



Milwaukee Community Justice Council

Working collaboratively to ensure a fair, efficient, and effective justice system
that enhances public safety and quality of life in our community.

Milwaukee County Inmate Population Trend Analysis, January 2013 – June 2014

Jail & Huber Committee

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I. Introduction

On a weekly basis, representatives of the Office of the Sheriff take a point-in-time snapshot of the inmate population contained in the Milwaukee County Jail and the Milwaukee County House of Correction. This information gets placed into three pie charts¹, which are then distributed to other agency representatives.

In the county corrections population pie charts, inmates are divided into 16 subcategories, each of which is defined in Section VII. Those subcategories are grouped into four summary-level categories²: Pretrial Population, Sanctions and Violations Population, Transition Population, and Sentenced Population.

The Pretrial Population includes those inmates who are awaiting trial. Subcategories include *Felon Pretrial and Misdemeanor Pretrial*.

The Sanctions and Violations Population includes those inmates referred by the Wisconsin Department of Corrections for sanctions and/or violations. Subcategories include *Sanction for Extended Supervision Viol, VOP w/ other charges, Misd VOP only, Felony VOP only, and State Correctional Centers*.

The Transition Population includes those inmates who are in various states of transition, including state prisoners temporarily housed in county corrections, inmates awaiting sentencing, and federal “Safekeepers.” Subcategories include *Order to Produce and Return, Awaiting Transfer to State, Fed Safekeeper – US Marshall, Pending Revocation Withheld Sentence, Awaiting Sentencing, and Temporary State Inmate*.

¹ The pie charts identify the inmate population of the Milwaukee County Jail, the Milwaukee County House of Correction, and the Combined Inmate Population between the two facilities.

² The subcategories are the officially tracked inmate status. The four summary categories were created for the purpose of this report to simplify the presentation of county corrections inmate data.

Lastly, the Sentenced Population includes those inmates who have been adjudicated and are serving some sort of sentence. Subcategories include *Muni Commitments*, *Misdemeanor sentenced*, and *Felon sentenced*.

Each subcategory was defined for the Community Justice Council by a representative of the Office of the Sheriff. Those definitions are included verbatim in Section VII. A review of the definitions demonstrates that the subcategories are not mutually exclusive. Under the definitions as written, it is possible for an inmate to be placed in multiple categories simultaneously. Without a more detailed understanding of the categorization process, it is difficult to ascertain how inmates are categorized when they technically fall under multiple categories. If the categorization process is not well-defined or carried out in a consistent way, the data provided may contain errors and could be inconsistent on a week-to-week basis.³ This report is premised on the accuracy of the data provided.

This analysis utilized pie charts that were provided from January 2013 through June 2014. A review of the availability of the data and the treatment of any missing data is available in Section VII.

³ Two snapshot analyses of inmate categorization have demonstrated significant errors in proper categorization. For example, a snapshot examination of the Pretrial Population conducted for the day of September 12, 2013 indicated that 126 (13%) of the 960 inmates categorized as pretrial were improperly classified. See Email from Holly Szablewski, titled "Pretrial Snapshot," September 20, 2013. Of the 126 misclassified inmates, 87 should have been classified as "Awaiting Sentencing." Additionally, a snapshot examination of Municipal Commitment inmates on April 11, 2014 demonstrates that, of the 58 inmates categorized as Municipal Commitment, 19 of those inmates (33%) were improperly categorized. See Email from Holly Szablewski, titled "Municipal Commitments," April 17, 2014.

II. Overall Population Trends

The most up-to-date county corrections inmate population data available to the CJC is provided in Figure 1, below.

	TOTAL	HOC	Jail
Pretrial Population	747 (31.3%)	184 (12.6%)	563 (60.9%)
Felon Pretrial	620	134	486
Misdemeanor Pretrial	127	50	77
Sanctions and Violation Population	530 (22.2%)	392 (26.8%)	138 (14.9%)
Sanction for Extended Supervision Viol	153	150	3
VOP w/ other charges	249	146	103
Misd VOP only	80	70	10
Felony VOP only	48	26	22
State Correctional Centers	0	0	0
Transition Population	217 (9.1%)	50 (3.4%)	167 (18.1%)
Order to Produce and Return	41	0	41
Awaiting Transfer to State	41	18	23
Fed Safekeeper - US Marshall	15	0	15
Pending Revocation Withheld Sentence	6	2	4
Awaiting Sentencing	114	30	84
Temporary State Inmate	0	0	0
Sentenced Population	894 (37.4%)	838 (57.2%)	56 (6.1%)
Muni Commitments	49	44	5
Misdemeanor sentenced	368	338	30
Felon sentenced	294	273	21
Electronic Monitoring/Other ⁴	183 ⁵	183	0
TOTAL	2388 (100.0%)	1464 (100.0%)	924 (100.0%)

⁴ The pie charts for June 25, 2014 were the first set of pie charts in the dataset that attempted to account for the House of Correction population under electronic monitoring. The total populations provided by the pie charts included the electronic monitoring population. However, there was no “pie slice” representing this population, such that the pie slices provided, when added up, did not equal the total population provided by the pie charts for the total corrections population or the House of Correction population. The figures were off by 183. So for Figure 1, 183 was added under the newly created subcategory “Electronic Monitoring/Other” under the Sentenced Population category. A review of the June 2014 HOC Facility Census (these census reports are made available to agency representatives on an ongoing basis) shows that on June 25, 2014, there were 123 inmates on GPS, 47 inmates on SCRAM, and 14 inmates in Other status, representing a total of 184 inmates. That this total is one off from the 183 figure from the pie charts is likely due to the HOC Facility Census document data being captured at a different time of day than the pie charts.

⁵ The June 25, 2014 Milwaukee County Correctional Facilities Inmate Population pie chart contained a footnote indicating that “Total Population includes 123 inmates on electronic surveillance.” This figure only includes inmates on GPS and does not include inmates on SCRAM or in Other status. Since the difference between a sum of the pie slices provided and the total population provided was 183 and not 123, it is likely that the footnote meant to provide the 183 figure, not the 123 figure. Figure 1 contains the appropriate figure.

Figure 1: June 25, 2014 County Corrections Inmate Population

Figure 1 shows the number of inmates in each facility as well as the total number of inmates in county corrections, by category and subcategory. The percentages in parentheses are the percentage of the facility population in question that is taken up by that category. For example, there were 563 Pretrial Population inmates in the jail, which accounted for 60.9% of the total inmates in the jail.

The overall trend of the Milwaukee County Corrections inmate population from January 2013 through June 2014 is displayed in Figure 2, below. Note that, for all total population figures in this report, the population of inmates under Electronic Monitoring or in Other status is included unless otherwise stated.

