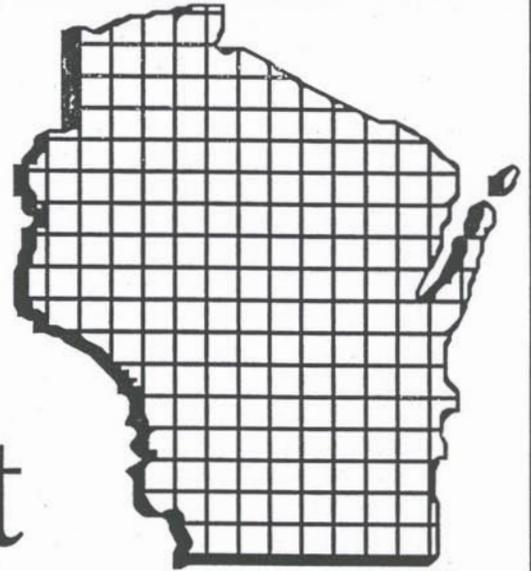


Wisconsin

Policy  
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Report



August 1995

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**PRISON  
WORKS**

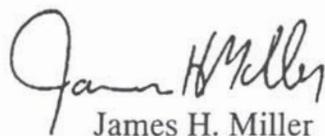
## REPORT FROM THE PRESIDENT:

As Wisconsin spends more money for its correctional system, one of the largest questions is whether or not we need added prison space. Critics of prison expansion have argued that we are spending clearly too much of our budget on prison space, while social programs do not get the necessary funding.

To get these answers, we commissioned George Mitchell to examine Wisconsin's prison system. In 1992, Mitchell wrote *Parole in Wisconsin*, an overview of Wisconsin's parole program that analyzed the extent of criminal recidivism in Wisconsin. In 1990, he directed a team of correctional and architectural consultants that produced a 10-year master plan for the state's prison system. From 1987 to 1990, he was project director for Milwaukee County's new jail and criminal justice center. His research provides important data and conclusions.

Recently, many policymakers have not been able to adequately explain why crime rates have fallen. This study gives one tangible answer: career felons who are in prison cells rather than on the streets do not commit crimes. Over the last decade, Wisconsin has had the foresight to increase prison capacity, which lets these career felons spend more time in their cells rather than in our neighborhoods. This study also points to the need to seriously consider the consequences of not having enough prison space in the future. Do we really want more murderers, rapists, and sex offenders out in our communities before their prison time is up?

Unfortunately, demographics indicate that over the next several years, we are likely to have a very violent juvenile population expanding in numbers that may lead to a rise in violent crime rates. Unless we have enough prison space to hold these violent offenders, we will be faced with a dilemma: which violent criminals do we incarcerate in our prisons and which do we let out very early on their sentences? This kind of policy will lead to an unassailable fact — without additional prison space, we will definitely be creating more Wisconsin victims.

  
James H. Miller

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# PRISON WORKS

GEORGE A. MITCHELL

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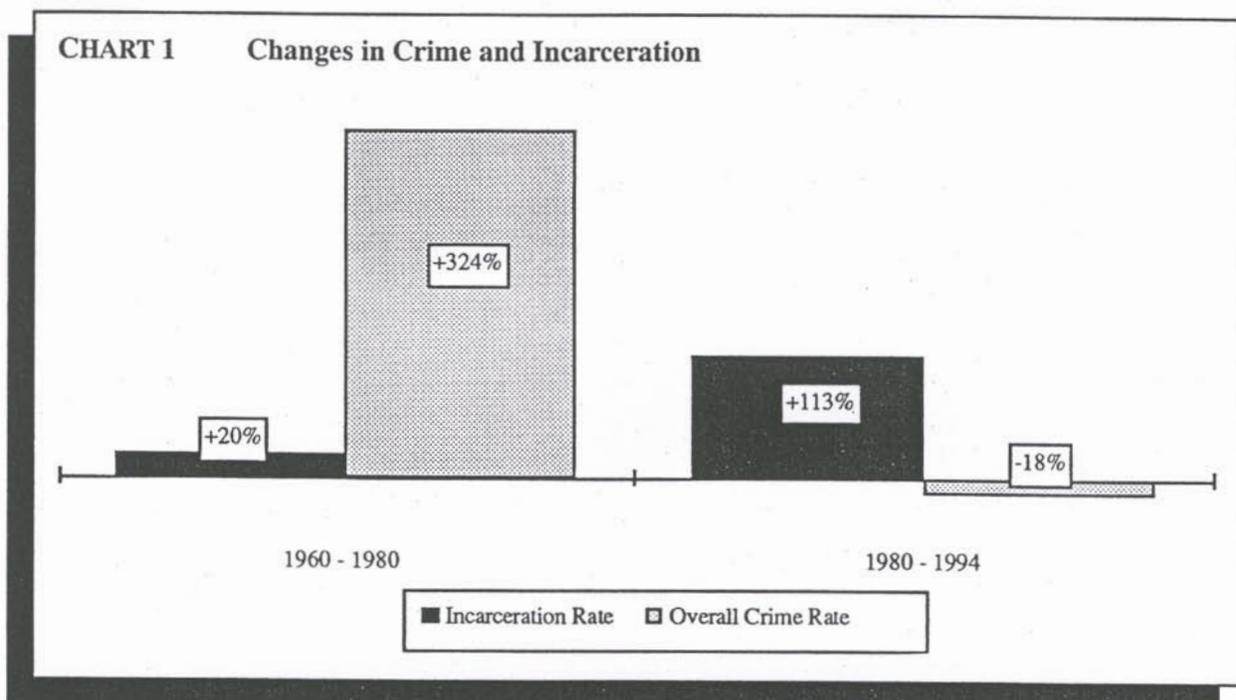
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## SUMMARY

This study evaluates the prison expansion program which has been underway in Wisconsin since the late 1970s. The findings are that:

- **Increased incarceration is a major reason for an 18% cut in Wisconsin's crime rate between 1980 and the end of 1994.** Conservatively, more than 255,000 crimes were averted. Prior to 1980, crime soared while incarceration grew slightly. Changing demographics also influenced crime levels, before and after 1980.



- **While prison costs are a growing share of the state's budget, on a per capita basis they were a modest \$46 a year in 1994.** There is strong evidence that this cost to the state's budget is exceeded by savings, through averted crime, to citizens at large. Nationally, prison spending was less than 1% of government spending in 1990.
- **Several factors portend an increase in crime in Wisconsin, including:**
  - A combination of demographic and social trends: (i) growth in the most crime-prone age group; (ii) more unskilled youths; and (iii) a continuing increase in unstable, single-parent families.
  - An apparent departure from the state's successful prison expansion policy. Expansion plans in the new state budget account for about 20% of the projected growth in inmates by the year 2000. This contrasts with the state's historical practice, since the late 1970s, of adding capacity to account for the majority of new inmates. As a result of this change, the share of felons not in prison could grow significantly and the state's electronic supervision program will be expanded to include more serious, repeat offenders — burglars, thieves, robbers, and others.

The information in this study shows that the state's prison policy has been effective. It warrants review as the state moves in the direction of a new policy.

## I. MORE INCARCERATION HAS MEANT LESS CRIME

This study analyzes 35 years of official Wisconsin crime and incarceration data (1960-1994). These data show a clear correlation: more use of prisons and less crime.<sup>1</sup> This finding conforms with recent national research showing that increased use of prisons (and police) helps cut crime.<sup>2</sup>

The years between 1960 and 1994 reveal two different periods in Wisconsin. National trends were similar.

- In the 1960s and most of the 1970s, crime soared.<sup>3</sup> During this same period: (i) there was little growth in arrests or incarceration and (ii) fewer cases were “cleared.”<sup>4</sup>
- This changed during the mid- to late 1970s. For about the last twenty years there has been a steady increase in arrests, cleared cases, and incarceration. Since about 1980, crime has declined.

This report uses several sources of information to conclude that more imprisonment has meant less crime. The primary data are state records on crime and incarceration dating to 1960. Highlights are in Charts 1 through 10. This is supplemented by research by this author and others on:

- Levels of criminal recidivism;
- The impact of added police on reducing crime;
- The impact of increased incarceration on reducing crime; and
- The cost of crime vs. the cost of incarceration.

Most crime averted since 1980 by increased incarceration occurred during the last eight years. Primary credit goes to Governor Thompson, and legislators from both parties, who voted to expand state prisons and increase the number of criminal courts. Earlier actions by Governor Earl, Governor Dreyfus, and the Legislature also helped. In addition, local officials throughout the state hired new police and prosecutors and expanded jails.

### **The opposing view**

A different and widely reported school of thought disputes the idea that prisons cut crime.<sup>5</sup> Some of those who hold this view say it was unnecessary to expand prisons in the 1980s because crime was declining anyway. They do not accept that the decline might have been connected with increased incarceration, arguing instead that:

- Levels of incarceration and crime exist largely independent of one another;
- Prisons are crowded with “non-violent”<sup>6</sup> criminals;
- Crime is fueled primarily by demographic and social factors;
- Data on crime are used misleadingly to support the need for prisons;<sup>7</sup> and

- Incarceration is a tool of simplistic politicians who won't support "meaningful prevention."

These views have received considerable credence in Wisconsin's largest media market. A similar approach is evident in many national publications.<sup>8</sup> This report shows that, for Wisconsin, the available data and research support a much more positive view of the role of prisons.

### How do prisons prevent crime?

In theory, prisons cut crime by: rehabilitation; deterrence; and incapacitation.

Many corrections employees see *rehabilitation* as their mission. The word "corrections" itself underscores this historical view. Yet, efforts at rehabilitation are limited greatly by: (i) programs which have been cut or under financed; (ii) limits on actual time served by inmates; and (iii) the low skills of many inmates entering prison.

As for *deterrence*, the odds of a convict being in prison are low. In Wisconsin, about 75% of felons aren't in prison, a number likely to grow in the next several years. Overall, as of mid-July (1995), 85% of offenders under Department of Corrections (DoC) control were on probation, parole, or home monitoring. The higher number includes misdemeanants under DoC jurisdiction, as well as felons.

*Incapacitation* is the one irrefutable way prisons cut crime. Research for this study shows that by incapacitating an increasing number of repeat offenders, Wisconsin prisons have made communities safer.<sup>9</sup> To conclude otherwise, one must deny or disregard: (i) crime committed by repeat offenders; (ii) the long-term correlation between more incarceration and less crime; and (iii) highly credible research documenting that more police and more prisons *cause* a reduction in crime. The rest of this section expands on these points.

### Recidivism

Most crime is committed by repeat offenders. Despite rhetoric that prisons are crowded with "non-violent" or "first-time" offenders, nationally at least 80% of prisoners are recidivists, with a majority sentenced for a "violent" crime.<sup>10</sup> In Wisconsin, between 70% and 80% of inmates are sentenced for violent assaults, including homicide and rape.<sup>11</sup> Many whose *current* sentence is not for a violent crime have committed one in the past. A national profile of inmates in 1991 found that 94% were (i) in prison for a violent crime or (ii) had a past conviction for a violent crime. Only 6% were "non-violent" offenders with no prior record.<sup>12</sup>

Research on recidivism is so vast that its seriousness can't be disputed.

- A study of state prisoners released in 1983 found that 62.5% were re-arrested for a felony or serious misdemeanor within three years and faced an average of *almost five* new charges.<sup>13</sup>
- Sixty-nine per cent of "young parolees" in another study were re-arrested for 36,000 new felonies or serious misdemeanors; 49% were returned to prison.<sup>14</sup>
- The average parole violator in Wisconsin has been arrested 12 times as an adult and has served four previous prison sentences, according to a 1992 study by this author.<sup>15</sup> The typical violator was arrested and returned to prison within a year after the most recent release. Other key findings in this

1992 study were confirmed two years later in a study by Wisconsin's Legislative Audit Bureau.<sup>16</sup>

- The largest study ever conducted of felons on probation found that “within 3 years of sentencing, while still on probation, 43% ... were re-arrested for a felony. Half of the arrests were for a violent crime (murder, rape, robbery, or aggravated assault) or a drug offense.”<sup>17</sup>
- Researchers from The Brookings Institution and Harvard's Kennedy School of Government have done pioneering inmate surveys in Wisconsin and New Jersey. Conducted three years apart, the surveys found that the median number of non-drug crimes committed by prisoners in the year before imprisonment was twelve.<sup>18</sup>
- Scholars at William & Mary College (see Note 2) found the number of non-drug crimes which would have been committed by prison inmates to be *at least 50% higher* than the number (12) cited immediately above.

