

# Research Brief

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## *Milwaukee County Detainee Populations at Historic Lows: Why is it happening and what does it mean?*

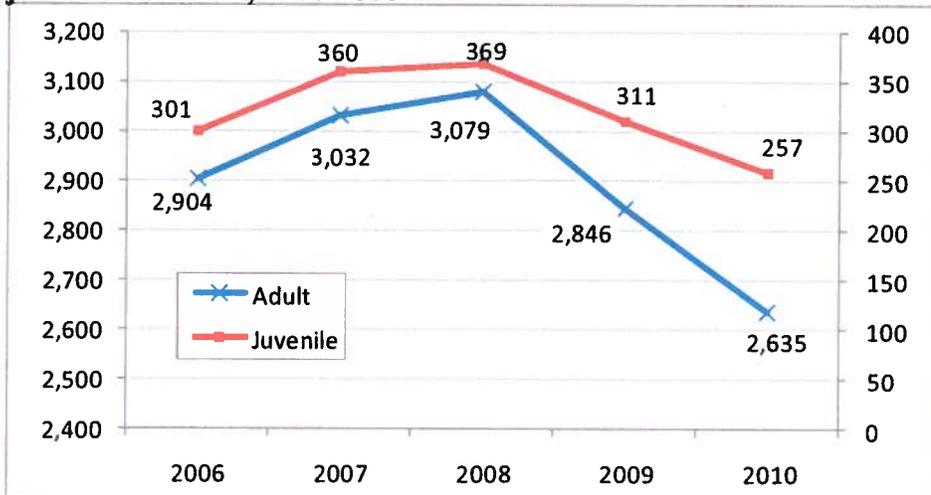
Throughout the country, governments struggling to address difficult fiscal problems are turning to corrections budgets as a potential source of relief. In fact, as recently reported by the Pew Center for the States, “with states facing the worst fiscal crisis in a generation and corrections costs consuming one in every 15 state discretionary dollars, the need to find cost-effective ways to protect public safety is more critical than ever.”

The imperative to re-examine corrections costs is not limited to state governments. Jails and juvenile detention facilities often are administered by county governments, which are facing similar fiscal challenges. In fact, Milwaukee County spent \$135 million on adult and juvenile detention in 2010, comprising about 11% of its total operating budget.

A potential piece of good news for the county is that the number of people detained in county facilities and/or supported in state facilities with county dollars has decreased substantially. In fact, the average daily number of adult and juvenile detainees stood at 2,892 at the end of 2010, by far the lowest total in the past five years,

and 16% lower than the 3,448 detainees held in 2008 (see Chart 1).

**Chart 1: Average daily populations of Milwaukee County adult and juvenile detainees, 2006-2010**



Source: Milwaukee County Sheriff's Office and Delinquency and Court Services Division

This Research Brief illustrates recent detention trends at Milwaukee County and the associated budgetary impacts, discusses some of the potential causes for the historic decline in detention totals, and assesses what this development may mean for county fiscal officials and policymakers.



## INTRODUCTION

While parks, mass transit and mental health are the Milwaukee County services that tend to attract the most attention from the news media and public, the county's corrections facilities employ more county workers than each of those services, and they also receive a much larger share of the county's locally generated revenues.

In many respects, this is consistent with the traditional role of county governments across the country. While there is considerable diversity among county governments in terms of the types of services provided, most have elected sheriffs whose primary responsibility is to administer county jails on behalf of the courts. The National Association of Counties reports that "according to national data, local governments spend more on criminal justice than state governments or the federal government." NACo adds that "counties have seen more than a 500% increase in jail spending since 1982."<sup>1</sup>

In addition to operating two facilities for adult offenders who either are awaiting trial or have been sentenced to short prison terms, Milwaukee County operates a smaller juvenile detention facility that primarily houses offenders under the age of 17 who are awaiting disposition from Children's Court. The county also reimburses the State of Wisconsin for the costs associated with delinquent youth who are sent to state juvenile correctional institutions (JCI). As noted above, these corrections expenditures totaled \$135 million in 2010, or about 11% of the county's \$1.2 billion operating budget.

## MILWAUKEE COUNTY'S ROLE IN JUVENILE DETENTION

### Overview

Milwaukee County's Delinquency and Court Services Division (DCSD) is responsible for a wide

range of services and programs for delinquent youth in Milwaukee County. Its role in juvenile detention includes operating a 120-bed secure detention facility that is primarily used to detain juveniles who are deemed a safety risk to the community and are being held pending disposition by the court; and reimbursing the State of Wisconsin for youth sent to a state correctional institution by a Children's Court judge.

DCSD is a division of the county's Department of Health and Human Services, as opposed to a judicial or public safety department, reflecting the non-detention activities in which it also is engaged. For example, one of the division's primary functions is to serve the Children's Court by providing services for youth referred for delinquency or in need of protection and services. Those services include: intake and screening of youth brought to the detention center by law enforcement; preparing case reports for the court; and probation services for youth who are adjudicated delinquent but released to the community under court-ordered supervision.

