

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05s0505/1	Introduction Number SSA1-AB591
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Description
 Global positioning system tracking and a residency requirement for certain sex offenders, changes to the sex offender registry Web site, and providing a penalty

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.410 (1) (b)	

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Fiscal Estimate Narratives

DOC 3/1/2006

LRB Number	05s0505/1	Introduction Number	SSA1-AB591	Estimate Type	Supplemental
Description Global positioning system tracking and a residency requirement for certain sex offenders, changes to the sex offender registry Web site, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Senate Substitute Amendment 1 requires certain changes to the Department's sex offender registry and public website, provides restrictions to housing sex offenders in Milwaukee County, requires lifetime GPS tracking of certain sex offenders, requires the Department to charge offenders on GPS for the costs of operations relating to GPS, and provides for escorting of certain sex offenders every time the offender is away from the offender's home.

Sex Offender Registry

Under current law, the Department is required to maintain a sex offender registry on the Internet. This amendment requires the Department's Sex Offender Registry [SOR] to display a notice, in red, if the offender is a sexually violent offender as defined in Chapter 980.01(7); a current color photograph and physical description of each offender; the offender's name and home address; the crimes for which the offender must register; whether or not the offender has responded to the Department's last contact letter; most conditions of an offender's supervised release; supervised release or discharge hearing dates, locations, and times; the supervised release or discharge hearing court and judge's name; and the most recent date information was updated for all of these changes.

The Department already provides a current color photograph and physical description of each offender, the offender's name and home address, the crimes for which the offender must register, and whether or not the offender has responded to the Department's last contact letter. There is no 'last updated' information for any of the current data except for the offender's address and for the photograph.

Court related data [judge name, court name, dates, times, locations of hearings, and the court's conditions of release] are not currently electronically available to the Department nor is the outcome of s. 980 hearings. The Department will have to make programming changes to electronically or manually record the new data as well as make programming changes to the website displaying the data. The Department estimates a total of 1,300-1,400 hours programming time is necessary. Assuming a \$150/hr contractor cost, reprogramming will cost between \$195,000 and \$210,000.

Any data which can not be captured electronically [court related data and hearing outcomes] will require staff to research [using paper, telephone, etc.] and to manually enter the information, which will then be displayed on the website. Currently, the Department's SOR staff [FTEs and LTEs] record an average of 500 sex offender changes per week [26,000 per year]. Although this group of offenders already would be registered, the additional workload associated with manually tracked court-related changes would require 1.0 GPR Office Operations Associate at \$47,800 annually and \$8,900 in one time costs.

Housing of Offenders

Under current law, a person who has been committed to the custody of the Department of Health and Family Services [DHFS] as a sexually violent person [s. 980] or found not guilty by reason of mental disease or defect for a sex offense [s. 971.17], may, in certain circumstances, be placed on supervised [s. 980] or conditional [s. 971.17] release. DHFS must make its best effort to arrange for housing in a residential facility or dwelling in the offender's county of residence.

This bill provides that if the offender was living in Milwaukee County, the offender's supervised release housing must be located in the specific village, town, or city in which the offender lived at the time of the sexually violent offense. The bill further provides that these same restrictions apply to offenders released on parole or extended supervision who have been convicted of a sex offense as defined in s. 301.45(1d)(b). If the county of the person's residence declines to prepare a release plan, DHFS may arrange for the county

in which the person was convicted or a county containing a sex offender treatment facility to do so. This bill precludes DHFS from placing conditional and supervised release sex offenders in a facility that was not already in existence on January 1, 2006. The fiscal impact of these provisions is unknown.

GPS Tracking of Certain Sex Offenders

Current law allows the Department to place any offender on either an electronic monitor or on GPS, as a condition of parole, probation or supervised release, while the offender is under the Department's supervision.

Senate Substitute Amendment 1 to Assembly Bill 591 requires the Department of Corrections to place every person (with certain exemptions made by the courts), who is placed on parole, probation or extended supervision or directly discharged from an institution after being convicted of first or second degree sexual assault of a child or for repeated sexual assault of a child, or for solicitation, conspiracy, or attempt to engage in these crimes, on a global positioning system (GPS) tracking device for the lifetime of the offender.

