

# Corrections

## Community Corrections

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### **LFB Summary Items for Which Issue Papers Have Been Prepared**

<u>Item #</u>	<u>Title</u>
1	Opening Avenues to Reentry Success Expansion (Paper #255)
2 & 5	Global Positioning System (GPS) Sex Offender Tracking and Community Corrections Staffing (Paper #256)

### **LFB Summary Items Removed From Budget Consideration**

<u>Item #</u>	<u>Title</u>
4	Alternative to Revocation Expansion
6	Huber Program Eligibility Expansion





## Legislative Fiscal Bureau

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

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June, 2021

Joint Committee on Finance

Paper #255

### Expansion of Opening Avenues to Reentry Success (Corrections -- Community Corrections)

[LFB 2021-23 Budget Summary: Page 130, #1]

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#### CURRENT LAW

The Department of Corrections operates the Opening Avenues to Reentry Success (OARS) program. The program is funded through the Becky Young community corrections appropriation. Current funding for the program is \$4,128,400 GPR annually.

#### DISCUSSION POINTS

##### OARS Programming

1. The OARS program began in 2011 to provide intensive case management and mental health services to offenders with serious and persistent mental health needs released to the community on parole or extended supervision subsequent to serving time in prison.
2. Under the 2019-21 biennial budget, \$1,198,000 GPR annually was provided to expand the program from 44 counties to 51 counties (Barron, Chippewa, Douglas, Polk, St. Croix, Sawyer, and Washburn Counties) and to expand the average daily participants in the program by 50 individuals.
3. To qualify for participation, an offender must: (a) volunteer for participation and have a general motivation and willingness to engage in treatment programming; (b) be referred to the program by correctional staff; (c) be assessed at medium- or high-risk to reoffend; (d) have serious and persistent mental health needs; (e) have at least six months of post-release supervision remaining on their sentence; and (f) be in a county where OARS programming is provided. The counties in which the OARS program currently operates include:

Adams	Eau Claire	Langlade	Outagamie	Sheboygan
Barron	Fond du Lac	Lincoln	Ozaukee	Trempealeau
Brown	Green	Manitowoc	Polk	Vernon
Calumet	Green Lake	Marathon	Portage	Walworth
Chippewa	Iowa	Marinette	Racine	Washburn
Columbia	Jackson	Marquette	Rock	Washington
Dane	Jefferson	Menominee	St. Croix	Waukesha
Dodge	Kenosha	Milwaukee	Sauk	Waupaca
Door	Kewaunee	Monroe	Sawyer	Waushara
Douglas	La Crosse	Oconto	Shawano	Winnebago
				Wood

4. Services are provided based on each offender's individual needs and may include: (a) intensive case management and supervision; (b) assistance with obtaining and maintaining safe and affordable housing; (c) resources for medication and access to psychiatric care; (d) treatment addressing criminogenic needs; (e) access to local transportation, budgeting, and financial resources; and (f) access to structured activities including employment and education. Since services are tailored to each individual's needs, costs vary from participant to participant.

5. Corrections works with the Department of Health Services (DHS) to administer the program. Using funds transferred from Corrections, DHS contracts with a social service agency for the provision of OARS services. DHS has 2.0 PR positions, the OARS program specialists, to administer the contract and monitor program participants. These positions are also funded with the transfer from Corrections.

6. The OARS contractor employs case managers to coordinate services for the participant, working with the correctional institution social worker, probation and parole agent, the DHS OARS program specialists, and mental health treatment providers in the community. Facility social workers refer potential participants to the DHS program specialists approximately six to eight months prior to release from prison. Participants receive services, depending on their individual case plan, for six months to two years in the community.

7. According to DHS, OARS program goals include "promoting offender self-sufficiency, decreasing long-term costs associated with this population, encouraging offender involvement in meaningful, healthy structured activities, improving continuity of care of offenders with mental health needs as they release from prison to the community, [and] enhancing public safety by reducing recidivism and revocation rates."

8. Tracking by Corrections of the recidivism rates of OARS participants compared to a control group of non-OARS participants with similar characteristics from 2016-2018 (the most recent data for which recidivism tracking data is available) resulted in the following findings:

<u>One-Year Recidivism</u>		<u>Two-Year Recidivism</u>		<u>Three-Year Recidivism</u>	
<u>OARS</u>	<u>Control Group</u>	<u>OARS</u>	<u>Control Group</u>	<u>OARS</u>	<u>Control Group</u>
16.0%	18.0%	25.1%	30.2%	32.4%	40.5%

9. The Department also newly began tracking recidivism rates of individuals successfully discharged from the OARS program (and not just current participants) compared to a control group of non-OARS participants with similar characteristics. Data from 2016-2018 resulted in the following findings:

<u>One-Year Recidivism</u>		<u>Two-Year Recidivism</u>		<u>Three-Year Recidivism</u>	
<u>OARS</u>	<u>Non-OARS</u>	<u>OARS</u>	<u>Non-OARS</u>	<u>OARS</u>	<u>Non-OARS</u>
9.6%	11.6%	15.2%	18.8%	18.2%	31.8%

10. In 2019-20, the program had 396 participants, with an average daily population (ADP) of 216 participants. For the first eight months of 2020-21, the program had an ADP of 258 (through February, 2021). Program participation in 2019-20 and 2020-21 was negatively impacted by the public health emergency as referral numbers and housing options decreased during outbreaks. In addition, the public health emergency decreased the regular face-to-face case manager contact, which typically provides needed structure to ensure that participants stay on track (this led to a decline in retention). However, the Department expects OARS participation to continue to increase before the start of the 2021-23 biennium. As of March 28, 2021, the ADP increased to 280.

11. Between 2015-16 and 2018-19 (the most recent data available), the average number of medium- and high-risk inmates with a serious mental illness who met the criteria for the OARS program was 583 individuals annually. While the program does not maintain a waitlist, the Department estimates that approximately 25% of eligible individuals do not participate in the program by choice, or due to transfers out of state, detainers, or pending charges. Excluding this estimated population, 437 individuals are eligible and likely willing to participate in OARS annually (including 20 individuals releasing to unserved counties, who cannot participate). The current OARS budget serves an ADP of 250 participants.