The division also administers a variety of services and programs intended to divert youth from secure detention, many of which are operated by community-based agencies under contract with the county. Those programs, according to the county's 2011 budget, are "intended to responsibly provide youth the opportunity to become more productive citizens by building on the strengths of youth and their families in the least restrictive, most homelike environment that is consistent with public safety." **Table 1** provides a snapshot of community-based programming that is administered and/or funded by DCSD as alternatives to secure placement.

DCSD's broad array of non-secure alternatives programming reflects a belief that adolescent offenders are in a formative period and require special programming. Many also believe that a rehabilitative approach in community-based settings

<sup>1</sup> National Association of Counties, "Jail Population Management: Elected County Officials' Guide to Pretrial Services," September 2009.

**Table 1: DCSD community-based non-secure programming**

First Time Juvenile Offender Program	Diversion program targeting youth referred for first offense.
In-Home Monitoring Program	Pre-adjudication program serving youth who have not committed a serious crime but who are at risk for placement in detention.
Shelter Care	Pre-adjudication program providing short-term residential programming for youth who may not be returned home pursuant to a court order.
Sex Offender Treatment Program	Serves needs of delinquent youth whose treatment needs can be met in a structured, community-based setting.
Day Treatment Program	Non-residential education program for delinquent youth.
Responsible Alternative to Detention Sanctions Program	Pilot program providing alternative to detention sanctions for youth who violate conditions of probation.
Targeted Monitoring Program (Serious Chronic Offenders)	Provides intensive monitoring & structured programming for high-risk offenders.
Targeted Monitoring Program (Firearm Offenders)	Provides intensive monitoring & structured programming for firearm offenders.
A True Aftercare Program	Provides individual and family support services tailored to sibling and graduates of targeted monitoring programs.
Group Home & Foster Care Placements	Provide alternative living arrangements for delinquent youth who cannot return home in the immediate future pursuant to a court order.
Wraparound Milwaukee	Serves delinquent youth with serious emotional or mental health needs as identified by juvenile justice system.
FOCUS Program	Multi-phase program utilizing residential care, probation supervision and mental health services.

Source: Milwaukee County Delinquency and Court Services Division

can be more effective than detention in ensuring that criminal behavior will not continue into adulthood.

In addition, Milwaukee County has a significant fiscal incentive to develop and provide services that serve as an alternative to incarceration in state facilities. The state currently charges Milwaukee County \$275 per day to house a Milwaukee County youth in one of its JCIs, or more than \$8,000 per month. According to DCSD officials, that rate

increased 32% during the past five years. In contrast, the cost of serving a delinquent youth in the county's Wraparound program is about \$3,900 per month.

### Juvenile Detention Trends and Costs

Table 2 shows DCSD's actual spending for the past five years, with the two main sources of detention spending – the juvenile detention center and JCI payments to the state – broken out separately. This

**Table 2: DCSD total and detention-related expenditures, 2006-2010**

	2006	2007	2008	2009	2010	5-year change	5-year % change
DCSD total expenditures	\$37,730,132	\$39,893,973	\$40,705,322	\$38,917,824	\$40,975,470	\$3,245,338	8.6%
DCSD tax levy exps	\$12,618,733	\$14,544,738	\$19,755,767	\$14,329,393	\$12,815,772	\$197,039	1.6%
JCI expenditures*	\$14,899,327	\$21,960,934	\$25,354,885	\$21,219,566	\$16,849,685	\$1,950,358	13.1%
Juvenile detention exps	\$9,850,478	\$10,644,694	\$10,716,109	\$10,636,656	\$11,659,364	\$1,808,886	18.4%

\* Does not include Community Corrections Institution or other out-of-home placement and supervision costs  
 Source: Milwaukee County Delinquency and Court Services Division

information shows a steep decline in both JCI expenditures and property tax levy expenditures by the division during the past three years. Expenditures at the county's juvenile detention center increased 18% over the five-year period, but a substantial portion of that increase can be linked to the division's share of increased fringe benefit costs experienced by Milwaukee County.<sup>2</sup>

Expenditures funded by the property tax levy declined most steeply during the past three years, with a 35% reduction. An examination of average daily populations – as shown in **Table 3** – helps explain this trend. DCSD has seen a precipitous drop in its overall referrals from law enforcement – as indicated in its monthly average of active cases – which also has translated into sharp drops in the average daily population (ADP) at the secure detention center and in monthly commitments and ADP at the state JCIs. DCSD officials report that the remarkable downward trend in both overall caseloads and JCI population has continued in 2011.