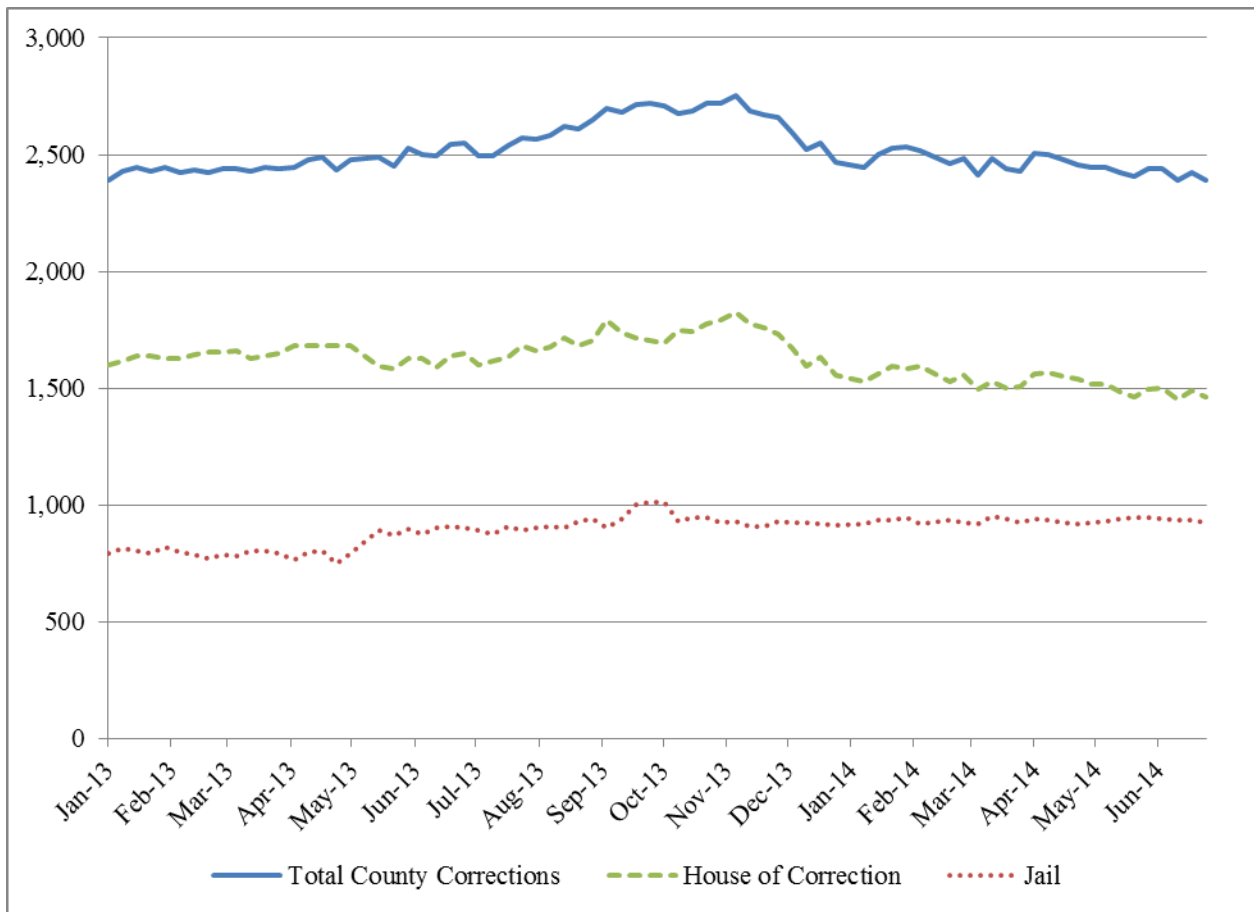


Figure 2: Milwaukee County Corrections Inmate Population, January 2013 – June 2014

The seasonable variation of the corrections population is most apparent in the Total County Corrections line. During this time period, the total county corrections population peaked at 2,754 inmates on November 6, 2013. It reached its minimum of 2,388 inmates on June 25, 2014, which was the last date available for this analysis. The timing of the peak is the likely result of the increased criminal activity that occurs in the summer months, with a lag to account for the various criminal justice processes that occur between the date of offense and the date of booking.

With the exception of a three week period from mid-September 2013 to early October 2013, the jail population remained below the cap of 960 that is set by the Christensen decree.⁶ The House of Correction population peaked at 1,823⁷ on November 6, 2013 and has been consistently falling since, reaching a minimum of 1,453 on June 11, 2014. Again, this minimum figure includes all inmates who were under the supervision of the House of Correction, including inmates who were out on electronic monitoring. When the Electronic Monitoring/Other inmate population is excluded, the House of Correction population on June 11, 2014 was 1270.⁸

Without a longer view of county corrections inmate population trends, it is challenging to ascertain overall population trends that are seasonally adjusted. To account for seasonal trends with the data that is available, the below figure overlays 2013 inmate population data with 2014 inmate population data.

