

Wisconsin Prisoner Reentry Programs

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The reentry process begins at the time of sentencing. For felony offenses, except those punishable by life imprisonment, felons receive a bifurcated sentence. The judge specifies the time to be spent in (a) prison and (b) the community on extended supervision. Reentry services assist prisoners in transitioning back into the community through programs provided to inmates in prison and to offenders under community supervision who need assistance with housing, job readiness, and access to services. As of July 2007, Wisconsin correctional institutions had 22,729 inmates, and community corrections served 55,879 offenders on probation and 17,084 on parole or extended supervision. Upon admission, an assessment identifies the offender's individual needs for services such as cognitive intervention, education, employment training, medical care, and sex offender treatment. For example, almost half of adult inmates lack a high school diploma or GED and, when admitted, about two thirds have alcohol and drug abuse problems. The portion of inmate spending allocated to reentry programming is not available; however, \$123.7 million is spent for probation, parole, and extended supervision in the community and \$24.8 million to purchase community services for offenders.

Prisoner reentry services are designed to assist convicted offenders' transition back to the community following a period of incarceration. These services generally include educational and treatment services, housing assistance, job readiness preparation, and assistance gaining access to available community services. Reentry services for persons convicted of a felony offense in Wisconsin are provided through the Wisconsin Department of Corrections (Corrections).

This paper addresses prisoner reentry in Wisconsin and is divided into the following sections: (a) Wisconsin's current felony sentencing structure, including judicially determined sentences to post-incarceration release in the community (extended supervision); and (b) the prisoner reentry programs available to offenders through the Department of Corrections.

Felony Sentencing in Wisconsin

Current Sentencing Structure

In Wisconsin, a felony is defined as any criminal offense that is punishable by imprisonment in state prison. All other criminal offenses are classified as misdemeanors. Offenders sentenced to one year or more of incarceration are imprisoned in state correctional facilities and all sentences to state correctional

facilities must be for at least one year. Those offenders sentenced to less than one year, whether for a felony or misdemeanor, are confined in county jails.

Felons receive a bifurcated sentence; the judge specifies time in (a) prison, and (b) the community on extended supervision.

For all felony offenses, except for those punishable by life imprisonment, felons sentenced to prison are given a bifurcated (two-part) sentence, under which a sentencing judge specifies an amount of time a convicted felon will serve in prison and an amount of time a felon will serve in the community on extended supervision. The bifurcated (determinate) sentencing structure is commonly known as “truth-in-sentencing.” Judges may also fine an offender in addition to, or instead of, imposing a bifurcated sentence or jail term, or may place a felon on probation. Felons sentenced to life imprisonment do not receive a bifurcated sentence, but rather may apply to the court for release to extended supervision under specific circumstances.

Once a court sentences a felony offender to confinement in state prison, the offender is transferred to the custody of the Department of Corrections. After a period of assessment and evaluation at the Dodge Correctional Institution in Waupun (for male inmates) or at the Taycheedah Correctional Institution in Fond du Lac (for female inmates), Corrections determines which correctional facility is appropriate for a sentenced offender. Subsequent to release from correctional custody, offenders remain under Corrections’ supervision until the expiration of their bifurcated sentence.

Table 1 identifies the maximum confinement and extended sentence that judges may impose under the current bifurcated sentencing structure.

Table 1. Maximum Bifurcated Sentence Lengths

Felony Cases	Maximum Term of Confinement	Maximum Extended Supervision	Maximum Total Sentence
A	Life	—	Life
B	40 years	20 years	60 years
C	25 years	15 years	40 years
D	15 years	10 years	25 years
E	10 years	5 years	15 years
F	7.5 years	5 years	12.5 years
G	5 years	5 years	10 years
H	3 years	3 years	6 years
I	1.5 years	2 years	3.5 years

Under a bifurcated sentence, the term of confinement in prison cannot be less than one year, subject to any minimum sentence prescribed for the felony and any penalty enhancement. If the maximum term of confinement in prison is increased by a penalty enhancement, the total length of the bifurcated sentence (confinement plus extended supervision) that can be imposed is increased by the same amount.

