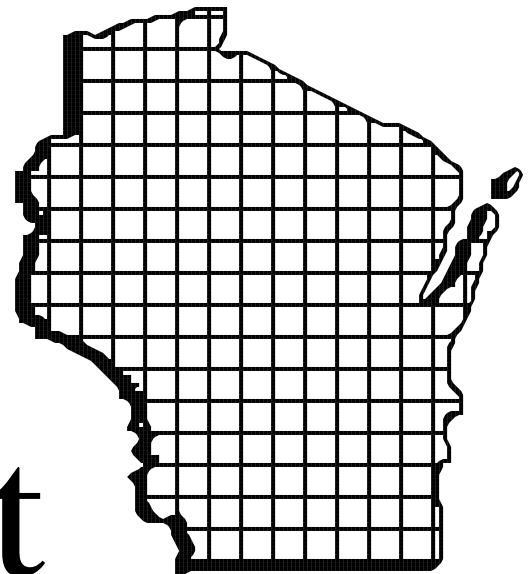


Wisconsin

Policy  
Research  
Institute

Report



April 1999

Volume 12, Number 3

**PRIVATIZING  
PAROLE AND  
PROBATION IN  
WISCONSIN**

*The Path to Fewer  
Prisons*

## REPORT FROM THE PRESIDENT:

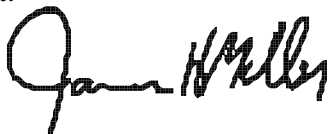
Liberal critics of Wisconsin's prison policy say it is too expensive to keep convicted felons incarcerated. While their concern about cost is valid, what's been missing is a meaningful alternative. As things now stand, the main options are limited to either prison or a failed system of probation and parole.

Last year we contracted with George Mitchell, a public policy researcher from Milwaukee and a former member of the Governor's Task Force on Corrections who has authored several previous articles on crime and prisons, to examine some alternatives to our existing prison system. Mitchell comes to the conclusion that our current correctional policies in Wisconsin are not working the way they should.

What is different between Mitchell and liberals is that he is recommending that we radically change the status quo of our incarceration policy. Using numbers rather than rhetoric Mitchell describes the amount of money that has been going into our prisons and the structure of our current parole and probation system.

We have inadequate funding for rehabilitation and, more importantly, the management structure for our current parole and probation system simply does not work. If we could introduce a privatization system similar to what was done in the administration of our welfare reforms, we might be able to cut our recidivism rates, which is the key to having fewer people in prison. The current system is broken, privatization may be the only way to fix it. If we were to move in this direction the only people to benefit would be incarcerated criminals, their victims, and Wisconsin taxpayers. In a time of spiraling corrections budgets, the status quo is not going to continue to work. We need change.

Finally, we would like to thank the Reason Foundation for providing financial support for this project.



James H. Miller

## WISCONSIN POLICY

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# PRIVATIZING PAROLE AND PROBATION IN WISCONSIN

## *The Path to Fewer Prisons*

GEORGE MITCHELL

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## EXECUTIVE SUMMARY

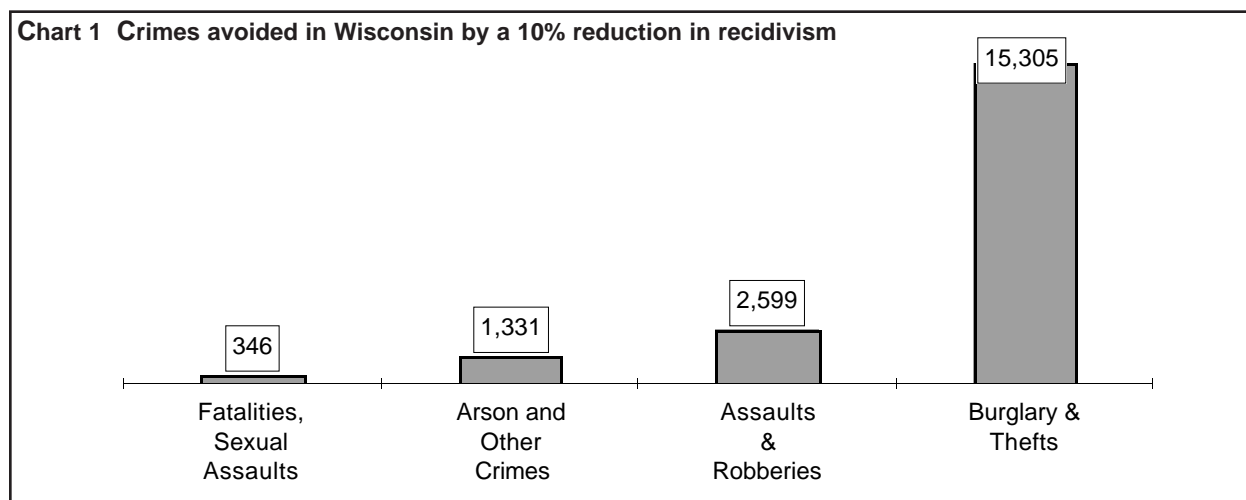
Probation and parole programs account for nearly four of five offenders under correctional supervision in the United States. The administration of these programs, in Wisconsin and elsewhere, often reflects inadequate financing, ineffective management, and lack of accountability.

One consequence is high levels of criminal recidivism. According to federal studies, between 37% and 40% of felony defendants were on probation, parole, or pre-trial release when they committed their current crime. These offenders account for about 14.5 million crimes a year, at a cost to victims of nearly \$133.5 billion. In Wisconsin, recidivism accounts for about 196,000 crimes a year, costing victims about \$1.2 billion.<sup>1</sup>

To reduce recidivism, elected officials need to change fundamentally the management and financing of probation and parole. The alternative is the status quo, where high levels of recidivism lead inevitably and logically to increased emphasis on incarceration.

This study suggests that Wisconsin use a national competition to select and implement a new approach for managing the 68,000 offenders in its community corrections programs.<sup>2</sup> Such a competition would lead either to (i) substantial privatization of the state's probation and parole programs OR (ii) a rejuvenated, better managed, and more accountable effort by current community corrections staff.

The major reason for seeking a new management approach is the need to reduce recidivism. Even modest gains would produce major benefits: 10% less recidivism by those on probation, parole, and pre-trial release would mean nearly 20,000 fewer crimes a year.



Is such a reduction in crime feasible? Not under Wisconsin's historic approach to community corrections, where:

- The state spends \$1,500 per offender a year to "supervise" about 66,000 probationers and parolees. While many citizens think the corrections system is focused on rehabilitation, a minuscule 2.2% of this amount goes for treatment programs in areas such as alcohol and drug addiction, domestic violence, and sexual dysfunction. The state has effectively abandoned the idea that treatment gets results, despite research that suggests the opposite.
- Past efforts at community corrections reform have been ineffectively managed. The most recent example was the Intensive Sanctions Program (ISP), all but abandoned after seven years of disastrous results and no independent monitoring or evaluation.
- According to an independent audit, the state's overall management of corrections is seriously flawed. Wisconsin's Legislative Audit Bureau identified a widespread failure to evaluate the effectiveness of corrections programs or even to generate data on which an evaluation would be possible.
- Elected officials in Wisconsin don't hold corrections managers accountable for poor results. Despite documented problems of the kind cited above, consequences for managers in Wisconsin's Department of Corrections are seemingly non-existent.

These circumstances have to change if there is to be less recidivism. Elected officials should:

- Appropriate more money for offender treatment needs;
- Overhaul completely the current, ossified management of community corrections;
- Establish goals for reducing recidivism;
- Hold managers accountable for results.

These goals can be achieved without a net increase in state spending for corrections. Available sources of new funds for treatment programs and better supervision include: more efficient operation of state-managed prisons; more use of privately managed prisons; and reduced administrative costs.

To achieve these goals, the state must be willing to put its probation and parole programs out for competitive, performance-based bids. Potential benefits are highlighted in a recent report from the Clinton Administration's Department of Justice. Describing operations in Connecticut's Office of Alternative Sanctions (OAS), researchers for the federal Bureau of Justice Assistance said:

Alternative sanctions programs are operated through OAS contracts with private, nonprofit organizations. Privatization helped to sell this program to Connecticut's Governor, voters, legislators, press, judges, and corrections system . . . [P]rivatization has a reputation for saving money because, when done correctly, services can be provided without the massive administrative overhead cost that comes with operating under the state government umbrella . . . [P]rivatization allows "small government" advocates to say that they are providing more services to the state with fewer government employees . . . [P]rivatization . . . allows OAS to use organizations that are already providing services and have established credibility . . . Further, shedding the bureaucracy . . . allowed OAS to start and expand programming almost immediately, when it could have taken years had the programs been state operations.<sup>3</sup>

The Justice Department researchers describe another key factor:

Finally, and what is most important — for OAS, its supporters, and the community — privatization makes program providers accountable to OAS. If a contracted service provider is not doing a good job [OAS deputy director] Jim Greene said OAS "can drop them in 30 days."

In addition to these indicators of increased efficiency and accountability, a 1998 Florida study found statistically significant evidence of less recidivism among private prison releasees.<sup>4</sup> As described in Table 1, when compared to a comparable group of releasees from public prison, those in private prison had less recidivism on three different measures.

**Table 1 Recidivism within one year, private and public prison releasees in the State of Florida.**

	<b>Private Prison Releasees (n = 198)</b>	<b>Public Prison Releasees (n = 198)</b>
Rearrested	10%	19%
Resentenced, New Offense	6%	10%
Reincarcerated*	10%	14%

*\*Reincarceration can be for a new offense or parole violation.*

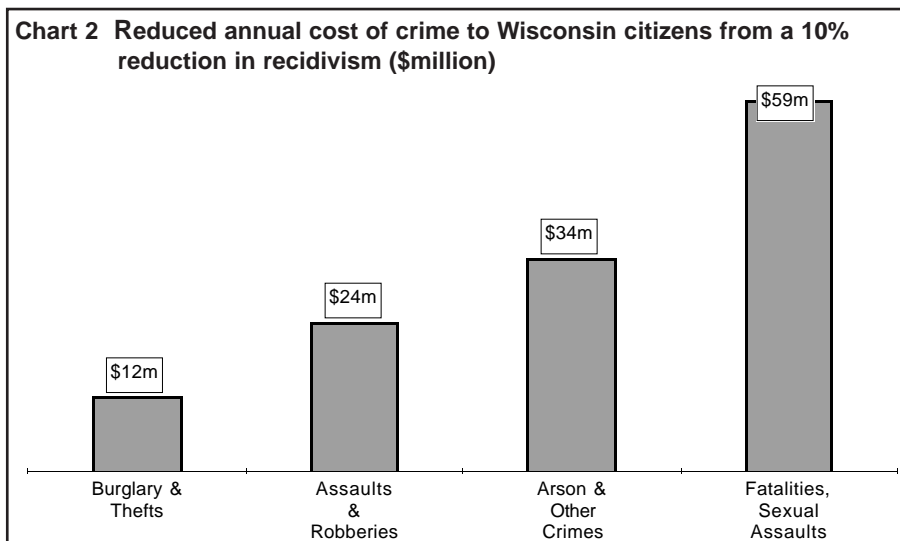
Wisconsin has a substantial record in reforming programs in areas other than corrections. This record provides evidence that major policy changes often require a new management approach, one that includes the use of more competition and accountability in service delivery. Notable examples include: the nationally recognized W-2 welfare reform, where management of many administrative functions has been transferred to private firms; widespread use of private educational choice and independent charter schools in the City of Milwaukee; and use of private firms to manage key aspects of the child welfare programs in Milwaukee County. Each of these reforms grew from decisions by elected officials to make major changes in service delivery and to rely much more on the private sector.

Chart 1 estimated that nearly 20,000 crimes a year could be avoided in Wisconsin if recidivism were cut 10% among those on probation, parole, and pre-trial release. While research suggests even greater gains are possible, even a 10% reduction would save Wisconsin citizens \$122 million a year. Such savings would offset about 88% of the current cost to the state budget of the community corrections program.

Opponents of the proposals in this study will point out that because no state has privatized its probation and parole system, there is “no proof” that benefits of the kind described in Charts 1 and 2 are feasible. While true, this is a common refrain when defenders of a failed system seek to avoid the

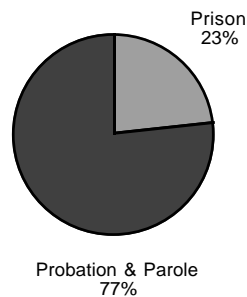
prospect of real change. Identical arguments were offered in 1990, when Wisconsin enacted the nation’s first program of K-12 private school choice, a program that now benefits about 6,000 low-income children and, just as importantly, has begun to shake up the lethargic Milwaukee Public Schools system. The same arguments were heard decades ago, when Wisconsin Progressives pioneered the nation’s first worker’s compensation and unemployment compensation programs.

While it is correct that there is no proof that the proposals in this study will work, elected officials seeking to cut criminal recidivism, and thus reduce the need for new prisons, face another reality if they don’t act. Namely, the status quo offers little prospect of addressing either goal.



## SECTION 1. THE SIGNIFICANCE OF PROBATION AND PAROLE

**Chart 3 Percent of U.S. offenders in community corrections and prison, 1997<sup>6</sup>**



Probation and parole have been integral parts of America's correctional system since the 19th Century.<sup>5</sup> Measured by the number of participating offenders, their impact is substantial: in 1997, 77% of U.S. convicts were on probation or parole, with the rest being incarcerated. When measured by levels of offender recidivism, however, the impact of probation and parole often is significant in a negative way. High levels of recidivism define the greatest challenge in corrections, which is the need to strengthen probation and parole.

Ed Barajas, an official of the National Institute of Corrections, called the large number of offenders on probation and parole "one of the nation's best kept secrets." Compared to extensive

media emphasis on incarceration, he said "probation and other forms of community [corrections] remain virtually invisible to the public and government officials."<sup>7</sup>

Despite this low profile, Professor Joan Petersilia (see Note 5) says "[p]robation departments are more extensively involved with offenders and their cases — often starting at arrest — than any other justice agency."<sup>8</sup> This often begins with preparing information for court officials who determine whether a defendant will be released on bail or remain in custody. Probation and parole agents also prepare reports used by judges when determining how a convicted offender should be sentenced. Finally, agents have caseloads of convicted felons and misdemeanants who are either sentenced to probation or released from prison on parole.

The important role of probation and parole agencies, and the large percentage of offenders in community corrections, reflects three basic assumptions:

- Offenders convicted of a crime will receive supervision and treatment enabling them to become law-abiding citizens.
- Most offenders will be sentenced to community probation, in lieu of prison.<sup>9</sup>
- Remaining offenders — those sentenced to prison — will complete that sentence in the community, either on parole or some other form of supervision.

