



WISCONSIN LEGISLATIVE COUNCIL

JUSTICE REINVESTMENT INITIATIVE OVERSIGHT

Room 411 South, State Capitol
Madison, Wisconsin

January 12, 2009
10:00 a.m. – 1:45 p.m.

[The following is a summary of the January 12, 2009 meeting of the Special Committee on Justice Reinvestment Initiative Oversight. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Chair Taylor called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Lena Taylor, Chair; Sen. Dan Kapanke; Reps. Joel Kleefisch, Tamara Grigsby, Scott Suder, and Robert Turner; and Public Members Nicholas Chiarkas, John Chisholm, James Dwyer, Kit McNally, Lisa Stark, Tony Streveler, A. John Voelker, Maxine White, and Noble Wray.

COMMITTEE MEMBERS EXCUSED: Public Members Richard Dufour and Dave Graves.

COUNCIL STAFF PRESENT: Anne Sappenfield and Ronald Sklansky, Senior Staff Attorneys; and Melissa Schmidt, Staff Attorney.

APPEARANCES: Terry C. Anderson, Director, Legislative Council Staff; Senator Fred A. Risser, Co-Chair, Joint Legislative Council; Tony Streveler, Executive Policy Initiatives Advisor, Department of Corrections (DOC); Marshall Clement, Project Director, Justice Reinvestment Initiative, Council of State Governments (CSG) Justice Center; Tony Fabelo, Director of Research, Justice Reinvestment Initiative, CSG Justice Center; Mike Eisenberg, Research Manager, Justice Reinvestment Initiative, CSG Justice Center; and Marc Pelka, Policy Analyst, Justice Reinvestment Initiative, CSG Justice Center.

Opening Remarks

Senator Fred A. Risser, Senate Co-Chair of the Joint Legislative Council, gave a brief summary of the Joint Legislative Council and its history. He welcomed members of the Special Committee and thanked them for agreeing to serve on the committee.

Terry C. Anderson, Director, Wisconsin Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He explained the role of study committees and described the process of reimbursement of expenses. He noted that the committee has a webpage on the Legislative Council website, where information about the committee may be found.

Introduction of Committee Members

Chair Taylor introduced herself and welcomed the committee.

Presentations by Invited Speakers

Marshall Clement, Project Director, Tony Fabelo, Director of Research, Mike Eisenberg, Research Manager, and Marc Pelka, Policy Analyst, CSG Justice Center, Justice Reinvestment Initiative

A panel from the Council of State Governments (CSG) justice reinvestment initiative discussed projects they have conducted in other states. This panel included Mr. Clement, Mr. Fabelo, and Mr. Eisenberg. Marc Pelka, Policy Analyst, was also present to field questions.

Mr. Clement provided an overview of the CSG Justice Center, the justice reinvestment strategy, and examples of three states in which the CSG Justice Center has implemented a justice reinvestment strategy: Kansas, Texas, and Michigan. Mr. Clement said that Wisconsin was the 10th state to receive justice reinvestment strategy assistance, but that the Justice Center had no preconceived notions regarding what policy options Wisconsin may pursue.

Tony Streveler asked whether other states have invested money in corrections in order to save money. Mr. Clement said that in some states, there were budget requests to build new prisons and that funding was invested in reinvestment strategies instead.

Mr. Clement stated that Michigan had closed prisons and Ms. McNally asked how the state was able to do that. Mr. Clement responded that Michigan closed some older prisons that needed renovating. He also noted that Michigan made some changes to its parole system to make it more flexible and made significant changes to its re-entry policies.

Ms. White said she thought it would be a challenge to get credible data. Mr. Clement said that data is the foundation of the CSG Justice Center's analysis. He said that Wisconsin has a fair amount of data, but the Department of Corrections (DOC) did not have sufficient research staff to analyze the data with regularity.

Tony Streveler, Executive Policy Initiatives Advisor, Department of Corrections

Mr. Streveler discussed DOC's *Ten Year Correctional Facility System Development Plan*. He said that the Department of Administration commissioned Mead & Hunt to prepare the report.

The report contains prison population projections for 2009 to 2019 and addresses adult and juvenile corrections and institutions, breaks the information down by gender, and analyzes each correctional facility.

Mr. Streveler listed several efforts in Wisconsin addressing mental health issues within the corrections population, as well as treatment and diversion programs and re-entry programs. He said there are also good efforts being made at the community level. He encouraged the committee to consider building on what is already being done.