12. As a result, there are approximately 187 individuals not able to receive services each year, with 167 of these individuals residing in counties with OARS programming. The Department indicates that OARS programming costs approximately \$17,400 per year, per participant (based on average costs over four years from 2015-16 through 2018-19). The Committee could provide \$2,179,400 GPR in 2021-22 and \$2,905,800 GPR in 2022-23 to expand the OARS program to allow for an ADP increase of approximately 167 participants in currently-served counties (for a total ADP of 417). [Alternative A1] Funding is provided under this alternative for nine months in 2021-22 and annualized thereafter.

13. The Committee could also expand the program statewide, as was requested in the 2019-21 budget. The Department estimates the average annual release of likely participants in the unserved counties is 20 individuals (on average, about one individual per unserved county). The currently 21 unserved counties include:

Ashland	Crawford	Forest	Lafayette	Pierce
Bayfield	Clark	Grant	Oneida	Polk
Buffalo	Dunn	Iron	Pepin	Richland
Burnett	Florence	Juneau	Price	Taylor
				Vilas

14. While there are not many OARS-eligible inmates releasing to the unserved communities, the Department indicates "a statewide approach would gain some efficiencies for the OARS program." For example, participants may need housing placements not available in their county of residence, but available in a neighboring county. If the neighboring county is not an OARS county, participants are moved further from their support systems and require more administrative and travel costs. In addition, expanding statewide would eliminate the current disadvantages to residents of the largely rural, unserved counties.

15. However, individuals who cannot be enrolled (either due to no available slots or no program in a county of residence) have some recourse. For example, OARS specialists frequently suggest other county or other community programs that may be able to provide similar services. According to Corrections, "DOC and DHS OARS staff generally assist and advocate for the appropriate mental health treatment services in the community, whether someone qualifies for the OARS program or not." In addition, where available, the Division of Community Corrections (DCC) utilizes specialty mental health agents, who work with DCC physiologists, to address the needs of individuals on supervision with mental health treatment needs. Specifically, the 13 DCC psychologists provide assessment and, in some cases, individual and group therapy.

16. On the other hand, DCC supervises more than 66,000 offenders in the community, so it is often necessary to rely on available community resources and counties to provide additional mental health services, beyond the DCC mental health agents and psychologists. However, resources (such as housing, transportation, and employment opportunities) and services (such as community substance abuse recovery programs and treatment providers) are limited in rural areas, which further highlights the benefit of OARS programming, statewide.

17. While costs vary between participants depending on individual needs, the Department estimates the cost-per-participant is approximately \$17,400 per year. Based on the average cost, it would cost \$348,000 GPR annually to serve 20 additional individuals. In total (including Alternative A1), expanding OARS statewide and increasing the ADP by 187 (167 in currently-served counties and 20 in unserved counties) would require \$2,527,400 GPR in 2021-22 and \$3,253,800 GPR in 2022-23. [Alternative A2] It is important to note that this alternative provides a full year of funding for the ADP expansion portion (\$348,000) as opposed to nine months of funding in the first year (\$261,000) like the other alternatives and like the position cost estimate, because as noted above, the \$17,400 per year figure is based on average per-participant costs over four years, and not based on higher-cost needs of rural counties. Participants in unserved counties likely require increased transportation and use of private providers through telehealth services due to geographic isolation and lack of resources. While it is difficult to estimate the exact cost of providing increased resources to these areas, the difference of \$87,000 in nine-months versus one year of funding may be used to help offset some of the higher-costs under Alternative A2. In addition, it is important to note that Corrections indicated that this type of expansion may require 2.0 additional DHS positions (discussed

later in this paper).

18. Alternatives A1 and A2 both seek to increase the current ADP (250 participants) by more than 50% (Alternative 1 expands program ADP by 67% (167 additional participants), and Alternative 2 expands program ADP by 75% (187 additional participants)). If the Committee wishes to expand the program, but at a lower rate, providing \$1,305,000 GPR in 2021-22 and \$1,740,000 GPR in 2022-23 would allow the ADP to increase by 100 participants in currently served counties. [Alternative A3] Funding is provided under this alternative for nine months in 2021-22 and annualized thereafter.

19. Alternatively, the Committee may wish to maintain the current level of funding for the program. The program and corresponding funding increases were not identified in the Department's 2021-23 biennial budget request. Further, the OARS program was significantly expanded by \$1,198,000 annually in the most recent biennial budget (2019 Act 9). Under this alternative, funding would remain at \$4,128,400. [Alternative A4]

### **OARS Positions**

20. Positions for the OARS program are provided by the Department of Health Services, while funding for the positions is provided by Corrections (DHS bills Corrections for the cost). As noted above, DHS currently has 2.0 PR positions to administer OARS. The duties of the positions include monitoring the progress of clients through the program, procurement of contracted case management services, and monitoring the contract work.

21. DHS has had 2.0 positions to administer OARS since it was established in 37 counties in 2011, and no additional positions have been provided with subsequent expansions of the program to service additional clients and to operate in additional counties. In addition to expanding OARS programming, AB 68/SB 111 would provide funding in Corrections (\$75,000 GPR in 2021-22 and \$100,000 GPR in 2022-23) for an additional 1.0 PR position in DHS to support the anticipated additional workload associated with the expansion. While the bill did not provide additional position authority in DHS for the 1.0 OARS position, the program may benefit from an additional DHS OARS position, if expanded under Alternatives A1 or A3. The Committee could provide: (a) \$75,000 GPR in 2021-22 and \$100,000 GPR in 2022-23 to the Department of Corrections to fund an additional OARS position; and (b) position authority for 1.0 PR OARS position annually in DHS to oversee the expansion. [Alternative B1] Funding is provided under this alternative for nine months in 2021-22 and annualized thereafter.