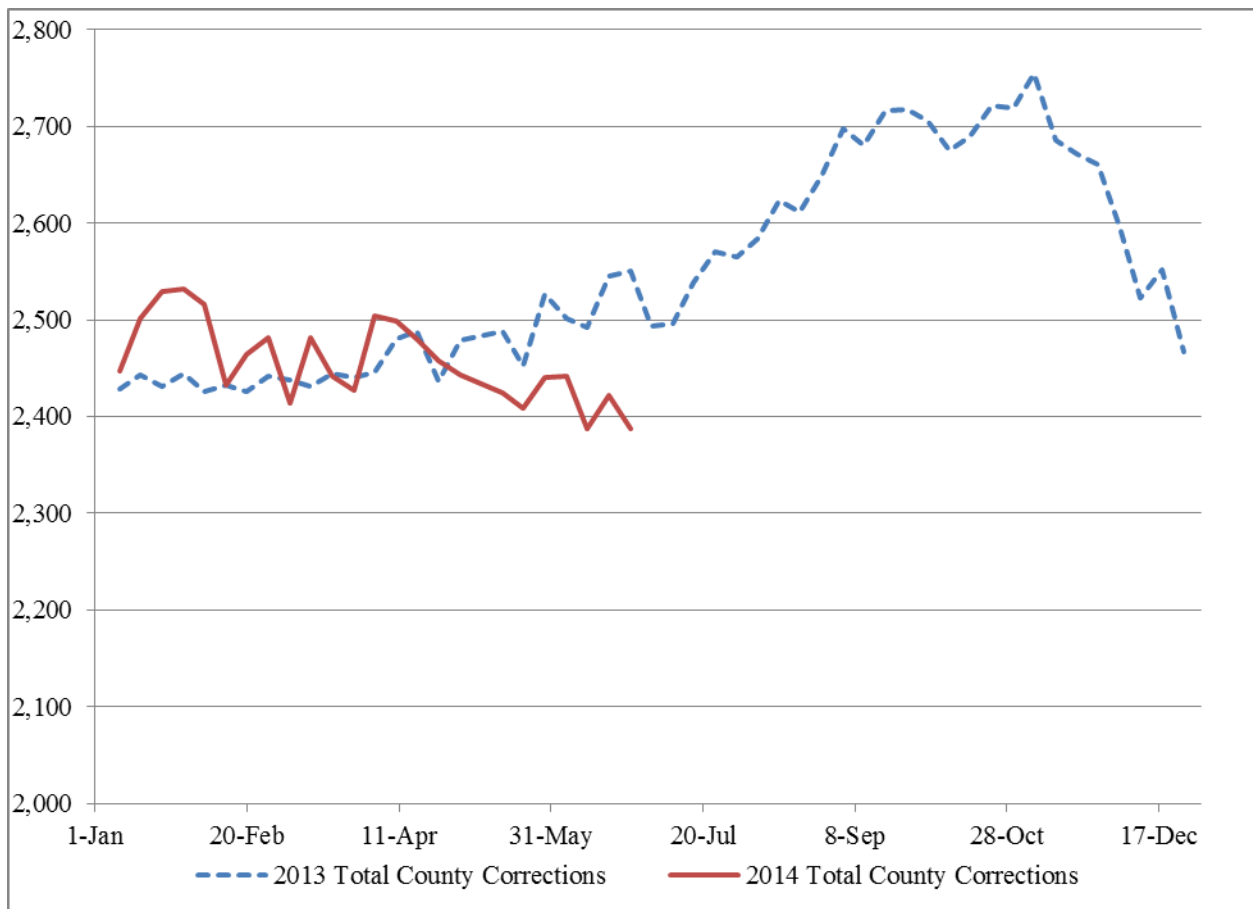


Figure 3: Total Milwaukee County Corrections Population, 2013 and 2014

⁶ Email from Laurence J. Dupuis, Legal Director of the American Civil Liberties Union of Wisconsin Foundation, titled "Fwd: Letter from Sheriff Clarke re: Consent Decree," September 19, 2013.

⁷ This figure is based on the weekly snapshot pie charts provided by the Sheriff's Office. The House of Correction provides the Community Justice Council with daily snapshot population numbers that would provide a more targeted and accurate view of dates in which the HOC population peaked. Those documents are not used here, however.

⁸ This figure is derived from taking the total HOC population according to the June 11, 2014 pie chart and subtracting the number of inmates who were on electronic monitoring or in other status according to the June 2014 HOC Facility Census. On June 11, 2014, there were 126 inmates on GPS, 44 inmates on SCRAM, and 13 inmates in Other status.

After vacillating for the first three months of 2014, the total population went through a consistent decrease from the beginning of April through the end of May, going from 2,504 inmates on April 3, 2014 to 2,409 inmates on May 29, 2014. Since that slide, the 2014 total population is trending below the 2013 total population during the same period in the year. A comparison of the last week of data available in 2014 (June 25, 2014) and the closest data point in 2013 (June 26, 2013) shows that the total population is down 163 inmates (from 2,551 inmates in 2013 to 2,388 inmates in 2014). This represents an overall reduction of 6.4%. If the Electronic Monitoring/Other population is excluded from the 2014 population, the population reduction increases to 346 inmates, which would represent an overall population reduction of 14%.

Using the cost methodology developed by the Milwaukee County Office of the Comptroller⁹, the inmate population reduction from 2013 to 2014 can be converted into a cost savings estimate.

	Excluding Electronic Monitoring/Other	Including Electronic Monitoring/Other
Population Reduction	163 inmates	346 inmates ¹⁰
Equivalent Daily Cost Savings	\$3,642	\$8,463 ¹¹
Equivalent Yearly Cost Savings	\$1,329,374	\$3,089,083

Figure 4¹²: Equivalent Cost Savings From the Reduction in Inmate Population from June 26, 2013 to June 25, 2014

This report is not claiming any particular cause for the Population Reduction when excluding Electronic Monitoring/Other inmates. Changes in criminal justice policy, changes in crime commission frequency, random error associated with a comparison of two point-in-time population measures, or any number of other factors may contribute to this reduction. The rest of this section provides a closer view of inmate categories and how various subpopulations have changed from 2013 to June 2014. Figure 5 below shows the population trend of the four major population categories from January 2013 through June 2014.

⁹ See Milwaukee County Office of the Comptroller, Audit Services Division, "Electronic Monitoring can Achieve Substantive Savings for Milwaukee County, but Only if Pursued on a Large Scale with Satisfactory Compliance Rates," October, 2013. This report responded to the wildly varying jail bed day cost estimates cited by various system actors by utilizing a rigorous methodology to generate a realistic marginal cost savings that can be attached to a jail bed day.

¹⁰ This is based on the 183 inmate difference between the total population on June 25, 2014 and the sum of the population subcategories included in the pie chart. It is critical to note that this figure assumes that there were zero inmates on Electronic Monitoring on June 26, 2013. The actual figure is not available.

¹¹ It is important to note that this figure only represents the cost savings from not incarcerating inmates. It does not account for the costs associated with Electronic Monitoring.

¹² See FN9. Daily cost estimates are summarized in Table 5, "Net Reduction in Incarceration Costs from Closing a 60 Bed Dormitory at the Milwaukee County House of Correction (2012 Actual Cost Data)." The daily inmate cost at the House of Correction is \$26.61 in increments of 60 and \$10.44 in increments below 60. To calculate Equivalent Daily Cost Savings, \$26.61 was multiplied by the largest multiple of 60 that was less than the Population Reduction. Then, the difference between the Population Reduction and the largest multiple of 60 that was less than the Population Reduction was multiplied by \$10.44. These two figures were then added together. For example, the Daily Equivalent Cost Savings when excluding Electronic Monitoring/Other from the Population Reduction for a Population Reduction of 163 inmates is $(120 \text{ inmates} \times \$26.61) + (43 \text{ inmates} \times \$10.44) = \$3,642$.

