.33<br>0.51 | 5<br>0.03<br>4.17<br>1.07 | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00    | 1<br>0.01<br>0.83<br>0.99 |     | 120<br>0.64     |
| WCCS MILWAUKEE W<br>OMENS  | 2<br>0.01<br>4.44<br>0.18  | 3<br>0.02                   | 1<br>0.01<br>2.22<br>1.20 | 38<br>0.20<br>84.44<br>0.43 | 1<br>0.01<br>2.22<br>0.21 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00    | 0<br>0.00<br>0.00         |     | 45<br>0.24      |
| WCCS ST JOHNS              | 0.02<br>4.08<br>0.18       | 0.00<br>14.29<br>0.09       | 0.00<br>0.00<br>0.00      | 40<br>81.63<br>0.45         | 0.08<br>0.00<br>0.00      | 0.00<br>0.00<br>0.00      | 0.00<br>0.00<br>0.00 | 0.00<br>0.00<br>0.00      |     | 49<br>0.26      |
| FERRIS CENTER              | 0<br>0.00<br>0.00<br>0.00  | 0<br>0.00<br>0.00           | 0<br>0.00<br>0.00         | 0<br>0.00<br>100.00<br>0.01 | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00    | 0<br>0.00<br>0.00         |     | 0.00            |
| Total                      | 1103<br>5.91               | 7827<br>41.96               | 83<br>0.44                | 8941<br>47.93               | 466<br>2.50               | 0.49                      | 41<br>0.22           | 101<br>0.54               |     | 18653<br>100.00 |

(Continued)

ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS ON December 31, 1998

TABLE OF SUPVINST BY RACETH

| SUPVINST                       | RACETH                     |                              |                              |                              |                           |                           |                           |                             | Total                     |      |
|--------------------------------|----------------------------|------------------------------|------------------------------|------------------------------|---------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|------|
|                                | WHITE<br>HISPANIC          | WHITE<br>NON HISP            | BLACK<br>HISPANIC            | BLACK<br>NON HISP            | AMERICAN<br>INDIAN        | ASIAN                     | OTHER                     | NO DATA                     |                           |      |
| MILW C O HOUSE OF<br>CORR      | 0<br>0.00<br>0.00<br>0.00  | 1<br>0.01<br>100.00<br>0.01  | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00   | 0<br>0.00<br>0.00<br>0.00 | 0.00 |
| ETHAN ALLEN                    | 0<br>0.00<br>0.00<br>0.00  | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 5<br>0.03<br>100.00<br>4.95 | 5<br>0.03                 |      |
| INTENSIVE SANCTI<br>ONS        | 0.03<br>2.04<br>0.54       | 197<br>1.06<br>67.01<br>2.52 | 0.00<br>0.34<br>1.20         | 78<br>0.42<br>26.53<br>0.87  | 9<br>0.05<br>3.06<br>1.93 | 2<br>0.01<br>0.68<br>2.20 | 0<br>0.00<br>0.00<br>0.00 | 1<br>0.01<br>0.34<br>0.99   | 294<br>1.58               |      |
| INTENSIVE SANCTI<br>ONS FEMALE | 0<br>0.00<br>0.00          | 34<br>0.18<br>48.57<br>0.43  | 0<br>0.00<br>0.00            | 34<br>0.18<br>48.57<br>0.38  | 2<br>0.01<br>2.86<br>0.43 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00   | 70<br>0.38                |      |
| OTHER                          | 0<br>0.00<br>0.00<br>0.00  | 4<br>0.02<br>66.67<br>0.05   | 0<br>0.00<br>0.00<br>0.00    | 2<br>0.01<br>33.33<br>0.02   | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00   | 6<br>0.03                 |      |
| FEDERAL FACILITI<br>ES         | 1<br>0.01<br>20.00<br>0.09 | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00    | 4<br>0.02<br>80.00<br>0.04   | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00   | 5<br>0.03                 |      |
| ONTRACTFEDERAL C               | 0.05<br>3.23<br>0.91       | 152<br>0.69<br>52.26<br>2.07 | 0<br>0.00<br>0.00<br>0.00    | 134<br>0.72<br>43.23<br>1.50 | 4<br>0.02<br>1.29<br>0.86 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00   | 310<br>1.66               |      |
| CONTRACTFEDERAL                | 0.02<br>2.63<br>0.36       | 69<br>0.31<br>45.39<br>0.88  | 0.00<br>0.00<br>0.00<br>0.00 | 134<br>0.72<br>49.34<br>0.86 | 4<br>0.02<br>2.63<br>0.86 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00   | 152<br>0.81               |      |
| Total                          | 1103<br>5.91               | 7827<br>41.96                | 0.44                         | 8941<br>47.93                | 466<br>2.50               | 91<br>0.49                | 41<br>0.22                | 101<br>0.54                 | 78653<br>100.00           |      |

(Continued)

ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS ON December 31, 1998

TABLE OF SUPVINST BY RACETH

| SUPVINST         | RACETH                     |                              |                           |                              |                           |                           |                           |                           |  |  | Total          |
|------------------|----------------------------|------------------------------|---------------------------|------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|--|--|----------------|
|                  | WHITE<br>HISPANIC          | WHITE<br>NON HISP            | BLACK<br>HISPANIC         | BLACK<br>NON HISP            | AMERICAN<br>INDIAN        | ASIAN                     | OTHER                     | NO DATA                   |  |  |                |
| PRAIRIE DU CHIEN | 13<br>0.07<br>4.30<br>1.18 | 117<br>0.63<br>38.74<br>1.49 | 1<br>0.01<br>0.33<br>1.20 | 159<br>0.85<br>52.65<br>1.78 | 7<br>0.04<br>0.19<br>0.50 | 3<br>0.02<br>0.09<br>0.30 | 0<br>0.00<br>0.00<br>0.00 | 2<br>0.01<br>0.66<br>1.98 |  |  | 302<br>1.62    |
| RACINE YOUTH     | 27<br>0.14<br>7.61<br>2.45 | 103<br>0.55<br>29.01<br>1.32 | 3<br>0.02<br>0.85<br>3.61 | 198<br>1.06<br>55.77<br>2.21 | 6<br>0.03<br>1.69<br>1.29 | 8<br>0.04<br>2.25<br>8.79 | 1<br>0.01<br>0.28<br>2.44 | 9<br>0.05<br>2.54<br>8.91 |  |  | 355<br>1.90    |
| WINNEBAGO MHI    | 0<br>0.00<br>0.00<br>0.00  | 2<br>0.01<br>1.00<br>0.03    | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 |  |  | 2<br>0.01      |
| MENDOTA MHI      | 1<br>0.01<br>1.41<br>0.09  | 52<br>0.28<br>73.24<br>0.66  | 0<br>0.00<br>0.00<br>0.00 | 16<br>0.09<br>22.54<br>0.18  | 2<br>0.01<br>0.82<br>0.43 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 |  |  | 71<br>0.38     |
| JEFFERSON CO-C   | 2<br>0.01<br>6.06<br>0.18  | 10<br>0.05<br>30.30<br>0.13  | 0<br>0.00<br>0.00<br>0.00 | 20<br>0.11<br>60.61<br>0.22  | 1<br>0.01<br>3.03<br>0.21 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 |  |  | 33<br>0.18     |
| MANITOWOC <O-<   | 8<br>0.04<br>18.18<br>0.73 | 13<br>0.07<br>23.55<br>0.17  | 0<br>0.00<br>0.00<br>0.00 | 21<br>0.11<br>47.73<br>0.23  | 2<br>0.01<br>4.55<br>0.43 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 |  |  | 44<br>0.24     |
| OUTAGAMIE <O-C   | 8<br>0.04<br>4.15<br>0.73  | 75<br>0.40<br>38.86<br>0.96  | 0<br>0.00<br>0.00<br>0.00 | 104<br>0.56<br>53.89<br>1.16 | 5<br>0.03<br>2.59<br>1.07 | 1<br>0.01<br>0.52<br>1.10 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 |  |  | 193<br>1.03    |
| ST. <RO1x CO-C   | 0<br>0.00<br>0.00<br>0.00  | 1<br>0.01<br>100.00<br>0.01  | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 |  |  | 1<br>0.01      |
| Total            | 193<br>5.91                | 7827<br>41.96                | 83<br>0.44                | 8971<br>47.9                 | 466<br>2.50               | 91<br>0.4                 | 41<br>0.22                | 161<br>0.54               |  |  | 18653<br>00.00 |

Continued.

ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS ON December 31, 1998

TABLE OF SUPVINST BY RACETH

| SUPVINST        | RACETH                      |                              |                      |                              |                           |                           |                           |                           | Total           |
|-----------------|-----------------------------|------------------------------|----------------------|------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|-----------------|
|                 | WHITE<br>HISPANIC           | WHITE<br>NON HISP            | BLACK<br>HISPANIC    | BLACK<br>NON HISP            | AMERICAN<br>INDIAN        | ASIAN                     | OTHER<br>m--m-w--         | NO DATA                   |                 |
| BOWIE TX-C      | 47<br>0.25<br>13.43<br>4.26 | 119<br>0.64<br>34.00<br>1.52 | 0.00<br>0.00<br>0.57 | 173<br>0.93<br>49.43<br>1.93 | 4<br>0.02<br>1.14<br>0.86 | 0<br>0.00<br>0.57<br>2.20 | 1<br>0.01<br>0.29<br>2.44 | 2<br>0.01<br>0.57<br>1.98 | 350<br>1.88     |
| COMANCHE TX-C   | 0<br>0.00<br>14.75          | 0<br>0.00<br>45.90           | 0<br>0.00            | 19<br>0.10<br>31.15          | 5<br>8.20<br>1.07         | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 61<br>0.33      |
| FRANKLIN TX-C   | 0<br>0.00<br>0.00           | 5<br>0.03<br>35.71<br>0.06   | 0<br>0.00            | 7<br>0.04<br>50.00<br>0.08   | 1<br>0.01<br>7.14<br>0.21 | 1<br>0.01<br>7.14<br>1.10 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 14<br>0.08      |
| MORRIS TX-C     | 1<br>0.01<br>5.26<br>0.09   | 8<br>0.04<br>42.11<br>0.10   | 0<br>0.00<br>0.00    | 10<br>0.05<br>52.63<br>0.11  | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 19<br>0.10      |
| PALO PINTO TX-C | 2<br>0.01<br>0.18<br>0.08   | 22<br>0.12<br>44.90<br>0.28  | 0<br>0.00<br>0.00    | 24<br>0.13<br>48.98<br>0.27  | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 1<br>0.01<br>2.04<br>2.44 | 0<br>0.00<br>0.00<br>0.00 | 49<br>0.26      |
| RED RIVER TX-C  | 6<br>0.03<br>0.54<br>0.09   | 31<br>0.17<br>46.97<br>0.40  | 0<br>0.00<br>0.00    | 27<br>0.14<br>40.91<br>0.30  | 1<br>0.01<br>1.52<br>0.21 | 1<br>0.01<br>1.52<br>1.10 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 66<br>0.35      |
| TITUS TX-C      | 10<br>0.05<br>7.04<br>0.91  | 53<br>0.28<br>37.32<br>0.68  | 0<br>0.00<br>0.00    | 75<br>0.40<br>52.82<br>0.84  | 3<br>0.02<br>2.11<br>0.64 | 1<br>0.01<br>0.70<br>1.10 | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 142<br>0.76     |
| VAN ZANDT TX-C  | 0<br>0.00<br>0.00<br>0.00   | 0<br>0.00<br>0.00            | 0<br>0.00            | 0<br>0.00<br>100.00<br>0.01  | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00         | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00         | 0<br>0.00       |
| Total           | 1103<br>5.91                | 7827<br>41.96                | 83<br>0.44           | 8941<br>47.93                | 466<br>2.50               | 91<br>0.49                | 41<br>0.22                | 101<br>0.54               | 18653<br>100.00 |

(Continued)

SPH:jal:ksm;jal

5/14/99

1       **AN ACT** *to create* 59.54 (20) and 301.065 of the statutes; **relating to:** authorizing  
2           counties and the department of corrections to contract with religious organizations  
3           for the provision of services relating to delinquency and crime prevention and the  
4           rehabilitation of offenders.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice.

Current law imposes duties on the department of corrections (DOC) and counties relating to crime prevention and the rehabilitation of offenders. This draft authorizes the DOC and counties to contract with, or award grants to, religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. These provisions are comparable to provisions of current law that address the issue of discrimination against religious organizations that apply to the department of health and family services and department of workforce development. In particular, the nondiscrimination statutory provisions created under this draft include the following requirements:

- ***Nondiscrimination against religious organizations.*** Specify that if the DOC or a county is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistent with the U.S. and Wisconsin Constitutions. Prohibit the DOC or a county from discriminating against an organization on the basis that the organization has a religious character.

- ***Religious character and freedom.*** Specify that a religious organization that receives a grant from, or contracts with, the DOC or a county retains its independence from federal, state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs. Prohibit the DOC or a county from

ADULTS UNDER INSTITUTION SUPERVISION

ALL ADULTS ON December 31, 1998

TABLE OF SUPVINST BY RACETH

| SUPVINST       | RACETH                     |                              |                             |                              |                            |                             |                           |                           | Total        |
|----------------|----------------------------|------------------------------|-----------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|---------------------------|--------------|
|                | WHITE<br>HISPANIC          | WHITE<br>NON HISP            | BLACK<br>HISPANIC           | BLACK<br>NON HISP            | AMERICAN<br>INDIAN         | ASIAN                       | OTHER                     | NO DATA                   |              |
| CCA HARDAMON C | 1<br>0.01<br>25.00<br>0.09 | 0<br>0.00<br>0.00<br>0.00    | 0<br>0.00<br>0.00<br>0.00   | 3<br>0.02<br>75.00<br>0.03   | 0<br>0.00<br>0.00<br>0.00  | 0<br>0.00<br>0.00<br>0.00   | 0<br>0.00<br>0.00<br>0.00 | 0<br>0.00<br>0.00<br>0.00 | 4<br>0.02    |
| CCA WHITEVILLE | 50<br>0.27<br>3.98<br>4.53 | 578<br>3.10<br>46.06<br>7.38 | 12<br>0.06<br>0.96<br>14.46 | 567<br>3.04<br>45.18<br>6.34 | 34<br>0.18<br>2.71<br>7.30 | 11<br>0.06<br>0.88<br>12.09 | 3<br>0.02<br>0.24<br>7.32 | 0<br>0.00<br>0.00<br>0.00 | 1255<br>6.73 |
| CCA NORTH FORK | 39<br>0.21<br>6.36         | 183<br>0.98<br>29.85         | 0<br>0.00<br>0.65           | 366<br>1.96<br>59.71         | 16<br>0.09<br>3.43         | 0<br>0.33<br>2.20           | 0<br>0.16<br>2.44         | 0<br>0.01<br>1.98         | 613<br>3.29  |
| Total          | 5103                       | 47827                        | 83                          | 48993                        | 2460                       | 91                          | 41                        | 101                       | 18653        |
|                |                            |                              | 0.44                        |                              |                            | 0.49                        | 0.22                      | 0.54                      | 100.00       |

1        **AN ACT** *to amend* 978.03 (3) and 978.04; and **to create** 978.044 of the statutes;  
 2        **relating to:** authorizing the appointment of an assistant district attorney to perform  
 3        restorative justice services and making an appropriation.

*The ‘people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on faith-based approaches to crime prevention and justice.