The extended supervision portion of the bifurcated sentence may not be less than 25% of the length of the term of confinement in prison. The court may impose conditions on the term of extended supervision. A person serving a bifurcated sentence is not eligible for parole or mandatory release, nor eligible for sentence reduction for good behavior. Corrections is prohibited from discharging a person

servicing a bifurcated sentence from custody, control and supervision until the person has served the entire bifurcated sentence. An inmate imprisoned under a bifurcated sentence is not eligible for release to extended supervision until the court-specified term of confinement is completed.

All consecutive bifurcated sentences are computed as one continuous sentence. A person serves any term of extended supervision only after serving all terms of confinement in prison. An inmate is allowed to waive release to extended supervision if Corrections agrees to the waiver.

Before a person is released to extended supervision, Corrections is required to notify the municipal police department and the county sheriff for the area where the person will be residing. Inmates released to extended supervision are subject to all conditions and rules of extended supervision until the expiration of the extended supervision portion of the bifurcated sentence. Corrections may establish conditions of extended supervision, in addition to any conditions set by the court at sentencing, if the conditions set by Corrections do not conflict with the court's conditions.

If a person released to extended supervision violates a condition of that placement, the Division of Hearings and Appeals in the Department of Administration or Corrections (if the person on extended supervision waives a hearing) may recommend that the extended supervision of the person be revoked. If the person is returned to prison, he or she may be returned for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The term "time remaining" is defined as the total length of the bifurcated sentence, less time served in custody before release to extended supervision by the person.

Under prior law, revocation of parole or extended supervision and the length of time that an offender would be returned to prison was decided by Corrections if the offender waived a hearing, or by an administrative law judge (ALJ) if a hearing was held. As of February 1, 2003, however, while Corrections or the ALJ continue to make the revocation decision for a violation of extended supervision, the sentencing court determines the length of time the offender will be returned to prison.

A person sentenced to life imprisonment is not given a bifurcated sentence and is not eligible for release on parole. Instead, the court specifies one of the following eligibility options for extended supervision: (a) after serving 20 years; (b) on a date set by the court that is later than 20 years; or (c) the person is not eligible for release to extended supervision. The court must inform the person sentenced to life imprisonment of the procedure for petitioning for release to extended supervision.

An inmate serving a life sentence who seeks release to extended supervision is required to file a petition for release with the court that sentenced him or her. An inmate filing for release must also serve a copy of a petition for release on the district attorney's office that prosecuted the case, and the district attorney must give a written response. After reviewing a petition for release and the district attorney's response, the court determines whether to hold a hearing on the petition or whether to grant or deny the petition without a hearing.

A person sentenced to life imprisonment is not eligible for release on parole.

Before deciding whether to grant or deny the inmate's petition, the court is required to allow a victim, or a family member of a homicide victim, to make a statement or submit a statement concerning the release of the inmate to extended supervision. The court may also allow any other person to make or submit a statement. Any statement, however, must be relevant to the release of the inmate to extended supervision.

In order to be released to extended supervision, an inmate is required to prove to the court, by clear and convincing evidence, that he or she is not a danger to the public. If the court grants the inmate's petition for release, the court may impose conditions on the term of extended supervision. If the court denies the inmate's petition, the court is required to specify the date on which the inmate may file a subsequent petition.

A person serving a life sentence who is returned to prison after revocation of extended supervision is required to be incarcerated for at least five years, after which period of time the person may again petition the sentencing court to be released to extended supervision.

If a person serving a life sentence files a petition for release or rerelease, the clerk of the circuit court in which the petition is filed is required to send a copy of the petition and, if a hearing is scheduled, a notice of hearing to victims who request notification. If the victim died as a result of the crime, an adult member of the victim's family is notified.

