



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

May 19, 2015

Joint Committee on Finance

Paper #254

Juvenile Correctional Community Supervision Services (Corrections -- Juvenile Corrections)

[LFB 2015-17 Budget Summary: Page 131, #9]

CURRENT LAW

Under current law, aftercare supervision may be provided to monitor juveniles following their release from secure care to ensure school attendance, participation in treatment programs and compliance with other conditions of the juvenile's release. Counties may provide their own aftercare supervision or purchase these services from the state. Aftercare supervision rates for services provided by the state are established by statute each biennium.

Current law also requires the Department to provide a corrective sanctions program to serve an average daily population of 136 juveniles in not less than three counties, including Milwaukee County. The Department is required to have a report center in Milwaukee County. The Office of Juvenile Offender Review evaluates and selects juveniles for the program who have been placed in a juvenile correctional facility. Under the program a juvenile is placed in the community and provided with intensive surveillance. In addition, an average of not more than \$3,000 annually is provided to purchase community-based treatment services for each corrective sanctions slot. Each biennium, rates for the corrective sanctions program are established by statute.

GOVERNOR

Modify statutory law by repealing references to the corrective sanctions program and aftercare services, replacing the references with juvenile "community supervision." Further, delete statutory language specifying the daily rates for corrective sanctions and aftercare services. Instead, provide that the daily rate for community supervision services would be an amount determined by the Department based on the costs of providing those services. Multiple rates may be established for varying types and levels of services, and rates would be calculated by the Department prior to the beginning of each fiscal year and submitted to the Joint Committee on Finance for passive review.

Modify the corrective sanctions program to be a community supervision program. Under the new community supervision program, the Department would purchase or provide any of the following juvenile community correctional supervision services: (a) surveillance available 24 hours a day, seven days a week, including electronic or GPS monitoring, based on the juvenile's risk level and community safety; (b) report center programming, including social, behavioral, academic, community service, and other programming, after school, in the evening, on weekends, on other non-school days, and at other times when the juvenile is not under immediate adult supervision; (c) contacts with the juvenile and the juvenile's family of a type, frequency, and duration commensurate with the juvenile's level of risk and individual treatment needs; and (d) case management services provided by a juvenile community supervision agent.

The revisions would occur starting in the 2017-19 biennium on July 1, 2017, or the second day after publication of the 2017-19 biennial budget act.

DISCUSSION POINTS

Current Law

1. The Department of Corrections currently provides juvenile correctional community services for aftercare and under the corrective sanctions program. Aftercare supervision and corrective sanctions rates are established by statute each biennium under the budget act.

2. Under current law, the Department must provide a corrective sanctions program to serve an average daily population of 136 juveniles (or more, if additional funding and positions are provided by the Joint Committee on Finance or otherwise become available) in not less than three counties, including Milwaukee County. The Office of Juvenile Offender Review evaluates and selects juveniles for the program who have been placed in a juvenile correctional facility. Under the program, a juvenile is placed in the community and provided with intensive surveillance. An average of not more than \$3,000 annually is provided to purchase community-based treatment services for each participant.

3. Under the corrective sanctions program, Corrections is required to have a report center in Milwaukee County to provide on-site programming after school and in the evening for juveniles. A contact worker providing corrective sanctions services must have a caseload of approximately 10 juveniles, and during the initial phase of a juvenile's placement in the program, must have not less than one face-to-face contact per day with that juvenile. Case management services are provided by a corrective sanctions agent who must have a caseload of approximately 15 juveniles. In 2013-14, 16 counties utilized the program with an average daily population of 89 juveniles.

AB 21/SB 31

4. The bill would repeal statutory references to the corrective sanctions program and aftercare services, replacing those references with juvenile "community supervision." In addition, the specified statutory daily rates for corrective sanctions and aftercare services would be deleted. Instead, the daily rate for community supervision services would be an amount determined by the

Department based on the costs of providing those services, where multiple rates may be established for varying types and levels of services. Rates would be calculated by the Department prior to the beginning of each fiscal year and submitted to the Joint Committee on Finance for passive review. The current rate for corrective sanctions is \$128 per day and the current rate for aftercare supervision is \$41 per day.

