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## WISCONSIN LEGISLATIVE COUNCIL

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### REDUCING RECIDIVISM AND REMOVING IMPEDIMENTS TO EX-OFFENDER EMPLOYMENT

Room 411 South  
State Capitol

November 30, 2016  
10:00 a.m. – 4:45 p.m.

[The following is a summary of the November 30, 2016 meeting of the Study Committee on Reducing Recidivism and Removing Impediments to Ex-Offender Employment. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc>.]

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#### Call to Order and Roll Call

Vice-Chair Hutton called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Sen. Alberta Darling, Chair; Rep. Rob Hutton, Vice-Chair; Reps. Jill Billings and Evan Goyke; Sen. Lena Taylor; and Public Members Edward Bailey, David Borowski, Earl Buford, Jerome Dillard, Sadique Isahaku, Eric Johnson, Mary Prosser, Amy Schabel, Lisa Stark, and Kelli Thompson.

COMMITTEE MEMBER EXCUSED: Rep. John Nygren.

COUNCIL STAFF PRESENT: Michael Queensland and Melissa Schmidt, Senior Staff Attorneys.

APPEARANCES: Mike Nichols, President, Wisconsin Policy Research Institute.

**ATTENTION:** This was the final meeting of the Study Committee on Reducing Recidivism and Removing Impediments to Ex-Offender Employment. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

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## **Approval of the October 19, 2016 Minutes of the Study Committee**

*Chair Darling moved, seconded by Rep. Goyke, that the minutes from the committee's October 19, 2016 meeting be approved. The motion was approved by unanimous consent.*

### **Presentation by Mike Nichols, President, Wisconsin Policy Research Institute**

Mike Nichols, President, Wisconsin Policy Research Institute (WPRI), presented information to the committee on WPRI Special Report, *Unlocking Potential* (November 2016). He explained that WPRI has researched programs, both in Wisconsin and in other states that work with offenders released from prison to help rebuild their lives, get them involved in the lives of their children, and become gainfully employed. The report highlights programs in Wisconsin operated by the Alma Center, Milwaukee JobsWork, the Milwaukee Area Technical College (MATC), and the Joseph Project. The report also highlights programs located outside of Wisconsin, including Hope for Prisoners, started by Jon Ponder, and an employment program in the Kansas Department of Corrections.

Mr. Nichols stated that WPRI is continuing its research on programs that effectively and efficiently prepare an offender's reentry into the community. In response to questions, he stated that WPRI recommends that the committee take a closer look at the following policy options: (1) social impact bonds; (2) sentence adjustment mechanisms; (3) the Hope for Prisoners program; and (4) ways to encourage private sector businesses to use prison labor. Mr. Nichols also stated that he is willing to help coordinate a presentation by experts to discuss these recommendations with legislators and committee members.

### **Description of Materials Distributed and Discussion of Committee Recommendations**

#### **Recommendation: Medication Supply Upon Release from Prison**

Melissa Schmidt, Senior Staff Attorney, Legislative Council, read a letter addressed to Chair Alberta Darling and Vice-Chair Hutton from the Department of Health Services (DHS), dated November 30, 2016. The letter provides background information regarding: (1) the possibility of using Medical Assistance (MA) funding to increase the supply of prescription medication that an offender receives upon release from prison; and (2) MA eligibility for persons leaving jails and prisons. Related to the supply of prescription medication, DHS's letter discusses how MA funds could be used to increase the prescription medication supply from two weeks to four weeks for inmates who are eligible for and enrolled in MA. In response to questions, Dr. Silvia Jackson, Director, Reentry Unit, Department of Corrections (DOC), explained that this may be a technical issue regarding the timing of when the prescription medication is billed and the date of the claim submitted to MA for reimbursement. She stated that all inmates, regardless of their eligibility for MA, should be treated similarly with respect to the supply of prescription medication provided at the time of release from prison. Dr. Jackson pointed out that an appropriation would be needed to fund

the increased supply for any offender who is not eligible for MA and that it is unclear at this point how many offenders returning from prison are MA eligible.

*Public Member Kelli Thompson moved, seconded by Senator Lena Taylor, to approve the recommendation related to the medication supply upon release from prison. The motion was approved by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: BadgerCare Enrollment**

Committee members discussed the portion of DHS's letter to Chair Darling and Vice-Chair Hutton, dated November 30, 2016, related to MA eligibility for persons leaving jails and prisons. Committee members discussed whether an inmate, prior to being released, should be able to complete the enrollment process of any state, federal, or local healthcare or human services-related program for which he or she is eligible.