**Table 3: Five-year snapshot of referrals, commitments and detention populations**

Year	Active cases - monthly average	ADP of Milw Cnty Secure Detention	DJC commitments - monthly average	ADP of state JCI
2010	1,823	88	13	170
2009	2,265	95	17	216
2008	2,971	106	18	263
2007	3,114	104	21	256
2006	2,985	103	17	198
% change	-38.9%	-14.6%	-25.6%	-14.3%

Source: Milwaukee County Delinquency and Court Services Div.

DCSD officials interviewed for this report say that from a budgetary perspective, the decline in active cases is more meaningful than the decrease in the JCI ADP, as it reflects the sharp drop in the number of delinquent youth served by the division across its entire range of programming. These officials also have greater confidence that this overall number will

continue to decline, as referrals have been trending downward for more than a decade, while the JCI population has tended to surge and diminish on a cyclical basis.

Clearly, these trends are a substantial bright spot in the county's otherwise dire budget outlook. In 2010, according to county fiscal staff, DCSD generated a budget surplus of more than \$3.5 million. A similar surplus is anticipated for 2011.

### MILWAUKEE COUNTY'S ROLE IN ADULT DETENTION

#### Overview

Milwaukee County's Office of the Sheriff is responsible for a broad array of local law enforcement functions. It is Milwaukee County's largest department in terms of personnel and property tax levy.

The Sheriff's office handles a number of traditional policing functions, including patrolling duties related to county facilities (e.g. parks, the zoo, the Milwaukee County Grounds and General Mitchell International Airport) and state expressways. It also is responsible for several specialized law enforcement services, including certain investigative functions, SWAT, bomb disposal, and high-intensity drug trafficking.

More than three-quarters of the Sheriff's budget and staff, however, is dedicated to its Detention Bureau, which administers and operates detention facilities and related services linked largely to the Milwaukee County Circuit Courts. The two detention facilities are:

- The County Correctional Facility – Central (CCFC), formerly known as the Milwaukee County Jail, which is a 960-bed secure detention facility in downtown Milwaukee that holds

<sup>2</sup> Annual increases in employee/retiree health care and pension contributions are allocated by the county budget office based on each department's number of active employees. Consequently, departments with a large workforce – such as DCSD and the Sheriff – can experience sizable increases in fringe benefit costs when the county experiences sharp spikes in overall fringe benefit spending.

**Table 4: Pretrial alternatives programming for adult offenders**

Pretrial GPS	24/7 supervision of pretrial defendants using GPS technology. Target population is high risk/low need defendants.
Alcohol & Other Drug Abuse & Mental Health Monitoring	Pretrial supervision and intervention services for persons with substance abuse and/or mental illness who are ordered to the program by the circuit courts.
Deferred Prosecution Agreement/ Diversion Monitoring (TAD)	Community supervision of defendants eligible for the Treatment and Alternatives Diversion (TAD) program who have entered into a diversion/deferred prosecution agreement.
TAD Screening	Proactive screening of arrestees in the CCFC in an effort to identify non-violent offenders with substance abuse problems who are eligible for diversion/deferred prosecution.
Failure to Appear Program	When a defendant fails to appear in misdemeanor court, instead of issuing a bench warrant, the judge stays the warrant for 7-14 days and refers the case to the project. Program staff work to locate the defendant and have them return to court voluntarily.
Forensic Case Tracking	Case managers track every criminal case in which a forensic evaluation has been ordered. The program provides release-planning services for defendants found competent or who have been treated to competency.
Release Planning Unit	Provides release-planning services for pretrial detainees at the CCFC/CCFS.
Operating While Intoxicated Program	Intensive supervision and treatment intervention program for persons charged with aggravated second or subsequent OWI.
Assess, Inform & Measure (AIM)	Pre-sentence assessments on persons whose most serious offense at conviction is a class F,G,H or I felony.
Drug Treatment Court	Serves high risk/high need, non-violent individuals who have significant substance abuse problems.

Source: Milwaukee County Circuit Courts

individuals accused of felonies and misdemeanors on a pretrial basis, as well as a small number of sentenced offenders awaiting transfers or hearings on new charges. The CCFC also houses certain offenders on a contractual basis from state or federal prisons as authorized by county ordinances.

- The County Correctional Facility – South (CCFS), formerly known as the House of Correction, which is a more than 2,000-bed secure detention facility in Franklin that was created primarily to house offenders sentenced to prison terms of one year or less.

The Sheriff is statutorily empowered to manage the inmate population to ensure there is a safe and secure environment at both facilities. Consequently, he has discretion to transfer pretrial detainees from the CCFC to the CCFS. In fact, according to county budget documents, in 2009, pretrial detainees comprised 41% of the ADP in the CCFS.

Unlike DCSD, which houses both detention and alternatives programming for juvenile offenders, the Sheriff's office does not house alternatives or diversion programming for adults. Beginning in

2011, diversion and treatment services for pretrial detainees – as well as the county's Criminal Justice Resource Center (CJRC), which is an alternative to incarceration mostly for sentenced offenders – were combined under the auspices of the Chief Judge in a distinct organizational unit in the county budget. Previously, pretrial services were housed in the courts, and the CJRC was under the Sheriff's office.