Media reports examining recidivism are sporadic.<sup>19</sup> Exceptions occur in connection with highly visible criminals, such as David F. Spanbauer, convicted last year of killing Cora Jones and Ronelle Eichstadt after a 34-year career of convictions, paroles, and crime. While these stories tend to focus on a single criminal's career, the overall pattern reinforces research cited above. Consider:

- In August, 1994, the *Milwaukee Sentinel* reported that “A Franklin man released from prison in May, after battering his girlfriend in 1991, stalked the woman and eventually raped her and slashed her face, neck and torso with a box cutter in front of her 2-year old son ....”<sup>20</sup>
- A month earlier, *The Milwaukee Journal* reported that “Two men, including one who had vowed never to get in trouble again, have been charged with abducting a Marquette University student ....”<sup>21</sup>
- Two months later, *Milwaukee Sentinel* readers learned that “Nena Marie Gaston is ... back in prison for the fourth time” following a series of crimes over more than a decade which included repeated vows to live within the law.<sup>22</sup>
- Still another example was the November 1994 story of “A 34-year old Milwaukee man [who] was found guilty ... of two charges of second-degree sexual assault and one count of kidnapping .... At the time of his arrest [he] was on parole for raping a woman ....”<sup>23</sup>
- In March 1995, the *Sentinel* reported that “A man placed on five years' probation in 1987 for sexually assaulting his 6-year old daughter was being held ... on [new] charges that he has sexually abused her hundreds of times in the years since then.”<sup>24</sup>
- Later in March, the *Sentinel* reported on the 18-year sentence handed down to a woman who showed “wanton cruelty and depravity” during a robbery of two elderly women which “occurred while [she] was on probation for theft by fraud, a 1992 [“non-violent”] conviction that came a year after another conviction for theft.”<sup>25</sup>
- The *Journal Sentinel* reported on “A Cudahy man ... charged with brutally beating and sexually assaulting a woman ... just hours after he was released from the House of Correction .... Records show [he] had been released ... after serving two months for a probation violation. He was convicted in 1991 of disorderly conduct for peeping into the window of a St. Francis woman's apartment.”<sup>26</sup>

Noteworthy is that (i) the offender's previous conviction was for a so-called "non-violent" crime (disorderly conduct) and for that (ii) he had been sentenced to probation.

- The *Journal Sentinel* described "A longtime thief dubbed the 'Good Samaritan Robber' for a series of increasingly vicious holdups in 1993 when he robbed people trying to help him was sentenced Friday to 218 years in prison. Anthony Marcell Reynolds committed his first crimes 25 years ago as a petty thief and sliced up his last victim with a butcher knife ...."<sup>27</sup>

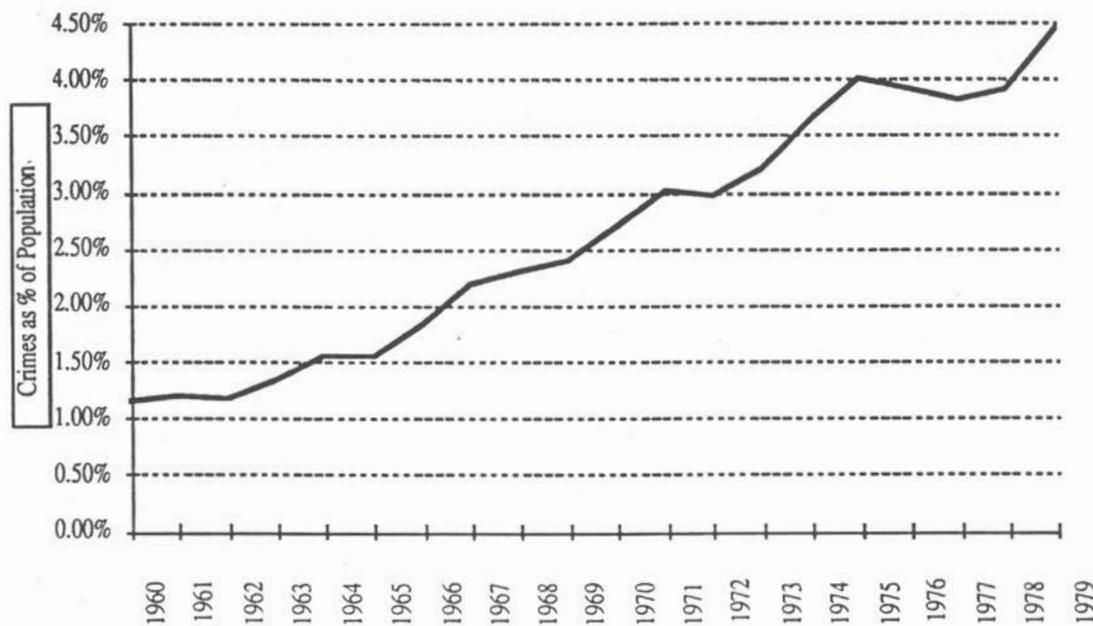
These stories are not merely "anecdotal." They describe offenders and types of serious crime which are by no means unusual among Wisconsin prison inmates. They do not support claims that prisons are crowded with "non-violent" or "first-time" offenders. Further evidence contradicting such claims is seen in recent efforts of prison officials to identify inmates most suitable for release to relieve crowding. These produced a list of inmates with lengthy records, including some convicted of attempted murder.

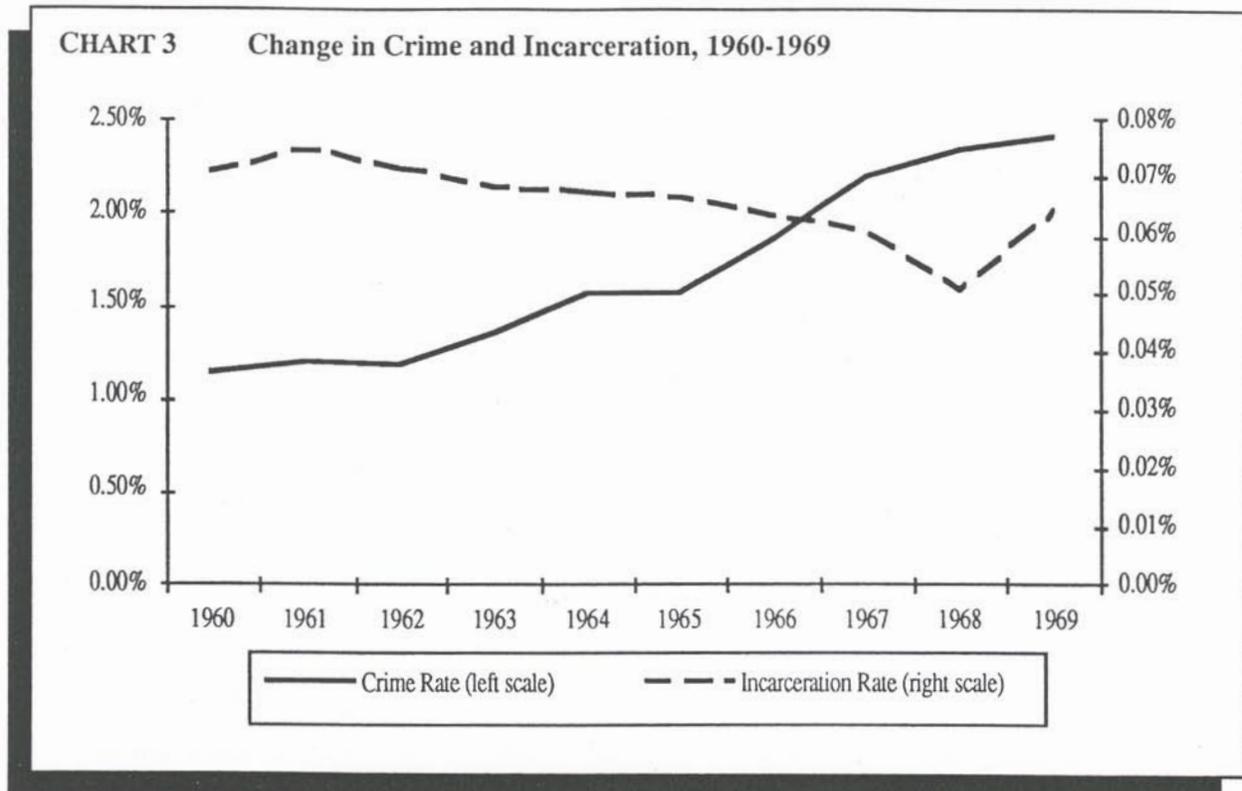
### Incapacitation trends from 1960 to 1979

A program of incapacitating repeat criminals requires decisions by elected officials at the municipal, county, and state levels. Municipal officials need to add police. Counties need jails, prosecutors, and courts. The state needs prisons. During most of the period between 1960 and 1979, such a program was not in place. For most of these years, incarceration rates declined and reported crime soared.<sup>28</sup> See Chart 2 below and Chart 3 on the next page. As late as the early 1970s, the State actually sold a prison to the federal government.

Responding to increased crime, government's approach began to change in the early and mid-1970s. Local officials hired more police, a trend which has continued,<sup>29</sup> and the state began an expansion of the

**CHART 2 Wisconsin's Crime Rate, 1960-1979**





prison system.<sup>30</sup> This produced more arrests<sup>31</sup> and more incarceration. See Chart 4 on the next page.

Understandably, there will be a lag between (i) starting a program of more arrests and more incarceration and (ii) observing its possible impact on crime. For one thing, it takes four to six years to locate a site, design, and build a major prison. Thus, while changes initiated in the early- and mid-'70s might not show immediate results, there should be some impact within several years. This impact should continue if the program is sustained. The following information describes what happened in Wisconsin.

#### Less crime growth in the late 1970s

Table 1 below compares the rate of growth in crime in the early and late 1970s. While crime grew throughout the decade, the rate of growth declined as the decade ended.

**TABLE 1**      **Percent Change in Crime Rates<sup>32</sup>**

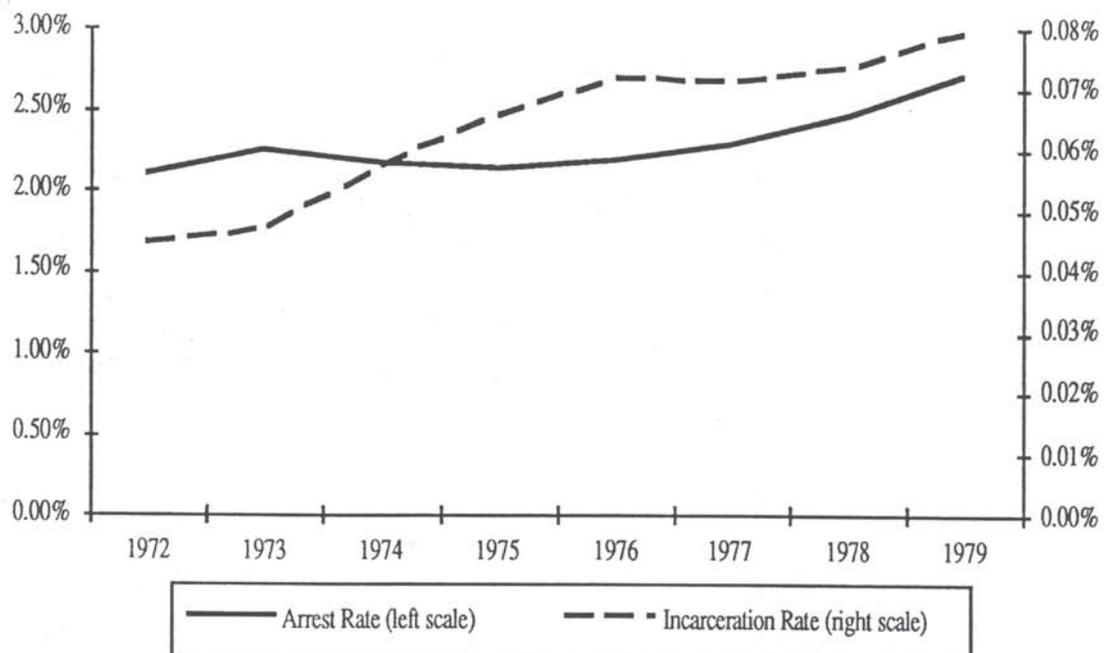
Average Yearly Change, 1970-75	Average Yearly Change, 1975-79
+10.5%	+3.6%

#### Trends during 1980-1994

The policy that began in the 1970s — more police and more arrests — has continued in the 15 years since 1980.<sup>33</sup> Chart 5 on the next page shows the trend in arrests.

This increase in arrests has been accompanied by more efficiency of the part of police, prosecutors, and courts, as measured by the clearance rate (see Note 4). While the rate declined in the 1970s, it has grown significantly since then.<sup>34</sup> See Chart 6 on page 8.

