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FINAL REPORT

WISCONSIN CORRECTIONAL SYSTEM NEW PANEL

2-21-92
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Remington, Chair

ed state program for dealing with
uture prison population growth

APPOINTED BY:
Speaker Walter Kunicki

June 4, 1991

A C K N O W L E D G E M E N T S

The panel received excellent cooperation from Patrick Fiedler, Secretary, and the staff of the Department of Corrections especially Michael Sullivan, Tili de Boor, and Bill Puckett. In addition, John Husz, the new Chairman of the Parole commission and former Unit Supervisor of Community Structural Supervision Program in Milwaukee, was the primary source for identifying critical elements and costs of Intermediate Sanctions.

P A N E L M E M B E R S

Richard Cox
John DiMotto
Kris Koeffler
Frank Remington, Chair.

Walter Dickey
Kipton Kaplan
Greg Peterson

S T A F F

Ken Streit
John Torphy

C O N S U L T A N T S

Orville Pung
Jack Wellborn

P R I N T E D B Y

Badger State Industries at the
Columbia Correctional Institute

C H A R G E T O T H E P A N E L

The panel was appointed by Walter Kunicki, Speaker of the Wisconsin Assembly on April 8, 1991 and asked to report in early June, 1991.

The charge of the panel was:

"Before we begin one of the largest construction programs this state has ever seen, we must take a look at what its going to cost, what results we can expect and what alternatives we have available. That will be the mission of this panel."

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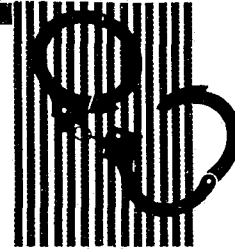
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MEMBERS OF THE CORRECTIONAL SYSTEM REVIEW PANEL



RICHARD COX is a Captain in the Milwaukee County Sheriff's Department. He is Director of the New Jail Programming and Transition Team for the Sheriff's Department. He has had extensive experience in law enforcement and jail administration.

WALTER J. DICKEY is a Professor of Law at the UW Law School. He served as Administrator of the Wisconsin Division of Corrections and as Chair of the Judicial Counsel.

JOHN J. DIMOTTO is a Circuit Judge in Milwaukee County. He has had extensive prosecution experience having served for 16 years as an Assistant District Attorney in Milwaukee County. In that office he headed the Sensitive Crimes Unit and has served on numerous advisory committees dealing with domestic violence and child abuse.

KIPTON KAPLAN is an executive in the health care industry. He is President of Care Network and of its subsidiaries, Wisconsin Health Organization and Network Exclusive Provider Option. He is also Vice-President of the Wisconsin Association of HMO's and Director of Aneilla Systems, Inc.

KRIS KOEFFLER is currently Director of Rock County's Deferred Prosecution and Domestic Violence Intervention Programs. In 1983-84, she served on the Governor's Commission on Domestic Violence and she was a member of the Wisconsin Sentencing Commission from 1985-90.

GREGORY A. PETERSON has served as Eau Claire Circuit Judge since 1983 and is also the Deputy Chief Judge for the 10th Administrative District. He practiced law in Eau Claire prior to taking office.

FRANK J. REMINGTON is a Professor of Law at the UW Law School. He has served on numerous Legislative Council Committees and was a draftsman of the Wisconsin Criminal Code. He also drafted the Rules of Procedure for the Federal Courts and was Chair of the National Collegiate Athletic Association Infractions Committee.

STAFF

The Panel is indebted to **KEN STREIT** who devoted an immense amount of his time during the month of May to the development of the basic information required by the Panel in order to prepare its report and recommendation. He is a Clinical Instructor of Law at the UW Law School. He was a policy analyst at the Department of Health and Social Services, specializing in adult and juvenile corrections. He was also the primary author of a recently completed study regarding the relocating of girls at the state's Lincoln Hills School correctional facility.

The Panel also received valuable assistance from **JOHN TORPHY**, Associate Vice Chancellor of the University of Wisconsin—Madison, who is responsible for budget, planning, and institutional research. He has held numerous positions in state government, including Administration Secretary, State Budget Director, and Deputy Secretary of Health and Social Services.

CONSULTANTS

ORVILLE PUNG is Commissioner of Corrections for the State of Minnesota. He was extremely helpful to the Panel in his explanation of how Minnesota avoided the prison overcrowding problem being experienced in most other states.

JACK WELLBORN is a State Senator in Michigan who has had primary legislative responsibility in that State for Corrections. He was extremely helpful to the Panel explaining Michigan's failed attempt to "build its way out of the prison overcrowding problem." A self-described "law and order fiscal conservative," Senator Wellborn strongly urged the Panel to learn from the costly mistakes made by the State of Michigan.

EXECUTIVE SUMMARY AND RECOMMENDATIONS



The Panel recommends that the following comprehensive corrections program be implemented by the State of Wisconsin. The proposed program will meet the need to deal with the present prison overcrowding problem; will avoid the necessity of spending billions of dollars in an unsuccessful effort to build enough prisons to house the projected tripling of the prison population; will assure public safety, and will respond to certain criminal offenders, particularly nonviolent property offenders, in a more effective way.

To achieve these important objectives the Panel unanimously recommends the following comprehensive program:

1. The development of 750 additional prison beds as soon as possible, in no event later than 1993. The Department of Corrections should aggressively pursue both the building and leasing options utilizing whichever best meets the immediate need for additional prison space.
2. The immediate initiation of the planning process which will be necessary if there is to be a construction of an additional 500 to 1000 bed facility to start during the 1993-1995 biennium. The planning should be flexible enough to make it possible to decide in 1993 to build either less or more additional prison beds, a decision to

be based on later offender population projections and upon experience with an intermediate sanction program.

3. The Department of Corrections should be asked to aggressively develop an intermediate sanction or intermediate punishment program particularly for nonviolent property offenders. The program should be equipped to handle 500 offenders in 1992, 1250 in 1993, 2250 in 1994 and 3500 in 1995. By "an intermediate sanction or intermediate punishment program" we mean a program which imposes significantly greater restraints on the offender than does ordinary probation. Included are a boot camp, shock incarceration, house arrest, electronic monitoring, and intensive supervision in an appropriate combination to assure the protection of society. Whenever appropriate there is added to the significant restraints upon the offenders' liberty (which serve the objective of appropriate punishment), the requirement that the offender do community service, work and maintain family support, make restitution, and participate in appropriate treatment for alcohol and drug dependency. This program is to be used for non-assaultive low risk property offenders, not for violent assaultive offenders.

A summary of the panel's conclusions which underlie its recommendations

Present projections are that the number of prisoners in Wisconsin will double by 1997 and triple by the year 2000. By the year 2000 Wisconsin will have 20,000 prisoners if there is a failure to develop an alternative to prison construction as a response to the projected increase of convicted offenders.

In January 1991, Governor Thompson proposed a plan which would have ended prison overcrowding by 1995 if the projected population increases remained as they were in January, 1991. Those projections changed dramatically between January and March. As a result the Governor's plan for 3,884 additional prison beds and 1,372 intermediate sanction slots, will not deal adequately with the population increase now projected. There was no way the Governor could have projected the in-

crease when he issued his recommended plan in January. A comparison of projections follows.

- The 11,906 presently projected for 1995 is 1,513 (15%) higher than the Governor's plan.
- The 14,501 presently projected for 1997 is 2,706 (23%) higher than the Governor's plan.
- The 19,300 presently projected for 2000 is 5,480 (39%) higher than the Governor's plan.

Thus, even if Governor's plan is fully operationalized between 1991 and 1997 at a cost of \$583 million in construction and \$85 million annually in operating costs, the prison system will have 2,706 more prisoners than beds in 1997. To meet this increase in projected population by prison construction would require \$1.1 billion in construction cost and the prisons would still be at 125% of capacity.

The costs are immense. It is doubtful that this state has the capacity to finance a huge increase in prison construction without a severe interference with the state's ability to furnish other important services in education, medical care for children and the elderly, treatment for the mentally ill, and other essential state services.

The alternative to a great increase in prison construction.

The need therefore is to develop a less costly and more effective way of handling the projected increase in criminal offenders and to do so in a way which does not jeopardize public safety.

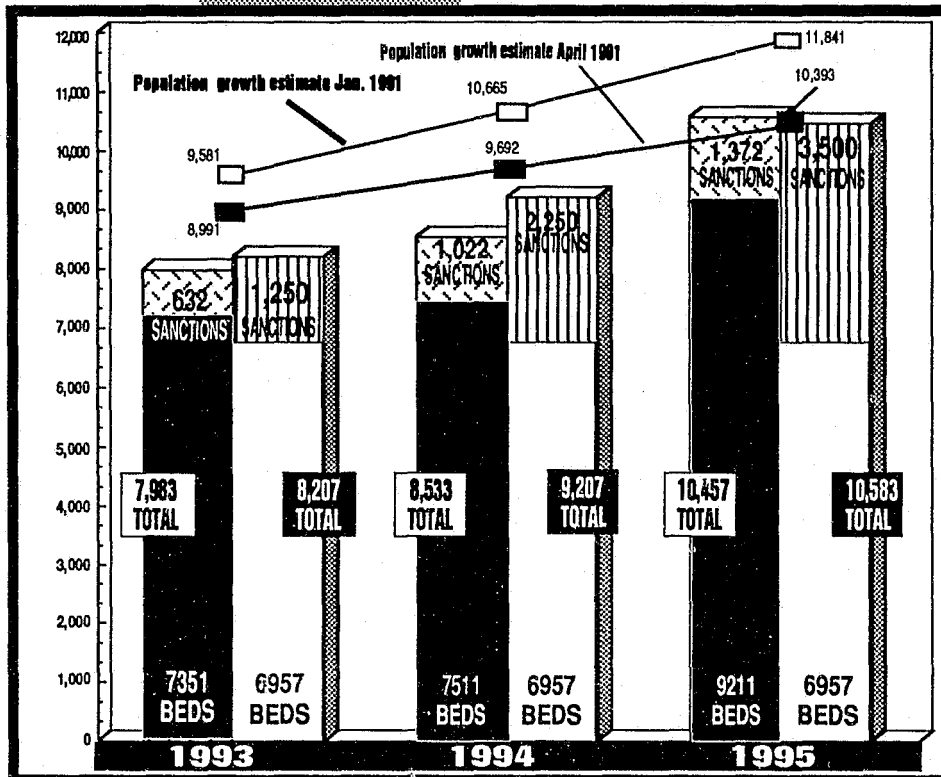
In the Panel's opinion there are a significant number of people projected to be in prison who can better be handled by "an intermediate sanction or punish-

Prison growth projections vs. number of available space

JAN. 1991 PROPOSAL



PANEL PROPOSAL



*6,207 beds are currently in existence.

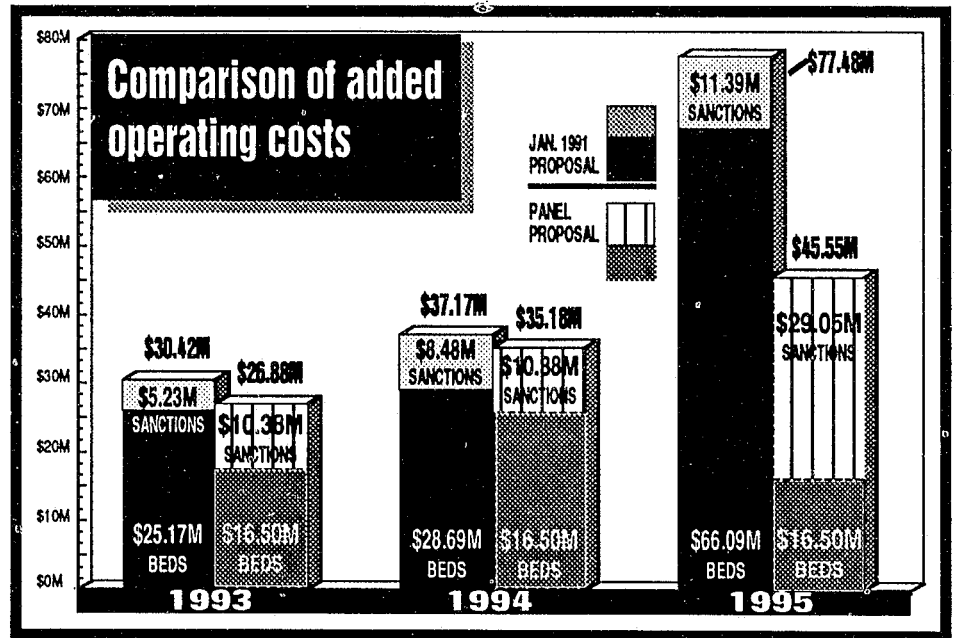
ment program." These are largely property offenders who are nonviolent many of whom have a drug or alcohol abuse problem and who are presently classified by the Department of Corrections in the lowest risk category. The Panel does not recommend that violent or high risk offenders be eligible for the "intermediate sanction or punishment program."

The total cost of an intermediate punishment program is 75 percent less than prison construction and 33 percent less in operating costs. Most importantly the implementation of an alternative program for the low risk, nonviolent offender insures that there will be adequate prison space to house the violent offender for so long as is necessary to maintain public safety.

Actions which must be taken in order to implement an intermediate sanctions or punishment program

1. The panel recommends that the Legislature direct the Department of Corrections to immediately develop and implement an intermediate sanction program so there is a fixed point of accountability. The program should include a provision for punishments either singly or in combination, that have the following characteristics:

- a. They have different phases of relatively short duration.
- b. They are intensive.
- c. They are highly structured.
- d. They include some period in jail, a residential facility, or prison, including a "boot camp."
- e. They are customized to the particular offender to provide



necessary and sufficient intervention and sanction.

In short, intermediate sanctions are in some respects tougher than either prison where idleness is common, or ordinary probation, where caseloads are large and contact with the offender is infrequent.

2. The Department of Corrections should develop the necessary plans to add a total of 3500 intermediate sanction slots by 1995 and a total of 5000 such slots by 1997.
3. The Department should construct or lease 750 additional prison, jail or other secure beds by 1993 to increase operating prison capacity to 7,257. This will result in a 115% occupancy during 1993. Although any overcrowding is undesirable, the Panel believes that this degree of overcrowding can be managed by the Department of Corrections.
4. The Department of Corrections should, prior to March 1993, assess

the projected need in 1997 for traditional prison beds. If additional beds are needed, it should recommend this to the Legislature. If the intermediate sanctions program is successful and additional prison beds are not needed, ordinary Building Commission procedures allow for an appropriate change in construction plans to be made.

5. The Panel recommends that the Legislature direct the Department of Corrections to develop the necessary administrative controls to avoid the use of the intermediate sanction program for offenders who would otherwise have been appropriately placed on ordinary probation.
6. The Panel recommends that the Legislature direct the Sentencing Commission to work with the Department of Corrections to identify those offenders who are candidates for direct sentencing to the intermediate sanction program. Trial judges should be urged to use the intermediate sanction for these identified low-risk offenders unless there is reason in a particular case to sentence the offender to prison. Trial judges report that they are often confronted with the need to sentence an offender who cannot be handled adequately on ordinary probation but who is not a sufficient risk to require prison. Absent an alternative these offenders are now sent to prison. They should be handled in the intermediate sanction program.
7. The Legislature should direct the Department of Corrections to provide, in cooperation with the appropriate organizations of judges, district attorneys, defense lawyers and jail administrators, education on intermedi-

ate sanctions. Such education should be mandatory for criminal justice professionals so that implementation of the program is effective.

Further, because public acceptance of the program is essential to its success, the Legislature should direct the appropriate educational institutions to provide public education about intermediate sanctions, along the lines of the successful public education programs in Alabama. To provide prison space for most offenders will impose a great and increasing burden on the taxpayers of this state. We believe the public will understand that we cannot afford a system that lets low-risk offenders force society to provide them with costly prison space when there are other punishments which cost less, are in some respects tougher on the offender who is required to work rather than to sit idling in a cell, and are more likely than prison to prevent repeated criminal behavior.

8. The Panel recommends that the Legislature give financial support to a program to evaluate the effectiveness of the intermediate sanction program during the initial years of its existence. It is essential that judges, other criminal justice personnel, and most importantly the public, be adequately informed as to how cost-effective and how protective of public safety the intermediate sanction program is.

Additional recommendations

9. The Legislature should provide the authorization and the budgetary support needed to create a more effective supervision and surveillance

system for assaultive offenders who are released from prison. This is not part of the intermediate sanction program and is not designed primarily to save prison beds. It is for offenders who have served long prison terms, usually until mandatory release, and who need intensive supervision. This program can very significantly increase public protection against the most likely to repeat assaultive offenders. To the extent this program succeeds in preventing new offenses from being committed, it will also lessen prison population pressure. Experience shows that when police and probation share intensive supervision responsibility, support and surveillance can effectively control offenders who pose a threat of assaultive behavior.

10. Although not a part of the intermediate sanction program, it would be helpful for the Legislature to give appropriate encouragement to counties to develop pretrial release and diversion programs particularly for first time property offenders who, if treated early for alcohol and drug dependency, can often avoid loss of job and family disorganization and can be prevented from becoming a greater burden on public resources. Milwaukee County has initiated this type of program and has found it to be an effective response to the often drug dependent, non-assaultive property offender and an effective way to prevent some drug dependent persons from committing more serious offenses necessitating a prison sentence. Maricopa County, Arizona has a very successful Adult Deferred Prosecution Program for first time felony drug offenders who meet the prosecutor's criteria for program

participation. Although the formal criteria would exclude the felony property offender who is drug dependent, informal practice is to charge the drug violation rather than the property offense so the offender will be eligible for the diversion program.

11. The Panel recognizes much of the staggering increase in projected prison population reflects disintegration families, lack of economic opportunity, inadequate education, poor housing, mental illness, drug and alcohol abuse, and other social factors with which the criminal justice system cannot alone deal. If a continued escalation in prison and other corrections costs is to be avoided, it is essential that the state and its leaders support efforts to understand and to deal effectively with the basic social conditions.

There are some encouraging signs that some of this is being done. Some law enforcement agencies in this state are implementing a problem-oriented or community-oriented approach which attempts not only to gain the needed confidence and cooperation of the community but also tries to encourage local government to deal with the community conditions which experienced law enforcement officers know lead to criminal behavior.

Also, stimulated by the fact that homicide is the largest cause of death among young black males, the field of public health is starting to apply its experience in dealing with public health problems in an effort to gain an understanding of the escalating violence, particularly domestic violence occurring throughout the state, and more random violence occurring in

Milwaukee, and to develop methods of prevention.

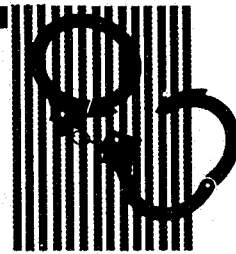
These kinds of law enforcement and public health programs are needed if increasingly costly reliance on prisons is to be avoided.

12. Finally the Panel believes it is possible to avoid the huge cost of building prison space for the projected 20,000 prisoners by decade's end, to do so without jeopardizing public safety, and to do so in a cost- effective

way by using various means including required public service, required work and family support and required restitution to victims. Indeed, the Panel's proposal for an intensive supervision program for the high risk offender who has served his full prison sentence will, we believe, considerably decrease the danger which these offenders too often pose for the community after release from prison.

THE REPORT

INTRODUCTION



Wisconsin is at a critical juncture in its approach to sentencing and corrections. The decisions made in the next few months will profoundly affect the lives of many citizens, the criminal justice system, and the state budget. Fortunately, Wisconsin is in a relative position of strength, with a sound system of probation and parole and a strong, if crowded, prison system. Unlike other states that have attempted to rapidly develop additional prison space only to find that it was at the expense of other needed programs, Wisconsin faces a clear choice at a time when alternatives are possible for the 1990s.

Wisconsin now enjoys a period when it can act thoughtfully and with foresight. We can benefit from the experience of other states - some of which have been successful in controlling prison costs; others that have spent huge amounts of money and failed to reduce overcrowding. Based upon its study of the experience of other states and of information furnished by the Wisconsin Department of Corrections, this panel concludes:

Wisconsin faces both a short and long term prospect of prison populations which substantially exceed the number of prison beds presently available or which are within this State's financial ability to construct and operate.

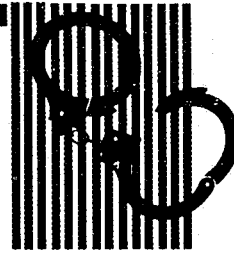
The Panel recommends:

Some immediate prison construction to relieve present overcrowding and the immediate development of a longer range program for possible additional prison construction and the creation of an intermediate sanction or punishment program which will, if fully implemented, decrease the need for massive prison construction.

Wisconsin is fortunate in having the opportunity to act before it is too late. Our neighboring states to the east and south failed to act, spent huge amounts of funds building prisons in an effort to "build their way out of the problem" and failed. The costly failure of states like Michigan and Illinois can serve as a useful lesson to Wisconsin which still has time to act. However, the time is short.



CHAPTER 1



THE PROBLEM IN WISCONSIN—CURRENTLY OVERCROWDED PRISONS AND A PROJECTED TRIPLING OF THE PRISON POPULATION BY DECADE'S END

The problem—Projected tripling of Wisconsin's prison population

Current projections are that, if the current incarceration policies and patterns continue, there will be more offenders in prison than present or projected prison space can handle.

Prison population is now projected to nearly triple between 1990 and 2000. Past projections have all been too low. In mid-1990, when there were 6,888 prisoners, the best Department of Corrections projection (and the basis for the Governor's plan) was a total prison population of 9,476 by 1995 and 12,298 by 2000. By April 1991, the same DOC projection formula estimated 10,695 by 1995 and 19,385 by mid-2000. The Department of Corrections is now projecting a doubling of the 1991 prison population by mid-1997.

While the Panel has concerns about the accuracy in longer projections—especially the difficulty of projecting nine years away based on perhaps short term trends—the Panel has little doubt about the probability of substantial increases in the number of offenders sentenced to prison or sent to prison following revocation of probation or parole if present practices continue.

The reasons for the great growth of prison populations in Wisconsin

Between 1980 and 1988, the aver-

age monthly admissions of male prisoners increased by a total of 25% or roughly 3% annually. In the next two years from 1988 to 1990, it increased to about 12% annually. Admissions of women grew by over 40% between 1988 and 1990.

The apparent explanations are:

1. There has been a substantial percentage increase in the number of offenders who are sent to prison on drug charges (illegal use or small quantity sale) despite the fact of having no prior felony convictions.

Between 1988 and 1989, the number of such prison admissions nearly doubled in part at least because these cases could not be adequately treated on ordinary probation and the only available treatment was in prison.

Other jurisdictions, Miami Florida for example, have developed effective intermediate sanctions and treatment for many drug offenders. This kind of program has been lacking in Wisconsin.