The District Attorney (DA) also plays a key role in alternatives to incarceration for adult offenders, with primary authority to consider diversions and deferred prosecution agreements (DPAs) for certain offenders that can prevent them from serving time behind bars. Diversions are used for pretrial detainees and involve an agreement between the DA and the defendant to engage in community programming as an alternative to traditional criminal case processing. DPAs differ from diversions in that they require a plea, but allow for reduction or dismissal of the criminal charge upon completion of a diversion agreement. **Table 4** provides a snapshot of adult pretrial programming in Milwaukee County.

As noted above, the county also administers a Criminal Justice Resource Center that serves as an alternative sentencing option for judges for certain

nonviolent offenders. Those sentenced to the CJRC must report to the center every day and typically engage in drug treatment, education, job training, community service, and other programming designed to reduce the chance of recidivism and/or address the factors that produced their criminal behavior.

In addition, pretrial offenders can be recommended for electronic monitoring (EM) by the courts, while sentenced offenders can be placed under EM by the Sheriff, who has been granted legal authority to use this form of detention for certain low-level offenders as a means of safely managing the jail population. Sentenced offenders who are subject to EM remain in the community but are under the Sheriff's control. They are required to wear a bracelet or similar device that transmits through radio frequency, or Global Positioning Satellite, their whereabouts to law enforcement staff. Pretrial offenders on EM are under the oversight of the courts, which use a contract agency for monitoring and supervision.

### Adult Detention Trends and Costs

**Table 5** shows Milwaukee County spending on adult detention for the past five years, combining expenditures for both the CCFC and CCFS. This information shows that both total expenditures and property tax levy expenditures have declined since 2007. It is important to note that prior to 2009, the CCFS was housed in a separate department headed by the Superintendent of the House of Correction. For comparative purposes, detention expenditures in the two separate budgets from 2006 through 2008 have been combined.

Since being granted administrative control of the CCFS, the Sheriff has been widely credited with making several substantive administrative and staffing changes that have produced greater cost

efficiencies in the operations of both facilities. Those changes and efficiencies contributed substantially to the steep decline in expenditures between 2008 and 2009.

The ADP in the county's adult detention facilities also has a significant impact on expenditure levels in the Sheriff's budget, as the daily cost of housing an inmate at either corrections facility is approximately \$141 per day, according to Sheriff's office officials. The Sheriff does not experience a savings of that amount for each prisoner shaved off the ADP, as certain costs are fixed. In fact, substantial savings at the CCFS occur only for every reduction of approximately 60 inmates, which allows the facility to close an entire dormitory, thus significantly reducing staffing levels. Nevertheless, because a sizeable reduction in ADP does allow for both dorm closures and reductions in food, medical and commodities costs, it can reasonably be assumed that a shrinking detention population contributes to substantial savings.

As shown in **Table 6**, that is precisely what has occurred in recent years. Between 2007 and 2010, the system-wide ADP decreased from 3,285 inmates to 2,830 (14%), while the total custodial ADP (not including those under EM) dropped from 3,032 to 2,635 (13%). That trend has continued in 2011, with the system-wide ADP standing at 2,627 as of April 27. Extending the analysis back nine years shows the system-wide ADP has declined by 800 prisoners, or 23%, from 3,427 in 2002 to 2,627 in April 2011.

At first glance, it appears puzzling that detention expenditures stayed about the same between 2009 and 2010, despite a decrease in the ADP of 239 inmates. A more detailed analysis of the Sheriff's budget, however, indicates that fringe benefit costs allocated to the detention budget in 2010 increased

**Table 5: Milwaukee County expenditures on adult detention, 2006-2010**

	2006	2007	2008	2009	2010	5-year change	5-year % change
Expenditures	\$106,027,885	\$118,833,554	\$112,027,927	\$106,552,816	\$106,412,270	\$384,385	0.4%
Property Tax	\$90,130,195	\$99,997,397	\$101,035,663	\$96,608,598	\$96,975,577	\$6,845,382	7.6%

Source: Milwaukee County Sheriff's Office

**Table 6: 2006-2010 average daily population under Milwaukee County adult detention and supervision**

	CCFC	CCFS	Huber work re-lease (@ CCC)*	Electronic Monitoring (EM)	Total custodial	TOTAL Sheriff (adds in EM)
2006	877	1,660	366	297	2,904	3,201
2007	884	1,780	368	253	3,032	3,285
2008	891	1,840	349	166	3,079	3,245
2009	897	1,949	-	223	2,846	3,069
2010	894	1,740	-	196	2,635	2,830

\*In 2009 and 2010, Huber work release counts are included within CCFC because of the closure of the CCC.

