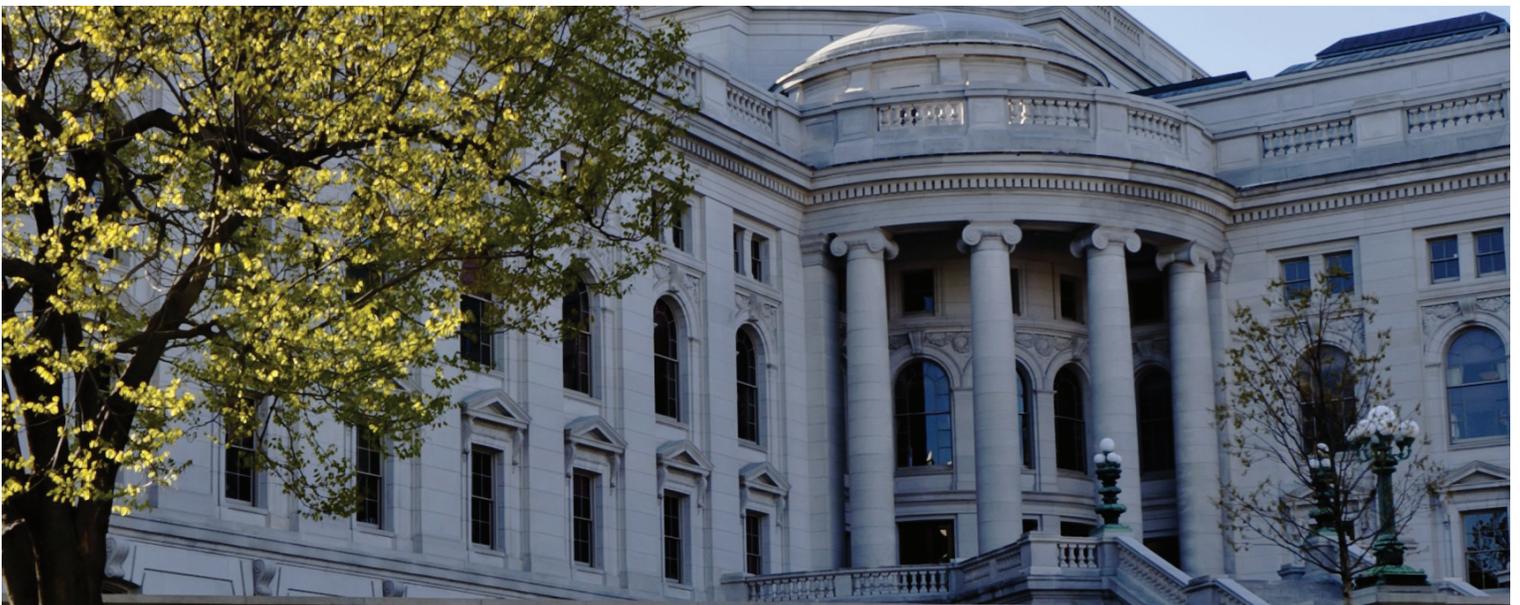




STATE OF WISCONSIN
Legislative Audit Bureau
NONPARTISAN • INDEPENDENT • ACCURATE

Report 23-5
April 2023

Community Corrections Program



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Community Corrections Program



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From the Legislative Audit Bureau	



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April 7, 2023

Senator Eric Wimberger and
Representative Robert Wittke, Co-chairpersons
Joint Legislative Audit Committee
State Capitol
Madison, Wisconsin 53702

Dear Senator Wimberger and Representative Wittke:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of the community corrections program administered by the Department of Corrections (DOC). DOC is statutorily responsible for supervising individuals who were convicted of crimes and reside in the community.

To help complete this audit, we visited 22 DOC field offices throughout the state, interviewed 76 DOC agents and their supervisors, and observed 54 interactions between agents and individuals under supervision. We also surveyed 1,086 agents, all 72 county sheriffs, and a random sample of 5,000 individuals under supervision in December 2021.

When an individual enters community supervision, DOC completes a risk and needs assessment that indicates an individual's likelihood of engaging in future criminal activity and need for program services. We found that 35.8 percent of initial assessments were not completed in a timely manner. We recommend DOC ensure initial assessments are completed timely.

Statutes require DOC to provide individuals with program services that are intended to increase public safety and reduce the risk of recidivism. We found that 19.6 percent of individuals received program services paid for or provided by DOC. We also found that DOC does not centrally track all program services, even if courts have ordered that individuals complete them. We recommend DOC collect non-confidential data on all court-ordered services and develop a plan for complying with statutes by evaluating the effectiveness of program services.

DOC agents determine the consequences for individuals who violated laws, court-ordered rules, or program rules. Because DOC did not comply with statutes by reviewing consequences it imposed, we recommend DOC develop a multi-year plan for doing so.

We recommend that DOC examine programmatic differences among its eight regions, as well as among the races and ages of individuals under supervision. If DOC determines these differences indicate inappropriate supervision, it should develop and implement a plan to address the differences. DOC should also develop a written plan for comprehensively evaluating whether its evidence-based response to violations project has been successful.

A response from DOC's secretary follows the appendices.

Respectfully submitted,



Joe Chrisman
State Auditor

JC/DS/ss

Introduction

***DOC administers the
community corrections
program.***

The Department of Corrections (DOC) administers the community corrections program. Through the program, DOC is statutorily responsible for supervising individuals who were convicted of crimes and reside in the community. DOC intends the program to help rehabilitate individuals and repair the harm they had committed while also maintaining public safety. In December 2022, DOC parole and probation agents supervised approximately 63,400 individuals, including sex offenders, throughout the state.

Individuals under community supervision include those who are:

- on probation, which is a court-imposed sentence that does not include confinement in correctional institutions;
- on extended supervision, which is the portion of court-imposed sentences that individuals serve in the community for felonies committed on or after December 31, 1999, and for misdemeanors committed on or after February 1, 2003;
- on parole, which includes individuals who have successfully applied for release from their prison sentences for felonies committed before December 31, 1999;
- on mandatory release, which occurs after an individual has completed two-thirds of a prison sentence for felonies committed on or after April 21, 1994, but before December 31, 1999; and

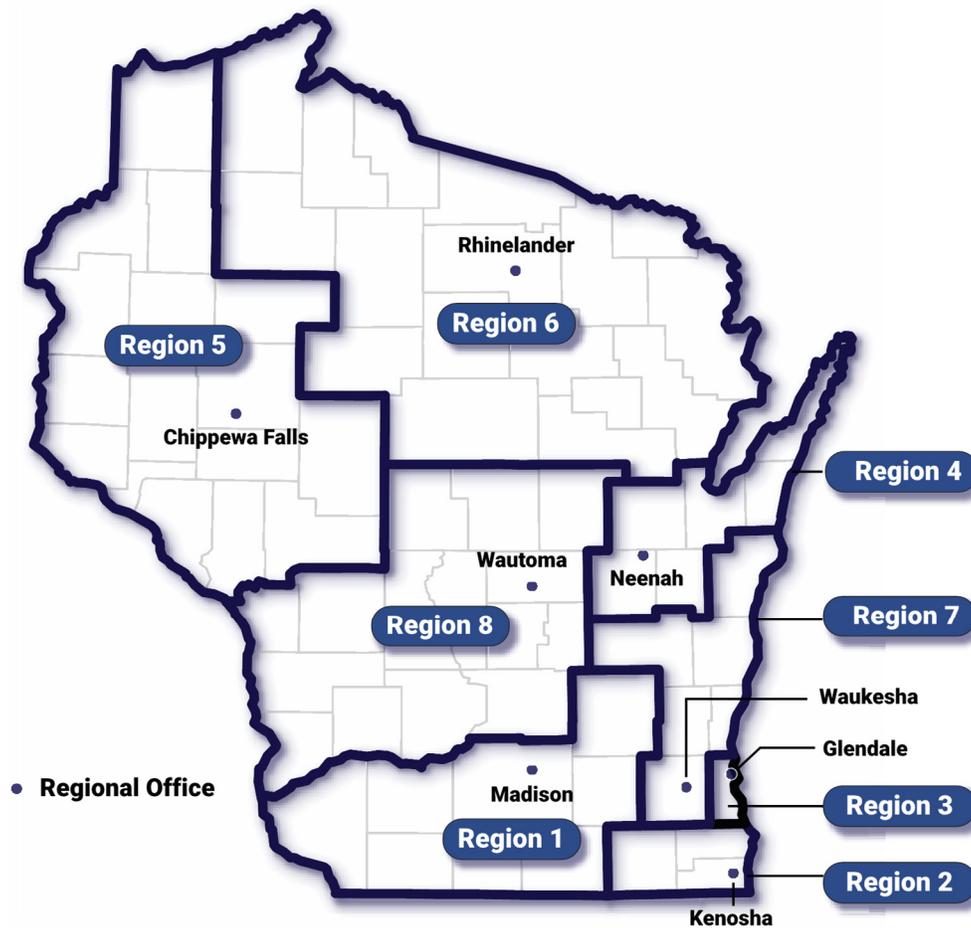
4 > INTRODUCTION

- supervised in Wisconsin, based on offenses the individuals had committed in other states. These are known as interstate compact cases.

The DOC agents who supervise individuals under community supervision work out of field offices at 190 locations throughout the state. The field offices are in eight regions, each of which has a regional office that manages the program in that region. Figure 1 shows the eight regions and the regional offices as of December 2022. Appendix 1 lists the region in which each county is located.

Figure 1

Community Corrections Regions
December 2022



Program Elements

Program elements include risk and needs assessments, program services, violation investigations, and violation consequences.

When an individual enters community supervision, DOC typically completes a risk and needs assessment that indicates the likelihood an individual will engage in future criminal activity and an individual's need for program services. An individual must follow all laws, any court-ordered rules specific to that individual, and all program rules. DOC agents investigate alleged violations. If a violation is substantiated, agents impose consequences that range from a verbal warning to revoking an individual's placement in the community and returning an individual to a correctional institution. Figure 2 shows these four program elements.

Figure 2

Elements of the Community Corrections Program

<p>RISK AND NEEDS ASSESSMENTS</p> <p>Determines the likelihood an individual will engage in future criminal activity and the need for program services</p>	<p>PROGRAM SERVICES</p> <p>Provides services such as alcohol and other drug abuse treatment, which may be available to an individual</p>
<p>VIOLATION INVESTIGATIONS</p> <p>Determines whether an individual did not follow laws, court-ordered rules, or program rules</p>	<p>VIOLATION CONSEQUENCES</p> <p>Determines consequences that range from a verbal warning to revoking an individual's placement in the community</p>

The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment determines the risk level and needs for individuals under community supervision. The assessment provides information from an individual's correctional records, a DOC agent's interview with an individual, and a questionnaire the individual completes. DOC uses the assessment results to assign an individual to a level of supervision that determines how frequently an individual must meet face-to-face with an agent and how frequently an agent conducts home visits that are intended, in part, to ensure compliance with laws,

court-ordered rules, and program rules. As of January 2021, the assessment assigns individuals to a low, medium, or high risk level.

Individuals may receive program services, such as alcohol and other drug abuse (AODA) treatment, to help them address their needs. DOC contracts with public, private, and nonprofit entities to provide such services. In addition, DOC provides some services itself.

While under community supervision, an individual must follow any court-ordered rules pertaining to the placement, such as participating in alcohol or drug evaluations, working full time or searching for employment, or attending counseling. An individual must also follow all program rules, such as notifying a DOC agent within 72 hours about any arrests or contacts with law enforcement and providing an agent with true, accurate, and complete information.

DOC agents investigate allegations that individuals under community supervision violated the rules of supervision. While an investigation is ongoing, an agent may require an individual to be placed temporarily in jail, which is termed a “hold.”

If a DOC agent determines that an individual committed a violation, an agent then determines the consequences to impose by using a framework that considers the severity of a violation and an individual’s risk level. Typical consequences include requiring an individual to use a GPS monitoring device, complete drug or alcohol tests, or temporarily spend time in jail as a short-term sanction.

With approval from an administrative law judge, statutes allow DOC to revoke a community placement if an individual violates a law, court-ordered rule, or program rule. Such revocation can occur if, for example, an investigation determines an individual harmed others or committed other serious violations. If revocation occurs, an individual is typically sent to a correctional institution. In certain instances in which revocation could occur, policies permit DOC to impose an alternative to revocation. An alternative to revocation may be community-based, such as requiring an individual to be subject to enhanced electronic monitoring and attend treatment services in the community, or it may require an individual to be temporarily transferred to a correctional institution in order to receive specified services.

Program Expenditures

We used information in the State’s accounting system to categorize program expenditures by:

- salaries and fringe benefits for program staff, including DOC agents and their supervisors, other regional office staff, and central office staff;
- program services, including services DOC pays for and services it provides;

- administration, including DOC’s costs to securely transport individuals under community supervision, replace lost or damaged GPS and other equipment, help maintain the State’s accounting system, and purchase office supplies;
- rent, maintenance, and utilities;
- county jail reimbursements for holding individuals while agents conduct investigations of alleged violations and jailing individuals who received short-term sanctions; and
- travel, including for agents to visit the homes of individuals.

Program expenditures increased from \$222.5 million in FY 2018-19 to \$233.1 million in FY 2021-22 (4.8 percent).

As shown in Table 1, program expenditures increased from \$222.5 million in fiscal year (FY) 2018-19 to \$233.1 million in FY 2021-22 (4.8 percent). Salaries and fringe benefits accounted for most of this increase. Each January during this four-year period, state employees received a 2.0 percent general wage adjustment. Expenditures for program services, county jail reimbursements, and travel decreased over this four-year period, likely in part because of the public health emergency. In FY 2021-22, administration expenditures increased, in part, because of increased costs to replace equipment to monitor individuals and to securely transport individuals.

Table 1

Community Corrections Program Expenditures, by Type¹
(in millions)

Type	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Percentage Change
Salaries and Fringe Benefits	\$134.4	\$136.9	\$141.9	\$145.5	8.3%
Program Services	42.1	40.8	40.0	40.5	(3.8)
Rent, Maintenance, and Utilities	21.3	22.4	22.9	23.9	12.2
County Jail Reimbursements	14.3	15.7	12.5	11.9	(16.8)
Administration	8.5	8.6	8.8	10.0	17.6
Travel	1.9	1.5	0.8	1.3	(31.6)
Total	\$222.5	\$225.9	\$226.9	\$233.1	4.8

¹ According to the State’s accounting system.

Evidence-Based Response to Violations Project

DOC modified the program through its evidence-based response to violations project.

Over the past decade, DOC began to implement various elements of an evidence-based response to violations project, including by developing a framework for determining consequences to impose on individuals who violated laws, court-ordered rules, or program rules. In 2019, DOC began to consider additional program modifications that were intended to make the program more effective, and DOC changed its policies in January 2021 to reflect these program modifications. Figure 3 shows certain modifications DOC made to the program through its project.

Figure 3

Certain Modifications DOC Made to the Community Corrections Program through Its Evidence-Based Response to Violations Project

<p>RISK AND NEEDS ASSESSMENTS</p>	<p>PROGRAM SERVICES</p>
<p>Eliminated the very high risk level designation for individuals</p>	<p>Required all service options to be attempted for an individual with only alcohol- or drug-related offenses before a community placement can be revoked</p>
<p>VIOLATION INVESTIGATIONS</p>	<p>VIOLATION CONSEQUENCES</p>
<p>Increased or decreased the severity levels of certain violations</p>	<p>Intended to reduce revocations, reduce the number of individuals on hold in jail, and increase community-based alternatives to revocation</p>

We were unable to independently confirm DOC’s analysis of the information DOC indicated it had used to develop its project.

DOC indicated it developed its project, in part, based on its analysis of the results of how other states had implemented evidence-based response to violations projects, a survey of its agents, and its analysis of its own programmatic data. In response to our request for these analyses, DOC provided the results of its survey, academic research articles, and internal planning documents. DOC indicated it analyzed this information to develop its project but did not document in writing its analysis. As a result, we were unable to independently confirm

DOC's analysis of the information DOC indicated it had used to develop its project.

Questions have been raised about DOC's evidence-based response to violations project, including the results the project has achieved. Questions have also been raised about DOC's administration of the program, including DOC's use of jail holds, responses to violations committed by individuals, and revocations of community placements.

To complete this evaluation, we:

- contacted 11 organizations involved with community corrections issues;
- analyzed information in the State's accounting and payroll systems to determine program expenditures and staffing levels from FY 2018-19 through FY 2021-22;
- analyzed DOC's program data from January 2019 through March 2022;
- interviewed DOC's central office in Madison;
- observed operations at the central office's electronic monitoring center, which responds to calls from law enforcement that are outside of normal work hours and that involve individuals under community supervision;
- visited each of DOC's eight regional offices;
- visited 22 field offices throughout the state, including at least 2 field offices in each region, and interviewed 76 DOC agents and supervisors;
- observed 54 interactions between agents and individuals under community supervision;
- reviewed DOC's case files for 50 randomly selected individuals who were under community supervision at some point in 2021;
- in August 2022 surveyed all 72 county sheriffs, 41 of whom (56.9 percent) responded;
- in August 2022 surveyed a random sample of 5,000 individuals under community supervision on December 31, 2021, 231 of whom (4.6 percent) responded; and
- in September 2022 surveyed 1,086 agents, 651 of whom (59.9 percent) responded.

We also assessed a report made to our Fraud, Waste, and Mismanagement Hotline that raised concerns about how DOC supervised an individual, and our assessment determined that these concerns were consistent with our audit’s findings.



Individuals under Community Supervision

We determined demographic and other information for all 128,213 individuals under community supervision at any point in time from January 2019 through December 2021.

We determined demographic and other information for all 128,213 individuals under community supervision at any point in time from January 2019 through December 2021. During this three-year period, the 65,017 individuals who ceased being under community supervision had spent a median of 2.0 years under supervision. Most individuals under community supervision who responded to our August 2022 survey indicated their DOC agents treated them fairly and with respect. Most sheriffs who responded to our August 2022 survey indicated DOC communicated effectively with their departments. We recommend DOC comply with statutes by consistently collecting the monthly supervision fee from individuals who have paid all court-ordered restitution to victims.

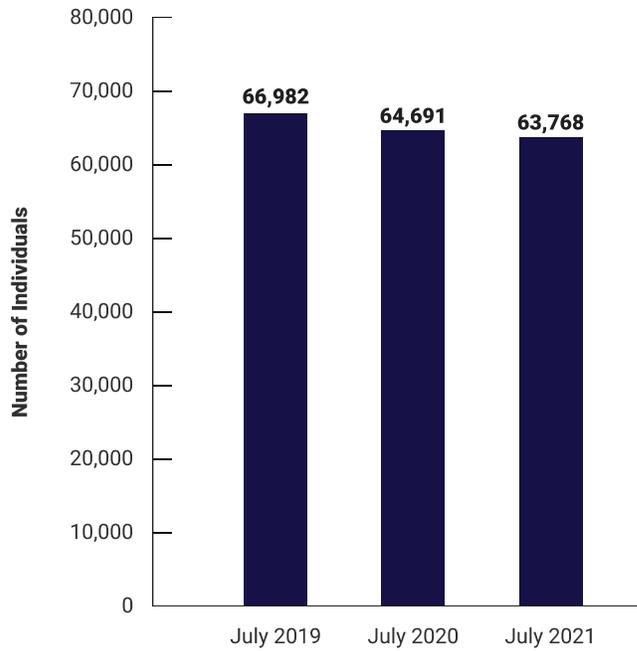
Number of Individuals

From February 2020 to December 2021, the number of individuals under community supervision decreased from 67,203 to 63,204.

As shown in Figure 4, the number of individuals under community supervision decreased from July 2019 through July 2021. The number of individuals declined from 67,203 in February 2020, which was one month before the public health emergency began, to 63,204 individuals in December 2021.

Figure 4

Number of Individuals under Community Supervision



As shown in Table 2, most individuals under community supervision at any point in time from January 2019 through December 2021 were male, most were White, and most were from 19 years through 39 years old. The average age was 38.4 years. Public order offenses, such as bail jumping, disorderly conduct, and operating a vehicle while under the influence, were the most-serious offenses of 37.5 percent of these individuals. Violent offenses included offenses such as murder, assault, and robbery. Property offenses included offenses such as theft, forgery, and damage to property.

Table 2

Profile of Individuals under Community Supervision
At Any Point in Time from January 2019 through December 2021

	Number	Percentage of Total
Gender		
Male	100,774	78.6%
Female	27,439	21.4
Total	128,213	100.0%
Race		
White	87,564	68.3%
Black	32,419	25.3
American Indian/ Alaskan Native	5,850	4.6
Asian/Pacific Islander	1,708	1.3
Unknown	672	0.5
Total	128,213	100.0%
Ethnicity		
Not Hispanic or Latino	66,424	51.8%
Hispanic or Latino	9,142	7.1
Unknown	52,647	41.1
Total	128,213	100.0%
Age¹		
18 or Younger	860	0.7%
19-39	77,443	60.4
40-59	41,821	32.6
60 or Older	8,089	6.3
Total	128,213	100.0%

	Number	Percentage of Total
Highest Educational Attainment		
Less than 9 th Grade	1,620	1.3%
9 th through 12 th Grade but Did Not Graduate from High School	14,945	11.7
High School Graduate or Equivalent	30,967	24.2
Some Post-High School Education	11,822	9.2
Associate Degree	1,821	1.4
Bachelor's Degree	1,303	1.0
Master's Degree or Ph.D.	254	0.2
Unknown	65,481	51.1
Total	128,213	100.0%
Most-Serious Offense²		
Public Order Offense	48,100	37.5%
Violent Offense	33,428	26.1
Drug Offense	23,715	18.5
Property Offense	22,970	17.9
Total	128,213	100.0%
Sex Offender²		
No	119,504	93.2%
Yes	8,709	6.8
Total	128,213	100.0%

¹ As of an individual's most-recent supervision end date or December 31, 2021.

² During an individual's most-recent period of supervision.

14 › INDIVIDUALS UNDER COMMUNITY SUPERVISION

The 128,213 individuals under community supervision included:

- 83,074 individuals (64.8 percent) on probation;
- 35,193 individuals (27.4 percent) on extended supervision;
- 3,678 individuals (2.9 percent) considered to be interstate compact cases;
- 2,175 individuals (1.7 percent) on parole; and
- 4,093 individuals (3.2 percent) under other types of supervision, such as mandatory release.

The 128,213 individuals under community supervision included:

- 23,584 individuals (18.4 percent) who had been under supervision for less than one year;
- 43,715 individuals (34.1 percent) who had been under supervision from one to two years; and
- 60,914 individuals (47.5 percent) who had been under supervision for more than two years.

Individuals who left community supervision had spent a median of 2.0 years under supervision.

From January 2019 through December 2021, 65,017 of the 128,213 individuals (50.7 percent) ceased being under community supervision, including because their criminal sentences ended. These 65,017 individuals had spent a median of 2.0 years under supervision. One of these individuals, who was on parole for first-degree murder, spent 38.4 years under supervision. This was the longest time any of these individuals spent under supervision.

Supervision Fee

Statutes require DOC to charge individuals under community supervision a fee that is intended, in part, to partially reimburse DOC for the costs of supervision and program services and then to collect the amounts it charged. Administrative rules specify that this fee must not exceed \$60 per month. Statutes allow DOC to waive the fee if, for example, an individual is unemployed, has a health issue or is disabled, or participates in education or treatment-related programming. 2015 Wisconsin Act 355 required individuals to pay victims all court-ordered restitution before DOC is permitted to begin collecting this fee, which accrues before collection begins. Policies indicate DOC agents typically collect the fee. The Department of Revenue's tax refund intercept program also attempts to collect the fee when an unpaid balance reaches \$200 or when an individual with an unpaid balance is released from community supervision. We found that the total amount of paid

supervision fees decreased from \$7.0 million in FY 2018-19 to \$6.1 million in FY 2021-22 (12.9 percent).

As of October 2022, 44,179 individuals under community supervision owed \$26.1 million in unpaid supervision fees.

