



MILWAUKEE COUNTY JAIL POPULATION ANALYSIS



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SUMMARY OF KEY FINDINGS

Trend data from the six-year period of 2003 to 2008:

- The number of crime index offenses reported in Milwaukee County rose 4 percent, averaging 57,025 a year.
- Total adult arrests were down 10 percent, averaging 64,239 a year.
- Total criminal case filings fell 65 percent, from a high of 34,149 in 2003 to a low of 20,656 in 2008, averaging 26,755 a year.
- The decline in criminal case filings was driven primarily by a sharp reduction in criminal traffic filings, which fell 151 percent – from 34,149 in 2003 to 20,656 in 2008; misdemeanor filings fell 35 percent – from 10,312 in 2003 to 7,617 in 2008, while felony filings dropped 13 percent – from 7,281 in 2003 to 6,462 in 2008.
- The number of jail bookings was down 23%, falling each year, from 51,932 in 2003 to 42,179 in 2008.
- Looking at jail bookings month by month between 2003 and 2008 shows a clear decline – bookings were below the monthly average of 3,988 each month beginning in the fourth quarter of 2007; by comparison there were only nine other months between the beginning of 2003 and the end of the third quarter of 2007 where the number of bookings was below average.
- The Average Length of Stay in the Jail and House of Corrections went up from about 23 days in 2003 to about 28 days in 2008, averaging 24.8 days during the six-year period.
- The Average Daily Population of the two facilities has fluctuated from a high of 3,522 in September 2007 to a low of 2,946 in April 2005, with no apparent trends.
- Looking at most serious legal status at time of booking, Misdemeanor Pretrial has been the top status throughout the six-year period, although it has gone down from a high of 38 percent of all bookings in 2003 to a low of 32.2 percent in 2008, a decline of 18 percent; Felony Pretrial status rose from 19 percent of all bookings in 2003 to 22.4 percent in 2008, an increase of 13 percent.

Profile of Inmates Booked in 2008:

- Eighty-four percent of inmates booked during 2008 were male, 66.7 percent were Black and 32.4 percent White, and 5.1 percent were of Hispanic ethnicity.

- Twenty-one percent of booked inmates were between the ages of 17 and 21, 18 percent between 22 and 25, and 17 percent between 26 and 30; less than six percent were over 50 years of age.
- Just over 30 percent of inmates booked in 2008 had Misdemeanor Pretrial as their most serious legal status at the time of booking, compared to 21.4 percent with Felony Pretrial, with the remaining comprised of probation or parole violations, sentenced, and state inmates.
- Almost half of inmates were booked on a single charge, and an additional 23 percent on just two charges.
- About 45 percent of inmates were booked with a felony as the most serious charge, 35 with a misdemeanor, 5 percent with an ordinance violation, and three percent with a traffic offense; an additional seven percent were booked with the label of commitment.
- Looking at the offense class of all booked inmates, the top categories were Misdemeanor Class A (21 percent of all bookings), Felony Unclassified (13 percent of all bookings), and Misdemeanor Unclassified (10 percent).
- About 22 percent of booked inmates had no previous bookings into the Milwaukee County Jail, and an additional 10 percent had one prior booking; 30 percent had 10 or more prior jail bookings.

Analysis of Jail Bed Allocation:

- There were 1,038,699 jail bed days used in the Jail and House of Corrections during 2008.
- Inmates booked as Felony Pretrial used 33 percent of all these jail bed days, and those booked as Misdemeanor Pretrial used another 13 percent.
- There were 65 different categories for most serious legal status at time of booking in 2008; of these, the following six categories combined used two-thirds of all jail bed days:
 - Felony Pretrial
 - Misdemeanor Pretrial
 - Felon Violation Probation/Parole and Pretrial
 - Misdemeanor Sentenced Huber Employed
 - Misdemeanor Violation Probation/Parole
 - Misdemeanor Violation Probation/Parole and Pretrial

- There were 71 different categories for release reasons in 2008, meaning that there were 4,615 distinct combinations of reasons for booking and reasons for release.
- Of those 4,615 combinations, the top ten users of jail bed days in 2008 were:
 - Felon Pretrial, released to the Milwaukee Secure Detention Facility, 10.7 percent of the total.
 - Felon Pretrial, released for Time Served/Sentence Complete, 9 percent of the total.
 - Misdemeanor Pretrial, released for Time Served/Sentence Complete, 6.8 percent of the total.
 - Misdemeanor Sentenced Huber Employed, released to Electronic Surveillance, 3.4 percent of the total.
 - Felon Violation of Probation/Parole and Pretrial, released to the Milwaukee Secure Detention Facility, 3.2 percent of the total.
 - Misdemeanor Violation of Probation/Parole, released for Time Served, Sentence Completed, 3.2 percent of the total.
 - Felon Pretrial, released to other jurisdiction, 3 percent of the total.
 - Misdemeanor Sentenced Huber Employed, released to Time Served, Sentence Completed, 2.4 percent of the total.
 - Felon Pretrial, Out on Bail, 2.4 percent of the total.
 - Misdemeanor Violation of Probation/Parole and Pretrial, released for Time Served, Sentence Completed, 2 percent of the total.

Focus on the Pretrial Population

- Two legal status-at-booking categories have the largest impact on jail bed utilization – Felony Pretrial and Misdemeanor Pretrial.
- These two legal statuses plus the three release reasons of Time Served/Sentence Complete, Out on Bail, and Personal Recognizance, accounted for 21 percent of all jail bed days used in 2008.
- Further analysis focuses on the two legal status categories with the three release reasons, breaking the legal status down to the Class level.

- Looking at Time Served/Sentence Complete as the release reason, Class A Misdemeanor inmates used 4 percent of total jail bed days, compared to 1.9 percent for Felony Class H inmates, 1.7 percent for Felony Class I, 1.5 percent for Felony Class G, and 1.3 percent for Felony Class F.
- Looking at Out on Bail as the release reason, Misdemeanor Class A inmates used 0.8 percent of total jail bed days, compared to 0.5 percent for Class G and Class F Felonies, and 0.3 percent for Class C and Class E Felonies.
- Looking at release on Personal Recognizance, Misdemeanor Class A inmates used 0.4 percent of total jail beds, followed by Felony Classes F, C, I, H, and E, and Misdemeanor U – all at 0.1 percent.

Analysis of Criminal Histories and Bail Amounts of Pretrial Inmates

- A sample of 244 pretrial inmates in custody on June 24, 2009 was drawn.
- The average total number of prior convictions of inmates in the sample was 3.3; the average for the number of felony convictions was 1.3, and for misdemeanor convictions 2.
- Forty seven percent of the inmates had no prior felony convictions, and 20 percent had no prior felony or misdemeanor convictions.
- Seven percent had five or more prior felony convictions, and 27 percent had five or more total convictions.
- Almost a quarter of the inmates had a bail of \$500 or less, another 9 percent between \$501 and \$1,000, and 26 percent between \$1,001 and \$5,000. The mean bail amount for the pretrial inmates was \$23,534, and the median was \$2,500.
- Looking at the relationship between number of prior convictions and bail amounts, having multiple convictions does not necessarily lead to higher bails, and having no convictions does not necessarily lead to lower bails.

INTRODUCTION

In 2006, Milwaukee County asked the assistance of the National Institute of Corrections (NIC) to assess the causes of crowding in the county's two correctional centers – the Central Jail Facility (CJF) and the House of Corrections (HOC). Among the many recommendations of the NIC report was that the county should conduct a jail population analysis to get a better idea of how these two facilities are being used. As a result of that recommendation, the Milwaukee County Circuit Court and the Milwaukee County Sheriff's Office contracted with the Pretrial Justice Institute for a jail population analysis, looking at inmates in the two facilities. The purpose of the jail population analysis was to provide system officials with specific details regarding the use of these facilities as a prelude to broader systemwide strategic planning.

A jail population analysis answers simple questions. Who is in the jail? Why are they here? How do they leave? How long do they stay? A jail population analysis is a necessary step in developing effective jail population management strategies.

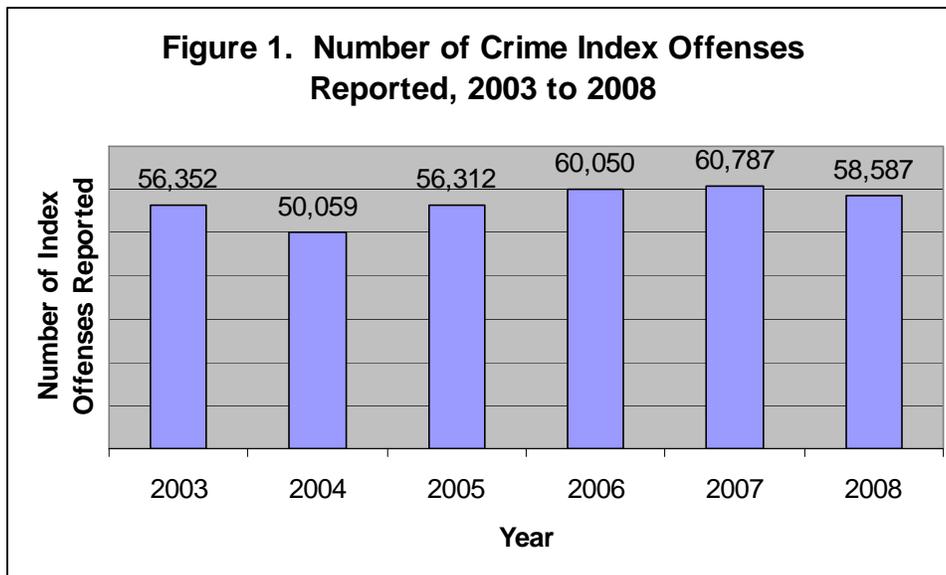
Three sets of data were used to conduct this jail population analysis. The first was aggregated data on crime, arrests, criminal case filings, jail bookings, average length of stay, and average daily population for each year from 2003 to 2008. The purpose of examining this data set was to determine what trends exist in Milwaukee County. The second set of data was a file of all inmates booked into the jail during 2008. This data was used to develop a profile of the booked population and to identify how jail bed days were being allocated. The third data set was a sample of pretrial inmates who were in custody on one day in June 2009. This data was used to assess the extent of the criminal records of pretrial inmates, as well as their bail amounts – two vital pieces of information that were lacking from the second data set.

This report is divided into six sections. The first presents the trend data from 2003 through 2008. Section II presents profile data on the inmates booked during 2008. Section III provides an analysis of the allocation of jail bed days in 2008. Since another recommendation from the 2006 NIC report was that the county should re-establish pre-initial appearance screening by a pretrial services program – a practice that was terminated several years ago – Sections IV and V focus exclusively on the pretrial population. Section IV looks at length of stay and jail bed days used by pretrial inmates, broken down by charge class level, and Section V analyzes the data on criminal records and bail amounts of a sample of defendants from June 2009. Conclusions are presented in Section VI.

I. TREND DATA

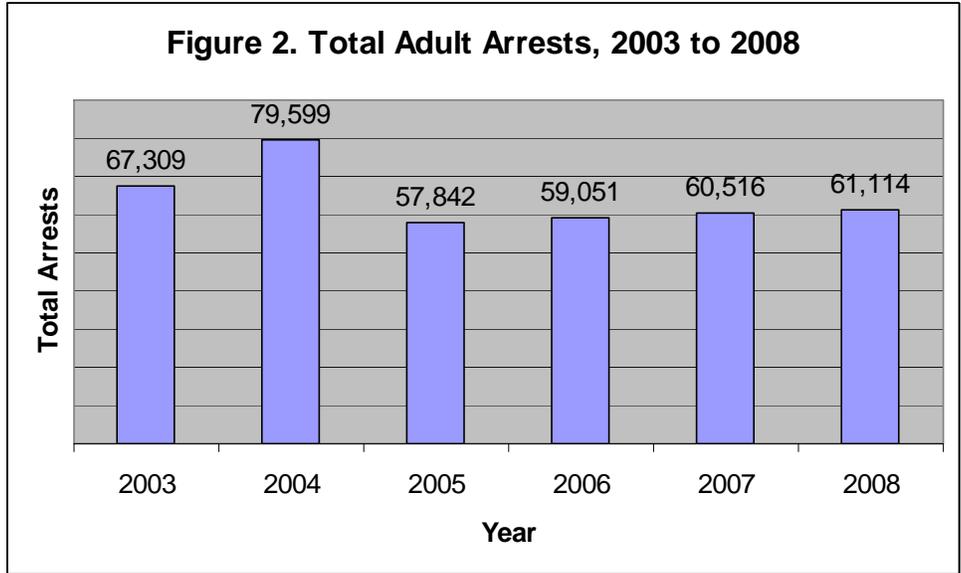
Many factors can impact the population of any county's correctional facilities over time, including the number of reported crimes, the number of arrests, the number of criminal cases filed, the number of jail bookings, and the average length of stay in custody. This section presents aggregate data regarding these factors by looking at trends from 2003 through 2008.

