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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Corrections and the Courts...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Assembly

Record of Committee Proceedings

Committee on Corrections and the Courts

Assembly Bill 699

Relating to: the establishment of medium security correctional institutions on the grounds of the Lincoln Hills School, the Ethan Allen School, and the Southern Oaks Girls School; authorization for the Department of Corrections to set the youth aids daily rates for care of a juvenile in a secured correctional facility or a treatment facility; and making an appropriation.

By Representatives Friske, Gundrum, Fields, Hahn, Albers, Townsend, Krawczyk, McCormick and Petrowski; cosponsored by Senators Grothman and Decker.

September 26, 2005 Referred to Committee on Corrections and the Courts.

November 30, 2005 **PUBLIC HEARING HELD**

Present: (10) Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope-Roberts, Wasserman, Seidel, Parisi.

Absent: (0) None.

Appearances For

- Representative Don Friske – 33rd Assembly District

Appearances Against

- Wendy Henderson - WI Council on Children and Families

Appearances for Information Only

- Silvia Jackson - WI Department of Corrections
- Ron McAllister – AFSCME
- Susan McMurray – AFSCME
- Ruth Ahles – Southern Oaks

Registrations For

- None.

Registrations Against

- Mark Wadium – Outagamie County

- Coral Rae Choinski

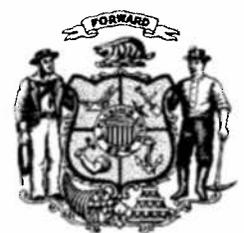
May 4, 2006

Failed to pass pursuant to Senate Joint Resolution 1.

Andrew Nowlan
Committee Clerk



WISCONSIN STATE LEGISLATURE





Legislative Fiscal Bureau

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

November 22, 2005

TO: Representative Donald Friske
Room 312 North, State Capitol

FROM: Art Zimmerman and Chris Carmichael

SUBJECT: Issues Relating to the Provisions of 2005 Assembly Bill 699

You requested a review of the fiscal effects and related issues of 2005 Assembly Bill 699 (AB 699), relating to: (1) the establishment of medium-security correctional institutions on the grounds of the Ethan Allen School, the Lincoln Hills School, and the Southern Oaks Girls School; and (2) authorization for the Department of Corrections (Corrections) to set the daily rates for care of a juvenile in a secured correctional facility or a treatment facility. This memorandum summarizes the proposed legislation and discusses the potential fiscal effects of the bill and related issues.

Summary of Bill

Establishment of Medium-Security Correctional Institutions. Assembly Bill 699 would require the Department of Corrections to establish three medium-security correctional institutions located on the grounds of the existing secured correctional facilities for juveniles. The secured correctional facilities for juveniles include: (1) the Ethan Allen School in Waukesha County; (2) the Lincoln Hills School in Lincoln County; and (3) the Southern Oaks Girls School in Racine County. Each medium-security correctional institution would be used for prison inmates under 21 years of age. The bill would require that inmates placed at each institution must be separated physically, and by sight and sound, from juveniles placed at the respective juvenile facilities.

Under current law, correctional inmates at any adult facility are under the supervision and control of the Department's Division of Adult Institutions and are subject to all laws pertaining to inmates. Further, prison inmates are supervised by officers and employees of each adult correctional institution, who are subject to the same laws as pertain to all other adult institutions. Under the bill, adult prisoners placed at the three medium-security correctional institutions located on the grounds of current secured correctional facilities would be under the supervision and control of the Department's Division of Juvenile Corrections (DJC), subject to the rules and

discipline of DJC, and to all laws and rules pertaining to the care of juveniles placed at secured correctional facilities for juveniles. The bill specifies that these medium-security correctional institutions be staffed by officers and employees of DJC who would be subject to the same laws as apply to officers and employees of all secured correctional facilities for juveniles.

The bill provides that the operational costs of the medium-security correctional institutions would be paid from the Department's juvenile correctional services program revenue appropriation for operating secured correctional facilities for juveniles. In turn, this appropriation would be reimbursed for the operational costs of the medium-security correctional institutions from a youthful offender facilities GPR appropriation in adult corrections that would be created under the bill for this purpose. Under the bill, no funding is appropriated for either the juvenile correctional services program revenue appropriation, or for the youthful offender facilities GPR appropriation.

Assembly Bill 699 would also require Corrections to manage the number of juveniles placed at the Lincoln Hills School and the Ethan Allen School and the number of inmates placed at the newly created medium-security correctional institutions located on the grounds of those schools so that over a 12-month period the average daily population (ADP) of the Lincoln Hills School and of the state correctional institution located on the grounds of that school and the ADP of the Ethan Allen School and of the state correctional institution located on the grounds of that school are equal. The bill does not specify whether the 12-month period is for a fiscal or calendar year.

Daily Rate Determination. The bill would modify current law provisions relating to the establishment of daily rates for the care of juveniles placed at state secured juvenile correctional facilities. Under current law, the state bills each county for the cost of its juveniles placed in the state's secured correctional facilities. Charges are based on statutory daily rates established by the Legislature under each biennial budget. Daily rates for a given fiscal year are calculated by dividing the total budget for each type of care by the projected ADP of juveniles expected to receive that type of care in a year, divided by 365 days.

Under AB 699, Corrections would be required to administratively set the daily rate assessments at least annually, effective on July 1 of each year, and would be authorized to adjust the assessments more frequently as necessary to reflect the average per person daily cost of providing that care. The Department would be required to publish the assessments and any adjustments to the assessments in the Wisconsin Administrative Register and would not be required to promulgate the assessments or adjustments as administrative rules. Further, Corrections would be authorized to set one assessment for short-term placements of 30 days or less, and another assessment for long-term placements of more than 30 days.

