Council on Offender Reentry Meeting Minutes March 21, 2019 @ 1:30pm – 3:30pm

WI Department of Corrections, Secretary's Conference Room Madison, WI 53707

Present: Chytania Brown (Department of Workforce Development), Winn Collins (Department of Justice), Karen Cumblad (Family Services), Jerome Dillard (Expo, Dane County), Beth Dodsworth (Department of Health Services), Silvia Jackson (Council Chair, Department of Corrections), Robert Koebele (Faith-Based Organization), Constance Kostelac (Department of Justice), Steven Landreman (Parole Commission), Angela Mancuso (Victim's Rights/Services Agency), Corey Kleist for Ann Perry (Department of Transportation), Stephanie Rothstein (District Court Judge), Barbara Van Haren (Department of Public Instruction)

Not Present: Shannon Carpenter (Department of Corrections), Michael Knetzger (Academic Professional/Criminal Justice), Jon Nejedlo (Law Enforcement Officer), Paul Rifelj (State Public Defender), Antwayne Robertson (County Department of Human Services), Dashal Young (Department of Children and Families)

Guests: Mary Davis, Lisa Reible, Rebecca McAtee, Katie Alft, Judy Foss, Lars Brown, Ariana Morrocco, Jeanie Verschy

Minutes: Michele Krueger (Department of Corrections)

AGENDA

Call to Order

Silvia Jackson called to order the quarterly meeting of the Council on Offender Reentry at 1:30 pm on March 21, 2019.

Introductions

Ms. Jackson greeted the members of the Council and guests. The members introduced themselves.

Approval of Minutes

Review Minutes from December 5, 2018, meeting. Motion was made by Constance Kostelac to approve the minutes, seconded by Beth Dodsworth. The minutes were unanimously approved.

Council Members Bios/Agency Description

Angela Mancuso, Executive Director, The Women's Center

Public Benefits and Justice-Involved Individuals Returning to Wisconsin Communities

Pre-Release Process

Lisa Reible, Reentry Project Manager

The pre-release planning process begins at six to nine months before release. Social workers complete the COMPAS Reentry Risk and Needs Assessment with the inmate, and assist the inmate with obtaining their Vital Documents. The inmate completes the Medicaid pre-release application and the DOC-745 Release Plan Information document.

The social worker emails the completed DOC-745 to the agent of record and schedules a pre-release conference call. During the conference call, the social worker, agent, and inmate discuss the residence plan, employment and education plan, positive support network, financial situation, transportation, and types of community-based resources available and needed.

The agent of record conducts a residence check and discusses the rules of supervision and expectations with the tenant of the proposed residence. Assuming the residence is appropriate and viable, the agent will approve the

residence. However, if the residence is unsuitable or the inmate is releasing homeless, the agent submits appropriate housing referrals (emergency housing, Transitional Living Placements, hotel). Likewise, the agent will refer the individual to a residential treatment program to address their substance abuse needs.

At three to six months before release, the institution psychologist develops a mental health care plan for inmates with mental health needs. The case plan includes a summary of treatment needs and recommendations for follow-up care in the community. Also during this time, the social worker completes a pre-screening for eligibility for Social Security benefits for those inmates who require 24-7 Health Services Unit (HSU) care, or if they have an MH-2 code (severe mental illness), and sends it to the Social Security Administration (SSA). The SSA reviews the screening and determines whether to proceed with the case. If so, SSA sends a full packet of information to the social worker to complete. Also during this timeframe, the social worker completes the Interstate Compact paperwork for inmates requesting to move out of state upon release; DOES (Disabled Offenders Economic Security) referrals, and Sex Offender Registry paperwork, as applicable.

Finally, the last 90 days before release the social worker, inmate, and agent have a final pre-release conference call to discuss housing, transportation from the prison, and any other remaining details. The agent and social worker review the Rules of Supervision and the voting ineligibility notice, and the social worker follows on the Vital Documents. During the last 30 days, the social worker assists the inmate with the phone call for medical insurance and arranges for release clothing.

Questions and Answers:

What is the average caseload for social workers? It varies by institution. At Taycheedah Correctional Institution, there are more social workers than the average male institution, where there are approximately 120 inmates per social worker. At Green Bay Correctional Institution, the average caseload is 200, and some institutions will have a primary social worker and a backup social worker. If the primary social worker is out, the back-up could have upwards of 400 inmates. Since the caseloads are very high, this can be a barrier to doing some excellent release planning.

