
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON INCREASING OFFENDER EMPLOYMENT OPPORTUNITIES

201 Southeast, State Capitol
Madison, WI
November 10, 2022
9:30 a.m. – 4:00 p.m.

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

COMMITTEE MEMBER EXCUSED: Public Member Reijo Wahlin.

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

APPEARANCES: Eli Rivera, Founder and CEO, The Way Out; Alisha Kraus, Director, Office of Program Services for the Division of Adult Institutions, and Paulina Gutiérrez, Legislative Advisor, Department of Corrections (DOC); and Bill Lauer, Apartment Association of Southeastern Wisconsin, Inc.

CALL TO ORDER AND APPROVAL OF THE MINUTES FROM THE OCTOBER 21, 2022 MEETING

Chair Felzkowski called the meeting to order; it was determined that a quorum was present.

Motion to approve the minutes from the October 21, 2022 meeting by Ms. Allman; seconded by Representative Schraa. The motion passed by unanimous consent.

DISCUSSION OF BILL DRAFTS AND COMMITTEE ASSIGNMENT

LRB-0516/P3, relating to establishing a hotline for employers interested in hiring individuals with a conviction record.

At Chair Felzkowski's request, Legislative Council explained that the bill requires the Department of Workforce Development (DWD) to establish and staff a hotline that is accessible for employers to learn more about incentives and programs relating to hiring justice-involved individuals. Chair Felzkowski mentioned that DWD submitted materials requesting funding for the dedicated employees; the committee discussed DWD's request for two full-time equivalent (FTE) positions and the possibility of

providing funding for these positions in another bill or through the budget process. The committee determined that at this time, it would not add additional funding or positions to the bill.

The committee discussed the details of the operation of the hotline, including the hours the hotline would be staffed and the options for employers to obtain information outside of normal business hours. The committee requested additional direction be added to the bill, including directing DWD to create a website that contains information directly relating to employing justice-involved individuals. Additionally, the committee discussed its intent that DWD and DOC promote the use of the hotline, and added the legislators can also promote its use to their constituents.

LRB-6555/P2, relating to earned release for inmates upon the completion of a vocational readiness training program and granting rule-making authority.

At Chair Felzkowski's request, Legislative Council explained that this bill expands the earned release program, which under current law applies only to people who complete a substance abuse treatment program, to also include people who complete a vocational readiness training program. Under the bill, people who complete the appropriate programming will have a portion of their sentence that would have been spent in confinement converted to time on extended community supervision.

Legislative Council noted that the bill is in preliminary form and contains several questions for the committee's consideration. The committee discusses each embedded question, including inquiries relating to the definition in the bill of a "vocational readiness program" for purposes of establishing which programming may entitle a person to a sentence adjustment, criteria for eligibility for participating in the program, and whether to limit the amount a sentence may be adjusted after completion. The committee acknowledged that the bill expands an existing program and that the same criteria and limits that operate under current law, such as those that limit participation to nonviolent offenders, would also apply to individuals who participate in the newly created program.

After discussion, the committee determined that the next version of the bill should change the name of the program from "vocational readiness" to "employment readiness" and should remove the phrases "career exploration" and "vocational training" from the definition, should allow persons who are currently confined in prison to petition a court to participate in the newly created program, and should limit the amount of time a court can transfer from confinement to extended supervision to 1/3 of the person's sentence. The committee noted that this limit should apply only to participants in the Employment Readiness Sentence Earned Release Program and not to those participating in a substance abuse program under current law.

The committee discussed the relatively broad language that would allow DOC to determine, by rule that may then be considered by the Legislature, which programs would qualify for earned release and stated its intent that approved programs include apprenticeships, credentialing programs, and other educational and training programs that are intended to lead to employment in areas of demand.

LRB-6560/P3, relating to earned release for inmates upon the completion of a vocational readiness training program and granting rule-making authority.

At Chair Felzkowski's request, Legislative Council described this bill, which requires DOC to enter into a contract with a nonprofit organization to create a community reentry center program. Under the bill, each center must provide specified services, be staffed by DOC, and submit a report to the Legislature in 2027 and every two years thereafter. Legislative Council noted that the bill contains several questions for discussion by the committee and that it creates an appropriation, but does not add funding at this time.