Crime index offenses include murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. The number of these offenses that were reported in Milwaukee County was up 4 percent between 2003 and 2008, but down 3.8 percent from 2007, the high point during the six-year period, to 2008 (Figure 1).



Source: Wisconsin Office of Justice Assistance

Total adult arrests in Milwaukee County were up 1 percent from 2007 to 2008, but down 30 percent from 2004 – the low point in the six-year period – and 2008 (Figure 2). Adult arrests averaged 64,239 a year during the period.



Source: Wisconsin Office of Justice Assistance

As Table 1 shows, total criminal case filings have gone down in each of the past six years. Total filings dropped from 34,149 in 2003 to 20,656 in 2008, a 65 percent decline.

Table 1. Criminal Case Filings, 2003 to 2008

Year	Felony	Misdemeanor	Criminal Traffic	Total
2003	7,281	10,312	16,556	34,149
2004	6,976	10,115	13,988	31,079
2005	7,057	10,310	12,127	29,494
2006	6,807	9,526	8,103	24,436
2007	6,280	8,782	5,652	20,714
2008	6,462	7,617	6,577	20,656

Source: Milwaukee County Circuit Court

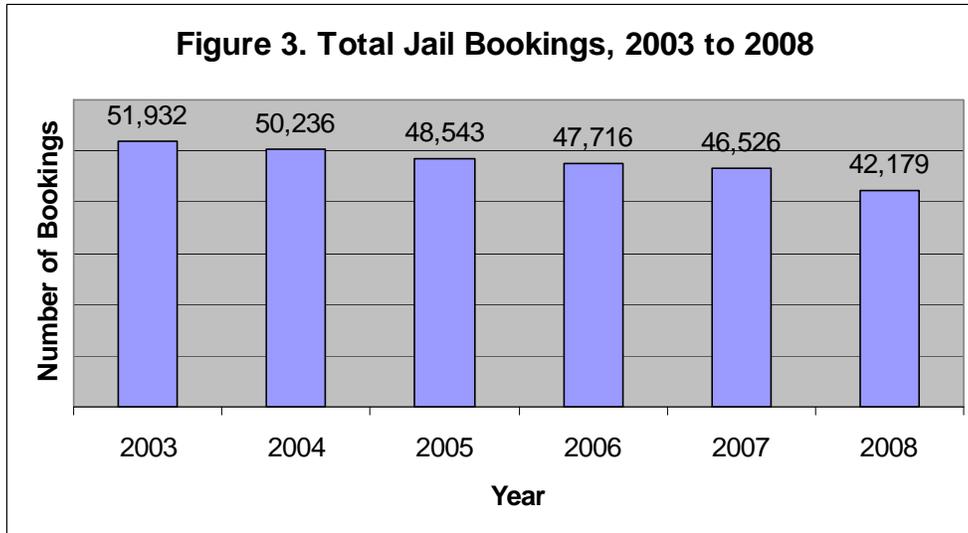
Table 2 shows the annual percent changes for filings by charge level. As the table shows, the declines in filings have been driven primarily by large reductions in criminal traffic filings, and secondarily by changes in misdemeanor filings. Felony filings fluctuated up and down over the period.

Table 2. Annual Percent Change in Filings by Charge Level

	Percent Change in Felony Criminal Case Filings	Percent of Change in Misdemeanor Criminal Case Filings	Percent of Change in Criminal Traffic Filings
2003 to 2004	-4.4%	-1.9%	-9.9%
2004 to 2005	1.2%	1.9%	-5.4%
2005 to 2006	-3.8%	-8.2%	-21%
2006 to 2007	-8.4%	-8.5%	-17.8%
2007 to 2008	2.9%	-15.3%	-0.29%

Source: Milwaukee County Circuit Court

The number of bookings into the Milwaukee County Jail declined each year between 2003 and 2008. Total bookings were down 10.3 percent between 2007 and 2008 and 23.1 percent between 2003 and 2008 (Figure 4).



Source: Milwaukee County Sheriff's Office

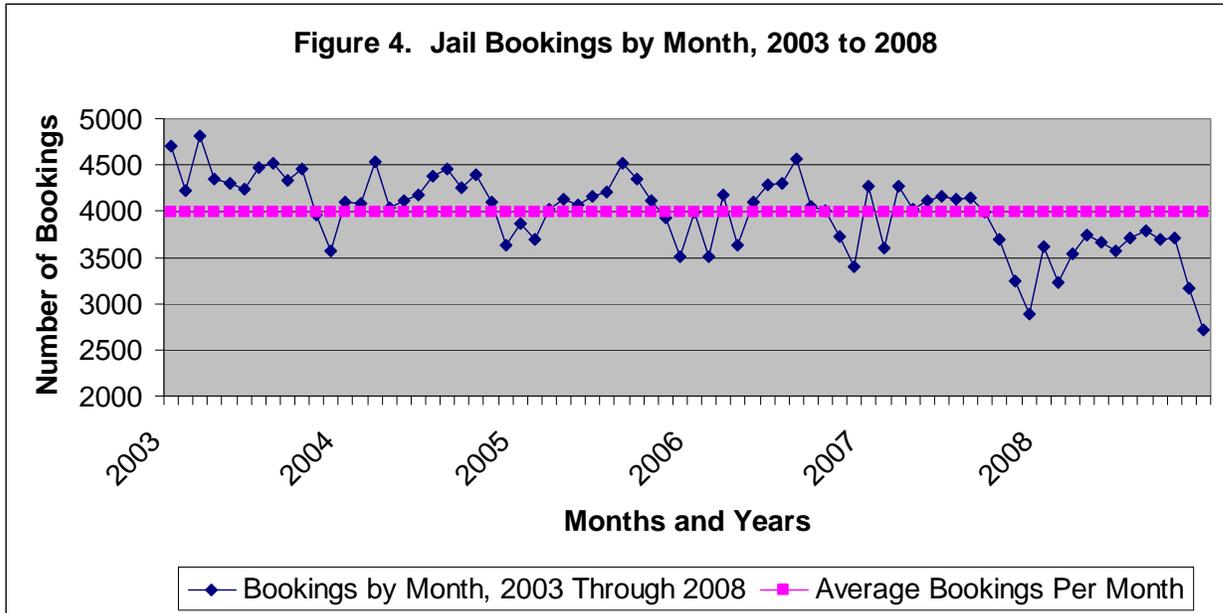
As Table 3 shows, there is a range in the number of bookings by month, going from an average over the six-year period of 3,282 during December to an average of 4,330 during August and 4,200 during July. These findings are not surprising given the holidays in December and the fact that more arrests typically occur during the summer.

	2003	2004	2005	2006	2007	2008	Average
January	4,709	4,098	3,866	3,990	4,271	3,617	4,092
February	4,228	4,077	3,690	3,501	3,607	3,232	3,723
March	4,814	4,526	4,019	4,180	4,272	3,543	4,226
April	4,349	4,029	4,122	3,634	4,019	3,748	3,984
May	4,301	4,109	4,068	4,101	4,120	3,665	4,060
June	4,241	4,180	4,168	4,280	4,161	3,570	4,100
July	4,464	4,384	4,212	4,295	4,129	3,713	4,200
August	4,522	4,454	4,513	4,559	4,141	3,793	4,330
September	4,326	4,256	4,340	4,059	3,985	3,701	4,111
October	4,454	4,399	4,114	3,999	3,693	3,715	4,062
November	3,960	4,097	3,931	3,726	3,236	3,161	3,685
December	3,564	3,627	3,500	3,392	2,892	2,721	3,282
Total	51,932	50,236	48,543	47,716	46,526	42,179	287,132

Source: Milwaukee County Sheriff's Office

Figure 4 graphically illustrates the bookings by month between January 2003 and December 2008. The line running straight across the figure is the average number of bookings for all the months between 2003 and 2008 – about 4,000. As the figure shows, the number of bookings was below average for 15

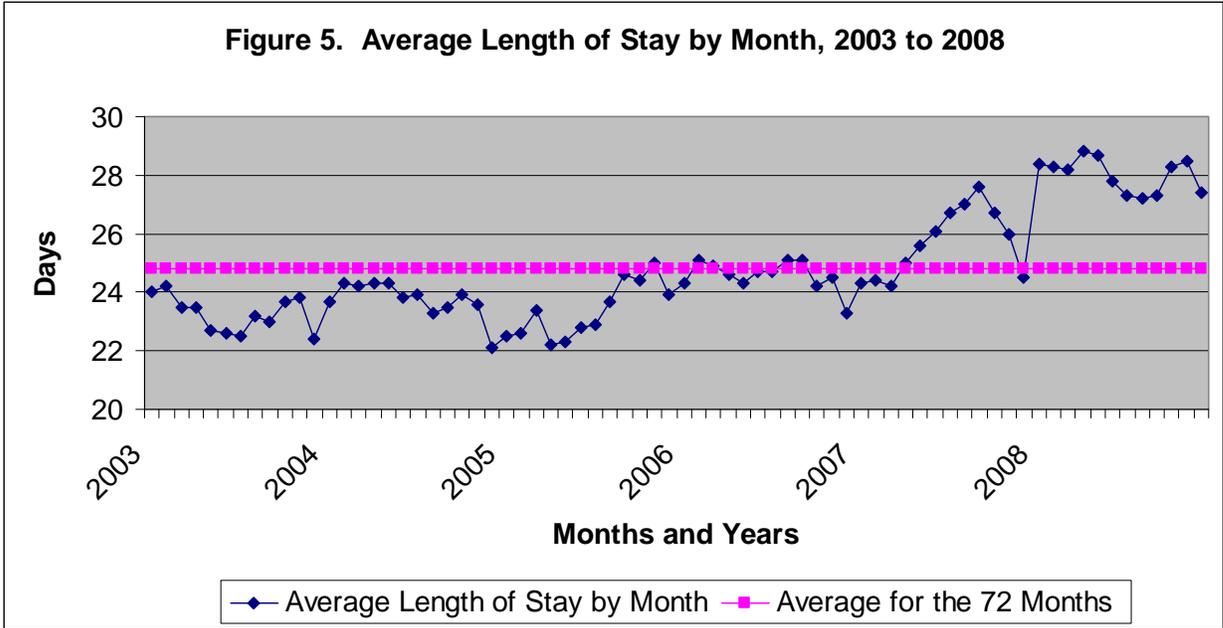
straight months beginning in the fourth quarter of 2007. There were only nine other months between the beginning of 2003 and the end of the third quarter of 2007 where the number of bookings was below the average, showing a clear trend toward lower booking numbers.



Source: Milwaukee County Sheriff's Office

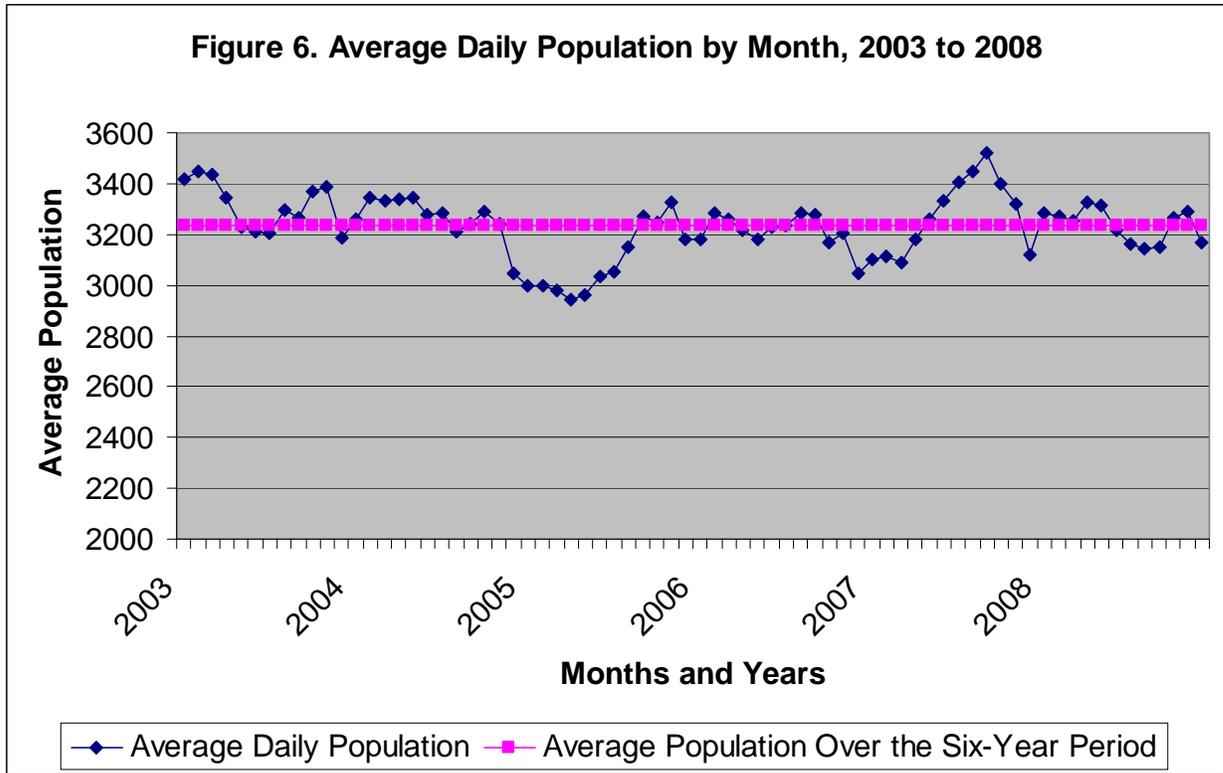
Length of stay is the amount of time, typically expressed in days, between booking and release. The Average Length of Stay (ALOS) is the mean for all inmates. The ALOS for the Jail and House of Corrections for the 72 months between January 2003 and December 2008 was 24.8 days, ranging from a low of 22.1 and a high of 28.8 days.