The bill would also require Corrections to increase the funds allocated for community youth and family aids (youth aids) to counties in proportion to each county's proportional use of secured state facility services, if the Department increases the daily rate assessment. Youth aids provides each county with an annual allocation of state and federal funds from which a county may pay for juvenile delinquency-related services, including out-of-home placements and non-

residential, community-based services for juveniles. Counties may supplement their expenditures on juvenile delinquency-related services with funding from other sources, including community aids, other state aids to counties, county tax revenues and special grant monies. Youth aids has been funded at \$85,841,000 GPR and \$2,449,200 PR annually since 2002-03, and is currently funded at these amounts for 2005-06 and 2006-07.

Finally, the bill would provide that the daily rates for care in a secured correctional facility for juveniles that are in effect on the day before the effective date of the bill would remain in effect until any revised rates established by Corrections are published in the Wisconsin Administrative Register.

Fiscal Effect

The fiscal effect of AB 699 would be driven primarily by the costs to construct or renovate physical space to establish the three medium-security prison facilities, and the costs of operating the newly established facilities. Both the space renovation and operating costs are dependent on the number of inmates projected to be placed in these new facilities. The following discussion summarizes the fiscal note prepared by Corrections for AB 699.

Inmate Demographics. In the Department's fiscal note, Corrections indicates that there are approximately 1,200 male inmates in prison who are under the age of 21 years. Through time, the number of female prisoners under the age of 21 tends to vary in the range of 24 to 50 women. The Department also estimates that about half of male inmates in this age category (600) and 40% of female inmates (10 to 30) would be appropriate for medium-security placement. Based on these demographics and an assessment of the expansion/renovation potential of the Ethan Allen, Lincoln Hills, and Southern Oaks Girls School facilities, the Department concluded that approximately 100 male inmates could be placed at the Ethan Allen School, 100 male inmates at the Lincoln Hills School, and 25 female inmates at the Southern Oaks Girls School. These estimates appear to be reasonable in light of what AB 699 is requiring of the Department (to establish three new, permanent medium-security facilities on the grounds of juvenile institutions), the physical characteristics of the existing juvenile facilities, and the demographic characteristics of the intended population for the new medium-security facilities.

Space Renovation and Other One-Time Costs. Corrections indicates that existing buildings at the three juvenile facilities would be renovated and utilized for the basic housing of inmates in a medium-security setting. This approach eliminates basic construction costs for new housing. Renovation costs under the bill would be required primarily for: (1) the construction of fencing and other sight and sound separation modifications to partition the medium-security settings from the juvenile facilities; and (2) for the purchase of trailers to provide classroom space at each facility to meet the educational requirements of adult inmates. (Under the bill, inmates placed at the medium-security facilities would be subject to all laws and rules pertaining to the care of juveniles placed at secured correctional facilities for juveniles, including those that pertain to required educational services.)

It should be noted that space is currently available at each of the juvenile facilities because juvenile populations at the institutions have been in decline in recent years. Utilizing this available space for medium-security adult prisons could potentially create a problem if, in the future, juvenile institutional populations increase.

Security fencing and other physical boundaries between the current secured juvenile correctional facilities and the proposed medium-security facilities for adults would be needed due to the bill's requirement that inmates placed at each institution must be separated physically, and by sight and sound, from juveniles placed at the respective juvenile facilities. This provision reflects federal law, which places strict limitations on holding juveniles in secure custody in certain types of facilities. Under the federal Juvenile Justice and Delinquency Prevention Act (JJDP) the federal Office of Juvenile Justice and Delinquency Prevention is authorized to provide formula grants to states for juvenile justice and delinquency prevention programs. In order to receive a formula grant, a state is required to submit a plan for carrying out the requirements of the JJDP, which include, among other conditions, the requirement that no alleged or adjudicated delinquents are detained or confined in any institution in which they have contact with incarcerated adults.

Corrections also indicates that eight educational trailers would be needed because existing classroom space could not be utilized for the adult inmates due to the sight and sound separation requirements under the bill. As noted above, education services would be required because these inmates would be subject to laws and rules pertaining to juvenile care and treatment. Under current law, DJC must provide educational services to juveniles ranging in age from 10 to 21 years who are placed at the facilities. Students can earn high school credits while placed at the secured juvenile facilities. Vocational programming is also emphasized at the three schools. In addition, the schools offer special education programming in accordance with the federal Individuals with Disabilities Education Act and state special education law. The Department reports that a high proportion of students enter the juvenile justice system with a history of special education needs. It is likely that adult inmates under the age of 21 would have similar special education needs.

Corrections estimates these space renovation costs would total \$1,849,000 (\$1,174,000 for security fencing and \$675,000 for eight educational trailers). These types of capital costs would be amortized over a period of time through the issuance of bonding; annual GPR debt service payments would be required for the term of the bonds. In addition, the Department indicates that an additional \$1,479,200 would be needed in other one-time costs, including startup costs relating to initial inmates and staff supplies, building renovations, vehicles, and moveable equipment.

Operating Costs. Generally, the average cost of the care and treatment of a juvenile offender is significantly higher than that of an adult prisoner. This can be illustrated by comparing the current statutory daily rate for juvenile offender care with the average cost to house an adult prison inmate. The 2005-06 statutory daily rate for juvenile care in a secured correctional facility is \$203, or \$74,095 a year. According to Corrections, the current average daily cost for an adult prisoner is approximately \$72, or \$26,280 a year. This represents an annual per-person cost difference of about \$47,800.