DOC's information indicated that 44,179 individuals under community supervision as of October 2022 owed a total of \$26.1 million in unpaid supervision fees, or an average of \$590 each. A total of 8,593 individuals (19.5 percent) each owed \$1,000 or more. Some individuals may owe restitution to victims or may be unable to pay the fees because, for example, they are unemployed, have health issues, or are disabled. However, we question whether such circumstances existed for all 44,179 individuals who owed the unpaid fees. DOC indicated agents track whether individuals still owe restitution to victims and, as a result, are not yet required to pay the fees that have accumulated for them.

Opinions of Individuals under Community Supervision

Most individuals who responded to our survey indicated their DOC agents treated them fairly and with respect.

As shown in Figure 5, most individuals under community supervision who responded to our survey agreed with several statements about their DOC agents, including that their agents treated them fairly and with respect, and most individuals indicated they were supported and their successes were recognized.

Figure 5

Proportion of Individuals under Community Supervision Who Agreed with Certain Statements about Their DOC Agents¹



¹ According to between 226 and 230 individuals who responded to our August 2022 survey, depending on the question. In total, 4.6 percent of individuals responded to our survey.

Individuals who responded to our survey were given the opportunity to relate their experiences under community supervision. A number of them conveyed positive experiences about their DOC agents. For example:

- One individual indicated that “My current probation officer...has been so helpful, even when I messed up. She is fair, kind and knowledgeable...and very helpful when finding the resources I need in our community.”

- A second individual indicated that “My agent has been such a blessing to me and has helped me become the best version of myself...Without her guidance, encouragement and dedication to her job, I would not be happy, safe, sober, healthy, or content in life like I am and have been the last few years.”
- A third individual indicated that “Sounds funny to say I had a great experience on supervision, but I did... [My agent] is awesome! Made things clear, very respectful, caring and understanding.”
- A fourth individual indicated that the individual’s agent “...helped me get into an amazing program for AODA and we have a respectful and honest relationship. There when I need him and makes sure I do not continue to put myself in risky situations.”
- A fifth individual indicated that “The agents who have supervised me have been kind, compassionate, and very supportive. I appreciate that I am treated well, and I’ve come to look forward to my monthly meeting due to the rapport established.”

In contrast, other individuals conveyed negative experiences. For example:

- One individual indicated that “I can’t ever get ahold of [my agent] when I need, in fact she rarely responds to my messages.”
- A second individual indicated that “There is a deep rooted mentality within WDOC that offenders can’t [be] rehabilitated.”
- A third individual indicated that the individual’s agent “couldn’t provide exact answers when needed and took too long to talk to her supervisor.”
- A fourth individual indicated that the individual’s agent “was very dishonest & not concerned at all about my wellbeing.”
- A fifth individual indicated that “I get the feeling I am wasting their precious time and shouldn’t bother them.”

Opinions of Sheriffs

The 41 sheriffs who responded to our survey worked throughout the state, as indicated in Appendix 2. A total of 38 sheriffs who responded indicated that on a typical day in July 2022, an average of:

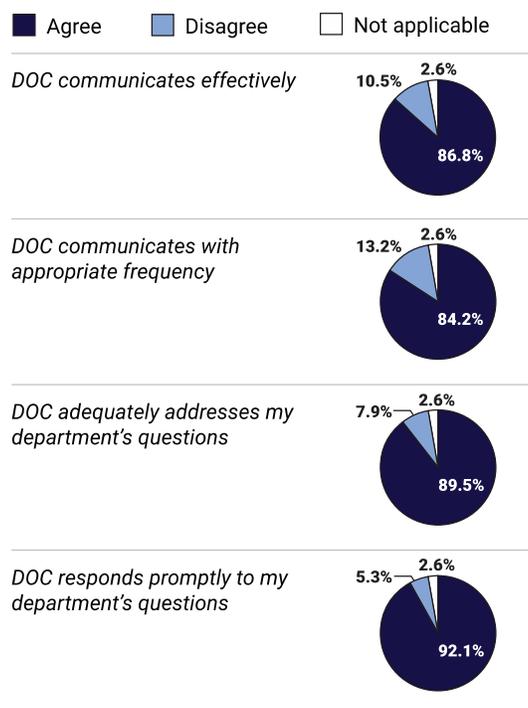
- 48.8 individuals under community supervision were in each of their jails;
- 11.7 individuals who were not under community supervision but were awaiting transfer to correctional institutions were in each of their jails; and
- 2.2 individuals were in each of their jails because their counties contracted to temporarily house inmates from DOC's correctional institutions. A total of 32 of the 38 sheriffs indicated no such individuals were in their jails on a typical day in July 2022, but 6 sheriffs indicated from 1 to 55 such individuals were in their jails.

Almost all sheriffs who responded to our survey commented positively on DOC's communication with their departments.

As shown in Figure 6, almost all sheriffs who responded to our survey commented positively on DOC's communication with their departments.

Figure 6

Proportion of Sheriffs Who Agreed with Certain Statements about DOC's Communication with Their Departments¹



¹ According to 38 sheriffs who responded to our August 2022 survey. In total, 56.9 percent of sheriffs responded to our survey.

Counties may contract with DOC to jail individuals on whom short-term sanctions are imposed. Counties may choose to contract to jail only such individuals who reside in their counties, or to also jail such individuals who reside in other counties. In response to our survey:

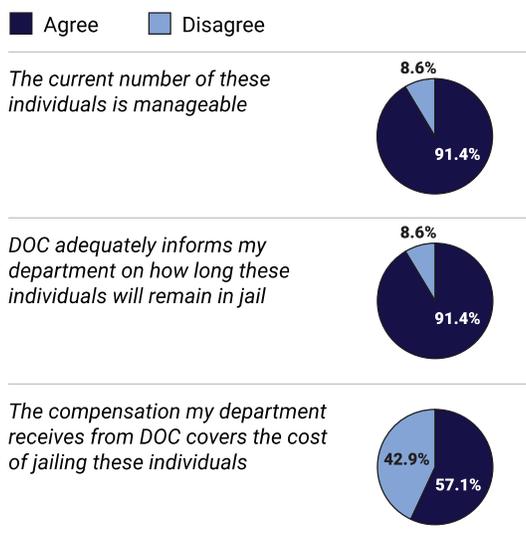
- 18 sheriffs indicated their departments jailed such individuals who resided in either their counties or other counties;
- 18 sheriffs indicated their departments jailed only such individuals who resided in their counties; and
- 4 sheriffs indicated their departments did not jail such individuals.

Almost all sheriffs who responded to our survey indicated that the numbers of individuals on short-term sanctions in their county jails were manageable.

As shown in Figure 7, almost all sheriffs who responded to our survey indicated that the numbers of individuals on short-term sanctions in their county jails were manageable and that DOC adequately kept them informed about how long these individuals will remain in jail. Fewer sheriffs who responded indicated the compensation received from DOC covered the costs of jailing such individuals. This compensation is determined through memorandums of understanding between the counties and DOC.

Figure 7

Proportion of Sheriffs Who Agreed with Certain Statements about Individuals in Their County Jails on Short-Term Sanctions¹



¹ According to 35 sheriffs who responded to our August 2022 survey. In total, 56.9 percent of sheriffs responded to our survey.

In response to our survey, some sheriffs indicated DOC performed well during the public health emergency. For example:

- One sheriff indicated “DOC works well with our Department on any issue we need to have addressed. They issued alternatives during the Covid period when required.”
- A second sheriff indicated “Local Community Corrections were fairly easy to work with during the public health emergency.”

In contrast, other sheriffs commented negatively on DOC's performance during the public health emergency. For example:

- One sheriff indicated "DOC staff working from home has been problematic as sometimes it is difficult to reach a specific agent."
- A second sheriff indicated "those on probation and parole had no supervision during covid."

■ ■ ■ ■

Risk and Needs Assessments

Risk and needs assessments indicate the likelihood an individual under community supervision will engage in future criminal activity and an individual's need for program services.

When an individual enters community supervision and then periodically during supervision, DOC typically completes risk and needs assessments that indicate the likelihood an individual will engage in future criminal activity and an individual's need for program services. The assessment results also help to determine an individual's supervision level in the community. Approximately one-half of DOC agents who responded to our survey indicated the assessments are effective overall and establish an appropriate risk level for individuals. We found that 25,687 initial assessments (35.8 percent) were not completed in a timely manner for individuals who began supervision from January 2019 through December 2021, and that considerable differences existed among the eight regions in the extent to which initial assessments were not completed in a timely manner. We also found that agents did not complete in a timely manner 127,674 required reviews (65.9 percent) of the supervision levels from January 2019 through December 2021. We recommend DOC ensure initial assessments are consistently completed in a timely manner and supervision levels are consistently reviewed in a timely manner.

Assessment Results

DOC uses the results of a COMPAS assessment to determine whether an individual's risk level is low, medium, or high. DOC agents use the assessment results to establish an individual's supervision level, which determines how frequently an individual must meet with an agent. For example, individuals typically must meet with agents every 90 days if they are low risk, every 30 days if they are medium risk, and every 14 days if they are high risk. Until January 2021, policies allowed agents

to designate individuals as very high risk for purposes of determining consequences to violations the individuals had committed.

A total of 70,569 assessments (80.8 percent) determined that individuals who began community supervision from January 2019 through December 2021 were either low or medium risk.

Table 3 indicates the risk levels determined by the assessments of individuals who began community supervision from January 2019 through December 2021. A total of 70,569 assessments (80.8 percent) determined that the individuals were either low or medium risk. Multiple assessments were completed for some individuals, including when they began community supervision and after they committed new violations.

Table 3

Risk Levels Determined by the Risk and Needs Assessments
Individuals Who Began Community Supervision from January 2019 through December 2021

Risk Level	Number of Assessments ¹	Percentage of Total
Low	35,473	40.6%
Medium	35,096	40.2
High	16,758	19.2
Total	87,327	100.0%

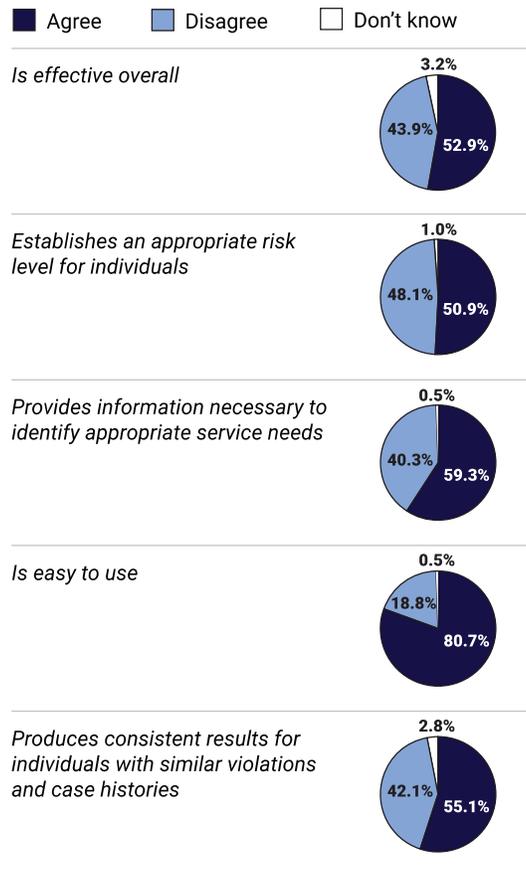
¹ DOC's data did not indicate the risk level for 12 assessments.

Approximately one-half of DOC agents who responded to our survey indicated the assessments are effective overall and establish appropriate risk levels for individuals.

As shown in Figure 8, approximately one-half of DOC agents who responded to our survey indicated the assessments are effective overall and establish appropriate risk levels for individuals. In August 2022, DOC began using an updated version of the assessment. A number of agents indicated the assessment does not sufficiently take into account the risks of certain types of individuals, such as those convicted of sex offenses or operating a vehicle while under the influence.

Figure 8

Proportion of DOC Agents Who Agreed with Certain Statements about the Risk and Needs Assessments¹



¹ According to between 585 and 616 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

Assessment Timeliness

For individuals who began community supervision from January 2019 through December 2021, 25,687 initial assessments (35.8 percent) statewide were not completed in a timely manner.

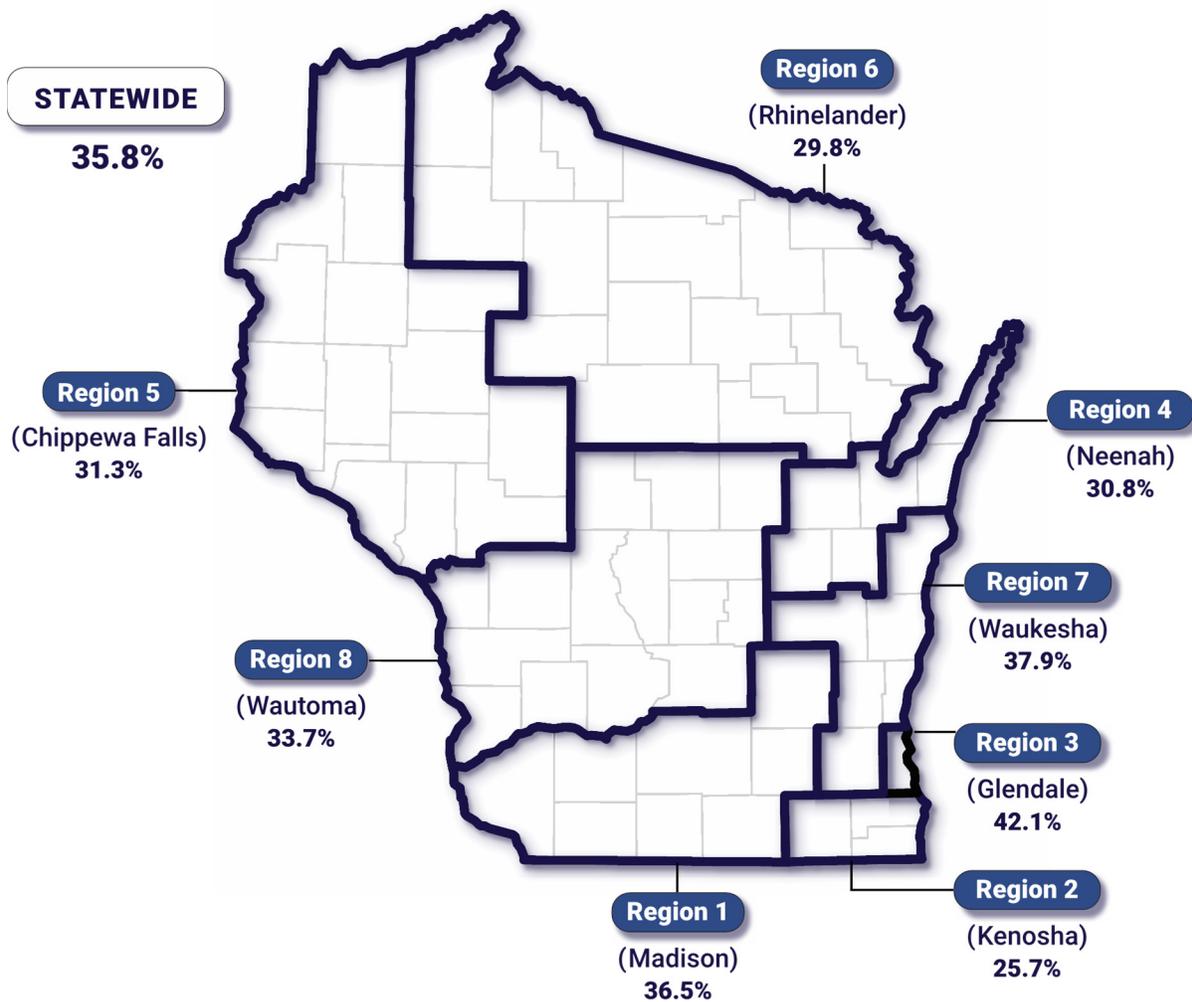
Policies require a DOC agent to complete an initial assessment in a timely manner. An agent must complete an initial assessment within 30 days after an individual began community supervision or instead use the results of an assessment that had been completed within the year before an individual began community supervision. DOC’s data indicated 25,687 initial assessments (35.8 percent) statewide were not completed in a timely manner for individuals who began community supervision from January 2019 through December 2021, including 13,270 assessments (18.5 percent) that were not completed within 60 days after individuals began community supervision.

We found considerable differences among the regions in the extent to which initial assessments were not completed in a timely manner.

We found considerable differences among the regions in the extent to which initial assessments were not completed in a timely manner. As shown in Figure 9, the proportion of initial assessments that were not completed in a timely manner ranged from 25.7 percent in Region 2 (Kenosha) to 42.1 percent in Region 3 (Glendale) for individuals who began community supervision from January 2019 through December 2021. To determine these proportions, we excluded certain individuals, including those under community supervision for less than 30 days and those who had absconded. In addition, DOC’s data indicated 1,185 initial assessments were not completed for individuals who began community supervision from January 2019 through December 2021 and were under community supervision for at least six months.

Figure 9

Proportion of Initial Risk and Needs Assessments Not Completed in a Timely Manner, by Region¹
 Individuals Who Began Community Supervision from January 2019 through December 2021



¹ Includes assessments that were completed more than one year before or more than 30 days after individuals began community supervision.

An initial assessment may not be completed in a timely manner for a number of reasons, including if an individual had absconded, was sent to jail, or was hospitalized. DOC agents with whom we spoke indicated that workload and staffing issues, as well as the number of tasks they must complete when individuals begin supervision, can result in assessments not being completed in a timely manner. Agents also indicated they sometimes wait for courts to provide relevant documentation about an individual. DOC indicated supervisors provide agents with monthly reports containing information about untimely assessments.

DOC's data indicated that agents did not complete an initial assessment in a timely manner from January 2019 through December 2021 for 13 of the 50 individuals whose case files we reviewed. The case files indicated these assessments did not occur in a timely manner because 5 of the 13 individuals had absconded or failed to report for required meetings, and 2 individuals were in jail. The case files did not indicate why timely assessments did not occur for five individuals. The case file for one individual indicated the assessment was completed in a timely manner.

DOC should ensure initial risk and needs assessments are consistently completed in a timely manner.

DOC should ensure initial risk and needs assessments are consistently completed in a timely manner. Doing so is important because the results help to determine how intensively an agent supervises an individual and facilitate the provision of needed program services. In addition, DOC should consider modifying its policies to specify situations when agents are permitted additional time to complete initial assessments.

☑ Recommendation

We recommend the Department of Corrections:

- *ensure initial risk and needs assessments are completed in a timely manner;*
- *consider modifying its policies to specify situations when parole and probation agents are permitted additional time to complete initial risk and needs assessments; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement these recommendations.*

Supervision Levels

Policies permit DOC agents to override the supervision level indicated by an assessment.

Although an individual's supervision level typically corresponds with an individual's risk level, policies permit DOC agents to override the supervision level indicated by an assessment and place an individual into a higher or lower supervision level. Agents do so based on factors such as an individual's need for program services, mental health, or housing status, or as a result of additional assessments completed for individuals convicted of certain offenses, including sex offenses and operating a vehicle while under the influence.

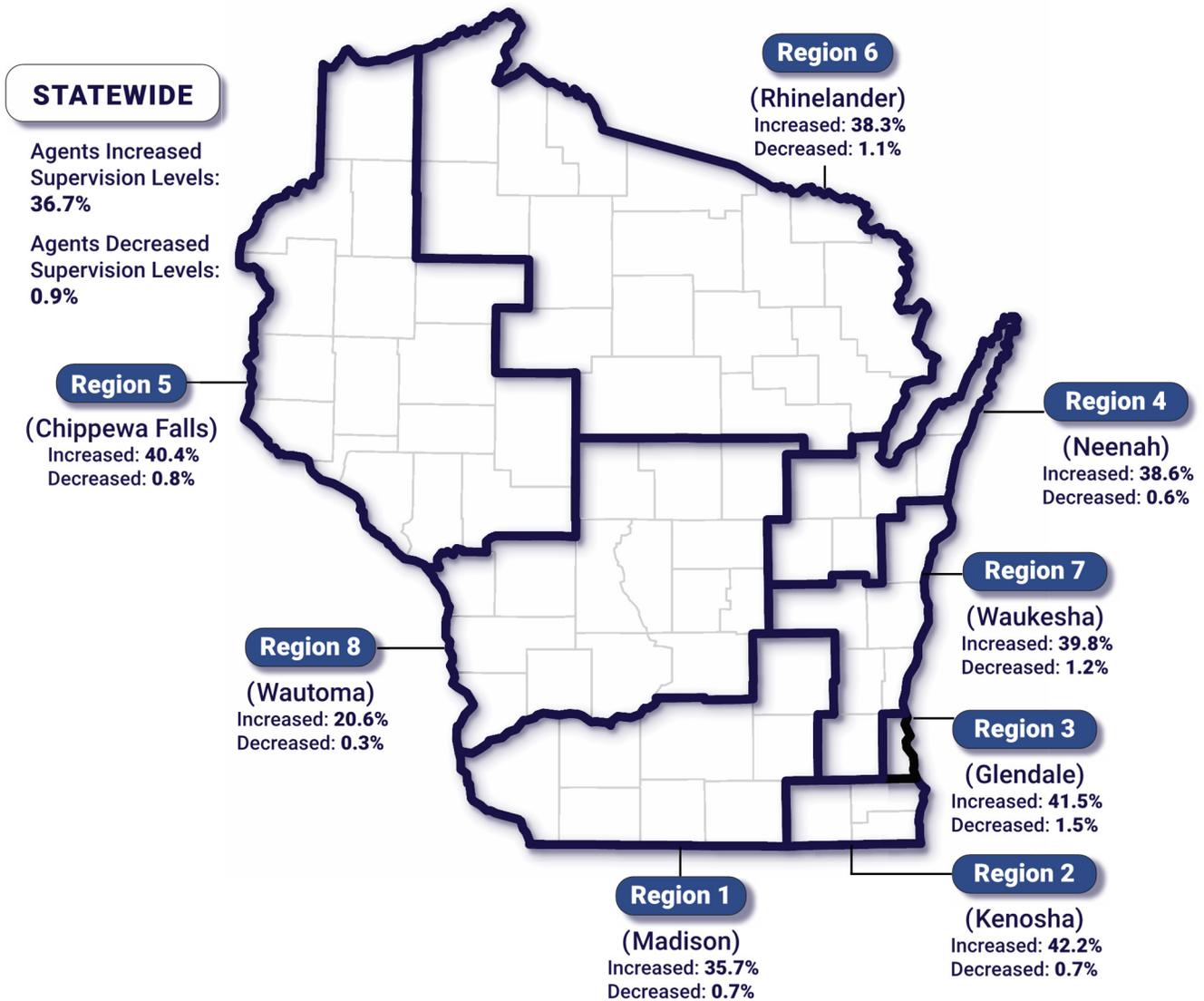
DOC agents increased the supervision levels after completing 25,107 assessments (36.7 percent) of individuals who began community supervision from January 2019 through December 2021.

As shown in Figure 10, DOC agents increased the supervision levels after completing 25,107 assessments (36.7 percent) of individuals who began community supervision from January 2019 through December 2021, and they decreased the supervision levels after completing 608 assessments (0.9 percent). We found considerable differences among the regions in the extent to which agents overrode the levels of supervision indicated by the assessments. The proportion of assessments in which agents increased the supervision level ranged from 20.6 percent in Region 8 (Wautoma) to 42.2 percent in Region 2 (Kenosha). The proportion of total assessments in which agents decreased the supervision level ranged from 0.3 percent in Region 8 (Wautoma) to 1.5 percent in Region 3 (Glendale). Agents more commonly increased the supervision levels of individuals convicted of sex offenses, compared to individuals overall.