Figure 5 shows the ALOS for each of the months, as well as the average over the 72-month period. The ALOS was above average for 19 of the 20 months from mid 2007 through 2008, and below average for about 45 of the 52 months before that. Thus, while bookings have gone down, the ALOS has gone up.



Source: Milwaukee County Sheriff's Office

The Average Daily Population (ADP) of a facility is driven by the number of people who are booked and how long they stay. If both bookings and ALOS were down over time, we would expect to see a decline in the ADP. If both were up, a higher ADP would be expected. If one were up and the other down, we would expect to see the kind of result reflected in Figure 6.



Source: Milwaukee County Sheriff's Office

Since it is clear that fewer inmates are coming into the Milwaukee County jail system but staying longer, it would be helpful to take a closer look at the status of these inmates at booking, and how that has changed over the six-year period. As Table 4 shows, Misdemeanor Pretrial has been consistently the top legal status at booking, although it has gone down from 38 percent of all bookings in 2003 to about 32 percent 2008. The next highest category is Felony Pretrial, with 22.4 percent of all bookings in 2008, up from 19.8 percent in 2003.

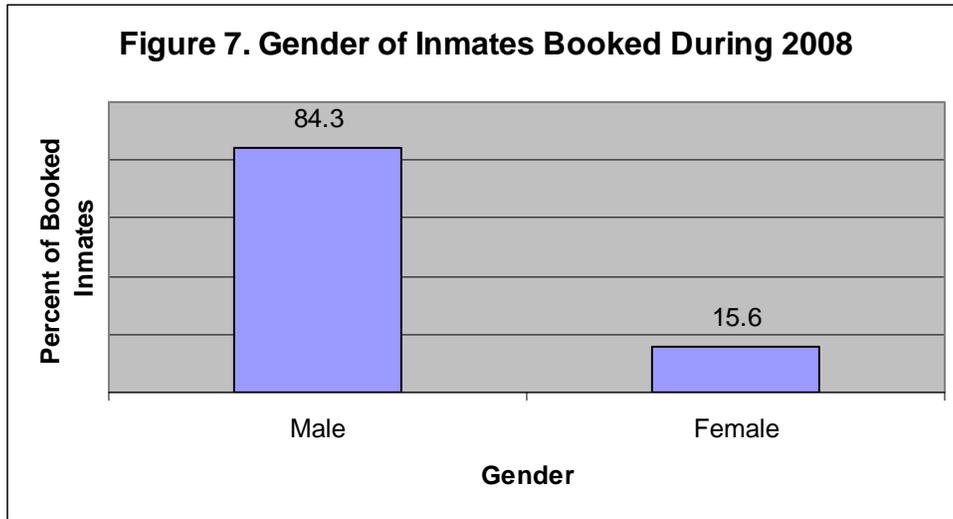
Table 4. Most Serious Legal Status at Time of Booking, by Year (In Percentages)						
Legal Status	2003	2004	2005	2006	2007	2008
Misdemeanor Pretrial	38	36.6	35.6	33.1	32.3	32.2
Felony Pretrial	19.8	19	19.9	20.2	19.3	22.4
Felony Wisconsin (OTP&R)	12.1	15.4	16	17.2	15.4	12
Municipal Warrant/Citation	6	4.6	5.1	5.2	6.6	7.9
Felon Violation Probation/Parole	3.9	3.9	4.5	5.2	6.2	5.8
Awaiting Transfer Other Jurisdiction	3.8	3.6	3.1	3.3	3.6	4.3
State Commitment	3.2	2.5	1.9	1.6	1.9	1.8
Misdemeanor Violation Probation/Parole and Pretrial	3.1	2.2	2.2	3.6	3.8	2.8
Non-MPD Muni Commitment	2.7	2.6	2.1	1.6	1.8	1.7
Misdemeanor Violation Probation/Parole	2	2.2	2.2	2.3	2.2	2
MPD Muni Commitment	1.8	2	1.3	1.2	1.2	0.9
Felony Violation Probation/Parole and Pretrial	1.5	1.8	2.2	2.8	3.1	2.9
Other	2.1	3.6	3.9	2.7	2.6	3.3

Source: Milwaukee County Sheriff's Office

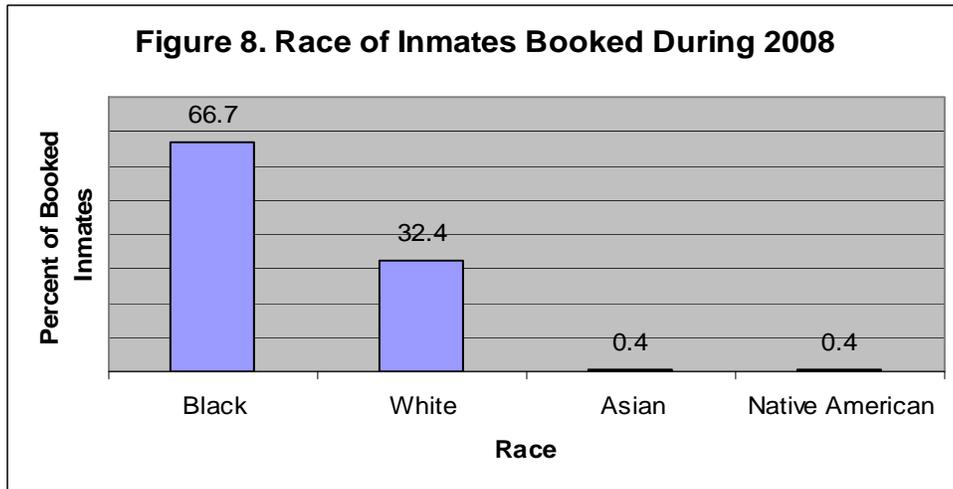
II. PROFILE OF INMATES BOOKED IN 2008

The Milwaukee County Sheriff's Office provided a data base comprising 44,510 jail bookings during 2008.¹ The data presented in this section is drawn from those bookings.

The overwhelming majority of booked inmates – 84 percent – were male (Figure 7). About two-thirds were Black and almost one-third White (Figure 8). About five percent were of Hispanic origin (Figure 9).

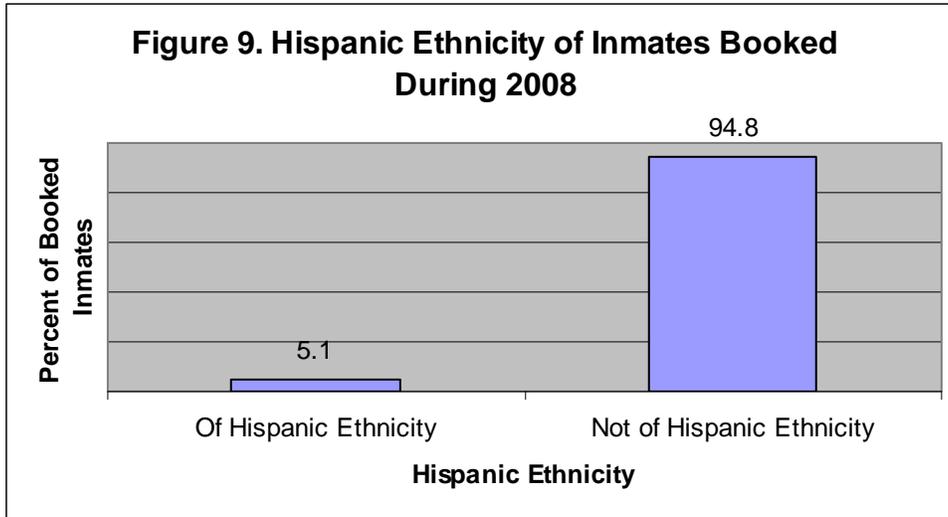


Source: Milwaukee County Sheriff's Office



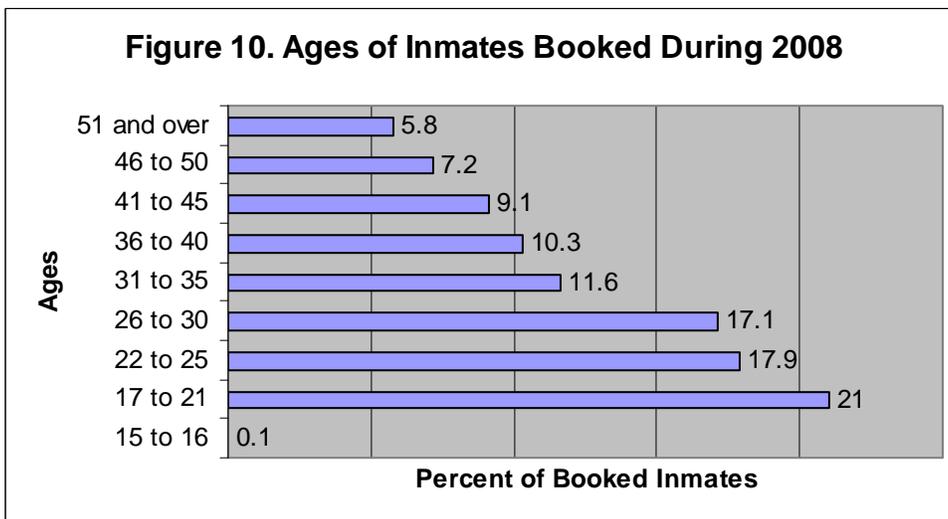
Source: Milwaukee County Sheriff's Office

¹ The data do not distinguish between those who were being held in the Milwaukee County Jail from those who were held in the House of Corrections. For ease of reference, the term "jail" is used to describe the custody location of all inmates.



Source: Milwaukee County Sheriff's Office

Not surprisingly, as Figure 10 shows, there is a clear pattern in the ages of inmates booked into the jail. Twenty-one percent of booked inmates were between 17 and 21 years of age at the time of booking. Another 18 percent were between 22 and 25 years old. At the other extreme, seven percent were between 46 and 50 and about six percent were over 50.



Source: Milwaukee County Sheriff's Office

Table 5 shows booking status of all inmates entering the jail during 2008.² Almost a third of all bookings were for Misdemeanor Pretrial, and almost a fifth for Felony Pretrial. Another 11 percent were for state Felons returning to

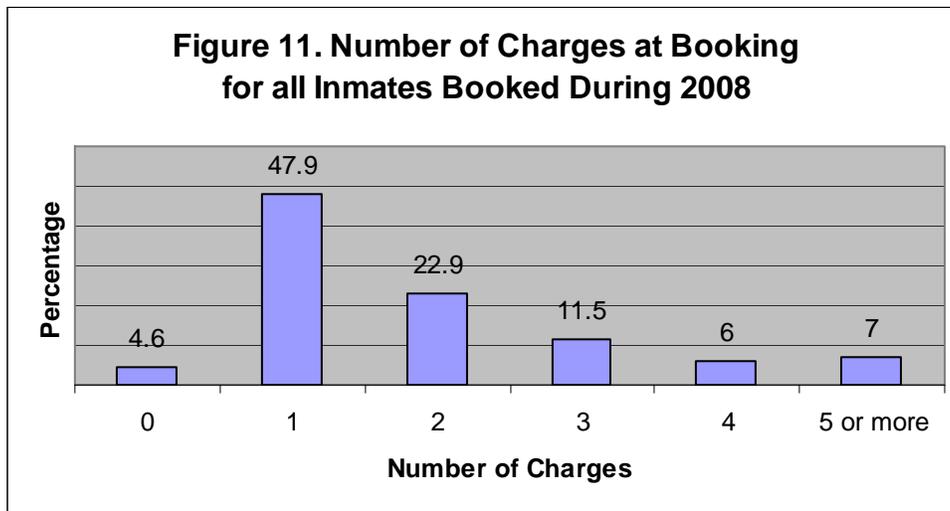
² These figures differ slightly from those presented in the far right column of Table 4. This is most likely the result of minor counting differences. The data in Table 4 were submitted as aggregate data for each of the years. The data in Table 5 were obtained through running a frequency distribution of the database of the 44,510 bookings in 2008 that was submitted by the Sheriff's Office for this study.