DOT ID Project Corey Kleist, Qualification and Issuance Section Chief, Wisconsin Department of Motor Vehicle

In 2005, the Administrative Code Trans 102.03 changed, which enabled DOT to process inmate applications without the inmate having to appear at one of the service centers.

ID Process for Inmates:

The DOT has a Memorandum of Understanding (MOU) with DOC, outlining the process for obtaining a duplicate or renewal ID card for DOC inmates. The DOC absorbs the cost¹ of each inmate ID card. Per the MOU, no sooner than six months pre-release, DOC staff help the inmate complete the required DOT documents. They take the inmate photos at the facility and send it electronically to the DOT, and mail the application documents to the DMV. The DMV staff process the application by running it through specific verification systems, and use facial recognition comparison software to compare the DOC photo with any previous photos on file.

Additionally, the DMV queries the Problem Driver Pointer System (PDPS) to search the National Driver Register (NDR) data². Upon completion of the application review process, the DMV sends the ID card to the inmate at the institution.

¹ The fee for an original/renewal ID card is \$28.00. The fee for a duplicate ID card is \$16.00.

² National Driver Register is a repository of information on problem drivers provided by all 51 U.S. jurisdictions. Based on information received as a result of an NDR search, PDPS "points" the inquiring jurisdiction to the State of Record (SOR), which stores an individual's driver status and history information. Based on the information received from the SOR, the issuing state decides if the applicant is eligible to receive a new or renewed driver license.

Inmates who never held a Wisconsin driver's license (DL) or ID card need to provide a birth certificate or passport, proof of legal presence in the U.S., proof of identity (Social Security Number (SSN) card, DL or ID card from another state), and proof of WI residency (DOC correctional facilities qualify as residences). These documents are scanned into the DMV system and stored in the individual's record file for ten years or more.

Some common reasons for rejection of ID card applications are:

- The application contains errors or is incomplete.
- The inmate has a valid WI DL.
- The inmate is not a US citizen.
- The inmate previously attempted to obtain a DL or ID card through fraudulent means.

In 2018, the DMV processed and issued 1,217 ID cards for DOC inmates.

Lessons learned:

- Overall, the DOC-DOT ID Project process works very well from DMV's perspective. The previous expected turnaround time on these applications was 90 days. DMV's internal expectation is 30 days.
- The DMV wants to ensure that individuals under DOC probation/parole/ES supervision who are statutorily ineligible to vote, do not use the Voter ID application process to obtain a free ID card. The DMV only verifies the person is a US citizen of legal age; they do not check voter eligibility status.

Possible Program Improvements:

- A. Utilization of Electronic Verification of Vital Events (EVVE) DMV meets with the American Association of Motor Vehicle Administrators (AAMVA) in mid-April 2019, for a presentation on an AAMVA service which will integrate with EVVE. DMV will keep this program in mind for the DOC ID Project, but DOT would not be able to absorb any costs incurred. Likewise, legislative change may be required for DMV to use EVVE for DOC ID cards.
- B. Discuss the need for a copy of the SSN card Inmates already have a DOC inmate ID card which serves as proof of identity. If they know their social security number, we would not need to obtain an SSN card before applying for an ID.
- C. Incorporation of driver's license products (WI DL renewal and duplicate) The current MOU restricts the process to ID cards, the language of Ch. Trans 102 does allow for the possible inclusion of driver's license products. Inmates would need to obtain a vision exam at their institution, but it may be possible and may help inmates achieve greater independence and employability upon release. The fee for original and renewal driver's licenses is \$34. The fee for duplicate DL's is \$14.
- D. Looking at inmates with WI DL and bad status (revoked, suspended, canceled)
 - DOC staff could potentially help the inmate request a copy of their driving record, and DOC/DMV could work together to identify the steps needed (fees paid, traffic safety courses) to obtain license reinstatement.
 - Execute available activities while still in the facility to move toward reinstatement, such as paying citations/fees, education, and review traffic safety materials, and a plan for obtaining a license upon, or before, release.

