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JUSTICE REINVESTMENT STUDY COMMITTEE

Reducing Spending on Corrections and Reinvesting in Strategies to Increase Public Safety

In December 2008, when Wisconsin's governor, chief justice, senate president, and former assembly speaker tasked the justice reinvestment study committee with both increasing public safety and cutting criminal justice spending, it probably first seemed to members they were being presented with a contradiction of terms.

Furthermore, the study committee faced the challenge of preparing their recommendations using a consensus-based approach, channeling diverse perspectives into the process. Altogether the 19 members represented a cross-section of the Wisconsin criminal justice system, all three branches of state government, and officials from county and state government.

Wisconsin state leaders requested that the Justice Reinvestment Initiative, a project of the nonpartisan, nonprofit Council of State Governments Justice Center, provide independent analysis and data-driven policy development with the study committee's oversight. Justice Reinvestment receives funding from the Pew Center on the States, the Bureau of Justice Assistance, and the states it serves

JUSTICE REINVESTMENT POLICY FRAMEWORK

On May 15, the study committee answered the state leaders' challenge. According to an independent analysis, the policy framework approved would avert the 25 percent projected prison population growth between 2009 and 2019. It would also erase the resulting \$2.5 billion in cumulative construction and operation costs, including the immediate price tag

of \$240 million over the next two years.

The study committee legislation sets prospective policy that upholds the fundamental principles of Wisconsin's truth in sentencing law. Sentences handed down in the courtroom will be unaffected, providing certainty to judges, prosecutors, defense attorneys, and victims. It frees up crucial dollars that the state criminal justice system needs in areas where immediate public safety and community benefits can be realized. These include specialized courts, law enforcement, the Department of Justice, prosecutors and public defenders, and mental health services and drug treatment.

The Justice Center's report to the study committee, "Analyses & Policy Options to Reduce Spending on Corrections and Increase Public Safety," can be found at <http://justicereinvestment.org/states/wisconsin/pubmaps-wi/>. The section below provides an overview of the four policy recommendations the study committee approved.

Maximum Extended Supervision Term

Key Finding: Between 2000 and 2007, the average length of time ordered for supervision following release from prison increased from 23 to 54 months. Long periods of community supervision require the DOC to distribute scarce resources more sparsely.

Policy Recommendation: Set a maximum length of supervision to help concentrate public safety resources on the initial months and year of supervision, when the risk of recidivism is highest.

Swift and Certain Prison Period following Community Supervision Violation

Key Finding In 2007, the average period of imprisonment ordered for a person who violated conditions of extended supervision was 18 months. Costs of incarcerating this group amounted to an estimated \$99 million. Furthermore, sheriffs shoulder a heavy burden, as people revoked from supervision spend several months in county jails while a complicated hearing process is orchestrated.

Policy Recommendation: Incarcerate people who violate conditions of extended supervision, and do not receive a charge filed against them, for an automatic term of 6 months. The DOC could extend this period an additional 90 days if the offender violates any prison regulation or refuses to participate in programming.

Reduced Risk Prior to Prison Release

Key Finding: The length of incarceration time ordered increased between 2000 and 2007 from 31 to 40 months. Yet people in prison do not undergo sufficient validated risk assessment and programming requirements, such as drug treatment and anger management, to help reduce risk prior to release.

Policy Recommendation: Empower courts to order that people serve a risk reduction sentence, equaling 75 percent of incarceration time they otherwise would have served, so long as they agree to participate in a risk assessment and reduction program. For all people admitted under a risk reduction sentence, the DOC would be required to validate its risk assessment and evaluate program quality.

Statewide Recidivism Reduction Goal

Key Finding: Between 2000 and 2007 Wisconsin’s recidivism rate increased, particularly among the youngest people released from prison, by 4 percentage points. Moreover, in

2007, 3 out of every 5 people admitted to prison were sent there following revocations.

Policy Recommendation: Establish a statewide goal of lowering recidivism rates among those who are convicted of a felony and on community supervision by 25 percent by 2011. Also included are appropriations for community-based mental health services, a transitional employment program, and community services to reduce recidivism for people on supervision.

MENTAL HEALTH INITIATIVE

The Justice Center is providing technical assistance to Wisconsin on a number of other “next steps,” including developing a response to the disproportionately high recidivism rates among people with severe mental illness. The study committee recommended appropriations to target this population with comprehensive reentry planning and wraparound community-based services.

During the study committee’s deliberations, county officials raised serious concerns about human services agencies and law enforcement personnel lacking sufficient resources to address the needs this population poses to the community.

Justice Center staff, including Fred Osher, MD, and Hope Glassberg, are holding conversations with county officials, including Dr. Bill Topel, Director of Human Services for Winnebago County, and staff from the Department of Human Services (DHS) and the Department of Corrections (DOC) to finalize a policy proposal. The Justice Center will seek to work with county and state officials to make sure that the initiative will improve the continuity of care and administration of services when this high-risk, high-need population transfers from state institutions to community settings. **wc**