**CHART 4** Change in Arrest and Incarceration, 1972-1979



**CHART 5** Arrests, 1980-1994

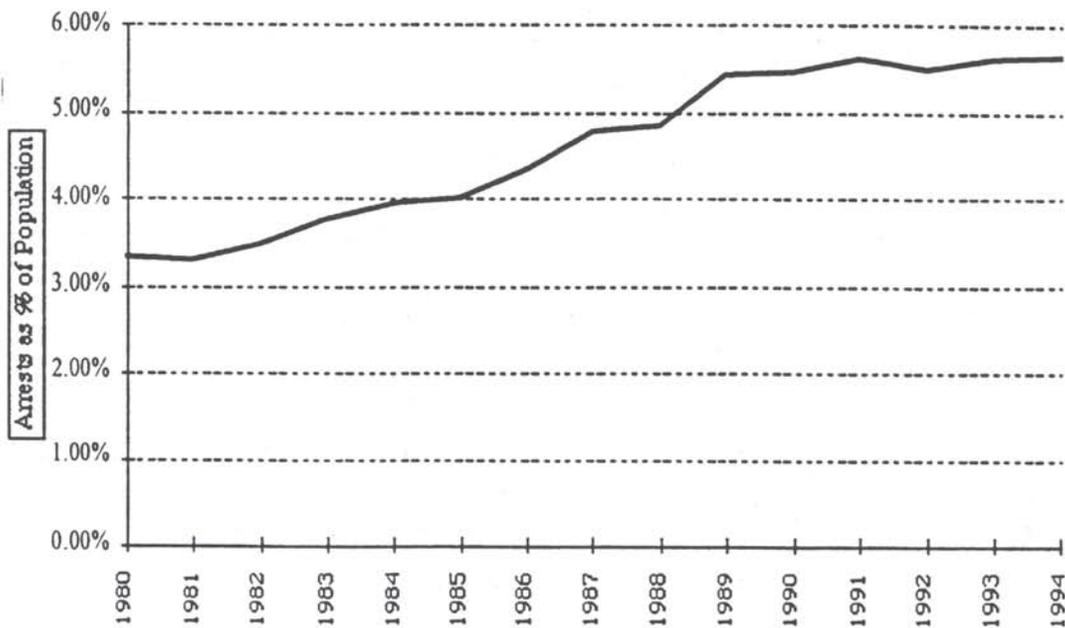
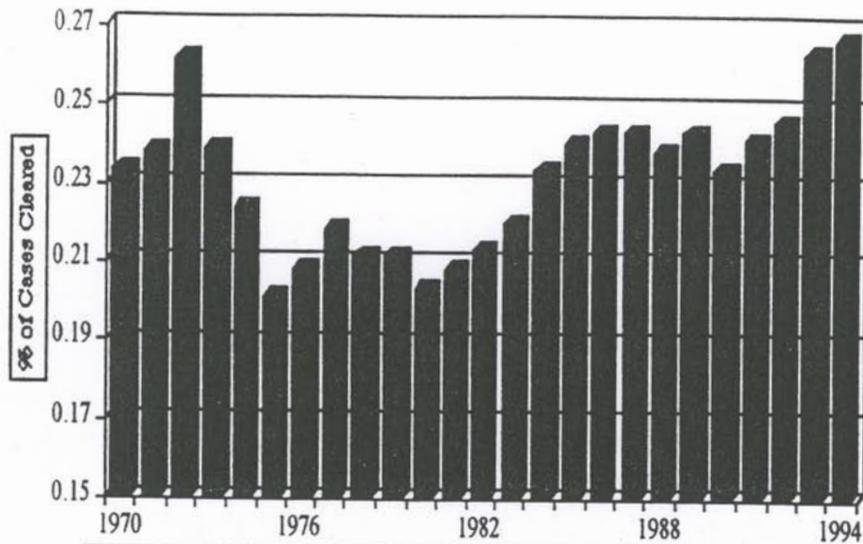


CHART 6 Clearance Rates, 1970-1994



Note: A criminal case is "cleared" when someone is arrested, charged, and referred to court for prosecution.

A combination of more arrests and clearances would be expected to produce an increase in criminals sentenced to prison. This occurred. See Chart 7 on the next page.

Chart 8, also on the next page, emphasizes the relationship between arrests and incarceration (see also Chart 4). Increased incarceration grew directly from (i) local policy decisions to hire more police and (ii) corresponding state decisions to expand prison capacity.

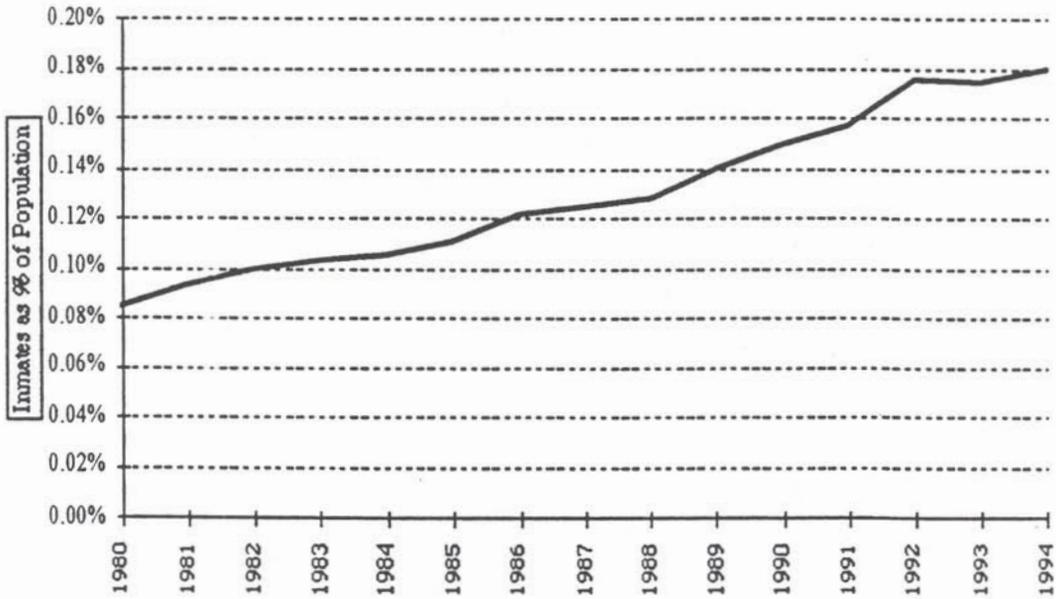
To summarize, the main trends depicted in Charts 2-8 are:

- Rising crime and declining incarceration in the 1960s.
- Continued increases in crime in the 1970s.
- A change in policy — more police, more arrests, more cleared cases, more incarceration — beginning in the 1970s.
- A continuation of this policy from 1980 to 1994.

The rest of this Section (i) shows what has happened since 1980 regarding crime and (ii) documents that reduced levels of crime were the primary result of more police and more imprisonment.

Chart 9 on page 10 shows a clear correlation, since 1980, of less crime and more incarceration. Some skeptics as to the impact of incarceration say this is mainly coincidental and in fact really shows that more prisons weren't needed. Evidence in the rest of this Section shows otherwise.

**CHART 7 Incarceration Rates, 1980-1994**



**CHART 8 Arrests and Incarceration, 1980-1994**



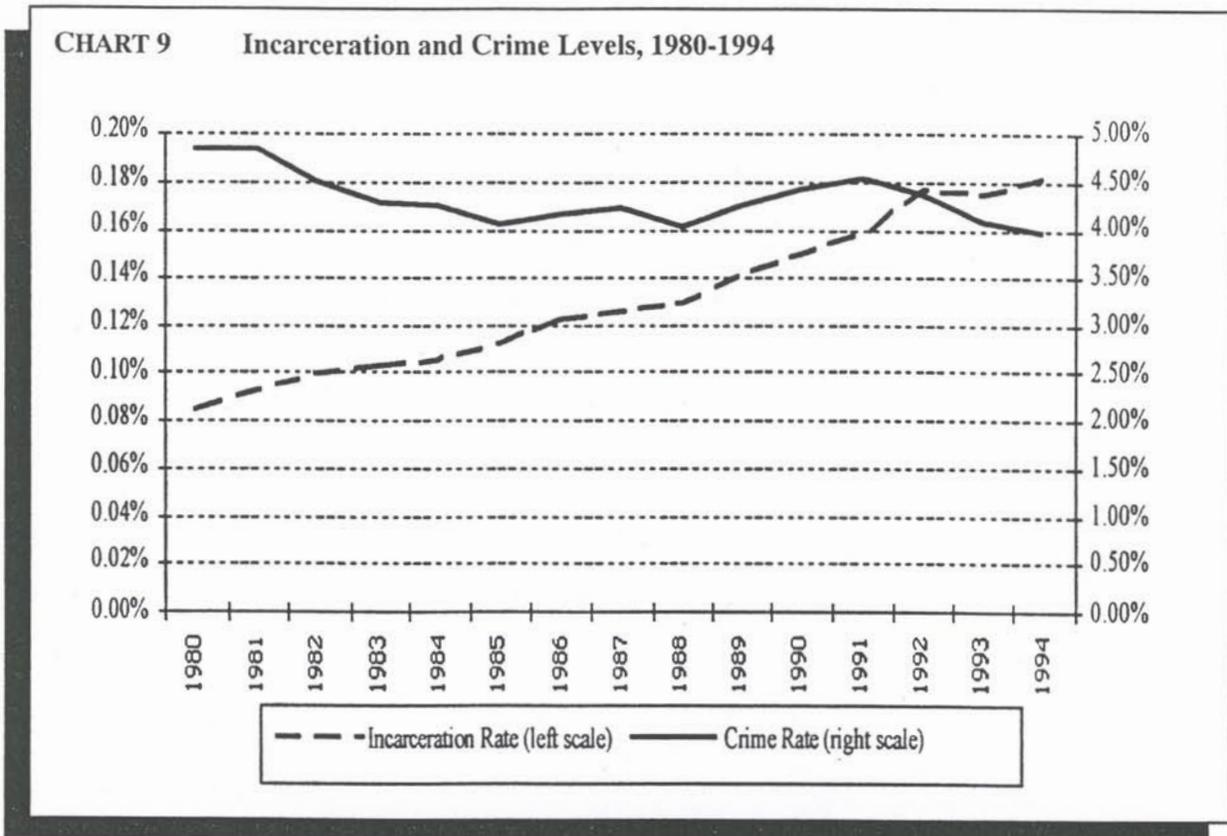


Chart 10 on the next page compares this data from the last 15 years with overall trends since 1960. It reinforces the inverse correlation between crime and incarceration. (These data are the basis for the Chart 1 in the Summary).

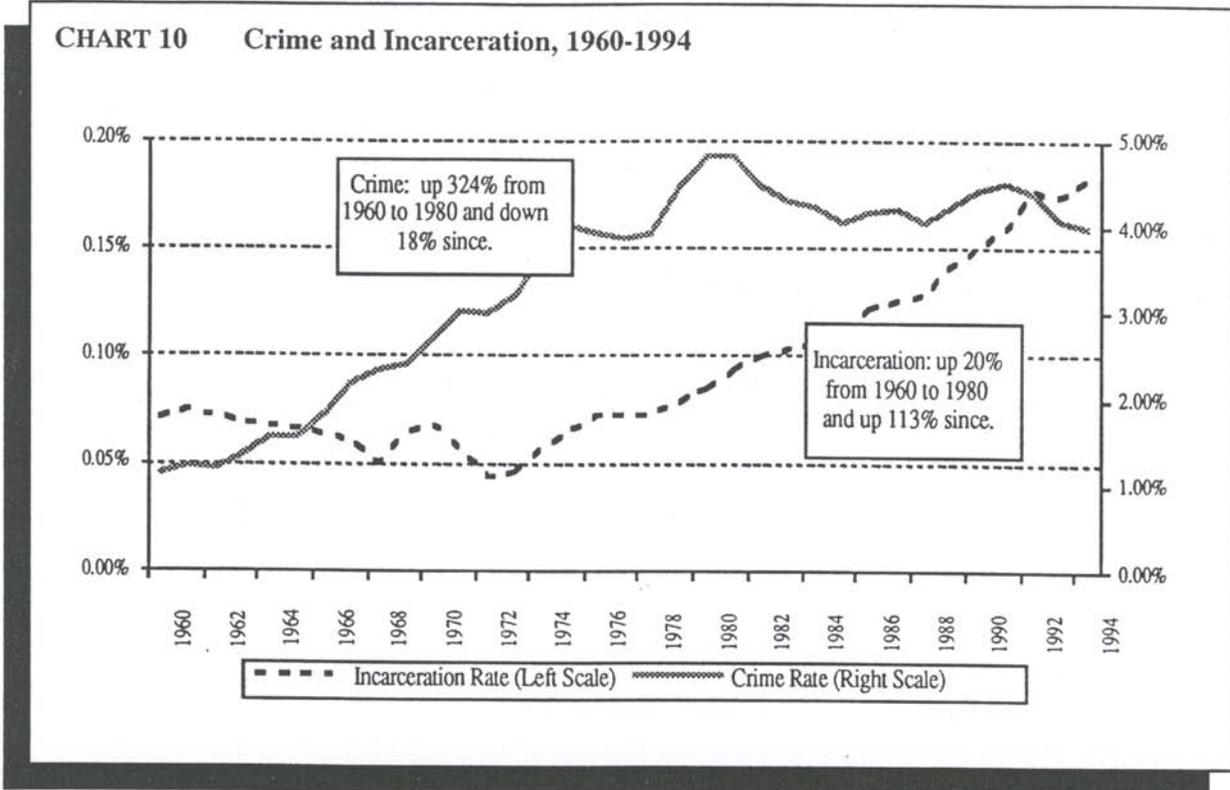
### Changing demographics

While this Section shows a correlation between less crime and more arrests, clearances, and incarceration, some say this is coincidental and that changes in crime primarily are caused by trends in the age of the population.<sup>35</sup> This reasoning holds that:

- Crime would have risen dramatically during the '60s and '70s even if there had been more police and more prisons; *and*
- The drop in crime since 1980 wasn't influenced significantly by changes in arrests, case clearances, or incarceration.

