Evaluation of the Earned Release Program (ERP)

EXECUTIVE SUMMARY

February 2007

Prepared by
Kit R. Van Stelle, Researcher
University of WI Population Health Institute

For
The Wisconsin Department of Corrections
“It is giving me a chance to change. It is making me really look at myself and what problems I need to work on. It is helping me help myself.”

OVERVIEW OF THE EARNED RELEASE PROGRAM

The Earned Release Program (ERP) is a residential substance abuse treatment program offering early release to eligible non-violent offenders that complete the program. ERP is a six-month program available to eligible male inmates at the Drug Abuse Correctional Center (capacity of 200) and to eligible female inmates at the Robert E. Ellsworth Correctional Center (capacity of 30). The program is designed to be a sentencing option for judges to promote public safety while holding the offender accountable, and was developed as a part of a larger set of initiatives in the state budget to control Wisconsin’s prison population.

Program Structure and Services

Both ERP sites provide gender-specific residential substance abuse treatment of 26 weeks in duration consisting of three clearly defined treatment phases that provide treatment for 35 hours per week. In addition to substance abuse treatment, ERP participants also receive victim impact sessions, parenting classes, and relapse planning and reintegration services. The overall program model also includes a “reach-in” component that includes pre-release contacts (either in-person or via telephone) with their probation and parole agent to complete a comprehensive release plan. DACC has been providing ERP since March 2004 and REECC has been providing ERP since September 2004. DACC admits men in 10-member cohorts assigned to a designated social worker, while REECC utilizes a therapeutic community model with a treatment team approach and admits women at the beginning of a treatment phase.

Program Mission/Goals/Objectives

The ERP Oversight Committee, ERP program staff, and the evaluator collaboratively developed a comprehensive program mission statement, program goals, and program objectives to formalize the program purpose and structure. The mission of ERP is stated as: “The Earned Release Program provides the opportunity for court-eligible non-violent offenders to earn release through participation in an intensive, evidence-based alcohol and other drug abuse treatment program that is designed to promote successful transition to community supervision, reduce the risk of committing a new crime, and save taxpayer dollars through reduced use of prison bed space.” The following five primary goals were developed for ERP:

1. Develop AODA treatment programs at DACC for males and at REECC for females;
2. Develop procedures to identify, refer, and admit eligible inmates;
3. Implement programs at DACC and at REECC;
4. Implement reach-in/reentry services; and
5. Improve the community outcomes of ERP graduates after release.
Demographic Description of ERP Admissions

More than two-thirds of all ERP admissions are white and about one-quarter are African American. The average age of ERP admissions is 36 years old, and the vast majority are single or divorced. Nearly one-half have either a high school diploma or GED/HSED. Overall, 13 percent have some type of physical, developmental, or emotional disability, and females admitted to ERP were significantly more likely than males to have a mental health need. Roughly one-half have problems with alcohol, an additional one-quarter with marijuana, and about one-tenth with cocaine. Slightly more than one-third of all admissions are incarcerated for OWI, one-third for drug charges, and an additional one-fifth for property or fraud crimes.

Program Retention

Overall, three-quarters of all admissions complete the program, with both program sites successfully meeting the program objective of at least a 60 percent completion rate. ERP graduates participate in the residential treatment program for an average of 177 days, while terminations participate for an average of 82 days. Nearly one-half of the terminations leave during Phase 1 of treatment (the first 75 days), with 10 percent discharged after a stay of 10 days or less. Graduates had 256 days to save and terminations had 280 prison days to save through ERP participation. The number of days between release through ERP completion and MR/ES date was not related to whether they completed the program.

At DACC, the male graduates are significantly more likely to be older, white, and divorced than those who are terminated. Completers are also more likely than terminations to have higher reading and math levels, and to have higher educational levels. Graduates are also more likely to be charged with OWI as their primary offense and to have been older at the time of their first felony conviction. Conversely, male terminations are more likely to be young, non-white, single, have less than a 12th grade education, and be incarcerated for a drug charge. There were three significant differences between female graduates and terminations, with white women and those without a disability or mental health issue more likely to complete.