*Representative Evan Goyke moved, seconded by Public Member Mary Prosser, to amend the recommendation to instead recommend that an inmate who enrolls in a healthcare- or human services-related program at the state, federal, or local level, complete the enrollment process prior to release from incarceration. The motion was approved by a vote of Ayes, 15; Noes, 0.*

*Senator Lena Taylor moved, seconded by Public Member David Borowski, to approve the recommendation, as amended, The motion passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: Windows to Work**

Ms. Schmidt explained the recommendation related to DOC's Windows to Work (W2W) program. Committee members discussed whether the W2W program should utilize the Integrated Reentry and Employment Strategies (IRES) approach, which is an integrated framework that allows workforce development and correctional systems to use resources in ways to reduce reincarceration and improve employability. Representative Billings requested that Legislative Council obtain a report on W2W during the next legislative session and requested that this report be distributed to committee members so that the committee can follow-up on this program and any expansion thereof.

*Public Member Eric Johnson moved, seconded by Public Member Edward Bailey, to approve the recommendation. The motion passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: Opening Avenues to Reentry Success**

Ms. Schmidt explained the recommendation related to DOC's Opening Avenues to Reentry Success (OARS) program. Committee members discussed whether OARS should also

utilize the IRES approach. Representative Billings requested that Legislative Council obtain a report on OARS during the next legislative session and requested that this report be distributed to committee members so that the committee can follow-up on this program and any expansion thereof.

*Public Member Edward Bailey moved, seconded by Chair Darling, to approve the recommendation. The motion passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: Council of State Governments Justice Reinvestment Initiative**

Ms. Schmidt explained the recommendation related to the Council of State Governments (CSG) Justice Center's justice reinvestment initiative. Committee members discussed the value of the technical assistance that the CSG Justice Center provides during justice reinvestment initiatives.

*Senator Taylor moved, seconded by Public Member Earl Buford, to approve the recommendation. The motion passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: Trauma-Informed Care Pilot Program**

Ms. Schmidt explained the recommendation related to the creation of a trauma-informed care pilot program. The committee discussed whether it should recommend that a letter be sent to DOC, DHS, and the Department of Children and Families regarding the creation of a trauma-informed care pilot program, or whether this should be a full recommendation by the committee.

*Public Member Lisa Stark moved, seconded by Public Member Amy Schabel, to amend the recommendation by deleting references to Chair Darling and Vice-Chair Hutton sending a letter to DOC, DHS, and DCF, so that the recommendation becomes a full recommendation. The motion passed by a vote of Ayes, 15; Noes, 0.*

*Public Member Lisa Stark then moved, seconded by Public Member Jerome Dillard, to approve the recommendation, as amended. The motion was passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: Trauma-Informed Care DOC Study and Training**

Ms. Schmidt explained the recommendation related to DOC studying how trauma-informed care may be used in the correctional setting to reduce recidivism and continue to provide training to DOC staff on trauma-informed care. The committee discussed whether it should recommend that a letter be sent to DOC regarding the study and training on trauma-informed care, or whether this should be a full recommendation by the committee.

*Public Member Lisa Stark moved, seconded by Senator Taylor, to amend the recommendation by deleting references to Chair Darling and Vice-Chair Hutton sending a letter to DOC, so that the recommendation becomes a full recommendation. The motion passed by a vote of Ayes, 15; Noes, 0.*

*Public Member David Borowski moved, seconded by Public Member Kelli Thompson, to approve the recommendation, as amended. The motion was passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: State of Wisconsin Identification Cards**

Michael Queensland, Senior Staff Attorney, Legislative Council, explained the recommendation related to State of Wisconsin Identification Cards (ID cards). The committee discussed whether it was necessary to recommend that DOC explore the impact of not having a state ID card when an offender reenters the community because the committee has already researched this issue and DOC knows how necessary it is for an offender to have an ID card in the community.