Questions and Answers:

Is the DOT ID Project available in all institutions? Yes, the ID card is one of the steps in the reentry planning process. However, if the inmate were unable to pay for a birth certificate or did not receive their social security card promptly, they would be released without an ID card. If there were a way to electronically query the birth certificate through DOT's EVVE system or another way, I would imagine the DMV could process many more inmate applications.

Could the institutions work with their local Clerk of Courts Office to provide the DOC inmate with a copy of their birth certificate? In Milwaukee County, {the courts} do name changes often, and the person needs their birth certificate to accomplish this. It does not matter where they are from; whether they were born in Wisconsin or elsewhere, they can go to the Court in the county in which they reside and have their name changed. For those without a birth certificate, the court has the individual go to the Clerk of Court's office to request a certified copy of their birth certificate, which is then stamped "For Court Use Only." Perhaps a similar process could be created for the DOC ID process if the DMV was authorized to recognize a certified copy of the birth certificate from the Clerk of Courts with a special stamp on it.

Is that Court Use Only birth certificate provided at no charge? There is no charge for the Court Use Only birth certificate.

Does DOC pay for ID cards? Yes, the DOC pays for all inmate ID cards.

Is it only for Windows to Work participants only? No, it is without regard to any other program. All inmate ID cards issued by the DMV are charged back monthly to the DOC. The DOC sets aside \$27,000 every year for this DOT ID Project, which is funded by the Becky Young Community Corrections Appropriation.

Is there a distinction between why DOC will pay for the ID cards but not the birth certificate? Currently, the DOC is not authorized to pay for birth certificates because there is not a budget line to do that. It would be ideal to obtain a copy of the birth certificate free of charge. Perhaps have something in the statute that would exempt charging inmates for their birth certificate due to indigence, and because it is a significant barrier to everything they have to do upon release from prison.

There is a very active project through the City of Milwaukee municipal court, for example, that utilizes pro bono and retired attorneys to assist people in regaining their driving privileges. I think Legal Action of Wisconsin does this. They are probably a good model.

Since the institution's address is on the inmate's ID card, how does it get converted to their new address once they are released? Because when they go to get a job, the employer is verifying the information on the ID card. They can update their address online without having to get a new ID card. The legal requirement for the DOT is that the department's electronic records reflect the current address. If the individual needs the current address on their ID card, then they would need to pay for a replacement card.

If the individual goes to get the replacement card, do they have to take additional documentation into the DMV? No. One thing I remember hearing a few years ago is that probation agents direct the person to get a new ID with their updated address within a specified period – like 30 to 60 days after release.

Is that free? If they want to check "free for voting purposes" it is free; otherwise, it would be the duplicate fee (\$16)

Is there a similar path for WI residences in the federal system? No. The DMV does not have any agreements with federal institutions.

Silvia Jackson established a workgroup to investigate other possible program improvements and to report back at the June 2019 Council.

DOT ID Workgroup: Michele Krueger (DOC), Jerome Dillard (EXPO), Winn Collins (DOJ), and Corey Kleist (DOT/DMV).

Program: Application for Medicaid Programs Lars Brown, Reentry Disabilities Treatment Director, Department of Corrections

In 2014, there were changes made to the Wisconsin Medicaid Program that created an opportunity for many adults without dependent children. Those supervised by DOC can receive BadgerCare Plus, a health care program for low-income Wisconsin residents. The DOC, in partnership with the Department of Health Services and the Income Maintenance Consortia, developed a process that allows individuals to have Medicaid eligibility determined shortly before their release from prison.

- In the fiscal year 2018, 9,227 inmates were reviewed for the Medicaid Application Assistance.
- Of the total reviewed, 6,239 inmates released with Medicaid eligibility, which is a 67.6 percent eligibility determination rate among releasing offenders.
- Of the total Medicaid eligible inmates, the Disabled Offenders Economic Security (DOES) Project paralegals confirmed approved health care coverage for 1,357 inmates who have intellectual disabilities, low TABE reading scores, Limited English Proficiency, and mental health needs.

This program is an excellent example of interagency collaboration. DOA authorized the use of the inmate phone system to allow this process to occur. By using the inmate phone system, the inmate can contact one of the existing 11 Income Maintenance Consortia agencies to work through the process, and the Medicaid Office determines eligibility and sends the Forward Health card to the inmate at the institution.

