



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #243

### **Female Felony Drug Offender Program (DOC -- Adult Corrections)**

[LFB 2003-05 Budget Summary: Page 118, #16]

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#### **CURRENT LAW**

The Department of Corrections operates the "Felony Drug Offender Alternative to Prison" Program (FDOATP), an alternative to prison program for young male felony drug offenders, in Milwaukee. Currently, there is no similar program for female felony drug offenders in Milwaukee.

#### **GOVERNOR**

Provide \$446,100 GPR in 2003-04 and \$545,400 GPR in 2004-05 and 7.5 GPR positions annually for a felony drug offender alternative to prison program for female offenders at the Milwaukee Women's Center. Funding includes \$288,600 GPR in 2003-04 and \$335,400 GPR in 2004-05 for operating costs and, \$157,500 GPR in 2003-04 and \$210,000 GPR in 2004-05 for purchase of services for inmates.

#### **DISCUSSION POINTS**

1. The Department currently operates a 48-bed drug offender alternative to prison program for young male Milwaukee County drug offenders. With the consent of Corrections, and when recommended in the presentence investigation, a court may order that a felony offender be confined in a facility located in the City of Milwaukee for the purpose of allowing the offender to complete an alcohol and other drug abuse treatment program. Offenders enter the program as an alternative to prison as determined by the sentencing drug court judge. The program began in March, 2000, and was designed by representatives of the Milwaukee County District Attorney's office, the State Public Defender's office, Milwaukee County circuit court judges, and community

organizations. In 2001 Act 16, \$140,000 GPR in 2001-02 and \$210,000 GPR in 2002-03 was provided for the program.

2. The goals of the FDOATP program are to: (a) enhance public safety by eliminating criminal behaviors committed by felony drug offenders; (b) eliminate illicit substance use by felony drug offenders; (c) improve educational functioning; and (d) secure and maintain full-time employment.

3. The current 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; (d) are being convicted of an offense that did not involve the use of or the threat of a firearm; (e) have no prior sexual assault history or convictions (including misdemeanors); (f) do not present an unreasonable assaultive risk to the community; and (g) are in need of alcohol and other drug abuse treatment.

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

- *Phase I.* Intensive treatment for alcohol and other drug abuse is provided during the first four- to six-month phase of incarceration. Inmates spend 40-50 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.

- *Phase II.* The intensive treatment phase is followed by a minimum of 45 days 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 one random urinalysis screen 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.

- *Phase III.* 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.

5. On March 28, 2003, the University of Wisconsin-Milwaukee's School of Social Welfare released a report entitled, "Felony Drug Offender Alternative to Prison Program (FDOATP) Final Report." The report found that, as of September 30, 2002, of the 222 total FDOATP participants, two offenders had successfully completed the program, 90 had been revoked from the program, one had died of natural causes while in the program, 40 remained in Phase I, 14 remained in Phase II, and 68 remained in Phase III. (The report does not identify the status of seven offenders.)

6. The Final Report noted the strengths of the FDOATP program:

"First, FDOATP has operated as an alternative to prison for a selected subset of drug trafficking offenders. As a sentencing option, FDOATP has shown value and utility. The program has shown the necessity of a community based sentencing option.

Second, as shown through interviews with judges, FDOATP is a desirable sentencing option.

Third, the effort to develop FDOATP is an example of the extent to which community partnerships can be developed and utilized to design, implement, monitor, and assess community alternatives. The FDOATP partnership effort has been strong and has continued intact for more than a three year period. This is the type of collaboration is necessary for the development and operation of a viable community alternative to prison.

Fourth, the FDOATP program itself has several elements of clear value. Specifically, as part of the program, the large majority of eligible offenders obtained and maintained employment. Also, all offenders were effectively supervised in both institutional and community based settings and provided an array of services during their participation in the program.

Finally, although the strengths of FDOATP are clear, it should be noted that the full benefits of the program have not yet had time to accrue."

7. The Final Report also included the following recommendations for the FDOATP program:

- "• If the FDOATP program is continued, consideration should be directed toward the redesign of program elements, with attention focused on intended results and actions which might achieve the desired aims and outcomes. FDOATP was designed without a baseline of information upon which to proceed. Information from this assessment should be utilized as a baseline to articulate more precise aims, establish performance objectives and measures, and design more effective strategies for achieving these.

- As part of the redesign process, the Department of Corrections should review existing research which may contribute to a more effective design for the FDOATP program. This process may be facilitated by retaining additional technical expertise outside the Department of Corrections and/or by collaborating with other organizations, such as the National Institute of Corrections or other relevant agencies.

- The electronic database developed for the FDOATP program could provide an excellent mechanism for continuous case management. This

database should receive technical development to make it more usable and useful, and to enable program administrators and staff to produce relevant reports and information on demand. In addition, the assessment of FDOATP should continue with a focus on adjustments and the examination of accumulation of benefits.

- Additional attention should be directed to strengthening the community partnership (e.g., faith based, labor, judicial) which supports the FDOATP effort."

8. The Department indicates that the FDOATP committee intends to meet to discuss the Final Report and its recommendations. A specific date for this meeting has not been identified.