The amendment also directs the Department of Health and Family Services (DHFS), with certain court-determined exemptions, to use GPS lifetime tracking on all supervised release offenders committed for treatment as a sexually violent person and conditional release offenders after having been found not guilty by reason of mental disease or defect for these same serious child sex offenses. This bill also requires GPS tracking of any offender convicted under federal law or a comparable law of another state who lives, works or goes to school in Wisconsin and is under the supervision of another state.

This amendment also gives the Department discretion to place sex offenders who do not meet the specific statutory requirement for lifetime supervision or for GPS tracking included in this bill onto GPS tracking as a condition of the offender's probation, extended supervision, or parole for the time-period the offender is under the Department's supervision [not lifetime].

During CY 2003 and CY 2004, 610 and 603 offenders were placed on probation, parole, or extended supervision for first or second degree sexual assault of a child and repeated sexual assault of a child, respectively [average 607]. In addition, an estimated 20 offenders annually are discharged directly from prison (i.e. do not have any community correction supervision). In addition, according to the Department of Health and Family Services, there are an estimated 20 offenders per year placed on supervised or conditional release for these same offenses.

Assuming the prior years' data is representative of future statistics, 647 offenders per year would be added to lifetime GPS. Assuming the average lifetime of these offenders is at least 20 years beyond the date they are first tracked using GPS, a total of 12,940 offenders could be on active GPS monitoring in the 20th year.

Offenders may petition the court to discontinue lifetime monitoring after 20 years. If the offender petitions, the Department may prepare a report to the court on the offenders' behavior while on GPS and may make a recommendation to the court about the discontinuation of GPS. This amendment also allows the Department to petition the court for early removal from lifetime GPS if the offender is permanently physically incapacitated.

The Department is unable to estimate the number of offenders who work or go to school in Wisconsin, but are supervised by another state. The Department is also unable to estimate the number of offenders the Department will choose to place on GPS beyond those mandated in this bill.

Equipment:

This bill requires the Department to contract with a vendor to provide both the GPS equipment and the related services of notifying the Department and local law enforcement of an offender's movement violations using a competitive bid process. This bill also requires the Department to use equipment that supports the largest cellular communication coverage area and requires land line communications—rather than cellular—from the GPS unit to the vendor.

The only technology currently available to the Department that would meet the "immediate alert" requirement of this bill is active GPS, which involves the offender carrying a small unit that tracks and records the whereabouts of the offender once per minute. Under an active GPS system, every 10 minutes the tracking device sends the cumulative data to the Department. The periodic whereabouts of the offender can be tracked on a computer screen--although viewing in real-time will only show the most recent location. If the offender is in a prohibited area, an alert is issued, and just as in the case of the non-GPS technology,

Department staff addresses the alert according to pre-established procedures. Often, the Department's staff will address the alert internally by verifying equipment malfunctions or the agent will provide additional data indicating the offender has an approved schedule change that was not entered. When it is determined the alert is 'real', the agent or, after hours, local law enforcement are contacted.

The Active GPS technology the Department currently leases costs between a flat rate of \$9.00/day and \$11.50/day and an additional per call charge (depending upon the communication technologies available in certain portions of Wisconsin), with an average of approximately \$11 per day based on recent experience. These costs do not include the staff needed to respond to or analyze the alert data provided by the vendor.

The annual equipment costs for 647 offenders are approximately \$2.6 million in Yr 1, \$5.2 million for 1,294 offenders in Yr 2; and \$7.8 million for 1,941 offenders in Yr 3. These equipment costs would continue to increase each year to approximately \$52 million for 12,940 offenders who will be on GPS monitoring after 20 years, after which time the first offenders affected by this bill could petition the courts for removal of the GPS lifetime tracking requirement. It is assumed all offenders have at least a twenty year lifespan beyond the time they are first placed on GPS.