Program: FoodShare

Rebecca McAtee, Director, Bureau of Enrollment Policy and Systems, Division of Medicaid Services, Wisconsin Department of Health Services

The Division of Medicaid Services (DMS) oversees the Medicaid and FoodShare programs. The team members present are Michele Dickinson (FoodShare Policy Section Chief), Mitch Running (FSET Analyst), and Seth Mayberry (FoodShare Policy Analyst).

FoodShare Employment & Training Program (FSET) provides opportunities to gain skills, training, and experience needed to improve employment prospects for able-bodied individuals. FSET provides comprehensive, individualized services, and helps participants meet the FoodShare ABAWD (Able-Bodied Adults without Dependents) federal work requirements.

WI ABAWD Work Requirement:

Some FoodShare members who are able-bodied adults between 18 and 49 years of age with no minor children living in the home must meet a work requirement, or they will be limited to three months of FoodShare benefits over 36 months. This requirement is met by working at least 80 hours each month; participating in FSET or another allowable work program such as Wisconsin Works (W-2) or the Workforce Innovation and Opportunity Act (WIOA) at least 80 hours each month; or both working and participating in an allowable program. The FSET program also provides services to FoodShare members who are not required to meet a work requirement.

FSET Benefits:

FSET works with different organizations who partner with FSET vendors to provide training for individuals. FSET accrues all costs relating to any services provided through the FSET program. FSET works with individuals who have barriers to employability by helping to pay for transportation, original/renewal driver's license fee, and childcare.

Exemptions from the ABAWD Work Requirement:

There are several exemptions from the ABAWD work requirement. Some of the exemptions include, but are not limited to:

- Pregnant
- Receives unemployment compensation
- The primary caretaker of a child under 6 or an incapacitated person
- Regularly taking part in AODA treatment or rehabilitation
- Enrolled in an institution of higher learning at least half-time

A complete list of exemptions is on the DHS Website <u>https://www.dhs.wisconsin.gov/publications/p0/p00710.pdf</u>.

FoodShare for the Formerly Incarcerated:

Former Drug Felons

- FoodShare applicants are required to indicate whether they have a felony drug conviction in the past five years.
- To become eligible or to maintain FoodShare eligibility, individuals with a drug felony in the past five years must submit to a drug test and have a negative drug test. If the individual refuses to submit to a drug test, they will not be eligible for FoodShare until they take a drug test. If they take the drug test and if the result is positive, they cannot re-apply for FoodShare for one year.

Application Process:

- Can apply in-person at an Income Maintenance (IM) agency, online using ACCESS, or over the phone
- The application process requires an in-person interview and the submission of proof of income, residency, and identity.
- Incarcerated individuals are unable to apply until after release due to current system limitations, which include the inability to appear for an in-person interview.

A Potential Solution for the Incarcerated:

- FoodShare Outreach agencies (Hunger Taskforce, Feeding Wisconsin and Second Harvest) assist individuals in applying for and maintaining eligibility for benefits.
- One outreach specialist is currently assisting incarcerated individuals with filling out applications and then submitting them on behalf of the inmate on their day of release.
- Some county jails have implemented creative solutions by bringing the individuals directly to the job centers or the eligibility offices to apply for benefits upon their day of release.

Questions and Answers:

Can a DOC agent verify the individual's identity to FoodShare? If the individual calls their agent during the inperson interview to ask them to submit verification on their behalf, this would be acceptable. If the individual wants the agent to take action on their behalf, they would need to formally appoint them as an authorized rep, which requires formal paperwork. FoodShare has outreach contracts with a few entities across the state who help the individuals fill out the application process.

Are individuals who temporarily stay at shelters eligible for FoodShare? Yes, they would use the shelter address as their address. If they are homeless (or in an unstable living situation), they are automatically exempt from the ABAWD work requirements.

Once the [in-person] interview is completed, could they be eligible for emergency benefits? Potentially. If someone does not have any food, housing, or income, they could be eligible for Expedited FoodShare Benefits. Within seven days of completing the interview, the individual will receive their FoodShare card. Generally, it is a 30-day process, but in emergencies, the process is streamlined to seven days.