Many offenders are today sentenced to prison to "get drug or alcohol treatment." This adds to prison population because even when treatment is provided within the prison system, it is rarely offered at a time early in the prisoner's stay. Gener-

ally treatment is made available at a time when the offender has served until mandatory release. Thus parole is delayed or denied because treatment has not begun or been completed. Most judges who recommend treatment are unaware that doing so will probably lengthen the time spent in prison.

2. Over 40% of prisoners are sentenced to prison for non-assaultive property offenses.

Half of these property offenders have no prior felony convictions. Property offenders have somewhat shorter than average stays, but still account for 1/3 of all prisoners.

3. There has been an increase in the numbers of prisoners admitted with relatively short sentences.

Fifty-two percent of all prison admissions are offenders with no prior felonies. To a larger extent, prison is being used as a first option for offenders who appear beyond the capacity of traditional probation resources to handle.

The fact that these sentences are relatively short suggests that these offenders are not a major public safety threat, but rather that they cannot be handled on regular probation.

4. There has been a substantial increase in the numbers of prisoners sentenced for assaultive crimes (ranging from homicide through sexual assault, robbery, and battery).
5. There has been an increased use of sentence enhancers, repeater statutes and mandatory sentences.

When the Wisconsin Criminal Code was adopted by the Legislature in the mid-1950s, it was hoped that having a clear, well organized, rational criminal code would make it possible to rely upon the law to determine the seriousness of the offender's conduct. The limited number of felonies and the existence of broad sentencing discretion in the trial judges resulted in moderate sentences which itself controlled prison population.

In the ensuing decades, the criminal code has been encumbered by overlapping provisions, penalty enhancers, repeater provisions and increasingly mandatory sentences which deprive the sentencing judge of discretion.

During earlier years when prison growth remained at 3%, these decisions to increase penalties appeared to be "cost free," both to the Legislature and the criminal justice system. As a consequence, the Legislature did not have to critically evaluate existing resources to make policy choices regarding the use of prison space.

This situation has changed as prison growth now has accelerated to over 12% annually. The use of prison is no longer "cost free," but will increasingly come at the expense of other government programs. Like other increasingly scarce resources, prisons must be used carefully to ensure maximum public protection at a cost which the taxpayer is willing to pay.

CHAPTER 2

THE LESSONS LEARNED FROM THE EXPERIENCE OF OTHER STATES—SOME HAVE SUCCESSFUL PROGRAMS—MOST HAVE EXPERIENCED A COSTLY FAILURE IN AN EFFORT TO SOLVE THE PROBLEM BY PRISON CONSTRUCTION ALONE



The growth of prison populations in other states

Many states show a prison population growth similar to that projected for Wisconsin. Two exceptions are Minnesota and Delaware.

Minnesota made policy choices to focus prison space on only the most serious offenders.

As a result, Minnesota has 74 offenders in prison (per 100,000 total population) compared to Wisconsin's rate of 144/100,000. (Despite rumors to the contrary, Minnesota's jails house only about 500 convicted felons compared to a much larger number in Wisconsin.) Minnesota presently projects adding a single prison at the same time that Wisconsin projects prison growth of 4,000 during the next five years.

Michigan has 6.5 times as many violent crimes and 4.2 times as many prisoners as Wisconsin. Michigan entered the 1980s attempting to build as many prison cells as needed to keep up with the rising crime problem.

After reaching \$750 million in annual operating expenditures with no prospects of ever meeting demand through further construction of maximum/medium prisons, Michigan is now in the midst of developing stronger community based alternatives, leasing jail space for state offenders, and progressing with

electronic monitoring. Illinois also went through a period of increasing sentence lengths, eliminating parole and limiting other decision points.

Illinois now has two prisons that must remain vacant until future budget years when it hopes to obtain operating funds.

Delaware (violent crime rate of 556/100,000 residents compared to 223/100,000 in Wisconsin and prison rates of 333/100,000 compared to 141/100,000 in Wisconsin) began major sentencing and corrections reforms in the later 1980s, including the formal development of a five level statutory continuum of punishment including mid-levels of intensive supervision and quasi-incarceration (supervision from 9 to 24 hours per day).

By 1990, it stabilized its prison population (-1%) while the rest of the nation's increased by over 12 percent.

The annual growth rate for January 1989 - January 1991 was 1.4%. An external evaluation found the intermediate sanction program a cost effective way to respond to the increasing number of offenders while, at the same time, stabilizing prison growth.

Appendix 2 contains an address by Governor Michael Castle of Delaware who gives strong support to that state's intermediate sanction program.

The financial impact of the prison experience in other states has been immense.

1. Michigan estimates that the costs of constructing a prison bed is only about 1/60th of the lifetime operating costs.

It will cost \$1 billion in 1991 dollars to operate a 850 bed prison over its first 50 years.

2. The cost of probation for one year is about \$1,300 per offender. The prison costs per year begins at \$18,000, but is estimated to actually be as much as \$23,000 when prisoner health care costs and other overhead is added.

On probation and parole, there are about 57 offenders per agent.

In prisons, the total staff to inmate ratio is about one staff member for every 2.5 offenders.

3. Presently in Michigan prison population has grown to the point that 25% of state employees work for corrections. Prison spending has increased 150% in Michigan over a several year period, three times the increase for higher education and other state services.

The response to prison overcrowding in other states. Some states are succeeding—Most are going broke in an unsuccessful effort to build additional prisons.

Michigan, Illinois, Minnesota, Delaware, Florida and other states have experiences from which Wisconsin can learn. There are lessons of what **not** to do and what **to** do.

WHAT NOT TO DO

1. **Do not release violent offenders to deal with overcrowding pressures.**

This has happened in states such as Texas with disastrous results.

Violent offenders need not be released to deal with overcrowding if an intermediate sanction program exists. When released the violent offender should receive intensive supervision and can be expected to "fail" if that supervision is not provided.

2. **Do not try to build your way out of prison crowding.**

As the prison bed population begins to rise more rapidly, there is an initial belief that a more rapid construction of prisons will, in fact, solve the growing overcrowding problem.

Michigan attempted to deal with a relatively small overcrowding problem by building \$800 million worth of new prisons. At the end of expansion, overcrowding had increased rather than decreased.

Michigan now acknowledges that prison construction alone does nothing to slow down the increasing growth curve and that the state budget cannot afford to operate its current facilities much less build and operate new ones.

Illinois, coincidentally, also has two unopened new facilities which it cannot afford to operate without laying off parole agents and cutting back on other critical state budgets.

3. **Be realistic in calculating the cost impact of mandatory sentencing.**

Mandatory sentencing and sentencing enhancers generally appear "cost free" in the immediate fiscal budget because the increased prison or jail populations do not begin to take effect until later. However, when they do take effect, they can

snowball at a fast rate as such offenders begin to accumulate in prison.

- 4. Do not wait for a crisis to begin a long-term strategy in the hope it will have a large immediate impact.**

Some programs were created out of crisis, such as the very suc-

cessful Miami drug court program to treat drug offenders so as to reduce jail overcrowding. However, a long-term strategy allows programs to evolve to full strength over several years in order to provide the most effective and publicly acceptable alternative to prison.





CHAPTER 3

DON'T PEOPLE WHO COMMIT CRIME DESERVE PRISON? WHAT IS THE COST OF BUILDING MORE PRISONS TO HOUSE THE PROJECTED POPULATION INCREASE? IS IT NOT WORTH IT? WHO DESERVES AN INTERMEDIATE SANCTION?

A. The cost

To build prisons to meet the projected tripling of the present prison population this decade would require 18 additional 750 person prisons. Although construction costs will vary, a modest estimate would be \$1 billion cash or \$2 billion with financing. The operating costs for an additional 13,500 beds would be \$270 to \$340 million annually in 1991 dollars. Translated, the annual costs for this kind of construction program would be \$340,000,000 to \$420,000,000, not including the annual cost of current prison operations which is approximately \$170 million or \$22,000 per inmate.

These kinds of costs will almost certainly jeopardize the ability of the state to maintain existing state services in areas of education, health care, and to families and children.

A fully funded, effective intermediate sanction program can result in significant reduction in costs and, more importantly, furnish flexibility, lost when prisons are constructed because there are no other uses for prisons. Flexibility is important if, as everyone can hope, the projections of a tripling of the prison population by decade's end turns out to be too high.

There are studies asserting that prison saves money. The factual assumption underlying those studies are of doubtful validity and have been challenged by

others. This is of less concern to us because the studies compared imprisoning offenders to leaving offenders unsupervised in the community. What was studied was clearly **not** an intermediate sanction program. The choice is not between prison and nothing, but between prison and a variety of intensive, highly structured programs. There are references in the Appendices which sustain the position that many offenders, imprisoned and released to ordinary mandatory probation or parole supervision, present a greater danger of recidivism than do offenders who are subject to intensive supervision in the community. The studies which assert that money is saved by building prisons do not confront the problem which confronts the Panel, namely should prisons be built to house the projected 20,000 prison population if both community safety and flexibility can be achieved in an adequately funded intermediate sanction program that is substantially less expensive than prison.

B. Public safety

The Panel paid particular attention to the question of public safety and has gathered considerable information to assist it in discussing on the following critical question:

"Does the prison system currently incarcerate offenders who, if afforded

an alternative sanction program would be adequately punished, at less cost and would be more likely to change their behavior and not pose an unreasonable risk of harm to others?"

Assaultive offenders who pose a serious risk to people should be sentenced to prison for the protection of the public. These offenders should not qualify for intermediate sanctions. Offenders with these characteristics should be the primary mission of a secure prison system. In addition the panel recommends that there be developed an intensive high risk offender program to assure community safety after the violent offender is released from prison.

There are a large number of other offenders who are not violent or assaultive and who are good candidates for intermediate sanction programs which would be substantially less expensive than prison.

By "good," we mean offenders who pose little risk of harm to others and who are not likely to again engage in non-assaultive criminal if they are intensively involved in an intermediate sanction program. In order to more accurately assess the number of offenders who would be good candidates for an intermediate sanctions program, the Panel, using Department of Corrections data, examined admissions to Wisconsin prisons during 1990.

In 1990, there were 3,491 admissions to adult prisons. The Department

of Corrections identified nine mutually exclusive subgroups of offenders who might have characteristics suggesting a less serious offense and less need for prison. The Department identified a total of 1,737 (50% of all admissions) for further study.

Of these 1,737, 1,571 had a sentence of 3 years or less.

Of the 1,737, 1,467 are identified as on the "low-risk sentence track" by the internal Department of Corrections assessment and evaluation system.

Of the 1,737, 938 had no prior felony convictions.

This information, developed in more detail in the Appendices, indicates that there are enough low risk, short sentence offenders for whom intermediate sanctions should be considered at **sentencing**. A conservative estimate would have made 1000 eligible for an intermediate sanction program if it existed in 1990. To the extent the prison population of 1995 is projected to be 170% of 1990's, this would be 1700 or an average daily population of up to 2900 if all were diverted.

There are also other offenders for whom intermediate sanctions are appropriate as an alternative to a revocation of probation and parole and as a basis for granting a parole to a prisoner who needs more intensive supervision than is available in ordinary parole supervision.

CHAPTER 4



AN EFFECTIVE PROGRAM OF INTERMEDIATE SANCTIONS (E.G., PUNISHMENT BY RESTRICTIONS ON LIBERTY, CLOSE SUPERVISION, WORK AND RESTITUTION TO VICTIMS, TREATMENT FOR DRUG AND ALCOHOL ABUSE AND FOR MENTAL ILLNESS)

A. There are successful intermediate sanction programs in Wisconsin today

We have had considerable experience in Wisconsin with intermediate sanctions, though we have never characterized them in this way, nor have we ever formalized these sanctions on any large scale or made them sufficiently known to the criminal justice personnel or the public.

There are at least two successful intermediate sanction programs operating in Wisconsin. They are the state community structured supervision program and the Beloit Day Treatment Program. These provide good models for the intermediate sanctions program. These two programs have the following characteristics:

1. Their intent is to make an immediate impact on the offender.
2. They are intensive. Instead of having 60 clients for an average period of 3 years, a program may serve 10 clients at a time each for an average of 6 months.
3. They are highly structured. The offender is aware daily that he or she is in a correctional program and that there are specific, enforceable expectations.
4. They often include some period in jail, or a residential facility. This may be

a front-end stay to stabilize the offender or create the necessary motivation, or it may be a way of reinforcing the expectations of the program when the offender begins to test the accountability.

5. They are customized to the particular offender to provide necessary and sufficient intervention and sanctions. Some offenders will be in a 5 day, 8 hour a day program while other offenders will begin with 7 day, 12 hour a day program plus electronic monitoring for the balance of the 24 hour day. Some will begin with residential halfway house or drug treatment while others will be highly supervised in their own homes. Employment and education are required.

Both current Wisconsin programs have succeeded with a variety of offenders, but have not been utilized on the scale or with the identity they deserve.

At the Department of Corrections level, Wisconsin can develop and manage a statewide system of intermediate sanctions and resources. Building on what we know from existing programs, the following is an example of the kind of cases which will be suitable for the alternative sanction program:

A property offender with a drug problem who normally would receive a 24 month prison sentence could instead be sentenced to an intermediate sanction which would include:

- a. 90 days in a boot camp or work camp with 12-15 hours of structure and treatment daily;
- b. periods of inpatient and/or daily outpatient treatment in a community facility;
- c. periods of intensive supervision—perhaps enhanced with electronic monitoring—that focused on finding and maintaining a suitable residence and job. This 6 month period would be highly structured;
- d. the making of restitution;
- e. graduation and transfer to normal parole supervision.

Assuming the 90 days in boot camp may cost twice the daily rate as prison and the subsequent drug treatment would average (day and inpatient) not more than the costs of prison-based drug treatment, the alternate program would still cost less than the prison stay and would make possible the employment of the offender and thus reduce public welfare costs to support his or her family.

The specific components which an intermediate sanctions program include:

- 1) Period in jail, prison, work camp or 24-hour residential facility;
- 2) Electronic monitoring;
- 3) Intensive community supervision;
- 4) Drug and alcohol treatment;
- 5) Mental health services;
- 6) Day/Weekend/Evening Treatment program;
- 7) Community Service;
- 8) Restitution.

Three elements deserve emphasis:

- 1. **Offenders need not go to prison primarily for the purpose of drug and alcohol treatment.** Relatively

few prisoners are admitted to in-prison drug treatment, beyond basic education and counseling. Unless the offender requires long term incapacitation, it is more efficient and effective to provide drug treatment as part of an intermediate sanction.

When offenders who need drug and alcohol treatment do go to prison, they should receive it early in their stay so as to increase their parolability when release after treatment does not create a risk to public safety.

- 2. **Community Service can be a creditable element of intermediate sanctions.** Community service should be a program with a real identity and accountability from the perspective of both the offender and the community. It should be intensive.

When an offender goes from the community to prison, life clearly changes. When an intermediate sanction offender enters a community service program, life will also change if the work requirement is vigorously enforced.

- 3. **Many mentally ill offenders now go to prison who could stay in the community while receiving intermediate sanctions and supervision in partnership with county-based mental health services.** In some cases, mentally ill offenders cannot be adequately controlled by a regular county 51.32 system provider. These cases may be more appropriate for an intermediate sanction than for prison.

B. Implementation of an intermediate sanctions program.

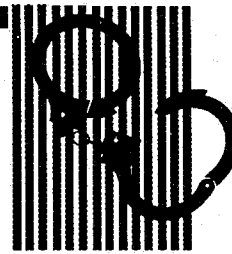
Implementation of this program requires, in addition to what has already

been described, the following:

- 1. Funding and Flexibility.** The program must be adequately funded to succeed. Milwaukee trial judges report that they will support an intermediate sanctions program but will do so only if there is adequate assurance that the funding will continue beyond the period of the current biennial crisis.
- 2. Responsibility and accountability.** The Legislature must create the Intermediate Sanction as a sentence and the Department of Corrections must create an administrative division to give it an identity. This will provide accountability by fixing responsibility for the program.
- 3. Education of criminal justice professionals.** For the program to be implemented, it must be understood and supported by judges, prosecutors, defense lawyers, jail administrators, probation and parole agents and police. The Department of Corrections must assume a leadership role with the other appropriate professional agencies to provide education which the Legislature should require. Cooperation should be requested from the state's two law schools, the criminal justice programs as at UW—Platteville, the Attorney General's office and the Administrative Office of State Courts.
- 4. Public Education.** Ultimately, the success of the program depends upon public acceptance. Other states, including Delaware and Alabama, have successfully undertaken programs to develop public understanding and support. The Department of Corrections and the appropriate educational entities should be given responsibility to undertake such an effort.
- 5. Evaluation.** There is need to know whether experience supports the Panel's belief that the intermediate sanction program will save a large amount of tax dollars, will not jeopardize public safety and will furnish an effective correctional response particularly to non-assaultive property offenders. This can be accomplished by an adequate evaluation program.



CHAPTER 5



ENSURING THAT THERE IS ADEQUATE PRISON SPACE FOR THE HIGH RISK ASSAULTIVE OFFENDER AND PROVISION FOR INTENSIVE SUPERVISION BY CORRECTIONS AND POLICE OF THE HIGH RISK OFFENDER FOLLOWING RELEASE FROM PRISON

The Legislature should encourage the Department of Corrections to increase the use of the High Risk Program, a program which utilizes police as well as probation and parole agents to supervise high risk offenders. The following description of the program was prepared by Jo Whiting.

In 1983, two parole agents proposed a new category of offender, one who posed a high risk of committing a new assault after being paroled. The resulting High Risk Unit did several things. First, it identified those parolees about to be released into the community who were thought to need the most supervision to prevent new assaultive behavior. Those clients were then assigned to a team of two agents who shared a single case load. This allowed the agents to have the time to supervise these clients more closely; in addition, these agents developed a special expertise because their clients share so many of the same needs. The High Risk Unit agents are very directive of these clients. They work closely with the clients to assure that all hours of the day are spent in constructive work or treatment programming, and to assure that the clients are employed and have a place to live. The agents spend more time visiting personally with the clients both at the agents' offices and at the clients' homes. The objective of the High Risk Unit is to

supervise more intensely—so that those who need more help reintegrating into the community get it, and so that the community has greater protection.

The liaison program with the police has been a great boon to the High Risk Unit's success. The communication channels with the police, so that their eyes in the community are available to agents, has greatly increased the effectiveness of the agents in being able to watch their high risk clients at all times. In addition, the police liaison officer has been a source of consultation for the agents as they determine which clients to classify as high risk. Since the officer sees the list of all offenders being released on supervision, he may recognize names of offenders with long police contact histories. He then can notify the agents with recommendations of those they might want to consider high risk.

The police liaison officer also conducts a personal interview with each high risk client when that client registers. The purpose of the interview is two-fold: to let the client know how the police can help him reenter society, but also to let him know the police know his schedule and his rules, and that they will be alert if he tries to break them. The goal is to encourage the client to stay on his program, because someone will know if he does not.

The Panel believes that the wiser course for this State to follow is to utilize the cost effective intermediate sanction program for the low risk, non assaultive offender and to utilize the more expensive prison space for the high risk, assaultive offender and also to increase the ability of Corrections, in cooperation

with police, to reduce the threat to community safety posed by the high risk, assaultive offender who has served his full term in prison. Commonly the high risk, assaultive offender remains in prison until the release date mandated by law.

CHAPTER 6

A FINAL WORD ON CRIME AND COMMUNITIES



Crime devastates people and communities. The Panel has no simple solution for this perplexing and intractable problem. But we would be remiss if we failed to note that crime occurs most frequently, where poverty, inadequate housing, disintegrating families, lack of jobs, and hopelessness abound.

In many ways, the criminal justice system is engaged in a holding action

until we develop the political will and the means to deal with these underlying problems. The Panel strongly urges the leaders of Wisconsin to address these issues. Unless this happens, the correctional system will be overrun over the long haul, no matter what short term steps are taken. The cost in human and financial terms will be incalculable.



APPENDICES



APPENDIX 1: Detailed Explanation and Documentation of Panel's Proposal

APPENDIX 2: Delaware —A Program Which is Successful

APPENDIX 3: Alabama—How to Gain Public Support for a Sound Correctional Program

APPENDIX 4: Detailed Factual Data Which Form the Basis for the Panel's Recommendations

- A. Corrections Systems Review Panel: Fact sheet
- B. Summary: Data on Admissions to Wisconsin Adult Institutions
- C. Summary of Statistics About Women
- D. Detailed Prison Population Data
 - (a) Probation Violator—Property Offender
 - (b) MR Violator —Property Offender
 - (c) Probation Violator—Property New Sentence
 - (d) New Sentence—Property Offender
 - (e) Probation Violator—Drug Offender
 - (f) New Sentence—Drug Offender
 - (g) Probation Violator—Assaultive Offender
 - (h) MR Violator—Assaultive Offender
 - (i) New Sentence—Assaultive Offender
- E. Potential Prison Population Eligible for Intermediate Sanction on Punishment Program

APPENDIX 5: The Wisconsin Taxpayer

APPENDIX 6: The Lessons Learned in Michigan From the Effort to Build Prisons Without a System for Controlling Population Growth

- A. Michigan's Use of County Jails for State Prisoners
- B. Notes on the Presentation by Senator Bob Welbourne and Fiscal Analyst Bill Burghardt of Michigan
- C. Senate Proposal for a Comprehensive State/County Community-Based Corrections Program

Appendix 1

DETAILED EXPLANATION AND DOCUMENTATION OF PANEL'S PROPOSALS

- ADD 750 BEDS BY 1992-93;
- ADD 3,500 INTERMEDIATE SANCTION SLOTS BY 1995; AND,
- MAKE FURTHER DETERMINATION IN 1993 OF BED NEEDS FOR 1997 FOLLOWING INITIAL IMPLEMENTATION OF INTERMEDIATE SANCTIONS

1. In 1991, the prison system is operating at 134% occupancy concurrent with the opening of Racine. On June 30, 1991, it is projected there will be 7,687 prisoners in "custody" including up to 300 prisoners in community settings on electronic monitors.

2. The package submitted by the Governor in January 1991 proposed adding 3,004 prison beds and 1,372 intermediate sanctions "slots" by June 30, 1995. Some of these "beds" were not actually new cells, but were instead adding staff to allow single occupancy rooms to convert to double occupancy.

	Beds	CRC	CSSP	Total	Cumulative Total
By 7/1/93	1,144	200	432	1,776	1,776
By 7/1/94	160	200	240	600	2,376
By 7/1/95	1,700	300	0	1,976	4,352
Total	3,004	700	672	4,376	4,376

3. The Department of Corrections projects 11,841 prisoners as of June 30, 1995. Under the original proposal, there would be a total of 1,672 "prisoners" in CRC/CSSP (including 300 CRC previously authorized), leaving 10,169 actual inmates in 8,051 cells for an occupancy level of 126%.

4. By 1992, prison bed operating capacity will be 6,207 which includes Racine. This does not include 300 previously authorized CRC slots where offenders are still in prison status custody, but are living in the community on electronic monitors.