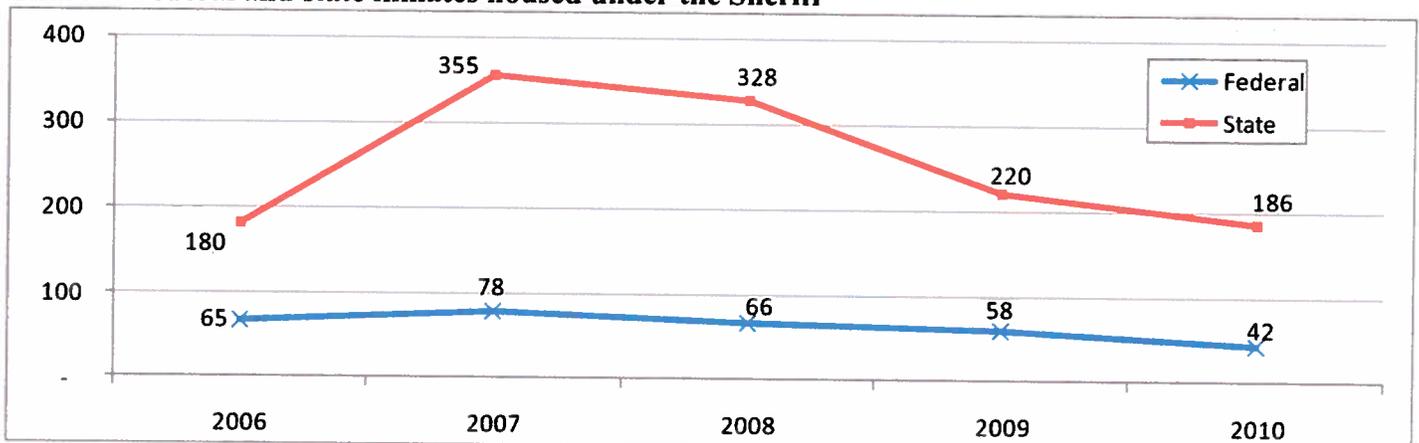
Source: Milwaukee County Sheriff's Office

by \$5.6 million. Were it not for that increase, the Sheriff's detention budget would have dropped sharply in 2010. In fact, had county fringe benefit costs not increased significantly throughout the 2006 to 2010 period (as has been documented in several previous Public Policy Forum reports), and/or had the county used a different methodology to allocate those increases to departmental budgets, the county would have seen a much larger decline in adult detention spending over the period.

Analysis of the decline in the adult detention ADP also should take into account several additional factors. First, as shown in **Table 6**, the number of offenders under EM declined 34% from 2006 to 2010, though it has increased since 2008. Because the number of offenders on EM has not significantly increased in conjunction with the declining custodial population, it cannot be concluded that increased use of EM is a contributor to the decline.

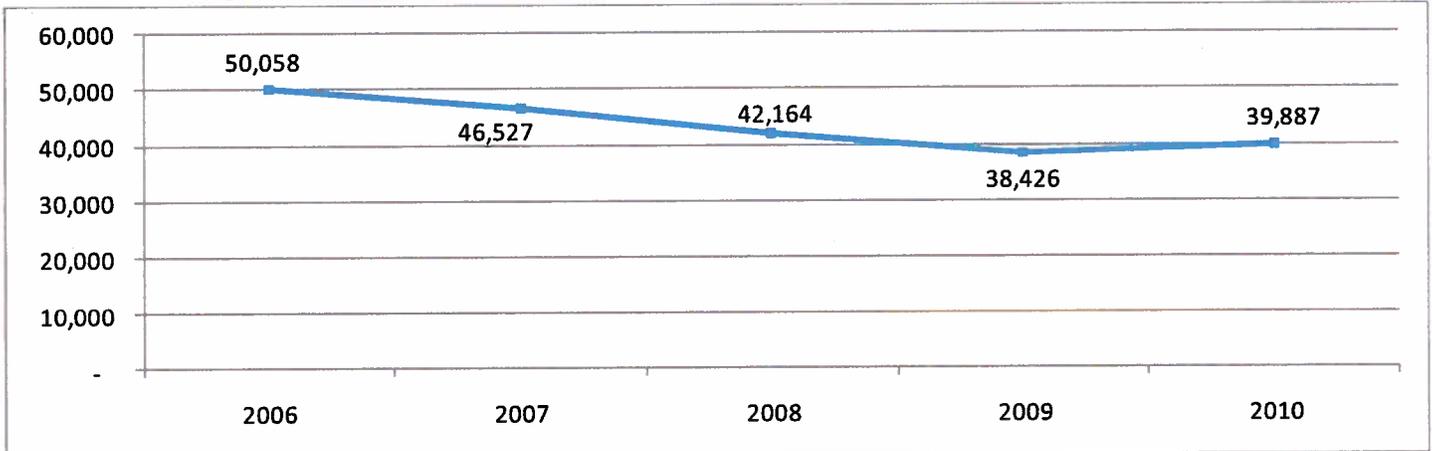
The Sheriff also has responsibility for inmates sentenced to work release, otherwise known as the Huber program. Under this program, certain low-level offenders are allowed to leave confinement during the day for work or work-related activities. Until recently, Huber inmates reported at night to the Community Correctional Center, located across the street from the CCFC. That facility was closed in January 2009, however, largely because of poor building conditions. Since then, the size of the Huber population has decreased dramatically, with an average of 188 offenders in 2010, as compared to a range of 349 to 368 from 2006 to 2008.