It is true that the most crime-prone segment of the population grew during the 60s and 70s and stabilized and then declined since 1980. Combined with the significant increase in incarceration after 1980, this demographic shift also likely contributed to the declining crime rate. To illustrate, the 18- to 24-year-old segment of the population accounts for about 37% of prison admissions<sup>36</sup> but comprises a much smaller share of the overall population. Table 2 on the next page shows this group's share of the overall population in the last 35 years.

But while changes in crime are influenced by demographic shifts, those who rely almost totally on that



issue to explain crime levels are not justified in doing so. For example, why was crime declining in the early 1980s when the most crime-prone age group was larger than in most of the prior 20 years, as illustrated in Chart 10 and Table 2? Instead of relying mostly on demographics, a more plausible hypothesis is that the rising incarceration rate incapacitated a larger group of recidivists and that demographic factors also played a role. Research cited below on the role of police and incarceration is more supportive of this hypothesis.

**TABLE 2** 18- to 24-Year-Olds as a Percentage of Wisconsin's Population<sup>37</sup>

1960	8%
1970	11%
1975	13%
1980	14%
1985	13%
1990	11%
1995	9%

What can reasonably be said is that if all other factors are held constant, crime can be expected to grow when the crime-prone segment of the population grows, and vice versa. As described in Section III, this will be an important issue in the next several years. But other evidence is compelling in terms of more significant factors affecting crime. First, as previously described, there is the pervasiveness of recidivism, undeniable except to the dogmatic. Second, there is the inescapable inverse correlation *over 35 years* between (i) crime, on one hand, and (ii) arrests, clearance rates, and incarceration.<sup>38</sup> To explain crime changes by relying solely or even primarily on demographic data about age groups requires one to dismiss the significance of recidivism and to argue that the correlations depicted in this Section are merely coincidental. By this reasoning:

- It makes little or no difference to increase police resources and incarcerate more criminals.
- The surveyed inmates in Wisconsin and New Jersey prisons simply boasted when they reported

committing multiple crimes prior to incarceration (Note 18).

- Decades of credible research on recidivism are simply wrong; the repeated news articles about individual repeat offenders are anecdotal and unrepresentative.

### **“Correlation” and “causation”**

The fact that trends are correlated does not prove one is caused by the other, even if “common sense” indicates so.

For example, this Section illustrates a clear and seemingly logical connection, over 35 years, between levels of crime and three other factors: arrests, clearances, and imprisonment. Yet such correlations don't prove cause-and-effect unless tested by scholars with sophisticated models and statistical controls. Ideally, scholars should be able to analyze similar data and independently reach similar conclusions. It is desirable for such analysis to encompass many jurisdictions, in order to minimize conclusions which, even if accurate, might reflect unique local conditions.

Such research is available to test the thesis of this report. Examples are described below. This research has important attributes which bear on the conclusions in this report:

- The research addresses the same basic questions as this report: do more prisons (and more police) reduce crime?
- One study (Marvell and Moody, see Note 2) relies on national crime and incarceration data similar to that used in this report for Wisconsin. Another exhaustive and independent study (Spelman, see Note 2) uses a different data base yet draws very similar conclusions about the impact of incarceration.
- The research is national in scope.
- The research covers time periods which are (i) extensive and (ii) fall within the years analyzed in this report.
- The research uses sophisticated statistical controls which justify cause-and-effect conclusions.
- The research uses conservative assumptions, increasing the likelihood that conclusions are not overstated.

### **The impact of hiring more police on crime**

Police expenditures and the number of officers have grown substantially in Wisconsin since 1970 (Notes 29 and 33). One result has been more arrests, more clearances, and more incarceration (Charts 4-8). Charts 9 and 10 show a correlation between these actions and changes in crime. Can one also conclude that this reflects a cause-and-effect relationship?

Yes.

In a paper published by the prestigious National Bureau of Economic Research, scholar Steven D. Levitt, a member of the Harvard Society of Fellows, analyzes changes in crime levels, the cost of hiring more police, and potential cost savings from reducing crime.<sup>39</sup>

He summarizes the results of this elaborate research project as follows:

Using a [sample] of large U.S. cities [including Milwaukee] from 1970-92, police are shown to reduce crime for six of seven categories examined. Each additional police officer is estimated to eliminate eight to ten serious crimes. Existing estimates of the costs of crime suggest that the social benefit of reduced crime is approximately \$100,000 per officer per year, implying that the current number of police is below the optimal level.<sup>40</sup>

Levitt also writes:

In all likelihood, the estimates ... understate the true social value of police due to changes in [crime] reporting behavior, the focus on a limited subset of crimes, and the omission of important components of the overall costs of crime, further reinforcing the conclusion that there are too few police in large cities.<sup>41</sup>

### **The impact of more incarceration on crime**

In this report, a clear correlation is evident in Wisconsin between more incarceration and less crime. Two major independent studies (Marvell and Moody and Spelman) examine this same correlation on a national level to determine if there is a cause-and-effect link.

Both conclude, decisively, that the answer is yes.

Marvell and Moody introduce "Prison Population Growth and Crime Reduction" as follows:

Perhaps the major crime-reduction strategy in recent years has been to increase imprisonment, primarily under the assumption that offenders cannot commit further crimes while incarcerated .... Has the incapacitation strategy reduced crime and, if so, by how much and for what type of crime?<sup>42</sup>

Despite the use of several cautious and conservative assumptions and techniques, their conclusions show a clear impact:

[O]ur minimum estimate of the number of index crimes [see Note 3] averted per year per additional prisoner produces an estimate of 680,000 crimes averted [nationally] per year .... These estimates would be one-quarter to one-third higher if we used [other reasonable assumptions].<sup>43</sup>

Elsewhere, they conclude (emphasis added):

We estimate that in the 1970s and 1980s each additional state prisoner averted *at least 17 index crimes* on average, mostly [thefts]. The largest proportional impacts were on burglary and robbery .... For several reasons, *the real impact may be somewhat greater*, and for recent years a better estimate may be 21 crimes averted per additional prisoner .... [W]e looked only at the impact of state prisons on index crime. We do not know the impact of population changes in local jails, federal prisons, and juvenile facilities; and our estimates would, of course, *be higher* if we could include drug violations and other non index crimes.<sup>44</sup>

Marvell and Moody note at the end of their study:

After this article went to press, we received W. Spelman's monumental book in incapacitation ... which reached results very similar to ours, based primarily on the Rand 1978 surveys in California, Michigan, and Texas .... This independent replication using vastly different procedures is very important because both studies are complex and technical and both use statistical techniques rarely seen in criminology. Here

one plus one equals more than two. It is likely that either study standing alone would receive limited attention, but two reaching the same result should prompt readers to review the findings carefully.<sup>45</sup>

**Crimes averted in Wisconsin**

Using the conservative assumptions from the Marvell and Moody study (17 averted crimes per prisoner, per year, instead of 21), increased prison use averted more than 254,000 serious crimes in Wisconsin between 1980 and 1994.<sup>46</sup> If their estimate of 21 averted crimes per year per prisoner were used, the total would have exceeded 300,000.<sup>47</sup> Chart 11 below and Chart 12 on the next page show the Wisconsin crimes averted, by year, during 1980-1994 and the type of crime averted.

Using cautious assumptions and methods, Marvell and Moody find little averted crime was “violent,” although *all* was in the category of serious crimes (so-called index offenses).<sup>48</sup> They say their models indicate “that [prison population growth] leads to more frequent incarceration of less dangerous criminals, and thus crimes averted ... tend to be less serious than the crimes committed by existing prisoners.”<sup>49</sup> Even at that, they still conclude that there are at least 17 averted crimes per year, per additional inmate, comprised mostly of robberies, burglaries, and thefts. Spelman’s analysis indicates that in states with incarceration rates less than the national average (such as Wisconsin), new prisoners are more likely to have committed a “violent” crime.

These conclusions on averted crimes are consistent with trends identified independently in national surveys on crime victimization by the U.S. Justice Department. These show a decline in crime primarily for robbery, burglary, and theft.<sup>50</sup> A different independent analysis shows that the Marvell-Moody methods might understate the amount of averted violent crime.<sup>51</sup> This tends to reinforce the conservative

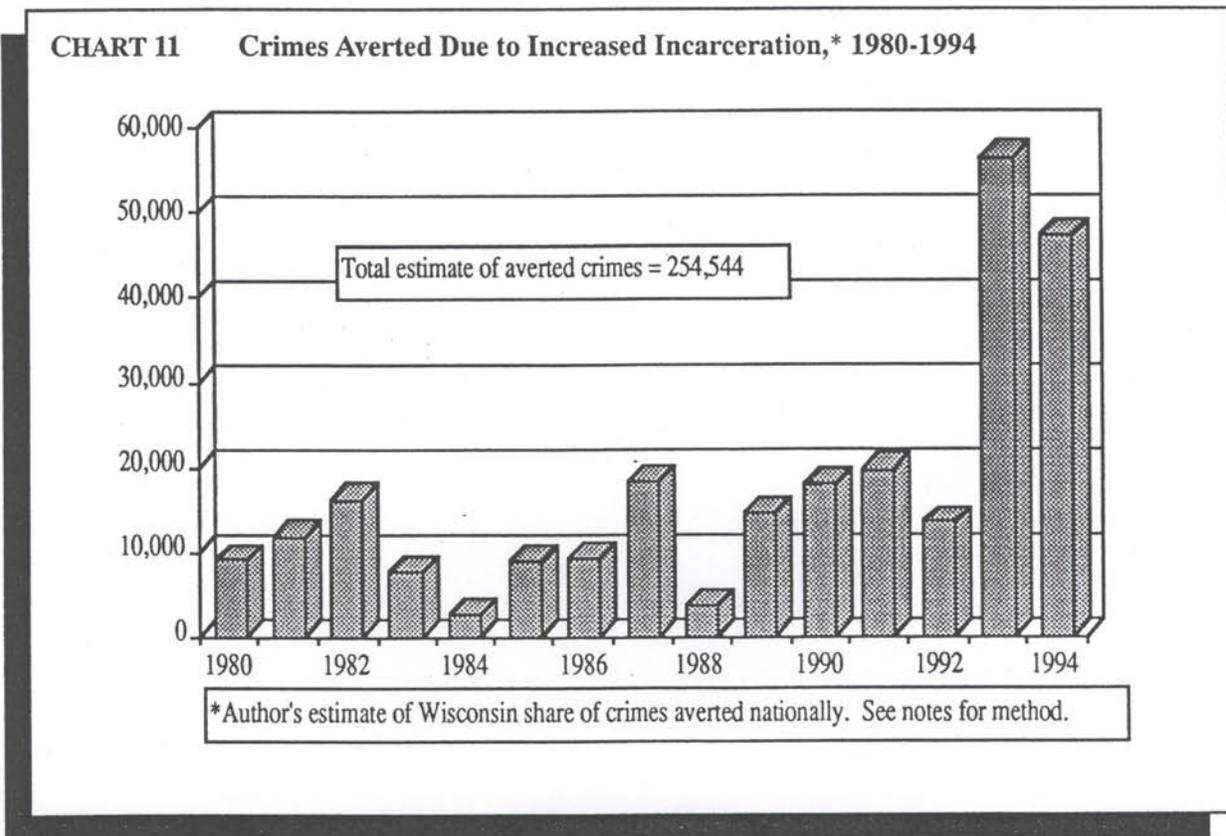
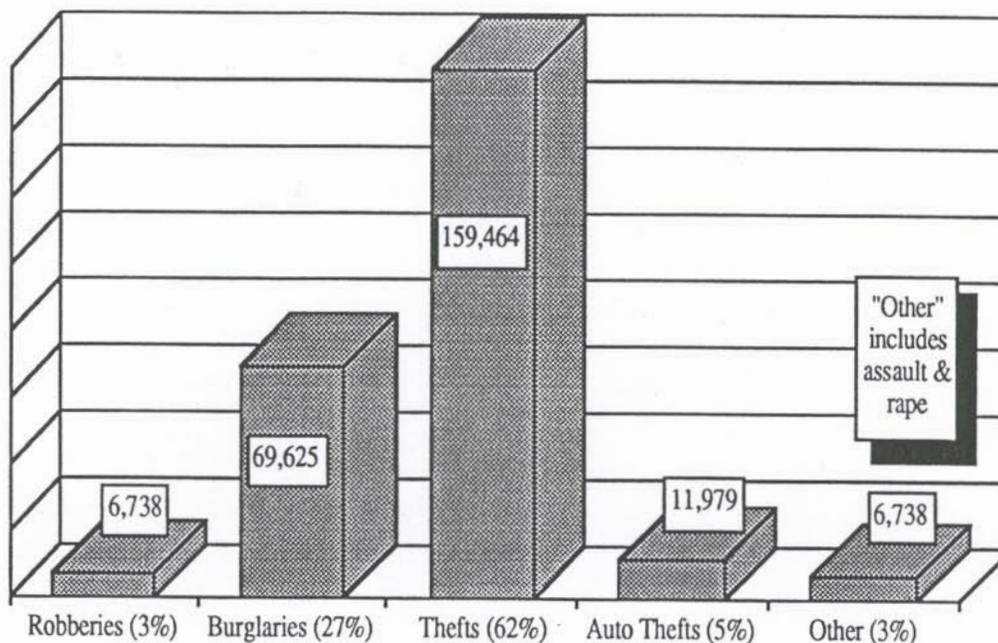


CHART 12 Types of Crimes Averted, 1980-1994



bias in the Marvell-Moody study and is why their study might understate the impact of incarceration, as they themselves also conclude.