5. Projected prison population "endpoints" (June 30th of each year) changed between January 1991 when the Governor submitted the DOC construction proposal and April 1991 when the prison population projections were revised upward based on new data. The rapid change upward was not necessarily due to a sharp change in admissions or crime, but rather receipt of annual arrest data which tends to cause more change in long term projections than the monthly data regarding prison admissions and releases.

	1993	1995	1997	1999
Jan. '91 estimate	8,991	10,393	11,795	13,197
April '91 estimate	9,581	11,841	14,501	17,630
as % of 3/91 actual	131%	162%	198%	241%
Change from 1/91 est	+ 590	+1,443	+2,706	+4,433

6. The Governor's January 1991 proposal added 3004 prison beds by 1995 and a total of 3,884 beds by July 1997.

7. The Corrections System Review Panel proposes a three step alternative to meet the 1995 and 1997 endpoints as projected by the revised April 1991 estimates:

- A. DOC would construct or lease 750 additional prison, jail or other secure beds as soon as reasonably feasible. This could be as early as 1992, but no later than 1993.
- B. The Department of Corrections would immediately begin intensive planning and implementation of the Intermediate Sanctions and related secure bed needs.

This would include the planning and development of the specific program components as well as the organizational structure and delivery system.

This would assume the process of planning for additional beds beyond the 750 listed above, but would encourage flexibility in planning so as to allow for a reduction or an increase in the number of beds or facilities and locations.

The Department would make further recommendations regarding both intermediate sanctions and facilities by the end of 1992, so as to allow for further executive and legislative action in 1993.

- C. The Department of Corrections would expand its proposed Intermediate Sanctions program by the development of added slots and program components. The average annual cost per slot would be \$8300 or about 40% of the cost of operating a prison bed. The following chart shows the recommended number of expansion slots to the current 300 CRC slots:

	Governor Plan	CSRP Added	Total
1992	292	208	500
1993	340	410	750
1994	440	560	1,000
1995	300	950	1,250
Total	1,372	2,128	3,500

By March 1993, DOC would provide estimates of the capacity of Intermediate Sanctions to safely reduce the number of prison admissions and lengths of stays through 1997. The March 1993 estimates will use the current DOC population projection formula, but add the factor of Intermediate Sanctions as an interchangeable sanction for some offenders.

The Department of Corrections will, prior to March 1993, assess the needs in 1997 for traditional prison beds as well as medium/minimum secure beds that would be used in conjunction with Intermediate Sanction programs throughout the state to provide stabilization, sanctions and back-up.

At least half of these non-traditional beds should be directed toward reducing the high rate of prison incarceration of black offenders.

8. The CSRP proposes a major organizational development within DOC to plan and implement the program of Intermediate Sanctions statewide.

Planning would begin immediately and would be mostly completed within FY 1992. Concurrently, the first 500 slots of ISR would be added to the state system during FY 1992.

The planning, concurrent with the addition of over 800 slots of ISR by December 1992, should provide both the Legislature and the Governor with considerably better information regarding the capacity of ISR to reduce the growth trends for non-ISR prison populations in 1997 and beyond. The delivery of ISR may be a significant factor in reducing the rate of growth in admissions, revocations or lengths of stays.

The CSRP recommends creating an Office of Intermediate Sanctions reporting directly to the Secretary for the first fiscal year with a separate Division created no later than the second fiscal year.

9. Capacity and Cost Differences Between the Governor's Proposal and the CSRP Proposal for 1995.

This compares the January 1991 Governor/DOC proposal with CSRP's proposal. Current occupancy is 134%. Costs are estimated in 1991 dollars using \$22,000 for operating a prison bed and \$8,300 for a non-bed slot. The Governor's proposal reduces occupancy to 110% of operating capacity.

	Governor	CSRP
1992 Oper Capacity	6,207	6,207
Added Beds	3,004	750*
Total Beds	9,211	6,957
% of 1992	148%	112%
Number of Inmates	10,169	8,341
% of Capacity	110%	120%
ISR-New Diversion	1,372	3,500
Prior CRC	300	300
Endpoint	11,841	11,841
<u>Added Costs</u>		
Annual Prison		
Operating Costs	\$ 66.1 mn	\$ 16.5 mn
Annual ISR-Divert	11.4 mn	29.1 mn
Added Operating	\$ 77.5 mn	\$ 45.6 mn
Construction		
@ \$75,000 per bed	\$225 mn	\$ 56 mn
@ \$150,000 per bed	\$450 mn	\$ 113 mn
<u>Annual Costs</u>		
Operating	\$ 78 mn	\$ 46 mn
Construction (1/20)**	<u>23 mn</u>	<u>6 mn</u>
Total Annual	\$101 mn	\$ 52 mn

* Assumes 750 beds total through 1995. If, as a result of planning decisions and legislation, another 500 beds were added by 1995, there would be annual operating cost increase of \$11 million and added "annual" construction of \$4 million for a total annual of \$67 million.

** Construction costs are divided over the first 20 years to reflect substantial additional costs of remodeling and repairing infrastructure throughout the building life.

10. Would the Intermediate Sanctions "Widen-the Net"?

There may be a "net-widening" effect of any program of intermediate sanctions. The Panel assumes that there is a fairly specific criteria for admission to the program which guards against either judges, probation/parole agents or parole board members attempting to place an offender in this program who would otherwise not actually be in prison or need this level of supervision.

Evaluations of diversion programs elsewhere find that even the best programs admit some who are not "true" diversions, but for whom the program is a supplement to a non-prison program.

To the extent that there is not 100% efficiency in "true diversion" for the Intermediate Sanction slots, this will result in a higher number of inmates actually in prison and a higher occupancy level. For example, if only 3,150 (90%) of the 3,500 intermediate sanction slots would otherwise be prisoners, this means that there would be 350 more actual inmates in prison on 6/30/95 for an occupancy rate of 125%.

11. Should There Be a Faster Implementation of Intermediate Sanctions?

For the annual increase of intermediate sanction slots, there are several assumptions.

- In order to both develop the organizational structure and the high quality of programs, there will need to be considerable planning efforts. These will include extensive interactions with the judiciary, law enforcement, and providers of housing, education and treatment programs.

- The first years should be slower growth years in order to ensure strong programs and accountability.

- Expansion in later years will depend upon the base of quality of earlier years and the experience of direct staff and support programs. Evaluations of earlier years will be used to determine effectiveness of specific program components and used to select programs for expansion or reduction.

12. Do the Intermediate Sanctions Slots Account for Failures and Different Lengths of Stays in Intermediate Sanctions Compared to Probable Prison Length?

The Panel suggests the system should target a success rate of about 80%. (About 20% of prisoners released from prison are readmitted during their period of post-prison supervision.) A higher success rate would suggest the program was either not being

sufficiently demanding or the admitted offenders were not, as a group, truly being diverted from prison.

Similarly, the program should target initial completion of Intermediate Sanctions during a time period of about 60% of the probable length of prison incarceration. The program should also expect the average ISR offenders to have short-term "returns" to ISR from regular probation or parole of about 15% of the probable length of prison stay. The initial period plus the return period would average 75% of his or her prison stay.

These two factors - success/failure rates plus reduced length of stay - combine for the assumptions of 1:1 ISR to prison bed interchange.

For example, assume 100 offenders with average actual prison stays of 20 months are instead placed in intermediate sanctions after averaging 4 months in prison. These offenders would account for 1,600 months of prison stay "savings".

Assume they instead are placed into Intermediate Sanctions with average stays (initial plus "returns") of 12 months (75% of remaining 16 months average of prison time). They account for 1,200 months of Intermediate Sanction slots.

Assume 20 (20%) fail after fully completing Intermediate Sanctions and return to prison for an average of 20 more months. They would account for 400 months of prison stay, reducing net savings to 1,200 months.

13. The costs of prison bed construction are based upon the Governor and DOC proposal which estimates a "cash" cost averaging \$75,000 per bed.

Assuming advantageous government financing, the financed cost is double or \$150,000 per bed.

Realistically, there are many capital improvements, repairs and replacements in addition to the initial costs of construction and financing. These costs begin within a few years of occupancy and increase thereafter. For purposes of annualizing the initial construction/financing costs, the panel divided these costs by 20 years. This is not to suggest a prison has a "lifetime" of 20 years, but only that initial capital costs cannot be stretched out for the full lifetime of a prison with major overlaps with rebuilding costs.

14. Would there would be sufficient numbers of offenders who would be appropriately targeted and served in programs of Intermediate Sanctions?

In 1990, there were 3,491 admissions to adult prisons. At the request of CSRP, the Department of Corrections identified nine mutually exclusive subgroups of offenders admitted in 1990 who might have characteristics suggesting less serious offense and need for prison-based sanctions or supervision. The Department identified a total of 1,737 (50% of all admissions) for further study.

Of these 1,737, 1,571 had sentences of 3 years or less.

Of the 1,737, 1,467 had been identified as on the "low-risk sentence track" by the internal DOC assessment and evaluation system.

Of the 1,737, 938 had no prior felony convictions.

(The above three groups are not mutually exclusive. Indeed, most of the 1,467 "low-risk" offenders probably also had sentences of less than 3 years and/or no prior felonies.)

The Department of Corrections calculated the average daily population (ADF) represented by these offenders after determining average lengths of stays for the different subgroups.

	1991	1992	1995	1997
Low Risk Sentence	1,714	2,119	2,931	3,521
75% Available/Reduce	1,286	1,589	2,198	2,641
No Prior Felonies	1,117	1,381	1,910	2,294
75% Available/Reduce	838	1,038	1,432	1,721
Sentence 3 Years or Less	1,167	1,443	1,996	2,398
75% Available/Reduce	875	1,082	1,497	1,799

(Again, these three categories are not mutually exclusive and therefore the columns should not be added.)

If, out of every 100 admissions, 35 are screened for Intermediate Sanctions and 25 of this groups are either immediately diverted or are diverted after a very short (boot camp type) stay, this leaves 75 other prisoners admitted/released annually who will be released either by discretionary parole, special action release (non-parole, but prior to mandatory release), or mandatory release.

For the 27 months from January 1989 through March 1991, the annual average was 3,094 total releases. If 25% of these would go to "Immediate" Intermediate Sanctions, this leaves a pool of 75% of all of the other releases or about 2,320 releases in 1990.

If half (1,170) of the remaining 2,340 non-immediate Intermediate Sanction prisoners were paroled to ISR with an average prison stay savings of 6 months, this would have reduced the 1990 prison average daily population by 585 offenders.

The prison population for 6/30/95 is projected to be 11,841 or 170% of the 6/30/90 population of 6,888. Multiplying the 585 for 1990 by 170% would be about 1,000 in 1995.

The CSRP recommends that 30-35% of the Intermediate Sanction slots be targeted toward prisoners who were not appropriate for immediate diversion to ISR, but who could be transferred to ISR as part of a parole plan which would reduce prison stay compared to a non-ISR parole plan.

Summary:

	ISR Slots	"Immediate" ISR	Parole ISR
1992	500	350	150
1993	1,250	875	375
1994	2,250	1,575	675
1995	3,500	2,450	1,050

15. Would the public support the use of Intermediate Sanctions for offenders with moderate offense characteristics?

The Department of Corrections would receive an average of \$8,300 per offender per year or six times what it receives for the average offender on probation or parole.

The Panel assumes that nearly all offenders placed on to Intermediate Sanctions would begin with one of the following experiences:

- Short-term prison stay
- Incarceration in a county jail
- Residential "Boot Camp"
- "Quasi-Incarceration" which uses electronic monitors or half-way house for non-working hours and mandates full-day participation 5 to 7 days per week in programs which are the equivalent of boot camp and/or day treatment.

Following successful completion of the first phase, the offender would be moved to a program of multiple daily reporting and required participation in employment, education or treatment with enforced expectations meeting or exceeding those of prison inmates.

Surveys of the public in Alabama found that, for a full range of offenders and types of crimes:

- If given a choice between only prison and probation, the public preferred prison in 18 of 23 "cases"
- When informed about intermediate programs, the public chose prison in only 5 of the 23 cases.

16. Comparison of the Costs of the Governor's Proposal and the Panel Proposal

The following compares added operating costs of the Governor's January 1991 proposal with the Panel's proposal. The operating costs are in 1991 dollars and are \$22,000 per prison bed (based on current costs for the Divisions of Adult Institution and Program Services) and \$8,300 per Intermediate Sanction slot.

The amounts are cumulative beginning with FY 1993. Amounts for FY 1992 would depend upon determination of how quickly the initial prison beds and intermediate sanction slots would come into operation. Not included is the Panel's recommendation for extensive planning and the establishment of a separate Division of Intermediate Sanctions within 2 years. The Department of Corrections estimates that there would be annual central office/planning costs of about \$400,000 during these years.

	<u>JANUARY 1991 PROPOSAL</u>			<u>PANEL PROPOSAL</u>		
	INTERMEDIATE SANCTIONS	PRISON BEDS	TOTAL	INTERMEDIATE SANCTIONS	PRISON BEDS	TOTAL
1993	632	1,144	1,776	1,250	750	2,000
(\$ mn)	\$5.25	\$25.17	\$30.42	\$10.38	\$16.50	\$26.88
1994	1,022	1,304	2,326	2,250	750	3,000
(\$ mn)	\$8.48	\$28.69	\$37.17	\$18.68	\$16.50	\$35.18
1995	1,372	3,004	4,376	3,500	750	4,250
(\$ mn)	\$11.39	\$66.09	\$77.48	\$29.05	\$16.50	\$45.55
Construction						
@ \$75,000		\$225 mn			\$ 56 mn	
@ \$150,000		\$450 mn			\$113 mn	

ESTIMATED PRISON POPULATION AND CROWDING LEVELS: 1991-1996

The following table sets forth the projected number of prisoners and inmates using the Department of Correction's most recent, April 1991, estimates. The table lists the occupancy percentage if no further beds are added. Next, the table identifies the actual number of inmates assuming the number of Intermediate Sanction slots are added each year as listed (250 slots per quarter, beginning no later than July 1992). Finally, the table lists the number of additional prison beds needed in order to keep the actual prison occupancy at different occupancy levels.

June 30th:	1991	1992	1993	1994	1995	1996
Prisoners	7,687	8,581	9,581	10,665	11,841	13,115
Minus Previous 300 CRC Slots	7,387	8,281	9,381	10,385	11,541	12,815
Beds/Cells	5,457	6,207	6,207	6,207	6,207	6,207
% Occupancy	135%	133%	151%	167%	186%	206%
Intermediate Sanctions Slots	0	0	1,000	2,000	3,000	4,000
Actual Inmates	7,387	8,281	8,381	8,385	8,541	8,815
% Occupancy	135%	133%	135%	135%	138%	142%

Added Prison Beds Needed for Target Occupancy Levels*

130%	225	163	240	243	363	574
125%	453	418	498	501	626	845
120%	681	694	777	781	910	1,139
115%	966	994	1,081	1,084	1,219	1,458
110%	1,258	1,321	1,412	1,416	1,558	1,807

* The numbers of beds and intermediate sanction slots are based upon the assumption that the slots for Intermediate Sanction do not come "on-line" until July 1, 1992 and that they then begin with a net growth of 250 per quarter. The Corrections System Review Panel proposal and report recommends that the implementation of Intermediate Sanction slots could begin as early as January 1, 1992 and budgets for 500 such slots during FY 1992.

If 0-500 Intermediate Sanction slots were implemented prior to June 30, 1992, subtract that number from the above number of needed beds.

ISSUE: Should There Be a Policy of Providing Very Intensive Transition Supervision for Every Offender Released from Prison?

In 1989, over 55% of all prisoners released from prison served until their mandatory release date. In nearly all of these cases, the offender moved immediately from a highly structured institutional setting to a neighborhood where he received parole supervision only several times per month from a parole agent with a caseload of 60 or more other offenders.

These offenders often have no job and poor job prospects.

These offenders often face fairly unstable, unsupportive housing situations.

For many of these offenders, their prison stay went to the maximum limit because their institutional adjustment was lower than average and their other parole factor of job and housing were unreliable.

Offenders who face a return to a low-income, high crime neighborhood will often be released to neighborhoods with comparatively little surveillance or support to assist in a safe and productive transition.

A high intensity supervision and surveillance program with caseloads of 10 or fewer such offenders could provide needed transition and stabilization services between the time the offender left prison and the time he or she reported to the regular parole agent. An average time for such supervision would be about 4 months. The average cost per day may be \$25 (ranging from \$15 to \$40) compared to \$60 per day for a prison bed, and may include electronic monitoring or day treatment or other services.

At this level of intensity, it would be a responsible allocation of prison resources to suggest a substantial reduction in the number of offenders who remain incarcerated until their mandatory release date. Over a period of three years, there could be a target of releasing at least 90% of all (non-life) prisoners no later than 4 months prior to their mandatory release date. The following table suggests some numbers and effect on prison bed space. The 450 fewer prison beds could save \$22 million in construction costs excluding financing.

Table: Increased Use of Parole to Mandatory Intensive ISR

	MR Offenders	Bed Savings	ISR#	ISR\$	Total \$
1991	1660	0/\$0	0	0	0
1992	1210	-150 / - \$3.0mn	150	\$ 1.0mn	-\$2.0mn
1993	760	-300 / - 6.0mn	300	2.1mn	- 3.9
1994	310	-450 / - 9.0mn	450	3.2mn	- 5.8

SUMMARY: Targeting Low Risk Sentence Track Offenders for ISR

At its May 2nd meeting, the Panel requested the Department of Corrections to assist in providing further identifying information regarding offenders who had short-term sentences and who might have other characteristics suggesting lower risks. The Department identified nine subgroups of offenders for further study:

- Property - New Sentence < 3 years
- Drug - New Sentence < 3 years
- Assaultive - New Sentence < 3 years
- Probation Violator - Property - New Sentence
- MR/SAR/PV - Property < 3 years
- MR/SAR/PV - Assaultive < 3 years
- Probation Violator - Property
- Probation Violator - Drug
- Probation Violator - Assaultive

These nine categories identified 1737 cases of which 1571 had sentences of 3 years or less.

- The prison assessment and evaluation system identified 1467 (84.5%) as being appropriate "Low Risk Track" for proceeding through the institution system.

- Only 183 (10.5%) had already been identified for placement on CRC electronic monitoring.

- Another 665 (38.3%) had been identified for placement at minimum security and 529 (30.5%) had been identified for medium security placement.

If the 1467 Low Risk Sentence Track offenders were totally diverted from the regular prison system, this would have reduced prison bed demand by 1498 in 1991. (This assumes that placements to CRC would not have otherwise actually occupied a prison bed.)

An alternate assumption is that 50% would be totally diverted and the remaining 50% would reduce their prison stay by half because they would move to a "Phase II" ISR program. This would result in a 75% real diversion/substitution rate for a prison bed space savings of 1124 beds in 1991 if the ISR programs were available.

Note that these nine subgroups were selected only because of their immediate visibility as being relatively good candidates for being served by an Intermediate Sanctions/Resources sentence. To the extent that 85% of the 1737 cases were Low Risk Sentence Track, these were very targeted subgroups. However, there may be other subgroups such as those with sentences of 3-4 years that may have a significant percentage who could immediately be diverted or have prison time appropriately reduced by 50% or more if these ISR components were immediately available at parole eligibility dates.

DELAWARE -- A PROGRAM WHICH IS SUCCESSFUL



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May 1991

Intermediate Sanctions and Public Opinion

BY MICHAEL N. CASTLE

Intermediate sanctions is a topic that not too long ago would have been dismissed by many people. Intermediate sanctions and the ability to gain community acceptance of their use are subjects, however, which have rightfully risen to the forefront of today's policy discussions regarding prison crowding, crime, and justice.

But as any governor, mayor, or county executive can tell you, this remains a politically and publicly sensitive issue. People expect government to protect them. They do not want

Intermediate Sanctions, *Continued from page 1*

government proposing programs that put un-rehabilitated criminals back into their communities. And the pressure they can bring to bear to prevent use of these programs is difficult to overcome.

People too often assume that public protection means prison and that anything less than complete incarceration for all criminals will endanger public safety. Such attitudes are understandable and that is perhaps why we have been so slow to challenge them and to abandon wishful thinking that "out-of-sight, out-of-mind" will make our world safer.

There has been much experimentation and innovation with intermediate sanctions in recent years. Many of these efforts shared the burden of public resistance and many of the innovators have the scars to show for it. While many public officials long ago stopped clinging to old-fashioned and inaccurate ideas about criminal justice meaning prisons and prisons alone, many of our constituencies have not.

But this is a significant hurdle Delaware has overcome. It is time for every state to muster its resources and strength to stop prison overcrowding. Delaware's experience shows that states can solve these problems.

This article offers a brief background on intermediate sanctions; describes some successful efforts nationwide, and then addresses Delaware's experience and the elements of our public awareness campaign which made it successful.

Public officials have been known to blame their predecessors for difficult situations, and that is surely true in this area. I am fortunate that my predecessor left me the groundwork for managing our state's prison population. Governor Pierre du Pont led

the effort to reform sentencing practices and attitudes in Delaware.

BACKGROUND DATA

The need for intermediate sanctions is clearly revealed in a few statistics that are often repeated, but that might come as a surprise to most lay people.

◆ Nationwide, about one in 50 persons is under the control of correctional authorities.

◆ In the last decade, national governmental expenditures per capita grew 21 percent, but corrections expenditures grew the most at 65 percent.

◆ The nation's prison population doubled during the 1980s to more than 600,000 people, or, if you factor in the jail population, more than one million.

◆ America's prison population growth is over 10 times the increase of the general population.

The average person will be alarmed by these statistics and will wonder how government is handling these large increases in prison populations. They may think our prisons are bursting at the seams, and that this could cause dangerous criminals to be allowed back on the streets.

Go one step further, and consider this issue as the typical consumer would — as someone who is struggling to balance a checkbook and to make ends meet.

◆ Prison construction costs nationwide in 1987 averaged \$42,000 per bed.

◆ Costs were as high as \$116,000 per bed in some states.

This is enough to cause any governor, judge, warden, or police officer to pause. But think about how your dentist, your auto mechanic, or your child's teacher would react if you told them how much money is being taken out of their pockets to build beds for taking care of criminals.

The average person in Delaware annually pays \$1,000 in state personal income tax. It would take the total state tax collected from 18 Delaware residents to pay for one prisoner for one year. Tell someone that, and you not only get their attention and anger, but you get their interest in perhaps doing things differently.

Many taxpayers do not realize that they pay a substantial price for the prisons they demand. Officials have taken this knowledge for granted, but we cannot afford to do so any longer. We must look at things from the public's point of view so we can understand their concerns and then address them effectively. It is our obligation to help stem the demand for prisons and long sentences for every convicted offender, by educating the public about the alternatives.

There may be skeptics who do not believe it is possible dramatically to change public opinion in this area. Fortunately, experience proves that belief to be wrong.