Modification of Bifurcated Sentence

Under the current bifurcated sentence structure, there are two means by which a bifurcated sentence may be modified. Since life sentences, by definition, are not bifurcated, sentence modifications do not apply to these sentences. Further, offenders sentenced for Class B felonies are not eligible for sentence modifications.

Under the first method of sentence modification, an inmate, serving a sentence for a crime other than a Class B felony, may seek modification of the sentence if he or she meets one of the following criteria:

1. The inmate is 65 years of age or older and has served at least five years of the term of confinement for the prison portion of the bifurcated sentence;
2. The inmate is 60 years of age or older and has served at least 10 years of the term of confinement for the prison portion of the bifurcated sentence; or
3. The inmate has a terminal condition with a life expectancy of six months or less.

An inmate who meets one of the above criteria may petition the program review committee of the correctional institution requesting modification of a bifurcated sentence. The program review committee may deny the petition or may refer it to the sentencing court if the committee determines that public interest would be served by modification of the sentence. If the petition is referred, the sentencing court is required to conduct a hearing, where the inmate has the burden of proving by the greater weight of the credible evidence that modification would serve public

interest. If the inmate meets the burden of proof, the court is required to modify the inmate's sentence by releasing the inmate to extended supervision within 30 days after the date the court issues its order. The term of extended supervision is lengthened so that the total length of the bifurcated sentence originally imposed does not change. The state may appeal the court's decision to grant an inmate's petition to the appellate court. If the inmate's petition is denied, the inmate may appeal the decision. The appellate court may reverse the decision only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

Any petition that is denied by the program review committee or court, may not be refiled within one year. Inmates eligible to seek modification have the right to be represented by counsel, including representation by the State Public Defender.

The second manner in which a bifurcated sentence may be modified provides that an inmate, serving a sentence for a crime other than a Class B felony, may petition the sentencing court to adjust the sentence if: (a) the inmate has served at least 85% of the term of confinement for a Class C, D, or E felony; or (b) the inmate has served at least 75% of the term of confinement for a Class F, G, H, or I felony. The inmate may submit only one petition for each imposed sentence. Any one of the following is grounds for a petition:

1. The inmate's conduct, efforts at, and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced;
2. There was a change in law or procedure, effective after the inmate was sentenced, related to sentencing that would have resulted in a shorter term of confinement, if the change had been applicable when the inmate was sentenced;
3. The inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported; or
4. The sentence adjustment is otherwise in the interests of justice.

A court may deny any petition it receives, or hold the petition for further consideration. If the court holds the petition for further consideration, the court must notify the district attorney of the inmate's petition. If the district attorney objects to adjustment of the sentence, the court must deny the petition. If the sentence is for certain sex offenses (second-degree sexual assault, third-degree sexual assault, second-degree sexual assault involving a person under 16 years of age, or soliciting a child for prostitution) and the district attorney does not object to the petition, the district attorney is required to notify the victim of the offense of the inmate's petition. If the victim objects to the petition, the court must deny the petition.

If the sentencing court does not receive an objection to the sentence adjustment, and the court determines that adjustment is in the public interest, the court may modify the sentence. If the sentence is modified the court must reduce the term of confinement by the amount of time remaining for confinement, and increase the term of extended supervision by the corresponding amount. If the court adjusts a

For certain sex offenses, if a victim objects to a petition to modify a bifurcated sentence, the court must deny the petition.

sentence based on a change in law or procedure, and the total adjusted sentence length is greater than the maximum total sentence length that the inmate could have received under the change in law or procedure, the court may reduce the length of extended supervision so that the total adjusted sentence length does not exceed the maximum sentence length provided under the new law or procedure. If the adjusted term of extended supervision is greater than the maximum term of extended supervision the inmate could have received under the change in law or procedure, the court may reduce the term of extended supervision so that the term does not exceed the maximum term.

