



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

**Prepared Testimony by Rep. David Steffen before the
Assembly Committee on Urban and Local Affairs
Assembly Bill 522: Reimbursement of counties for probation and parole holds
February 3, 2016**

Chairman Brooks and Committee Members,

Thank you for scheduling a public hearing for Assembly Bill 522 relating to the reimbursement of counties for the costs of holding individuals who have violated conditions of probation, parole, or extended supervision and are awaiting disposition of the charges, these are known as probation and parole holds. This bipartisan bill was crafted with substantial input from the Department of Corrections and is supported by the Badger State Sheriffs' Association, the Counties Association, and the County Police Association.

Wisconsin state statute designates a daily rate of reimbursement from DOC to counties for housing individuals on probation and parole holds at \$40/day. Statute also allows for these payments to be prorated if reimbursable days exceed appropriations. The option to prorate has resulted in counties being short-changed on their reimbursements. In fact, counties have not been reimbursed at the statutory \$40/day rate since 2004. All that short-change added up to over one million dollars in fiscal year 2014.

To further exacerbate this problem, the actual costs of housing individuals on probation and parole holds can be higher than the statutory rate. In Brown County, according to County Executive Streckenbach, costs are closer to \$50/day for probation and parole holds. Ultimately, the effects of this underfunded mandate on county taxpayers is amplified when the state does not meet its statutory obligations. AB 522 is a step towards remedying this problem, by providing DOC additional flexibilities in how these reimbursements are funded.

This bill, as amended by ASA 1, allows DOC to utilize any remaining funds collected through supervision fees, after all costs associated with probation, parole, and extended supervision have been paid, in order to supplement any shortfall in reimbursing counties for probation and parole holds. DOC has indicated that had this flexibility been available to the department in fiscal year 2015, counties would have been reimbursed at the statutory \$40/day rate.

In short, this bill makes some common-sense changes to how DOC reimburses counties for the costs of probation and parole holds. Ultimately, this bill aims to hold the state accountable to its statutory obligations and makes steps towards ensuring that counties are not being short-changed when providing this important service to our state.

Thank you for allowing me to testify, and I welcome your questions and input.



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

February 2, 2016

TESTIMONY ON ASSEMBLY BILL 522

Thank you to Chairman Brooks and the rest of the Assembly Committee on Urban and Local Affairs for the opportunity to submit testimony on Assembly Bill 522, relating to the reimbursement of counties for probationers, parolees, and persons on extended supervision who are placed with the county pending disposition of revocation proceedings.

Under current law, an individual who is believed to have violated the conditions of their probation, parole, or extended supervision may be held in a county jail pending charges. This written testimony will speak to the substitute amendment to this bill.

The Wisconsin Department of Corrections (DOC) reimburses counties for housing and holding prisoners who have violated their conditions of probation, parole, or extended supervision. Statutorily, the DOC is to reimburse the counties at a rate of \$40/day. Statute also allows for these payments to be prorated if the appropriations cannot cover the cost.

The last time counties were paid at a rate of \$40/day was in 2004. The cost of housing these probation violators has gone up over time, but unfortunately, the rate at which they are reimbursed has varied. Over the last 10 years, counties have received a prorated rate of anywhere from \$28.08/day to \$32.55/day. This ability by the DOC to prorate this reimbursement has resulted in unpredictability and county taxpayers making up the difference for any shortfalls.

The bill addresses this unpredictability by giving DOC the flexibility to charge a reasonable fee as determined by the department to probationers, parolees, and those on extended supervision to partially reimburse the department for the costs of providing supervision services. This fee will in turn help with the cost of reimbursing the counties. The bill has no fiscal impact on the state and provides the agencies the flexibility of charging the individuals who are on probation, parole, or extended supervision.

