



## WISCONSIN LEGISLATIVE COUNCIL

### REDUCING RECIDIVISM AND REMOVING IMPEDIMENTS TO EX-OFFENDER EMPLOYMENT

Room 412 East  
State Capitol

October 19, 2016  
10:00 a.m. – 4:21 p.m.

[The following is a summary of the October 19, 2016 meeting of the Study Committee on Reducing Recidivism and Removing Impediments to Ex-Offender Employment. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc>.]

#### Call to Order and Roll Call

Chair Darling called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Sen. Alberta Darling, Chair; Rep. Rob Hutton, Vice-Chair; Reps. Jill Billings, and Evan Goyke; Sen. Lena Taylor; and Public Members Edward Bailey, David Borowski, Earl Buford, Jerome Dillard, Eric Johnson, Mary Prosser, Amy Schabel, and Lisa Stark.

COMMITTEE MEMBER EXCUSED: Representative John Nygren; and Public Members Sadique Isahaku and Kelli Thompson.

COUNCIL STAFF PRESENT: Michael Queensland and Melissa Schmidt, Senior Staff Attorneys.

APPEARANCES: David Liners, Executive Director, WISDOM for Justice; Mark Rice, Leader, Ex-Prisoners Organizing (EXPO), a Project of WISDOM for Justice; Shanyeill McCloud, Executive Director, Clean Slate Milwaukee; Frank Davis, Board Member, EXPO; and Lead Organizer, Madison Organizing in Strength, Equality, and Solidarity (MOSES); Wendel Hruska, Director, Project Return; and Michael Harder, Project Leader, MOSES.

## **Approval of the August 31, 2016 Minutes of the Study Committee**

*Chair Darling moved, seconded by Senator Taylor, that the minutes from the committee's August 31, 2016 meeting be approved. The motion was approved by unanimous consent.*

### **Presentation by Dr. Vicki J. Martin, President, Milwaukee Area Technical College**

Dr. Vicki J. Martin, President, Milwaukee Area Technical College (MATC), presented information to the committee on MATC's commitment to educating and training incarcerated individuals and ex-offenders. A link to Dr. Martin's PowerPoint presentation may be found on the committee's website: <http://docs.legis.wisconsin.gov/misc/lc/study/2016/1495>.

Dr. Martin began her presentation with a background on MATC and the "MATC Promise," introduced in 2015 to address a gap in employment training by focusing on training persons for "middle skill" jobs, and to provide free college education to students that attend MATC directly from high school. "Middle skill" jobs refer to jobs that require more than a high school diploma or general educational development (GED) certificate or high school equivalency degree (HSED), but less than a four-year bachelor's degree. She explained that MATC provides education focused on helping a person obtain a GED certificate as well as education required for "middle skill" jobs.

Dr. Martin then described the various MATC programs that have reducing recidivism as a goal: (1) the Blueprint for Prosperity program; (2) the Right Path program; and (3) the Second Chance Pell pilot program. MATC's Blueprint for Prosperity program is funded by a Fast Forward grant from the Department of Workforce Development (DWD) and provides a 14-week, 14-credit computer numerical control (CNC) technical education for persons under the Department of Corrections (DOC) custody or supervision who will return to the Milwaukee area. The program also includes occupational math and reading comprehension education, as well as workshops in workplace success, basic computer technology, resume writing, and job hunting. Apprenticeship opportunities are also available for trainees.

Dr. Martin described the Right Path program, which provides occupational education and training for children of incarcerated persons, or persons on community supervision (probation, parole, or extended supervision). She explained that it was created in 2014 and accepts students between the ages of 18-25 who have not completed high school with the goal of helping them finish high school or obtain a GED certificate or HSED. Dr. Martin stated that to-date, the program has enrolled 35 students.

Dr. Martin also described the Second Chance Pell pilot program. MATC was chosen by the U.S. Department of Education in the summer of 2016 to provide federal Pell Grants to incarcerated persons to receive postsecondary, occupational, and developmental GED education, as well as college-readiness courses. She explained that qualified students may enroll if they are within two to five years of being released from incarceration. To date, over 1,000 students have earned MATC credits through this pilot program.

Dr. Martin stated that MATC would like to expand its outreach efforts to ex-offenders by providing comprehensive wrap-around services and creating a “one stop” access point for students to also obtain services and resources, such as housing and transportation, as they transition back into the community from prison. She requested support for the following items: (1) mandatory pre-release education and training for high-demand, middle-skill jobs; (2) mandatory participation in career exploration and planning before release; (3) transition coordinators for pre- and post-release counseling; (4) engagement of state’s business owners in expanding employment opportunities for ex-offenders; (5) requirement of offenders connecting with educational institutions as a condition of release; (6) exploration of sentencing leniency for first-time offenders who enroll at a Wisconsin technical college; and (7) legislative support for MATC’s budget items.