Modification of Extended Supervision

An inmate or the Department of Corrections may petition the sentencing court to modify any conditions of extended supervision set by the court. The court may conduct a hearing to consider the petition and grant the petition in full or in part if it determines that the modification would meet the needs of Corrections and the public and would be consistent with the objective of the person's sentence.

An inmate may not petition the court to modify the conditions of extended supervision earlier than one year before the inmate's scheduled date of release to extended supervision or more than once before the inmate's release. An inmate may not petition the court to modify the conditions of extended supervision within one year after his or her release to extended supervision. If an offender files a petition for modification after his or her release to extended supervision, the offender may not file another petition until one year after the date of filing the former petition.

In addition to modifications to confinement and extended supervision identified above, current law includes two programs operated by Corrections which allow certain offenders to shorten their confinement time as the result of successful program completion (the Challenge Incarceration program and the Earned Release program). Upon successful completion, a judge may reduce an offender's sentence to confinement and increase the extended supervision sentence by a corresponding amount. These two programs, and a more expansive description of the state's sentencing structures, are detailed in 2007 Legislative Fiscal Bureau Informational Paper #56 entitled "Felony Sentencing and Probation."

Prisoner Reentry Services

As indicated previously, reentry services are designed to assist incarcerated and recently released felons to transition back into the community. Corrections provides programming to inmates who are in prison and to offenders who are under community supervision. According to Corrections, successful offender reentry programs need to:

- "emphasize communication, coordination and information sharing among and between the institution, community corrections, offender, victim(s) and the offender's community formal and informal support networks;
- begin upon intake to an institution and flow into the community to discharge;

- focus on critical success factors including education, employment, housing, and treatment strategies grounded in evidence-based practices;
- involve community-to-institution “reach-in” activities and planning prior to the inmate’s release to the community;
- result in an individualized case plan based on the risk and needs of the offender; and,
- involve and engage the offender and his/her formal or informal social supports."

The Division of Adult Institutions operates 36 adult correctional institutions and centers in Wisconsin, while the Division of Community Corrections oversees supervision of individuals on probation, parole, or extended supervision, with eight regional offices throughout the state. As of July, 2007, correctional institutions had a total population of 22,729 (22,106 in correctional institutions and 623 in contracted facilities) and community corrections had a population of 72,963 (55,879 on probation and 17,084 on parole or extended supervision).

Table 2 identifies the number of offenders released to the community from prison during the period 2004-05 to 2006-07, by release type. The types of release identified in the table are: (a) extended supervision—release after serving 100% of the court-imposed confinement time under a bifurcated sentence; (b) mandatory release—release at 67% of an indeterminate sentence (any sentence for a crime committed before December 31, 1999); (c) discretionary parole—release prior to an offender’s mandatory release date (67% of the court-imposed indeterminate sentence); (d) direct discharge—release from prison, after serving the entire sentence, without community supervision; (e) alternative to revocation—the release of probation, parole, or extended supervision offenders serving time in prison as an alternative to revocation; (f) temporary probation and parole placement—probation, parole, or extended supervision hold, or release from a state prison after a temporary hold for an alleged probation, parole, or extended supervision violation; (g) revocation hearing—release after a probation, parole, or extended supervision revocation hearing; and (h) other release types, including death and court order.

As of July 2007, community corrections oversees 55,879 people on probation and 17,084 on parole or extended supervision.

Table 2. Releases from Prison by Type of Release (2004-05 to 2006-07)

Release Type	2004-05	2005-06	2006-07
Extended Supervision	4,647	5,518	6,012
Parole	1,455	962	533
Mandatory Release	2,233	1,863	1,728
Direct Discharge	374	441	435
Alternative to Revocation or Prison	976	1,226	1,322
Temporary Probation and Parole Placement	4,544	4,547	4,545
After Revocation Hearing	104	17	3
Other Releases	88	94	78
Total	14,421	14,668	14,656

Offender reentry programming, both in the correctional institutions and the community, is provided through direct services by Corrections or contracting with community providers. A general description of the common programs provided by the Department are summarized below, including: (a) educational programs and vocational training; (b) alcohol and other drug abuse treatment; (c) clinical services; (d) cognitive intervention programming; (e) domestic violence programs; (f) anger management; (g) sex offender treatment; (h) employment readiness training; and (i) transitional living and halfway house placements.

