



WISCONSIN LEGISLATIVE COUNCIL

JUSTICE REINVESTMENT INITIATIVE OVERSIGHT

Room 412 East, State Capitol
Madison, Wisconsin

April 22, 2009

11:00 a.m. – 3:00 p.m.

[The following is a summary of the April 22, 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; Sens. Dan Kapanke and Luther Olsen; Reps. Tamara Grigsby, Joel Kleefisch and Scott Suder; and Public Members Nicholas Chiarkas, Richard Dufour, James Dwyer, David Graves, Frank Humphrey, Kit McNally, Lisa Stark, Tony Streveler, A. John Voelker, Maxine White, and Noble Wray.

COMMITTEE MEMBERS EXCUSED: Rep. Robert Turner; and Public Member John Chisholm.

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

APPEARANCES: Tony Fabelo, Director of Research, Justice Reinvestment Initiative, Council of State Governments (CSG) Justice Center; Marshall Clement, Project Director, 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.

Approval of the Minutes of the Committee's April 7, 2009 Meeting

Mr. Humphrey moved, seconded by Mr. Dwyer, to approve the minutes from the April 7, 2009 meeting. The motion was approved by unanimous consent.

Presentations by Invited Speakers

Panel to discuss analyses and policy options to reduce spending on corrections and reinvest in strategies to increase public safety

- ***The Big Picture and Wisconsin's Prison Population Projection, Dr. Tony Fabelo, Director of Research, Justice Reinvestment Initiative, Council of State Governments (CSG)***

Mr. Fabelo briefly described the Justice Center's draft final report entitled *Justice Reinvestment in Wisconsin: Analyses & Policy Options to Reduce Spending on Corrections and Increase Public Safety*. He explained that the draft was distributed so that the committee could review the facts and figures, ask questions, and provide feedback. Mr. Fabelo thanked Mr. Streveler, Department of Corrections (DOC), Secretary Rick Raemisch, and DOC staff for their assistance with CSG's research.

Mr. Fabelo stated that Wisconsin's prison population increased 20% between 1998 and 2008. He reminded the committee that the JFA prison population projection model predicted that in the next 10 years, Wisconsin's prison population will increase by another 25%. He reported that it will cost an additional \$1.4 billion in construction costs and \$1.1 billion in operating costs as a result of this 25% increase.

Mr. Fabelo reported that data indicates the increase in prison population is due to revocations of community supervision. He reported that the length of extended supervision has increased in the last seven years. He described how mental health, drug abuse, and unemployment factor into the revocation process. Mr. Fabelo then listed ways that community supervision could be strengthened to increase effectiveness and reducing revocations.

- ***A Policy Framework for Wisconsin, Mr. Marshall Clement, Project Director, Justice Reinvestment Initiative, CSG Justice Center***

Before describing the policy options developed for Wisconsin, Mr. Clement listed six aspects that CSG takes into account in any policy option. He stated that policies must be: (1) data driven; (2) broadly agreed upon; (3) research-based; (4) efficient in accomplishing goals; (5) layered with impacts over the short, medium, and long term; and (6) work within the state's sentencing philosophy.

Mr. Clement then listed four policy options targeting both sentencing and supervision. The first two policies addressed resources spent on sentencing and supervision and the second two policies addressed behavioral change of a person convicted and sentenced to prison. Mr. Clement presented the following four policies for the committee to consider: (1) focusing supervision resources; (2) reallocating revocation expenditures to community-based strategies; (3) creating a sentencing option to reduce risk prior to release; and (4) setting a recidivism reduction goal.

Mr. Clement explained that the goal of focusing supervision resources is to target community supervision during the initial year to slow recidivism. He said that this could be done by capping the maximum term of extended supervision to be 75% of the term of confinement. Mr. Clement explained this would slow the growth of recidivism as the greatest risk of reoffending is at the beginning of release. He said that it would take time to see the effects of this policy.

Mr. Dufour raised the concern that reducing the term of extended supervision also reduced the time that an offender had to earn money to pay restitution.

Mr. Clement described the second policy reallocating current revocation expenditures to community-based strategies. He said this policy streamlines the revocation process and limits the reconfinement period to six months, extended by up to 90 days for rule infractions in prison or failure to participate in required programs. Mr. Clement explained that this option includes spending on community-based mental health services and employment strategies for 10% of the post-release population.