The system emphasizes community-based rehabilitation, with community corrections programs as the intended means by which this goal is achieved.<sup>10</sup> High levels of recidivism show there is a major difference between these objectives and day-to-day reality.

**Public opinion.**<sup>11</sup> Many citizens support the goal of rehabilitation. When asked about the purpose of prison, nearly half say "rehabilitation." Only 15% say "punishment." The rest — a third — say "crime prevention and deterrence." In questions on probation and parole programs, support also is apparent for the goals of treatment, rehabilitation and reintegration to the community. These results are consistent over several years.

At the same time, the public questions whether these goals are being achieved. While more than half are confident about local police agencies, only one in five feel that way about the criminal justice system in general. This suggests that citizens believe police do relatively well at apprehending offenders, but that courts and corrections agencies are less effective in dispensing justice or in achieving rehabilitation.

**Table 2 Growth in U.S. correctional populations, 1980-97<sup>13</sup>**

	<i>Probation &amp; Parole</i>	<i>Prison</i>	<i>Total</i>
1980	1,338,535	319,958	1,658,493
1997	3,946,921	1,185,800	5,132,721
Change	+ 2,608,386	+ 865,842	+ 3,474,228
% Change	+ 295%	+ 371%	+ 309%

**Correctional populations.** The number of convicted offenders has more than tripled since 1980. While media attention focuses on prison populations, for every new prison inmate since 1980, more than three offenders entered community corrections programs.<sup>12</sup>

Although prisoners remain a clear minority of all

offenders, prison populations nevertheless have grown at a faster overall rate. Thus, the share of offenders in community corrections has declined.

The 21% increase in the share of offenders in prison, from 19% to 23%, reflects public policy decisions made by state and local officials throughout the nation. Elected officials hired more police, prosecutors and judges. They authorized construction of more prisons. The predictable results: more arrests; more convictions; and a higher percentage of offenders with a prison sentence instead of probation.

These policies and actions primarily responded to public concern over rising crime. They indicated that many public officials had become less confident that community corrections programs were achieving the goals of rehabilitation and public safety.<sup>14</sup> More reliance on prison reflects the simple fact that, in contrast to the risk of recidivism associated with probation and parole, an incarcerated offender is an incapacitated offender. Prison inmates don't burglarize homes, rob businesses, deal drugs, or commit other crimes. Increased incarceration is one factor that criminologists say contributed to stability in crime rates in the late 1980s and actual declines in the 1990s.<sup>15</sup> The long-term decline in crime is demonstrated by two major measures: FBI Uniform Crime Reports (UCR); and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS). In 1997, the NCVS — the more comprehensive of the two measures — reached its lowest level since 1973.

**Justice system expenditures.** Reflecting the large increase in number of offenders arrested, prosecuted, and incarcerated, justice system spending rose much faster than the overall population between 1982 and 1993. This was particularly so in the case of corrections, where the majority of costs are for prison construction and operation.

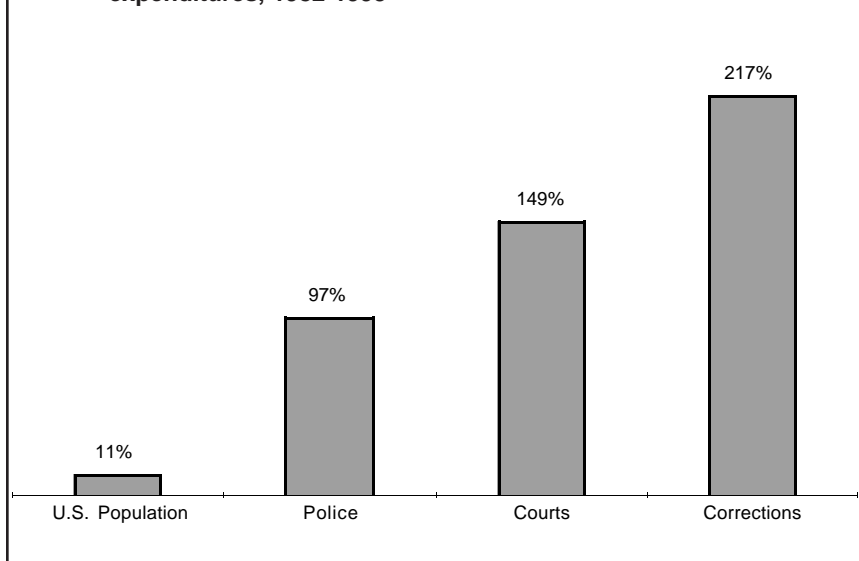
This growth in spending raises a basic question: have the higher costs to government been offset by lower costs to citizens, in the form of less crime? In connection with prison costs, research suggests that the answer is yes, a finding that arises from multiple, independent studies that analyze: how much crime a typical offender would commit in a year; the cost of that crime to victims; and the annual cost of incarcerating an inmate.<sup>17</sup>

Notwithstanding the apparent net benefit of prison expenditures, such spending creates a growing dilemma for elected officials. While it may lower crime, and thus benefit citizens generally, it creates serious governmental budget pressures. Further, many critics of increased incarceration doubt that the benefits are as great as estimated here; they contend, instead, that the higher costs come at the expense of other more important priorities.

**Table 3 Percent of correctional populations in prison, probation, and parole, 1980 vs. 1997.**

	<i>Probation &amp; Parole</i>	<i>Prison</i>
1980	81%	19%
1997	77%	23%

**Chart 4 Percentage change, U.S. population and justice system expenditures, 1982-1993<sup>16</sup>**



### Improving the Performance of Community Corrections

What has emerged is an increased emphasis from elected officials on finding ways to improve the performance of community corrections. Improvement, as defined here, means fewer new crimes committed by offenders on probation, parole, or pre-trial release.

Many corrections professionals realize that elected policy makers are looking for results. Here is how a manual published by the American Probation and Parole Association puts it:

In these financially stringent times, the foremost consideration of politicians and policy makers is “how much is it going to cost?” [and] “is it worth it?” Community corrections finds itself competing with incarceration for the limited correctional purse, and corrections as a whole is competing with every other publicly-funded program from education to social services. Community corrections must be able to “sell” [itself] as an effective and efficient program through comprehensive and accurate cost-benefit analyses.<sup>18</sup>

Echoing this message, a spokesman for the American Correctional Association states:

Clearly, there is a growing, pressing need to find new and more efficient ways to manage probation and parole programs and clients.<sup>19</sup>

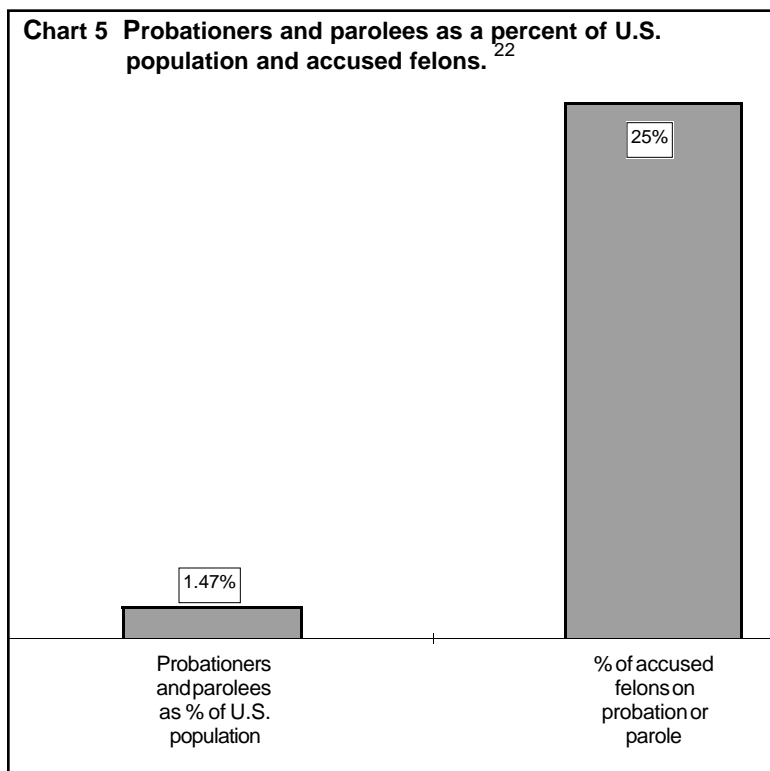
Remaining sections of this paper discuss the significance of that challenge and the prospects for meeting it.

## SECTION 2. THE EFFECTIVENESS OF PROBATION AND PAROLE

The effectiveness of probation and parole is measured primarily by whether offenders in those programs avoid further crime.<sup>20</sup>

A summary of studies on recidivism by probationers and parolees is presented in Tables 4 and 5. Sources of data include:

- National studies, conducted by the Bureau of Justice Statistics, U.S. Department of Justice; and
- Wisconsin data, from either state agencies or the Wisconsin Policy Research Institute.



These data demonstrate that probation and parole are, as a whole, in need of improvement which, for purposes of this study, means more success in reducing recidivism.

Beyond the data in Tables 4 and 5, additional research documents that recidivism levels are both high and have remained so for an extended period of years. In one comprehensive review, Petersilia and Professor Alfred Blumstein wrote that the research supports “the claim that a small proportion of offenders account for a disproportionate amount of crime.”<sup>21</sup>

The offenders to which Petersilia and Blumstein refer include many current **and** former probationers and parolees. Chart 5 illustrates that **current probationers and parolees alone**, who account for only 1.47% of the U.S. population, nevertheless comprise 25% of felony defendants in U.S. courtrooms.



**Table 4 Findings from selected national studies of parole and probation recidivism.**<sup>23</sup>

<i>Report Title</i>	<i>A Study of...</i>	<i>Findings</i>
"Recidivism of felons on probation, 1986-89"	Felony probationers in 17 states.	<ul style="list-style-type: none"> <li>• Within 3 years, 43% of probationers were rearrested for a felony.</li> <li>• Half of the rearrests were for murder, rape, robbery, aggravated assault, drug trafficking, or drug possession.</li> </ul>
"Probation and Parole Violators in State Prison, 1991."	Inmates in 227 state prisons.	<ul style="list-style-type: none"> <li>• 35% of prisoners were on probation or parole at the time of their most recent crime. Another 10% were reincarcerated for violating conditions of probation or parole.</li> <li>• Probationers had committed 6,400 murders, 7,400 rapes, 10,400 assaults, and 17,000 robberies while under supervision an average of 17 months.</li> <li>• Parolees had committed 6,800 murders, 5,500 rapes, 8,800 assaults, and 22,500 robberies while under supervision an average of 13 months.</li> </ul>
"Felony Defendants in Large Urban Counties, 1992."	Defendants in counties accounting for 37% of nation's population and half of reported crimes.	<ul style="list-style-type: none"> <li>• 37% of felony defendants were on probation, parole, or pre-trial release at the time of the offense that resulted in the current charge.</li> </ul>
"Felony Defendants in Large Urban Counties, 1994."	See 1992 study cited above.	<ul style="list-style-type: none"> <li>• 40% of felony defendants were on probation, parole, or pre-trial release at the time of the offense that resulted in the current charge.</li> </ul>

**Table 5 Findings from selected studies of recidivism in Wisconsin.**

<i>Report Title</i>	<i>A Study of...</i>	<i>Findings</i>
"Parole in Wisconsin," Wisconsin Policy Research Institute Report, June 1992.	A sample of parole violators re-admitted to prison in 1991.	<ul style="list-style-type: none"> <li>• The median violator had an adult criminal record of 12 arrests and 4 incarcerations.</li> <li>• One year had elapsed between the median violator's last release from prison and reincarceration.</li> </ul>
"Rates of Reincarceration," Wisconsin Legislative Audit Bureau, March 1994.	Reincarceration of inmates released between 1980 and 1989.	<ul style="list-style-type: none"> <li>• Using a "relatively narrow definition...rates of recidivism are significant...29.2% were reincarcerated within four years."</li> </ul>
"Offenders Admitted to Adult Correctional Institutions, 1995," Department of Corrections, 1996.	All admissions to Wisconsin prisons in 1995.	<ul style="list-style-type: none"> <li>• A third of new prison admission were offenders who had committed a new crime while on probation or parole.</li> </ul>
"Who Really Goes to Prison in Wisconsin?" Wisconsin Policy Research Institute Report, April 1996.	A random sample of Wisconsin prison inmates from Milwaukee County.	<ul style="list-style-type: none"> <li>• 41% had committed their most recent offense while on parole or probation.</li> </ul>

**Table 6 Percent change in: corrections spending; number of offenders; state spending; and state population, 1974-97.**

<i>Category</i>	<i>% Change, 1974-97</i>
State GPR Budget Growth (\$1994\$)	+ 50%
State Population Growth	+ 15%
Growth in Per Capita State Spending (\$1994\$)	+ 31%
Corrections Budget Growth (\$1994\$)	+ 208%
Growth in Offenders	+ 548%
Growth in Spending Per Offender (\$1994\$)	- 40%

### SECTION 3. WHY IS RECIDIVISM HIGH?

Many factors explain the levels of recidivism summarized in Section 2. Some are largely beyond the control of corrections officials. Others clearly are within their control. The focus of this study is on potential improvement in areas where corrections officials and other policy makers have a real measure of control.

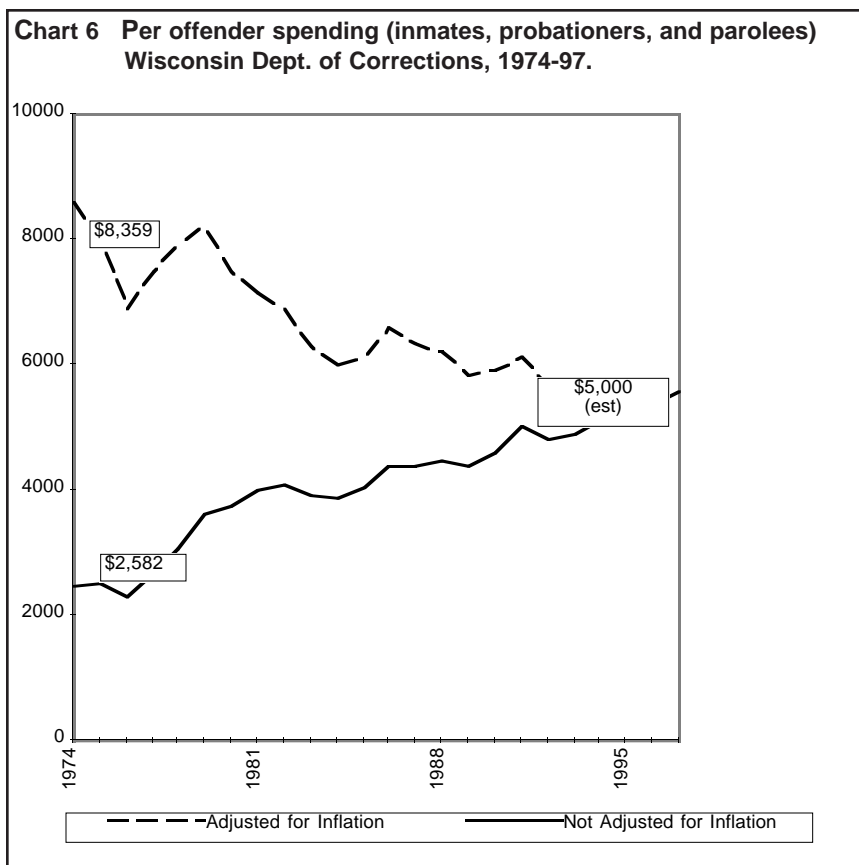
Three principal factors contribute to high levels of recidivism: the background of typical offenders; budget limitations; and poor management.

