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Adult Corrections Program

Adult Corrections Program

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Adult Corrections Program

■ Introduction

In Wisconsin, the care and treatment of adult offenders placed under state supervision by the courts is provided by the Department of Corrections (DOC). In fiscal year 1995-96, the Department was responsible for an average daily population of 64,996 individuals, including 11,255 incarcerated adults, 52,222 adult probationers and parolees and 1,519 community-placed intensive sanctions inmates. The Department operates 28 correctional facilities, including 11 adult prisons and 17 correctional centers. Appendix I provides a map of the locations of state correctional facilities and a subsequent listing of each facility. In addition, DOC contracted for approximately 400 beds with Chippewa, Dodge, Eau Claire, Jackson, Jefferson, Manitowoc, Outagamie, St. Croix, and Wood Counties and at federal facilities. Further, in October, 1996, Corrections began contracting with certain Texas counties for inmate beds. Finally, the Wisconsin Resource Center is operated by the Department of Health and Family Services, Division of Care and Treatment Facilities as a 160-bed medium security facility for inmates in need of mental health treatment.

Under 1995 Act 27, state responsibility for the care and treatment of juvenile offenders was transferred from the Department of Health and Social Services to the Department of Corrections, effective July 1, 1996. The juvenile justice system and youth aids are addressed in a separate Legislative Fiscal Bureau informational paper.

This paper provides information regarding felony sentencing in Wisconsin and the organization, budget and programs of the Department of Corrections related to adults and juveniles placed in the adult correctional system. It is divided into the following sections: (1) departmental overview; (2) sentencing to the adult correctional system; (3) adult institutions, including minimum security correctional centers; (4) the corrections building program during the 1995-97 biennium; (5) prison system operating capacity; (6) contracts with Texas counties to house state prisoners; (7) Badger State Industries; (8) private business/prison employment work program; (9) correctional farms; and (10) the probation and parole and the intensive sanctions programs.

■ Overview

The Department is comprised of the Divisions of: (1) Adult Institutions; (2) Community Corrections (probation and parole, intensive sanctions and the minimum-security correctional

centers); (3) Juvenile Corrections; (4) Program Planning and Movement; and (5) Management Services. In addition, the Parole Commission is attached to the Department. An organizational chart can be found in Appendix II. As Table 1 indicates, the total budget and number of positions for state fiscal year 1996-97 for Corrections is \$601.9 million, including all sources of funds. Of this amount, 80.5% is financed from general purpose revenues (GPR); 19.0% is program revenue (PR) from such sources as funds generated from the daily rates charged to counties for juvenile corrections and the sale of Badger State Industries and Farms products; and, 0.5% is financed through federal (FED) revenue sources such as federal drug abuse, educational or job assistance programs.

TABLE 1: 1996-97 Budgeted Funding Levels by Program

Program	GPR	PR	FED	Total Funds	Total Positions
Adult Institutions	\$247,140,300	\$23,252,700	\$0	\$270,393,000	4,128.35
Community Corrections	109,435,300	7,231,600	0	116,666,900	2,082.35
Juvenile Corrections	95,509,500	71,503,900	2,749,200	169,762,600	1,251.07
Program Planning and Movement	18,844,900	1,765,200	30,600	20,640,700	98.50
Management Services	10,890,900	10,596,800	0	21,487,700	156.20
Office of Secretary	2,316,200	60,100	0	2,376,300	30.20
Parole Commission	<u>616,400</u>	<u>0</u>	<u>0</u>	<u>616,400</u>	<u>9.50</u>
TOTAL	\$484,753,500	\$114,410,300	\$2,779,800	\$601,943,600	7,756.17

■ Sentencing

Under the current sentencing system in Wisconsin, convicted felons are generally either fined, sentenced to an indeterminate term of imprisonment, placed in intensive sanctions or placed on state-supervised probation. The current sentencing procedure is referred to as "indeterminate" because felons may be paroled from prison prior to serving the maximum sentence imposed by the court. Offenders sentenced to more than one year are imprisoned in state correctional facilities. All offenders sentenced to intensive sanctions or probation are under the supervision of the Department of Corrections.

Imprisonment

Judges may impose a sentence for each charge resulting in a conviction, and sentences may run concurrently or consecutively. Judges may not order imprisonment followed by probation as the sentence for a single crime. The length of sentence may be increased for persons

considered to be repeat offenders. In Wisconsin, six classes of felonies have been established. The penalties for each felony classification are as follows:

- Class A Life imprisonment.
- Class B Imprisonment not to exceed 40 years for offenses occurring after April 20, 1994, and imprisonment not to exceed 20 years for offenses which occurred prior to that date.
- Class BC Fine not to exceed \$10,000 or imprisonment not to exceed 20 years for offenses occurring after December 1, 1995.
- Class C Fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.
- Class D Fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both.
- Class E Fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both.

Persons sentenced to prison must serve a minimum of the greater of six months or 25% of the court-imposed sentence before becoming eligible for parole (commonly referred to as the "parole eligibility date"). Convictions for some offenses (particularly drug crimes) may require a longer minimum prison term. Inmates serving life sentences generally become eligible for parole after serving 13 years and four months. A judge may, however, set any parole eligibility date which is later than the statutorily defined date for crimes punishable by life imprisonment or may impose a sentence of life without the possibility of parole. Further, judges may establish a parole eligibility date for individuals convicted of serious felony offenses (see Appendix III) who have previously been convicted of a serious felony offense. The date established by the court could not be less than the current parole eligibility date nor more than two-thirds of a sentence. If the court did not establish a parole eligibility date, an individual would be eligible after serving 25% of his or her sentence.

The use of "good time credit" also affects the length of time a felon is imprisoned. Under this concept, inmates receive credit against the time they are sentenced to serve based on the inmate's performance in the areas of prison duties, labor and educational studies. For crimes committed after May 31, 1984, offenders sentenced to prison are subject to mandatory release upon serving two-thirds of the court-imposed sentence. This release date may be extended for infractions of regulations. A person sentenced to life imprisonment is not subject to mandatory release provisions. In addition, for individuals convicted of certain serious felony offenses, the Parole Commission may decide not to release an inmate on the mandatory release date, but instead establish a later release date. If the Commission does not deny an individual release at two-thirds of the court-imposed sentence, the individual is released on parole supervision until the sentence expires. If release is denied, regular reviews of the inmate's case are required. Individuals serving their entire sentence are released from prison without parole supervision.

In addition to parole eligibility and mandatory release provisions, Wisconsin has a "three strikes" provision for serious repeat offenders. The provision requires a court to sentence an individual to life imprisonment without parole if the person was convicted on three separate

occasions for any serious felony. Appendix III identifies the felonies which are included under the "three strikes" law.

Intensive Sanctions

A person may enter the intensive sanctions program only if he or she is convicted of a felony and only under one of the following circumstances: (a) a court sentences the person to the program; (b) the person is a prisoner serving a felony sentence not punishable by life imprisonment and the Department of Corrections directs the person to participate in the program; (c) the Parole Commission grants the person parole and requires the person to participate in the program as a condition of parole; or (d) the Department and the person agree to his or her participation in the program as an alternative to revocation of probation or parole.

The intensive sanctions program is required to provide component phases with one or more of the following sanctions:

- a. Placement in a prison, jail, county reforestation camp, residential treatment facility or community-based residential facility. A participant could not, however, be placed in one of these facilities for more than one year or, if applicable, the period specified by the court, whichever is shorter, except if an extension was provided. The maximum extension for a placement in one of these facilities, including the original period and all extensions, could be a total of two years or two-thirds of the maximum term of imprisonment that could have been imposed on the person, whichever is less;
- b. Intensive or other field supervision;
- c. Electronic monitoring;
- d. Community service;
- e. Restitution; and
- f. Other programs as prescribed by the Department.

Under the parole eligibility laws, individuals sentenced to prison are required to serve at least 25% of their court-imposed sentence or six months, whichever is greater, before being eligible for parole. Under the intensive sanctions program, however, the Parole Commission may waive the 25% or six-month service of sentence requirement under any of the following circumstances: (a) it determines that extraordinary circumstances warrant an early release and the sentencing court has been notified and permitted to comment; and (b) the Department recommends that the person be placed on parole that includes being placed in the intensive sanctions program and the Parole Commission orders it.

Beginning July 1, 1992, courts were allowed to sentence a person who is convicted of a felony occurring on or after August 15, 1991, to participate in the intensive sanctions program. The courts may sentence a person to the intensive sanctions program if the Department provides a presentence investigation report recommending that the person be sentenced to the program. If the Department does not make the recommendation, a court may order the Department to assess and evaluate the person. After the assessment and evaluation the court may sentence the person to the program unless the Department objects on the grounds that the person be placed on probation.

In sentencing an individual to intensive sanctions, the following provisions apply:

- a. The court may not sentence a person to the intensive sanctions program if he or she was convicted of a felony punishable by life imprisonment.
- b. The court may impose an intensive sanctions sentence and stay its execution and place the person on probation, but may not provide that a condition of any probation involves participation in the intensive sanctions program.
- c. The court may not impose a sentence to the intensive sanctions program consecutive to any other sentence.
- d. The court may not impose a sentence to the intensive sanctions program concurrent with a sentence imposing imprisonment except that the court may impose a sentence to the program concurrent with an imposed and stayed imprisonment sentence or with a prison sentence for which the offender has been released on parole.
- e. The court may impose concurrent intensive sanctions program sentences.
- f. The court may impose an intensive sanctions program sentence concurrent with probation.
- g. The court is required to specify a maximum sentence to the intensive sanctions program, which will not exceed the maximum term of imprisonment that could be imposed on the person, including imprisonment authorized by any penalty enhancement statute.
- h. The court is required to provide a maximum period for secure placement in a prison, a jail, a county reforestation camp, a residential treatment facility or a community-based residential facility, which will not exceed one year unless the defendant waives the requirement.
- i. The court may prescribe reasonable and necessary conditions of the intensive sanctions sentence in accordance with the available types of sanctions, except the court may not: (1) specify a particular prison, jail, camp or facility where the offender would be placed; or (b) restrict the Department's authority to use certain sanctions or provide alcohol and drug abuse and mental health treatment and services.

The Department may provide for placements for a shorter period than the maximum period specified by the court. The Department may also request the court to extend the maximum period provided by the court during sentencing and the maximum period of prison time provided by the court (secure time) or both. Any sentence credit may be applied toward the sentence, but not the secure phase of the intensive sanctions program.

The Department of Corrections recommends sentences to intensive sanctions for individuals convicted of non-violent, non-drug trafficking offenses whose prison term would otherwise be less than four years. This includes crimes such as forgery, theft, burglary, embezzlement and gambling. Offenders whose crimes involved death, injury or threat of injury are not recommended for the program. Similarly, offenders who would otherwise likely receive probation are not recommended for the program.