The third policy option Mr. Clement explained is a sentencing option to reduce risk of reoffending prior to release. He explained that this option was intended to give an incentive for offenders to successfully complete programs. He said the court could impose two sentences. One sentence would be a risk reduction sentence, with a confinement time that is 75% of the second sentence, whereby the offender would have to complete programming determined by DOC's assessment. He said that DOC would notify the judge of the DOC assessment and that the judge could raise concerns over the treatment plan directing DOC to modify it. The second sentence would be used if the offender did not comply with the requirements of the shorter sentence.

The fourth policy option explained by Mr. Clement is to set a recidivism reduction goal of 25%. Mr. Clement said that this would not be statutory, rather a public statement that recidivism should be reduced 25% by the year 2011. He reported that this has motivated organizational changes in other states' correctional systems.

To coordinate and evaluate these policy options, Mr. Clement gave two examples of entities that may be helpful. He suggested a statewide criminal justice coordinating council and a statewide reentry council. He said that the policy changes should be monitored and that community-based programs should be regularly assessed.

In response to questions, Mr. Clement said that the recommendations did not include policy options for reducing drug problems at the front-end of corrections as Wisconsin has the Assess, Inform, and Measure (AIM) pilot project and specialty courts.

- ***Averted Costs and Reinvestment, Dr. Tony Fabelo, Director of Research, Justice Reinvestment Initiative, CSG Justice Center***

Mr. Fabelo reported that there are currently 23,125 inmates in Wisconsin prisons, which is over DOC's operating capacity. He said that the JFA population model projected a 25% increase over the next 10 years. Mr. Fabelo said that if Wisconsin implemented the four policy options, the state could cumulatively avert \$2.5 billion in construction and operating costs.

Mr. Fabelo highlighted the costs of two of the four policy options. He reported that the second and fourth policy options would cost the state a total of \$30 million for fiscal year 2010-11. He said that over the next 10 years, the spending on these two options would cost the state \$150 million. He explained that after this cost is taken into account, the total averted costs over the next 10 years would be \$2.3 billion.

In response to committee questions regarding where the addition \$30 million would come from, Mr. Clement said that this expenditure is an alternative path to the \$2.5 billion path that the state would have to spend over the next 10 years.

Mr. Voelker stated that two policy options required valid risk assessment tools and asked what DOC would need to have these tools in place. Mr. Streveler responded that DOC's risk assessment has not been revalidated since 1984 and that it is being currently revalidated by Mike Eisenberg, Research Manager, Justice Reinvestment Initiative, CSG Justice Center. Mr. Streveler stated that a cultural shift is also needed in the agency and that this would take time.

Discussion of Committee Assignment

Representative Kleefisch and Representative Suder asked CSG about how their work in Wisconsin compared to their work in other states. Mr. Fabelo explained that CSG is now in its fourth year of conducting Justice Reinvestment and is able to work more efficiently than it was in the beginning. He continued that in Texas, there was no Justice Reinvestment committee. He said it took CSG three months to conduct analyses and put forth policy options. He said in Kansas, the process took about five months and that CSG continued working with the state for a number of years following its initial report.

Mr. Dwyer asked if CSG thought their work was compromised by the timeframe required to have policy options added into Wisconsin's 2009-11 budget. Mr. Fabelo responded that no, CSG has been able to stay focused, working solely on its project in Wisconsin. He added that CSG's portion of Justice Reinvestment ended once it made recommendations and that it was now the committee's responsibility to determine what to do with the options.

Representative Kleefisch raised the concern that the committee had not heard from victims and requested time to hear feedback from victim advocacy groups.

Ms. White asked for information as to what procedural changes were needed to implement the risk reduction sentence.

In response to whether any states have implemented sunset provisions, Mr. Clement stated that Michigan is considering one. He said that Arizona also considered one, but decided to require an audit after five years instead.

Chair Taylor reminded the committee that CSG's options have worked in other states and that it has given Wisconsin options to do something to solve current problems.

Other Business

There was no other business before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be on *Wednesday, May 6, 2009, at 10:00 a.m., in Room 411 South, State Capitol, Madison.*

Adjournment

The meeting was adjourned at 3:00 p.m.

MS:jal:wu