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Joint Committee on Finance

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Racine Youthful Offender Correctional Facility (RYOCF) Behavior Modification Unit (Corrections -- Adult Institutions)

[LFB 2021-23 Budget Summary: Page 126, #9]

CURRENT LAW

The Racine Youthful Offender Correctional Facility (RYOCF) is a medium-security facility located in Racine, Wisconsin. The facility serves male offenders aged 18 through 24 who have been sentenced to prison by an adult court.

DISCUSSION POINTS

1. The Racine Youthful Offender Facility includes two housing units with 120 cells for 450 offenders. In addition, RYOCF has a 27-bed restrictive housing unit, a visiting room, multi-purpose/chapel room, meeting rooms, staff offices, health services and educational areas, a recreation field and gymnasium, and a support building that houses Career Technical Education and food service programs, as well as laundry and warehouse space. In 2019-20, RYOCF had an average of 207 staff persons and an average daily population of 447 inmates.

2. The RYOCF facility is unique in that it is the only Wisconsin Correctional Institution that specifically houses young adult men aged 18 to 24. According to the Department, research suggests that individuals in this age group are still developing and maturing, and may not have fully-formed impulse control, which could result in more emotionally-charged behaviors when compared to the general adult prison population. This is also the age range when serious mental illnesses are often first observed. For these reasons, the bill identifies RYOCF as the most appropriate and in-need location for a behavior modification unit (BMU).

3. A behavior modification unit is similar to a general population unit, except that it often includes a sensory space, therapeutic features that provide a calming and positive environment, and a

centralized location for treatment staff to meet with high-need inmates. A BMU also usually offers specific programming and a positive reinforcement system. While Wisconsin does not currently operate any BMUs, several other states, as well as the federal government, have used similar specialized units.

4. For example, California began a behavior modification unit pilot program (with reward systems similar to the proposal at RYOFC, described below) in six prison facilities in 2005. A 2010 report of the program identified instances of poor operation and significant staff misconduct towards inmates. At least three of these programs have since been closed. Similarly, for several decades, the federal Bureau of Prisons operated behavior modification units as an alternative to long-term segregation. Some years ago, the Comptroller of the United States submitted a report which concluded "the Bureau has not effectively managed these programs." It is unknown how many states operate BMUs or units similar to BMUs, and the Department indicates that it did not model its proposed BMU off of any other state (instead, it was modeled off of Waupun Correctional Institution's (WCI) behavioral health unit (BHU), discussed later in this paper).

5. The specific BMU at RYOFC would have a 30-bed capacity and would be used for individuals who have demonstrated rule-breaking behavior, struggle with impulsivity, or who are frequently placed in restrictive housing units. Inmates in the RYOFC BMU would be required to participate in programming, with a specific focus on Thinking for a Change programming.

6. Thinking for a Change is a 14-week, cognitive behavioral program aimed at achieving long-term, skills-based behavioral change, rather than short-term compliance. The goal is to help inmates learn to identify habits of thinking that directly connect to their criminal behavior and to see and appreciate the scope of consequences related to their present way of thinking. The program specifically focuses on developing emotional regulation, cognitive self-change, social skills, and problem-solving skills. The Department currently operates Thinking for a Change programming at a majority of its adult institutions, including at RYOFC. However, the Department indicates that "due to time, staffing, and resource limits, persons in [the Department's] care typically only receive Thinking for a Change programming near the end of their sentence, when they are preparing for release." It may be beneficial to allow the RYOFC population to receive this type of programming earlier, given their high needs and the availability of trained staff and a highly-structured setting (though the BMU).

7. In addition to Thinking for a Change, the BMU would offer six out-of-cell programs that all focus on "growth needs outside of mood regulation and impulse control." The Department indicates that participants in the BMU would matriculate through the programs in a "phase system," where participants advance as they complete programming, demonstrate pro-social behaviors, and keep conduct reports to a minimum. Participants would be rewarded for advancing to different phases with additional out-of-cell free time, increases in personal property allotments, and the ability to purchase or rent items (such as small hygiene items, loaner electronics, or more out-of-cell time) through the token economy once per week (where tokens are rewarded to participants successfully completing the day's target behaviors and tasks). The token system would be funded through canteen funds and donations, and is designed to positively reinforce and motivate participants to continue through the program. As noted by the Department, this structured, positive system is beneficial as

"this young age group is still developing their ability to understand delayed gratification."

