



# Justice Reinvestment Policy Framework for Wisconsin

April 22, 2009

**JUSTICE** ★ **CENTER**  
THE COUNCIL OF STATE GOVERNMENTS  
*Collaborative Approaches to Public Safety*

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# Overview

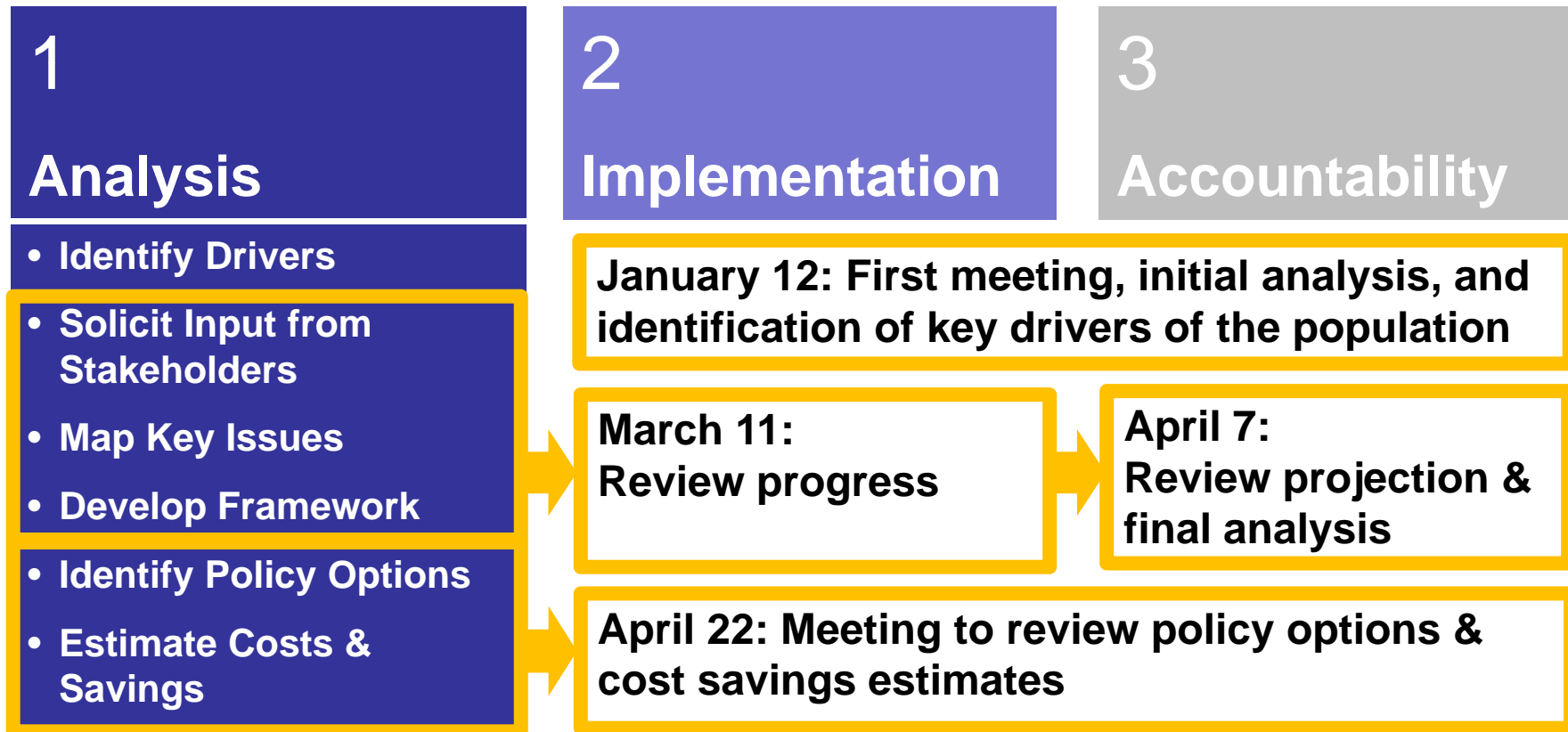
## 1. Big Picture & Prison Population Projection

