



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #233

Expansion of Community Alternative to Revocation (DOC -- Adult Corrections)

[LFB 2005-07 Budget Summary: Page 126, #4]

CURRENT LAW

Offenders who violate their probation, parole, or extended supervision generally face one of two consequences: (a) they may have their probation, parole, or extended supervision revoked and be returned to prison to serve the remainder of their sentence; or (b) they may be placed in either institutional and community programming as an alternative to revocation (ATR). The Department currently allocates 302 beds within the prison system for ATR purposes, and utilizes approximately 200 halfway house beds and 200 temporary living placements for community ATR programs.

In addition, the Department operates two, day reporting centers where offenders report daily and are required to report to work daily, or actively seek employment and keep a record of their job search. Offenders attend educational, vocational, or drug abuse classes as required, and meet regularly with probation officers and counselors.

GOVERNOR

Provide \$723,600 GPR in 2005-06 and \$2,405,200 GPR in 2006-07 to expand local community housing and treatment options available to offenders who violate their probation, parole, or extended supervision and may serve time and/or receive programming as an alternative to the revocation of their probation, parole, or extended supervision.

Costs of expanding the use of community alternatives to revocation would be offset by a reduction in contract bed funding of \$167,900 GPR in 2005-06 (a reduction of nine offenders) and \$2,972,700 GPR in 2006-07 (a reduction of 150 offenders).

DISCUSSION POINTS

1. Offenders who violate their probation, parole, or extended supervision may be placed in institutional or community programming as an alternative to the revocation of their probation, parole, or extended supervision. Offenders placed in prison as an ATR generally serve shorter periods of time in prison (approximately two to six months, depending on programming) than offenders whose probation, parole, or extended supervision is revoked. The placement of offenders in ATR programming is based on the offender's programming need and bed space availability.

2. In 2003 Act 33, approximately 200 additional beds were created in correctional facilities for ATR programming, for a current total of 302 ATR beds. The following table identifies the institutions and number of beds utilized by the Department for institutional ATR programming.

Institutional ATR Programming Beds

Milwaukee Secure Detention Facility	140
Sturtevant Transitional Facility	50
Chippewa Valley Correctional Treatment Facility	35
Racine Correctional Institution	12
Oakhill Correctional Institution	8
Oshkosh Correctional Institution	5
Taycheedah Correctional Institution	8
St. Croix Correctional Center	17
Robert E. Ellsworth Correctional Center	8
John C. Burke Correctional Center	8
Flambeau Correctional Center	4
Gordon Correctional Center	4
McNaughton Correctional Center	3

3. Corrections indicates that through March, 2005, 982 offenders have been admitted to various state facilities for institutional ATR programming since programming began in January, 2004, with 283 offenders still in programming. Of the 699 offenders no longer in programming: (a) 468 successfully completed the program and have not had their probation, parole, or extended supervision revoked since their release; (b) 48 successfully completed the program, but had their probation, parole, or extended supervision revoked at some point after their release; (c) 98 offenders either dropped out of the program or were terminated as a result of disciplinary problems; (d) nine offenders were released from the program due to health issues or other concerns; and (e) there are 76 offenders who are no longer in programming, but data is incomplete as to whether they completed or failed the program.

4. The 468 offenders who successfully completed the institutional ATR program without revocation of their probation, parole, or extended supervision represent 67% of the 699 no longer in programming.

5. In addition to the institutional ATR beds, the Department uses halfway house and

temporary living placement beds in the community for ATR programming. Currently, there are a total of 474 halfway house beds and 283 temporary living placement (TLP) beds for all community supervision, of which the Department uses approximately 400 for ATR programming.

6. While Corrections tracks data on offenders participating in halfway house and TLP programming, information specific to ATR offenders participating in programming is unavailable. In 2003-04, a total of 3,916 offenders participated in halfway house and TLP programming. Of the total, 2,607 (67%) of the offenders completed the programming. As of February, 2005, the status of the offenders who completed programming included: (a) 1,531 offenders who remained on probation, parole, or extended supervision; (b) 489 successfully discharged from probation, parole or extended supervision; (c) 470 offenders had their probation, parole, or extended supervision revoked; and (d) 117 offenders absconded. Again, this data includes all offenders in halfway house and TLP programming in 2003-04, and it is unknown how many of the total were ATR offenders.