Probation and Parole

Probation may only be granted by a court, either by withholding a sentence or by imposing a sentence and staying its execution. The person is then placed on probation under the supervision of the Department of Corrections. Unlike the probation decision, which is made by the court at the time of sentencing, the decision to grant discretionary parole is made by the Parole Commission and only after the individual has been incarcerated in the Wisconsin prison system. The parolee is then placed under the supervision of the Department for a period not to exceed the court-imposed sentence, less time already served. Persons who reach their mandatory release date are also placed under parole supervision for a period not to exceed the court-imposed sentence, less time already served.

The Parole Commission conducts interviews with parole-eligible inmates and decides whether to grant a discretionary release. The Commission consists of five members: the chairperson, appointed for a two-year term by the Governor, with the advise and consent of the Senate; and four other members appointed by the chairperson from the classified service. In 1996-97, the Commission's budget is \$616,400 GPR with 9.5 positions (including 4.5 support staff).

Original Jurisdiction of Adult Court

Current law provides for original adult court jurisdiction over certain juveniles, as well as discretionary waiver of other juveniles to adult court jurisdiction. As of July 1, 1996, a "juvenile," as applied here, pertains to those under the age of 17 years.

Adult criminal courts have original jurisdiction over juveniles under the following conditions:

- a. If a juvenile is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 10th birthday;

b. If a juvenile has been adjudicated delinquent and is alleged to have committed battery or aggravated assault while placed in a secured correctional facility, a secure detention facility or a secured child caring institution or against a parole, probation or aftercare agent; or

c. If a juvenile is alleged to have violated any state criminal law and has either been convicted of a previous violation in adult court (following waiver to adult court or under the original jurisdiction of the adult court) or criminal proceedings on that previous violation are still pending in adult court.

If a preliminary examination (held for felony charges only) is held regarding a juvenile who is subject to the original jurisdiction of the adult court, the court is required to determine whether there is probable cause to believe that the juvenile has committed the violation of which he or she is accused. If the court does not make that finding, the court is required to discharge the juvenile from adult court; however, juvenile proceedings may still be brought.

If the adult court finds probable cause, it is required (except for certain 15- and 16-year-old juveniles, as noted below) to determine whether to retain jurisdiction or to transfer jurisdiction to the juvenile court (referred to as "reverse waiver"). The adult court must retain jurisdiction unless the juvenile proves by a preponderance of the evidence all of the following:

a. That, if convicted, the juvenile could not receive adequate treatment in the criminal justice system;

b. That transferring jurisdiction to the juvenile court would not depreciate the seriousness of the offense; and

c. That retaining jurisdiction is not necessary to deter the juvenile or other juveniles from committing such violations.

A juvenile who is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after his or her 15th birthday is not eligible for reverse waiver from the adult court to a juvenile court, but may be eligible for a juvenile disposition under certain circumstances, as noted below.

In adult court, the juvenile is subject to criminal court procedures and criminal penalties, except that the adult court may impose a disposition under the juvenile justice code under certain conditions: A juvenile disposition, in lieu of a criminal penalty, may be imposed for a juvenile who committed the offense before his or her 15th birthday and must be imposed for a juvenile who committed the offense on or after his or her 15th birthday, if either of the following conditions apply:

a. The adult court convicts the juvenile of a lesser offense that is **not** an attempt to commit first-degree intentional homicide, **is not** first-degree reckless homicide or second-degree

intentional homicide and is **not** an offense for which the juvenile court may waive its jurisdiction over the juvenile; or

b. The adult court convicts the juvenile of a lesser offense that is an attempt to commit first-degree intentional homicide, is first-degree reckless homicide or second-degree intentional homicide or is an offense for which the juvenile court may waive its jurisdiction over the juvenile and the adult court (after considering criteria relating to the personality and prior record of the juvenile, the type and seriousness of the offense and the suitability of facilities, services and procedures available for treatment of the juvenile in the juvenile justice system, the protection of the public and the desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in adult court) determines by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a disposition under the juvenile justice code.

Waiver To Adult Court

A district attorney or a juvenile may apply to the juvenile court to waive its jurisdiction in any of the following situations:

a. If the juvenile is alleged to have committed felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary or the manufacture, distribution or delivery of a controlled substance on or after the juvenile's 14th birthday;

b. If the juvenile is alleged to have committed, on or after the juvenile's 14th birthday, a violation, at the request of or for the benefit of a criminal gang, that would constitute a felony if committed by an adult;

c. If the juvenile is alleged to have violated any state criminal law on or after the juvenile's 15th birthday.

The judge may also initiate a petition for waiver in any of these situations, if the judge disqualifies himself or herself from any future proceedings on the case.

The juvenile must be represented by counsel at the waiver hearing and the counsel must be provided access to the social records and other reports pertaining to the case. The juvenile has the right to present testimony on his or her own behalf including expert testimony and has the right to cross-examine witnesses at the hearing. The juvenile does not have the right to a jury at a waiver hearing.

If a petition for waiver of jurisdiction is contested, the court hears testimony and considers other relevant evidence. If uncontested, no testimony need be taken if the court determines that the decision not to contest the waiver of jurisdiction is knowingly, intelligently and voluntarily

made. The court must base its decision whether to waive jurisdiction on criteria relating to: (a) the personality and prior record of the juvenile; (b) the type and seriousness of the offense; (c) the suitability of facilities, services and procedures available for treatment of the juvenile in the juvenile justice system; (d) the protection of the public; and (e) the desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in adult court.

After considering these criteria, the court must state its finding with respect to the criteria on the record. If the court determines that it is established by clear and convincing evidence that it would be contrary to the best interests of the juvenile or of the public to hear the case, the court enters an order waiving jurisdiction and referring the matter to the district attorney for appropriate proceedings in criminal court. If the waiver is granted, the DA may charge the offense he or she deems is appropriate and a court or jury may convict the juvenile in regard to any offense. If the waived juvenile is being held in secure custody, he or she is transferred to an appropriate officer or adult facility and is eligible for bail.

In a preliminary examination in adult court for a waived juvenile, for a violation alleged to have occurred prior to his or her 15th birthday (a 14-year-old offender), the court may bind the juvenile over for trial only if there is probable cause to believe that felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary, or the manufacture, distribution or delivery of a controlled substance has been committed or that a crime that would constitute a felony if committed by an adult has been committed at the request of or for the benefit of a criminal gang. If the court does not make that finding, the court is required to discharge the juvenile from adult court; however, juvenile proceedings may still be brought.

Correctional Placement

If a juvenile who has not attained the age of 16 years is sentenced to a state prison, DOC must place the juvenile at a secured juvenile correctional facility or a secured child caring institution. While there are some inconsistencies in current law regarding the age at which a juvenile may be transferred to an adult prison, it appears that for a juvenile who has not attained the age of 16 years, DOC may determine that a prison placement is appropriate based on: (a) the juvenile's prior record of adjustment in a correctional setting, if any; (b) the juvenile's present and potential vocational and educational needs, interests and abilities; (c) the adequacy and suitability of available facilities; (d) the services and procedures available for treatment of the juvenile within the various institutions; (e) the protection of the public; and (f) any other considerations promulgated by the Department by rule. Current law does not preclude DOC from designating an adult correctional institution as a reception center for the juvenile and subsequently transferring the juvenile to a secured juvenile correctional facility or a secured child caring institution.

■ Adult Institutions

Convicted adults (male and female) sentenced to state prisons are received at the Dodge Correctional Institution Reception Center in Waupun. After an assessment and evaluation period lasting between four and six weeks, inmates are classified according to the degree of security risk they present. If classified as maximum risk, adult males are placed at Dodge, Waupun, Columbia, or Green Bay Correctional Institutions. If classified as medium security risk, males may be transferred to Oshkosh, Kettle Moraine, Fox Lake, Jackson County or Racine Correctional Institutions, or to the Wisconsin Resource Center. Adult females classified as maximum or medium security risk are transferred to Taycheedah. Men classified as minimum risk are transferred to Oakhill or one of the 14 male minimum security correctional centers or to the Alcohol and Drug Abuse Treatment Center which is located on the grounds of Winnebago Mental Health Institute. Minimum security females may be placed at Taycheedah or are transferred to either the Women's Community Correctional Center in Milwaukee, or the Robert E. Ellsworth Correctional Center in Union Grove. It should be noted that, as the result of a reorganization of the Department in 1995-96, the minimum-security institutions are administratively part of the Division of Community Corrections while maximum- and medium-security institutions are under the jurisdiction of the Division of Adult Institutions.

The Department of Corrections also utilizes county jails to house state inmates and as temporary lockup (non-punitive lock-up pending an investigation or disciplinary action of an inmate in the Center System). Correction's contracts with counties for additional prison space are statutorily limited to a maximum of \$60 per inmate bed daily. In 1995-96, Corrections expended \$9,842,400 GPR for jail contracts; in 1996-97, \$14,392,500 GPR is budgeted for contracts. Funding in 1996-97, includes amounts budgeted for contracts with county jails in Texas (\$4,824,600 GPR). The contracts with the Texas counties are described in a later section of this paper. Table 2 identifies the contracts for 1995-96.

TABLE 2: Contracts for Jail Beds--1995-96

Contract	Number of Beds	Amount
Chippewa	16	\$267,700
Dodge	7	139,600
Eau Claire	12	251,400
Jackson	13	281,700
Jefferson	37	751,600
Manitowoc	45	930,700
Outagamie	214	4,707,400
St. Croix	32	589,600
Wood	18	362,100
Federal	7	248,600
Temporary Lock-up	<u>61</u>	<u>1,312,000</u>
Total	462	\$9,842,400

Appendix IV indicates the total prison population since 1986. Appendix V shows, for adults in prison on June 30, 1996, the offense which the inmate was committed. The predominant offenses by males are sexual assault, murder or other homicides, robbery, drug offenses and burglary. Those by women are drug offenses, murder or other homicides, theft and forgery. It should be noted that since Appendix V lists the offenses for presently incarcerated inmates, it tends to emphasize offenses with longer sentences. For example, individuals convicted of murder/homicide made up 13.1% of the male population on June 30, 1996, but accounted for

only 3.7% of the admissions for the first six months of calendar year 1996.

Southern Wisconsin counties committed the majority of inmates to prison during the first six months 1996. Milwaukee, Kenosha, Racine, Rock and Dane counties committed 61% of male and 67% of female inmates. According to 1996 Department of Administration data, these five counties represent 35.6% of the state's total population.