## 2. Policy Framework for Wisconsin

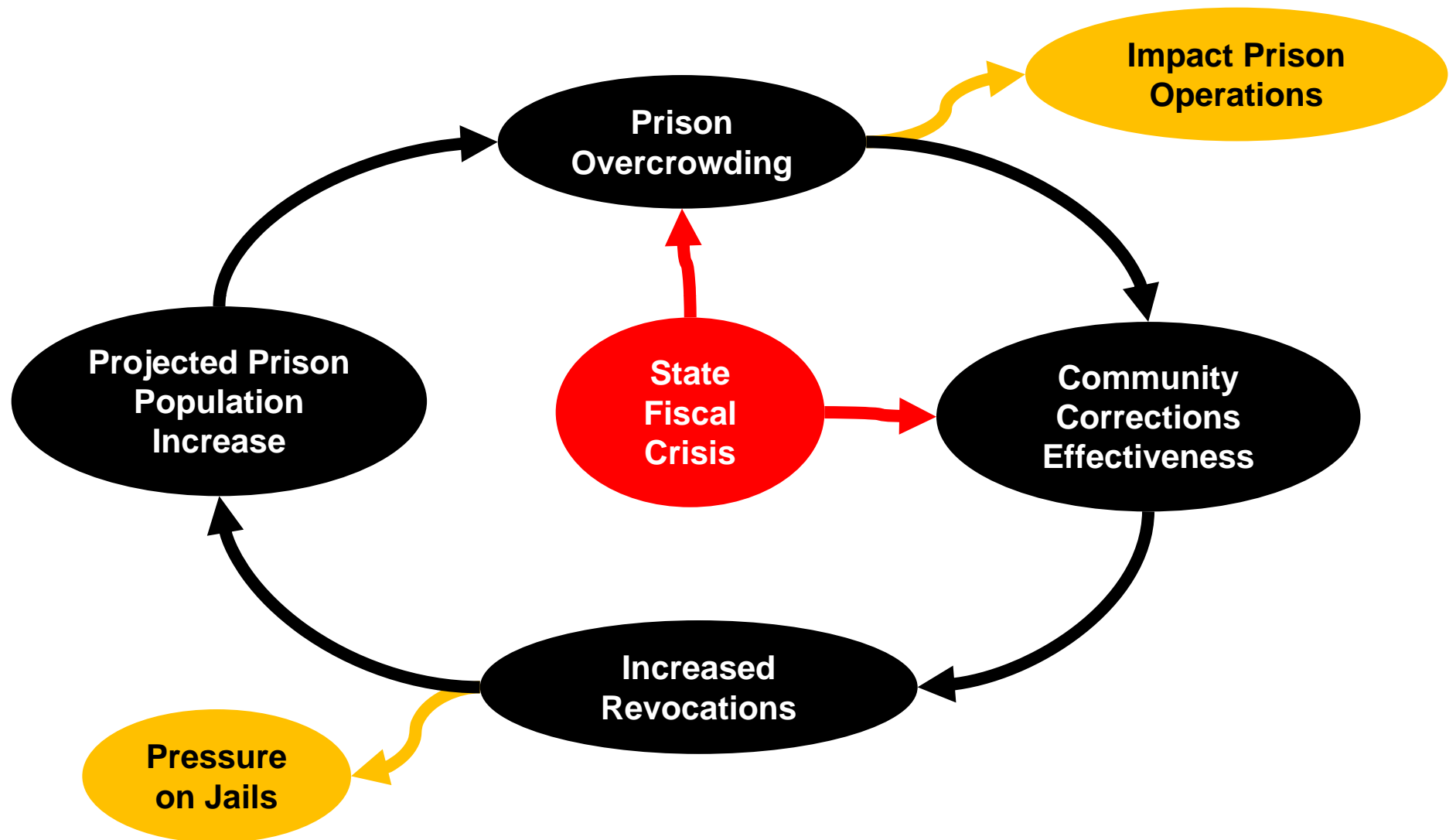
## 3. Averted Costs & Reinvestment

# Justice Reinvestment Committee Process

Bipartisan, inter-branch, bicameral structure