When an offender is admitted to the prison system, Corrections conducts an assessment and evaluation to identify the offender's program and treatment needs, including education, clinical, medical, and social needs. Based on the assessment and evaluation, institutional placement is determined for the offender. At least every 12 months, Corrections reviews the offender's institutional placement and makes adjustments as needed. For offenders in the community, treatment needs may have been identified prior to release from prison, or identified (or adjusted) while the offender is under community supervision.

Educational and Vocational Programming

According to a departmental 2006 Education Report, Corrections has over 240 educational staff in its prisons and correctional centers. Over 70% of these staff members provide academic instruction to inmates, while the remaining provide vocational training. The 2006 report identifies the following correctional education and vocational services:

- Evaluating inmates' reading, math, and language skills
- Identifying inmates without a high school diploma or its equivalent
- Identifying inmates' special education needs, if any
- Providing academic programs, including basic skills, special education, high school equivalency classes, and cognitive intervention and parenting classes
- Providing vocational training programs, many of which are certified by the Wisconsin Technical College System
- Providing pre-release training through the Specialized Training Employment Project
- Providing library services, career counseling, and vocational/education program placements through the Career Development Project
- Providing distance education using video/audio technology

Almost half of adult inmates lack a high school diploma or GED, and, when admitted, about two-thirds have AODA problems.

The Department estimates that 46% of adult inmates lack a high school diploma or its equivalent, 49% read below the ninth grade level, and 73% perform math below the ninth grade level. As a result of these findings, educational programming has focused on basic skills for inmates.

Alcohol and Other Drug Abuse Treatment (AODA)

Corrections has estimated that approximately two-thirds of inmates admitted to prison have been identified with AODA problems. AODA programming is

generally provided by state-certified departmental social workers, or by a contracted community treatment provider. According to Corrections, substance abuse treatment services use a cognitive/behavioral treatment model and are generally provided closer to an offender's release date in order to better facilitate continuing treatment in the community. Treatment may involve long-term (six to 12 months) residential programs, short-term (four to six months) residential programs, and aftercare services.

Clinical Services

Mental health services are provided to inmates by clinical services staff, including diagnostic services, and short- and long-term treatment. Clinical evaluations may be requested by departmental staff or by inmates themselves. According to Corrections, the majority of treatment is provided through group therapy.

Cognitive Intervention Program

The Department provides a cognitive intervention program that is “based on the principle that how we think determines how we act. Therefore, if we can control how we think, we can control aspects of our lives that might seem beyond our ability to control.” The 30-lesson program has two phases: “In Phase I, participants focus on discovering how they think and determining how their thoughts affect their feelings, their behaviors and the consequences they experience. In Phase II, participants continue to identify and evaluate personal beliefs, attitudes, and thinking patterns associated with the behaviors that led to trouble in the past. They also learn and practice skills that can help them control the thinking and behaviors they want to change.”

Domestic Violence Program

The Department provides cognitive-behavioral programming designed for inmates who have shown a pattern of violence or abuse to their partners. Programming is designed to “(1) help batterers identify their own cognitions that have justified violence and enable them to be abusive to their partners and (2) teach them skills to change their thoughts/beliefs that have led to their abusive behaviors.”

Anger Management

The goal of anger management treatment is to reduce aggression and violence by “providing group based treatment for individuals who have demonstrated a pattern of verbal and physical aggression that is excessive considering the precipitating event. The treatment is designed to help offenders change the relationships among their thoughts, angry emotions, and actions that lead to dysfunctional/maladaptive behavior, and substitute those with behaviors that are more adaptive, constructive, and socially appropriate.”