At times, the Department has paid for installation of a telephone in the offender's home in order to operate the equipment. Installation costs range from \$75 to \$200 depending upon existing telephone jacks/lines in the residence. The Department has also paid for unpaid phone bills that need to be cleared before the phone company will activate offender telephone lines and paid for monthly phone bills [averages \$33/each/month]. These charges would also increase the Department's costs of GPS and are not included in the equipment cost.

The amendment prohibits a person from tampering with a GPS device. Violators of this provision would be guilty of a class I felony and may be fined up to \$10,000 and/or sentenced to a term of imprisonment of up to three years and six months. The Department can not determine how many offenders will be charged and convicted of this crime.

Staffing:

Financial Systems: This amendment requires the Department to evaluate the finances of every offender placed on GPS and determine the GPS amount the person is able to pay. This amendment requires the offender to pay the amount determined by the Department for GPS. Except for supervised release and conditional release offenders, if the offender cannot pay the full per-offender costs of staff and equipment, the Department is responsible for the difference. It should be noted this would include those offenders who work, live or go to school in Wisconsin, but are supervised by another state as well as those offenders who are no longer under the Department's supervision, but for the GPS tracking.

If the supervised release and conditional release offenders are unable to pay the full costs, the Department of Health and Family Services is required to reimburse the Department of Corrections for the full per-offender costs of staff and GPS equipment.

Although probation and parole agents are expected to evaluate each offender's ability to pay, the Department will require 1.0 Financial Specialist 2 and 1.0 Financial Specialist 4 to maintain the financial evaluation tracking system and receipt funds. Annualized costs for the 2.0 GPR FTE are \$101,900. An additional \$17,800 in one time costs would be needed for these positions.

Monitoring Center: The bill would require additional Monitoring Center staff to monitor the GPS devices. The Department currently monitors 1,352 non-GPS offenders 24 hours per day, 7 days per week with staffing of 13.50 FTE Corrections Communication Operators [CCOs], 10.0 CCO LTEs, and 4.0 Supervisors. This averages approximately one CCO for every 57.5 offenders.

Each year, the Department would require 2.0 GPR Communication Operator Supervisors, along with 11.0 GPR CCOs to track 647 additional offenders on lifetime GPS. The annual cost for these 13.0 GPR staff in the monitoring center would be \$672,800. An additional \$115,400 in one time costs would be needed for these 13.0 GPR positions as well. The FTE and costs would continue to increase each year so that by the twentieth year, 260.0 GPR FTE and \$13.5 million would be required to monitor the 12,940 offenders, at which time the first offenders affected by this bill could petition the courts for removal of the GPS requirement.

Probation and Parole Agents: Under this bill, the Department would require additional probation and parole agent staff to supervise the offenders, evaluate the finances of offenders at least annually to determine their ability to pay, and to prepare a report for the courts on the behavior of the offender while the offender is on

lifetime GPS, as well as offer an opinion on whether or not the offender should be removed from lifetime GPS when an offender petitions the court for discontinuation of lifetime GPS.

With active GPS technology, probation and parole agent workload will increase, as agents will not only have to enter offender's schedules as is currently being done with non-GPS monitoring, but will also be expected to review and analyze offender movement patterns and determine prohibited areas for every offender. It should be noted that this workload will continue for the lifetime of the offender, even though the offender has been discharged from the Department's supervision. Finally, it is assumed probation and parole agents will prepare court reports on the lifetime GPS offender's behavior while being monitored. This same workload is also assumed for those offenders who reside in another state but work or go to school in Wisconsin and who may be supervised by another state.

The new duties along with the addition of offenders who would have, barring this legislation, been discharged from the Department's supervision, results in the Department's need for an additional 21.75 P&P Agents, 2.00 Correctional Field Supervisors, 0.50 Program Support Supervisor and 1.00 Office Operations Associates per year for the next 20 years. An additional 505.0 GPR FTE and an annual cost of approximately \$32.4 million would be required to monitor a total of 12,940 offenders on GPS tracking.

