



# BADGER INSTITUTE

POLICY PRIORITIES

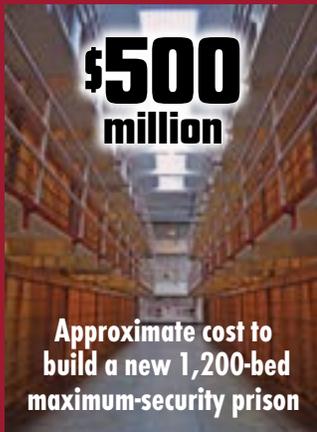
*The DOC has the largest  
budget of any state agency —*

**over \$1 billion**  
*per year*



*Cost of constructing  
a medium-security institution  
for 1,000-plus inmates is*

**over  
\$100 million**



# Criminal Justice Reform

The Wisconsin Department of Corrections (DOC) has the largest budget of any state agency — \$2.68 billion for 2019-2021. At the same time, Wisconsin prisons are over capacity, with nearly 20,000 prisoners living in facilities designed for 17,600. Many of these facilities are outdated and understaffed.

Wisconsin is not the first state to face this predicament. States as diverse as [Texas](#), [Michigan](#), [New Jersey](#), [Mississippi](#), [Pennsylvania](#) and [Louisiana](#) have adopted reforms that saved taxpayers billions of dollars, shuttered prisons and maintained public safety.

Even with a slower rate of incarceration resulting from COVID-19, the overall growth of Wisconsin's prison population is unsustainable. One proposed solution — building a new prison — likely would cost [at least \\$500 million](#) and still fall short of solving the overcrowding issues. But there are more productive options that other states have adopted with success.

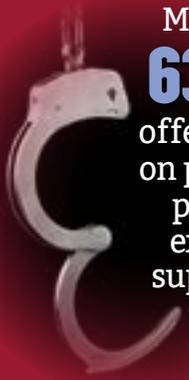
For starters, a [data and definitions bill](#) would help Wisconsin policymakers identify opportunities and challenges in policing, corrections and other areas throughout the justice system. Are the state's policies working? Are they cost-effective? Can we do better? It's difficult to answer these questions without adequate statewide reporting or uniform data.

States such as Texas and Michigan started with meaningful data bills before advancing other criminal justice reforms. Florida policymakers plan to do the same using the 2018 [Criminal Justice Data Transparency initiative](#). The measure, passed with bipartisan support, is the nation's most comprehensive criminal justice [data collection law](#) targeting more than 100 data points to be collected and reported by law enforcement, the courts, prosecutors, public defenders, jails, prisons and community supervision.

Legislators should also consider [expungement reform](#). The state Assembly approved a measure in the last session, but it was not taken up by the Senate. Expungement can be an important tool for helping people secure employment, housing, military service and the like. It can be effective in helping low-level, nonviolent offenders find work and helping companies find employees.

While Wisconsin law already allows for such records to be expunged, arbitrary restrictions limit its effectiveness. In fact, Wisconsin's law is unlike any in the nation, requiring a judge to determine expungement eligibility at the time of sentencing, when little information about the defendant's →

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More than  
**63,000**  
offenders are  
on probation,  
parole or  
extended  
supervision

**90%**  
of revocations

occur within the first 2 years  
of supervision

#### Prison employee overtime

2013-'14 – 2017-'18

**+50.1%**

• The equivalent of  
**894**  
full-time  
employees

mindset is available. It also means that if an offender misses this window, expungement is no longer an option.

Legislation introduced in the Assembly would allow judges to grant expungements after a sentence has been served and would eliminate unnecessary age restrictions.

Sentence adjustment petitions are also underutilized, and for similar reasons. An early-release policy adopted as part of truth-in-sentencing in 2002, this mechanism allows for eligible offenders to petition a sentencing judge for their remaining prison time to be converted to supervision after serving 75% or 85% of their incarceration time. But Badger Institute [research](#) found that the law is structured in a way that most inmates don't qualify. Over the time period examined, fewer than 10% of inmates even bothered to file petitions.

Reforms that would make sentence adjustment petitions more accessible and effective include allowing inmates to start the petition process earlier, allowing inmates to petition for a sentence adjustment after serving a smaller percentage of their prison time, encouraging expedited reviews of petitions and encouraging more legal representation of inmates who qualify for early release.

[Community supervision](#) is another area ripe for reform. Wisconsin has more than 63,000 offenders on probation, parole or extended supervision. Compared to other states, the lengths of supervision in Wisconsin are unique in how they're calculated and the duration imposed. These lengthy periods of supervision burden the system without enhancing public safety.

Badger Institute [research](#) determined that over 90% of revocations occurred within the first two years of supervision, but in 2018 alone, more than 4,500 people were sentenced to three years or more of extended supervision or probation. Common-sense reforms to this system can maintain public safety, help control costs and provide greater opportunities for offenders returning to their communities.



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