

INMATE POPULATIONS DROP DURING PANDEMIC, BUT WHAT COMES NEXT?

After years on a mostly upward trend, local jail and state prison populations have plummeted by thousands of inmates during the last year of pandemic. The impact of this drop – in line with other states, but easily the largest on record in Wisconsin – merits careful study and thoughtful consideration of next steps.

The response to COVID-19 had an unprecedented impact on Wisconsin’s incarcerated population, causing local jail populations in the state to decline by more than one third last spring, according to new state data. Though the number of people in custody has risen somewhat in local jails since then, they are still 24% lower than they were a year earlier, state Department of Corrections (DOC) figures show.

Coupled with recently published data on the drop in state prison inmates, the data show that combined local jail and state prison populations have fallen over the past year to their lowest levels in at least two decades. The decline reflects both pre-pandemic local and state decisions to reform the criminal justice system as well as deliberate efforts to reduce populations to control the spread of the coronavirus and the inadvertent effects of a slowdown in criminal trials during the pandemic.

It remains unclear whether inmate numbers in Wisconsin will return to pre-pandemic levels in the coming months. The manner in which this plays out will have financial impacts in a state that sharply increased its corrections spending and prison populations in the 1990s and remains above the national average in those respects. However, policymakers seeking to avert a rise in corrections populations to pre-pandemic levels should consider the effect on public safety as well as the impacts on local and state corrections budgets.

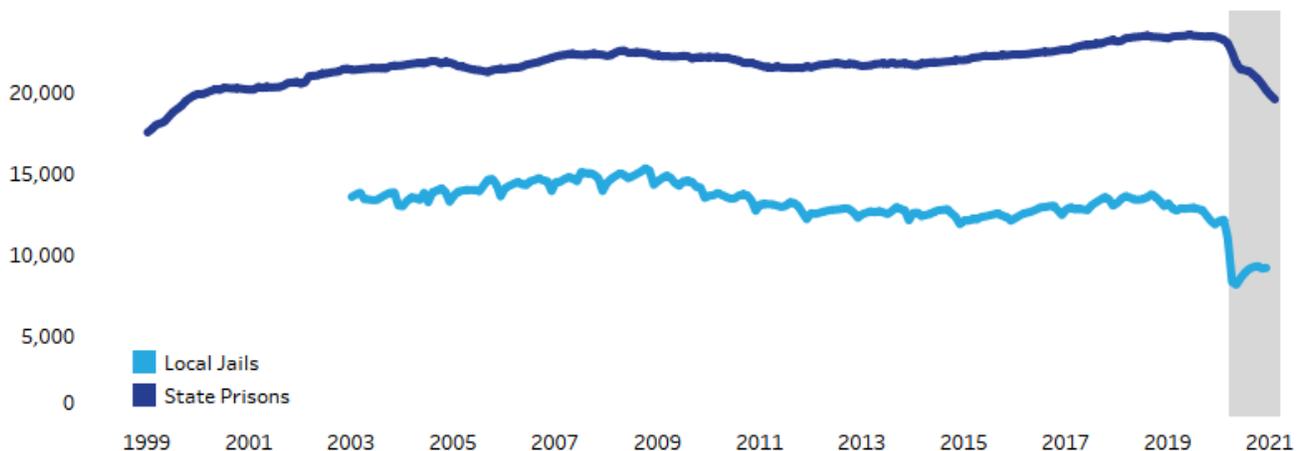
Here, we explore the pandemic’s effect on the number of people held in jails and prisons and how previous increases in those populations impacted corrections costs for Wisconsin taxpayers over time.

JAILS AND PRISONS IN THE PANDEMIC

Our recent [state budget brief](#) noted the large decline in the population of the state’s 36 adult corrections

Figure 1: COVID Reverses Long-Standing Correction Population Trends

Population in Wisconsin correction facilities, 1999 to 2021



Source: Wisconsin Department of Corrections. Shaded region represents the onset of the coronavirus pandemic. Local jail data is for average daily population while state prison data is for last Friday of the month.



institutions, which primarily house offenders with sentences of more than one year. Weekly data from the last Friday in each month showed the adult prison population declined 15.8% from the end of February 2020 to February 2021, from 23,251 to 19,581. The population fell in every month to hit the lowest point since the end of October 1999 (see Figure 1). These numbers include prisoners held under contract with county jails in a small handful of counties.

The population in Wisconsin’s county jails dropped more sharply and rapidly, according to separate DOC data that cover the inmates held in facilities in 71 of the state’s 72 counties. The offenders housed in those facilities typically are comprised mostly of those who are serving shorter sentences or awaiting a trial, transfer, or the next step in the justice system process.

From April 2019 to April 2020, the average daily population (ADP) in the state’s local jails declined by 35%, from 12,871 to 8,338 (see Figure 1). Note that ADP is a somewhat different measure of local jail population than the weekly data that were available on the state prison population.

