



## The Wisconsin Community Corrections Story

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### EXECUTIVE SUMMARY

As researchers, probation and parole officials, and criminal justice reform advocates from across the country have made clear over the past several years, the number of people on probation and parole – collectively referred to as *community corrections* or *community supervision* – has far exceeded its original intent. Supervised populations skyrocketed from the late Twentieth Century to their peak in 2007, at which time over 4.3 million people were on probation and another 800,000 were on parole. While each population has decreased since then, the size of the total supervised population is still about twice as large as the incarcerated population.

In addition to being similarly outsized, supervision and incarceration are linked as supervision has driven incarceration, or has impeded efforts to reduce incarcerated populations. The conditions of supervision are often numerous, onerous, confusing, and void of public safety justifications. The necessitated compliance with these conditions lowers the threshold for failure, making it possible for supervision officers or agents to revoke a person's supervision and incarcerate them, or re-incarcerate them, for supervision violations that do not involve criminal behavior.

#### Wisconsin's parole system and the Milwaukee Secure Detention Facility

Wisconsin offers a unique lens through which to research and examine this issue given its large parole population, high revocation rates, the existence of the Milwaukee Secure Detention Facility, and the racial disparities that characterize each of those. Wisconsin has the highest rate of parole supervision among its neighbors. Moreover, the number of people under parole supervision in Wisconsin exceeds the national average, and lengths of stay on parole are estimated at nearly twice (1.7 times) the national average.

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Much of this is a consequence of *truth in sentencing* and parole-expansion laws that were passed in Wisconsin in the late 1990s. Together, these laws mandated that people serve the entirety of incarceration sentences, followed by post-release supervision (referred to as parole) sentences that are *at least 25%* as long as the incarceration sentence. The significance of this has been profound, as data makes clear that Wisconsin has since experienced steep increases in prison and parole populations.

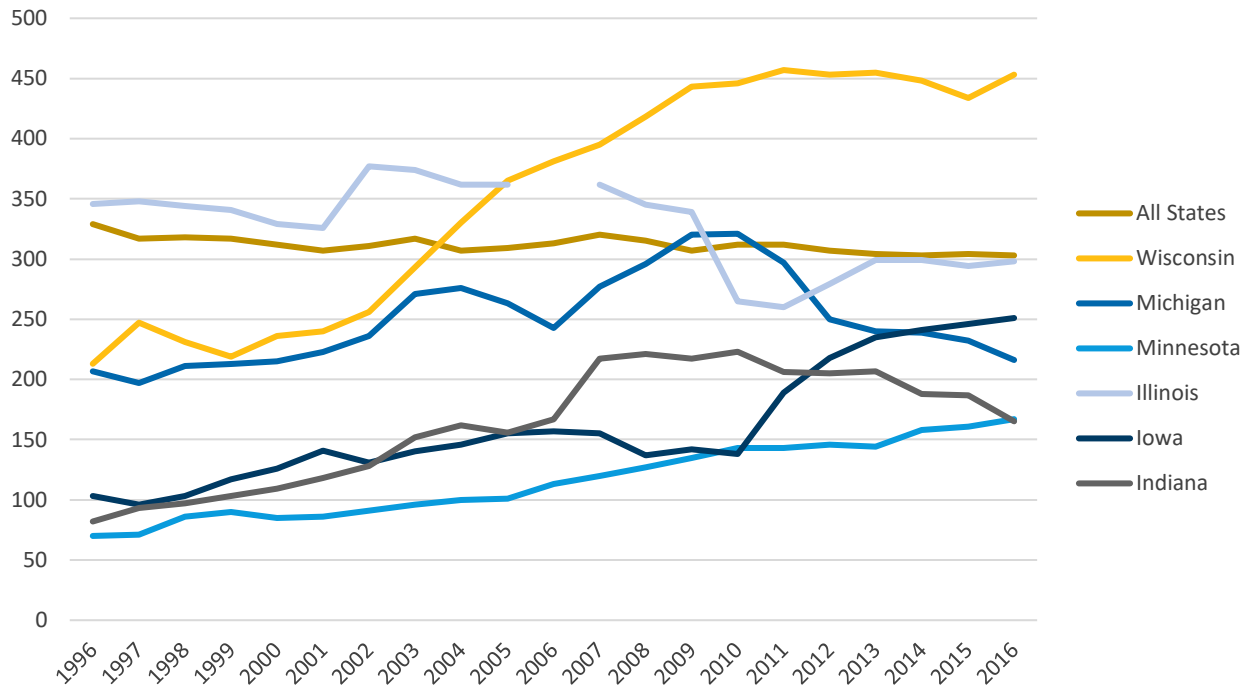
In Wisconsin, mass supervision helps drive mass incarceration. Whether measured in terms of exits from parole to incarceration, the proportion of static prison populations that was previously under community supervision, or the proportion of people admitted to Wisconsin prisons each year for revocations or holds, community corrections policies have significantly impacted Wisconsin's prison populations.