Program staff, particularly those at REECC, expressed concern about the appropriateness of ERP for lower functioning offenders. According to program staff, some individuals can have difficulty understanding the written materials and cognitively processing the more abstract treatment concepts. The data reveal a significant difference in the reading levels of ERP graduates and terminations -- while 11 percent of graduates read below the sixth grade level, 22 percent of terminations read below the sixth grade level. In addition, 12 percent of the graduates and 22 percent of the terminations have a physical, emotional, or developmental disability. Terminations are also significantly more likely to have a mental health need than graduates.

The results of logistic regression analyses predicting program completion revealed that overall presence of a mental health issue and OWI as the primary offense are significant predictors of ERP completion. OWI offenders without mental health issues are more likely to complete ERP. At DACC, those most likely to complete are male OWI offenders without mental health issues. At REECC, those most likely to complete are women who do not have a physical, emotional, or development disability.
Prison Days Saved

ERP graduates are released from prison an average of 272 days (nearly nine months) before their mandatory release (MR) or extended supervision (ES) date (Table 2). There is a significant difference between the number of days saved by male and female participants, with male participants at DACC saving nearly twice the number of days as females at REECC. This is primarily a function of both the shorter sentences received by female offenders and of an internal policy that identifies women as appropriate for ERP admission when they have less than 18 months to release. In addition, Table 2 shows the total number of days saved through ERP participation by ERP releases through June 2006. A total of 136,604 prison days were saved by ERP completers since program inception. The smaller capacity of the women’s program (in addition to shorter sentences and different eligibility criteria for females) leads to a proportionately smaller total days saved for REECC.

<table>
<thead>
<tr>
<th></th>
<th>DACC (N=446)</th>
<th>REECC (N=56)</th>
<th>Total (N=502)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actual Days Saved By Program Completers</strong></td>
<td><strong>Average</strong> 287 days</td>
<td>154 days</td>
<td>272 days **</td>
</tr>
<tr>
<td></td>
<td><strong>Total days saved through ERP to June 2006</strong> 127,978</td>
<td>8,626</td>
<td>136,604</td>
</tr>
<tr>
<td><strong>Average cost per day for DAI incarceration</strong></td>
<td>$70.96</td>
<td>$85.48</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total Estimated Cost of Bed Savings Due to ERP Early Release of Graduates</strong></td>
<td>$9,081,319</td>
<td>$737,350</td>
<td>$9,818,669</td>
</tr>
<tr>
<td><strong>Average # of days from graduation until release</strong></td>
<td>13.2</td>
<td>13.4</td>
<td>13.2</td>
</tr>
</tbody>
</table>

According to 2005 cost estimates obtained from DOC for these analyses, the average annual cost of incarceration is $25,900 per year ($70.96 per day) for male inmates and $31,200 per year ($85.48 per day) for female inmates. Utilizing these cost estimates, the resulting prison bed savings that can be attributed to ERP through early release of program graduates totals nearly $10 million dollars through June 2006. This does not include program operational costs.

Table 2 also reveals that ERP graduates remain incarcerated an average of 13 days after their graduation from ERP. If graduates were released more quickly (for example, within seven days of completion), an additional six days could have been saved per graduate resulting in further savings. A total additional savings of $218,610 could have been realized if graduates were released within six days of program completion.
PARTICIPANT OUTCOMES

Reincarceration After Release

A total of 559 ERP admissions were released through June 30, 2006 in time for inclusion in these analyses. DACC had significantly more releases (N=485) than REECC (N=74) due to their larger program capacity and earlier program start date. As of November 1, 2006, these releases had been at risk in the community for an average of 390 days (almost 13 months). There was a significant difference in time at risk between sites, with 26 percent of DACC graduates at risk in the community for 18 months or more, compared to only seven percent of the REECC female graduates.

