



MARY FELZKOWSKI

STATE SENATOR • 12TH SENATE DISTRICT

Testimony for SB 172

Senator Mary Felzkowski

Committee on Judiciary and Public Safety

November 2, 2023

Good morning Chairman Wanggaard and Committee Members,

Thank you for the opportunity to testify on Senate Bill 172, which will require the Department of Corrections to establish a Community Reentry Center under their purview.

Last session, a joint legislative study committee was formed with the purpose of reviewing impediments to employment and job training for individuals who are incarcerated or recently released. Through the exploration into this topic by the members of this committee, several paths to increasing offender employment opportunities were brought to light. One of these opportunities is the creation of a DOC Community Reentry Center that will serve as a 'one-stop shop' for recently released offenders to connect with services revolving around employment, health, education, and more.

When an offender is released from prison to begin the parole or community supervision part of their sentence, they are oftentimes released with little to no resources or guidance, leading many of them to struggle through their re-integration period, and more likely to put themselves in a situation where they re-offend and are re-incarcerated. A Reentry Center would be an all-in-one tool for both the parolees and their parole officers to access the resources needed for an individual to be set on the right track. This will eliminate the underestimated complications many released offenders face, such as not knowing how to get the ID required to pick up a prescription medication, or not having a bus pass in order to get to job interviews.

This bill will require the DOC to contract with at least one nonprofit organization, for-profit entity, or public agency to establish a community reentry center where initial, post-prison points of contact will be established for health services, identification services, financial services, housing services, employment services, education services, and DOC supervision services. This center must operate in a location that is easily accessible by public transportation and the population that it will serve, so it is the goal of the Study Committee and DOC to establish this facility in Milwaukee County, where the majority of offenders are released. Within the 2023-25 biennial state budget, \$4 million was set aside in JFC's supplemental appropriation account, to be released pending passage of this bill and on 13.10 request by the DOC once a plan for the facility is brought to the Finance Committee. Once the reentry center is established, DOC will be required to submit a biannual report examining the outcomes of services provide at the facility.

I am grateful to the vice-chair of the study committee, Rep. Schraa, for his work on this legislation, as well as the effort and input provided by Leg. Council and our fellow committee members. Thank you for your time today, and thank you for your consideration of this bill.



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Testimony on Senate Bill 172

Chairman Wanggaard and members of the Committee, I appreciate the opportunity to testify additionally on Senate Bill 172, which establishes a program to provide reentry services at one location.

While employment is essential for successful reentry, there are a number of factors that affect a person's ability to obtain and retain employment. This proposal would consolidate a number of services at one location to remove barriers for people who may be experiencing a type of culture shock as they reenter society.

A person cannot hold a job if he or she is not in good health. This center will provide staff to help persons find and access appropriate health care resources.

DOC makes a good effort in pre-release to obtain appropriate documentation, but this is not always possible. The center will assist in securing documents necessary for employment.

In today's world, a person needs a bank account for direct deposit of wages and a debit card for purchases. Assistance in obtaining these financial services will be provided.

Homelessness is an immense barrier to employment. The bill requires the center to provide information on emergency housing and contacts for landlords who might be willing to rent to them.

Not everyone who leaves prison has a job lined up. DWD has some outstanding Job Centers in prisons, and the community center will provide similar services.

Many inmates earn their High School Equivalency Diploma while incarcerated. Some earn vocational certification or even a baccalaureate degree in prison. Others are in need of education to achieve adequate employment. The center will provide help for each person to decide whether and how to continue education.

Probation and Parole Agents will be present to meet with individuals on Community Supervision.

Seven services is a lot to provide under one roof. Still, it is worth the effort

It will take a good deal of space and manpower to accomplish. That means funding, and Senator Felzkowski, who chaired the study committee, had the foresight to include \$4 million for the first year of this project. If it proves successful, there is the possible to expand to other locations in addition to the first one in Milwaukee County. Future funding will be addressed in future budgets. The bill requires data collection and reporting to assess whether or not the project is worthwhile.