7. Corrections currently operates two, day reporting centers, one in Dane County and one in Racine County. The day reporting centers are designed for offenders who are substance abusers, considered to be at high risk for reoffending, and who have a relatively high level of need for services, which is determined by their community classification assessment. Programming at day reporting centers includes alcohol and other drug abuse (AODA) treatment, criminality reduction and independent living skills. The goal of the centers is to assist offenders in achieving responsible, crime- and drug-free living within their own community.

8. A 2000 research report by Indiana State University's Department of Criminology evaluated two, day reporting centers in Wisconsin based on data from July, 1991 through April, 1994. (The centers studied were not the Dane and Racine County centers.) The report found that program completion in day reporting centers was associated with lower chances of rearrest when compared to high risk/high need offenders who were eligible, but not referred for programming at the centers. However, the report also indicated that rearrest appeared to be more related to personal characteristics of age, offense, and prior record, rather than program participation. While the factors in reducing recidivism remained unclear, the report did find that day reporting centers "may provide a viable correctional treatment option for moderately high-risk offenders supervised in the community."

9. In the Department's 2005-07 budget request, Corrections indicated that a DOA Division of Hearings and Appeals Administrator believes the "DOC agents use the revocation process as a means of holding an offender in custody while they continue to explore an alternative to revocation. The lack of POS [purchase of services] funding also impacts the ultimate revocation decision for those cases that actually go to hearing. He suggests that the decision is often controlled by lack of appropriate alternatives and that additional POS funding would divert a significant number of offenders from prison and jail confinement." The Division of Hearings and Appeals hears probation, parole, and extended supervision revocation cases. The Department also stated that increased available community services "will improve supervision and offender accountability in the community for all offenders on supervision." Purchase of service funding is used to purchase halfway house and TLP beds and to support day reporting centers, as well as other services for

offenders.

10. Assembly Bill 100 would provide \$723,600 GPR in 2005-06 and \$2,405,200 GPR in 2006-07 to expand local community housing and treatment options available to ATRs. Funding would include: (a) additional halfway house beds for offenders who have a higher probability for technical rule violations; (b) additional temporary living placement beds and electronic monitoring equipment to track TLP offenders; and (c) six additional day reporting centers for offenders. Funding for halfway house and TLP beds would target an estimated 444 offenders annually. Each additional day reporting center would provide services to approximately 100 offenders.

	<u>2005-06</u>	<u>2006-07</u>
Halfway House Beds	\$0	\$1,124,100
Temporary Living Placement (TLP) Beds	269,800	539,500
Electronic Monitoring Equipment for TLPs	83,000	0
Day Reporting Centers	<u>370,800</u>	<u>741,600</u>
Total	\$723,600	\$2,405,200

11. Based on a 70% success rate in the program, the bill assumes that increased use of ATR beds will result in fewer offenders being revoked and serving more time in prison. Corrections assumes that each offender placed in an ATR bed instead of prison serves 1.25 years less in prison. As a result, contract bed funding is reduced by \$167,900 in 2005-06 (a reduction of 9 beds) and \$2,972,700 in 2006-07 (a reduction of 158 beds).

12. Under the bill, ATR programming in halfway houses would begin in July, 2006, and include 43 beds. Offenders would spend on average of four months in programming that would likely include AODA treatment, academic/vocational skills and employment assistance, financial management training, family counseling, and mental health counseling. Programming for ATRs in temporary living placement beds would be for two months. Offenders would be electronically monitored for the two months they are in TLP beds, as well as for one month after leaving the placement. The bill assumes an expansion of 52 beds for TLPs.