I believe that the public will not only permit, but will support, intermediate sanctions. The Public Agenda Foundation asked hundreds of Alabama residents how they would sentence 20 hypothetical offenders. Virtually all thought prison appropriate. After some explanation of costs and alternatives, the same people "re-sentenced" most of these cases to intermediate sanctions. This

Intermediate Sanctions

demonstrates that an educated public will support alternative sanctions.

The English author G. K. Chesterton once said: "It is not that we have tried it and found it wanting; but that we have found it difficult and not tried it." This can truly be said of our efforts in intermediate sanctions.

CONVINCING PEOPLE ALTERNATIVES EXIST

Once you have opened people's minds to the "prison-only" problems, you must then convince them that viable alternatives which protect their personal safety do exist. Never lose sight of the fact that this is a very personal and human issue. Show people that there are programs nationwide where violent or habitual felons are assured prison beds because many of the nuisance shoplifters, technical probation violators, or petty thieves are punished in other meaningful ways.

And make the public understand that dangerous criminals will still be put in prison and that intermediate sanctions are necessary to reintegrate offenders so they have a better chance of becoming successful citizens and not continuing lives of crime. Communities should not be allowed to place the entire burden of reform on the correctional system — they must become working partners. If we can provide the necessary structure without costly incarceration, we all benefit.

Several states have helped pave the path for public acceptance by successfully implementing alternative programs that have convinced people to abandon the "prisons-only" concept. But in order to convince people, you must show them that there are programs that do in fact work.

In New York for example, there

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are several community residences that provide housing and life services to women released early from prison so they can re-establish their family unit and begin their reintegration into society.

A county in Arizona uses the day-fine sanction for nonviolent felons. It is modeled after a similar New York program and is linked to the offender's ability to pay.

There are various intensive supervision probation sanctions around the nation, many modeled on Georgia's program. Latest figures for New Jersey's program show that while 30 percent were returned to prison, only 2 percent of those who succeeded have been convicted of new indictable offenses.

To the average person who has taken the first step and realized there is a problem — both with overcrowding and cost — these examples can be very comforting. But you cannot sell intermediate sanctions based on cost savings alone, or on a few programs that work. It is our responsibility to go further in gaining public acceptance for intermediate sanctions.

CREATING A CONSENSUS FOR CHANGE

Prisons will always play a role in the criminal justice system, but they cannot continue to play the central role as they have in the past. In Delaware, we are working to expand one of our current men's facilities by 460 beds and to build a replacement for our women's

facility. We are under federal court order to ease overcrowding in Delaware's women's prison. Much as I am not pleased with having to put additional beds in our system, the situation would be much worse if we did not have an alternative sentencing program in place.

Several years ago, Delaware embarked on a program designed to ensure punishment that is commensurate with the severity of the offense and with due regard for resource availability and cost.

The effort was twofold: to change our correctional system, and to change public opinions and attitudes.

Before you can implement an awareness campaign, you must join with key groups to determine exactly what your philosophy will be.

In Delaware we began with a broad survey of the situation in order to reach agreement that the status quo was not working. With reports, studies, and federal court cases hovering over us like an ax ready to fall, we were able to use this information to build consensus for a change.

The breakthrough came when we concluded that the key issue was not whether more or fewer people have to go to jail, but that the structure of our system was inadequate. We wanted to sentence smarter, not just tougher. And, everyone involved agreed that it did not make sense to have such a gross dichotomy — either in prison or out on the street under general probation. Instead, we envisioned a five-level continuum of punishment.

But trying to change the direction of the criminal justice system is much like trying to change the direction of a super tanker in the ocean. It cannot be done abruptly and suddenly. Rather, it must be done with constant pressure so

that over time the ship's direction can be changed and it can begin moving in a new direction.

Having accepted that a restructuring was necessary, we turned to the issue of philosophy of sentencing. Although we agreed that a new structure for sentencing that included a continuum of punishments was in order, we had not yet agreed on a philosophy to determine what kinds of offenders would qualify for what levels.

With general agreement regarding the severity of punishment, we advocated, in priority order: removing the violent offender from the community, restoration of the victim to his pre-offense status, and rehabilitation of the offender. By providing programs of supervision to nonviolent property offenders, we would reserve more of our limited and costly prison facilities for robbers, drug dealers, and others who assault or prey on our population.

To accomplish these goals, we began our work by establishing — by legislative act — our Sentencing Accountability Commission (SENTAC). It served as a forum for our target publics to study intermediate sanctions, debate them, and search for specific programs to create. But its express purpose was to devise a workable program to gain control of prison population problems.

Please note that I have referred to "gaining control of the problem" and not "reducing the population." With representatives from all facets of criminal justice, the commission developed a continuum of sanctions based on the degree of supervision and control which need to be exercised over each offender.

We then went directly to public opinion leaders — legislators on criminal justice committees,

prominent judges, and others. One-on-one we educated them, answered their questions, and made them part of the process.

During this process we were

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not only able to generate support, we were able to hear concerns in a controlled environment and prepare our case for the general public.

And by making the leaders part of the process, they became some of our strongest and most effective advocates.

The result was a five-step continuum which established an escalation in restrictiveness as well as cost control mechanisms. As a dynamic and fluid system, it allows offenders either to earn their way out of prison by good behavior and conformity with the rules, or to work their way further into the system by repeated non-conformity or additional offenses.

A description of these levels may give a sense of what we were trying to accomplish and what we had to sell to the public.

Level V is full incarceration with complete institutional control.

Level IV is quasi-incarceration. A person is supervised for nine to 23 hours per day in programs such as half-way houses, electronically monitored house arrest, and residential drug treatment.

Level III is intensive supervision involving one to eight hours per day of direct supervision. Criminals are subject to curfew

and employment checks and are closely monitored for attendance in treatment programs.

Level II is "normal" field supervision with zero to one hour of contact per day.

Level I is the lowest level of supervision.

This structure allows us to view existing or future programs, punishments, or combinations of the two in a broad and logical framework.

Let's look at these levels on a human scale to see how they work.

"Joe" has been convicted of unlawful sexual intercourse, has a prior history of

violence and burglary, and is obviously a threat to public safety. Under our system he was sentenced to six years of full incarceration followed by one year at Level III and two years at Level II. Joe is not only kept out of the community for a long period, he is also gradually integrated back into society under careful supervision.

Take the case of "Jill." Jill was convicted of shoplifting and has one prior offense for misdemeanor theft. She was sentenced to one year of intensive supervision under Level III with the additional conditions of paying court costs and fines, getting a job, and not entering the store where the crime occurred.

These stories show how the continuum works — how it works to put Joe behind bars for a good long time, but then ease him back into society, and how it works to punish Jill commensurately with the degree and nature of her less serious crime. Although she does not needlessly sit in prison and waste taxpayers' money, she is still punished for her crime.

I should note at this point that while some administrative leeway is allowed by the Department of Correction in the three lower levels

Intermediate Sanctions

of supervision, the offender is primarily under the control of the sentencing judge. This gives the judge latitude in structuring punishment that truly fits the crime and the criminal.

Compliance with the standards by judges is not subject to appeal. Our experience during the first two years has been that the sentences fall within the presumptive range over 90 percent of the time and that the majority of non-compliant sentences are lower than standard levels.

Also implicit in the use of alternatives is the need to create programs and offender slots. Before our five-level system became law, we invested time, energy, and funds to develop an intensive supervision unit. We now have over 700 Level III slots and over 500 Level IV slots, compared to 3,600 inmates.

One other aspect which we found to be of utmost importance was an intense effort to meet with and train everyone in the judicial and correctional systems on the definitions and use of the five-level system. It was essential to have a single contact point to which questions and problems could be directed.

Herein lies another human aspect of this issue. The people creating and implementing these programs must be the best in their fields and must possess the determination to see hurdles as opportunities and not as unsolvable problems.

In Delaware, we had dedicated professionals who made intermediate sanctions their highest priority. We had community groups willing to work hard. And we had state employees, including judges, who made the commitment to see our efforts through the good times and bad.

A key element of this accountability system is the cooperation between the executive, legislative,

and judicial branches of state government. The administration must budget for the creation and continuation of the alternative programs as well as for corrections itself. The cooperation of the legislature was necessary in Delaware to codify the five-level system, and to make changes in the statutory punishment limits for individual offenses.

The judiciary joined in the effort—cautiously at first and then enthusiastically—by establishing sentencing standards under administrative court order, in large part because the SENTAC legislation gave the judiciary responsibility for establishing the sentencing standards.

People made the difference as we worked toward reaching a consensus for change. Through creation of mutually agreed upon philosophies that were both politically and publicly acceptable, we were able to develop this five-level continuum as Delaware's solution to the "prison-only" problem.

We were able to implement a public awareness strategy designed to mobilize public support for our new initiatives. The strategy's key components included reasonable expectations, pilot programs, program evaluations, and ongoing communications.

First and foremost, we set reasonable expectations with all our publics. If you are to have any degree of success you must initially establish realistic goals and avoid speculation about results. Creating false hopes will all but ensure failure. By spelling out goals that you ultimately achieve, you develop credibility for your efforts.

Second, we developed pilot programs, or contracted with already established programs. Using an incremental approach that built on one small success after another, we generated a growing

wave of public momentum that for the first time had the average person considering alternatives to prison.

Third, we evaluated programs, not only to determine their effectiveness, but to demonstrate careful planning and forethought with complete consideration for the public's safety.

For example, in one fiscal year, you might ask the legislature for an initial budget allocation to fund 15 electronic monitoring devices. Once those have shown proven results, you then can make the case for increasing that program and implementing others. Indeed, each year we now ask the general assembly for—and receive—sufficient funds to meet anticipated needs for the program.

Fourth, and perhaps most important, is communicating results on an ongoing basis. It has been almost three years since our five-level continuum was enacted and I continue to look for opportunities to discuss our successes with the general public.

SENTAC has been tremendously successful. But it would not have been feasible, let alone successful, but for a carefully planned and executed public acceptance campaign.

Have we succeeded in any of the goals which we set for ourselves? Has it made a difference to Delaware? And has the public accepted it? For years, Delaware has been close to the top of the list of states in the number of persons incarcerated per 100,000. In 1989, that number for Delaware was 349 per 100,000. None of our near neighbors has reached that level as yet, but they are all getting closer.

What is important is that while Delaware is subject to the same trends in crime rates as the other states in our area, our growth rate appears to be slowing. Considering only the last two years, the

incarceration rate in Delaware increased by only 5.8 percent.

By comparison, Maryland's rate increased by 15.8 percent; Virginia's by 22.4 percent; New Jersey's by 22.3 percent; New York's by 25.8 percent and Pennsylvania's by 31.6 percent. Over the last five years, Delaware is the only one of the states I have named that can exhibit a consistent slowing in the growth rate.

We attribute this trend to the manner in which our judges and other members of the criminal justice community have embraced the five-level system and the way they have chosen to replace a historic predilection for imprisonment with a graduated use of sanctions. I believe this behavior is a direct result of mobilizing public input and support.

Can we put a price on our progress? The costs of our system in 1989 were studied by Kay Pranis of the Minnesota Citizens Council on Crime and Justice under a grant from the Edna McConnell Clark Foundation.

We currently have over 700 persons in our intensive supervision program at an annual cost of approximately \$2,300 per offender. If only half of these are true diversions from jail, we still have a savings of \$5.4 million per year. In just this program and our home confinement and halfway house programs we can demonstrate a total savings of almost \$8 million annually.

Evaluating public acceptance is obviously much more subjective than measuring cost savings. None of our statistical successes would have been possible without a degree of public support and acceptance that we must nurture and cultivate.

We have not solved all of the problems of crime in Delaware. But we do believe that with con-

tinued use of SENTAC to combine a system of sentencing standards with a graduated continuum of sanctions and supervisory pro-

We have not solved all of the problems of crime in Delaware. But we do believe that with continued use of SENTAC to combine a system of sentencing standards with a graduated continuum of sanctions and supervisory programs, Delaware is well on the way to achieving an affordable means of planning for and managing a correctional system which is effective, acceptable, and accountable to the citizens of our state.

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CONCLUSION

We cannot build our way out of our current prison crisis, but we can manage and control our prison growth and maintain the integrity of the criminal justice system. By carefully developing sensible sentencing policies and a wide range of sanctions, and implementing an aggressive public education initiative, we have held offenders accountable to the public and the legal system while being accountable to the public ourselves.

We can mobilize the public by showing them that a fundamental problem exists, by having them agree that change is needed, and by making them a part of the process that determines what those changes are. This provides the ability to create a comprehensive system that protects the public, reforms offenders, and restores victims of crime—a system that makes sense economically, logically, and politically, and that makes us accountable to

the public.

SENTAC was given a clear charge to develop a plan for reform which included sentencing guidelines and a deadline to meet. Through discussions and compromise, a workable system was developed and is now in place—proof that intermediate sanctions can work when interested parties and the general public are both part of the process.

There is nothing magical about a five-level continuum. What is essential is for a state to make available an array of sanctions that is effective for its offender population, flexible enough to be responsive to the needs of specialized offender populations, and sensitive to resource limitations and public concerns.

This is an issue of public concern and it is within public officials' power to make it more an issue of public interest and support. There are always a few things to remember when working on this issue:

- that this is a human issue and not an institutional one.
- that it is people's perception of their personal safety as well as allocation of their hard-earned money that you must address.
- that change is not easy but is certainly achievable through consensus-building.

And finally, remember that it is people, your community members, who you must make your partners in solving and preventing future corrections problems.

An earlier version of this article served as the keynote address at a national conference on intermediate sanctions sponsored by the National Institute of Justice and the National Institute of Corrections in September 1990. ★

ALABAMA -- HOW TO GAIN PUBLIC SUPPORT FOR A
SOUND CORRECTIONAL PROGRAM



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Survey Shows Alabamians Support Alternatives

BY JOHN DOBLE

Alabamians favor the use of alternatives to imprisonment for non-violent offenders, according to a recent public opinion survey conducted by the Public Agenda Foundation, a nonpartisan, not-for-profit research organization, with the assistance of Dr. Philip Coulter of the University of Alabama.

The survey shows broad and deep support for alternative sentencing in Alabama, one of the most conservative states in the country. Once people have had a chance to learn about prison over-

crowding and sentencing alternatives, they become much more supportive of use of alternatives.

Nearly three dozen states are under court order to reduce prison overcrowding. Alabama's prison system is not now subject to court orders but its prisons operate at or near 100 percent of capacity and over 1,000 state prison inmates are backed up in county jails.

The main options facing state officials, building more prisons or releasing large numbers of inmates early, are politically unac-

ceptable. Numerous surveys show that Americans oppose higher taxes for prison construction and that they want more emphasis on basic law and order; indeed, according to the conventional wisdom, most people want to lock offenders up and "throw away the key."

Caught between the rock of overcrowded prisons and the hard place of limited resources, states are considering the use of intermediate sanctions or alternatives to incarceration such as house arrest, community service,

Alabama Survey

restitution, intensive supervision probation (ISP), boot camp, and day reporting centers as a way to relieve prison overcrowding. Given the intensity of public sentiment concerning crime and punishment, it is prudent to ask "Under what circumstances, if any, will the public approve of the use of alternative sentences? Would people accept alternatives if they knew more about them and why they are being considered?"

To shed light on these questions, the Public Agenda Foundation, with support from the Edna McConnell Clark Foundation, explored the views of a cross section of 422 people in the state of Alabama. Using a newly developed research technique, the study was designed not only to gauge people's initial views about crime, sentencing, and prison overcrowding, but also to determine their considered judgments once they understood more about the issues. The results show far more public support for alternatives than conventional wisdom would suggest.

The Alabamians were asked to sentence 23 different offenders whose crimes ranged from petty theft and joyriding to rape and armed robbery. Respondents were given information on each offenders' crime, his role in the crime, and his prior criminal record. When initially asked in the "pretest" whether each offender should be put in prison or on probation, majorities chose prison for 18 of the 23 and probation for 5. But when asked a second time, in the "posttest," after seeing a video that detailed the problem of overcrowding and described five "generic" alternative sentences plus probation and prison (see inset), and after discussing the issue at some length, majorities chose prison for only four: three violent offenders and a drug dealer convicted for the 5th time. The other 14 originally slotted for prison were

The Sentencing Alternatives Given to the Alabama Respondents

1. **Regular Probation**
 - Offender visits the probation officer once a month.
 - Length of Sentence: Up to 2 years.
 - Cost: \$1,000 per year.
2. **Strict Probation**
 - Offender sees the probation officer up to five times a week.
 - Length of Sentence: Up to 2 years.
 - Cost: \$3,000 per year.
3. **Strict Probation Plus Restitution**
 - Offender must pay back the victim.
 - Length of Sentence: Up to 2 years.
 - Cost: \$3,500 per year.
4. **Strict Probation Plus Community Service**
 - Offender must perform community service to pay back the community.
 - Length of Sentence: Up to 6 months.
 - Cost: \$5,500 per year.
5. **House Arrest**
 - Offender must stay home except to go to work, church or a doctor.
 - Length of Sentence: Up to 1 year.
 - Cost: \$4,500 per year.
6. **Boot Camp**
 - Offender must complete a basic training style program in a building near the prison but separate from the regular prisoners.
 - Length of Sentence: 3 to 6 months.
 - Cost: \$8,500 per year.
7. **Prison**
 - Cost: \$10,000 to \$30,000 a year, depending on the state.

sentenced to one of the alternatives. See Figure 1. Once Alabamians learned about alternatives they wanted to make widespread use of them for a wide variety of offenders, including among others a burglar and a drunk driver with previous convictions, a man who embezzled \$250,000, the accomplices to an armed robbery, and petty thieves with as many as five convictions. Table 1 shows the percentages of respondents preferring prison sentences for each of the 23 offenders during the pretests and posttests.

But other results may be less pleasing to corrections officials with limited resources. After learning about alternatives, respondents also wanted to use them for

most of the offenders they had originally placed on probation. With more choices, respondents chose probation for only one of the 23 offenders, a first-time shoplifter guilty of stealing about \$250 worth of merchandise. While less expensive than prison, the alternatives are substantially more expensive than "regular" probation as practiced in most states. And when given more choices, respondents sometimes preferred more expensive options.

Beyond revealing judgments about particular categories of offenders, the study suggests that the public approaches criminal justice issues from a different perspective than the one used by

Alabama Survey

Table 1: Comparison of Sentencing—Pretest and Posttest

Circumstances of offender	Pretest	Posttest	
	Prison %	Prison %	Alternatives %
IN CASES OF PETTY THEFT:			
Petty theft, first offense	13	2	47*
Petty theft, fifth offense, works 2 jobs, wife and 4 kids	59	27	66
Petty theft, third offense	74	22	76
Petty theft, fifth offense	90	46	52
Petty theft, fifth offense, woman working 2 jobs, has 4 kids	48	18	78
Petty theft, fifth offense, woman	71	23	74
IN CASES OF DRUG-SELLING:			
Drug selling, first offense	54	21	62
Drug selling, third offense, addict seeking treatment	62	30	67
Drug selling, fifth offense, addict seeking treatment	74	55	41
IN CASES OF BURGLARY/EMBEZZLEMENT:			
Burglary, first offense, 15-year-old	20	4	58
Burglary, first offense	31	7	72
Burglary, second offense	68	19	78
Armed burglary, second offense	83	46	51
Embezzling \$250,000, first offense	71	30	67
IN CASES OF DRUNK DRIVING/JOYRIDING:			
Joyriding, first offense	9	2	53
Drunk driving, first offense	13	2	54
Drunk driving, second offense	51	9	89
IN CASES INVOLVING ARMED ROBBERY, FORCE OR THE THREAT OF FORCE:			
(A case involving three men—second offense for each)			
Offender #1 who goes into a liquor store, shoots a clerk in the arm, and steals money	97	79	21
Offender #2 who drives the getaway car	78	46	49
Offender #3 who fell asleep in the car after agreeing to robbery	50	29	60
Rape, first offense (A man mugged and raped a young woman in the park.)	94	76	21
Armed robbery, third offense (A man pointed a loaded gun at a woman and took her purse.)	93	60	38
A 15-year-old armed robber, first offense (He slashed a woman on her arm with a knife then took money.)	78	33	63

* In the posttest, 51 percent would have sentenced this offender to regular probation.

Source: *Punishing Criminals: The Public's View, An Alabama Survey*, 1989. Prepared by the Public Agenda Foundation for The Edna McConnell Clark Foundation.

professionals. Alabamians believe the top priority for the criminal justice system is not to relieve overcrowding, or reduce costs, or protect the rights of the accused, or even to promote justice; rather they think the top priority is to protect people from becoming victims of crime. While concern about overcrowding necessarily preoccupies criminal justice professionals, the general public is most concerned about public safety. To the extent that people believe safety will not be compromised, they express considerable support for using alternatives.

Alternatives were popular for several reasons. First, they were felt to have greater potential to rehabilitate. Alabamians believe in rehabilitation and think that a stint in prison, by itself, does little to rehabilitate. They believe that hard work and paying back society are the ways by which offenders can gain the work experience and self-respect they need to turn their lives around. As a result, alternatives featuring work and repayment, such as restitution and community service, were far more popular than those like ISP and house arrest that focus on controlling an offender's activities. More generally, 75 percent agreed that "alternatives improve the chance that an offender will be rehabilitated." Numerous people talked about the importance of stirring an offender's conscience by making him come face-to-face with his victim or crime. A man from the Florence area said, "When I was 10, my friends and I shot out some schoolhouse windows. The windows cost a dime then, and we had to pay to replace them. I've respected glass ever since."

People also thought that alternatives would result in more appropriate sentencing. Ninety percent agreed that alternatives "give judges the flexibility to make

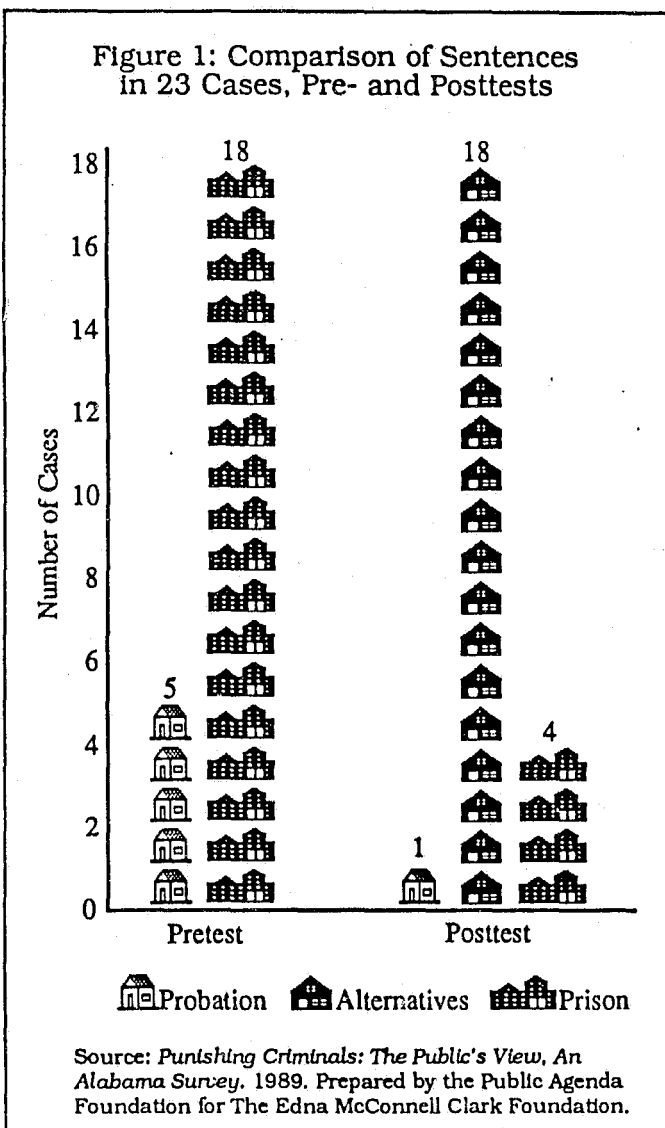
the punishment fit the crime." A woman from Mobile said, "You need all these options, as many as you can get, because the crimes are so varied and the offenders so different." Others made the same point indirectly. "If it's a crime against society, not one person, like damaging property, I'd favor [community service]," a man from the Birmingham area said. Others suggested that middle class offenders should have to make restitution, but that poor offenders who committed the same offense should be sentenced to community service.

