

Fiscal Estimate Narratives

DOC 12/21/2023

LRB Number	23-4432/1	Introduction Number	AB-0771	Estimate Type	Original
Description recreational opportunities and structured programming for inmates in state correctional institutions and county jails and houses of correction					

Assumptions Used in Arriving at Fiscal Estimate

STATE

This bill requires the Department of Corrections (DOC) to ensure that all state correctional institutions provide, and sheriffs to ensure that all county jails and houses of correction provide, recreational opportunities and organized, structured programming that is relevant to the interests and needs of the persons in our care (PIOCs) being held in the state correctional institutions, jails, and houses of correction. For the purposes of this bill, the Department is defining "structured programming" includes formal programming, vocational education, hobby and work assignments.

The bill also requires that when staffing levels meet or exceed 80 percent for officer staffing and structured programming staffing, each PIOC is allowed at least 35 hours per week to engage in recreational opportunities and structured programming with an average of at least five total hours per day for such activities and programming, and if such staffing levels are less than 80 percent, each PIOC is allowed at least 21 hours per week to engage in recreational opportunities and structured programming with an average of at least three total hours per day for such activities and programming. Of the 35 or 21 hours per week, each PIOC must be allowed at least seven hours per week to engage in recreational opportunities and at least 14 hours per week to engage in structured programming, of which at least five hours must be structured programming other than work experience. Under the bill, recreation and structured programming privileges may be denied for a period of up to 10 consecutive days if the PIOC is subject to a partial or full prison or jail lockdown or is currently being held in solitary confinement.

Per Wisconsin Administrative Code 309.36 the Department:

Shall provide as much leisure time activity as possible for inmates, consistent with available resources and scheduled programs and work. Leisure time activity is free time outside the cell or room during which the inmate may be involved in activities such as recreational reading, sports, film, television viewing, and handicrafts. 2. Each institution shall permit inmates to participate in leisure time activities for at least 4 hours per week. Institutions with the facilities to permit more leisure activity should do so.

In DOC a PIOC's weekly programming hours are determined by the primary program standards, which reflect evidence-based principles and generally provide program dosage hours based on a PIOC's risk level. DOC currently has program standards for the following primary program needs: Cognitive Behavioral Programming, Employment Programming, Sex Offender Treatment, and Substance Use Disorder programming. Along with DOC program standards, the evidence-based curriculums generally include guidelines for how often the curriculum should be facilitated. Research shows persons who are low risk need less involvement in formal programming than individuals who are medium to high risk. Providing more formal programming than evidence suggests per risk level can have adverse effects.

The Department understands the importance of reducing a PIOC's "idle time" and to that effect offers a variety of informal program opportunities which vary based on facility and availability of FTE and volunteer staff. Informal activities can include programs such as arts and crafts or music lessons, access to gym/workout facilities and institution libraries. PIOC's are also allowed to purchase tablets, through which they can access electronic message and media services (including games, music, and movies). Starting in February 2024, the DOC will begin issuing tablets to all PIOC's on a rolling basis – it will take an estimated 12-18 months for total rollout.

To facilitate formal and informal programming, the DOC relies on a variety of FTE positions including: Social Workers, Treatment Specialists, Psychologist/Psych Associates, Recreation Leaders, Chaplains, Teachers, Education Directors, Program Supervisors, and Security Staff. Additionally, all facilities utilize community volunteers to administer faith-based programs, religious services or wellness groups such as Alcoholics or Narcotics Anonymous.

The Department faces multiple challenges in expanding structured program opportunities. The primary

obstacle is staffing. As of December 3, 2023, the Division of Adult institutions had numerous vacancies for the following classifications; 70 vacant Social Worker positions, 26 vacant Treatment Specialist positions, 39 Psychologist/Psych Associate, 16 Recreation Leaders, 4 Chaplains, 47 Teachers, 4 Education Directors, and 1,327 vacant Security Staff. The existing vacancies among social workers and treatment specialists already curtail the Department's ability to offer Earned Release and Challenge Incarceration programming. In addition to filling vacancies, if this bill is enacted the Department will require 348.00 additional FTE: 1.00 Recreation Leader, 1.00 Social Worker and 1.00 Treatment Specialist at each correctional center; 3.00 Recreation Leaders, 3.00 Social Workers, and 3.00 Treatment Specialist at each minimum security institution; 3.00 Recreation Leaders, 3.00 Social Workers, 3.00 Treatment Specialists, 3.00 Psych-Associates, and 3.00 Teachers at each medium security institution; and 3.00 Recreation Leaders, 3.00 Social Workers, 3.00 Treatment Specialists, 5.00 Psych-Associates, and 3.00 Teachers at each maximum security institution at an annual cost of \$26,891,100. These additional staff will be used to expand programming during normal business hours and offer programs outside of normal business hours for PIOC's involved in work release, project crew, or full-time institution jobs.

Secondly, institutions may struggle to find adequate space. Many are already utilizing dayrooms, visiting rooms, and other communal spaces to provide programming and certain programming (such as Substance Use Disorder courses) requires a private space to allow participants to maintain confidentiality. The space issue is particularly acute at Waupun Correctional Institution and Green Bay Correctional Institution as they were not designed with dayrooms or courtyards. Finally, the Department is concerned over how to document a person's daily/weekly program participation. Aside from movement logs, there is no established tracking mechanism for who is participating in, or how long a person participates in recreational activities, religious/faith-based activities, or health and wellness opportunities provided by volunteers.

LOCAL

Under this bill, sheriffs would be required to ensure that all county jails and houses of correction provide recreational opportunities and organized, structured programming (with specific types of structured programming that sheriffs are required to prioritize listed in the bill). The bill also requires that when staffing levels meet or exceed 80% of officer staffing and structured programming staffing, each inmate is allowed at least 35 hours per week to engage in recreational opportunities and structured programming, with an average of at least 5 total hours per day for such activities/programming. If staffing levels are less than 80%, each inmate is allowed at least 21 hours per week instead, with an average of at least 3 hours per day. Of the 35 or 21 hours each week, each inmate must be allowed at least 7 hours per week to engage in recreational opportunities and at least 14 hours per week to engage in structured programming, of which at least 5 hours must be structured programming other than work experience. Under the bill, recreation and structured programming privileges may be denied for a period of up to 10 consecutive days if the inmate is subject to partial or full jail lockdown or is currently being held in solitary confinement.

DOC anticipates that these requirements would be extremely difficult for county jails to meet. While every jail offers programming, with education being the primary focus, staffing level concerns as well as a severe lack of physical space would impede efforts to achieve full compliance with this bill. For instance, some county jails do not have any recreation or multipurpose rooms, and many facilities could not be easily expanded due to being located in urban areas. Due to these and other constraints, it may not be possible for a jail to provide the full level of programming required by this bill each day for all inmates, particularly as different groups of inmates would not be able to mix due to varying security classification levels and/or other factors, necessitating separate programming sessions. Moreover, to fully comply with the priorities outlined in the bill, counties would need to hire numerous additional specialized programming staff (which may not be feasible due to preexisting recruitment and retention challenges), which would result in a significant cost to the counties. Similarly, if facilities had to be expanded – to the extent that is possible – it would also result in increased local government costs.

Long-Range Fiscal Implications