Overall, 22 percent of ERP releases as of June 30, 2006 were reincarcerated after release. Examination of those ERP participants who had been at risk in the community for six months or less revealed that 10 percent were reincarcerated within six months of release. Within six months of release there were no differences in reincarceration between sites or between graduates and terminations. Twenty-five percent of those who had been in the community for 12 months or less were reincarcerated. Twenty-six percent of DACC graduates and 30 percent of DACC terminations were reincarcerated within 12 months. REECC graduates (13 percent) were significantly less likely to be reincarcerated than REECC terminations (50 percent) within 12 months of release. This result should be interpreted with caution, however, as the sample size was extremely small (only six women were reincarcerated within 12 months of release).

Overall, 48 percent of the reincarcerations were MR/ES violations, 35 percent were temporary probation/parole placements, 10 percent were alternatives to revocation (ATR) placements, and six percent were new sentences. More detailed assessment of the reasons for these reincarcerations revealed that 12 percent of the MR/ES violations were for drug use and an additional 17 percent were for a new criminal offense. These new offenses included OWI, drug crimes (possession/trafficking), property offenses (theft, forgery) and violent offenses (armed robbery, battery, child abuse). Of the twelve men reincarcerated with new sentences, 11 of them were ERP graduates who were reincarcerated an average of 320 days after release from prison.

Overall, the average number of days to first reincarceration was 259 days for those releases who were reincarcerated. There were no differences in the number of days to reincarceration between ERP graduates (259 days) and terminations (260 days).

Criminal Recidivism – Conviction For a New Crime After Release

Of the 559 ERP releases through June 30, 2006, these preliminary recidivism analyses revealed that three percent were convicted of a new crime within the timeframe of this evaluation. A total of 347 (of the 559) releases had been out in the community for at least six months after release from their ERP episode of confinement. All of the fourteen male ERP graduates who were convicted of a new crime (no women were reconvicted of a new crime in this sample) had been out in the community for more than six months.
The largest proportion of new convictions were for OWI and for disorderly conduct. Two of the convictions were for aggravated battery and conduct regardless of life. Closer examination of these fourteen cases revealed that seven of them had been admitted to ERP as OWI offenders. Four of these seven men were again convicted for OWI after release. None of the remaining seven men were convicted of the same type of crime for which they had been imprisoned during their ERP episode of confinement.

Although a recidivism rate of three percent is promising, these preliminary results should be interpreted in light of the following biases:
- Recidivism as defined for these analyses is a function of time;
- The program has only been in operation for two years and is still stabilizing;
- Only a small sample of ERP terminations have been released;
- The small sample of female ERP participants who have been released; and
- The lack of an appropriate matched comparison or control group of offenders against which to compare the recidivism rates of ERP graduates limits our ability to assess the ERP’s impact on participant outcomes. It is inappropriate to compare graduates to terminations as there are intrinsic differences in motivation for treatment and motivation for change between those who complete treatment and those who do not.

**REACH-IN/TRANSITION COMPONENT**

The DCC contact standards for probation and parole agents assigned to ERP participants include the following required activities: (a) Agents will contact all ERP participants three times prior to release to facilitate release planning; (b) Within six months of release, all ERP participants will complete a Community Reintegration Questionnaire (Form 2266) and send it to their agent; and (c) Within six months of release, DCC agents will complete the Community Reintegration Case Plan (Form 2267) for all participants and email it to the social worker.

Data was gathered from ERP staff, current participants, graduates, and the EChrono system to estimate adherence to these standards. While the EChrono data was only for a small random sample of ERP graduates, the corroborating survey data from ERP staff and graduates representing a cross-section of regions suggest that many ERP participants are not receiving the three telephone or in-person meetings with their assigned agent prior to release. Sixty-one percent of graduates who responded to the satisfaction survey indicated that they had received three or more pre-release contacts, while 11 percent received zero or none. Analysis of a random sample of EChrono contact narratives received from agents of ERP graduates revealed that six of fourteen graduates did not meet with their agents prior to release. Three of the five female cases examined did not contain documentation of any pre-release contacts between the ERP participant and the agent. Most of the first pre-release contacts were conducted by telephone and took place an average of 71 days prior to their release. The first pre-release contact for five of the graduates examined occurred on the day of their release. Twelve of the cases did not receive any in-person pre-release contacts, and two received all of their contacts as in-person meetings.