22. If the Committee expands OARS statewide (Alternative A2), the Department of Corrections indicates that an additional 2.0 DHS OARS positions would be beneficial. The Committee could instead provide: (a) \$150,000 GPR in 2021-22 and \$200,000 GPR in 2022-23 to the Department of Corrections to fund 2.0 additional OARS positions; and (b) position authority for 2.0 PR OARS positions annually in DHS to oversee the expansion. [Alternative B2]

23. However, if the Committee decides to not expand the program, or provides a lower level of funding for a smaller expansion, the Committee could decide that additional DHS positions are not warranted. [Alternative B3]

**ALTERNATIVES**

**A. OARS Program Expansion**

1. Provide \$2,179,400 GPR in 2021-22 and \$2,905,800 GPR in 2022-23 to expand participation in the OARS program by 167 ADP in counties with existing OARS programs.

<b>ALT A1</b>	<b>Change to Base</b>
GPR	\$5,085,200

2. Provide \$2,527,400 GPR in 2021-22 and \$3,253,800 GPR in 2022-23 to expand participation in the OARS program by 187 ADP statewide.

<b>ALT A2</b>	<b>Change to Base</b>
GPR	\$5,781,200

3. Provide \$1,305,000 GPR in 2021-22 and \$1,740,000 GPR in 2022-23 to expand participation in the OARS program by 100 ADP in counties with existing OARS programs.

<b>ALT A3</b>	<b>Change to Base</b>
GPR	\$3,045,000

4. Take no action.

**B. OARS Position Expansion**

1. Provide \$75,000 GPR in 2021-22 and \$100,000 GPR in 2022-23 to the Department of Corrections to support an additional OARS position and provide position authority in the Department of Health Services for 1.0 PR position annually to administer OARS. Provide \$75,000 PR in 2021-22 and \$100,000 PR in 2022-23 in DHS to reflect the fund transfer.

<b>ALT B1</b>	<b>Change to Base</b>	
	<b>Funding</b>	<b>Positions</b>
<b>Corrections</b>		
GPR	\$175,000	0.00
<b>Health Services</b>		
PR	\$175,000	1.00

2. Provide \$150,000 GPR in 2021-22 and \$200,000 GPR in 2022-23 to the Department of Corrections to support an additional OARS positions and provide position authority in the Department of Health Services for 2.0 PR positions annually to administer OARS. Provide \$150,000 PR in 2021-



22 and \$200,000 PR in 2022-23 in DHS to reflect the fund transfer.

<b>ALT B2</b>	<b>Change to Base</b>	
	<b>Funding</b>	<b>Positions</b>
<b>Corrections</b>		
GPR	\$350,000	0.00
<b>Health Services</b>		
PR	\$350,000	2.00

3. Take no action.

Prepared by: Shannon E. Huberty and Jon Dyck





## Legislative Fiscal Bureau

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

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June, 2021

Joint Committee on Finance

Paper #256

### **Division of Community Corrections Staffing (Corrections -- Community Corrections)**

[LFB 2021-23 Budget Summary: Page 130, #2; Page 131, #5]

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#### **CURRENT LAW**

Under current law, the Department of Corrections is required to maintain global positioning system (GPS) tracking for certain sex offenders and violators of certain temporary restraining orders and injunctions. "GPS tracking" is defined as a system that actively monitors and identifies a person's location and timely reports or records the person's presence at or near a crime scene or in an exclusion zone or the person's departure from an inclusion zone. "Lifetime tracking" is defined as GPS tracking that is required for a person for the remainder of the person's life or until supervision is terminated.

The Department may track a person using lifetime tracking for: (a) certain child sex offenses; (b) when a police chief or sheriff receives a special bulletin notification (SBN) on the person (issued when an offender is released after being convicted or found not guilty or not responsible by reason of mental disease or defect for two or more separate occasions of a sex offense); (c) after a sexually violent person commitment; or (d) if deemed appropriate by the Department. In September, 2017, the Attorney General issued an opinion indicating that the language concerning "two or more separate occasions of a sex offense" refers to the number of convictions, and may be satisfied by one act, if that act results in convictions on multiple counts.

The Department must implement a continuous GPS tracking system (active tracking), except when authorized to provide for passive positioning system tracking. The Department currently only utilizes active tracking due to the accuracy and real time reference to the location of the GPS device. The Department monitored an average daily population of 2,055 individuals by GPS tracking in 2019-20.

More broadly, the Department Corrections, Division of Community Corrections (DCC) is responsible for monitoring all individuals serving the community corrections portion of their

sentences, including both GPS-tracked and non-GPS-tracked individuals. In 2019-20, DCC was responsible for 66,189 individuals on community supervision.

## **DISCUSSION POINTS**

### **A. Sex Offender Tracking**

1. The Department's Division of Community Corrections operates a monitoring center to provide centralized electronic monitoring services to the Division of Community Corrections, the Division of Juvenile Corrections, county and local law enforcement, and county human services departments.

2. In March, 2021, 2,393 individuals were being monitored by the Department (1,222 on lifetime tracking and 1,171 on non-lifetime tracking). Of these individuals, 2,197 were sex offenders (including those on the sex offender registry and those not required to register).

3. Under current law, the Department of Corrections is required to provide lifetime GPS tracking for certain sex offenders, as follows:

a. Persons placed on supervised release after a sexually violent person commitment (Chapter 980) or conditional release for a person found not guilty of a serious child sex offense by reason of mental disease or defect (Chapter 971), or discharged under Chapters 980 and 975 of the statutes, for a serious child sex offense on or after the January 1, 2008;

b. Persons placed on lifetime supervision for a serious child sex offense on or after January 1, 2008;

c. Persons for whom an SBN is issued on or after January 1, 2008;

d. Persons released from prison, or to extended supervision, parole, or on probation on or after January 1, 2008, for one of the following serious child sex offenses: (1) sexual contact or intercourse with a person who is not a relative of the actor and who has not attained the age of 13 years and causes great bodily harm; or (2) sexual intercourse with a person who has not attained the age of 12 years, if the person is not a relative.

e. Persons released from prison, or to extended supervision or parole, or on probation on or after January 1, 2008, for one of the following serious child sex offenses: (1) sexual intercourse, by use or threat of force or violence, with a person who has not attained the age of 16 years by use or threat of force or violence, if the person is not a relative; and (2) sexual contact with a person who has not attained the age of 16 years by use of threat of force or violence, if the person is not a relative and the actor is at least 18 years of age when the sexual contact occurs.

f. If a person is placed on probation, extended supervision, parole, or lifetime supervision for committing a serious child sex offense, but does not fall under one of the previously-described categories, the Department may elect to have the person tracked as a condition of his or her community supervision. The Department makes this determination by assessing the offender's risk using a standard risk assessment tool.

