

Text by LOYD HUBBARD
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COUNTIES LEAD THE WAY IN ALTERNATIVES TO INCARCERATION

Programs that are 'SMART ON CRIME' and save taxpayers money.

After a 20-year failed experiment, Wisconsin is waking up to the fact that we incarcerate too many people. Our jails and prisons are overcrowded with non-violent, low-risk offenders, many of whom suffer from significant mental health and/or addiction problems. We incarcerate a lot of people who would be more effectively and less expensively dealt with in community-based treatment programs. We have finally realized that just being “tough on crime” has not worked for us; it is time to be smart on crime and to save the

taxpayers some money.

The second piece of good news is that the solution to our over-incarceration problem is not far away. Wisconsin’s counties have already discovered how to divert people from jail and prison while making the community safer. As others have pondered and debated, county officials, judges, prosecutors and community members have rolled up their sleeves and have set up some highly effective alternatives.

IT IS TIME TO CHANGE THE INCENTIVES AND TO SHARE THE COST FOR DOING THE RIGHT THING.

County alternative programs deal aggressively and effectively with low-risk offenders with issues. They vary by county, but they have some fundamental things in common:

- ❖ They intervene early— Alcohol treatment courts, for example the Winnebago County SSTOP program, don't wait for a fourth or fifth OWI conviction before they get tough with the offender. Drug treatment courts do not wait for offenders to commit violent crimes before stepping in.
- ❖ They demand accountability of participants. The programs tend to last for at least a year, and participants are seen, spoken to and tested frequently through the year.
- ❖ They include graduated sanctions and graduated rewards for participants. Missing a meeting or court date will set offenders back. More serious transgressions have more serious consequences. Good behavior and progress is rewarded.
- ❖ They do not use jail or prison except as a last resort.
- ❖ They achieve better outcomes at lower costs than

incarceration.

A great example of an effective diversionary program can be found in the La Crosse Operating While Intoxicated (OWI) Court. Since the inception of this OWI Court, La Crosse County OWI arrests have declined by 24%, even as the rate in all the surrounding counties has stayed the same. La Crosse is not just saving jail and prison space, it is reducing the incidence of the crime! This is an example of being smart on crime— the sort of thing our state needs to invest in, especially in these hard economic times.

Counties around the state are doing great things with minimal resources: Milwaukee County's early screening program, along with deferred prosecution for those entering programs, has kept hundreds of people out of jail and prison, saving taxpayers millions of dollars. Rock County's new focus on treatment, electronic monitoring and other innovations has decreased the jail population dramatically, saving the county from a huge jail-building project. Eau Claire County is a national pioneer with its Mental Health Court. Outagamie County has an outstanding Day Reporting Center. The Dane County TAP program, Waukesha's OWI

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Hubbard and Williams are the co-chairs of the WISDOM TIP Campaign. WISDOM is an organization comprised of more than 130 congregations and partners, in ten local organizations around Wisconsin including the counties of Milwaukee, Racine, Kenosha, Rock, Winnebago, Outagamie, Waukesha, Brown, La Crosse, Eau Claire, Chippewa and Marathon. WISDOM works to give voice to the concerns and values of its many members. The Treatment Instead of Prison (TIP) campaign is one of WISDOM's projects. The WISDOM office can be reached at 414.831.2070, or wisdomwi@sbcglobal.net.

Court and the Barron County Restorative Justice program are just a few other examples of good programs around the state that could be much larger and have the potential to divert even more people from incarceration.

What stops us from adopting every one of these best practices in every county? What else? Money. Though

counties save themselves jail costs through alternative programs, they are also saving the state a lot in prison costs. Unfortunately, the counties do not have the resources to develop all the alternatives, nor do they have the capacity to enlarge the programs to the size that would start having a significant impact on the size of our prison system.

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JUSTICE REINVESTMENT INITIATIVE

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

With the United States in the midst of an economic recession, policymakers across the country are searching for strategies to help states close budget deficits. Many are reviewing their budgets for opportunities to reduce spending on line items consuming large percentages of state resources, one of which is corrections spending, while affording greater attention to cost-effective approaches that strengthen public safety and build stronger communities.

According to the National Association of State Budget Officers, between 1987 and 2007, annual state spending on corrections increased from \$12 billion to \$48 billion and increased an estimated 8% in fiscal year 2008. Despite this increase in spending on corrections, recidivism rates remained unacceptably high across the country, with more than half of people released from prison being recommitted within three years.

A 2007 report released by the Public Safety Performance Project of the Pew Center on the States estimated that the nation's prison population would grow an additional 13% by 2012 at a cost of \$27.5 billion in construction and additional operating expenses.

CHALLENGES FACING WISCONSIN

Trends in Wisconsin's corrections system follow a similar trajectory: between 2008 and 2012, the population is expected to grow from 22,500 to 25,082, an 11% increase. Projecting outward further, the forecast estimates that by 2019 the population will grow by another 2,937 individuals, resulting in an overall 25% increase from 2008. Wisconsin Department of Corrections estimates that it would cost \$2.5 billion in cumulative costs to reduce overcrowding in the prison system and accommodate growth in the population. Unless new policies are enacted, Wisconsin will have to begin building new

Our current incentives are backwards. If a county ships a low-risk offender to the state prison, the state of Wisconsin picks up the tab. If that same county works to rehabilitate that same low-risk offender through community-based programming, the county has to pay. It is time to change the incentives and to share the cost for doing the right

thing.