A third reason why Alabamians favored using alternatives was to save money. Though they underestimated the extent of the problem, a large majority knew the state's prisons are overcrowded, with 69 percent (in the first questionnaire or pretest) saying the state

needs more prisons. A woman from the Huntsville area said, "Our jails are certainly overcrowded. They put pictures of it on TV all the time." In the discussions, numerous respondents said one reason to use alternatives was because of lower cost. However, people were not persuaded by cost considerations alone.

People also liked alternatives because they were felt to be hard. Many Alabamians think that most prison inmates sit idle all day, relaxing, watching television, and playing cards instead of working productively. But especially with

Figure 1: Comparison of Sentences in 23 Cases, Pre- and Posttests



the alternatives that feature a mandatory work component, respondents felt that offenders would have to work hard to pay for their crime, an outcome that promoted both justice and rehabilitation.

The final and most important reason why alternatives were popular is that people thought they accomplished all these goals without unduly endangering public safety. Respondents thought that alternatives should be reserved for offenders who pose little risk of violence to the community. In addition, more than

two-thirds wanted any alternative sentence to be strictly enforced. Even minor violations should not be tolerated, people felt, because they saw alternatives as a second chance that should be taken very seriously. A man from Montgomery put it this way: "Hey, [an offender who violates the terms of his alternative sentence] had his chance. Now if he violates it, he should be put away."

In sum, support for using alternatives, though widespread and strong, was conditional. It was not open-ended and should not be misread. The Alabamians favored using alternatives for a wide variety of nonviolent criminals. But if people think that violent offenders are being allowed in their communities or that alternatives are loosely administered "revolving doors" for career criminals, public support for using them

will evaporate.

This article is based on the Public Agenda Foundation's 1989 report, *Punishing Criminals: The Public's View, An Alabama Survey*. Copies may be obtained from the Edna McConnell Clark Foundation, 250 Park Avenue, New York, New York 10017.

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Appendix 4

DETAILED FACTUAL DATA WHICH FORM THE BASIS
FOR THE PANEL'S RECOMMENDATIONS

Appendix 4-A

CORRECTIONS SYSTEM REVIEW PANEL: FACT SHEET

PRISON POPULATION GROWTH

1. Between 1980 and 1988, the average rate of growth during a period of relatively stable number of serious crimes was about 3%. This increase requires the construction of a 750 bed prison about every 33 months.
2. The current prison population growth rate is about 12% even through there has not been a significant increase in the number of serious crimes.
This requires one 750 bed prison for every 11 months.
3. The Department of Corrections now projects that, between 1995 and 2000, the prison population will increase by 1,500 inmates annually.
This requires one 750 bed prison every 6 months, or about 5.5 prisons every 33 months.

PRISON COSTS

4. The current costs of prison construction are \$75,000 per inmate. Financing doubles this cost to \$150,000.
Building 13,000 prison beds to meet the current projections for the year 2000 would cost \$2 billion in 1991 dollars or \$100 million annually to finance construction alone.
5. It costs Wisconsin \$22,000 per inmate to operate its prisons.
6. Adding 4,500 beds requires \$675 million in construction and financing. At full operation, the 4,500 beds add \$100 million to the annual operating budget.
7. An alternative approach would add 750 prison beds while developing a program of Intermediate Sanctions for the remaining 3,500 offenders. Assuming an average expenditure of \$8,300 per Intermediate Sanction offender, these 3,500 offenders would have operating costs of \$29 million. Prison for the 750 would cost \$113 million in construction and add \$17 million in annual operating costs. The annual operating costs of the dual strategy program would be less than half that of operating 4,500 beds.

EXPERIENCES OF OTHER STATES

8. Minnesota, with a state crime rate equal to Wisconsin, targets prisons for only the most serious offenders and has a prison incarceration rate about half that of Wisconsin's.

9. Michigan and Illinois attempted to keep up with prison populations by construction only and are now bankrupt. Both states currently each have two new prisons that cannot be opened because they cannot afford the large operating costs. Michigan has recently begun developing stronger community based programs.

10. Delaware rates of serious crime and incarceration are twice those of Wisconsin. Beginning in 1987, it began focussing prison use on only the most serious offenders while developing intermediate sanctions - including "quasi-incarceration" for offenders who would otherwise have gone to prison. By 1990, its prison population growth had decreased to -1% even though the total number of offenders under supervision had continued to grow.

WHO GOES TO PRISON IN WISCONSIN

11. Over half have no prior felony convictions.

12. Property offenders account for 43% of admissions and 33% of the average daily population.

13. Black prisoners increased by 41% between 1986 and 1990. The incarceration rate for Blacks is about 14 times higher than for others.

14. The median sentence for men is about 3.5 years, with 70% of prisoners admitted with sentences of 5 or fewer years.

15. About 60% of female prisoners are property offenders and tend to have shorter sentences than men.

16. Over 60% of prisoners sentenced for drug possession or sales have no prior felony convictions.

17. Admissions for some form of seriously assaultive offense (including homicide, sexual assault, robbery and other assaults) consistently account for about 39% of all admissions.

18. Between 1986 and 1990, the vast majority (72%) of the net growth in prison population was from the group of offenders who had no prior felony convictions. There was only a 2% increase in the number of offenders who had two or more prior felonies.

19. Similarly, there was a major increase in the number of prison admissions of offenders with sentences of 24 months or less.

20. An internal Department of Corrections risk assessment process that differentiates between low, medium and high risk prisoners projects at least 1,000 (25%) of prisoners admitted in 1990 as low-risk based on sentence length and current and past offense characteristics. DOC projects this group would account for an average daily population of 2,900 by 1995.

WHAT ARE THE COSTS OF OTHER PROGRAMS COMPARED TO PRISON COSTS?

21. Headstart education programs for pre-school children costs about \$2500 per year per child. There are 30,000 eligible pre-schoolers in Wisconsin who cannot be served at current funding levels. The annual costs of operating and financing the construction of a 1000 bed prison are comparable to the costs of providing Headstart for 11,000 at-risk pre-schoolers and their families.

22. There are 9000 reports annually of sexual abuse of children. Outpatient counseling for a year for such victims costs about \$1000. Outpatient counseling for half of these cases would cost about \$4.5 million or about the annual cost of financing and operating 160 prison beds.

23. There are 5800 babies younger than one year old who have no health insurance. The cost of well-baby care for a year is about \$200 per child. This is about the annual cost of financing and operating 40 prison beds.

Appendix 4-B

SUMMARY: DATA ON ADMISSIONS TO ADULT INSTITUTIONS

Table 1: New Sentences Only, Number of Prior Felonies, By Offense Group, 1990

	None	One	Two or More	Total*
Property	207 (12.9%)	87 (5.4%)	152 (9.4%)	468 (29.1%)
Assault Only	301 (18.7%)	84 (5.2%)	80 (5.0%)	476 (29.6%)
Assault/+	165 (10.2%)	59 (3.7%)	47 (2.9%)	275 (17.1%)
Drug Only	235 (14.6%)	80 (5.0%)	58 (3.7%)	383 (23.8%)
Sex/Other	7	0	1	8 (0.5%)
Total*	915 (56.8%)	310 (19.3%)	338 (21.0%)	1610 (100%)

* Includes 47 "No Data"

Observations:

1. Nearly 57% of offenders with "New Sentences" had no prior recorded felonies. Another 19% had only one felony.
2. Admissions for drug offenders accounted for nearly 24% of the "New Sentence" group. Over 60% of drug offenders in the "New Sentence" group had no prior felonies.

Table 2: All Admissions (1990), Number of Prior Felonies, By Sentence Length

Sentence (Years)	None	One	Two or More	Total*
0-1	49 (1.4%)	19 (0.5%)	16 (0.5%)	164 (4.7%)
1-2	366 (10.6%)	117 (3.4%)	133 (3.8%)	638 (18.4%)
2-3	373 (10.8%)	126 (3.6%)	128 (3.7%)	639 (18.4%)
3-4	248 (7.1%)	84 (2.4%)	93 (2.7%)	434 (12.5%)
4-5	275 (7.9%)	87 (2.5%)	102 (2.9%)	471 (13.6%)
5+				1123 (32.4%)
Total*				3469 (100%)

* Includes "No Data"

Observations:

1. Offenders with sentences of two years or less account for nearly 1/4 of all "New Sentence" admissions.
2. Offenders with no prior felonies and sentences of 3 years or less account for 788 (23%) of "New Sentence" admissions.

Table 3: Number of Admissions and Total Months of Sentences,
By Offense Group, 1985 and 1990

Offense Group	1985				1990				
	#	Total Months	Avg Mo.	#	Total Months	Avg Mo.	#	Total Months	Avg Mo.
Property	1284	62,339 (33%)	48.6	1481	70,349 (29%)	47.5			
Drug Only	209	9,910 (5%)	47.4	588	27,580 (11%)	46.9			
Assault	1048	117,364 (61%)	112.0	1345	143,808 (59%)	106.9			
Sex/Other	17	1,504 (1%)	88.5	19	986 (0%)	51.9			
Total	2558	191,117 100%	74.7	3433	242,723 100%	70.7			

Observations:

1. While Property offenders make up 43% of admissions, they account for less than 30% of total months sentenced
2. The number of admissions for drugs increased by 180%. The 17,670 month net increase in the number of sentence months for drugs would, in itself, generate an increased demand for 880 beds assuming they serve an average of 60% of their sentence.
3. Because of their long average sentence length, the increased numbers of admission for assault (ranging from homicide through sexual assault, robbery and battery, etc.), the 297 net increase in admissions for this group generated the largest net increase (26,444) in the number of sentence months.

Appendix 4-C

SUMMARY OF STATISTICS ABOUT WOMEN

1. OFFENSE GROUPS:

	LOW RISK	MODERATE RISK
PROPERTY	100	7
ASSAULT	20	7
DRUG	46	7

2. PROFILE OF SENTENCE AND STAY BY ADMISSION AND OFFENSE GROUPS

	1990 RELEASES			1990 ADMISSIONS	
	#	SENT.	STAY	#	SENT.
NEW SENTENCE					
PROPERTY	36	37.1	13.6	50	40.7
ASSAULT	26	76.3	31.8	27	54.7
DRUG	35	28.7	12.0	45	40.9
PROBATION VIOLATOR					
PROPERTY	22	36.5	11.5	30	38.9
ASSAULT	9	32.9	10.8	6	58.5
DRUG	7	27.9	7.1	8	34.9
PROBATION VIOL. W/NS					
PROPERTY	13	39.0	18.2	26	40.0
ASSAULT	6	49.8	21.8	3	26.0
MR/PAR/SAR VIOLATOR					
PROPERTY	9	42.7	8.8	13	62.8
ASSAULT	6	61.7	10.8	4	125.3
DRUG	7	35.6	6.1	8	31.1

3. EFFECTIVE ADP SAVINGS:

A. NEW SENTENCE/PROPERTY: $(50 \times 14.9) / 12 = 62$

B. NEW SENTENCE/DRUG: $(45 \times 17.1) / 12 = 64$

C. PROBATION VIOLATOR/PROPERTY: $(30 \times 12.3) / 12 = 31$

D. LOW RISK/PROPERTY: $(100 \times 15.5) / 12 = 129$

Appendix 4-D (a)

DETAILED PRISON POPULATION DATA

Probation Violator - Property Offender (338 Cases)

1. Prior felonies: none - 211 62.5%
 one - 51 14.4%
 two or more - 74 20.1%

2. County of Commitment: Milwaukee - 120 34.0%
 So. Eastern - 84 25.8%
 Dane/Rock/Fox River - 55 16.6%
 Balance - 79 23.6%

3. Race and ethnicity: Black - 133 39.4%
 White - 185 55.2%
 Others - 20 5.4%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	183 55.4%	143 42.4%	8 2.2%
Prior offenses -	247 73.7%	77 23.4%	10 2.8%
Sentence track -	284 85.1%	44 13.0%	6 1.9%

Track Assignment - Non-assaultive: 153 46.3%
 Assaultive/aggravated non-assaultive: 165 49.8%
 Others: 16 4.4%

Classification Assignment - CRC 42 12.5%
 Minimum 104 32.9%
 Med./Med out 116 32.6%
 Maximum 76 22.0%

5. Sentences:

3 years or less - 186 56.0%
 4 to 6 years - 121 35.1%
 7 years and over - 31 9.0%

6. Need Assessments at A&E:

Education: Adequate- 142 42% Inadequate/Illiterate- 194 57%
 Vocational: Marketable- 112 31% Marginal/unmarketable- 231 68%
 Ment. Hlth: Acceptable- 270 80% Problemesome- 66 19%
 Alcohol: Adeq.copes- 90 30% Problemesome- 118 34% Severe- 135 36%
 Drug: No illicit use- 88 27% Problemesome- 150 43% Severe- 95 29%

7. Effective ADP Savings:

A. Low risk sentence track: $(284 \times 15.1) / 12 = 357$
 B. No prior felonies: $(211 \times 15.1) / 12 = 266$
 C. Sentences three years or less: $(186 \times 15.1) / 12 = 234$

Appendix 4-D (b)

MR Violator - Property Offender (213 Cases)

1. Prior felonies: none - 79 37.0%
 one - 42 19.7%
 two or more - 92 43.2%

2. County of Commitment: Milwaukee - 58 27.2%
 So. Eastern - 50 23.5%
 Dane/Rock/Fox River - 55 26.1%
 Balance - 50 22.6%

3. Race and ethnicity: Black - 71 33.3%
 White - 131 61.5%
 Others - 11 5.2%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	58 27.8%	130 62.2%	21 10.0%
Prior offenses -	162 77.5%	35 16.7%	12 5.7%
Sentence track -	186 89.0%	17 8.1%	6 2.9%

Track Assignment - Non-assaultive: 56 26.8%
 Assaultive/aggravated non-assaultive: 123 58.9%
 Others: 30 14.4%

Classification Assignment - CRC 7 3.3%
 Minimum 74 34.7%
 Med./Med out 76 35.7%
 Maximum 56 26.3%

5. Need Assessments at A&E:

Education: Adequate- 145 68% Inadequate/Illiterate- 68 32%
 Vocational: Marketable- 92 43% Marginal/unmarketable- 121 57%
 Ment. Hlth: Acceptable- 171 80% Problemsome- 42 20%
 Alcohol: Adeq.copes- 57 27% Problemsome- 65 31% Severe- 91 42%
 Drug: No illicit use- 54 25% Problemsome- 84 39% Severe- 71 33%

6. Effective ADP Savings:

A. Low risk sentence track: $(186 \times 10.3) / 12 = 160$
 B. No prior felonies: $(79 \times 10.3) / 12 = 68$

Appendix 4-D (c)

Probation Violator - Property New Sentence (240 Cases)

1. Prior felonies: none - 114 47.5%
 one - 64 26.7%
 two or more - 62 25.8%

2. County of Commitment: Milwaukee - 61 25.4%
 So. Eastern - 46 19.2%
 Dane/Rock/Fox River - 59 24.6%
 Balance - 74 30.8%

3. Race and ethnicity: Black - 76 31.7%
 White - 144 60.0%
 Others - 20 8.3%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	106 44.2%	118 49.2%	16 6.7%
Prior offenses -	187 77.9%	43 17.9%	10 4.2%
Sentence track -	189 78.8%	41 17.1%	10 4.2%

Track Assignment - Non-assaultive: 97 40.4%
 Assaultive/aggravated non-assaultive: 119 49.6%
 Others: 24 9.2%

Classification Assignment - CRC 21 8.8%
 Minimum 97 40.4%
 Med./Med out 80 33.3%
 Maximum 42 17.5%

5. Sentences:

3 years or less - 130 54.2%
 4 to 6 years - 84 35.0%
 7 years and over - 26 10.8%

6. Need Assessments at A&E:

Education: Adequate- 100 42% Inadequate/Illiterate- 140 58%
 Vocational: Marketable- 67 28% Marginal/unmarketable- 173 72%
 Ment. Hlth: Acceptable- 193 80% Problemsome- 47 20%
 Alcohol: Adeq.copes- 64 27% Problemsome- 90 38% Severe- 86 35%
 Drug: No illicit use- 58 24% Problemsome- 130 54% Severe- 52 22%

7. Effective ADP Savings:

A. Low risk sentence track: $(189 * 20.9) / 12 = 329$
 B. No prior felonies: $(114 * 20.9) / 12 = 199$
 C. Sentences three years or less: $(130 * 20.9) / 12 = 226$

Appendix 4-D (d)

New Sentence - Property Offender
(Three Years or Less Sentence: 258 Cases)

1. Prior felonies: none	- 127	49.2%
one	- 50	19.4%
two or more	- 81	31.4%
2. County of Commitment: Milwaukee	- 79	30.6%
So. Eastern	- 61	23.6%
Dane/Rock/Fox River	- 38	14.7%
Balance	- 80	31.0%
3. Race and ethnicity: Black	- 100	38.8%
White	- 132	51.2%
Others	- 26	10.1%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	82 33.1%	134 54.0%	32 12.9%
Prior offenses -	183 73.8%	57 23.0%	8 3.2%
Sentence track -	239 96.4%	8 3.2%	1 0.4%

Track Assignment - Non-assaultive: 75 30.2%
 Assaultive/aggravated non-assaultive: 138 55.6%
 Others: 35 14.1%

Classification Assignment - CRC 21 8.5%
 Minimum 122 49.2%
 Med./Med out 70 28.2%
 Maximum 45 18.1%

5. Sentences:

Average sentence for 1990 admissions= 26.0 months
 (stay estimated at 10.9 months.)
 Average stay for 1990 release= 9.5 months
 (with sentence average of 22.5 months).

6. Need Assessments at A&E:

Education: Adequate- 116 46% Inadequate/Illiterate- 134 54%
 Vocational: Marketable- 91 36% Marginal/unmarketable- 159 64%
 Ment. Hlth: Acceptable- 220 88% Problemesome- 30 12%
 Alcohol: Adeq.copes- 68 27% Problemesome- 78 31% Severe- 104 42%
 Drug: No illicit use- 83 33% Problemesome- 110 44% Severe- 57 23%

7. Effective ADP Savings:

- A. Low risk sentence track: $(239 \times 10.9) / 12 = 217$
- B. No prior felonies: $(127 \times 10.9) / 12 = 115$

Appendix 4-D (e)

Probation Violator - Drug Offender (76 Cases)

1. Prior felonies: none - 47 61.8%
 one - 14 18.4%
 two or more - 15 19.7%

2. County of Commitment: Milwaukee - 23 29.8%
 So. Eastern - 20 25.0%
 Dane/Rock/Fox River - 15 23.8%
 Balance - 18 21.4%

3. Race and ethnicity: Black - 28 36.8%
 White - 40 52.6%
 Others - 8 10.5%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	17 22.6%	58 77.3%	0 0.0%
Prior offenses -	55 73.8%	17 22.7%	3 4.0%
Sentence track -	63 84.0%	10 13.3%	2 2.7%

Track Assignment - Non-assaultive: 18 24.0%
 Assaultive/aggravated non-assaultive: 54 72.0%
 Others: 3 4.0%

Classification Assignment - CRC 13 17.1%
 Minimum 28 36.8%
 Med./Med out 24 31.6%
 Maximum 11 14.5%

5. Sentences:

3 years or less - 38 50.0%
 4 to 6 years - 33 43.4%
 7 years and over - 5 6.6%

6. Need Assessments at A&E:

Education: Adequate- 39 52% Inadequate/Illiterate- 36 48%
 Vocational: Marketable- 29 39% Marginal/unmarketable- 46 61%
 Ment. Hlth: Acceptable- 64 85% Problemsome- 11 15%
 Alcohol: Adeq.copes- 28 37% Problemsome- 23 31% Severe- 24 32%
 Drug: No illicit use- 6 8% Problemsome- 34 45% Severe- 35 47%

7. Effective ADP Savings:

A. Low risk sentence track: $(63 \times 14.7) / 12 = 77$
 B. No prior felonies: $(47 \times 14.7) / 12 = 58$
 C. Sentences three years or less: $(38 \times 14.7) / 12 = 47$

Appendix 4-D (f)

New Sentence - Drug Offender
(245 Cases - Three Years or Less Sentence)

1. Prior felonies: none - 165 67.3%
 one - 43 17.6%
 two or more - 37 15.1%

2. County of Commitment: Milwaukee - 144 58.8%
 So. Eastern - 37 15.0%
 Dane/Rock/Fox River - 32 13.1%
 Balance - 32 13.1%

3. Race and ethnicity: Black - 134 54.7%
 White - 95 38.8%
 Others - 16 6.5%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	10 4.2%	225 94.1%	4 1.7%
Prior offenses -	199 83.3%	49 20.5%	11 4.6%
Sentence track -	233 97.5%	6 2.5%	0 0.0%

Track Assignment - Non-assaultive: 9 4.1%
 Assaultive/aggravated non-assaultive: 216 90.4%
 Others: 14 5.6%

Classification Assignment - CRC 48 19.4%
 Minimum 115 49.5%
 Med./Med out 52 19.0%
 Maximum 30 12.1%

5. Sentences:

Average sentence for 1990 admissions= 28.3 months
 (stay estimated at 11.8 months.)
 Average stay for 1990 release=11.7 months
 (with sentence average of 28.0 months).