*Representative Billings moved, seconded by Public Member Edward Bailey, to amend the recommendation by deleting language in the recommendation related to DOC exploring the impact of not having an ID card on an offender who is reentering into the community. The motion passed by a vote of Ayes, 15; Noes, 0.*

*Public Member Mary Prosser moved, seconded by Public Member Eric Johnson, to approve the recommendation, as amended. The motion passed by a vote of Ayes, 15; Noes, 0.*

### **Recommendation: Standing Committees of the Legislature**

Mr. Queensland explained the recommendation related to various items for legislative standing committees to review or study. He explained that there was a second draft of this recommendation that included committee member recommendations submitted to Legislative Council staff relating to the following: (1) expungement; (2) community supervision revocation procedures; (3) earned time credits and sentencing credits for time on community supervision; (4) court-imposed financial obligations; (5) websites extorting fees to remove criminal background records; (6) restoration of driver's licenses in prison; and (7) completion of driver safety plans in prison.

The committee discussed the recommendation related to expungement. Representative Goyke requested that the committee recommendation related to expungement be drafted into legislation for the committee to recommend to the Joint Legislative Council for introduction into the Legislature next session. He requested that the legislation at least remove statutory language that only authorizes a judge to order expungement "at the time of sentencing." Public Member David Borowski stated that the judge should be able to order expungement

retroactively, not just at the time of sentencing. Public Member Lisa Stark stated that the age limitation on expungement is not supported by evidence.

Committee members then discussed other items in the recommendation. Public Member Edward Bailey stated that he did not support providing inmates with earned-time credit for time in prison.

In response to committee discussion on other items, committee members determined there were other items that needed to be amended in the recommendation to either use more precise terms, avoid redundancy, or be consistent with other recommendations.

*Senator Taylor moved, seconded by Public Member Kelli Thompson, that the recommendation be amended as follows:*

- *Related to the recommendation on DOC training on "soft skills," replace the term "vocational" with the phrase, "career, and technical".*
- *Delete the recommendation related to reviewing "laws and DOC policies regarding the issuance of state ID cards to inmates prior to release from prison".*
- *Related to the recommendation on expungement, rephrase item (1) with the phrase, "allow a court to order the expungement of a criminal court record after successful completion of a sentence rather than at the time of sentencing".*
- *Related to the recommendation on driver's licenses, delete item (1).*

*The motion passed by a vote of Ayes, 14; Noes, 0.*

*Public Member David Borowski moved, seconded by Public Member Thompson, to approve the recommendation, as amended, by a vote of Ayes, 14; Noes, 0.*

### **Recommendation: Milwaukee Area Technical College**

Ms. Schmidt explained the recommendation related to MATC. She explained that it was based upon the recommendation submitted to Legislative Council staff submitted by Dr. Vicki Martin, President, MATC. Chair Darling reminded the committee that she requested MATC to submit a recommendation at the conclusion of Dr. Martin's presentation to the study committee at its October, 19, 2016 meeting. Ms. Schmidt explained that the format of the recommendation was similar to the format of the W2W and OARS recommendations.

The committee then discussed the recommendation. Public Member Lisa Stark stated that the recommendation as vague and suggested that it should specify a funding amount. Senator Taylor wanted the recommendation to be amended to include language that supported the IRES Pilot Project in Milwaukee. Public Member Sadique Isahaku suggested language to recommend that MATC collaborate with Employ Milwaukee and use recommendations from IRES and other evidence-based approaches.

*Public Member Sadique Isahaku moved, seconded by Public Member Earl Buford, to amend the recommendation by adding an additional sentence that states, "The Study Committee also recommends that the Legislature support MATC, in collaboration with Employ Milwaukee, to provide education and training for high demand and high growth occupations, using recommendations from the Integrated Reentry Employment Strategies model and other evidence-based approaches." The motion was approved by a vote of Ayes, 13; Noes, 0.*

*Public Member Sadique Isahaku moved, seconded by Public Member Earl Buford, to approve the recommendation, as amended, by a vote of Ayes, 13; Noes, 0.*

### **Recommendation: Integrated Reentry and Employment Strategies**

Mr. Queensland explained the recommendation related to IRES. Senator Taylor explained that the IRES Pilot Project in Milwaukee is evidence-based and should be supported by the Legislature. The committee then discussed the value of using evidence-based approaches in DOC programs and community-based programs.

*Senator Taylor moved, seconded by Public Member Kelli Thompson, to approve the recommendation. The motion passed by a vote of Ayes, 13; Noes, 0.*

### **Adjournment**

The meeting was adjourned at 4:45 p.m.

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