4. For lifetime tracking, the Department utilizes a system that actively monitors and identifies a person's location and timely reports or records the person's presence near or at a crime scene or in an exclusion zone or the person's departure from an inclusion zone. The Department currently contracts with Behavior Interventions Technologies Inc. (BI Technologies) for GPS tracking services and equipment. The BI Technologies unit is tethered to the offender via a hypoallergenic band on a limb, typically the leg, but can be placed on the wrist if medically necessary. If the device band is cut or stretched, the monitoring center is notified with an alert. Every minute, the tracking device sends the cumulative data to the Department, which tracks the unit's movements and conveys the information to Department staff through a computer application. If an offender is in an exclusion zone or departs from an inclusion zone, an alert is issued immediately. The Department assesses all alerts and notifies the probation and parole agent or law enforcement, if further investigation is warranted. For active GPS tracking, BI Technologies currently charges the Department \$4.50 per day, per unit.

5. The Department is also using newer GPS bracelet devices through BI Technologies called "Loc8" at a daily cost of \$5.00 per bracelet. Compared to the typical GPS bracelet, a Loc8 device is smaller in size, can connect to area Wi-Fi signals, incorporates a "proximity event" feature (which notifies the monitoring center if the transmitter is away from the limb that it is intended to be tethered to), and includes a vibration feature and removable batteries. The Loc8 devices are being used for clients whose geographic limitations or work schedules do not allow them to keep their bracelets charged consistently. As of July 1, 2020, the Department had 112 active Loc8 devices in operation. The existing contract with BI Technologies expires on June 30, 2021.

6. For each person subject to tracking, Corrections must determine the costs of GPS tracking for the individual and how much of the costs that the individual is able to pay (juveniles are exempt from the tracking fee). Under statutory authority, a person subject to tracking may be required to pay a monthly tracking fee up to \$240, depending on their financial resources, earning potential, and the needs and earning potential of the person's dependents, among other factors. For individuals on conditional release or supervised release, DHS must pay the GPS tracking costs to the extent that costs are not covered by any required payments. Any monies collected are utilized for expenditures related to GPS tracking. As of April, 2021, 557 offenders on GPS monitoring were charged a monthly fee. Of the 557 charged, only 139 are current on their payments (defined by Corrections as owing less than \$200).

7. A person subject to lifetime GPS tracking may petition for the termination of lifetime tracking with the circuit court in the county in which he or she was convicted or found not guilty or not responsible by reason of mental disease or defect. However, the person may not file a termination petition earlier than 20 years after the date on which his or her lifetime tracking began. Given that the practice of lifetime GPS tracking began on January 1, 2008, 2028 is the earliest an individual could petition for termination of lifetime tracking. Further, the following individuals are prohibited from filing for termination from lifetime tracking: (a) a person who was convicted of any crime during the period of lifetime tracking; (b) a person who has been placed supervised release under Chapter 980 of the statutes; or (c) a person placed on parole or discharged under Chapter 975.

8. A petition for termination may be requested on behalf of the person subject to lifetime GPS tracking by the Department if the person is permanently physically incapacitated. This process requires affidavits from at least two physicians that explains the nature of the person's permanent physical incapacitation. As of May, 2021, there has been one medical release from lifetime GPS.

9. The Department's GPS tracking populations have steadily increased each year since the creation of the program, as follows:

	<u>Average Daily Population</u>	<u>% Increase</u>
2008-09	158	
2009-10	246	55.7%
2010-11	370	50.4
2011-12	499	34.9
2012-13	632	26.7
2013-14	775	22.6
2014-15	914	17.9
2015-16	1,168	27.8
2016-17	1,387	18.8
2017-18	1,449	4.5
2018-19	1,684	16.2
2019-20	2,055	22.0
2020-21*	2,442*	18.8*
2021-22*	2,681*	9.8*
2022-23*	2,920*	8.9*

\*Department of Corrections' endpoint projections

10. The Department currently has a budgeted capacity for up to 2,302 individuals on GPS tracking. In its agency budget request, the Department projected that the 2,302 budgeted capacity figure would be surpassed in November, 2020, and additional funding would be needed for 140 individuals in 2020-21 (endpoint population of 2,442) an additional 239 individuals in 2021-22 (endpoint population of 2,681), and an additional 239 individuals in 2022-23 (endpoint population of 2,920). These projections were calculated based on: (1) average monthly increases and decreases of the actual GPS monitored populations over the past three years; and (2) a July, 2020, projection starting point using March, 2020, data for discretionary GPS populations (pre-public health emergency). According to the Department, discretionary GPS populations may have been impacted by the COVID-19 pandemic.

11. The Department's 2020-21 year-end projections in part utilized actual populations through June, 2020. Utilizing more recent data (through April 1, 2021) population projections remain in line with the Department's estimate (the Department's projections were only 10 individuals lower than projections using nine additional months of data). Lifetime GPS tracked populations have been steadily increasing, and are anticipated to continue to increase in the 2021-23 biennium, since no individuals are currently eligible to petition for termination until 2028, and the Department has only successfully petitioned for termination on behalf of a permanently physically incapacitated individual on one occasion.

12. The Division of Community Corrections currently has 1,221.43 probation and parole agents in eight DCC regions (the Division of Juvenile Corrections additionally has 23.0 agents for juvenile populations, for a total of 1,244.43 agents; however, the focus of this paper is the DCC positions). In addition to the DCC regions, the Division also has 90.0 employees in the monitoring

center, 37.0 employees in the sex offender registry program (SORP), and 64.5 employees in central office, records, and other DCC administrative positions.