Comparing Probation and Parole Hold Rates

Fiscal Year Ending June 30, 2014

County	# of Hold Days	Projected Payments @ \$32.84/Day	Projected Payments @ \$40/Day	Difference
ADAMS	1,268	\$41,641	\$50,720	\$9,079
ASHLAND	316	\$10,377	\$12,640	\$2,263
BARRON	2,465	\$80,951	\$98,600	\$17,649
BAYFIELD	110	\$3,612	\$4,400	\$788
BROWN	12,714	\$417,528	\$508,560	\$91,032
BUFFALO	438	\$14,384	\$17,520	\$3,136
BURNETT	757	\$24,860	\$30,280	\$5,420
CALUMET	503	\$16,519	\$20,120	\$3,601
CHIPPEWA	1,695	\$55,664	\$67,800	\$12,136
CLARK	762	\$25,024	\$30,480	\$5,456
COLUMBIA	2,603	\$85,483	\$104,120	\$18,637
CRAWFORD	463	\$15,205	\$18,520	\$3,315
DANE	7,261	\$238,451	\$290,440	\$51,989
DODGE	3,201	\$105,121	\$128,040	\$22,919
DOOR	999	\$32,807	\$39,960	\$7,153
DOUGLAS	2,442	\$80,195	\$97,680	\$17,485
DUNN	843	\$27,684	\$33,720	\$6,036
EAU CLAIRE	5,491	\$180,324	\$219,640	\$39,316
FLORENCE	17	\$558	\$680	\$122
FOND DU LAC	5,466	\$179,503	\$218,640	\$39,137
FOREST	592	\$19,441	\$23,680	\$4,239
GRANT	944	\$31,001	\$37,760	\$6,759
GREEN	924	\$30,344	\$36,960	\$6,616
GREEN LAKE	1,261	\$41,411	\$50,440	\$9,029
IOWA	582	\$19,113	\$23,280	\$4,167
IRON	12	\$394	\$480	\$86
JACKSON	1,151	\$37,799	\$46,040	\$8,241
JEFFERSON	2,616	\$85,909	\$104,640	\$18,731
JUNEAU	586	\$19,244	\$23,440	\$4,196
KENOSHA	6,186	\$203,148	\$247,440	\$44,292
KEWAUNEE	405	\$13,300	\$16,200	\$2,900
LA CROSSE	6,468	\$212,409	\$258,720	\$46,311
LAFAYETTE	162	\$5,320	\$6,480	\$1,160
LANGLADE	637	\$20,919	\$25,480	\$4,561
LINCOLN	262	\$8,604	\$10,480	\$1,876

County	# of Hold Days	Projected Payments @ \$32.84/Day	Projected Payments @ \$40/Day	Difference
MANITOWOC	1,862	\$61,148	\$74,480	\$13,332
MARATHON	3,387	\$111,229	\$135,480	\$24,251
MARINETTE	1,131	\$37,142	\$45,240	\$8,098
MARQUETTE	430	\$14,121	\$17,200	\$3,079
MENOMINEE	10	\$328	\$400	\$72
MILWAUKEE	2,487	\$81,673	\$99,480	\$17,807
MONROE	2,319	\$76,156	\$92,760	\$16,604
OCONTO	690	\$22,660	\$27,600	\$4,940
ONEIDA	473	\$15,533	\$18,920	\$3,387
OUTAGAMIE	6,003	\$197,139	\$240,120	\$42,981
OZAUKEE	1,577	\$51,789	\$63,080	\$11,291
PEPIN	367	\$12,052	\$14,680	\$2,628
PIERCE	1,533	\$50,344	\$61,320	\$10,976
POLK	2,698	\$88,602	\$107,920	\$19,318
PORTAGE	2,013	\$66,107	\$80,520	\$14,413
PRICE	210	\$6,896	\$8,400	\$1,504
RACINE	6,974	\$229,026	\$278,960	\$49,934
RICHLAND	557	\$18,292	\$22,280	\$3,988
ROCK	4,786	\$157,172	\$191,440	\$34,268
RUSK	516	\$16,945	\$20,640	\$3,695
SAUK	2,231	\$73,266	\$89,240	\$15,974
SAWYER	648	\$21,280	\$25,920	\$4,640
SHAWANO	1,054	\$34,613	\$42,160	\$7,547
SHEBOYGAN	4,356	\$143,051	\$174,240	\$31,189
ST CROIX	1,561	\$51,263	\$62,440	\$11,177
TAYLOR	198	\$6,502	\$7,920	\$1,418
TREMPEALEAU	804	\$26,403	\$32,160	\$5,757
VERNON	630	\$20,689	\$25,200	\$4,511
VILAS	798	\$26,206	\$31,920	\$5,714
WALWORTH	3,211	\$105,449	\$128,440	\$22,991
WASHBURN	231	\$7,586	\$9,240	\$1,654
WASHINGTON	4,024	\$132,148	\$160,960	\$28,812
WAUKESHA	3,835	\$125,941	\$153,400	\$27,459
WAUPACA	1,697	\$55,729	\$67,880	\$12,151
WAUSHARA	1,668	\$54,777	\$66,720	\$11,943
WINNEBAGO	6,665	\$218,879	\$266,600	\$47,721
WOOD	2,505	\$82,264	\$100,200	\$17,936
TOTAL	148,741	\$4,884,654	\$5,949,640	\$1,064,986



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

TO: REPRESENTATIVE DAVID STEFFEN

FROM: ^{MLS} Melissa Schmidt, Senior Staff Attorney

RE: Assembly Bill 522, Related to Reimbursement of Counties for Probationers, Parolees, and Persons on Extended Supervision Who Are Placed With the County Pending Disposition of Revocation Proceedings

DATE: January 29, 2016

This memorandum, prepared at your request, provides a description of both Assembly Bill 522 (AB 522) and Assembly Substitute Amendment 1 (ASA 1) to AB 522. Included in this memorandum is a brief discussion of current law.