6. Need Assessments at A&E:

Education: Adequate- 106 44% Inadequate/Illiterate- 135 56%
 Vocational: Marketable- 86 26% Marginal/unmarketable- 155 64%
 Ment. Hlth: Acceptable- 223 93% Problemsome- 18 7%
 Alcohol: Adeq.copes-112 46% Problemsome- 84 35% Severe- 44 18%
 Drug: No illicit use- 48 20% Problemsome- 115 48% Severe- 78 32%

7. Effective ADP Savings:

A. Low risk sentence track: $(233 \times 11.8) / 12 = 229$
 B. No prior felonies: $(165 \times 11.8) / 12 = 162$

Appendix 4-D (g)

Probation Violator - Assaultive Offender (92 Cases)

1. Prior felonies: none - 63 68.5%
 one - 12 13.0%
 two or more - 17 18.5%

2. County of Commitment: Milwaukee - 39 42.4%
 So. Eastern - 18 19.6%
 Dane/Rock/Fox River - 14 15.2%
 Balance - 21 22.8%

3. Race and ethnicity: Black - 51 55.4%
 White - 36 39.1%
 Others - 5 5.4%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	10 11.1%	52 57.8%	28 31.1%
Prior offenses -	53 58.9%	24 26.6%	13 14.4%
Sentence track -	59 65.5%	25 27.8%	6 6.7%
Track Assignment - Non-assaultive:	6 6.5%		
Assaultive/aggravated non-assaultive:	53 57.6%		
Others:	33 35.9%		

Classification Assignment - CRC	4 4.3%
Minimum	35 38.0%
Med./Med out	34 37.0%
Maximum	19 20.7%

5. Sentences:

3 years or less -	36 39.1%
4 to 6 years -	36 39.1%
7 years and over -	20 21.8%

6. Need Assessments at A&E:

Education: Adequate-	33 36%	Inadequate/Illiterate-	58 64%		
Vocational: Marketable-	24 26%	Marginal/unmarketable-	67 74%		
Ment. Hlth: Acceptable-	80 88%	Problemesome-	11 12%		
Alcohol: Adeq.copes-	18 20%	Problemesome-	27 30%	Severe-	46 50%
Drug: No illicit use-	23 25%	Problemesome-	38 42%	Severe-	30 33%

7. Admission Age: Under 20- 13 14.1%
 20-25 - 36 39.1%
 26-30 - 20 21.7%
 31-plus - 23 25.0%

8. Offense groups: Armed Robbery (17), Unarmed Robbery (6),
 Battery (28) - 51 cases, 55.4%

9. Effective ADP Savings:
 - A. Low risk sentence track: $(59*21.3)/12= 105$
 - B. No prior felonies: $(63*21.3)/12= 112$
 - C. Sentences three years or less: $(36*21.3)/12= 64$

Appendix 4-D (h)

MR Violator - Assaultive Offender (144 Cases)

1. Prior felonies: none - 46 31.9%
 one - 33 22.9%
 two or more - 65 45.2%

2. County of Commitment: Milwaukee - 76 52.8%
 So. Eastern - 27 18.9%
 Dane/Rock/Fox River - 24 16.7%
 Balance - 17 11.8%

3. Race and ethnicity: Black - 85 59.0%
 White - 48 33.3%
 Others - 11 7.6%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	0 0.0%	73 51.8%	68 48.2%
Prior offenses -	84 59.6%	38 27.0%	19 13.5%
Sentence track -	100 71.9%	26 18.4%	15 10.6%
Track Assignment - Assaultive:	67 47.5%		
Assaultive/aggravated non-assaultive:	61 47.5%		
Others:	13 9.2%		

Classification Assignment - CRC 4 2.8%
 Minimum 37 25.7%
 Med./Med out 45 31.3%
 Maximum 58 40.3%

5. Need Assessments at A&E:

Education: Adequate- 92 66% Inadequate/Illiterate- 48 34%
 Vocational: Marketable- 56 31% Marginal/unmarketable- 96 69%
 Ment. Hlth: Acceptable- 117 84% Problemsome- 25 16%
 Alcohol: Adeq.copes- 49 35% Problemsome- 38 26% Severe- 55 39%
 Drug: No illicit use- 34 24% Problemsome- 61 43% Severe- 47 33%

6. Offense groups: Armed Robbery (30), Unarmed Robbery (42),
 Battery (10) - 82 cases, 56.9%

7. Effective ADP Savings:

A. Low risk sentence track: $(100 * 15.3) / 12 = 128$
 B. No prior felonies: $(46 * 15.3) / 12 = 59$

Appendix 4-D (i)

New Sentence - Assaultive Offender
(Three Years or Less Sentence: 131 Cases)

1. Prior felonies: none - 86 65.6%
 one - 20 15.3%
 two or more - 25 19.1%

2. County of Commitment: Milwaukee - 61 46.6%
 So. Eastern - 26 19.8%
 Dane/Rock/Fox River - 19 14.5%
 Balance - 25 19.1%

3. Race and ethnicity: Black - 63 48.1%
 White - 56 42.7%
 Others - 12 9.2%

4. Classification and Risk Ratings at Admissions:

	LOW	MODERATE	HIGH
Current offenses -	10 7.7%	85 65.4%	35 26.9%
Prior offenses -	85 65.4%	30 23.1%	15 11.5%
Sentence track -	114 87.7%	16 12.3%	0 0.0%
Track Assignment - Non-assaultive:	9 6.9%		
Assaultive/aggravated non-assaultive:	72 55.4%		
Others:	49 37.7%		

Classification Assignment - CRC 23 17.6%
 Minimum 53 40.5%
 Med./Med out 32 24.4%
 Maximum 23 17.6%

5. Sentences:

Average sentence for 1990 admissions= 25.7 months
 (stay estimated at 11.1 months.)
 Average stay for 1990 release=12.2 months
 (with sentence average of 28.2 months).

6. Need Assessments at A&E:

Education: Adequate- 63 48% Inadequate/Illiterate- 68 52%
 Vocational: Marketable- 42 32% Marginal/unmarketable- 89 68%
 Ment. Hlth: Acceptable- 112 85% Problemesome- 19 15%
 Alcohol: Adeq.copes- 33 25% Problemesome- 39 30% Severe- 59 45%
 Drug: No illicit use- 45 34% Problemesome- 63 48% Severe- 23 18%

7. Admission Age:

Under 20 26 19.8%
 20 - 25 33 25.2%
 26 - 30 36 27.5%
 31 plus 36 27.5%

8. Offense Groups: Armed Robbery (19), Unarmed Robbery (27),
 Battery (33), Injury by Conduct (11),
 Homicide, intoxicated use of motor vehicle (7):
 97 cases 74.0%

9. Effective ADP Savings:

A. Low risk sentence track: $(114 * 11.1) / 12 = 105$

B. No prior felonies: $(86 * 11.1) / 12 = 80$

Appendix 4-E

POTENTIAL PRISON POPULATION ELIGIBLE FOR INTERMEDIATE
SANCTION ON PUNISHMENT PROGRAM

Assumptions:

Distribution of the types of populations will remain the same
Therefore the percent increase in the total can be applied to
CRC slots would all be used for these pops: need to subtract
25% of CSSP slots would be for this pop: need to subtract

		CHG TO 90	%
ADP 1990:	6,664	N.A.	N.A.
ADP 1991:	7,320	656	9.8%
ADP 1992:	8,239	1,576	23.6%
ADP 1995:	11,395	4,731	71.0%
ADP 1997:	13,690	7,026	105.4%(based on 3 quarters

VERSION I: ALL LOW RISK SENTENCE

ELIGIBLE POPS

GROUP	90 ADMITS	LOS(MOS)	ADP SAV	FORWARD		
				TO 92	TO 95	TO 97
Prob viol: NNS Property	284	15.1	357	441	610	733
Prob viol: NNS Assaultive	59	21.3	112	138	192	230
Prob viol: NNS Drugs	63	14.7	77	95	132	158
MR/PAR/SAR viol Assaultive	100	15.3	128	158	219	263
MR/PAR/SAR viol Property	186	10.3	160	198	274	329
Prob viol: NS Property	329	20.9	329	407	563	676
NS: Property	239	10.9	217	268	371	446
NS: Assaultive	105	11.1	105	130	180	216
NS: Drugs	233	11.8	229	283	392	470
TOTALS			1714	2,119	2,931	3,521
LESS CRC SLOTS			(300)	(400)	(750)	(1,000)
LESS 25% CSSP SLOTS			(82)	(130)	(190)	(250)
NET AVAILABLE ADP			1332	1,589	1,991	2,271
Assume only 75% available			999	1,191	1,493	1,703

VERSION II: ALL NO PRIOR FELONIES

ELIGIBLE POPS

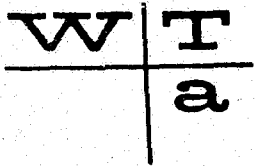
GROUP	90 ADMITS	LOS(MOS)	ADP SAV	FORWARD		
				TO 92	TO 95	TO 97
Prob viol: NNS Property	211	15.1	266	328	454	545
Prob viol: NNS Assaultive	63	21.3	112	138	191	230
Prob viol: NNS Drugs	47	14.7	58	71	98	118
MR/PAR/SAR viol Assaultive	46	15.3	59	72	100	120
MR/PAR/SAR viol Property	79	10.3	68	84	116	139
Prob viol: NS Property	114	20.9	199	245	340	408
NS: Property	127	10.9	115	143	197	237
NS: Assaultive	86	11.1	80	98	136	163
NS: Drugs	165	11.8	162	201	277	333
TOTALS			1,117	1,381	1,910	2,294
LESS CRC SLOTS			(300)	(400)	(750)	(1,000)
LESS 25% CSSP SLOTS			(82)	(130)	(190)	(250)
NET AVAILABLE ADP			735	851	970	1,044
Assume only 75% available			551	638	728	783

VERSION III: SENTENCE THREE YEARS
OR LESS

ELIGIBLE POPS

GROUP	90 ADMITS	LOS(MOS)	ADP SAV	FORWARD		
				TO 92	TO 95	TO 97
Prob viol: NNS Property	186	15.1	234	289	400	481
Prob viol: NNS Assaultive	36	21.3	64 0	79	109	131
Prob viol: NNS Drugs	38	14.7	47	58	80	96
MR/PAR/SAR viol Assaultive	DATA NOT AVAILABLE			0	0	0
MR/PAR/SAR viol Property	DATA NOT AVAILABLE			0	0	0
Prob viol: NS Property	130	20.9	226	280	387	465
NS: Property	258	10.9	234	290	401	481
NS: Assaultive	131	11.1	121	150	207	249
NS: Drugs	245	11.8	241	298	412	495
TOTALS			1,167	1,443	1,996	2,398
LESS CRC SLOTS			(300)	(400)	(750)	(1,000)
LESS 25% CSSP SLOTS			(82)	(130)	(190)	(250)
NET AVAILABLE ADP			785	913	1,056	1,148
Assume only 75% available			589	685	792	861

DOC:BBDFM
mplan\ctte\adpsav



THE WISCONSIN TAXPAYER

WISCONSIN TAXPAYERS ALLIANCE

335 WEST WILSON STREET
MADISON, WISCONSIN 53703
TELEPHONE: 1-608-255-4581

ADDRESS CORRECTION REQUESTED

YOUR WISCONSIN GOVERNMENT

Number 20--May 31, 1991

THE COSTS OF IMPRISONMENT

Governor Tommy G. Thompson has presented a 10-year plan for handling the increased number of persons convicted of crimes. The major part of the proposal is a prison building plan with construction costs of more than \$266 million. Not shown are the interest costs on funds borrowed to construct the facilities and the cost of operation of the facilities. Governor Thompson's proposal raises a basic policy issue: Are Wisconsin taxpayers willing to pay the substantial costs of continuing the state's policy of imprisonment of criminals, or should different, less costly methods be used?

The Problem

The table opposite shows the number of Wisconsin adults either in prison or on probation or parole from 1982 through 1991. The number of probationers and parolees has increased from 20,929 in 1982 to 31,934 in 1991, or 53%. The number of adults in prison has increased from 4,227 to 7,225, or 71%. More recent numbers for 1991 show the number of probationers and parolees at 34,000 and the number imprisoned at 7,400. The prison system is now operating at 34% over capacity.

One reason is the large increase in the number of offenders who are sent to prison on drug charges, such as illegal use or small quantity sales, but who have had no prior felony convictions. Between 1988 and 1989, the number of those types of offenders admitted nearly doubled. The legislature, reflecting public sentiment, has passed laws putting more offenders in prison and for longer terms. However, the future additional costs to the state, and ultimately to the taxpayers, are usually not considered.

Prison Costs

Construction. The table on the reverse side shows the number of beds and costs of construction for projects already authorized between July 1, 1989, and July 1, 1995, and those proposed in the governor's expansion plan. The state has authorized and has completed, or will complete, projects costing \$79.3 million by July 1, 1995, providing 1,569 additional beds. The governor proposes constructing facilities with 3,948 more beds at an estimated cost of \$266 million by the end of the 1995-97 biennium and an additional 580 more beds (without cost figures) in 1997-99.

Debt Costs. The interest paid on the \$266 million borrowed could be 60% or more of that amount, depending upon the interest rate and the term of the debt.

WISCONSIN ADULTS IN PRISON OR
ON PROBATION OR PAROLE
1982 Through 1991

Year Ending June 30:	Probation & Parole		Prison	
	Number	% Inc.	Number	% Inc.
1982	20,929	- %	4,227	- %
1983	21,412	2.3	4,629	9.5
1984	22,608	5.6	4,742	2.4
1985	23,658	4.6	4,877	2.8
1986	24,096	1.9	5,423	11.2
1987	25,192	4.5	5,572	2.7
1988	26,115	3.7	5,937	6.6
1989	26,829	2.7	6,165	3.8
1990	30,124	12.2	6,586	6.8
1991 (est.)	31,934	6.0	7,225	9.7
% Inc. 1982-91		52.6%		70.9%

Note: Numbers are daily averages for each year.

Source: Legislative Fiscal Bureau.

Operational Costs. Also not listed in the 10-year plan are the annual costs for operation of the institutions. In fiscal 1988-89, the Wisconsin Department of Corrections (DOC) had 4,113 positions costing \$197 million in general purpose revenues. The average cost per prisoner of all correctional institutions, excluding the costs of central administration, was \$19,597. At the Columbia Correctional Institution, a maximum-security institution that has a rated capacity of 450 and opened in 1986, the annual cost per prisoner was \$28,199, or \$77 per day. The total cost of operation of that facility is \$12.7 million annually. As an example of future operating costs, one of the proposals in the governor's program for 1993-95 is a 1,500-bed medium-security facility costing \$88 million, or \$58,667 per bed. If the annual operating cost per prisoner is \$20,000, the total cost of running that institution would be \$30 million annually.

Other Options

The state has recognized that there are cases where convicted felons can be supervised without being sent to prison (probation) or can be released before their sentences are completed (parole). The 563 probation and parole agents have an average caseload of about 57 offenders. The average annual cost per offender for this type of supervision is about \$1,300. On previous occasions of prison overcrowding, prisoners who were close to their mandatory parole date were released early and put under intensive supervision. In 1989, 156 prisoners received this special supervision. Six percent of the adult male prisoners and 19% of the female prisoners received their first release under this program.

Another method of supervision is to use electronic monitoring devices to keep track of released felons who are to stay in a designated area, such as a residence. The governor's plan recommends expansion of this program to 1,000 offenders by fiscal 1997.

Legislative Reaction

Assembly Speaker Walter Kunicki (D), Milwaukee, has appointed a Corrections Systems Review Panel to examine the governor's proposal and to see if there are any alternatives to a huge prison construction program. In its research, the panel reviewed the experiences of other states. Minnesota, which has a higher urban violent crime rate and a higher statewide crime rate than Wisconsin, has only 74 offenders in prison per 100,000 population, compared to Wisconsin's rate of 144 offenders in prison per 100,000 population. During the next 4 years, Minnesota will add one prison. A decade ago, Minnesota initiated a policy to limit prison sentences to persons committing assaultive crimes, i.e., murder, rape and assault. As a result, Minnesota's incarceration rate for men is about half and for women, a third of the Wisconsin rate.

Committee Alternative. The panel is looking at an alternative prison sentence called "intermediate sanction." This program includes: a short period in a jail, prison, work camp or 24-hour residential facility; electronic monitoring; intensive community supervision; drug and alcohol treatment; mental health services; emergency treatment program; community service; and restitution. Since the program would require more intensive supervision by an agent than normal probation or parole, the caseload per agent would be lower. However, the cost would be less than one-half of the cost in a prison. Offenders selected for this program would be: those with relatively short sentences (36 months or less) or rated as low risk by DOC; those who would be subject to revocation of parole or probation, but could remain in the community if under close supervision; and prisoners who could not be released because of poor living conditions or lack of employment skills or of access to drug treatment.

Conclusion

For the short term, the state will have to construct new prisons to relieve present overcrowding but, for the long term, a basic decision will have to be made. In making that decision, taxpayers should be informed of the *total* future costs of building more prisons.

PRISON EXPANSION AUTHORIZED AND PROPOSED 1989-91 Through 1997-99

Biennium	Number of Beds	Construction Cost (millions)
Authorized		
1989-91	689	\$ 14.5
1991-93	710	53.1
1993-95	170	11.7
Total	1,569	\$ 79.3
Proposed		
1991-93	1,268	\$ 66.2
1993-95	1,800	100.0
1995-97	880	100.0
1997-99	580	NA
Total	4,528	NA

Sources: Legislative Fiscal Bureau; and Governor Tommy G. Thompson and Wisconsin Department of Corrections, "Correctional System Expansion Plan," 1991.

Appendix 6

THE LESSONS LEARNED IN MICHIGAN FROM THE EFFORT TO BUILD PRISONS WITHOUT A SYSTEM FOR CONTROLLING POPULATION GROWTH

The State of Michigan spent \$900 million dollars in prison construction from 1985 until 1990, added almost 11,000 prison beds, and ended up in 1990 with a significantly higher amount of overcrowding than existed before construction started.

Senator Jack Welbourne, the principal architect of the Michigan prison construction plan, indicates that attempting to solve the problem by building was a bad mistake. He continually emphasized that Wisconsin is fortunate in being able to deal with the problem before rather than after the mistakes are made.

Michigan has decided to move toward a State-County Community Based Corrections Program. The Michigan experience with prison construction and the development of an alternative approach have lessons of importance for Wisconsin.

Appendix 6-A

SUMMARY: MICHIGAN'S USE OF COUNTY JAILS FOR STATE PRISONERS

1. Michigan had constructed many additional prison beds during the 1980s, yet was still faced with crowding and projected increases in prison populations. Between 1984 and 1988, the largest growth in prison admissions was for offenders with relatively short sentences.
2. In 1990, 75% of Michigan's prison population was minimum or medium security. But these 22,218 inmates were 4,527 (25%) more than Michigan's 17,691 minimum/medium capacity.
3. In 1990, Michigan's jail population of 11,092 was at 95% of capacity. An analysis of the security levels of the county jail population identified the following differences between capacity levels and population levels by security ratings:

	Population	Capacity	Difference
Maximum	987	11,107	10,120
Medium	4,055	0	(4,055)
Medium, Pre-Sentence	2,266	0	(2,266)
Minimum	3,785	616	(3,169)
Total	11,092	11,723	631

4. The jail analysis also found:

- 17% of the jail population were minimum security misdemeanants.
- 25% of Michigan's prison admissions were offenders with short sentences (minimums of 0-12 months)
- 28% of Michigan's prison admissions were offenders with moderate sentences (minimums of 13-24 months).
- 91% of county jail prisoners were being housed in higher than required security beds.
- 31 of 83 counties were already participating in county jail reimbursement programs (\$35/day from the state).

5. Michigan's 1991 Legislature is considering a comprehensive community corrections program:

Provides for construction of community corrections complexes:

Adds 4,800 minimum security beds to be used for jail inmates who would otherwise be in maximum security jail cells. This allows the maximum security jail cells to be freed up for DOC offenders.

- 2,640 minimum security jail work camp beds
- 2,160 probation residential beds for alternatives to revocation and substance abusers

Reimburses counties for cost of construction

- 100% for projects authorized in first year
- 50% for projects authorized in second year
- State provides bonding authority if requested

State and counties enter long term contracts

State pays different per diems to counties for state inmates

- \$25 for previously sentenced short term inmates
- \$40 for medium term inmates
- \$45 for longer term inmates if 5% or less of county's short term felons are sentenced to state prison.

Provides state funding for county planned and based programs:

- Intensive probation staff
- Community Service Work programs
- Substance Abuse Outpatient
- Education programs

6. Fiscal Impact

Michigan estimates that it will save \$64 million in FY 1991 compared to what it would have cost to build and operate the beds as state institutions.

- Saves \$154 million for Division of Adult Institutions
- County prisoner payments of \$71 million
- Other county funding of \$21 million
- Other programs and bond payments of \$21 million

7. Program Impact

- Provides funding for stronger community-based programs
- Diverts lower risk, short term offenders from state prison to their counties on a length of sentence priority basis.
- Provides an optional program to divert state prisoners with longer sentences.

Appendix 6-B

NOTES ON THE PRESENTATION BY SENATOR BOB WELBOURNE AND FISCAL ANALYST BILL BURGHARDT OF MICHIGAN

Michigan went from 15,000 inmates in 1980 to 33,274 in 1994 (which also includes halfway house populations). The contributing factors to this increase included:

- Tougher laws passed by the Legislature during this time. While the Legislature tried to keep the tougher laws "bed neutral", they always underestimated.

- The large increase in drug use and sales also added to the prison population.

- During the 1980's Michigan ended its early release program in reaction to an early release offender killing a police officer.

- Finally, sentence lengths increased during this time from 3.5 years minimum to 4.5 years minimum. While the Michigan Supreme court issued sentencing guidelines, the judge can override with an explanation on the record.

Michigan entered a massive building program during the 1980s. In addition to the above factors, Michigan's Department of Corrections had a number of obligations resulting from Federal Court litigation. The 1981 prison riots initially reduced the number of available cells and resulted in court orders for a number of programs and reduced crowding. There were also federal court orders regarding improved program and space capacity for female prisoners. Finally, the Department was under numerous obligations to provide basic mental health services. The Department currently pays \$10,000 per day in contempt penalties for not complying with the federal court obligations for mental health.

Michigan's DOC budget grew from \$175 million in 1980 (1980 dollars) to \$880 million in 1990 (1990 dollars). DOC has 1/4 of all state employees. Double bunking continues to prevail despite the building efforts.

Michigan began its boot camp program in 1988 as a court diversion program. It costs \$7,000 per inmate for a 3 month program (\$28,000 per "slot" annually) compared to an annual cost of \$26,000 per regular inmate annually. It is a volunteer program.

The critical component for Boot Camp is having intensive, high quality aftercare.

Michigan hopes to expand Boot Camp to serve older inmates as well as women.

Michigan is also considering making Boot Camp available as a placement following regular assessment and evaluation.

Michigan has 2300 offenders on a tether program (electric monitoring). It is careful to note that tethers are not for everyone. Michigan will expand this to 4100 offenders in the next budget.