The drop in Huber inmates is attributed by some to an expansion of GPS monitoring for this type of detainee, as well as the economic downturn, which has created a smaller population of employed inmates. Whatever the reason, it is clear that a decline in Huber inmates has occurred in conjunction with the overall decline in both custodial and total ADP at the county's adult facilities.

**Chart 2: Federal and state inmates housed under the Sheriff**


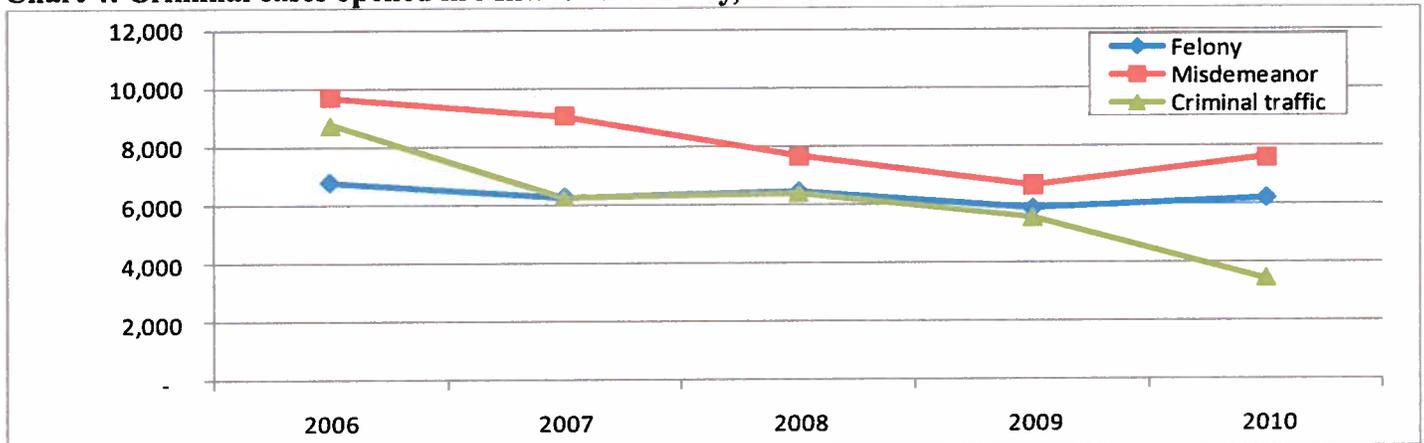
Source: Milwaukee County Sheriff's Office

**Chart 3: Bookings in Milwaukee County Adult Corrections System, 2006-2010**



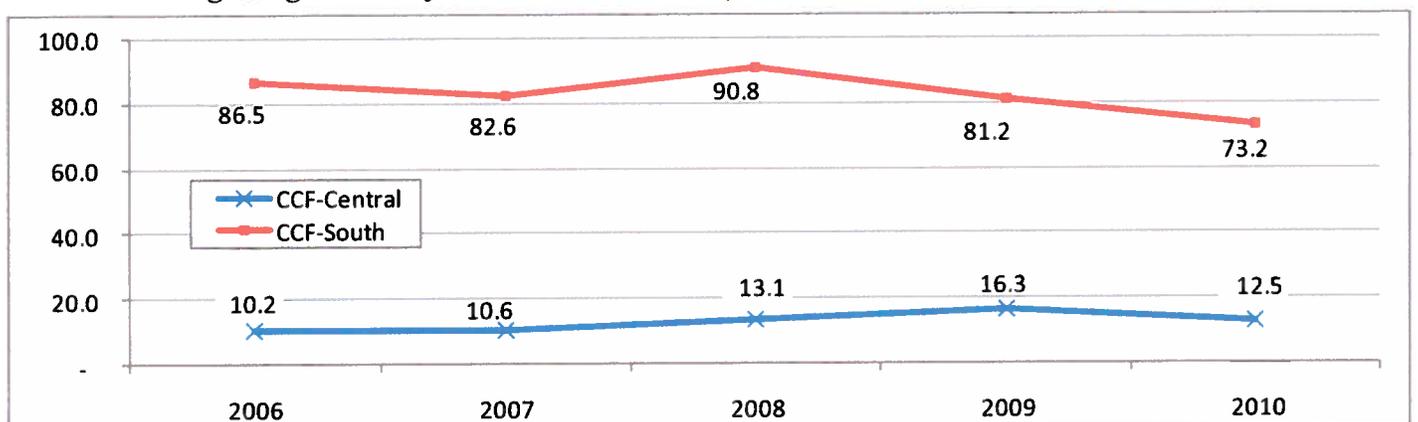
Source: Milwaukee County Sheriff's Office