Over that same time span, 70 of the 71 counties saw their population decline, including 18 in which it declined by at least half (see Figure 2). Milwaukee County, which routinely holds more than double the ADP of any other county, saw a 39% decline from a combined 2,120 in its jail and House of Correction in

April 2019 to 1,294 in April 2020. The number of people held in all non-Milwaukee County institutions fell by nearly as much at 34%, dropping from 10,751 in April 2019 to 7,044 in April 2020.

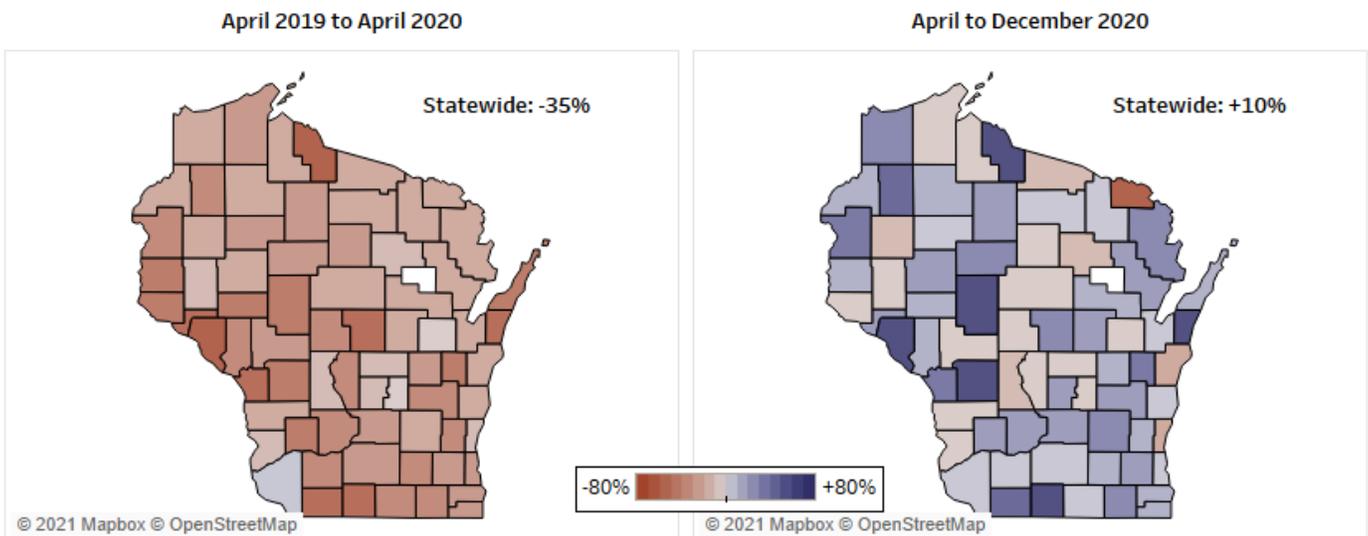
Unlike in the state’s prisons, the drop in local jail populations in Wisconsin was immediate, falling by 3,832 inmates from February to April 2020. But local jail ADPs soon reversed themselves and by December 2020 had risen 10%. [Research](#) conducted by the Vera Institute of Justice using federal Bureau of Justice Statistics (BJS) data found a similar trend nationwide: between midyear 2019 and 2020, local jail population rates declined by 24%, but rose by 10% from midyear 2020 through the end of the year.

For both state prisons and local jails, there are several explanations for these trends. At state prisons, one contributor to the sharp decline was an [emergency order](#) signed by Governor Tony Evers in March 2020, which placed a moratorium on new admissions to mitigate the spread of COVID-19. As of mid-February there remained a backlog of around 1,250 male inmates who were sentenced to prison but who had not yet been transferred from county jails.

In addition, prison admissions are down because court trials have slowed during the pandemic. [Separate policy](#)

Figure 2: Local Jail Populations Plummet, Then Partially Recover

Change in average daily population in local jails by county



Source: Wisconsin Department of Corrections

*Kenosha, Brown, Milwaukee, and Shawano counties include multiple jail or holding facilities



[changes](#) by DOC also have resulted in fewer people on extended supervision being revoked and returned to prison.

Within local jails, the data indicate a large number of prisoners were released from in-house detention initially to reduce the population and slow the spread of the virus. Instead, these individuals were placed under pretrial supervision, electronic monitoring, or some other form of local supervision.

A [fact sheet](#) produced by the Milwaukee Community Justice Council's Safety & Justice Challenge indicates Milwaukee County took further steps to reduce inmates. These were likely taken to some degree by many other counties and include limiting jail admissions to exclude those charged with misdemeanors as well as increased use of electronic monitoring as an alternative for those sentenced to work release.