Current law specifies that each county shall have one district attorney. Current law also authorizes the appointment of one or more deputy district attorneys for the larger population counties and one or more assistant district attorneys for all counties, as requested by the department of administration (DOA) and authorized by law. This draft authorizes the appointment of one assistant district attorney position for Milwaukee county to establish and operate a restorative justice program in that county and to assist district attorneys in other counties in the establishment and operation of a restorative justice program in those counties. The draft appropriates \$36,100 general purpose revenue (GPR) in fiscal year 1999-00 and \$48,100 GPR in fiscal year 2000-01 for these purposes.

A restorative justice program provides forums where an adult charged with or a juvenile petitioned for having committed an offense meets with the victim or a member of the victim’s family and other appropriate persons, in order to: (1) discuss the impact of the offense on the victim and the community; (2) provide support to the victim and facilitate the reintegration of the victim into community life; (3) assign an appropriate sanction to the offender; and (4) facilitate the reintegration of the offender into community life.

The draft requires the assistant district attorney funded under the draft to maintain records regarding the restorative justice program. The Milwaukee county district attorney is required under the draft to submit to the DOA an annual report describing the activities under the program, including the number of victims and offenders served, the types of crimes or juvenile offenses involved and the rates of recidivism among offenders served by the restorative justice program.

The draft also requires the DOA to biennially evaluate the success of the restorative justice program in rehabilitating offenders and reintegrating victims into community life. DOA must submit its findings to the appropriate committees of the legislature, as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3).

1           **SECTION 1.** 978.03 (3) of the statutes is amended to read:

2           978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be an attorney  
3 admitted to practice law in this state and, except as provided in s. 978.044, may perform any  
4 duty required by law to be performed by the district attorney. The district attorney of the  
5 prosecutorial unit under sub. (1), (1m) or (2) may appoint such temporary counsel as may be  
6 authorized by the department of administration.

7           **SECTION 2.** 978.04 of the statutes is amended to read:

8           **978.04 Assistants in certain prosecutorial units.** The district attorney of any  
9 prosecutorial unit having a population of less than 100,000 may appoint one or more assistant  
10 district attorneys as necessary to carry out the duties of his or her office and as may be  
11 requested by the department of administration authorized in accordance with s. 16.505. Any  
12 such assistant district attorney must be an attorney admitted to practice law in this state and,  
13 except as provided in s. 978.043, may perform any duty required by law to be performed by  
14 the district attorney.

15           **SECTION 3.** 978.044 of the statutes is created to read:

16           **978.044 Assistant to perform restorative justice services. (1) DEFINITIONS.** In this  
17 section:

18           (a) "Crime" has the meaning given in s. 950.02 (1 m).

19           (b) "Offender" means an individual charged with or petitioned for having committed  
20 a crime.

21           (c) "Victim" has the meaning given in s. 950.02 (4).



requiring a religious organization to alter its form of internal governance or remove religious art, icons, scripture or other symbols as a condition of contracting with, or receiving a grant from, the DOC or a county.

- ***Rights of beneficiaries of services.*** Specify that if an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded from a program supported with funding administered by the DOC or a county, the DOC or the county must provide the individual services from an alternative provider that is accessible to the individual.

- ***Employment practices.*** Specify that a religious organization's exemption recognized under federal law regarding employment practices [42 U.S.C. s. 2000e-1a] are not affected by its participation in programs administered by the DOC or a county.

- ***Nondiscrimination against beneficiaries.*** Prohibit a religious organization from discriminating against an individual in regard to rendering services funded under any DOC or county program on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

- ***Fiscal accountability.*** Specify that any religious organization that receives grant funding from, or contract with, the DOC or a county is subject to the same laws and rules as other contractors to account in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding from the DOC or the county into separate accounts, only the financial assistance provided with these funds is subject to an audit.

- ***Limitations on the use of funds for certain purposes.*** Prohibit any religious organization that receives funding from the DOC or a county from expending any of those funds for sectarian worship, instruction or proselytization.

- ***Compliance.*** Specify that any party that seeks to enforce its rights under this law may assert a civil action for injunctive relief in an appropriate court against the entity or agency that allegedly commits such violation.

- ***Preemption.*** Specify that nothing in these provisions should be construed to preempt any other provision of state law, federal law or the U.S. or Wisconsin Constitutions that prohibits or restricts the expenditure of state funds in or by religious organizations.

1

**SECTION 1. 59.54 (20)** of the statutes is created to read:

1           59.54 (20) **RELIGIOUS ORGANIZATIONS; CONTRACT POWERS.** (a). **Definitions.** In this  
2 subsection:

3           1. "Board" includes any department authorized by the board.

4           2. "Department" has the meaning given in s. 59.60 (2) (a).

5           (b) **General purpose and authority.** The purpose of this section is to allow the board  
6 to contract with, or award grants to, religious organizations, under any program dealing with  
7 delinquency and crime prevention or the rehabilitation of offenders administered by the  
8 county, on the same basis as any other nongovernmental provider without impairing the  
9 religious character of such organizations, and without diminishing the religious freedom of  
10 beneficiaries of assistance funded under such program.

11           (c) **Nondiscrimination against religious organizations.** If the board is authorized to  
12 contract with a nongovernmental entity, or is authorized to award grants to a nongovernmental  
13 entity, religious organizations are eligible, on the same basis as any other private organization,  
14 as contractors under any program administered by the board so long as the programs are  
15 implemented consistent with the First Amendment of the U.S. Constitution and article I,  
16 section 18, of the Wisconsin Constitution. Except as provided in par. (k), the board may not  
17 discriminate against an organization that is or applies to be a contractor on the basis that the  
18 organization has a religious character.

19           (d) **Religious character and freedom.** 1. The board shall allow a religious organization  
20 with which the board contracts or to which the board awards a grant to retain its independence  
21 from government, including the organization's control over the definition, development,  
22 practice and expression of its religious beliefs.

1           2. The board may not require a religious organization to alter its form of internal  
2 governance or to remove religious art, icons, scripture or other symbols in order to be eligible  
3 for a contract or grant.

4           (e) *Rights of beneficiaries of assistance.* If an individual has an objection to the  
5 religious character of the organization or institution from which the individual receives, or  
6 would receive, assistance funded under any crime prevention or offender rehabilitation  
7 program administered by the board, the board shall provide such individual, if otherwise  
8 eligible for such assistance, within a reasonable period of time after the date of the objection  
9 with assistance from an alternative provider that is accessible to the individual. The value of  
10 the assistance offered by the alternative provider may not be less than the value of the  
11 assistance which the individual would have received from the religious organization.

12           (f) *Employment practices.* To the extent permitted under federal law, a religious  
13 organization's exemption provided under 42 USC 2000e-1a regarding employment practices  
14 is not affected by its participation in, or receipt of funds from, programs administered by the  
15 board.

16           (g) *Nondiscrimination against beneficiaries.* A religious organization may not  
17 discriminate against an individual in regard to rendering assistance funded under any program  
18 administered by the board on the basis of religion, a religious belief or refusal to actively  
19 participate in a religious practice.

20           (h) *Fiscal accountability.* 1. Except as provided in subd. 2., any religious organization  
21 that contracts with, or receives a grant from, the board is subject to the same laws and rules  
22 as other contractors to account in accord with generally accepted auditing principles for the  
23 use of such funds provided under such programs.

1           (2) DUTIES. The district attorney of the prosecutorial unit that consists of Milwaukee  
2 county shall assign one assistant district attorney in his or her prosecutorial unit to be a  
3 restorative justice coordinator. An assistant district attorney assigned under this section to be  
4 the restorative justice coordinator shall do all the following:

5           (a) Establish a restorative justice program that provides a forum where an offender  
6 meets with his or her victim to:

7           1. Discuss the impact of the crime on the victim and the community;

8           2. Provide support to the victim and methods for reintegrating the victim into  
9 community life;

10          3. Assign an appropriate sanction to the offender; and

11          4. Provide methods for reintegrating the offender into community life.

12          (b) Provide assistance to the district attorney in other counties relating to the  
13 establishment of a restorative justice program, as described in par. (a).

14          (c) Maintain a record of:

15          1. The amount of time spent implementing the requirements of pars. (a) and (b);

16          2. The number of victims and offenders served by the program established under par.  
17 (a);

18          3. The types of offenses addressed in the program established under par. (a); and

19          4. The rate of recidivism among offenders served by the program under par. (a)  
20 compared to the rate of recidivism by offenders not. served by the program.

21          (3) REPORT TO DEPARTMENT OF ADMINISTRATION. Annually, on a date specified by the  
22 department of administration, the district attorney of the prosecutorial unit that consists of  
23 Milwaukee county shall submit to the department of administration a report summarizing the

1 records under sub. (2) (c) covering the 12-month period. The department of administration  
2 shall maintain the information submitted under this subsection by the district attorney.

3 (4) **EVALUATION AND REPORT TO LEGISLATURE.** Biennially, the department of  
4 administration shall evaluate the success of the restorative justice program in rehabilitating  
5 offenders and reintegrating crime victims into community life and shall report its findings to  
6 the appropriate standing committees of the legislature, as determined by the speaker of the  
7 assembly and the president of the senate, under s. 13.172 (3).

8 **SECTION 4. Nonstatutory provisions; administration.**

9 (1) **RESTORATIVE JUSTICE SERVICES.** In the schedule under section 20.005 (3) of the  
10 statutes for the appropriation to the department of administration under section 20.475 (1) (d)  
11 of the statutes, for district attorney salaries and fringe benefits, the dollar amount is increased  
12 by \$36,100 for fiscal year 1999-00 and the dollar amount is increased by \$48,100 for fiscal  
13 year 2000-01.

14 (END)

1 **AN ACT relating to:** community youth grants.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice.

1999 Assembly Bill 133, the 1999-00 biennial budget bill, provides \$5,000,000 in federal funds (FED) in 1999-00 and \$15,000,000 FED in 2000-01 for community youth grants. This is a competitive grant program administered by the department of workforce development for programs that improve social, academic and employment skills of youth from temporary aid for needy families (TANF)-eligible families. The budget bill specifies that the safe and sound initiative in the city of Milwaukee and the Wisconsin good Samaritan project would receive grant moneys under the program without participating in a competitive process. The budget bill does not specify the amount to be provided to those organizations.

Although not specified in the statutes, according to the budget summary prepared by the legislative fiscal bureau, the governor has indicated that funding under the program would be provided as a block grant to W-2 agencies to contract with local community agencies to provide services to youths age 5 to 18 from TANF-eligible families. Services would include parenting skills training, drug and pregnancy prevention, assessing and identifying learning disabilities, academic remediation and advancement, after-school care programs, cultural awareness programs, career counseling and life management skills training. All governmental, nonprofit, community-based organizations, and for-profit agencies would be eligible to apply for funding from the W-2 agencies, and the department would evaluate all proposals. Preference would be given to programs that would serve children in a neighborhood setting and that address educational and cultural needs of children.

The special committee heard testimony that many, community-based organizations which are effective in preventing crime and providing services to needy youth in the community do not have the resources or technical expertise necessary to successfully compete for government funding.

The draft specifies that certain community-based organizations that engage in crime prevention efforts among youth from TANF-eligible families are eligible to receive grant moneys under the community youth grants program without participating in a competitive process.

1           **SECTION 1. Nonstatutory provisions.**

2           (1) Notwithstanding section 49.175 (1) (vL) of the statutes as created by 1999  
3   Wisconsin Act \_\_\_\_ (the 1999-00 biennial budget act), the following community-based  
4   organizations are eligible to receive grant moneys allocated under section 49.175 (1) (vL)  
5   without participating in a competitive process:

- 6           (a)
- 7           (b)
- 8           (c)

**NOTE:** 1. Which community-based organizations that engage in crime prevention efforts among youth from TANF-eligible families should the draft specify are eligible to receive funding under the community youth grants program?

2. Should the draft specify the amount to be provided to the designated organizations?

(END)

SPH:jal:ksm;jal

5/14/99

1       **AN ACT** to create 59.54 (20) and 301.065 of the statutes; **relating to:** authorizing  
2           counties and the department of corrections to contract with religious organizations  
3           for the provision of services relating to delinquency and crime prevention and the  
4           rehabilitation of offenders.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice.

Current law imposes duties on the department of corrections (DOC) and counties relating to crime prevention and the rehabilitation of offenders. This draft authorizes the DOC and counties to contract with, or award grants to, religious organizations for use in the prevention of delinquency and crime and the rehabilitation of offenders on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. These provisions are comparable to provisions of current law that address the issue of discrimination against religious organizations that apply to the department of health and family services and department of workforce development. In particular, the nondiscrimination statutory provisions created under this draft include the following requirements:

• ***Nondiscrimination against religious organizations.*** Specify that if the DOC or a county is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistent with the U.S. and Wisconsin Constitutions. Prohibit the DOC or a county from discriminating against an organization on the basis that the organization has a religious character.

• ***Religious character and freedom.*** Specify that a religious organization that receives a grant from, or contracts with, the DOC or a county retains its independence from federal, state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs. Prohibit the DOC or a county from



requiring a religious organization to alter its form of internal governance or remove religious art, icons, scripture or other symbols as a condition of contracting with, or receiving a grant from, the DOC or a county.

- ***Rights of beneficiaries of services.*** Specify that if an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded from a program supported with funding administered by the DOC or a county, the DOC or the county must provide the individual services from an alternative provider that is accessible to the individual.
- ***Employment practices.*** Specify that a religious organization's exemption recognized under federal law regarding employment practices [42 U.S.C. s. 2000e-1a] are not affected by its participation in programs administered by the DOC or a county.
- ***Nondiscrimination against beneficiaries.*** Prohibit a religious organization from discriminating against an individual in regard to rendering services funded under any DOC or county program on the basis of religion, a religious belief or refusal to actively participate in a religious practice.
- ***Fiscal accountability.*** Specify that any religious organization that receives grant funding from, or contract with, the DOC or a county is subject to the same laws and rules as other contractors to account in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding from the DOC or the county into separate accounts, only the financial assistance provided with these funds is subject to an audit.
- ***Limitations on the use of funds for certain purposes.*** Prohibit any religious organization that receives funding from the DOC or a county from expending any of those funds for sectarian worship, instruction or proselytization.
- ***Compliance.*** Specify that any party that seeks to enforce its rights under this law may assert a civil action for injunctive relief in an appropriate court against the entity or agency that allegedly commits such violation.
- ***Preemption.*** Specify that nothing in these provisions should be construed to preempt any other provision of state law, federal law or the U.S. or Wisconsin Constitutions that prohibits or restricts the expenditure of state funds in or by religious organizations.

1

**SECTION 1.** 59.54 (20) of the statutes is created to read:

1           **59.54** (20) **RELIGIOUS ORGANIZATIONS; CONTRACT POWERS.** (a). Definitions. In this  
2 subsection:

3           1. “Board” includes any department authorized by the board.

4           2. “Department” has the meaning given in s. 59.60 (2) (a).

5           (b) **General purpose and authority** The purpose of this section is to allow the board  
6 to contract with, or award grants to, religious organizations, under any program dealing with  
7 delinquency and crime prevention or the rehabilitation of offenders administered by the  
8 county, on the same basis as any other nongovernmental provider without impairing the  
9 religious character of such organizations, and without diminishing the religious freedom of  
10 beneficiaries of assistance funded under such program.

11           (c) **Nondiscrimination against religious organizations.** If the board is authorized to  
12 contract with a nongovernmental entity, or is authorized to award grants to a nongovernmental  
13 entity, religious organizations are eligible, on the same basis as any other private organization,  
14 as contractors under any program administered by the board so long as the programs are  
15 implemented consistent with the First Amendment of the U.S. Constitution and article I,  
16 section 18, of the Wisconsin Constitution. Except as provided in par. (k), the board may not  
17 discriminate against an organization that is or applies to be a contractor on the basis that the  
18 organization has a religious character.