The reasons for this disparity are twofold. First, juvenile care requires a higher degree of services (both educational and treatment) than is the case for adult inmates. As a result, higher staffing ratios are required for juvenile institutional care, with correspondingly higher personnel costs. Second, institutional care generally requires high overhead costs, irrespective of the size of the institution. Viewed in terms of a per-person average cost, such overhead costs are generally lower in larger facilities compared to average costs in a smaller institution. In general, prison facilities are significantly larger than juvenile facilities; therefore, per-person average cost tends to be lower in adult institutions.

The fiscal note to AB 699 calculates the cost of caring for 225 inmates (100 at both Ethan Allen School and Lincoln Hills School and 25 at Southern Oaks Girls School) using the same conventions that are used to budget for juvenile care. These conventions include juvenile staffing ratios for both security, educational, and treatment services. These costs are estimated at \$5,851,000 annually (\$4,814,800 for 200 male inmates and \$1,036,200 for 25 female inmates); the staffing associated with these costs is estimated at 101.5 FTE positions (84.0 positions for male inmates and 17.5 positions for female inmates).

Further, the creation of new medium-security institutions would incur additional costs for operational support staffing common to all adult prisons. Corrections estimates these costs and required positions at \$3,899,800 annually and 71.51 FTE positions. The positions would include personnel for gatehouses, the transportation of prisoners, perimeter security, health and mental health treatment, office operations, and facility maintenance and operations.

In addition to staffing costs, average population-related costs for inmate food, clothing, other supplies, and health care are estimated for the 225 inmates at \$1,058,900, with offsetting population-related costs in the adult system of approximately \$1,000,000 (a net cost of \$58,900). Utilities, maintenance, contracted services, and other miscellaneous costs are estimated by the Department at \$1,208,800.

Finally, locating medium-security adult facilities on the grounds of existing secured juvenile facilities, and utilizing existing housing units, would result in certain shared staffing and overhead costs. The Department estimates that a limited number of positions at each juvenile facility would perform work applicable to the newly created medium-security facilities. In addition, a share of certain utility, municipal services, insurance, accounting, and information technology costs would apply to the adult facilities. Such costs are currently paid by DJC but, under the bill, could be reallocated to the adult correctional budget. The Department estimates that these reallocated costs would total \$1,282,000.

The following table summarizes the Corrections fiscal estimates for the various cost factors identified above.

**2005 Assembly Bill 669
Department Of Corrections Fiscal Estimate
Annualized and One-Time Costs**

	<u>Amount</u>	<u>FTE</u>
Annual Costs		
Operational Costs for 200 Male Inmates	\$4,814,800	84.00
Operational Costs for 25 Female Inmates	1,036,200	17.50
Additional Facility Staffing	3,899,800	71.51
Utilities and Other Costs	1,208,800	
Population-Related Costs for 225 Inmates	1,058,900	
Offsetting Adult Population-Related Costs	-1,000,000	
Shared Overhead Costs	<u>1,282,000</u>	<u> </u>
 Total Annual Cost (Excluding Debt Service)	 \$12,300,500	 173.01
One-Time Costs		
Security Fencing	\$1,174,000	
Educational Trailers	675,000	
Other One-Time Costs	<u>1,479,200</u>	
Total One-Time Costs	\$3,328,200	

The shared overhead costs cited in the table (\$1,282,000) would represent a corresponding decrease in the juvenile correctional budget. This, in turn, would result in an estimated reduction in the daily rate for juvenile institutional care of approximately \$5.32 (a 2.6% reduction in the current daily rate of \$203).

The Department's fiscal estimate for AB 699 reflects both: (1) the higher costs of care and treatment under the laws and rules pertaining to juvenile corrections; and (2) the start-up and operating costs associated with the creation of three new medium-security facilities. Both of these factors appear to argue that the provisions of AB 699 would significantly increase the costs for the care and treatment of 225 inmates compared to these costs under current law.

Arguably, the Department's fiscal note to AB 699 may not fully address potential savings for the adult system that might be realized through the transfer of 225 inmates from existing prison facilities. The fiscal note does adjust for population-related cost savings for food, clothing, other supplies, and health care (offsetting \$1,000,000 in costs). To the extent that current staffing or other operational activities would decrease as a result of AB 699, total adult correctional costs could be further reduced.

It should be noted that any adult correctional cost reduction would be dependent on the actual number of inmates transferred from each current adult facility. In general, however, correctional facilities have largely fixed costs (correctional, administrative, maintenance and support staff, fuel and utilities, and debt service) that are not significantly affected by relatively small changes in prison population. The number of inmates projected to be transferred under AB 699 (225 inmates), represents approximately 1% of the current adult prison population (21,800).

Further, adult correctional facilities are currently functioning at approximately 125% of operating capacity. Given that the adult facilities currently exceed operating capacity, it is unlikely that the transfer of 225 inmates to new facilities would result in significant cost reductions.

Other Issues

As noted above, AB 699 would require Corrections to manage the combined number of juveniles and adults placed at the Lincoln Hills School and the Ethan Allen School so that over a 12-month period the ADPs of the two institutions are equal. This equalization requirement could create operational inefficiencies for the Department. The Ethan Allen School and Lincoln Hills School currently have different operating capacities for juveniles; Ethan Allen's official operating capacity is 342 juveniles and Lincoln Hill's capacity is 298 juveniles. These capacity measures reflect the grounds and physical characteristics of each of the institutions. It is not clear at this time whether the renovation of existing space to establish medium-security institutions on the grounds of the two juvenile institutions would create combined juvenile and adult facilities that could accommodate equal ADPs. It is possible that the equalization provision may require the Department to make less cost-effective management decisions.

