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## State of Wisconsin

### Department of Corrections

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#### SB 54

This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

Under current law, the Department of Corrections (DOC) utilizes Department Policy, evidence-based practices, Department Administrative Code, and statutory requirements to determine whether or not to revoke a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

2013 Act 196 provided the DOC with the authority to develop a system of short-term sanctions for violations of conditions of parole, probation, extended supervision (ES), and deferred prosecution agreements. These sanctions can result in offenders being placed in a regional detention facility or a county jail for up to 90 days. Under this proposed bill, the system of short-term sanctions established by 2013 Act 196 would not be an option for offenders charged with a crime while on extended supervision, parole, or probation.

In CY16, the DOC recommended the revocation for 9,416 cases of individuals on extended supervision, parole, or probation. The Department of Administration's Division of Hearings and Appeals (DOA DHA) reviews and determines the outcome of revocations recommended by the DOC. It is estimated that DOA DHA would see an increase of 5,570 revocation cases each year. DOA DHA charges DOC approximately \$223 to review and provide a disposition for each revocation case. Under this bill, it is estimated that increased revocation recommendations would result in increased DOA DHA charges to DOC in the amount of \$1,242,247 annually.

In CY16, Approximately 92% of the cases recommended for revocation by DOC were revoked by DOA DHA, resulting in the offender being sent to prison. In FY16, on average, individuals on community supervision with a new conviction were revoked to prison for approximately 39 months of incarceration. It is unknown if these patterns of revocation rates and sentencing will continue under the proposed legislation. It is possible that both will decrease due to the DOC being required to recommend revocation for the charge of any crime, instead of the current process that utilizes several factors to determine if recommending revocation is an appropriate response to the offender's behavior.

For purposes of this fiscal estimate, the Department assumes that approximately 52% of the cases recommended for revocation by DOC will be revoked by DOA DHA, resulting in the offender being sent to prison. In addition, the Department assumes revocation sentences will be 19 months.

The Department requested data from Wisconsin Court System Circuit Court Access (CCAP) to determine the number of offenders under community supervision that were charged with a crime during FY16. Using that data, the Department estimates 5,570 offenders on community supervision were charged with a new crime and remained on community supervision. Under this bill, DOC would be required to recommend revoking the community supervision of all 5,570 individuals. The Department assumes 52% of revocations recommended by DOC will be affirmed by the Administrative Law Judge (ALJ). The Department estimates this bill will result in an average increased daily population of 1,569 in the Department's Division of Adult Institutions (DAI) during the first year. When the population is annualized after 19 months, there will be a permanent increase of 4,586 inmates to DAI's population.

The estimated population change will ultimately depend upon: 1) the number of offenders being charged with a crime, 2) the rate at which the ALJs affirm the revocation recommendations, and 3) the length of reincarceration time imposed upon the offenders.

**SUMMARY:**

It is estimated that this bill would result in increased operations costs (excluding possible construction costs) to the Department of Corrections in the amount of \$51,917,200 during the first year of enactment. The Department estimates there will be a permanent increased operations cost of approximately \$149,369,000 after the population is annualized during the second year of enactment.

Prepared by: Emily Lindsey

SB54/AB94 Scenarios		Prison Costs				Average Daily Population			Total Estimated Cost			
Sentence Length	% Revocation Affirmation	Year One	Year Two	Annualized	DHA Costs	Year One	Year Two	Annualized	# of Institutions needed*	Year One	Year Two	Annualized
39 months	92%	\$89,655,648	\$255,173,768	\$524,140,713	\$1,242,247	2,776	7,900	16,227	8	\$90,897,896	\$256,416,016	\$525,382,961
	72%	\$70,165,290	\$199,701,210	\$420,991,740	\$1,242,247	2,172	6,183	13,034	6	\$71,407,537	\$200,943,457	\$422,233,987
	52%	\$50,674,932	\$144,228,652	\$304,049,590	\$1,242,247	1,569	4,465	9,413	5	\$51,917,179	\$145,470,899	\$305,291,837
	32%	\$31,184,573	\$88,756,093	\$187,107,440	\$1,242,247	965	2,748	5,793	3	\$32,426,821	\$89,998,341	\$188,349,687
19 months	92%	\$89,655,648		\$262,070,357	\$1,242,247	2,776		8,114	4	\$90,897,896		\$263,312,604
	72%	\$70,165,290		\$205,098,540	\$1,242,247	2,172		6,350	3	\$71,407,537		\$206,340,787
	52%**	\$50,674,932		\$148,126,723	\$1,242,247	1,569		4,586	2	\$51,917,179		\$149,368,971
	32%	\$31,184,573		\$91,154,907	\$1,242,247	965		2,822	1	\$32,426,821		\$92,397,154

\* Based on annualized number of inmates.

\*\*This is the assumption that the written narrative is based on.

-Assumes an increase of 5,570 revocations recommendations over FY16 levels

-Assumes annual prison cost of \$32,300

-Assumes each revocation recommendation costs DOC \$223

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