19           (d) **Religious character and freedom.** 1. The board shall allow a religious organization  
20 with which the board contracts or to which the board awards a grant to retain its independence  
21 from government, including the organization’s control over the definition, development,  
22 practice and expression of its religious beliefs.

1           2. The board may not require a religious organization to alter its form of internal  
2 governance or to remove religious art, icons, scripture or other symbols in order to be eligible  
3 for a contract or grant.

4           (e) *Rights of beneficiaries of assistance.* If an individual has an objection to the  
5 religious character of the organization or institution from which the individual receives, or  
6 would receive, assistance funded under any crime prevention or offender rehabilitation  
7 program administered by the board, the board shall provide such individual, if otherwise  
8 eligible for such assistance, within a reasonable period of time after the date of the objection  
9 with assistance from an alternative provider that is accessible to the individual. The value of  
10 the assistance offered by the alternative provider may not be less than the value of the  
11 assistance which the individual would have received from the religious organization.

12           (f) *Employment practices.* To the extent permitted under federal law, a religious  
13 organization's exemption provided under 42 USC 2000e-1a regarding employment practices  
14 is not affected by its participation in, or receipt of funds from, programs administered by the  
15 board.

16           (g) *Nondiscrimination against beneficiaries.* A religious organization may not  
17 discriminate against an individual in regard to rendering assistance funded under any program  
18 administered by the board on the basis of religion, a religious belief or refusal to actively  
19 participate in a religious practice.

20           (h) *Fiscal accountability.* 1. Except as provided in subd. 2., any religious organization  
21 that contracts with, or receives a grant from, the board is subject to the same laws and rules  
22 as other contractors to account in accord with generally accepted auditing principles for the  
23 use of such funds provided under such programs.

1           2. If the religious organization segregates funds provided under programs administered  
2 by the board into separate accounts,, then only the financial assistance provided with those  
3 funds shall be subject to audit.

4           (i) Compliance. Any party that seeks to enforce its rights under this section may assert  
5 a civil action for injunctive relief against the entity or agency that allegedly commits the  
6 violation.

7           (j) **Limitations on use of funds for certain purposes.** No funds provided directly to  
8 religious organizations by the board may be expended for sectarian worship, instruction or  
9 proselytization.

10          (k) **Preemption.** Nothing in this section may be construed to preempt any provision of  
11 federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that  
12 prohibits or restricts the expenditure of federal or state funds in or by religious organizations.

**NOTE:** Authorizes a county board, and county departments authorized by a county board, to contract with, or award grants to, religious organizations for the provision of delinquency and crime prevention or offender rehabilitation services on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

13          **SECTION 2.** 301.065 of the statutes is created to read:

14          **301.065 Religious organizations; contract powers. (1) RELIGIOUS ORGANIZATIONS;**

15          **LEGISLATIVE PURPOSE.** The purpose of this section is to allow the department to contract with,  
16 or award grants to, religious organizations, under any program administered by the  
17 department relating to the prevention of delinquency and crime or the rehabilitation of  
18 offenders, on the same basis as any other nongovernmental provider without impairing the  
19 religious character of such organizations, and without diminishing the religious freedom of  
20 beneficiaries of assistance funded under such program.

1           **(2) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is  
2 authorized under ch. 16 to contract with a nongovernmental entity, or is authorized to award  
3 grants to a nongovernmental entity, religious organizations are eligible, on the same basis as  
4 any other private organization, as contractors under any program administered by the  
5 department so long as the programs are implemented consistent with the First Amendment of  
6 the U.S. Constitution and article I, section 18, of the Wisconsin Constitution. Except as  
7 provided in sub. (10), the department may not discriminate against an organization that is or  
8 applies to be a contractor on the basis that the organization has a religious character.

9           **(3) RELIGIOUS CHARACTER AND FREEDOM.** (a) The department shall allow a religious  
10 organization with which the department contracts or to which the department awards a grant  
11 to retain its independence from state and local governments, including the organization's  
12 control over the definition, development, practice and expression of its religious beliefs.

13           (b) The department may not require a religious organization to alter its form of internal  
14 governance or to remove religious art, icons, scripture or other symbols in order to be eligible  
15 for a contract or grant.

16           **(4) RIGHTS OF BENEFICIARIES OF ASSISTANCE.** If an individual has an objection to the  
17 religious character of the organization or institution from which the individual receives, or  
18 would receive, assistance funded under any program administered by the department, the  
19 department shall provide such individual, if otherwise eligible for such assistance, within a  
20 reasonable period of time after the date of the objection with assistance from an alternative  
21 provider that is accessible to the individual. The value, of the assistance offered by the  
22 alternative provider may not be less than the value of the assistance which the individual would  
23 have received from the religious organization.

1           **(5) EMPLOYMENT PRACTICES.** To the extent permitted under federal law, a religious  
2 organization's exemption provided under 42 USC 2000e-1a regarding employment practices  
3 is not affected by its participation in, or receipt of funds from, programs administered by the  
4 department.

5           **(6) NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not  
6 discriminate against an individual in regard to rendering assistance funded under any program  
7 administered by the department on the basis of religion, a religious belief or refusal to actively  
8 participate in a religious practice.

9           **(7) FISCAL ACCOUNTABILITY.** (a) Except as provided in par. (b), any religious  
10 organization that contracts with, or receives a grant from, the department is subject to the same  
11 laws and rules as other contractors to account in accord with generally accepted auditing  
12 principles for the use of such funds provided under such programs.

13           (b) If the religious organization segregates funds provided under programs  
14 administered by the department into separate accounts, then only the financial assistance  
15 provided with those funds shall be subject to audit.

16           **(8) COMPLIANCE.** Any party that seeks to enforce its rights under this section may assert  
17 a civil action for injunctive relief against the entity or agency that allegedly commits the  
18 violation.

19           **(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.** No funds provided directly to  
20 religious organizations by the department may be expended for sectarian worship, instruction  
21 or proselytization.

22           **(10) PREEMPTION.** Nothing in this section may be construed to preempt any provision  
23 of federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that  
24 prohibits or restricts the expenditure of federal or state funds in or by religious organizations.

**NOTE:** Authorizes the DOC to contract with, or award grants to, religious organizations for the provision of delinquency and crime prevention or offender rehabilitation services on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs.

1

**(END)**

1        **AN ACT** to amend 302.11 (lg) (b) 2.; and to create 301.047 of the statutes; **relating**  
2        **to:** inmate rehabilitation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice.

Currently, the department of corrections (DOC) provides various services to inmates. Under current law, inmate rehabilitation programs operated within prisons are either operated by DOC staff or are purchased from other providers.

The draft requires the DOC to permit one or more nonprofit community-based organizations to operate an inmate rehabilitation program in the Milwaukee alcohol and other drug abuse (AODA) treatment facility which is scheduled to commence operations in January 2001, if:

1. The organization meets all the requirements set forth in the draft; and
2. The operation of the program does not constitute a threat to the security of the facility or to the safety of inmates.
3. The department determines that operation of the program is in the best interests of the inmates.

An organization which wants to operate an inmate rehabilitation program in the facility must submit to the department a detailed proposal for the operation of a program which includes all of the following:

1. A description of the services to be provided, including aftercare services.
2. A description of the activities to be undertaken and the approximate daily schedule of programming for inmates participating in the program.
3. A description of the qualifications of the persons providing services.
4. A statement of the organization's policies regarding eligibility of inmates to participate in the program.
5. A statement of the goals of the program.



6. A description of the methods by which the organization will evaluate the effectiveness of the program in attaining the goals under subd. 5.

7. Any other information specified by the department.

To be eligible to operate a rehabilitation program in the facility, an organization must agree in writing to all of the following:

1. The organization may not receive compensation from the department for services provided in the rehabilitation program.

2. The organization may not deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or lack of religious beliefs. The organization may suspend an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program.

3. An inmate may withdraw from the participation in program at any time.

4. The organization shall provide community-based aftercare services for each inmate who completes the program, upon the inmate's release.

The draft provides that DOC must allow an organization operating a program within the facility to have access to all inmates who are participants in the program at all times unless such access would constitute a threat to the security of the facility or safety of the inmates.

The draft requires the DOC to designate a specific portion of the facility for operation of the program. To the extent possible, inmates participating in the program must be housed in the portion of the facility in which the program is operated.

The draft provides that the department may not require an inmate to participate in an inmate rehabilitation program created under this draft. The draft further provides that the department may not base any decision regarding an inmate's conditions of confinement, including discipline or an inmate's eligibility for release, on an inmate's participation or nonparticipation in an inmate rehabilitation program established under the draft.

The draft provides that DOC may restrict an inmate's participation in an inmate rehabilitation program established under the draft only if such restriction is necessary for the security of the facility or the safety of the inmates.

The draft authorizes the department to suspend operation of an inmate rehabilitation program established under the draft if the organization

operating the program fails to comply with any of the requirements set forth in the draft or if suspension of the program is necessary for the security of the facility or the safety of the inmates.

The draft requires the department to evaluate or contract with a private or public agency for an evaluation of the effectiveness of the program in reducing recidivism and AODA. The draft requires DOC to collect the data and information necessary to evaluate the program and to submit a report of the evaluation to the governor and the appropriate standing committees of the legislature.

Under current law, the parole commission may deny presumptive mandatory release to an inmate on the grounds that the inmate has refused to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate, including pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious child sex offender. The draft specifies that the parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in an inmate rehabilitation program established under the draft.

1           **SECTION 1.** 301.047 of the statutes is created to read:

2           **301.047 Inmate rehabilitation and aftercare. (1) PROGRAM.** The department shall  
3 permit one or more nonprofit community-based organizations to operate an inmate  
4 rehabilitation program in the Milwaukee alcohol and other drug abuse treatment facility which  
5 is scheduled to commence operations in January 2001 if the organization meets all the  
6 requirements set forth in this section and if the operation of that program does not constitute  
7 a threat to the security of the facility or the safety of inmates and if the department determines  
8 that operation of the program is in the best interest of the inmates.

9           **(2) PROGRAM REQUIREMENTS.** (a) An organization shall submit to the department a  
10 detailed proposal for the operation of an inmate rehabilitation program which includes all of  
11 the following:

12           1. A description of the services to be provided, including aftercare services.

1           2. A description of the activities to be undertaken and the approximate daily schedule  
2 of programming for inmates participating in the program.

3           3. A statement of the qualifications of the persons providing services.

4           4. A statement of the organization's policies regarding eligibility of inmates to  
5 participate in the program.

6           5. A statement of the goals of the program.

7           6. A description of the methods by which the organization will evaluate the  
8 effectiveness of the program in attaining the goals under subd. 5.

9           7. Any other information specified by the department.

10          (b) To be eligible to operate a rehabilitation program under sub. (I), an organization  
11 shall agree in writing to all of the following:

12           1. The organization may not receive compensation from the department for services  
13 provided in the rehabilitation program.

14           2. The organization may not deny an inmate the opportunity to participate in the  
15 program for any reason related to the inmate's religious beliefs or lack of religious beliefs.  
16 The organization may suspend an inmate's participation in a program for reasons unrelated  
17 to religious beliefs, including the inmate's failure to participate meaningfully in the program.

18           3. An inmate may withdraw from participation in the program at any time.

19           4. The organization shall provide community-based aftercare services for each inmate  
20 who completes the program, upon the inmate's release.

21          (3) **DUTIES AND AUTHORITY OF THE DEPARTMENT.** (a) The department shall allow an  
22 organization operating a program under sub. (1) to have access to inmates who are participants  
23 in the program at all times unless such access would constitute a threat to the security of the  
24 facility or safety of the inmates.

1 (b) The department shall designate a specific portion of the facility for operation of a  
2 program under sub. (1). To the extent possible, inmates participating in the program shall be  
3 housed in the portion of the facility in which the program is operated.

4 (c) The department may not require an inmate to participate in a program under sub.  
5 (1) and may not base any decision regarding an inmate's conditions of confinement, including  
6 discipline or an inmate's eligibility for release, on an inmate's participation or  
7 nonparticipation in a program under sub. (1).

8 (d) The department may restrict an inmate's participation in a program under sub. (1)  
9 only if such restriction is necessary for the security of the facility or the safety of the inmates.

\*  
10 (e) The department may suspend operation of a program under sub. (1) if the  
11 organization fails to comply with any of the requirements of this section or if suspension of  
12 the program is necessary for the security of the facility or the safety of the inmates.

13 (4) **EVALUATION.** The department shall evaluate or contract with a public or private  
14 agency for an evaluation of the effectiveness of a program operated under sub. (1) in reducing  
15 recidivism and alcohol and other drug abuse among program participants. The department  
16 shall collect the data and information necessary to evaluate the program. The department shall  
17 submit a report of the evaluation to the governor and to the appropriate standing committees  
18 of the legislature under s. 13. 172 (3).

19 **SECTION 2.** 302.11 (lg) (b) 2. of the statutes is amended to read:

20 302.11 (lg) (b) 2. Refusal by the inmate to participate in counseling or treatment that  
21 the social service and clinical staff of the institution determines is necessary for the inmate,  
22 including pharmacological treatment using an antiandrogen or the chemical equivalent of an  
23 antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (1 q) (a). The

1 parole commission may not deny presumptive mandatory release to an inmate because of the  
2 inmate's refusal to participate in a rehabilitation program under 30 1.047.

3 (END)

1        **AN ACT** to create 15.105 (26), 16.25 and 20.505 (10) of the statutes; **relating to:**  
 2        creating the office of government-sectarian facilitation and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council’s special committee on faith-based approaches to crime prevention and justice.

The draft creates the office of government-sectarian facilitation in the department of administration. The office is headed by an official titled “the facilitator”.

The office of government-sectarian facilitation is required to facilitate interaction between faith-based organizations and state and local government by:

- Providing information on laws protecting against discrimination against faith-based organizations;
- Assisting government agencies in utilizing the services of faith-based organizations in the provision of authorized governmental services;
- Assisting faith-based organizations in their efforts to participate in the provision of authorized governmental services;
- Compiling and providing to the public information on governmental services available through faith-based organizations.
- Annually conducting an evaluation of the extent to which state and local governments are utilizing the services of faith-based organizations in the provision of authorized governmental services, including recommendations on ways to increase the utilization of those services. The draft requires the office to submit a report of the evaluation to the appropriate standing committees of the legislature and the governor by July 1, 2001 and by each July 1 thereafter.

3        **SECTION 1.** 15.105 (26) of the statutes is created to read:

4        **15.105 (26) OFFICE OF GOVERNMENT-SECTARIAN FACILITATION.** There is created an office  
 5        of government-sectarian facilitation, headed by the facilitator, which is attached to the

1 department of administration under s. 15.03. The facilitator shall be appointed by the  
2 governor to serve at the pleasure of the governor.

3 SECTION 2. 16.25 of the statutes is created to read:

4 **16.25 Office of government-sectarian facilitation.** The office of  
5 government-sectarian facilitation shall do all the following to facilitate interaction between  
6 faith-based organizations and state and local government:

7 (1) Provide information to state and local government and other interested persons on  
8 the various laws protecting against discrimination against faith-based organizations in the  
9 provision of authorized government services;

10 (2) Assist state and local government agencies in utilizing the services of faith-based  
11 organizations in the provision of authorized government services;

12 (3) Assist faith-based organizations in their efforts to participate in the provision of  
13 authorized state and local government services;

14 (4) Compile and provide to the public information on state and local government  
15 services available through faith-based organizations; and

16 (5) Annually conduct an evaluation of the extent to which state and local governments  
17 are utilizing the services of faith-based organizations in the provision of authorized  
18 government services, including recommendations on ways to increase the utilization of those  
19 services. Beginning on July 1, 2001, and no later than July 1 of each year thereafter, the office  
20 shall submit a report of the evaluation to the governor and to the appropriate standing  
21 committees of the legislature under 13.172 (3).