Escorts:

This amendment requires that, as a condition of supervised release granted under s. 980, the Department of Health & Family Services shall restrict for the first year the movement of a person on supervised release to the person's home, except for outings escorted by DOC staff that are for employment, religious, or basic living needs. According to DHFS, approximately 10 offenders are admitted to supervised release status under s. 980 annually.

It is assumed that 'direct supervision' means that the offender will be within arms length of a DOC staff person at all times and that the Department need not 'directly supervise' an offender while the offender is confined to their home. It is also assumed that the 10 new offenders requiring escort annually will live in different communities than the 10 offenders escorted the year before. The Department can not feasibly require its staff to relocate annually, thus costs associated with the direct supervision of escorting new Chapter 980 supervised releases utilizes overtime, rather than new FTE, to provide mandated escort services.

Assuming only half of the supervised release offenders will find employment during the first year, and then for only the final six months of the year and allowing 12 hours per week for laundry, grocery shopping, and the like, the Department will provide escort services approximately 12,200 hours per year for 10 offenders on supervised release (6,000 hours for employment and 6,200 for other escorts). It is assumed the full costs [OT salary/OT fringe] will be charged to the Department of Health & Family Services. Annual costs total approximately \$459,000. The actual transportation costs of the offender will also be charged to DHFS.

The Department cannot predict the revenues collected from those placed on probation, parole or extended supervision, and continuing for the lifetime of the offender, to repay the Department's costs of GPS. Current Department supervision fees range between \$20/month to \$60/month. Nevertheless, the Department's collection rates for those fees average only slightly over 70%. The costs of GPS, assuming even the lowest cost equipment [\$9.00/day], and without any staff costs included will be \$270/month, per offender. Given the current collection rates of other, much lower required payments, it is unlikely the Department would receive revenues from offenders equal to expenditures.

It is assumed DHFS will continue to contract with Corrections for supervision and GPS tracking of supervised and conditional release offenders. Currently, DHFS pays the Department for the costs of supervision, including the equipment and existing staff costs of GPS, for supervised and conditional release offenders. It is assumed the DHFS will reimburse the Department for the per offender costs of supervising 20 offenders in Year 1 (reduced by the amount the 20 offenders contribute). By Year 20, the DHFS would contribute the full costs of supervising 400 offenders, again reduced by the amount contributed by offenders). The Department cannot estimate the amount of revenue it will receive from offenders to offset the cost of GPS.

Summary

Year 1: \$5,789,300 GPR and 41.25 GPR FTE
Year 2: \$10,650,000 GPR and 79.50 GPR FTE

Year 3: \$15,537,400 GPR and 117.75 GPR FTE

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Year 20: \$98,623,300 GPR and 768.00 GPR FTE

Local Costs

As mentioned above, this bill requires the Department to ensure the GPS device carried by the offender immediately alert the local law enforcement agency with jurisdiction over any exclusionary zone in which the offender lingers for a period longer than necessary to travel through the zone. Since this notification will bypass the current system whereby Department staff addresses many alerts (faulty equipment or incomplete schedules) without local law enforcement notification, it is assumed local law enforcement would dispatch officers on a high priority basis to visit the violation site and locate the offender. Potentially, the violation site can be far away from the closest law enforcement officer. While the Department can not predict the number of violations in any specific jurisdiction, it can be assumed that many jurisdictions in Wisconsin would be required to hire additional officers to cover emergency response to 'immediate' notification.

In order to receive and interpret offender alerts directly, every local Wisconsin law enforcement agency will need hardware and software capable of internet connection. Local law enforcement will also require training on GPS interpretation.

It is unknown if all local law enforcement agencies have 24-7 dispatch staff that could also be charged with monitoring GPS. If current dispatch staff could not also absorb the workload associated with monitoring GPS alerts, then local law enforcement would have to hire additional staff to receive and verify alerts.

Long-Range Fiscal Implications

By the 20th year, the Department's costs include: \$51,954,100 GPR for equipment, \$459,000 for escorts, \$266,500 one-time funding for new staff, and \$45,943,700 GPR salary/fringe and staff related S&S for 768.00 GPR FTE.