

### Fiscal Estimate - 2023 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>23-2537/1</b>	<b>Introduction Number</b> <b>AB-0237</b>
<b>Description</b> requirements for releasing a prisoner to parole or extended supervision	
<b>Fiscal Effect</b>	
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <u>0</u> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
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<b>Date</b> 6/7/2023	

## Fiscal Estimate Narratives

DOC 6/7/2023

LRB Number	23-2537/1	Introduction Number	AB-0237	Estimate Type	Original
<b>Description</b> requirements for releasing a prisoner to parole or extended supervision					

### Assumptions Used in Arriving at Fiscal Estimate

Current law requires the Parole Commission or the sentencing court to allow a victim to make a statement at a hearing to determine eligibility for release to parole or discretionary release to extended supervision on a life sentence. This bill would require the Parole Commission or the sentencing court to allow a victim to make an oral statement and to make use of visual aids.

The Department of Corrections (DOC) does not anticipate that either of these changes would have any fiscal effect on the Parole Commission.

Whenever a prisoner is released to parole or extended supervision, current law requires the DOC to make a reasonable attempt to notify any victims of the crime who request notice of the release. Under current law, DOC must send this notice at least seven days before a prisoner is released on parole or extended supervision. This bill would require this notice to be sent at least 30 days before a prisoner is released to parole or extended supervision.

DOC estimates that setting an earlier deadline for the department or Parole Commission to notify victims of a person in our care's (PIOC) upcoming release could have a significant workload impact, because with more time between the initial notification and the PIOC's scheduled release, there is a greater likelihood of events arising that warrant further communication with victims. For example, if a parole grant was placed on hold, DOC or the Parole Commission would want to notify the previously-contacted victim(s) of that change. Likewise, when that hold is removed, DOC or the Parole Commission would want to again notify the victim(s). A lengthier period between the initial victim notification and a PIOC's release would require DOC's Office of Victim Services and Programs (OVSP) and the Parole Commission to monitor the status of each scheduled release for a correspondingly longer period of time, thereby increasing their workload. While DOC is unable to predict the exact scope of this additional workload, it estimates that it could be covered by an additional 0.60 FTE Victim Services Specialist position, which would have an estimated annual recurring cost of \$58,400, and an estimated one-time cost of \$7,300.

This bill would also require a prisoner to submit to a psychological evaluation and requires the person conducting the evaluation to send a report to the authority considering releasing the prisoner to parole or extended supervision. Under this bill, that reviewing authority is required to consider the report when determining whether to release the individual to parole or extended supervision on a life sentence.

Sections 3 and 7 of the bill require a "psychological examination", while Section 12 requires a "psychological evaluation". For the purposes of this fiscal estimate, it is assumed that these examinations/evaluations are equivalent, and as such, this fiscal estimate will refer to them collectively as "psychological evaluations".

The bill's requirement that certain PIOC's submit to a psychological evaluation before being released would affect (a) an eligible PIOC with an extraordinary health condition or who has reached an advanced age who submits a petition for release to Extended Supervision (ES) (Wis. Stat. ss. 302.113(9g)), (b) an eligible PIOC serving certain life sentences who submits a petition for release to ES (Wis. Stat. ss. 302.114(5)), or (c) any case of a PIOC who would be paroled (Wis. Stat. s. 304.06). For the purposes of this fiscal estimate, it is assumed that the proposed psychological evaluations would need to be conducted on all individuals pursuing or being reviewed for release under any of these mechanisms, not just the individuals who are ultimately approved and released.

In FY22, 1,244 parole committee reviews were conducted (excluding non-discretionary parole decisions, such as parole granted as a result of completing the Earned Release Program (ERP) or Challenge Incarceration Program (CIP) for Truth-in-Sentencing (TIS) sentence(s); and including all events for a single person if they were reviewed more than once in the fiscal year) and 71 petitions were submitted and considered for review for release due to extraordinary health conditions or advanced age. Of these, 173 parole reviews resulted in grants to parole, and 3 extraordinary health condition petitions were approved for release. No individuals were

eligible to petition for release to ES with a life sentence, but there are individuals who will become eligible for this mechanism in the coming years.