22 SECTION 3. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the  
23 following amounts for the purposes indicated:





1       **AN ACT** to create 20.435 (3) (ft) and 46.72 of the statutes; **relating to:** establishing a  
2       grant program for a neighborhood organization incubator and creating an  
3       appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on faith-based approaches to crime prevention and justice.

Currently, neighborhood organizations may be motivated to provide services to neighborhood residents directed at community concerns such as the need for after-school recreation for children; prevention and counseling services relating to child, domestic abuse and alcohol and other drug problems; diversion of youth from gang activities, crime prevention, and inmate and ex-offender rehabilitation or aftercare. However, many of these organizations do not have the time, resources or technical expertise to gain access to sources of funding that may enable them to address these concerns. This draft authorizes the department of health and family services (DHFS) to award "incubator grants" to these neighborhood organizations to enable the organization to obtain the funding necessary to achieve these goals.

Specifically, the draft authorizes the DHFS to award a grant of up to [\$100,000] to a community-based public or private, nonprofit organization ("an agency") upon submission of an application containing a plan detailing the proposed use of the grant.

A grant recipient is required to do all of the following:

1. Provide information to neighborhood organizations about sources of public and private funding.
2. Assist neighborhood organizations in obtaining funding and other assistance from public and private entities.
3. Act as a liaison between the neighborhood organizations and the public and private funding sources.
4. Provide appropriate training and professional development services to members of neighborhood organizations.



1           3. Child and domestic abuse prevention services.

2           4. Alcohol and other drug abuse counseling and prevention.

3           5. Diversion of youth from gang activities.

4           6. Inmate and ex-offender rehabilitation or aftercare.

5           (2) **PURPOSE; AMOUNT.** (a) From the appropriation under s. 20.435 (3) (ft), the  
6 department shall award grants to agencies to provide services described under sub. (3) to  
7 neighborhood organizations. An agency application for a grant shall contain a plan detailing  
8 the proposed use of the grant.

9           (b) The department may not award more than [\$100,000] to an agency under this  
10 section.

11           (3) An agency receiving a grant under this section shall do all of the following:

12           (a) Provide information to neighborhood organizations about funding and other  
13 assistance which may be available to neighborhood organizations from private and public  
14 entities.

15           (b) Assist neighborhood organizations in obtaining funding and other assistance from  
16 public and private entities.

17           (c) Act as a liaison between neighborhood organizations and public and private entities  
18 described under par. (a).

19           (d) Provide appropriate training and professional development services to members of  
20 neighborhood organizations.

21           (e) Engage in outreach to neighborhood organizations to inform them of the services  
22 available from the agency.

23           (f) Undertake any other activities which will facilitate the effectiveness and  
24 development of neighborhood organizations.





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**COPY  
FOR YOUR  
INFORMATION**

May 18, 1999

TO: MEMBERS OF THE SPECIAL COMMITTEE ON FAITH-BASED  
APPROACHES TO CRIME PREVENTION AND JUSTICE

FROM: David J. Stute, Director *David Stute*

The next meeting of your Committee is scheduled to be held on Monday, **May 24, 1999**, at **10:30 a.m., in Room 417 North (the G.A.R. Room), State Capitol, Madison.**

Enclosed for your review in advance of that meeting are the following:

1. The Summary of Proceedings of the April 21, 1999 meeting.
2. Agenda for the May 24, 1999 meeting.
3. *Memo No. 3, Modifications to Drafts Under Consideration by the Special Committee Proposed by Representative Spencer Black (May 13, 1999).*
4. *Memo No. 4, Responses to Prison Chaplain Survey (May 17, 1999).*
5. *Memo No. 5, Proposals From Committee Member Reverend Keith Dobbe (May 17, 1999).*
6. WLCS: 0125/1, relating to authorizing the appointment of an assistant district attorney to perform restorative justice services and making an appropriation.
7. WLCS: 0131/1, relating to community youth grants.
8. WLCS: 132/1, relating to authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders.
9. WLCS: 0133/1, relating to inmate rehabilitation.
10. WLCS: 0136/1, relating to creating the office of government-sectarian facilitation and making an appropriation.

(OVER)

11. WLCS: 0139/1, relating to establishing a grant program for a neighborhood organization incubator and creating an appropriation.

12. Letter, from Jon Litscher, Secretary, Department of Corrections (DOC) (May 17, 1999).

13. **Memorandum, *Religious Practice Questions and Issues***, from Walter D. Thieszen, Chief, Program Services, Division of Adult Institutions, DOC (May 14, 1999).

14. Article, "Have faith, get funding," *Isthmus*, distributed at the request of Representative Spencer Black (March 19, 1999).

15. Letter, from Chuck Franks, Turning Around Prisoners (May 15, 1999).

If you have any questions regarding the above materials or the next meeting, please feel free to call Legislative Council Senior Staff Attorneys Shaun Haas, at (608) 267-9025, or Mary Matthias, at (608) 266-0932.

DJS:ksm;jal  
Enclosures

## JOINT LEGISLATIVE COUNCIL

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### SUMMARY OF PROCEEDINGS

#### SPECIAL COMMITTEE ON FAITH-BASED APPROACHES TO CRIME PREVENTION AND JUSTICE\*

Room 417 North (the G.A.R. Room)  
State Capitol, Madison

April 21, 1999  
10:00 a.m. - 3:00 p.m.

[The following is a summary of the April 21, 1999 meeting of the Special Committee on Faith-Based Approaches to Crime Prevention and Justice. The file copy of this Summary has appended to it a copy of each document prepared for or submitted to the Committee during the meeting. A tape recording of the meeting is retained for two years by the Legislative Council Staff in its **office** at Suite 401, One East Main Street, Madison, Wisconsin.]

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COMMITTEE MEMBERS  
PRESENT:

Speaker Scott R. Jensen, Chairperson; Sen. Alberta Darling, Vice Chairperson; Rep. Tim Carpenter, Secretary; Reps. Spencer Black, Robert Goetsch, Eugene Hahn and Carol Owens; Public Members Rev. Keith Dobbe, John Emberson, Clarence Hill, David Lerman, Min. William Muhammad, Mary Steppe, Roger Utnehmer and Rev. Susan Vergeront; and Nonvoting Public Member Vaso Bjegovich.

COMMITTEE MEMBERS  
EXCUSED:

Rep. David Travis; and Public Member Rabbi Sidney Vineburg.

COUNCIL STAFF PRESENT:

Shaun **Haas** and Mary Matthias, Senior Staff Attorneys.

APPEARANCES:

Walter Thieszen and Marianne Cook, Division of Adult Institutions, Department of Corrections; Mr. Ronald Beyah, Islamic Council for Wisconsin Prisons, Milwaukee; Reverend Marie **Yohann**, Temple of the 4 Winds, Milwaukee, and Reverend Doctor Richard Cadwell, Sanctuary of the Healers' Heart, Kenosha; and Mr. Bobby Bullet St. Germaine and Mr. Sam Musqua, Madison.

**\*ATTENTION: THE NEXT MEETING OF THE SPECIAL COMMITTEE ON FAITH-BASED APPROACHES TO CRIME PREVENTION AND JUSTICE WILL BE HELD ON MONDAY, MAY 24, 1999, AT 10:00 A.M., IN ROOM 417 NORTH (THE G.A.R. ROOM), STATE CAPITOL, MADISON.**

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| b. Legislative Fiscal Bureau Paper No. 52, <i>Substance Abuse Programs</i> (January 1999).  |    |
| c. Information on the Safe & Sound program (undated).   |    |
| d. <i>Principles of Wiccan Belief</i> , distributed at the request of Reverend Marie Yohann (undated).  |    |
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CALL TO ORDER AND ROLL CALL  
[AGENDA ITEM 1]

Chairperson Jensen called the meeting to order. The roll was called and a quorum was determined to be present.

APPROVAL OF THE SUMMARY OF PROCEEDINGS OF THE  
MARCH 11, 1999 MEETING  
[AGENDA ITEM 2]

Minister Muhammad stated that the minutes did not accurately reflect a statement that he made regarding the Nation of Islam. He asked that the portion of the Summary of Proceedings regarding his statement be changed to read as follows:

Minister Muhammad commented that members of the Nation of Islam set up security firms that won contracts in public housing areas where crime was prevalent and brought a measure of peace in those communities. He said that Congressman Peter King pressured the Department of Housing and Urban Development to terminate the contracts under the guise that the Nation of Islam was a hate group and did not deserve to receive money from the government for security services. Minister Muhammad asked Mr. Esbeck if this constituted discrimination against the members of the Nation of Islam because of religion. Chairperson Jensen said that the contracts were terminated because of alleged criminal wrong doing.

*Mr. Utnehmer moved, seconded by Reverend Vergeront, to approve the Summary of Proceedings, as amended. The motion carried on a unanimous voice vote.*

DESCRIPTION OF MATERIAL DISTRIBUTED  
[AGENDA ITEM 3]

- a. Informational paper relating to youth gang diversion grant projects and the Office of Gang Intervention & Prevention, Department of Corrections (February 23, 1999).
- b. Legislative Fiscal Bureau Paper No. 52, Substance Abuse Programs (January 1999).
- c. Information on the Safe & Sound program (undated).
- d. Principles of Wiccan Belief, distributed at the request of Reverend Marie Yohann (undated).

e. The Role of Faith-Based Organizations in Crime Prevention and Justice, Hudson Institute Crime Control Policy Center and Hudson Institute Welfare Policy Center (April 1999).

f. "Should All Be Forgiven?," Time (April 5, 1999).

Chairperson Jensen briefly described the materials which had been distributed to the Committee members.

PRESENTATIONS BY INVITED SPEAKERS  
[AGENDA ITEM 4]

a. *Walter Thieszen and Marianne Cook. Division of Adult Institutions. Department of Corrections (DOC)*

Ms. Cook told the Committee that she has worked at the DOC for 26 years. She said that DOC attempts to make religious resources available to all inmates. She said most wardens would like to provide more religious programming but this is not possible because of budgetary constraints. She explained that it is necessary to find space for religious programming as well as to provide staff to monitor inmate activities.

Ms. Cook explained that some religious practice requests made by inmates cannot be granted by the department. For example, she said that a pedophile requested permission to have pictures of children in order to practice his religion and other inmates have made demands for obscene literature on religious grounds. She said some religious study groups attempt to meet for purposes other than religious study, for example, in an attempt to disrupt the institution. She said some people who enter the institution as religious volunteers bring contraband to prisoners or have improper romantic contacts with them.

Ms. Cook said that the DOC attempts to provide fair and equal treatment to all religious practice requests. She said the practice of a religion is permitted unless the religion promotes violence or hatred or would create an unsafe situation in an institution. DOC attempts to be content-neutral regarding religious materials except that religious materials may not promote violence, hatred or unsafe practices. She said it is sometimes difficult to balance religious rights with institutional concerns.

Ms. Cook described the DOC process of responding to religious practice requests. She referred to the document which she handed out, entitled *Process for Review of Inmate Religious Practice Requests*. Ms. Cook explained that 99% of inmates who choose to practice religion, choose a religion which is already established at the prison. She said the remaining 1% choose a novel or nonroutine religion. Ms. Cook also pointed out that constitutionally, DOC must provide secular programming alternatives to programming which contains religious elements, such as Alcoholics Anonymous.

Ms. Cook explained that to determine whether a religious practice request is legitimate, the DOC consults with religious experts, including staff within the federal prison system. If an inmate is unhappy with a DOC decision, the inmate may submit a complaint at the institution

level. The Institution Complaint Examiner investigates and makes a recommendation to the warden for a decision. The inmate may file a written appeal of the warden's decision to the Corrections Complaint Examiner who investigates and makes a recommendation to the DOC secretary for a decision.

Several Committee members asked questions regarding the DOC policy of prohibiting the practice of a religion that advocates violence or hatred. Ms. Cook explained that a religious request would be denied if, as a part of that religion, hatred is directed at the prison staff or if the religion attempts to direct hatred at a specific group of inmates or particular ethnic group. She said an important factor is the potential for disruption or 'violence in the institution. Ms. Cook explained that if hate of a specific ethnic group is a tenet of an inmate's religion, the inmate is permitted to practice the religion in his or her cell. Ms. Cook said that in making decisions regarding security, she would err on the side of the security of the institution. She said the crucial determination question is whether a religious practice request is legitimate or is an attempt to disrupt the prison.

In response to a question from Representative Black, Ms. Cook said that DOC expects chaplains to minister to all inmates, regardless of the religion of the chaplain. Chaplains also coordinate the provision of religious visits and services by volunteers and other religious leaders.

In response to a question from Mr. Emberson, Ms. Cook explained that the DOC wants the current vacant chaplain positions to be filled because the presence of chaplains is beneficial to the operation of the prison. She said DOC expects that those positions will be filled soon.

In response to a question from Minister Muhammad, Ms. Cook stated that DOC does not collect statistics on the religious preferences of inmates. Minister Muhammad asked how the DOC can ensure that religious resources are fairly distributed among the inmates if DOC does not know their religious preferences.

Reverend Vergeront commented that although a chaplain may belong to a certain religious faith, chaplains serve inmates of all faiths.

In response to a question from Chairperson Jensen, Ms. Cook said she is not aware of any particular religion which has been banned from Wisconsin prisons because it advocates violence or hatred.

In response to a question **from** Representative Carpenter, Ms. Cook said that certain individuals have been denied access to prisons based on their past history.

***b. Minister William Muhammad. Prison Reform Minister, Nation of Islam. and Mr. Ronald Bevah. Islamic Council for Wisconsin Prisons. Milwaukee***

Minister William Muhammad explained that Minister Abdullah Muhammad, who was originally scheduled to appear, was unable to attend. Minister Muhammad told the Committee he is a representative of Minister Louis Farrakhan. Minister Muhammad described his involvement in the Wisconsin prison system. He said he is a religious volunteer at several Wisconsin

prisons, the Milwaukee House of Corrections and the Milwaukee County Jail. He said some of these institutions have not treated him fairly. At several institutions, it took a lot of persistence to get permission to provide religious services. He was required to send in repeated requests for admission.

Minister Muhammad also said that at some institutions, inmate requests for pastoral visits from him were denied. At one institution, the chaplain stated that some of the men who were requesting a pastoral visit were not sincere in their request to form a study group. All 40 of the men who submitted requests were denied.

Minister Muhammad stated that Islam is the fastest growing religion in U.S. prisons and in the entire U.S. population. Minister Muhammad said that some chaplains, wardens and security officers suffer from ignorance regarding Islam. He said this is **due**, in part, to racist, negative and inaccurate news reporting regarding Islam.

Minister Muhammad explained that the prison reform program developed by Minister Farrakhan focuses on self-improvement, discipline and character building. He said Islam stresses the need to become more spiritual and more moral which are attributes of model prisoners. Mr. Muhammad said that the Nation of Islam has over 50 years of experience in prison reform and has been very successful in helping men reform their lives. He said Islam teaches obedience to laws of the land as long as those laws do not conflict with the laws of the religion.