What is not in doubt is the basic thesis: more incarceration means less crime. A more subjective but equally important issue is whether prison pays? Does the cost of avoided crime exceed the cost of incarceration?

## II. THE COST OF CRIME AND THE COST OF INCARCERATION

Section I establishes that prisons in Wisconsin (and nationally) reduce crime. This Section addresses whether the benefits of less crime in Wisconsin justify the cost of prisons.

Critics of incarceration say the answer is no. The National Council on Crime and Delinquency's Barry Krisberg (Note 38) argues that "we must compare the measured benefits of incarceration to less costly and more productive crime prevention strategies."<sup>52</sup> Wisconsin's largest newspaper appears to concur. Citing no data on the cost of crime to citizens and neighborhoods, its July 23, 1995, editorial (see Note 8) nevertheless says the state's prison program "exact[s] a price Wisconsin is now hard put to afford ...."

While the public's perception of prison costs is shaped by stories which often overstate prison spending,<sup>53</sup> the actual amount — about \$200 million in 1994-95 — is unquestionably significant. Yet, the public receives little comparison of prison costs in the state budget with the cost of crime to society at large. Some of what is published is incomplete.<sup>54</sup> Thus, citizens are not exposed to information on the legitimate issue raised by Krisberg: is prison worth the cost? Instead, many have only the impression that prison costs are growing rapidly, with little discussion of whether they are getting their money's worth.

TABLE 3 Measures of Prison Operating Costs

	Cost
Prison Costs as % of All Government Spending	Less than 1% <sup>55</sup>
Wisconsin Prison Operating Costs, Per Capita, Per Year	\$45.80 <sup>56</sup>
Wisconsin Prison Costs, Per Inmate, Per Year <sup>57</sup>	\$24,800 <sup>58</sup>

Table 3 above illustrates various ways to portray the cost of incarceration. The first two categories don't tend to support the idea that prison costs are overwhelming government budgets. This can hardly be so if they are less than 1% of government spending after years of significant growth. The average citizen

would probably be surprised to learn that the per capita cost of running Wisconsin's prisons is \$46 a year. Most might find that a modest sum for incapacitating more than 9,000 serious criminals.

TABLE 4 Estimated Social Costs of Selected Crimes<sup>60</sup>

Rape	\$56,280
Robbery	12,060
Assault	11,518
Burglary	1,314
Auto Theft	2,995
Fraud, Forgery, Petty Theft	110

The third category is more often cited, but rarely in the context of what crime costs society. For example, if a conservative estimate of the yearly cost of crime by a typical inmate exceeds \$24,800, then incarceration is "cost effective." Even this is too high a threshold, because the marginal cost of adding one inmate is much less than the average of all prison costs. For some new inmates, the marginal cost is limited to additional food and medical bills. Further, relying only on a cost-benefit model discounts other purposes of prison: punishment, deterrence, and rehabilitation.

TABLE 5 Net Financial Benefit from Incarceration\*

	Median Inmate (Typical)	Marginal Inmate (New)
Cost of Crime	\$70,098	\$21,761
Average and Marginal Cost of Incarceration*	—24,800	—12,800
Net Benefit	\$45,298	\$8,961

\* Median crime costs are from DiIulio-Piehl surveys of non-drug crime by a typical inmate. Marginal crime costs use DiIulio-Piehl data on the cost of crime and Marvell and Moody estimates of how much non-drug crime is committed by new inmates. Average cost of prison is from Legislative Fiscal Bureau. Marginal cost of prison is arbitrarily assumed to be 50% of average.

There is considerable research on the cost of crime and incarceration.<sup>59</sup> Comprehensive summaries are in: Spelman's *Criminal Incapacitation*; Levitt's study of police and crime; and the Winter 1995 *Brookings Review* (by DiIulio and Piehl). DiIulio and Piehl produce the table to the upper left, here labeled Table 4.

These conservative estimates (see Note 60), along with information on the amount of crime committed by inmates and the cost of incarceration, can be used to calculate a cost-benefit comparison of incarceration. See Table 5 to the left.

By these data, prison is "cost effective," a conservative conclusion which assumes:

- No benefit to prison other than incapacitation.
- The marginal cost of adding an inmate is half the average cost.
- Marvell and Moody estimates on crime committed by the marginal inmate.
- No drug offenses, which number in the dozens or even hundreds for many inmates. They are excluded so as not to skew the averages with the very high level of crimes (mostly sales) committed by drug offenders.

### The cost of state corrections spending

If enrollment in the Milwaukee Public Schools grew more than 500%, and per-pupil spending declined 50%, few would claim school costs were out of control. Yet relationships such as that pertain to the Wisconsin Department of Corrections, an agency whose budget is often portrayed as exploding.

For a 25-year period, Table 6 below presents various comparisons between the overall state budget (General Purpose Revenue) and the corrections budget. The 1994 Consumer Price Index for Wisconsin is used to remove the distorting effect of inflation.

Table 6 does not mask the significant increase which has occurred in corrections, but it provides context. It shows that the Department of Corrections has responded with considerable efficiency to the substantial increase in offenders under its jurisdiction. (Some savings were in the form of program cuts or eliminations imposed from outside the agency.) In evaluating whether the corrections budget is “too high” or “out of control,” it is necessary to remember that it grows in direct response to a sustained policy, described and portrayed in Section I, of arresting and convicting criminals. If the budget does not grow to reflect the success of that policy, hundreds of millions in state and local tax dollars spent for police, prosecutors, and courts can be negated.

### Corrections spending versus other government spending

The *Journal Sentinel's* April 18, 1995, editorial (Note 5) supporting a new state prison said it “should not be built at expense of dealing with the myriad social conditions that fuel crime and lead to demands for more prisons.” A similar theme was explored in a recent report by Milwaukee’s Public Policy Forum, a nonprofit civic research group.<sup>62</sup> It said the “tremendous expense” of juvenile incarceration “may only serve to worsen” the problem and “leaves little for any intervention or prevention programs.” It quotes *Governing* magazine as saying that “funds for rehabilitation, education, and job training of troubled youth — funds which have never been plentiful — [are becoming] ever more scarce.”

These subjective characterizations raise basic questions. What is “little” or “plentiful” financing for “intervention” or “prevention” programs? Are funds for “rehabilitation, education, and job training” programs “ever more scarce”?

**TABLE 6** Real Changes in Overall State Spending and Spending on Corrections, 1973-1997<sup>61</sup>

Real State GPR Budget Growth	+50%
State Population Growth	+15%
Real Change in Per Capita State Spending	+31%
Real Corrections Budget Growth	+208%
Growth in Offenders	+548%
Real Change in Spending Per Offender (Prison, Parole, Probation)	—52%

Again, the issue is context. For example, are public schools not “education”? Real spending for elementary and secondary education has risen for more than two decades. The state provides more aid to Milwaukee Public Schools than it does to operate the statewide prison system. If “job training programs” are “ever more scarce,” this must exclude the state’s massive vocational education system. And while the *Journal Sentinel* cites a “myriad” of social conditions fueling crime, objective studies have identified a “myriad” of conflicting and overlapping job training programs and a \$5 trillion expenditure for social service and welfare programs in the last three decades.

For better context, an overall look at government spending would enable individuals to draw their own conclusion on whether corrections spending is “too high” or “out of control.” In September 1992, a comprehensive study was issued by the U.S. Department of Justice, Bureau of Justice Statistics, based largely on government finance information from the U.S. Bureau of the Census.<sup>63</sup>

Table 7 below shows that prison costs less than 1% of government spending *despite more than 10 years of continuous and substantial increase in spending.*

**TABLE 7** Local, State, and Federal Spending for Selected Functions, 1990

	Spending as % of Total
Social Insurance Payments	20.5
National Defense and Foreign Aid	15.5
Education and Libraries	14.0
Interest on Debt	10.7
Housing and Environment	7.1
Welfare	6.3
Hospitals and Health	4.2
Transportation	3.5
Police	1.4
Corrections*	1.1
Judicial	0.7
Space and Technology	0.5

\* Includes probation and parole.

#### The cost of crime — how firm are the estimates?

The most recent and most comprehensive review of the cost-benefit issue is found in Spelman’s *Criminal Incapacitation*. It illustrates that any conclusion on cost-benefit will necessarily reflect subjective assumptions. Portions of the book, if taken out of context, provide selective ammunition for those on both sides of the incarceration debate.

Spelman’s most significant point is that prison costs probably can’t be justified if one only counts the “direct cost” of crime. He explains that “indirect costs” are larger than direct costs and provides a detailed discussion of how they might be valued. Note 60 explains distinctions between direct and indirect costs.

Spelman compares a high cost of incarceration (\$40,000 per v. \$24,800 in Tables 3 and 5) with his estimate of direct and indirect costs of crime. Because indirect costs of crime are so large, he still concludes that prison probably is cost effective. But the real message from his analysis is to reinforce the importance of *actually discussing this issue*, which has been all but ignored in the media and in public policy discussions. The 1990 work of DiIulio and Piehl, sponsored by the Wisconsin Policy Research Institute, is one of the few efforts to prompt a dialogue in Wisconsin. This issue warrants more consideration by the state as it shapes the future direction of corrections policy.

### III. AN UNCERTAIN FUTURE FOR A SUCCESSFUL POLICY

For two decades, a majority of elected officials have supported an expansion of the Wisconsin prison system.<sup>64</sup> This complemented the decisions of local and state officials’ to expand police, prosecution, court, and jail operations.

The result, as described in Section I, was a reduction in crime. The policy worked. A conservative estimate is that because of increased imprisonment more than 255,000 serious crimes have been averted since 1980. This estimate only reflects the incapacitation of new inmates. It does not include crimes averted by deterrence. Nor does it include crimes that would have been committed by inmates in prison before the expansion began.

Yet, the outlook is uncertain for this historically successful effort, which now competes with: (i) organized and vocal opponents of prison construction and (ii) state and local plans to control property taxes.<sup>65</sup> Decisions made in the current and next sessions of the Legislature could lead to a reduction in the percent of criminals who serve time in prison. This will mean less crime averted by incapacitation and less crime averted by deterrence.

For example, because of financial limitations, the recently adopted state budget approves additional prison capacity for 1,200 inmates, or 20% of the inmate deficit projected by the year 2000. This contrasts with the approach of the last two decades (Note 64).

A probable outcome will be an increasing share of felons who serve their sentence outside of prison. This already is beginning to occur, because of policies recommended to the Legislature in 1991 by the Wisconsin Correctional System Review Panel.<sup>66</sup> About 75% of convicted felons are not incarcerated, up from about 72% about three years ago.<sup>67</sup>

**TABLE 8 Felons Under Department of Corrections Jurisdiction<sup>68</sup>**

	Felons	%
<b>In Prison</b>	10,551	25.2
<b>In the Community:</b>		
Intensive Sanctions (Electronic Supervision)	1,387	3.3
Parole	7,518	18.0
Probation (see Note 69)	22,402	53.5
<b>Total</b>	<b>42,257</b>	<b>99.9</b>

Based on the recently adopted state budget, under one plausible scenario, the share of offenders serving time outside of prison could grow to 90% by early in the next decade.<sup>69</sup> If this occurs: (i) the prospect of prison will be even less of a deterrent than now is the case; and (ii) the demonstrated ability of prisons to cut crime by incapacitation will decline.

### Crime by young adults

Opponents of new prisons initially might like the scenario described in Note 69, but it comes at precisely the wrong time, according to their view of demographic factors which explain changes in crime.

The most crime-prone age group (18- to 24-year-olds) is beginning to grow, for the first time in more than a decade. This group accounts for about 37% of prison admissions, about three times its share of the total state population.

Between 1995 and 2010, this group will grow 15%, about twice as fast as the overall population. This follows several years of decline.<sup>70</sup> This growth in 18- to 24-year-olds is *not* reflected in the state's projections of inmate growth, meaning the projected 5,000 inmate capacity deficit cited above almost certainly is too low.<sup>71</sup>

Data on juvenile crime is pervasive, unambiguous, and ominous. The juvenile arrest rate for violent crime in Wisconsin doubled in the decade ending in 1993. The juvenile arrest rate for serious property crimes (burglary, theft, etc.) grew 70%.<sup>72</sup> National data reinforces the seriousness of these Wisconsin numbers. A leading national journalist, Alan Otten, wrote recently (emphasis added):

Demographics will likely keep boosting homicide rates for the next decade, a criminologist warns. In the early 1990s, the national murder rate, though high, remained essentially level. That's because one positive trend is masking a worrisome negative one, says James Alan Fox, dean of Northeastern University's College of Criminal Justice. From 1985 to 1993 ... the [over-25 adult] rate of murder dropped 20%. *But it increased 65% among 18-24 year olds and 165% among 14-17 year olds.*<sup>73</sup>

Significantly, juvenile recidivism appears to be at least as serious as it is among adult offenders. A comprehensive state study found that more than half of violent delinquents in Milwaukee County were repeat offenders. In virtually every statewide category evaluated by the study, juvenile recidivism was high and increasing.<sup>74</sup>

The serious implications of these age-related trends are compounded by persistent evidence of high drop out rates in the Milwaukee Public Schools and high rates of teenage pregnancy and illegitimacy.