**Chart 4: Criminal cases opened in Milwaukee County, 2006-2010**



Source: Milwaukee County Circuit Court

**Chart 5: Average lengths of stay in Milwaukee County adult detention facilities, 2006-2010**



Source: Milwaukee County Sheriff's Office

Finally, the Milwaukee County inmate population also includes offenders the Sheriff has agreed to detain under contractual agreements with state and federal corrections agencies. In exploring causes for the sharp drop in the county detention population, we asked the Sheriff's office to provide ADP numbers for both of those classifications of inmates, in order to ascertain whether significant changes in those agreements had been a contributor. As shown in **Chart 2**, there was a sizeable increase in state inmates in 2007, which helps explain the sharp increase in overall ADP in that year. The decrease of 205 federal and state inmates since that time accounts for about 45% of the overall drop in ADP since 2007, meaning that it has been a contributing factor to the overall decline.

### **POSSIBLE EXTERNAL CAUSES FOR DECLINE IN MILWAUKEE COUNTY DETENTION POPULATIONS**

The average daily population of inmates supervised by the Milwaukee County Sheriff is impacted by several external law enforcement variables, including the number and types of criminal case filings in the county, the number of individuals that are being booked into the county system, and the average length of stay of those who are being detained. **Charts 3, 4 and 5** show that each of those indicators also has declined during the past several years, providing some explanation for the declining detention population.

Interviews with senior justice system officials and departmental staff at Milwaukee County have yielded several additional possible explanations for the decline in county justice system activity and juvenile and adult detention populations. Those explanations generally can be lumped into three categories:

- **Fewer crimes are being committed.** Whereas criminal case filings, jail bookings, and lengths of stay have a direct connection to detention populations, the overall level of crime activity in

**Table 8: Reported crimes in the City of Milwaukee, 2007-2010**

	2007	2008	2009	2010
Homicide	105	71	72	94
Rape	236	204	205	193
Robbery	3,536	3,242	3,179	2,874
Aggravated assault	4,186	3,879	3,215	3,039
<b>Total violent crime</b>	<b>8,063</b>	<b>7,396</b>	<b>6,671</b>	<b>6,200</b>
Burglary	6,220	6,354	6,581	6,082
Theft	24,408	23,821	23,485	20,952
Auto theft	7,754	6,540	4,875	4,304
Arson	349	319	359	243
<b>Total property crime</b>	<b>38,731</b>	<b>37,034</b>	<b>35,300</b>	<b>31,581</b>
<b>Grand totals</b>	<b>46,794</b>	<b>44,430</b>	<b>41,971</b>	<b>37,781</b>

*Source: Uniform Crime Statistics, summary Crime Counts - based on data available 1.14.11*

the community also may have a substantial impact. Using crime statistics from the City of Milwaukee as a barometer for crime rates in the county as a whole,<sup>3</sup> it is clear there has been a sharp reduction in recent years in the number of crime incidents reported. As shown in **Table 8**, this reduction has been experienced in all categories of violent and property crime between 2007 and 2010.

It is difficult to determine the precise cause of these sharp declines in reported crimes, and whether they are sustainable. The Milwaukee Police Department (MPD) has implemented a variety of new policing practices in recent years, and if the reductions are linked largely to those improved practices, then there is reason to believe they will be sustained and will continue to positively impact detention populations.

Some individuals interviewed for this report speculated that the reduction in reported and processed crimes may not reflect a true decrease in crime, but is more a reflection of police practices that are resulting in fewer arrests. That speculation, however, is contradicted by data obtained from MPD, which show the number of total arrests *increased* by 3% during the past four years (from 37,609 arrests in 2007 to 38,691 arrests in 2010).

<sup>3</sup>The use of City of Milwaukee crime data for this report was predicated on the accessibility of such data, but future deliberations about county detention also should utilize suburban and Sheriff's crime data given that county detention populations are impacted by policing practices and crime trends that are occurring countywide.

An additional consideration is whether criminal activity is impacted significantly by the *quantity* (as opposed to effectiveness) of public safety resources dedicated by county and municipal governments to police functions. If such a linkage is significant, then governmental budget challenges could produce negative impacts on detention populations should reductions to law enforcement staffing levels be required.