Do they have to apply for FoodShare before they apply for FSET? Yes. If you are an ABAWD, the IM agency would automatically refer the individual to the FSET agencies. Also, if the individual has already applied for BadgerCare Plus, their information is already on file, making it much easier to apply for FoodShare.

If someone is incarcerated, what is the timeframe before they lose their FoodShare benefits? An individual who is incarcerated for more than 30 days (with 45 days being the limit) is ineligible for FoodShare unless they meet the Huber law criteria.³

For those who are in jail longer than the 30-day timeframe, can they reinstate their FoodShare benefits or do they have to re-apply? The FoodShare program is developing a suspension system, which will go into effect around October 2020. This system will allow individuals to reinstate their FoodShare benefits rather than having to re-apply. It will benefit those who serve longer jail sentences. This suspension system pertains only to FoodShare and not Medicaid.

> **Program: Disabled Offenders Economic Security (DOES) Project** *Katie Alft, Director, DOES Project, Legal Action of Wisconsin*

Legal Action of Wisconsin is a non-profit law firm that provides free civil legal services to the lower two-thirds of Wisconsin citizens. Since 2011, one of the most significant grants at Legal Action of Wisconsin is the DOES Project grant. Currently, the DOES grant funds nine attorneys, three paralegals, and one legal secretary. There are three Legal Action offices: Milwaukee, Madison, and Oshkosh. The DOES Project serves 17 prisons in Wisconsin.

DOES staff assists inmates with severe mental illness or developmental disabilities and some physical limitations, as they near release from prison. The goal is to obtain economic security by streamlining the SSI/SSDI application process and maximizing the chance of receiving these benefits before their release.

³ A Huber Law prisoner is caring for his/her family if s/he meets the following criteria: Intends to return home after his or her confinement. Continues to exercise care and control of his or her children. Continues to plan for the support and care of his or her children. Is released to attend to the needs of his/her family and to purchase or prepare meals for their family.

Process:

- Receive a referral from prison social workers approximately six to nine months before the inmate releases, concentrating on those with MH-2 mental health codes (severe mental health diagnosis), developmental disabilities and severe physical limitations
- Meet with the inmate, file the application for SSI/SSDI benefits, develop evidence, provide advocacy
- Continue working with the individual as they transition into the community (approximately for a year)
- Provide representation on appeals
- Assist clients in obtaining other benefits (health insurance, DVR, FoodShare, housing assistance, employment training programs, and auxiliary legal issues.)

The timeline for obtaining SSI/SSDI benefits:

- 1. Initial application processing time: 3-6 months
- 2. Reconsideration processing time: 4-8 months
- 3. Time from reconsideration appeal to Administrative Law Judge (ALJ) hearing: 16-24 months
- 4. Time from ALJ hearing to decision: 3-7 months

The fiscal year 2018 DOES Project Results:

- Initial applications
 - Statewide approval rate: 35.6%
 - DOES approval rate: 59.17%
- Reconsideration
 - Statewide approval rate: 17.6%
 - DOES approval rate: 24.7%
- ALJ Hearing
 - Statewide approval rate: 46.5%
 - DOES approval rate: 57.14%
- ***** Total combined closed cases: 57.69%

Questions and Answers:

What is the maximum SSI benefit an individual can receive? The maximum SSI payment is \$771. Those on SSI also get \$83.78 from the state of Wisconsin. If someone is on SSDI benefits, these payments can be higher, but typically the payment is lower, so they receive SSI to make up the difference.

Is that amount reduced based on other benefits they receive? No, receiving other public benefits has no impact on their SSI/SSDI benefit. However, benefit reduction occurs when the individual is working, receiving other forms of income, or receives food or shelter from another person ("in-kind support and maintenance").

Program: Opening Avenues to Reentry Success (OARS)

Beth Dodsworth, Bureau of Community Forensic Services, Director, Division of Care and Treatment Services, Department of Health Services Lars Brown, Reentry Disabilities Treatment Director, Department of Corrections

OARS Historical perspective:

- Based on the DHS Conditional Release Program (for those found Not Guilty by Reason of Mental Disease or Defect)
- Nationally recognized program for reducing recidivism and very cost effective
- Two-prong approach: 1) case management and 2) supervision.
- Team approach (wraparound services: agent, treatment provider, and case manager)

What is OARS?