The state's study of juvenile recidivism prompted a series of pessimistic public statements.<sup>75</sup> Gerald Whitburn, then-Secretary of Health & Social Services, said "We have more serious juvenile crime. And we're facing increasing challenges in straightening out these troubled youth." Milwaukee County Children's Court Judge Christopher Foley said "We try to teach these kids some skills and allow them to function in the community but then they return to homes where the parents are alcoholic or abusive and they're running around with their friends who are in gangs."

More recent news reinforces the troubling future implications. According to *The Milwaukee Journal*, a Milwaukee County study found that "More than half [of] the troubled children in court-ordered rehabilitation centers never finish treatment and more than a third of them just walk away and don't come back."<sup>76</sup> In early May, the state's Statistical Analysis Center reported a one-year, 32% increase in overall drug arrests and a startling 69% increase in juvenile drug arrests.<sup>77</sup>

Collectively, these factors can only mean that the state's existing projections for new adult offenders are low.

### **Alternatives to prison**

Spelman's *Criminal Incapacitation* discusses at length the challenge faced by elected officials and corrections administrators in deciding whom to incarcerate and whom to supervise in the community. *This is the core issue of corrections policy.*

Spelman and others conclude that expansive strategies for "collective incapacitation" are unjustified. This might apply to such states as California, where 9% of state spending is for corrections (more than twice the level in Wisconsin). Spelman says policies and programs should aim for "selective

incapacitation” of high risk offenders. This strategy of “selective incapacitation” essentially describes the policy Wisconsin officials have pursued for almost two decades. The challenge is in translating that general goal, accepted by most, into an actual program. Given that felons will serve some *or all* of their sentences in the community, such a program needs to minimize, but can never eliminate, crime committed by convicts.

Wisconsin, with an incarceration rate already one-half the national average, might be approaching the point where even a “selective incapacitation” strategy is difficult to achieve. If the state increases prison capacity by no more than 1,200, a deficit of about 5,000 will exist by the year 2000 and will grow thereafter, with no new capacity “in the pipeline.” This will increase reliance on three community-based options: intensive sanctions, parole, and probation. Of these, the options controlled most directly by the state are intensive sanctions and parole.<sup>78</sup>

**Parole.** While a few inmates serve out their sentence in prison or die in custody, the vast majority are paroled and complete their sentence in the general population. Most are paroled before serving one-half of their sentence.<sup>79</sup> This likely will increase, because when prison capacity does not grow, “more prison sentences may simply result in more releases.”<sup>80</sup> Current state projections anticipate a 169% increase in parolees (from 7,500 to more than 20,000) by the year 2000.<sup>81</sup> For reasons summarized above, even this sizable jump could prove to be a conservative.

Studies identified in this report document that parolees are a major source of recidivism. There are many reasons for this. Too many paroles arise from a need to reduce overcrowding and not from whether the inmate is ready to return to society. Prison rehabilitation programs are underfunded, if they exist at all. Parole agent caseloads of 75 or more make meaningful supervision very difficult. Accordingly, parole often no longer meets its original purpose as a transition to society for offenders who have been rehabilitated.<sup>82</sup> It has become more of a program to relieve prison crowding by releasing the “least serious” or “best of the worst” among a group of very serious criminals. The low cost to the state budget per parolee (\$1,041 per parolee) reflects unmanageable caseloads that are made worse by high turnover and vacancies held open to achieve budget savings.<sup>83</sup>

In summary, parole clearly will increase to absorb part of the coming capacity deficit. On balance, this could work against the notion of a “selective incapacitation” policy. A probable outcome is more crime.

**Intensive Sanctions.** This program began in 1992 to relieve prison crowding through community-based, electronic supervision of inmates or potential inmates. It was proposed to the Legislature by a committee created by legislators to recommend cuts in Governor Thompson’s plans to expand prisons (the Wisconsin Correctional System Review Panel).

In recommending the program, the panel said prison was not appropriate for criminals who (emphasis added) “are largely *property offenders* who are *nonviolent*, many of whom have a drug or alcohol abuse problem and who are presently classified by the Department of Corrections in the *lowest risk* category.”<sup>84</sup> Through such rhetoric, burglars, arsonists, and thieves (some with former records of assault, and most repeat criminals) become “low risk, nonviolent property offenders.” The “low risk” label is especially disingenuous. Only one in four Wisconsin felons are in prison. A Wisconsin inmate who is “low risk” is more risky than most felons and less risky only when compared with murderers, armed robbers, and sex offenders (see Table 9 on the next page).

At a cost of about \$8,000 per year per offender,<sup>85</sup> Intensive Sanctions provides more control and

protection than parole or probation. Those in the program are still deemed "prison inmates" and can be returned to prison for rule violations in an expeditious manner.

About 20% of those assigned to Intensive Sanctions have been removed from the program and returned to prison. The scope of this study did not include a review of what caused the revocations or any other extended examination of the program. This study presents no evidence nor draws any conclusions that intensive sanctions has been ineffective in preventing crime.

The intensive sanctions program director, upon request, provided a complete list of all revoked participants. He said he would welcome a full and independent program evaluation, particularly since the program is due for major growth. He feels the program has succeeded so far in minimizing public risk and achieving legislative goals. He said reasons for the success to date include a high level of scrutiny in screening for "low risk" participants and a maximum caseload of 25 to 1, which is one-third the level for normal parole.

There is a recognition in Corrections that the program will grow and of potential risks. While the 1995-97 adopted state budget anticipates a 28% annual growth in the program, it will need to grow much more in future years when the impact of the new prison construction policy sinks in. As discussed below, this will take Intensive Sanctions beyond its original scope of "non-violent" property offenders.

### Drug offenders

In early 1995, the state announced a plan to transfer hundreds of drug offenders from prison to electronic supervision. There was widespread negative citizen reaction. Attorney General James Doyle, Milwaukee Mayor John Norquist, and Milwaukee County Sheriff Richard Artison also criticized the plan. As a result, it was dropped. But without more prisons, this merely shifts the lightning rod to other inmates who will need to be put in the program. (See Table 9.)

An alternative to drug offenders was announced in April 1995, when Corrections Secretary Michael Sullivan said intensive sanctions would be expanded to include offenders whose prior record might include violent assaults, "a criminal history that now makes them ineligible for intensive sanctions," according to the *Journal Sentinel*.<sup>86</sup> Sullivan's dilemma is illustrated by Table 9.

Excluding drug offenders, sex offenders, and *current* assaultive offenders, Sullivan can only expand intensive sanctions by releasing more property offenders. The least risky property offenders are already in intensive sanctions. The roughly 1,800 property offenders now in prison include many with prior records of assault.

**TABLE 9** Male Offenders Incarcerated on December 31, 1993<sup>87</sup>

Type of Offender	% of Inmates
Property Offender (Burglary, Theft, Arson)	18.3
Drug Offender*	14.9
Sex Offender*	23.6
Assaultive Offender (Homicide, Aggravated Assault)*	71.5

\* Total exceeds 100%; categories are not mutually exclusive.

Given that intensive sanctions will need to grow (perhaps by several thousand), burglars, thieves, and arsonists ("property offenders") with prior assaults increasingly will be considered. That's the tradeoff for leaving drug offenders in prison. Officials might end up revisiting this decision, as its implications are better understood. But Table 9 shows that many "drug offenders" are serving time for

more serious crimes. This table illustrates the potentially misleading nature of labeling criminals as “drug offenders” or “non-violent.” Such labels often relate only to the most recent crime in a career that has included other more dangerous offenses.

DiIulio, Piehl, and others suggest that the cost-benefit relationship of incarcerating certain drug offenders is negative, because new drug dealers quickly replace those incarcerated, and thus the level of sales is not affected greatly. If this is so, using scarce prison space for some drug offenders is not cost-effective. Notwithstanding this logic, drug offenders appear to be a group which many Wisconsin citizens want in prison. The number of inmates admitted on drug offenses has increased in recent years. This has occurred in response to actions by prosecutors, judges, and legislators to stiffen drug penalties.<sup>88</sup>

In the final analysis, the pressure will grow to find “low risk” inmates to be released. It is evident that this search will be very difficult. The notion that Wisconsin’s prisons harbor large numbers of “non-violent” criminals or “first offenders” is coming to be seen for what it is — a myth.

#### IV. CONCLUSION

A goal of this report is to encourage more discussion of crime and pending decisions to reduce reliance on prisons. For example:

- Citizens and elected officials should know that prison has been as effective a form of “*crime prevention*” as any now in place.
- With 85% of convicted offenders already in the community, including 75% of felons, and the percentages likely to grow, there will be more multiple offenders on parole and electronic supervision. This can mean less incapacitation and less deterrence and more crime.

Despite the demonstrated benefits of the state’s prison program, prison expansion can’t be the only component of the state’s anti-crime plan. However effective, and it is effective, prison remains a “solution” at the “back end” of the justice system. Changes are essential at the “front end” — most notably, changes in personal behavior which might arrest the seemingly unabated decline in values and attitudes which society confronts.

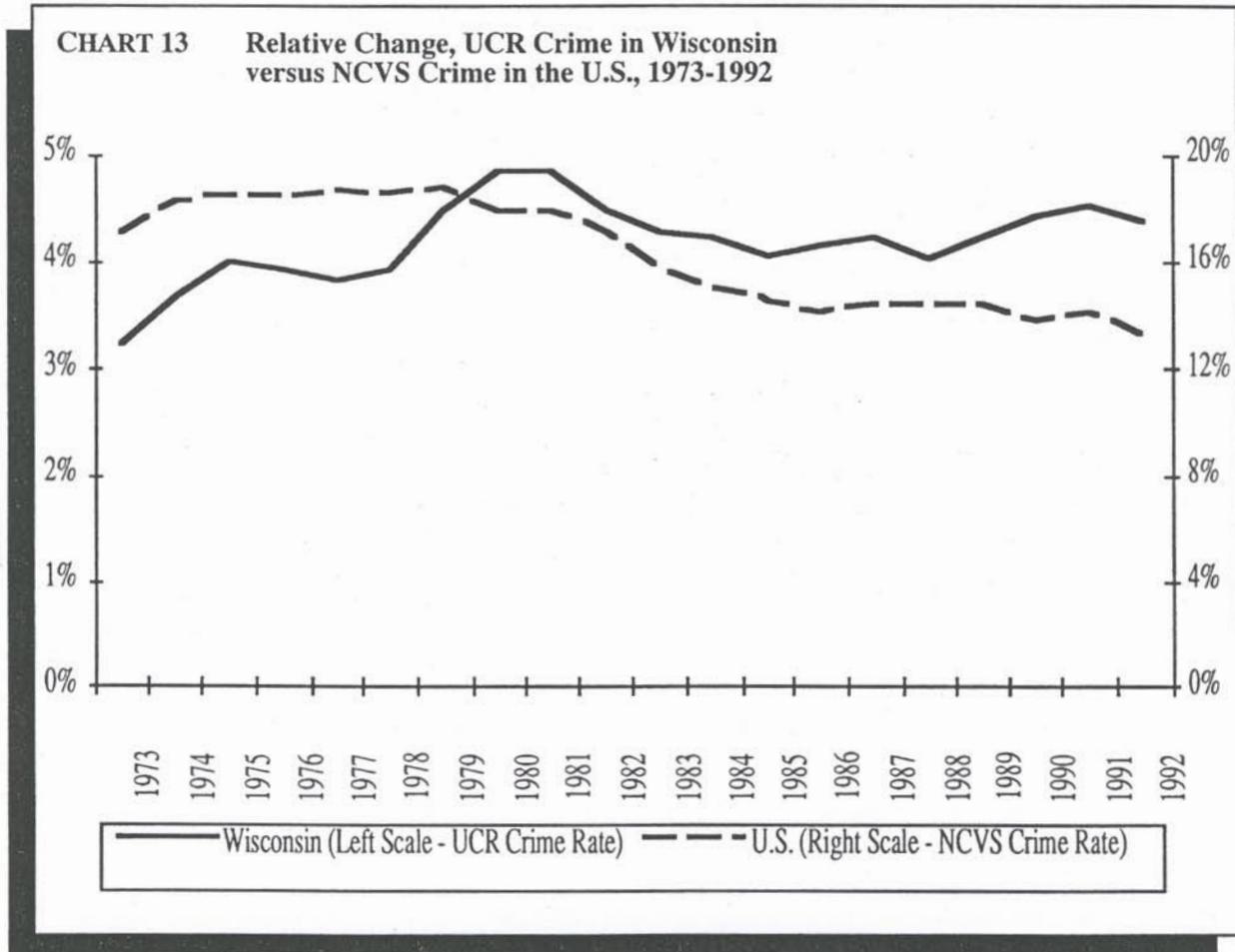
Without such changes, coupled with effective government programs to increase education, reduce illegitimacy, and strengthen families, prisons can’t ever expand fast enough. But, until progress is made in reversing the rise in anti-social behavior, it’s counter-productive to curtail the one form of crime prevention — prison — which clearly has worked.

