
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON INCREASING OFFENDER EMPLOYMENT OPPORTUNITIES

411 South, State Capitol
Madison, WI
September 29, 2022
10:00 a.m. – 4:30 p.m.

COMMITTEE MEMBERS
PRESENT: Sen. Mary Felzkowski, Chair; Rep. Michael Schraa, Vice Chair; Sen. Lena Taylor;
Reps. Evan Goyke and Shelia Stubbs; and Public Members Jan Allman, Sadique
Isahaku, Eli Rivera, and Elizabeth Roddy.

COMMITTEE MEMBERS
EXCUSED: Rep. Warren Petryk and Public Member Reijo Wahlin

COUNCIL STAFF PRESENT: Katie Bender-Olson, Principal Attorney; and Peggy Hurley, Senior Staff Attorney.

APPEARANCES: Seth Lentz, CEO, Workforce Development Board of Southcentral Wisconsin;
Chytania Brown, CEO, Employ Milwaukee Workforce Development; Michael
Hartman, Policy Associate, Criminal & Civil Justice Program, and Amanda Essex,
Esq., Program Principal, Criminal Justice Program, National Conference of State
Legislatures (NCSL); Adam Procell, Community Engagement Specialist, Partners
in Hope; and Devon Kurtz, Public Safety Policy Director, The Cicero Institute.

CALL TO ORDER AND APPROVAL OF THE MINUTES FROM THE AUGUST 30, 2022 MEETING

Chair Felzkowski called the meeting to order and reminded committee members to focus on the scope of the committee's mission; Chair Felzkowski asked Legislative Council attorneys to read the scope statement to the committee.

Katie Bender-Olson, Legislative Council, called the roll and it was determined that a quorum was present.

Ms. Allman moved, seconded by Rep. Goyke, that the minutes from the August 30, 2022 meeting be approved. The motion passed by unanimous consent.

DISCUSSION OF MATERIALS DISTRIBUTED BY LEGISLATIVE COUNCIL STAFF

Memo No. 1, *Background Information on Topics Raised at First Study Committee Meeting (September 22, 2022)*

Ms. Bender-Olson briefly described the memo submitted by Legislative Council staff. She explained that the informational memo is intended to provide background information and a description of current law or current practice relating to topics raised at the committee's last meeting.

Members asked whether, within the scope of the committee's mission, the committee could direct rule-making relating to agency policy on anti-fraternization. Ms. Bender-Olson described the rule-making process generally and explained that legislation may be passed directing agencies to promulgate rules or agencies may pass rules as authorized by statute. Representative Goyke mentioned that the Department of Corrections (DOC) is currently reviewing its anti-fraternization policy and may be able to provide updates on the policy to the committee.

PRESENTATION BY WORKFORCE DEVELOPMENT BOARDS

Seth Lentz, CEO, Workforce Development Board of Southcentral Wisconsin, and Chytania Brown, CEO, Employ Milwaukee Workforce Development

Mr. Lentz and Ms. Brown introduced themselves and described several programs that the Workforce Development Boards oversee and administer. They noted that there are 11 regional boards statewide, which are designed to be responsive to local needs.

Mr. Lentz and Ms. Brown described programs including the Windows to Work which, in collaboration with DOC, serves people who are recently released and looking for employment opportunities. They also described Linking to Employment Activities Pre-Release (LEAP), a federally funded pilot program that creates a jobs program center within jails and, by providing resources such as computer labs, interview preparation, and other employment-related training, seeks to connect people with job opportunities before release from jail. Mr. Lentz explained that these programs require about eight weeks of consistent curriculum and are intended to be a pre- and post-release bridge to prepare individuals for work conditions and increase job readiness.

The speakers also provided information on technical training done in collaboration with technical colleges and often taking place on college campuses. Typically, inmates start participating in these programs while incarcerated and then continue after release. Additionally, the speakers described collaborative efforts with community partners, faith-based organizations, technical colleges, universities, and the University of Wisconsin Medical College for support, assessments, and community-based efforts to meet needs for training/education, treatment, housing, and transportation.