#### Demographic Characteristics Of Offenders

Wisconsin research on two random samples of inmates ( $n = 155$  and  $170$ ) show that it is rare to find one who: has been raised in a stable family; has a meaningful level of education attainment; or has held steady, gainful employment.<sup>24</sup> Instead, most adult offenders are distinguished by a range of problems that make them more likely to commit crime. Many have grown up in single-parent, low-income households and, from an early age, have been exposed to domestic violence and drug and alcohol abuse. A sizable number lack high school diplomas, a fact reflected in sporadic employment records and the absence of basic skills and work habits. Reflecting the environment in which they were raised, many offenders themselves are drug or alcohol addicts.

National studies confirm similar patterns.<sup>25</sup> More than two-thirds of probation and parole violators lack a high school diploma. While many report having one or more children, often by more than one woman, fewer than one in five are married. More than half of probationers and parolees were under the influence of alcohol or drugs at the time of the offense for which they were convicted.

Such offenders, usually entering the adult correctional system in their late teens or 20s, pose major challenges for the correctional staff whose goal it is to help rehabilitate them. For years, these offenders have led a negative lifestyle and developed ingrained, anti-social habits. Large numbers lack basic educational skills; the most recent national adult literacy survey "found that two-thirds of adult prisoners were not able to write a letter explaining a billing error or extract information from the average sports-page story."<sup>26</sup> These factors combine to explain why, as illustrated in Chart 5, a relatively small number of individuals nevertheless account for a large volume of crime.



#### Budget Limitations

Corrections officials say that inadequate resources compound the difficulty of supervising and treating such offenders. Spending data for Wisconsin, where overall trends have been similar to national patterns, support this contention. When growth in spending is adjusted for inflation and the number of offenders, real correctional spending has declined substantially. See Chart 6 and Table 6.

The spending of \$5,000 per offender, from Chart 6, is an average. Per offender spending in prison is about \$20,000, whereas the budget for probation and parole is about \$1,500 per offender.

### Prison Spending

Prison spending primarily pays for day-to-day custody, meals, and medical care. The main benefit is incapacitation, a factor that has contributed to declining crime rates. For most inmates, i.e., future parolees, treatment programs are limited. The treatment that is provided is sporadic and often diluted by the fact that many of the inmates most likely to be paroled spend only a few months, or a year or two, at any one prison. For many, prison becomes more a matter of warehousing than rehabilitation.

### Community Corrections Spending

Most probationers and parolees pay their own expenses and live in the community in unsupervised settings. A small fraction are in supervised halfway houses or more loosely monitored “transitional living programs.”

The average tax-supported spending of about \$1,500 per offender per year is inadequate for close monitoring or provision of substantial treatment. A major national study illustrates the kinds of limitations that can arise from such funding levels. For example:

- Among “high” and “medium” risk probationers, between 10% and 15% have no contact with a probation officer in a typical 30-day period. For this same group of offenders, more than half of probation officers report no “collateral contact” in a typical 30-day period.<sup>27</sup> The implications are profound, given that high and medium risk probationers usually must comply with one or more of the following requirements: community service; substance abuse treatment; other treatment (such as sex offender counseling); and/or employment or job training. Yet, over a typical 30-day period, in most cases, probation officers make no collateral contact to confirm compliance with these conditions.<sup>28</sup>
- While periodic drug testing is a key element of community corrections supervision, there are questions about how well it actually works. For example, emphasis added:

A national survey of offenders “. . . who were convicted of a new offense while on probation or parole reported [that 55%] had used drugs in the month before their arrest. However, [only] 2% of violators who had used drugs in the month before their current offense reported a ‘positive test for drug use’ as the reason for their revocation. This suggests that much illegal drug use by probationers and parolees may go undetected.”<sup>29</sup>

As an example discussed later in this section shows, even when drug testing detects a problem, the system may fail to heed the warning.

The impact of inadequate spending is especially evident in the area of offender treatment and rehabilitation. The Appendix to this report provides an overview of how correctional spending is allocated in Wisconsin. Scant allocations for offender treatment programs amount to an abandonment of the idea that treatment is important. Wisconsin, like many other states, pays only lip service to the importance of treatment.

### Ineffective Management

Correctional managers can’t control the background of offenders, nor can they spend dollars that elected officials have not appropriated. However, there are important management issues over which they do have control. Serious weaknesses are apparent. Three examples are provided below.

**1. A failure to acknowledge problems.** Problems and challenges can’t be addressed if their existence is not acknowledged. Often, senior corrections managers describe community corrections in ways that are simply unrealistic. Consider the following separate statements by directors of two state corrections agencies:

Community corrections programs present safe, efficient, and cost-effective options for punishing and treating eligible offenders in the community . . . Offenders can be treated safely in their environment at a fraction of the cost of prison . . . Community punishments can be effectively imposed on the offender to interrupt criminal behavior and support positive improvement.<sup>30</sup>

AND

Even though the Wisconsin Department of Corrections holds more than 11,000 offenders in prison, another 59,000 offenders are on probation or parole. These are people who are “on the street.” They are supervised and must follow rules set out for them. They got there because they have earned their way through the correctional system. They have received basic education and have successfully completed a variety of treatment programs including alcohol and drug abuse, anger management, or [other] programs specific to their needs . . . Despite the infrequent reports you may hear in the news media of a parolee caught by the police committing another offense, generally, the parole and probation system works.<sup>31</sup>

These comments are at odds with reality, even allowing for a measure of rhetorical hyperbole. Such statements can have a negative impact within a corrections department, suggesting to staff that its leadership is out of touch, in denial, or willing to misinform. For many staff, it is discouraging to know that the official posture is, in effect: “All’s well.”

Benign assessments of community corrections also reach the general public. After an interview with former Wisconsin Parole Commissioner John Husz, The Milwaukee Journal told readers that parole authorities carefully identify prisoners for release:

. . . who would benefit from community programs . . . Once released, these people are placed in halfway houses, monitored with electronic bracelets, or otherwise closely supervised. Rather than being soft on criminals, this approach makes new demands on offenders . . . at relatively little risk to the community.<sup>32</sup>

Such characterizations are at odds with the situation in which most parolees find themselves. Rather than build support for community corrections, these “assurances” eventually can fuel cynicism and a lack of confidence among citizens who compare such statements with frequent stories of crime by probationers and parolees.

**2. Failure to implement reforms.** Effective managers are responsible for strengthening the programs they direct. In community corrections, this means testing and implementing reforms that will reduce recidivism. This occurs sporadically, at best.

For example, the high levels of recidivism described in Section 2 extended over several years in the 1980s and early 1990s, a period when some corrections agencies were experimenting with new programs. While research suggests that these reforms showed promise, there is little evidence that they were widely or effectively implemented.

Why not? One explanation is that the research is simply wrong and levels of criminal recidivism will remain stubbornly high. This clearly is not the view of many community corrections professionals; their leading publications echo the opinion that “we know what works.”

If so, why is there no implementation? One explanation, as previously discussed, is the absence of financial support by elected officials. But corrections officials also shoulder a share of the blame. They have failed to convince elected officials about the potential benefits that might result from implementing research that has shown positive results. Further, when elected officials have supported reforms, ineffective management helps explain why they have not been successfully implemented. See Section 6.

**3. No accountability.** Invariably, a system insulated from consequences will be poorly managed. In the case of community corrections, accountability for poor results is largely non-existent. Despite ongoing high levels of recidivism, budgets remain intact and job security is a given. Historically, a similar situation has prevailed in other bureaucracies, such as child welfare agencies or urban school systems. Short of court interventions, state takeovers, or competition from other service providers, they, too, often operate with little accountability and are characterized by poor management and limited results.

In community corrections, the roots of the problem are understandable. Given the background of most offenders, and the lack of adequate budgets, crime by an individual parolee or probationer easily can be attributed to circumstances beyond the control of corrections officials. However reasonable that is, in any specific instance, a system accustomed to no accountability for individual offenses will readily evolve into one that avoids accountability in general.

The absence of accountability extends beyond corrections, to others in the criminal justice system. Here’s how The Milwaukee Journal Sentinel describes a situation where the “system” failed and a battered woman eventually was murdered.<sup>33</sup>

Virginia Hansen tried to save herself until the grisly end. She died Monday a few steps outside the back door of the home she once shared with her estranged husband, James. A telephone was off the hook at her side . . .

. . . What else could [she] have done to protect herself? And did others do enough? Court records showed James Hansen [who murdered his wife] remained free on bail for a pending battery case against his wife, despite failing a drug test . . .

. . . Court records show that James Hansen's life was spinning out of control around the time his wife filed for divorce . . . James Hansen had a previous felony conviction for drug dealing . . . [and recently] was fined \$674 and ordered into an alcohol assessment program after a drunken driving conviction . . .

. . . [He later] was released on \$500 bail [and barred from contacting Virginia] after being arrested for misdemeanor battery when his wife accused him of punching, choking, and scratching her . . . [H]e was ordered to undergo pretrial supervision . . . and attend anger management classes . . .

. . . But he tested positive for cocaine [a few days later] . . . [D]uring a pretrial scheduling conference, Circuit Judge Maxine White adjourned the battery case . . . James Hansen, despite the failed drug test, remained free . . .

. . . [Judge] White could not be reached for comment. The prosecutor in the [battery] case referred an inquiry to a supervisor, who could not be reached . . . [New test results later showed] that James Hansen again tested positive for drugs [after the pretrial hearing] . . . By that time Virginia Hansen's body was being identified . . .

Had bail for James Hansen been revoked after the positive drug test, Virginia Hansen likely would have lived. In following up on this story, the Journal Sentinel quoted a Milwaukee County prosecutor as saying those who fail a drug test rarely have their bail raised or are incarcerated and, further, that between 25% and 50% of those on pre-trial supervision fail at least one drug test. When the presiding judge was reached, she did not recall whether the failed drug test had been brought to her attention or whether it would have caused her to raise Hansen's bail or revoke it. Within another news cycle, the story was over. No one was accountable.

Given the complexity of individual cases, and given factors beyond the control of community corrections, can probation and parole officials really be held accountable for specific crimes? Absent evidence of misfeasance, the clear answer is no. But, these officials can and should be accountable for establishing and achieving overall goals of reduced recidivism. This step alone would redefine and transform fundamentally the way community corrections programs operate. To not hold community corrections accountable for reducing recidivism, by and large the current environment, is to relinquish the goal.

#### SECTION 4. THE MAGNITUDE AND COST OF RECIDIVISM

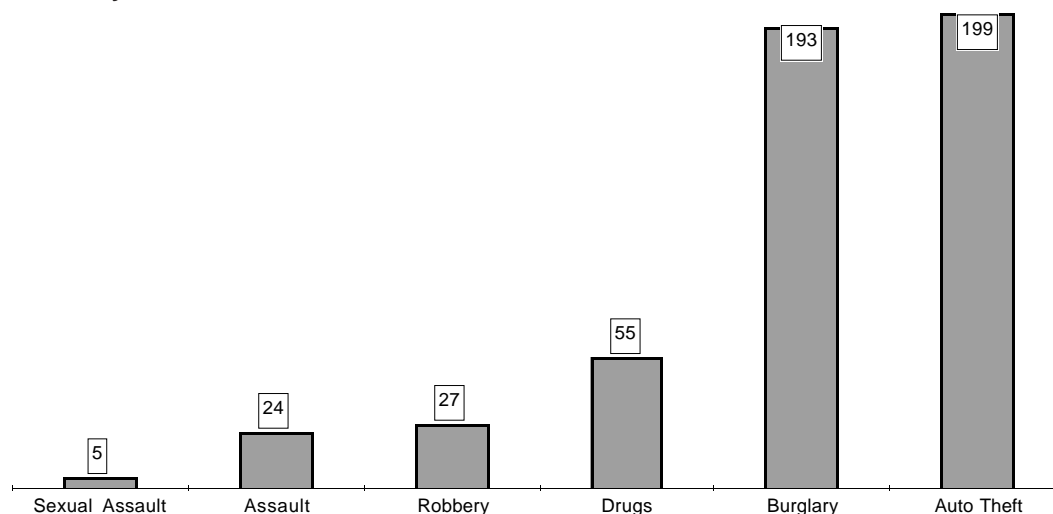
Virginia Hansen's story puts a human face on a sterile phrase: "the cost of recidivism." While the public learns of such stories infrequently, high levels of recidivism demonstrate that they are not unusual. For example, this study estimates that more than 14 million crimes are committed per year by offenders on parole, probation, or pre-trial release. The cost to victims is nearly \$133.5 billion.<sup>34</sup>

**A Week Of Crime In One City.** An Arizona newspaper regularly lists serious crimes reported in 14 Phoenix zip codes. Chart 7 shows the frequency and type of crimes, a total of 503, reported in a recent week.

Research suggests that there were at least twice as many actual crimes in Phoenix during this week<sup>36</sup> and that recidivism was a factor in at least 37% of the offenses. Table 7 estimates that the cost to victims of this recidivism was about \$1.4 million.

**Nationwide Crime Levels and Costs.** Americans experience an estimated 39 million serious criminal victimizations per year, at an annual cost to victims of \$361 billion.<sup>39</sup> Table 8 depicts the number, type, and cost of these crimes.