The bill would also require Corrections to set the daily rate assessments for juvenile care at least annually, effective on July 1 of each year, and would authorize the Department to adjust the assessments more frequently as necessary to reflect the average per person daily cost of providing that care. As ADPs vary, rates could potentially rise or fall. This provision would introduce some uncertainty in the budget processes of both the counties and the state. Maintaining a fixed annual rate, as is the case under current law, has the advantage of providing the counties and the state with an unambiguous rate on which to make budget determinations.

For example, the current daily rate of \$203 is based on an estimated ADP in 2005-06 of 660 juveniles. However, through September, 2005, the 2005-06 ADP has only totaled 627 juveniles. Under the provisions of AB 699, the Department could, in this situation, adjust the daily rate upward from \$203 to \$213. Of the ADP of 627 juveniles, counties pay for 491 juveniles and the state pays for 136 serious juvenile offenders. The \$10 increase in this example would require counties to pay \$1.8 million, and the state \$0.5 million GPR more over the course of a year for juvenile institutional care.

Providing Corrections the authority to set daily rates for institutional care is also questionable from the perspective of the Department's expenditure authority. Daily rate revenue is credited to a program revenue appropriation for the operation of the juvenile secured correctional facilities. This appropriation is a sum certain appropriation with the annual expenditure authority set in the biennial budget process. As noted above, the daily rate for a given fiscal year is calculated by dividing the total budget for institutional care by the projected ADP of juveniles expected to receive care in a year, divided by 365 days. The two variables here are the expenditure authority provided to the appropriation and the estimated ADP. Under the bill, Corrections would only adjust daily rates on the basis of changing ADP assumptions. However, if daily rates would be changed by the Department (thus affecting revenue credited to the appropriation), the expenditure

authority in its program revenue appropriation could not be modified without the approval of the Legislature or the Joint Committee on Finance.

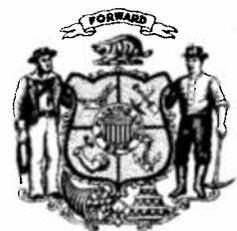
Finally, the bill would require Corrections to increase the funds allocated for youth aids to counties in proportion to each county's proportional use of secured state facility services, if the Department increases the daily rate assessment. In the example above, county allocations would need to be increased by \$1.8 million GPR. However, as drafted, this provision would not have its intended effect. Corrections can only allocate the funds actually appropriated for youth aids. Each year the Department fully allocates these funds to counties. If daily rates are increased under the provisions of the bill, Corrections could not increase county allocations because no youth aids funding would be available for these increases. Additional youth aids funding would first need to be appropriated for this purpose. Alternatively, the youth aids GPR appropriation could be converted to a sum sufficient appropriation, which would provide the Department with the authority to spend the additional amounts necessary to accomplish this purpose. However, neither of these appropriation changes is addressed under the bill as drafted.

I hope this information is helpful.

AZ/lah



WISCONSIN STATE LEGISLATURE





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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections and the Courts

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate *SDK*

DATE: November 30, 2005

SUBJECT: Opposition to Assembly Bill 699

The Wisconsin Counties Association (WCA) opposes Assembly Bill 699 relating to the establishment of medium security correctional institutions on the grounds of Lincoln Hills School, the Ethan Allen School, and the Southern Oaks Girls School and authorization for the Department of Corrections to set the youth aids daily rates for care of a juvenile in a secured correctional facility or a treatment facility.

WCA has the following concerns/questions related to provisions contained in Assembly Bill 699:

- The bill eliminates statutorily set JCI rates and instead directs DOC to set those assessments at least annually. The bill permits DOC to set one assessment for short-term placements of 30 days or less and another assessment for long-term placements of more than 30 days and permits DOC to adjust those assessments more frequently than annually as necessary to reflect the per person average daily cost of providing that care. The bill requires DOC to publish those assessments and adjustments in the Wisconsin Administrative Register and excepts DOC from having to promulgate those assessments and adjustments as rules. The bill also requires DOC to increase the youth aids funds allocated to counties if DOC increases an assessment.

While WCA is extremely supportive of the provision that requires an increase in youth aids if JCI rates are increased (that requirement was removed from statute in 1996), we have great reservation about leaving rate setting solely in the hands of DOC. Over the past several budgets, the Joint Committee on Finance, with the assistance of the Legislative Fiscal Bureau, has identified cost-saving measures that have significantly reduced the rates charged to counties for placements in one of

the state's JCI's. For example, during 2003-2005 state budget deliberations, the JCF reduced the Governor's proposed rates from \$190 in FY 04 and \$194 in FY 05 to \$183 in FY 04 and \$187 in FY 05. During 2005-2007 state budget deliberations, the JCF reduced the Governor's proposed rates from \$218 in FY 06 and \$224 in FY 07 to \$203 in FY 06 and \$209 in FY 07. These reductions have saved county property taxpayers million of dollars over the past several years. The current system of checks and balances allows for accountability in the JCI rate-setting process. AB 699, as proposed, will also deny counties any ability to participate in the rate-setting process. No public hearings need to be held – counties could conceivably find out about the new rates once they have been published in final form in the administrative register.

In addition, the bill allows DOC to adjust the rates on an as-needed basis. This makes budgeting at the county level for JCI placements almost impossible. Rate adjustments more than one time annually will also create an accounting nightmare at the local level.