The committee discussed the bill and determined that while the bill requires DOC to enter into a contract with a nonprofit organization, the nonprofit could base the center partner with a program that is currently administered or could be administered by a county or other local unit of government. After consideration of each of the embedded questions, the committee determines that the next version of the bill should amend the phrase “public transportation” to “public transportation, if available” in order to accommodate areas where public transportation is not as well established as in other parts of the state. Additionally, in response to a request by DOC, the bill should remove the requirement that DOC staff the centers and, instead, require the nonprofit agency to ensure that each center provides a secure space for DOC to provide services during regular business hours; DOC can be required to provide agents to be at the centers during those hours.

The committee discussed how to determine how many centers are established under the bill and where they should be placed. Senator Taylor and Representative Stubbs indicated that they would like to see the nonprofit agencies that enter into the contracts to create the centers to join efforts with county or regional organizations, including existing criminal justice coordinating committees. The committee considered options for determining where the centers are created, and considered whether the initial centers can be opened in the areas with the highest number of persons projected to be released from incarceration.

The committee determined that it would like more information on existing criminal justice coordinating committees, would like to identify the areas with the highest numbers of released individuals, and would like to create regional centers with a limited area of coverage. The committee intends to discuss additional or amended legislation at its next hearing.

PRESENTATION BY ELI RIVERA, FOUNDER AND CEO, THE WAY OUT

Mr. Rivera presented information on the organization The Way Out. This organization serves people who were previously incarcerated and assists with employment opportunities and overcoming challenges, including obtaining housing, transportation, health care, and child care, and becoming familiar with technology. The organization connects employers with justice-involved job seekers, by administering a platform that provides support to job seekers to ensure that they have access to the required resources and services, and provides some incentives to job seekers who participate in the program. The platform also serves agencies or organizations that can provide reentry services to justice-involved individuals by “matching” them to job seekers.

Mr. Rivera describes how job seekers, reentry service providers, and employers can utilize the platform to obtain the assistance they need in whatever capacity they require. Additionally, the platform tracks performance for each individual. Mr. Rivera explained to the committee that currently, justice-involved individuals, employers, and reentry service providers utilize the organization’s platform but it would like to add DOC and DWD to that list in 2023.

In response to questions from the committee, Mr. Rivera explained that the goal of his organization is for people who are currently incarcerated to start to build their profile, assess their reentry needs, and get started on reentry as soon and as smoothly as possible. He indicates a desire for DOC and its supervising agents to use profiles created on The Way Out platform to determine what their clients’ need, where those services may be provided, and contact points for each. He also informed the committee that some of the funding for his organization has come from the criminal justice coordinating committees’ MacArthur Foundation funding, so a relationship between The Way Out and some Criminal Justice Coordinating Committees already exists, but the organization is always looking for partnerships to expand services and availability.

Mr. Rivera informed the committee that currently approximately 400 individuals are served by the platform and that the organization is not seeking state funding, but would like to work with DOC to enhance services. He indicates that The Way Out envisions a program where the employers, who benefit from receiving well-trained and ready employees, pay for access to the platform. The committee requested to review a motion Senator Taylor made during the legislative session relating to incentive funding for its consideration. Mr. Rivera concluded his presentation.

PRESENTATION BY DEPARTMENT OF CORRECTIONS

Alisha Kraus, Director, Office of Program Services for the Division of Adult Institutions, and Paulina Gutiérrez, Legislative Advisor

At the request of the committee, Ms. Kraus and Ms. Gutierrez appeared before the committee to provide additional information relating to DOC's release planning process. Ms. Kraus explained that release planning occurs throughout an individual's time in confinement, but that DOC typically creates a specific plan for release when an inmate is within six-nine months of release.