The majority of agents, ERP staff, and ERP graduates felt that the pre-release contacts helped to develop a relationship with the agent, increased reporting to the agent after release, improved their housing plan, and increased the participant’s readiness for release from prison.
However, agents generally expressed less positive sentiments than the staff or graduates about the positive impact of these contacts upon the development of a release plan and AODA aftercare plan, and upon abstinence from substances, criminal behavior, employment, and financial support after release.

ERP staff, agents, and graduates were asked what pre-release activities helped the most after release. While staff felt that the assistance that they provided with documentation (i.e., social security cards, driver’s license, state ID card, etc.) was very important, neither agents nor graduates mentioned these activities. Staff also indicated that victim impact sessions, child support speakers, and community service were very helpful. Agents and graduates were more likely to mention the release planning activities, particularly housing assistance, as the most helpful activity. In addition, numerous graduates felt that the emotional support provided by their agents and the ERP treatment staff prior to release helped them after release. Agents, staff, and graduates agreed that treatment aftercare planning relapse prevention activities were an important component in their recovery after release.

**PROGRAM STRENGTHS**

- ERP is actively working to meet each of the goals and objectives set forth for the program.
- ERP meets DOC’s AODA contact standards for the level of residential treatment provided to program participants.
- The experienced program staff have worked to implement, clarify and enhance the program goals/objectives, program structure and procedures, participant assessment processes, and substance abuse treatment services.
- ERP is supported by an active Oversight Committee that addresses both system-level and program-level issues as they arise.
- ERP meets its program objective of successfully graduating more than 60 percent of admissions, with an overall graduation rate of 75 percent (77 percent for males and 60 percent for females).
- One of the principal strengths of ERP is that the program saves prison bed days through the early release of non-violent offenders. Examination of releases through June 30, 2006 revealed that ERP saved 136,604 prison bed days through early release of graduates. Based on DOC’s average cost for incarceration in 2005, this results in an estimated savings of $9,818,669 since the program’s inception.
- Overall, 22 percent of ERP releases were reincarcerated after release since program start. ERP participants who had been at risk in the community for six months or less revealed that 10 percent were reincarcerated. Of those who had been in the community for 12 months or less, overall 25 percent were reincarcerated within 12 months of release.
- Overall, the average number of days to first reincarceration was 259 days for those releases who were reincarcerated.
- The vast majority of participants surveyed also felt that ERP had numerous strengths which helped them in their recovery from substance abuse. Participants indicated that ERP’s strengths included helping them to better understand themselves and their past behaviors, the dedicated staff, the opportunity for early release, community service opportunities, victim impact sessions, and the chance to focus on their addiction with others in a group setting.
PROGRAM CHALLENGES

Although ERP has experienced challenges during its initial implementation phase, the DOC has worked to address barriers as they were identified. The following challenges have impacted program implementation:

- The diverse population of ERP admissions with varying needs and problem severity has been a challenge for ERP. Treating offenders with distinct addictions (i.e., alcohol vs. methamphetamine), use patterns (i.e., chronic user vs. drug dealer), mental health needs (none vs. anti-social personality disorder), and functioning levels (i.e., high vs lower functioning) in the same program groups can diminish the effectiveness of treatment.

- Staff at DACC and REECC have utilized a variety of assessment tools to assist in treatment planning for participants at the time of program admission. However, treatment staff reported that the process should be improved. The assessment tools utilized do not provide a substance abuse diagnosis to both document characteristics of admissions and to develop a treatment plan. In addition, no formal assessment of criminogenic risk/need or treatment responsivity (motivation for change) is conducted. In the words of one staff member, “The assessment of clients is not so good. Sorting out OWI guys is an obvious first step but there is more. For example, should dealers and chronic abusers be treated in the same group?”

- The program continues to address issues relating to program eligibility and internal suitability/placement criteria. The ERP Oversight Committee is actively working to modify the suitability criteria to improve both the appropriateness of admissions and to increase the potential pool of inmates available for admission.