Minister Muhammad said that although Minister Farrakhan is controversial, the tenets that he teaches have made him a leader in the black community. He said that there is much misinformation about him in the media.

Minister Muhammad said that he speaks personally with wardens to discuss their concerns about Islam and to reassure them that Islam does not teach hatred. He stressed that he always offers himself as a resource to the prisons. He said that often the reasons for denial of his admission to the prisons are vague. He said that by denying him access, the prison is causing more conflict within the prison than if he were permitted access. He said there is a great need for security personnel in the prisons to be educated about Islam, because they are ignorant about the religion and they are insecure because they view it as a threat.

Mr. Beyah explained that the Islamic Council for Wisconsin Prisons is a diversified group representing different sects of Muslims. Mr. Beyah distributed to the Committee: two excerpts from *A Torchlight for America*, by the Honorable Minister Louis Farrakhan, entitled "The Purpose of Education" and "Support the Nation of Islam's Prison Reform Ministry." He explained that the **word** "Muslim" has as its root an Arabic word which denotes peace. He said the Islamic religion teaches peace and unity and that acts of terrorism are actually out of accord with true Islamic teachings. Mr. Beyah said that Islam does not teach the superiority of any race over another. He said the best Muslim is the one with the greatest fear of displeasing God.

Mr. Beyah said that he leads individual study groups at Fox Lake Correctional Institution but that other institutions are not working in a cooperative fashion with the council. Mr. Beyah

said that the Islamic men at **the** Waupun Correctional Institution are very courteous and have changed their entire attitude. He said that Islam can be of a great help to prisons when it teaches men to be good citizens.

In response to a question from Representative Hahn, Mr. **Beyah** said that he is in the process of interviewing for the chaplain position at the Oshkosh Correctional Institution. Mr. Beyah said that it would be beneficial to have a “roving” Islamic chaplain to serve Muslim inmates in various correctional institutions throughout the state. In response to another question from Representative Hahn, Mr. Beyah said that the Islamic community has some support structures in place for released prisoners, but needs to develop more. He said it is important to help ex-offenders stay away from their former associates and to continue their spiritual growth.

In response to a question from Reverend Vergeront, Mr. Beyah stated that although the council does not make an effort to convert prisoners, Islamic inmates sometimes bring other prisoners along to meetings. He said that one-on-one pastoral visits are limited by DOC policy to those persons who are already members of the religion.

In response to a question from Mr. Lerman, Mr. Beyah said that he has not been given a written reason for the **DOC’s** denial of his requests for access to certain prisons.

Mr. Muhammad pointed out that the wardens with whom he has met to discuss the religion of Islam have responded favorably to him and now realize that Islam is not a threat to the institution.

In response to a question from Senator Darling, Mr. Beyah recommended that people be more open-minded to the Islamic religion. He agreed that it would be good to have a position of “roving” chaplain for Islamic prisoners. He also stated that the Committee should look further into the question of the equal distribution of religious resources within the prison system. Minister Muhammad stated that several roving chaplain positions are needed, and the state should pay for their travel. He also stated that Muslim chaplains should be provided on a full-time basis in institutions as are Christian chaplains.

**c. Reverend Marie Yohann. Temple of the 4 Winds, Milwaukee. and Reverend Doctor Richard Cadwell, Sanctuary of the Healers’ Heart. Kenosha**

Reverend Yohann stated that she is a legally ordained priestess in the Temple of the 4 Winds in Milwaukee. She described her religious volunteer activities at Waupun Correctional Institution. Reverend Yohann stated that strong religious convictions and support for religious faith is essential for rehabilitation of prisoners. She said **that** she has worked as a volunteer and advisor to Wiccan study groups, maintains contacts with individual Wiccan inmates, performs ceremonies when Wiccans meet in fellowship in the institution and has donated religious reference books and ceremonial items to the prisons.

Reverend Yohann said her goal is to offer Wiccan inmates the same opportunities that exist for inmates of other religions. She said there is prejudice against the Wiccan religion based

on fear and misinformation. She has offered to conduct seminars about Wicca for prison personnel but those offers have been rejected.

Reverend Yohann said that in January 1997, she was banned from the Waupun Correctional Institution because of an alleged violation of the DOC antifraternization policy, based on the fact that she accepted telephone calls from an inmate.

Reverend Yohann reported that the DOC policy of not permitting her to screen inmates who want to participate in Wiccan services has caused problems. She said inmates who are not Wiccans are allowed to infiltrate Wiccan meetings and cause chaos and confusion. In addition, Wiccan inmates in segregation are not allowed to have religious study materials with them although Christians are allowed to have a Bible and Muslims are allowed to have the Koran.

Reverend Yohann also explained that under DOC policy if she were on the personal visiting list of any inmate at an institution, she would not be allowed to visit the prison as a religious counselor.

Reverend Yohann said that outside observers sometimes misconstrue Wiccan actions as romantic physical gestures when they are actually part of well-established religious rituals. She said she has been forced to make alterations to some of the most sacred Wiccan rituals in order to be allowed to conduct those rituals in the prisons.

Reverend Yohann explained that in January 1999, her personal visiting rights at Waupun were suspended because an inmate she had visited was found to have contraband although there was no physical evidence that she had provided the contraband to the prisoner. Based on this incident, she was later suspended from visiting any DOC facility.

Reverend Richard Cadwell distributed to the Committee a letter from his priestess, as well as a copy of his address to the Committee. Reverend Cadwell described his educational background and said he has been a Wiccan priest for the past 30 years. He is now the High Priest of the Sanctuary of the Healers' Heart, an independent Wiccan Pagan ministry. Reverend Cadwell said he has worked as a religious volunteer in the Wisconsin prisons for one year and has been the volunteer Wiccan chaplain with the All Saints Hospital system for the past two years.

Reverend Cadwell described his experiences providing clergy services at the Racine Correctional Institution and said that he and his priestess try to help keep inmates **focused** on positive self-growth. He said that a religion paradigm and an ethical system are essential to an individual's rehabilitation and re-entrance into society. He said he has seen positive results in the men with whom he has been working.

Reverend **Cadwell** described some problems he has experienced with the Racine Correctional Institution. He and his priestess were denied access to the prison on a Wiccan high holy day. He said that the restriction was based on the allegation that he removed a document from the institution. Reverend Cadwell said this happened because he is not allowed to screen inmates who wish to become part of the Wiccan group. Problems result when inmates with

opposing beliefs such as white supremacy or Satanism are allowed to infiltrate the Wiccan group.

Reverend **Cadwell** also described an incident in which a guard disrupted the Wiccan service and said that an inmate who participated in an established Wiccan ritual received a serious conduct report and had time added to his segregation and to his sentence. Reverend Cadwell stated that shortly thereafter his volunteer and clergy privileges were revoked due to allegations that he tried to prevent a guard from monitoring a Wiccan service. Within several days his priestess also had her privileges revoked, allegedly for fraternization as a result of actions occurring during an initiation rite. They were told that they should have submitted their ritual for prior approval; however, chaplains of mainstream religions are not subject to this requirement and he was never told of such a requirement.

Reverend **Cadwell** pointed out that Chaplain Thomas at the **Racine** Correctional Institution has been helpful facilitating the religious practices of Wiccan inmates.

Reverend Cadwell also discussed prison policies regarding possession of religious items in segregation, and said religious items of Wiccan inmates in segregation are often confiscated. He also stated that Wiccan inmates are allowed to attend Wiccan religious service or Wiccan study, but not both, while Christians are permitted to attend Sunday services and Bible study. He also discussed the role of the priestess in the Wiccan religion and said Wiccan inmates have treated his priestess with respect. He said that the touching that occurs either as part of a ritual or as momentary encouragement is no more sexual than the “kiss of peace” in the Catholic mass or Christian inmates hugging one another. He said it is unfair to characterize Wiccan rituals as sexual conduct when those same actions are not considered sexual conduct when undertaken in a Christian setting.

Reverend Cadwell stated that he and his priestess need open-minded understanding, respect, encouragement and timely and complete information from correctional officials to enable them to carry out their work of providing a positive life focus for inmates.

In response to a question from Chairperson Jensen, Reverend Yohann said that there are up to 25 Wiccan inmates at the prison at which she works and Reverend **Cadwell** estimated that there are over 100 Wiccan inmates throughout the Wisconsin Correctional System.

**d. Mt. Bobby Bullet St. Germaine and Mr. Sam Musoua. Madison**

Mr. Musqua distributed a document to the Committee, entitled **Aboriginal Programming for Correctional Service**. Mr. Musqua described an incident at the Oregon Correctional Center in which a chaplain wrote up negative conduct reports on certain Native American inmates because they attended religious services without properly “signing out.” Mr. Musqua said that the guard had deliberately hidden the sign-out book to get the Native American inmates into trouble. To the best of his knowledge, that guard has not been reprimanded for his actions. Mr. Musqua said that one Native American prisoner was “written up” over 26 times for engaging in “smudging,” which is a well-established Native American religious practice. Mr. Musqua said there is a serious shortage of religious programming for Native American inmates and that,

therefore, Native American people lose their identity in the prison system. He also said Native American prisoners have not been provided with the items they need to properly practice their religion. For example, when they asked for blankets to use in a sweat lodge ceremony they were given tattered old blankets. He said Native American inmates have been denied requests for special foods, such as venison for religious feasts. They are told that the prison system has no funding for the necessary foods and other incidental items, yet Christian prison chaplains receive a salary of \$29,000. Mr. Musqua said the Native American religion should be treated with respect rather than being "tossed scraps."

Mr. St. Germaine distributed to the Committee a letter to R.J. Pirlot, Staff to Chairperson Jensen, from Mark Welch, First Nation Spiritual Adviser at Columbia Correctional Institution regarding problems that First Nation Spiritual Advisors and leaders have experienced at Columbia Correctional Institution.

Mr. St. Germaine explained that he is part of the group "First Nation." He said the goal of the group is to help native people reintegrate into society, particularly Native American society, upon release from incarceration. He said his organization does not have the resources necessary to provide adequate religious worship opportunities to Native American inmates and Native American spiritual leaders have been denied access to the prisons. He said Native American people believe that they can be healed only through their spiritual leaders, but DOC does not allow Native Americans to enter the prisons to work as healers. He cited the situation of a Native American inmate who died in prison for lack of proper medical care. He explained that many Native Americans do not trust white people and white medicine and, therefore, they need access to their healers. He noted that Mr. Musqua is a healer who has cured people of cancer and diabetes.

Mr. St. Germaine said that Native American inmates are denied the basic tools they need for religious worship, such as a shell for smudging, pipes for ceremonies and sweat lodge facilities.

#### COMMITTEE DISCUSSION OF PROPOSALS [AGENDA ITEM 5]

#### *• Memo No. 2. Description of Several Possible Recommendations for Legislation (April 20, 1999)*

Shaun **Haas** described Part A. of Memo No. 2., relating to restorative justice. He explained that the proposal set forth in Memo No. 2 would provide funding for one assistant district attorney (DA) position in Milwaukee County to establish and conduct a restorative justice program in Milwaukee County and to provide assistance to other counties wishing to establish such programs. Mr. **Haas** said that the proposal was based on an idea brought forth by Mr. Lerman.

Mr. Lerman provided background information on restorative justice, explaining that restorative justice is more than a program, it is a core set of values. Often, there is more



opportunity to change an offender's behavior through the restorative justice process than through the traditional court process. Thus, restorative justice helps prevent crime.

In response to a question from Representative Goetsch, Mr. Lerman said the placement of the restorative justice position in the DA's office is appropriate because prosecutors are the gatekeepers to the criminal justice system and have the necessary respect and contact with law enforcement to enable them to carry out restorative justice work. Mr. Lerman stated that two positions would be more useful than one. Representative Goetsch asked whether the position needed to be filled by an assistant DA or whether it could instead be filled by a paralegal or other person with appropriate training. Mr. Lerman responded that the person filling this position must have the authority to make types of decisions a DA makes regarding offenders. Having an assistant DA carry out restorative justice duties would make the process work more smoothly and thus, overall, would save time and resources.

Representative Owens expressed her reluctance to require a crime victim to have any contact with a perpetrator. She said courts should order restitution but they should leave the victim alone. Mr. Lerman responded that in the restorative justice process, the victim is never required to participate; all participation is voluntary. He said DAs are very victim-sensitive, more so than judges because DAs deal personally with victims on a daily basis. Representative Owens responded that for some victims it would do harm to even suggest that they meet with a perpetrator. Mr. Lerman responded that he has seen many victims reap great benefits through the process and that on the whole, the benefits greatly outweigh the risk of harm.

Minister Muhammad said that reconciliation in the community is important and that the timing of efforts at reconciliation is crucial. He said that a meeting between a victim and offender cannot be held too close to the time that the crime occurred. Mr. Lerman agreed that in the restorative justice process timing is a very important factor.

Chairperson Jensen said that the Committee would vote on this proposal at its next meeting.

Mr. Haas described the proposal set forth in Part B. of Memo No. 2. He explained the proposal would extend Wisconsin's legislation regarding nondiscrimination against religious organizations to the DOC and counties. In addition, the Special Committee could sponsor a letter to state agencies to which the nondiscrimination provisions apply encouraging them to engage in an outreach effort directed at religious organizations that would inform them of the protection against state interference with religious practices contained in the law.

In response to a question from Representative Black, Mr. Haas said that the language contained in the proposal is nearly identical to the language of the federal Charitable Choice Law. Representative Black said that applying this law in the corrections area has the potential to be coercive and it is important to ensure that all religious groups are treated equally. He suggested that an evaluation component be added to the proposal.

Mr. Emberson suggested the possibility of changing the position description of chaplains so that they worked only as facilitators of religious services. Chairperson Jensen said that

perhaps the current vacant chaplain positions could be changed to “religious facilitator” positions.

Minister Muhammad raised his concern over the fact that DOC does not know the religious preferences of inmates. Chairperson Jensen suggested that a survey of inmates be conducted to determine if their religious needs are being met.

Reverend Vergeront said there needs to be more interfacing between faith-based organizations and the government. She said some other states have an ombudsman who helps interface between the government and faith-based organizations. Chairperson Jensen pointed out that the Office of the Mayor of the City of Indianapolis has a liaison person of that type. He said the Committee may want to consider earmarking Temporary Aid for Needy Families funds for this purpose.

Mary Matthias described Part C. of Memo No. 2, a proposal which would require DOC to issue a request for proposals for, and facilitate the operation of, a values-based inmate rehabilitation program. The program would be operated by a private organization in a portion of the new Milwaukee alcohol and other drug abuse (AODA) treatment facility which is scheduled to open in January 2001.

Mr. Emberson said that for a program of this type to succeed, there must be total cooperation from DOC. Chairperson Jensen pointed out that under the proposal, DOC would choose the provider who would be involved and thus cooperation could be expected.

Representative Black expressed concern about providing state funding for a religious organization. He said it would be important to ensure that, under the proposal, there would be no discrimination between inmates who participate and those who do not and all participation by inmates must be voluntary. He said it is also important to provide alternative nonreligious programming which is equivalent to the religious programming for inmates who choose not to participate in religious programming. He suggested that perhaps more than one program would have to be offered in order to meet the needs of inmates of different faiths.

Ms. Matthias described the proposal set forth in Part D. of Memo No. 2. Under that proposal, a certain amount of funds available under the Community Youth Grants program would be provided to one or more specified organizations that engage in values-based crime prevention efforts among youth in inner-city communities.

Mr. Bjegovich said that to address youth crime, it is important to get kids off the street and gain their trust. He said that some kids end up getting into trouble because of a minor infraction, such as owing money for traffic fines. He said funding is needed to help such kids get on their feet.