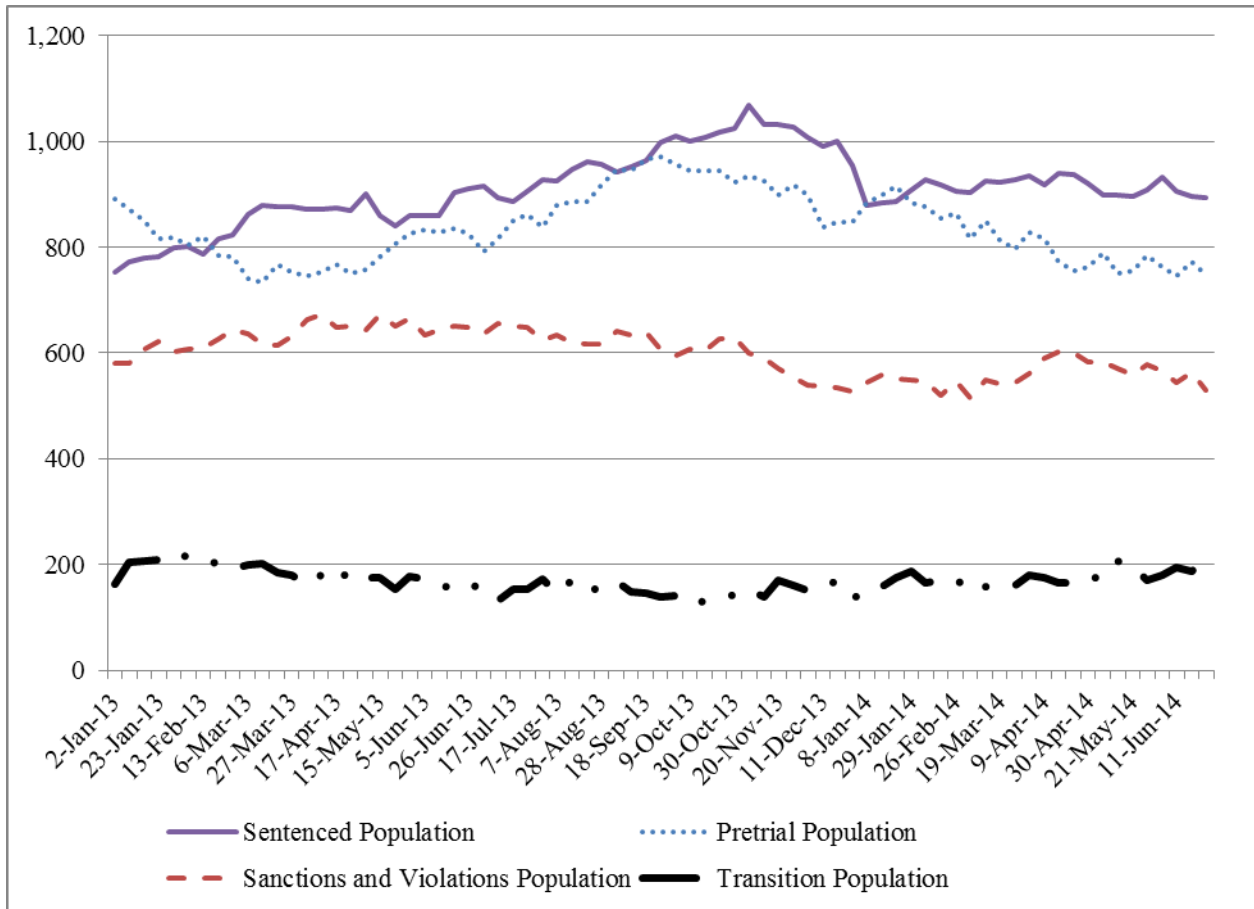


Figure 5: Milwaukee County Corrections Inmate Population by Major Category, January 2013 – June 2014

Figure 6 below provides a point-in-time comparison between the last date of inmate population available and the comparable date from 2013.

	June 26, 2013	June 25, 2014	Change (%)
Pretrial Population	827	747	-80 (-9.7%)
Felon Pretrial	665	620	-45
Misdemeanor Pretrial	162	127	-35
Sanctions and Violation Population	648	530	-118 (-18.2%)
Sanction for Extended Supervision Viol	172	153	-19
VOP w/ other charges	313	249	-64
Misd VOP only	79	80	1
Felony VOP only	84	48	-36
State Correctional Centers	0	0	0
Transition Population	166	217	51 (30.7%)
Order to Produce and Return	43	41	-2
Awaiting Transfer to State	49	41	-8
Fed Safekeeper - US Marshall	16	15	-1
Pending Revocation Withheld Sentence	2	6	4
Awaiting Sentencing	56	114	58
Temporary State Inmate	0	0	0
Sentenced Population	910	894	-16 (-1.8%)
Muni Commitments	53	49	-4
Misdemeanor sentenced	516	368	-148
Felon sentenced	341	294	-47
Electronic Monitoring/Other	0	183	183
TOTAL	2551	2388	-163 (-6.4%)

Figure 6: Total County Corrections Population Broken Out by Major Category, June 26, 2013 and June 25, 2014

The Pretrial Population saw a large decrease from 2013 to 2014 while the Transition Population, particularly those individuals in Awaiting Sentencing status, has seen a significant increase. This may be due to an increase in the proper categorization of Awaiting Sentencing inmates.¹³ The Sanctions and Violations Population also saw a notable decrease.

Care should be taken when viewing the trends within the Sentenced Population. The Electronic Monitoring/Other population, though treated as separate from the Misdemeanor sentenced and Felon sentenced populations in Figure 6, is technically a subset of those populations. There has not been a significant change in the size of the Sentenced Population as a whole, though there has been a significant change in the amount of this population that has been placed in electronic monitoring.

The following sections examine the major inmate population categories in more detail.

¹³ See FN3.

III. Pretrial Population

The point-in-time comparison shown in Figure 6 above reveals that the total pretrial population at the end of June 2014 is down 9.7% compared to the same time in 2013. Figure 7 below shows the 2013 Pretrial Population and 2014 Population trend lines separately. The 2014 Pretrial Population has been trending below the 2013 population since the beginning of May.