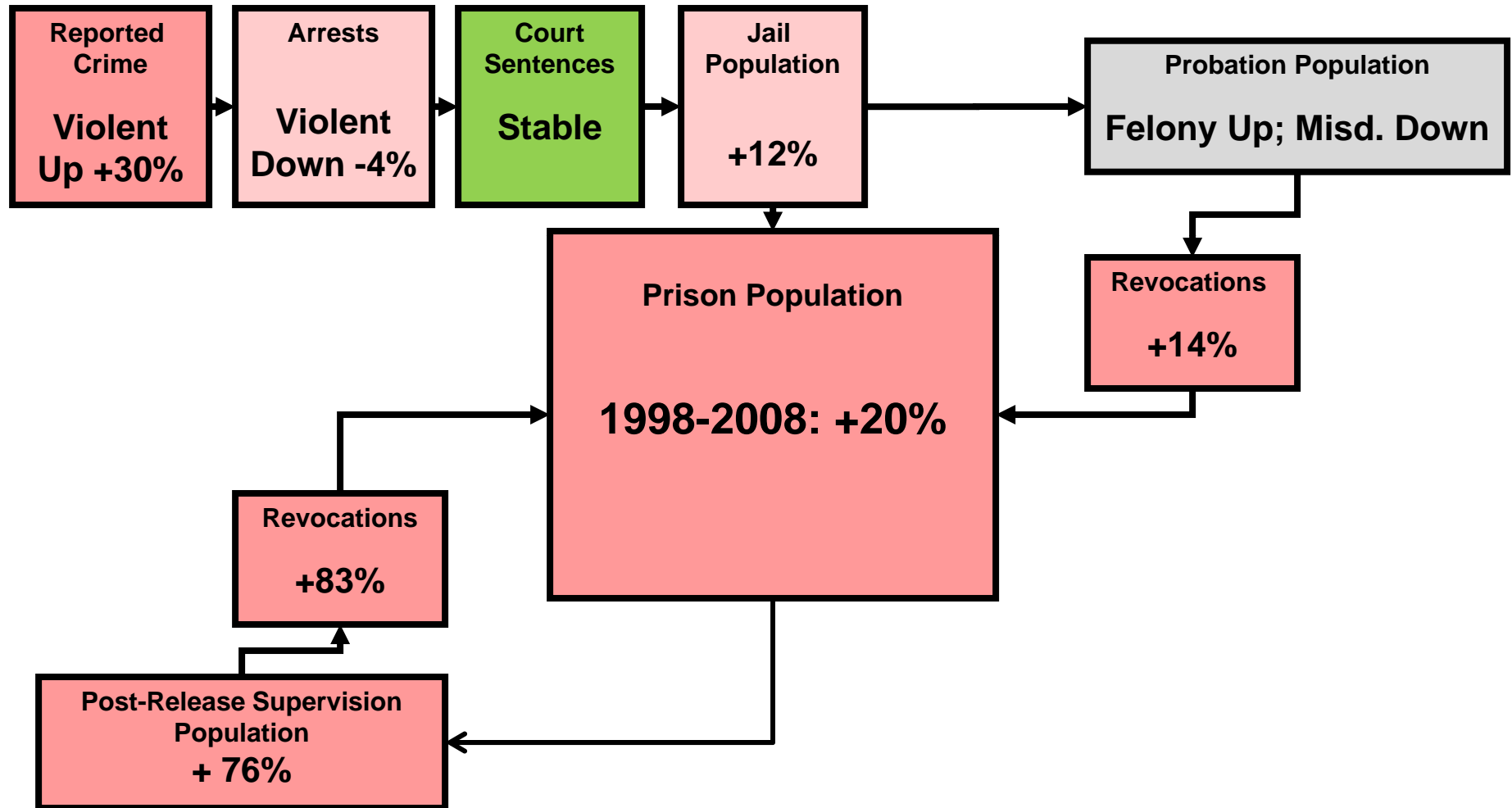


# Big Picture: System Under Stress



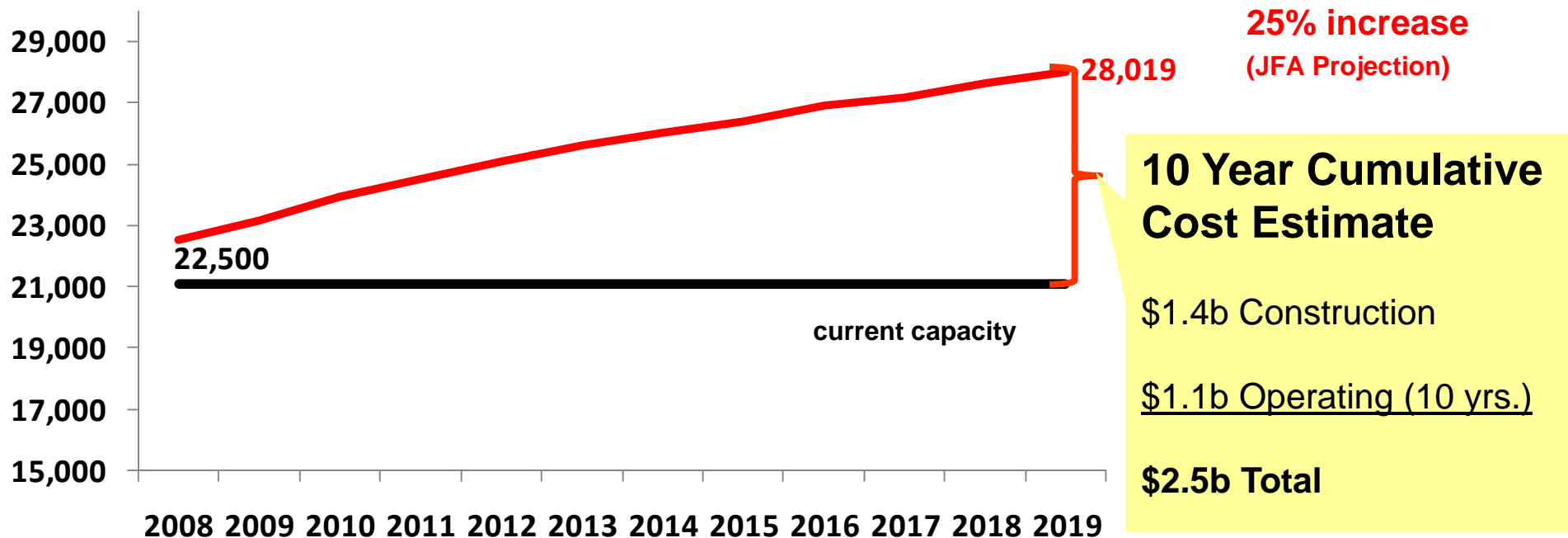
# Crime, Prison Population & Recidivism Rates Have All Increased