**Chart 7 Serious crimes reported to the Phoenix, Arizona police in the week ending January 2, 1999.**<sup>35</sup>



**Table 7 Estimated cost to victims of crime by recidivists, Phoenix AZ, week ending January 2, 1999**

	<i>Sexual Assault</i>	<i>Assault</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Auto Theft</i>	<i>Total</i>
<i>Crimes</i> <sup>37</sup>	4	18	20	143	147	332
<i>Cost/crime to victims</i> <sup>38</sup>	X 87,000	X 9,400	X 8,000	X 1,400	X 3,700	- - -
<b>Total</b>	<b>\$348,000</b>	<b>\$169,200</b>	<b>\$160,000</b>	<b>\$ 200,200</b>	<b>\$543,900</b>	<b>\$1,421,300</b>

**Table 8 Estimated annual U.S. crimes, cost per crime, and total cost of crime.**

	<i>Crimes</i>	<i>Cost per crime</i>	<i>Cost (\$billions)</i>
<i>Fatalities</i>		\$2,940,000	\$ 74
<i>Child Abuse</i>	740,800	60,000	45
<i>Rape &amp; Sexual Abuse*</i>	1,173,600	87,000	102
<i>Other Assaults</i>	7,924,800	9,400	74
<i>Robbery</i>	1,080,800	8,000	9
<i>Drunk Driving</i>	1,826,400	18,000	33
<i>Arson</i>	109,600	37,500	4
<i>Theft</i>	20,009,600	370	7
<i>Burglary</i>	5,056,800	1,400	7
<i>Auto Theft</i>	1,450,400	3,700	6
<b>Totals</b>	<b>\$39,397,663</b>	<b>\$ 9,200</b>	<b>\$361</b>

\*Excluding Child Abuse

Table 9 shows the annual magnitude and cost of recidivism.<sup>40</sup>

**Table 9 Annual level and cost of criminal recidivism.**

	<i>Crimes due to recidivism</i>	<i>Cost(\$billions)</i>
<i>Fatalities</i>	9,199	\$ 28
<i>Child Abuse</i>	274,096	17
<i>Rape &amp; Sexual Abuse*</i>	434,232	38
<i>Other Assaults</i>	2,932,176	28
<i>Robbery</i>	399,896	3
<i>Drunk Driving</i>	675,768	12
<i>Arson</i>	40,552	1
<i>Theft</i>	7,403,552	3
<i>Burglary</i>	1,871,016	3
<i>Auto Theft</i>	536,648	2
<b>Totals</b>	<b>14,577,135</b>	<b>\$133</b>

*\*Excluding Child Abuse*

**SECTION 5. A RATIONALE FOR MORE SPENDING ON COMMUNITY CORRECTIONS**

Budget limitations were among several reasons cited in Section 3 for high levels of recidivism. Nationally, average annual expenditures of about \$3.1 billion (\$1993\$), only about \$1,000 per offender, are, on their face, inadequate to provide more than a nominal level of supervision and treatment.

For example, various estimates suggest that many probation and parole agents have average caseloads exceeding 100 offenders. By Petersilia's reckoning, average caseloads actually exceed 200 offenders per agent.<sup>41</sup> She says this "contrasts with what many believe to be the ideal caseload of 30 adult probationers per [agent]."

Along with other factors described in Section 3, such budget and staffing limitations make it entirely predictable that offenders in community corrections will re-offend at a high rate. Section 4 conservatively estimated the cost of that recidivism at \$133.5 billion a year.

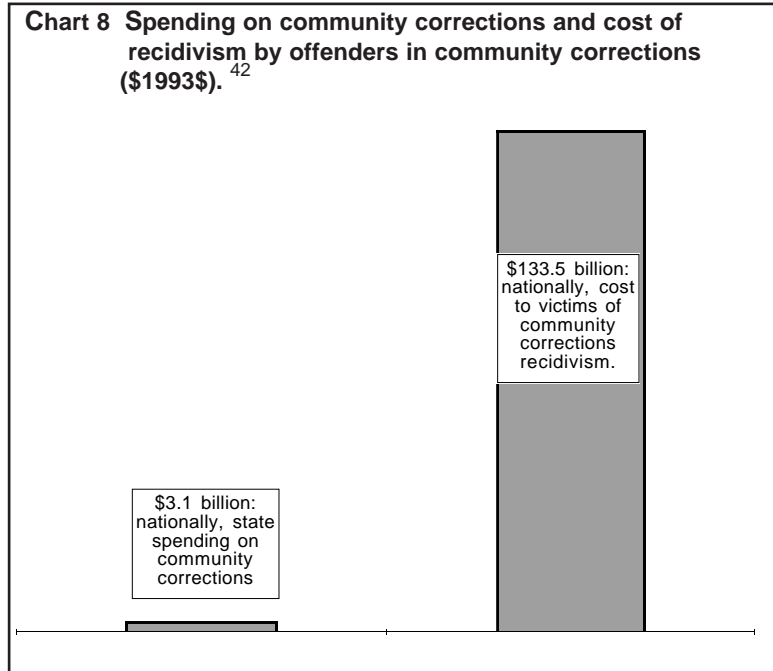
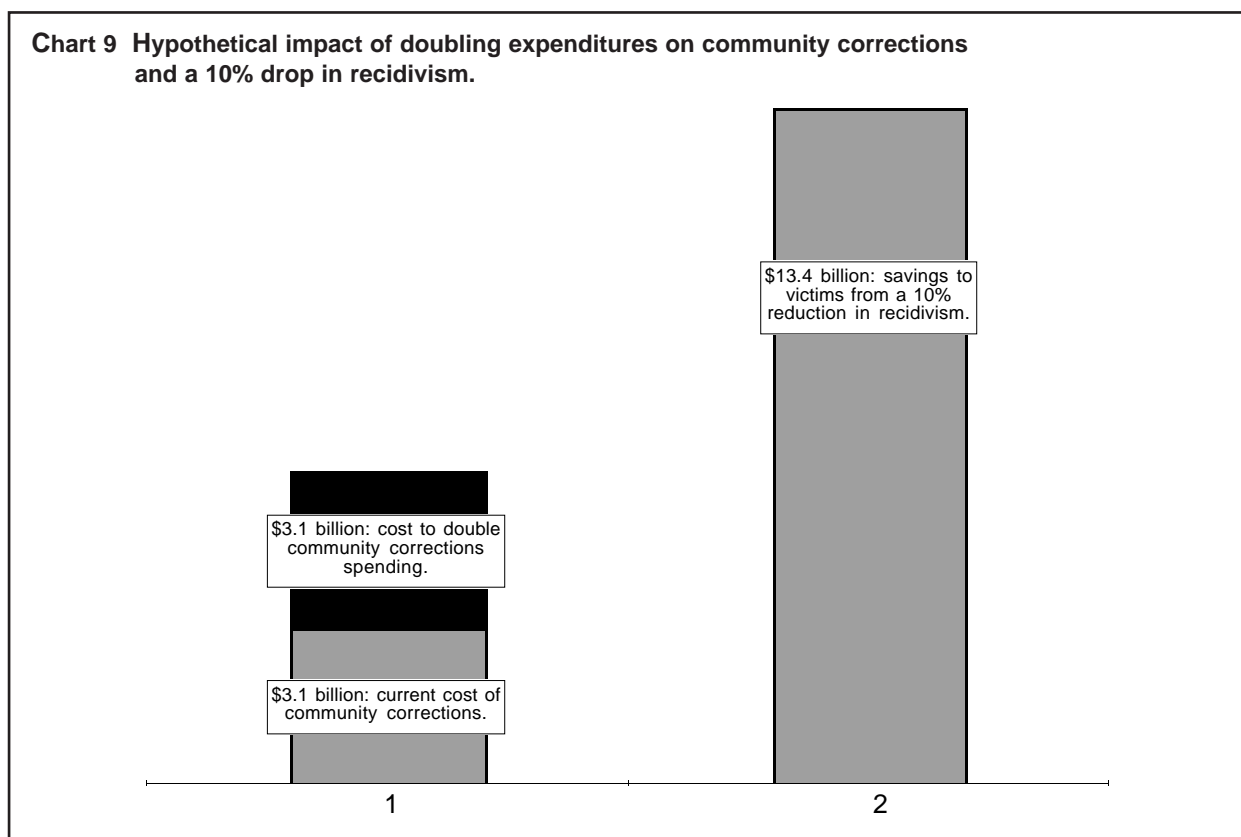


Chart 8 compares state government expenditures on community corrections and the cost to victims of crimes committed by offenders on probation, parole, or pre-trial release.

If more spending in community corrections could produce even a modest decline in recidivism, the benefits would be substantial.

For example, Chart 9 compares the benefit that would occur if a 100% increase in community corrections spending, from \$3.1 billion to \$6.2 billion, produced a relatively modest 10% decline in recidivism. Every dollar in new, tax-supported spending would save citizens more than four dollars.





## SECTION 6. EFFORTS TO CUT RECIDIVISM

The gains from a modest, 10% cut in recidivism would justify a major increase in spending for community corrections programs. However, evidence from the 1980s and 1990s provides mixed answers to the question of whether additional spending would produce the desired results.

### The Research Evidence: “We Know What Works”

A common refrain among correctional practitioners and researchers is that objective research points the way to “what works,” meaning programs that cut recidivism.<sup>43</sup>

One of several examples involves a rehabilitation program based on a concept called “cognitive training,” described as “the last ‘buzzword’ discovery in criminal justice and corrections.”<sup>44</sup>

Cognitive training focuses “on the thinking skills which guide (or fail to guide) the behavior of offenders. It attempts to replace [ingrained] and maladaptive thinking patterns with cognitive skills that promote pro-social behavioral choices . . . A key concept . . . is that offenders are taught ‘how’ to think, not ‘what’ to think.”

This approach relies on evidence that “many offenders have the propensity to act quickly before thinking [and to solve problems they confront in ways] that often tend to exacerbate problems . . .” Cognitive training programs include 36 training sessions where offenders are “taught the thinking and reasoning skills that they failed to acquire throughout their life experience. They have to replace . . . very impulsive reacting with new thinking processes.”

Canadian researchers David Robinson and Frank Porporino itemize a range of experiments in cognitive training that produced positive results. Examples include:

- A 1989 study showed a 33% reduction in recidivism in one year and nearly a 19% reduction after nearly three years.
- A study of more offenders, over a longer period (1989 to 1994), showed an 11% reduction in the number of treated offenders who were readmitted to custody.
- A 1995 study showed that “offenders who were exposed to [cognitive training] in community settings” experienced a 66% reduction in new convictions vs. 16% for those who participated in prison programs.

These positive results also underscore how high recidivism is among certain offenders. A study of high-risk offenders described by Robinson and Porporino showed a 19% reduction in recidivism, based on a 70% reconviction rate for the control group and 57% for the treatment group.

The Canadian findings on cognitive training have influenced efforts to improve community corrections programs in the United States. In “Thinking for a Change — Integrated Cognitive Behavior Change Program,” the National Institute of Corrections (NIC) Academy teaches the principles of cognitive training to corrections officials across the nation. Through such programs, researchers and practitioners try to spread the word about treatment programs that reduce recidivism.

Common themes emerge from this research, even though different names are often used to describe particular approaches. A concept called “risk management” is being presented to corrections officials through a joint project of the National Institute of Corrections and the International Community Corrections Association.<sup>45</sup> The NIC-ICCA workshops are sponsored under the theme: “Public Protection Through Offender Risk Reduction: Putting Research Into Practice.” They stress the need to identify and treat “criminogenic needs,” those where “treatment gain will reduce the likelihood of recidivism.” According to FORUM, a Canadian research periodical, treatment programs directed at an offender’s criminogenic needs “produce significant reductions in recidivism.”

Still other evidence of potential gains is provided by Petersilia, whose credentials include a 20-year association with criminal justice research at the RAND Corporation. She says her research shows that “[i]n programs where offenders received both surveillance (e.g., drug tests) and participated in relevant treatment, recidivism declined 20 to 30 percent.”<sup>46</sup>

### **The Gap Between Research Results and Widespread Implementation**

The positive research evidence described above arose from careful experiments involving a relatively small number of offenders. While the findings have statistical significance, such results must be broadly implemented to have impact. What has been the experience with corrections reforms that have been implemented beyond the experimental level?

In the United States, this question requires looking at a group of generally similar reforms implemented in many jurisdictions since about 1980. These initiatives fell under such general categories as “intensive supervision,” “intensive sanctions,” and “intermediate sanctions.” Petersilia explains that they “were designed to be community-based sanctions that were tougher than regular probation but less stringent and expensive than prison.” In many jurisdictions these programs were accompanied by additional financing for treatment and supervision.

Here are excerpts from reports that describe outcomes of some of these programs:

- “These reviewers have reached similar conclusions about the 1980s version of intensive probation supervision programs: *they have not been found to reduce crowding, costs, or offender recidivism* (emphasis in original).”<sup>47</sup>

- “. . . A goal of intensive supervision is to reduce the likelihood of continued criminal activity. Yet, probationers under intensive supervision had the highest arrest rate of any supervision level . . . Even taking into account (that such probationers might be higher risk), probationers in intensive supervision were arrested more frequently than those under less scrutiny . . .”<sup>48</sup>

- “. . . [O]ne may reasonably argue that the crime-reduction benefits [of intermediate sanctions] are zero. The marginal offender commits few crimes per year — no more than 20 — and it is unlikely that restrictions in the time available to commit a crime would by themselves be sufficient to reduce this by much. It simply does not take very long to commit 20 crimes . . . [For example, a] randomized experiment conducted in California in 1988 suggested no difference in recidivism between intensive supervision probation...and regular probation . . . [T]he number and timing of arrests and incarcerations was similar for both types of sanctions.”<sup>49</sup>

- “Serious errors can occur if policy analysts ignore the [intangible cost of crime] . . . Cohen (1988) describes a study of an early release program . . . that . . . [initially] passed a benefit-cost test. However, when the [intangible] value of pain, suffering, and lost quality of life were added, the early release program failed the benefit-cost test; more prison space was preferable.”<sup>50</sup>

Such results, from several programs in many different jurisdictions, suggest a failure at implementing research findings. Given the evidence about “what works,” the question becomes: what went wrong? Petersilia says

one answer is that the “program models were plausible and could have worked, except for one critical factor: they usually were implemented without creating organizational capacity to ensure compliance with court-ordered conditions” of community supervision and treatment. In other words, corrections officials often failed to deliver the kind of supervision and treatment that they promised. This is one of several shortcomings cited by Petersilia. In Wisconsin, as described below, such problems contributed to the collapse of a major community corrections reform.

The overall discouraging record underscores the many challenges associated with trying to implement results from relatively small, experimental studies. As the Canadian researchers emphasize: “[c]ognitive skills training is simple in its premise but painstakingly difficult in its application.” As a result, while “[c]ognitive based approaches are now quickly becoming the fashion in corrections and criminal justice . . . it is the particular design, and the mode of delivery . . . that will determine its effectiveness.”

### The Wisconsin Experience

Wisconsin’s experience with a major community corrections reform effort is instructive. In 1991, the Governor and Legislature enacted the Intensive Sanctions Program (ISP), designed to reduce prison crowding by diverting offenders to intensive community supervision. ISP was supported by more than a six-fold increase in per-offender funding. By 1998, it was all but abandoned. The reasons again illustrate the difficulty associated with implementing reforms in parole and probation.

A portent of the program’s demise came in 1996, when the Department of Corrections compared 195 inmates who had been released to ISP with 220 inmates who had been paroled through regular procedures. As summarized in Table 10, while per-offender spending in ISP was 6.5 times higher than for the parolees, the rate of escapes, revocations, and new crimes was almost identical.