APPENDIX A

This report primarily uses crime data reported by the state as part of the FBI's Uniform Crime Reports (UCR). See Note 7.

Another major source of crime data is the Justice Department's National Crime Victimization Survey (NCVS). It is not available on a state-by-state basis.

Chart 13 below compares long-term relative trends for NCVS data and UCR data.



The percentage numbers on the left and right scales portray UCR and NCVS crimes, respectively, as a percentage of the Wisconsin and U.S. populations. NCVS data includes more categories of crime, accounting for the higher percentage "crime rates."

## NOTES

- 1 In this report, levels of crime, incarceration, arrests, and case clearances refer to *rates* — that is, the number of occurrences per 1,000 citizens in the general population.
- 2 Three studies are particularly significant.
- “Using Electoral Cycles in Police Hiring to Estimate the Effect of Police on Crime,” by Steven D. Levitt, a member of the Harvard Society of Fellows, Working Paper No. 4991, National Bureau of Economic Research Inc., January 1995.
  - “Prison Population Growth and Crime Reduction,” by Thomas B. Marvell and Carlisle E. Moody Jr. (from Justec Research and the Department of Economics, College of William & Mary), *Journal of Quantitative Criminology*, pp. 109-140, Vol. 10, No. 2 (1994).
  - *Criminal Incapacitation*, by William Spelman, Lyndon B. Johnson School of Public Affairs, University of Texas, Plenum Press (New York and London), 1994.
- 3 Unless noted, “crime” refers to so-called “index offenses” in the FBI National Uniform Crime Reporting Program. These are: murder & non negligent manslaughter; forcible rape; robbery; aggravated assault; burglary; theft; motor vehicle theft; and arson. The first four are sometimes described as “violent” crimes; the latter four are sometimes called “property” crimes. Index offenses are regarded as the most serious, but are not all encompassing. They *exclude* drug offenses, simple assaults, forgery, fraud, and several other categories. Also see Notes 6 and 31.
- 4 An important measure of criminal justice efficiency is the “clearance rate.” A case is “cleared” when a person is arrested, charged, and turned over to a court for prosecution. The “clearance rate” is the number of cases cleared as a % of reported offenses. This rate declined in the 1970s and has increased since.
- 5 In March 1995, two state newspapers prominently quoted “justice system experts” and “criminal justice professionals” as flatly ruling out a link between more prisons and less crime. The coverage was from a conference of opponents of increased incarceration at the University of Wisconsin-Madison on March 1, 1995.

A page-one story in the March 2, *Wisconsin State Journal*, headlined “Stiffer criminal penalties assailed; Experts: Streets aren’t any safer,” began, “criminal justice professionals Wednesday issued a ... plea for sanity in fashioning crime laws. ‘What (legislators) are really doing is giving in to the sound bite in the desire to get re-elected,’ UW Madison law professor Walter Dickey said at a day-long conference that sought to answer the question, ‘Is Effective Crime Policy Possible?’” This was followed by unquestioning reporting of the main conference theme: the nation has unnecessarily expanded prison capacity.

According to a March 3 *Milwaukee Journal* editorial on the conference (emphasis added), “[As] participants ... made clear, much public policy that is touted as tough on crime is ineffective, costly, and confused .... Nothing more squarely distinguishes the fight against crime ... in the last two decades than the turn to prisons to protect the public. But as fast as prisons are built they are filled, *with no noticeable impact on crime.*”

Three years earlier, *The Journal* opposed Mayor John Norquist’s support for more prisons by saying (emphasis added): “More prisons happen to be precisely the nostrum applied to the crime problem over the last decade or so, *with no noticeable improvement. In fact, the problem appears to have only worsened.*”

- 6 Supporters and opponents of prison construction use labels to their best advantage in seeking favorable media coverage. Sometimes they are egregiously misleading. For example, while many crimes and criminals are described as “non-violent,” the term can be a complete misnomer. It arises from the fact that only four crimes (see Note 3) are officially labeled “violent.” In the lexicon of incarceration opponents, the rest become “non-violent.” These “non-violent” crimes include burglary, assaults without a weapon, arson, various crimes involving possession of deadly weapons, drug law violations, vandalism, disorderly conduct, and so forth.

The March 3, 1995, *Milwaukee Journal* editorial illustrates (emphasis added) how these serious crimes can be minimized and even trivialized: “Prison serves the community well by putting away violent offenders, but it does little to deter or reduce *the broad range of lesser crimes that bedevil the criminal justice system.*” Thus, crimes such as burglary and many assaults become “lesser crimes that bedevil” the system instead of actions that disrupt lives and neighborhoods.

- 7 The two major measures of crime are: (i) FBI Uniform Crime Reports (UCR) and (ii) U.S. Justice Department National Crime Victimization Survey (NCVS). A comparison of the two is in "Highlights from 20 Years of Surveying Crime Victims: The National Crime Victimization Survey, 1973-92," p. 4, Bureau of Justice Statistics, U.S. Department of Justice, October 1993.

It has been argued that NCVS crime trends show prison expansion has been unnecessary. However, as explained in this report and illustrated in Chart 13, Appendix A, NCVS data tend to reinforce the basic conclusion that prisons have helped reduce crime. NCVS data is based on national surveys which are not disaggregated on a state-by-state basis; it thus cannot be used for specific conclusions about Wisconsin.

- 8 In the fall of 1994, *The Milwaukee Journal* published a four-part series ("Crime Myths") that lacked any pretense of balance. It overstated by about 50% the cost of operating Wisconsin's prisons by including the amount spent for tens of thousands of offenders on parole, probation, and electronic monitoring. It omitted mention of credible research on (i) the cost of crime in relation to the cost of incarceration and (ii) the impact of prisons on crime levels.

Relying almost totally on "experts" from one side of the policy debate, the series argued, "Our public policy ... [is] being influenced by fiction" and derided politicians who "concentrat[e] on punitive crime control legislation that wins elections instead of more comprehensive preventive measures." While reporting that crime has declined, a possible link to increased incarceration was given no credence whatsoever in a series that encompassed several full pages of the newspaper.

Historically, among Milwaukee's daily newspapers, the *Milwaukee Sentinel* generally supported increased incarceration. *The Milwaukee Journal* did not.

On April 18, 1995, the new *Journal Sentinel* published an editorial favoring something for everyone: (i) a 1,200-bed prison recommended by Governor Thompson, but "not ... at the expense of dealing with the myriad social conditions that fuel crime and lead to demands for more prisons"; (2) the release to electronic supervision in the community of "about 4,000" inmates, but not to include any "drug dealers"; and (3) a "serious look" at Governor Thompson's plan for a drug and alcohol treatment facility for offenders.

On July 23, the *Journal Sentinel* published a lengthy editorial ("Construction won't solve prison woes") which omitted any reference to its earlier support of a 1,200-bed prison. While the editorial said the state's Parole Commission should "ensure to the best of their ability that no inmate who endangers the community will be released early" it added sex offenders to the list of those who should be excluded. It previously said (April 18) that "drug dealers" should not be released to electronic monitoring. Omitted on July 23 was any specific mention of who should be released.

The nation's most influential national paper, *The New York Times*, has published stories and editorials under the following headlines in recent years: "More Cells for More Prisoners, but to What End?"; "A World Leader, in Prisons: What Does the U.S. Get For Its \$16 Billion?"; "Treatment, Not Jail, Saves Lives and Money"; and "More Prisons Haven't Yet Reduced Crime." Most recently, the paper has changed its approach somewhat. In reporting on a decline in murder in New York and other major cities, a July 17 editorial and a July 23 analysis give credence to the notion that increased incarceration had removed criminals from the streets.

*U.S. News & World Report* carried a recent story (July 3, 1995) headlined on the cover: "America Gets Tough — Do More Prisoners Mean Less Crime?" The article categorically states: "There is no evidence that higher incarceration rates produce lower crime rates." Yet less than two months before, the decidedly middle-of-the-road National Criminal Justice Association reported that "The number of serious crimes reported to the nation's law enforcement agencies declined 3 percent in 1994 .... It was the third consecutive year decrease ...." *NCJA Justice Bulletin*, May 1995, Vol. 15, No. 5.

There are also examples which contrast with the one-sided "analysis" of "Crime Myths." The criminal justice reporting of former *Milwaukee Sentinel* and now *Journal Sentinel* staffer David Doege is one illustration. Another is a recent series by James Rowen ("Taking Lives") on capital punishment in the *Journal Sentinel*. Although a point of view seemed evident, it was thoroughly reported and gave ample space to both sides of the debate.

- 9 Wisconsin's prison population was about 4,000 in 1980 and today is approaching 11,000.
- 10 "Criminal history and prior sentences of state prison inmates," *Sourcebook of Criminal Justice Statistics, 1993*, Table 6.44, page 614, Bureau of Justice Statistics.

- 11 "Male Offenders Incarcerated on December 31, 1989-93, By Percentage" Wisconsin Department of Corrections, July 25, 1994.
- 12 "Survey of State Prison Inmates, 1991," by Lawrence A. Greenfeld, Bureau of Justice Statistics.
- 13 "Recidivism of Prisoners Released in 1983," Bureau of Justice Statistics, April 1989.
- 14 "Recidivism of Young Parolees," Bureau of Justice Statistics, May 1987.
- 15 "Parole in Wisconsin," by George A. Mitchell, Wisconsin Policy Research Institute Report, June 1992.
- 16 "Sentence Length and Reincarceration," Dale Cattanaach, Legislative Audit Bureau report to Senator Peggy Rosenzweig and Representative Kimberly Plache, March 1994.
- 17 "Recidivism of Felons on Probation, 1986-89," Bureau of Justice Statistics, February 1992.
- 18 "Crime and Punishment in Wisconsin," by John J. DiIulio Jr. and Anne Morrison Piehl, Wisconsin Policy Research Institute Report, December 1990, and "Does Prison Pay?" by DiIulio and Piehl, *The Brookings Review*, Winter 1995.
- 19 *The Journal's* "Crime Myths" series (Note 8) made virtually no mention of recidivism, but instead devoted an entire article to the bizarre thesis that "more of us are criminals than victims." An exception: "Delinquents often return to crime," *The Milwaukee Journal*, September 23, 1993. Also see Section III and Note 75.
- 20 "Toddler saw alleged rape in car; Suspect served in prison for prior attack on woman," *Milwaukee Sentinel*, August 27, 1994.
- 21 "Two men, one on parole, face charges in abduction," *The Milwaukee Journal*, October 4, 1994.
- 22 "Woman serving 4th prison term; Forgery convictions began in '83," *Milwaukee Sentinel*, December 14, 1994.
- 23 "Man found guilty of sexual assault," *Milwaukee Sentinel*, November 18, 1994.
- 24 "Dad charged again with sex assault; Got probation in '87 case," *Milwaukee Sentinel*, March 4, 1995.
- 25 "Robberies net \$92, 18-year sentence; Judge cites woman's 'wanton cruelty and depravity' in cases," *Milwaukee Sentinel*, March 27, 1995.
- 26 "Man charged in sex assault," *The Milwaukee Journal Sentinel*, April 19, 1995.
- 27 "Man with long record gets 218-year prison term," *The Milwaukee Journal Sentinel*, April 29, 1995.
- 28 Wisconsin crime data in Chart 2 and elsewhere is from the Statistical Analysis Center, Wisconsin Office of Justice Assistance.
- 29 Since the early 1970s there has been more than a 50% increase in the number of local police per 1,000 residents, according to reports issued by the Statistical Analysis Center. According to the Public Policy Forum, the City of Milwaukee has increased the number of sworn officers 18% since 1990.
- 30 In 1974 a juvenile detention facility was converted to an adult prison. In 1976, a prison master plan recommended an 85% increase in cells.
- 31 Arrest data used in this report is for "total" adult arrests as reported by the Statistical Analysis Center. This includes arrests for the index offenses (Note 2) and a wide variety of other crimes, including forgery, drug crimes, disorderly conduct, and others. Traffic offenses are excluded. Total arrest statistics are the most comprehensive measure available of police

activity. The state's 1990 prison master plan ("State of Wisconsin Correctional System Development Plan") illustrated the close relationship between total arrest data and incarceration, as Chart 4 and others in this report further demonstrate.

- 32 Author's calculations, based on data from the Statistical Analysis Center.
- 33 Local law enforcement spending grew 50% faster than inflation during the 1980s, according to reports on local expenditures filed with the Wisconsin Department of Revenue.
- 34 Clearance rates for individual crimes vary widely from the 1994 average of nearly 27%. The highest clearance rate is 87%, for murder; the lowest is 17%, for burglary. Source: Statistical Analysis Center.
- 35 *The Journal's* "Crime Myths" series asks "Why is crime going down? Because the population is getting older, criminologists say ...." No mention is made in the four-part series that increased incarceration might have played even some role. No other explanation is offered. The same reason was offered in a major debate last year — see Note 38.
- 36 "Offenders Admitted to Adult Correctional Institutions, Calendar Year 1990," Wisconsin Department of Corrections Statistical Bulletin C-53, June 1991.
- 37 Tables issued by the Demographic Services Center, Wisconsin Department of Administration.
- 38 Opponents of prison construction sometimes set credibility aside in trying to refute the link between less crime and more incarceration. One example comes from the comments of Barry Krisberg, Ph.D., President of the National Council on Crime and Delinquency (NCCD).