Mr. Lentz and Ms. Brown indicated that there are a variety of federal, state, and local funding sources for these efforts. Some programs subsidize wages in "transitional jobs" so that employers that may otherwise be reluctant have an incentive to hire individuals with criminal records. Additionally, there are plans underway to use some federal funds (ARPA) for innovative programs aimed at younger offenders. The speakers noted that these funds are not necessarily earmarked for reentry programs, but the boards decide to spend resources where there is the greatest need.

In response to questions from committee members, Mr. Lentz described some programming aimed at more rural communities, including one program in which the board works with a community-based agency in Sauk County. This program focuses on "wraparound" services and incorporates input from

the county sheriff, local employers in need of workers, and training and technical educators who focus on the employment needs specific to that community. Mr. Lentz mentioned that innovative solutions are needed to address challenges like transportation to worksites, and the DOC need for a consistent and secure workplace. To that end, employers are offering solutions including being willing to provide transportation and planning work schedules to accommodate DOC programming requirements.

Representative Schraa asked the speakers to identify two specific hindrances faced by offenders looking for employment that could be addressed by legislation. Ms. Brown identified offenders' needs to obtain driver's licenses upon release, and Mr. Lentz identified offenders' challenges in securing suitable housing.

Chair Felzkowski inquired about whether there are some outreach resources for employers to contact to get questions answered, like a hotline. Ms. Brown indicated that there are people to talk with, but a centralized hotline would be helpful, particularly if a centralized hotline is set up to direct callers to the appropriate local resource.

Committee members also discussed DOC requirements for ensuring that workplaces are safe, the involvement of judges and other community partners in reentry initiatives, when reentry efforts and training can and should begin, and how to ensure that agencies and community partners are working toward a common goal without unnecessary duplication of efforts or missed opportunities. Before these speakers concluded their presentation, they offered to provide the committee with data on the number of people involved in their programs and the recidivism rates for program participants vs. nonparticipants.

PRESENTATION BY THE NATIONAL CONFERENCE OF STATE LEGISLATURES

Michael Hartman, Policy Associate, Criminal & Civil Justice Program, and Amanda Essex, Esq., Program Principal, Criminal Justice Program

Mr. Hartman introduced himself and Ms. Essex and briefly described NCSL and its mission. Mr. Hartman explained that trends in state legislatures relating to offender reentry and employment include efforts in the following areas: education and job training, sentence credits, drivers' licensing and identification (ID) cards, certificates of qualification and limited liability for employers, criminal history clearing, "ban the box" for hiring, and housing, and described representative efforts for each of these areas.

Mr. Hartman described examples of pre- and post-release training and education, sentence credits that allow offenders to earn time off of their incarceration or supervision time, efforts to assist offenders in acquiring or reactivating identification cards and drivers' licenses, programs that provide some liability protection for employers who hire offenders who meet established criteria, expungement and other methods of sealing criminal history for purposes of employment and housing, and efforts to increase housing opportunities upon reentry.

Mr. Hartman explained that interest in each of these areas has waxed and waned over the last several legislative periods, and that states have enacted a wide range of initiatives within each category. Mr. Lentz acknowledged that many of the initiatives were enacted to realize cost savings by moving people out of incarceration and to promote education and employment in the service of reducing recidivism.

Committee members discussed the effectiveness of these laws, particularly sentence credits and "ban the box" legislation relating to hiring. Ms. Essex indicated that savings realized by moving people out of incarceration earlier are typically redirected to other anti-recidivism efforts. Mr. Hartman described

research on the efficacy of “ban the box” efforts and noted that the results are mixed. Mr. Hartman explained that the efficacy of ban the box and other means of clearing an offender’s criminal history may depend on the local employment culture and employers’ willingness to buy into nondiscrimination policies without finding a proxy for criminal history in a manner that perpetuates an unwillingness to hire offenders.

PRESENTATION BY ADAM PROCELL, COMMUNITY ENGAGEMENT SPECIALIST, PARTNERS IN HOPE

Mr. Procell introduced himself and indicated that his focus would be less on statistics and analysis and more on his experience and observation, particularly in Milwaukee. Mr. Procell noted that 95% of incarcerated people will eventually be released, meaning that all communities will be affected by policies relating to post-incarceration integration into the community. He stressed that simply getting a job, without additional services and support, can lead to failure. He noted that research indicates that having a job is important, but is not the only, or even the most important, factor in post-incarceration success.