Milwaukee for hearings, six percent for those arrested on new felony charges plus a violation of probation or parole, and six percent for Municipal Warrant/Citation. These five categories represented 75 percent of all bookings during 2008.

Table 5. Booking Status of Inmates Booked During 2008	
Status at Booking	Percentage
Misdemeanor Pretrial	31.1
Felony Pretrial	21.4
Felon – Wisconsin (OTP&R)	11.3
Felon – Violation Probation/Parole	5.9
Municipal Warrant/Citation	5.6
Awaiting Transfer	4.4
Felon – Violation Probation/Parole and Pretrial	2.7
Municipal Commitment	2.1
State Commitment	2.1
Misdemeanor Sentenced Huber Employed	2
Misdemeanor Violation Probation/Parole and Pretrial	2
Other	9.4

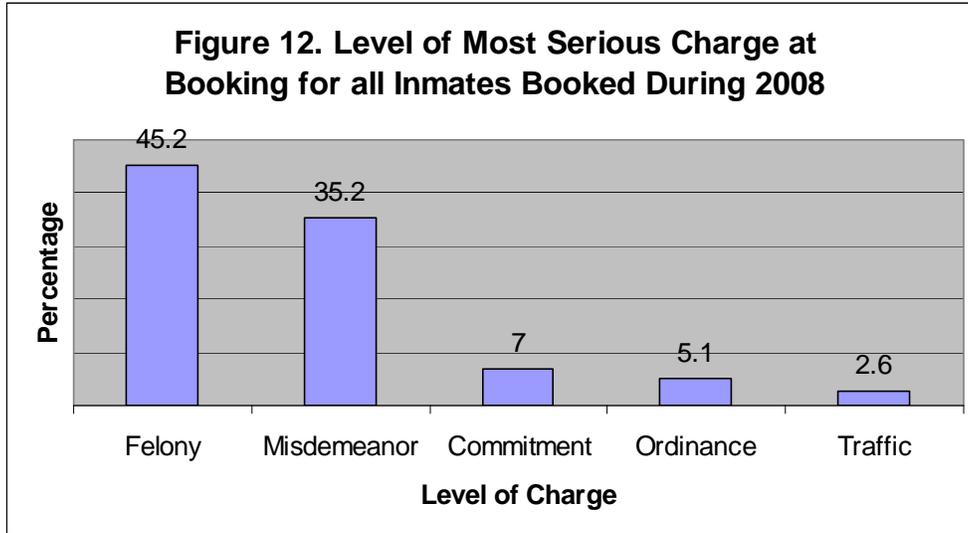
Source: Milwaukee County Sheriff's Office

Almost half the inmates were booked on one charge only and nearly a quarter had two charges. Seven percent had five or more charges (Figure 11).



Source: Milwaukee County Sheriff's Office

As shown in Figure 12, about 45 percent of inmates were booked with a felony as the most serious charge, 35 percent with a misdemeanor, five percent with an ordinance violation and about three percent with a traffic offense. Seven percent were booked with the label of “commitment.”



Source: Milwaukee County Sheriff's Office

Table 6 breaks down the most serious charge levels at booking into classes. The most prominent booking offense is Misdemeanor Class A, at about 21 percent, followed by Felony Unclassified at about 13 percent and Misdemeanor Unclassified at 10 percent. Less than five percent of the bookings were for the most serious offenses – Felony A, B, or C.

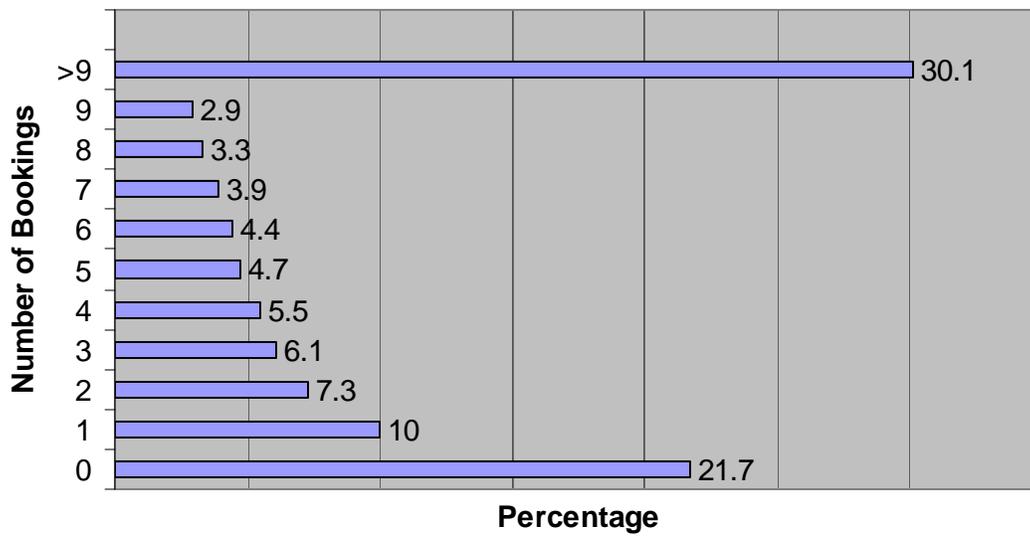
Table 6. Level and Class of Most Serious Charge at Booking for all Inmates Booked During 2008	
Level	Percentage
F/A	0.4
F/B	0.8
F/C	2.9
F/D	1
F/E	3.1
F/F	5.1
F/G	5.2
F/H	5.3
F/I	8.5
F/U	12.6
M/A	20.6
M/B	4.4
M/U	10.2
C/1	0
C/2	1.6
C/3	0.8
C/4	0.4
C/5	0
C/U	4.3
O/U	5.1
T/1	0.1
T/U	2.6
N/A	4.6

Source: Milwaukee County Sheriff's Office

As Figure 13 shows, only about one in five inmates were booked into the Milwaukee County Jail for the first time.³ Thirty percent had 10 or more previous bookings. In all, about half had five or more previous bookings in Milwaukee County.

³ All data regarding prior bookings pertain only to Milwaukee County bookings, and does not reflect any jail admissions that may have occurred in other jurisdictions.

Figure 13. Number of Previous Bookings for all Inmates Booked During 2008



Source: Milwaukee County Sheriff's Office

III. ANALYSIS OF JAIL BED ALLOCATION

Extrapolating from the data provided by the Milwaukee County Sheriff's Office, there were 1,038,699 total jail bed days used in the Milwaukee County Jail and the House of Correction during 2008. This section provides an analysis of how these jail bed days were allocated.

The size of any jail population is driven by the number of bookings and the length of stay. Thus, to understand how bed days are being allocated requires an examination of the reasons inmates are booked into the facility and the reasons they are released.

In 2008, there were 65 different categories for most serious legal status at booking, and 71 different reasons for release. This results in 4,615 different combinations of why inmates were booked and why they were released. Table 7 looks at the top 30 reasons for booking. It shows the most serious legal status of inmates booked during 2008, the average length of stay in each of the legal status categories, the number of jail bed days used by each category, and the percent of total jail bed days used. The categories are listed in the order of the percent of total jail bed days used, beginning with the highest use categories. These 30 categories were responsible for 97 percent of all jail bed days used. As the table shows, inmates booked as Felony Pretrial used a full one-third of all jail bed days in 2008. The second highest category was Misdemeanor Pretrial, at 13 percent.⁴

⁴ Just because an inmate entered as a Felony or Misdemeanor Pretrial does not mean that the inmate remained in a pretrial status throughout the duration of the stay in custody. The data cannot distinguish between those who did remain in pretrial status from those who moved into a sentenced or other status.

Table 7. Most Serious Legal Status at Booking by Number Booked, Average Length of Stay, Number of Jail Bed Days Used, and Percent of Jail Bed Days Used				
Most Serious Legal Status at Booking	Number Booked	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Felony Pretrial	9,517	36	342,612	33
Misdemeanor Pretrial	13,849	9.8	135,720	13
Felon Violation Probation/Parole and Pretrial	1,160	55.9	64,855	6
Misdemeanor Sentenced Huber Employed	884	69.4	61,350	6
Misdemeanor Violation Probation/Parole	843	50.3	42,403	4
Misdemeanor Violation Probation/Parole and Pretrial	893	46.5	41,524	4
Temporary State Inmate	287	134.2	38,515	4
State Commitment	922	36.3	33,469	3
Awaiting Transfer to Other Jurisdiction	1,952	16.8	32,793	3
Felon Violation Probation/Parole	2,618	9.4	24,609	2
Felon Sentenced Work Release Employed	144	148.7	21,413	2
Felon Wisconsin (Order to Protect & Return)	5,025	4	20,100	2
Misdemeanor Sentenced Huber Unemployed	325	60.4	19,630	2
Misdemeanor Sentenced State Charge	364	48	17,472	2
Felon Sentenced State Charge	179	95.9	17,166	2
Municipal Warrant/Citation	2,492	5.4	13,457	1
Felon Sentenced Huber Employed	104	122.2	12,708	1
Felon Sentenced Work Release Unemployed	98	127.5	12,495	1
Municipal Commitment	919	11.2	10,293	1
Sanction for Extended Supervision Violation	197	48.3	9,515	1
Felon Sentenced Huber Unemployed	87	109.9	9,561	1
Pending Revocation Withheld Sentence	65	97.4	6,331	0.6
Safekeeper – U.S. Marshal	98	63.4	6,213	0.6
Felon Sentenced on Probation	61	93.8	5,721	0.6
VOP with State or Municipal Commitment	235	24.3	5,710	0.5
CMPD	443	6.9	3,057	0.3
Misdemeanor Sentenced on Probation	43	51.6	2,219	0.2
Misdemeanor Sentenced Huber Day Report	9	101.6	914	0
Misdemeanor Milwaukee County Sheriff	24	6.7	160	0
Milwaukee Police Department	11	5.9	65	0
All Others	415	65.8	26,649	3
Total	44,263	23.4	1,038,699	100

Source: Milwaukee County Sheriff's Office

Of the 30 booking reasons, just six categories combined – Felony Pretrial, Misdemeanor Pretrial, Felon Violation Probation/Parole and Pretrial, Misdemeanor Sentenced Huber Employed, Misdemeanor Violation Probation/Parole, and Misdemeanor Violation Probation/Parole and Pretrial – consumed two-thirds of all jail bed days. Thus, the remainder of this analysis focuses on these six booking reasons.

The tables that follow present data on the release reasons for each of the six booking reasons, looking at average length of stay, number of jail bed days used, and the percent of total jail bed days used in 2008.

Felony Pretrial

Inmates in this category used 33 percent of all jail bed days in 2008. As the table shows, the largest use of jail bed space was by inmates who were ultimately released to the Milwaukee Secure Detention Facility. This group stayed an average of 97 days and used 111,647 jail bed days, or almost 11 percent of the total. About 750 inmates were in jail throughout the pretrial period until being released for Time Served/Sentence Complete. These inmates stayed an average of 125 days and used 93,799 jail bed days, or 9 percent of the total. Over 1,000 inmates who were released to another jurisdiction spent an average of 28 days in custody and used 3 percent of all jail bed days. Nearly 2,000 inmates were released after posting a bail, staying an average of 13 days and using over 25,000 jail bed days before posting bail.