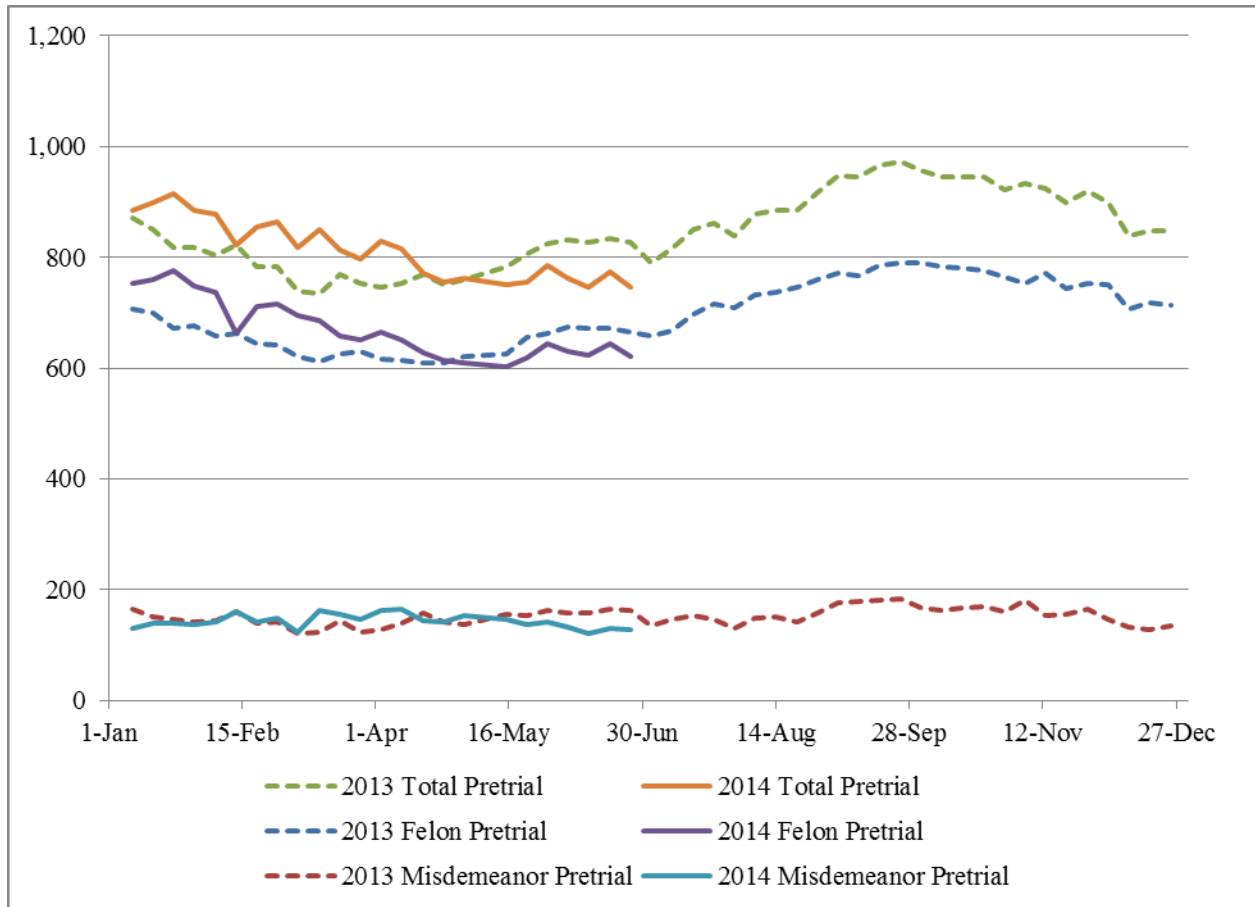


Figure 7: Pretrial Population, 2013 and 2014

In addition to the overall size of the Pretrial Population, the percent of the total Pretrial Population that is housed in the jail is an important and relevant piece of information. That percent is shown over time in Figure 8 below. After hovering beneath 50% for several months, the percent of the Pretrial Population housed in the jail skyrocketed from 49% to 81% between May 1, 2013 and May 15, 2013. Since that time period, the percent of the Pretrial Population housed in the jail has averaged 71%.

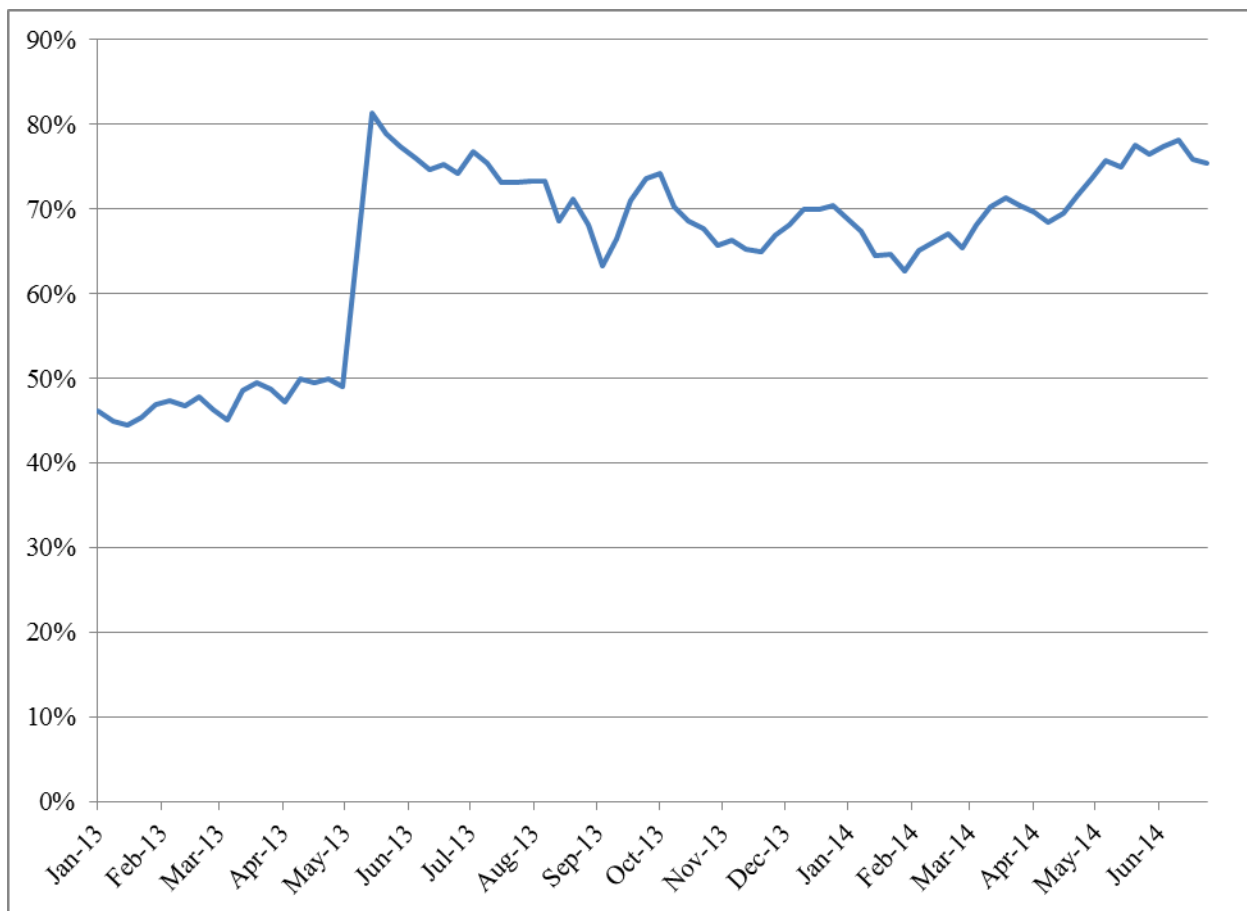


Figure 8: Percent of the Total Pretrial Population Housed in the Jail, January 2013 – June 2014

IV. Sentenced Population

Figure 9 below demonstrates that the total Sentenced Population in 2014 has trended above the Sentenced Population over the same period of months in 2013. This can be mostly attributed to an increase in the Felon Sentenced Population.