Figure 10

Extent to Which DOC Agents Overrode the Supervision Levels Indicated by Risk and Needs Assessments, by Region

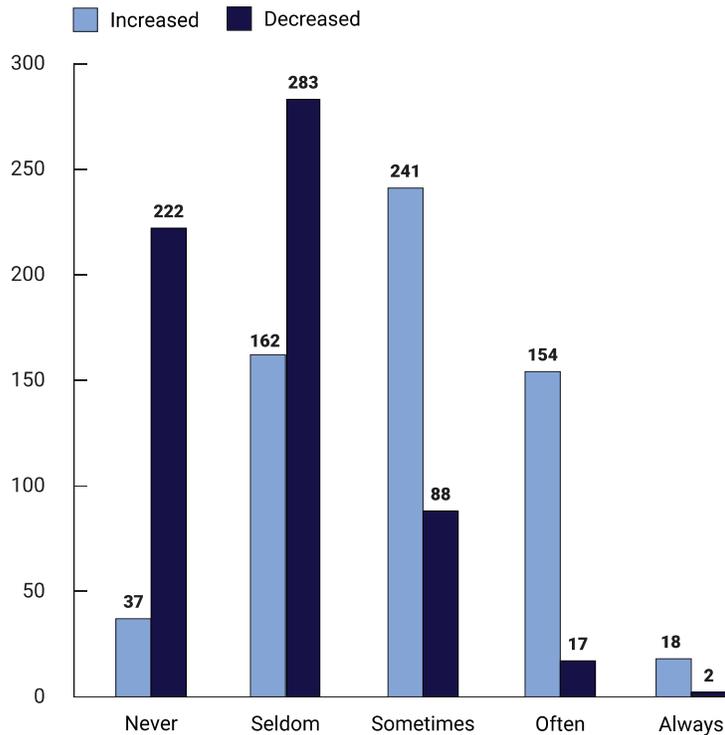
Individuals Who Began Community Supervision from January 2019 through December 2021



As indicated in Figure 11, 67.5 percent of DOC agents who responded to our survey indicated they sometimes, often, or always increased the supervision level indicated by an assessment. However, 82.5 percent of responding agents indicated they seldom or never decreased the supervision level.

Figure 11

Extent to Which DOC Agents Indicated They Overrode the Supervision Levels Indicated by Risk and Needs Assessments¹



¹ According to 612 agents who responded to our September 2022 survey. In total, 59.9 percent of agents responded to our survey.

As shown in Table 4, DOC agents assigned a high supervision level after 36,771 assessments (42.3 percent) were completed for individuals who began community supervision from January 2019 through December 2021. Multiple assessments were completed for some individuals.

Table 4

Supervision Levels That DOC Agents Assigned to Individuals
Individuals Who Began Community Supervision from January 2019 through December 2021

Supervision Level	Number of Individuals ¹	Percentage of Total
Low	16,204	18.6%
Medium	33,934	39.0
High	36,771	42.3
Total	86,909	100.0%

¹ DOC's data did not indicate the supervision level for 430 individuals.

Review of Supervision Levels

Policies require DOC agents to review an individual's supervision level every 6 months or 12 months, depending on the supervision level. Agents may also review a supervision level if an individual commits a serious violation of laws, court-ordered rules, or program rules. In certain situations, an agent may be unable to complete a review in a timely manner. For example, policies require an agent not to complete a review until an individual who had absconded is in custody. DOC indicated that supervisors are responsible for ensuring timely reviews of supervision levels, and that the central office does not monitor whether reviews occur in a timely manner.

From January 2019 through December 2021, DOC agents did not complete in a timely manner 127,674 reviews (65.9 percent) of the supervision levels of individuals.

We found that DOC agents did not complete in a timely manner 127,674 of 193,718 reviews (65.9 percent) of the supervision levels of individuals from January 2019 through December 2021. Agents completed 58,122 reviews (30.0 percent) more than 30 days late. DOC's data contained no information about the reviews for certain periods of supervision for 12,133 of 55,282 individuals (21.9 percent) who began supervision between January 2019 and December 2021 and who had been under supervision long enough to require reviews. As of December 2021, each of these individuals had been under supervision for an average of 13.3 months. We excluded from our analysis individuals who had absconded, according to DOC's information. DOC indicated agent workloads may explain why reviews were not completed within a timely manner. However, we question whether all 127,674 reviews were not completed in a timely manner because of workload issues.

DOC should ensure supervision levels of individuals are consistently reviewed in a timely manner.

DOC should ensure supervision levels of individuals are consistently reviewed in a timely manner. Doing so helps to ensure individuals receive the appropriate level of supervision and needed program services. In addition, DOC should consider modifying its policies to specify additional situations when agents are permitted additional time to review supervision levels.

Recommendation

We recommend the Department of Corrections:

- *ensure supervision levels of individuals under community supervision are consistently reviewed in a timely manner;*
- *consider modifying its policies to specify additional situations when agents are permitted additional time to review supervision levels; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement these recommendations.*

Meeting with Individuals

During meetings, DOC agents ask individuals about their recent activities, well-being, and ongoing needs, and they assess whether individuals are following laws, court-ordered rules, and program rules. Policies indicate that meetings should address deficits in an individual's skills in order to lower the risk of reoffending. Although the supervision level typically indicates the frequency with which an individual must meet with an agent, an agent can modify the frequency. Policies specify the meeting frequencies for certain individuals. For example, individuals convicted of serious sex offenses must meet with agents every seven days.

We observed 54 meetings between DOC agents and individuals. During these meetings, agents consistently asked individuals for updates about their condition, as well as whether individuals had contact with law enforcement, had used alcohol or drugs, and had complied with program rules. In most meetings, agents discussed homework they had previously assigned individuals to complete, such as considering strategies for not violating program rules, and they worked on skill-building exercises with the individuals, such as developing strategies for not abusing alcohol or drugs.



Program Services

Statutes require DOC to provide individuals under community supervision with program services that are intended to increase public safety and reduce the risk of recidivism.

Statutes require DOC to provide individuals under community supervision with program services that are intended to increase public safety and reduce the risk of recidivism. Common program services include housing, cognitive behavioral, and AODA services. Program services can be provided by DOC or entities with which DOC contracts, and they can be paid for by DOC, insurance firms, or others. DOC centrally tracks program services it pays for or provides. In contrast, DOC does not centrally track other program services, even if courts have ordered that individuals complete them. From January 2019 through December 2021, 19.6 percent of the 128,213 individuals received program services paid for or provided by DOC, individuals successfully completed 45.4 percent of such services, and the proportions of individuals who received such services and who completed such services varied considerably among the eight regions. DOC agents who responded to our survey indicated the individuals they supervise need additional assistance. We recommend DOC collect data on all court-ordered services provided to individuals and develop a plan for complying with statutes by evaluating the effectiveness of program services at decreasing the rates of arrest, conviction, and imprisonment.

Program Services Provided

Administrative rules and policies require DOC to ensure that individuals complete all court-ordered services. DOC agents may determine that individuals need additional program services, including as a result of risk and needs assessments. Statutes allow DOC to purchase program services from counties, as well as other public, private, and voluntary entities. Depending on factors such as

the availability of services and the financial situation of an individual, DOC may pay for or provide program services. DOC centrally tracks program services it pays for or provides, regardless of whether courts have ordered that individuals complete such services.

DOC does not centrally track program services it does not pay for or provide, even if courts have ordered that individuals complete such services.

Although agents are aware of program services that individuals they supervise receive but that DOC does not pay for or provide, we found that DOC does not centrally track program services it does not pay for or provide, even if courts have ordered that individuals complete such services. Almost one-third of the agents who responded to our survey indicated DOC paid for or provided less than 25.0 percent of all court-ordered program services.

DOC paid for or provided various program services, including:

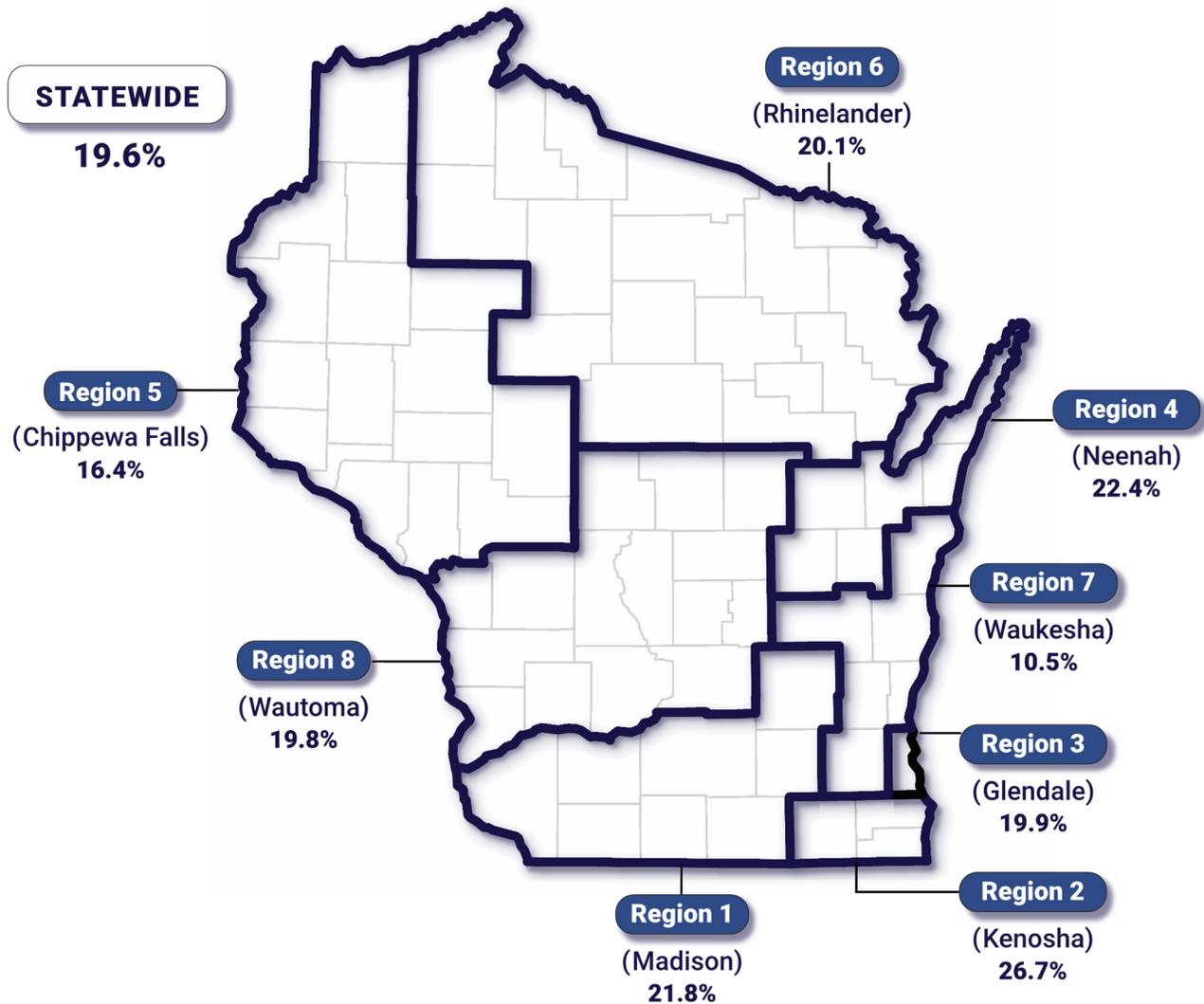
- housing services, which include transitional, emergency, and other forms of short-term housing for individuals under community supervision;
- cognitive behavioral services, which are intended to help individuals to identify thoughts that may cause criminal behavior, use problem-solving strategies, and alter negative behaviors;
- AODA services;
- residential program services provided in community-based facilities;
- sex offender treatment services;
- employment and vocational services, which connect individuals with employment opportunities, increase employment skills, and provide education services;
- domestic violence services;
- day reporting center services, which include case management, employment services, and intensive supervision and treatment;
- community reintegration services, which help individuals to access employment, residence, and AODA services; and
- anger management services.

From January 2019 through December 2021, 19.6 percent of the 128,213 individuals under community supervision received program services paid for or provided by DOC.

From January 2019 through December 2021, 25,165 of 128,213 individuals (19.6 percent) under community supervision received program services paid for or provided by DOC. DOC indicated the services it provides are determined by the annual amounts appropriated to it. As shown in Figure 12, we found considerable differences among the regions in the extent to which individuals received such services. The proportion of individuals who received such services ranged from 10.5 percent in Region 7 (Waukesha) to 26.7 percent in Region 2 (Kenosha).

Figure 12

Proportion of Individuals under Community Supervision Who Received Program Services Paid for or Provided by DOC, by Region
January 2019 through December 2021

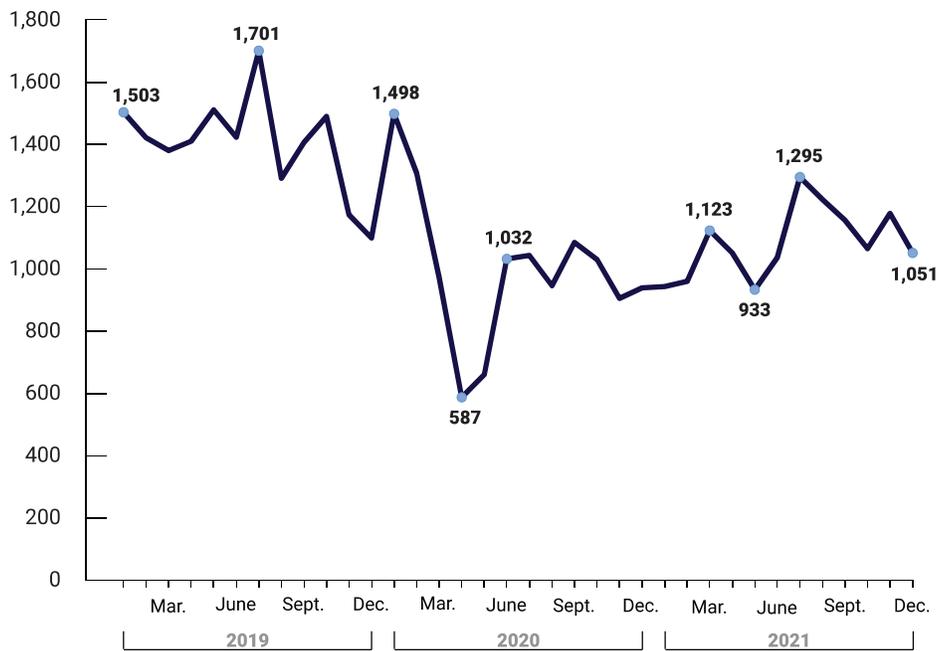


From February 2020 through December 2021, the number of program services started each month was lower than the number started in January 2020.

Figure 13 shows the number of program services paid for or provided by DOC and started by individuals each month. From February 2020 through December 2021, the number of program services started each month was lower than the number started in January 2020.

Figure 13

Number of Program Services Paid for or Provided by DOC and Started by Individuals under Community Supervision, by Month
January 2019 through December 2021



As shown in Table 5, DOC paid for or provided 41,829 program services from January 2019 through December 2021, which was an average of 1.7 program services for each of the 25,165 individuals who received such services. The length of time an individual was provided a given service ranged from 1 day to 1,263 days, depending on the type of service and other factors. An individual may receive a given service multiple times.

Table 5

Program Services Paid for or Provided by DOC, by Type
January 2019 through December 2021

Type of Service	Number of Services	Percentage of Total
Housing	8,918	21.3%
Cognitive Behavioral	6,875	16.4
AODA	5,909	14.1
Residential Program	4,316	10.3
Sex Offender Treatment	4,199	10.0
Employment and Vocational	4,088	9.8
Domestic Violence	3,478	8.3
Day Reporting Center	2,015	4.8
Community Reintegration	1,274	3.0
Anger Management	757	1.8
Total	41,829	100.0%

DOC likely did not provide all statutorily required program services.

We found that DOC likely did not provide all statutorily required program services. Statutes require DOC to provide day reporting center services. DOC's data indicated Region 1 (Madison) and Region 3 (Glendale) provided a combined total of 586 such services from January 2019 through December 2021. In contrast, the data indicated that, at times, six other regions provided few or no such services, including:

- Region 7 (Waukesha), which provided no day reporting center services over this three-year period;
- Region 2 (Kenosha), which provided day reporting center services to two individuals in 2019 but no such services in 2020 or 2021; and
- Region 4 (Neenah) and Region 8 (Wautoma), which provided no day reporting center services in 2021, but had provided a combined total of 995 such services in 2019 and 2020.

DOC indicated day reporting center services may be more effective in urban areas. DOC also indicated day reporting centers may not consistently separate individuals with differing risk levels, which DOC indicated is a beneficial practice.

DOC should comply with statutes by providing day reporting center services throughout the state.

DOC should comply with statutes by providing day reporting center services throughout the state. If DOC believes it should not be required to provide day reporting center services throughout the state, such as in rural areas, it can request that the Legislature modify statutes.

Recommendation

We recommend the Department of Corrections:

- *comply with statutes by providing day reporting center services throughout the state; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Results of Program Services

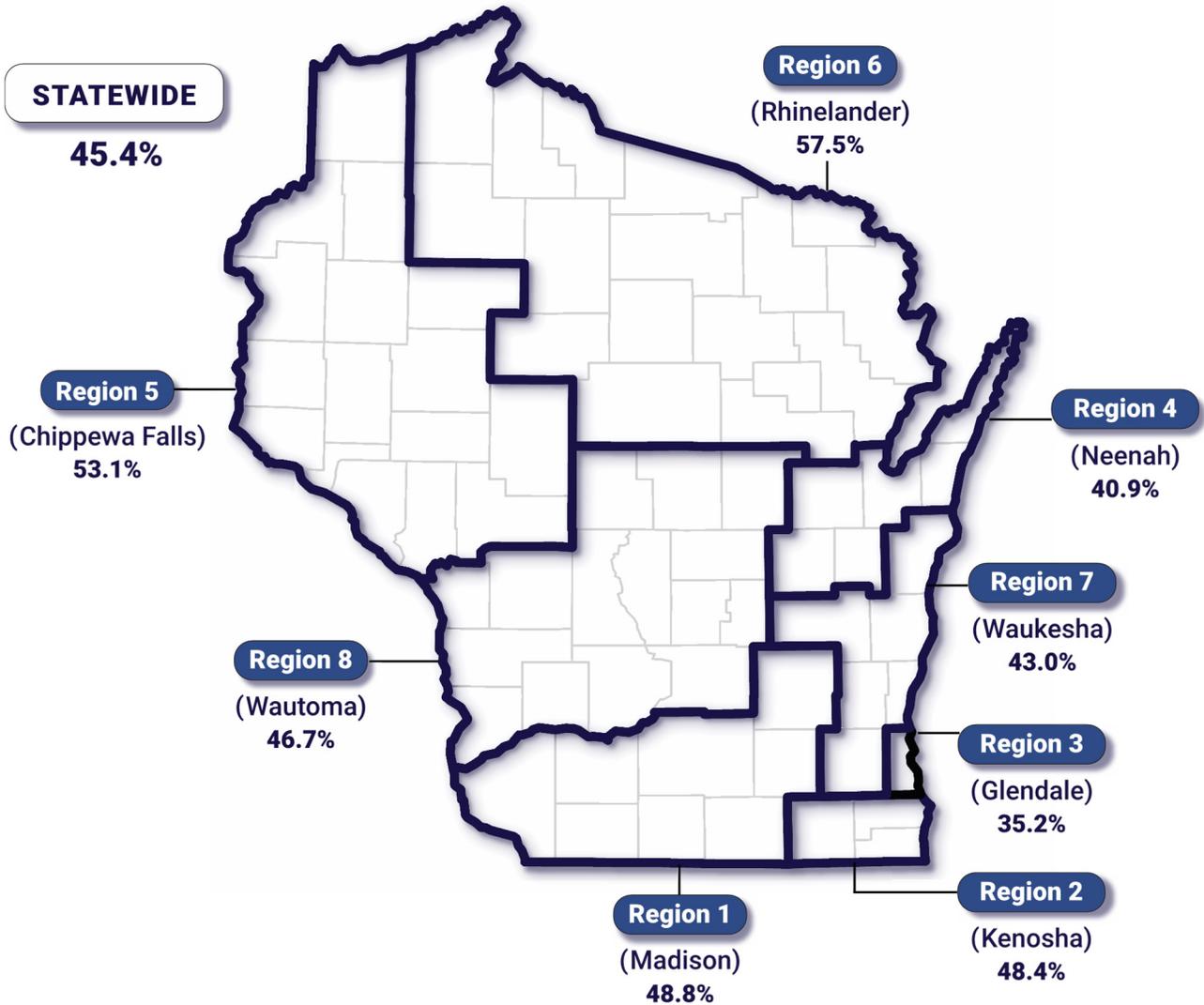
Individuals who meet all service requirements, such as attending meetings and participating during AODA treatment, are considered to have successfully completed the service. Successful completion does not necessarily indicate a service need was adequately addressed. For example, an individual may attend treatment meetings but continue to abuse alcohol or another drug.

From January 2019 through December 2021, individuals successfully completed 45.4 percent of program services DOC paid for or provided.

From January 2019 through December 2021, individuals successfully completed 45.4 percent of program services DOC paid for or provided, as shown in Figure 14. We found considerable differences among the regions in the extent to which individuals successfully completed such services. The proportion of services that were successfully completed ranged from 35.2 percent in Region 3 (Glendale) to 57.5 percent in Region 6 (Rhineland).

Figure 14

**Successfully Completed Program Services Paid for or Provided by DOC,
as a Proportion of All Such Program Services**
January 2019 through December 2021



The proportion of program services that DOC paid for or provided and that individuals completed successfully varied considerably by the race of the individuals.

We found that the proportion of program services that DOC paid for or provided and that individuals completed successfully varied considerably by the race of the individuals. For services completed from January 2019 through December 2021, this proportion was:

- 50.5 percent for Asian or Pacific Islander individuals;
- 49.9 percent for White individuals;

- 41.6 percent for American Indian or Alaskan Native individuals; and
- 36.8 percent for Black individuals.

The proportion of program services that DOC paid for or provided and that individuals completed successfully also varied considerably by the age of the individuals. From January 2019 through December 2021, the proportion of such services that were completed successfully varied from 36.7 percent for individuals aged 25 or younger to 56.1 percent for individuals aged 50 or older.

DOC's central office indicated it does not track the extent to which program services are successfully completed based on demographic factors, in part, because employment barriers, program types, and other factors may have more-significant effects on success rates.

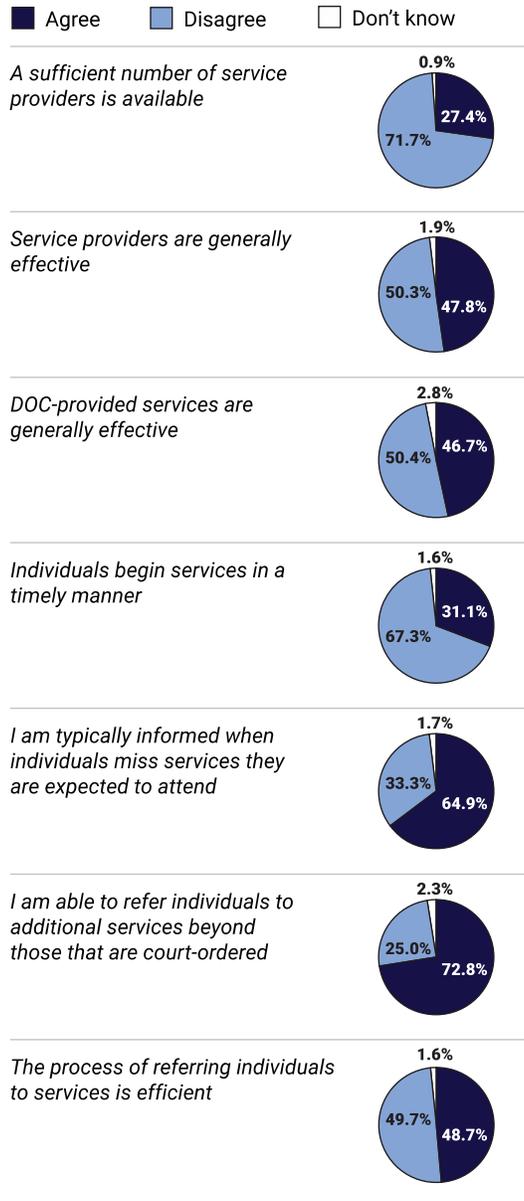
Providers of Program Services

DOC agents indicated the availability of program services in some areas of the state is limited.

From January 2019 through December 2021, entities other than DOC provided 90.7 percent of all program services for which DOC paid. DOC agents indicated the availability of program services in some areas of the state is limited by provider staffing shortages and other factors. Agents indicated mental health services, particularly those that also address AODA issues, are insufficiently available throughout the state. As shown in Figure 15, most agents who responded to our survey indicated an insufficient number of providers were available in their regions. Approximately one-half of agents indicated program service providers and DOC-provided services are generally effective.

