



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

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Joint Committee on Finance

Paper #353

### **Parole Commission Membership and Staffing (DOC -- Community Corrections)**

[LFB 2001-03 Budget Summary: Page 223, #6]

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#### **CURRENT LAW**

Base funding for the Parole Commission is \$761,800 GPR and 12.0 GPR positions. The Commission has a statutorily-established membership of six parole commissioners, including the Commission Chair.

#### **GOVERNOR**

Provide \$321,300 GPR in 2001-02 and \$351,500 GPR in 2002-03 and 6.0 GPR positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission. Modify current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003.

#### **DISCUSSION POINTS**

1. Under current law, the six-member Parole Commission is created in the Department of Corrections. Members of the Commission include a chairperson who is nominated by the Governor and, with the advice and consent of the Senate, appointed for a two-year term, and five members in the classified service appointed by the Chairperson. Statutes require that members have knowledge of or experience in corrections or criminal justice. The Parole Commission Chairperson may be removed by the Governor, at his or her pleasure.

2. The Chairperson of the Parole Commission is required to administer and supervise the Commission and its activities and be the final parole granting authority. (Statutes do allow the

Secretary of the Department of Corrections to make parole release decisions in certain circumstances.) The Parole Commission is required to conduct regularly-scheduled interviews to consider the parole of eligible inmates of the adult correctional institutions, eligible inmates transferred to mental health facilities and under the control of the Department of Health and Family Services and eligible inmates in any county house of correction.

3. The Department of Corrections is required to provide all of the following to the Parole Commission: (a) records relating to inmates which are in the custody of the Department and are necessary to the conduct of the Commission's responsibilities; (b) scheduling assistance for parole interviews at the correctional institutions; (c) clerical support related to the parole interviews; and (d) appropriate physical space at the correctional institutions to conduct the parole interviews.

4. For all felony offenses committed on or after December 31, 1999, except for those punishable by life imprisonment, felons sentenced to prison are given a bifurcated (two-part) sentence, under which a sentencing judge specifies an amount of time a convicted felon will serve in prison and an amount of time a felon will serve in the community on extended supervision. Offenders sentenced under a bifurcated sentence may not be placed on parole. For felony offenses committed before December 31, 1999, convicted felons may be sentenced to an indeterminate term of imprisonment. This sentencing structure is referred to as "indeterminate" because felons may be paroled from prison and discharged from supervision prior to serving the maximum sentence imposed by the court.

5. For calendar year 2000, Corrections indicates that 82.3% of all admissions were associated with individuals serving indeterminate sentences. As of December 31, 2000, 19,440 inmates out of 21,054 were in prison under an indeterminate sentence. In addition, a portion of offenders in prison on that date under a bifurcated sentence (1,614 offenders) also had a simultaneous indeterminate sentence.

6. Since 1997, the average number of monthly parole interviews conducted by the Parole Commission has increased by 33.5%, from 1,041 per month in 1997 to 1,390 in 2000.

7. According to DOA, during calendar year 2000, for a period between August, 2000 and December, 2000, the Commission hired an additional commissioner on a contract basis and four additional limited-term clerical positions. While questions can be raised regarding the appropriateness of exceeding the statutory number of commissioners by hiring a seventh commissioner, during the August to December, 2000, period, the Commission was able to increase the number of paroles from a monthly average of 168 at the beginning of the year to 230 during the last months of 2000. During this period, the Parole Commission expended or encumbered 81% of its supplies and services budget for 2000-01 through the beginning of December, 2000, and was required to submit a s.13.10 request for supplemental funding. As a result, the Committee provided an additional \$121,900 GPR in 2000-01. In connection with cost savings measures, the Commission terminated the additional positions. Subsequent to December, 2000, the number of monthly paroles decreased.

8. The bill provides \$321,300 in 2001-02 and \$351,500 in 2002-03 and 6.0 positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission and modifies current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003. Under the bill, funding would be provided as follows: (a) staff costs including rent, \$267,200 in 2001-02 and \$287,400 in 2002-03; (b) limited-term employees, \$21,500 annually; and (c) additional supplies and services for the Commission, \$32,600 in 2001-02 and \$42,600 in 2002-03.

9. The recommendation included in the bill is identical to the 2001-03 biennial budget request from the Department of Corrections except for the creation of parole commissioner positions that would expire on June 30, 2003. In support of its request, Corrections indicated: "The Commission reports they have a backlog of cases and has recently been admonished by the Courts for poor record-keeping (State ex rel. Anthony Meriweather vs. Jerry Smith, Jr. et. al.). The PC [Parole Commission] also indicates they have a shortage of storage space for records and not enough clerical support to transcribe records when the Court requests those services. It should also be noted that most of the Commissioners are long-term state employees earning more than six-weeks leave time each year. This reduces the amount of time available to hold parole hearings. In addition, as the number of inmates and locations inmates are housed grow, the workload of the Commission continues to grow."

10. The Governor's prison and probation, extended supervision and parole populations estimates are predicated on additional resources being provided to the Parole Commission in a manner similar to the Commission's expenditures and staffing in 2000-01 between August, 2000, and December, 2000. With these resources, the Governor assumes that an average of 75 offenders per month will not remain in prison, but rather will be on parole supervision.

11. While the bill would expand the size of the Commission by two members until June 30, 2003, permanent commissioner positions would be created. DOA has indicated that project positions were intended to have been authorized. If the Committee wishes, these positions could be converted to two-year project positions.

12. Inmates admitted to prison under an indeterminate sentence are eligible for parole until the expiration of their sentence. It should also be noted that individuals sentenced to prison under both determinate and indeterminate sentences simultaneously, remain eligible for parole while serving an indeterminate sentence. When an individual will be eligible for parole under an indeterminate sentence is determined by the initial length of the sentence, the sequence of the determinate and indeterminate sentences established by the sentencing judge and whether sentences are concurrent or consecutive.

13. Under current law, no project position may exceed four years. Given that there are currently a large number of offenders who will, at some time, be eligible for parole and continue to be eligible for parole until expiration of their sentence, it can be argued that the additional commissioner positions created in the bill should be permanent positions. Further, the ability of the Parole Commission to recruit for a two-year position may limit the pool of qualified candidates

interested in filling the positions. In order to make the positions permanent, the Committee could remove the provision which returns the Commission to a six-member body on June 30, 2003.

### **ALTERNATIVES TO BILL**

1. Approve the Governor's recommendation to: (a) provide \$321,300 GPR in 2001-02 and \$351,500 GPR in 2002-03 and 6.0 GPR positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission; and (b) modify current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003.

2. Modify the Governor's recommendation to specify that the Parole Commissioner positions created in the bill are two-year project positions expiring on June 30, 2003.

3. Modify the Governor's recommendation by specifying that the expansion of the Parole Commission from six members to eight is permanent, rather than until June 30, 2003.

Prepared by: Jere Bauer