As indicated by Appendix VI, the average daily per capita direct operating and debt service cost of adult prisons during 1994-95 (the latest year for which Corrections has data by institution) was approximately \$61. The highest daily per capita cost (excluding the Resource Center with a daily cost of \$239) occurred at the Taycheedah Correctional Institution (\$104). The minimum security correctional centers had the lowest per capita prison cost (\$48).

Appendix VII shows the average daily prison population for 1995-96 and the population on January 3, 1997, by institution. On January 3, 1997, there were 13,085 adults incarcerated compared to 5,243 in 1985-86. This represents a 150% increase in prison populations over ten years. Table 3 indicates the average monthly admissions to state correctional reception centers between 1987 and June, 1996. Information on females admissions prior to 1990 is not available.

In order to address overcrowding, a special action release (SAR) program was implemented in 1981, for qualified inmates who are parole eligible and who are within 90 days of their mandatory release date. (The mandatory release date generally represents the inmate's court-imposed sentence, less one-third.) In May, 1983, this program was extended to 135 days and in January, 1986, to 12 months. No individuals have been released under SAR since 1991. Table 4 displays the percentage of first releases by calendar year under the various release policies.

A study conducted by the Legislative Audit Bureau indicated that, on average, inmates released in 1992 and 1993, had been sentenced to a five-year term (though individual sentences varied widely) and had served 2.7

TABLE 3: Average Monthly Admissions

Calendar Year	Males	Females
1987	226	NA
1988	217	NA
1989	258	NA
1990	277	20
1991	313	24
1992	382	31
1993	437	36
1994	453	35
1995	470	39
1996*	510	47

*Estimated.

NA = Not Available.

TABLE 4: Adult Prison First Releases

	1994	1995	1996*
Males			
Discretionary	89.0%	87.4%	84.7%
Mandatory	9.3	11.3	13.3
Other**	1.7	1.3	2.0
Females			
Discretionary	97.2%	95.7%	96.5%
Mandatory	2.3	2.6	2.6
Other**	0.5	1.7	0.9

*Through June, 1996.

**"Other" includes releases related to discharge at end of sentence, by court order, commutations or death.

years prior to release on parole (approximately 53% of the sentence). These figures did not include individuals sentenced to life imprisonment because the percentage of a sentence served cannot be calculated. The Audit Bureau memorandum further indicated, that for inmates released between 1980 and 1989, 22% of individuals convicted of serious felony offenses and 18% of other offenders were returned to prison within two years of release.

Institution Staffing Ratios

Appendix VIII estimates the staffing ratio (number of staff per inmate) for the adult correctional institutions. All institutional staff are considered, including security, teachers, maintenance and other service workers. Maximum security institutions require more security personnel than do medium security institutions; thus, all other factors being equal, maximum security institutions will have a higher staffing ratio. Economies of scale are also reflected in the staffing ratio: the larger the bed capacity the lower the staffing ratio, all other factors being equal. The ratio at adult correctional institutions ranged from approximately 0.1 (intensive sanctions) to approximately 5.5 (Wisconsin Resource Center) staff per inmate on July 1, 1996. It should be noted that staffing ratios at the Wisconsin Resource Center are high because the facility is being used to house individuals being held under civil commitment procedures as sexually violent persons. As a result, fewer inmates are being held at the facility and staffing ratios are thus increased.

■ Corrections Building Program

Corrections construction projects authorized during the 1995-97 biennium will provide an additional 1,741 beds. Table 5 shows projects authorized in 1995-97. The status of each institution is summarized below.

Supermaximum Security Correctional Institution

In 1995 Act 27, \$75.0 million in total bonding authorization (\$50.0 million from federal funds and \$25.0 million in general fund supported borrowing) was provided to construct a 1,200 cell maximum-security correctional institution. Of the 1,200 cells, 500 were to be built at "supermaximum" security and 700 were to be built at maximum security. Supermaximum security cells are designed so that inmates cannot make eye contact with staff or other inmates. Inmates will be housed in individual cells for 23 hours a day with one hour of solitary exercise. Educational programs, meals and showers will all occur in the individual cells.

TABLE 5: Correctional Institution Beds Authorized in 1995-97

Project	New Beds	Budgeted Construction Cost In Millions
Supermax	500	\$40.0
Minimum Security	1,050	8.5
Green Bay	108	10.2
Oakhill	48	7.8
McNaughton	<u>35</u>	<u>3.4</u>
	1,741	\$69.9

In 1995 Act 388, the supermaximum security correctional institution project was modified to eliminate the \$50.0 million in federal funds and provide an additional \$15.0 in general fund supported borrowing. As a result of this modification, the scope of project was reduced to provide 500 supermaximum security cells. The Building Commission prison siting committee has recommended siting the new facility in Boscobel. The facility is estimated to open in 1999.

Minimum-Security Beds

On October 16, 1996, the Building Commission approved \$8.5 million for the construction of 1,050 additional minimum security prison beds. The additional beds will be in barracks-style, 150-bed units constructed at the Racine, Fox Lake, Taycheedah, Dodge (two 150-bed units), Columbia and Jackson County Correctional Institutions. Funding for the construction of the units was generated from residual bonding authority from previously authorized prison construction projects.

Green Bay Correctional Institution Segregation Unit

In 1995 Act 27, \$10,225,000 in general fund supported borrowing was provided for the construction of a 108-cell segregation building and a new institution processing facility. The existing segregation unit will be utilized as a program unit, and serve as an intake and receiving housing unit. The new segregation unit is designed to be a separate building from the existing Institution and includes 100 single cells, eight observation rooms, a noncontact visiting room, an attorney visiting area, rooms for psychiatrists or psychologists, an indoor recreation area, a control station, dayrooms and an outdoor caged recreation area. The processing facility will become an entrance to the Green Bay Correctional Institution for both inmates and staff, and will serve as the intake and discharge point for inmates. As a result of the project, an additional 53 beds will be added to the general inmate population at Green Bay. The project is estimated to be completed by November, 1998.

Oakhill Segregation Unit and Administration

In 1995 Act 27, \$7,750,000 in general fund supported borrowing was provided for the construction of a new 48-bed segregation unit and an addition to the existing administration building. The new segregation unit would replace an existing 14-bed segregation unit in one of the housing units that has no sprinkler system and does not meet building codes. The expansion of the administration building will allow the security control center to move from one of the current housing units and provide for an enhanced visiting area. By moving the current segregation unit and control center from an existing housing unit, an additional 52 beds will be added to the general inmate population at the Oakhill Correctional Institution. The project is estimated to be completed by October, 1998.

McNaughton Correctional Center Expansion

In 1995 Act 27, the Department of Corrections was required to transfer the McNaughton Correctional Center property to the Department of Natural Resources in exchange for state-owned land in Oneida County under the jurisdiction of DNR. The Department of Natural Resources was required to offer the property for exchange and Corrections would have to find a suitable site for building a new center. Act 27 provided \$3,400,000 in general fund supported borrowing to construct the new facility. As passed by the Legislature, the exchange of land would have been required by July 1, 1996. This date was vetoed by the Governor.

The transfer of a 50-foot-wide scenic easement on the McNaughton property from Corrections to DNR has occurred. Corrections indicates that the land exchange originally identified in Act 27 will not occur. Instead, current plans are for a new 90-bed facility (80 general population beds and 10 segregation beds) to be placed on the existing McNaughton property. The new unit would replace an existing building and provide a net additional 35 beds at the facility. As of December, 1996, the specific design and siting of the building are unknown.

■ Prison System Operating Capacity

In 1993 Act 16, Corrections was required to promulgate administrative rules providing limits on the number of prisoners at all state prisons. The Act required Corrections to include systemwide limits and limits for each prison, except that a single limit could be established for the minimum-security correctional centers. Further, procedures to exceed any systemwide, institution or center system limit in an emergency situation could be created. As of January, 1997, this rule had not been promulgated.

To address the question of prison capacity, Corrections has by policy defined the operating capacity of the prison system as the lesser of: (a) the number of inmates that a correctional institution can house; or (b) an institution's capacity to provide non-housing functions such as food service, medical care, recreation, visiting, inmate programs, segregation housing and facility administration. Medical services and segregation beds (single cells for inmates removed from the general population for behavioral or security reasons) are not counted in housing capacity. Housing capacity is defined as: (a) one inmate per cell at maximum security facilities, with a 2% cell vacancy rate; and (b) up to 20% double occupancy of cells in medium security facilities existing as of July 1, 1991, or 50% double occupancy of cells in medium security facilities constructed after July 1, 1991. No specific standard has been established for minimum security institutions, but capacities have been determined on an institution-by-institution basis. Corrections' operating capacity figures also include contracted county jail beds. Using this definition, Corrections has an operating capacity of 9,538 inmates.

On January 3, 1997, the prison system housed 13,085 inmates and was at 137% of Corrections defined capacity. Additional inmates were housed by: (a) increased utilization of contracted county jail beds beyond the number identified as operating capacity; (b) exceeding the defined

number of double occupancy cells; and (c) utilizing some non-housing space for housing purposes. To the extent that Corrections continues to exceed its defined capacity or modifies either of the component parts of its definition, the amount that the system is "over capacity" may vary.

Table 6 identifies Corrections operating capacity by institution as of January 3, 1997. Using the Department's definition of capacity, when all currently authorized construction projects are completed (those identified in Table 5 and a 180-bed addition at Waupun authorized in the 1993-95 biennium) operating capacity will increase to 11,398. This capacity does not include the segregation beds being constructed at Green Bay, Oakhill or McNaughton.

■ Texas County Jail Bed Contracts

The Statutes require the approval of the Joint Committee on Finance or passage of legislation in order to transfer ten or more inmates to any one state or any one political subdivision of another state. On September 26, 1996, the Joint Committee on Finance approved an agreement between the Texas counties of Hood, Johnson, Palo Pinto and Comanche and the Department of Corrections to provide up to 700 beds for Wisconsin inmates in Texas county jails between October 15, 1996, and June 30, 1997. On January 9, 1997, two additional counties (Red River and Titus) were included in the agreement. In order to fund the total additional 700 contract beds for 1996-97, the Joint Committee on Finance provided \$3,824,500 GPR. In addition, Corrections reallocated \$1,000,000 from within the existing jail contracts appropriation. As of January 3, 1997, 117 Wisconsin inmates were placed in Texas County jails. The contracts contain the following provisions.