Figure 15

Proportion of DOC Agents Who Agreed with Certain Statements about Program Services in Their Regions¹



¹ According to between 567 and 573 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

Contract Oversight

Policies require regions to document in contract logs their interactions with providers of program services paid for by DOC, as well as any contractual issues that occur. Contract logs are intended to document when DOC referred individuals for program services, conveyed complaints from individuals about the services, discussed contractual noncompliance, and provided feedback about provider performance.

In response to our request for all contract logs from January 2022 through September 2022, DOC provided contract logs for seven regions but did not provide them for Region 7 (Waukesha). DOC's central office indicated it was unaware this region did not document its interactions with service providers but planned to require this region to document them in the future.

DOC should develop a plan to regularly review contract logs maintained by each region.

DOC should develop a plan to regularly review the contract logs maintained by each region in order to ensure interactions with providers of services are consistently documented, as required by policies. Doing so will help to ensure DOC conveys important information about provider performance.

Recommendation

We recommend the Department of Corrections:

- *develop a plan to regularly review contract logs maintained by each region in order to ensure interactions with providers of services are consistently documented; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Need for Assistance

Larger proportions of DOC agents responding to our survey indicated some, most, or all individuals needed various types of assistance than received them.

Our survey asked DOC agents to indicate the extent to which individuals they supervised need but do not receive certain types of assistance. Provision of assistance such as food and childcare may not be facilitated by DOC. As shown in Table 6, larger proportions of agents indicated some, most, or all of the individuals they supervised need assistance than the proportions who indicated such individuals receive assistance. As noted, 19.6 percent of individuals received program services paid for or provided by DOC from January 2019 through December 2021.

Table 6

**Extent to Which Individuals under Community Supervision
Need and Receive Assistance¹**

Type of Assistance	Proportion of DOC Agents Who Indicated Some, Most, or All Individuals They Supervised:	
	Need Assistance	Receive Assistance
Alcohol or Drug Treatment	95.1%	86.4%
Finding Employment	90.2	67.4
Mental Healthcare	90.2	66.9
Housing	89.5	51.6
Job Training	78.7	44.4
Obtaining Valid Identification	67.3	42.5
Education	64.7	39.7
Other Healthcare	58.8	43.9
Obtaining Food	50.4	50.2
Childcare	38.0	21.7

¹ According to between 567 and 574 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

Our survey asked individuals to indicate the extent to which they needed various types of assistance when they had started their current or most-recent period of community supervision, as well as the extent to which they needed such assistance at the time of our survey. As shown in Table 7, lower proportions of individuals indicated they needed each type of assistance at the time of our survey, compared to when they had started community supervision.

Table 7

Proportion of Individuals under Community Supervision Who Indicated They Needed Various Types of Assistance¹

Type of Assistance	Percentage of Individuals Who Indicated They Needed Assistance:	
	When They Had Started Community Supervision	At the Time of Our Survey
Alcohol or Drug Treatment	36.5%	15.9%
Mental Healthcare	44.1	25.6
Finding Employment	34.2	17.3
Obtaining Food	35.6	19.2
Housing	32.6	20.5
Obtaining Valid Identification	21.9	9.8
Other Healthcare	30.7	19.5
Physical Safety	17.6	10.3
Education	16.7	13.6
Childcare	6.3	5.1
Job Training	15.1	14.2

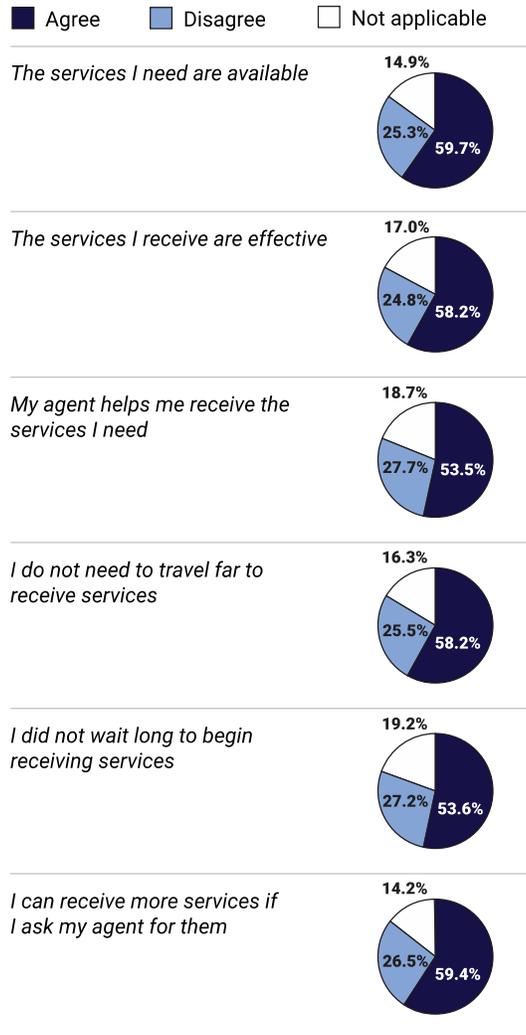
¹ According to between 206 and 226 individuals who responded to our August 2022 survey, depending on the question. In total, 4.6 percent of individuals responded to our survey.

More than one-half of individuals responding to our survey indicated the program services they needed were available and effective.

If individuals indicated their DOC agents had helped them to obtain program services, our survey asked them to indicate their agreement with certain statements. As shown in Figure 16, more than one-half of individuals responding to our survey indicated the program services they needed were available and effective.

Figure 16

Proportion of Individuals under Community Supervision Who Agreed with Certain Statements about Their Program Services¹



¹ According to between 151 and 155 individuals who responded to our August 2022 survey, depending on the question. In total, 4.6 percent of individuals responded to our survey.

Public Health Emergency

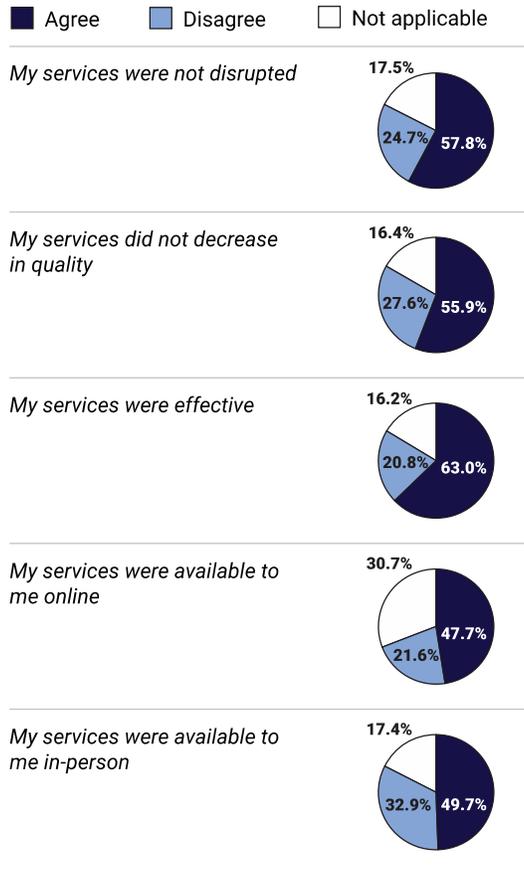
The public health emergency made it more challenging for DOC to administer the program and affected the provision of program services. In March 2021, DOC established policies requiring online program services to follow the same standards and curriculum as in-person services. Some DOC agents indicated concerns with the effectiveness of online services, including because they believe some individuals under community supervision engage more actively with in-person services than with online services. However, agents also indicated online services are more accessible because they require less travel and are less disruptive to the lives of individuals.

More than one half of the individuals responding to our survey indicated their program services were not disrupted or did not decrease in quality during the public health emergency.

As shown in Figure 17, more than one-half of the individuals who responded to our survey indicated their program services were not disrupted or did not decrease in quality during the public health emergency.

Figure 17

Proportion of Individuals under Community Supervision Who Agreed with Certain Statements about Their Program Services during the Public Health Emergency¹



¹ According to between 152 and 155 individuals who responded to our August 2022 survey, depending on the question. In total, 4.6 percent of individuals responded to our survey.

Effectiveness of Program Services

Statutes require DOC to evaluate the effectiveness of program services.

Statutes require DOC to develop a system for monitoring individuals who received program services in order to evaluate the effectiveness of such services in decreasing the rates of arrest, conviction, and imprisonment. We found that DOC had evaluated the effectiveness of only a small number of types of program services.

In 2021, DOC reviewed residential program services for which it pays. DOC compared the extent to which individuals who completed such services from July 2015 through June 2020 subsequently committed new crimes or returned to correctional institutions with the extent to

which individuals who did not receive them did so. DOC found that successful completion of residential program services did not affect the extent to which individuals were convicted of new crimes or returned to correctional institutions. However, DOC found that individuals who successfully completed such services offered by a specific provider were less likely to be reconvicted or returned to prison, compared to individuals who did not receive such services. After completing the review, DOC indicated it modified how residential program services are provided, including by matching individuals to providers that best meet their needs.

DOC annually publishes a recidivism reduction report. The FY 2021-22 report indicated DOC assessed two DOC-provided services that begin while individuals are incarcerated and continue after they enter community supervision. The report indicated individuals who successfully completed either of these two services were less likely to be re-incarcerated than individuals who did not complete them. In November 2022, DOC indicated it had not similarly reviewed other types of services but intended to do so in the future.

DOC should improve how it evaluates the effectiveness of program services.

DOC should improve how it evaluates the effectiveness of program services. First, DOC should centrally collect non-confidential data on all court-ordered program services, such as the names of the service providers and indications of whether individuals under community supervision completed the services, regardless of whether DOC pays for or provides the services. Doing so will allow DOC to ascertain the extent to which individuals complete such services throughout the state as well as whether individuals are more likely to complete program services paid for or provided by DOC, compared to services DOC does not pay for or provide. As noted, administrative rules require DOC to ensure that individuals complete all court-ordered services, and centrally collecting data on all such services will allow DOC to determine the extent to which additional funds would be needed in order for it to pay for or provide all such services. Second, DOC should develop a multi-year plan for complying with statutes by evaluating the effectiveness of program services at decreasing the rates of arrest, conviction, and imprisonment. Such a plan should include all court-ordered program services, even if DOC does not pay for or provide them, because DOC is responsible for ensuring that individuals complete such services. Evaluating program services will allow DOC to identify whether particular types of services or providers are more effective than others. DOC should use the evaluation results to improve program services.

☑ Recommendation

We recommend the Department of Corrections:

- *centrally collect non-confidential data on all court-ordered program services provided to individuals under community supervision;*
- *develop a multi-year plan for complying with statutes by evaluating the effectiveness of program services, including all court-ordered program services, at decreasing the rates of arrest, conviction, and imprisonment;*
- *use the evaluation results to improve program services; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement these recommendations.*

■ ■ ■ ■

Violations

Policies require DOC agents to investigate allegations that individuals under community supervision violated the rules of supervision.

Policies require DOC agents to investigate allegations that individuals under community supervision violated the rules of supervision. From January 2019 through March 2022, agents substantiated that 57,253 individuals committed 388,408 violations, or an average of 6.8 violations each. Noncriminal violations of program rules accounted for more than one-half of all substantiated violations and included 102,519 violations for using drugs or alcohol. We found considerable differences among the eight regions in the extent to which agents completed investigations of individuals. We also found that 12.4 percent of investigation reports completed from January 2021 through December 2021 took longer to complete than the 10 days required by policies. We recommend DOC ensure alleged violations are consistently investigated and investigation reports are consistently completed within 10 days.

Rules of Community Supervision

DOC requires individuals to follow all laws and court-ordered rules. For example, a court may order an individual to avoid all contact with a victim of an individual's crimes or to undergo periodic drug testing. Administrative rules require individuals to follow basic program rules, such as notifying a DOC agent within 72 hours about any arrests or contacts with law enforcement. Appendix 3 summarizes the 18 basic program rules that DOC developed, based on administrative rules.

Policies allow DOC agents to create additional program rules for individuals. Policies indicate that additional rules should help to rehabilitate individuals, be related to their offenses, and protect the public. For example, an individual previously convicted of operating a

vehicle while under the influence may be required to refrain from visiting bars or consuming alcohol.

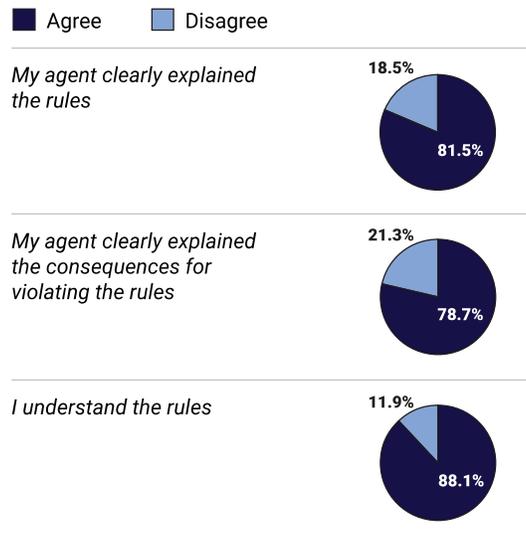
We categorized the additional rules in order to determine the requirements for individuals. A given rule could be in multiple categories. Of the 332,873 additional rules created from January 2019 through December 2021:

- 55.1 percent restricted the possession or use of items, such as computers, drugs and alcohol, or lewd images;
- 47.5 percent restricted behaviors, such as having certain relationships, entering specific locations or geographic areas, or contacting certain individuals;
- 23.4 percent specified financial requirements, such as requiring payment of supervision fees or taxes; and
- 23.1 percent required individuals to complete activities, such as mental health assessments, polygraph tests, or program services.

Our survey asked individuals to provide their perspectives on program rules. As shown in Figure 18, more than three-fourths of responding individuals indicated their DOC agents clearly explained the rules and the consequences for violating them.

Figure 18

Proportion of Individuals under Community Supervision Who Agreed with Certain Statements about Program Rules¹



¹ According to between 218 and 222 individuals who responded to our August 2022 survey, depending on the question. In total, 4.6 percent of individuals responded to our survey.

Investigations

Policies require DOC agents to investigate all alleged violations about which they are made aware. To conduct a thorough and objective investigation, policies require an agent to review relevant information from law enforcement agencies. Policies also require an agent to interview and obtain a written statement from the individual, interview any victims of or witnesses to an alleged violation, and consider relevant physical evidence.

From January 2019 through March 2022, 97.7 percent of 149,538 completed investigations substantiated that individuals had committed one or more violations.

As shown in Table 8, 97.7 percent of the 149,538 investigations that DOC agents completed from January 2019 through March 2022 substantiated that individuals had committed one or more violations.

Table 8

**Results of DOC's Investigations of Violations Allegedly Committed by
Individuals under Community Supervision**
January 2019 through March 2022

Year	Number of Investigations That:			Percentage of Investigations That Substantiated Violations
	Substantiated Violations	Did Not Substantiate Violations	Total	
2019	54,686	1,183	55,869	97.9%
2020	40,046	659	40,705	98.4
2021	41,135	1,293	42,428	97.0
2022 ¹	10,198	338	10,536	96.8
Total	146,065	3,473	149,538	97.7

¹ Through March 2022.

From January 2019 through March 2022, investigations substantiated that 57,253 individuals committed 388,408 violations.

As shown in Table 9, investigations completed from January 2019 through March 2022 substantiated that individuals had committed 388,408 violations. Noncriminal violations of program rules accounted for more than one-half of all substantiated violations and included 69,219 violations for using drugs and 33,300 violations for using alcohol. The investigations substantiated that 57,253 individuals had each committed an average of 6.8 violations.

Table 9

**Types of Violations Substantiated by DOC's Investigations of
Individuals under Community Supervision¹**
January 2019 through March 2022

Type of Violation	Number	Percentage of Total
Noncriminal Violations of Program Rules	210,183	54.1%
Criminal Drug-Related Conduct	37,924	9.8
Criminal Violent Conduct	25,620	6.6
Other Criminal Conduct	25,243	6.5
Absconding	20,928	5.4
Criminal Property Offenses	20,615	5.3
Criminal Public Order Offenses	15,354	4.0
Criminal Traffic Offenses	8,785	2.3
Criminal Sex Offenses	2,745	0.7
Other ²	21,011	5.4
Total	388,408	100.0%

¹ An investigation may determine that multiple violations were committed.

² DOC separately categorized violations committed by individuals who had previously committed certain offenses, such as operating a vehicle while under the influence.

Policies categorize each violation into one of four severity levels. For example:

- low-severity violations include lying to a DOC agent, failing to notify an agent about contact with law enforcement, and failing to comply with a court-ordered rule;
- medium-severity violations include not complying with testing, criminal possession of drugs for personal use, and absconding;
- high-severity violations include causing bodily harm to others, burglary, and fraud; and
- very high-severity violations include murder, sexual assault, and armed robbery.

A violation's severity level may depend on the criminal history of a given individual. For example, although alcohol use is typically a low-severity violation, if an individual previously convicted of

operating a vehicle while intoxicated is found to have consumed alcohol, the violation is medium-severity.

In January 2021, DOC modified the severity levels of certain violations. DOC indicated it did so in order to more accurately reflect risks to the public. For example, DOC:

- increased the severity level of certain violations committed by individuals previously convicted of domestic violence, operating a vehicle while under the influence, and sex offenses; and
- reduced the severity levels of certain violations, such as criminal trespassing, lying to agents, and misusing prescription or other medications.

As shown in Table 10, 51.9 percent of all violations substantiated from January 2019 through March 2022 were medium-severity.

Table 10

**Severity Level of Violations Substantiated by DOC's Investigations of
Individuals under Community Supervision**
January 2019 through March 2022

Severity Level	Number of Violations	Percentage of Total
Low	92,129	23.7%
Medium	201,441	51.9
High	69,695	17.9
Very High	25,143	6.5
Total	388,408	100.0%

We found considerable differences among the eight regions in the extent to which DOC agents completed investigations from January 2019 through December 2021.

We found considerable differences among the eight regions in the extent to which DOC agents completed investigations from January 2019 through December 2021, regardless of whether the investigations substantiated violations. As noted, 97.7 percent of investigations substantiated violations. As shown in Table 11, the annual proportion of all individuals investigated in a given region was consistently lowest in Region 2 (Kenosha) and consistently highest in Region 6 (Rhineland) from 2019 through 2021. DOC indicated it was unaware of these regional differences. Statewide, the annual proportion of all individuals who were investigated decreased over this three-year period.

Table 11

**Annual Proportion of Individuals under Community Supervision
Who Were Investigated by DOC Agents, by Region¹**
January 2019 through December 2021

Region ²	2019	2020	2021
1 (Madison)	39.5%	36.1%	38.3%
2 (Kenosha)	35.5	28.0	30.2
3 (Glendale)	42.6	34.4	31.9
4 (Neenah)	54.9	43.7	45.6
5 (Chippewa Falls)	48.5	37.8	37.8
6 (Rhinelander)	56.8	45.0	48.5
7 (Waukesha)	42.3	34.3	34.2
8 (Wautoma)	52.5	42.6	44.0
Statewide	46.4	37.5	38.3

¹ Includes completed investigations.

² Figure 1 shows the counties in each region.

The extent to which DOC agents completed investigations from January 2019 through December 2021 varied considerably by the race of the individuals investigated. We found that:

- 61.7 percent of American Indian or Alaskan Native individuals were investigated;
- 46.5 percent of Black individuals were investigated;
- 41.0 percent of White individuals were investigated; and
- 35.9 percent of Asian or Pacific Islander individuals were investigated.

Our review of the 50 case files indicated DOC agents did not consistently investigate alleged violations. Information in the case files for 21 of the 50 individuals (42.0 percent) indicated agents were aware of but did not investigate at least one alleged violation, such as failing to attend scheduled meetings and using alcohol or drugs. One agent did not investigate 13 alleged violations of one individual, including 10 instances when the individual did not attend scheduled meetings and 3 instances when the individual admitted to using methamphetamine. The case files indicated agents verbally warned individuals after learning about some alleged violations that were not investigated.

Some DOC agents indicated to us that they do not believe it is feasible to investigate all alleged violations. For example, agents indicated they have insufficient time to investigate all allegations of individuals using marijuana.

DOC should ensure violations are consistently investigated.

DOC should ensure violations are consistently investigated. Doing so will help to ensure DOC agents appropriately respond to violations.

☑ Recommendation

We recommend the Department of Corrections:

- *ensure alleged violations are consistently investigated; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Timely Completion of Investigation Reports

Policies require DOC agents to complete investigation reports that include information such as the consequences that will be imposed on individuals under community supervision who have committed violations. Policies require agents to start these reports as soon as possible after the agents are made aware of the violations.

In January 2021, DOC modified its policies to require agents to complete investigation reports within 10 days of starting them, but the policies permit additional time to complete reports in some situations, such as if an individual absconds. DOC indicated it modified its policies because no requirement previously existed for completing the reports within a specified amount of time, and it determined that its agents had not completed a large number of reports. Policies indicate that timely report completion helps to ensure consequences are appropriate.

From January 2021 through December 2021, 12.4 percent of investigation reports took longer than the 10 days required by policies to complete.

We reviewed DOC's data to determine how often investigation reports that resulted from substantiated violations took longer than 10 days to complete, excluding reports that policies permitted to take longer than 10 days. We found that:

- from January 2020 through December 2020, 11.8 percent of investigation reports took longer than 10 days to complete; and
- from January 2021 through December 2021, 12.4 percent of investigation reports took longer than the 10 days required by policies to complete, including 488 reports that took longer than 90 days to complete.

The proportion of investigation reports that took longer than 10 days to complete varied considerably among the eight regions in 2021.

We found that the proportion of investigation reports that took longer than 10 days to complete varied considerably among the eight regions in 2021, ranging from 5.7 percent in Region 3 (Glendale) to 19.5 percent in Region 5 (Chippewa Falls). DOC indicated it did not centrally track whether reports are completed within 10 days because regional offices are responsible for ensuring compliance with its policy.

DOC agents indicated investigation reports may not be completed within 10 days for a variety of reasons, including high workloads, competing work priorities, and the need for additional time to complete some investigations. Agents indicated they are at times unable to obtain in a timely manner all necessary investigative information from law enforcement agencies, witnesses, and others.

DOC should ensure investigation reports are consistently completed within 10 days.

DOC should ensure investigation reports are consistently completed within 10 days. Doing so will help to ensure that consequences are timely and appropriate. In addition, DOC should consider modifying its policies to specify additional situations when agents are permitted additional time to complete reports.

☑ Recommendation

We recommend the Department of Corrections:

- *ensure investigation reports are consistently completed within 10 days;*
- *consider modifying its policies to specify additional situations when parole and probation agents are permitted additional time to complete investigation reports; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement these recommendations.*

■ ■ ■ ■

Violation Consequences

DOC agents determine the consequences for individuals under community supervision who violated laws, court-ordered rules, or program rules.

After completing investigations, DOC agents determine the consequences for individuals under community supervision who violated laws, court-ordered rules, or program rules. Consequences range from verbal warnings to jail time or revocation. From January 2019 through March 2022, 168,066 consequences were imposed on individuals. Policies include a framework that recommends consequence levels based on an individual's risk level and a violation's severity level, but they allow these levels to be overridden if agents specify aggravating or mitigating factors. We found agents did not specify such factors in 20.2 percent of the 48,493 investigations that resulted in overrides. We also found considerable differences among the eight regions in the extent to which overrides occurred and when several types of consequences were imposed. Many agents who responded to our survey indicated dissatisfaction with how consequences are determined, including three-quarters of responding agents who indicated the violation consequences required by policies were too lenient after January 2021. We recommend DOC consistently identify in its data all community-based alternatives to revocation and develop a multi-year plan for complying with statutes by reviewing consequences it imposed.

Determining Consequences

Policies indicate consequences should hold individuals accountable and reduce the likelihood that they commit additional violations. Policies indicate a consequence should be based on:

- an individual's risk level, as determined by a risk and needs assessment that categorizes an individual as low, medium, or high risk; and

Policies include a framework that recommends low-, medium-, high-, or very high-level consequences.

- a violation's severity level, as determined by policies that categorize each violation as low, medium, high, or very high level.