Chairperson Jensen described the proposal set forth in Part E. of Memo No. 2, which would provide a grant of up to \$100,000 to a nonprofit organization to act as a “values-based organization incubator.” Representative Black said the organization that receives this grant should provide services to all neighborhood organizations and could also inform religious groups

about the availability of funds and the limitations on the use of such funds. Chairperson Jensen stated that the idea of an incubator is very millennial and said there is a need for encouragement of neighborhood groups which create a great benefit for society.

Minister Muhammad said the Committee should look into existing laws that have a negative effect on the community. Chairperson Jensen responded that if such programs are identified, the Committee could ask for an audit of the program or ask the agency in charge of the program to audit itself. He encouraged Committee members to identify any particular rules, laws or programs at which the Committee should take a closer look.

Pastor Hill said there is some confusion as to whether AODA programs which receive state funding are allowed to discuss God while providing treatment. He said the option of faith-based AODA treatment should be available to people seeking treatment. Chairperson Jensen responded that taxpayer dollars cannot be used for religious instruction. Chairperson Jensen stated that the ombudsman position suggested by Reverend Vergeront could be directed to provide information to the public about the choices available to them in AODA treatment.

Mr. Dobbe suggested that the Committee "beef up" the efforts of Bruce **Kittle** regarding restorative justice. Chairperson Jensen explained that funding under the Community Youth Grants program might be available for this purpose.

Chairperson Jensen told Committee members that if they had any further proposals for the Committee to consider, they should forward them to staff no later than May 15 so that they could be mailed to the Committee. Chairperson Jensen asked staff to prepare drafts of the proposals set forth in Memo No. 2, as well as a draft creating an "ombudsman," as suggested by Reverend Vergeront, for the Committee to consider at its next meeting.

OTHER BUSINESS  
[AGENDA ITEM 6]

There was no other business before the Committee.

PLANS FOR FUTURE MEETINGS  
[AGENDA ITEM 7]

The next meeting of the Committee was scheduled for *Monday, May 24, 1999, at 10:30 a.m., in Room 417 North (the G.A.R. Room), State Capitol, Madison.*

ADJOURNMENT  
[AGENDA ITEM 8]

The meeting adjourned at 3:00 p.m.

MM:ksm;ksm



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**SPECIAL COMMITTEE ON FAITH-BASED APPROACHES  
TO CRIME PREVENTION AND JUSTICE**

AGENDA

**Room 417 North (the G.A.R. Room)  
State Capitol**

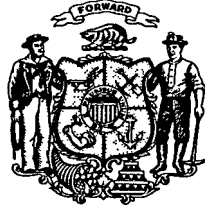
**10:30 a.m.**

**May 24, 1999**

1. CALL TO ORDER AND ROLL CALL.
2. APPROVAL OF THE SUMMARY OF PROCEEDINGS OF THE APRIL 21, 1999 MEETING.
3. DESCRIPTION OF MATERIAL DISTRIBUTED:
  - a. *Memo No. 3, Modifications to Drafts Under Consideration by the Special Committee Proposed by Representative Spencer Black* (May 13, 1999).
  - b. *Memo No. 4, Responses to Prison Chaplain Survey* (May 17, 1999).
  - c. *Memo No. 5, Proposals From Committee Member Reverend Keith Dobbe* (May 17, 1999).
  - d. WLCS: 0125/1, relating to authorizing the appointment of an assistant district attorney to perform restorative justice services and making an appropriation.
  - e. WLCS: 0131/1, relating to community youth grants.
  - f. WLCS: 132/1, relating to authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders.
  - g. WLCS: 0133/1, relating to inmate rehabilitation.
  - h. WLCS: 0136/1, relating to creating the office of government-sectarian facilitation and making an appropriation.
  - i. WLCS: 0139/1, relating to establishing a grant program for a neighborhood organization incubator and creating an appropriation.
  - j. Letter, from Jon Litscher, Secretary, Department of Corrections (DOC) (May 17, 1999).

(OVER)

- k. Memorandum, *Religious Practice Questions and Issues*, from Walter D. Thieszen, Chief, Program Services, Division of Adult Institutions, DOC (May 14, 1999).
  - l. Article, "Have faith, get funding," *Isthmus*, distributed at the request of Representative Spencer Black (March 19, 1999).
  - m. Letter, from Chuck Franks, Turning Around Prisoners (May 15, 1999).
4. PUBLIC HEARING AND PRESENTATIONS BY INVITED SPEAKERS:
- a. Annie Laurie Gaylor, Freedom From Religion Foundation, Madison.
  - b. Leona Balek, Americans United for Separation of Church and State, Madison.
  - c. Bet-nice Popelka, United for Diversity, Inc., Glendale.
5. COMMITTEE DISCUSSION OF PROPOSALS.
6. OTHER BUSINESS.
7. ADJOURNMENT.



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FAITH-BASED APPROACHES TO CRIME  
PREVENTION AND JUSTICE  
MEMO NO. 3  
May 13, 1999

TO: MEMBERS OF THE SPECIAL COMMITTEE ON FAITH-BASED  
APPROACHES TO CRIME PREVENTION AND JUSTICE

FROM: Mary Matthias, Senior Staff Attorney

SUBJECT: Modifications to Drafts Under Consideration by the Special Committee  
Proposed by Representative Spencer Black

This Memo, which was prepared at the request of Committee Member Representative Spencer Black, sets forth several proposed modifications to the drafts which are under consideration by the Special Committee. These proposed modifications were developed by Representative Black. The proposed modifications are organized according to the subject matter of the draft to which they refer.

**1. Restorative Justice (WLCS: 0125/1)**

- Provide funding for two, rather than one, assistant district attorney positions to establish and conduct restorative justice programs.
- Provide that one of the assistant district attorney positions shall be in Milwaukee County and the other shall be in a county other than Milwaukee County. Provide that the Department of Administration (DOA) will determine which county, other than Milwaukee County, will receive the additional assistant district attorney position, based on proposals submitted by counties.

**Nondiscrimination Against Religious Organizations (WLCS: 0132/1)**

- Provide that no state agency to which the nondiscrimination provisions apply may discriminate against an organization because it is not a religious organization. In other words, the state agency may not award a grant or contract to, or take any other action with regard to an organization, solely because it is a religious organization.

(OVER)

- \* If a program which is operated through a contract or agreement with the Department of Corrections (DOC) has a religious character, DOC shall ensure that an equivalent program which is not of a religious character and which provides the same quantity and quality of service is available within the same geographical area as the program which has a religious character.
- Provide that any religious organization that contracts with or provides any services to DOC provides to DOC, on at least an annual basis, a report which contains all of the following:
  - a. An evaluation of the effectiveness of that organization in achieving the goals of the program;
  - b. Information regarding the organization's compliance with the statutory requirement (which would be established in the draft under consideration by the Committee) that an organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by DOC on the basis of religion, a religious belief or refusal to actively participate in a religious practice. The report shall contain a description of the policies which the organization has adopted to implement this requirement; and
  - c. Information regarding the organization's compliance with the requirement [which would be established in the draft under consideration by the Committee] that no funds provided directly to a religious organization by the DOC may be expended for sectarian worship, instruction or proselytization. The report shall include a description of the policies which the organization has adopted to implement this requirement.

### **3. Inmate Rehabilitation Programs (WLCS: 0133/1)**

- Provide that if the DOC permits any religious organization to operate a program within a prison, the DOC shall permit any other religious organization which complies with all applicable requirements to operate a rehabilitation program in the prison with the same authority, rights and responsibilities as the other religious organizations.
- Provide that the treatment of inmates, including the provision of housing, activities in which an inmate may participate, freedom of movement, work assignments and other conditions of imprisonment must be substantially the same for inmates who are participating in a rehabilitation program and those who are not participating in such a program.



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FAITH-BASED APPROACHES TO CRIME  
PREVENTION AND JUSTICE  
MEMO NO. 4  
May 17, 1999

TO: MEMBERS OF THE SPECIAL COMMITTEE ON FAITH-BASED  
APPROACHES TO CRIME PREVENTION AND JUSTICE

FROM: Mary Matthias, Senior Staff Attorney

SUBJECT: Responses to Prison Chaplain Survey

Set forth below are the results of a survey of prison chaplains conducted by Committee Member John Emberson. Mr. Emberson sent the survey questions to the 18 prison chaplains currently serving in Wisconsin's prisons. As of the date of this Memo, he had received responses from nine chaplains. The survey questions, along with the corresponding responses, are set forth below.

1. *Because you are reimbursed for your services by the State of Wisconsin you are responsible to be unbiased and to assist all other requested and warden approved religious programs and/or services to enter into the prison. Have these facilitation duties impeded your own ministry?*

- -Yes- 1
- *No* - 8
- As a Southern Baptist Chaplain I believe that I have been able to make unbiased decisions concerning religious programming for inmates of non-Christian beliefs. Some of the inmates may not think that I was unbiased because the request was not always answered in the **affirmative**. But, some of the Christian inmate requests were not answered in the affirmative either.
- I consider my ministry to everyone at times there is a lack of time and resources.



2. ***If you were to exclude your own ministry - what % of your available work time would be required to adequately assist all the other ministries and values-based organizations that request your help to establish their ministry and reach into the lives of inmates?***

- 80% - 1
- 75% - 1
- 50% - 2 Many ministries especially non-Christian take even more time because they do not already have prison ministries and the chaplain ends up trying to even them them in.
- 40% - 1
- 30% - 2
- I'm not certain how to answer questions 2, 3 and 4. I do what I have to do to accomplish the task at hand. My ministry is mixed in with the whole of what I do.
- I spend a lot of my **time** counseling (always at the inmate's request regardless of religion) and answering written requests from inmates. Aside from a weekly Bible study and worship, I spend probably as much time on non-Christian religious programming as I do on Christian programming.

3. ***What % of your work time have you realistically been able to devote facilitating the work of other ministries within the prison?***

- 60% - 1
- 50% - 3 Ministry work, not administration.
- 25% - 1
- 20% - 2
- At least 112 of my time is spent on non-Christian programming. Possibly more because I have many requests from them. I supervise native American Smudging and Muslim prayer group weekly because I have no volunteers to provide ministry in these areas. I encourage the inmates to pray/study together as I supervise and provide study materials for them.

4. ***Based on your wisdom and experience in objectively assisting other outside organizations that presently have desired to come into the prison with the expressed purpose of having a positive impact on the lives of inmates - how much additional chaplain work time would be required at your institution to adequately facilitate this service - if the state were to encourage and request help form churches and other values-based organizations in the effort***

*to change lives and reduce recidivism and crime? (Enter a number that expresses how much additional time would be required, i.e., 0, +1/4, +3/4, +1 1/3, +2 1/2, etc.).*

- 1/4 - 1
- 1/2 - 2
- 3/4 - 1
- 3/4 to 1 - 1
- 2-2
- When we get another chaplain we will be able to accomplish more: 7 day coverage, start a chapel choir, more one on one pastoral care, expand programs possibilities which translate into more volunteer involvement.
- Another chaplain would be needed if I implemented all requests that I receive from outside volunteers.
- In order to facilitate all of the requests that are received both from outside volunteers (most of whom are Christian) and inmates, I would have to have another 'full time Chaplain. Some programs meet under camera supervision with volunteers without my supervision. If there is no volunteer, the inmates cannot meet.

**5. Presently, what % of established institutional rehabilitation programs do you personally feel are successful in equipping inmates to have a safe successful return to public life? In other words - what % is meeting the need and accomplishing the goal?**

- 75% of those who truly get involved.
- 50% - 2
- 25% - 2
- 20%
- 15%

**6. What are the top three (if applicable) rehabilitation program that you feel fit within the successful % of answer 5. above?**

- (1) Bible studies; (2) Individual Counseling.
- Religious programs of most Faith Groups, AA and 12-Step Recovery Programs, self-help.

- It is not that one is successful and another is not. It is that parts of them are successful but the largest part is not.
- Cognitive Group Intervention Program (GGIP); Sexual Perpetrators Anonymous (SPA); and Aftercare for the Ex-offenders Rehabilitation (AFTER).
- 2-AODA programs; 1-sexual offender cottage; and 1-HSED.
- Basically rehabilitation is successful in part dependent on the inmate and their positive incorporation of the principles being taught. The test comes with release and an inmate is once again on the streets. Some inmates have expressed frustration at the time they need to wait to get into programs. My area, "religion," does have a positive effect on inmates but I do not know until after they have been released how they will do.
- Religious/church programs; Education (Academic/Vocational); and Athletic Programs.
- Religion, Education, Treatment (challenges and possibilities program GBCI).

#### ***7. Why are these programs successful?***

- I see lives changed here, those who are sincere do not get into trouble with Columbia Correctional Institution rules. I hear from former inmates who I have counseled and they are successfully making it.
- Because they involve dedicated volunteers, positive motivated staff (chaplains), and they meet on a consistent schedule; and challenge the inmate to make internal changes while incarcerated and there is some follow-up after the inmate is released back into the community.
- The successful parts deal with attitude and getting help from a higher power.
- All of those programs incorporate examination and changing of thinking patterns while also challenging belief systems. Belief systems are best approached from a spiritual basis, which leads a greater personal accountability in one's life than any external system/program.
- Staff involvement/attitude towards youth. Work within program. Value-based programs.
- These programs help our residents to see the connections between individual choices and (responsibility) and impact on others (teamwork, social impact). The emphasis seems to be more on involvement rather

than punishment. These also touch the spirit, mind and body that make us human.

- Religion because it changes a persons heart and gives them hope beyond themselves. Education opens a persons mind to realize their potential. Treatment coupled with religion and education enhances and helps develop skills to problem solve.

**8. *To meet the vision and goals for your ministry and to accomplish the expectations of the State Correctional Facility with whom you are employed - what would you list as reappearing performance obstacles within the Wisconsin Correctional Institutional System? This may include needed facility space, more funds, quality of management (including cooperation and attitudes of any and all institutional supervision i.e., guards and wardens), transportation, etc. - which hinder either you or another employees efficiency in meeting both personal demands for accomplishment and the state taxpayer demands for an efficient and effective Corrections Department?***

- Limits on time and number of chapel programs in which inmates can be involved.
- Attitude of local management which resists starting new or additional programs and advice of DOC Legal Dept. which advises giving the minimum allowed by the law.
- The biggest problem is attitudes of supervisors. With the right attitude, everything else can be dealt with.
- Time and physical space limitations which have come with an increase in inmate populations. A further problem has been pulling chaplains away from time with the spiritual community for work with other institutional needs.
- Chapel Dept. is seen as a third wheel. An evil necessity of **the** institution. Priority is not given to our Dept. at all.
- The attitude of staff can and does have an effect on inmates' participation in programs.
- (1) Greater cooperation in resolving scheduling issues; (2) Cooperation in utilizing the methods and systems for informing residents of opportunities; (3) Narrowness of attitudes toward what is "real" religion; and (4) Apathy/hostility toward religious programming.
- Separation of church and state, not enough space and time for more programs, needed volunteers. I have great support from the Warden and administration.

- Inability to fill staff positions in a timely manner or not providing any positions at all.