Again, WCA supports the provision in the bill that requires DOC to increase youth aids each time the JCI rates are increased. However, the bill provides no funding source for that increase. Does this mean in order for this provision to be implemented DOC must come before the Joint Committee on Finance for funding? Will DOC be required to find the funding within existing resources (this option could have a negative effect on other vital juvenile justice programs)?

The bill allows two different rates to be set – one for short-term placements and one for long-term placements. Is there an expectation that the services provided will be different based on the length of stay? Will intensive programming be provided for shorter stays at an increased cost or will the rate per day be lower for a greater length of stay?

- The bill requires DOC to manage the populations at the JCIs so that over a 12-month period the average daily population at Lincoln Hills and Ethan Allen are equal.

WCA is concerned that this provision will ultimately result in higher daily rates charged to counties. During state budget deliberations, the Joint Committee on Finance adopted a motion requiring DOC to either reduce their daily rates to FY 05 levels or close one of the juvenile correctional institutions. The intent of the motion was to reduce the rates charged to counties, ultimately paid by the property taxpayers, for placements in JCIs. The populations in the JCIs have decreased significantly over the past 10 years. We should not presume that three facilities must remain regardless of the necessity or fiscal prudence.

Thank you for considering our comments.



WISCONSIN STATE LEGISLATURE



Remarks for Assembly Committee on Corrections and the Courts
Regarding AB 699 – Juvenile Correction Reform
By Representative Donald Friske
November 30, 2005

Thank you Chairman Bies and Committee members. I appreciate your hearing today and scheduling this legislation for consideration.

Over the course of my five years working here in the Wisconsin State Assembly, I have taken special notice of the rollercoaster the juvenile correction workers in Lincoln Hills have been forced to ride due to changing numbers in the juvenile population and the daily rates charged to counties sending juveniles to these schools.

Juvenile correction schools are suffering from at least one positive problem: juvenile crime is on the decline. It's positive in the aspect that crime among juveniles is dropping. It is a problem in the aspect that we have buildings and employees committed to rehabilitating juvenile offenders.

In my research, I have found what I believe are legitimate options we as a state can pursue to eliminate the emotional distress created for our juvenile correction employees while at the same time ensuring the long term preparedness to react to potential growth in the juvenile crime rate.

First, AB 699 would require eligible juveniles convicted in an adult court to serve a portion of their sentence in a juvenile correctional facility. At the age of 21 or the attainment of a high school diploma, the inmate would be transferred into an adult correctional facility.

This provision would benefit the State of Wisconsin two-fold. First, it would provide an education to young adults who are still at an age conducive to obtaining an education from juvenile educational strategies. Second, it would help maintain a consistent base level of service to be provided within each facility. Stabilizing the population at each facility would soften the impact of fluctuating juvenile levels on the employment status of many valuable state employees.

Using filters such as predatory behavior, serious juvenile offender status, criminal offense type and age at waiver into the adult court system, the Department of Corrections could filter roughly 225 kids out of the adult correctional setting into the juvenile correctional school setting. The inmates from adult correctional facilities would be required to be separated by both sight and sound from the inmates from the juvenile correctional schools. The operational expense for the education of these juvenile convicts will be borne by the Division of Adult Facilities and implemented by the Division of Juvenile Facilities staff.

Secondly, the bill allows the Department of Corrections (DOC) to differentiate between short term (expensive) and long term (less expensive) stays of juvenile delinquents.

The intake cost for juveniles is high. It would benefit DOC to allow them to set two rates in order to encourage long term education and discourage short term non-educational strategies imposed by judges and county governments.

Finally, AB 699 requires DOC to formally place 50% of all juvenile delinquents at Lincoln Hills and 50% in Ethan Allen. The department currently has an informal agreement to split the population 55%-45% in favor of Ethan Allen. As the representative of the employees of Lincoln Hills, I find it irresponsible to allow such a split to be made creating an advantage for one institution and its employees over another. Given the decreasing juvenile population in the State of Wisconsin, it should be easier now than ever before to implement a fairer statutory 50-50 split without severely impacting the families and county workers traveling to a facility.

This proposal is the beginning of a discussion with DOC, their employees and the Wisconsin State Legislature to address legitimate policy decisions. The proposal may not yet be perfect and I am willing to work with anyone who has ideas that may overcome problems, including amendments. We need to do something to address the inadequacies in the juvenile correction system.

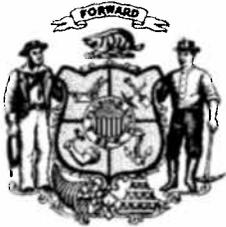
The DOC has prepared a fiscal estimate that indicates a cost of \$12 million of ongoing costs as well as additional one-time startup costs. I am willing to explore options that would reduce those costs including the request of federal waivers, deferred sentencing or even re-designation of what an adult inmate is.

I ask for your support on AB 699, especially if the Committee has suggestions on possible improvements to this legislation.

Thank you again for holding this hearing. I will be happy to try to answer any questions you may have.



WISCONSIN STATE LEGISLATURE





To: Assembly Committee on Corrections and the Courts

From: Wendy Henderson, Policy Analyst

Date: November 30, 2005

Re: AB 699

Thank you for the opportunity to comment on this important legislation. The Wisconsin Council on Children and Families is very interested in increasing treatment options for young people who are incarcerated. We commend Representative Friske for taking on the challenge of figuring out how to provide services to young adults who have been sentenced to adult prison. Given the relative success of the juvenile corrections system in relation to the adult system in reducing the recidivism of young people through education and treatment, it makes sense to supplement the service provided to the youngest offenders with the extensive treatment options available to juveniles. However, we oppose AB 699, which would necessitate a sizeable expenditure of monies to facilitate the construction of adult prisons on the grounds of juvenile correctional facilities.