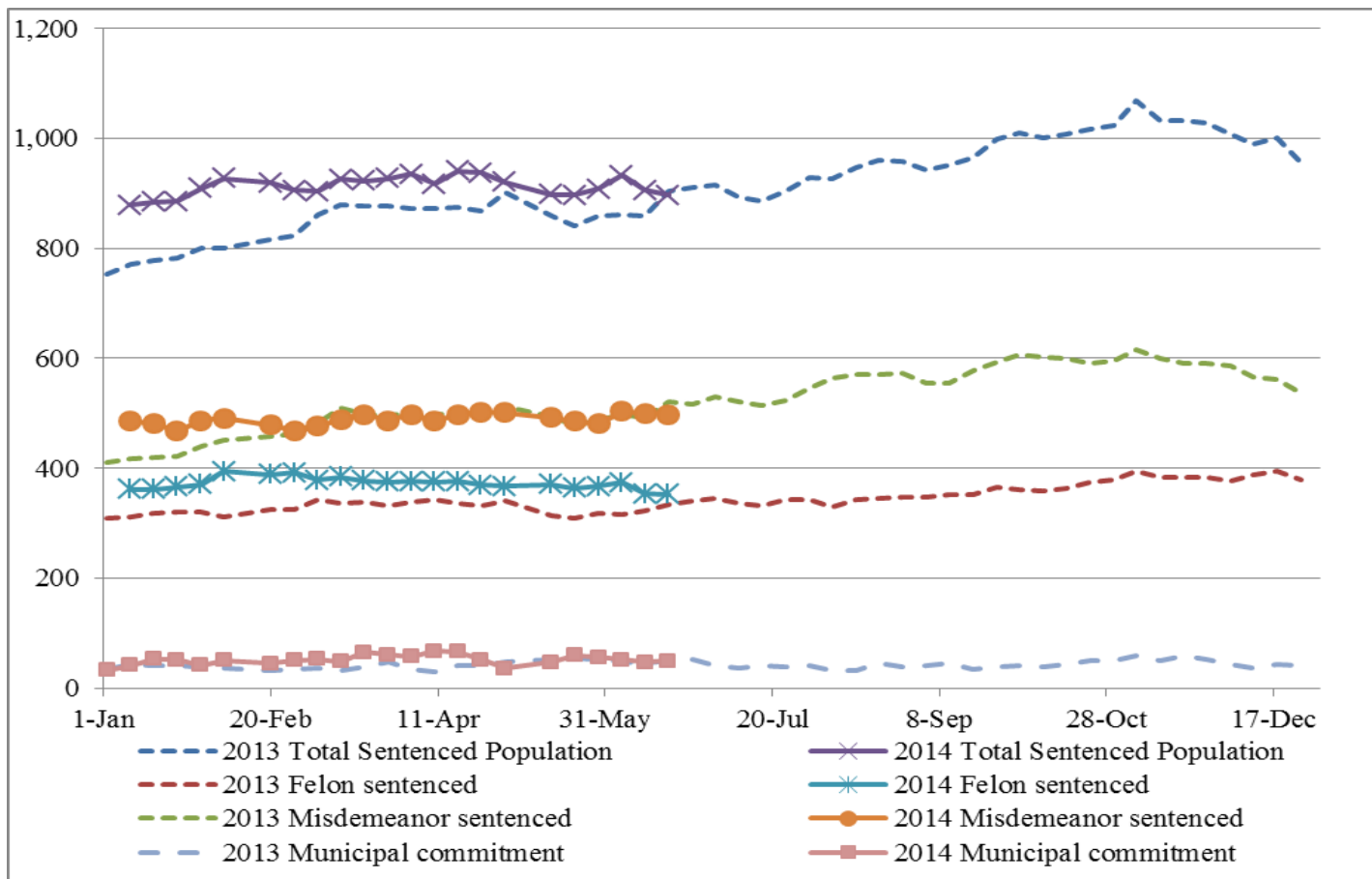


Figure 9: Sentenced Population, January 2013 – June 2014

Figure 10 below shows that the percent of the total Sentenced Population housed in the HOC jumped from the mid-80% range to the mid-90% range over a two week period in early May of 2013. Prior to May 1, 2013, 84% of the total Sentenced Population was housed at the HOC. Since May 15, 2013, 95% of that population has been housed at the HOC.

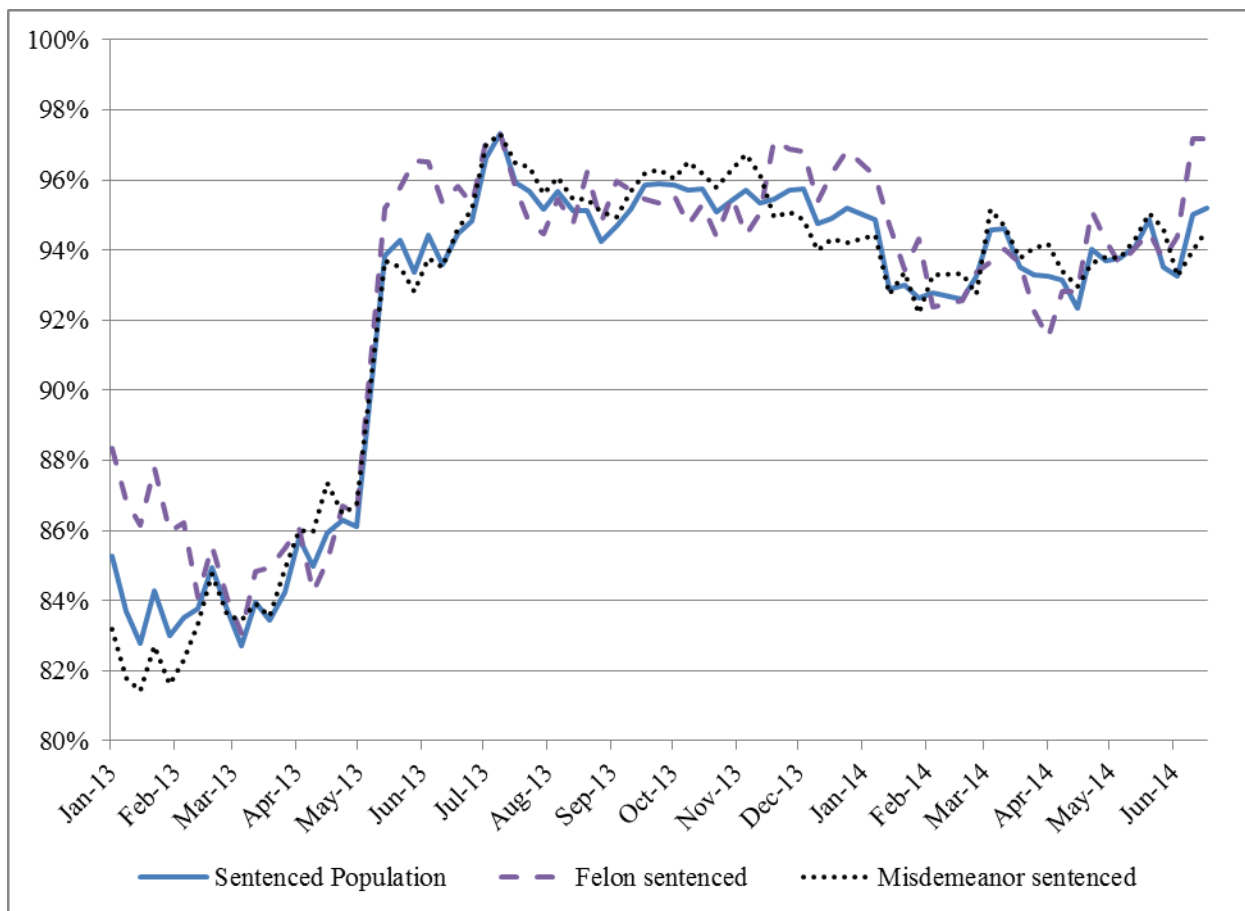


Figure 10: Percent of Total Sentenced Population Housed in the HOC, 2013-2014

The Municipal Commitment population is similarly concentrated at the House of Correction. At least 69% of the total Municipal Commitment population has been housed at the HOC over the time period studied, and the concentration has been trending upward. In the last three months of the time period studied, 90% of the total Municipal Commitment has been housed at the HOC on average.