**Table 10 Comparative costs and outcomes for offenders in ISP and regular parole, Wisconsin, 1996.**

	<i>Intensive Sanctions</i> n=195	<i>Parole</i> n = 220
<i>Escapes, Revocations, New Crimes</i>	31.3%	31.8%
<i>Cost per Offender</i>	\$7,800	\$1,200

These signs of trouble were followed in 1997 by a series of high-profile crimes by offenders in the ISP program. These examples, and other evidence, suggested that ISP participants were not the kind of “low-risk” offenders targeted when the program was created.<sup>51</sup> As it turned out, according to Wisconsin’s former Secretary of Corrections, there was little difference between offenders in ISP and those on regular parole. He wrote that “. . . the present [ISP] population [otherwise would be] parolees and they make up the highest rate of [potential] recidivism given the [past] crimes they have committed.”<sup>52</sup>

In 1997, Wisconsin Governor Tommy G. Thompson created a three-member committee, chaired by Milwaukee County Circuit Court Judge Elsa Lamelas, to examine problems in the ISP program.<sup>53</sup> The Lamelas committee completed its report in about four months, and emphasized that it did not constitute a complete evaluation of ISP. The committee’s work called attention to three major problems with the ISP’s implementation.

- Unrealistic expectations. Portrayed initially as a program for “low-risk” offenders, the burglars, thieves, and other offenders in it were actually at a high risk for re-offending.
- Inadequate supervision. Five years into the program, the public was told that it “satisfies the requirement for punishment and public safety . . . A crime-free lifestyle is promoted . . . Offenders in this program are heavily supervised . . . Breaking the rules may mean a quick trip to prison.”<sup>54</sup> Program records showed this often was not the case. In 1997, after two years of drug use and other unsanctioned rules violations, a program participant committed a murder. This was one of several incidents that hastened the program’s demise.<sup>55</sup>
- Inadequate monitoring and evaluation. Wisconsin established no independent means for monitoring or evaluating the program. As a result, the extent of ongoing problems was obscured.

The Lamelas committee was significant in other respects.

- It created an environment in which the Department of Corrections was more forthcoming in acknowl-

edging problems and identifying possible solutions. Historically, the department's leadership and ISP management were defensive about problems and overly optimistic about program outcomes.

- The committee surfaced a concern that previously had been widely, but privately, discussed among many corrections professionals in Wisconsin. Specifically, it reported the concern that “[i]ntensive supervision should be for the most dangerous offenders . . .” This led to a recommendation for a new program — the Strict Supervision Model — aimed at “[o]ffenders transitioning from prison to parole and high-risk probationers.” Thus, instead of ISP’s premise that prison crowding could be reduced by keeping “low-risk” offenders out of prison at the front end, the Lamelas committee and Department of Corrections identified a different, more realistic, and more research-based mission.
- The Strict Supervision Model endorsed by the committee requires a major spending commitment. Compared to the \$1,200 per offender average for community corrections as a whole, and the \$7,800 per offender spending in the ISP, the Department of Corrections estimates that \$8,800 per offender in annual operating costs will be required. This is in addition to a \$1.6 million startup budget for various equipment costs.<sup>56</sup>
- Neither the Department’s budget estimates nor the report of the Lamelas committee, addresses why ISP re-offense rates were almost identical to those of regular parolees while ISP spending was 6.5 times greater (see Table 10).

The proposed Strict Supervision Model is being considered by a task force that is examining a complete revision of the Wisconsin criminal code. Legislative consideration of the issue might occur during 1999.

## SECTION 7. CHANGING THE STATUS QUO

Several major trends characterize the status quo in American corrections.

**Recidivism.** Offenders on probation, parole, or pre-trial release account for more than 14 million crimes a year, at a cost to victims of about \$133.5 billion.

**Lack of progress in reducing recidivism.** Though some experiments report positive results in cutting recidivism, such gains have not been achieved on a broad scale.

**More incarceration.** Elected officials have increased, by about 21%, the share of all offenders in prison. In part, this has been in response to the first two trends listed above.

**Many factors  
that block progress  
are largely within the  
control of  
elected officials  
and corrections  
professionals.**

For these trends to change, probation and parole programs must become more effective in reducing recidivism. This is recognized among community corrections experts and supporters. As noted in Section 1, a training publication of the American Probation and Parole Association states directly that:

Community corrections must be able to “sell” [itself] as an effective and efficient program through comprehensive and accurate cost-benefit analyses.

Similarly, a spokesman for the American Correctional Association states:

Clearly, there is a growing, pressing need to find new and more efficient ways to manage probation and parole programs and clients.

Several factors stand in the way of achieving these goals: (1) inadequate funding for offender treatment; (2) ineffective management; and (3) lack of accountability for results. Because of these shortcomings, most community corrections programs are, in effect, “organized” for failure. A business-as-usual aura characterizes most operations. Efforts to innovate normally occur at the margin, in ubiquitous “pilot programs” that focus either on a single geographic region or a small number of offenders. While some programs may have real potential, as suggested by the “what works” research, the evidence of persistent recidivism shows a failure to exploit that potential. In the end, something that “works” needs to be “used,” or its impact remains non-existent.

Many factors that block progress are largely **within the control** of elected officials and corrections professionals. For example: there are ways to increase financial support for offender treatment; probation and parole pro-

grams are totally amenable to better management; and, finally, many steps can be taken to hold community corrections managers accountable for improving performance.

### The Prospects For Real Change

Under what circumstances might real change occur?

Using the private sector as a source of examples, the list is almost limitless. To survive and prosper, small and large companies alike have undergone fundamental restructuring. Those that failed to do so are gone. In communication products and technology alone, today's world would have been unrecognizable two decades ago. Through all the uncertainty, failure, and success of this period, employment is high and the overall economy has prospered.

The factors that drive innovation in the private sector are not often evident in the public sector. However, there are examples of real change that demonstrate it can occur. Policy initiatives undertaken by the State of Wisconsin in three major areas — welfare, urban education, and child welfare services — illustrate this. In each case, programs and bureaucracies that were impervious to change are undergoing a transformation. While the nature and degree of the change varies, in all instances it has been significant.

**Welfare.** The most widespread change involves the state's W-2 welfare reform. Once an entitlement, "welfare" has been largely replaced by a program linking benefits to employment and training requirements. The administration of welfare also has changed. Many traditional welfare offices have closed, replaced by a range of non-profit and for-profit organizations whose focus is on employment and training for employment. At the state level, the welfare bureaucracy, once housed in a major social services agency, has a different mission as part of the Department of Workforce Development.

**Urban education.** Due to a variety of state initiatives, Milwaukee has become the national center of a movement to restructure and reform urban schools. About 6,000 low-income students are attending non-public schools with taxpayer support. Researchers at the University of Texas, Harvard University, and Princeton University have identified potentially significant gains in academic achievement for these "choice students." The City of Milwaukee — distinct from the Milwaukee Public Schools — has used state-granted authority to charter independent public schools. The University of Wisconsin-Milwaukee is poised to do the same. Partly as a consequence, the city's public schools have established a new focus on giving parents more choices. The public schools advertise on radio urging young children to enroll in MPS and pledging to pay for private tutors for any children who aren't reading at grade level.

**Child welfare services.** In the mid-1990s, state legislators approved a takeover of child welfare programs that had been administered by Milwaukee County. This responded to documentation of widespread failure by the county in addressing the needs of children in dysfunctional homes. Under the new state structure, the administration and delivery of services has changed substantially. As with the W-2 program, a variety of private social service agencies has taken on more responsibility. Contracts for services include performance clauses. Backlogs in a number of areas have been cut.

None of these initiatives originated **from within** the agencies in need of reform. Instead, the common factor was the strong impetus provided by elected officials, who created a clear expectation that real change was required. Similar leadership will be needed to reform probation and parole. Experience suggest that the push must be external, from the Governor and Legislature.

## SECTION 8. A PROPOSAL FOR WISCONSIN

As summarized in Section 7, the main barriers to community corrections reform include: inadequate funding of treatment programs; ineffective management; and lack of accountability. This section describes a proposal, recommended for implementation in Wisconsin, that aims to address these problems. Its premise is that current probation and parole programs require a fundamental overhaul. The concept described here would make Wisconsin a national laboratory for testing the "what works" research described in Section 6. If this research can be successfully implemented in one state, and not just in a few small experiments, then correctional practices in general can be transformed.

It is recommended that the Governor and Legislature:

- Direct the Department of Administration to conduct a national competition to select a public or private agency to carry out responsibilities now managed by the Division of Community Corrections. The current

Division of Community Corrections would be eligible to submit a proposal.

Participants in the competition would be evaluated based on proposals that spell out recommended spending levels and programs necessary to cut recidivism. Submissions would address all areas of community corrections management, including whether current employees would be retained and whether changes in collective bargaining agreements are needed.

What is proposed is not a “low-bid” competition. Instead, for reasons summarized in this study, it is clear that more spending in the area of community corrections is needed. Under the competition suggested here, the award would go to the proposal showing the greatest and most realistic cost-benefit relationship between proposed spending and anticipated declines in recidivism.

- Authorize DOA to award a five-year contract, effective July 1, 2001, to manage Wisconsin’s community corrections offender population.<sup>57</sup> The state would have the option to extend the contract for another five years if there was satisfactory progress in cutting recidivism and meeting related performance measures.

As shown in Charts 1 and 2, a 10% reduction in recidivism would eliminate nearly 20,000 crimes and save Wisconsin residents an estimated \$122 million a year. While this might not be attainable in a single year, it is a modest goal for a five-year contract, especially when compared to research experiments that suggest larger declines are possible in shorter periods of time.

A number of questions arise in connection with the idea that Wisconsin — or any state — should consider such a major change in community corrections.

### Why Wisconsin?

Wisconsin is a good candidate for carrying out a true overhaul of community corrections. As described in Section 7, the state has made substantial progress under Governor Tommy G. Thompson in reforming welfare, urban education, and urban child welfare services. Thompson has appointed a new corrections secretary and emphasized the need to improve the state’s record in the area of offender rehabilitation.

Thompson’s political stature would let him take the kind of risks that are associated with real reform. For example, Wisconsin’s failed experiment with Intensive Sanctions punctured the myth of the “low-risk, non-violent offender,” one of many misleading messages used to seduce politicians to support past “reforms.” Real reform must honestly recognize that recidivism is tied closely to **high-risk** offenders and that reducing recidivism requires dealing with those offenders. It will take leadership to support a program that might produce a 35% recidivism rate among offenders who otherwise would recidivate at 50% or more.

### Why Change Wisconsin’s Current Management of Probation and Parole?

It is almost unprecedented for a defensive and entrenched bureaucracy — be it education, social services, or corrections — to take risks necessary for real reform. It is unlikely that Wisconsin’s Department of Corrections will, of its own volition, initiate reform. The execution of Wisconsin’s corrections programs in the 1990s includes notable problems:

- The Intensive Sanctions Program was mismanaged. Program monitoring and evaluation was all non-existent, so problems that were evident for years to local prosecutors and law enforcement were ignored or escaped the attention of corrections management. This ended when a wave of visible crimes, and resulting pressure, forced action to curtail the program.
- An independent audit suggests other management problems.<sup>58</sup> Wisconsin’s Legislative Audit Bureau reported the following:
  - “While costs vary significantly among correctional facilities within Wisconsin, we were not able to analyze those differences because . . . cost data reported by the Department cannot be used to evaluate the efficiency of individual facilities or to determine the areas of expenditure that are increasing the fastest . . .”
  - “To manage its resources most effectively and ensure that the desired goals of contracting are actually met, whether they be cost savings or improved services, the Department will need to approach decisions to contract for services in a more systematic

and businesslike manner. To do that, the State will need to establish clearly defined objectives against which contract services, costs, or performance can be assessed.”

- “. . . [T]he Department does not gather information to determine why inmates do or do not receive [necessary rehabilitative] programs, or to manage existing resources most effectively . . .”
- “. . . Shortcomings in the Department’s record-keeping systems prevent detailed analyses of other departmental costs, such as rehabilitation or social services programs, or comparisons of such costs and services among institutions. For example, although we estimate the Department spends approximately \$16.2 million annually on non-work rehabilitation programs, neither the effect of these programs nor why some inmates’ rehabilitation needs are met and other are not can be readily determined.”

### **Would Private or Other Public Organizations Submit Proposals?**

The recommendation in this study has not been implemented elsewhere, so it is possible only to make an informed prediction. The level of interest would be directly related to the manner in which Wisconsin sought proposals. If the Governor and Legislature formally authorized a national competition to reform probation and parole, it is likely that Wisconsin would receive many proposals.

A large and diverse group of non-profit and for-profit private organizations already contract with state corrections agencies. Their services range from the successful, cost-effective management of entire prisons, to the operation of community-based halfway houses, where high-risk probationers and parolees live, to the provision of offender treatment programs in many different areas (alcohol and drug abuse, sex offender counseling, education, and others).

### **How Would a Competitive Bidding Process Affect Current Managers and Employees in Wisconsin Community Corrections Programs?**

A competitive bidding process would produce a variety of reactions among the 2,300 employees in the Division of Community Corrections.

In all likelihood, the union representing the majority of these employees would strongly oppose the concept. Currently, these employees are covered, along with thousands of workers in other state agencies, by a 250+ page contract.<sup>59</sup> The contract includes one page of “management rights” that “must be exercised consistently with . . . provisions” in the other 249 pages. The remainder of the contract deals with traditional subjects of collective bargaining and appears to include no language on issues of agency performance or accountability.

In the course of preparing this report, the author spoke with a very limited number of corrections staff. Commenting on this proposal, one manager said the “Department should welcome the challenge.” While there is no evidence that this would be a typical reaction of managers, that certainly would be the goal of encouraging the current staff to submit a proposal to retain responsibility for community corrections.

The Department of Corrections provided examples of pilot programs that it believes show a commitment to improving the performance of community corrections. Financial support for two of these programs, one in Dane County and the other in Racine County, was authorized in the 1997-99 state budget. The projects are notable in (i) identifying a focus on “high-risk” offenders on probation and parole and (ii) establishing a goal for monitoring outcomes and evaluating results. If the state were to seek competitive proposals to manage community corrections, current staff probably would cite these pilot projects as examples of how the Division of Community Corrections is aiming to strengthen probation and parole programs. The projects are too early in design and implementation to have produced evaluation data.

### **Could The Entire Statewide Community Corrections Program Be Turned Over To New Management?**

Wisconsin’s statewide welfare reform illustrates that, if the political commitment exists, the answer is yes. An alternative would be to identify one or more of the state’s nine regional community corrections bureaus as can-

didates for new management. The state's Request for Proposals could allow respondents to propose a takeover of the whole system or one or more individual regions.