- ERP has also experienced challenges related to treatment program staffing. Treatment staff at both program sites indicated that additional professional staff are necessary to effectively provide treatment.

- A barrier to successful implementation at DACC has been the presence of temporary hold inmates housed at the facility. These inmates are extremely disruptive to the treatment process and interfere with treatment provision to ERP participants.

- Challenges related to the reach-in component have also impacted the program. Both ERP staff and agents reported barriers related to completion of the three required pre-release contacts, communication and collaboration (unreturned telephone calls and emails), transfer of cases from agent to agent without sufficient briefing of the new agent, and a lack of familiarity with ERP policies and procedures on the part of some agents.

- It is difficult to assess ERP’s impact on criminal recidivism (reconviction for a new offense) at this early stage in the program’s implementation. As recidivism is a function of time, and as the majority of ERP graduates have been in the community after their release for less than one year most would not have been out of prison long enough to have had a new case processed through the criminal justice system.
RECOMMENDATIONS FOR IMPROVEMENT

The current qualitative and quantitative evaluation findings resulted in a variety of suggestions for program improvement. These recommendations are related to system-level issues, treatment program modifications, reach-in/reentry issues, assessment of post-release outcomes, and continuing evaluation.

System-Level Issues

1. **Limit Admission To Those With At Least a Sixth Grade Reading Level Or Develop Separate Programming for Lower Functioning Offenders:** ERP should enforce the sixth grade minimum reading level suitability criteria or develop separate programming for lower functioning offenders.

2. **Reevaluate Program Staffing Pattern:** DOC should provide additional treatment and support staff positions for ERP, particularly for the female program at REECC which has experienced a decline in the number of staff positions available to operate the program while maintaining the same program capacity. The gender-specific therapeutic community model implemented for female ERP participants requires a more staff-intensive approach to providing treatment than the standard residential AODA treatment model utilized for the males at DACC.

3. **Further Examine the Impact of Race Upon Treatment Completion:** While ERP provides gender-specific treatment, the cultural appropriateness of ERP for the wide range of program admissions has not been assessed. It does not appear that race is a primary factor in completion, but rather is associated with other factors (offense type and mental health) that do impact likelihood of completion.

4. **Convert the Temporary Hold Beds At DACC to ERP Pre-Program Beds:** Due to the disruptions to treatment caused by non-program inmates at DACC, these beds should be reserved solely for ERP eligible/suitable inmates awaiting admission to the program. Treatment staff suggest that a “pre-program” treatment orientation curriculum be developed for inmates in these beds.

Treatment Program Issues

1. **Develop Consistent Data Collection Procedures For Admissions:** It is recommended that both ERP sites utilize a consistent system to document program admissions.

2. **Improve Participant Assessment at Program Admission:** ERP should utilize a validated assessment tool to gather substance abuse diagnosis and addiction severity for the purposes of treatment planning and documentation of participant characteristics. In addition, the importance of assessing criminogenic risk/needs as well as treatment motivation has been well established and should be considered for this program.

3. **Consider Modifying Curriculum to Further Emphasize Employment:** Many of the agents, graduates, and current participants felt that the pre-release activities that focused on employment were extremely valuable to participants. While ERP must retain its focus on treatment issues, greater support of continuum of care and employment issues that impact success after release could be considered.
4. **Increase Selected Pre-Release Activities at REECC:** To enhance the transitional experience for female participants, REECC should increase consistency with the services at DACC to include graduation celebrations that include food, family picnics and recreational activities, community service outside of the institution, and attendance at support groups in the community during Phase 3. DACC participants reported that these activities helped to “normalize” them in preparation for release.

5. **ERP Staff Should Discuss Participant Satisfaction Results:** ERP staff should read the participant and graduate quotes in their entirety so that they can hear the opinions of participants in their own words and should then meet as a group to discuss suggestions for program improvement.

6. **Increase Consistent Enforcement of Treatment Program Rules:** Participants at DACC reported that some program rules are enforced differently among the units and floors at DACC. With more than 20 social workers operating treatment groups relatively independently this is not unanticipated.