Finally, I would like to thank Mr. Adam Procell, who brought this concept to the Study Committee. As he was presenting his idea, it was as if a lightbulb went off in my head. I believe that this innovative concept can have a significant effect on reducing recidivism and improving successful reentry.

Thank you for your time and attention. It will be my pleasure to respond to any questions you might have.



November 2, 2023

Public Testimony of State Representative Evan Goyke

Re: Senate Bill 172 - Establishing & operating community reentry centers

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety,

I had the honor to serve on the 2022 Joint Legislative Council Study Committee on Increasing Offender Employment Opportunities. Thank you to Chair Felzkowski, Vice-Chair Schraa, as well as fellow legislative members Senator Taylor and Representatives Stubbs and Petryk. As always, the Committee also benefited from the experiences and perspectives of the non-legislative members.

The Committee took on an ambitious task. The re-entry landscape is complicated and the needs of the individuals returning from our care are diverse and many. We learned about a huge variety of policy solutions, their efficacy, and how Wisconsinites would benefit from them. One of the hardest tasks was to focus on just a few ideas. At times I worried the effort would not result in draft legislation, simply because there's so much to do it's difficult to know where to start.

The four bills authored by the Committee and introduced by Joint Legislative Council represent just that – a strong start in improving opportunity and employability for individuals returning from our care.

Senate Bill 172 would begin to rethink the service delivery model in re-entry. By helping create a single place for individuals to turn to for re-entry services and support, program enrollment and delivery will be more efficient and effective. The bill requires partnerships with non-profits working with the re-entry population and lists the areas of treatment or services imagined all under one roof.

One major, positive impact not found within the four corners of the bill is the collaboration that will naturally occur by breaking down silos within the re-entry service landscape. First, organizations will hone best practices and working in proximity will lead to better collaboration and a holistic approach to addressing individuals presenting with multiple re-entry needs. Second, by assuming a support role rather than the project lead, the facility will be less government-building and more community space, offering a more therapeutic and recovery focused environment. Last, the new space will likely foster stronger peer to peer mentorship opportunities. Returning individuals often best relate to people that understand the unique experiences of serving time in prison.

Senate Bill 172 also includes a strong data collection and reporting requirement to ensure the model works and serves as proof of concept should the outcomes warrant expansion beyond the one initial site.

Thank you for the opportunity to testify in favor of Senate Bill 172 and support the hard work of the 2022 Joint Legislative Council Study Committee on Increasing Offender Employment Opportunities.



WISCONSIN CATHOLIC CONFERENCE

TO: Senator Van Wanggaard, Chair
Members, Senate Committee on Judiciary & Public Safety

FROM: Tia Izzia, Associate Director for Human Life & Social Concerns

DATE: November 2, 2023

RE: Support for Senate Bill 172 Community Reentry Centers

The Wisconsin Catholic Conference (WCC), the public policy voice of the Catholic bishops of Wisconsin, urges you to support Senate Bill 172, which offers needed opportunities to persons who are exiting incarceration. We thank all the members of the Study Committee on Increasing Offender Employment Opportunities for helping to bring this bill forward.

Others here before the committee today will speak to how this bill will help build supports for people who were formerly incarcerated. What the WCC would like to speak to is the paramount importance of reintegrating those involved with the criminal justice system back into our communities.

In 1998, Wisconsin's Catholic bishops convened a 15-member Task Force on Corrections to review the state's criminal justice system. The Task Force included a formerly incarcerated person, several crime victims, a former Supreme Court Justice, the director of a community program that helps place formerly incarcerated persons in jobs and housing, an assistant district attorney for Milwaukee County, a prison chaplain, a retired county sheriff, a former probation officer, and priests who ministered to both the incarcerated and to victims. The Task Force heard testimony from Department of Corrections officials, incarcerated persons, victims of crime, theologians, and advocates for judicial and prison reform.

With the findings of the Task Force, the bishops then published *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin*. Their statement called for a statewide evaluation of criminal justice policies to determine how they convey respect for the human person, serve the common good, exercise an option for the poor and marginalized, serve the end of restoration, and foster the principle of solidarity among all in the community. As they stated: "Policies must be assessed in terms of their capacity to assure that offenders will live a productive and peaceful life in the community to which they return."¹ Nearly 25 years after this report was published, and after countless efforts to improve Wisconsin's criminal justice system, much remains to be done. All too often, men and women are released from jails and prisons with little, if anything, to their name, and without a healthy community to call home.