Krisberg and the NCCD are among the most prominent voices arguing that there is too much reliance on incarceration. He says the correlation between less crime and more incarceration doesn't necessarily mean less crime was *caused* by more incarceration, explaining that other measures also increased during this time. For example, he goes so far as to say that reduced crime, such as documented in this report, might "be related to a *greater use of probation*" (emphasis added), because probation, too, has increased. Given the documented data of crime by parolees and probationers, both of which have increased, this flies in the face of logic and reality. By this reasoning, anything that rose in this period might be linked to less crime (Salaries of professional athletes? Unwed births? Global temperatures?)

See the proceedings of a revealing debate between Krisberg and Joseph M. Bessette, Ph.D., a professor at Claremont McKenna College in California who previously served as a prosecutor in Chicago and on the staff of the Justice Department's Bureau of Justice Statistics. Pages 82-90 of "Enhancing Capacities and Confronting Controversies in Criminal Justice," an August 1994 publication of the Bureau of Justice Statistics.

- 39 Levitt, see Note 2.
- 40 Levitt, abstract.
- 41 Levitt, pp. 27-28.
- 42 Marvell and Moody, pp. 109-110. See Note 2.
- 43 Marvell and Moody, pp. 133-134.
- 44 Marvell and Moody, pp. 136.
- 45 Marvell and Moody, pp. 133-134.
- 46 In addition, there obviously will be an unspecified, *and much larger*, number of crimes averted due to inmates in the "base population" of the state's prisons at a given point in time. This was not a focus of the Marvell-Moody study.
- 47 The number of crimes averted (254,544) was calculated by multiplying the number of additional prisoners per year from

1980 to 1994 by 17 (number of crimes) by 2 (proxy for years served). Years served (2) assumes 40% of an average sentence of 5 years, the approximate sentence in 1990 for burglars and thieves. In addition to the conservative methods used by Marvell and Moody, the method used for this calculation for Wisconsin is conservative. Current sentence lengths are longer and the more recent impact of prison growth on averted crime is understated.

A comparison of Wisconsin and national crime and incarceration rates over several years is found in the 1990 *State of Wisconsin Correctional System Development Plan*.

- 48 The crimes in Chart 12 are defined as follows:
- Robbery is the taking or attempting to take anything of value from a person by force or threat of force or violence.
  - Burglary is the unlawful entry of a structure to commit a felony or a theft.
  - Theft is the unlawful taking of property from another.
  - Auto theft is the theft or attempted theft of a motor vehicle.
  - "Other" crimes would include index offenses other than those specified above, such as homicide, assault, rape, and arson.
- 49 Marvell and Moody, p. 134.
- 50 "Highlights from 20 Years of Surveying Crime Victims: The National Crime Victimization Survey, 1973-92," Bureau of Justice Statistics, October 1993.
- 51 The large number (680,000) of mostly "non-violent" averted crimes reported by Marvell and Moody follows by three years a significant article in *Science* magazine by Patrick J. Langan, a highly credentialed statistician with the U.S. Justice Department's Bureau of Justice Statistics. Langan's calculations (as reported by DiIulio and Piehl — Note 16) estimate that almost 400,000 "violent" crimes were averted in 1989 alone due to the tripling of the national incarceration rate.
- 52 "Enhancing Capacities and Confronting Controversies in Criminal Justice," p. 83.
- 53 As an example, usually the *entire budget* of the Wisconsin Department of Corrections is reported as "the cost of running prisons." See the September 23, 1994, *Milwaukee Sentinel* and the October 23, 1994, *Milwaukee Journal*. In addition to incarcerating more than 10,000 inmates, the Department supervises about six times that many offenders on probation, parole, and intensive sanctions. Depending on how administrative costs are allocated, such errors overstate prison operating costs about 50%. This is error not confined to newspapers. Even the almost always reliable Wisconsin Taxpayers Alliance reported April 14, 1995, that "prison spending" will grow to \$394 million in the next state budget, an amount which includes all corrections functions.
- 54 Elsewhere (Note 59) is a list of literature on the cost of crime and incarceration. From this body of information, only data which are incomplete and potentially misleading to uninformed readers was in the *Journal's* "Crime Myths" series.
- 55 *Sourcebook of Criminal Justice Statistics, 1993* and "Justice Expenditure and Employment, 1990," Bureau of Justice Statistics.
- 56 Estimate of per capita costs for 1994: (9,384 inmates X \$24,800) divided by 5,081,184.
- 57 Estimates of prison operating costs involve many assumptions. For example, while the State of Wisconsin 1994 *Annual Fiscal Report*, Exhibit H, list costs at \$20,217, this excludes debt service for prisons and other overhead expenses in the Department of Corrections.
- 58 This is the estimate of the Legislative Fiscal Bureau, reflecting the base operating cost of the prison program plus an allocation of department-wide overhead, other program costs, and debt service for construction.

59 A selection of major studies and articles is provided below.

- *Criminal Incapacitation* (see Note 2).
- "Making Confinement Decisions," by economist Edwin Zedlewski for the National Institute of Justice, 1987.
- "The New Mathematics of Imprisonment," by Franklin Zimring and Gordon Hawkins for *Crime and Delinquency*, 1988.
- "Pain, Suffering, and Jury Awards: A Study of the Cost of Crime to Victims," by Mark Cohen for *Law and Society Review*, 1988.
- A rebuttal of the Zedlewski estimates issued in September 1989 by the Edna McConnell Clark Foundation.
- "Punishing Smarter: Penal Reforms for the 1990s," by John J. DiIulio Jr., Director, Center for Public Management, Brookings Institution, and Anne Morrison Piehl, assistant professor of public policy, Kennedy School of Government, Harvard University, for *The Brookings Review*, Summer 1989.
- "Crime and Punishment in Wisconsin: A Survey of Prisoners and an Analysis of the Net Benefit of Imprisonment in Wisconsin," by John J. DiIulio Jr., *Wisconsin Policy Research Institute Report*, Vol. 3, No. 7 (December 1990).
- "Victim Costs of Violent Crime and Resulting Injuries," by Ted Miller, Mark Cohen, and Shelli Rossman, for *Health Affairs*, 1993.
- "The Costs of Crime to Victims," by Patsy A. Klaus, for the U.S. Department of Justice, Bureau of Justice Statistics, February 1994.
- "Does Prison Pay? Revisited," by John J. DiIulio Jr. and Anne Morrison Piehl, for *The Brookings Review*, Winter 1995.

60 These are conservative estimates. In describing them, Levitt says (emphasis added) they "attempt to capture monetary costs of crime (medical bills, property loss, lost productivity) and quality of life reductions due to pain and suffering .... *These cost estimates do not include the costs of additional preventative measures taken by victims, lifestyle changes associated with the marginal crime, costs to employers, or legal costs, and therefore may understate the true costs of crime.*"

61 Sources: (i) for GPR budget information, the State Budget Office; (ii) for offenders under DoC jurisdiction, the Department of Corrections; (iii) for state population data, the Demographic Services Center (Department of Administration); (iv) for inflation data, U.S. Dept. of Labor.

62 "You Can Pay Me Now, Or You Can Pay Me Later: Investment in Local Prevention/Intervention Programs Pay Off Long-Term," *In Fact*, Vol. 83, No. 1 (January 16, 1995).

63 "Justice Expenditure and Employment, 1990," see Note 55.

64 An amount equal to about 96% of the capacity recommended in the state's 1976 and 1990 prison master plans has been constructed. These plans recommended increased capacity for almost 7,000 inmates between by 1997. Counting space that will come into operation during the 1995-97 biennium, capacity for about 6,700 inmates will have been added.

65 Other than property tax relief, the only major area of the state budget that is growing is corrections. But this reflects the cost of opening new prisons approved in the early 1990s and does not include sums to expand prisons or adequately supervise current parolees or probationers. At the county and municipal level, state property tax limits and political reality will limit jail expansions and new police hiring.

66 See "Parole in Wisconsin," pp. 13-14.

67 The percentage of non-incarcerated felons has increased because of a new program (Intensive Sanctions) of electronic surveillance in the community. Those in the program otherwise would be in prison, according to the Department of Corrections.

68 "Offenders Under Control on April 21, 1995," The Wisconsin Department of Corrections, Form DOC-302.

Per a May 2, 1995, table from Corrections, the total in this table excludes about 27,600 non-incarcerated offenders convicted of a misdemeanor, which normally does not carry a prison sentence and is served on probation. Including these misdemeanants, about 85% of offenders under DoC jurisdiction are not incarcerated.

69 This assumes:

- The state will proceed only with a 1,200-inmate capacity expansion.
- By 2000, a capacity deficit of at least 5,000 inmates will result. Half will be housed in prisons, which thus will operate at 125% to 130% of capacity. The other half will be paroled or placed in Intensive Sanctions.
- With no new prisons in the pipeline (it can take five to six years from approval to opening), deficits will grow even more in the early part of the next decade. The prison system can't effectively operate for sustained periods at 130% of capacity, so paroles and commitments to Intensive Sanctions will be pressure relief valves.

70 Various tables from the Demographic Services Center, Wisconsin Department of Administration.

71 The state's official projections of offender populations are prepared by the Applied Population Laboratory at the University of Wisconsin-Madison. The laboratory's director, Paul Voss, said the time-series methodology which is used has not been modified to reflect demographic changes. This would be an advisable change to consider.

72 "Arrests of Juveniles in Wisconsin, 1984-1993," Statistical Analysis Center.

73 "Our Youngest Citizens Are Our Most Violent," by Alan L. Otten, correspondent for "People Patterns," a regular feature on demographics in *The Wall Street Journal*, April 21, 1995.

74 "Correctional Institutional Recidivism Among Youth Released from DYS Institutions 1986 to 1990," by Nina Troia, Office of Policy and Budget, Wisconsin Department of Health and Social Services, November 1993.

75 "Delinquents often return to crime," *The Milwaukee Journal*, September 23, 1993.

76 "Youths often fail to finish treatment," *The Milwaukee Journal*, December 6, 1994. Separately, the July 13, 1995, *Journal Sentinel* published an article reaffirming this problem. ("One third of kids flee treatment: County report also says less than half of juveniles benefit from placement in court-ordered programs").

77 "Drug arrests jump 32%: Largest Increase in Decade," *Milwaukee Journal Sentinel*, May 2, 1995.

78 Probation is controlled mostly by judges, although state officials do play a role in preparing recommendations. Prison capacity shortages eventually will have an impact on the presentence recommendations made to judges. Almost half of those on probation were convicted of misdemeanors which don't carry a prison sentence.

79 "Parole in Wisconsin," p. 7.

80 "Prison Population Growth and Crime Reduction," p. 120.

81 "Population Forecasts from June 30, 1994, Baseline," by Paul Voss, Director of the Applied Population Laboratory, University of Wisconsin-Madison. October 31, 1994, memorandum to the Department of Corrections. Voss provides offender population projections to the Department.

82 "Parole in Wisconsin."

83 State of Wisconsin 1994 *Annual Fiscal Report*, Exhibit H.

- 84 "Parole in Wisconsin," p. 13.
- 85 Cost estimate per Legislative Fiscal Bureau. This is more than twice the national cost of electronic monitoring programs, according to Spelman in *Criminal Incapacitation*. The relatively high cost probably reflects extra efforts by the state to maximize security. It is more than seven times the cost of parole and probation in Wisconsin and about one-third of the cost of prison. Until a full evaluation of the program occurs, it is not possible to say if the cost is justified.
- 86 "New technology could limit need for new prisons," *The Milwaukee Journal*, April 12, 1995.
- 87 Department of Corrections table, July 25, 1994.
- 88 The Governor of New York, responding to the same problem of prison crowding, has proposed new laws and policies to lessen the number of drug offenders in prison. *The Wall Street Journal* reports (May 2, 1995) that his plan is meeting more approval than the concept did in Wisconsin. The plan is reported in the same black-and-white terminology of "violent" and "non-violent" criminals that has characterized some of the rhetoric in Wisconsin.

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## 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 level. These public-policy decisions affect the lives of every citizen in the state of Wisconsin. Our goal is to provide nonpartisan research on key issues that affect citizens living in Wisconsin so that their elected representatives are able to make informed decisions to improve the quality of life and future of the state.

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

The agenda for the Institute's activities will direct attention and resources to study 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 will conduct semiannual public-opinion polls that are structured to enable the citizens of Wisconsin to inform government officials about how they view major statewide issues. These polls will be disseminated through the media and be made available to the general public and to the legislative and executive branches of state government. It is essential that elected officials remember that all the programs established and all the money spent comes from the citizens of Wisconsin and is made available through their taxes. Public policy should reflect the real needs and concerns of all the citizens of the state and not those of specific special-interest groups.