Policies include a framework that recommends low-, medium-, high-, or very high-level consequences, based on an individual's risk level and a violation's severity level. DOC agents can impose a variety of consequences for each consequence level. For example:

- low-level consequences include community service, verbal warnings, and up to 3 days of house arrest;
- medium-level consequences include up to 20 days of jail time, electronic monitoring for less than 60 days, and travel restrictions;
- high-level consequences include up to 44 days of jail time, electronic monitoring for 60 days or more, and revocation of community supervision; and
- very high-level consequences include up to 90 days of jail time and revocation of community supervision.

DOC's data indicated the recommended consequence levels for 133,956 investigations that agents completed from January 2019 through March 2022 and that substantiated violations. As shown in Table 12, the results of:

- 46,444 investigations (34.7 percent) recommended a high-level consequence;
- 44,906 investigations (33.5 percent) recommended a medium-level consequence;
- 29,949 investigations (22.4 percent) recommended a low-level consequence; and
- 12,657 investigations (9.4 percent) recommended a very high-level consequence.

Table 12

Recommended Consequences of Completed Investigations¹

January 2019 through March 2022

Consequence Level



Violation Severity Level	Risk Level of Individuals under Community Supervision ²			Total
	Low	Medium	High	
Low	6,163 investigations	8,094 investigations	3,961 investigations	18,218
Medium	15,692 investigations	33,062 investigations	16,613 investigations	65,367
High	7,883 investigations	16,809 investigations	9,381 investigations	34,073
Very High	3,641 investigations	7,712 investigations	4,945 investigations	16,298
Total	33,379	65,677	34,900	133,956

¹ Investigations that resulted in substantiated violations.

² Excludes investigations of individuals designated very high risk because DOC eliminated this designation in January 2021 and individuals for whom DOC's data did not indicate the risk level.

Overrides of Recommended Consequence Levels

Policies allow DOC to override the recommended consequence level.

Policies allow DOC to override or change the recommended consequence level. Policies allow agents to override a recommended consequence by one level, such as from medium to high, with a supervisor's approval. Overrides to change a recommended consequence level by multiple levels, such as from low to high, require approval from regional offices.

In January 2021, DOC modified its policies for determining consequences. DOC added consequences that agents could impose, such as restricting social media and prohibiting individuals from contacting specified other individuals. DOC also adjusted the consequence levels under which agents could impose certain consequences, such as jail time and house arrest. DOC indicated these modifications were informed by past practices, including to take into account situations when recommended consequence levels were often overridden.

The proportion of investigations that resulted in overrides of the recommended consequence levels declined from 38.8 percent in 2019 to 27.2 percent in 2021.

As shown in Table 13, the proportion of investigations that resulted in overrides of the recommended consequence levels declined from 38.8 percent in 2019 to 27.2 percent in 2021. Agents indicated overrides can be necessary when risk assessments do not accurately determine risk levels, such as for individuals who committed sex offenses or domestic violence offenses. Some agents indicated they requested overrides less frequently than in prior years, in part, because they believe such requests may not be approved, particularly when approval is needed from regional offices. DOC indicated agents are obligated to request overrides if they believe overrides should be pursued. From January 2021 through March 2022, the consequence level was increased after 11,126 investigations (21.7 percent) and decreased after 2,851 investigations (5.6 percent).

Table 13

Overrides of the Recommended Consequence Levels¹
January 2019 through March 2022

Year	Investigations That Resulted in Overrides	Investigations That Substantiated Violations	Percentage That Resulted in Overrides
2019	21,107	54,438	38.8%
2020	13,409	39,818	33.7
2021	11,148	40,976	27.2
2022 ²	2,829	10,167	27.8

¹ DOC's data did not indicate whether an override had occurred after 666 investigations that substantiated violations.

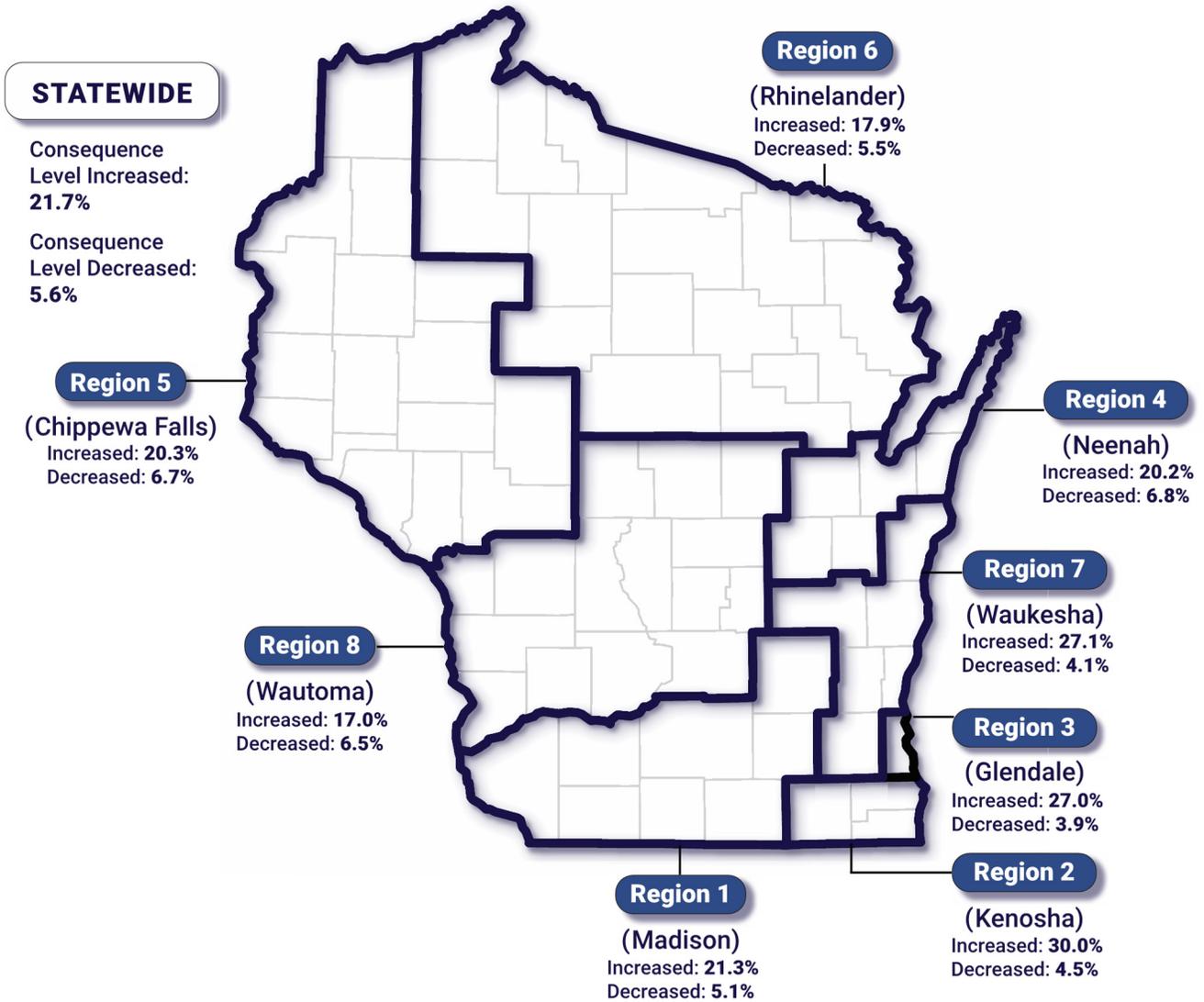
² Through March 2022.

Considerable differences existed among the regions in the extent to which the consequence levels were overridden from January 2021 through March 2022.

We found considerable differences among the regions in the extent to which the consequence levels were overridden from January 2021 through March 2022. As shown in Figure 19, the proportion of investigations resulting in overrides that increased the consequence level ranged from 17.0 percent in Region 8 (Wautoma) to 30.0 percent in Region 2 (Kenosha). DOC indicated it monitored statewide override trends but did not monitor differences among the regions.

Figure 19

Overrides of Recommended Consequence Levels, by Region
 January 2021 through March 2022



Policies require DOC agents to identify aggravating or mitigating factors that justify the overrides. Aggravating factors include extreme cruelty or injury to a victim or the use of a weapon when committing a violation. Mitigating factors include extenuating circumstances, such as an individual lacking mental or physical capacity for judgement, based on a medically determined impairment.

DOC's data indicated agents did not identify aggravating and mitigating factors in 20.2 percent of all 48,493 investigations that

resulted in overrides from January 2019 through March 2022. We found considerable differences among the eight regions. The extent to which agents did not identify such factors ranged from 9.4 percent in Region 6 (Rhineland) to 30.6 percent in Region 2 (Kenosha). DOC indicated it did not monitor whether agents identified such factors.

DOC should ensure agents consistently identify aggravating or mitigating factors when requesting to override a recommended consequence level.

DOC should ensure agents consistently identify aggravating or mitigating factors when requesting to override a recommended consequence level. Doing so will help ensure appropriate justifications exist for changing a recommended consequence level.

Recommendation

We recommend the Department of Corrections:

- *ensure parole and probation agents consistently identify aggravating or mitigating factors when requesting to override a recommended consequence level; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Types of Consequences

We used DOC's data to categorize the consequences imposed on individuals who had committed violations, including:

- jail holds, which are imposed for various reasons before and after investigations are completed and which confine individuals in county jails for up to 60 days;
- revocation from community supervision;
- formal communications, such as receiving written warnings or writing apology letters to victims;
- increased supervision, such as assigning individuals to higher risk levels and requiring them to meet more frequently with DOC agents;
- short-term sanctions, which are imposed only after investigations are completed and confine individuals in county jails for up to 90 days;

- geographic monitoring or restriction, such as requiring electronic monitoring, travel restrictions, and house arrest; and
- rule changes, such as requiring individuals to adhere to curfews or follow additional rules.

From January 2019 through March 2022, DOC imposed 168,066 consequences on individuals.

As shown in Table 14, DOC imposed 168,066 consequences on individuals from January 2019 through March 2022. One violation can result in one or more consequences, and multiple violations can result in one or more consequences.

Table 14

Consequences DOC Imposed on Individuals under Community Supervision
January 2019 through March 2022

Consequence	Number ¹	Percentage of Total
Jail Hold	47,734	28.4%
Revocation	26,194	15.6
Formal Communication	25,310	15.1
Increased Supervision	20,592	12.3
Short-Term Sanction	14,236	8.5
Geographic Monitoring or Restriction	14,151	8.4
Rule Change	11,698	7.0
Other ²	8,151	4.8
Total	168,066	100.0%

¹ DOC's data did not indicate the consequences for 1,092 investigations.

² Includes community service, loss of privileges, and required payment of fees.

Jail Holds

Statutes allow DOC to temporarily hold individuals in county jails. Individuals may be held in jail while agents complete investigations into alleged violations, while individuals await treatment, or as a consequence for substantiated violations. In addition, DOC's electronic monitoring center can request law enforcement to hold individuals in jail because of certain interactions with law enforcement.

DOC's evidence-based response to violations project seeks to reduce the number of jail holds. In January 2021, DOC modified its policies to indicate that, in general, an individual should be placed on a jail hold

only if the public is at an increased risk by not holding the individual in jail.

The proportion of investigations involving jail holds decreased from 38.2 percent in 2019 to 28.8 percent in 2021.

As shown in Table 15, the proportion of investigations involving jail holds decreased from 38.2 percent in 2019 to 28.8 percent in 2021. Much of this decrease occurred in 2020, when the public health emergency began but before DOC modified its policies in January 2021.

Table 15

Jail Holds Imposed on Individuals under Community Supervision
Investigations Completed from January 2019 through March 2022

Year	Investigations Involving Jail Holds	Total Investigations ¹	Percentage of Total Investigations
2019	21,146	55,319	38.2%
2020	12,902	39,666	32.5
2021	12,028	41,758	28.8
2022 ²	2,854	10,386	27.5

¹ Excludes 2,409 investigations for which DOC's data did not indicate whether jail holds were imposed on individuals.

² Through March 2022.

Some DOC agents indicated that imposing jail holds only when there is an increased risk to the public makes it difficult for some individuals to stop abusing alcohol or drugs. However, agents also indicated that some individuals are more honest about using drugs because they are less concerned about being sent to jail. Agents indicated they imposed fewer jail holds during the public health emergency because some counties restricted the extent to which they accepted individuals on jail holds.

DOC's electronic monitoring center can request law enforcement to hold individuals in jail. Policies require the center to issue a hold if law enforcement indicates an individual has exhibited assaultive or threatening behavior or if law enforcement intends to file felony charges against an individual. The center may request that law enforcement apprehend an individual who is not already in custody.

DOC's data indicated the electronic monitoring center did not issue hold or apprehension requests after 2,034 of 23,436 calls (8.7 percent) from law enforcement from January 2019 through December 2021, despite the calls involving individuals who exhibited assaultive or threatening behavior or against whom law enforcement intended to file felony charges. DOC indicated a hold or apprehension request may not be issued in these situations if an individual is hospitalized, not medically cleared to be taken to jail, or taken into custody based on a prior apprehension request. However, we question whether such circumstances existed for all 2,034 calls. Toward the end of our audit, DOC provided us with summary information indicating its data were inaccurate and its electronic monitoring center had appropriately issued holds and apprehension requests after most, but not all, of these 2,034 calls.

DOC should ensure its electronic monitoring center consistently issues holds or apprehension requests in certain situations.

DOC should ensure its electronic monitoring center consistently issues holds or apprehension requests when individuals exhibit assaultive or threatening behavior or law enforcement indicates it intends to file felony charges against individuals. Doing so will help to ensure that public safety is maintained.

☑ Recommendation

We recommend the Department of Corrections:

- *ensure its electronic monitoring center consistently issues holds or apprehension requests when individuals under community supervision exhibit assaultive or threatening behavior or law enforcement indicates it intends to file felony charges against individuals; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Short-Term Sanctions

Statutes permit DOC to confine an individual for up to 90 days in a county jail or regional detention facility. In January 2021, DOC modified its policies to require agents to impose short-term sanctions whenever individuals are eligible for revocation of a community placement, based on the violations they committed, but the length of time they would be incarcerated would be less than one year. Before January 2021, agents were required to only consider imposing short-term sanctions in such situations. A memorandum of understanding between DOC and a given county is typically required to send individuals to jail on a short-term sanction.

The proportion of investigations that resulted in short-term sanctions increased from 8.9 percent in 2019 to 12.4 percent in 2021.

As shown in Table 16, the proportion of investigations that resulted in short-term sanctions increased from 8.9 percent in 2019 to 12.4 percent in 2021. This increase may have occurred, in part, because of the policy modification DOC made in January 2021.

Table 16

Short-Term Sanctions Imposed on Individuals under Community Supervision
 Investigations Completed from January 2019 through March 2022

Year	Number of Investigations That:		Percentage
	Resulted in Short-Term Sanctions	Substantiated Violations ¹	
2019	4,871	54,483	8.9%
2020	3,064	39,269	7.8
2021	5,079	41,114	12.4
2022 ²	1,210	10,198	11.9

¹ Excludes 1,001 investigations for which DOC's data did not indicate whether short-term sanctions were imposed on individuals.

² Through March 2022.

Revocations

With approval from an administrative law judge, statutes allow DOC to revoke the community placement of an individual who violated laws, court-ordered rules, or program rules. DOC's evidence-based response to violations project seeks to reduce the use of revocations. In January 2021, DOC modified its policies to indicate that if an individual has abused alcohol or drugs but has not violated any other law or rules, agents can consider revocation only after attempting all treatment options.

The proportion of investigations that resulted in revocations decreased from 19.1 percent in 2019 to 15.5 percent in 2021.

As shown in Table 17, the proportion of investigations that resulted in revocations decreased from 19.1 percent in 2019 to 15.5 percent in 2021. Much of this decrease occurred in 2021, after DOC modified its policies in January 2021.

Table 17

Revocations Imposed on Individuals under Community Supervision
Investigations Completed from January 2019 through March 2022

Year	Number of Investigations That:		Percentage
	Resulted in Revocations	Substantiated Investigations ¹	
2019	10,406	54,483	19.1%
2020	7,691	39,269	19.6
2021	6,368	41,114	15.5
2022 ²	1,646	10,198	16.1

¹ Excludes 1,001 investigations for which DOC's data did not indicate whether revocations were imposed on individuals.

² Through March 2022.

We examined individuals who were assessed to be at a high risk level and who committed violations of a high severity level, and we then determined the extent to which such individuals of different races had their community placements revoked. We found:

- 28.2 percent of White individuals received revocations;
- 33.8 percent of Black individuals received revocations; and
- 34.2 percent of American Indian or Alaskan Native individuals received revocations.

We also determined the extent to which such individuals of different ages had their community placements revoked. We found that:

- 27.2 percent of individuals aged 60 and older received revocations;
- 30.4 percent of individuals aged 40 to 59 received revocations;
- 30.3 percent of individuals aged 21 to 39 received revocations; and
- 35.5 percent of individuals under the age of 21 received revocations.

Alternatives to Revocation

Policies allow DOC agents to impose alternatives to revocation if revocation is an appropriate violation consequence but an individual has unmet service needs. Alternatives include, but are not limited to, placement in a correctional institution or with a residential service provider to receive services, enhanced electronic or alcohol monitoring combined with the provision of services, participation in an outpatient treatment program, and transitional housing services.

DOC's evidence-based response to violations project seeks to increase the use of community-based, rather than institution-based, alternatives to revocation. Some DOC agents believe community-based alternatives are often more beneficial than institution-based alternatives, but other agents believe community-based alternatives are less effective because individuals are more likely to abscond. DOC indicated its data do not consistently identify when agents impose community-based alternatives to revocation.

The proportion of investigations that resulted in alternatives to revocation decreased from 8.4 percent in 2019 to 3.9 percent in 2021.

As shown in Table 18, the proportion of investigations that resulted in alternatives to revocation decreased from 8.4 percent in 2019 to 3.9 percent in 2021, according to DOC's data.

Table 18

Alternatives to Revocation Imposed on Individuals under Community Supervision¹ Investigations Completed from January 2019 through March 2022

Year	Number of Investigations That:		Percentage
	Resulted in Alternatives to Revocation	Substantiated Violations ²	
2019	4,576	54,686	8.4%
2020	2,782	40,045	6.9
2021	1,615	41,134	3.9
2022 ³	303	10,197	3.0

¹ DOC's data do not consistently identify when alternatives to revocation are imposed.

² Excludes three investigations for which DOC's data did not indicate whether alternatives to revocation were imposed on individuals.

³ Through March 2022.

DOC should consistently identify in its data all community-based alternatives to revocation.

DOC should consistently identify in its data all community-based alternatives to revocation. Because this information is not consistently identified, DOC’s central office does not know whether it is increasing the use of community-based alternatives to revocation, which is a goal of its evidence-based response to violations project.

☑ Recommendation

We recommend the Department of Corrections:

- *consistently identify in its data all community-based alternatives to revocation; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Variations in the Use of Consequences

We found considerable differences among the eight regions in the use of several types of consequences as a result of investigations completed in 2021.

As shown in Table 19, we found considerable differences among the eight regions in the use of several types of consequences as a result of investigations completed in 2021. For example, the proportion of completed investigations that resulted in jail holds ranged from 38.2 percent in Region 5 (Chippewa Falls) to 19.4 percent in Region 3 (Glendale). DOC indicated factors such as whether counties contracted with it to jail individuals on short-term sanctions may explain some of these variations.

Table 19

Variation among DOC Regions in the Use of Certain Consequences
Investigations Completed in 2021

Consequence	Highest Proportion of Investigations Resulting in a Given Consequence		Lowest Proportion of Investigations Resulting in a Given Consequence	
	Region ¹	Percentage	Region ¹	Percentage
Jail Holds	5 (Chippewa Falls)	38.2%	3 (Glendale)	19.4%
Revocations	3 (Glendale)	26.0	8 (Wautoma)	10.1
Short-Term Sanctions	2 (Kenosha)	20.8	6 (Rhinelander)	7.2
Alternatives to Revocation	3 (Glendale)	6.3	4 (Neenah)	1.6

¹ Figure 1 shows the counties in each region.

Reviewing Consequences Imposed

DOC did not comprehensively comply with statutes by reviewing the consequences it imposed.

Statutes require DOC to review the consequences it imposed in order to assess differences among consequences, evaluate the effectiveness of consequences, and monitor the effect of consequences on the number of revocations. We found that DOC did not comprehensively comply with this statutory requirement.

DOC indicated it considers the effectiveness of consequences through an annual recidivism report. DOC's August 2021 report, which was the most-recent report available during our audit, analyzed recidivism rates by a number of factors, including the race, age, and gender of individuals. However, this report did not analyze recidivism rates based on the consequences imposed on individuals. In November 2022, DOC determined the most frequently imposed consequences from 2019 through 2021 and the differences among the regions in the number of jail holds and short-term sanctions imposed. However, DOC did not review whether differences existed among the regions for other types of consequences, evaluate the effectiveness of consequences, or determine whether consequences affected the number of revocations. DOC indicated it plans to complete additional reviews of consequences but that it requires up to three years of data before it can do so meaningfully.

Other states have reviewed their use of consequences. For example, the Iowa Department of Corrections in 2020 analyzed the extent to which it imposed revocations on various races of individuals. In addition, an article in the *Journal of Criminal Justice* in 2015 analyzed the length of time between when individuals received consequences and when they committed subsequent violations.

DOC should develop a multi-year plan for complying with statutes by reviewing consequences it imposed.

DOC should develop a multi-year plan for complying with statutes by reviewing consequences it imposed in order to assess differences among consequences, evaluate the effectiveness of consequences, and monitor the effect of consequences on the number of revocations. Evaluating consequences will allow DOC to identify whether certain consequences are more effective than others in reducing recidivism. DOC should use the results of these reviews to improve its use of consequences.

Recommendation

We recommend the Department of Corrections:

- *develop a multi-year plan for complying with statutes by reviewing consequences it imposed in order to assess differences among consequences, evaluate the effectiveness of consequences, and monitor the effect of consequences on the number of revocations;*

- use the results of these reviews to improve its use of consequences; and
- report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement these recommendations.

Opinions of DOC Agents, Sheriffs, and Individuals

We surveyed DOC agents, sheriffs, and individuals under community supervision for their opinions about certain issues pertaining to violation consequences.

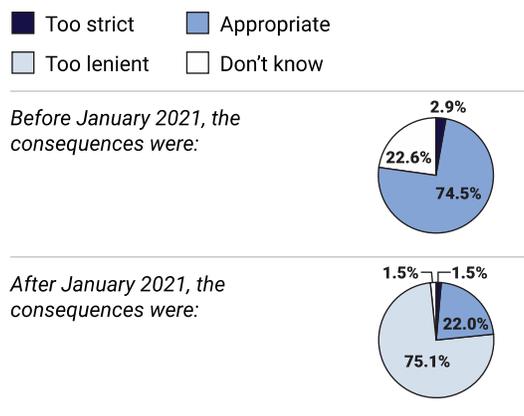
DOC Agents

Less than one-fourth of DOC agents who responded to our survey indicated the violation consequences required by policies were appropriate after January 2021.

As shown in Figure 20, 74.5 percent of DOC agents who responded to our survey indicated the violation consequences required by policies were appropriate before January 2021. In contrast, 22.0 percent of responding agents indicated the violation consequences required by policies were appropriate after January 2021, when DOC modified its policies to take into account its evidence-based response to violations project.