Release Reason	Number	Percent of Total of Felony Pretrial	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Milwaukee Secure Detention Facility	1,151	12.1	97	111,647	10.7
Time Served/Sentence Complete	748	7.9	125.4	93,799	9
Release to Other Jurisdiction	1,141	12	28.1	32,062	3
Out on Bail	1,952	20.5	12.9	25,180	2.4
Probation	198	2.1	83.9	16,612	1.6
Dodge Correctional Institution	100	1.1	118.4	11,840	1.1
Personal Recognizance	1,396	14.7	6.1	8,516	0.8
Charges Dismissed	110	1.2	72.3	7,953	0.8
Taycheedah Correctional Institution	49	0.5	114	5,586	0.5
Electronic Surveillance	22	0.2	178.9	3,936	0.4
No Process	1,232	12.9	1.8	2,218	0.2
Escape from Custody	17	0.2	128.3	2,181	0.2
Sentence Stayed	15	0.2	79.7	1,196	0.1
Release/Order-in/Relf	572	6	2	1,144	0.1
Fine Paid	43	0.5	16.1	692	0
Out Without Bail	85	0.9	4	340	0
Administrative Release	116	1.2	2.7	313	0
Probable Cause Expired	80	0.8	3.6	288	0
VOP Lifted	82	0.9	17.7	145	0
Probable Cause Not Found	51	0.5	1.4	71	0

Source: Milwaukee County Sheriff's Office

Misdemeanor Pretrial

Table 9 looks at the number of inmates booked by the reason for release for the Misdemeanor Pretrial population. Inmates in this category used 13 percent of all bed days in 2008. As the table shows, over 1,200 misdemeanor inmates remained in custody throughout the pretrial period and were released for Time Served/Sentence Complete. These inmates stayed an average of about 56 days and used 71,028 jail bed days, or nearly 7 percent of the total. Those who were released by posting bail stayed an average of 3.4 days and used 1 percent of the total jail bed days. Inmates released to other jurisdictions stayed about 13 days in custody and used 1 percent of total jail bed days. Those released on personal recognizance stayed an average of 2.7 days and used slightly less than 1 percent of total jail bed days.

Table 9. Release Reason for Inmates Booked as Misdemeanor Pretrial					
Release Reason	Number	Percent of Total Of Misd. Pretrial	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	1,272	9.2	55.84	71,028	6.8
Out on Bail	4,385	31.7	3.39	14,865	1.4
Release to Other Jurisdiction	811	5.9	13.3	10,786	1
Personal Recognizance	3,093	22.3	2.67	8,258	0.8
Milwaukee Secure Detention Facility	176	1.3	36.3	6,339	0.6
Electronic Surveillance	37	0.3	152.5	5,642	0.5
Charges Dismissed	177	1.3	23.6	4,177	0.4
Probation	97	0.7	35.1	3,405	0.3
No Process	1,888	13.6	0.9	1,699	0.2
VOP Lifted	74	0.5	20.2	1,495	0.1
Out Without Bail	600	4.3	2	1,200	0.1
Sentence Stayed	17	0.1	56.4	959	0.1
Dodge Correctional Institution	12	0.1	69.5	834	0
Release/Order-in/Relf	597	4.3	1	597	0
Fine Paid	205	1.5	2.79	572	0
Probable Cause Expired	127	0.9	1.8	229	0
Administrative Release	121	0.9	1.1	133	0
Court Order	16	0.1	5.75	92	0
Dismissed W/O Prejudice	24	0.2	2.3	55	0
Driver's License Release	29	0.2	0.24	8	0

Source: Milwaukee County Sheriff's Office

Felon Violation Probation/Parole and Pretrial

This booking category represents inmates who have been arrested for a violation of probation or parole in addition to a new charge. Inmates in this

category used 6 percent of all jail bed days used in 2008. As Table 10 shows, nearly 60 percent of all inmates in this category remain in custody until they are transferred to the Milwaukee Secure Detention Facility, using 32,806 jail bed days, or 3.2 percent of the total. Close to 10 percent were released for time served, using about 15,000 jail bed days.

Table 10. Release Reason for Inmates Booked as Felon Violation Probation/Parole and Pretrial					
Release Reason	Number	Percent of Total of Felon Violation Probation/Parole and Pretrial	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Milwaukee Secure Detention Facility	698	58.5	47	32,806	3.2
Time Served/Sentence Complete	112	9.4	133	14,896	1.4
VOP Lifted	79	6.6	13.9	1,098	0.1
Release to Other Jurisdiction	79	6.6	48.8	3,855	0.4
Out on Bail	72	6	26.8	1,930	0.2

Source: Milwaukee County Sheriff's Office

Misdemeanor Sentenced Huber Employed

Misdemeanor Sentenced Huber Employed inmates used 6 percent of all jail bed days in 2008. Those released on electronic surveillance used 3.4 percent of all jail bed days, and those released for time served used 2.4 percent (Table 11).

Table 11. Release Reason for Inmates Booked as Misdemeanor Sentenced Huber Employed					
Release Reason	Number	Percent of Total of Misdemeanor Sentenced Huber Employed	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Electronic Surveillance	491	55.2	71	34,861	3.4
Time Served/Sentence Complete	358	40.3	70.5	25,239	2.4
Absconded	17	1.9	14.3	2,431	0

Source: Milwaukee County Sheriff's Office

Misdemeanor Violation Probation/Parole and Pretrial

This category represents inmates who had a misdemeanor violation of probation or parole in addition to a new charge. Inmates in this category used 4

percent of all jail bed days in 2008. Those transferred to the Milwaukee Secure Detention Facility stayed an average of about 24 days and used over 9,000 bed days, or close to 1 percent of the total. Those released for time served used 21,440 jail bed days, or 2 percent of the total. Those released on bail used 1,758 bed days, or 0.2 percent of the total (Table 12).

Table 12. Release Reason for Inmates Booked as Misdemeanor Violation of Probation/Parole and Pretrial					
Release Reason	Number	Percent of Total of Misdemeanor Violation Probation/Parole and Pretrial	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Milwaukee Secure Detention Facility	380	42.2	23.9	9,082	0.9
Time Served/Sentence Complete	200	22.2	107.2	21,440	2
VOP Lifted	123	13.7	12.7	1,562	0.2
Out on Bail	59	6.6	29.8	1,758	0.2
Release to Other Jurisdiction	48	5.3	43.2	2,074	0.2

Source: Milwaukee County Sheriff's Office

Misdemeanor Violation of Probation/Parole

Inmates in this category are those booked for a violation of probation or parole on a misdemeanor offense. These inmates used 4 percent of all jail bed days in 2008. As Table 13 shows, these inmates released after the violation was lifted spend an average of 10 days in jail. Those released for time served averaged 105 days in jail and used 3.2 percent of total jail bed days.

Table 13. Release Reason for Inmates Booked as Misdemeanor Violation of Probation/Parole					
Release Reason	Number	Percent of Total of Misdemeanor Violation Probation/Parole	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
VOP Lifted	347	40.5	9.9	3,435	0.3
Time Served/Sentence Completed	314	36.7	105	32,970	3.2
Release to Other Jurisdiction	103	12	20	2,060	0.2

Source: Milwaukee County Sheriff's Office

Summarizing Jail Bed Utilization Data

As noted at the beginning of this section, there were over 4,000 combinations of booking and release reasons. The analysis presented here has identified just ten that accounted for 46 percent of all jail bed days used in 2008.

The top ten users of jail bed days in 2008 in terms of what brought them into the jail and why they were released were:

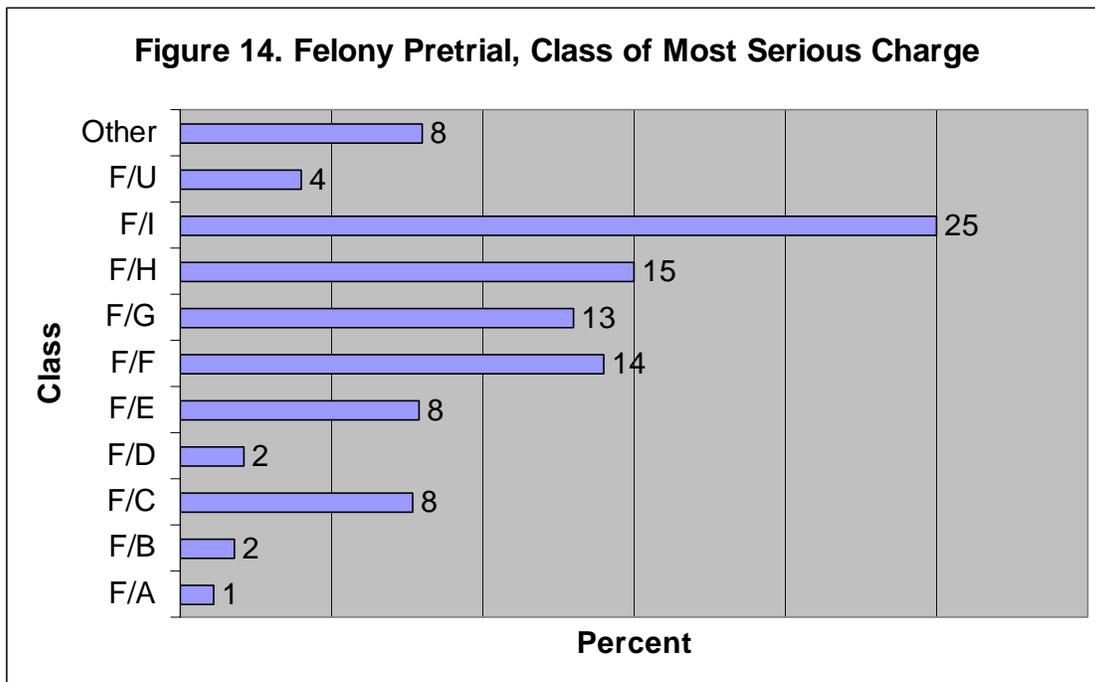
- Felon Pretrial, released to the Milwaukee Secure Detention Facility, 10.7 percent of the total.
- Felon Pretrial, released for Time Served/Sentence Complete, 9 percent of the total.
- Misdemeanor Pretrial, released for Time Served/Sentence Complete, 6.8 percent of the total.
- Misdemeanor Sentenced Huber Employed, released to Electronic Surveillance, 3.4 percent of the total.
- Felon Violation of Probation/Parole and Pretrial, released to the Milwaukee Secure Detention Facility, 3.2 percent of the total.
- Misdemeanor Violation of Probation/Parole, released for Time Served, Sentence Completed, 3.2 percent of the total.
- Felon Pretrial, released to other jurisdiction, 3 percent of the total.
- Misdemeanor Sentenced Huber Employed, released to Time Served, Sentence Completed, 2.4 percent of the total.
- Felon Pretrial, Out on Bail, 2.4 percent of the total.
- Misdemeanor Violation of Probation/Parole and Pretrial, released for Time Served, Sentence Completed, 2 percent of the total.

IV. FOCUS ON THE PRETRIAL POPULATION

The analysis from the preceding section identified Felony Pretrial and Misdemeanor Pretrial as the two legal status-at-booking categories with the largest impact on jail bed utilization. These two categories used 46 percent of all jail bed days. Breaking these two categories down by three release reasons – Time Served/Sentence Complete, Out on Bail, and Personal Recognizance – accounted for 21 percent of all jail bed days used. As such, focusing on these two legal status categories combined with the three release reasons may represent the most significant opportunities for impacting the size of the inmate population. The analysis in this section seeks to identify more precisely where those opportunities may exist.

Felony Pretrial

Figure 14 shows class of felony, regardless of release reason. As the figure shows, 25 percent were charged with a Felony I offense, another 15 percent with a Felony H, 14 percent with a Felony F, and 13 percent a Felony G (Figure 14).



Source: Milwaukee County Sheriff's Office

Table 14 looks at the number of inmates booked by the class of felony for the Felony Pretrial population, their average length of stay, the number of jail bed days they used, and the percent of total jail bed days used during 2008. Not surprisingly, those with the most serious felonies, A, B, and C, stay the longest, on average.

Table 14. Felony Pretrial, Class of Felony Charge at Booking by Number Booked, Average Length of Stay, Number of Jail Bed Days Used, and Percent of Jail Bed Days Used				
Felony Class	Number Booked	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
F/A	85	62.4	5,304	0.5
F/B	141	88.5	12,479	1.2
F/C	689	68	46,852	4.5
F/D	190	53.4	10,146	1
F/E	717	53.6	38,431	3.7
F/F	1,291	39.4	50,865	4.9
F/G	1,197	46.7	55,900	5.4
F/H	1,441	29.8	42,913	4.1
F/I	2,360	19.4	45,784	4.4
F/U	381	25.7	9,792	0.9

Source: Milwaukee County Sheriff's Office

Since so few inmates are booked on Felony A, B, D, and U charges, these inmates are dropped from further analysis. The next set of tables looks at the remaining six felony class categories and the three release reasons of interest – Time Served Sentence Complete, Out on Bail, and Personal Recognizance – beginning with the class with the highest percent of bed day usage, and proceeding in descending order.

Felony Class G

Under Wisconsin law, a person charged with a Class G Felony faces a maximum sentence of 10 years imprisonment, a maximum fine of \$25,000, or both. Inmates booked as Felony Pretrial who had a Felony G as their most serious charge used 5.4 percent of total jail bed days in 2008.

Those released for Time Served/Sentence Complete – presumably inmates who remained detained throughout the pretrial period who either served sufficient time during that period or owed additional time after conviction – averaged 164 days in jail and used over 15,000 jail beds days, or 1.5 percent of the total used. Those who were released after posting a bail spent an average of 15 days in custody, using over 5,000 jail bed days. By comparison, those who were released on their own recognizance were held an average of 7½ days and used less than 800 jail bed days (Table 15).