Ms. Kraus explained that each individual completes release plan form (DOC-745) that identifies his or her needs, and is available for use by the individual's Department of Adult Institutions case manager and Division of Community Corrections agent. As part of the plan and programming, individuals are assisted in obtaining a birth certificate, Social Security card, state identification (ID) or driver's license, as needed. Additionally, individuals are assessed for treatment needs, assisted with obtaining housing, Medicaid, and community resources. The committee discussed the needs for documentation in order to secure employment and requested additional information on the type of documents needed to obtain a state ID or driver's license. The committee further discussed the needs of incarcerated individuals who are released to other states and whether interstate compacts can address their needs for documentation, and the feasibility of having an outside entity to help move the reentry portfolio action items forward. The committee discussed incentive models, such as one that would provide funding to agencies or organizations that reflects cost savings realized by their efforts.

PRESENTATION BY APARTMENT ASSOCIATION OF SOUTHEASTERN WISCONSIN

William Lauer, Apartment Association of Southeastern Wisconsin

Mr. Lauer appeared via Zoom and informed the committee that he has been a property owner and has opened sober living houses, but that his presentation will focus on Milwaukee County, which has unique needs. Mr. Lauer stated that in his experience, justice-involved persons are not more prone to damaging property than any other tenants, but landlords may hesitate to rent to these individuals for fear of running afoul of nuisance property ordinances and fear of being sued if a justice-involved renter causes harm to another person. Mr. Lauer indicates that most landlords in Milwaukee are smaller owners with lower risk tolerance due to their lower ability to absorb losses when they occur.

Mr. Lauer suggested that legislative fixes to encourage owners to rent to justice-involved individuals include restricting or preempting nuisance laws, removing liability for actions of the tenants, and supporting landlords who protect other tenants by removing trouble tenants. He thinks mediation efforts might help, sees some potential in a CQE-style certification for tenants, and states his view that a cost reimbursement program for landlords would incentivize landlords to rent to justice-involved individuals.

At Chair Felzkowski's request, Legislative Council explains the federal bonding program available for employment purposes. Mr. Lauer indicated his belief that a liability limiting legislation would be more helpful for items like wrongful torts, but agrees that a bonding program would be helpful for physical damages. In response to the committee's concern that funding and incentive programs be aimed at smaller rental operations, Mr. Lauer indicated that the housing navigators working with these populations currently could steer the individuals toward the smaller landlords. Mr. Lauer indicated that he thinks the unique situations facing Milwaukee means that landlords with fewer properties would be particularly interested in participating in programs aimed at this population.

The committee discussed its options for legislation that would limit risk for landlords who rent to justice-involved individuals and determined that it would like to review bills that would create a state bonding program that would cover physical damages done by a justice-involved individual if the individual has obtained, prior to entering into a housing lease or agreement, a certification of rental readiness from DOC, and a bill that would provide landlords who rent to an individual who has obtained a certification of rental readiness with immunity from liability for most acts committed by that individual.

The committee specified that a certification of rental readiness should be granted by DOC or by a nonprofit with which DOC contracts to provide post-release assistance. DOC may consult with WHEDA, with the City of Milwaukee's landlord/tenant training agency, and with other interested organizations or agencies to develop criteria for obtaining this certification.

ADDITIONAL DISCUSSION OF COMMITTEE ASSIGNMENT AND MEMO NO. 3, *BACKGROUND INFORMATION REQUESTED AT OCTOBER STUDY COMMITTEE MEETING* (NOVEMBER 3, 2022)

The committee reviewed information provided by the previous speakers and information provided by Legislative Council in its Memo No. 3 to determine what information it would like to consider at its next meeting. The committee requested that Legislative Council provide information relating to the documentation or information required in order to obtain a state ID or driver's license, provide information on criminal justice coordinating councils, including how they are established and the work they are conducting under current law, and provide information relating to any state or federal constraints on the type of documentation a bank or other financial institution may accept in order to open a bank account for a newly released individual.

PLANS FOR FUTURE MEETINGS

The committee discussed its next meeting, currently scheduled for December 6, but determined that, depending on member availability, it may meet in December or in January. The committee would like to participate in an interactive presentation relating to the challenges faced by individuals reentering society after incarceration and asked Legislative Council to determine which dates can accommodate the next meeting and this presentation.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

PJH:ksm