### **Where Would The Money Come From To Pay For More Treatment Programs?**

Community corrections reform requires a real test of the whether offender treatment and rehabilitation actually works. As the appendix to this report illustrates, Wisconsin's current financial commitment to treatment does not allow such a determination to be made. While this report does not estimate the additional spending that is needed, clearly that amount would be in the millions of dollars.

Millions of dollars could be reallocated from within the overall corrections budget to probation and parole treatment programs. Three examples illustrate how:

- A 1996 study estimated that Wisconsin could save between 11% and 14% of the cost of operating prisons if it hired private firms to manage them.<sup>60</sup> Subsequently, the Legislature authorized the use of privately managed prisons in other states. As of December 2, 1998, 2,200 privately managed beds were authorized.

Governor Thompson's 1999-2001 budget proposal provides authority for about an additional 5,000 beds. The currently authorized and proposed levels of private contracting save Wisconsin between \$15 million and \$20 million a year. It would be logical to reallocate a portion of that savings for probation and parole reform.

- Savings in the operation of existing prisons appear possible, even if they remain under public management. These could arise if the state were to emulate cost-efficient practices at successful privately managed prisons. For example, total staffing at one of Wisconsin's newest prisons is 28% higher, per 100 inmates, than at a comparably sized privately managed facility in Minnesota.<sup>61</sup> The privately managed facility, which is accredited by the American Correctional Association, has achieved cost efficiencies without sacrificing on program goals.

- In FY 1999, direct and indirect administrative expenses in Wisconsin's community corrections programs totaled nearly \$12 million, out of total spending of \$138.8 million. See Appendix.

The Summary section of this report included an assessment by Justice Department researchers about benefits from privatization of Connecticut's alternative sanctions programs. One such noted benefit was that ". . . privatization has a reputation for saving money because, when done correctly, services can be provided without the massive administrative overhead that comes with operating under the state government umbrella."

### **What is the reaction of the Department of Corrections to this study?**

When research for this study began, in the spring of 1998, the Department of Corrections was asked: to nominate members to be on an advisory committee and to provide examples of its most effective community-based programs. The Department responded by requesting more information about the proposed study. While a response to this request was submitted, the Department did not acknowledge it.<sup>62</sup>

In December, 1998, a request for information was submitted to the Director of the Division of Community Corrections. Subsequently, draft copies of this study were provided to him. His reaction is included as Appendix 2.

## **CONCLUSION — WHAT PROOF IS THERE THAT A PLAN LIKE THIS COULD WORK?**

None. That will be the main argument presented by its opponents, including many who have been closely involved in the management and operation of probation and parole programs in Wisconsin. Given the data on the persistent levels of recidivism, a more pointed question might be: isn't it time to try something different?

The likely alternative is a business-as-usual, don't-make-waves scenario, known in the jargon of state government as "cost-to-continue." This virtually ensures that the major trends characterizing the status quo will continue: persistent recidivism and an increased share of offenders in prison. Absent forceful action by elected officials, comparable to the leadership shown on such issues as welfare and education reform, there is little reason to expect anything different.



## APPENDIX 1— WISCONSIN SPENDING ON COMMUNITY CORRECTIONS.

**Table A-1 Community corrections spending, Wisconsin DOC, FY 1999**

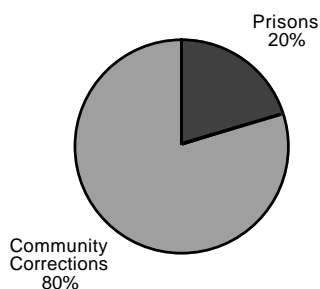
<i>Category</i>	<i>Amount</i>
<i>Administration &amp; Other</i>	\$ 11.8
<i>Correctional Centers</i>	28.4
<i>Probation &amp; Parole</i>	98.6
<b>Total</b>	<b>\$ 138.8</b>
<i>Offenders</i> <sup>65</sup>	67,642
<i>Spending per Offender</i> <sup>66</sup>	\$ 2,052

The Department of Corrections (DOC) administers two programs for adult offenders.<sup>63</sup>

- **Adult prisons.** As of January 1, there were 16,411 inmates in medium and maximum security prisons.

- **Community Corrections.** As of January 1, there were 65,820 adult offenders on probation or parole and 1,822 adults in minimum security correctional centers.

**Chart A-1 Adult offenders in Wisconsin prison and community corrections, by percent, 1998**



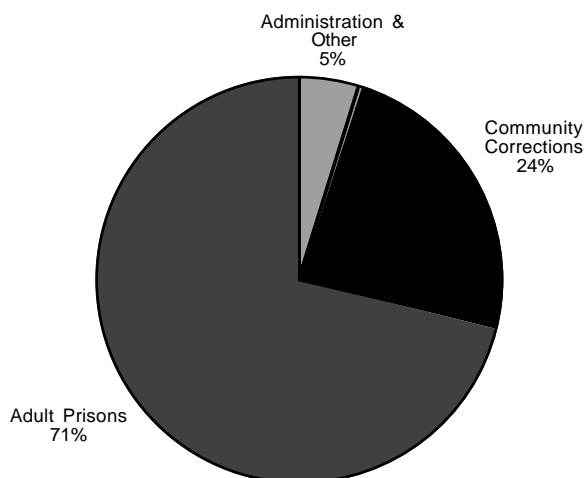
The fiscal year 1999 budget for adult prisons and community corrections is about \$560 million. The community corrections share is about \$138.8 million.<sup>64</sup>

Table A-1 summarizes allocations of funding for the Division of Community Corrections.

While 80% of adult offenders are in community corrections, the budget for the DOC's Division of Community Correction is about one-quarter of overall spending for adult offenders. See Charts A-1 and A-2.

### How Is The Community Corrections Budget Spent?

**Chart A-2 Spending on adult offender programs, by percent, FY 1999.**



Excluding administrative and other indirect costs of nearly \$12 million, the annual community corrections budget is about \$127 million.

An estimated 88% of that amount is used for:

- Security and detention at community correctional centers, formerly called minimum security prisons; and
- Community supervision of probationers and parolees.

The remaining 12% — about \$14.9 million — is used to purchase various services from private correctional service agencies that contract with DOC. Table A-2 summarizes the types of services and amounts spent on them.

### Level Of Spending For Treatment

Table A-2 shows an annual allocation of \$3.1 million for offender treatment programs. This equals 2.2% of the total community corrections budget and represents an average allocation per offender of \$46 per year. Assuming, arbitrarily, that **all** misdemeanor offenders (as opposed to felons) have **no treatment needs**, then treatment funds per offender increase to an average of about \$77 a year. This amount is inadequate to implement and evaluate programs that suggest recidivism can be reduced with proper treatment.

**Table A-2 Estimated purchase of service budget,  
Division of Community Corrections, FY 99<sup>67</sup>**

	<i>Amount (\$millions)</i>	<i>%</i>
<i>Halfway Houses &amp; Transitional Living</i>	\$11.5	77%
<i>Alcohol &amp; Drug Treatment</i>	1.6	11%
<i>Sex Offender Treatment</i>	0.7	5%
<i>Day Treatment Programs<sup>68</sup></i>	0.5	3%
<i>Domestic Violence Programs</i>	0.3	2%
<i>Drug Testing</i>	0.3	2%
<b>Total</b>	<b>\$ 14.9</b>	<b>100%</b>

**APPENDIX 2 COMMENTS FROM THE DIVISION OF COMMUNITY CORRECTIONS**

**Tommy G. Thompson**  
Governor

**Jon E. Litscher**  
Secretary



**State of Wisconsin  
Department of Corrections**

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March 5, 1999

Mr. George Mitchell  
5250 N. Kimbark Ave.  
Milwaukee, WI 53217

Dear Mr. Mitchell,

Thank you for sharing a draft copy of your paper titled "REFORM OF PROBATION & PAROLE: A PATH TO LESS CRIME" and providing an opportunity for comment.

I received three drafts of your paper on February 19, 22, and March 3, 1999, respectively, and have not had the opportunity to study your methodology and conclusions in any real depth. Please accept the following as my preliminary comment to your paper.

I met with you in January, 1999, and provided you with various requested materials for your research on this topic. I also sent you follow up material on February 16, 1999. In reviewing your draft document, I was surprised that you did not refer to some of the materials that I provided which you thought at the time might have a bearing on your working hypothesis. Specifically, I am referring to the Absconder Unit and Re-Offender Prevention Enforcement (ROPE) program.

You state in your paper that management of various correctional programs fail to acknowledge problems, fail to implement reform and that there is no accountability. You refer to various national studies to support your conclusions.

As you know, there have been two independent studies in recent years to look at corrections programs in Wisconsin – the Governor's Task Force on Sentencing and Corrections and the Intensive Sanctions Review Panel Report.

We do recognize that there is room for improvement and have begun to implement some reform initiatives. Let me outline three such initiatives.

1. As a result of the Governor's Task Force on Sentencing and Corrections, Governor Tommy G. Thompson and the Legislature provided, in the last biennial budget, \$7.2 million to enhance probation and parole services in southern Wisconsin. This included more probation and parole agents and more money for treatment. The Department designated Racine and Dane Counties as the areas of the state to pilot these enhanced projects.

March 5, 1999  
George Mitchell  
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The critical elements of the enhanced supervision projects are: small caseloads (one agent to 17 offenders); increased purchase of services money (\$1.6 million); and, partnerships with criminal justice agencies, including law enforcement, to provide better public safety. There is an evaluation component to each project.

Both of these projects began operating in April 1998.

2. Also in the biennial budget Governor Thompson and the Legislature provided over \$1.5 million to develop an absconder unit in Milwaukee. Twenty probation and parole agents are assigned to this unit. The unit is responsible for locating offenders who are in violation of their supervision by failing to report. The agents work in pairs and have the ability to work closely with the Milwaukee Police Department. This effort has increased accountability of the offenders who have chosen not to follow their supervision rules. This program, too, began in April, 1998.

The Department must report back to the Legislature's Joint Committee on Finance by May 1, 1999, on our ability to meet the Legislature's approved goals and objectives of the program (enclosed).

3. The Re-Offender Prevention Enforcement (ROPE) Program is a cooperative effort by the Division of Community Corrections, Milwaukee Region, and the Milwaukee Police Department. The program's goal is to increase public safety by reducing crime and violence committed by offenders who are already on community based supervision. Probation and Parole Agents and Police Officers work in teams to make non-traditional visits to offenders at their homes and communities to monitor their activities. The program emphasizes the agent's visibility in the community and building constructive working relationships with community stakeholders, while holding offenders accountable to the conditions of supervision.

The project presently involves 16 probation and parole agents from the Milwaukee Region teaming with officers from the Milwaukee Police Department. The targeted offender population is high risk and assaultive offenders, repeat and non-compliant offenders, gang member offenders, sex offenders and drug dealers. On random evenings, two nights per week, two agents ride with four uniformed officers in two marked squad cars generally between the hours of 6 PM to midnight. The offender contacts are 'correctional driven' and police officers function as support and protection for the agent.

You are also aware of other initiatives underway in Wisconsin to provide better public safety and offender accountability. These include, but are not limited to, neighborhood supervision and sex offender intensive supervision.

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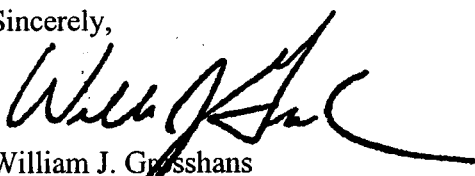
Recently, the Department of Corrections agreed to work cooperatively with the International Community Corrections Association (ICCA) on two separate projects.

The first, with technical assistance from the National Institute of Corrections, is to evaluate some contracted correctional programs in Wisconsin using the Correctional Program Assessment Inventory. They also will complete an independent evaluation of the enhanced supervision programs in Racine and Dane Counties. I enclose a description of that inventory tool.

The second, which you cite in your report, also is in cooperation with the National Institute of Corrections, is to sponsor a training seminar this summer for criminal justice practitioners and community stakeholders in Wisconsin titled, "Promoting Public Safety Using Effective Intervention with Offenders." This workshop will be hosted across the country in 1999. A brief description of this training is, "Agreement is emerging around an alternate notion, called risk management, as better defining the central function of corrections. It balances punishment with a responsibility to manage risk through a variety of strategies. This approach builds for controlling and changing criminal behavior."

Last, as you know, the Criminal Penalties Study Committee whose members are appointed by the Governor, the Attorney General, the Supreme Court and the Legislature, is reviewing not only the criminal code but extended supervision under truth-in-sentencing. I am confident that the Department of Corrections will implement effectively and responsibly whatever programs the Legislature enacts.

Sincerely,



William J. Grosshans  
Administrator

WJG:mek

Enc.

Cc: Jon Litscher, Secretary  
Cindy O'Donnell, Deputy Secretary  
Jessica O'Donnell, Executive Assistant

## Milwaukee County Absconder Unit

**Mission: to increase public safety by locating, tracking and holding absconders\* and escapees\* accountable for complying with rules of supervision and avoiding criminal activity.**

<b>Goal 1: Increase public safety.</b>	<b>Goal 2: Improve the accountability of offenders.</b>	<b>Goal 3: Enhance the collaboration between the DOC and local law enforcement in the apprehension of absconders and escapees.</b>
<b>Objective:</b>  1.1 Increase public safety by reducing the number of absconders and revoking the supervision of offenders not amenable to supervision.	<b>Objective:</b>  1.1 Improve the accountability of offenders by making offenders report regularly, pay restitution, submit to urinalysis screens and participate in work, school, or community service.	<b>Objective:</b>  1.1 Enhance the collaboration between DOC and local law enforcement by sharing information and jointly participating in neighborhood and community policing.
<b>Performance Indicators:</b>	<b>Performance Indicators</b>	<b>Performance Indicators</b>
<b>Outcome:</b>  <ul style="list-style-type: none"> <li>• Reduce the number (3800) and percent (19%) of the current population of absconders and escapees in Milwaukee by 380 or 10% in the first 6 months and 953 or 25% in the first 12 months.</li> </ul>	<b>Outcome:</b>  <ul style="list-style-type: none"> <li>• Improve the accountability of offenders by increasing the number reporting to their probation/parole agents by 3% (from 81% to 84%) within the first 6 months and 6% (from 84% to 87%) within the first year.</li> </ul>	<b>Outcome:</b>  <ul style="list-style-type: none"> <li>• Identify absconders who are the most violent and high risk cases and provide Milwaukee County law enforcement, with information on 100% of such cases.</li> <li>• Obtain written feedback or survey from law enforcement agencies in Milwaukee County.</li> </ul>

\*"Absconder" means a probationer or parolee whose location is unknown. "Escapee" means an offender who escapes from an institution (Type 1 and Type 2), or correctional center.