OARS is a joint partnership with DOC and DHS, which provides an intensive case management program linking severely mentally ill moderate to high-risk inmates to case managers beginning at six to nine months before release and can last up to two years post-release. The case manager and agent work collaboratively to ensure that housing, psychiatric treatment, and other required services are available to the inmate post-release. The case manager's involvement is extensive initially and recedes as the individual acclimates to the community.

OARS Structure:

The OARS program receives \$2.9 million in funds through the Becky Young Community Corrections Appropriation. This funding provided services to 164 participants across 44 counties during the fiscal year 2018. However, nearly 200 individuals are living in OARS counties who cannot receive services due to funding limitations. Likewise, there are 28 mostly rural counties without OARS programming.

In the next biennium, the governor requested \$6.8 million for OARS expansion. If this funding is approved, the OARS program will serve 400 additional participants, and allow the OARS program to expand to all 72 counties in Wisconsin.

OARS Referral Criteria:

- Minimum of 6 months of supervision upon release
- Have a severe mental health diagnosis (MH-2) and other treatment needs
- Moderate to high risk of re-offending per COMPAS risk assessment
- Releasing to OARS territory
- Demonstrate a general motivation and willingness to engage in treatment
- Voluntarily consents to participate

OARS Participant Recidivism Comparison:

	Rate of Recidivism		
	1-year post-release	2-year post-release	3-year post-release
Control Group	18.2%	27.1%	35.6%
OARS Treated	13.8%	18.2%	31.7%

Programs: Vivitrol Pilot

Judy Foss, Director, Office of Management & Budget, Division of Community Corrections, Department of Corrections

In the 2015-17 biennial budget, the legislature provided the DOC with \$1.67 million to develop and implement a heroin treatment program with Vivitrol. After a year of research, in April 2016, the Division of Community

Corrections (DCC) implemented the Vivitrol Pilot Program in Region 4 (Brown, Calumet, Door, Kewaunee, Manitowoc, Outagamie, Waupaca and Winnebago counties).

The participant pool includes inmates releasing from prison after completing the Earned Release Program, and those already on community-based supervision. The program includes a 12-month cognitive-based treatment component and medically-assisted Vivitrol injections. Individuals are assigned to a specially-trained Probation & Parole Agent. For those who complete the full 12-month treatment program, they receive a graduation ceremony (four ceremonies to date). The Lieutenant Governor and the Attorney General have attended, and family and friends are encouraged to attend.

Participation in this pilot program is voluntary, and participants have to pass a medical assessment. The inmate participants receive the Vivitrol injection one week before their release date.

While the actual pilot ended in July 2018, the Vivitrol program is still fully operational due to ongoing funding through the current biennium. The findings from the two-year pilot program are as follows:

- 355 participants received treatment (from 1 month up to 12 months of treatment)
- 85.4% of participants were already on community-based supervision, while 14.6% of participants were from the institution.
- Participants by gender: 56.2% = female / 43.8% = male
- Participants by age: The largest majority (33%) were between 26 and 30 years of age.

Next Steps:

- Program review for expansion or modification, depending on funding.
- Work with the DOC Reentry Disabilities Treatment Director to determine Medicaid eligibility for those in the Vivitrol program. Since Medicaid pays for these services, the DOC can stretch their funding dollars to reach more individuals who do not have Medicaid or an ability to pay on their own.
- The DOC Research & Policy Unit continues to measure program outcomes to determine if the Vivitrol program is effective at reducing opioid use, reducing overdoses, and reducing recidivism based on relapse.
- Planning a May 2019 graduation ceremony
- Opioid Program Toolkit The research and resources collected over the past four years were compiled into a comprehensive toolkit to provide information, documents, and resources to agencies that are planning to implement an opioid addiction treatment program with medication-assisted treatment. This toolkit is published on the WI DOC public website

https://doc.wi.gov/Pages/OpioidProgramToolkit/Default.aspx

Questions and Answers:

Has it been difficult getting medication to individuals in rural areas? While there are programs and connections with community providers in the more rural parts of the state, they are harder to find. During the expansion process, the goal will be to connect rural communities with the required services through options like telehealth, or by providing transportation to and from the service providers.