While WCCF is in favor of providing rehabilitative services to young people in the correctional system, this bill falls short of accomplishing that goal. Money spent constructing sight and sound separation of youth who are tried as juveniles and those tried as adults is money no longer available to provide much needed services to both populations.

The intent of the juvenile justice system is rehabilitative, and funds are allocated accordingly. One stated mission of the juvenile system is, "To respond to a juvenile offender's needs for care and treatment, consistent with the prevention of delinquency, each juvenile's best interest, and the protection of the public..." In contrast, the mission of the adult prison system is "to provide a just, humane and efficient program of rehabilitation of offenders...".

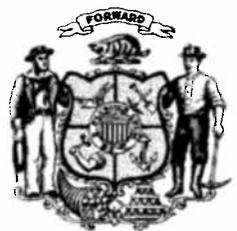
According to the current language of AB 699, there is no real requirement that services offered to youth in juvenile facilities would be provided to the adults on those campuses. Much of the reason why heightened services are provided to juveniles is because of the mission of the Juvenile Justice Code, outlined above. Those missions, in combination with outside requirements, such as compulsory education, create the background for the rich services provided through the juvenile justice system.

Although it appears from their fiscal estimate that the Department intends to provide staffing and services to the young adults similar to those provided to juveniles, if there were a shortage of funding, the Department would be required to provide services to the juvenile, rather than adults on the juvenile campuses, due to the differing missions of the two correctional systems. Absent an entitlement to services, there is no real advantage to having the younger offenders on the campus of the juvenile facility. An entitlement to heightened services for younger offenders would accomplish the goal of rehabilitating those youth without spending the money to make sight/sound separations for the juvenile facility.

The Department of Corrections has estimated that this bill would cost over 16 million dollars in the first year of implementation, and over 13 million dollars thereafter. A portion of that money would be used to ensure compliance with the federal requirements for sight and sound separation. However, WCCF believes that money could better be used to bring seventeen year olds back into the juvenile justice system and provide more services to young people across both systems.



WISCONSIN STATE LEGISLATURE



Assembly Bill 699
Hearing – November 30, 2005
Assembly Committee on Corrections and the Courts
State Capitol, Room 400 NE

Department of Corrections Testimony

Introduction

Thank you for the opportunity to appear for information only on AB 699. My name is Silvia Jackson; I'm the Assistant Administrator of the Division of Juvenile Corrections in the Wisconsin Department of Corrections. With me today is Shelley Hagan, a policy analyst in the Division, who will help answer questions as needed today.

Under AB 699, the Department would establish adult prisons on the grounds of our three juvenile correctional institutions: Ethan Allen and Lincoln Hills Schools for Boys and Southern Oaks Girls School. The bill contains numerous important provisions regarding the services that DOC would make available for young inmates, how the facilities would be funded and staffed, and financing of the juvenile correctional system.

In my testimony this morning, I will focus on the cost of the three new prisons, the need for these new facilities, federal law on co-location of adult and juvenile facilities, and the parts of the bill related to Youth Aids and daily rates.

Fiscal Impact

I want to begin by talking about the fiscal note that the Department developed for AB 699. It's important that the Committee be aware that the cost to DOC, both in setting up the proposed new facilities and in their ongoing operation, cannot be absorbed within the current budget.

Based on the assumptions used in the fiscal note, with 100 inmates being transferred to each of the two boys' schools and 25 inmates to the girls' school, we estimate it would require \$59,100 per inmate or \$13,300,500 in total for one year of operation.

Part of the unfunded cost to the Department results from the bill's requirement that the Department provide juvenile-equivalent services to 225 adult inmates. Currently, the average cost of housing a juvenile is nearly three times the cost of housing an adult. The reason for this differential is that juvenile correctional facilities are much more richly staffed with education and treatment resources due to the nature of the juvenile population, as well as educational requirements of state and federal law.

The residents at juvenile facilities are a very difficult and challenging population, many of whom have committed serious, violent, or sexual offenses, and many of whom have suffered sexual abuse, trauma, and/or victimization themselves. DJC staff provides extensive treatment and

rehabilitation services to these juveniles to address their needs and reduce their risk for future crime.

In addition, the Department is mandated by state law to provide education to all juveniles in our custody through age 18, and is mandated by state and federal laws to provide special education services to youth through age 21. Approximately 40-45% of the current DJC population receives special education services.

Our dedicated staff provides high quality care, education, and rehabilitation services to the juveniles entrusted to our care, and these quality services contribute greatly to the success of the juvenile population once they are released. For example, juveniles leaving DJC institutions have very low recidivism rates – 9% for females released from Southern Oaks and 27% for males released from Lincoln Hills and Ethan Allen. These low recidivism rates speak to the great work performed by Department of Corrections staff every day in delivering services to the youth in our custody and in promoting public safety. However, these services are more intensive and more costly than those currently provided to adult inmates.

In addition, as the fiscal note points out, the decrease in costs to the adult system anticipated as a result of the transfer of 225 young offenders to DJC is relatively small, and would offset only a small fraction of the cost of the bill. Any annual savings realized in the Division of Adult institutions would be only marginal costs (such as food and health), because no other housing units would be closed as the new housing units in DJC are opened. As a result, staff costs in DAI remain the same while they increase in DJC.