## Correctional Program Assessment Inventory

### Examines Six Areas:

1. Program Implementation
  - a. influence and involvement of program director
  - b. leadership and qualifications
  - c. overall implementation of the program
2. Client Assessment
  - a. selection of clients
  - b. assessment of specific client characteristics
  - c. manner in which clients are assessed
3. Program Characteristics
  - a. ability to target criminogenic behaviors
  - b. types of treatment used
  - c. how treatments are used
  - d. preparation of clients to return to community
4. Staff Characteristics
  - a. type and education level of staff
  - b. experience, longevity, and involvement of staff
  - c. assessment and training of staff
5. Evaluation
  - a. types of feedback
  - b. program assessment and evaluation
  - c. quality assurance
6. Other
  - a. ethical guidelines
  - b. completion of client files
  - c. advisory board
  - d. stability of funding
  - e. community support

## **SUMMARY OF THE CORRECTIONAL PROGRAM ASSESSMENT INVENTORY (CPAI)**

The CPAI is a tool that we use for assessing correctional intervention programs. The CPAI was developed by Gendreau and Andrews and is used to ascertain how closely correctional programs meets known principles of effective intervention. To date we have conducted over fifty assessments across the country.

There are six primary areas that the CPAI assesses: 1) program implementation and leadership; 2) client pre-service assessment; 3) characteristics of the program; 4) characteristics and practices of the staff; 5) evaluation and quality control; and 6) miscellaneous items such as ethical guidelines and levels of community support. Each section is scored as either “very satisfactory” (70-100%), “satisfactory” (60-69%), “satisfactory but needs improvement” (50-59%), or “unsatisfactory” (less than 50%). The scores from all six areas are totaled and the same scale is used for the overall assessment score. Not all of the six areas are given equal weight, and some items may be considered “not applicable”, in which case they are not included in the scoring.

Data are collected through structured interviews with selected program staff. Other sources of information include policy and procedure manuals, treatment materials and curriculum, a sample of case files, and other selected program materials. Once the information is gathered and reviewed the program is scored, and a report is generated which highlights the strengths, areas that need improvement and recommendations for each of the six areas.

There are several advantages to the CPAI. First, it is applicable to a wide range of programs (adult, juvenile, community, institutional, etc.). Second, it allows us to “quantify” the quality of a program through a scoring process. This allows comparisons across programs, as well as benchmarking. Third, the entire process can be completed relatively quickly. Usually we can gather the information we need in a day or two, and have a report within a few weeks.



### APPENDIX 3 - COMMENTS FROM THE INTERNATIONAL COMMUNITY CORRECTIONS ASSOCIATION

*Draft copies of this study were provided to Peter Kinziger, Executive Director of the International Community Corrections Association. The association sponsors "what works" research conferences on translating research into practical application. Its focus is on effective interventions that will result in reduced recidivism. His comments follow.*

Offenders are sanctioned for one of four reasons: punishment, incapacitation, deterrence, or treatment. Generally, these are policy goals established by legislative bodies, not by departments of correction or probation and parole. If legislatures want to emphasize punishment and incapacitation, they will establish policies and programs to punish, i.e. prisons. If they want to emphasize rehabilitation, they will sponsor programs and policies aimed at helping offenders to change. Wisconsin has not passed policies to fund rehabilitation and treatment in the recent years. It instead has been driven by goals of incapacitation and punishment. You cannot hold an agency such as the Department of Corrections accountable for failing to achieve better results with treatment when the policies established by their overseers, i.e., legislators, emphasize punishment and incapacitation.

The barriers to community corrections reform are more complex than stated in this report. Most importantly, the major barrier is not the Department of Corrections, but instead consists of the legislative body and its choices of how to sanction and sentence offenders. As for barriers cited in the report:

**Inadequate funding.** I agree that there is inadequate funding for treatment programs, but I do not blame probation and parole for these inadequacies. Wisconsin can divert funds from prison budgets for use in effective community interventions.

**Ineffective management.** I do not have the knowledge to respond on the overall issue of effectiveness of management within our state. With specific respect to Intensive Sanctions, it was established by the Legislature as essentially a community-based incapacitation program, so the fault here was not management, but rather that it was not treatment-based.

**Lack of accountability.** The focus of probation and parole in Wisconsin largely has been one of incapacitation, not treatment. While there have been mistakes in the Wisconsin probation system, I am not willing to say that there is a lack of accountability system-wide. The changes that are needed should stress effective interventions or risk reduction programs. Accountability should be determined by measuring reductions in recidivism or risk-reduction measures.

I like the concept of Wisconsin as a national laboratory for "what works." This should focus on testing and implementing the principles of effective offender treatment programs. A successful effort would encourage other states to follow these principles.

The proposal that the Department of Administration contract for public or private agencies to carry out responsibilities now managed by the Division of Community Corrections is a dangerous position to take without understanding what it is we want to accomplish. I would never trust a company, private or public, to spell out spending levels and programs necessary to cut recidivism. I would not trust a provider agency to write a proposal that shows the "greatest and most cost-benefit relationship between proposed spending and anticipated declines in recidivism." To me, these are policy decisions to be considered by the legislature in conjunction with the DOC. From what I have seen nationally, a proposal of this nature would invite organizations who have little basis to demonstrate that they can accomplish the intended goals. There are no shortages of for-profits and not-for-profit companies who have made similar offers in other states, and have not been successful. Further, it would take more than soliciting proposals from provider agencies to get a reduction in recidivism. We have to first look at what we want from sentencing and sanctioning, and if we have the political will and organizational responsibility to accomplish the job.

The goal of cutting recidivism raises many questions: Which offenders' recidivism are we trying to reduce? Sex offenders? Drug offenders? Burglars? For what length of time - one year, 2 years, 5 years? I do believe, and there is ample evidence to suggest, that dramatic reductions in recidivism can be made using effective interventions,

but you need to better identify goals based upon specific groups of offenders and individuals. I advocate that experiments to address this goal should be piloted to determine if they work. It takes a minimum of three years to determine if a pilot is working. I would never suggest initiating large-scale programs without a period of piloting prior to large-scale implementation.

The nature of probation and parole does not lend itself toward operating comprehensive community programs. There are only a handful of states in which probation actually operates comprehensive programs. More frequently we see community corrections programs operated by private sector agencies that enhance the role of probation and parole.

I believe a more significant role for probation and parole in the future would be one of assessment, diagnosis, monitoring and quality control. We have to recognize that increasingly community corrections is becoming a human science. We have to understand that the psychology of criminal conduct must make use of psychometric instrumentations in order to be more successful. Assessment and diagnosis take training and support and are costly if done well and right. It is only after we do appropriate diagnostic work that we can develop programs to demonstrate risk reduction, recidivism reduction. If probation and parole can be responsible for diagnosis, assessment and quality control of interventions, then I believe we have a chance of seeing structural change in Wisconsin's community corrections.

## NOTES

- 1 This study contains estimates for Wisconsin and the nation of the amount, and cost to victims, of crime by offenders on probation, parole, or pre-trial release. Sources of data and methods are described below.
  - Crime by recidivists. The study assumes that 37% of felonies are committed by offenders on probation, parole, or pre-trial release. The source for this estimate are federal studies of the criminal background of felony defendants in state courts. See: (i) Brian A. Reaves and Pheny Z. Smith, "Felony Defendants in Large Urban Counties, 1992," Bureau of Justice Statistics National Trial Reporting Program, July 1995; and (ii) Reaves, "Felony Defendants in Large Urban Counties, 1994," Bureau of Justice Statistics Executive Summary, January 1998. The more recent of these studies assumes 40% of crime is by recidivists; this study uses 37% to be conservative. Other assumptions produce a conservative estimate:
    - The study exclude crimes by offenders on parole or probation who return to prison solely for violations of parole or probation conditions. Such offenders often are apprehended in connection with suspected crime but, in the end, are reincarcerated, without new charges, based on non-criminal violations of supervision conditions.
    - Exclude new crimes by ex-probationers and ex-parolees.
    - Exclude misdemeanor crimes and felony drug offenses.
  - Overall amount of crime and cost of crime. This study uses a comprehensive study conducted for the National Institute of Justice, an agency of the U.S. Department of Justice. See Ted R. Miller, Mark A. Cohen, and Brian Wiersema, "Victim Costs and Consequences: A New Look," February 1996. This rigorous study estimates that, on an annual basis, there were more than 49 million annual criminal victimizations in the United States, at a cost to victims of \$451 billion, in the four year period of 1987 - 1990. To reflect reductions in crime during the 1990s, these estimates are reduced by 20%. Assuming 37% of crime is by recidivists, this accounts for more than 14 million victimizations, at an annual cost of about \$133.5 billion.
  - Crime and recidivism in Wisconsin. Wisconsin's pro-rata share of national crime is estimated based on FBI crime reports, as summarized by the U.S. Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics 1997, Tables 3.112 and 3.113, pp. 262-270. In 1996, Wisconsin accounted for 0.78% of national violent crime and 1.56% of national property crime. When those percentages are applied to the national estimates in Miller, Cohen, and Wiersema, and then reduced by 20%, this study estimates that there are about 529,000 annual criminal victimizations in Wisconsin, at a cost to victims of \$3.3 billion. Recidivism in Wisconsin is assumed to equal 37% of those totals.
- 2 Probation and parole often are referred to under the general category of "community corrections," reflecting the fact that probationers and parolees reside in the community, as opposed to offenders who are incarcerated. Wisconsin's Division of Community Corrections, Department of Corrections, supervises about 66,000 probationers and parolees and another 2,000 offenders in minimum security community correctional centers.
- 3 Patrick J. Coleman, Jeffrey Felten-Green, Geroma Oliver, "Connecticut's Alternative Sanctions Program," Practitioner Perspectives, Bureau of Justice Assistance, U.S. Department of Justice, October 1998, 15 pp.
- 4 Lon Lanza-Kaduce and Karen F. Parker, "A Comparative Recidivism Analysis of Releasees from Private and Public Prisons in Florida," Private Corrections Project, University of Florida, January 1998. The study was conducted pursuant to a Florida statutory requirement.
- 5 Joan Petersilia, "Probation in the United States," National Institute of Justice Journal, September 1997, pp. 2-8, traces the origins of probation to an 1841 decision by a Boston court, a decision that initiated the concept that "not all offenders required incarceration."

Petersilia is Professor of Criminology, Law, and Society, School of Social Ecology, University of California, Irvine. Other affiliations include a 20-year involvement in criminal justice research at the RAND Corporation. Her overview of U.S. probation practices is adapted from *Crime and Justice*, Volume 22, Michael Tonry (ed.), University of Chicago Press, 1997.

Edward Rhine, William R. Smith, and Ronald Jackson, *Paroling Authorities — Recent History and Current Practice*, American Correctional Association, Laurel MD, 1991, 205 pp., say that parole, and the idea that rehabilitation was a primary purpose of prison, also originated in the mid-19th Century, though not in the United States. The practice began in Ireland and Australia and took root in America in the 1870s.

- 6 Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1997*, as derived from data in Table 6.1, p. 464. Chart 1 excludes jail inmates, the majority of whom are awaiting trial.
- 7 Ed Barajas, "Freeing the Invisible Giant," *State Government News*, published by The Council on State Governments, Lexington KY, August, 1997, pp. 17-19. Barajas is a corrections program specialist with the National Institute of Corrections, U.S. Department of Justice.
- 8 Petersilia, "Probation in the United States."
- 9 Exceptions:
  - (i) Not all probationary sentences involve no prison. So-called "split sentences" involve a combination of probation and incarceration. Separately, many judges issued "stayed" prison sentences and then place a defendant on probation; if probation is violated, the stayed prison sentence is then imposed.
  - (ii) A majority of offenders convicted in federal (as opposed to state) courts are incarcerated. See William P. Adams, Jeffrey A. Roth, and John Scalia, "Federal Offenders under Community Supervision, 1987-96," Bureau of Justice Statistics Special Report, August 1998.
- 10 Theoretically, rehabilitation programs and other aspects of prison life also are meant to rehabilitate offenders. However, research evidence suggests the main function achieved by prison is incapacitation and, therefore, the inability of inmates to commit further crimes while in prison.
- 11 Public opinion data cited here are from "Public attitudes toward crime and criminal justice-related topics," Section 2, *Sourcebook of Criminal Justice Statistics 1997*, pp. 99-175. Separately, Jean Johnson, senior vice president at Public Agenda, a research organization, has written a comprehensive article summarizing several polls. See "Americans' Views on Crime and Law Enforcement," *National Institute of Justice Journal*, September 1997, pp. 9-14.

Polling data on criminal justice issues must be carefully interpreted. Advocates of a particular point of view often sift through polls (the *Sourcebook of Criminal Justice Statistics 1997* includes 102 different tables) to find answers that support their position. A better approach is to review the broad array of data, including those that track changes in public opinion over time. As Johnson notes in "Americans' Views on Crime and Law Enforcement," public opinion does "not fall neatly into either a liberal or conservative political framework."

Some advocacy organizations finance their own polls, often structured to achieve certain answers. This occurred in Wisconsin in 1996, in connection with a poll financed by the Edna McConnell Clark Foundation for the Governor's Task Force on Corrections. A critique of this poll, prepared by this author, will be provided on request.

- 12 Probationers generally have a less serious criminal history than parolees. Typically, judges will sentence more serious offenders to prison, from where most will be eventually be paroled. Though probation and parole thus deal with different types of offenders, both programs aim to rehabilitate these offenders. Probation and parole agents often serve a combined caseload of probationers and parolees.

It would be wrong to say probationers are “not serious.” A federal study of felons on probation (about 58% of all probationers; the rest are misdemeanants) found that “[w]ithin 3 years . . . while still on probation, 43% . . . were rearrested for a felony. Half of the arrests were for . . . murder, rape, robbery, or aggravated assault or . . . drug trafficking or drug possession.” Patrick A. Langan and Mark A. Cunniff, “Recidivism of felons on probation, 1986-89,” Bureau of Justice Statistics Special Report, February 1992. A study of more than 3 million probationers found that 453,000 had been sentenced for a violent offense and 757,000 more had been sentenced for an offense such as burglary. Half of the probationers had a prior sentence to probation or prison. Thomas P. Bonczar, “Characteristics of Adults on Probation, 1995,” Bureau of Justice Statistics Special Report, December 1997.

