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## WISCONSIN LEGISLATIVE COUNCIL

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### CRIMINAL JUSTICE FUNDING AND STRATEGIES

Room 411 South  
State Capitol

December 2, 2010  
10:30 a.m. - 3:15 p.m.

[The following is a summary of the December 2, 2010 meeting of the Special Committee on Criminal Justice Funding and Strategies. 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>.]

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#### Call to Order and Roll Call

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

COMMITTEE MEMBERS PRESENT: Sen. Lena Taylor, Chair; Rep. Robert Turner, Vice-Chair; Rep. John Steinbrink; and Public Members John Barrett, John Birdsall, Thomas Caywood, Ben Kempinen, David O'Leary, Dennis Rome, Ragen Shapiro, John Skilton, and Marla Stephens.

COMMITTEE MEMBERS EXCUSED: Rep. Ed Brooks; and Public Members Jeffrey Kremers, Sherri McNamara, and Scott Needham.

COUNCIL STAFF PRESENT: Anne Sappenfield, Senior Staff Attorney; and Katie Bender-Olson, Staff Attorney.

APPEARANCES: Michael Thompson and Marc Pelka, Council of State Governments Justice Center.

## **Approval of the Minutes of the September 27, 2010 Meeting**

Anne Sappenfield summarized the September 27, 2010 meeting of the committee, at the request of Chair Taylor.

*Vice-Chair Turner moved, seconded by John Skilton, to approve the minutes of the September 27, 2010 meeting. The motion passed on unanimous consent.*

### **Description of Materials Distributed**

Anne Sappenfield briefly described the materials distributed to the members. The materials included a draft final report, a Memo titled *Fees and Surcharges Collected by the Courts*, and a draft letter on behalf of the committee addressed to Assembly Speaker-Elect Jeff Fitzgerald and Senate President-Elect Michael Ellis.

### **Presentations by Invited Speakers**

#### ***Michael Thompson and Marc Pelka, Council of State Governments Justice Center***

Mr. Thompson presented to the committee on the topic of “Data-Driven Approaches to Increase Criminal Justice System Effectiveness.” He began by describing the Council of State Governments Justice Center and the center’s activities and mission. Mr. Thompson then described the current corrections system pressures faced by states across the country. He noted that state spending on corrections has increased by 57% over the past 10 years and the United States prison population has increased by 200% over the last 25 years.

Mr. Thompson informed the committee that public perception does not accurately reflect the realities in the corrections system. He stated that no demonstrated correlation exists between a higher incarceration rate and increased public safety. In addition, the public wrongly believes that inmates are serving less time in prison than they were 10 years ago. The public also believes that inmates receive drug treatment and job training in prison when, in reality, inmates often receive little or no treatment and job training.

Mr. Thompson stated that the growth in prison population is not fiscally sustainable and that the current level of investment is not yielding adequate outcomes. He noted that policymakers have to make decisions to address climbing corrections costs, but they do not possess up-to-date, independent information. He argued that the lack of current data prevents policymakers from being able to properly assess policy options that allow states to get the “most for their money.”

Mr. Thompson next presented four approaches to reduce costs by reducing recidivism. The first approach he described is to focus resources on those individuals who are most likely to reoffend. He noted that focusing on individuals at the highest risk for reoffending is the only effective way to reduce the rate of new felony convictions. Efforts that do not focus primarily on high-risk individuals may be counterproductive and may actually result in increased recidivism.

The second approach described by Mr. Thompson is to invest in programs that work. He stated that certain drug treatment and cognitive behavioral treatment programs showed an 8% reduction in

recidivism, while other programs did not result in any reduction. Mr. Thompson also noted that states can only determine effectiveness of programs by evaluating those programs. After evaluation, policymakers can identify effective programs and continue funding for programs that are reducing recidivism.

The third approach Mr. Thompson described is to strengthen supervision and employ swift and certain sanctions for parole violations. He stated that supervision should be intensified for those at the highest risk for reoffending and immediate consequences should be imposed on offenders who violate their conditions for parole. For example, he said that an offender who returns a positive drug screen while on extended supervision should be immediately detained and briefly jailed, instead of facing revocation several weeks later that results in a longer prison stay.