Table 15. Felony Pretrial, Release Reason for Inmates Booked with F/G as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	95	164.1	15,590	1.5
Out on Bail	340	15	5,100	0.5
Personal Recognizance	103	7.4	762	0

Source: Milwaukee County Sheriff's Office

Felony Class F

A Class F Felony carries a maximum sentence of 12½ years of imprisonment and a \$25,000 fine. Inmates booked as Felony Pretrial who had a Felony Class F as the most serious charge used about five percent of the total jail bed days in 2008. As Table 16 shows, those who were held throughout the pretrial period and not released until sentence completion stayed an average of 141 days, and used close to 14,000 jail bed days, or 1.3 percent of the total. Those who were released by posting bail stayed an average of 12.2 days and used 3,221 jail bed days. By comparison, those who were released on personal recognizance stayed an average of just over 8 days and used just over 1,000 jail bed days.

Table 16. Felony Pretrial, Release Reason for Inmates Booked with F/F as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	97	141.4	13,716	1.3
Out on Bail	264	12.2	3,221	0.3
Personal Recognizance	127	8.2	1,041	0.1

Source: Milwaukee County Sheriff's Office

Felony Class C

Persons charged with a Class C felony face up to 40 years imprisonment and a \$100,000 fine. Inmates booked as Felony Pretrial with a Felony C as the most serious charge used 4.5 percent of total jail bed days in 2008. As Table 17 shows, the 30 inmates in this population who were released due to Time Served/Sentence Complete used 5,820 jail bed days, and those released after posting a bail used 0.3 percent – the same as those released on Personal Recognizance.

Table 17. Felony Pretrial, Release Reason for Inmates Booked with F/C as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	30	194	5,820	0.6
Out on Bail	123	21.5	2,645	0.3
Personal Recognizance	41	24.9	1,021	0.1

Source: Milwaukee County Sheriff's Office

Felony Class I

A Class I Felony carries a maximum penalty of 3 ½ years imprisonment and a fine of \$10,000. Felony Pretrial inmates with Felony I as the most serious charge used 4.4 percent of jail bed days in 2008. Those released for Time Served/Sentence Complete had the longest average length of stay, 94.4 days, and used 1.7 percent of total jail bed days. Those who were released after posting bail stayed an average of 9.2 days, compared to 3.8 days for those released on personal recognizance, and used 4,869 jail bed days, compared to about 1,500 for those released on personal recognizance (Table 18).

Table 18. Felony Pretrial, Release Reason for Inmates Booked with F/I as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	187	94.4	17,653	1.7
Out on Bail	529	9.2	4,869	0.5
Personal Recognizance	407	3.8	1,547	0.1

Source: Milwaukee County Sheriff's Office

Felony Class H

The maximum penalty for a Class H Felony is 6 years imprisonment plus a \$10,000 fine. Felony Pretrial inmates with a Felony H as the most serious charge used 4.1 percent of jail bed days in 2008. Those who were released for Time Served/Sentence Complete stayed an average of 131 days and used 19,388 jail bed days, or almost two percent of the total used in 2008. Those released by posting bail stayed an average of 13.5 days and used over 4,000 jail bed days, compared to those released on personal recognizance, who had an average length of stay of six days and used about 1,500 jail bed days (Table 19).

Table 19. Felony Pretrial, Release Reason for Inmates Booked with F/H as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	148	131	19,388	1.9
Out on Bail	305	13.5	4,118	0.4
Personal Recognizance	259	6	1,554	0.1

Source: Milwaukee County Sheriff's Office

Felony Class E

The maximum penalty for a Class E Felony is 15 years in prison and a \$50,000 fine. Felony Pretrial inmates with a Class E as the most serious charge used 3.7 percent of jail bed days in 2008. Those who were released for Time Served/Sentence Complete stayed an average of 153 days and used 6,876 jail bed days, or 0.7 percent of the total used in 2008. Those released by posting bail stayed an average of 17 days and used over 2,600 jail bed days, and those released on personal recognizance had an average length of stay of 18 days and used about 1,225 jail bed days (Table 20).

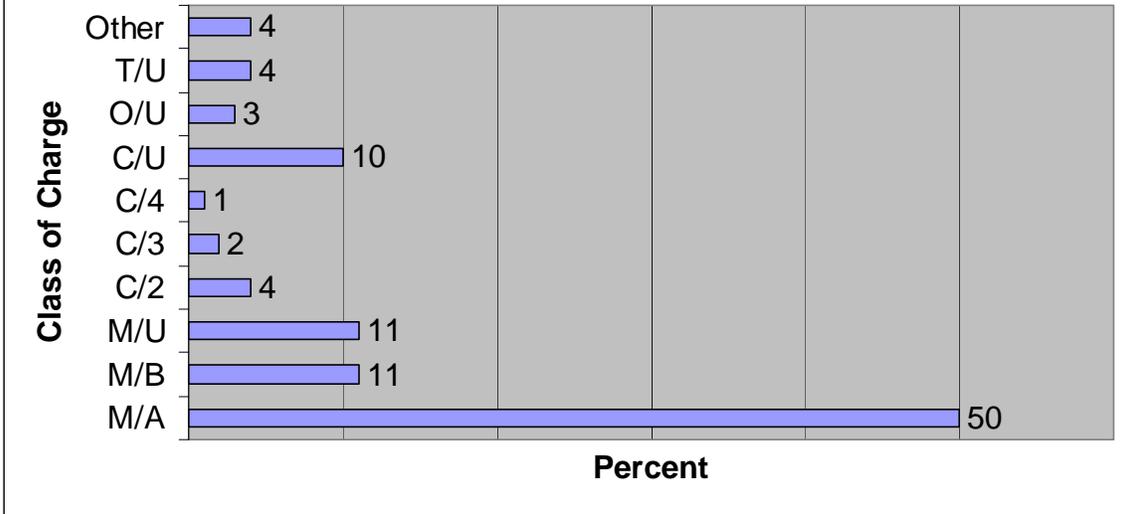
Table 20. Felony Pretrial, Release Reason for Inmates Booked with F/E as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	45	152.8	6,876	0.7
Out on Bail	155	17.3	2,682	0.3
Personal Recognizance	70	17.5	1,225	0.1

Source: Milwaukee County Sheriff's Office

Misdemeanor Pretrial

As Figure 15 shows, half of those booked with Misdemeanor Pretrial as their most serious legal status are charged with a Misdemeanor Class A offense. Eleven percent each are charged with a Misdemeanor Class B or Class U offense.

Figure 15. Misdemeanor Pretrial, Class of Most Serious Charge



Source: Milwaukee County Sheriff's Office

As Table 21 shows, inmates entering as Misdemeanor Pretrial who are charged with a Class A Misdemeanor as the most serious charge stayed an average on 10.8 days in custody and used nearly 75,000 jail bed days in 2008, or 7.2 percent of the total. Those charged with Unclassified Misdemeanors used just over 1 percent.

Table 21. Misdemeanor Pretrial, Charge Class at Booking by Number Booked, Average Length of Stay, Number of Jail Bed Days Used, and Percent of Jail Bed Days Used				
Class	Number Booked	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
M/A	6,920	10.8	74,736	7.2
M/B	1,558	5	7,790	0.7
M/U	1,467	7.6	11,149	1.1
C/2	484	4	2,336	0.2
C/3	278	14.5	4,031	0.4
C/4	103	33.2	3,420	0.3
C/U	1,327	2.8	3,716	0.4
O/U	377	3.5	1,320	0.1
T/U	574	1.8	1,033	0.1

The next set of tables examine the top three users of jail bed space among those booked as Misdemeanor Pretrial – Misdemeanor Class A, followed by Misdemeanor Class U, and Misdemeanor Class B.

Misdemeanor Class A

Misdemeanor Class A offenses carry a maximum imprisonment of 9 months and a maximum fine of \$10,000. As Table 22 shows, Misdemeanor Pretrial inmates charged with a Class A Misdemeanor who are released due to Time Served/Sentence Complete stayed an average of 67 days, and used 42,009 jail bed days, or 4 percent of the total used. Those who were released after posting a bail stayed for an average of about 15 days and used nearly 9,000 jail bed days.

Table 22. Misdemeanor Pretrial, Release Reason for Inmates Booked with M/A as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	627	67	42,009	4
Out on Bail	2,291	3.8	8,706	0.8
Personal Recognizance	1,486	2.5	3,715	0.4

Source: Milwaukee County Sheriff's Office

Misdemeanor Class U

Misdemeanor Pretrial inmates charged with a Misdemeanor Class U offense who are released due to Time Served/Sentence Complete spent an average of 46 days in custody and used 6,131 jail bed days. Those released by posting a bail spent less time in jail, on average, than those released on personal recognizance, 2.5 days compared to 2.8 days, and did not use as many jail bed days, 975 compared to 1,501 (Table 23).

Table 23. Misdemeanor Pretrial, Release Reason for Inmates Booked with M/U as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	133	46.1	6,131	0.6
Out on Bail	390	2.5	975	0
Personal Recognizance	536	2.8	1,501	0.1

Source: Milwaukee County Sheriff's Office

Misdemeanor Class B

Misdemeanor Pretrial inmates charged with a Class B misdemeanor who are released for time served spent an average of 41.5 days in jail, using 3,818 jail bed days. Those released after posting a bail averaged 2.4 days in custody, using 1,363 bed days (Table 24).

Table 24. Misdemeanor Pretrial, Release Reason for Inmates Booked with M/B as Most Serious Charge				
Release Reason	Number	ALOS in Days	Jail Bed Days Used	Percent of Total Jail Bed Days Used
Time Served/Sentence Complete	92	41.5	3,818	0.4
Out on Bail	568	2.4	1,363	0.1
Personal Recognizance	300	2.3	690	0

Source: Milwaukee County Sheriff's Office

Actual Lengths of Stay of Inmates Booked as Felony or Misdemeanor Pretrial

Looking at average length of stay of inmates can does not always tell the whole story because the average can be skewed by a relatively small percentage of inmates who stay for a long time. Tables in the Appendix show the actual length of stay for all Felony and Misdemeanor Pretrial inmates released on personal recognizance, on bail, and for time served. As those tables show, there are a relatively small percentage of defendants who have lengthy stays in all the categories. But they also show that there are large numbers of pretrial inmates who are not obtaining their release at or immediately around the time of the initial appearance in court.

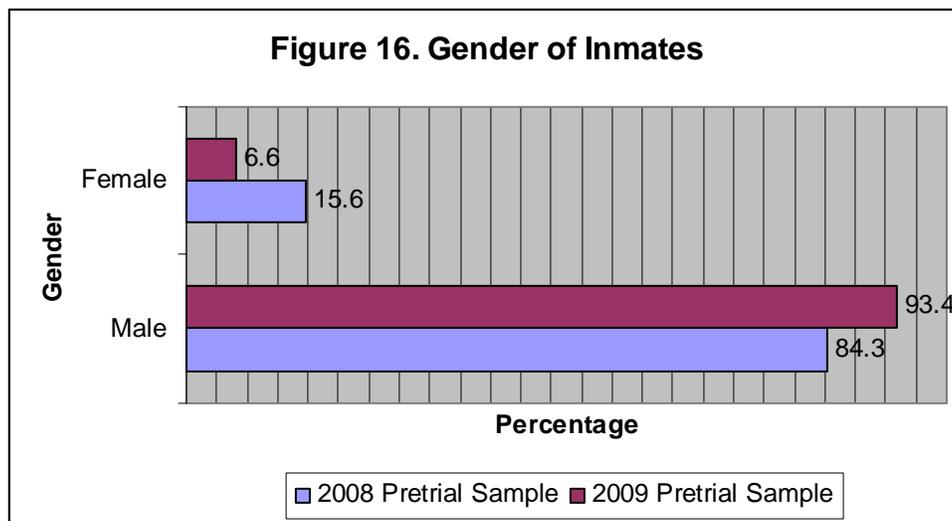
In looking at those released on personal recognizance, for example, 47 percent of felony pretrial inmates and 20 percent of misdemeanor pretrial inmates stay in jail at least three days after their booking. Of those who are released after posting bail, 72 percent of felony pretrial inmates and 22 percent of misdemeanor pretrial inmates stay at least three day. Not surprisingly, of those released for time serves, 93 percent of felony pretrial inmates and 86 percent of misdemeanor pretrial inmates stay in jail more than two days.

V. ANALYSIS OF CRIMINAL HISTORIES AND BAIL AMOUNTS OF PRETRIAL INMATES

The previous section identified Felony Pretrial and Misdemeanor Pretrial inmates as possible target populations for reducing the overall population of the Jail and House of Corrections. One key piece of data – prior criminal records – was missing from the files presented by the Sheriff’s Office, and a second – bail amounts – was missing in a substantial number of cases. In order to obtain prior criminal record and bail information for pretrial inmates, a supplemental sample was necessary.