8. In addition to having a population suitable for a BMU, the existing infrastructure at RYOFC could accommodate a BMU with minimal construction, given that an existing quad space on the south side of the premises could be converted for this purpose. The Department indicates that one existing cell would be converted into a sensory room and door rekeying and cosmetic changes (such as painting) would take place, but otherwise, the BMU would look similar to a general population unit. According to the Department, these minor renovations could take place over the course of one to two months.

9. As noted, Wisconsin does not currently operate any BMUs. Lincoln Hills/Copper Lake Schools have a specialty management unit for youth with a pattern of highly disruptive behavior. However, this unit is not comparable to the proposed RYOFC BMU, since youth at the specialty management unit receive the same programming as other youth in the facility, and the youth population has much different needs and programming structures than adult populations, even young adult populations, as in the case of RYOFC. Instead, the proposed BMU is modeled on a BHU at WCI. While a BMU and a BHU differ in that the BMU is intended to keep residents more thoroughly isolated from the general population than is the case for the BHU (due to the specialized needs of the young adult population and to prevent incidents that may lead to the use of restrictive housing), both specialized units require similar staffing and infrastructure.

10. Assembly Bill 68/Senate Bill 111 would provide \$702,000 GPR in 2021-22, \$823,500 GPR in 2022-23, and 9.6 GPR positions annually to establish and staff the BMU at RYOFC. Positions would include: 5.0 correctional officers, 2.0 correctional sergeants, 1.0 licensed psychologist 1.0 clinical social worker, and 0.60 teacher. In order to give Corrections time to renovate the existing space, the bill provides staffing for nine months in 2021-22 and is annualized thereafter.

11. Under the bill, 5.6 vacant GPR positions would be reallocated for this purpose. Initially, the positions identified for reallocation were from various programs in the Division of Management Services and the Division of Adult Institutions. However, Corrections and the State Budget Office indicate that the intent is for Corrections to be able to make substitutions, if any of the vacant positions become filled or a more-suitable position(s) for reallocation is identified. As a result of the proposed reallocation, the Department would need additional position authority for 4.0 of the 9.6 positions, and would use approximately \$303,000 of existing budget authority by reallocating the remaining 5.6 positions, as shown below:

<u>Division</u>	<u>Program</u>	<u>GPR Funding</u>		<u>GPR Positions</u>
		<u>2021-22</u>	<u>2022-23</u>	
Management Services	Bureau of Finance and Administrative Services	\$11,900	\$15,900	0.00
Management Services	Training Centers	75,100	18,000	0.00
Adult Institutions	Bureau of Health Services	2,100	0	0.00
Adult Institutions	Institutions, Division Administration	111,200	148,300	0.00
Adult Institutions	Wisconsin Women's Correctional System	-60,600	-60,600	-1.00
Adult Institutions	Kettle Moraine Correctional Institution	-60,600	-60,600	-1.00
Adult Institutions	Dodge Correctional Institution	-121,200	-121,200	-2.00
Adult Institutions	Racine Youthful Offender Correctional Facility	537,400	683,300	9.60
Adult Institutions	Racine Youthful Offender Correctional Facility	-35,700	-42,000	-0.60
Adult Institutions	Milwaukee Secure Detention Facility	<u>-60,600</u>	<u>-60,600</u>	<u>-1.00</u>
	TOTAL	\$399,000	\$520,500	4.00

12. The staffing identified is largely consistent with the staffing of the Waupun Correctional Institution unit. The WCI BHU has 60 beds (twice the size of the RYOFC proposal) and approximately double the security staff, to reflect the larger size and higher security level. However, the Waupun unit has approximately the same number of non-security staff as the proposed RYOFC unit (including psychologists, social workers, and teachers). The Department indicates that a similar number of treatment staff is required, given the specialized needs of the young adult population at RYOFC. In addition, the non-security BMU positions would allow for BMU programming and classes to be completely separate from the general population classes.