13. The Department assesses probation and parole agent staffing needs via a point system, whereby each agent's workload averages approximately 183 points per month. Points are allocated based on an offender's classification. Both points and classifications are determined by the 2020 Case Classification/Staff Development (CCSD) study for agents, and the 2014 CCSD study for other classifications (while also incorporating formula changes implemented in March, 2015). The agent CCSD formula was updated in 2020 as a result of the more recent workload study, which found: (a) case support activity (including sentencing and revocation hearings, transporting clients, covering other agent caseloads, and case staffing/mentoring) took less time, on average, in the 2020 study than in the 2014 study; (b) non-case-related activity (including training, administrative tasks and meetings, and providing public information to the community) took less time, on average, in 2020 than in 2014; (c) with the exception of presentence investigations, which had a higher workload value in 2020, intakes and investigations were generally lower in 2020 than in 2014; and (d) specific case types varied in workload time when comparing the 2020 study to the 2014 study.

14. As it relates to the GPS tracked populations, the 2020 study noted that: (a) GPS 1 and GPS 2 cases were not significantly different and should be combined, if possible; and (b) GPS cases took less time in 2020 than in 2014 for all three case types. The 2020 CCSD study only impacts agents and positions with ratios relative to agents (such as corrections field supervisors); other position types still use the 2014 CCSD model, as the 2014 workload ratios remain representative of current non-agent-related workloads. The non-CCSD positions include program specialists and corrections communication operators and supervisors, which, are necessary for the operation of the monitoring center and sex offender registry program.

15. For the GPS tracked population, the CCSD formula is applied to three classifications: GPS 1 is for offenders who have been on GPS tracking for 90 days or less, GPS 2 is for offenders who have been on GPS tracking between 90 and 180 days, and GPS 3 is for offenders who have been tracked for 180 days or more. The updated study found "no significant differences between [tracking] GPS 1 and GPS 2" and suggested combining these categories. As a result, the formula is applied as follows: (a) GPS 1 and GPS 2 (now just GPS 1) is 6.69 points (the 2014 study had GPS 1 at 8.23 points and GPS 2 at 9.43 points); and (b) GPS 3 (now GPS 2) is 5.31 points (the 2014 study had GPS 3 at 6.69 points). Utilizing this point system for probation and parole agents and applying it to the anticipated increased tracked population (379 additional individuals in 2021-22 and 239 additional individuals in 2022-23), in conjunction with the Department's staffing ratios of agents to various supervisor positions, the Department would require the staffing for agents, field supervisors, office operations associates, and program support supervisors as recommended under the bill.

	<u>End of 2021-22 Increased Population</u>	<u>Increased Points</u>	<u>End of 2022-23 Increased Population*</u>	<u>Increased Points*</u>
New GPS 1	120	802.80	0	0.00
New GPS 2	<u>259</u>	<u>1,375.29</u>	<u>239</u>	<u>1,269.09</u>
	379	2,178.09	239	1,269.09

\*Beyond the increased populations/points from 2021-22, which will continue on into 2022-23.

16. Given that an average agent workload totals 183 points, the 2,178.09 increased points would require approximately 12.0 new agents in 2021-22 and the 1,269.09 increased points in 2022-23 would require an additional 7.0 new agents in 2022-23 (for a total of 19.0 agents in 2022-23). Further, given the increased agent positions, the following supervisory positions would be needed: (a) approximately 2.0 corrections field supervisors (CFS) in 2021-22 an additional 1.0 CFS in 2022-23 (to maintain the recommended supervisor to agent ratio of 1:7); and (b) 1.0 program support supervisor annually (in accordance with CCSD guidelines).

17. Further, the bill would provide 8.0 positions for the monitoring center in 2021-22 and an additional 5.0 positions for the monitoring center in 2022-23. The bill would provide funding and positions only for the population that the Department is statutorily required to monitor using GPS tracking. The monitoring center positions are based on a ratio of one 24 hour per day, seven day per week post (equivalent to 5.0 corrections communications operator (CCO) positions and a CCO supervisor to CCO ratio of 1:15) per 250 pieces of equipment monitored. The projected increase of 618 individuals tracked in the 2021-23 biennium (379 in 2021-22 and an additional 239 in 2022-23) corresponds to just under 2.50 new posts (approximately 12.0 new CCO positions and 1.0 CCO supervisor positions). Staffing identified in the bill for these positions (8.0 CCOs in 2021-22 and an additional 4.0 CCOs (for a total of 12.0 CCOs) and 1.0 CCO supervisor in 2022-23) is consistent with this formula. These positions would be phased in throughout the biennium, in three-month increments, as the GPS-tracking population increases.

18. Finally, the bill would provide 3.0 office operations associates (OOA) and 2.0 program specialists in 2021-22 and an additional 2.0 OOAs in 2022-23. These positions are used for GPS supervision (2.0 OOAs in 2021-22 and an additional 2.0 OOAs in 2022-23) and to manage the sex offender registry program (SORP) (1.0 OOA and 2.0 program specialists annually). The SORP employees manage the sex offender registry and oversee case identification, tracking, development, and dissemination of the special bulletin notifications. Employees also work with law enforcement officials to plan and conduct local community meetings designed to address public concerns related to a sex offender's release into the community. The additional OOA and program specialist positions increase is proportionate to the increase in agents, projected GPS tracked populations, and sex offender registrants. As of May 1, 2021, 25,844 individuals were subject to the registry's requirements.

19. Given that the increased population projections correspond to the workload studies, the Committee may wish to provide \$2,099,500 GPR, \$23,300 PR, and 28.0 GPR positions in 2021-22 and \$4,124,000 GPR, \$44,000 PR, and 43.0 GPR positions in 2022-23 associated with supervising increased sex offender populations. The 28.0 positions in 2021-22 would include: (a) 12.0 probation and parole agents; (b) 8.0 CCOs; (c) 3.0 OOAs; (d) 2.0 corrections field supervisors; (e) 2.0 corrections program specialists; and (f) 1.0 program support supervisor. The additional 15.0 positions in 2022-23 would include: (a) 7.0 additional probation and parole agents; (b) 4.0 additional CCOs; (c) 2.0 additional OOAs; (d) 1.0 additional corrections field supervisor; and (e) 1.0 CCO supervisor. On an annualized basis, this alternative would cost \$4,300,600. [Alternative A1] This alternative also includes funding for GPS tracking equipment, corresponding to the anticipated increase in GPS tracked populations.