BACKGROUND

Reimbursement Fee Charged to Persons on Probation, Parole, or Extended Supervision

Under current law and administrative rules, the Department of Corrections (DOC) is required to charge a fee to each probationer, parolee, and person who is on extended supervision (person on community supervision) to partially reimburse the department for the costs of providing supervision and services (supervision fee). DOC must set the fee at varying rates with the goal of receiving at least \$1 per day, if appropriate, from each person on community supervision. However, DOC may decide not to charge a supervision fee to a person if he or she meets any of the following conditions:

- Is unemployed.
- Is pursuing a full-time course of instruction approved by DOC.
- Is undergoing treatment approved by DOC and is unable to work.
- Has a statement from a physician certifying to DOC that the person on community supervision should be excused from working for medical reasons.

[s. 304.074 (2) and (3), Stats. See also s. DOC 328.07 (5), Wis. Adm. Code.]

DOC must promulgate rules setting the rate, as well as providing the procedure and timing for collecting supervision fees. [s. 304.074 (5), Stats.] Specifically, s. DOC 328.07, Wis. Adm. Code, sets forth various rules related to these fees, including the monthly supervision fees for a person on community supervision and when a person is exempt from paying the fee.

If a person on community supervision owes unpaid supervision fees to DOC, and is discharged from probation or from his or her sentence before DOC collects the unpaid fees, DOC must, at the time of discharge, issue a notice to the person that states the following: (1) that he or she owes unpaid supervision fees; and (2) that he or she is responsible for the unpaid supervision fees. This notice must be issued along with the certificate of the person's discharge. Current law also allows DOC to request the Attorney General to bring a civil action to recover unpaid supervision fees owed to DOC. Before making this request, DOC must deduct any supervision fees that were inaccurately assessed against the person. [s. 304.074 (4m), Stats.]

Reimbursement for Prisoners in a County Jail or Other County Facility

Under current law, DOC must pay for the maintenance of any person in its custody while the person is placed in a county jail or other county facility, or in a tribal jail, pending the disposition of parole, extended supervision, or probation revocation proceedings, subject to the following conditions:

- DOC must make payments beginning when the person is detained in a county jail or other county facility, or in a tribal jail, pursuant only to a DOC hold, ending when the revocation process is completed and a final order of DOC or the Department of Administration's Division of Hearings and Appeals has been entered.
- DOC is prohibited from paying for persons who have pending criminal charges, whether or not a DOC hold has been placed on the person. Payment for maintenance by DOC is limited to confinements where a person is held solely because of conduct which violates the person's supervision and which would not otherwise constitute a criminal charge.

[s. 302.33 (2) (a) 1. and 2. Stats.]

After verification by DOC, DOC must reimburse the county or tribal governing body at a current rate of \$40 per day, subject to the two conditions listed above. If the amount provided in the appropriation for reimbursing counties for probation, extended supervision, and parole holds, is insufficient to provide complete reimbursement at that rate, DOC must prorate the payments for that fiscal year. DOC may not reimburse a county or tribal governing body unless that county or tribal governing body informs DOC of the amount of reimbursement to which it is entitled no later than September 1 of the fiscal year following the fiscal year for which reimbursement is requested. [s. 302.33 (2) (a) 3. Stats.]

AB 522

AB 522 creates a new fee that DOC must charge to each person on community supervision. Specifically, DOC must charge each person on community supervision a \$3 monthly fee to help reimburse each county for costs incurred when the person was placed in a county jail or other county facility pending the disposition of parole, extended supervision, or probation revocation proceedings.

Under AB 522, when DOC reimburses a county at the \$40 rate for the maintenance of a person placed in a county jail or other county facility pending the disposition of parole, extended supervision, or probation revocation proceedings as specified above, it must first use the proceeds from the \$3 fee collected from persons on community services and then use money from the appropriation for reimbursing counties for probation, parole, and extended supervision. If there are still insufficient funds to reimburse the county at the \$40 rate, then DOC must prorate the payments as described in the previous section.

ASA 1 TO AB 522

ASA 1 eliminates the creation of a \$3 monthly fee that DOC must charge to each person on community supervision. Instead, ASA 1 requires DOC to use money it collected from supervision fees if the appropriation to reimburse counties for probation, parole, and extended supervision is insufficient for reimbursing a county for maintenance of a person placed in a county jail or other county facility pending the disposition of parole, extended supervision, or probation revocation proceedings.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MS:ksm

Comments related to 2015 Assembly Bill 522

Good Morning and thank you for the opportunity to speak with you about AB 522 regarding the reimbursement rates paid to counties and tribal bodies for probationers, parolees, and persons on extended supervision who are placed with the county or body pending disposition of revocation proceedings.