Terms. In effect from October 15, 1996, through June 30, 1997; may be terminated upon 30 days written notice to the other party, and may be amended or extended in one-year increments

TABLE 6: Corrections Operating Capacity

Institution	Operating Capacity Jan. 3, 1997
Maximum Security - Male	
Dodge	820
Waupun	825
Green Bay	574
Columbia	<u>441</u>
Subtotal	2,660
Medium Security - Male	
Fox Lake	691
Jackson County	673
Kettle Moraine	716
Oshkosh	1,494
Racine	920
Wisconsin Resource Center	<u>160</u>
Subtotal	4,654
Minimum Security - Male	
Oakhill	300
Center System	<u>997</u>
Subtotal	1,297
County Jail Contracts - Male	429
Total - Male	9,040
Maximum/Medium Security - Female	
Dodge	30
Taycheedah	314
Minimum Security - Female	142
County Jail Contracts - Females	12
Total - Female	<u>498</u>
Total	9,538

upon the written agreement of the parties. The Department will remove its inmates within 30 days of termination of the agreement.

Number of Beds. Up to 700 inmate beds, dependent on bed space availability.

Selection of Inmates. The criteria for inmate selection is medium custody males who, at the time of transfer, are cleared by health, dental and medical services. Inmates with a history of institutional violence, escape or attempted escape from secure custody are not eligible for transfer. The counties have the right to reject any inmate due to medical or behavior problems which the county Sheriff determines to be unacceptable. The Department can return any inmate to Wisconsin at any time and replace or not replace the inmate with another.

Responsibility for Inmate Custody, Services and Discipline. The counties are responsible for confining the inmates in appropriate penal surroundings consistent with applicable federal and state laws and regulations, but the counties are not required to provide additional treatment, facilities or programs to Department inmates which they do not provide to other similar inmates. Inmates are not permitted or required to participate in any training or work program contrary to Department rules. The counties have physical control over and power to exercise disciplinary authority over inmates, but counties are not authorized to permit punishment prohibited by Department rules.

Right of Inspections. The Department has the right to inspect the county jails at all reasonable times to determine that appropriate standards of care and discipline are being met.

Medical Services. The Department is required to provide appropriate medical information prior to transfer, including certification of tuberculosis screening or treatment. Inmates receive medical, optometric, psychiatric and dental diagnosis and treatments as necessary to safeguard their physical and mental health and comply with federal, Wisconsin and Texas law. These services cannot be less than that provided to other inmates. These costs are paid by the counties if the services are provided by the jail and the inmate requires no special care in addition to that commonly provided by the jail. The cost of any special care is paid by the Department. Except in an emergency, the counties are required to contact the Department for prior written approval for medical, psychiatric or dental expenses for which the Department is responsible. In an emergency, the counties must notify the Department as soon as practicable. If required mental health treatment is not available in the counties, the Department will transfer the inmate to its own facility. Dental services payable by the Department cannot exceed services necessary for the relief of continuous pain or acute infection. Copies of health care and related records are to be provided by the Department upon request to the counties' health care providers. These remain the property of the Department and may not be altered, and are returned to the Department when the inmate is removed from the jail.

Laws and Regulations for Inmate Conduct. Inmates are subject to all provisions of law and regulations applicable to similar county jail inmates. When an inmate would be subject to

discipline under the Department's Administrative code and the counties want the inmate removed, the Department may discipline the inmate under its rules.

Inter-Institutional Transfer. The counties may transfer an inmate between facilities under this agreement with written notification to the Department.

Escape. The counties have the primary responsibility and authority to direct the pursuit, retaking and prosecution of escaped inmates within their own territories. Any associated costs will be borne by the counties.

Retaking of Inmates. The decision to retake an inmate is the Department's and is not reviewable by the counties, unless there is a pending criminal charge or if the inmate is suspected of having committed a criminal offense. In those cases, the inmate will not be taken without the consent of the Sheriff until discharged from prosecution or imprisonment for the offense. All inmates are to be returned to Wisconsin; no inmates can be released in Texas.

Cost and Reimbursement. The Department pays the counties \$39.96 per day per inmate for the term of this agreement (October 15, 1996 through June 30, 1997). The counties invoice the Department monthly, and the Department must pay within 30 days of receipt of the invoice. Payment is made for the day of the inmate's arrival but not the day of his departure.

The counties provide: lodging facilities; programs; constant monitoring of the premises; three nutritious meals a day (two must be hot); and basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates have access to all volunteer programs/activities and chaplaincy-directed programs, crisis intervention and social services treatment available to other jail inmates.

The counties are required to provide necessary program space needed to conduct any supplemental treatment programs arranged by the Department.

The counties provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Responsibility for Legal Proceedings. The Department is required to defend any action or proceeding involving the legality of revocations or sentence computations of its inmates or the placement or removal of inmates in county jails. The counties would be reimbursed for any expense connected with such actions or proceedings.

The counties must defend, at their expense, any action or proceeding arising out of confinement in the county jails which involves the conditions of confinement or the actions of county employees.

Disputes. Any dispute arising from this agreement which cannot be settled by contract administrators is subject to arbitration as provided under Wisconsin statutes.

Rights or Benefits. The agreement does not provide or create any rights or benefits to any of the inmates.

■ Badger State Industries

The Department of Corrections operates a Badger State Industries (BSI) program at each of the maximum and medium security correctional institutions, except at the Dodge and Kettle Moraine Correctional Institutions. The program is funded by program revenue generated from the sale of goods or services produced by the inmates employed by Badger State Industries. Sales revenue must, by law, cover the costs of raw materials, inmate wages, equipment, staff salaries and administrative overhead. In addition to BSI sales, revenues and expenditures associated with the private business/prison employment program (described in the following section) are administered through BSI. For 1996-97, the Badger State Industries program has an authorized budget of \$14,429,700 and 81.0 state staff positions.

The sale of Badger State Industries goods and services is limited by statute. BSI may only engage in manufacturing articles for the state and its counties, cities, villages, towns, tax-supported institutions, nonprofit agencies, other states and their political subdivisions and the federal government. State statutes further require that inmates employed by Badger State Industries be provided with training and work experience that allows them to develop skills necessary to retain employment in outside business and industry. 1989 Wisconsin Act 283 authorized the Department to enter into contracts with private businesses (manufacturers or distributors) to have BSI provide products, components, or services, if at the time that the contracts were originally entered into, the products, components or services had been supplied to the manufacturer or distributor for the previous 12 months by a facility outside the United States. This legislation also limited BSI to selling wood and metal office furniture and laundry services only to state agencies.

Badger State Industries operates the following industries: laundry, wood and metal furniture, upholstery, textile and linens, printing/graphics, data entry, silkscreening, metal stamping (license plates and signs), yard and recreational equipment and a distribution center. Badger State Industries had 547 inmate positions in the various programs as of July, 1996. Average wages paid to inmates ranged from 52¢ to \$1.43 per hour. In 1996-97, \$801,400 is budgeted for inmate wages. Based on the July, 1996, payroll report, the average wage per hour for inmates is 79¢. Appendix IX provides a summary of industry locations, number of inmate employees and average wages.

Under the statutes, BSI is allowed to maintain a continuing negative cash balance (the cash balance equals revenues minus expenditures plus the accumulated balance from all previous years) on June 30 of any fiscal year if this negative balance can be offset by program assets. The

Badger State Industries negative cash balance has been offset by assets as required by statute in ten of the past 15 years. Table 7 provides a summary of the financial position of Industries since 1981-82. Appendix X provides a cash balance summary by individual industry for the last three fiscal years.

TABLE 7: Summary of Badger State Industries Financial Status Since 1981-82

Fiscal Year	Opening Cash Balance	Profit Or Loss	Closing Cash Balance	Unsupported Cash Overdraft
1981-82	-\$2,208,512	-\$1,572,952	-\$3,781,465	\$445,372
1982-83	-3,781,465	-720,539	-4,502,004	1,024,153
1983-84	-4,502,004	-112,530	-4,614,534	1,464,257
1984-85	-4,614,534	-149,808	-4,764,342	1,130,706
1985-86	-4,764,342	-316,922	-5,081,264	832,835
1986-87	-5,081,264	-1,088,512	-6,169,776	0
1987-88	-6,169,776	-271,652	-6,441,428	0
1988-89	-6,441,428	150,523	-6,290,905	0
1989-90	-6,290,905	698,524	-5,592,381	0
1990-91	-5,592,381	1,716,328	-3,876,053	0
1991-92	-3,876,053	305,989	-3,570,064	0
1992-93	-3,570,064	-517,395	-4,087,459	0
1993-94	-4,087,459	1,159,795	-2,927,664	0
1994-95	-2,927,664	1,248,893	-1,678,771	0
1995-96	-1,678,771	233,753	-1,445,018	0

In December, 1981, Health and Social Services officials requested Joint Committee on Finance approval of a GPR transfer to eliminate negative cash balances. The request was refused based on a statutory mandate that the program be self-supporting. However, assistance was provided to Badger State Industries in 1982 when the Legislature expanded the definition of assets to include building and equipment values, in addition to inventory and uncollected accounts receivable. This resulted in a significantly higher asset value against which negative cash balances could be offset. Despite the change, Badger State Industries continued to operate with unsupported cash overdrafts through fiscal year 1985-86. Unsupported cash overdrafts were averted in the late 1980's due to increased asset values associated with industries at new institutions and capital equipment modernization at other facilities.

■ Private Business/Prison Employment Program

Under 1995 Act 27, Corrections was authorized to lease space within state prisons and juvenile correctional institutions to not more than three private businesses that would employ prison inmates to manufacture products or components or to provide services for sale on the open market. In selecting businesses to participate in the program, the Department is required to comply with state procurement laws by soliciting proposals. The Department must also consult with trade organizations and labor unions prior to issuing requests for proposals and prior to selecting proposals. In addition, before a private business/prison employment program begins, the Joint Committee on Finance must hold a public hearing and the Prison Industries Board must approve the business. In accordance with federal law, inmates must be paid at the prevailing local wage for work of a similar nature and may have as much as 80% of total earnings withheld for taxes, room and board, court obligations and victim compensation.

On April 15, 1996, a public hearing was held by the Joint Committee on Finance and two private business/prison employment projects were approved. One of the projects is with Fabry Glove and Mitten Company of Green Bay. In July, 1996, this project employed 25 inmates in glove and mitten fabrication at the Green Bay Correctional Institution at an average hourly wage of \$5.23. The second project is with Jorgensen Conveyors of Mequon and employs six inmates at the Waupun Correctional Institution. Inmates in the Jorgensen project provide welding services for the company at an average wage of \$7.71 per hour.

■ Adult Correctional Farm System

The Department of Corrections currently operates two correctional farming operations using minimum security inmate employees who are paid between 20¢ and \$1.00 per hour. The farms are located at Oregon and Waupun. Administratively, the Waupun farm operation includes the prison farms in Waupun, Fox Lake and Oneida. The stated goal of the farm system is to teach skills which allow inmates to obtain and retain employment upon release. In 1995-96, 165 inmate positions were available in the farm system. The farming operations include dairy, a creamery, crops, beef and swine production. In 1996-97, a total of \$608,100 GPR with 14.0 GPR security-related positions and \$2,020,500 PR with 7.0 PR positions were authorized for the correctional farm system.

