

Fiscal Estimate Narratives

DOC 3/3/2004

LRB Number	03-4094/3	Introduction Number	AB-861	Estimate Type	Original
Subject					
Supervised release of sex predators					

Assumptions Used in Arriving at Fiscal Estimate

Current law provides a definition of a "sexually violent person". Current law also requires the court to grant a petition for supervised release unless the state proves that it is still substantially probable that the person will engage in future acts of sexual violence if institutionalized care is not continued. This bill reduces the burden of proof necessary for commitment and increases the criteria for supervised release of §980, Wisconsin Statutes, sexually violent persons.

The Department of Health and Family Services is responsible for all costs of those offenders committed to the Department of Health and Family Services and fully reimburses the Department of Corrections for supervising those offenders when the offender is being supervised in the community. Nevertheless, the Department of Corrections incurs the costs of evaluating which offenders should be considered for commitment to the Department of Health and Family Services. A reduction in the burden of proof will likely increase the number of offenders referred and subsequently committed by the Department of Health and Family Services.

During CY2003, approximately 1,200 adult cases were screened by §980 staff to determine whether the case should be evaluated under chapter 980 statutes.

Of the adult cases screened, 102 cases were referred to the End of Confinement Review Board (ECRB) in CY2003. ECRB members travel to institutions to conduct detailed file reviews to make a preliminary determination of whether an inmate may be eligible for chapter 980 proceedings, resulting in a report reviewed with all ECRB members. The Division of Juvenile Corrections' (DJC) Sexually Violent Person Act Review Committee (SVPARC), which is equivalent to the ECRB for adults, reviewed an additional 175 juvenile cases.

On those cases referred by the ECRB or SVPARC, the Department conducts special purpose evaluations (SPEs) or psychological evaluations. During CY2003, §980 psychologists prepared over 120 special purpose evaluations for adult cases and another 13 psychological evaluations were prepared for juvenile cases. During a special purpose evaluation, a psychologist again conducts a detailed file review at the institution and gathers pertinent legal and clinical records from other sources such as parole agents or district attorneys. A clinical interview with the offender is also conducted at this time, and an even more detailed forensic report is generated.

During CY2003, 32 adult cases and 4 juvenile cases were referred from DOC to the Department of Justice (DOJ). For these DOJ referrals, the §980 psychologists are generally required to prepare and provide court testimony. The DOJ court hearing determines final §980 status of these referrals.

For those offenders who are not formally identified as §980 cases and who have previous SPEs completed, revised and updated evaluations are required every time they re-enter a DOC institution either on a rules violation, revocation or new sentence.

The Department currently has 1.0 FTE performing the initial screening of adult cases and 4.25 FTE psychologists in the §980 section and another 0.25 FTE psychologist in one of the juvenile institutions conducting special purpose evaluations.

The proposed legislation reduces the burden of proof for referral for §980 status and commitment and increases the burden of proof that an offender is ready to be returned to the community on supervised release. The Department cannot predict the number of increased cases that would be forwarded to the ECRB Board and the DOJ or the decrease in supervised release cases to the community, so a projection of costs cannot be completed. However, the annual fiscal cost of each additional psychologist needed to

perform the evaluations and provide testimony in court cases is \$78,400 plus \$7,900 for one-time start-up costs.

Long-Range Fiscal Implications