Figure 20

Opinions of DOC Agents about the Violation Consequences Required by DOC’s Policies¹



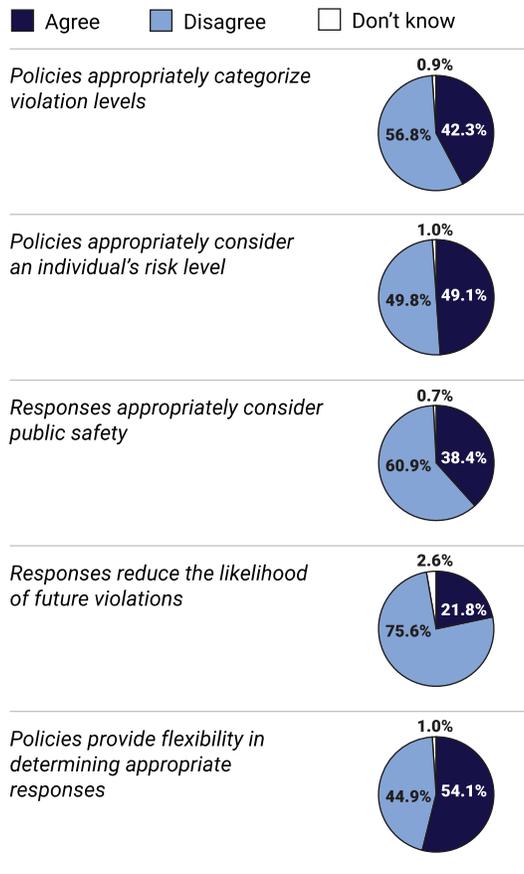
¹ According to 478 and 542 agents who responded to our September 2022 survey, depending on the question. Agents who indicated they were not employed in those positions before January 2021 did not answer questions pertaining to that time period. In total, 59.9 percent of agents responded to our survey.

Less than one-half of DOC agents indicated policies appropriately categorize violation levels, appropriately consider an individual's risk, or appropriately consider public safety.

As shown in Figure 21, less than one-half of DOC agents who responded to our survey indicated policies appropriately categorize violation levels, appropriately consider an individual's risk, or appropriately consider public safety. Less than one-fourth of agents indicated the policies reduced the likelihood of future violations, but more than one-half of agents indicated the policies provide flexibility in determining appropriate responses.

Figure 21

Proportion of DOC Agents Who Agreed with Certain Statements about How Violation Consequences Are Determined¹

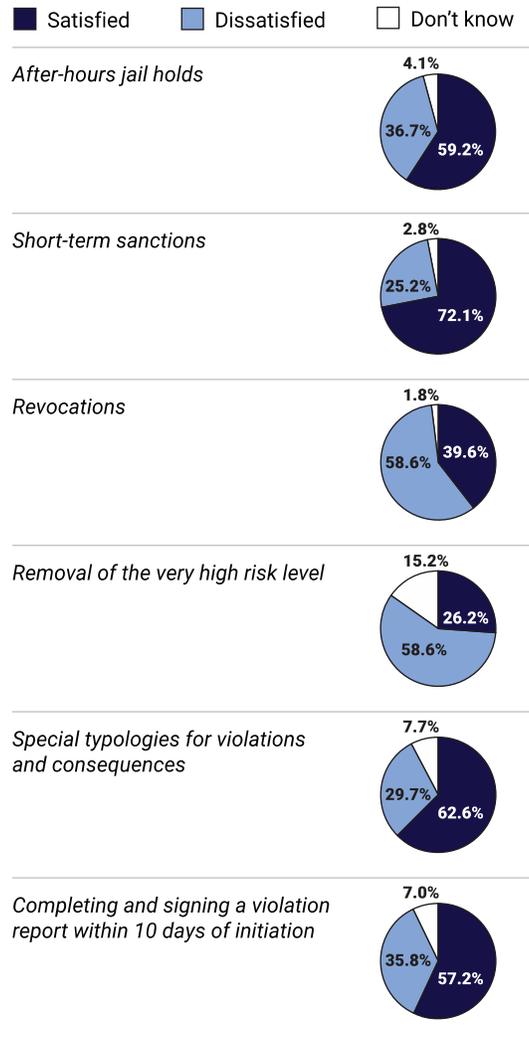


¹ According to between 587 and 588 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

As shown in Figure 22, most DOC agents who responded to our survey indicated they were satisfied with policies pertaining to after-hours jail holds and short-term sanctions. In contrast, most agents indicated they were not satisfied with policies pertaining to revocations.

Figure 22

Level of Satisfaction of DOC Agents with Certain Policies¹



¹ According to between 543 and 587 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

Many DOC agents indicated dissatisfaction with the policies.

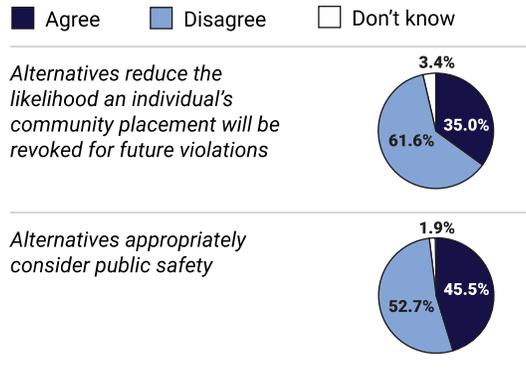
Many DOC agents indicated dissatisfaction with the evidence-based response to violations policies, including because the agents indicated the policies do not hold individuals sufficiently accountable for their actions and may put the public at increased risk. For example:

- One agent commented that “I absolutely hate this new policy. Although I consider myself to be more moderate/fair and take into consideration the whole picture of client risk/needs, the individual circumstances of the violation event and most importantly, public safety, I truly feel this new way of doing business is asinine.”
- A second agent commented that “If the violations and history of numerous violations indicate revocation is most appropriate, it honestly does not matter because many supervisors (not all) and regional chiefs are unlikely to initiate revocation without criminal charges filed even if the behavior was criminal.”
- A third agent commented that “All the new policies rig the system to make it look like the evidence based 'responses' are lowering revocations/recidivism when in reality agents just do not have other options until the community is again revictimized.”
- A fourth agent commented that “The current policies do NOT appropriately consider a client's risk level and there really isn't much flexibility when determining responses... The responses do almost nothing to reduce future violations as they don't hold a person accountable in anyway. Our offenders have come to know this; they know we are not doing things the way we used to.”
- A fifth agent commented that “We just keep rereleasing or not putting into custody people that commit violations. We let people discharge without meeting conditions from the court. We were told we 'may need to just get used to them using drugs throughout supervision'. There is little to no accountability.”

As shown in Figure 23, less than one-half of DOC agents who responded to our survey indicated that alternatives to revocation reduce the likelihood that an individual's community placement will be revoked for future violations. Similarly, less than one-half of agents indicated alternatives to revocation appropriately consider public safety.

Figure 23

Proportion of DOC Agents Who Agreed with Certain Statements about Alternatives to Revocation¹



¹ According to between 583 and 586 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

Sheriffs

In response to our August 2022 survey, 26 sheriffs indicated they were aware of DOC’s January 2021 policies to reduce the extent to which individuals are revoked and to increase the extent to which alternatives to revocation are imposed. In contrast, 12 sheriffs indicated they were unaware of these policies. Among these 38 sheriffs:

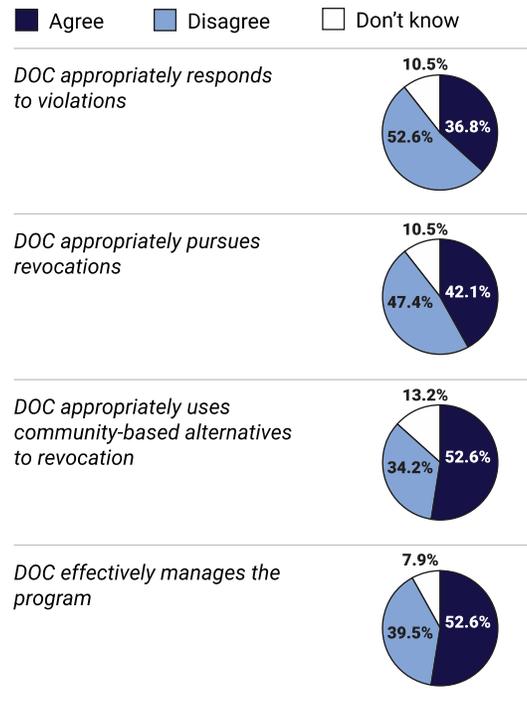
- 21 sheriffs indicated that DOC’s responses to violations were too lenient;
- 10 sheriffs indicated that DOC’s responses were appropriate;
- 1 sheriff indicated that DOC’s responses were too strict; and
- 6 sheriffs indicated they were uncertain about DOC’s responses.

Approximately one-half of the sheriffs indicated DOC effectively manages the program.

As shown in Figure 24, less than one-half of the sheriffs who responded to our survey indicated DOC appropriately responds to violations and pursue revocations. However, approximately one-half of responding sheriffs indicated DOC appropriately uses alternatives to revocation and effectively manages the program.

Figure 24

Proportion of Sheriffs Who Agreed with Certain Statements about DOC's Responses to Violations Committed by Individuals under Community Supervision¹



¹ According to 38 sheriffs who responded to our August 2022 survey. In total, 56.9 percent of sheriffs responded to our survey.

In response to our survey, some sheriffs indicated concerns with the consequences DOC imposes on individuals. For example:

- One sheriff indicated that “the individuals under supervision seem to be frequent repeat offenders. They are held on short holds released and then are returned on holds for additional violations.”
- A second sheriff indicated that “It appears as though the new policy enacted in 2021 has hindered local probation/parole agents from effectively managing certain offenders.”
- A third sheriff indicated that DOC is “far too lenient” with individuals who commit violations.

- A fourth sheriff indicated that “The community corrections program supports rather than diminishes the rate of recidivism. What we mean is that you create a revolving door of minimal incarceration time that does not allow ample time for programming to make an impact on the inmate.”

Individuals under Community Supervision

A total of 79 individuals who responded to our survey indicated they had faced at least one consequence from their DOC agents, including:

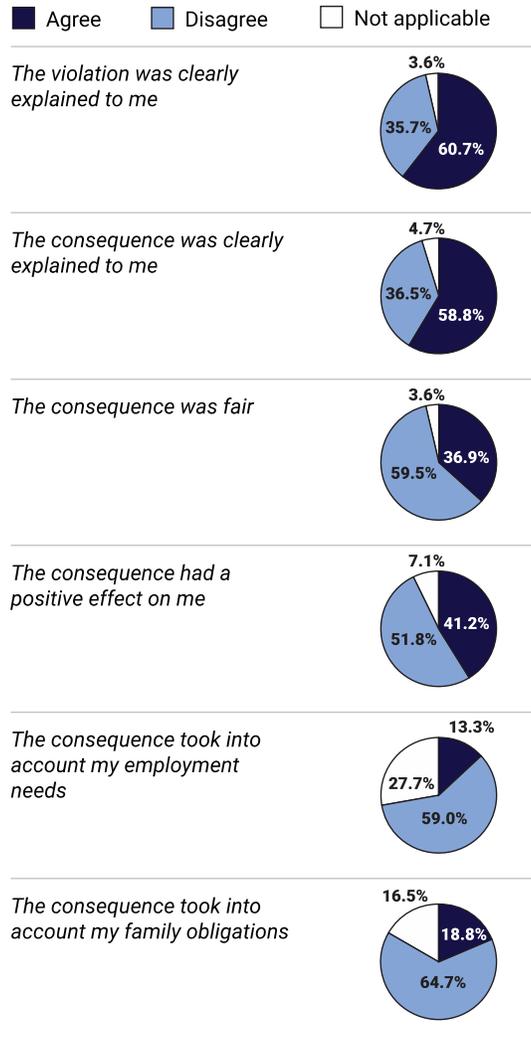
- 61 individuals who indicated they were sent to jail;
- 21 individuals who indicated they were required to complete alcohol or drug testing;
- 18 individuals who indicated their contact with specific individuals was restricted;
- 18 individuals who indicated their community placements were revoked;
- 15 individuals who indicated their movements were tracked by GPS; and
- 9 individuals or fewer who indicated they were given curfews or travel restrictions or were ordered to perform community service.

Most individuals who responded to our survey indicated their violations and consequences were clearly explained to them.

As shown in Figure 25, most individuals who responded to our survey indicated their violations and consequences were clearly explained to them. However, most responding individuals indicated the consequences were not fair and did not have a positive effect on them.

Figure 25

Proportion of Individuals under Community Supervision Who Agreed with Certain Statements about Consequences They Received¹



¹ According to between 83 and 85 individuals who responded to our August 2022 survey, depending on the question. In total, 4.6 percent of individuals responded to our survey.



Program Staffing

From July 2019 to July 2022, the number of authorized full-time equivalent (FTE) staff positions that administered the program increased from 1,890.6 to 1,968.6 (4.1 percent), and the vacancy rate for these positions increased from 5.6 percent to 12.8 percent. The proportion of DOC agents employed in permanent positions for at least one year decreased in recent years. Most agents who responded to our survey indicated they were dissatisfied with their wages and workloads, but most agents believed they were able to help the individuals they supervise and help to maintain public safety.

Staffing Levels

The program's total authorized FTE staff positions increased from 1,890.6 in July 2019 to 1,968.6 in July 2022 (4.1 percent).

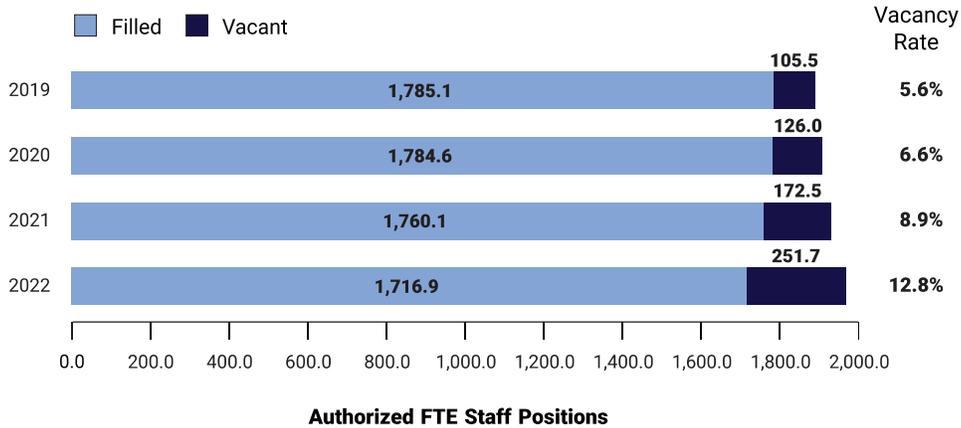
The program's total authorized FTE staff positions increased from 1,890.6 in July 2019 to 1,968.6 in July 2022 (4.1 percent). This increase occurred largely because 2019 Wisconsin Act 9 provided an additional 63.0 general purpose revenue (GPR)-funded positions, including 24.0 in FY 2019-20 and 39.0 in FY 2020-21, to supervise sex offenders.

The vacancy rate for the program's authorized FTE staff positions increased from 5.6 percent in July 2019 to 12.8 percent in July 2022.

As shown in Figure 26, the vacancy rate for the program's authorized FTE staff positions increased from 5.6 percent in July 2019 to 12.8 percent in July 2022, when there were 251.7 vacant FTE staff positions.

Figure 26

Vacancy Rates of Authorized FTE Staff Positions for the Community Corrections Program¹
As of July 1



¹ According to the State's payroll system.

Staff vacancies in July 2022 varied by type of position. For example:

- 34.0 of 98.0 FTE staff positions (34.7 percent) in the electronic monitoring center were vacant. DOC indicated some individuals prefer not to work at night and on weekends, which can be required in the center.
- 122.9 of 1,194.4 FTE staff positions (10.3 percent) among agents were vacant. DOC indicated wages and caseloads were reasons for the vacancies.
- 6.0 of 171.0 FTE staff positions (3.5 percent) among supervisors were vacant.

The proportion of DOC agents employed in permanent positions for at least one year decreased in recent years.

The proportion of DOC agents employed in permanent positions for at least one year decreased in recent years, and the number of such agents also decreased. We found that:

- 1,028 of 1,157 agents (88.9 percent) in July 2020 had been so employed one year earlier;
- 998 of 1,146 agents (87.1 percent) in July 2021 had been so employed one year earlier; and
- 882 of 1,079 agents (81.7 percent) in July 2022 had been so employed one year earlier.

Some individuals under community supervision who responded to our survey believed they were negatively affected by DOC agent turnover. Such individuals indicated it took time to develop rapport with new agents, and the rehabilitative process took longer.

The 2021-23 State of Wisconsin compensation plan included a \$1 per hour pay increase for probation and parole agents who were employed in those positions on June 19, 2022. This plan also included a \$5 per hour pay increase for correctional officers and sergeants in correctional institutions with staff vacancy rates that are more than 40.0 percent and a \$2 per hour pay increase for correctional officers and sergeants in maximum security correctional institutions. In March 2022, the Governor also announced a \$3 per hour pay increase, supported in part by supplemental federal funds, for correctional officers and sergeants in correctional institutions.

Wisconsin paid the lowest average annual wage to community corrections agents among five midwestern states in May 2021.

As shown in Table 20, Wisconsin paid the lowest average annual wage to community corrections agents among five midwestern states in May 2021, according to the U.S. Bureau of Labor Statistics. Wages may differ for a variety of factors, including because community corrections programs differ among states. For example, counties supervise individuals on probation in Minnesota, but DOC supervises such individuals in Wisconsin. DOC indicated that agents in field offices near Minnesota tend to gain work experience in Wisconsin before accepting higher-paid positions in Minnesota.

Table 20

Average Annual Wages of Community Corrections Agents¹
May 2021

State	Average Annual Wage
Iowa	\$72,700
Minnesota	72,600
Illinois	65,100
Michigan	64,200
Wisconsin	50,700

¹ According to U.S. Bureau of Labor Statistics information for probation officers and correctional treatment specialists.

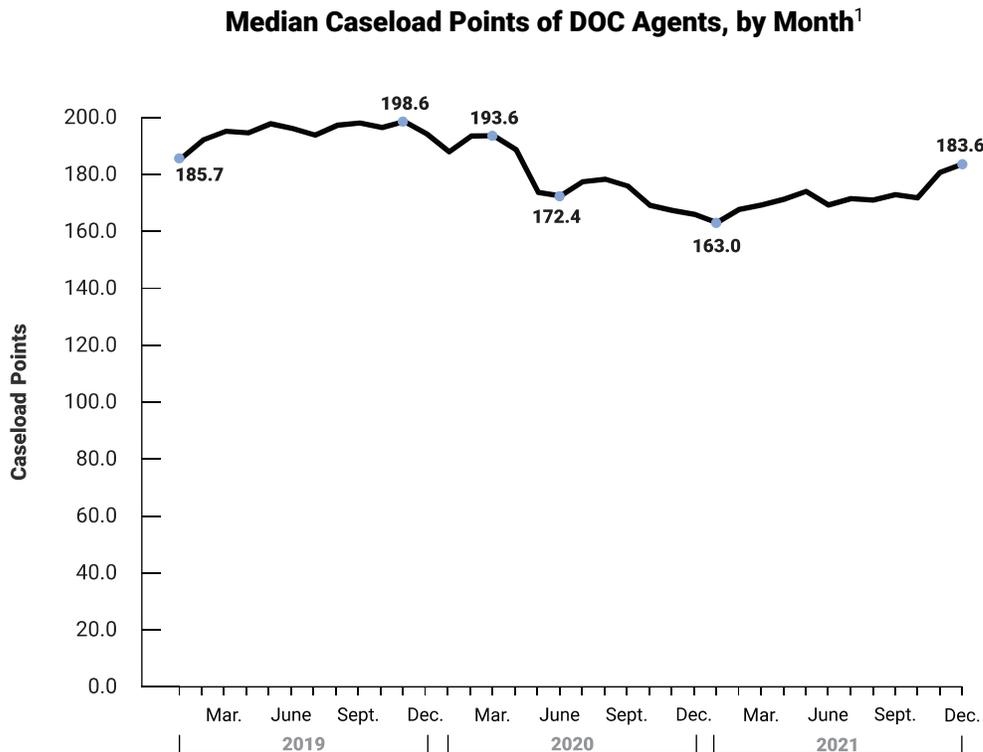
Agent Caseloads

In 2014 and 2020, DOC determined the amount of time it took agents to complete typical tasks and assigned point values to tasks, based on the average amount of time needed to complete a given task. For example, the 2020 review determined that supervising an individual at a medium level of supervision was 1.9 points, and supervising an individual at a maximum level of supervision was 3.6 points. Certain sentencing-related tasks were determined to be up to 30.9 points, which was the highest point value of a given task. In 2020, DOC determined a full-time caseload to be 183.0 points.

The median caseload for a DOC agent decreased from 198.6 points in November 2019 to 163.0 points in January 2021.

As shown in Figure 27, we found the median caseload for a DOC agent decreased from 198.6 points in November 2019 to 163.0 points in January 2021. Subsequently, the median caseload increased to 183.6 points in December 2021. DOC’s data indicated the number of sentencing-related tasks and tasks related to individuals entering the program decreased in 2020, when the public health emergency began, before increasing in 2021.

Figure 27



¹ A full-time caseload was 187.0 points in 2019 and 183.0 points in 2020 and 2021.

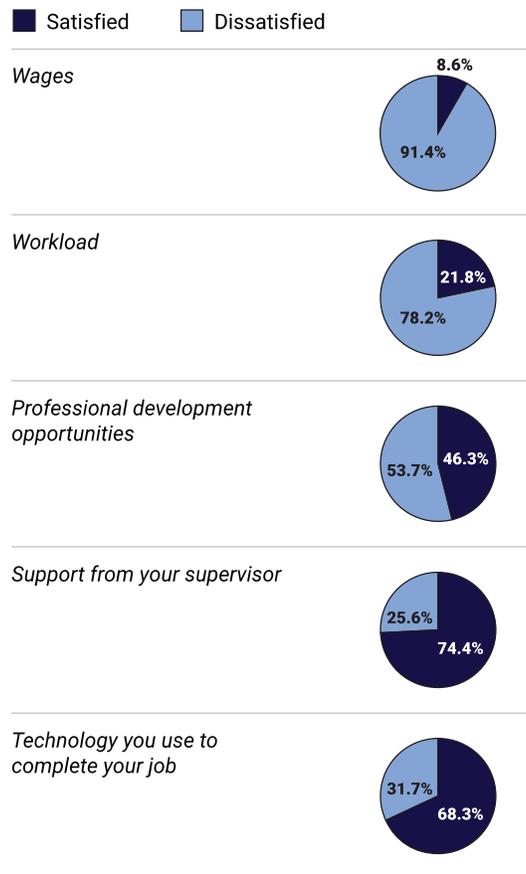
Opinions of DOC Agents

Most DOC agents who responded to our survey indicated they were dissatisfied with their wages and workloads.

As shown in Figure 28, most DOC agents who responded to our survey indicated they were dissatisfied with their wages and workloads, and more than one-half indicated they were dissatisfied with their professional development opportunities. In contrast, most agents indicated they were satisfied with the support they received from their supervisors and the technology they used to complete their jobs.

Figure 28

Level of Satisfaction of DOC Agents with Certain Aspects of Their Jobs¹

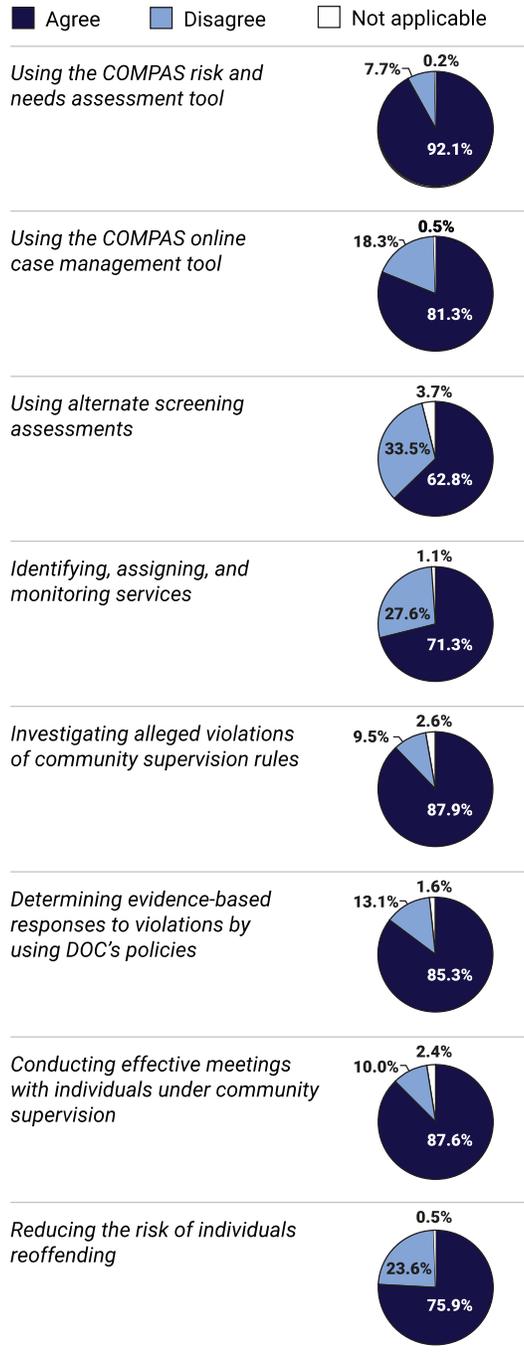


¹ According to between 568 and 571 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

As shown in Figure 29, most DOC agents who responded to our survey indicated they had received sufficient training on certain topics pertaining to their jobs.