As a result of these factors, AB 699 results in a net unbudgeted cost to the Department estimated to exceed \$12 million annually. The Department simply cannot absorb these kinds of costs without additional funding. We urge the committee to consider whether the creation of three new juvenile-oriented prisons can be fully funded at this time.

Sight/sound separation

A second important issue for the committee to be aware of is that juveniles and adults cannot legally be housed together. As the bill recognizes, both federal law and good facility management dictate separation of delinquent offenders from sentenced inmates – what is known as “sight and sound separation.”

To comply with federal sight and sound separation standards, the Department would, at a minimum, need to construct new physical barriers (i.e. fences), and purchase nine new trailers to create new, separate inmate education space. We estimate that this purchase and construction, which must proceed through the Building Commission process, will cost \$3.3 million and will take at least one year to complete.

However, it is important to note that, if this proposal would be pursued further, the Department would need to analyze this issue much more closely to ensure full compliance with federal sight and sound separation rules. In doing so, we would want to consult with the US Department of

DOC would want to comply with the federal law. - Silvia Jackson

Justice and possibly other federal or national entities with expertise in this area to ensure proper implementation of this legislation.

Selection of Young Adult Offenders for Co-Location at JCI's

The bill outlines a plan for diversifying the population of the state juvenile correctional institutions and offering a similar level of educational and treatment services to a subpopulation of young adult inmates as those offered to adjudicated delinquents.

We recognize that there may be young adult offenders in the prison system whose likelihood of recidivism may be reduced and opportunity for future success in the community would be strengthened through participation in programming similar to what is offered at the three DOC juvenile correctional institutions. However, the bill does not give any guidance as to which young adult offenders should be chosen for placement in the juvenile-oriented prisons.

DOC can provide the profiles of these individuals

There are currently approximately 1200 adult inmates under age 21 in the state prisons. Since the proposal would accommodate only 225 of these inmates, the Department would need to establish criteria to determine which younger adult offenders would receive the enhanced level of services offered at the juvenile institutions. These criteria might include offense, length of sentence, educational attainment and special education needs, type or intensity of treatment needs, or other factors.

If the committee is interested, we would be happy to provide you with more information about the profile of the 1200 adult offenders age 17-21.

System Financing and Rate-Setting

Finally, the bill addresses financing of the juvenile correctional system via the Youth Aids grant program to counties, and the process used to set rates for juvenile correctional services.

Currently, daily rates and an estimated juvenile population are set by statute during the biennial budget process, while under the bill the Department would be authorized to set rates via the rule-making process.

Currently, the increases to county Youth Aids grants are debated during the budget process, while the bill includes an unfunded requirement for the Department to increase county Youth Aids grants whenever daily rates are increased. The Department cannot fund this requirement through existing resources, and would require additional resources from the Legislature to accomplish this.

We certainly agree that the current system of funding juvenile corrections is not perfect, and we recognize the concerns of local governments regarding the increasing cost of juvenile correctional services. A major reason for the rate increases seen by counties since 1998 has been the steady decline in our juvenile institution populations. As fixed operational costs are spread over fewer juveniles, the daily rates increase. The Department has attempted to control costs as much as possible to offset the decreasing population, including the elimination of over 500

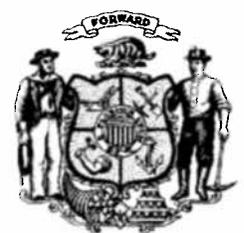
positions since FY99 in an effort to hold rates down. In addition, the estimated juvenile population – which is set by statute during the state budget and is the target to which daily rates are tied – has been overestimated in recent years, resulting in ongoing budget deficits in DJC. Clearly, these are complicated issues, and we agree that more work must be done to address them.

As you know, the 2005-07 biennial budget act requires the Department to undertake a study of the daily rates charged to counties and other payers for juvenile correctional institution services and make recommendations for realistic reductions in operating costs. The study must be submitted to the Joint Committee on Finance no later than January 2007. We are currently in the planning phases for this study, and will commence our work over the next few months. We anticipate that several of the issues addressed by AB 699 will also be addressed in this study. We look forward to working with Committee as that work progresses.

Thank you for your attention. We appreciate importance and complexity of the issues that Representative Friske has raised in this bill, and we look forward to working both with him as the author and with the Committee on these issues. Shelley and I would be happy to answer any questions you have at this time.



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no date

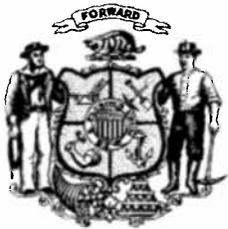
Hello, my name is Ron McAllister and I am a 20 year employee of the State of Wisconsin and during that time I have worked at Lincoln Hills School. I appreciate the opportunity to speak to all of you today in regard to Assembly Bill A/B 699. I am here today to speak for informational purposes only.

The problem facing juvenile corrections today is a problem that the juvenile system has faced for the past 6 years. This problem is the declining population of youth incarcerated in our 3 juvenile institutions. At first sight this may look like a good thing, with less youth being sent to these facilities. The real problem is the daily rate charged to counties to send troubled youth to our facilities. Counties can no longer afford this daily rate as they struggle with their own budgets. It is not that there is less crime and we have better youth than years ago, it comes down to money. These counties are forced to keep these troubled youth in their communities rather than send them to our juvenile facilities at the early stage when we could have an impact on them. Instead after numerous court appearances their hand is forced to have these youth committed to our facilities at the later stage. Then it's, here fix our problem in the shortest time possible because we cannot afford it. Any law enforcement agency will tell you that there is not any less crime now than there was years ago. The only difference is, counties are forced to deal with it within their communities rather than to send them to our facilities due to the cost. I can tell you for a fact that if the juvenile system was funded the same way the adult system is funded that our juvenile facilities would be packed, as the counties would not be forced to cover the cost. So what we are seeing is counties struggling to deal with these youth till they are old enough to be sent to the adult system.