As with the Badger State Industries program, the correctional farms are intended to be self-supporting operations whereby expenditures (farm supplies and equipment, inmate wages and staff salaries) do not exceed revenues generated from the sale of farm products. However, the correctional farms operations have resulted in cash losses in all but five of the last fifteen years. Negative cash balances must, by statute, be offset by the value of farm assets. The unsupported cash overdraft for the farms was -\$136,753 in 1995-96, but has been as high as -\$2,174,300 in 1988-89. Table 8 shows the Correctional Farm System's continuing cash balance since 1981-82. Appendix XI provides a more detailed summary of each of the correctional farms.

TABLE 8: Summary of Correctional Farms Financial Status Since 1981-82

Fiscal Year	Opening Cash Balance	Profit or Loss	Closing Cash Balance
1981-82	-\$1,083,891	-\$404,234	-\$1,488,125
1982-83	-1,488,125	-615,495	-2,103,620
1983-84	-2,103,620	-959,113	-3,062,733
1984-85	-3,062,733	-684,825	-3,747,558
1985-86	-3,747,558	-400,629	-4,148,187
1986-87	-4,148,187	-598,671	-4,746,858
1987-88	-4,746,858	-255,087	-5,001,945
1988-89	-5,001,945	-593,305	-5,595,250
1989-90	-5,595,250	72,012	-5,523,238
1990-91	-5,523,238	-173,225	-5,696,463
1991-92	-5,696,463	142,071	-5,554,392
1992-93	-5,554,392	-31,119	-5,585,511
1993-94	-5,585,511	58,546	-5,526,965
1994-95	-5,526,965	128,576	-5,398,388
1995-96	-5,398,388	15,330	-5,383,058

■ Community Corrections

The Division of Community Corrections was created in 1996 through departmental reorganization by combining the former Divisions of Probation and Parole and Intensive Sanctions and the minimum-security correctional centers. The goal of the reorganization was to place all adult corrections programs that supervise offenders in the community under one division. Appendix XII identifies the eight community corrections regions in the state, and the number of agents in each region as of December, 1996. There are 1,084 budgeted probation and parole and/or intensive sanctions agent positions in 1996-97. The intensive sanctions and probation and parole programs are addressed in the following sections.

Intensive Sanctions

The intensive sanctions program is a community-based correctional program which is an intermediate correctional level between prison, and probation and parole. The program is designed to provide the following: (a) punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision; (b) component phases that are intensive and highly structured; and (c) component phases for each participant that are based on public safety considerations and the participant's needs for punishment and treatment. Inmates in intensive sanctions are considered prisoners, not probationers or parolees. As a result, the Department has more authority over individuals in the program. Intensive sanctions supervision is provided by both intensive sanctions agents and correctional officers.

The intensive sanctions program is administered in four phases. Each phase becomes progressively less restrictive. In general, the first phase is the initial confinement period (either in a state prison or other secured confinement) that every inmate must serve at the beginning of his or her intensive sanctions sentence. The last three phases place an inmate in the community. In phase two, an inmate's movements are electronically monitored, there are at least 18 personal contacts monthly and activities (work/education, recreation and finances) are closely monitored by intensive sanctions staff. At least three random urine and/or alcohol screenings are required per month. Phase three is less restrictive than phase two, with fewer personal contacts, optional electronic monitoring, inmate control of their own finances and at least two random urine and/or alcohol screenings per month. Phase four is the least restrictive, requiring only two monthly face-to-face visits and random urine and/or alcohol screenings at staff discretion. In phase four of the program, inmates prepare for parole or discharge.

Table 9 summarizes the major requirements of the intensive sanctions program in each phase.

TABLE 9: Major Requirements of the Intensive Sanctions Program

Requirement	Phase I	Phase II	Phase III	Phase IV
Confinement	Confinement is served in a state prison, county jail, reforestation camp, residential treatment facility or community-based residential facility.	No confinement required.	No confinement required.	No confinement required.
Electronic Monitoring	N/A	Required.	Optional.	Discontinued.
Control of Inmate Funds	N/A	Intensive sanctions staff.	Inmate, unless the inmate is still on electronic monitoring.	Inmate.
Travel	N/A	From residence to preapproved work, school or treatment only. Weekly schedule required.	From residence to preapproved work, school or treatment only. Weekly schedule required.	Curfew at the discretion of intensive sanctions staff.
Programming (employment, school or treatment)	N/A	Required, full-time.	Required, full-time.	Required, full-time.
Community Service	N/A	Required 20 hours a week, when not in programming.	Required 20 hours a week, when not in programming.	Not required.
Recreation Time	N/A	After 30 days, four hours per week, taken all at one time, with the approval of intensive sanctions staff, between 8 a.m. and 8 p.m.. Staff may extend time to eight hours, taken in two four-hour periods.	Eight hours per week, between 8 a.m. and 10 p.m..	No restriction.
Time in Phase	At least 25% of court ordered confinement time at the beginning of a sentence.	Minimum of three months.	Minimum of three months.	Minimum of two months.

TABLE 9 (Continued)

Requirement	Phase I	Phase II	Phase III	Phase IV
Supervision Standards	<p>In state prison, intensive sanctions staff complete a pre-release planning with institution staff and offender.</p> <p>In other confinements, intensive sanctions staff have weekly face-to-face contact with inmate and treatment providers/facility staff.</p>	<p>Minimum of 18 personal contacts (either face-to-face or by telephone) per month: six by intensive sanctions staff, and 12 by law enforcement, treatment providers, employers, school officials or landlords.</p> <p>Contacts with offenders by intensive sanctions staff must include two home visits per month, one during non-traditional work hours or on the weekend, and one may be a surveillance contact.</p> <p>One collateral contact per month (an inmate's family member, friend or roommate).</p>	<p>Minimum of 10 personal contacts per month: four by intensive sanctions staff, and six by law enforcement, treatment providers, employers, school officials or landlords.</p> <p>Contacts with offenders by intensive sanctions staff must include one home visit per month, one during non-traditional work hours or on the weekend, and one may be a surveillance contact.</p> <p>One collateral contact per month.</p>	<p>Minimum of two face-to-face contacts per month, including one home visit.</p> <p>Minimum of two collateral contacts per month.</p>
Urine and/or Alcohol Screenings	Institution discretion.	Three at random, per month.	Two at random, per month.	Staff discretion.
Completion	Complete required time and treatment, if ordered, in Phase I.	<p>Individual program objectives met.</p> <p>Stable employment/education.</p> <p>Financial stability.</p> <p>Positive program adjustment.</p> <p>Intensive sanctions supervisor approval, after case review.</p>	<p>Individual program objectives met.</p> <p>Stable employment/education.</p> <p>Financial stability.</p> <p>Positive program adjustment.</p> <p>Intensive sanctions supervisor approval, after case review.</p>	<p>Individual program objectives met.</p> <p>Stable employment/education.</p> <p>Financial stability.</p> <p>Intensive sanctions supervisor approval, after case review.</p>

N/A = Not applicable.

Probation and Parole

The probation and parole program supervises offenders in the community who are either completing a sentence of imprisonment by being placed on parole or who have been placed on probation by the Court. After being placed on probation or released on parole, the person is placed under the supervision of a probation and parole agent. The program had 956 probation and parole agents on December 18, 1996, with an additional 41 authorized to start before the end of 1996-97.

For 1996-97, each probation and parole agent has a budgeted caseload of approximately 64 offenders. Table 10 shows adult parole and probation populations since 1986-87. The figures do not include juveniles supervised by Community Corrections, but do include adults supervised under the Interstate Compact (a mutual agreement among most of the 50 states whereby a state agrees to provide supervision to a probationer or parolee accepted from another state).

Within the first 30 days, an agent undertakes a "case classification" of the probationer or parolee to determine the level of supervision required by that offender. The offender is scored on a risk scale (which assesses the propensity for further criminal activity) and a need scale (which assesses the services needed by the offender) and is placed into one of five levels of supervision based on the results. The minimum face-to-face contacts established by the Division of Community Corrections are identified below. It should be noted that offenders in minimum and administrative supervision are supervised by a contracted provider.

TABLE 10: Individuals Under Parole and Probation Supervision

Fiscal Year	Average Daily Population	Percent Increase
1986-87	25,192	---
1987-88	26,115	3.7%
1988-89	26,829	2.7
1989-90	30,124	12.3
1990-91	34,730	15.3
1991-92	39,440	13.6
1992-93	43,528	10.4
1993-94	47,378	8.8
1994-95	50,417	6.4
1995-96	52,222	3.6

Supervision Level Minimum Requirements

High Risk	One client face-to-face contact per week; one home visit per month.
Maximum	Two client face-to-face contacts per month; one home visit per month.
Medium	One client face-to-face contact per month; one home visit every two months.

In addition to client contact standards, the Division has specific expectations for other contacts, such as employment verification, in several of the supervisory levels. Under a provision created in 1995 Act 27, offenders under medium, maximum and high risk supervision are required to pay a probation and parole reimbursement fee based on financial ability. The

Department indicates that the monthly fee is either \$10 or \$30 depending on an offender's income level.

In 1995 Act 27, the Division was also allowed to contract for the supervision of minimum and administrative level offenders. In 1996-97, the Department contracted with BI Incorporated to provide this supervision. Offenders in these supervision levels are responsible for providing the required notification to BI on a scheduled basis by telephone. Offenders are then billed for that contact and the payment of any outstanding obligation. In 1996-97, \$695,400 PR and 18.0 PR positions are budgeted for the Division to review reports from BI, provide necessary face-to-face meetings with offenders and address any problems that arise related to minimum and administrative supervision offenders. Program revenue for Corrections supervision is provided from the offenders through the fees charged by BI.

Table 11 shows the average daily population in 1995-96 of probationers and parolees. Included in the probation and parole population numbers are individuals who are supervised outside Wisconsin. The numbers do not include individuals who have absconded from supervision. On June 30, 1996, there were 6,855 persons on absconder status and 2,206 persons supervised outside of Wisconsin, as part of a total probation and parole population of 54,051.

TABLE 11: 1995-96 Average Daily Probation and Parole Population

	Number	Percent
Probation	44,267	84.8%
Parole	<u>7,955</u>	<u>15.2</u>
TOTAL	52,222	100.0%

Halfway Houses

In 1996-97, the Division of Community Corrections contracted for 354.72 halfway house beds throughout the state. Halfway houses are community-based residential facilities where probationers, parolees or intensive sanctions inmates may be required to reside as a condition of their supervision. These halfway houses are licensed and regulated by the Department of Health and Family Services. Halfway houses are nonsecure facilities which house a relatively small number of persons who require some type of supervised living arrangement.