### **Discussion on Workforce Development, Led by Chair Alberta Darling**

Chair Darling led the committee in a discussion related to DWD initiatives. She reported that DWD was interested in expanding its services to offenders by setting up Job Centers in various prisons to help offenders connect with employers before being released into the community. Senator Taylor and Mr. Buford described the collaborative efforts between various entities, including the Department of Health Services (DHS) and Employ Milwaukee, to set-up a database in Milwaukee’s House of Corrections as an example of how technology could be used to help offenders while still incarcerated.

Committee members then discussed the need for DOC community supervision agents to have up-to-date information and available resources. Senator Taylor described the work done by the Governor’s Task Force on Minority Unemployment Task Force and the Integrated Reentry and Employment Strategies (IRES) pilot project to provide DOC agents with the tools needed to help match offenders with workforce development services. Mr. Dillard mentioned Maryland as an example of how a statewide integrated services approach can be used to help provide services to offenders on community supervision.

### **Presentation by Representatives From WISDOM for Justice**

#### **David Liners, Executive Director, WISDOM for Justice**

Mr. Liners introduced the panel of representatives from WISDOM for Justice and asked that the committee “be bold” in its recommendations to the Joint Legislative Council. He stated that every year, over 8,000 people return home from prison and that they face huge obstacles. He asked that the committee consider legislation that prohibits an employer from asking about an applicant’s criminal record on its job application form, referred to as “banning the box.”

#### **Mark Rice, Leader, Ex-Prisoners Organizing (EXPO), a Project of WISDOM for Justice**

Mr. Rice described his personal experience of not being hired by employers who asked him about his criminal record after he was released from prison. He stated that when an

employer did not ask him about his criminal record on the job application form, he was hired. He stated that it is discouraging to face this employment barrier. He requested that the committee consider legislation that would prohibit private companies from asking about a job applicant's criminal record on its application form and cited North Carolina as an example of a state that has enacted similar legislation.

**Shanyeill McCloud, Executive Director, Clean Slate Milwaukee**

Ms. McCloud described how a person's criminal record is the leading barrier to employment. She explained that in Wisconsin, a person does not have an opportunity to get his or her criminal court record expunged once he or she reaches the age of 25. She described the changes made to expungement in the 2009 Legislative Session, and the impact that these changes had on the ability for people to obtain employment. She requested that the committee consider recommending legislation that would: (1) eliminate the age barrier to expungement; (2) allow a person to have a criminal court record expunged after sentencing; and (3) allow a person's criminal court record to be expunged if he or she was not convicted of a crime.

**Frank Davis, Board Member, EXPO, and Lead Organizer, Madison Organizing in Strength, Equality, and Solidarity (MOSES)**

Mr. Davis described his personal experience of having his community supervision revoked even though he did not commit a new crime (crimeless revocation). He described how he was sent back to prison for 32 months because he possessed a cell phone and computer without permission of a DOC supervision agent even though he possessed these items because he was working as a freelance writer. He requested that the committee consider recommending legislation that addresses crimeless revocations.

**Wendel Hruska, Director, Project Return**

Mr. Hruska requested that the committee consider recommending legislation to help offenders find transitional jobs when they are released from prison. He suggested subsidizing transitional employment for three to six months, whereby a person can receive employment training during this time.

**Michael Harder, Project Leader, MOSES**

Mr. Harder described Wisconsin's criminal justice reform in comparison with other states, including Minnesota. He stated that reform efforts in many other states are bolder than Wisconsin's efforts. He suggested that the committee look towards the Council on State Governments (CSG), the Pew Foundation, and the Vera Institute of Justice for information as to what reform efforts have worked in other states.

**Description of Materials Distributed and Discussion of Committee Assignment**

Chair Darling and Vice-Chair Hutton began the discussion by providing background on how options were developed and compiled in the memorandum entitled, *Options for*

*Committee Discussion at the October 19, 2016 Meeting (October 18, 2016).* Both Chair Darling and Vice-Chair Hutton indicated that the goal of the discussion was to determine which recommendations had strong bi-partisan support from committee members to be developed for further consideration at the next meeting. Following that overview, Chair Darling led the committee through a discussion of the options presented in the memorandum, as organized by categories.

### **Windows to Work (W2W)**

Michael Queensland, Senior Staff Attorney, Legislative Council staff, provided a brief overview of W2W. Dr. Silvia Jackson, Director, Reentry Unit, DOC, provided further information about the program and DOC's fiscal year 2017-18 Biennial Budget request related to W2W that it submitted to the Governor. The committee discussed the W2W program's focus on working with offenders who are severely mentally ill and have a medium to high risk of reoffending. The committee also discussed how the W2W program uses cognitive intervention to provide workforce readiness training while a person is still incarcerated, prior to reentering the community. Based upon consensus of the committee, Chair Darling instructed Legislative Council staff to include a recommendation that the Legislature and DOC expand W2W to serve more participants in the 2017-19 Biennial Budget for discussion at the next meeting.