Figure 29

Proportion of DOC Agents Who Believed They Had Received Sufficient Training on Certain Topics¹



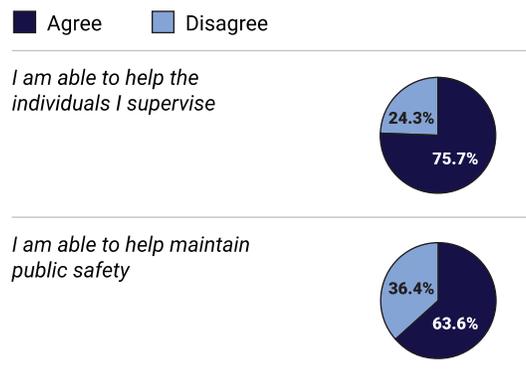
¹ According to between 619 and 624 agents who responded to our September 2022 survey, depending on the question. In total, 59.9 percent of agents responded to our survey.

Most DOC agents who responded to our survey indicated they were able to help the individuals they supervise and help to maintain public safety.

As shown in Figure 30, most DOC agents who responded to our survey indicated they were able to help the individuals they supervise and help to maintain public safety.

Figure 30

Opinions of DOC Agents about Certain Aspects of Their Jobs¹



¹ According to 568 agents who responded to our September 2022 survey. In total, 59.9 percent of agents responded to our survey.

Many DOC agents who responded to our survey indicated dissatisfaction with their wages, their workload, and other aspects of their jobs. For example:

- One agent commented that “As a newer Agent, who is young in age and making the minimum rate, it is very hard to save money for my future plans and family... I am nearly living paycheck to paycheck but enjoy the opportunity to help people too much to quit.”
- A second agent commented that “Every factory I refer my clients to pays anywhere from \$2-6 dollars more for FACTORY WORK.”
- A third agent commented that “We don’t get paid nearly enough for the work we do. We are therapist, support, resource manager, teacher, parent, and agent all wrapped up into one.”

- A fourth agent commented that “The expectations FAR outweigh the pay.”
- A fifth agent commented that “This job has an extremely high burnout rate, due to the large amount of stress which comes with the workload. Many agents love the work they do, but leave this role due to the lack of adequate pay.”

A few DOC agents who responded to our survey provided positive comments about their jobs. For example:

- One agent commented that “DOC was very supportive of employees during the pandemic. Allowing us to work from home protected us and gave us the flexibility we needed to make it through it.”
- A second agent commented that “[DOC] changed their entire training program in a matter of weeks to allow agents to do remote training. This adaptation has allowed us more time to work on our caseloads when we do have trainings to attend to.”

■ ■ ■ ■

Improving Program Administration

DOC should improve its administration of the community corrections program.

DOC should improve its administration of the community corrections program, including by promulgating all statutorily required administrative rules. DOC should examine programmatic differences among the eight regions, as well as among the races and ages of individuals under community supervision. If DOC determines that some of these differences indicate individuals may not have been supervised appropriately, it should develop and implement a plan to address the differences and ensure that individuals are supervised appropriately. DOC should also develop a written plan for comprehensively evaluating whether its evidence-based response to violations project has been successful. In addition, DOC should provide program staff with additional information technology (IT) security training.

Promulgating Administrative Rules

DOC did not promulgate all statutorily required administrative rules for the program, including rules for:

- defining and evaluating violation consequences;
- contracting with vendors to supervise certain individuals;
- contracting for services; and
- providing agents with training.

Since April 2014, statutes have required DOC to promulgate administrative rules that develop a system of consequences for the most-common violations and review imposed consequences in order to assess disparities, evaluate the effectiveness of consequences, and monitor the effect of consequences on the number of revocations. Statutes also require DOC to promulgate rules to ensure the system determines when revocation is the required consequence, provides examples of consequences and factors to determine the appropriate consequence level, determines how to reward individuals for compliance with the conditions of supervision, and ensures efforts are made to minimize the effects of consequences on an individual's employment and family. Although DOC established relevant policies, we found it did not promulgate the statutorily required administrative rules.

Statutes allow DOC to contract with vendors for any component of supervising certain individuals, including those at a low or administrative level of supervision. Since October 1997, statutes have required DOC to promulgate administrative rules for overseeing vendors and defining administrative and minimum supervision. We found DOC did not promulgate the statutorily required administrative rules. DOC indicated it did not promulgate the rules because it does not contract with vendors to supervise individuals.

Since September 2017, statutes have required DOC to promulgate administrative rules pertaining to its contracts with entities that provide program services, including rules that allow entities to charge a percentage add-on profit. Statutes also require DOC to promulgate rules requiring contracts for rate-based services to allow providers to retain a proportion of surplus revenue generated and establishing a process for reviewing such contracts. We found DOC did not promulgate the statutorily required administrative rules. DOC indicated it did not promulgate the rules because it does not contract for rate-based services.

Statutes require DOC to provide agents with training and skill development to reduce the risk that individuals commit additional offenses. Since June 2009, statutes have required DOC to promulgate administrative rules specifying requirements for this training and skill development. We found DOC did not promulgate the statutorily required administrative rules.

DOC should promulgate all statutorily required administrative rules for the program.

DOC should promulgate all statutorily required administrative rules for the program. If it believes that some statutorily required rules are unnecessary, it should request that the Legislature modify statutes to remove the requirement for it to promulgate these rules.

☑ Recommendation

We recommend the Department of Corrections report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to promulgate statutorily required administrative rules for:

- *defining and evaluating violation consequences, as required by s. 301.03 (3), Wis. Stats.;*
- *contracting with vendors to supervise certain individuals, as required by s. 301.08 (1) (c) 5., Wis. Stats.;*
- *allowing entities that provide services to charge a percentage add-on profit and including certain information in rate-based service contracts, as required by s. 301.08 (2) (em) 6., Wis. Stats.; and*
- *specifying requirements for providing parole and probation agents with training and skill development, as required by s. 301.068 (5), Wis. Stats.*

Ensuring Appropriate Program Management

We found considerable programmatic differences among DOC's eight regions.

As noted, we found considerable programmatic differences among DOC's eight regions. For example:

- the proportion of initial risk and needs assessments that were not completed in a timely manner ranged from 25.7 percent in Region 2 (Kenosha) to 42.1 percent in Region 3 (Glendale) for individuals who began community supervision from January 2019 through December 2021;
- the proportion of risk and needs assessments in which DOC agents increased the supervision level ranged from 20.6 percent in Region 8 (Wautoma) to 42.2 percent in Region 2 (Kenosha) for individuals who began community supervision from January 2019 through December 2021, and the proportion in which agents decreased the supervision level ranged from 0.3 percent in Region 8 (Wautoma) to 1.5 percent in Region 3 (Glendale) over this three-year period;
- the proportion of individuals who received program services that DOC paid for or provided ranged from 10.5 percent in Region 7 (Waukesha) to 26.7 percent in Region 2 (Kenosha) from January 2019 through December 2021;

- the proportion of program services that DOC paid for or provided and that were completed successfully ranged from 35.2 percent in Region 3 (Glendale) to 57.5 percent in Region 6 (Rhineland) from January 2019 through December 2021;
- the extent to which agents completed investigations ranged from 30.2 percent of all individuals in Region 2 (Kenosha) to 48.5 percent of all individuals in Region 6 (Rhineland) in 2021;
- the proportion of investigation reports that took longer than 10 days to complete ranged from 5.7 percent in Region 3 (Glendale) to 19.5 percent in Region 5 (Chippewa Falls) in 2021;
- the proportion of investigations resulting in overrides that increased the consequence level ranged from 17.0 percent in Region 8 (Wautoma) to 30.0 percent in Region 2 (Kenosha) from January 2021 through March 2022;
- the proportion of investigations that resulted in jail holds ranged from 19.4 percent in Region 3 (Glendale) to 38.2 percent in Region 5 (Chippewa Falls) in 2021;
- the proportion of investigations that resulted in short-term sanctions ranged from 7.2 percent in Region 6 (Rhineland) to 20.8 percent in Region 2 (Kenosha) in 2021;
- the proportion of investigations that resulted in revocations ranged from 10.1 percent in Region 8 (Wautoma) to 26.0 percent in Region 3 (Glendale) in 2021; and
- the proportion of investigations that resulted in alternatives to revocation ranged from 1.6 percent in Region 4 (Neenah) to 6.3 percent in Region 3 (Glendale) in 2021.

We found considerable programmatic differences among the races and ages of individuals.

As noted, we also found considerable programmatic differences among the races and ages of individuals. For example:

- The proportion of program services that were paid for or provided by DOC and that were completed successfully ranged from 36.8 percent for Black individuals to 50.5 percent for Asian or Pacific Islander individuals from January 2019 through December 2021. In addition, the proportion of such services completed successfully varied from

36.7 percent for individuals aged 25 or younger to 56.1 percent for individuals aged 50 or older.

- The proportion of individuals on whom DOC agents completed investigations ranged from 35.9 percent of all Asian or Pacific Islander individuals to 61.7 percent of all American Indian or Alaskan Native individuals from January 2019 through December 2021.
- The proportion of individuals who were assessed to be at a high risk level, who committed violations of a high severity level, and who had their community placements revoked ranged from 28.2 percent of White individuals to 34.2 percent of American Indian or Alaskan Native individuals from January 2019 through March 2022. In addition, 27.2 percent of such individuals aged 60 and older received revocations, but 35.5 percent of individuals under the age of 21 received revocations.

Some of the programmatic differences that we found may be appropriate. DOC agents in various regions supervise different individuals, each of whom has unique circumstances, including criminal histories and needs for program services. Policies provide agents with some discretion when supervising individuals. Nevertheless, the extent to which we found programmatic differences may indicate inappropriate supervision, depending on the region from which individuals are supervised or their races and ages. As noted, DOC's central office indicated it was unaware of most of these programmatic differences.

In January 2023, DOC provided us with information indicating how it planned to begin tracking certain aspects of the program, including trends over time in agent investigations, violations, and consequences of violations. With this information, DOC will be able to compare such trends among the eight regions and by the demographic characteristics of individuals under community supervision, including their gender, age, and race.

DOC should examine programmatic differences among the regions, as well as among the races and ages of individuals under community supervision.

DOC should examine programmatic differences among the regions, as well as among the races and ages of individuals under community supervision. If DOC determines that some of these differences indicate individuals may not have been supervised appropriately, it should develop and implement a plan to address the differences and ensure that individuals are supervised appropriately.

☑ Recommendation

We recommend the Department of Corrections:

- *examine programmatic differences among the regions, as well as among the races and ages of individuals under community supervision;*
- *assess whether such differences indicate that individuals may not have been supervised appropriately;*
- *develop and implement a plan, if necessary, to address the differences and ensure that individuals are supervised appropriately; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement these recommendations.*

Evaluating the Evidence-Based Response to Violations Project

In order to comprehensively evaluate whether the project has been successful, the project needs to have been in operation for a sufficient amount of time, and a sufficient amount of data needs to be available. At the time of our audit, the January 2021 policy changes that DOC made to implement the project had been in effect for approximately two years, and DOC did not collect all of the data that will be needed to evaluate the project. However, our report findings and recommendations for programmatic improvements provide a foundation for DOC to collect and assess the data needed to comprehensively evaluate the project in the future.

DOC should develop a written plan for comprehensively evaluating whether its evidence-based response to violations project has been successful.

DOC should develop a written plan for comprehensively evaluating whether its evidence-based response to violations project has been successful. Such a plan should consider:

- *whether the risk and needs assessment process requires additional modifications, including those that might be required to better reflect the risks and needs of those convicted of sex offenses, domestic violence offenses, or other offenses;*
- *how the availability and effectiveness of program services throughout the state affect the project;*
- *whether the severity levels of violations and the consequence levels require modifications;*

- the effects of particular consequences on recidivism rates, including whether community-based alternatives to revocation result in higher or lower recidivism rates than institutional-based alternatives to revocation;
- the effects of the project on public safety;
- the effects of the project on individuals, such as helping them maintain gainful employment;
- the effects of the project on the caseloads and job duties of DOC agents;
- feedback from agents and law enforcement agencies on the project's effectiveness; and
- the timeline by which this evaluation will be completed.

Completing such a comprehensive evaluation will allow DOC to determine whether to continue the project and, if so, the modifications that are needed in order to increase the likelihood that the project is successful.

Recommendation

We recommend the Department of Corrections:

- *develop a written plan for comprehensively evaluating whether its evidence-based response to violations project has been successful; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

Handling Confidential Information

On three occasions, DOC emailed us confidential information.

At the start of our audit, we established a secure means by which DOC could electronically provide us confidential information, including about the healthcare and other program services provided to individuals. DOC used this secure means of communication to provide us with most, but not all, of the confidential information we requested to complete our audit. On three occasions, DOC emailed us confidential information, including in:

- June 2022, when it emailed us data containing personal healthcare information of individuals who received program services;

- September 2022, when it emailed us data containing personal healthcare information of individuals who received residential program services; and
- September 2022, when it emailed us an individual's case file, which contained information about the individual's need for AODA services.

DOC provided us with information indicating it allows staff to email confidential information that is encrypted. None of the confidential information in the three messages DOC emailed us was encrypted. If DOC had inadvertently emailed this confidential information to a third-party, a third-party could have obtained this confidential information.

DOC should provide community corrections program staff with additional IT security training.

Although DOC indicated its staff completed the State of Wisconsin's IT security awareness training in 2022, DOC should provide community corrections program staff with additional IT security training, including on how to securely exchange confidential information with other staff and other entities. Doing so will reduce the risks that confidential healthcare and other information is inadvertently obtained by unintended recipients and used for malicious purposes.

Recommendation

We recommend the Department of Corrections:

- *provide community corrections program staff with additional IT security training; and*
- *report to the Joint Legislative Audit Committee by June 30, 2023, on the status of its efforts to implement this recommendation.*

■ ■ ■ ■

Appendices

Appendix 1

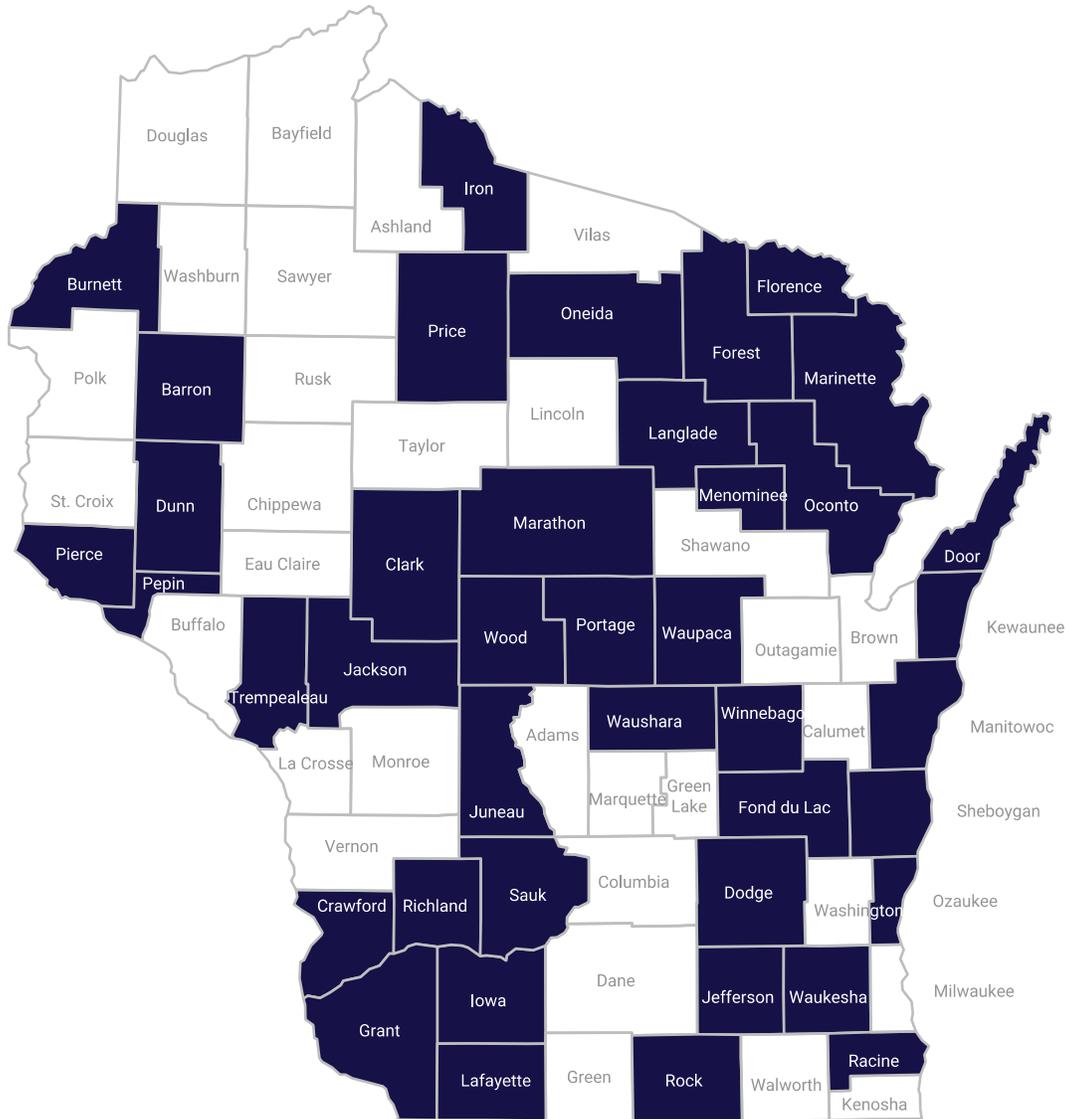
DOC Region in Which Each County Is Located

December 2022

County	Region	County	Region	County	Region
Adams	8 (Wautoma)	Iowa	1 (Madison)	Polk	5 (Chippewa Falls)
Ashland	6 (Rhineland)	Iron	6 (Rhineland)	Portage	8 (Wautoma)
Barron	5 (Chippewa Falls)	Jackson	5 (Chippewa Falls)	Price	6 (Rhineland)
Bayfield	6 (Rhineland)	Jefferson	1 (Madison)	Racine	2 (Kenosha)
Brown	4 (Neenah)	Juneau	8 (Wautoma)	Richland	8 (Wautoma)
Buffalo	5 (Chippewa Falls)	Kenosha	2 (Kenosha)	Rock	1 (Madison)
Burnett	5 (Chippewa Falls)	Kewaunee	4 (Neenah)	Rusk	5 (Chippewa Falls)
Calumet	4 (Neenah)	La Crosse	8 (Wautoma)	Sauk	8 (Wautoma)
Chippewa	5 (Chippewa Falls)	Lafayette	1 (Madison)	Sawyer	6 (Rhineland)
Clark	5 (Chippewa Falls)	Langlade	6 (Rhineland)	Shawano	6 (Rhineland)
Columbia	8 (Wautoma)	Lincoln	6 (Rhineland)	Sheboygan	7 (Waukesha)
Crawford	8 (Wautoma)	Manitowoc	7 (Waukesha)	St. Croix	5 (Chippewa Falls)
Dane	1 (Madison)	Marathon	6 (Rhineland)	Taylor	6 (Rhineland)
Dodge	1 (Madison)	Marinette	6 (Rhineland)	Trempealeau	5 (Chippewa Falls)
Door	4 (Neenah)	Marquette	8 (Wautoma)	Vernon	8 (Wautoma)
Douglas	5 (Chippewa Falls)	Menominee	6 (Rhineland)	Vilas	6 (Rhineland)
Dunn	5 (Chippewa Falls)	Milwaukee	3 (Glendale)	Walworth	2 (Kenosha)
Eau Claire	5 (Chippewa Falls)	Monroe	8 (Wautoma)	Washburn	5 (Chippewa Falls)
Florence	6 (Rhineland)	Oconto	6 (Rhineland)	Washington	7 (Waukesha)
Fond du Lac	7 (Waukesha)	Oneida	6 (Rhineland)	Waukesha	7 (Waukesha)
Forest	6 (Rhineland)	Outagamie	4 (Neenah)	Waupaca	8 (Wautoma)
Grant	1 (Madison)	Ozaukee	7 (Waukesha)	Waushara	8 (Wautoma)
Green	1 (Madison)	Pepin	5 (Chippewa Falls)	Winnebago	4 (Neenah)
Green Lake	8 (Wautoma)	Pierce	5 (Chippewa Falls)	Wood	8 (Wautoma)

Appendix 2

Counties of the Sheriffs Who Responded to Our August 2022 Survey¹



¹ The 41 shaded counties indicate the counties of the sheriffs who responded to our survey.

Appendix 3

Program Rules of Community Supervision

Avoid conduct that violates federal or state laws, municipal or county ordinances, tribal law, or that is not in the best interest of the public welfare or your rehabilitation.

Report all arrests or law enforcement contact to your DOC agent within 72 hours.

Make every effort to accept the opportunities with counseling offered during supervision.

Inform your DOC agent of your whereabouts and activities as directed.

Submit a written report monthly and any other such relevant information as directed.

Make yourself available for searches of your residence, property, computer, cell phone, and other electronic devices.

Make yourself available for urinalysis, breathalyzer, DNA, blood sample, and other tests ordered by your DOC agent.

Obtain approval from your DOC agent before changing residence or employment.

Obtain approval from your DOC agent before leaving Wisconsin.

Obtain written approval from your DOC agent before purchasing, trading, selling, or operating a motor vehicle.

Obtain approval from your DOC agent before borrowing money or purchasing on credit.

Pay court-ordered obligations and monthly supervision fees as directed by your DOC agent.

Obtain permission from your DOC agent before purchasing, possessing, owning, or carrying a firearm, other weapon, or ammunition.

Do not vote in a federal, state, or local election if you are a convicted felon until your civil rights have been restored.

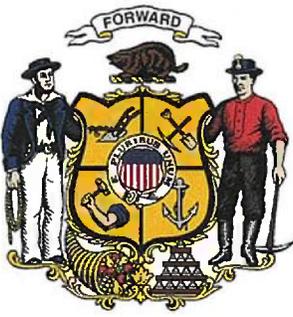
Abide by all rules of any detention or correctional facility in which you may be confined.

Provide true, accurate, and complete information to DOC staff.

Report as directed for appointments.

Comply with any court-ordered conditions and additional program rules your DOC agent establishes.

Responses



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

March 22, 2023

Joe Chrisman, State Auditor
Legislative Audit Bureau
22 East Mifflin Street, Suite 500
Madison, WI 53703

[Sent Electronically]

Dear Mr. Chrisman:

I appreciate the opportunity to respond to the Legislative Audit Bureau's (LAB) summary of observations of the "community corrections program". This exercise has certainly been a heavy lift for staff within the Division of Community Corrections (DCC) as well as our Research and Policy Unit and I want to express my sincere gratitude to these staff for their hard work, responsiveness, and professionalism throughout the past fourteen months.

The Division of Community Corrections (DCC) operates as one of three program divisions under the Department of Corrections. The most significant responsibility of DCC is the work of our probation and parole agents who supervise adults placed on probation by the courts or released from confinement to extended supervision or parole. DCC staff have a multitude of responsibilities to both provide opportunities for clients to make changes in their lives while holding them accountable when they fail to comply with their conditions of supervision. These two functions should not be viewed as mutually exclusive.

Our teams had a robust conversation during our exit conference on March 9, 2023 and we are happy to see that some of our concerns and corrections are reflected in the final report. However, I am sure you can understand our disappointment that a majority of our feedback is not included and several factual errors we raised remain in the final report. To that end, LAB has afforded us an opportunity to submit a written response and the pages that follow this letter provide additional context to clarify items that we believe are inaccurate as well as some conclusions we feel are unsound and unsubstantiated. There are claims made in the audit based on inaccurate data, one example of which we go into detail rebutting in the 'Violation Consequences' section below.