2000-2007



# Prison Population Projected to Significantly Outpace Capacity

## JFA 10 Year Prison Population Projection

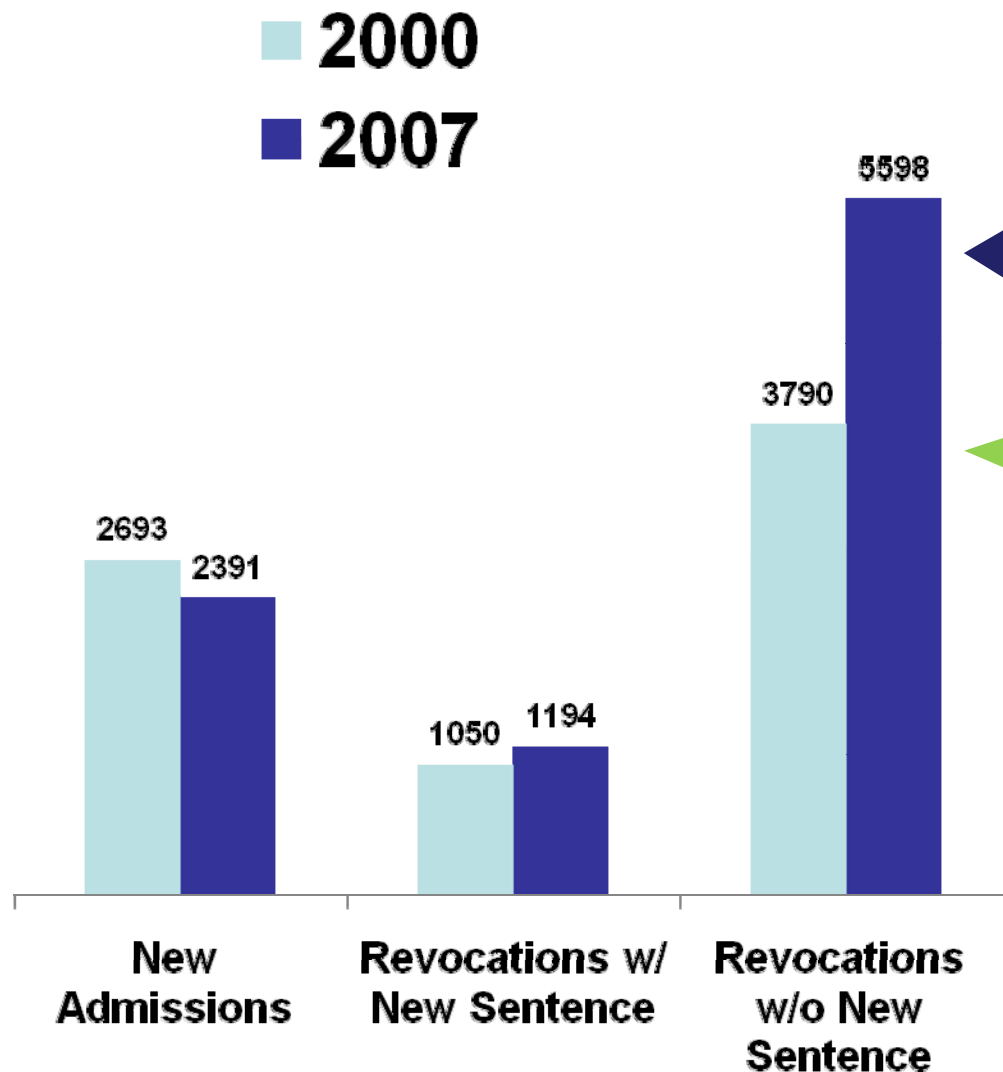


\*Current Capacity Includes DAI Male and Female Operating Capacity. Does not include WRC (300 beds) or contract beds.

\*Mead & Hunt 10 Year Plan, based on the APL Projection, estimated \$1.2 billion in necessary construction costs to provide sufficient capacity to operate facilities at 85%.

\*The costs presented above assume a 95% operating capacity.

# Revocations Driving WI Prison Admissions



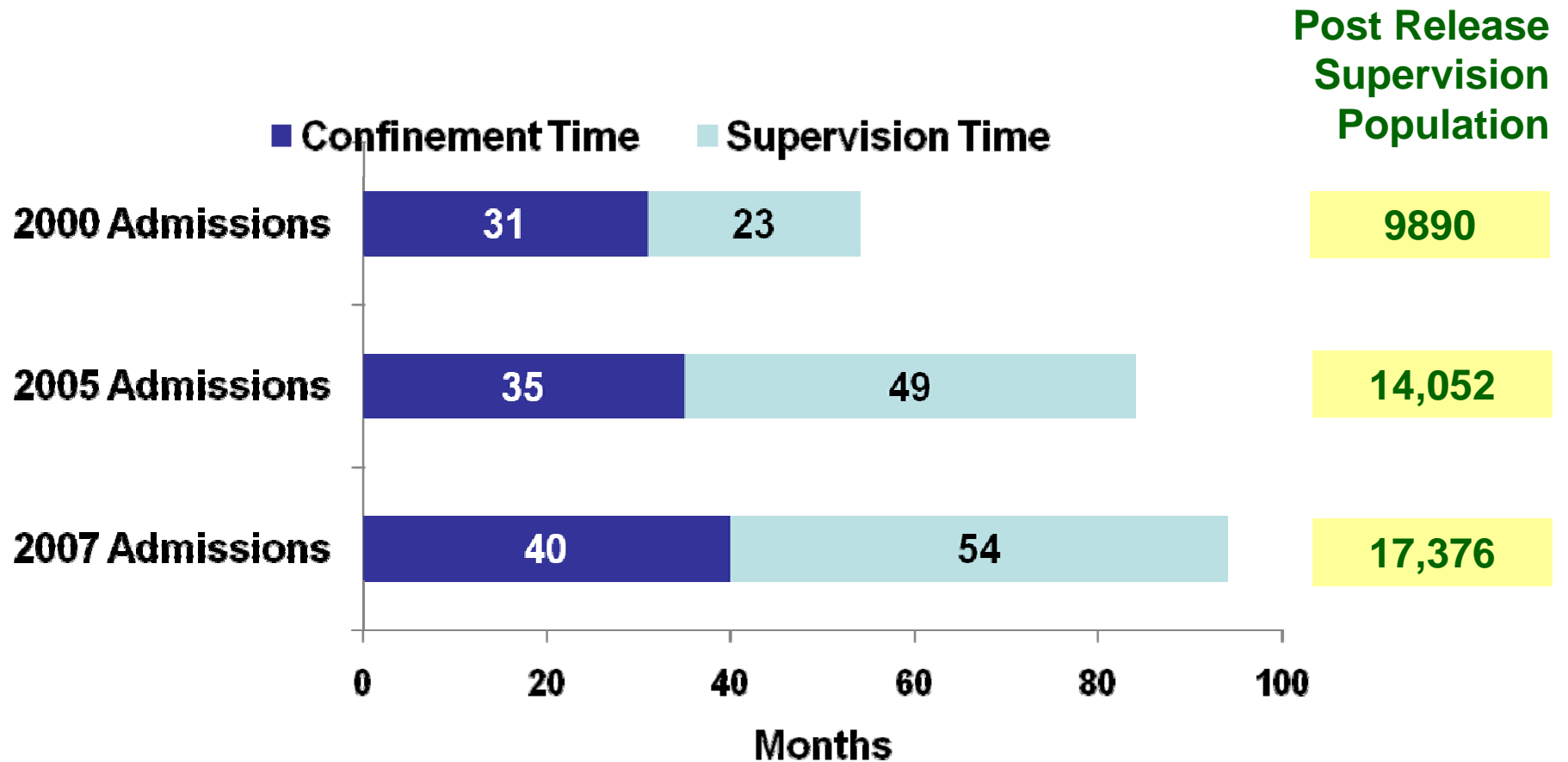
Revocations (w/ No New Sentence) increased from 50% to 61% of all prison admissions