Mr. Procell described challenges faced by people upon reentry into the community, including lacking an ID, a Social Security card, a driver’s license, a bank account, and any knowledge of current practices or technology to obtain those things.

Mr. Procell asked the committee to promote ways that the prison system can coordinate reentry efforts in a manner that smooths the transition and prepares inmates for countless challenges and new experiences. He stressed that coordination of efforts is key, both as a fund-saving mechanism and to increase the efficacy of each program. Mr. Procell stated that reentry efforts should ideally begin as soon as someone is arrested, continue through any period of incarceration, and extend beyond release.

Mr. Procell indicated that legislation is required to centralize and integrate what are now silos of programming. In response to a question from Chair Felzkowski, Mr. Procell stated that people who may not be familiar with the criminal justice system may be convinced to support reintegration efforts when they realize that a safer community is possible when offenders believe that a second chance is real and there are ways to succeed post-incarceration.

In responses to a question from Ms. Allman, Mr. Procell suggested two legislative fixes: (1) require DOC to ensure that each offender leaves incarceration with an ID card or a Social Security card, housing, and a plan for access to mental health or other treatment services; and (2) legislate a peer mentorship program that supports ex-offenders serving as mentors to people released or facing release. He acknowledged that the DOC policy on fraternization may need to be revisited in order to accomplish this goal.

Committee members discussed aspects of Mr. Procell’s presentation, including the role of technical colleges, securing support around the state for these initiatives, and the possibility of pilot programs that can serve as statewide models and demonstrate efficacy. The committee discussed the role of community supervision and the need to coordinate efforts among public and private entities to maximize efficiency and effectiveness. The committee noted that the low unemployment rate in the state has created new opportunities, both for creating job openings and encouraging higher wages to attract workers.

PRESENTATION BY DEVON KURTZ, PUBLIC SAFETY POLICY DIRECTOR, THE CICERO INSTITUTE

Mr. Kurtz introduced himself and explained that the Cicero Institute focuses on evidence-based practices and seeks to tailor programs to local communities rather than create a one-size, top-down approach. He noted that what works in one state or one community rarely works the same way in another.

Mr. Kurtz described the very high correlation with recidivism and unemployment, noting that even sporadic employment reduces a person's chances of returning to prison significantly. Mr. Kurtz provided an overview of various programs that focus on providing incentives to achieve identified goals. Some of those programs provide incentives for offenders who achieve certain goals; their incentivized rewards include getting time off of their supervision period, having fines or fees reduced, or having fewer required check-ins. Other programs provide incentives for probation officers or other people involved with offenders and tie specific performance metrics for supervising agents to a monetary incentive. Mr. Kurtz described high success rates and money savings in states implementing these programs. Mr. Kurtz emphasized that incentives are effective and agile, in that they can be tailored to promote whichever goals are deemed desirable in any given state or area within the state.

The committee discussed legislative actions that would be needed to implement incentive-based programming in the state, including amending certain statutes relating to fines or fees and determinate sentencing and sentence credits, and implementing measures to ensure equal access to incentive programs. The committee agreed that bipartisan support can be found for measures that reduce recidivism, have a positive community impact, and save money.

DISCUSSION OF COMMITTEE ASSIGNMENT

Chair Felzkowski initiated discussion regarding next steps for the committee. Committee members offered suggestions for speakers they would like to hear from at future meetings, including employers who work with justice-involved individuals and those who choose not to do so, as well as community-based organizations and offenders who can discuss the experiences of individuals releasing from incarceration. Members indicated that they would like to hear from offenders who have been successful and those who are less successful in finding self-supporting employment, in order to determine the barriers that offenders face when they are released from confinement.

The committee also discussed hearing from sheriffs, DOC probation and parole agents, and chambers of commerce. Additionally, members mentioned related challenges faced by those with prior convictions, focusing primarily on the difficulty of finding available and affordable housing. The committee raised the Certificate of Qualification for Employment (CQE) process and employer liability for hiring those with prior convictions, as well instructor shortages for programming and the possibility of allowing inmates who complete programming to instruct other inmates ("train the trainers").

PLANS FOR FUTURE MEETINGS

Chair Felzkowski reminded members of future meetings scheduled for the following dates:

- Friday, October 21st.
- Thursday, November 10th.
- Tuesday, December 6th.

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

PJH:ksm