Those who are re-entering our communities after incarceration deserve the opportunity to rebuild their lives. Many are eager to work, but face substantial barriers. In the words of Pope Francis: "Many times, once released from prison, the person has to deal with a world that is foreign to him, and which also does not recognize him as worthy of trust, even going so far as to exclude him from the possibility of

working to obtain a decent livelihood. Preventing people from recovering the full exercise of their dignity, these people remain once again exposed to the dangers that accompany a lack of opportunities for development, amidst violence and insecurity.”²

Senate Bill 172 will make reentry in Wisconsin more humane and individuals more successful. This bill demonstrates what can be accomplished through careful deliberation, stakeholder involvement, and bipartisan cooperation. We thank you for hearing this bill today and respectfully urge you to support it.

FROM: The Texas Association of Public Safety Officers & Social Workers

DATE: November 2, 2019

RE: Support for Senate Bill 172 Community Reentry Centers

The Wisconsin Catholic Conference (WCC), the public policy voice of the Catholic bishops of Wisconsin, urges you to support Senate Bill 172, which offers needed opportunities to persons who are being incarcerated. We thank all the members of the Study Committee on Increasing Offender Employment Opportunities for helping to bring this bill forward.

Others have before the committee today will speak to how this bill will help build supports for people who were formerly incarcerated. What the WCC would like to speak to is the paramount importance of reintegrating those involved with the criminal justice system back into our communities.

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¹ *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin by Wisconsin's Roman Catholic Bishops.* Wisconsin Catholic Conference, 1999.

² *Pope Francis Speech to the International Meeting for Regional and National Managers of Prison Pastoral Care.* November 8, 2019. https://www.vatican.va/content/francesco/it/speeches/2019/november/documents/papa-francesco_20191108_pastorale-carceraria.html.

To: Chairman Wanggaard, Committee on Judiciary and Public Safety

From: Anna Neal, Legislative Advisor, Wisconsin Department of Corrections

Date: November 2, 2023

RE: Information Only

- Senate Bill 172 Relating to: establishing and operating community reentry centers and making an appropriation.
 - Senate Bill 438 Relating to: definition of “sex” for the purpose of placing prisoners and conducting strip searches.
 - Senate Bill 461 Relating to: creating an immersive work opportunity program for persons incarcerated in the state prisons
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Senate Bill 172: The Department of Corrections (DOC) has been a vocal advocate for increasing resources and programs to assist the Persons in our Care with finding and maintaining meaningful employment. The Legislative Council Study Committee on Increasing Offender Employment Opportunities sought out creative solutions to assist the agency in meeting their goals. DOC believes the committee’s recognition of the barriers in place for justice involved individuals assisted in drafting a series of thoughtful bills for consideration, including SB 172.

As our agency continues to use evidenced-based decision making to implement programs and practices, we appreciate the committees such as these, who work alongside us to find bipartisan solutions. DOC supports the overall goals within these bills, and is grateful to the study committee for seeking out information from our agency to identify the needs of the population, and learn more about our business process.

Senate Bill 438: In 2003, Congress enacted the Prison Rape Elimination Act (PREA), which set a zero-tolerance standard for sexual abuse and sexual harassment of those criminally confined to a federal, state or local facility. National standards took effect in 2012, establishing clear requirements to prevent, detect, and respond to sexual abuse and sexual harassment in confinement. In addition, PREA has national standards regarding the placement and strip searching of transgender individuals in a confined setting. This bill is in conflict with those standards.

Under this bill, DOC would be prohibited from placing, keeping together, or knowingly permit to be kept together persons in our care of different sexes (as defined in the bill) except to participate together in treatment or in educational, vocational, religious or athletic activities or to eat together, under supervision. As written, the bill would require DOC to be in violation of PREA standard 115.42, which created the following language:

(c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a

case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

(e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

(f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

(g) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

Interpretive guidance issued by the United States Department of Justice (USDOJ) on 3/24/2016 further states, "Any written policy or actual practice that assigns transgender or intersex inmates to gender-specific facilities, housing units, or programs based solely on their external genital anatomy violates the standard. A PREA-compliant policy must require an individualized assessment...The policy must allow for housing by gender identity when appropriate."

