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2010 Innovations Awards Application

Deadline: March 1, 2010

ID # (assigned by CSG): **10-MW-38WI**

Please provide the following information, adding space as necessary:

State: **Wisconsin**

Assign Program Category (applicant): **Public Safety/Corrections – Corrections**

Program Name: **Wisconsin Short-term Sanctions and Functional Responses to Violations**

1. Administering Agency: **Wisconsin Department of Corrections**
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8. Please provide a two-sentence description of the program.

The Wisconsin short-term sanctions program provides authority to the Department of Corrections to employ a swift, yet proportional, administrative sanction for violations of supervision to a state detention facility or county jail for up to 90 days, as opposed to pursuing revocation. In addition, the department has adopted statewide policy for “Functional Response to Violations,” establishing a system for sanctions decision-making and to increase consistency in responses to violations.

9. How long has this program been operational (month and year)? Note: the program must be between 9 months and 5 years old on March 1, 2010 to be considered.

The department adopted the Functional Response to Violations (FRV) policy in June of 2006. In July of 2007 the department set guidelines for the use of short-term sanctions and mandated that FRV be applied to all cases that involve custody or revocation.

10. Why was the program created? What problem[s] or issue[s] was it designed to address?

Between 2000 and 2007, Wisconsin's prison population increased over 14 percent. From 2008 to 2019, the state prison population is projected to grow by 25 percent, resulting in an estimated cost of \$2.5 billion to reduce overcrowding and accommodate the projected growth.

A major driver of prison admissions are persons who are admitted with no new sentence – those whose supervision has been revoked. Between 2000 and 2007, the number of people admitted to prison because they did not comply with the conditions of community supervision increased 40 percent, while the number of people admitted to prison who committed new offenses decreased by 11 percent.

FRV was developed to provide structured guidance to violation disposition decisions. The objectives included:

- 1. Focus consideration on how a particular disposition will help accomplish the department's goals;**
- 2. Articulate a continuum of responses, of varying levels of intensity, to address individual case risk and needs; and**
- 3. Promote consistency in responses, given similar case needs and circumstances.**

Short-term sanctions are intended to provide probation/parole agents with an intermediate option, with minimal procedural requirements, as an alternative to pursuing revocation for Extended Supervision (ES) violators. It is expected that increasing the use of short-term sanctions for ES violators who would otherwise be revoked and returned to prison for short terms (less than one year) will help reduce institution populations and improve offenders' chances for success.

11. Describe the specific activities and operations of the program in chronological order.

- **Violation committed by offender serving term of Extended Supervision;**
- **Agent investigates violation and applies Functional Response Violation analysis;**
- **Agent reviews with supervisor and then forwards recommendations to the Regional Chief;**
- **Regional Chief reviews FRV analysis and request for sanction. If approved, Chief signs order specifying length of sanction (up to 90 days);**
- **Regional Chief also reviews all recommendations for revocation. Chief may deny revocation and order sanction if appropriate;**
- **Agent contacts county jail, confirms arrival date and arranges transport, if necessary;**
- **Jail receives violator. Violator is subject to jail rules as well as DOC rules;**
- **At end of sanction term, Agent arranges transport back to home, if needed, and supervision continues.**

12. Why is the program a new and creative approach or method?

The short-term sanctions program offers a creative state-county collaborative approach to holding persons accountable for rules violations, while ensuring sanctions are commensurate with the presenting behaviors and minimizing, as much as practical, impact on the offender's employment status and family responsibilities.

The Functional Response to Violations has provided increased consistency of actions taken by community corrections staff when confronted with persons on supervision who violate rules of supervision - short of new criminal behavior. It has also provided a means to bridge statewide policy and staff training with evidence-based practices, particularly in the area of risk/needs assessment and employing swift sanctions that are proportionate to the scope of violations and risk posed by the offender.

Both the short-term sanctions and FRV were highlighted by the Pew Center on the States, Public Safety Performance Project, publication *Policy Framework to Strengthen Community Corrections* (December 15, 2008) as a state example of an administrative sanctions policy for alternatives to revocation.

13. What were the program's start-up costs? (Provide details about specific purchases for this program, staffing needs and other financial expenditures, as well as existing materials, technology and staff already in place.)

Start-up costs are minimal. Operations Manual, forms are available on-line. There are no new overhead or technology costs. Initial staff training can be done in less than one day.

14. What are the program's annual operational costs?

\$3.3 million allocated for current fiscal year.

15. How is the program funded?

Funding provided through the Legislature under a General Purpose Revenue account.

16. Did this program require the passage of legislation, executive order or regulations? If YES, please indicate the citation number.

Yes. Enabling legislation for the short-term sanctions program is Wisconsin State Statute 302.113 (8m)(b) and 302.114 (8m)(b).

17. What equipment, technology and software are used to operate and administer this program?

No special equipment or technology is needed to operate the program.