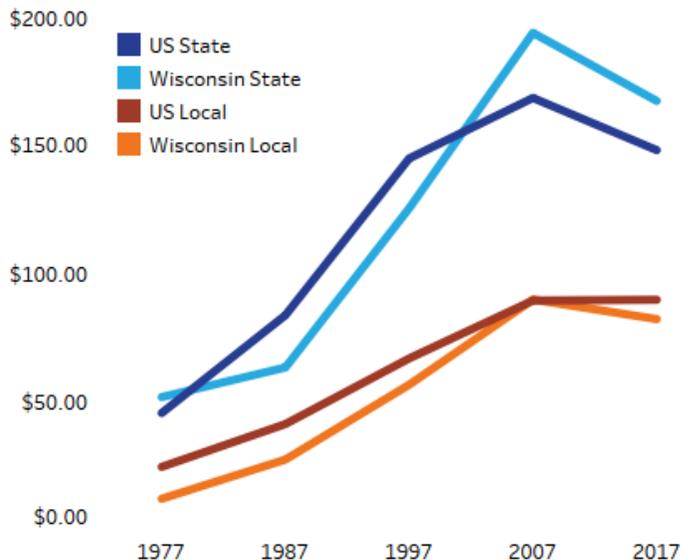
The uptick in county jail ADPs in the latter half of 2020 may reflect in part an increase in individuals charged with crimes, as reflected by the increase in gun violence and homicides last year. Backlogs in trials caused by the pandemic also may have meant more pre-sentenced inmates in county jails, while the previously mentioned backlog in transfers to state prisons also has added to the numbers of people being held at the local level.

RISE IN CORRECTIONS SPENDING

Using data from the U.S. Census Bureau, we find that about two out of every three state and local dollars spent on correction operations in Wisconsin (67.0%) come from the state. That is somewhat higher than the national average of 62.2%. As Figure 3 shows, per capita state spending on corrections has topped the national average since the state's prison building boom in the 1990s. In 2017, Wisconsin spent \$167 per capita on corrections, which was 12.9% higher than the nationwide state spending average of \$148 per capita.

Corrections accounted for 3.7% of all state spending in Wisconsin in the same year, which was about half a percentage point higher than the nationwide average, but nearly a full percentage point less than the 4.6% the state spent on corrections in 1997. Wisconsin spent less of its budget on corrections than Michigan (4.4%), but more than neighboring Illinois (2.6%), Iowa (1.9%), and Minnesota (1.8%). BJS [data](#) show that as of the end of 2018, the adult population incarcerated in all types

Figure 3: Correction Spending Booms Nationwide
Inflation-adjusted* per capita spending on corrections, WI vs. US



Source: US Census Bureau and Bureau of Labor Statistics. *in 2017 dollars

of institutions – including federal prisons, state prisons, and local jails – was 810 per 100,000 in Wisconsin, compared to 750 per 100,000 nationwide.

Local governments in Wisconsin – almost entirely counties – spent \$83 per capita on corrections operations in 2017, 8.4% less than the nationwide average of \$90 per capita. Overall, state and local governments combined in Wisconsin spent \$250 per capita, which was 4.9% above the national average.

Though local corrections spending is below the national average in Wisconsin, it has still risen substantially over the past generation. Between 1977 and 2017, local corrections spending in Wisconsin jumped from just \$3 per capita to \$83, or about six and a half times the increase in inflation over the period.

The proportion of county budgets devoted to corrections also grew far faster in Wisconsin than it did nationwide. In 1977, corrections accounted for only 1.3% of all county operating spending in the state, which was less than half the nationwide average of 2.7%. By 2017, however, that proportion grew to 7.3% in Wisconsin, which was more than a percentage point higher than the nationwide average of 6.2%.

While 2020 spending figures are not yet available, it is likely that the precipitous drop in inmates over the past year was not matched by a correspondingly large decline in corrections expenditures. That is because



local jails and state prisons likely were not able to reduce staff at nearly the rate that the inmate population declined in light of the need to continue to maintain critical elements of their operations. However, costs for items like food, medical care, and certain programming likely fell.

CONCLUSION

Combined, Wisconsin's state prisons and local jails held fewer than 30,000 inmates in December 2020, likely the lowest number in more than 20 years. As more of the state's population is vaccinated and life returns to something more like what it looked like in 2019, the state's overall incarcerated population is likely to regain at least some of its previous numbers and shift back somewhat from the local to state level as the prison transfer backlog is cleared.

State and local officials would be well served by studying the impacts of this shift – either positive or negative – on public safety, state and local budgets, and the state's workforce. The findings could help inform the path ahead as some officials and stakeholders consider changes.

Currently, Milwaukee County is one of many, including Waukesha, Rock, and Eau Claire, that uses a Public Safety Assessment as a pretrial tool to determine whether certain offenders who are awaiting disposition of their charge do not require detention, thus potentially lowering jail populations. Options like a personal recognizance (PR)/signature bond, cash bail, court reminders, and drug testing are additional tools being used by justice system leaders to reduce the need for detention.

While policing and police spending took a much higher profile in 2020 within debates over the criminal justice system, a profound change was happening within another part of the system. In light of the extraordinary nature of the pandemic, this shift happened quickly and without the usual deliberation. Yet the result may provide local and state officials with new data and perspective with which to consider thoughtfully the future of jails and prisons in Wisconsin.