Cost of Incarceration for Revocations (w/ No New Sentence) in 2007: \$286 m

% of prison population incarcerated for a revocation (w/ No New Sentence) increased from 16% to 39%

# Supervision Period Has Doubled

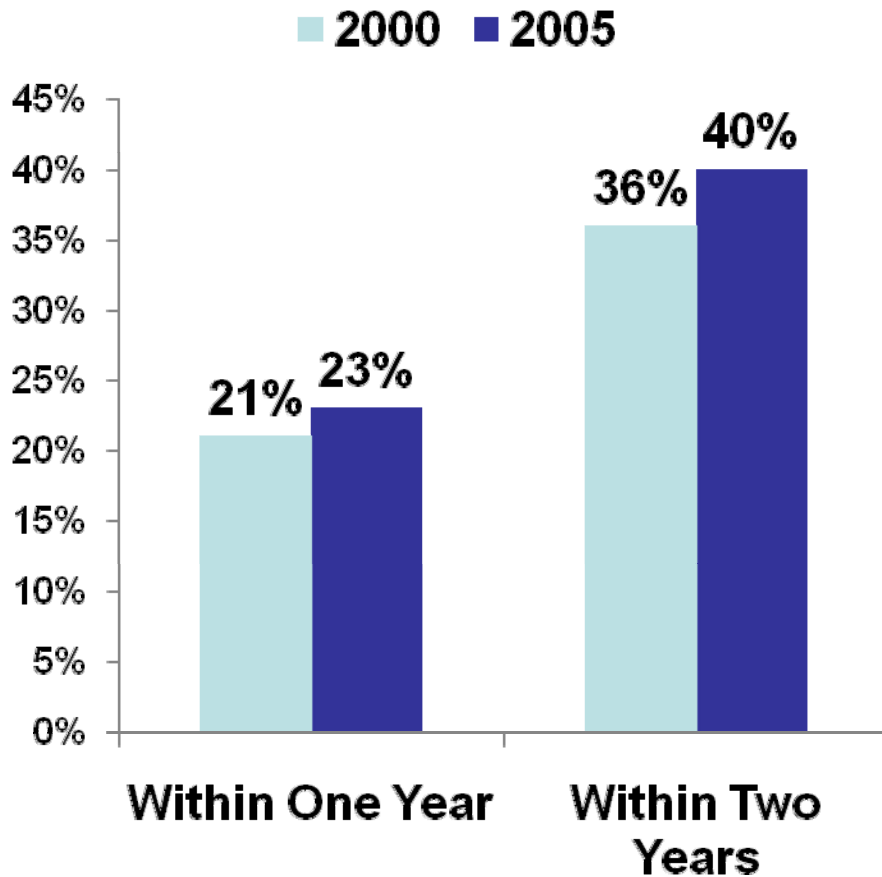
## Length of Prison Admissions w/ New Sentences





# Return to Prison Rates Have Increased

## Percent Returned to Prison



## Percent Returned to Prison Within Two Years

	2000	2005
Male	37%	41%
Female	23%	29%
<b>Age at release</b>		
<b>17-21 (443)</b>	38%	55%
<b>21-25 (1574)</b>	34%	45%
<b>25-30 (1750)</b>	35%	41%
<b>30-35 (1356)</b>	39%	40%
<b>35-40 (1203)</b>	37%	42%
<b>40-50 (1995)</b>	33%	36%
<b>50-60 (517)</b>	22%	29%
<b>60+ (109)</b>	8%	17%

# Underlying Factors Impacting Population Under Supervision

## Assessed Drug Use History of Post-Release Supervision Population



## Assessed Drug Use History of Revoked Population



## Employment Status of Post-Release Supervision Population

Employed 1 Year  
1%



# Mental Health Another Factor Impacting Recidivism Rate

## Assessed Mental Health Status & Two-Year Return to Prison Rates

**Serious MI**

**46%  
Reincarcerated**

N: 665

**MH Need, Not SMI**

**45%  
Reincarcerated**

N: 1,201

**No MH Need**

**39%  
Reincarcerated**

N: 5,720

# Community-Based Programs Funded but Better Accountability Needed

	2004	2009	Percent Change
Population Under Supervision	68,176	70,121	+3%
Total Purchase of Community-Based Services	\$19.0 m \$279/offender	\$27.5 m \$392/offender	+45%
Halfway Houses	\$13.6 m	\$17.9 m	+32%
Drug Treatment	\$1.0 m	\$3.1 m	+210%
Contract & Program Oversight Staff	1.5 FTE	2.2 FTE	