My recommendation would be to have the 3 Assembly Leaders, along with juvenile institutions in their district to form a committee to include Department of Corrections leadership, the 3 juvenile institution Superintendents, 3 Local Union presidents, AFSCME representatives along with representatives from the counties. With this committee I believe better ideas and possible legislation could result to solve the current problems facing us all. I would like to thank all of you for your time.



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Southern Oaks Girls School Weekly Schedule

Charter C

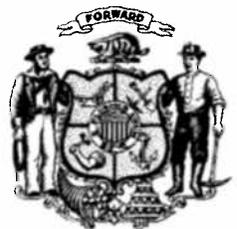
Name: SAMPLE

Week of

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
AM								
5:45 -	6:45	Sleep in	Breakfast &	Breakfast &	Breakfast &	Breakfast &	Breakfast &	Breakfast &
6:45 -	7:50	Breakfast &	Chores, Etc.	Chores, Etc.	Chores, Etc.	Chores, Etc.	Chores, Etc.	Chores, Etc.
7:50 -	8:40	Chores, Etc.	Parenting-Ms. Oliver	Black History Decorating	Victim Impact - Ms. Schrack	Room Clean	In-Rm Pers.	READ - in rm.
8:40 -	9:30	2-Outdoor Rec 1-in Rm Pers	Careers/Computers	Black History Decorating	Read - in rm.	Careers/Computers	Outdoor Rec	Outdoor Rec
9:30 -	10:20	Room Clean	Outdoor Rec	Parenting - Ms. Oliver	Community Service	Annex Cleaning	Read - in rm.	Unit Clean /Mentor Event
10:20 -	11:10	Church 10:00	Math / Homework	Journal	Journal	Math / Homework	Journal	Mentor Event
11:10 -	12:00	Journal	Community Service	Victim Impact - Ms. Schrack	OJOR Goals	Outdoor Rec	Black History Decorating	Mentor Event
PM								
12:00 -	1:20	Lunch	Lunch 12:30 Reflect - Davis	Lunch 12:30 Reflect - Davis	Lunch 12:30 Reflect - Davis	Lunch 12:30 Reflect - Davis	Lunch 12:30 Reflect - Davis	Lunch
1:20 -	2:10	Girl Scouts	Science	Outdoor Rec.	Outdoor Rec.	Science	Ms. Eberle	Girl Scouts
2:10 -	3:00	1-Outdoor Rec 2 - in Rm. Pers.	Geography	Peace Circles 2:30 - 3:50	Skillstreaming - Ms. Krolick	Geography	Victim Impact - Ms. Schrack	Geography
3:00 -	3:50	Movie	AODA-Ms. Finn	Skillstreaming - Ms. Krolick/Peace Circles	Black History Decorating	Victim Impact - Ms. Schrack	Community Service	Movie
3:50 -	4:40	Movie	English	Peer Mentors in Dayroom	Black History Decorating	AODA—Ms. Finn	Skillstreaming - Ms. Krolick	Movie
4:40 -	5:55	Supper	Supper	Supper	Supper	Supper	Supper	Supper
5:55 -	6:45	Rules Review	Skillstreaming-Ms. Krolick	News 2 Homework/Alateen Open Meeting	News 1/AA/ Homework	News 2 / Homework 1	AODA - Ms. Finn	2 News/ 1 Homework
6:45 -	7:35	OJOR Goals	Bible Study in Dayroom	AODA - Ms. Finn	AODA - Ms. Finn	Skillstreaming - Ms. Krolick	Bible Study in Dayroom	Journal
7:35 -	8:45	Snacks, Meds & Chores	Snacks, Meds >>	Snacks, Meds	Snacks, Meds	Snacks, Meds	Snack and Chores	Snacks, Meds & Chores
8:45 -	9:45	Levels →	Clean-up, Bed	Clean-up, Bed	Clean-up, Bed	Clean-up, Bed	Clean-up, Bed	← Levels



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Req juveniles convicted in adult court to serve part of their time in juvie facility.

↳ This would allow some of these indiv access to facilities that are designed to rehab juveniles and and recidivism

1 / This increases costs to both juvie and adult institutions.

Op costs of juvie institutions remain constant regardless in pops drop.

There would be a "filter" to make sure those moving to the juvie facility can be moved safely.

Allows Dept to diff between ^{shorter} ~~shorter~~ & longer term detentions. (Rates?)

FE costs are due to the creation of the secure facilities. If this is not done, we lose federal dollars.

↳ do this just at one location

↳ Waiver for chudiansal facility

②

Juvenile facilities funded with youth aids, which causes aid for operational costs to drop with population, which does not happen with adult facilities since they are funded with GPR.

* Since not all juveniles will qualify education/rehab programs at adult facilities for juveniles, those programs will have to be maintained in addition to creating the new programs at the juvie facilities.

WCCF

If you had \$13mil to spend on juvie corrections, is sight & sound barriers the best way to utilize those dollars? WCCF believes it would be better to change the waiver law to bring more indiv into the juvie system. The juvie system achieves better recidivism rates than the adult system does for juveniles.

= The question I have on this is the juveniles in adult system with the higher recidivism rate, would the recidivism rate change for those types of individuals in the juvie system.