18. To the best of your knowledge, did this program originate in your state? If YES, please indicate the innovator's name, present address, telephone number and e-mail address.

Yes. Short-term sanction for ES violators was originally proposed in the Final Report of the State of Wisconsin Criminal Penalties Study Committee, dated August 31, 1999. The concept was enacted into law in 2001 Wisconsin Act 109, however funds were made available for implementation until recently.

Functional Responses to Violations was proposed by the DOC Division of Community Corrections' Revocation Committee in August of 2004.

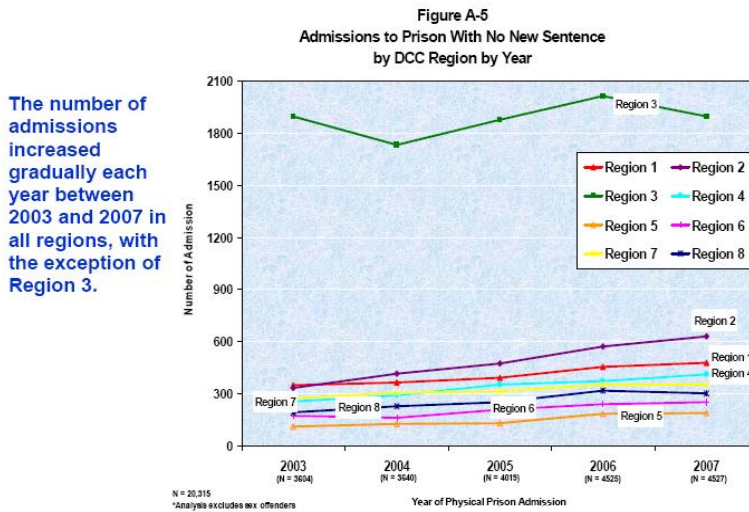
19. Are you aware of similar programs in other states? If YES, which ones and how does this program differ?

Several states have implemented various means of intermediate sanctions in an attempt to safely divert offenders from revocation. However, we are not aware of any state that has implemented both a brief institution-based sanctions program using county jail beds predicated on a functional response decision model.

20. Has the program been fully implemented? If NO, what actions remain to be taken?

Implementation is still evolving. The department is currently developing centralized communication procedure to track and inform regions about availability of sanction beds and to manage the use of the beds. Improved information system is expected to provide additional, timely information about revocations and sanctions. It is anticipated that the enhanced data collection will be deployed in mid-2010,

21. Briefly evaluate (pro and con) the program’s effectiveness in addressing the defined problem[s] or issue[s].



Although it is too soon to fully evaluate the overall impact of the short-term sanctions program, there is evidence that it may be having an impact on reducing revocations. The sanctions program was first piloted in Milwaukee County (Region 3) in approximately late 2005. A recent revocation study completed by the University of Wisconsin Public Health Institute, shows evidence that revocations for no new sentence from Region 3 have begun to drop, while the rest of the state continues with a

relatively steady incline.

The FRV policy and related staff training has provided the necessary infrastructure to the proper use of the sanction beds.

One possible caution is that without proper policy, staff training and ongoing monitoring/oversight, there is a potential for the short-term, institution-based sanctions to be used in circumstances where such a level of sanction is not warranted – this is one of the reasons why the FRV is a component of the decision-making process and that multiple levels of review are employed before using the sanctions bed.

22. How has the program grown and/or changed since its inception?

FRV has evolved from a discretionary tool to a mandatory analysis for every violation involving custody and/or revocation. Short-term sanctions were piloted for a period of time in Milwaukee County (Region 3) and have been gradually expanded to other regions across the state. Short-term sanctions has evolved from an intermediate option for any Extended Supervision (ES) violator, to become an explicitly considered alternative to revocation for ES violators facing revocation and re-incarceration in state prison for less than one year.

23. What limitations or obstacles might other states expect to encounter if they attempt to adopt this program?

Full implementation requires availability of dedicated detention facility or county jail beds. A strong collaborative relationship – anchored in written Memorandum of Agreements - between the DOC and county jails is critical. Adequate funds must be available to reimburse counties at negotiated rates. Some staff persons may be reluctant to change existing ways of doing business.

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Use these as guidelines to determine the appropriate Program Category for your state's submission and list that program category on page one of this application. Choose only one.

Infrastructure and Economic Development

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- Transportation

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- Elections
- Information Systems
- Public Information
- Revenue
- Telecommunications

Health & Human Services

- Aging
- Children & Families
- Health Services
- Housing
- Human Services

Human Resources/Education

- Education
- Labor
- Management
- Personnel
- Training and Development
- Workforce Development

Natural Resources

- Agriculture
- Energy
- Environment
- Environmental Protection
- Natural Resources
- Parks & Recreation
- Water Resources

Public Safety/Corrections

- Corrections
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- Public Safety

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This application is also available at www.csg.org.