



STATE SENATOR

Eric Wimberger

DISTRICT 30

State Senator Eric Wimberger

Testimony before the Senate Committee on Judiciary and Public Safety

Re: Performance grants based on improving employment rates for individuals on probation, parole, or extended supervision.

Thank you Senator Wanggaard and committee members for holding a hearing today on Senate Bill 392. This legislation aims to reward probation and parole offices for implementing policies and procedures to decrease the unemployment rate for individuals on probation, parole, or extended supervision.

Unemployment is a leading indicator of an individual's likelihood to fail extended supervision, commit new crimes, and return to prison. Studies have shown that eight in ten people who fail probation are unemployed. Parole and Probation officers are among the most important partners that can help the state reduce the unemployment rate for the formerly incarcerated, and as a result, reduce recidivism in Wisconsin.

This bill requires the Department of Corrections to implement a grant program that rewards probation or parole offices for increasing the employment rate of those under their supervision. While the funds for the grants will be distributed based on an established formula, offices will have broad discretion to experiment with policies that best fit their unique economies, communities, and supervisee needs.

Bonuses will be in the form of a grant, in proportion to their improved outcomes of employment rate, that can be spent to improve supervision and rehabilitative services for individuals on probation, parole, or extended supervision who reside in the office's region.

By passing SB 392, we give probation and parole offices incentives to be innovative and utilize evidence-based practices to help reduce recidivism in Wisconsin. Please join me in support of this bill.

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Testimony in Support of Senate Bill 392 *Senate Committee on Judiciary and Public Safety* December 6, 2023

Chairman Wanggaard and members of the committee, I appreciate you holding a public hearing on Senate Bill (SB) 392. My apologies I am not able to attend the hearing in-person this morning.

Around the state, we hear from business owners that are hurting for workers. If you visit the Job Center of Wisconsin website today, you will see there are over 82,000 jobs available. We need to work to find additional ways to fill these jobs and help boost our state and local economies.

One way we can do this is by rewarding probation and parole offices in the state for increasing the employment rates of their caseloads. This method serves a dual-purpose; not only would we be filling jobs throughout the state, but we'd also be lowering the state's recidivism rate by increasing the rate of employment of those on probation and parole. Unemployment is one of the leading factors when it comes to an individual failing probation, parole, or extended supervision.

SB 392 provides performance-based funding for probation and parole offices, a tactic that has seen success in other states, including Texas and Kansas, both of which dropped revocation rates by around 20% after implementation. Each individual in the program remaining employed with at least 130 documented wage-earning hours per month for nine months in a fiscal year, earns their supervision department a bonus in the form of a grant proportional to their improved outcomes. Under the bill, the grant can then be used towards developing programs, purchasing technology, and anything else that would help better their office and their outcomes.

Thank you again for this opportunity to submit written testimony in support of SB 392. The proposal has received bipartisan support so far, and I look forward to seeing it move forward in the legislative process with the same support. Though I could not attend today, please do not hesitate to reach out to my office with any questions.



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

December 6, 2023

Chairman Wanggaard
Senate Committee on Judiciary and Public Safety

Re: SB-392 Performance grants based on improving employment rates for individuals on probation, parole, or extended supervision – INFORMATIONAL ONLY

Chairman Wanggaard and Committee Members,

Thank you for the opportunity to provide testimony on SB-392. The Department of Corrections (DOC) shares in the committees' goal of increasing employability for justice involved individuals. Some of the recent examples of innovative work our agency is conducting in this space includes partnering with the technical college system to operate a number of Career Technical Education Programs in our Center System, creating mobile training labs to teach skills in high-demand fields such as welding and CNC, and partnering with the Division of Workforce Development (DWD) to implement institution-based job centers where persons in our care can search, apply and interview for jobs prior to release.

The proposed bill offers yet another innovative idea, to award performance grants to adult probation and parole offices for increases in employment rates for individuals on probation, parole, or extended supervision. While our agency has long supported innovation and creativity to increase employability, we remain committed to using our funding in a responsible manner, using clear evidence and research to advance our goals.

The research in this area, highlighted by studies and articles noted in the co-sponsorship memo, did provide evidence that employment is important. However, what we feel was missed were all the other factors that impact a person's success. In the articles cited, the importance of employment for those on community supervision was never compared to other factors known to be equally important, such as housing, mental health programming and substance use prevention. Further, while employment was found to be an important factor for recidivism reduction, there were no examples cited where states did what was being proposed – awarding performance grants to state agencies for increased rates of employment for clients. Instead, examples included a state offering sentence credits to gainfully employed clients. Another offered performance-based funding to agencies based on their ability to reduce revocations, not find employment.

The Cicero Institute article, "*Employment-based Earned Time Credits in Adult Supervision*", was cited by the authors of the bill, and makes a case for "earned-time credit systems". This system rewards the client, not the agency, with reductions to their sentence for completing specific goals.