TABLE 12: Division of Community Corrections Halfway House Beds - 1996-97

Beds	Probation and Parole	Intensive Sanctions	Total
Female	50.00	25.00	75.00
Male	<u>186.77</u>	<u>92.95</u>	<u>279.72</u>
TOTAL	236.77	117.95	354.72

In 1996-97, the Department allocated \$6,934,200 GPR and \$504,600 FED to fund the halfway house beds. On average, the per capita daily cost of placing an individual in a state-contracted

halfway house is approximately \$56. Table 12 indicates how the halfway house beds were allocated in 1996-97 based on gender and probation and parole or intensive sanctions status.

Appendix XIII shows the location, bed capacity and state cost of placing probationers, parolees and intensive sanctions inmates in each halfway house.

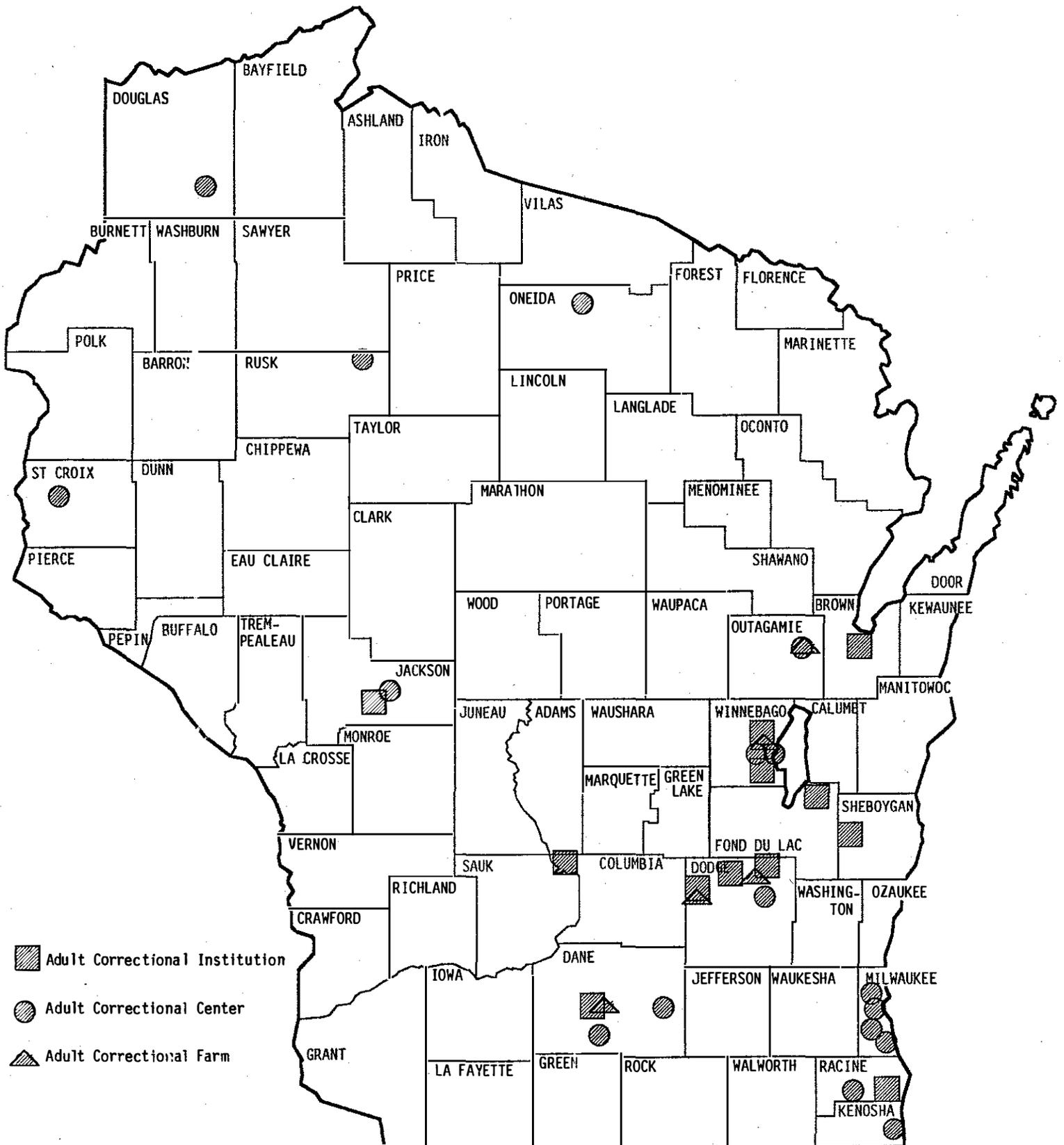
■ Appendices

The following pages contain appendices which provide information related to adult corrections:

- Appendix I Wisconsin Adult Correctional Facilities
- Appendix II Department of Corrections Organization Chart
- Appendix III Offenses Included Under Mandatory Release, Parole Eligibility and "Three Strikes" Laws
- Appendix IV Adult Prison Populations 1986-1996
- Appendix V Type of Offenses for Inmates Resident on June 30, 1996
- Appendix VI Correctional Institution Estimated Per Capita Costs, 1994-95 Fiscal Year
- Appendix VII Inmate Populations Including Contracted Facilities
- Appendix VIII Adult Correctional Institutional Staffing Ratios
- Appendix IX Badger State Industries Inmate Employees and Average Inmate Hourly Wages
- Appendix X Badger State Industries Year-End Continuing Cash Balance Since 1993-94
- Appendix XI Correctional Farms Continuing Cash Balance Since 1993-94
- Appendix XII Division of Community Corrections Regions
- Appendix XIII Halfway House Contracts for 1996-97

APPENDIX I

Wisconsin Adult Correctional Facilities

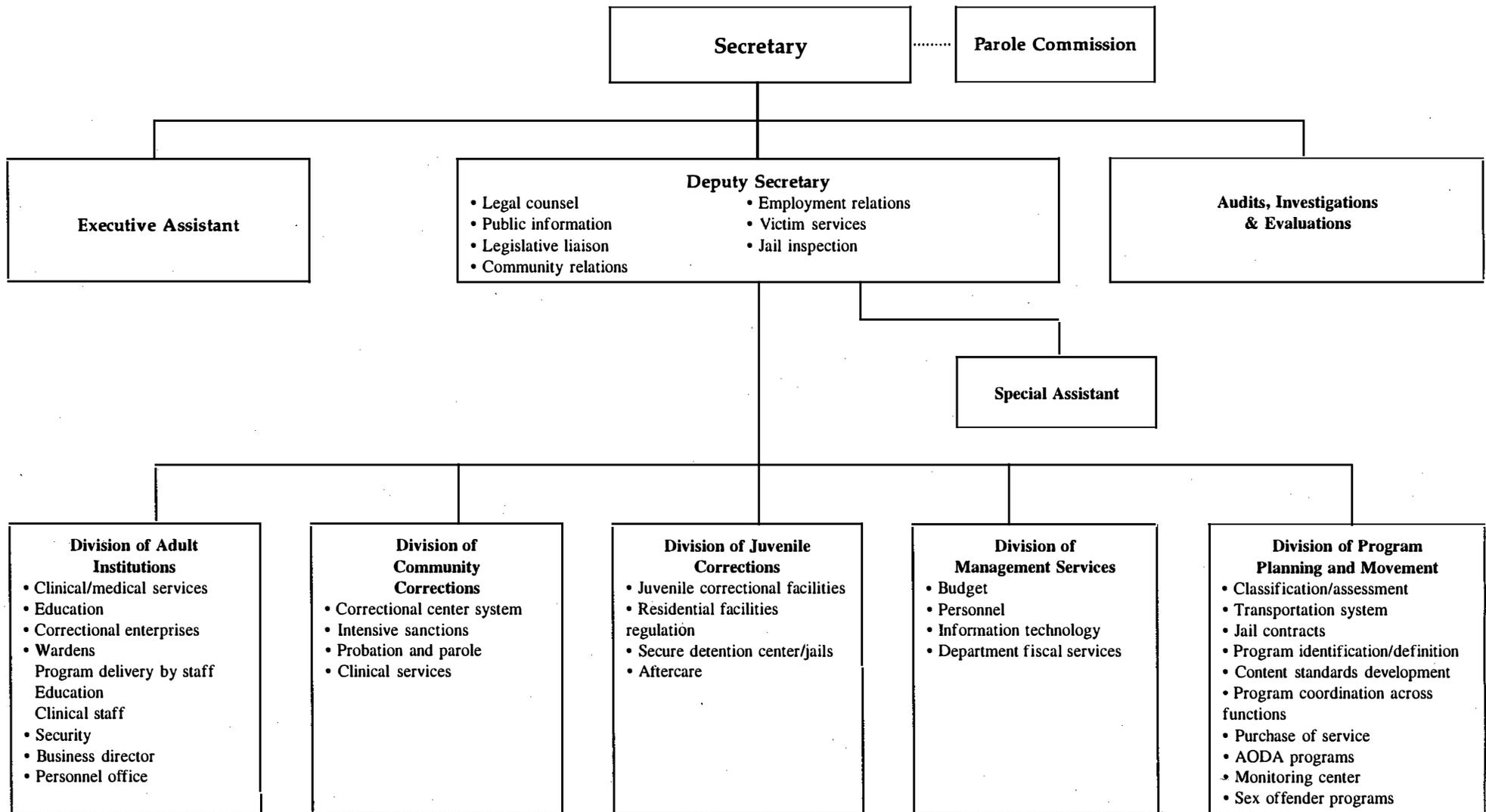


APPENDIX I (continued)

County	Facility	Post Office	Facility Security Level
Brown	Green Bay Correctional Institution	Green Bay	Maximum
Columbia	Columbia Correctional Institution	Portage	Maximum
Dane	Oakhill Correctional Institution	Oregon	Minimum
	Oregon Correctional Center	Oregon	Minimum
	Thompson Correctional Center	Deerfield	Minimum
	Oregon Farm	Oregon	Minimum
Dodge	Dodge Correctional Institution	Waupun	Maximum
	Waupun Correctional Institution	Waupun	Maximum
	Fox Lake Correctional Institution	Fox Lake	Medium
	John C. Burke Center	Waupun	Minimum
	Waupun Farm	Waupun	Minimum
	Fox Lake Farm	Fox Lake	Minimum
Douglas	Gordon Correctional Center	Gordon	Minimum
Fond du Lac	Taycheedah Correctional Institution (facility for women)	Taycheedah	Max/Medium
Jackson	Jackson County Correctional Institution	Black River Falls	Medium
	Black River Correctional Center	Black River Falls	Minimum
Kenosha	Kenosha Correctional Center	Kenosha	Minimum
Milwaukee	Marshall E. Sherrer Correctional Center	Milwaukee	Minimum
	Abode Correctional Center	Milwaukee	Minimum
	St. John's Correctional Center	Milwaukee	Minimum
	Women's Correctional Center	Milwaukee	Minimum
Oneida	McNaughton Correctional Center	Lake Tomahawk	Minimum
Outagamie	Sanger B. Powers Correctional Center	Oneida	Minimum
	Oneida Farm	Oneida	Minimum
Racine	Robert Ellsworth Women's Center	Union Grove	Minimum
	Racine Correctional Institution	Sturtevant	Medium
Rusk	Flambeau Correctional Center	Hawkins	Minimum
St. Croix	St. Croix Correctional Center	New Richmond	Minimum
Sheboygan	Kettle Moraine Correctional Institution	Plymouth	Medium
Winnebago	Oshkosh Correctional Institution	Oshkosh	Medium
	Drug Abuse Correctional Center	Winnebago	Minimum
	Winnebago Correctional Center	Winnebago	Minimum
	Wisconsin Resource Center	Winnebago	Medium
	Winnebago Farm	Winnebago	Minimum