The PREA standards also govern cross-gender viewing and searches. The federal Department of Justice updated its PREA guidance as of May 2023 to address how transgender staff and non-binary staff be classified for the purposes of complying with cross-gender viewing and search prohibitions established in PREA Standard 115.15. In the guidance, they stated:

The PREA Standards do not provide specific guidance regarding the classification of transgender and nonbinary staff; however, it is important to note that the PREA Standards do not prohibit facilities from classifying transgender employees consistent with their gender identity with regard to all aspects of their employment, including those related to PREA Standard 115.15. For example, it does not violate the PREA standards for a staff member who is a transgender man to conduct strip searches of male inmates.

If for a reason other than the PREA Standards, a facility does not classify a transgender employee consistent with their gender identity, facilities should make an individualized determination based on the gender identity of the staff member and not solely based on the staff member's sex assigned at birth, the gender designation of the facility or housing unit to which the staff member is assigned, the related and required job duties of the specific staff member, the limits to cross-gender viewing and searches in PREA Standard 115.15, and the goal of the PREA Standards to prevent trauma and sexual abuse. This determination should be made at the request of, and in conjunction with, the transgender or non-binary staff member. Agencies should be aware that the determination of assignment in the facility may change at the request of and in conjunction with the employee as part of an ongoing adjustment process or as the staff member gains experience living consistently with their gender identity.

Senate Bill 461: The Department of Corrections (DOC) has been a vocal advocate for increasing resources and programs to assist the persons in our care with finding and maintaining meaningful employment. Under the Evers' Administration, we have been able to increase the number of DWD Job Centers within our facilities, expand Windows to Work in partnership with the Workforce Development Boards, and increase postsecondary educational opportunities with the expansion of Pell Grants.

While we support the concept behind this bill, we feel it is duplicative of our current work release program as well as 2017 Wisconsin Act 89 which created the following language:

302.27 (2) Inmates who are confined or detained under sub. (1) may be granted the privilege of leaving the facility during necessary and reasonable hours to engage in employment-related activities including seeking employment, engaging in employment training, working at employment, performing community service work, or attendance at an educational institution, or for any other activity designated in the contract under sub. (1). The sheriff, superintendent of the house of correction, or tribal chief of police, in conjunction with the department, shall determine inmate eligibility to participate in such activities and may terminate participation or return an inmate to state facilities, or both, at any time.

Eligible persons in our care, with the permission of the Sheriff, can serve up to their last 12 months of confinement at the jail in the county they plan to release to. They may also be granted Huber privileges. We have several agreements with counties in place that implement the provisions of Act 89.

The bill language is not clear if the intent is to expand our current work release program to individuals classified at medium or minimum custody. DOC has 4 custody classifications for persons in our care: maximum, medium, minimum, and minimum community. Currently, a person must be classified at minimum community to be eligible for work release. We have significant security concerns should these types of work opportunities be expanded to individuals at our medium facilities.

The bill would provide eligibility to persons in our care who are within 6 months of release. Our current work release opportunities go far beyond 6 months. Current code/policy does not specify a cut-off timeframe; however, we have many individuals on work release who still have several years left to serve and they are able to pay child support, restitution, other court fees and save for release while still serving their confinement time.

The bill includes a list of additional factors to be considered when providing this opportunity to persons in our care. For example, if someone has a strong work history they should be favored; if someone has a technical diploma they should be favored; and mental health or substance use disorder problems should disfavor someone. Additionally, individuals with mental health challenges or substance use disorders can still successfully hold a job and will likely need to once released. This provision could be viewed as discriminating against those with mental health or substance use disorder diagnoses, which may result in challenges from the ACLU, Disability Rights Wisconsin or other advocacy organizations.

For each of these bills, we look forward to working with members of the legislature on any revisions that may be needed, and with our partner agencies anywhere our work may intersect.