**No system to track program quality and outcomes**

**Current number of oversight staff insufficient to assess program quality & outcomes**

**Funding not distributed according to a systematic assessment of the supervised population's risk/needs**

# Community Supervision Needs to be Strengthened to Increase Effectiveness

Effective Assessment of Risk & Needs

Supervision Strategies

Incentives & Sanctions

Reduce Returns to Prison

**Assessment Processes Need to Be Strengthened (DCC Examining)**

**Risk Assessment Disproportionately Classifies Offenders as High Risk**

**Limited Assessment Prior to Sentencing (AIM Pilot)**

**Differentiation of Caseloads by Geography Present**

**Workload System May Need to Be Redirected to Encourage Casework in Line with Evidence-Based Approach**

**Examine Need and Capacity to Provide Increased Access to Community Based Services**

**Limited Incentives Available for Satisfactory Compliance and Program Participation**

**Revocation Process Seems Time & Resource Intensive**

**Lengthy Re-confinement Periods Consuming Significant Capacity**

**Strengthen Organizational Supports:**

- Outcome Tracking for Program
- Deliver Appropriate & Timely Training
- Improve Computerization of Key Data and Business Processes

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## 1. Big Picture & Prison Population Projection

## 2. Policy Framework for Wisconsin

## 3. Averted Costs & Reinvestment

# Justice Reinvestment Policy Framework for Wisconsin

**Goal: Increase Public Safety & Reduce Spending on Corrections**

**Front-End/Sentencing**

**Back-End/Supervision**

**Target  
Resources**

**1. Focus Supervision  
Resources**

**2. Reallocate Revocation  
Expenditures to  
Community Strategies**

**Change  
Behavior**

**3. Create Sentencing  
Option to Reduce Risk  
Prior to Release**

**4. Set Recidivism  
Reduction Goal**

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# 1. Focus Supervision Resources

**Goal: To keep supervision resources focused during the initial months and year of supervision, limit extended supervision time to no more than 75 percent of confinement time**

**A. Limit the length of extended supervision imposed at sentencing to no more than 75 percent of confinement time.**

- Exclude sex offenders and Class A-C offenders from this policy change
- Balance this limit on ES time with the need to ensure an adequate period of time to collect victim restitution
- Apply this policy only to offenders sentenced on or after the enactment date

## 2. Reallocate Revocation Expenditures to Community-Based Strategies

**Goal: Reduce resources currently allocated to incarcerate people revoked from extended supervision with no new sentence and expand community-based mental health and employment strategies**

### Reinvestment:

**MH Services: \$4m / yr**  
**Employment: \$6m / yr**

### **A. Establish a swift and certain reconfinement period of 6 months for an ES revocation with no new sentence**

- Allow DOC to hold offenders an additional 90 days for institutional infractions or failure to participate in required programs
- Streamlines revocation process and frees up jail space and court time

### **B. Expand community-based mental health services for high risk/need individuals on extended supervision**

- Leverage matching federal resources

### **C. Coordinate & expand employment strategies for 10 percent of the post-release population**

- Focus resources on high risk offenders on post-release supervision

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### 3. Create Sentencing Option to Reduce Risk Prior to Release

**Goal: Provide the court with a sentencing option that creates an incentive for an offender to complete programs prior to release while adhering to the principles of Wisconsin's truth-in-sentencing system.**

**A. Allow the court to impose a risk reduction sentence (at three-quarters of confinement time) in addition to an offender's confinement sentence.**

- Offenders must successfully complete one or more programs as determined by a valid risk/needs assessment and the secretary of corrections.
- Require the DOC to notify the judge of the assessment findings and programs that will be required.
- Upon completion of programs required by DOC, the offender shall be released after serving 100% of their risk reduction sentence.

## 4. Set Recidivism Reduction Goal

**Goal: Improve the assessment processes, align supervision resources according to risk and needs, connect offenders to the right services to reduce violations, and tailor responses to violations to improve compliance.**

**Reinvestment:**

**Community-Based ATRs -  
\$5m/year**

**A. Establish a statewide goal of reducing recidivism rates for people on probation and released from prison by 25 percent from 2008 levels by 2011.**

- Measure the reduction in revocations to prison from probation and post-release supervision, re-conviction rates, and re-arrest rates.
- Expand the capacity of community-based alternatives to revocation (ATRs), such as substance abuse treatment, day reporting centers, and other sanctions and services.