APPENDIX II

Department of Corrections



APPENDIX III

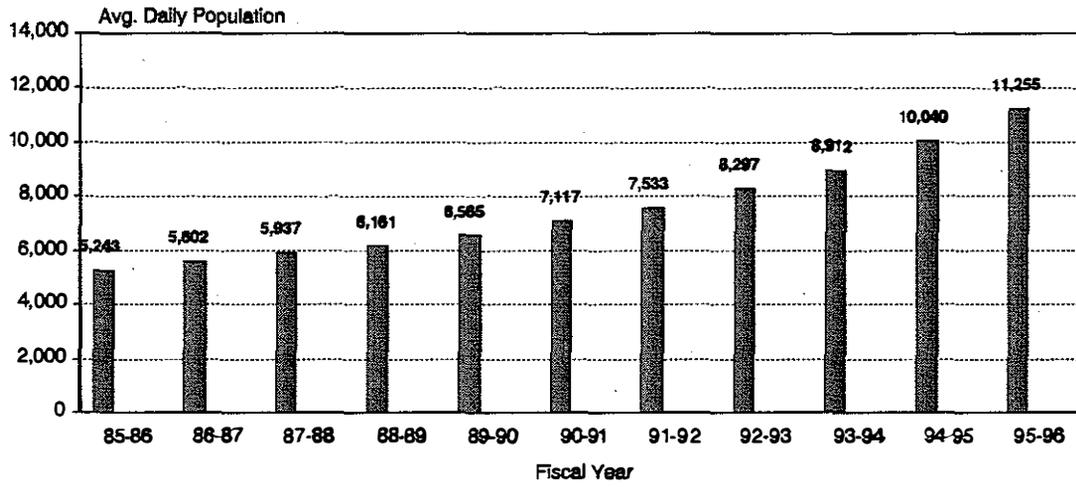
Offenses Included Under Mandatory Release, Parole Eligibility and "Three Strikes" Laws

OFFENSE	Mandatory Release	Parole Eligibility	"Three Strikes"
First degree intentional homicide		x	x
First degree reckless homicide	x	x	x
Felony murder (20 yrs in addition)	x	x	x
Second degree intentional homicide	x	x	x
Homicide by intoxicated use of a vehicle	x	x	x
Battery-Aggravated • Great bodily harm with intent to harm • Great bodily harm with intent to cause great bodily harm	x	x	x
Mayhem	x	x	x
First degree sexual assault	x	x	x
Second degree sexual assault	x	x	x
Hostage taking		x	x
Hostage taking with hostages released without bodily harm	x	x	x
Kidnapping—secret confinement or imprisonment	x	x	x
Kidnapping		x	x
Kidnapping but victim released without permanent physical injury	x	x	x
Product tampering with intent to kill, injure or endanger safety or health, or injure or damage business which results in death		x	x
Arson of building	x	x	x
Damage of property by explosives	x	x	x
Armed burglary	x	x	x
Carjacking	x	x	x
Carjacking with great bodily harm	x	x	x
Carjacking with death		x	x
Armed robbery	x	x	x
Assaults by prisoners	x	x	x

OFFENSE	Mandatory Release	Parole Eligibility	"Three Strikes"
First degree sexual assault of a child (under 13 yrs. old)	x	x	x
Second degree sexual assault of a child (13-16 years old)	x	x	x
Engaging in repeated sexual assault of the same child	x	x	x
Bodily harm to a child			
• Great bodily harm	x	x	x
• Bodily harm by conduct with high probability of great bodily harm	x	x	x
Sexual exploitation of a child	x	x	x
Incest with a child	x	x	x
Child enticement	x	x	x
Soliciting a child for prostitution	x	x	x
Abduction of another's child by force	x	x	x
Solicitation of a child to commit a Class A felony	x	x	x
Solicitation of a child to commit a Class B felony	x	x	x
Use of a child to commit a Class A felony	x	x	x
Solicitation, conspiracy or attempt to commit Class A felony	x	x	x
Manufacturing or delivery of a controlled substance if punishable by a maximum prison term of 30 or more years	x	x	x
Possession with intent to manufacture or deliver a controlled substance if punishable by a maximum prison term of 30 or more years	x	x	x
Conspiracy to manufacture or deliver, or conspiracy to possess with intent to manufacture or deliver a controlled substance if punishable by a maximum prison term of 30 or more years	x	x	x
Crime under federal law or the law of another state that is substantially similar		x	x
Prior Wisconsin law that is comparable to current law		x	x

APPENDIX IV

Adult Prison Populations 1985-86 to 1995-96



APPENDIX V

Type of Offenses for Inmates Resident on June 30, 1996

Offense	Number	Percent
MALE		
1 Sexual Assault*	2,195	19.1%
2 Murder/Homicide*	1,506	13.1
3 Robbery*	1,400	12.2
4 Drug Offenses*	1,166	10.1
5 Burglary*	1,160	10.1
6 Assaults++	914	7.9
7 Theft*	593	5.1
8 Forgery	213	1.8
9 Escape/Bail Jumping	191	1.7
10 Weapons	110	1.0
11 Arson	95	0.8
12 Other	<u>1,979</u>	<u>17.1</u>
TOTAL	11,522	100.0%
FEMALE		
1 Drug Offenses*	99	17.0%
2 Murder/Homicide*	92	15.8
3 Theft*	68	11.7
4 Forgery	65	11.2
5 Robbery*	43	7.4
6 Assaults++	41	7.0
7 Sexual Assaults*	19	3.3
8 Escape/Bail Jumping	17	2.9
9 Burglary*	12	2.1
10 Arson	11	1.9
11 Other	<u>115</u>	<u>19.7</u>
TOTAL	582	100.0%

*All types or degrees of the offense.

++Includes aggravated assaults, batteries, injuries, and endangering safety.

APPENDIX VI

**Correctional Institution Costs
1994-95 Fiscal Year**

Institution	Direct Operational Costs	Debt Service Costs	Total Costs	Average Daily Population	Daily Cost/Capita	Annual Cost/ Capita
Waupun	\$23,367,503	\$1,611,673	\$24,979,176	1,164	\$58.79	\$21,460
Dodge	17,212,744	629,186	17,841,930	644	75.90	27,705
Green Bay	16,942,851	813,076	17,755,927	856	56.83	20,743
Columbia	14,456,116	3,414,162	17,870,278	624	78.46	28,638
Taycheedah	7,666,836	426,068	8,092,904	214	103.61	37,817
Fox Lake	16,002,463	706,215	16,708,678	939	48.75	17,794
Kettle Moraine	15,535,636	1,942,243	17,477,879	870	55.04	20,090
Oshkosh	18,764,609	3,640,347	22,404,956	1,017	60.36	22,030
Racine	17,095,025	5,702,735	22,797,760	1,186	52.66	19,222
Resource Center*	11,228,881	653,500	11,882,381	136	239.37	87,370
Oakhill	10,588,964	200,969	10,789,933	497	59.48	21,710
Centers	<u>25,381,103</u>	<u>1,246,356</u>	<u>26,627,459</u>	<u>1,533</u>	<u>47.59</u>	<u>17,370</u>
TOTAL	\$194,242,731	\$20,986,530	\$215,229,261	9,680	\$60.92	\$22,234

* Appropriated to both the Department of Health and Family Services (\$10,085,200) and the Department of Corrections (\$1,797,181).

NOTE: Costs shown are operating and debt service costs for the institution and do not include central administrative costs. In 1994-95, \$12.5 million in debt service costs were attributed to central administration.

APPENDIX VII

**Inmate Populations
Including Contracted Facilities**

	1995-96 Average Daily Population	Actual January 3, 1997 Population
Male		
Waupun	1,168	1,212
Green Bay	899	933
Dodge	905	1,178
Columbia	<u>660</u>	<u>682</u>
Total Maximum	3,632	4,005
Racine	1,265	1,306
Fox Lake	960	971
Kettle Moraine	1,004	1,163
Oshkosh	1,461	1,732
Jackson	32	719
Wisconsin Resource Center	<u>71</u>	<u>58</u>
Total Medium	4,793	5,949
Oakhill	517	522
Centers	<u>1,447</u>	<u>1,485</u>
Total Minimum	1,964	2,007
Contract Beds	<u>345</u>	<u>470</u>
Total-Male	10,734	12,431
Female		
Dodge Reception	0	51
Taycheedah	336	400
Centers	170	192
Contract Beds	<u>15</u>	<u>11</u>
Total-Female	521	654
GRAND TOTAL	11,255	13,085

APPENDIX VIII

**Adult Correctional Institutional Staffing Ratios
July 1, 1996**

Institution	All Staff	Population	Staff to Inmate Ratio
Waupun	395.37	1,158	0.341
Green Bay	314.25	895	0.351
Dodge	488.03	1,068	0.457
Columbia	298.00	662	0.450
Taycheedah*	<u>164.50</u>	<u>360</u>	<u>0.457</u>
Total Maximum	1,660.15	4,143	0.401
Racine	386.00	1,281	0.301
Fox Lake	288.30	963	0.299
Kettle Moraine	332.50	1,069	0.311
Oshkosh	506.00	1,691	0.299
Jackson**	270.42	387	0.699
Wisconsin Resource Center***	<u>394.00</u>	<u>71</u>	<u>5.549</u>
Total Medium	2,177.22	5,462	0.399
Oakhill	217.40	515	0.422
Center System	<u>432.00</u>	<u>1,646</u>	<u>0.262</u>
Total Minimum	649.40	2,161	0.301
Adult Institution Total	4,486.77	11,766	0.381
Intensive Sanctions Community Cases	<u>161.00</u>	<u>1,533</u>	<u>0.105</u>
Grand Total	4,647.77	13,299	0.349

* Taycheedah contains all security levels.