13. The six new day reporting centers would provide services to approximately 600 offenders (100 offenders at each center) in need of more structure and intensive services while in the community. The bill assumes that the new centers will be developed by probation and parole offices and operated with vendors in the counties where the need is high. No specific locations have been identified.

14. It should be noted that funding in the bill was calculated based on annualized cost increases that were not compounded in the second year. Recalculating costs to include cost increases in the second year, funding under the bill could be modified by \$19,300 in 2006-07.

15. The Department's 2005-07 budget request intended to expand community ATR

programming for 428 additional offenders in the community. It was assumed that a 70% success rate, 300 offenders annually would not be admitted to the prison system. However, it should be noted that the funding in AB 100 would target 444 additional offenders to place in halfway houses and temporary living placements.

16. If the Committee wishes, funding could be adjusted to reduce the expansion to a fewer number of offenders for halfway houses and temporary living placements. The following table identifies the changes to the bill if the number of targeted offenders is reduced. The alternatives include the previously identified modification for 2006-07. It should be noted that, while program funding is reduced as a result of targeting fewer offenders, associated contract beds savings are also lessened.

**2005-07 Expansion of Community ATR Programming
Funding Alternatives to Halfway Houses and Temporary Living Placements
Biennial Change to Bill**

<u>Number of Beds</u>	<u>Halfway Houses/ TLP Funding</u>	<u>Electronic Monitoring</u>	<u>Contract Beds</u>	<u>Change to Bill</u>
200	-\$1,058,600	-\$45,600	\$1,731,300	\$627,100
300	-621,300	-26,900	1,021,900	373,700
400	-183,700	-8,200	312,500	120,600
428	-61,200	-3,000	113,800	49,600
444 (AB 100 modified)	8,200	0	0	8,200

17. Likewise, the Committee could reduce the amount of funding provided for the day reporting centers. The following table identifies funding alternatives and the biennial change to the bill, if a reduced number of day reporter centers is provided.

**2005-07 Expansion of Community ATR Programming
Funding Alternatives to Day Reporting Centers
Biennial Change to Bill**

<u>Day Reporting Centers</u>	<u>Change to Bill</u>
One Center	-\$925,100
Two Centers	-737,900
Three Centers	-550,600
Four Centers	-363,400
Five Centers	-176,100
Six Centers (AB 100 modified)	11,100

18. If the provision were deleted from the bill, funding under AB 100 would increase by \$11,800 GPR over the biennium (a reduction of \$723,600 GPR in 2005-06 and \$2,405,200 GPR in 2006-07 associated with the program funding, and an increase of \$167,900 GPR in 2005-06 and \$2,972,700 GPR in 2006-07 associated with contract bed funding).

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$723,600 GPR in 2005-06 and \$2,405,200 GPR in 2006-07 to expand local community housing and treatment options available to offenders who violate their probation, parole, or extended supervision. Costs would be offset by a reduction in contract bed funding of \$167,900 GPR in 2005-06 and \$2,972,700 GPR in 2006-07.

2. Approve the Governor's recommendation with the following modification: increase funding by \$19,300 in 2006-07 associated with recalculations of annualized cost increases.

<u>Alternative 2</u>	<u>GPR</u>
2005-07 FUNDING (Change to Bill)	\$19,300

3. Reduce the number of targeted offenders for ATR programming in halfway house and TLP beds to any of the following. *[This alternative can be selected with Alternative #4.]*

	<u>Number of Beds</u>	<u>Change to Bill</u>
a.	200	\$627,100
b.	300	373,700
c.	400	120,600
d.	428	49,600

4. Reduce funding for new day reporting centers by any of the following alternatives. *[This alternative can be selected with Alternative #3.]*

	<u>Number of Day Reporting Centers</u>	<u>Change to Bill</u>
a.	1	-\$925,100
b.	2	-737,900
c.	3	-550,600
d.	4	-363,400
e.	5	-176,100

5. Delete provision.

<u>Alternative 5</u>	<u>GPR</u>
2005-07 FUNDING (Change to Bill)	\$11,800

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