

Supervised Release Placements and Expenditures

Department of Health Services

August 2013

Report Highlights ■

***On March 31, 2013,
33 individuals were on
supervised release.***

***DHS does not have written
policies for identifying a
potential residence for an
individual authorized for
supervised release.***

***Supervised release
expenditures totaled
\$2.8 million in FY 2011-12.***

***We provide several
recommendations to
reduce the cost of
supervised release
placements.***

Statutes allow a circuit court to civilly commit a sexually violent individual to the custody of the Department of Health Services (DHS) until the court determines the individual is no longer sexually violent. Civil commitment is not a criminal punishment, but is intended to provide treatment and protect the public. An individual who has been civilly committed for at least 12 months may petition the circuit court to authorize supervised release, which allows the individual to be placed in the community under the custody and control of DHS. The circuit court may not authorize supervised release unless it determines that the individual has met five statutorily specified criteria, including that the individual has made significant progress in treatment and this progress can be sustained while on supervised release. On March 31, 2013, 33 individuals were on supervised release.

Although statutes require DHS to make a reasonable attempt to notify the victim or the victim's family about an intended placement on supervised release, concerns were raised after an individual authorized for supervised release was almost placed near the home of one of his victims. Concerns were also raised about the cost to house individuals on supervised release. Therefore, at the request of the Joint Legislative Audit Committee, we:

- evaluated the process for placing individuals on supervised release, including notifying victims or their families;
- analyzed supervised release expenditures; and
- determined the extent to which individuals violated supervised release rules specified by DHS or were convicted of criminal offenses that they committed while on supervised release.

Key Facts and Findings

From FY 2009-10 through FY 2011-12, the average number of individuals on supervised release in a given month increased by 21.9 percent.

In FY 2011-12, monitoring and transportation services accounted for 45.0 percent of total expenditures, and housing accounted for 21.5 percent.

In March 2013, DHS paid an average of \$1,560 per month to rent each of 28 residences.

Transporting individuals on supervised release for scheduled activities increased from an average of 37.0 hours per month in FY 2009-10 to an average of 59.0 hours per month in FY 2012-13.

From January 1995 through March 2013, 34 of 96 individuals placed into the community on supervised release were discharged from civil commitment.

Placements

From January 1995, when the first placement occurred, through March 2013, 96 individuals were placed into the community on supervised release.

DHS indicated that it is challenging to identify a potential residence, in part because many landlords are unwilling to allow individuals on supervised release to live on their properties. Therefore, DHS may contact one of three firms it has identified to inquire whether the firm would be willing to attempt to identify a residence that the firm could purchase and then rent to DHS. Creating written policies for identifying potential residences would help to ensure that DHS uses a consistent and formal process and considers certain factors, including the cost to rent the residence.

If a circuit court intends to place an individual on supervised release, or discharge an individual from civil commitment, statutes require DHS to make a reasonable attempt to notify the individual's victim or the victim's family. It does so with help from the Department of Corrections (DOC) and victim and witness coordinators working in district attorney offices.

DOC operates an information technology (IT) system that records and tracks information about individuals convicted of crimes in Wisconsin. A victim or the victim's family can register with the system,

which allows them to be notified about changes in an individual's status or location. This information is also available online. DHS, DOC, and victim and witness coordinators indicated that DOC's IT system is the most effective way to provide information to victims or their families.

Before an individual is placed on supervised release, DHS completes tasks on a written checklist, including determining if contact information for the victim or the victim's family is in DOC's IT system. Revising this checklist to include a contact with the Department of Justice (DOJ) Office of Crime Victim Services or the relevant victim and witness coordinator would provide another means to obtain contact information for the victim or the victim's family.

Expenditures

Supervised release expenditures increased from \$2.1 million in fiscal year (FY) 2009-10 to \$2.8 million in FY 2011-12, or by 33.3 percent. In FY 2011-12, monitoring and transportation services accounted for 45.0 percent of total expenditures, and housing accounted for 21.5 percent.

We reviewed 28 residential leases that DHS had signed and were in effect on March 31, 2013. DHS paid an average of \$1,560 per month to rent each residence. Thirteen leases were for residences that firms had purchased in order to rent to DHS.

Within two years, DHS had paid rental rates that may have allowed firms to recoup their cost of purchasing some residences. For example, DHS paid \$2,200 per month to rent one residence. Over a 30-month period, its rent for this residence totaled \$66,000, which was \$19,000 more than the residence's purchase price. We recommend DHS attempt to negotiate lease terms that reduce monthly rental rates.

DHS contracts with a vendor to provide monitoring and transportation services for individuals on supervised release. Monitoring services include visits to residences in order to determine whether individuals are complying with supervised release rules specified by DHS. Transportation services include taking individuals who have been on supervised release for more than one year to treatment providers, places of employment, and other DHS-approved locations. In FY 2012-13, DHS paid the vendor

\$69.89 per hour to monitor individuals and transport them to activities that were scheduled in advance.