Michigan began a Community Corrections program in 1988. Counties participate either individually or in multi-county cooperatives. As a result of both a carrot and stick approach, 78 of the 83 Michigan counties are involved. The Community Corrections program provides state funds to develop programs for offenders at a local level. Many of the minimum security offenders are working out community service obligations through these programs.

Michigan experienced a large increase in technical parole violators. These offenders are continuing to be revoked to state prisons, but the Legislature is now considering an option whereby they could be revoked to county jail placements.

Michigan is trying to substantially increase the coordination of state and county facilities. After doing a risk analysis of county jails and county jail inmates, Michigan discovered that the large majority of county jail cells were rated at maximum security while only a small number of county jail cells were rated at maximum risk. The Legislature is in the final stages of passing legislation which would substantially expand a program of "renting" county jail space for offenders who are currently in state custody. The county would "win" by receiving revenue and the state would "win" by avoiding construction costs. To the extent the offender would be closer to the city he/she would be released, this would also assist in this transition.

Michigan's probation and parole caseloads now average 120 clients. The Legislature recognizes the need to reduce these caseloads. Whatever can be saved per prisoner via the boot Camp approach will hopefully be invested in additional probation and parole resources to reduce caseloads.

The Michigan Legislature went through a period of escalating the sentences available for crimes. For example, simple Breaking and Entering went from being a misdemeanor to becoming a felony punishable by a minimum 5 year sentence.

Michigan also recognizes that it currently has a horrendous record of juvenile delinquents escalating into the adult corrections system. (Age of majority of 17.) There are a lot of cracks in the system which the Legislature believes should be filled, but the costs of construction for adults precludes the development of programs for juveniles.

Michigan will continue to develop alternatives and diversions for adult offenders. In doing so, it needs to recognize the uniqueness of what each type of program can and cannot do. In order for these programs to work, it will be critical to match the correct programs with the best target group and not assume that the same things will work for everyone.

Bill Burghardt, Michigan Senate Fiscal and Policy Analyst

When considering construction, it is important to realize that, over the 50 year lifetime of a prison, for every \$1 spent on construction, there will be \$60 in operating costs. Therefore, construction now, will constrain budgets for both corrections as well as schools, health, roads, etc. for the next several generations of state and local government.

In 1986, Michigan asked the National Council on Crime and Delinquency to assist it in developing a sophisticated projection of adult prison populations. This model uses an on-going system taking into account admissions, lengths of sentences, lengths of stays, at risk populations.

While Michigan's rate of prison incarceration per 100,000 is twice the U.S. average, Wisconsin is currently at half the U.S. rate. To the extent that incarceration rates depend on crime and arrest rates, it is not clear how Wisconsin and Michigan compare once these factors are taken into consideration.

In 1988, Michigan passed Community Corrections Legislation which encouraged counties to develop corrections programs at the local level. In 1989, there was a decrease in admissions to the state prisons and in 1990, the number of admissions continued to decrease. Local advisory boards must include judges, sheriffs, probation agents, etc. As a result of these local boards, it appears that judges are looking at the alternatives more often and more thoroughly in sentencing. This has led to more persons being sentenced to local alternatives.

Lower probation and parole caseloads led to more technical violations of probation or parole. This, in turn, could lead to increased rates of revocations to prisons unless there would be a development of "technical violation centers" where the offender could get drug counseling and other services.

In 1986, there were 55 prison admission for drug offenses. By 1990, this increased to 2782 admissions for the same offenses. As a result of Michigan's drug legislation requiring life sentences for certain drug offenses, there are now 3000 Michigan inmates with life sentences = 10% of all inmates. When Michigan's Legislature passed this life sentence bill, it had no idea of its effect on the prison population.

Detroit accounts for 35% of Michigan's prison population. The crowding in Wayne County jail means there are almost no local options and therefore more offenders (for similar type offenses) come from Detroit than they would from other counties with either jail space or programs.

Michigan's major growth in number of admissions is from offenders with relatively short sentences of up to 4 or 5 years. Michigan has regional facilities which each contain maximum, medium and minimum security beds. Michigan's primary shortage is in the area of medium security beds.

During the mid-1980's, the ideal prison size from a program and outcome perspective was 500 beds. In 1991, the emphasis has turned toward economies of scale and prisons are now being built in the 700-800 range. Even though not statutorily required, Michigan's DOC developed the regional prisons so that the inmate could be in his/her home region. By the end of construction, there will be 17,000 beds in regional prisons plus two maximum security 400 bed prisons.

Even when all construction is completed in 1993, Michigan's system will be further over capacity (more crowded) than when construction began.

Michigan is finding success in community-based sanctions. As a result of the apparent success of community based sanction programs, judges appear to be moving toward the lower end of the sentencing guidelines so that they can sentence the offender to the local community corrections rather than prison.

Michigan began the process of working with local officials in 1986. Public acceptance of the local options appears to require that the offender participate in a work program such as clearing brush for the community. The public believes that offenders are being held more accountable if they are required to this type of work.

The local community corrections programs are funded with \$25 million administered by the DOC office of Community Corrections. The Community Corrections budget began at \$8 million a few years ago. Counties are required to complete a study of the type of offenders and offender characteristics as part of the plan that is submitted to the state. The local Advisory Board must also evaluate the local programs on a regular basis.

Michigan's Tethering (electronic monitoring) program is offered by DOC to the county for county clients. The normal rates are \$7.50 per day for full service (equipment plus agents to go to the offenders home for check-ups and pick-ups) or \$5 per day for equipment only. If the county participates in the Community

Corrections program, the rates are \$5.00 and \$3.50. Michigan experiences a new felony arrest rate of less than 0.5% for offenders on tether and a very low absconding rate. Offenders are charged a daily fee for the tether. If they are unemployed or low income and not able to afford the fee, they are allowed to provide community service to pay the fee. After accounting for collections of fees, tethering's net costs are \$2,000 annually.

Tethering is sometimes used for offenders in half way houses to reinforce staff supervision and reduce probabilities of trying to leave. After their 60 days in Boot Camp, some graduates are placed in a Phase II transition period with a tether.

In developing the Community Corrections legislation and funding options, DOC worked closely with the sheriffs associations and judges. One of the options developed at the local level are probation residential centers.

Michigan will serve 480 offenders this year in its boot camps (120 per quarter in a 3 month program). They will double the capacity next year. The critical component of boot camp is not necessarily what occurs during the 90 days, but whether there is a high quality, intensive aftercare program immediately following the release. Without this level of aftercare program, it will probably be a waste of money. DOC in Michigan anticipate providing boot camp options for females and older inmates.

SENATE PROPOSAL FOR A COMPREHENSIVE STATE/COUNTY COMMUNITY-BASED CORRECTIONS PROGRAM

Overview

Record level overcrowding in the State's prison system and the need for 31 counties on 157 occasions to release county jail prisoners early under the provisions of the Jail Emergency Powers Act serve to underscore the need for a "new coordinated approach" to deal with corrections programs in the State of Michigan. Despite the State's \$900 million prison construction program, which has added 10,808 permanent and temporary prison beds since 1985, the Michigan Department of Corrections (MDOC) was 4,500 Bureau of Correctional Facilities (BCF) prisoners over the rated capacity of its facilities on February 9, 1990. The present level of prison overcrowding is 180% higher than it was before the State embarked on the current construction program in 1985.

Figure 1

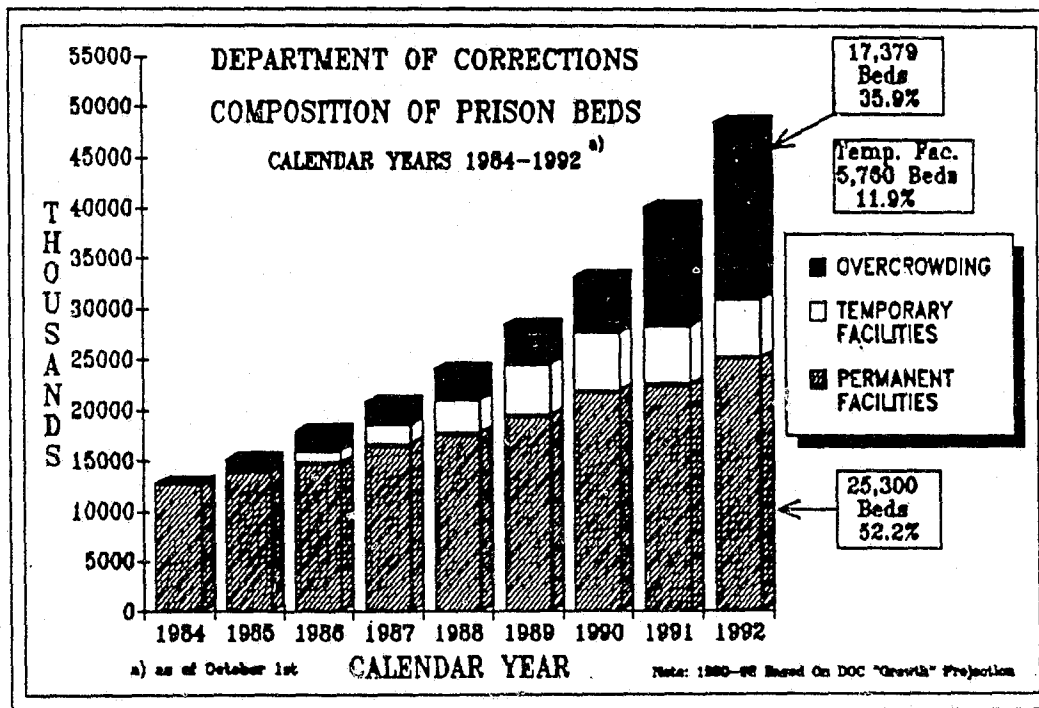


Figure 1 highlights both the trend in total prison population growth and the growth in prison overcrowding since 1984. Based on current prison commitment trends the MDOC is projecting that by October 1, 1992, the State prison system will be 17,379

BCF prisoners or 35.9% over rated bed capacity¹. This analysis understates the total problem because in addition to the 17,379 "temporary overcrowding" prisoners, another 5,760 prisoners are being housed in "temporary" facilities. In summary, by October 1, 1992, the State will have 23,139 (47.8%) of its total 48,439 BCF prisoners in temporary overcrowding and temporary construction beds.

Figure 2

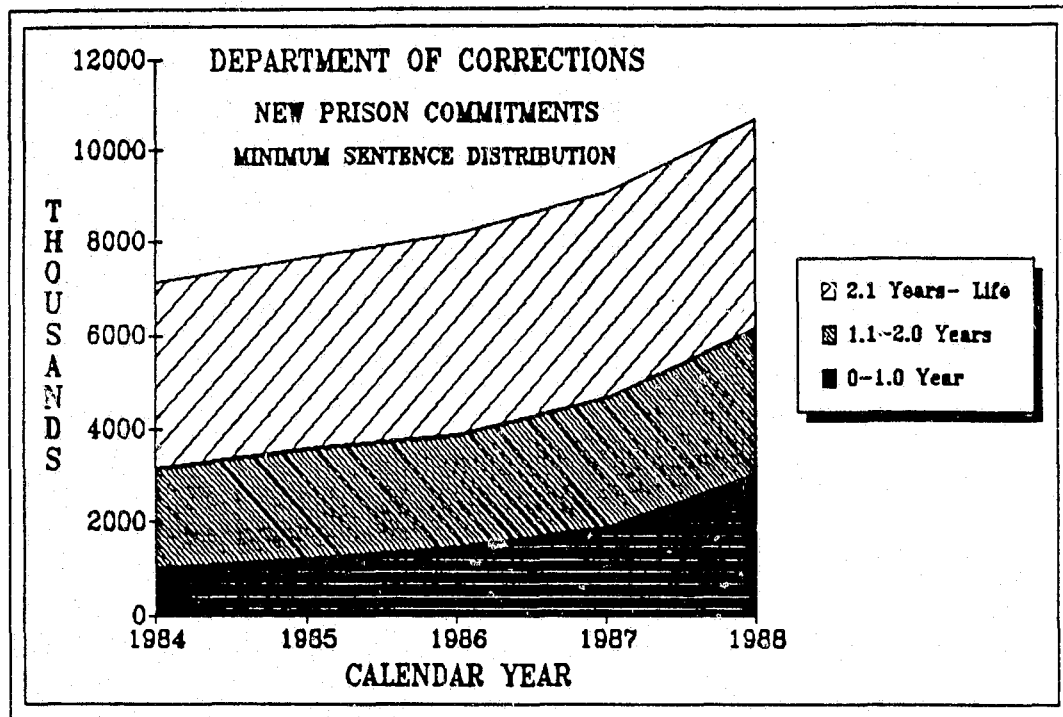
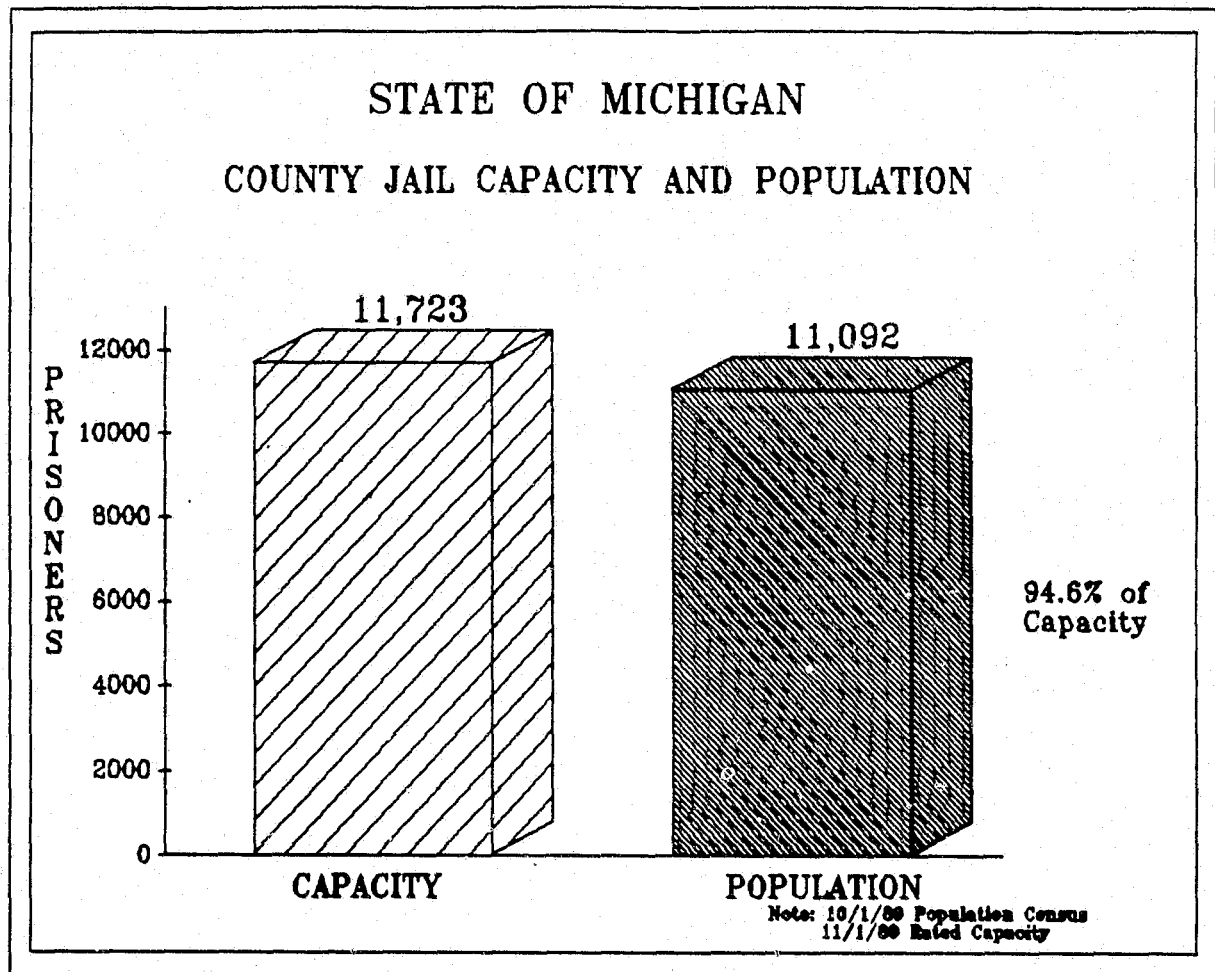


Figure 2 summarizes the trends in prison commitments with 0-12 month, 13-24 month and over 24 month minimum sentences for the period 1984-1988. Figure 2 highlights the fact that the number of prisoners sentenced for over 24 months has remained relatively constant over the five year period. Growth in the 0-12 month group and to a lesser extent in the 13-24 month group therefore has been primarily responsible for the record number of prison commitments each year since the mid-1980s. While only preliminary numbers are available for 1989, it appears that felons with 0-24 month minimum sentences will comprise 53%-57% of the total prison commitments for 1989. While the 13-24 month group is legally the responsibility of the State, the 0-12 month group is the responsibility of counties. The question that needs to be asked is what factors at the county level are contributing to the growth in the 0-12 month prison commitment group at the State level.

¹ The projected MDOC prison population is based on the MDOC's October 30, 1989 "sum of components" prison population scenario.

Figure 3 highlights the population (as of October 1, 1989) and capacity (as of November 1, 1989) of county jails in Michigan based on data supplied by the Michigan Sheriffs Association.

Figure 3



Based on this data, Michigan's county jails were on average operating at 94.6% of capacity. Of the total jails, however, 30% were operating at between 100% and 125% of capacity, while six facilities were operating over 125% of rated capacity. Grouping Michigan's counties as metropolitan, urban or rural based on general population, criminal justice factors, etc., yields the following aggregated jail data by county class:

Table I
Michigan County Jail Data

County Class	Capacity ^a		Population ^b		Capacity - Population	Bed Utility Percent
	Number	%	Number	%		
Metropolitan	4,648	39.6	4,169	37.6	479	89.7
Urban	4,079	34.8	4,198	37.8	(119)	102.9
Rural	2,996	25.6	2,725	24.6	271	91.0
	<u>11,723</u>	<u>100%</u>	<u>11,092</u>	<u>100%</u>	<u>631</u>	<u>94.6%</u>

a) Capacity as of November 1, 1989
b) Population as of October 1, 1989

No attempt was made at this time to identify those counties of one classification that rent beds in counties of a different classification to house their prisoners. For example, Kent County (urban) rents bed space from rural counties.

Further, no attempt was made to adjust for the number of State prisoners being housed in county jails as part of the State's Jail Reimbursement Program. For the month of September 1989 an average of 169 State prisoners were being housed in county jails under the provisions of the County Jail Reimbursement Program. Distribution of the State prisoners according to the three county classifications discussed earlier reveals that 58 (34.3%) were housed in metropolitan, 58 (34.3%) urban, and 53 (31.4%) rural. The 169 State prisoners occupied 1.4% of the total jail capacity during September 1989.

At first glance, the county jail system in Michigan appears to have been operating within 6% capacity for the October/November 1989 period. Closer examination of individual county data, however, reveals that 31 counties (38%) have had to release county prisoners early on a total of 157 occasions under provisions of the county jail Emergency Powers Act (P.A. 325 of 1982). Of those counties forced to utilize the jail EPA, 16 were rural, 13 urban, and two metropolitan.

While the county jail system is, on average, operating close to design capacity, the question of whether county prisoners are screened for security classification and then housed in the appropriate security level bed has not been addressed to date.

With regard to county jail prisoner security classification systems, as of February 1990 only 10-12 counties in Michigan have adopted such a prisoner security classification system in their county jails. While several jail classification instruments have been developed in the country, one developed in Michigan has been nationally recognized: the joint project between Community Justice Alternatives (CJA) of

Traverse City and MDOC. The CJA/MDOC instrument provides for the classification of county prisoners into four groups: maximum, medium, medium - pre sentence, and minimum. Within the minimum classification group there are three subgroups - low medium, low, and very low. Examination of the prisoner classification distributions for those counties that have implemented the security instrument reveals the following average distribution:

Table II
Distribution of County Prisoners By Security Classification
And County Class (Percent)

Class	Max.	Med.	Med. Pre-Sentence	Min.	Components of Min.		
					Low Med.	Low	Very Low
Metropolitan	14.0	42.0	23.0	21.0	4.0	8.5	8.5
Urban	7.0	38.0	24.0	31.0	15.0	15.0	14.0
Rural	4.0	26.0	11.0	59.0	3.0	23.8	32.3

Figure 4 presents the distribution of the county jail population as of October 1, 1990, based on the three county classes and the average security distribution percentages presented in Table II.

Figure 4

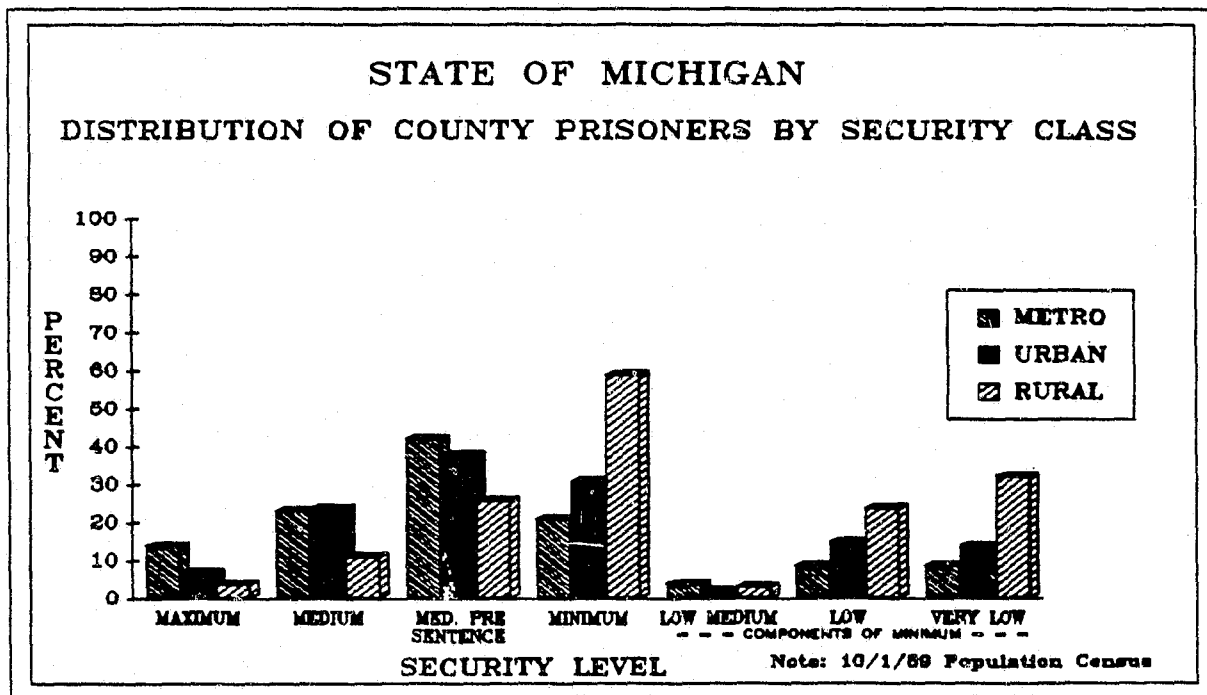


Figure 4 highlights that on October 1, 1989, approximately 987 (8.9%) county jail prisoners would have been classified maximum, 4,055 (36.6%) medium, 2,266 (20.4%) medium - pre sentence, and 3,785 (34.1%) minimum. By comparison, 11,107 (94.7%) of the total 11,723 county jail beds are classified maximum with only 616 (5.3%) beds classified minimum security. This preliminary analysis indicates that over 91% of the 11,092 county jail prisoners were being housed in higher security beds than is indicated by the prisoner security classification profile. Housing low security prisoners in high security beds, costs county taxpayers hundreds of thousands of dollars annually and contributes to both jail and State prison overcrowding.