The state needs to increase the available funding for Treatment Alternatives and Diversion (TAD). These funds, which are awarded competitively to counties, could unleash the energy and creativity of our counties, encouraging innovation and the adoption of the best practices that will

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

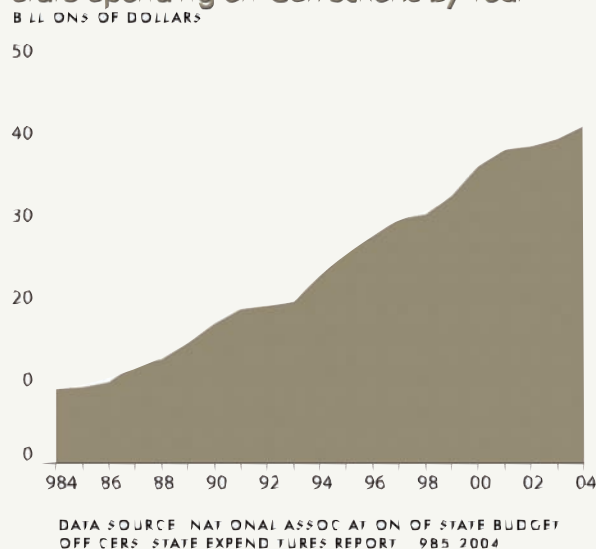
prisons this biennium. At the same time, recidivism rates for people released from prison in Wisconsin have increased from 36% in 2000 to 40% in 2005.

JUSTICE REINVESTMENT STRATEGY

Faced with the prospect of appropriating hundreds of millions of dollars to construct and operate new prisons, policymakers in several states chose instead to apply a data-driven strategy called justice reinvestment. Working with the Council of State Governments Justice Center (Justice Center), with support from the U.S. Department of Justice's Bureau of Justice Assistance and the Public Safety Performance Project of the Pew Center on the States, policymakers in states such as Kansas and Texas analyzed the factors driving the growth of their prison populations and developed options to reduce spending on corrections and increase public safety.

In Kansas, policymakers enacted legislation designed to encourage local community corrections agencies to develop and implement strategies that will reduce revocation rates among individuals under community supervision. The legislation also authorizes program credits to provide an incentive for

State Spending on Corrections by Year



individuals to complete certain educational, vocational or treatment programs while they are incarcerated. This legislation helped Kansas avert over \$80 million over a five year period.

To avert further growth in the Texas prison population, the state legislature enacted what many consider to be the

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STUDY COMMITTEE MEMBERS WAUKESHA COUNTY EXECUTIVE JAMES DWYER AND WALWORTH COUNTY SHERIFF DAVE GRAVES HAVE HELPED INCORPORATE THE COUNTY PERSPECTIVE INTO THE GROUP'S DELIBERATIONS.

most significant redirection in the state's criminal justice policies to improve success rates of people on community supervision, expand the capacity of treatment and diversion programs, and enhance the use of parole for low-risk offenders. By implementing these policies, the state reduced budgeted expenses for the 2008-09 fiscal biennium by \$210.5 million.

JUSTICE REINVESTMENT IN WISCONSIN

Similar challenges Kansas and Texas faced are now bearing down on Wisconsin, exacerbated by a state budget deficit surpassing \$5 billion dollars in the next biennium. With fiscal pressures gripping all levels of government—state, county and municipal—elected officials are pursuing smarter, more cost-effective policy.

To that end, in 2008, Governor James Doyle, Chief Justice Shirley Abrahamson, Senate President Fred Risser and Assembly Speaker Michael Huebsch requested technical assistance from the Justice Center. Among the goals state leaders emphasized: help develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety in Wisconsin.

In January 2009, to guide the Justice Center's analyses of the state's criminal justice system and development of policy options, the Wisconsin Legislative Council established the Special Committee on Justice Reinvestment Oversight, a bipartisan, bicameral and inter-branch advisory group. To make the decision-making process as representative as possible, practitioners from virtually all points in the

criminal justice system are represented: judges, prosecutors, the state public defender, law enforcement and state lawmakers with expertise in criminal justice.

Study committee members Waukesha County Executive James Dwyer and Walworth County Sheriff Dave Graves have helped incorporate the county perspective into the group's deliberations. Two regional law enforcement executives focus groups the Justice Center helped organize raised a number of key issues a growing corrections population poses for county officials, especially with respect to jail populations and mental health and substance abuse services. These recommendations, which will help ease the strains counties shoulder, will be incorporated into Justice Center analyses.

NEXT STEPS

In the weeks ahead, the study committee will evaluate policy options the Justice Center crafted with input from data analysis, interviews, focus groups and site visits. Our staff would like to continue to engage policymakers and stakeholders from the county level in this process. For more information or to share your perspective on these issues, please visit our Web site www.justicereinvestment.org or contact Marc Pelka at 646.383.5720 or mpelka@csg.org.

*Stay tuned for upcoming updates in 'Wisconsin Counties' from the Justice Center. **WC***