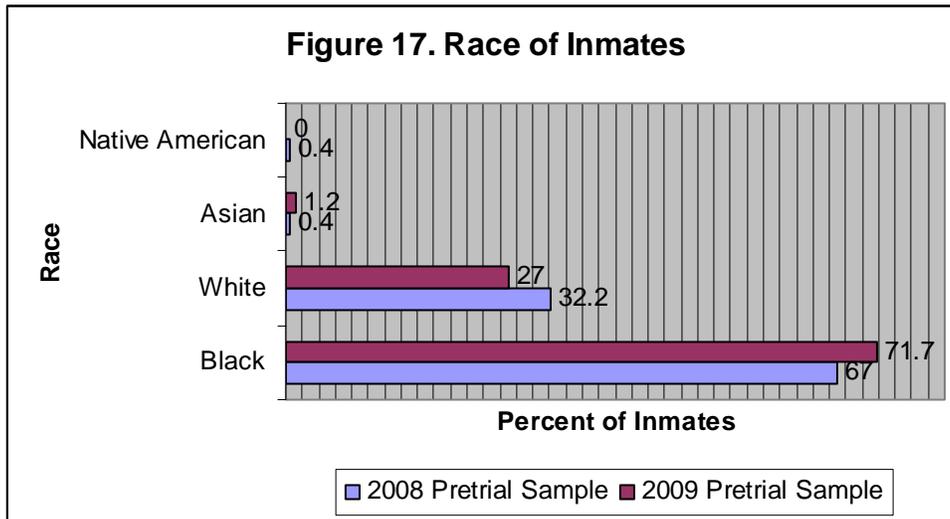
A sample of 265 inmates was randomly selected from a list of all pretrial inmates who were in custody in the Jail or House of Corrections on June 24, 2009. The county researched criminal records and bail information on these inmates and submitted a file for analysis. Criminal histories could not be located for several inmates, so these cases were stricken from the sample, resulting in a final sample of 244 inmates. This section presents the findings of the analysis of the prior records and bail for these inmates.

To make comparisons between two samples – in this case, pretrial inmates who were booked during 2008 and pretrial inmates in custody on June 24, 2009 – the characteristics of the sample subjects should be comparable. As Figure 16 shows, the 2009 Pretrial Sample has a higher percentage of male inmates, although males are the overwhelming majority in both samples.



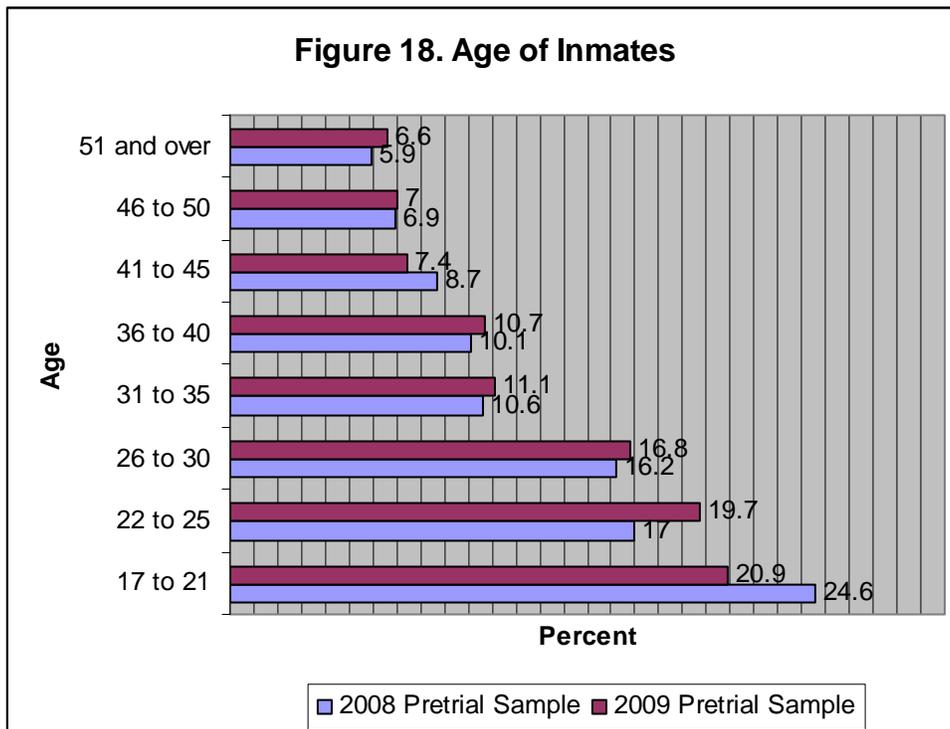
Source: Milwaukee County Sheriff’s Office

Looking at race, the two samples are comparable. There are slightly more Blacks in the 2009 Sample, and slightly more Whites in the 2008 Sample (Figure 17).



Source: Milwaukee County Sheriff's Office

The age ranges of inmates in the 2009 Sample very closely match that of pretrial inmates in the 2008 Sample (Figure 18).



Source: Milwaukee County Sheriff's Office

Prior record information is important because it may help explain why some pretrial inmates stay longer in custody than others. While looking at the number of prior admissions to the Milwaukee County Jail may give some

indication of the prior criminal history of inmates, it does not capture the entire picture, i.e., those inmates with records from other jurisdictions.

The average total number of prior convictions for the sample of pretrial inmates in custody on June 24, 2009 was 3.3 convictions per inmate. The average for the number of felony convictions was 1.3 and for misdemeanor convictions 2. Table 25 shows the frequency distribution of prior convictions. As the table shows, 47 percent of inmates had no prior felony convictions, 39 percent had no prior misdemeanor convictions, and 20 percent no prior felony or misdemeanor convictions. Seven percent had five or more prior felony convictions, 15 percent five or more prior misdemeanor convictions, and 27 percent five or more total convictions.

Table 25. Number of Prior Convictions				
Number	Percent With Prior Felony Convictions	Percent With Prior Misdemeanor Convictions	Percent With Conviction Level Unknown	Percent With Total Convictions
0	47.1	38.9	94.3	20.1
1	27	19.7	2.9	22.1
2	11.1	15.6	1.2	16.4
3	3.7	6.1	0.4	7.4
4	4.5	4.9	1.2	6.6
5	3.7	6.6	0	6.6
6	0.4	2	0	6.6
7	0.4	2	0	2
8	0.4	1.2	0	3.3
9	0.8	1.2	0	2
10	0.4	0.4	0	2
More than 10	0.4	1.2	0	4.8

Source: Milwaukee County Sheriff's Office

The bail amount is important because it shows what is keeping pretrial inmates in custody. As Table 26 shows, nearly a quarter of these inmates have a bail of \$500 or less, another 9 percent between \$501 and \$1,000, and 26 percent between \$1,001 and \$5,000. The mean bail amount for the pretrial inmates is \$23,534 and the median is \$2,500.

In interpreting these data, it is important to keep in mind that they were derived from a snapshot taken of the jail population on a single date. The snapshot provided no information on how long these inmates were in custody.

Table 26. Bail Amounts	
Bail	Percent
0 to \$500	23
\$501 to \$1,000	9.4
\$1,001 to \$5,000	26.2
\$5,001 to \$10,000	9.8
\$10,001 to \$15,000	4.5
\$15,001 to \$20,000	3.7
\$20,001 to \$25,000	3.3
\$25,001 to \$50,000	5.3
\$50,001 to \$100,000	5.3
\$100,000 or higher	4.1

Source: Milwaukee County Sheriff's Office

The next two tables explore whether any relationship can be discerned between the number of prior convictions and the bail amount. Table 27 looks at the number of felony convictions, and Table 28 total convictions – felony plus misdemeanor. As these tables show, having multiple prior convictions does not necessarily lead to higher bails. The opposite is also true, having no prior convictions does not necessarily lead to lower bails. In other words, much more goes into the decisions of the court in setting bail amounts than the level of the charge and the number of prior convictions.

Charge Level	Number of Prior Felony Convictions						
	0	1	2	3	4	5	> 5
F/A	\$292,100 N = 5	N/A	N/A	N/A	N/A	N/A	N/A
F/B	\$81,363 N = 11	\$187,500 N = 4	\$150,000 N = 1	N/A	N/A	N/A	N/A
F/C	\$20,166 N = 15	\$9,483 N = 15	\$18,750 N = 2	\$30,000 N = 3	\$13,250 N = 2	\$20,000 N = 1	\$25,000 N = 2
F/D	\$29,562 N = 4	\$14,833 N = 3	N/A	\$2,000 N = 1	N/A	N/A	N/A
F/E	\$17,500 N = 2	\$10,500 N = 5	\$5,000 N = 1	N/A	\$40,350 N = 2	\$6,000 N = 2	N/A
F/F	\$2,055 N = 9	\$5,167 N = 6	\$35,100 N = 3	N/A	N/A	N/A	\$1,000 N = 1
F/G	\$8,189 N = 9	\$10,250 N = 5	\$4,687 N = 8	\$17,500 N = 2	\$5,500 N = 2	\$10,000 N = 1	\$10,000 N = 1
F/H	\$1,980 N = 5	\$4,020 N = 8	\$3,067 N = 3	N/A	\$3,750 N = 1	N/A	N/A
F/I	\$2,457 N = 7	\$2,000 N = 1	\$1,250 N = 5	\$7,500 N = 1	\$1,500 N = 1	N/A	N/A
F/U	\$87,500 N = 2	\$150,000 N = 2	N/A	N/A	N/A	N/A	N/A
M/A	\$1,137 N = 24	\$1,154 N = 12	\$300 N = 1	\$2,575 N = 2	N/A	\$200 N = 1	\$200 N = 1
M/B	\$267 N = 3	\$500 N = 1	\$500 N = 1	N/A	N/A	\$150 N = 1	\$2,000 N = 1
M/U	\$696 N = 13	\$488 N = 4	N/A	N/A	N/A	\$450 N = 1	\$1,000 N = 1

Source: Milwaukee County Sheriff's Office

Table 28. Mean Bail Amounts for Charge Level By Number of Prior Total Convictions							
Charge Level	Number of Prior Total Convictions						
	0	1	2	3	4	5	>5
F/A	\$353,500 N = 3	N/A	\$200,000 N = 1	\$200,000 N = 1	N/A	N/A	N/A
F/B	\$106,666 N = 6	\$146,666 N = 6	\$91,666 N = 3	N/A	N/A	N/A	N/A
F/C	\$15,555 N = 9	\$12,403 N = 13	\$20,437 N = 8	\$7,500 N = 1	\$13,250 N = 2	\$22,500 N = 2	\$18,875 N = 7
F/D	\$29,562 N = 4	\$11,250 N = 2	N/A	\$2,000 N = 1	N/A	N/A	\$22,000 N = 1
F/E	\$17,500 N = 2	\$11,875 N = 4	\$5,000 N = 1	N/A	\$40,350 N = 2	\$10,000 N = 1	\$27,567 N = 3
F/F	\$2,083 N = 3	\$1,750 N = 6	\$5,250 N = 5	\$300 N = 1	\$100,000 N = 1	\$5,750 N = 2	\$1,000 N = 1
F/G	\$9,367 N = 6	\$5,500 N = 3	\$2,167 N = 3	\$12,600 N = 5	\$6,575 N = 4	N/A	\$8,564 N = 7
F/H	\$2,917 N = 3	\$880 N = 5	\$3,000 N = 1	\$500 N = 1	N/A	\$2,475 N = 2	\$6,690 N = 5
F/I	\$5,000 N = 1	\$2,250 N = 2	\$2,390 N = 5	N/A	\$1,250 N = 2	\$1,000 N = 1	\$625 N = 2
F/U	\$8,750 N = 2	\$20,000 N = 2	N/A	N/A	\$10,000 N = 1	N/A	N/A
M/A	\$3,833 N = 3	\$1,170 N = 5	\$593 N = 8	\$520 5	\$860 N = 5	\$1,575 N = 4	\$1,063 N = 11
M/B	N/A	\$300 N = 1	N/A	\$250 N = 2	N/A	N/A	\$788 N = 4
M/U	\$1,080 N = 5	\$317 N = 3	\$525 N = 4	N/A	\$250 N = 1	\$333 N = 3	\$917 N = 3

Source: Milwaukee County Sheriff's Office

VI. CONCLUSION

A bed at a county jail, just like a bed in a hospital, is a very expensive resource. And just like a hospital bed, great care should be taken to assure that bed space is allocated in a responsible and efficient manner. Those who need to use this most expensive resource should be accurately identified and assigned to a bed. But those who could be dealt with using a less restrictive and less expensive intervention should be quickly screened out and placed accordingly.