The Milwaukee Secure Detention Facility (MSDF) is symbolic of the impact that community supervision has on incarceration growth. MSDF is the first state facility in the United States built solely for the purpose of incarcerating people who are on community supervision.

But MSDF's connection to Wisconsin's supervision population goes beyond the facility's stated purpose. Each is defined by alarming racial disparities that are symptomatic of racially systemic inequities that define a large part of Wisconsin's education, economic, and community resources. Key findings from *The Wisconsin Community Corrections Story* include:

- 1 in 8 Black men is under community supervision in Wisconsin.
- 1 in 11 Native American men is under community supervision in Wisconsin.
- Black women are supervised at three times the rate of white women, and Native American women are supervised at six times the rate of white women.
- Wisconsin imprisons Black people at 11.5 times the rate it incarcerates white people. Wisconsin has the fifth worst prison incarceration racial disparities in the United States.
- As of 2017, about half of the adult prison population in Wisconsin was comprised of people who were on community supervision. Over one-fifth of the adult prison population were incarcerated for a supervision violation without a new conviction.
- People reincarcerated without a new offense in Wisconsin will spend an average of 1.5 years in prison, costing taxpayers \$147.5 million.
- 86% of people incarcerated at the Milwaukee Secure Detention Facility for revocations were incarcerated *without* a new conviction.
- The opening of MSDF greatly expanded the Wisconsin Department of Corrections' capacity to incarcerate people for probation or parole holds – temporary detention periods that can be initiated without judicial review when someone is suspected of a supervision violation that can last several weeks. Between 2001 and 2006, total prison admissions increased by 62%. Nearly two-thirds of that increase was due to increased holds, which after a downtick in 2007 continued to rise, peaking in 2010 at 5,787.
- Overall, 65% of the people at MSDF identify as Black.

## Rates of parole supervision per 100,000 adults, select jurisdictions (1996-2016)



Source: Bureau of Justice Statistics, *Probation and Parole Populations* series, 1996-2016. Note: Parole supervision rate is not reported by the Bureau of Justice Statistics for Illinois in 2006; this missing data point is shown as a gap in the chart.

## Recommendations

In 2017, the nation's leading probation and parole administrators signed a *Statement on the Future of Community Corrections*, indicating that it is both possible and necessary to significantly reduce the size of supervision populations across the country while increasing public safety. Research and advocacy have made clear that this reform is particularly necessary in Wisconsin. The Justice Lab offers the following recommendations to Wisconsin policymakers:

- **Close the Milwaukee Secure Detention Facility.**
- **Locate Alternative to Revocation programs in the community, *not* within the Milwaukee Secure Detention Facility.**
- **Reduce probation and parole terms to between 1 and 3 years, except in rare circumstances.**
- **Eliminate or strictly limit incarceration as a response to technical violations, and increase due process protections for people under community corrections supervision.**
- **Provide for “merit time” or “earned compliance credit,” and allow for early termination for sustained compliance, for probation, parole, and incarceration.**
- **Realign savings to community programs.**