*EDITOR’S NOTE: This column is provided to Wisconsin Newspaper Association members by WisPolitics.com. Proper attribution in your newspapers IS REQUIRED, including the byline “WisPolitics.com” and the tagline at the end of the column.*

**Wisconsin prison population back above 20,000**

*By WisPolitics.com*

The inmate population at state adult prisons recently breached the 20,000 threshold for the first time since January, according to Department of Corrections data reviewed by WisPolitics.com in late September.

Those familiar with the matter say that number is growing because courts are speeding up their processing of criminal cases closer to pre-pandemic speeds, DOC’s intake limitations have been lifted and further legislation is needed to address the state’s criminal justice system.

The inmate population is still lower than pre-pandemic levels. Jan. 8 was the last time DOC reported the population was over 20,000. At the start of 2020, the adult inmate count was 23,392, according to DOC numbers. The population dipped to 22,892 in April 2020 as the pandemic took hold.

The lowest population DOC has reported since the pandemic was 19,347 on May 14.

DOC spokesman John Beard told WisPolitics.com this year’s increase is likely caused by the department lifting restrictions on the number of inmates transferred from county jails, among other things.

Beard also said the department is doing its best to enroll inmates in revocation and early release programs, but DOC does not control which inmates are eligible to leave the facilities.

He added that the previous drop in the prison population was largely caused by pandemic-related restrictions on inmate intakes and transfers.

“After months of limiting intakes when COVID-19 cases were high in DOC institutions, DOC has been working with our partners at the county level throughout this year and has gradually returned to standard, pre-pandemic intake numbers,” he said in an email.

DOC numbers show 11 active positive COVID-19 cases in their facilities statewide. The department-wide fully vaccinated rate is 72.9%, and more than 83% of inmates are at least partially vaccinated.

Beard added DOC has worked with county officials to clear a backlog of inmate transfers from county jails to state facilities and the department “has gradually returned to standard, pre-pandemic intake numbers.”

While Gov. Evers’ moratorium on new inmates ended June 1 last year, Beard said DOC still limited intake numbers based on COVID-19 infection severity throughout the pandemic.

UW Law School Clinical Professor Emeritus Kenneth Streit told WisPolitics.com the main reason for the increase is DOC again starting to receive inmates from county jails.

Streit added that many of the new inmates adding to the population are coming from county jails, where they were held while DOC had intake limitations. But once those limitations were lifted, Streit said they were easy to transfer to state prisons because a substantial number of them involved medium-severity cases resolved through plea agreements earlier in the year.

Streit also said the uptick in violent crime during the pandemic likely also plays a role in the population increase because sentencing of those crimes often results in prison time for offenders. And while less serious crimes have been down, Streit said that would not affect the prison population because those crimes generally don’t result in prison sentences.

A June Legislative Fiscal Bureau memo pointed out a backlog of over 8,000 open criminal cases in Dane County. More than 3,000 suspects were awaiting official criminal charges in Milwaukee County at the time of the report’s release.

An LFB analyst told WisPolitics.com the number of pending felony cases on June 30 increased by 8,876 compared to the same date last year.

Rep. Evan Goyke, D-Milwaukee, said the third major factor driving the rising population numbers is the Legislature, which he said hasn’t advanced reforms needed to reverse the trend.

The Speaker’s Task Force on Racial Disparities and the Senate Committee on Judiciary and Public Safety generated a series of bills signed into law by Evers earlier this year that aim to address policing and the criminal justice system.

“I’m afraid that the growth trend that you’re watching is going to be a slow creep back to where we were,” Goyke said, referring to pre-pandemic numbers.

The peak population for at least the last two decades was in June 2019, with 23,559 adult inmates, according to a Wisconsin Policy Forum budget briefing.

Goyke also said he has been working to push his fellow legislators to pass reform measures similar to other states, using Louisiana as an example, to bring reincarceration numbers down. Goyke said reincarcerated individuals greatly contribute to the overall population number and he wants to change that.

Chair of the Senate Judiciary and Public Safety Committee Sen. Van Wanggaard, R-Racine, was not available for comment, and Assembly Corrections Committee Chair Rep. Michael Schraa, R-Oshkosh, did not immediately respond to a request for comment.

Scott Kelly, spokesman for Wanggaard, said Wanggaard and Sens. Lena Taylor and Alberta Darling drafted a series of bills signed into law aiming to reform at least part of the criminal justice system. But Kelly added police reform bills would not decrease the number of criminals.

Kelly also said another series of bills from the senators that did not clear both chambers before the last floor period finished are destined for Senate committee hearings later this year.

While Goyke and others work to bring legislation forward, DOC has been working to safely reduce prison populations by expanding Earned Release Program eligibility and changing community-based treatment policy.

Beard says those changes will help safely reduce the number of reincarcerated people, which contributes to reduced prison populations.

Beard said although DOC is working to address the issue, it cannot do so alone.

“While the Wisconsin DOC will keep exploring administrative changes, we need the Legislature to work with us to truly reform our justice system,” he said.

*For more, visit WisPolitics.com*

*The Capitol Report is written by editorial staff at WisPolitics.com, a nonpartisan, Madison-based news service that specializes in coverage of government and politics, and is distributed for publication by members of the Wisconsin Newspaper Association.*

*Copyright © WisPolitics.com*