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# Coordination & Evaluation

- **Statewide Criminal Justice Coordinating Council**
  - ✓ Focus on assessment, diversion, and specialty courts
  - ✓ Assess the impact of local strategies
  - ✓ Provide resources to spur and sustain local innovations
- **Reentry Council**
  - ✓ Coordinate resources aimed at reducing recidivism
  - ✓ Review policies related to effective reentry
- **Evaluation**
  - ✓ Monitor the impact of policy changes
  - ✓ Regularly assess the quality of prison and community-based programs
  - ✓ Update prison population projection based on policy changes

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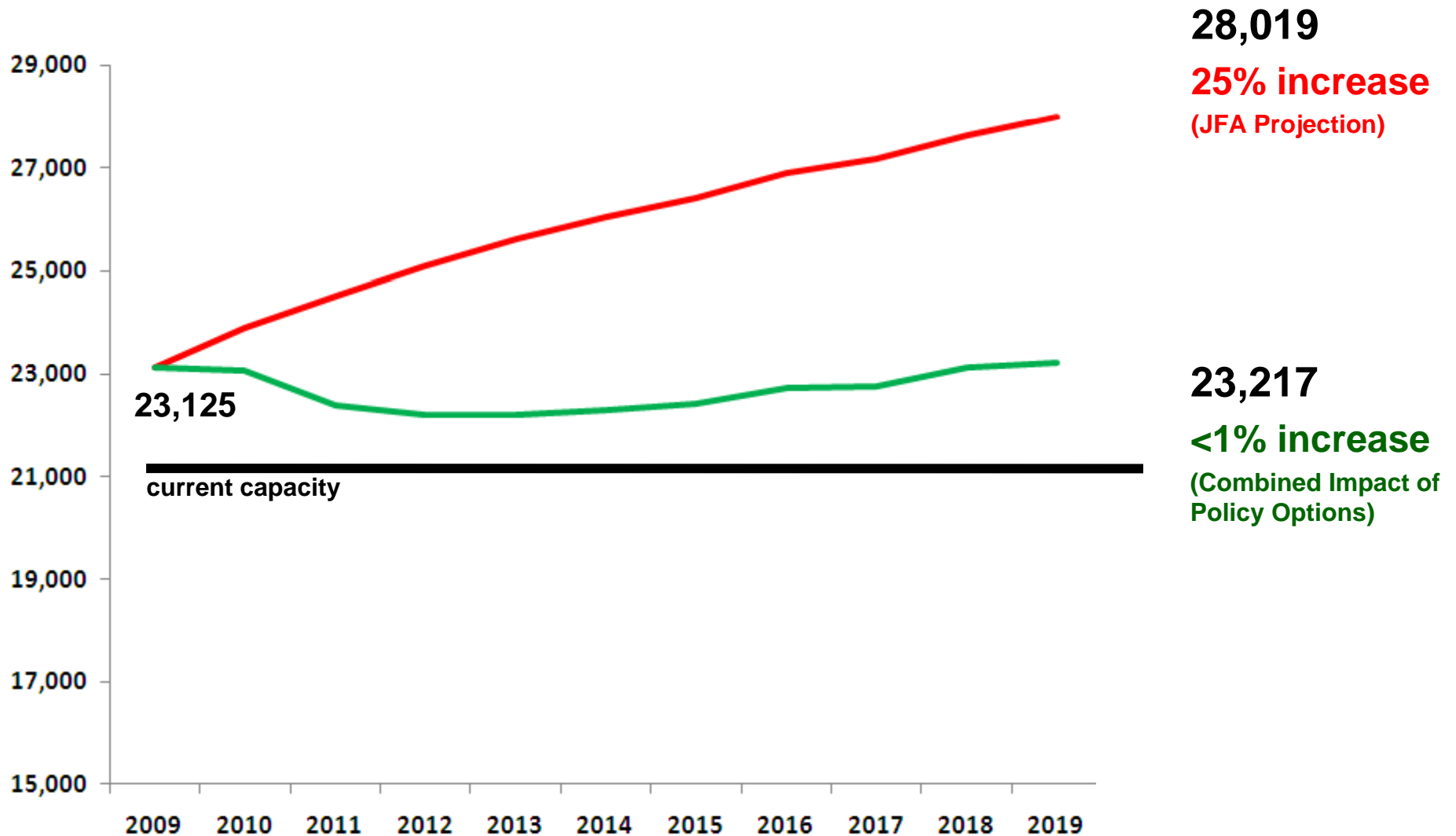
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# Projected Impact of Policy Options