In another article written by the Cicero Institute and cited by the authors of this bill, "*Performance Incentive Funding: Rewarding What Works in America's Probation and Parole Systems*", appears to be the most relevant comparison to this discussion. The article looks at incentive-based funding for units within an agency, but there are clear differences with the model outlined. In it, they discuss the benefits for incentive-based funding for units within an agency for revocation reductions, not employment. Additionally, the most successful programs cited were those coupled with additional changes in legislation made at the sentencing. The article's prime example was California where an incentive-based revocation-reduction program coincided with a bill that restricted new felony convictions and the adoption of risk-needs instruments, something our agency already practices.

Outside of the research, our agency has a few additional concerns we feel would need to be addressed before implementation could occur. First, our agency currently tracks quarterly rates of employment for individuals on probation, parole, and extended supervision using a combination of Department of Workforce Development data and DOC-collected data. The data uses self-reported information by the client and should not be used as a reliable measure of employment to receive funding.

Second, the bill does not create a new appropriation or provide new funding. Our fiscal estimate does a thorough job of outlining some of the costs associated with such a bill. Without additional funding to implement the ongoing grants, our agency would see increased costs that could not be absorbed in its current budget.

Once again, our agency is committed to improving employability outcomes for those under our care, and hopes this bill can be the start of an important dialogue between our agency and committee members. Working together on important, bipartisan approaches that enhance community safety is in the interest of every person in our state.

If you have further questions, please feel free to reach out to me directly at 608-240-5056 or Anna.Neal@wisconsin.gov.

Sincerely,



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Testimony for Wisconsin SB 392, Probation and Parole

Devon Kurtz

Cicero Action

Dear Chairman and Honorable Committee Members:

Thank you for the opportunity to testify on SB 392, which aims to improve public safety and employment outcomes in Wisconsin's probation and parole system. My name is Devon Kurtz, and I am the director of public safety policy with Cicero Action. Cicero Action is a nonpartisan, non-profit, based in Austin, Texas, that advocates for entrepreneurial solutions to public sector problems. In addition to my role with Cicero Action, I am on the board of directors of a re-entry non-profit and I lead a prison ministry group.

SB 392 creates an innovative policy framework that orients probation and parole officers towards improving the lives of the people they work with. Performance-based grants are an evidence-based way to set clear metrics that indicate desirable outcomes, empower the individuals tasked with achieving those outcomes, and rewarding them for success. In short, SB 392 measures the employment outcomes for people on probation, parole, or extended supervision and financially rewards the department in the form of performance-based grants when the employment rate on supervision caseloads increases. These grants are intentionally discretionary to maximize their attractiveness and can be used for rehabilitative or vocational programming, improved supervision practices, better technology, or merit bonuses for officers.

The positive results of getting people on probation and parole into stable jobs ripple beyond the economy and labor shortage. Employment is key to effective rehabilitation and successful community re-entry, and thus to upholding public safety. Studies consistently find that stable employment is the most important factor in determining whether someone will successfully reintegrate into society or fall back into a life of crime.¹ A report by the U.S. Probation and Pretrial Services found that unemployed offenders under their supervision were revoked to prison at a rate that was 500 percent higher than the rate for offenders who were employed.² SB 392 centers employment as its key indicator of success and thus empowers officers to go above and beyond to assist people on probation and parole into stable jobs.

Performance-based grants have a long track record of success in states as diverse as Arizona, Illinois, Pennsylvania, Texas, and Utah. The results of these grants included a 31 percent drop in probation failures in Arizona, a 13 percent reduction in failures in Texas, and an 11 percent drop in failures in Pennsylvania. Probation departments that received performance-based funding saw employment rates on their caseloads increase by as much as 69 percent.³

The success of these programs is in its unique ability to positively transform the culture of probation and parole officers and orient their work around clear goals in which they have stake. A recent study into how probation officers viewed their own jobs found that 36 percent of officers were apathetic about their potential to impact the lives of their clients, citing a lack of incentives to work harder.⁴ Meanwhile, a forthcoming study found that 88 percent of

¹ <https://www.ciceroinstitute.org/post/employment-based-earned-time-credits-in-adult-supervision>

² https://www.uscourts.gov/sites/default/files/69_1_2_0.pdf

³ <https://ceo.ocgov.com/sites/ceo/files/import/data/files/22779.pdf>

⁴ Amber Wilson, forthcoming, "Community Corrections Officer Orientation: Reintroducing the 'Passive Officer.'"

probationers who were supervised by departments receiving incentive funding described their experience as a genuine second chance made possible by supportive officers with a concerted focus on rehabilitation.⁵ Quite simply— incentives work.

In just the last two years, Arizona and Utah have invested a combined \$12 million into performance-based grants for their respective probation and parole systems. Wisconsin has the opportunity to join other states in an effort to effectively reform the criminal justice system in a way that brings pride and dignity to both the officers who protect us and the individuals who are re-entering our communities.

Thank you for your time and attention, and I will answer any questions the committee requests.

⁵ Laretta Sam, forthcoming, "A Qualitative Exploration of Probation Experiences: Listening to Probationers."