### **Opening Avenues to Reentry Success (OARS)**

After a brief overview of the OARS program provided by Mr. Queensland, committee members discussed the option to recommend that the Legislature and DOC expand OARS to serve more participants in more counties in the 2017-19 Biennial Budget. Based upon consensus of the committee, Chair Darling instructed Legislative Council staff to include this recommendation for discussion at the next meeting.

### **Council of State Governments Justice Reinvestment Initiative**

Melissa Schmidt, Senior Staff Attorney, Legislative Council staff, provided a brief overview of the Council of State Government's Justice Center (CSG Justice Center) and its "justice reinvestment initiative." Committee members discussed how this process helps develop data-driven approaches to reduce spending on corrections, while still maintaining public safety. Committee members also discussed the possibility of the CSG Justice Center providing justice reinvestment technical assistance in Wisconsin in 2017. Representative Goyke proposed that the committee instead introduce the legislation that the CSG Justice Center recommended in its 2009 justice reinvestment report to Wisconsin. [See Memo No. 5, *Current Status of the 2009 Council of State Governments Justice Center's Policy Options on Justice Reinvestment in Wisconsin*, (October 13, 2016).]

Based upon consensus of the committee, Chair Darling instructed Legislative Council staff to prepare for further consideration by the committee, a draft letter that the Joint Legislative Council (JLC) co-chairs could send to the Governor, Chief Justice of the Supreme

Court, and legislative leadership in the Senate and Assembly recommending that they request justice reinvestment technical assistance from CSG to provide data-driven policy and review Wisconsin's justice system in order to decrease crime and reduce recidivism in Wisconsin based upon current trends.

### **Trauma-Informed Care**

Ms. Schmidt provided a brief overview of trauma-informed care that the Alma Center provides under contracts with both DOC and the Department of Children and Families. Dr. Jackson also explained the training that DOC management is receiving on trauma-informed care and the philosophical shift that is occurring in DOC based on this effort. Committee members discussed how trauma-informed care, similar to what the Alma Center provides to offenders in the community, could be expanded and provided in DOC institutions.

Based upon consensus of the committee, Chair Darling instructed staff to prepare the following two draft letters for further consideration by the committee: (1) a draft letter that the JLC co-chairs could send to DOC, DCF, and DHS recommending that the agencies work together with the Alma Center to develop a pilot program implemented by DOC that will provide trauma-informed services to offenders; and (2) a draft letter that the JLC co-chairs could send to DOC recommending that it study how trauma-informed care can be used in the correctional setting to reduce recidivism and that it continue to provide DOC staff with training on trauma-informed care.

### **Medication Supply Upon Release from Prison**

Committee members discussed DOC's policy to provide a two-week supply of all prescribed medications and certain over-the-counter medications to an inmate when he or she is released. Dr. Jackson explained that federal Medical Assistance (MA) dollars are currently unavailable to help pay for these prescriptions because they are ordered while the person is still incarcerated and the date of the order is the date that the charges attach. Committee members discussed DHS's policy to terminate, and not suspend, a person's MA benefits when the person is incarcerated. Committee members asked Legislative Council staff for more information about this policy.

Based upon consensus, Chair Darling instructed Legislative Council staff to contact DHS for more information about MA termination policies and prepare a draft letter that JLC co-chairs could send to DOC and DHS recommending: (1) inmates be provided with a four-week supply of prescription medication at the time that the inmate is released from prison; and (2) the increase in cost for the prescription medications be shifted to the MA program.

### **BadgerCare Enrollment**

Committee members discussed Wisconsin's MA waiver program for low-income individuals, known as BadgerCare Plus. Committee members raised concerns about the difficulties an offender has when transitioning into the community and how the process of finding a provider after being released from prison adds to this difficulty. Chair Darling

requested that Legislative Council staff provide more information related to the termination of an incarcerated person's MA benefits, as discussed above.

### **State of Wisconsin Identification Cards**

Mr. Queensland described the current process by which an inmate may obtain a State of Wisconsin identification card (state ID card). Committee members raised concerns about offenders being required to pay for an original birth certificate from DHS's Vital Records Office or returning to the community without an ID card altogether. Ms. Prosser stated that she had information and suggestions related to this option. Chair Darling requested that Ms. Prosser provide follow-up information and suggestions to Legislative Council staff.

### **Standing Committees of the Legislature**

Committee members discussed the proposed options that the appropriate legislative standing committees could be requested to undertake through a letter from the JLC co-chairs. The members discussed additional items that could be added to this list. Based upon committee discussion, Chair Darling invited committee members to submit to Legislative Council staff any additional options for consideration at its next meeting and requested that these options be submitted by November 15.

### **Adjournment**

The meeting was adjourned at 4:21 p.m.

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