5. The corrective sanctions program would be modified to be a community supervision program. The current provisions for the corrective sanctions program would be deleted, instead specifying the Department would purchase or provide any of the following juvenile community correctional supervision services: (a) surveillance available 24 hours a day, seven days a week, including electronic or GPS monitoring, based on the juvenile's risk level and community safety; (b) report center programming, including social, behavioral, academic, community service, and other programming, after school, in the evening, on weekends, on other non-school days, and at other times when the juvenile is not under immediate adult supervision; (c) contacts with the juvenile and the juvenile's family of a type, frequency, and duration commensurate with the juvenile's level of risk and individual treatment needs; and (d) case management services provided by a juvenile community supervision agent.

6. The bill provisions would be effective starting in the 2017-19 biennium on July 1, 2017, or the second day after publication of the 2017-19 biennial budget act.

7. The Department requested the statutory change, indicating that the "changes allow for juvenile community supervision services to be based upon the level of services and program costs needed for each juvenile in order to reduce the risk of reoffending, rather than restricted to services stipulated in either corrective sanctions or aftercare appropriations. The changes will allow for rates to reflect current cost and population trends and program services structure."

8. According to Corrections, the revised program would include many of the same elements currently provided by corrective sanctions and aftercare, but "allowing for the development of a multi-faceted program under the single umbrella of Community Supervision would allow those specific components and services to be assigned in combinations that are more tailored to the risk and needs of individual youth. It would also allow programming to be modified over time as evidence emerges or the needs of the population changes." Examples of program components could include:

- Face-to-face contacts with agents and youth counselors at a frequency determined by the juvenile's risk
- Electronic monitoring, potential use of mobile technology for check-ins and contacts
- Mentoring, counseling, therapy services, such as cognitive intervention, sex offender therapy, alcohol and other drug abuse treatment
- Educational and vocational programming
- Independent living services and support

9. Under the bill, the daily rates for community supervision services would be determined by the Department based on the costs of providing those services. Multiple rates would be calculated and established by the Department for varying types and levels of services prior to the beginning of each fiscal year, and submitted to the Joint Committee on Finance under a 14-day passive review process.

10. It should be noted that the statutory language requiring that a report center be located in Milwaukee County is deleted. A report center serves as a central location for juveniles to report on a regular basis for monitoring purposes. While the language would be deleted, Corrections indicates it will continue to operate a report center in Milwaukee. To the extent that the Committee may wish to ensure a report center remains in Milwaukee County yet also wishes to support the provision's intent to give Corrections more flexibility in operating juvenile, the bill could be modified to maintain the statutory requirement related to Milwaukee County. [Alternative 2] Note, however, the bill would not prohibit Corrections from continuing the Milwaukee report center.

11. A separate provision in the bill would transfer certain juvenile services to the Department of Children and Families (this issue is addressed in a separate budget paper). Given this transfer, simultaneous modifications to aftercare and corrective sanctions could be seen as disruptive to the provision of juvenile correctional services. Therefore, the Committee may wish to maintain current law and evaluate aftercare and corrective sanctions modifications subsequent to full implementation of the transfer of those services. [Alternative 3] On the hand, the revisions to aftercare and corrective sanctions would not begin until the 2017-19 biennium, which would provide the time to see how the transfer is implemented.

ALTERNATIVES

1. Approve Governor's recommendation to repeal references to juvenile corrective sanctions and aftercare services, instead providing for juvenile "community supervision." Revise the corrective sanctions program to be a community supervision program, where the Department would purchase or provide any of the following juvenile community correctional supervision services: (a) surveillance available 24 hours a day, seven days a week, including electronic or GPS monitoring, based on the juvenile's risk level and community safety; (b) report center programming, including social, behavioral, academic, community service, and other programming, after school, in the evening, on weekends, on other non-school days, and at other times when the juvenile is not under immediate adult supervision; (c) contacts with the juvenile and the juvenile's family of a type, frequency, and duration commensurate with the juvenile's level of risk and individual treatment needs; and (d) case management services provided by a juvenile community supervision agent. The revisions would occur starting in the 2017-19 biennium on July 1, 2017, or the second day after publication of the 2017-19 biennial budget act

2. Approve the Governor's recommendation with the modification to retain current law specifying that the Department operate a report center in Milwaukee County.

3. Delete provision and maintain current law.

Prepared by: Chris Carmichael