DOC is statutorily responsible for escorting individuals outside of their residences during their first year on supervised release, unless it contracts for these services. In FY 2012-13, DOC contracted with the same vendor that provides DHS with monitoring and transportation services and paid \$30.87 per hour.

Given that the same staff employed by the vendor provided similar services under both contracts, it is unclear why the hourly rates in the two contracts are so significantly different. To attempt to obtain a lower hourly rate, we recommend DHS begin the process of issuing a request for proposals for monitoring and transportation services.

Transportation for scheduled activities increased from an average of 37.0 hours per month in FY 2009-10 to an average of 59.0 hours per month in FY 2012-13, or by 59.5 percent. DHS does not have written policies for determining the amount and types of scheduled activities its staff should approve.

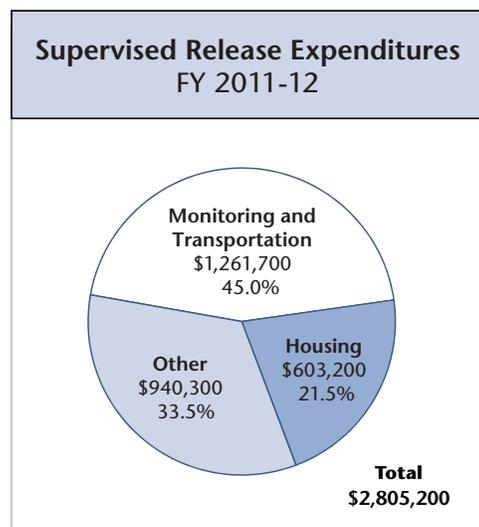
We reviewed the scheduled activities for all 16 individuals for whom transportation was provided in December 2012. For example, DHS paid \$8,800 to transport one individual to and from all scheduled activities. We question the frequency of transportation approved for two individuals and recommend DHS develop policies

for determining the frequency of scheduled activities to approve.

Outcomes

Most individuals exit supervised release one of two ways. First, a circuit court can determine that an individual is no longer sexually violent and discharge the individual from civil commitment. A total of 34 of the 96 individuals placed into the community on supervised release from January 1995 through March 2013 were discharged. Second, a circuit court can revoke an individual's participation in supervised release. A total of 33 of the 96 individuals had their participation in supervised release revoked for violating DHS-specified rules, including 4 individuals convicted of committing criminal offenses while on supervised release.

Although statutes permit an individual on supervised release to petition for discharge from civil commitment at any time, statutes do not permit any other individual or entity to file a discharge petition. From January 1995 through March 2013, individuals were on supervised release for an average of 2.5 years. As of March 31, 2013, 4 of 33 individuals had been on supervised release for more than five years. DHS believes that some of these individuals would potentially be discharged by circuit courts if they filed petitions. Individuals on supervised release may be reluctant to petition for



discharge for a number of reasons, including apprehension about living without the structure and support provided by civil commitment. Given the ongoing cost of supervised release, DHS should provide the Legislature with options, including modifications to statutes, for facilitating the discharge of individuals who may no longer meet the statutory criteria for civil commitment.

Recommendations

We include recommendations for DHS to:

- ☑ establish written policies to guide the process used to identify potential residences for individuals authorized for supervised release and the factors that should be considered, including the location of the home of an individual's victim, the cost of rent, and situations in which a firm should be contacted about purchasing and renting a residence to DHS (*p. 22*);
- ☑ contact the DOJ Office of Crime Victim Services or the relevant victim and witness coordinator before an individual is placed on supervised release to attempt to obtain contact information for the individual's victim or the victim's family (*p. 25*);
- ☑ take steps to reduce the cost of housing individuals on supervised release, including attempting to identify additional firms willing to purchase and rent residences and attempting to negotiate leases stipulating that DHS will pay reduced monthly rental rates after the first year of the leases, and report to the Joint Legislative Audit Committee by April 1, 2014, on its efforts to do so (*p. 34*);
- ☑ take steps to reduce the cost of monitoring and transporting individuals on supervised release, including immediately beginning the process of issuing a request for proposals for monitoring and transportation services and developing written policies for determining the frequency of scheduled activities to approve, and report to the Joint Legislative Audit Committee by April 1, 2014, on its efforts to do so (*p. 39*); and
- ☑ report to the Joint Legislative Audit Committee by April 1, 2014, on options for facilitating the discharge of individuals on supervised release who may no longer meet the statutory criteria for civil commitment but who are unwilling to file discharge petitions with circuit courts (*p. 46*).

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Additional Information

For a copy of report 13-12, which includes a response from the Department of Health Services, call (608) 266-2818 or visit our website:



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Address questions regarding this report to:

Dean Swenson
(608) 266-2818

Legislative Audit Bureau

22 East Mifflin Street
Suite 500
Madison, WI 53703
(608) 266-2818

Toll-free hotline:
1-877-FRAUD-17

Joe Chrisman
State Auditor