The final approach described by Mr. Thompson is to use place-based strategies. He noted that the rates of prison admission and community supervision vary widely based on geographic location. Certain areas or neighborhoods have higher concentrations of individuals on probation and parole. Mr. Thompson recommended that state resources and strategies should be focused on these areas.

Mr. Thompson next addressed national strategies for effecting change. He suggested that performance-driven funding incentives may be effective because they allow a county to recoup a percentage of any savings it realized. The county could then reinvest a portion of the savings into its local criminal justice system. Performance-driven funding incentives may motivate counties to create savings because counties directly benefit from any savings.

Mr. Thompson emphasized the importance of collecting data to monitor the impact of new policies. He suggested the use of a real time data system, referred to as the “dashboard.” The “dashboard” system would allow a state to collect timely information regarding the criminal justice system and pinpoint the source of pressure on its corrections system and take measures to address the particular problem.

Mr. Thompson also presented the committee with information specific to Wisconsin. He informed the members that the Justice Center conducted an analysis for Wisconsin in 2008, and that the analysis projected an increase of \$2.5 billion in corrections spending. The Justice Center also provided recommendations to the state for reducing its corrections spending. The recommendations included items such as focusing supervision resources, reallocating revocation expenditures to community strategies, creating incentives for inmates to reduce risk prior to release, and setting a recidivism reduction goal. Mr. Thompson reported that the Wisconsin Legislature embraced the recommendations, but he did not believe that the Legislature directly enacted them. Instead, Governor Doyle adopted several of the options and they were enacted as part of the 2009-2010 budget. The budget also implemented several corrections policies that did not originate from the Justice Center.

At the conclusion of the presentation, Chair Taylor requested information regarding the Wisconsin prison population from Tony Streveler of the Department of Corrections. Mr. Streveler informed the committee members that the Wisconsin prison population tripled between 1990 and 2000, and increased by 10% between 2000 and 2010. He noted that the prison population recently declined, but that the reason for the decline is unknown. Mr. Streveler presented a number of possible reasons for the decline, including a decrease in the number of arrests, changes in the county jail populations, or shortened prison stays, but noted that the department is not sure of the actual reason. Mr. Streveler and Mr. Thompson opined that the recent increased focus on the issue of corrections costs by policy-makers may itself affect behaviors within the system and lead to efficiencies.

The presenters and Mr. Streveler answered questions from the committee members. Mr. Thompson emphasized the importance of evaluating the impact and effectiveness of programs that are implemented, but acknowledged that, little political will exists to evaluate programs once implemented. He also advised the committee that some direct funding for implementing policies such as the “dashboard” may be available from the Bureau of Justice Assistance.

### **Discussion of Subcommittee Work**

Chair Taylor asked the chairs of the subcommittees to provide feedback on the meetings and progress of the subcommittees. Professor Dennis Rome, Professor Thomas Caywood, and District Attorney David O’Leary reported about the progress of their respective subcommittees. Chair Taylor advised the subcommittee chairs that they should focus on comprehensive recommendations rather than those impacting an individual component of the criminal justice system.

### **Discussion of Committee Assignment**

The committee discussed the timeline for its work and Chair Taylor informed the members of her intent for the committee to generate a final report in January that includes recommendations. The committee then discussed potential recommendations for inclusion in the final report. Members emphasized the need for a state-level criminal justice coordinating council that could receive and evaluate data from a “dashboard,” and could disseminate information regarding effective programs being used by particular counties. The committee expressed interest in having the Legislative Council staff draft statutory language creating a criminal justice coordinating council.

The committee also discussed the tone of the final report and the principles which the report should express. Individual committee members suggested specific recommendations that should be included in the report. Chair Taylor stated that the subcommittees should continue to meet and that the next meeting of the full committee is scheduled for January 12, 2011.

### **Other Business**

The next meeting of the full committee is scheduled for *Wednesday, January 12, 2011*.

### **Adjournment**

The meeting was adjourned at 3:15 p.m.

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