20. The Committee may wish to maintain current law. [Alternative A2]. However, given the estimated increase in the population subject to tracking, the Department would likely be unable to adequately monitor these individuals without an increase in resources.



21. As noted, the 2020 CCSD workload study found that the 2014 CCSD study utilized higher time allocations for the amount of time agents spend on GPS cases. While Alternative A1 applies this new, revised workload study to calculate staffing needed for the projected population increase, it did not adjust the workload of current agents (and related positions with per-agent ratios), who are operating under the 2014 CCSD workload formula.

22. The Department indicates that current agents may have their workloads increased in the 2021-23 biennium as a result of several earned release program (ERP) expansions, which would likely result in higher DCC populations as inmates are released after successfully completing the program. These expansions include: (a) an administrative expansion that began in 2020 and further expanded in 2021, which the Department estimates will increase DCC populations by 714 annually, upon successful completion of ERP; (b) an expansion in the bill as introduced, which the Department estimates will increase DCC populations by 495 annually, upon successful completion of ERP; and (c) an adult sentencing modification in the budget bill, which would expand available programs for ERP (it is unknown what impact this change would have on the ERP population releasing to DCC).

23. The Committee removed items (b) and (c) from further discussion in the budget. In addition, the administrative ERP expansion became operational without additional funding or position authority, suggesting that Corrections is able to absorb any increased workload and/or associated costs. Finally, it is unknown if the ERP expansion workload corresponds to the workload differences between the 2014 and 2020 CCSD studies.

24. In addition, if current agent workload could be reduced administratively, the Department indicates that it "would like to be able to covert some agents to corrections field supervisors" as current DCC staffing is significantly below the 1:7 ratio recommended for corrections field supervisors to agents. However, if staffing correctly reflects the 2020 workload study recommendations, there would be no need to reallocate position types.

25. Instead of adopting alternatives under Section A of the paper, the Committee could consider the alternative under Section C, which recalibrates existing DCC staffing under the 2020 workload study formula, and also includes position and supplies and services needs as identified in Alternative A1. Alternative C1 is discussed later in this paper.

## **B. Community Corrections Staffing - Field Supervisors**

26. As noted above, the recommended corrections field supervisor to agent ratio is 1:7. Currently, the Department has 127.0 field supervisors and 1,221.43 agents (a ratio of 1:9.6). Corrections field supervisors oversee the direction of all components of the DCC program within a field unit, including: supervising and monitoring unit staff, developing and implementing DCC programs, services, and resources, providing for the custody, security, monitoring, treatment, and general living conditions of offenders, assisting in the administration of the purchase of offender goods and services programs within the region, and managing the affirmative action/equal employment opportunity plans within the unit in compliance with federal and state law, among other administrative and operational duties.

27. The bill would provide \$943,800 in 2021-22 and \$1,094,900 in 2022-23 and 12.0 positions annually to increase CFS staffing at DCC field offices for the supervision of adults in the community. By increasing the number of field supervisors from 127.0 to 139.0, the supervisor to

agent ratio improves to 1:8.8.

28. Under the bill, all 12.0 corrections field supervisor positions would come from reallocations of existing vacant GPR positions. Initially, the positions identified for reallocation were from various programs in the Division of Management Services, the Division of Adult Institutions, and DCC. 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 not need any additional position authority and would use approximately \$977,400 in 2021-22 and \$975,000 in 2022-23 of existing budget authority by reallocating the 12.0 positions (a funding adjustment of -\$33,600 in 2021-22 and \$119,900 in 2022-23 would be required). The 12.0 new positions would be authorized and funded for nine months in 2021-22, and annualized thereafter.

<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	-\$72,700	-\$67,700	-1.00
Management Services	Bureau of Technology Management	-81,500	-81,500	-1.00
Management Services	Bureau of Budget and Facilities Management	-74,900	-74,900	-1.00
Adult Institutions	Bureau of Health Services	-191,100	-193,700	-2.00
Adult Institutions	Waupun Correctional Institution	-224,600	-224,600	-3.00
Adult Institutions	Wisconsin Women's Correctional System	-160,800	-160,800	-2.00
Adult Institutions	Racine Correctional Institution	-74,900	-74,900	-1.00
Adult Institutions	New Lisbon Correctional Institution	-96,900	-96,900	-1.00
Community Corrections	Central Office	12,900	17,200	0.00
Community Corrections	Probation, Parole, and Extended Supervision	<u>930,900</u>	<u>1,077,700</u>	<u>12.00</u>
	TOTAL	-\$33,600	\$119,900	0.00

29. Given the identified need for additional corrections field supervisor positions, the Committee could require the Department to reallocate 12.0 vacant GPR positions (and associated funding) to DCC field supervisor positions, and provide -\$33,600 GPR in 2021-22 and \$119,900 GPR in 2022-23 for this purpose. [Alternative B1]

30. To reach the recommended ratio of one agent to seven field supervisors, the Department would require approximately 174.5 field supervisors (currently, the Department has 1,221.43 budgeted agent positions). Subtracting the budgeted supervisors and the supervisors provided through reallocations under Alternative B1, an additional 35.5 field supervisor positions would allow the Department to meet the 1:7 ratio. The Department notes that only 12.0 positions were recommended under the bill as introduced because the administration "wanted to improve the overall agent to CFS ratio" and 12.0 positions were identified as available to reallocate.

31. However, the additional 12.0 positions only improves the ratio to 1:8.8. In addition to Alternative B1, the Committee could provide \$2,919,200 GPR in 2021-22, \$3,397,500 GPR in 2022-23, and 35.5 CFS GPR positions annually [for a total of \$2,885,600 GPR in 2021-22, \$3,517,400 GPR in 2022-23, and 47.5 positions annually, when factoring in Alternative B1 reallocations and funding]. [Alternative B2] This alternative would still require the reallocation of identified positions and funding.