**9. *What is your definition of the vision that the Wisconsin Department of Corrections has established? (i.e., rehabilitation, containment, reduction in crime, etc.)***

- (1) DOC is committed to safety of public from inmates; and (2) rehabilitate (correct the thinking) of the incarcerated.
- The statements are excellent but no agency but the DOC monitors the enacting of the vision statement.
- Allowing people to come in to point the way to a higher power for the men to get help from.
- Provide safe environment for the community and the internal population of its institutions. (Rehab has been diminished due to inmate numbers--concern is for control/order).
- Rehabilitation by secular programs.
- The vision is one thing, the implementation of the vision [is another]. We can talk a good talk and then tighten down restrictions. There appears to be a punitive trend in society and the DOC to be more stringent, punitive and restrictive. We talk a good talk but do not walk the walk.
- Rehabilitation/treatment are important in this institution, but the political societal emphasis and the attitude of many staff is on punishment.
- To protect the public and at the same time work with the public to develop positive ways to strengthen community.

**10. *From your experience, wisdom and perspective - what is the single most important area that taxpayers and their legislators should be addressing within our present State of Wisconsin Department of Corrections?***

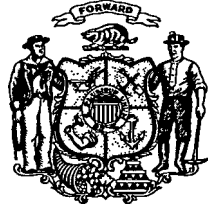
- (1) Punishment right to fit the crime; and (2) Corrections should employ the idea, the infraction should be repaid by the offender, locking them up does not give them the opportunity.
- The taxpayers for their dollars are only getting incarceration and bed space; very little attention is given to correcting and changing inmate attitudes and behaviors.
- To put faith based programs on par? with other programs.
- Evaluating inmates on case-by-case basis. Many crime classes are dealt with just that way in terms of parole, security reduction, etc. The people

within institutions who know inmates the best and observe them daily have least input in parole/transfer decision-making. Men who could function well in the community are being kept in--adding to our overcrowding crisis.

- Preventive medicine.
- The focus, effort and moneys I believe need to be on the inmates' return to the community. There needs to be greater resources brought to bear on an inmates return to the community. Mentoring, transitional housing, halfway houses, connection to community organizations, religious communities, employability preparation, living skills.
- Most of the incarcerated WILL be released back to the community the state made to focus on what really works to help bring about positive, lasting change in the lives of inmates/offenders. Punishment alone DOES NOT WORK!! Follow through and support in the community after release is essential.
- To build and promote family values--by means of teaching men what it is to be a man. Through a moral, legal and above all faith-based concept.

***11. Would genuine rehabilitation increase and recidivism be reduced if it were feasible to have remorse&l inmates spend their time with like-minded remorseful inmates? In other words, over time would this play a significant role in supporting your values-based efforts with the added emotional, spiritual and psychological support of fellow inmates versus the normal population mixing?***

- Yes, but more than that they should be made aware of the results of their crime. Responsibility of their actions and individual rights need to be ingrained in their thinking. We have to work to get ahead instead of "talking."
- Years ago I supervised a small inmate unit based on respect for all people, adherence to rules or a desire to make life-style changes that would lead to a crime free life and to a certain degree it worked!
- Depends upon how remorseful and how genuine the remorse was.
- Absolutely. Influence from one to another in this environment is substantial. In whatever ways we have been able, we have employed this tactic with those men, and we have seen bear the fruit of positive change. It has produced very encouraging results.
- ✪✪✪✪
- ✪✪✪✪



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FAITH-BASED APPROACHES TO CRIME  
PREVENTION AND JUSTICE  
MEMO NO. 5  
May 17, 1999

TO: MEMBERS OF THE SPECIAL COMMITTEE ON FAITH-BASED  
APPROACHES TO CRIME PREVENTION AND JUSTICE

FROM: Mary Matthias, Senior Staff Attorney

SUBJECT: Proposals From Committee Member Reverend Keith Dobbe

This Memo sets forth background information and several proposals for the Committee's consideration, as transmitted to the Legislative Council Staff by Committee Member Reverend Keith Dobbe.

**A. REINTEGRATION OF EX-INMATES INTO THE COMMUNITY**

**1. Backwound**

At the January 20, 1999 meeting of the Committee, Mary Steppe, Executive Director of Project Return, described the agency's goal of returning ex-offenders to the community by assisting them in finding employment and needed services.

**2. Proposals**

- a. Provide \$10,000 funding for an employment counselor to assist offenders returning to Milwaukee to learn employment skills and gain employment.
- b. Provide \$10,000 seed funding for a new Madison Project Return Executive Director's position. Project Return Milwaukee staff are willing to provide technical support for the start up of a Project Return Madison. Several volunteers are already meeting to begin a Project Return in Madison.

(OVER)

## **B. PREVENTION OF YOUTH CRIME**

### **I. Backaround**

At the January 20, 1999 meeting, Nicky Cruz, Nicky Cruz Outreach, explained that as a former gang member he became a Christian at the age of 19 and began to work with inner-city youth. In 1959, he began the Teen Challenge Program which was eventually expanded internationally. Nicky Cruz Outreach has been a successful faith-based youth gang diversion program. Organizations such as his which are attempting to reach inner-city youth, need resources which he referred to as their ammunition.

A lot of youth have unpaid fines for curfew and fighting, etc., when they were minors, and traffic fines. They are denied their motor vehicle operators license because of these fines. Then they end up serving time because they let the fines go too long without being paid or they drive anyway and get caught driving after their license is suspended. They need to know they can have a fresh start and not worry.

### **2. Proposal**

a. In order to divert youth from gang-related activity or potential gang-related activity, provide funding for computers and computer training so youth can learn entry level computer skills in order to compete in the technology job market. Many of these types of programs operate on minimal budgets and need building repairs, office equipment such as computers, fax machines and office supplies.

b. Provide assistance for youth with unpaid fines. Have an alternative to jail for youth that have warrants for fines. Attach responsibility as well as accountability. This would include doing community service in order to work off their fines so youth can get their driver's license, computers for youth to learn entry level computer skills to compete in the job market and vehicles for programs.

## **C. EQUIPMENT FOR OUTREACH MZNZSTRIES**

Provide funding for better office equipment, vehicles and repairs on buildings. For instance, provide funding for a vehicle and maintenance to transport food and clothing for street outreach to organizations already doing this such as Heartfire ministries in Milwaukee who reach out to the homeless.

MM:ksm;wu



Tommy G. Thompson  
Governor

Jon E. Litscher  
Secretary



**State of Wisconsin**  
**Department of Corrections**

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May 17, 1999

The Honorable Scott Jensen, Chair  
Joint Legislative Council's Special Committee on  
Faith-Based Approaches to Crime Prevention and Justice  
State Capitol, Room 211 West  
Madison, Wisconsin 5370 1

Dear Representative Jensen:

The Department of Corrections (DOC) has reviewed the possible recommendations for legislation in the Legislative Council Memo dated April 20, 1999, and I want to share with you a few of my reactions and concerns relating to these proposals.

I have no problem with the general direction in which the Committee is going. We welcome any approaches that will assist in the rehabilitation of offenders within the Wisconsin correctional system.

The impact on DOC would depend on whether the cost of providing the values based program is borne by an outside provider or by the Department. If the program is provided by an outside volunteer organization, the DOC would still be providing the supervision, inmate necessities such as food and medical services, and program space. This would not add materially to the Department's budgetary needs. On the other hand, if DOC bears the cost of added programs that are values based, there would be a need for additional funding.

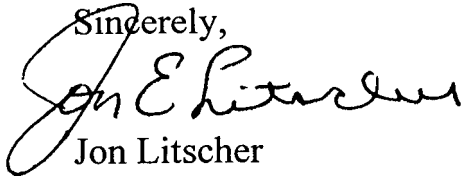
In addition, if a values based program is operated by a faith-based organization with faith-based content, this may also become a resource issue for the Department. In the recent case of Kerr v. Farrey, 95 F.3d 472 (7<sup>th</sup> Circuit, 1996), the DOC is on notice that it could be subjected to potentially significant legal and financial liability if a religious-based program were offered without a secular alternative. This may increase the cost of programming if an equal secular alternative is not available. The Department

should retain the authority to accept or reject any type of proposal for programming, whether it is secular or non-secular.

I am also concerned that there may be a need for enhanced DOC audits of faith-based programs in order to ensure that they carry out the programming in a manner consistent with the U.S. and State Constitutions. In addition, if the legislature wishes an evaluation of the success of a values based program in reducing recidivism, additional resources will be necessary.

I appreciate the work of the committee to try and improve correctional programming for inmates. Thank you for the opportunity to comment on the possible recommendations of the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Litscher". The signature is written in a cursive style with a large, looping initial "J".

Jon Litscher  
Secretary

Tommy G. Thompson  
Governor

Jon E. Litscher  
Secretary



**State of Wisconsin**  
**Department of Corrections**


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May 14, 1999

MEMORANDUM

TO: Mary Matthias, Senior Staff Attorney  
Legislative Council

FROM:   
Walter D. Thieszen, Chief  
Program Services  
Division of Adult Institutions

SUBJECT: Religious Practice Questions And Issues

This memo responds to your letter on behalf of the Special Committee on Faith-Based Approaches to Crime Prevention and Justice dated April 28, 1999, requesting written responses to various questions and issues that were raised at the April 21, 1999 meeting.

Attached you will find the Department's responses to questions and issues raised in your letter and Mr. Mark Welch's letter.

Please feel free to contact me if you have questions.

Attachments

cc: Jon E. Litscher, Secretary

RESPONSES TO QUESTIONS FROM THE JOINT LEGISLATIVE COUNCIL'S  
SPECIAL COMMITTEE ON FAITH- BASED APPROACHES TO CRIME  
PREVENTION AND JUSTICE

**A. COMMITTEE QUESTIONS**

*Question*

1. *It was stated that DOC does not collect any information regarding the religious preferences of inmates. Concern was raised that without collecting this information, DOC cannot determine whether religious resources in the prisons are distributed fairly. Does the department plan to collect this information in the future or take other steps to ensure that religious resources are distributed fairly throughout the prison system?*

Response

The Department does not keep system wide data on inmate religious preference. However, for the past several years, the Department has begun collecting data on inmate religious preference upon reception. A report on inmate stated religious preference of all new inmates received at the Dodge Reception Center during calendar year 1998 is attached. The Department plans to implement a procedure that would permit us to collect inmate religious preference data to assist in the allocation of physical space and staff resources needed for supervision. Such information would also provide a basis for content neutral allocation of resources.

*Question*

2. *Persons testifying to the Committee stated that although an individual may be granted permission to make religious visits at one institution, that same person may be denied permission to make religious visits at a different institution. What are the reasons for this discrepancy? Can changes be made to ensure that the administrative rules and department policies and procedures regarding religious visits be applied in a uniform and consistent manner throughout the prison system?*

Response

The participation of individuals in volunteer activities is subject to approval of the institution Warden. If the Warden believes that a particular person should not be approved as a volunteer at any DA1 institution, the Warden may submit a recommendation to the Division Administrator for a decision. There are circumstances when approval of a volunteer is considered problematic at one institution but the reason does not pose security or safety concerns at another institution. These situations are evaluated on a case-by-case basis. For example, the development of a personal relationship between a volunteer and a specific inmate poses a security risk at that institution, but may not present a problem if that person serves as a volunteer at another institution.

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RESPONSES TO QUESTIONS FROM THE JOINT LEGISLATIVE COUNCIL'S  
SPECIAL COMMITTEE ON FAITH- BASED APPROACHES TO CRIME  
PREVENTION AND JUSTICE

*Question*

3. *Does each institution provide a written statement of the reason for the denial of a request to make a religious visit? Is there a procedure in place for a religious leader to appeal the denial of a visit request?*

Response

Institutions have a practice of responding to written requests in writing. If a religious leader is denied a visit, the person may appeal to the institution Warden or by writing to the Administrator of the Division of Adult Institutions. Inmates may use the Inmate Complaint Review System.

*Question*

4. *Why does DOC prohibit a person from volunteering in a prison if that person is also on the personal visiting list of a prisoner?*

Response

Department policies prohibit staff and volunteers from establishing social and physical relationships with inmates outside of their role of staff or as a volunteer. Consequently, policies also prohibit immediate family members or persons on an approved inmate's visiting list to serve as volunteers at the same facility. An exception may be granted if the Warden determines that the security of the institution would not be adversely affected if the person became both a visitor and a volunteer. For the sake of institution safety and security, the Department believes it is imperative that staff and volunteers maintain a professional relationship with inmates. For example, a person visiting an inmate may be placed in a position of the inmate pressuring the person to perform a personal favor by delivering an unauthorized item or items to other inmates who participate in a program that the volunteer is involved in.

*Question*

5. *It was stated at the hearing that an individual may be banned from a prison if that person preaches the advocacy of violence or hatred as part of their religion. To which religious faith have individuals whose access was denied on these grounds belonged?*

Response

The Department's Administrative Code prohibits publications that teach or advocate violence or hatred and present a danger to the security and order of the institution. Use of such materials poses a direct threat to inmates and staff. Any

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person preaching the advocacy of violence or hatred as a part of their religion would also be denied access to the institution. Attached are several court decisions relating to this issue.

*Question*

6. ***What is DOC's policy on the right of a person providing religious volunteer services to "screen " inmates who wish to participate in the religious program? Does the department take any steps to determine whether an inmate's request to participate in a religious service is Legitimate?***

Response

The Department provides inmates with the opportunity to practice the religion of their choice. Requests that are non-routine or above and beyond what we already do are submitted to the Warden. The institution Warden, with the assistance of the Chaplain, uses the process in DOC 309.61 to review inmate religious practice requests to determine if the request is motivated by religious belief.

Inmates who become disruptive during religious services or activities may be prohibited from attending group activities and may be subject to discipline. Procedures do not provide for outside religious leaders or volunteers to screen and decide on an inmate's participation in religious services or activities. Inmate participation at services and activities is voluntary and by inmate choice.

*Question*

7. ***Does DOC take any steps to ensure that its chaplains are knowledgeable about and sensitive to religions other than their own? Should more training be provided in this area? Are Wisconsin prison guards required to receive any training regarding the major aspects of various religious faiths? Would training of this type facilitate the practice of religion by inmates of non-Christian faiths?***

Response

The Department tries to balance staff training needs within available resources. New correctional officers, who have the responsibility to supervise inmates consistent with policies and procedures, complete an extensive training course which includes the following areas: 1) communication, 2) socialization theories relating to ethnic, racial and social status and effective supervision, 3) legal issues, and 4) the Department's DOC 309.61 Wis. Adm. Code and Internal Management Procedure # 6 relating to Religious Beliefs and Practices. Trainees are instructed to be aware and sensitive to different religious beliefs and practices.

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Different institutions have also included this topic in their in-service training at their institution.

In regards to correctional officers, the Department would welcome additional training. However, this would require additional resources. Additional training would most likely have to be conducted on officer overtime. There are over 2700 correctional officers in the system. The training cost for these officers on overtime is estimated at approximately \$21/hour for a total estimated cost of \$56,700/hour if all officers were included.

It is the Department's position that staff should remain neutral on inmate religious participation. The role of the Chaplain is to provide opportunities for inmates to practice the religion of their choice and to encourage religious groups from outside the institution to take part in institution religious activities. Inmate participation is always voluntary.

Chaplains coordinate religious programs for all religious faiths and maintain contact with community programs. This includes consultation with religious/spiritual leaders in the community on requests that relate to religions other than their own. It is the inmate's responsibility to provide appropriate materials in support of a specific religious request under Sec. DOC 309.6 1(2), Wis. Adm. Code. This makes it possible for staff unfamiliar with a specific religion to familiarize themselves with that religion and with resources which the practice of that religion involves such as icons, emblems, literature, etc.