Sex Offender Treatment

Corrections provides short- and long-term treatment programs for sex offenders. Short-term treatment lasts six to 12 months and addresses issues including offense disclosure, denial and minimization, victim empathy, cognitive distortions, criminal thinking, and reoffense prevention. Long-term treatment is more intensive and lasts from two to five years.

In Wisconsin, substance abuse treatment uses a cognitive/behavioral model generally provided close to an offender's release.

Employment Training Services

Employment training services provided by Corrections vary based on individual offender needs, skills and abilities but can include vocational assessments, work adjustment training, resume development, pre-employment/job search training, job development/job placement services, work release opportunities with local employers prior to an inmate's release, and subsidized employment upon release. According to the Department, "The goal of these services is to provide stable employment to individuals released from prison, since stable employment is a strong indicator for the prevention of criminal activity."

Halfway House and Transitional Living Programs

Halfway houses are community-based residential facilities where probationers, parolees, offenders on extended supervision, may be required to reside as a condition of their supervision. These halfway houses are licensed and regulated by DHFS. Halfway houses are nonsecure facilities that house a relatively small number of persons who require some type of supervised living arrangement. Temporary living placements provide offenders with a place to live in the community on a short-term basis supervised by a private provider.

In addition to the programs identified above, Corrections attempts to ensure that offenders who are eligible for public benefits receive those benefits upon release. According to Corrections, "This initiative involve[s] a multi-agency team, including DHFS [Department of Health and Family Services] and the [federal] Social Security Administration. A core component to this initiative is to provide assistance to the offender, prior to release to the community, in completing the needed application materials to ensure benefits for those who are determined eligible."

In 2006-07, Wisconsin spent \$123.7 million for probation, parole, and extended supervision, and \$24.8 million to purchase community services for offenders.

In 2006-07, Corrections expended \$53.4 million [\$51.9 million general purpose revenue (GPR) and \$1.5 million program revenue (PR)] in the correctional institutions for "care and treatment" of inmates. These costs included staffing and services expenditures for items such as social services, psychological services, and crisis intervention, but do not include medical services, security, administration, food service, education or maintenance. Further, during the same fiscal year, Corrections expended an additional \$25.1 million (\$24.1 million GPR and \$1 million PR) for educational programming. While a portion of these expenditures is associated with prisoner reentry, the Department is not able to identify the portion of these expenditures related specifically to reentry programming.

In the community, Corrections expended \$123.7 million GPR in 2006-07 related to the staffing and operation of the Division of Community Corrections which administers probation, parole and extended supervision services in the state. These expenditures supported approximately 1,800 staff positions. Further, the Department expended \$24,816,100 in 2006-07 for the purchase of services for individual offenders in the community. Table 3 summarizes the services purchased in 2006-07.

Table 3. Purchase of Services for Offenders, Division of Community Corrections (2006-07)

Item	Amount
Halfway House Beds and Temporary Living Placements	\$16,227,900
Alcohol and Other Drug Abuse Treatment Services	2,252,400
Day Reporting Centers and Day Treatment	1,215,800
Urinalysis Screening	915,600
Sex Offender Treatment	844,200
Emergency and Supplemental Housing, Meals, and Medication	652,900
Employment Services	401,200
Wisconsin Fresh Start Program	330,000
Domestic Violence	194,800
Vocational Services	84,000
Cognitive Group Intervention Program	74,400
Special Bulletin Notice Sex Offender-Chaperone/Emergency Housing	61,100
Anger Management	43,500
Sundry (<\$5,000) Services, Psychological Services, and Other Services	1,518,300
Total	\$24,816,100

In addition to the general categories of reentry services provided to offenders in the community through purchase of services, Table 3 identifies two programs which provide more than one of these services: day reporting centers and day treatment; and the Wisconsin Fresh Start Program. Day reporting centers and day treatment are community-based programs that operate daily and provide access to AODA, employment, domestic violence, anger management, and other services in one location in certain communities. The Fresh Start program offers substance abuse treatment, education, and vocational programming for young offenders.