32. Corrections did not request additional positions for DCC in its 2021-23 agency budget request. The Committee may, therefore, wish to take no action. [Alternative B3]

33. Similar to the tracking item in Section A of this paper, the CFS item identified a need for additional positions, as noted by the 2020 CCSD workload study. However, the bill would provide fewer CFS positions than identified in the study, and also does not apply the 2020 study more broadly to existing DCC staff, who are operating under the 2014 CCSD workload formula. The Committee could instead consider the alternative under Section C, which recalibrates all DCC staffing under the 2020 workload study formula, including CFS staff needs.

### **C. Applying the 2020 Workload Study Divisionwide**

34. *Workload Study Positions.* Given that most agent activities were found to require less work time in the 2020 study than in the 2014 study, it is likely that if the 2020 CCSD study were applied to existing DCC staff, current agents' total points would be modified, and consequently, the agents would have the ability to take on additional cases (including, potentially, GPS cases that arise over the 2021-23 biennium). However, as noted by the CFS item, additional, non-agent, positions may be needed to meet the 2020 workload study recommendations. In order to both address the sex offender GPS tracking and CFS issues, the Committee could recalibrate all DCC staffing in accordance with the updated workload study, and adjust current positions and/or provide additional positions and any associated funding that may be required.

35. The 2020 Workload Study Report is the product of a contract the Department had with the National Council on Crime and Delinquency (NCCD). The report notes that one of the primary purposes is "to provide information that will allow DCC to estimate future agent workload and demand more accurately, deploy available staff resources more efficiently, and ensure equitable distribution of workload capacity across the state." The Department of Corrections and State Budget Office used the updated workload study to calculate staffing needs related to increased populations in the 2021-23 biennium for the sex offender item, but did not apply the updated workload study to existing staff. Similarly, the additional community corrections field supervisors reallocated under the bill more-closely conforms CFS staffing to the workload study recommendations, but still under-allocates the recommended CFS positions identified in the updated workload study.

36. The recommendations section of the study notes that "since the last DCC study [2014], policy and practice changes have been introduced that may impact time required of agents to conduct casework and mutual support. Considering these changes, NCCD recommends using the results to update...for more accurate workload accounting...and to continue to monitor workload on an ongoing basis."

37. The 2020 workload study involved approximately 950 agents statewide. The participating agents recorded time spent on various responsibilities (including supervision cases, investigations and intakes, and case support/administrative work) from January, 2020, to mid-April, 2020. The results were then used to allocate points to each case or supervision type (for example, supervising a sex offender required 4.1 work hours per month, while an individual on "minimum" supervision required only 0.5 hours per month; as a result, supervising a sex offender gives an agent more "points" than supervising an individual on minimum supervision). As previously noted, each agent's workload averages approximately 183 points per month.

38. Given this formula, the number of agents needed corresponds to the number of cases requiring supervision (based on DCC population projections). For the 2021-23 biennium, an average of DCC populations from July, 2017, to February, 2020 (pre-pandemic) were used to estimate an endpoint population of 67,287 individuals annually. The workload study assesses each supervision type and proportionally allocates the projected population into each category to determine total workload needs. In applying the workload study formula to the projected 2021-23 populations, DCC staffing would be adjusted as follows:

<u>Position Type</u>	<u>Budgeted Staffing</u>	<u>2020 CCSD Recommendation</u>	
		<u>Annual Positions Needed*</u>	<u>Net Change*</u>
Probation and Parole Agent	1,221.43	1,194.00	-27.00
Corrections Field Supervisor	127.00	171.00	44.00
Program Support Supervisor	68.00	66.00	-2.00
Office Operations Associate	255.15	264.00	<u>9.00</u>
Net Impact			24.00

\*Rounded to the nearest whole position.

39. As the table notes, according to the 2020 workload study, the net difference is 24.0 positions annually.

40. As of May 1, 2021, 39.0 permanent, entry-level agent positions were vacant (7.0 of these vacancies have existed for six months or more). The Department could reclassify 27.0 of these vacant agent positions to CFS positions, and begin the recruitment and hiring process for the new CFS positions. Similarly, 5.0 program support supervisor positions were vacant (all vacant for six months or more). The Department could reclassify 2.0 of these vacant program support supervisor positions to CFS positions, and begin the recruitment and hiring process for the new CFS positions. These changes would eliminate the approximate -27.0 surplus agent positions annually and -2.0 surplus program support supervisor positions annually, while providing an additional 29.0 CFS positions.

41. The additional 15.0 CFS positions needed to reach the recommended 2020 workload study totals could include: (a) reallocating 12.0 existing positions, as identified in Section B, above; and (b) providing 3.0 new (not reallocated or reclassified) CFS positions annually. Finally, 9.0 new OOA positions would be needed annually, to meet the recommended workload study ratios. These changes are identified in the table below:

<u>Position Title</u>	<u>2021-22</u>	<u>2022-23</u>	<u>Annual Positions</u>
Probation and Parole Agents	-\$2,583,800	-\$2,323,800	-27.00
Program Support Supervisors	-163,000	-143,800	-2.00
Office Operations Associates*	511,400	556,900	9.00
Corrections Field Supervisors*	2,629,900	3,061,100	32.00
Reallocated Corrections Field Supervisors	<u>-33,600</u>	<u>119,900</u>	<u>12.00**</u>
	\$360,900	\$1,270,300	24.00**

\*Includes nine months of funding in 2021-22 and annualized funding thereafter.

\*\*The reallocation includes an increase of 12.0 CFS positions, and a corresponding decrease in other Divisions (Departmentwide, this is a net zero position increase; see table in Section B). As a result, 12.0 new positions would be needed annually (9.0 OOAs and 3.0 CFS').

42. The table reflects entry-level salaries, and also includes standard new-position costs such as supplies and services standard packaging costs, information technology maintenance costs, and other one-time costs.