1

I would be remiss if I did not reiterate my concern expressed previously regarding the extent to which this report formulates recommendations based on the opinion of individuals who are not subject matter experts in evidence-based responses to violations. Drawing conclusions based on anecdotal opinions is concerning.

2

DCC has almost 2,000 staff with various levels of knowledge in evidence-based practices which will inherently bring disparate opinions. We also need to acknowledge that change is difficult, especially for staff who have been doing things a certain way for a long time. However, responding to violations in an effective manner is crucial to the overall success of an individual on supervision and can have a significant impact on reducing the risk of re-offense. The ultimate purpose of responding to violations is to increase public safety by equipping clients to be successful in the community. The audit does not give credence to the Department's commitment to

implement nationally recognized practices and maintain an evidence-based response to violations which includes the following core principles:

- Utilize a violation decision making guideline (violation response matrix) that considers the risk of the offender and the severity of the violation behavior.
- Utilize accountability responses and intervention services when responding to violations.
- Sanctions should be swift, certain, and proportionate for all violations.
- For offenders assessed at low risk, violation responses need to be minimally intrusive, so as not to disrupt the stability factors they already possess that make them low risk (e.g., employment, housing, treatment programs).
- Research suggests programs that are able to incorporate sanctions combined with the use of rewards to reinforce conforming behavior will be more effective than those that rely on sanctions alone.
- Utilize incentives and rewards for compliance and positive behavior (at least 4 rewards for every sanction).

3 Evidence-based practices in corrections and violation response is a nationally recognized practice, supported by the National Institute of Corrections, and a common policy initiative under the Justice Reinvestment model. LAB's report contends that they were "unable to independently confirm DOC's analysis of the data and information it had used to develop its project", despite numerous articles and research citations being provided to LAB. This is, of course, in addition to the body of relevant research developed and publicly published over the course of recent decades or widely available resources made available by agencies that support government functions such as the Council on State Governments and the National Conference of State Legislatures, among other information that is readily reviewable. It is also important to note that evidence-based responses to violations are not a creation of this administration – they are grounded in research and DOC's implementation of this type of response began more than a decade ago, as LAB's own audit acknowledges.

DCC underwent a comprehensive review of all policies and procedures to ensure agents respond to violations in the most effective manner possible commiserate with the client's risk and severity of the violation. In order to track and monitor effectiveness of these policies and procedures, violation responses and outcomes are now maintained in a manner that provides multiple data points and transparent information which can be easily accessed on the Department's public website.

We are committed to our mission of public safety and providing opportunities for positive change and success for the individuals under our supervision. We will continue to review and evaluate our violation response initiative and make data-informed changes as needed.

Sincerely,



Kevin A. Carr
Secretary

DOC Response to LAB evaluation of the community corrections program administered by the Department of Corrections

Section Response: Individuals under Community Supervision

DOC is statutorily compliant in its collection of restitution and other financial obligations of individuals under community supervision.

2015 Wisconsin Act 355 requires all restitution to be paid prior to the collection of supervision fees. DOC complies with statutes governing supervision fee collection and the LAB fails to recognize DOC's compliance in all areas regarding payment of supervision fees and restitution. In addition to the supervision fees collected by DOC noted in the report, our agency collected \$4,716,193 in restitution payments and a total of \$9,711,916 in restitution and court obligations in Fiscal Year 2022.

The collection of financial obligations and restitution is an important part of our agency's roles and responsibilities. Collection of these fees demonstrate concern for victims through monetary reparation of financial loss. The Department of Corrections (DOC) takes their role in this process seriously and charges supervision fees in accordance with state statutes, including based on the individual's ability to pay.

Our agency demonstrates our commitment to this process by requiring agents to inform clients of their responsibility during intake. Agents work with clients to establish fee schedules and create payment plans. In an effort to simplify and streamline the process, DOC recently added online payment options for clients. When a client does not meet their obligation to pay their supervision fees, DOC utilizes the Department of Revenue's Tax Intercept Program (TRIP).

Section Response: Risk and Needs Assessments

LAB uses an incorrect metric for measuring whether a risk and needs assessment is timely and does not account for clients refusing assessments, clients who have absconded, or clients who are on supervision for a short period of time.

Agents have a number of tasks they are required to complete, both during the intake period and periodically as they review the client's supervision level through completion of a Case Supervision Review in COMPAS. They are provided reminders in the COMPAS system for this work. Supervisors have access to this information as well and are provided monthly reports on all overdue reminders on each agent's task list.

The assessment is considered an element or task of a new case intake. There are multiple tasks agents are required to complete during a 60- day time period. The total intake, including the assessment, is not considered "overdue" until after 60 days of the individual being placed on supervision.

One primary reason for an overdue intake can be client non-availability. This includes failure to report, absconding, the client engaging in violations or being in custody. DOC is committed to quality outcomes in a timely manner, however vacancies can impact how the agency prioritizes and manages workload, and can account for the regional differences LAB notes in the report. For example, LAB

noted Region 3 had the highest amount of overdue work. It is critical to point out this region increased its probation and parole agent vacancy rate from 4.71% to 13.8% from January of 2019 to December of 2021.

5 Further clarification is necessary on a number of additional findings in this section. On page 31 of the report, LAB stated 25,687 assessments (or 35.8%) were not completed within 30 days after an individual began community supervision, for those who began community supervision from January 2019 through December 2021. However, agents must complete an assessment within **60 days**. Given this timeframe, 17.2% of individuals did not have an assessment completed within 60 days after starting supervision. Of the 17.2%, 4.9% had an assessment completed between 61 and 90 days after supervision started, 6.4% at 91 or more days after supervision began, 3.4% at more than one year prior to supervision, and only 2.4% had no assessment.

Clients are not mandated to complete an assessment and may refuse to do so. This likely accounts for a substantial portion of assessments not completed. Our agency's analysis excluded individuals who had a substantiated absconding violation within 60 days of starting supervision and excluded those who were on supervision for 60 days or less.

Additionally, the data variable called "date computed" does not always indicate the initial date an assessment was completed, yet this data point was used to determine when an assessment was completed as it is the best overall indicator of when an assessment is complete. Until recently, an assessment could be completed and the risk score computed, but when any piece of an assessment was updated, it could be recomputed at that later date, changing the "date computed". It is probable a number of assessments reported as being completed outside of the 60-day window were likely completed within the desired timeframe, but recomputed later.

Lastly, DOC only analyzed signed Evidenced Based Response to Violation (EBRV) records of absconding. Occasionally an EBRV record may not be signed, despite the absconding incident being substantiated. In these cases, individuals would not have been removed from the analysis despite the fact they may have absconded, and an assessment could not be completed.

Section Response: Program Services

DOC administers and evaluates community services in a statutorily-compliant and evidenced-based manner, as prescribed by the Legislature.

When creating this program, the Legislature did not take the one-size-fits-all approach. In auditing DOC's program, LAB did not acknowledge some of the central features of the program as specifically developed by the Legislature. The community services program was intended for those on supervision for felonies. Additionally, the Legislature mandated DOC target these services to clients most in need, specifically those at medium or high risk for revocation or recidivism. These services were to include alcohol and other drug treatment, cognitive group intervention, day reporting centers, and other treatment and services that evidence has shown to be successful and to reduce recidivism.

In 2009, the Legislature tasked our agency with establishing community services for those on community supervision for felonies. The stated legislative goals for these services were increasing

public safety, reducing the risk of clients on community supervision will reoffend, and reducing the recidivism rate of persons who are on probation, parole, or extended supervision following a felony conviction by 2010-11. Despite the stated legislative goalpost for this program occurring in 2011, twelve years later, DOC continues to offer community services aimed at increasing public safety and reducing recidivism.

6 The Department was tasked with establishing the program based on evidence and the needs of the population receiving such services. LAB states DOC is not complying with the statute by not providing day reporting centers in every corner of the state. However, as LAB itself acknowledges and as is consistent with the legislative directive, DOC has provided day reporting centers in at least half its regions within the last three-year period, and continues to do so in the largest urban population centers, the Madison and Milwaukee regions.

The Legislature anticipated and expected DOC to provide services based on evidence and what can be shown to be successful at reducing recidivism. LAB's recommendation of how to operate community services runs contrary to the stated legislative goals of the community services program.

7 Further, the report states DOC has not complied with statute by not centrally tracking court-ordered programming and evaluating the effectiveness of court-ordered programming. However, the community services statute does not reference court-ordered programming. Agents are responsible for ensuring all court ordered conditions are met, which often includes treatment and programming. DOC effectively tracks programs at the case level. Centralized program tracking is not mandated and would significantly impact agent workload and increase costs for database enhancements and additional staffing.

8 Finally, LAB claims DOC fails to evaluate the effectiveness of the community services program as a whole. However, DOC complies with all statutory requirements to evaluate the effectiveness of the community services program through the annual Becky Young Community Corrections report. This annual report to the governor, Legislature, and Director of State Courts provides information on the scope of the community services established by the DOC, provides data on the number of arrests, convictions, and prison sentences imposed on offenders receiving the community services, and provides data on the progress toward recidivism reduction. While DOC continuously looks for ways to improve community services, LAB's claims that DOC is not complying with statutory requirements is inaccurate.

9 Our agency uses a foundation of evidence and research for every intervention and the LAB Audit does not capture the significant number of programs our agency has already evaluated. DOC has conducted evaluations of the effectiveness of every primary program in our facilities and published the report on our public website. Interactive Dashboards created by our Research and Policy unit also displays the results of these evaluations.

Until recently and due to the lack of data previously available, DOC has been unable to examine the effectiveness of programming provided in the community to individuals on supervision. In the past several years, DOC created the Program Data Collection System (PDCS) in an effort to collect data on programs provided by community providers and funded by our agency. DOC began collecting data in FY16. While there are a variety of providers throughout the state delivering similar programs (e.g.,

substance use disorder programming, cognitive based intervention programming, etc.), each provider operates independently and may produce different outcomes. In an effort to ensure fidelity in programming, DOC needs to evaluate each program by provider. Given that each provider is only able to serve a small number of individuals per year, it has taken several years for to collect the amount of data needed to do a meaningful, and statistically significant evaluation. DOC has begun evaluating these programs, but large workloads require time for completion of every program, as evidenced by the Residential Services Programs evaluation LAB mentions in its report.

Section Response: Violations

LAB conflates documentation of the violation investigation outcome with whether an investigation of a violation was completed.

- 10 The vast majority of violations, if not all, are investigated. In its report, LAB references agents who did not complete an “investigation” of a violation; however, documentation of the violation investigation outcome usually occurs after the violation outcome has been established and determined and, in many cases, documentation and responses of these investigations are provided in the client’s notes.

Our agency closely monitors violations investigation timelines when an individual is held in custody. Agents have the authority to detain a client for up to three working days. The Corrections Field Supervisor has the authority to approve an additional three working days, and the Regional Chief may approve an additional five working days. The Division Administrator may approve additional time in five-day increments, as needed. The LAB report does not report on our agency’s adherence to policy and administrative code timelines and documentation of regular reviews and approvals. The findings by LAB demonstrate a need for our agency to enhance training related to proper *documentation* of investigations and should not be misinterpreted to mean there are compliance issues relating to the *completion* of investigations.

Section Response: Violation Consequences

- 11 *After a thorough and manual review, DOC found that LAB used erroneous data in determining the hold outcomes of calls placed to the monitoring center by law enforcement. DOC is statutorily compliant in its determination of the effectiveness of violation responses.*
- 12 In an effort to better understand LAB’s findings in this section of the report, our agency reached out to LAB, but they were unable to share their data analysis methodology. Thus, DOC conducted its own thorough, manual review of the same data that was provided to LAB. DOC’s analysis indicates LAB used erroneous data in determining the hold outcomes of calls placed to the monitoring center by law enforcement.

In this section of the report, LAB states the monitoring center is required to issue a hold if law enforcement indicates an individual has exhibited assaultive or threatening behavior, or if law enforcement intends to file felony charges against an individual. The center may request law enforcement apprehend someone who is not already in custody.

Using the same data provided to LAB, DOC found 26,998 records of law enforcement calls related to assaultive or threatening behavior, or where felony charges would be filed. (LAB reported 2,335 of 27,003 calls did not issue an apprehension request or hold.) Of those DOC found, 2,474 did not have a record of a hold or apprehension request being placed immediately after the call. Our agency found some of these records included duplicates due to clerical errors, such as hitting the submit button twice. After removing the duplicate records, DOC noted 23,351 law enforcement calls in the timeframe specified, and of those, 2,006 did not have an apprehension request or hold issued.

Of the 2,006 records found, 1,307 already had an active apprehension request issued. When the monitoring center receives a call from law enforcement regarding an individual who already has an active apprehension request issued, they will not issue an additional apprehension request. This data was not requested by the LAB at any time during the audit for their analysis.

11

DOC's data shows 699 law enforcement calls remaining without an apprehension request or hold issued immediately after the call from law enforcement. Using hold data recorded in DOC's main data system, 188 records were identified where the individual was either placed on a hold on the day of the law enforcement contact, or were already detained in a hold when the call was placed. For those placed on a hold on the same day, it's possible a data entry error occurred and the hold box was not checked in the monitoring center's data system. Of the individuals already detained when the call was received, these appeared to be cases where an individual was arrested or placed in a hold previously, and law enforcement then contacted DOC several days after the fact about the incident. This data was also not requested by LAB at any time during the audit for their analysis.

11

At the end of our analysis, DOC found 511 remaining calls unaccounted for. Monitoring center staff looked up each case individually to identify any errors that may have occurred or explanations, not explained in the tracking system. There were a variety of justifiable reasons as to why an apprehension request or hold was not issued, including the individual no longer being on supervision, the incident occurring prior to the client's supervision start date, the client being in the hospital or deceased, or the person already being in custody or in a mental health facility. The majority of the additional incidents were reviewed by an on-call Corrections Field Supervisor who determined the client's behavior was not serious enough to issue an apprehension request or a hold, or the information documented on the form regarding felony behavior or assaultive behavior was inaccurately documented. The behavior and information is documented in the client's case notes and violation report.

8

In its report, LAB reviewed consequences imposed by DOC, but failed to mention our agency's compliance with statutes regarding the effectiveness of program services. As mentioned previously, the annual Becky Young Community Corrections report submitted to the Governor, Legislature, and Director of State Courts includes multiple measures of recidivism. DOC measures recidivism in three ways: Re-arrest, Reconviction, and Reincarceration. These indicators have been and will continue to be utilized to determine the effectiveness of programs and violation responses in compliance with Wisconsin Statute 301.068.

To date, DOC has been unable to evaluate recidivism outcomes for individuals who violated their supervision and had various consequences imposed on them. The historical community corrections population data sets needed for this evaluation were not fully developed until the fall of 2022. These

are necessary to identify the cohort of individuals to be followed for the recidivism analyses. Similar to the analyses presented in DOC's Recidivism Report, an analysis of outcomes for people who received various consequences would begin with a group of individuals placed on supervision during a specific timeframe. Going forward, our agency is eager to perform these analyses using the newly established data sets.

Section Response: Program Staffing

- 2 *LAB relies on anecdotal comments to draw analytical conclusions regarding policy changes. Gov. Evers and Secretary Carr remain committed to increasing compensation for DOC employees, including probation and parole agents, and the legislature has an opportunity to accept the governor's recommended increases in the 2023-25 biennial budget.*

One of the agency's four strategic priorities is Transparency and Accountability. DOC values the opinions of every employee, client, and stakeholder. Our agency proactively seeks out these opinions and uses them to guide operational decisions, when it makes sense to do so. Consistent with our agency's existing goals, relationships, and commitment to continuous improvement, we appreciate LAB's inclusion of many of these comments in their report and look forward to evaluating and incorporating feedback, as applicable, as we already do. However, we would be remiss if we did not note that LAB failed to clearly articulate survey results as opinions, which are often not supported by fact.

- 13
- The highlighted agent survey responses, for example, did not provide specific examples of how policy changes impacted a violation outcome, nor did they factor in the role of the Division of Hearings and Appeals who conduct and determine a revocation outcome. The LAB survey results also failed to highlight the opportunity for agents to seek an override from regional leadership or the Division Administrator. There are many unique situations and/or violations that pose a risk to public safety, but do not have applicable aggravating factors.

- 14

DOC also feels it is worth noting that the Sheriffs representing the three largest populated counties did not respond.

Once again, our agency feels it is worth noting, agent vacancy rates and compensation continue to have a significant impact on all areas of our operations. These are likely contributors to morale and performance areas highlighted in the report.

Section Response: Improving Program Administration

- 15 *DOC has promulgated all statutorily required administrative rules. LAB does not acknowledge or consider differences among the state's regions or respective regional needs and resources.*

- 16
- 17 None of the rulemaking identified in the LAB report is subject to the 2017 Wisconsin Act 108 requirement. In late 2017, the Legislature passed Act 108, which for the first time required agencies to engage in any required rulemaking within six months of the effective date of the enabling legislation. Notably, however, the Legislature specifically limited this requirement only to legislation requiring rulemaking enacted on or after the effective date of the act.

Every rule the LAB claims DOC is required to promulgate was authorized by the Legislature during prior administrations: one of these rules dates back to the Thompson Administration; the additional rules were authorized during the Doyle and Walker Administrations, respectively. As none of LAB's recommended rules were authorized by the Legislature during this current administration, none of the rulemaking identified in the LAB report is subject to the Act 108 requirement.

- 15 Additionally, and contrary to the LAB report, in 2019, DOC promulgated s. DOC 328.27(7), Wis. Admin. Code, developing an evidence-based response to violations as required by s. 301.03(3), Stats. The section created the required rules for DOC to develop a system of short-term sanctions for violations of conditions of parole, probation, extended supervision, and deferred prosecution agreements, which incorporates the goals identified by the Legislature. The system adopted by the Department is an *evidence-based* response to violations, which necessarily includes the review of sanctions imposed under the system to assess disparities among sanctions, the evaluation of the effectiveness of sanctions, and the monitoring of the impact of sanctions on the number and type of revocations for violations. This rule satisfies the requirements of its authorizing statute.

Further, this rule was promulgated after complying with the requirements of the administrative rulemaking process. As such, it was subject to public comment period, reviewed by both the Legislative Reference Bureau and Legislative Counsel, and underwent review by the Joint Committee for Review of Administrative Rules. The Department received numerous comments on the proposed rule from Legislative Counsel, but none questioned whether the proposed rule satisfied the legislative directive behind this rulemaking.

- 18 As to the rules involving contracting with vendors “for any component of supervising individuals, including those at a low or administrative level,” the Department does not maintain, nor do we plan to enter into contracts that would require the anticipated rulemaking. Promulgating rules without having any intention of entering into the anticipated agreements in the immediate future is unnecessary and would likely fail to anticipate the many practical obstacles such contracts could present and that the rulemaking would need to address. In the future, should DOC choose to enter into such agreements, any necessary rulemaking would occur.

- 16 In reference to LAB's section on ensuring appropriate program management, regional program variances will occur based on a variety of factors including locally available programs provided by counties and municipalities including but not limited to health, transportation, housing, education, employment and mental health services. DOC actively works to fill service gaps but is limited by funding resources and viable providers. DOC continues to implement innovative options including the development of a treatment unit and implementation and expansion of telehealth services and programs. These items are noteworthy and should have been reflected in LAB's report. In addition to this point, while LAB does briefly reference the unique characteristics of each Region, this fact cannot be understated. Each DCC unit and Region are a product of the larger criminal justice system in which they operate, and to which our agency is only one small part of. Our work is interconnected and the decisions of one of those players can impact the work of others. While DOC strives for consistency in our practices, local and regional differences exist at varying decision points in this system from the courts, law enforcement, and community-based organizations.

9

Additionally, LAB auditors were advised throughout the audit that DOC was actively developing data elements and enhancing data integrity to provide information that can be utilized for resource allocation and evaluation. Our agency is committed to ongoing process evaluation and improvement, while maintaining the protection of the public and providing individuals on supervision meaningful opportunities to change. In 2019, DOC leadership embarked on a significant effort to review and evaluate policies, procedures and practices associated with Evidence Based Responses to Violations. Multiple data system modifications, upgrades and improvements were completed as a result of this review. These upgrades allow for a transparent review of many practices and outcomes. This effort was omitted from the LAB audit and is not accurately accounted for when providing recommendations, as it has clearly been implemented as evidenced by the interactive dashboards on the DOC public website.

LEGISLATIVE AUDIT BUREAU COMMENTS ON THE AUDIT RESPONSE FROM THE DEPARTMENT OF CORRECTIONS

To help the Joint Legislative Audit Committee evaluate the audit response from the Department of Corrections, we offer some clarifying comments. The numbers below correspond to the numbers we placed in the margin of the audit response.

- ① We carefully considered DOC's feedback and incorporated relevant information into our draft. We do not believe DOC's audit response has identified any inaccurate information in our report, and below we address DOC's allegations of factual errors. The "inaccurate data" to which DOC refers were provided by DOC.
- ② As we explained to DOC at the exit conference, our report contains no conclusions or recommendations based solely on opinions of individuals or anecdotal comments.
- ③ [Our report states](#) DOC indicated it had analyzed relevant research to develop its evidence-based response to violations project and had tailored aspects of this research to meet Wisconsin's needs. Because DOC did not provide written evidence of this analysis, we could not independently confirm it.
- ④ Our report did not comprehensively assess DOC's efforts to collect supervision fees and, as a result, did not "recognize DOC's compliance in all areas" pertaining to collection of these fees.
- ⑤ We relied on the timeliness standard required by [DOC's written policies](#) to analyze risk and needs assessments. The policies require DOC agents to complete an initial assessment (which the policies term a "COMPAS Core assessment") within 30 days after an individual began community supervision. At the exit conference, DOC acknowledged this requirement to us. Our analysis took into account policy-specified exceptions to this 30-day requirement, such as individuals who absconded or were under supervision for less than 30 days.
- ⑥ DOC likely did not comply with the [statutory requirement](#) to provide day reporting center services because, as [our report states](#), six of its eight regions provided few or no such services from January 2019 through December 2021.
- ⑦ Our report does not state that DOC is statutorily required to centrally track court-ordered services.
- ⑧ [Statutes](#) require DOC to evaluate the effectiveness of program services at decreasing the rates of arrest, conviction, and imprisonment. [Our report states](#) DOC has assessed a few, but not all, program services. During the audit, we asked DOC for data to support its annual Becky Young Community Corrections report, but DOC did not provide these data to us.

- 9 **Our report acknowledges** DOC's efforts to track certain programmatic aspects. Some of these efforts began late in our audit, after we had asked DOC how it tracked such aspects.
- 10 **Our report's review** of the official case files for 50 individuals under community supervision found that DOC agents did not consistently investigate alleged violations. If case files are incomplete or inaccurate, DOC cannot be certain that alleged violations are investigated.
- 11 **Our report's analysis** of DOC's electronic monitoring center relied on data provided by DOC, which indicated it had considered these data when it developed its evidence-based response to violations project in 2019.
- 12 We explained to DOC that our **report's analysis** relied on DOC's data, which indicated actions taken by DOC's electronic monitoring center.
- 13 **Our report sections** that present survey results are entitled "Opinions of DOC Agents," "Opinions of Sheriffs," etc.
- 14 **Our report presents** information on the extent to which DOC agents overrode recommended consequence levels.
- 15 DOC did not promulgate the administrative rule required by **statutes** which requires it to "develop a system of short-term sanctions" that "determines when revocation is the required response to the violation" and "provides examples of high, medium, and low level sanctions." DOC promulgated a **rule** that pertains to only one consequence, rather than a system of consequences. During the audit, a DOC manager agreed with our statutory interpretation.
- 16 **Our report states** that some of the programmatic differences we found among the regions may be appropriate. As a result, **our report recommends** DOC assess these differences and, if necessary, develop a plan to address them.
- 17 **Our report** does not indicate that 2017 Wisconsin Act 108 applies to the four statutorily required administrative rules that DOC did not promulgate.
- 18 State agencies must promulgate all statutorily required administrative rules. As **our report states**, DOC can request the Legislature remove a requirement for it to promulgate rules it believes are unnecessary.