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POLICY BRIEFING

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Prison Population Increases in 2004

The U.S. Bureau of Justice Statistics has released its mid-year 2004 report on prison and jail inmates this month. Among the findings:

- At midyear 2004, there were 2,131,180 persons incarcerated in prisons and jails in the U.S. The states with the five highest rates of incarceration (number of inmates per 100,000 residents) were Louisiana (814), Texas (704), Oklahoma (684), Mississippi (682) and South Carolina (555). The lowest rates were in Maine (149), Minnesota (169), Rhode Island (187), New Hampshire (188) and North Dakota (188). Minnesota had the largest growth in the rate of incarceration from June 30, 2003 to June 30, 2004 at 13.2% and Alabama had the largest reduction at 6.7%.
- An estimated 12.6% of black males, 3.6% of Hispanic males, and 1.7% of white males in their late twenties were in prison or jail on June 30, 2004. Nearly 6 in 10 persons in local jails were racial or ethnic minorities. Blacks were nearly 5 times more likely than whites, nearly 3 times more likely than Hispanics, and over 8 times more likely than persons of other races to have been in jail on June 30, 2004.
- At midyear 2004, local jails were operating at 6% below capacity, state prisons were estimated to be up to 16% above capacity, and federal prisons were 39% above their rated capacity.
- State prison incarceration rates rose about 14% between year-end 1995 and midyear 2004. During this period, the federal prison incarceration rate rose almost 66%, from 32 to 53 prisoners per 100,000 U.S. residents.
- From June 30, 2003 to June 30, 2004 the female inmate population rose at a faster rate than the male inmate population. The number of women in state and federal prison increased by 2.9%, while the rate for men rose 2.0%. Still, men were almost 15 times more likely than women to be incarcerated.

The report, *Prison and Jail Inmates at Midyear 2004*, is available at www.ojp.usdoj.gov/bjs/abstract/pjim04.htm.

Audit Questions Aspects of Wisconsin's W-2 Program

The Wisconsin Legislative Audit Bureau (LAB) has conducted an evaluation of Wisconsin's welfare reform program in order to assess several of its aspects: costs, caseloads and services; its impact on the self-sufficiency of participants; management of the program by the state agency (the Department of Workforce Development or DWD) charged with its overall implementation; the use of financial sanctions on participants; and other funding and policy issues for DWD and the state legislature to consider. Wisconsin Works (W-2) is a state welfare reform effort on which the federal welfare reform legislation of 1996 (PROWRA) was partly based. The LAB report found that:

- Four out of five participants who left the program were earning less than the poverty level one year after leaving W-2. Just 20% were earning more than the poverty level, although the percentage increased slightly each year from 2000 to 2003.
- Of the employers hiring participants, 42% were temporary staffing agencies.
- As another indication of W-2's ability to increase self-sufficiency, the extent to which participants left the program but later returned to subsidized placements was evaluated and found to have increased. In June 2000, returning participants represented 38.6% of all subsidized placements, but this had risen to 52.3% in June 2004.
- Extensions of the 60-month lifetime time limit on benefits were found to be unevenly applied across the state. Approval rates were lower for Milwaukee County than other counties in the state. Approval rates ranged from 14 to 53% for agencies in Milwaukee County, and were 66% on average for the balance of the state. One notable development regarding extensions concerns the granting of extensions for custodial parents of infants. A custodial parent of a child born less than 10 months after initial eligibility for TANF can currently receive a 12-week extension on the lifetime limit, but Wisconsin Governor Doyle's 2005-2007 Budget proposes to eliminate this time limit exemption except in cases of children born as a result of rape or incest.
- Screening for employment barriers was found to have occurred for only 43.5% of participants between May 2003 and June 2004. Variations in the screening rates among agencies were likely due to different approaches used to offer and encourage the screening.
- Sanctions for program noncompliance were applied unevenly and differed by race. During the first six months of 2004, 7 agencies sanctioned more than 20% of their participants, while 25 agencies sanctioned less than 10%. For the balance of the state outside of Milwaukee, 25.3% of African-American participants were sanctioned during the first six months of 2004. Just 12.6% of white participants and 17.2% of Hispanic participants were sanctioned during this time period.

The report, *An Evaluation: Wisconsin Works (W-2) Program*, is available at www.legis.state.wi.us/lab/reports/05-6Full.pdf.

Knowledge of Child Support Policy Among Welfare Recipients Evaluated

A recent paper from the Institute for Research on Poverty (IRP) assessed the level of knowledge that participants in Wisconsin's W-2 (TANF) program had of child support pass-through and disregard policies. The authors note that little is known about the extent to which TANF participants understand the child support policies to which they are subjected. The report finds that:

- Only 13% of respondents were fully aware of child support pass-through policy and what it meant in relation to the amount of TANF or child support they would receive when child support was paid.
- Only 35% correctly responded that their W-2 check would not change if they received child support in a given month. W-2 operates as though the participant is employed and since wages would not change with receipt of child support, the grant is not affected by child support.
- Knowledge levels were lowest when participants had been subject to a changing set of policies, as with former AFDC recipients who then were able to receive the pass-through of child support under TANF.