** Jackson's staffing ratios are higher than other medium security institutions because they opened operations May, 1996.

*** WRC population only reflects DOC populations (sexually violent person civil commitments are not shown), while staff reflects total DOC and DHFS staff.

APPENDIX IX

**Badger State Industries
Inmate Employes and Average Inmate Hourly Wages**

Institution	Industry	July, 1996 Inmate Employes	July, 1996 Average Hourly Wage
Waupun	Metal Stamping	35	\$0.69
	Signs	24	0.77
	Metal Furniture	68	0.71
	Distribution Center	7	1.43
Green Bay	Laundry	16	0.77
	Mattress Products and Textiles	41	0.64
Fox Lake	Wood Products	82	0.85
Oakhill	Upholstering	15	1.29
Racine	Data Entry	82	0.52
Ellsworth	Data Entry	8	1.36
Taycheedah	Silkscreening	11	0.78
Oshkosh	Laundry	120	0.74
Columbia	Printing	<u>38</u>	<u>0.85</u>
TOTAL		547	\$0.79 *

*Average wage for inmate employes in July, 1996.

APPENDIX X

**Badger State Industries and
Private Business/Prison Employment Program
Year-End Continuing Cash Balance Since 1993-94**

Institution	Industry/Business	1993-94	1994-95	1995-96
Waupun	Metal Stamping	\$7,182,784	\$7,839,997	\$8,072,267
	Signs	-493,633	-564,414	-609,159
	Metal/System Furniture	804,154	2,646,311	3,708,988
Green Bay	Laundry	128,083	199,958	175,787
	Textile/Mattress Products	-801,698	-1,289,584	-1,516,606
Fox Lake	Wood Products and Laminating	-6,595,009	-7,526,884	-8,290,635
Racine	Data Entry	-766,005	-905,562	-952,563
Ellsworth	Data Entry	--	-6,667	-33,965
Taycheedah	Silk Screening	-495,317	-555,517	-648,748
Oshkosh	Laundry	80,451	285,865	362,047
Columbia	Printing	213,202	231,675	128,043
Oakhill	Upholstering	-98,106	47,828	247,032
Sanger Power Correctional Center	Yard and Recreational Equipment	-98,449	-93,656	-94,105
	Closed Industries	<u>-1,988,121</u>	<u>-1,988,121</u>	<u>-\$1,988,121</u>
	BSI Total	<u>-\$2,927,664</u>	<u>-\$1,678,771</u>	<u>-\$1,439,738</u>
Green Bay	Fabry Gloves	--	--	-\$3,805
Waupun	Jorgensen Conveyors	<u>--</u>	<u>--</u>	<u>-1,475</u>
	Private Business Total	--	--	-\$5,280
	TOTAL	-2,927,664	-1,678,771	-\$1,445,018

APPENDIX XI

Correctional Farms
Year-End Continuing Cash Balance Since 1993-94

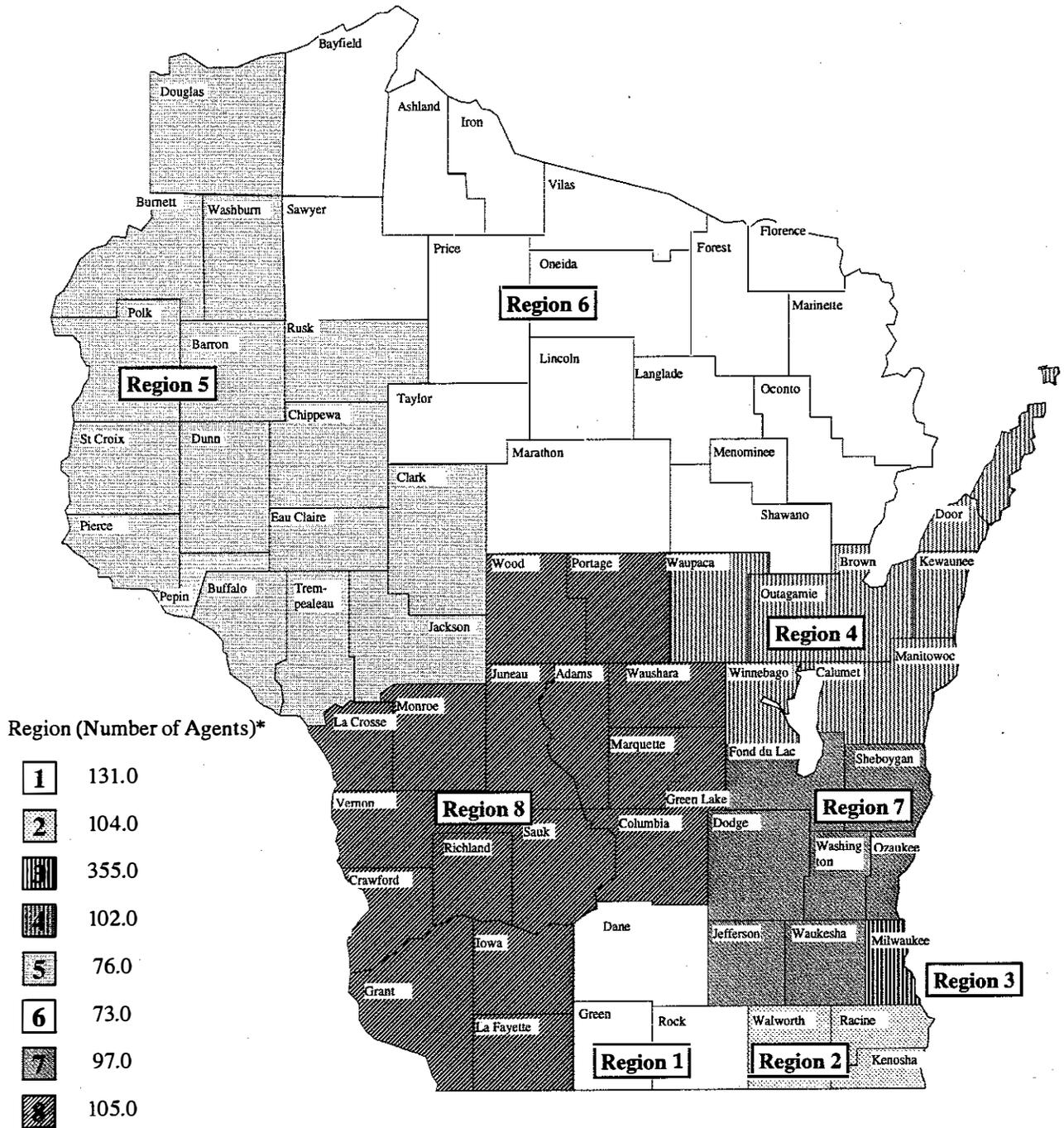
Farm*	1993-94	1994-95	1995-96
Central Administration**	-\$970,256	-\$1,156,553	-\$1,397,195
Waupun	-4,080,027	-3,801,809	-3,558,229
Oregon	<u>-476,681</u>	<u>-440,026</u>	<u>-427,634</u>
Continuing Cash Balance	-\$5,526,964	-\$5,398,388	-\$5,383,058

*In the 1983-85 biennium, the Waupun and Fox Lake farms were administratively combined, as were the Winnebago and Oneida farms in 1991-92. The Winnebago farm was closed in 1992-93 and operations moved to Waupun. As a result, Corrections administratively has two farms operations: Waupun (including Waupun, Fox Lake and Oneida); and Oregon.

**Department of Corrections does not allocate central administrative costs to individual farm programs.

APPENDIX XII

Division of Community Corrections Regions



*1,043.0 agents as of December, 1996.

APPENDIX XIII

Halfway House Contracts for 1996-97

Name	Location	Probation & Parole Beds	Intensive Sanctions Beds	Total Number of Beds	GPR	FED	Total Contract Amount	Daily Cost Per Bed
Nexus	Appleton	10.00	2.00	12.00	\$261,732	\$0	\$261,732	\$59.81
Ryan Community	Appleton	10.00	0.00	10.00	204,000	0	204,000	56.07
Rock Valley Corr. Programs	Beloit	13.00	7.00	20.00	362,080	0	362,080	49.60
Rock Valley Correctional	Beloit	0.00	12.00	12.00	217,248	0	217,248	49.69
Wazee	Black River Falls	8.00	0.00	8.00	179,910	0	179,910	59.98
Affinity	Eau Claire	12.00	4.00	16.00	83,900	176,100	260,000	44.52
Triniteam	Eau Claire	0.00	4.00	4.00	237,097	0	237,097	45.09
LacCourte Oreilles Tribal Govt.	Hayward	8.00	0.00	8.00	25,100	152,400	177,500	60.79
Kenosha Human Dev. Svs.	Kenosha Co.	10.00	2.00	12.00	235,187	0	235,187	53.47
Brunk House	LaCrosse	8.00	0.00	8.00	175,171	0	175,171	59.99
ARC	Madison	0.00	8.00	8.00	172,747	0	172,747	59.16
ARC - Patterson	Madison	12.00	3.00	15.00	345,253	0	345,253	63.06
ARC - Mother and Infant	Madison	2.00	6.00	8.00	300,000	0	300,000	68.49
Foster	Madison	0.00	18.00	18.00	321,473	0	321,473	48.93
Dwight	Madison	13.50	0.00	13.50	293,334	0	293,334	59.53
Schwert	Madison	12.00	0.00	12.00	288,554	0	288,554	58.46
Horizon House	Milwaukee	12.00	4.00	16.00	318,965	0	318,965	54.62
KMTC	Milwaukee	23.00	0.00	23.00	446,919	0	446,919	53.24
KMTC - Interventions	Milwaukee	21.00	0.00	21.00	410,960	0	410,960	53.62
WCS	Milwaukee	0.00	24.00	24.00	443,538	0	443,538	50.63
WCS - Bridge House	Milwaukee	12.00	11.00	23.00	458,131	0	458,131	54.69
WCS - Thurgood Marshall	Milwaukee	18.00	8.00	26.00	471,558	0	471,558	49.73
WCS - Wings	Milwaukee	8.00	4.00	12.00	88,050	176,100	264,150	60.30
Independence House	Racine	8.00	0.00	8.00	199,116	0	199,116	68.19
Portage County Halfway House	Stevens Point	8.00	0.00	8.00	205,000	0	205,000	56.22
The Recovery Center, Inc.	Superior	2.27	0.95	3.22	65,715	0	65,715	56.00
Cephus	Waukesha	6.00	0.00	6.00	123,500	0	123,500	56.39
	Total	236.77	117.95	354.72	\$6,934,238	\$504,600	\$7,438,838	\$55.94