Given current jail bed utilization practices, jail capacity limitations, and increased use of the jail EPA to control overcrowding, the number of felons with 0-12 month sentences being committed to State prison will likely continue to increase. Furthermore, the number of 0-12 month prisoners will most likely continue to increase relative to the over 24 month group in the near future. Continued growth in the number of felons in the 0-12 month group at the State level will exacerbate the MDOC's inability to process, conduct prisoner assessment, provide programming and counseling services and properly house the growing number of prisoners committed. This situation will especially be a problem for the 0-12 month prisoner group, because the majority of these prisoners are classified minimum security and, as a result of their short sentences, are returned to their home communities very quickly.

Herein lies the major policy dilemma facing the State of Michigan. Because of jail overcrowding, an increasing number of counties are being forced to send a growing number of short-term sentenced felons to the State prison system, while the State prison system because of severe overcrowding is being forced to process the short-term felons into the State system and within a few short months return them to the communities from which they came. This would appear to be a "no win" situation for both the State and counties with regard to both criminal justice programming and expenditures.

Many policy and fiscal questions need to be addressed regarding short term felons being sentenced to State prison: Does the felon serve the length and type of sentence the judge ordered; if felon-incapacitation is the goal, would society be better the prisoner or his/her full sentence in county jail rather than in the State system where the individual is returned to the community within a few months; and if the felon requires some form of counseling, is it possible for him or her to receive the required counseling during such a short State prison term? Finally, do the State and counties utilize their limited corrections dollars efficiently and effectively when dealing with short-term felons in this manner? The answer to the last question appears to be no -- and as a result, both the State and counties are expending limited resources without achieving the desired result.

Proposal

Background

The Senate's Comprehensive Community Corrections Program is designed to be a "win-win" program for both the State of Michigan and the State's counties. A "win" program for the State because it is designed to divert felons being sent to the State prison system based on a length of sentence priority basis. For example, the program first would divert felons with sentences of 0-12 months, then 13-24 months and finally, felons with sentences over 24 months, if excess maximum security jail beds are available for rent and if the appropriate security level felons could be identified based on the MDOC's security classification system for incarceration at the county level.

The Senate recognizes that for any diversion program to work, counties need to work closely with district and circuit court judges so as to maximize the trust judges have in the continuum of local punishment programs. Without the strong support of judges, no change in commitment patterns is possible. The forum for open and on-going communications, review of the impact that community-based programs have on offenders, and the specification of judicial need should go through the Local Community Corrections Advisory Boards. To the extent that district and circuit judges are active on the Community Corrections Boards, their trust and "comfort level" with intermediate sanctions should be increased.

A "win" program for counties because the Senate's Comprehensive Community Corrections Program would provide program funding for the development and integration of community-based correctional programs and capital outlay funding for the construction of more cost-effective housing for minimum security felony offenders. The program is designed to provide economic incentives to encourage counties to expedite a programmatic and fiscal assessment of existing county corrections programs, especially with regard to the county jail for the purpose of identifying possible new program initiatives, including but not limited to such programs as pre trial release, electronic tether and minimum security work camp programs. Further, the program is designed to encourage county officials to work closely with sentencing judges to maximize the use of appropriate cost effective community corrections programs.

The Senate's Comprehensive Community Corrections Program and micro computer community corrections policy analysis model are designed to assist counties with the identification, implementation and operation of a mid-range of sanctions for convicted offenders that emphasize public safety, and efficient and cost-effective housing for non violent felony offenders while recognizing the need for local officials to maintain responsibility and control over community corrections programs. In order to expedite the planning process and not to duplicate efforts that communities may be currently

undertaking as part of their comprehensive plan through P.A. 511 of 1989, the Senate proposal would be coordinated through the Office of Community Corrections (OCC). In addition, the Senate program is designed to encourage individual counties to form multi-jurisdictional working agreements with neighboring counties to take advantage of economies-of-scale regarding administration and delivery of community-based programs.

The cornerstone of the Senate proposal is a long-term agreement between the State of Michigan and counties to provide for the efficient and effective administration of correctional programs for felony offenders in the community. Under the agreement, the State would provide direct funding for the construction cost or annual debt reimbursement payments to counties for county funding of 15 Community Corrections Complexes designed to provide up to 320 minimum security beds, along with program, counseling and administration office space. For Community Corrections Complexes authorized for construction by OCC during FY 1990-91 the State will provide 100% funding. The State's contribution toward construction of the Community Corrections Complexes would decline to 50% for projects authorized during FY 1991-92, with no State construction assistance beyond FY 1991-92. The term of the agreement between the State and counties will be coordinated with the amortization period of the bonds used to finance the facility, which is typically 15 to 20 years.

County responsibility under the State/county agreement would encourage housing felons at the local level with minimum sentencing guidelines scores of 0-12 and 0-24-months. Obviously, any agreement entered into by counties with the State will be contingent on the full cooperation of sentencing judges and predicated on the Judiciary's full participation in the local community corrections process.

State Reimbursement Program For Diverting Felons

The State would reimburse counties for the care and housing of diverted felons based on the schedule set forth in Table III.

Table III

State Per Diem Reimbursement Rates to Counties
for Housing Diverted Felons

	<u>FY 90-91</u>	<u>FY 91-92</u>
0-12 Months	\$20.00	0
13-24 Months	\$40.00	\$40.00*
Over 24 Months	\$45.00	\$45.00*

a) Future per diem rates may be adjusted for cost increases in subsequent Department of Corrections appropriations bills.

For felons serving sentences of 0-12 months who are transferred from State prison to county facilities, counties would qualify for a \$20 per diem reimbursement for the remaining term of their State prison sentence. The \$20 per diem reimbursement rate is intended to assist counties cover the marginal operating cost associated with housing the felon in the appropriate county facility.

Counties would be reimbursed \$40 per diem for diverting felons who were previously sentenced for 13-24 months in State prison. In addition, for felons who were sentenced according to sentencing guidelines to 13-24 months in the county facility counties would be reimbursed at the rate of \$40 per diem by the State.

Finally, counties would be reimbursed \$45 per diem for housing felons sentenced to State prison with sentences over 24 months if the following conditions were met:

- Counties were within compliance with regard to housing 0-12 month and 13-24 month felons according to the terms of the agreement.
- County facilities had maximum security beds available above a minimum utilization reserve of 10% of the facility's rated capacity to meet day-to-day county housing requirements. In addition, counties would have to be in a position to contract available maximum security beds to the State for a minimum of 90 days and in blocks of five beds.

Community Corrections Complex

Each Community Corrections Complex would be designed to serve as the "hub" for the efficient delivery and integration of State and local community-based corrections programs. Each 320-bed facility would be built with barracks style housing to provide beds and programming space for a core set of corrections programs as set

provide beds and programming space for a core set of corrections programs as set forth in Table IV.

Table IV
Community Corrections Complex Programs

	Number Of <u>Beds</u>	Percent Of <u>Total</u>	Source Of Operating <u>Funds</u>	Program <u>Admin.</u>
Minimum Security Work	176	55%	County ¹	County
Special Alternative Incarceration Phase II (SAI - II)	48	15%	State	State ⁴
Probation Residential	196	35%	State	State ⁴
Community Electronic Tether .	NA	NA	County ²	County
Probation Officer Office	NA	NA	State	State
Substance Abuse Counseling . .	NA	NA	State ³	Contract ⁵
Education Programs	NA	NA	County/State ³	Contract ⁵
Other Counseling Programs . .	<u>NA</u>	<u>NA</u>	County/State ³	Contract ⁵
TOTAL	320	100%		

1. For diverting felons from the State prison system counties would receive State reimbursement that could be used to operate this program.
2. Counties would be encouraged to collect reimbursement from offenders and possible economic incentives from the State.
3. These programs be coordinated through the Office of Community Corrections (OCC) as part of the county's comprehensive plan and might qualify for funding through the OCC agency and other State and local programs.
4. The State would contract with counties or non-profit organizations to administer these programs under the policy guidelines established by the State.
5. These programs could be county administered or contracted out to qualified organizations.

Under terms of the State/county agreement, the State would provide direct construction funding not to exceed \$6.0 million per facility for counties that do not have access to municipal bonding authorities, or annual debt retirement payments to counties that utilized local building authority financing for the construction of the 320-bed facilities and necessary support structures. The Community Corrections Complexes would be the property of the counties. As part of the counties' responsibility under the construction portion of the long term agreement, counties will provide a suitable building site and necessary utilities services to the building site. To expedite the planning cycle the State would develop prototype facility plans detailing at least two different sized facilities in order to accommodate regional demand differences for bed space.

With regard to program administration, counties would have full responsibility for the administration, operation and funding of the Minimum Security Work Program

component. The State would be responsible for developing program statements and providing funding for the SAI-II program and Probation Residential Programs. The Probation Residential Program component is intended to serve the same program functions as existing contracted beds through the OCC's Probation Residential Program along with providing minimum security beds for probation violators. Providing beds for probation violators is intended to serve as an alternative intermediate sanction to the current practice of sending probation violators to State prison. Under terms of the State/county agreement, counties would be encouraged to contract with the State for the administration and operation of the SAI-II and Probation Residential Programs.

The Community Corrections Complexes would also serve as the coordination center for the Community Electronic Tether Program. Office space would be provided for county staff responsible for tether program coordination, inventory control and servicing of the tether equipment, coordination of offender home visits, monitoring of breathelizer and controlled substance drug tests and absconder recovery functions.

Office space would be provided for State parole/probation staff to facilitate their offender case management responsibilities for the SAI-II Program and the SAI-III Intensive Probation Program as provided for in P.A. 303 and P.A. 304 of 1989.

Finally, the Community Corrections Complexes would be designed to provide an adequate number of meeting rooms to accommodate on-site group and one-on-one counseling sessions, education programming and other offender rehabilitation services. The State through OCC coordination and the communities' comprehensive plan would establish the type and scope of counseling programs such as education, substance abuse, and employment that would be provided through the community. Counties are encouraged to utilize the Community Corrections Complex facilities as the activity center for their community-based programs.

Fiscal Analysis

Assumptions

The Senate's Comprehensive Community Corrections Program is predicated on a number of key assumptions regarding implementation and utilization of community corrections programs and diversion of MDOC prisoners with 0-12-month, 13-24-month, and over 24 month sentences to county facilities. In addition, the computer model employs many key financial assumptions for conducting the State and county fiscal impact analysis. A brief discussion of the key program and financial assumptions will be presented, while Appendix Table I presents a complete list of the variables used in the Community Corrections Policy models variables and the baseline values used in the fiscal analysis.

For the purpose of this fiscal impact analysis, it is assumed that 100% county participation would be realized and that all 15 of the Community Corrections Complexes would be on-line as of October 1, 1990. While these assumptions are not realistic, taking this approach does, however, permit examination of the full impact of the Senate's Comprehensive Community Corrections Program in FY 1990-91. If the key assumptions were relaxed, either the level of county participation, or scheduled on-line dates for the Community Corrections Complexes would result in proportionally higher corrections expenditures for the State and reduced revenue to the counties.

Population Analysis

Based on 1989 MDOC prison commitment data, a total of 5,808 prisoners were sent to State prison with 0-24-month sentences². Of the 5,808 prisoners 2,739 (47.2%) were sentenced to 0-12 months and 3,069 (52.8%) to 13-24 months. Appendix Table II highlights that 2,623 of the 0-12-month group and 2,846 of the 13-24-month prisoners would be diverted. Further, of the total 2,623 diverted 0-12-month prisoners, 885 (33.7%) would serve their sentence in maximum security jail beds, 1,619 (61.7%) in the minimum security jail work camp program and 119 (4.5%) would be sent to the SAI program. For the 13-24-month group, 2,321 (75.6%) would serve their sentence at the county level in maximum security jail beds, while 525 would be sent to the SAI program.

Maximum security county jail beds would be made available to meet the needs of counties and to house diverted MDOC prisoners through the introduction or expansion of the following community corrections programs:

<u>Program</u>	<u>Number</u>
Minimum Security Work Camp	882
County Electronic Tether	2,631
Pre-Trial Release	289
Other Supervised Programs	<u>775</u>
TOTAL:	4,577

² Actual MDOC data for January - July 1989 were used to project total prisoners for 1989. When January - December data for 1989 are available, the model will be updated accordingly.

Counties through the use of a jail security classification instrument and the judicious use of the appropriate community corrections programs, have the potential (based on the baseline assumptions presented in Appendix Table I) to place 4,577 of their current low risk felony prisoners in cost effective community corrections programs.

In addition to the 5,469 0-24-month MDOC prisoners diverted to county facilities, Appendix Table I highlights by county, the diversion of an additional 1,345 MDOC prisoners with sentences over 24 months. These MDOC prisoners would be housed under contract as part of the \$45 per diem reimbursement program in maximum security county jail beds. In summary, a total of 6,814 low security classification MDOC prisoners would be contracted out by the State for housing in county facilities.

Appendix Table II presents a summary by county class of the revised county jail population and the number of total prisoners housed in maximum security jail beds, and community corrections programs. The Senate analysis reveals that after construction of 2,640 minimum security jail work camp beds, there would be 1,725 (12%) jail beds available to meet day-to-day county needs.

In addition to the 1,725 beds (1,284 maximum and 441 minimum) according to the Michigan Sheriffs' Association on November 1, 1989, counties had an additional 1,783 beds authorized for or under construction throughout the State. When these additional beds come on-line, counties will have a jail bed reserve capacity of over 20% both to meet future county demand and to contract for additional over 24-month MDOC prisoners.

Policy Impact

In order for the Senate's Comprehensive Community Corrections Program to be a true "win-win" strategy, both the State and counties must benefit. Public benefits from this proposal must include improved public safety, an increased number of cost-effective community-based correctional programs for use by judges and county officials and an easing of both jail and State prison overcrowding.

The Senate proposal, when fully implemented, would reduce the projected State prison population by 6,814 prisoners by October 1, 1991. Based on the Department of Corrections October 30, 1989, population report's "saturation scenario", the States' secure facilities or Bureau of Correctional Facilities (BCF) population will reach 39,040 prisoners on October 1, 1991. Based on a State prison system capacity of 28,386 beds on October 1, 1991, the State prison system would be 10,654 prisoners or 37.5% over capacity. If the 6,814 BCF prisoners were diverted to county facilities, the State system would be 3,840 prisoners or 13.5% over capacity. The 13.5% is well within the MDOC's stated 20% maximum acceptable overcrowding rule of thumb.

After implementation of the Senate proposal, county jail facilities that on November 1, 1989, were operating at 94.6% of capacity, and counties that as of March 5, 1990, have been forced to use the jail EPA a total of 157 times would be operating on average at 88% of capacity. In addition, statewide counties would have 1,725 maximum and minimum jail beds in reserve to meet day-to-day demand.

In addition to reducing both jail and prison overcrowding, county community corrections programs would be enhanced and integrated through the addition or expansion of the following programs:

- Minimum Security Work Camp
- Probation Residential Beds
- SAI - Phase II Probation Residential Beds
- SAI - Phase III Intensive Probation Services
- Pre-Trial Release Services
- Offender Recognizance Program
- Community Service Work
- Community Electronic Tether
- Improved Supervision of Substance Abusers
- Coordinated Counseling Programs

- Substance Abuse Counseling
- Educational Programs
- Employment Counseling
- Family and Financial Planning Counseling

These are just some of the programs that county officials could include in their community's comprehensive plan and coordinate the efficient delivery of through the Senate's Community Corrections Complex facilities.

Fiscal Impact

Based on the program and fiscal assumptions presented, the State would realize a net expenditure reduction in FY 1990-91 of \$64,640,000. For the same period, counties would experience a net revenue increase of \$16,400,000 above the cost of offering expanded community corrections programs. Appendix Table III presents a summary by county of the net cost or net revenue for each of the major community corrections programs contained in the Senate's Comprehensive Community Corrections Program. Table VI presents a summary of the county fiscal impact data presented in Appendix Table III summarized by county class. Under the Senate program, all of Michigan's counties would realize a net revenue inflow that based on the legislation would have to be used to supplement current county funding for correctional programs, public safety and road patrol programs.

Table VII presents a summary of the fiscal impact of the Senate's program on the State's Department of Corrections expenditures. The Senate's MDOC prisoner diversion program would result in a net expenditure reduction of \$83,200,000 in FY 1990-91. The various State program initiatives provided for in the Senate proposal would result in an expenditure increase of \$18,600,000, for a net savings of \$64,640,000 to the State in FY 1990-91. (See Table VII on page 16).

Table VI

FISCAL ANALYSIS OF THE COMPRESSIVE COMMUNITY CORRECTIONS PROGRAM

FISCAL SUMMARY OF COUNTY CORRECTIONS PROGRAMS

COUNTY	COUNTY CLASS	JAIL PROGRAMS	MIN. SEC. WORK PROG	SAI I	SAI II	COMMUNITY ELEC TETHER	OFFENDER RECOGN.	PROBATION RESID.	NET COST/ (SAVINGS) TO COUNTY
METROPOLITAN	M	(5,892,964)	8,016,275	888,536	(181,675)	25,131	15,948	(3,011,250)	(2,139,801)
URBAN.....	U	(10,037,709)	2,158,671	1,127,198	(53,325)	39,868	174,288	(1,549,425)	(8,140,451)
RURAL.....	R	(8,828,465)	1,412,859	250,866	(89,100)	33,671	287,077	(1,207,238)	(9,158,538)
TOTALS:		(22,758,838)	9,587,805	2,266,592	(324,000)	98,670	457,293	(5,767,913)	(18,438,590)

PERCENT DISTRIBUTION OF COUNTY CORRECTIONS PROGRAMS

COUNTY	COUNTY CLASS	JAIL PROGRAMS	MIN. SEC. WORK PROG	SAI I	SAI II	COMMUNITY ELEC TETHER	OFFENDER RECOGN.	PROBATION RESID.	NET COST/ (SAVINGS) TO COUNTY
METROPOLITAN	M	25.9%	82.7%	39.2%	58.0%	25.5%	3.5%	82.2%	13.0%
URBAN.....	U	44.1%	22.5%	49.7%	16.5%	40.4%	38.1%	26.9%	49.5%
RURAL.....	R	30.0%	14.7%	11.1%	27.5%	34.1%	58.4%	20.9%	37.5%
TOTALS:		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

As stated earlier, relaxing either or both of the two key assumptions - those being 100% county participation and having all 15 community corrections complexes on-line as of October 1, 1990 would result in reduced savings to the State and lost revenue to counties. Finally, fine tuning of the Comprehensive Community Corrections Program variables and refining individual county jail cost variables would result in further improvement to the county's net revenue forecast.

**Table VII
STATE FISCAL IMPACT STATEMENT**

STATE PRISONER DIVERSION	----- DOC BCF PRISONER DIVERSION -----			
	0-12 Mo.	13-24 Mo.	> 24 Mo	Total
DOC Operational Cost Reduction				
Metropolitan	50,848,508	28,036,630	3,394,500	81,479,638
Urban	8,388,977	30,147,039	6,110,100	36,257,139
Rural	1,008,651	6,220,623	20,932,750	28,169,824
Subtotal:	59,359,137	64,412,092	30,437,350	154,208,579
State Payments To Counties				
Metropolitan	6,457,872	10,000,149	2,443,750	27,009,771
Urban	883,417	19,449,783	4,434,750	24,687,870
Rural	65,074	4,060,337	15,193,125	19,276,536
Subtotal:	7,326,363	41,556,189	22,091,625	70,974,177
NET STATE PRISONER EXPENDITURE:	(52,032,773)	(22,855,984)	(8,345,725)	(83,234,482)

COUNTY CLASS	MIDLEVEL SECURITY WORK CAMP PROG.			
	Total Beds	Min. Sec Beds	SAI Phase II	Prob Res Beds
Metropolitan	2,490	1,480	404	807
Urban	790	435	119	237
Rural	1,320	726	198	396
Totals:	4,800	2,640	720	1,440
Annual Expenditures				
SBA Rent Pat	5,043,750	1,481,250	2,475,000	9,000,000
Oper. Expenditures				
-SAI Phase II	907,875	266,625	445,500	1,620,000
-Prob Residential	10,837,500	5,104,750	178,850	15,381,100
Totals:	15,989,125	6,912,625	3,099,350	26,001,100

***** FISCAL IMPACT SUMMARY FOR STATE *****

CATEGORY	Total	IMPACT ON STATE	
		BCF PRISON POPULATION	
Total BCF Cost Reduct:	154,208,579	2/23/90	29,476
Program Expenditures:		0-12 Mo.	(2,623)
- County Prisoner Pat.	70,974,177	13-24 Mo.	(2,846)
- Co. Elect. Tether	1,480,849	> 24 Mo.	(1,345)
- Co. SAI-Phase I	2,630,800	Revised Pop.	22,662
- Min Sec Work Camp:		NET CHANGE:	(6,814)
- Operations	17,000,100		
- Facility Payment	9,000,000		
Subtotal Prog. Expend:	100,086,206		
FY 1991 Governor Recm:			
- Co. SAI-Phase I	2,630,800		
- Prob. Residential	8,006,000		
Subtotal FY1991 Gov Rec:	11,517,600		
NET STATE EXPENDITURES:	(64,648,853)		
PERCENT CHANGE EXPEND:	(41.92)		

Other State Prog.	Metro.	Urban	Rural	Total
-Co. Tether	376,969	598,018	505,062	1,480,049
-Co. SAI-Phase I	1,202,485	432,999	995,396	2,630,800
Totals:	1,579,454	1,031,017	1,500,457	4,110,929

Summary

The Senate's Comprehensive Community Corrections Program has the requisite program components and integration of programs and services to result in a true "win-win" corrections strategy for Michigan in the 1990s.

The Senate proposal recognizes that each of Michigan's counties has different demands for correctional programs and services. As a result, the proposal provides counties with flexibility to design a unique community corrections program predicated on offering a "core" set of integrated programs. Counties and their local officials are encouraged to work with the Office of Community Corrections to design and fund the integrated programs and services that are both cost-efficient and effective in meeting each community's criminal justice priorities today and in the future.

-End-