He said that the report projects a 16% increase in the prison population over the next 10 years. He said that Wisconsin prisons are overcrowded and that some are very old. He said the report estimates over \$1 billion in new construction over the next 10 years, not including the costs of purchasing land and ongoing operational costs.

Mr. Streveler reported that DOC requested \$225 million in the upcoming budget to fund 2,165 new beds for males. With these additional beds, DOC anticipates operating at 95% capacity, which leaves some room for spikes in the population. He said that Wisconsin prisons are currently at 127% capacity. The budget request also estimated 1,000 beds for housing prison inmates in county jails.

In response to questions from Chair Taylor, Mr. Streveler said that the report assumes that DOC would continue to house 1,000 inmates in county jails, with no inmates housed in out-of-state facilities. In addition, the report assumes the 17-year olds will continue to be considered adults in the criminal justice system.

Marshall Clement, Project Director, Tony Fabelo, Director of Research, Mike Eisenberg, Research Manager, and Marc Pelka, Policy Analyst, Justice Reinvestment Initiative, CSG Justice Center, Justice Reinvestment Initiative

The panel from CSG provided another presentation discussing preliminary analyses of Wisconsin's crime and prison population.

Mr. Fabelo discussed the challenges for Wisconsin's correctional system and strategies to develop a policy framework for Wisconsin. He said that in Wisconsin, violent crime appears to be increasing, the prison population is increasing and the system is overcrowded. He also reported rising correctional costs in Wisconsin along with an overall state fiscal crisis.

Mr. Fabelo discussed data relating to the increases in Wisconsin's prison population and the increase of 18% in the next 10 years projected by the Applied Population Laboratory, University of Wisconsin, Madison. He said that the CSG Justice Center recommends that Wisconsin use a different projection model to better predict population growth and the impact of any policies the committee proposes.

Mr. Fabelo said that in Wisconsin, as is true in every state, there have been increases in the number of persons whose supervision is revoked and subsequently placed in prison. In addition, there is a prevalence of substance abuse and mental health disorders among the correctional population. Mr. Fabelo reported that persons on correctional supervision have high rates of unemployment along with other risk factors.

Based upon these findings, Mr. Fabelo recommended the following: (a) commission a new prison population projection using a model that simulates Wisconsin's criminal justice system; (b) analyze why violent crime might be rising and arrests declining; (c) review the probation and extended supervision system to determine why revocations to prison have increased since 40% since 2000; (d) bring in experts on substance abuse and mental health services to review the capacity and quality of programs for persons on correctional supervision; and (e) review the capacity and quality of current re-entry and employment strategies for persons on correctional supervision.

In response to a question from Mr. Wray, Mr. Fabelo said that Texas has established intermediate sanctions facilities for 60-day holds and that these are state facilities.

Representative Kleefisch asked if other states have released prisoners to decrease prison overcrowding. Mr. Fabelo responded that in Texas, in 1993, prisoners convicted of low-level non-violent and drug offenses were moved into other facilities to serve sentences of up to two years. He said that Texas also was able to create better treatment programs such that the parole board felt that prisoners could successfully be released to parole.

Senator Luther Olsen stated that the figure that 8% of persons on supervision are revoked to prison is not a high percentage. Mr. Fabelo said that it is a high number, however, and that the effect also depends on how long these offenders stay in prison.

Mr. Chisholm said that the criminal justice system is offense-based and that in Milwaukee County, the district attorney's office is asking the court to support an offender-based system. He said that he would like universal screening of offenders at the front end. He said that would require the district attorney and the public defender to talk to each other before charges are filed, as was done in the past. Mr. Fabelo said that the current system supervises paper instead of people. He said that there will be violations, but the question that should be asked is what has or has not been done to address the underlying behaviors. He said that large caseloads and a lack of programming have created this type of system. Mr. Chisholm said that it is frustrating to see the same individuals and the same families over and over again. He said that he hopes to fundamentally change the way the courts and corrections address issues in order to permanently effect change.

Other Business

Mr. Clement said that the CSG Justice Center needs four to six weeks in order to complete the prison population analysis. He suggested the committee hold an interim meeting in late February. He said that final data will be presented at the third meeting and that the committee can review the impact and analyses of policy options at the fourth meeting.

Plans for Future Meetings

The next meeting of the Special Committee will be in late February.

Adjournment

The meeting was adjourned at 1:45 p.m.

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