9. In September, 2001, the Building Commission approved \$5,100,000 in general fund-supported borrowing for the construction for a 100-bed minimum-security correctional center for adult female inmates in Milwaukee to replace the existing 42-bed Milwaukee Women's Correctional Center. The facility is estimated to be completed by June, 2003. Although the new facility has an operating capacity of 100 offenders, SB 44 does not provide additional funding to support the increased capacity. As of May 2, 2003, the population at the current center was 44.

10. Milwaukee Women's Center currently has 16.0 staff, including 1.0 superintendent, 1.0 program assistant, 1.0 food service position, 1.0 social worker, and 12.0 correctional officers.

11. In SB 44, the Governor provides \$446,100 GPR in 2003-04 and \$545,400 GPR in 2004-05 and 7.5 GPR positions annually for a felony drug offender alternative to prison program for female offenders at the Milwaukee Women's Center. Funding is intended to support a 50-bed program for female offenders. Under the bill the following positions are provided: 4.0 social workers, 0.5 psychologist, 1.0 program supervisor, 1.0 treatment specialist and 1.0 program assistant. The program would begin in October, 2003.

12. In reviewing the provision, the following points should be noted:

- The female FDOATP program is designed as a 50-bed program. The male FDOATP program was identified as a 105-bed program. Total purchase of service funding for the female program is identical to that provided for the male program. Funding for the male FDOATP program was budgeted at \$2,000 per offender.

- Funding assumes that 50 female offenders will be in the program as of the starting date. Since an offender must be sentenced to the FDOATP program by the sentencing court, however, it may take time for 50 female offenders to be sentenced into the program. If it is assumed that the inmate population will be phased in and purchase service funding is provided for a 50-bed program, funding for the program could be reduced by \$100,200 GPR in 2003-04 and \$110,000 GPR in 2004-05. This funding would support an average of 38 inmates in 2003-04 and 50 inmates in 2004-05.

- The Milwaukee Women's Center currently has 1.0 social worker position. The bill provides an additional 4.0 social workers. Based on the social worker to inmate ratio at the Drug Abuse Correctional Center (a drug abuse treatment facility for male offenders), only three additional social workers would be necessary for the female FDOATP program. As a result, the bill could be reduced by \$33,700 GPR in 2003-04 and \$38,300 GPR in 2004-05 and 1.0 GPR position annually.

13. In fiscal year 2001-02, 84 female offenders from Milwaukee County were admitted to prison for nonviolent drug offenses. It is unknown how many of these offenders would meet the eligibility requirements of the program.

14. Given the current fiscal concerns of the state and the concerns raised in the study, the Committee may wish to provide funding for a more limited program. If a 25-bed program at Milwaukee Women's Center, instead of a 50-bed program was created, based on the same modifications discussed above, the bill could be modified to delete \$246,200 GPR in 2003-04 and \$306,900 GPR and 3.5 positions annually. Funding would include \$162,400 GPR in 2003-04 and \$188,500 GPR in 2004-05 for operating costs, and \$37,500 GPR in 2003-04 and \$50,000 GPR in 2004-05 for purchase of services for inmates. Staffing would include 2.0 social workers, 0.5 psychologist, 0.5 treatment specialist, 0.5 program supervisor, and 0.5 program assistant.

15. It could be argued that, because there is no current comparable sentencing option for female offenders, an equity issue is involved with creating a female FDOATP program. The Governor's Budget in Brief, indicates that funding and staff are provided for female offenders that is "similar to the program currently operated in Milwaukee for males." However, considering the recommendations put forth in the Final Report, the low completion rate of the program, and that the program is relatively new, it could be argued that creation of a second FDOATP program should be postponed until the current FDOATP program can implement the Final Report's recommendations.

**ALTERNATIVES**

1. Approve the Governor's recommendation to provide \$446,100 GPR in 2003-04 and \$545,400 GPR in 2004-05 and 7.5 positions annually for a felony drug offender alternative to prison program for female offenders at the Milwaukee Women's Center.

2. Provide \$312,200 GPR in 2003-04 and \$397,100 GPR in 2004-05 and 6.50 GPR positions annually for a felony drug offender alternative to prison program for female drug offender program for female offenders at the Milwaukee Women's Center. This alternative would modify the Governor's recommendation by phasing in the program, reducing funding associated with purchase of services for offenders, and deleting 1.0 social worker position.

<u>Alternative 2</u>	<u>GPR</u>
<b>2003-05 FUNDING</b> (Change to Bill)	- \$282,200
<b>2004-05 POSITIONS</b> (Change to Bill)	- 1.00

3. Provide \$199,900 GPR in 2003-04 and \$238,500 GPR in 2004-05 and 4.0 GPR positions annually for a 25-bed felony drug offender alternative to prison program for female offenders at the Milwaukee Women's Center. This alternative would modify the Governor's recommendation by reducing funding to support a 25-bed program instead of 50-bed program.

<u>Alternative 3</u>	<u>GPR</u>
<b>2003-05 FUNDING</b> (Change to Bill)	- \$553,100
<b>2004-05 POSITIONS</b> (Change to Bill)	- 3.50

4. Delete provision.

<u>Alternative 4</u>	<u>GPR</u>
<b>2003-05 FUNDING</b> (Change to Bill)	- \$991,500
<b>2004-05 POSITIONS</b> (Change to Bill)	- 7.50

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