

Wisconsin's Prison Population on the Rise

New figures from the state Department of Corrections show Wisconsin's adult prison population will reach a record 25,000 inmates by 2021. While inmate numbers aren't growing as fast as during the massive expansion of the 1990s, recent increases could require an additional \$149.4 million in state funds for the 2019-21 budget.

After a few years of decline, Wisconsin's prison population has started to climb again. New figures from the Department of Corrections (DOC) show the number of adults in state prisons reached a record 23,687 in 2017, up 2.3% from the previous year. The department's budget request for the next two years predicts those numbers will grow by another 5.7%, to more than 25,000 by 2021.

In part to accommodate this increasing population, the department is asking for an additional \$149.4 million in state general funding in the 2019-21 budget, which would raise DOC's total annual spending to \$1.37 billion by 2021. The request, which comes as Gov. Walker (R) has directed most agencies to submit zero-increase proposals, highlights Corrections' status as one of the largest and costliest programs in state government.

What's Driving the Increase?

Prison costs have been one of the fastest-growing segments of the state budget for the past three decades. A number of factors affect the inmate population, including the number of inmates entering the system (admissions) and leaving it (releases); sentence lengths imposed by judges; changes in criminal penalties by lawmakers; and the severity of offenses being committed that resulted in convictions.

As we noted in our April 2017 edition of *The Wisconsin Taxpayer*, this expansion has gone through four distinct phases, as shown in Figure 1. From 1990 to 1999, the prison population grew very rapidly as admissions outpaced releases. The inmate population increased from over 7,000 to more than 20,000, due in

part to tougher penalties requiring more prison time, longer sentences, and fewer early releases.

From 2000 to 2007, growth continued but at a slower rate. The state's "truth in sentencing" law took effect in 2000, largely replacing traditional parole with the current system of extended supervision.

From 2008 to 2012, despite fewer inmates being released, the inmate population declined due to a drop in admissions. Since 2013, admissions have once again started to outpace releases, resulting in renewed population growth.

The nature of prison admissions has shifted over the years. In 1990, one in five (21.9%) inmates was admitted to prison after revocation and without a new sentence; in 2017, that share accounted for 36.5% of admissions. Meanwhile,

inmates entering prison with a new sentence decreased from 46.6% to 29.9% and inmates admitted to prison after revocation with a new sentence dropped from 27.4% to 23.3% in the same period.

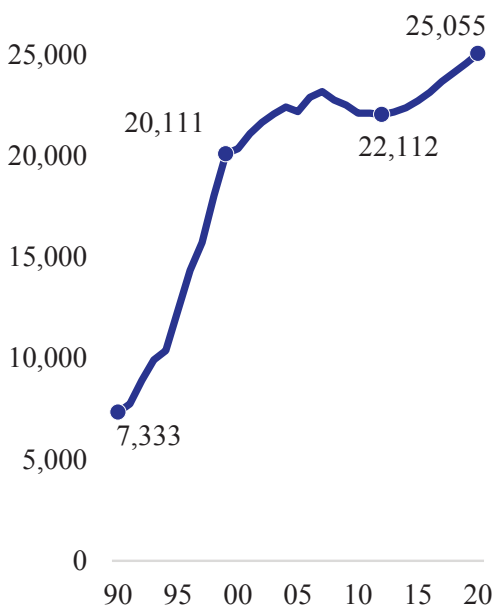
As we suggested last year, the trend in revocations may be due in part to the "truth in sentencing" (TIS) law. For offenses that occurred prior to 2000, inmates are generally eligible for discretionary release on parole after serving 25% of their sentence, and, barring any misconduct in prison, are typically required to be released after serving two-thirds of that sentence. Thus, an inmate sentenced to 12 years under the old law was eligible for release after three years, and had to be released after eight years. The inmate was then placed on parole for the remainder of his or her sentence.

Under TIS, however, inmates receive a bifurcated sentence of prison time followed by extended supervision, which must equal at least 25% of their prison time. Thus, an individual sentenced to 12 years in prison would face an additional three years' extended supervision. The law gives judges some discretion to allow early release but those exceptions are relatively limited. Typically, the longer someone is under supervision, the greater the chance he or she may violate rules and be returned to prison.

Offenders who violate the terms of their extended supervision could face longer time behind bars under TIS. Under the old law, inmates who violated the terms of their release could only be re-incarcerated for the time remaining on their parole; under TIS, inmates who are revoked may be required to serve the entire term of their extended supervision. For example, an offender who broke the rules

Fig. 1 Wis. Prison Numbers Rise Again

Avg. Daily Pop. 1990-2020 (projected)



with six months remaining on three years' parole under the old law would serve at most six months; under TIS, it could be three years.

Serious Crimes, Serious Time

One of the major trends we noted last year was the rising share of inmates serving time for violent crimes. These numbers rose from 59.4% of inmates in 2006 to 66.0% in 2017. Meanwhile the shares of inmates whose most serious offenses involve either property crimes or drugs have declined (from 17.7% to 13.8% for property and from 14.9% to 11.4% for drugs) in the same period. Inmates convicted under a fourth DOC

category, "public order" offenses that include repeat drunken driving, rose from 8.0% to 8.9%.

Generally, violent crimes and repeat drunken driving offenses are considered more serious by both judges and prosecutors and the public and, therefore, often receive longer sentences. And, as noted, inmates sentenced under TIS generally face more time behind bars. In either case, DOC figures show inmates currently in prison have more time left to serve than those in pre-TIS days. The share of inmates with less than a year remaining dropped from 31.0% in 2000 to 27.3% in 2017, while those with five years or more remaining increased from 24.5% to 32.1%.

These figures speak to the complexity of efforts to reduce prison populations and control corrections costs.

It is often assumed that most inmates are nonviolent drug offenders who do not require incarceration, but recent trends in corrections data do not appear to bear that out. At the same time, admissions data suggest policymakers may want to take a closer look at why offenders who have been released on extended supervision are so often being returned to prison and whether additional steps can be taken to reduce these revocations or shorten the periods of additional incarceration while still protecting public safety. □

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Policy notes

■ *The main operating fund for state government ended the 2018 fiscal year \$41.2 million ahead of budget, according to the state's Annual Fiscal Report.*

The state's general fund, which receives most of its revenue from state income and sales taxes, had an unreserved ending balance of \$588.5 million, compared to a budgeted balance of \$547.3 million.

Total general purpose revenue spending rose 3.8% in FY 2018, to \$16.50 billion, including transfers from the general fund to other segregated funds.

As has been the case in most recent years, the state's top three expenditures were for school aids (\$5.74 billion, up 1.1% from FY 2017); Medicaid (\$2.92 billion, up 10.9%) and corrections (\$1.2 billion, up 3.2%).

On the revenue side, state individual income taxes were up 5.5% from 2017, to \$8.48 billion; sales taxes were up 4.3%, to \$5.45 billion; corporate taxes were down 2.9%, to \$893.9 million; and excise taxes on cigarettes, tobacco products, and alcoholic beverages were down 3.6%, to \$680.0 million.

Each fiscal year begins on July 1 and ends the following June 30.