As such, depending on when these psychological evaluations would need to take place during the parole review or release petition review processes, anywhere from 176 (the total number of grants to parole plus applicable petitions approved for release to ES) to 1,315 (the total number of parole committee reviews plus the total number of applicable petitions submitted for release) psychological evaluations would have been required under this bill during FY22.

For this fiscal estimate, DOC assumes that the legislative intent is for the evaluator to at least assess a PIOC's treatment needs and risk factors for re-offense. It is further assumed that the evaluation would consist of at least the following steps by the evaluator: (a) review the PIOC's prior psychological, psychiatric, and possibly also medical records, (b) interview the PIOC (which, unless a remote visit is used, would include the evaluator's travel to and from the interview site), (c) administer any needed psychological tests and/or actuarial instruments, (d) gather any needed collateral information, and (e) complete and submit a written report.

The closest example to these assumed parameters for the psychological evaluations required under this bill are the psychosexual risk assessments that Division of Community Corrections (DCC) psychologists conduct per Wis. Stat. ss. 972.15(1m). These assessments involve writing a presentence investigation to assess whether a person is at risk for committing another sex offense. The overall evaluation typically takes 3 to 5 days of a psychologist's time, with that workload usually stretched out over time since the psychologist may need to wait for records, schedule interviews, contact collateral sources, and so on. As another point of comparison, the workload for DOC's Chapter 980 Special Purpose Evaluations averages about 5 days per evaluation (also generally stretched out over time).

Under the assumptions outlined above, DOC estimates that each psychological evaluation required under this bill would take between 3 to 5 work days, or 24 to 40 hours, of a psychologist's time. Depending on (a) what stage of the parole review or release petition review processes the required psychological evaluation would take place, and (b) how many hours on average each evaluation would take to complete, DOC estimates that, based on the aforementioned FY22 data, the total workload associated with these required psychological evaluations could range from 4,224 hours (176 applicable releases in FY22, multiplied by 24 hours for each evaluation) to 52,600 hours (1,315 parole committee reviews or applicable petitions for release in FY22, multiplied by 40 hours for each evaluation). The lower-end of this estimated range, 4,224 hours per year, is equivalent to approximately 2.00 full-time equivalent (FTE) positions, while the higher-end of this range, 52,600, is equivalent to approximately 25.00 FTE positions.

This bill requires that the required psychological evaluations be conducted by a "licensed physician, licensed psychologist, or other mental health professional". Under the assumption that these psychological evaluations would involve risk assessments, and possibly also treatment recommendations, qualified evaluators would need to at least be licensed psychologists.

If DOC were to conduct only 176 psychological evaluations per year, using the lower-end staff time estimate of about 4,224 hours annually (2.00 FTE), the annual estimated cost would range from \$343,600 to \$1,041,600, depending on the staffing method used: permanent FTE Psychologist-Licensed positions, limited term employee (LTE) Psychological Consultant positions, or agency (contracted) Psychologists. Additionally, there would be an estimated \$16,000 in one-time costs, and an unknown amount of travel expenditures, which would depend on how often the psychological evaluations would be conducted in-person or remotely.

If DOC were to instead conduct 1,315 psychological evaluations per year, using the higher-end staff time estimate of 52,600 hours annually (25.00 FTE), the annual estimated cost would range from \$4,295,000 to \$12,971,500, depending on the staffing method used. Additionally, there would be an estimated \$200,000 in one-time costs, and an unknown amount of travel expenditures.

Current law requires DOC to send a notice to the municipal police department and the county sheriff for the area where a person who is released from prison will be residing. The bill specifies that a police chief or sheriff that receives notice that a prisoner will be residing in the police chief's or sheriff's jurisdiction after release to parole or extended supervision may release the information in the notice to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

As DOC is already providing this required notice to municipal police departments and county sheriffs, the department does not anticipate that this change to current law would have any fiscal effect on DOC.

### **Long-Range Fiscal Implications**