The authors suggest that future policy initiatives should be aware that the level of knowledge of the policy itself on the part of participants may affect the impact of the policy.

The report is available at www.irp.wisc.edu/publications/dps/pdfs/dp129705.pdf.

U.K. Child Support Agency Found to Defraud Families of Child Support Funds

The British Child Support Agency has admitted to deliberate administrative staff actions that have left hundreds of thousands of families with lost child support income. Staff used strategies to improve agency statistics such as entering false information onto the database, deleting files inappropriately and transferring client telephone calls to the answering machines of absent colleagues. Agency staff have been plagued by a new computer system that has not worked, leading to a backlog of 250,000 cases.

See *Child Support Agency admits it tricked families into losing cash*, April 12, 2005.
http://www.guardian.co.uk/uk_news/.

New Publication on Arrests for Child Support Nonpayment Released by CFFPP

The Center for Family Policy and Practice has published another report in its series on incarceration and child support. The report, *A Look at Arrests of Low-Income Fathers for Child Support Nonpayment: Enforcement, Court and Program Practices*, is a 3-paper publication, with each paper taking a different approach to assessing practices as they relate to arresting noncustodial parents for the nonpayment of child support.

The first paper looks at the incidence of arrests using any documentation that could be found for each state, including newspaper articles found via the internet, statistics and records available on-line from sheriff's offices and police departments and from child support agencies, and reports and data that were made available by request. The second paper focuses on the court process and is based on observations of courtroom practices in several areas, and the third is a summary of initiatives to address the needs of noncustodial parents contending with arrest and child support. The collected information made clear that:

- Thirty-six states were found to have at least some jurisdictions that regularly arrest noncustodial parents for the nonpayment of child support.
- Amnesty programs were sometimes used against fathers in subsequent court appearances. Arrest warrants might be issued for any parents who fail to come forward during the amnesty period, and fathers who failed to respond to the amnesty program might receive harsher treatment for nonpayment by the courts.
- Local law enforcement and court officials often view the nonpayment of child support as a voluntary act by a parent who is seen as shirking responsibility. Child support is erroneously viewed as going directly to the children even for the poorest families for whom collected child support is most likely to be retained by the state as repayment for welfare.
- Courtroom practices were rarely monitored by persons outside the system.
- Judges and court officials who hear child support cases regularly appeared to become jaded to the cases, leading to harsher treatment of the parent than may actually be warranted.
- The common practice of seeing clients with lawyers first in a courtroom means that parents who are unable to afford representation, and so more likely to be in unstable jobs, must spend longer amounts of time in court away from work.
- A variety of fees can become the priority for various officials in child support cases. For judges, payment of court fees was treated as a priority. When noncustodial parents find the resources to hire an attorney to represent them, payment of attorney fees becomes another burden. In addition, there are fees charged for work-release privileges, jail costs, and probation, among others.

- Whether initiated as a state effort, or a local pilot, collaborations between Department of Corrections and child support agencies that address the critical child support issues faced by incarcerated parents can have a positive impact that states will want to replicate. One California county pilot was being explored by the state as a model to be replicated in other counties.
- One program incorporated cross-training and access to records between state agencies as part of the collaboration, and provided child support modifications to reflect prison wages, a 90-day stay on certain enforcement remedies upon release, and arrears forgiveness for state-owed child support debt.
- For several programs, the link between pre- and post-release services was felt to be critical when working with incarcerated parents.

The report is available at www.cffpp.org.

Multiple Felony Charges For Nonpayers in Wisconsin

Three Wisconsin fathers were charged with multiple felonies for nonpayment of child support in initial court appearances in Fond du Lac County Circuit Court. The appearances are notable for the number of felonies and possible penalties imposed.

- A 42-year old father was charged with 8 counts of felony non-support with maximum penalties of 33 years in prison and \$80,000 in fines for \$10,601 in back support for one child.
- One 33-year old father was charged with 10 counts of felony nonsupport for the non-payment of \$27,186 for three children from 2001 – 2005. Maximum penalties are 41 years in prison and \$100,000 in fines.
- A 41-year old father who owed \$15,759 for the support of two children from 2001-2002 was charged with five counts of felony non-support that carry maximum penalties of 25 years in prison and \$50,000 in fines.

The article reporting the charges appeared in the Fond du Lac Reporter on April 10. See http://www.wisinfo.com/thereporter/news/archive/local_20503406.shtml.