*Question*

8. *All of the adult male prisons in Wisconsin have at least two full-time chaplain positions. Has DOC considered requiring that each chaplain at a prison represent a different faith? Would this requirement help to ensure that the religious needs of more inmates are met?*

Response

Not all adult male prisons in Wisconsin have two full-time chaplains. The Oakhill Correctional institution has only two part-time chaplains filling Oakhill's .4 and .5 Full-time Equivalency (FTE) positions.

Department Chaplains positions are announced and hired on a nondenominational basis so individuals from any faith may apply. Requiring institutions to hire Chaplains of different faiths would diminish the Department's approach to equal opportunity and could violate state and federal law. The Chaplains are employed to coordinate religious programs for inmates of all faiths. The Department does

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not believe that a requirement as that suggested in the questions would ensure that the religious needs of more inmates would be met.

*Question*

9. *Several persons testifying to the Committee stated that some prison personnel do not permit Wiccans and Native Americans to possess certain religious items. What is the department's policy regarding possession of religious items? It was also stated that inmates in segregation are allowed to possess a copy of the Bible, but are not allowed to possess religious materials which are part of the Islamic, Wiccan or Native American faiths. Please respond to this claim*

Response

The Department allows inmates to possess certain religious property. The Department's Internal Management Procedures identify religious items and property that individual inmates may possess and what may be used for group activities. For obvious security reasons there are limits on the amount and types of property inmates may possess.

It is inaccurate that inmates in segregation are only allowed the Bible. Inmates in segregation status are provided with holy books from their religion upon request as defined in DOC 303.69 and DOC 303.70, WIS. Adm. Code. (See Attached). Based on their status in segregation, they may be allowed additional religious materials consistent with their security needs. Inmates are placed in segregation because they have exhibited behavior problems in the general population. Security concerns are magnified in segregation and strict control of behavior and property is necessary.

*Question*

10. *At the meeting, the idea of creating one or more "roaming" chaplain positions was discussed. Specifically, it was suggested that one or more Islamic religious leaders be hired to provide religious services at various institutions throughout the state. Please provide a response to this suggestion.*

Response

See response to # 8. Additionally, if this were done for one religion, it would arguably need to be done for numerous additional religions under equal treatment legal principles and would require additional budget resources.

**B. RESPONSES TO THE MARK WELCH LETTER**



RESPONSES TO QUESTIONS FROM THE JOINT LEGISLATIVE COUNCIL'S  
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Concerns at Columbia Correctional Institution ( CC1 )

Different religious groups have had innumerable meetings with Department staff **in** attempts to resolve their concerns. For example, several meetings have been held at **CC1** involving Mr. Welch and the issues brought forward in his letter. CC1 staff had believed these issues were resolved.

*Question*

1. *We can't take the sacred pipe to prisoners in Seg. 1 which allows smoking. Also can 't take sacred pipe to Seg. 2 which doesn 't allow smoking. This is a powerful way to pray, a direct link to the creator, and also helps to heal the prisoner.*

Response

Smoking is not allowed inside the Disciplinary Segregation Unit #1 (DS-1). The institution has offered Mr. Welch the ability to bring the sacred pipe to DS-1 and pass it through the exercise pens in the back of the building where smoking is permitted. Mr. Welch, after consulting with his elders, declined passing the pipe in the segregation areas.

*Question*

2. *Prisoners can't use clam or abalone shells for smudging, instead are forced to use plastic ashtrays which burst apart every once in a while from repeated heating and cooling.*

Response

The institution has experimented with this by heating the ashtrays with a blowtorch, burning a hole through them, and found that the ashtrays did not explode, they just melted. Inmates use these ashtrays to extinguish their smoking materials in the Housing Units. CC1 has had no reports of ashtrays bursting or breaking apart, nor have they witnessed this. Mr. Welch has already been advised of this fact and had presumably accepted it.

*Question*

3. *No bathroom facilities at Sweat Lodge site. Porta potty was near by for Summer and Fall, but nothing for Winter and Spring.*

Response

The Sweat Lodge is a **difficult** activity to accommodate because it is held on institution grounds with inmates present. The Sweat Lodge ceremony must be

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supervised by security staff during the many hours involved. It involves an enormous amount of staff resources for a relatively small group of inmates; Institutions try to provide this opportunity, but do not have the resources to give inmates everything they want in this regard.

During the warm weather months, a port-a-potty close to the sweat lodge area to accommodate recreation needs has been provided. This is available for use during the sweat lodge. At other times, if inmates need to use the restroom while participating in the sweat lodge, they are escorted back to their housing units. Unfortunately, for security reasons and given limited staff resources, they are not allowed to return to the sweat lodge. This holds true for all activities at CCI. Volunteers who build the fire are allowed to use the restroom facilities in the gymnasium.

*Question*

4. *We can 't receive **gifts** from prisoners at Sacred Sweat Lodge Ceremony - giving is very important in our traditional ceremonies and traditions.*

Response

The exchange of gifts between volunteers and inmates is a **clear violation** of institution policies and procedures. Volunteers receive copies of these policies and are informed that the exchange of gifts between volunteers and inmates may result in the termination of their status of being a volunteer.

*Question*

5. *We can 't give prisoners smudge materials shells, tobacco, sage, sweetgrass, cedar or sacred prayer feathers, sacred pipes, etc.*

Response

With regard to bringing in smudge materials, berries and other sacred food for feasts, this is not allowed at Columbia Correctional Institution by any religious group, volunteer group or individual. This raises significant security issues, e.g. bringing in drugs and weapons. There are also health and safety concerns as the institution would have no control over the preparation, handling, and transporting of such food. We do not want anyone to become ill, as the state would be liable for any health care costs there would be in the event of a food poisoning incident along with additional potential liability. For this reason foods are limited to what is prepared at the institution.

*Question*

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6. *We can 't bring in berries or any other sacredfeastfoodfor our Sacred Sweat Lodge Ceremony which is also very importantfor the ceremony.*

Response

See response to Question #5

*Question*

7. *We do not have any separate area for our sacred items and unlike the Christian religions, we have no file or office space to use.*

Response

Volunteers and group leaders are not routinely assigned space in the institution. When requests are made for storage space, efforts are made to accommodate such requests. For example, Mr. Welch has been informed that he can use one of the conference rooms while he is at CC1 if he needs to do any type of office work. The institution has also provided him a filing cabinet for the storage of sacred Native American items and any other material.

*Question*

8. *There is a lack of books, newspapers, tapes, and videos for first nation prisoners. Also lack of funds for Sweat Lodge Materials such as canvas tarps and for Spiritual Leaders, Advisors, guest speakers, etc.*

The Department does not have a specific budget for the purchase of religious items as opposed to providing staff/group leaders/volunteers, and physical space/upkeep for religious activities. If there is a need for an item such as a tarp for the Sweat lodge, replacement of the tarp for the Sweat Lodge structure would be considered.

The actual purchasing of such religious items by the state would raise legal issues. If religious items were purchased for one religion, the Department would be obligated to purchase them for other religions. It should be noted that many Christian groups provide donations to the Chaplains. That is why Christian materials appear to be more readily available. They are not purchased with institution funds.

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System Wide Concerns

*Question*

1. *Lack of funds for First Nation Prisoners Spiritual, healing needs, lack of funds for spiritual leaders, advisors, guest elders.*

Response

The Department does not have a budget for reimbursement of spiritual leaders, advisors and guest elders. Under DOC 309.61(4)(d), the warden may compensate representatives of religious groups who provide services commonly provided by Chaplains. This is generally done in the form of a stipend when volunteers are not available.

The Department has a legal responsibility to provide medical care to inmates. The potential introduction of traditional/spiritual healing practices raises significant medical and legal issues that are being studied at this time.

*Question*

2. *Lack of respect for our traditional ways from guards, prison chaplains/priests, and administration.*

Response

The Department tries to respect the beliefs of all religions represented in the inmate population. We request that visiting clergy, spiritual leaders and volunteers respect the Department's responsibility to provide equal opportunities to all religious groups. Decisions on religious practice opportunities are based on factors that intend to ensure safe, secure and orderly institution operations. Unfortunately security needs of the institution sometimes conflict with religious practice requests. For example, sometimes spiritual leaders and/or inmates have requested that female staff not be allowed to perform their regular job duties of searching property and supervising religious activities which based on past court decisions would violate female staffs employment legal rights.

*Question*

3. *Not having the same rights and privileges as prison chaplains and priests.*

Response

The Department tries to be consistent with representatives from all religious

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groups represented in the population. Visiting clergy, spiritual leaders and volunteers are not employees of the Department and their roles are different. For the sake of safety and security, they are subject to policies and procedures that govern these kind of visits.

Volunteers are not subject to the same background checks, training, and supervision as required for staff. Even staff are subject to strict policies and procedures in order to maintain institution security such as the Department's Fraternalization Policy. In addition, it is not feasible to allow members of the public to wander about the institution at their own whim.

*Question*

4. *Every Wisconsin state prison rules and regulations concerning first nation prisoners are subject to the differing views and whims of each individual prison Warden, head of security and to a lesser extent the prison Chaplains.*

Response

The Department has experienced tremendous growth over the past several years. System wide consistency is an ongoing concern. Institutional differences in security level, physical plant, and staffing patterns also account for differing operational policies, procedures and practices. Inmate Complaint Procedures provide a process whereby inmates may address their grievances that relate to institution operations and staff actions.

*Question*

5. *We are not able to use all of our traditional way and medicines to help heal our First Nation prisoners physically, mentally, emotionally and spiritually. Prisoners are being released to our communities in the same or worse condition than they went into prison.*

Response

The introduction of traditional "native" medicines involves significant medical and legal issues and potential costs that are being studied at this time. The Department provides comprehensive health services to inmates with medical needs and believes their needs are being met.

*Final Question*

*The underlining question to all this is: Are we going to just **punish** and torture the prisoners or are we going to try and help them become better people by **trying** to help them heal?*

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Response

**Inmates** are not tortured. The legislature has determined that confinement is an appropriate sanction for certain criminal behavior and inmates are sentenced to our prisons by the courts. The Department believes it carries out this responsibility in a humane manner consistent with State and Federal law. The Department has historically been considered a national leader in carrying out the principles of humane and effective rehabilitation.

It is important to point out that First Amendment freedoms are not absolute, even in a prison setting. Not every religious practice can be permitted in the controlled and tightly secure prison environment. As examples, see the court decisions provided with this response. Courts have consistently supported reasonable limitations on inmate freedom within the prison setting. (See *Turner v. Safley*)

The Department's mission includes accountability to the taxpayers through efficient and effective management of available resources. The inmate population presents multiple needs including sex offender treatment, AODA treatment, child abuse prevention, domestic violence counseling, cognitive intervention programs, social skills training, psychological services, education-literacy and vocational training. The Department tries to provide a balanced and diverse approach by providing offenders with opportunities to practice their religion, to participate in program and work, and to promote positive lifestyle changes and law abiding behaviors. The availability of space and resources for programming and staff supervision of inmate activities are major considerations as the Department tries to make the best use of the taxpayers money.

STATE GOVERNMENT

# Have faith, get funding .

*Wisconsin gives preference to W-2 providers that use faith-based approach.*

By JUDITH DAVIDOFF

**W**isconsin contracts with hundreds, if not thousands, of organizations that provide social services to residents. But in renewing its contracts with W-2 agencies, the state Department of Workforce Development is boldly going where it's never gone before.

"This is the first time that contracting with a faith-based provider" has been used as a criterion for contract renewal, confirms Jean Rogers, administrator of the Division of Economic Support.

Statewide, 75 agencies—including some for-profit groups in Milwaukee—administer W-2, the state's welfare program, since it began in September 1997; their contracts expire Dec. 31. Last week, the Department of Workforce Development announced that 62 of these agencies have already qualified for early renewal of their contracts. That means they won't face any competition in May when the state puts out bids for the new two-year contracts that begin Jan. 1, 2000.

Among the criteria for this "fast track" renewal, confirms Rogers, was whether agencies subcontracted with a faith-based

organization to provide "face-to-face services to participants." Rogers says the state is merely following guidelines regarding "charitable choice" in the federal government's 1996 welfare overhaul bill, which aims to expand the role of faith-based groups in the delivery of social services. The state's criterion, she says, is an attempt to level the playing field, since religious organizations—because of First Amendment concerns over the separation of church and state—have traditionally been shut out of the competition for state contracts.

Explains Rogers, "Sometimes you have to lean a little [in one direction] if you've been leaning the other way."

But Rep. Mark Miller, who is opposed to government funding of programs that have a "sectarian cast to the delivery of services," is worried that the state's criteria may give preferential treatment to faith-based groups. "I am concerned about separation-of-church-and-state issues," says the freshman Democrat from Monona.

So is Chris Ahmuty, executive director of the Wisconsin American Civil Liberties Union. Giving preference to faith-based groups, he

says, is counter to even the intent of charitable choice: "It says you can't discriminate against faith-based institutions, but if you give a preference, you're going beyond not discriminating."

Ahmuty's organization is investigating whether including contracting with faith-based groups as one of the state's criteria for "best practices"—which also considers such things as whether an agency has provided child-care information to clients—violates the law, including the nondiscrimination intent of the charitable-choice legislation.

"If [the state] is discriminating in favor of one or the other, they should be able to articulate some rationale for including contracting with faith-based groups as one of the four best practices," says Ahmuty. "There should be a rationale based on the secular purpose of the program, which is presumably to get people out of poverty."

Moreover, Ahmuty ponders the effect of the state providing an incentive to W-2 agencies to contract with faith-based providers. "Will it steer people away from working with special populations or providing child care?" asks Ahmuty. "Is child care less important than using a faith-based organization? I don't think so." ■



*"Jesus Loves You and He will Heal Your Hearts!"*

**Mt Chuck Franks**  
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May 15, 1999

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**Committee;**

**The need of revising the renewing of the criminal mind to cut down the recidivism of the criminal.**

**The group sessions the criminal goes to needs revising. They need to ask forgiveness and receive forgiveness from the victim. Then the matter needs to be dropped. When Christ died for the sins of the world your sins were put as far as the east is from the west, or in the deepest depths of the sea. We are made in the image of God (Genesis 1:26 God said "let us make man in our image, after your likeness; to let them have dominion over the fish of the sea and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth (1:27). So God created man in his own image, in the image of God created he him; male and female created he them".**

**When God created the world he spoke it into existence (Genesis 1:3). Example is: He said "let there be light and there was light. If we are made in the image of God, we are capable of the same things. It just takes more speaking for us, because our faith is not as great as God's, but eventually what we speak gets into our spirit and the more we speak it, the more it gets reinforced in our spirit and eventually it comes to pass, because we begin to dwell on it and trying to figure a way to try and do it and not get caught. Then we end up in recidivism.**

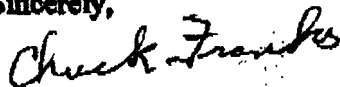
**If we only ask for forgiveness and receive it one time and then put it behind us and start renewing our mind with the word of God, through meditation and memorization. Find the word that covers your situation, when you happen to feel the urge, or Satan's solicitation to return to the crime you**



keep repeating the word of God, you memorize and the urge has to leave in Jesus name. You keep resisting and using the Word of God, the criminal urges will disappear. Then there won't be a reason to get sent back to jail.

By the reinforcing of the word of God all the time it starts to come out of your mouth and going into your ears and changing your spirit and mind to continue to do good. Which builds up your faith. Romans 10:17 "Faith cometh by hearing and hearing cometh from the Word of God". That word hearing isn't just hearing. It means hearing, hearing and hearing and hearing. It puts the word into your spirit and reinforcing it good or bad and it eventually it comes to pass.

Sincerely,



Chuck Franks  
TAP Ministries