13. Given the high-need population that exists at RYOFC, the Committee could provide a net \$399,000 GPR in 2021-22, \$520,500 GPR in 2022-23, and 4.0 GPR positions annually to establish a 30-bed BMU at RYOFC. This alternative would require the Department to reallocate an additional 5.6 vacant GPR positions (for a total of 9.6 positions) and associated funding to fully staff the unit. [Alternative 1]

14. The initial 5.6 reallocated positions were determined by comparing positions included in each budget item with long term vacancies (12 months or more). As noted, however, DOA intends to provide the Department with discretion to make substitutions when necessary. The Committee could require Corrections to identify and reallocate 9.6 vacant GPR positions to fully staff the RYOFC unit (which would require 4.0 additional reallocations, in addition to the 5.6 positions identified in the bill). As of May 1, 2021, the Department had 184.08 vacant positions in the general program operations appropriation (to which the RYOFC BMU positions would be budgeted) existing for one year or more. Given that the Department would have discretion to choose which positions to reallocate, a fulltime average annual salary (\$42,400) and fringe benefit cost (\$21,500) for all of the 184.08 vacant positions could be used to reduce funding for the new positions under Alternative 1 by -\$255,600 annually (for a total cost of \$143,400 GPR in 2021-22 and \$264,900 GPR in 2022-23). This alternative would require Corrections to reallocate 9.6 vacant GPR positions and would not require any additional position authority. The alternative would also exclude reallocated supplies and services funding, given the differences between position types and institutions. [Alternative 2]

15. Note that additional reallocated positions may not align with the position's intended initial purpose (for example, a teacher position may be reclassified and reallocated as a social worker

position). In addition, the Department indicates that "because there is so much uncertainty about where future DAI and DCC [Division of Community Corrections] populations are going to trend, there would be a concern in DOC to continue making additional reallocations for the 2021-23 biennial budget beyond the...long-term vacant positions already proposed for reallocation." Further, a vacancy does not mean the position is not needed, and several of the vacancies may exist due to the hiring freeze, or may soon be filled as the Department continues to recruit applicants. If the Committee chooses this alternative, the Department would be able to request additional positions under the s. 13.10 process, if needed in the future. Funding for the positions, however, would need to be reallocated from within existing appropriations.

16. At the beginning of May, 2021, WCI had a population of 946 inmates and 8.0 teachers (an approximate 118:1 inmate-to-teacher ratio), 10.0 social workers (95:1), and 2.0 licensed-psychologists (excluding supervisors and associates) (473:1). During the same time period, RYOFC had 288 inmates and 14.50 teachers (20:1), 5.0 social workers (58:1), and 1.0 licensed-psychologist (288:1). Under the bill, the RYOFC inmate-to-staff ratios would be reduced to 19:1 for teachers, 48:1 for social workers, and 144:1 for licensed psychologists. While the RYOFC ratios are and would continue to be much lower than the WCI ratios, the RYOFC population generally has higher educational and treatment needs, given the age of the inmates. This is especially true for educational programming, where 60% of the RYOFC population reported that their highest level of education was some high school (compared to 34% for WCI). Given these factors, the Committee may alternatively choose to maintain the 0.60 teacher position, but reduce the 2.0 treatment staff positions to 0.6 each (0.6 social workers and 0.6 licensed-psychologists). This change would maintain the 30 bed capacity of the BMU and would necessitate \$342,900 GPR in 2021-22, \$453,000 GPR in 2022-23, and 3.2 GPR positions (in addition to the 5.6 reallocated positions). [Alternative 3]

17. The Racine Youthful Offender Correctional Facility already offers related programing, including anger management, domestic violence, and Thinking for a Change. In addition, as noted above, the program as implemented in other states and the federal government has not produced consistently successful results. As such, the Committee could take no action. [Alternative 4]

ALTERNATIVES

1. Provide \$399,000 GPR in 2021-22, \$520,500 GPR in 2022-23, and 4.0 GPR positions annually to establish a BMU at RYOFC. Require Corrections to reallocate an additional 5.6 vacant GPR positions (for a total of 9.6 positions) and associated funding to staff the unit.

ALT 1	Change to Base	
	Funding	Positions
GPR	\$919,500	4.00

2. Provide \$143,400 GPR in 2021-22 and \$264,900 GPR in 2022-23 to establish a BMU at RYOFC. Require Corrections to reallocate 9.6 vacant GPR positions and associated funding to staff the unit.

ALT 2	Change to Base
GPR	\$408,300

3. Provide \$342,900 GPR in 2021-22, \$453,000 GPR in 2022-23, and 3.2 GPR positions annually to establish a BMU at RYOFC. Require Corrections to reallocate an additional 5.6 vacant GPR positions (for a total of 8.8 positions) and associated funding to staff the unit.

ALT 3	Change to Base	
	Funding	Positions
GPR	\$795,900	3.20

4. Take no action.

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