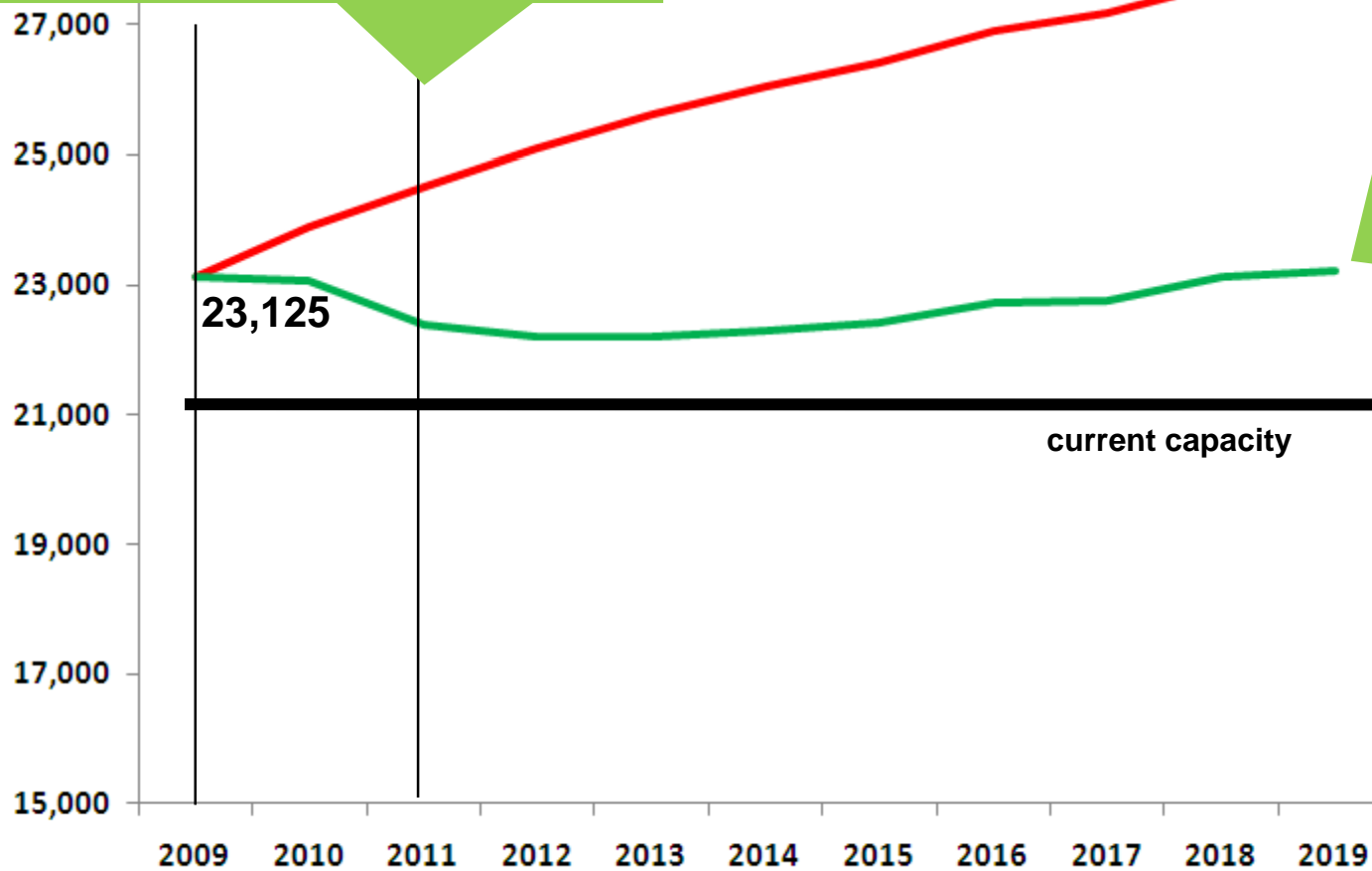
\*Current Capacity Includes DAI Male and Female Operating Capacity. Does not include WRC (300 beds) or contract beds.

# Averted Costs

## FY2009-2011 Averted Costs

**\$242 million**

Averted Construction & Operating Costs



**10 Year  
Cumulative  
Averted  
Costs**

**\$2.5 billion**  
Averted  
Construction &  
Operating Costs

# Reinvestment Detail

POLICY OPTION	REINVESTMENT DETAIL	FISCAL BIENNIUM TOTAL
2. Reinvest Revocation Resources in Community-Based Strategies	<b>Community-Based Mental Health Care for High Risk Individuals Placed on Extended Supervision</b> <ul style="list-style-type: none"> <li>Target high-risk, high-need individuals released from prison with serious mental illnesses and enroll as many as possible in Medicaid upon release.</li> <li>Supplement existing resources with state funding to cover about 40 percent of mental health service cost for Medicaid enrolled target population and leverage Federal funding to cover remaining 60 percent of service cost; funding would cover all service costs for non-Medicaid enrolled individuals in target population.</li> </ul>	<b>\$8,000,000</b>  <i>(The above state funding would leverage \$3,171,000 in federal Medicaid resources.)</i>
	<b>Targeted Efforts to Reduce Unemployment Among High Risk Individuals on Extended Supervision</b> <ul style="list-style-type: none"> <li>Provide vocational assessment, transitional employment, and job development and placement services for approximately 10 percent of the currently 12,000 individuals on post-release supervision who are unemployed. Services should be targeted at high risk offenders where employment can have the greatest impact on recidivism.</li> </ul>	<b>\$12,000,000</b>
4. Reduce Recidivism by 25 percent	<b>Expand Community Based Alternatives to Revocation</b> <ul style="list-style-type: none"> <li>Drug and Alcohol Treatment                             <ul style="list-style-type: none"> <li>Residential</li> <li>Intensive Outpatient</li> <li>Outpatient</li> <li>Aftercare</li> </ul> </li> <li>Cognitive Group Intervention</li> <li>Day Reporting Centers</li> </ul>	<b>\$10,000,000</b>
<b>Total Reinvestments FY2010-2011 Biennium</b>		<b>\$30,000,000</b>

# Averted Costs & Reinvestment Analysis

YEAR	FY2010-2011	FY2012-2013	FY2014-2015	FY2016-2017	FY2018-2019	10 YEAR TOTAL
Averted Costs	\$242,552,100	\$418,264,000	\$462,181,000	\$400,500,200	\$942,817,800	<b>\$2,466,315,100</b>
Reinvestment	\$30,000,000	\$30,000,000	\$30,000,000	\$30,000,000	\$30,000,000	<b>\$150,000,000</b>
Total Averted Costs	\$212,552,100	\$388,264,000	\$432,181,000	\$370,500,200	\$912,817,800	<b>\$2,316,315,100</b>

# Thank You



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