



Lock Them Up Wisconsin (*We're # 1*)

By: *Ken Streit**

If you are an elected state official in Wisconsin, you might be so busy figuring out how to fund Wisconsin's prison beds that you do not have the time to compare where Wisconsin ranks as far as state prisoners. If you are an elected county official in Wisconsin, you might be more focused on the costs of regularly expanded jails and trying to see if there could be alternatives to incarceration available to circuit courts. Media articles announcing crime or incarceration statistics for Wisconsin always use national averages for comparison. The national averages are heavily skewed by large states such as Texas, California and Florida as well as some Southern states that have traditions of high incarceration rates. When compared to the national average, Wisconsin may be somewhere in the middle. But comparing Wisconsin to the national average rather than its peers totally misses the point.

Wisconsin should be compared to neighboring states to get a better perspective. The following table compares Wisconsin with the seven other "Big Ten" states of the upper Midwest. These states include Chicago, Detroit, Indianapolis, Cleveland and Philadelphia which most likely have crime problems comparable to Milwaukee.

Table I:

State	Pop	State Inmates/100,000	Jail Capacity/100,000	Total/100,000
Wisconsin	5.1	21,540	391(2)	17,678 321(1) 712(1)
Illinois	12.8	44,054	344	20,000 156 500 (6)
Indiana	6.3	23,939	380	15,763 250 630 (3)
Iowa	3.0	8,525	284	4,193 140 424 (7)
Michigan	10.1	48,883	484	18,378 182 666 (2)
Minnesota	5.1	8,758	172	6,840 134 306 (8)
Ohio	11.5	44,806	390	20,052 174 564 (5)
<u>Pennsylvania</u>	<u>12.4</u>	<u>40,931</u>	<u>330</u>	<u>31,335</u> <u>253</u> <u>583 (4)</u>
Total	66.3	241,436	364	134,239 202 566

Table II:

State	Prison	Jail	All Inmates	Corrections Pop.	% Inmates
<i>Wisconsin</i>	21,540	17,678	39,218	101,800	38.5
Illinois	44,054	20,000	64,054	244,400	26.2
Indiana	23,939	15,763	39,702	155,300	25.6
Iowa	8,525	4,193	12,718	36,200	35.1
Michigan	48,883	18,378	67,261	263,100	25.6
Minnesota	8,758	6,840	15,598	127,900	12.2
Ohio	44,806	20,052	64,858	301,400	21.5
Pennsylvania	40,931	31,335	72,266	315,000	22.9
Total	241,436	134,239	375,675	1,545,100	24.3
Minus WI	219,896	116,561	336,457	1,443,300	23.3

Pop: The state's population in millions according to the Census Bureau's 2005 estimate.

State Inmates: The National Institute of Corrections (NIC) collects information from all jurisdictions. State Inmates refers to the number of offenders housed in state operated prisons (maximum or medium security) or correctional centers (minimum security).

/100,000: This divides the number of persons in prison (or jail) by 100,000 of the general population.

Jail Capacity: All eight states have the local jails inspected by state authorities. Jail capacity refers to only the rated capacity and not the actual occupancy. While there may be some facilities where there is unused capacity, it is expected that many jails exceed rated capacity. It is likely that, overall, "capacity" undercounts actual occupancy.

Total/100,000 is the combined prison and jail figure per 100,000 residents of that state.

Corrections Population is a statistic provided by NIC. This refers to the total number who are either in local jails, in state prisons, on probation or on parole. It would not include those persons on bail.

% Inmates: This calculates the number of persons in prison/jail as a percentage of all persons who are considered "Corrections Population."

Wisconsin's decision to use secure custody for 38.5% of its corrections population is a 65% higher rate than the average of 23.3 percent for the rest of the Big Ten States.

If Wisconsin had 25% of its corrections population in secure custody, that would mean a total of 25,450 state and jail combined.

The other seven Big Ten States' average having jails be 35% of combined prison/jail capacity. In Wisconsin, jails provide 45% of the total capacity.

If Wisconsin had 25% of its total corrections population in secure custody and local jails provided 35% of the total capacity, local jails would provide capacity of approximately 9,000 beds instead of the 17,678.

It is possible that, compared to other states, the processing time from arrest to disposition/sentencing is far longer for Wisconsin counties. It is also possible that Wisconsin courts order a far higher amount of jail as a condition of probation. ■

***Ken Streit** joined the Frank J. Remington Center's Legal Assistance to Institutionalized Persons Project (LAIP) in 1990. He supervises students who serve clients at Wisconsin's three prisons for women (Taycheedah, Ellsworth, and Metro); Dodge Correctional Institution (located in Waupun); and the twelve minimum security centers. A large volume of this legal work involves family law and child welfare issues. In conjunction with his background analyzing juvenile justice and child welfare policy, Ken and his students recently began representing juvenile offenders at Ethan Allen (boys) and Southern Oaks (girls). Ken has also taught Substantive Criminal Law, Professional Responsibilities, and Juvenile Justice Administration at the Law School. Ken regularly consults with state and county juvenile justice administrators and judges on effective programs, advises state legislators, and acts as a guest speaker at meetings and on radio. During his first year at the Remington Center, he wrote a legislatively mandated report which led to the creation of a separate secure correctional program for juvenile girls. During subsequent years, he assisted the legislature and the Department of Corrections in developing and evaluating adult community corrections programs. Prior to joining the Remington Center, Ken advised the Secretary of the (then) Wisconsin Department of Health and Social Services on policy issues involving adult community corrections, juvenile justice, and child welfare. Because of the tremendous differences in the degree of problems experienced by Milwaukee County compared to other areas of Wisconsin, most of his assignments focused on Milwaukee and other large urban areas. He was loaned to Milwaukee County for six months to develop a reorganization plan for its human services agency, which was (eventually) implemented. At Northwestern University, Ken was the Senior Student Editor for Clearinghouse Review, a monthly publication for Legal Services Corporation attorneys including feature articles and summaries of litigation regarding poverty law issues. He moved to Milwaukee in 1974 and became a staff attorney for Legal Action of Wisconsin, specializing in litigation on behalf of adults and children with physical or mental disabilities. This led to his move to Madison in 1977 to develop and staff the Wisconsin Coalition for Advocacy, the federally mandated statewide advocacy system for developmentally disabled persons. With the addition of more staff, Ken was able to focus more time on using litigation and the legislative process to promote special education,