- 13 Sourcebook of Criminal Justice Statistics 1997, Table 6.1.
- 14 Some advocates of community corrections suggest that public officials “abandoned” the goals of rehabilitation in the 1970s and 1980s. They cite influential studies in the early 1970s that questioned the effectiveness of rehabilitation programs. Combined with rising crime rates during these same years, it’s clear that the net result was less confidence in community corrections and greater reliance on prisons.
- 15 If incarceration rates had not risen since 1980, more than 800,000 offenders now in prison would instead be in the community. Assuming typical levels of recidivism, the result would be higher levels of crime.
- 16 Sourcebook of Criminal Justice Statistics 1997, Table 1.7. These comparative data do not take into account the impact of inflation or the substantial increase in offenders under correctional supervision. Chart 6 and Table 6, Section 3, show that — in Wisconsin — on an inflation-adjusted basis, per-offender spending declined markedly between the 1970s and 1990s.
- 17 Several studies independently have estimated how much crime is avoided by incarcerating a typical criminal. Excluding drug sales, most of these studies estimate that about 15-20 crimes are avoided annually for each additional inmate. Avoided crimes mainly include thefts, burglaries, assaults, and robberies. Using estimates from Miller, et.al. (see Note 1), the cost to victims of such crimes is about \$46,000 per year. When offset by the average annual cost of \$25,000 to incarcerate an inmate, net annual savings due to incarceration are about \$21,000 per inmate. See:
- William Spelman (LBJ School of Public Affairs, University of Texas), Criminal Incapacitation, Plenum Press, 1994;
  - Thomas B. Marvell, and Carlisle E. Moody Jr. (William & Mary College) “Prison Population Growth and Crime Reduction,” Journal of Quantitative Criminology, Vol. 10, No. 2, 1994;
  - John DiIulio and Anne Piehl (Princeton University and Harvard University) “Does Prison Pay?” The Brookings Review, Winter 1995;
  - Steven D. Levitt (Harvard University and University of Chicago) “The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Litigation,” Harvard University Quarterly Journal of Economics, May 1996;
  - Miller, et.al., “Victim Costs and Consequences: A New Look.”
- 18 Harry N. Boone Jr., Betsy Fulton, Ann H. Crowe, and Gregory Markley, Results-Driven Management: Implementing Performance-Based Measures in Community Corrections, The American Probation and Parole Association, Lexington KY, 1995, Third Edition, p. 13.

19 Eric Tischler, “Does Technology Enhance or Hinder Community Supervision?” On the Line, a newsletter published by the American Correctional Association, Vol. 21, No. 2, March 1998.

20 Petersilia, in “Probation in the United States,” says: “The most common question asked about probation is, ‘Does it work?’ By ‘work,’ most mean whether the person granted probation has refrained from further crime or reduced his or her recidivism — that is, the number of rearrests. Recidivism is currently the primary outcome measure for probation, as it is for all corrections programs.”

Rearrests are only one of many outcomes used to measure recidivism. Boone, et.al., pp. 3-21, cite 13 other measures and describe limitations associated with several of them. Depending on the measure used, and over what period of time, the same data set can produce different rates of recidivism. Thus, there is no single measure for recidivism. When the term is used, it should be accompanied by a specific reference to the measure used and the period of time measured. Comparisons should be made only when the same measure and period of time are involved.

21 Petersilia and Blumstein, “25 Years of Criminal Justice Research,” written in connection with the 25th anniversary of the National Institute of Justice (NIJ) and its research program. December 1994. The paper is available on the NIJ website, [www.ncjrs.org](http://www.ncjrs.org).

Blumstein, like Petersilia, is among the country’s highly regarded criminal justice researchers. He is the J. Eric Johnson Professor of Urban Systems and Operations at Carnegie Mellon University.

22 Sourcebook of Criminal Justice Statistics 1997; Reaves and Smith, “Felony Defendants in Large Urban Counties, 1992;” and Reaves, “Felony Defendants in Large Urban Counties, 1994.”

23 Recidivism rates in this table involve charges for new crimes committed while on probation or parole. They exclude (i) crimes by former probationers or parolees and (ii) violations of parole or probation supervision conditions, such as failure to report to an agent, positive drug tests, etc.

24 George Mitchell, “Parole in Wisconsin,” Wisconsin Policy Research Institute Report, Vol. 5, No. 3, June 1992, and “Who Really Goes to Prison in Wisconsin?,” Wisconsin Policy Research Institute Report, Vol. 9, No. 4, April 1996.

25 Patrick A. Langan and Mark A. Cunniff, “Recidivism of felons on probation, 1986-89,” Bureau of Justice Statistics Special Report, February 1992; Robyn L. Cohen, “Probation and Parole Violators in State Prison, 1991,” Bureau of Justice Statistics Special Report, August 1995; Thomas P. Bonczar, “Characteristics of Adults on Probation, 1995,” Bureau of Justice Statistics Special Report, December 1997; and Christopher J. Mumola and Bonczar, “Substance Abuse and Treatment of Adults on Probation, 1995,” Bureau of Justice Statistics Special Report, March 1998.

26 Richard Lee Colvin, “Young Offenders Learn ABCs the Hard Way: Caged,” The Los Angeles Times, November 8, 1998.

27 Bonczar, “Characteristics of Adults on Probation,” which defines “collateral contact” as “case-related contacts that do not include contact with the probationer, such as verification of employment or attendance in treatment program[s].”

28 Bonczar, “Table 9. Type of contact by probation officer in last month and level of supervision, by severity of offense, 1995,” and “Table 10. Type of contact by probation officer in last month, by level of supervision, 1995.”

29 Cohen, “Probation and Parole Violators in State Prison, 1991.”

- 30 Reginald A. Wilkinson, Director, Ohio Department of Rehabilitation and Correction, “Community Corrections: A Vital Link in the Criminal Justice System,” undated report.
- 31 Michael Sullivan, Secretary, Wisconsin Department of Corrections, “The Uncertain Future of Corrections,” The Wisconsin Review, South Milwaukee WI, July 1996, p. 12.
- 32 “A better way to get ‘tough’ on crime,” The Milwaukee Journal, November 1991.
- 33 Jessica A. McBride, “Estranged husband kills wife, then self.” December 8, 1998.
- 34 Recidivism in this section is defined as crime by offenders on (i) probation or parole or (ii) on pre-trial release. See Note 1.
- Those on pre-trial release have not been convicted of their most current alleged offense. Increasingly, these defendants are subject to one or more conditions of release, i.e., drug testing, home monitoring, attendance at treatment programs or employment, etc. Pre-trial release programs are generally justified on similar grounds as are offered to justify increased use of probation and parole, i.e., that there are offenders or accused offenders who can be safely released to community supervision. The difficulty of delivering on that contention is illustrated by a recent study showing that 54% of jail inmates were under the jurisdiction of the criminal justice system at the time of their arrest — either on probation or parole or on pre-trial release. (See “Profile of Jail Inmates 1996,” Bureau of Justice Statistics, Report NCJ-164620.)
- 35 “Crimes,” The Arizona Republic, January 13, 1999, Section C, pp. 5-8.
- 36 Victims report about one-third of property crimes and 42% of violent crimes to police. Bureau of Justice Statistics, Criminal Victimization in the United States, 1994, May 1997, pp. vii-viii.
- 37 Calculations: 503 (total reported crimes) - 55 (drug sales) = 448 (reported FBI index crimes) X 2 (conservative estimate of under reporting — see Note 36) = 896 serious crimes X 37% (share of serious crimes by offenders on probation, parole, or pre-trial release) = 332.
- 38 Miller, et.al., “Victim Costs and Consequences: A New Look.”
- 39 Miller, et.al., pp. 2-7. These estimates exclude drug offenses, child neglect, and “personal fraud.” The Miller estimates, for the four-year period of 1987-1990, are that annual victimizations totaled 49 million, at a cost to victims of \$451 million. To reflect reductions in crime during the 1990s, this study uses 80% of those amounts as estimates of current crime and cost to victims.
- 40 The estimates in Table 9 are conservative. See Note 1.
- 41 “Probation in the United States,” p.3.
- 42 State government spending is from Sourcebook of Criminal Justice Statistics 1997, Table 1.9, p. 11. Cost of recidivism is from Table 8 of this report.
- 43 Some corrections authorities agree that while reducing recidivism is the ultimate goal, other performance measures should be used in measuring community corrections activities. The argument is that corrections staff don’t have ultimate control over whether an offender re-offends and should be evaluated primarily based on activities over which they have control. See Boone, et.al., Results-Driven Management — Implementing Performance-Based Measures in Community Corrections, American Probation and Parole Association, Lexington KY, 1995, Third Edition.

- 44 Descriptions of cognitive training in this section rely primarily on materials authored by David Robinson and Frank Porporino, correctional researchers and consultants based in Ottawa, Ontario. Their findings involve results from various controlled experiments involving offenders in Correctional Service Canada, the Canadian national correctional system. Specific resources include:
- “Overview of the Cognitive Skills Reasoning and Rehabilitation Program,” T-3 Associates, Ottawa, undated, 15 pp.
  - Robinson and Porporino, “Programming in Cognitive Skills: the Reasoning and Rehabilitation Program,” T-3 Associates, Ottawa, 1998, 18 pp.
  - Robinson, “The Impact of Cognitive Skills Training on Post-Release Recidivism among Canadian Federal Offenders,” Research Report No. R-41, Research Division, Correctional Research and Development, Correctional Service Canada, August 1995, 67 pp.
- 45 The NIC is a unit of the U.S. Department of Justice that sponsors research and provides technical assistance to local justice agencies. The ICCA is a private association that mainly represents private, non-profit organizations that provide community-based correctional services, usually under contract to government agencies.
- 46 Petersilia, “Probation in the United States.”
- 47 James M. Byrne, “Research In Action: Second Generation Intensive Supervision Programs,” University of Massachusetts (Lowell), undated paper distributed in 1996 to Wisconsin Governor’s Task Force on Corrections by the Wisconsin Department of Corrections.
- 48 Langan and Cunniff, “Recidivism of felons on probation, 1986-89.”
- 49 William Spelman, Criminal Incapacitation, Plenum Press, 1994, p. 306. Spelman is a professor and authority on corrections at the LBJ School of Public Affairs, University of Texas - Austin.
- 50 Miller, et.al., “Victim Costs and Consequences: A New Look,” p. 15.
- 51 In “Who Really Goes to Prison in Wisconsin?,” Mitchell reviewed records for a sample of prison inmates from Milwaukee County. The sample included 13 ISP participants. These 13 had a median number of 6 adult arrests each. All 13 had at least one prior violation of probation or parole. Eight of the 13 had committed a current or prior violent crime.
- 52 Letter from Michael Sullivan to Judge James Fiedler, April 3, 1996.
- 53 Thompson created the Lamelas committee in September, 1997. Other members were Marquette Law School Professor Frank DeGuire and Fredrick Falk, Executive Director, Wisconsin Office of Justice Assistance. Three key documents summarizing the committee’s work are:
- “Alternatives to Intensive Sanctions: At the Request of the Review Panel on Intensive Sanctions,” submitted November 6, 1997, by the Department of Corrections, Division of Community Corrections;
- “Intensive Sanctions Review Panel Final Report,” submitted February 9, 1998, to Governor Thompson by Lamelas, Falk, and DeGuire; and
- A January 15, 1999 report on the “Strict Supervision Model” recommended in the panel’s Final Report. The January 1999 report was from William Grosshans, administrator of the Division of Community Corrections, and was submitted in connection with deliberations of a new committee, the Criminal Penalties Study Committee.



- 54 Sullivan, "The Uncertain Future of Corrections," The Wisconsin Review, July 1996.
- 55 Mitchell, "The Truth About Sentencing in Wisconsin," Wisconsin Policy Research Institute Report, Vol. 11, No. 2, March 1998.
- 56 These DOC estimates assume a program involving 1,000 offenders. A breakdown of the budget is contained in "Costs for Strict Supervision Model for 1,000 Offenders," submitted in January 1999 by DOC to Judges Thomas Barland and Patrick Fiedler of the Criminal Penalties Study Committee.
- 57 The recommended effective date of July 1, 2001, assumes Legislative approval of the concept as part of the 1999-2001 budget, effective July 1, 1999. It allows a two-year period to select a new management team and to prepare for the implementation of a new, statewide system of community corrections management.
- 58 Wisconsin Legislative Audit Bureau, "An Evaluation: Corrections Costs, Department of Corrections," Report 97-18, November 1997. 56 pp.
- 59 "Agreement between the State of Wisconsin and AFSCME Council 24, Wisconsin State Employees Union, AFL-CIO, and Its Appropriate Affiliated Locals," October 11, 1997 to June 30, 1999. The contract is supplemented by 59 "Negotiating Notes" and 19 "Memoranda of Understanding."
- 60 George A. Mitchell, "Controlling Prison Costs in Wisconsin," Wisconsin Policy Research Institute Report, Vol. 9, No. 10, December 1996.
- 61 "Controlling Prison Costs in Wisconsin," pp. 25-26.
- 62 The initial request for information was an April 10, 1998 letter to Michael Sullivan, Secretary of Corrections. He responded April 21, 1998. An April 27, 1998 response to his letter was not acknowledged.
- 63 DOC also administers detention facilities for about 1,000 juvenile offenders and community-based programs for other juvenile offenders. The data in this section deals only with adult offender programs and budget levels.
- 64 Comprised of \$131.2 million for the Division of Community Corrections and a pro-rata allocation of department-wide administrative and support costs. Data are from "Informational Paper #56, Adult Corrections Program," Legislative Fiscal Bureau, January 1999.
- 65 Includes 1,822 offenders at minimum security correctional centers and 65,820 on probation, parole, and intensive sanctions.
- 66 Average spending of \$2,052 reflects per-offender spending of about \$19,000 for correctional centers and \$1,500 for probation, parole, and intensive sanctions.
- 67 Division of Community Corrections, Oct. 2, 1998.
- 68 "Day Treatment Programs" involve offenders on probation or parole who report regularly for various programs and services administered by private correctional agencies under contract to DOC.

# ABOUT THE INSTITUTE

The **Wisconsin Policy Research Institute** is a not-for-profit institute established to study public-policy issues affecting the state of Wisconsin.

Under the new federalism, government policy increasingly is made at the state and local levels. These public-policy decisions affect the life of every citizen in the state. Our goal is to provide nonpartisan research on key issues affecting Wisconsinites, so that their elected representatives can make informed decisions to improve the quality of life and future of the state.

Our major priority is to increase the accountability of Wisconsin's government. State and local governments must be responsive to the citizenry, both in terms of the programs they devise and the tax money they spend. Accountability should apply in every area to which the state devotes the public's funds.

The Institute's agenda encompasses the following issues: education, welfare and social services, criminal justice, taxes and spending, and economic development.

We believe that the views of the citizens of Wisconsin should guide the decisions of government officials. To help accomplish this, we also conduct regular public-opinion polls that are designed to inform public officials about how the citizenry views major statewide issues. These polls are disseminated through the media and are made available to the general public and the legislative and executive branches of state government. It is essential that elected officials remember that all of the programs they create and all of the money they spend comes from the citizens of Wisconsin and is made available through their taxes. Public policy should reflect the real needs and concerns of all of the citizens of the state and not those of specific special-interest groups.