- **The development of a more robust set of diversion and alternatives options – and the willingness of judges and prosecutors to use those options – is bearing fruit.** Tables 1 and 4 show an array of programs and services that are designed to keep low-level offenders from ending up behind bars. Clearly, there are differences of opinion as to whether these programs are successful from a public safety perspective. Some argue that the greater numbers of such offenders in the community are negatively impacting neighborhoods in ways that are not yet showing up in crime statistics, and that while reduced ADPs may cut expenditures on detention, they ultimately produce greater costs elsewhere because of increased crime. Others argue that those diverted into alternatives programming show reduced rates of recidivism, making our streets safer.

Despite this debate regarding public safety impacts, there can be little doubt that increased use of pretrial diversion and deferred prosecution agreements – as well as alternatives programming for sentenced offenders – does have positive short-term impacts on detention budgets. On the adult side, initiation of new programs like TAD and AIM, and substantial use of diversion and DPAs by the DA,<sup>4</sup> likely have contributed to reduced detention populations, which in turn have contributed to lower detention spending. In fact, even those interviewed for this report who disagree on whether these strategies are enhancing public safety agree they are a contributing factor to the decline in the adult detention ADP.

On the juvenile side, DCSD officials report that programs like Firearms Monitoring, Wraparound and Focus have reduced the number of repeat offenders and contributed to lower ADPs by offering expanded options to the courts. They also acknowledge, however, that several factors outside their immediate control may be contributing to declining ADPs, including a decrease in reliance on secure placement by state corrections that reduces length of stays in JCI; improvements in the child welfare system that reduce the number of youth who cross over to delinquency; decreasing public school suspension and expulsion rates; and lower rates of juveniles not appearing for court.

In addition to the programs cited in Tables 1 and 4, other strategies have been implemented or discussed by Milwaukee justice system leaders that could positively impact detention populations. For example, the Milwaukee County Community Justice Council – a group including the Sheriff, DA, Chief Judge, Milwaukee Police Chief, and others that was formed to promote more effective collaboration among justice system players – recently was awarded a federal grant to develop an evidence-based decision-making framework for the justice system. That approach will entail the establishment of policies and practices at each key point in the justice process that are based on evidence of success in reducing recidivism. Also, a work group formed by the Chief Judge is focusing on bail-setting practices.

- **Detention population trends may be influenced most by societal factors and are not directly linked to crime reduction or diversion efforts.** Factors ranging from an aging population to the economic downturn have been cited as contributing to the reduction in crime rates and detention populations, which suggests that public policies and/or more effective policing may have only limited impact in maintaining recent trends. The fact that crime rates and detention populations have diminished nationally may support this argument.

<sup>4</sup> According to data provided by the DA, 2,264 offenders were admitted to diversion or DPA from 2007 through 2010.

## CONCLUSION

While we cannot be certain why detention populations are declining, we do know that the fiscal benefits to Milwaukee County are real. This begs the question as to whether maintaining and even accelerating the trend of lower detention populations is desirable and, if it is, whether additional strategies and investments are required to keep up the momentum.

The primary purpose of this research brief is to make local policymakers aware of recent detention trends in the hope that they will initiate policy discussions about their meaning and potential sustainability. The following are some specific actions county policymakers may wish to consider to launch such discussions:

- **Step up efforts to collect, analyze and disseminate data regarding the effectiveness of diversion, deferred prosecution, and alternatives programming in reducing recidivism and enhancing public safety.** The difference of opinion among top Milwaukee County law enforcement officials on this matter – which was on display in recent op ed pieces in the *Milwaukee Journal Sentinel Crossroads* section<sup>5</sup> – needs to be settled with hard data. Unfortunately, such data remain limited because of fiscal constraints and the relatively short time period in which several new initiatives have been in existence. Enhanced and improved data collection strategies should be considered to address this limitation.
- **Have the Milwaukee County Board’s Judiciary, Safety and General Services Committee assume responsibility for deliberating the effectiveness of the county’s alternatives programming for both adults and juveniles.** Because the County Board is Milwaukee County’s policymaking body, its Judiciary Committee is the logical entity to provide program oversight over the wide range of alternatives and diversion programming and

practices that have been implemented in recent years. Such oversight could include hearings at which law enforcement officials are asked to testify on both sides of the issue. Ultimately, this committee could grapple with data collection challenges and steer county budget policies with respect to detention spending and reinvestment.

- **Convene a series of public meetings – perhaps under the auspices of the Community Justice Council – to hear from experts and solicit public input into these questions.** While individual Council members have different opinions on the appropriate role of diversion and alternatives to incarceration, they have exhibited impressive teamwork in establishing and maintaining the Council as a means of coordinating justice system policies and soliciting public participation. Citizen input should be an important part of efforts to determine the effectiveness and potential expansion of alternatives and diversion programming, and to reach consensus on the appropriate mix of justice system policies that will provide enhanced public safety at a reasonable cost.

<sup>5</sup> See <http://www.jsonline.com/news/opinion/116508233.html> and <http://www.jsonline.com/news/opinion/116955003.html>