V. Sanctions and Violations Population

Figure 12 below shows a general reduction in the Sanctions and Violations Population through the first six months of 2014 compared to the same time period in 2013. Each subcategory in Figure 12 shows a general reduction. The Misd VOP Only category was excluded from Figure 12 for readability. There was not a significant change in this population from 2013 to 2014.

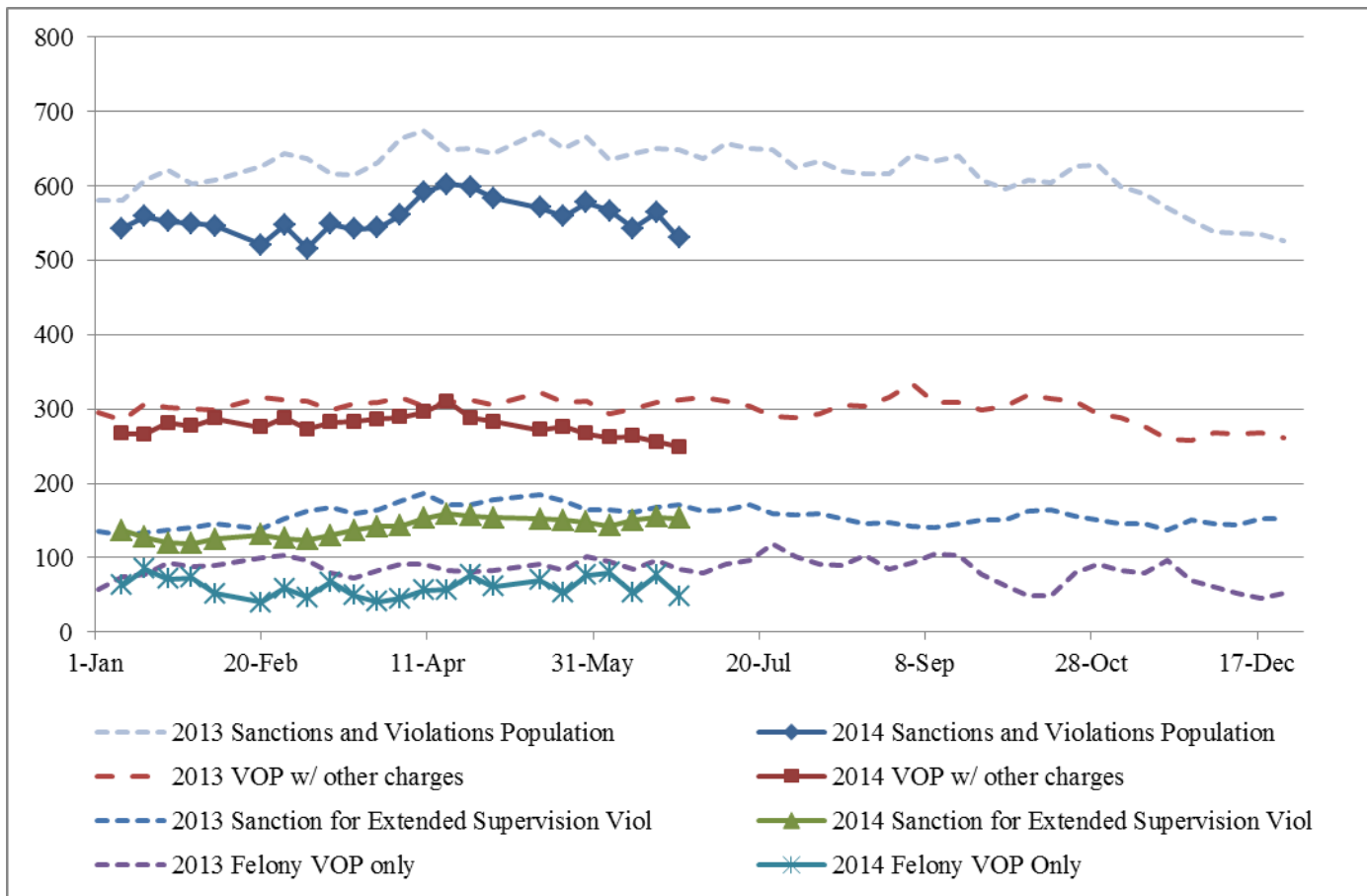


Figure 12: Sanctions and Violations Population, 2013 and 2014

VI. Transition Population

Figure 6 above shows that the total Transition Population on June 25, 2014 was 30.7% higher than it was on June 26, 2014. This is due to a large increase in the Awaiting Sentencing Population. Figure 13 below shows that the Awaiting Sentencing Population underwent a significant increase from mid-April 2014 to the end of June 2014, going from 50 to 114.