43. *Non-Workload Study Positions and Supplies.* As noted, the updated workload study report only reflects agents and related positions (for example, those that have ratios comparative to the number of agents) and does not include monitoring center positions or SORP positions. As a result, the non-CCSD DCC positions and funding provided under the bill (8.0 CCOs in 2021-22 and an additional 4.0 CCOs (for a total of 12.0 CCOs) and 1.0 CCO supervisor in 2022-23 for the monitoring center, and 1.0 OOA and 2.0 program specialists annually for SORP) identified in Section A, would need to be included in to ensure that the Department would be able to fully manage the increased GPS-tracked population in 2021-23 (\$535,000 GPR and 11.0 GPR positions in 2021-22 and \$1,127,200 GPR and an additional 5.0 GPR positions in 2022-23 (for a total of 16.0 positions)).

44. Finally, supplies and services costs related to GPS-tracking equipment, proportionate to the projected increased populations and DCC vehicle leases, are not included in CCSD costs, as they are not directly related to staffing. While these items are included in the costs under the GPS tracking item (Section A), the costs (\$486,800 GPR and \$23,300 PR in 2021-22 and \$900,500 GPR and \$44,000 PR in 2022-23) must also be included in this section, if the Committee wishes to adjust DCC staffing and supplies as one item, instead of choosing individual DCC component options under Sections A and B.

45. Ultimately, the Committee could adjust existing DCC staff needs in accordance with the 2020 CCSD study, while factoring in the non-CCSD staffing and equipment necessary for increased GPS tracked populations over the 2021-23 biennium. This exercise would culminate with all DCC positions having similar workload standards as determined by the most recent workload study available, and would ensure that staffing ratios meet the recommended thresholds (including CFS positions). As noted by the table above, the recalibration found that some position classifications could be reallocated to address staffing needs. After adjusting for: (a) the reallocations and reclassifications of workload study position types (identified in the table, above); (b) the non-workload study positions for GPS tracking (the monitoring center and SORP positions, identified in Section A and point 43.); and (c) DCC positions and supplies and services not included in the CCSD study (identified in point 44.), a complete DCC recalibration would require \$1,382,700 GPR, \$23,300

PR, and 23.0 GPR positions in 2021-22 and \$3,298,000 GPR, \$44,000 PR, and 28.0 GPR positions in 2022-23. [Alternative C1]

46. In total, this alternative would include: (a) 44.0 CFS positions annually (12.0 reallocated from existing vacant GPR positions, 29.0 reclassified from vacant probation and parole agent and program support supervisor positions, and 3.0 newly provided positions annually); (b) 9.0 newly provided office operations associate positions annually; (c) 11.0 newly provided non-CCSD DCC positions in 2021-22 and an additional 5.0 newly provided non-CCSD DCC positions in 2022-23 (for a total of 16.0 positions) under the bill as introduced for the monitoring center and SORP; and (d) funding for supplies and services for the increased GPS-tracked population. As noted by (a), -27.0 probation and parole positions and -2.0 program support supervisor positions would be reallocated and reclassified as CFS positions.

## ALTERNATIVES

The Committee could either choose an alternative from A. and an alternative from B., or choose Alternative C1. Alternative C1 factors in Alternatives A1 and B1.

### A. Sex Offender Tracking

1. Provide \$2,099,500 GPR, \$23,300 PR, and 28.0 GPR positions in 2021-22 and \$4,124,000 GPR, \$44,000 PR, and 43.0 GPR positions in 2022-23 to supervise increased sex offender populations.

ALT A1	Change to Base	
	Funding	Positions
GPR	\$6,223,500	43.00
PR	<u>67,300</u>	<u>0.00</u>
Total	\$6,290,800	43.00

2. Take no action.

### B. Community Corrections - Corrections Field Supervisors

1. Provide adjustments of -\$33,600 GPR in 2021-22 and \$119,900 GPR in 2022-23 to improve the corrections field supervisor staffing ratios. Require Corrections to reallocate 12.0 vacant GPR positions and associated funding for this purpose.

ALT B1	Change to Base
GPR	\$86,300

2. Adopt Alternative B1, and additionally provide \$2,919,200 GPR in 2021-22, \$3,397,500 GPR in 2022-23, and 35.5 GPR CFS positions annually to meet the recommended corrections field supervisor staffing ratio. Require Corrections to reallocate 12.0 vacant GPR positions and associated

funding for this purpose.

ALT B2	Change to Base	
	Funding	Positions
GPR	\$6,403,000	35.50

3. Take no action.

**C. 2020 Workload Study - Divisionwide**

1. Require Corrections to: (a) reallocate 12.0 vacant GPR positions and associated funding for DCC CFS positions; and (b) reallocate and reclassify 27.0 agent positions and 2.0 program support supervisor positions and associated funding for DCC CFS positions. Provide \$1,382,700 GPR, \$23,300 PR, and 23.0 GPR positions in 2021-22, and \$3,298,000 GPR, \$44,000 PR, and an additional 5.0 GPR positions in 2022-23 (for a total of 28.0 newly-provided GPR positions) for: (a) 9.0 OOA positions and 3.0 CFS positions annually (\$360,900 GPR in 2021-22 and \$1,270,300 GPR in 2022-23, including reallocated and reclassified position funding); (b) 11.0 GPR positions in 2021-22 and an additional 5.0 GPR positions in 2022-23 for the monitoring center and the sex offender registry program (\$535,000 GPR in 2021-22 and \$1,127,200 GPR in 2022-23); and (c) supplies and services related to increased DCC tracked populations in the 2021-23 biennium (\$486,800 GPR and \$23,300 PR in 2021-22 and \$900,500 GPR and \$44,000 PR in 2022-23).

ALT C1	Change to Base	
	Funding	Positions
GPR	\$4,680,700	28.00
PR	<u>67,300</u>	<u>0.00</u>
Total	\$4,748,000	28.00

Prepared by: Shannon E. Huberty





## **Corrections -- Community Corrections**

### **LFB Summary Items for Which No Issue Paper Has Been Prepared**

<u>Item #</u>	<u>Title</u>
3	Global Positioning System (GPS) Tracking Reestimate