My name is Joel Brettingen and I am currently the Captain of Security Services with the Eau Claire County Sheriff's Office. As Captain I am assigned as the Jail Administrator for a 258 bed secure facility and 160 bed Huber/Work Release Center.

Over time Sheriff's Offices and their respective jails have seen significant increases in costs due to higher wages, health insurance, contracted services like food or medical care, and the need for increased Evidence Based Programming in order to provide positive opportunities for change in our jail clientele. These cost increases are further crippling to a Sheriff because legislation has decreased the county's ability to raise taxes to an appropriate level by tying future tax increases to community growth rates instead of actual costs associated with jail operations.

In addition, jails continue to be frustrated with the way the Department of Corrections defines payable days for those in our custody. Very frequently we have inmates in our jail who would otherwise be able to be released back into the community on a court ordered bond or other legal reason, however they remain in jail custody on a probation hold pending revocation proceedings or further DOC investigation, but the jail is not reimbursed for these days based on how the Department of Correction classified the hold. Jail personnel do realize the safety of the community is the main concern when incarceration decisions are made by the Department of Corrections, but when their decision to hold a person is the only reason the person is in jail there should be compensation for the resulting days in custody.

AB 522 takes a step in the right direction by trying to increase the amount of funds allocated to the appropriation account used to reimburse Sheriff's for housing inmates for the Department of Corrections. Hopefully this increased funding will decrease the frequency the fee needs to be prorated because of the lack of funds in the account at the end of the year resulting in counties receiving less than the approved \$40 per day fee. Over the last several years the prorated fee has ranged from \$28.20 to \$35.84 per day. By not having a firm approved rate the Sheriff is left with significant budgeting concerns and questions about revenues. This hampers yearly budget decisions that affect staffing, programming, and other vital areas of operations.

We appreciate the fact the legislature recognizes the powerful partnerships that exist between the Department of Corrections and local Sheriffs to provide a secure housing alternative to prison for those under the supervision of the Department of Corrections. This ultimately reduces the number of persons in Wisconsin's prisons benefiting all residents. We hope this positive relationship can be sustained through this additional funding source and by a continued commitment from the legislature to adequately fund the Department of Corrections so these housing agreements can be paid at the full rate of \$40 per day.

Thank you again for your time and consideration in this matter. If you have any questions please do not hesitate to contact me in the future. I can be reached by phone at 715-839-6248 or via e-mail at joel.brettingen@co.eau-claire.wi.us.

Sincerely,

Joel A Brettingen

Captain of Security Services

Eau Claire County Sheriff's office



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Urban and Local Affairs

FROM: J. Michael Blaska, Chief of Staff

DATE: February 3, 2016

SUBJECT: Support for Assembly Bill 522

The Wisconsin Counties Association (WCA) supports Assembly Bill 522, which has the potential to increase the reimbursement rate counties receive for probation and parole holds. Increased funding for county probation and parole hold reimbursements has been a priority of WCA and the Badger State Sheriff's Association for over a decade.

Under current law, an individual who is believed to have violated the conditions of probation, parole, or extended supervision may be held in a county jail pending disposition of the charges.

State statute sets the daily rate the Department of Corrections (DOC) pays counties for housing these prisoners at \$40; however, the statute allows the department to prorate the payments "if the budgeted amount for any fiscal year is insufficient to provide complete reimbursement at that rate."

According to DOC, counties have received the following daily payments in recent years:

Fiscal Year	Reimbursed Rate	Fiscal Year	Reimbursed Rate
2004	\$40.00	2010	\$28.20
2005	\$36.28	2011	\$29.93
2006	\$31.94	2012	\$32.02
2007	\$32.00	2013	\$32.55
2008	\$29.18	2014	\$32.84
2009	\$28.08	2015	\$35.84

AB 522 would potentially increase county reimbursement for probation and parole holds by supplementing the appropriation with revenue generated from supervision fees DOC assesses to individuals on probation, parole, or extended supervision. The bill states that the transfer from the supervision fee account to probation and parole hold reimbursements would only occur after DOC pays all costs incurred for individuals on probation, parole, or extended supervision.

While AB 522 does not require DOC to reimburse counties at the statutorily required \$40 per day—it still allows for the proration of the reimbursement—the bill has the potential to do so. In fact, if this legislation were enacted in 2015, counties would have received \$40 per day in reimbursements.

According to county sheriffs, reimbursing counties at \$40 per day will have a significant impact on local sheriffs' offices and their budgets. Currently, counties are being forced to devote property tax levy to house these state prisoners, as jail and associated medical costs often exceed the amount counties receive in reimbursement from the state.

WCA respectfully requests the committee support AB 522. Please do not hesitate to contact WCA if you have any questions.

Thank you for considering our comments.