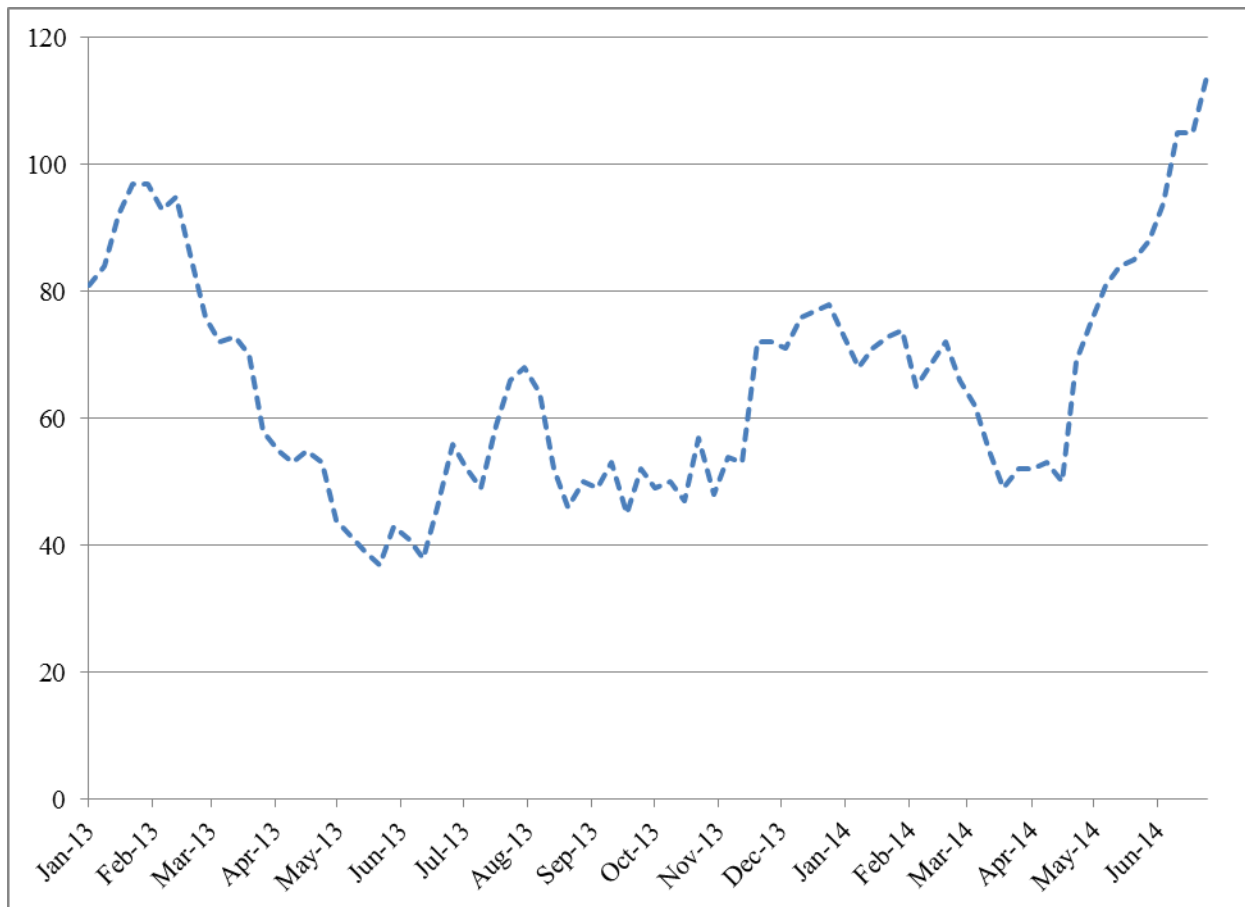


Figure 13: Total Awaiting Sentencing Population, January 2013 – June 2014

VII. Appendix

A. Inmate Subcategory Definitions¹⁴

<i>Felon Pretrial:</i>	The count of all inmates who are awaiting trial that have been arrested and charged with at least one felony offense
<i>Misdemeanor Pretrial:</i>	The count of all inmates who are awaiting trial that have been arrested and charged with only a misdemeanor offense(s)
<i>Order to Produce and Return:</i>	The count of all inmates who are currently in a state prison in a city other than Milwaukee that are ordered to report back to Milwaukee for a court appearance for other outstanding cases for which they are needed to either appear or testify
<i>Awaiting Transfer to State:</i>	The count of all inmates who have already been sentenced in trial that are simply awaiting transfer to a state prison facility
<i>Fed Safekeeper - US Marshal:</i>	The count of all inmates who are brought in by a U.S. Marshal as a SK (Safekeeper)
<i>Pending Revocation Withheld Sentence:</i>	The count of all inmates who are picked up on a Violation of Probation (VOP). The probation and parole agent has determined that the inmate will be revoked and sent back to prison. The inmate is in custody pending revocation
<i>Sanction for Extended Supervision Viol:</i>	The count of all inmates who are referred by the Department of Corrections for extended supervision
<i>VOP w/ other charges:</i>	The count of all inmates who are currently on probation and parole that have violated their terms of probation and parole with new arrests that have led to new charges
<i>Misd VOP only:</i>	The count of inmates who are serving time for a misdemeanor violation of probation
<i>Felony VOP only:</i>	The count of inmates who are serving time for a felony violation of probation
<i>Muni Commitments:</i>	The count of inmates who are serving time for a municipal ticket. Often times, an inmate will choose to serve a few days in prison, as opposed to paying a hefty fine for a ticket or citation. Most of these inmates are only serving a few days
<i>Misdemeanor sentenced:</i>	The count of inmates who have been sentenced for a misdemeanor offense(s)
<i>Felon sentenced:</i>	The count of inmates who have been sentenced for at least one felony offense(s)

¹⁴ The definitions were created during in a meeting between Danny Henken and Captain Brian Barkow that occurred on April 25, 2014. “State Correctional Centers” and “Temporary State Inmates” were not defined. Aside from one inmate being classified as a Temporary State Inmate in the jail on February 27, 2013, there have been no inmates classified under either subcategory during the time period studied.

Awaiting Sentencing:

The count of inmates who are currently awaiting sentencing for their arrest charges. It has already been determined that these inmates will be serving time, but the amount of time of the sentence has yet to be determined

B. Research Notes

1/2/2013: Jail total is 791, but pie slices only equal 787. View of Combined pie chart and HOC pie chart shows that the 791 figure is correct. Therefore, 4 individuals were counted in the total but weren't classified in the pie chart.

1/9/2013: HOC total is 1615, but pie slices only equal 1614. View of Combined pie chart and Jail pie chart shows that the 1615 figure is correct. Therefore, 1 individual was counted in the total but wasn't classified in the pie chart. Jail total is 813, but pie slices only equal 808. View of Combined pie chart and HOC pie chart shows that the 813 figure is correct. Therefore, 5 individuals were counted in the total but weren't classified in the pie chart. A comparison of subcategories showed that the categories that didn't match were "Order to Produce and Return" (1 missing) and "Awaiting Sentencing" (5 missing).

1/16/2013: Five individuals were missing from the pie slices. The category that didn't match was "Awaiting Sentencing" (5 missing)

5/8/2013: No pie charts were available for this date. To construct the various 2013/2014 graphs, 5/7/2014 was excluded in order to compensate for the absence of 5/8/2013 data.

8/7/2013: Combined pie chart not available. Each category within the Jail and HOC pie charts were summed in order to create combined figures.

1/1/2014: Data available for the jail only. This date was discarded from the analysis.

2/12/2014: No pie charts were available for this date. To construct the various 2013/2014 graphs, 2/13/2013 was excluded in order to compensate for the absence of 2/12/2014 data.

6/25/2014: Combined has a total of 2388 but adding up pie charts produces 2205. Pie chart notes that 123 inmates on electronic surveillance. These inmates are presumably left off the pie chart. If they were added in, this still leaves 50 inmates missing. A view of the June 2014 HOC Facility Census shows 123 individuals on GPS and 47 individuals on SCRAM. It is possible that the pie chart left off all individuals on both GPS and SCRAM, but only cited those individuals on GPS in its footnote.

6/25/2014: HOC has a total of 1464 but adding up pie charts produces 1281, a difference of 183. A view of the June 2014 HOC Facility Census shows 123 individuals on GPS, 47 individuals on SCRAM, and 14 individuals classified as "Other" (usually serving out a sentence elsewhere?), for a total of 184 individuals. Though there is no notation, it is possible that the pie chart left off all individuals on both GPS and SCRAM (and Other).