7. **Continue To Address Participant Retention Issues:** ERP should continue to address issues related to participant retention through individual treatment interventions and repeating treatment phases if necessary. Repeating a treatment phase is currently an option utilized for the females at REECC, but ERP should explore potential ways to integrate this option at DACC.

8. **Improve the Speed With Which Participants Are Admitted and Released:** One way to increase the bed savings for ERP graduates would be to release graduates more promptly than the current average of 13 days after graduation.

9. **Explore Options to Enhance the Transition/Aftercare Component:** ERP should consider enhancing the program’s effectiveness by providing transition and aftercare services. Based on best practices as well as the intent of ERP to reduce both risk to the public and recidivism, ERP should consider enhancing the effectiveness of the current program by designating a staff position dedicated solely to providing enhanced transition and aftercare coordination. If budgetary constraints prevent the creation of additional staff positions, ERP should consider identifying more creative approaches that would assign responsibility for these transition functions to existing staff without adding significantly to individual workload.

**Reach-in/Transition Component**

1. **Conduct Agent Training Sessions to Increase Compliance With Contact Standards:** While many agents do an excellent job of conducting the required reach-in activities and are in compliance with the contact standards for ERP, it would benefit the program to increase agent knowledge of ERP practices and procedures.

2. **Designate Selected Agents to Supervise ERP Graduates:** As an alternative to training all DCC agents on ERP procedures, DCC could designate selected agents within each unit to supervise ERP releases.

3. **ERP Program Sites Should Document Frequency of Reach-In Contacts:** The number and type of reach-in contacts made for each participant should be systematically documented to increase the possibility of monitoring adherence to the contact standards in the future.
Ongoing Evaluation of Participant Outcomes

1. **Develop a Plan for Ongoing Program Evaluation:** ERP should develop a plan for ongoing program evaluation that includes the systematic collection of participant information through a program-level database, and determination of who will summarize and interpret the data, how the results will be reported and to whom, and how the results will be used for program improvement.

2. **Develop System For Agent Reporting of Participant Outcomes:** A system-level effort could be made to allow agent reporting of selected outcome indicators (i.e., employment, substance use, treatment involvement, living stability, and family support) at specified intervals after release via an electronic database. As part of this evaluation, the evaluator developed a preliminary design for a system would allow agents to input information on ERP participant outcomes into a database residing on the DCC network.

3. **Develop a System-Wide Procedure for Reporting of Offender Outcomes:** The above reporting system for ERP participants could also be viewed as a pilot test for potential implementation system-wide to collect post-release outcomes for all DAI releases.

4. **Develop A Matched Comparison Group for ERP:** An additional consideration may be the development of a matched comparison group of offenders who do not participate in ERP. A potential group of inmates that could be used as a comparison group might be those who are timeframe inappropriate but meet other ERP eligibility and suitability criteria.

CONCLUSION

This series of recommendations should be viewed as a compilation of potential options for program improvement. Administrative staff should work with the ERP Oversight Committee to assess the feasibility of each recommendation, prioritize the recommendations, and develop an action plan for implementation of the appropriate modifications.

The goal of the Earned Release Program (ERP) is to provide an opportunity for court-eligible non-violent offenders to earn release through participation in an intensive, evidence-based alcohol and other drug abuse treatment program. ERP is designed to promote successful transition to community supervision, reduce the risk of committing a new crime, and save taxpayer dollars through reduced use of prison bed space. Although ERP has only been operational for two years, results of this initial program evaluation indicate that the program is on target to meet this goal. Since its inception, ERP has produced an estimated $10 million in estimated prison bed days saved through the early release of non-violent offenders who have alcohol or drug treatment needs. Similar to the development and implementation of any new program, the Earned Release Program has a sound foundation in place to reach even greater potential benefits. With enhancements to the continuum of care of substance abuse treatment provided including transition planning, reentry support, and aftercare services, the Earned Release Program can provide comprehensive treatment to break the cycle of addiction and criminal behavior.