



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #352

Milwaukee Drug Court Project (DOC -- Community Corrections)

[LFB 2001-03 Budget Summary: Page 222, #4]

CURRENT LAW

The Department of Corrections currently operates an alternative to prison program for young male, felony drug offenders in Milwaukee. In 2000-01, costs of the program (\$581,000 PR) are supported using a one-time federal Byrne grant.

GOVERNOR

Provide \$420,000 GPR annually for purchase of services funding associated with the Milwaukee drug court project.

DISCUSSION POINTS

1. The Department currently operates a full-time, 48-bed felony drug offender alternative to prison program serving young male drug offenders in Milwaukee County. These offenders enter the program as an alternative to prison as determined by the sentencing drug court judge. The program was designed by representatives of the Milwaukee County District Attorney's office, the State Public Defender's office, Milwaukee County circuit court judges, community organizations and Corrections.

2. The program is designed for prison-bound males between the ages of 17 and 25, who: (a) have no prior adult or juvenile prison commitment; (b) have a current offense committed on or after December 31, 1999; (c) are being convicted for delivery and/or possession of a controlled substance with intent to deliver cocaine, cocaine base or marijuana; and (d) are being convicted of an offense that did not involve the use of or the threat of a weapon.

3. The 12-month long program includes the following three phases:

- *Intensive Treatment.* Intensive treatment for alcohol and other drug abuse is provided during the first four- to six-month phase of incarceration. Inmates spend 45 hours per week in programming. Each inmate is assigned a probation and parole agent. In addition to addressing substance abuse problems, offenders are taught skills for responsible decision making and problem solving, with a strong emphasis placed on upgrading educational skills. Inmates are also paired with a community mentor. Inmates are currently incarcerated at the Milwaukee County House of Correction. [There are currently 49 offenders in the intensive treatment phase.]

- *Correctional Center.* The intensive treatment phase is followed by up to two months at a correctional center where offenders are assisted to gain full-time employment or part-time employment while attending school. In addition, at the correctional center offenders receive additional education, programming to address ways to change behavior patterns, AODA aftercare sessions and a continuation of the mentorship relation. Offenders must have at least two urinalysis screens per week and provide a minimum of 10 hours of community service. During the correctional center phase, the offender and agent develop a release plan. [There are currently 20 offenders in the correctional center phase.]

- *Field Supervision.* A six-month period of enhanced supervision in the community, including aftercare services, at least weekly urinalysis and close surveillance, is the final program phase. Upon successful completion, offenders are subsequently supervised by a probation and parole agent from a specialized drug unit until completion of their sentence. [There are currently 15 offenders in the field supervision phase.]

4. As the program is designed, the sentencing court imposes and stays a prison sentence and places the offender on a minimum of three years and a maximum of five years probation. As a condition of probation, the court then orders the offender to serve one year in the House of Correction and orders the person to complete the drug court program. The court may reduce the House of Correction time if the offender completes the incarceration and correctional center portion of the program before one year. If an offender in the program is revoked, he can be ordered to serve his stayed prison term.

5. In 2000-01, the program is budgeted \$581,000 PR to support purchases of services for offenders in the program. These funds were provided through a federal Byrne grant on a one-time basis. Under SB 55, grant funding is removed as a noncontinuing item.

6. In the bill, the Governor recommends that \$420,000 GPR annually be provided in the 2001-03 biennium to support the purchase of services for the program at \$2,000 per offender. The funding level per offender is the same as that provided in the enhanced probation and parole programs in Racine and Dane Counties. The Governor indicates that the program will begin to utilize the state-operated Milwaukee Secure Detention Facility. The Facility has 210 beds for inmates in AODA treatment and 838 beds for probation and parole holds. Use of the Secure Detention Facility for the first phase of the program will allow state staff to provide the necessary

programming and allow the use of purchase of service funding for offenders in the later two phases of the program.

7. Corrections currently has a memorandum of understanding (MOU) with the Milwaukee County House of Correction to house felony probation and parole violators from southeast Wisconsin. The MOU, signed in 1998, expires in April, 2002. Under the bill, funding associated with the MOU in the contract beds appropriation is eliminated as of November, 2001. Recently, however, Corrections indicated that it will continue to utilize the House of Correction for felony probation and parole holds through the expiration of the MOU, using available resources. Subsequent to April, 2002, Corrections intends to utilize the Milwaukee Secure Detention Facility for violators.

8. Corrections indicates that because the House of Correction agreement will continue through April, 2002, it will utilize some of the 838 probation and parole hold beds for the program. "The department does not plan on allocating more than 105 beds to [the program] to ensure the smooth transition of the program from the Milwaukee House of Correction to MSD [Milwaukee Secure Detention]." As a result, endpoint populations are estimated to be 70 on June 30, 2002, and 105 on June 30, 2003. "The department has revised the estimate downward to ensure the availability of the 210 AODA beds for DOC inmates at MSD."

9. Based on the revised program participation figures, costs of the program can be reduced by \$280,000 GPR in 2001-02 and \$210,000 GPR in 2002-03. A technical correction is necessary to place funding for the program in the purchase of services appropriation, rather than the Department's general program operations appropriation.

10. Under current law (s. 302.19), Corrections "may use any of its facilities for the temporary detention of persons in its custody." Individuals placed on probation are in the custody of the Department. Under this authority, Corrections is currently placing offenders from the Milwaukee drug court program in the Felmers O. Chaney Correctional Center in Milwaukee during the correctional center phase of the program. The Committee should note that under current probation statutes, however, confinement time associated with a probation placement is served in a county facility, not a state-operated facility. In order to clarify that the Milwaukee Secure Detention Facility and a correctional center in Milwaukee County may be utilized for the program, the Committee may wish to modify current law to specify that individuals placed on probation under the program may be placed at these facilities.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$420,000 GPR annually for purchase of services funding associated with the Milwaukee drug court project.

2. Reduce the Governor's recommendation associated with the Milwaukee drug court project by \$280,000 GPR in 2001-02 and \$210,000 GPR in 2002-03. Place funding in the Department of Corrections' purchase of services appropriation. This alternative provides purchase

of services funding of \$140,000 GPR in 2001-02 and \$210,000 GPR in 2002-03 for the program based on endpoint populations of 70 offenders on June 30, 2002, and 105 offenders on June 30, 2003.

Alternative 2	GPR
2001-03 FUNDING (Change to Bill)	- \$490,000

3. In addition to Alternatives 1 or 2, modify current law to allow the Milwaukee Secure Detention Facility and a correctional center to be utilized for the Milwaukee Drug Court program.

4. Maintain current law.

Alternative 4	GPR
2001-03 FUNDING (Change to Bill)	- \$840,000

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