This jail population analysis has identified the jail bed usage of very discrete populations. This should provide Milwaukee County officials with important information to engage in a data driven strategic planning process to identify the most appropriate use of jail beds.

As the data presented here make clear, the pretrial population should be at the forefront in any strategic planning. Milwaukee County is one of the few urban counties in the country that does not have universal screening by a pretrial services program before the initial appearance in court.

A pretrial services program that employed universal screening of all defendants prior to the initial appearance before a commissioner and made recommendations for release based upon validated risk assessment procedures and a meaningful range of non-financial release options to address identified risks could go a long way in reducing jail bed usage. Significant savings in jail bed days could be achieved by reducing the time taken to reach a Personal Recognizance decision and by moving even a modest number of pretrial inmates from the Out on Bail and the Time Served categories to the Personal Recognizance category.

For many years, Milwaukee County did have universal screening of defendants before the initial court appearance, but funding for this effort was cut in 2000. As noted at the outset, a 2006 report sponsored by the National Institute of Corrections recommended the re-establishment of this screening in Milwaukee County. In 2009, the Universal Screening Work Group, which was formed to examine this issue, developed a proposal for the implementation of a pretrial services program that would incorporate universal screening. The approach set forth by that proposal, if implemented, should provide the court with the information and options to safely reduce the detention time of pretrial inmates – particularly of those already being released, but only after unnecessarily consuming jail bed days.

The experiences of other jurisdictions may provide insight to Milwaukee County officials as proposals to re-establish universal screening are considered. Two large urban areas that had terminated their pretrial services programs due to tight budgets – Cook County, IL and Dallas County, TX – in recent years reversed course and brought the programs back. In Allegheny County, PA, a

poorly functioning pretrial program that was on the verge of being terminated was instead transformed into an entity that adopted best practices in universal screening. The result has been a 30 percent reduction in the number of pretrial inmates entering the housing population of the jail after initial appearance court.

While the establishment of pretrial services program employing universal screening in Milwaukee County should receive significant consideration, there are many other current practices that should be analyzed during the strategic planning process. These practices, which were not examined as part of this jail population analysis, include:

- Citation release by police in lieu of a full custodial arrest.
- Summonses in lieu of arrest warrants or bench warrants.
- Diversion of persons with serious mental illness from the criminal justice system to the mental health system – ideally occurring at early points, such as initial police contact and initial appearance in court.
- Early screening of cases by the prosecutor’s office to screen out those that are not likely to proceed to a conviction.
- Early appointment of defense counsel.
- Prosecutorial diversion of cases where justice can be best served by addressing underlying issues that led to the arrest rather than by prosecuting the individual.
- Providing mechanisms to meet the needs of defendants, such as substance abuse and/or mental illness, while their cases are processing through the system.
- Facilitating the processing of criminal cases, particularly for those detained, by limiting continuances and scheduling hearings as near in the future as possible.
- Sentences that can meet their aims (i.e., punishment, deterrence, rehabilitation) outside a jail cell, including testing and treatment for alcohol, drug or mental health problems, community service, restitution, day fines, and house arrest and other limitations on travel and associations.
- Sanctions for violating these sentencing options that can be addressed short of jailing, such as increasing the frequency of reporting requirements or treatment appointments, or imposing or increasing community service hours.

Table 29 illustrates the impact that can be expected through reductions in the percent of jail bed days used. The table is presented to provide county officials with a guide for goal setting in its strategic planning. For example, if the county put measures in place that reduced the percent of jail bed days used by one percent, the result would be an annual savings of 10,387 bed days, and an average daily savings of 28.5 bed days. If, on the other hand, measures resulted in a 10 percent reduction in bed days, that would translate into an annual savings of 103,870 bed days, and a daily average of about 285 bed days.

Table 29. Calculation of Jail Bed Days That Can Be Saved		
Percent Change in Jail Bed Days	Annual Number of Jail Bed Days Saved	Average Daily Number of Jail Bed Days Saved
-1%	10,387	28.5
-1.5%	15,580	42.7
-2%	20,774	56.9
-2.5%	25,967	71.1
-3%	31,161	85.4
-3.5%	36,354	99.6
-4%	41,548	113.8
-4.5%	46,741	128.1
-5%	51,935	142.3
-5.5%	57,128	156.5
-6%	62,322	170.7
-6.5%	67,515	185
-7%	72,709	199.2
-7.5%	77,902	213.4
-8%	83,096	227.7
-8.5%	88,289	241.9
-9%	93,483	256.1
-9.5%	98,676	270.3
-10%	103,870	284.6

Source: Extrapolated from data provided by the Milwaukee County Sheriff's Office

In the end, it is up to a community and its justice system leaders to decide how its jail is to be used. But before any decisions can be reached about how the jail should be used, it is important to understand how it is currently being used. This report should provide a much better understanding.

Appendix

Table A-1. Length of Stay for Felony Pretrial Inmates Released on Personal Recognizance	
Days in Custody	Percent
0	3.5
1	22.7
2	26.3
3	18.2
4	10.7
5	5.2
6	2.6
7	.9
8	.7
9	.9
10	.5
11	.5
12	1.1
13	.6
14	.2
15	.2
16	.1
17	.1
18	.1
20	.1
21	.1
22	.1
24	.1
25	.1
26	.1
28	.4
29	.1
30	.1
31	.1
34	.1
35	.1
37	.1
38	.1
39	.1
40	.1
41	.1
42	.1
44	.1
46	.1
47	.1
49	.1
53	.1
56	.1
57	.1

58	.1
60	.1
63	.1
65	.1
68	.1
72	.1
74	.1
75	.1
77	.1
80	.1
81	.1
84	.1
88	.1
91	.1
94	.1
95	.1
96	.1
110	.1
113	.1
116	.1
118	.1
122	.1
127	.1
150	.1
177	.1
191	.1
208	.1
235	.1
261	.1

Source: Milwaukee County Sheriff's Office

Table A-2. Length of Stay for Misdemeanor Pretrial Inmates Released on Personal Recognizance	
Days in Custody	Percent
0	11.3
1	45.6
2	22.9
3	9.5
4	3.4
5	1.8
6	1.1
7	.7
8	.5
9	.4
10	.2
11	.1
12	.1
13	.2
14	.1
15	.1
16	.1
17	.1
18	.1
19	.1
20	.1
21	.2
22	.1
23	.1
25	.1
27	.1
29	.1
30	.1
31	.1
32	.1
34	.1
35	.1
36	.1
37	.1
40	.1
42	.1
44	.1
45	.1
46	.1
49	.1
53	.1
58	.1
59	.1
60	.1
61	.1
62	.1

79	.1
83	.1
86	.1
111	.1
123	.1
161	.1
184	.1
411	.1

Source: Milwaukee County Sheriff's Office

Table A-3. Length of Stay for Felony Pretrial Inmates Out on Bail

Days in Custody	Percent
0	1.3
1	9.5
2	17.1
3	14.9
4	10.6
5	7.4
6	4.1
7	2.9
8	2.0
9	1.9
10	1.6
11	1.4
12	2.2
13	1.5
14	.9
15	1.0
16	.9
17	.7
18	1.1
19	.7
20	.9
21	.7
22	.8
23	.5
24	.6
25	.4
26	.5
27	.3
28	.4
29	.5
30	.3
31	.2
32	.2
33	.7
34	.1
35	.1
36	.3
37	.3
38	.3
39	.2
40	.2
41	.3
42	.4
43	.2
44	.2
45	.2

46	.2
47	.1
48	.2
49	.4
50	.2
51	.4
54	.2
55	.1
57	.1
58	.2
59	.2
60	.1
61	.1
62	.2
63	.1
64	.1
65	.1
66	.1
67	.1
68	.1
69	.1
70	.2
72	.1
73	.1
74	.1
76	.1
77	.1
78	.1
80	.1
81	.2
82	.1
83	.1
84	.1
85	.1
86	.2
88	.2
90	.1
92	.2
93	.1
95	.1
98	.2
100	.1
101	.1
102	.1
104	.1
105	.1
107	.1
108	.1
110	.1
114	.1

118	.1
119	.1
120	.1
129	.1
130	.1
133	.2
135	.1
136	.1
137	.1
146	.1
152	.1
158	.1
161	.1
163	.1
169	.1
187	.1
194	.1
197	.1
215	.1
224	.1
260	.1
290	.1

Source: Milwaukee County Sheriff's Office

Table A-4. Length of Stay for Misdemeanor Pretrial Inmates Out on Bail	
Days in Custody	Percent
0	30.8
1	35.2
2	11.4
3	5.7
4	2.9
5	1.9
6	1.4
7	1.2
8	.9
9	.7
10	.6
11	.7
12	.5
13	.3
14	.4
15	.4
16	.3
17	.3
18	.3
19	.3
20	.3
21	.3
22	.2
23	.2
24	.3
25	.3
26	.1
27	.2
28	.1
29	.1
30	.1
31	.1
32	.1
33	.1
34	.1
35	.1
36	.1
37	.1
39	.1
40	.1
41	.2
42	.1
43	.1
44	.1
45	.1
46	.1

47	.1
48	.1
49	.1
50	.1
51	.1
52	.1
54	.1
55	.1
56	.1
57	.1
59	.1
62	.1
63	.1
64	.1
71	.1
73	.1
76	.1
77	.1
79	.1
82	.1
84	.1
90	.1
97	.1
101	.1
105	.1
117	.1
120	.1
156	.1
439	.1

Source: Milwaukee County Sheriff's Office

Table A-5. Length of Stay for Felony Pretrial Inmates Released for Time Served/Sentence Complete

Days in Custody	Percent
0	.4
1	2.3
2	3.9
3	3.1
4	2.8
5	1.6
6	1.6
7	.9
8	1.2
9	.8
10	.8
11	.4
12	.7
13	.5
14	.5
15	.4
16	.1
18	.3
19	.4
20	.3
21	.3
22	.7
23	.7
24	.5
26	.1
27	.1
28	.4
29	.4
30	.4
31	.3
32	.4
33	.3
35	.4
39	.1
40	.4
43	.1
44	.5
45	.7
46	.3
47	.1
48	.1
49	.1
50	.3
51	.1
52	.3

53	.1
54	.3
55	.5
56	.3
57	.4
58	.4
59	.7
60	.5
61	.5
62	.3
63	.8
64	.4
65	.1
66	.8
67	.3
69	.3
70	.3
72	.3
73	.1
74	.4
75	.3
76	.1
77	.3
78	.5
79	.3
80	.4
81	.1
82	.7
83	.4
84	.7
85	.4
86	.4
87	.4
88	.5
89	.4
90	.5
91	.5
92	.3
93	.7
94	.3
95	.3
96	.1
97	.3
98	.4
100	.3
101	.1
102	.3
103	.4
104	.3
105	.3

106	.1
107	.3
108	.5
109	.5
110	.5
111	.3
112	.4
113	.3
115	.4
117	.1
118	.1
119	.4
120	.3
121	.4
122	.1
124	.4
125	.1
126	.3
127	.4
128	.3
129	.1
130	.1
131	.5
132	.4
133	.4
134	.7
136	.8
137	.4
138	.1
140	.3
141	.1
142	.1
143	.1
144	.3
145	.4
146	.3
147	.5
148	.3
149	.1
150	.7
151	.8
152	.5
153	.7
154	.1
156	.3
157	.3
158	.3
161	.5
163	.3
164	.1

165	.1
166	.1
167	.7
168	.3
169	.1
170	.1
172	.3
173	.3
174	.1
175	.3
176	.1
177	.3
178	.3
179	.3
180	.3
181	.4
182	.4
183	.3
184	.4
185	.5
187	.1
188	.4
189	.3
191	.1
192	.3
193	.3
194	.1
195	.7
196	.7
198	.4
199	.3
200	.1
202	.1
203	.1
204	.7
205	.1
206	.1
207	.3
208	.4
209	.3
210	.1
211	.1
212	.3
213	.3
214	.3
215	.3
217	.4
218	.3
220	.3
221	.1

223	.3
225	.4
226	.1
227	.1
228	.4
229	.3
230	.1
231	.3
232	.1
233	.3
235	.1
238	.3
240	.5
241	.1
245	.1
246	.7
247	.1
249	.1
250	.3
252	.3
253	.3
254	.1
255	.1
256	.1
257	.1
259	.4
260	.1
261	.3
262	.1
263	.4
264	.3
265	.1
266	.1
267	.3
270	.1
272	.1
273	.7
274	.7
275	.4
276	.3
277	.1
280	.1
281	.1
282	.4
283	.1
284	.3
285	.1
290	.1
293	.1
294	.1

295	.4
296	.1
298	.1
300	.1
304	.1
305	.1
311	.1
312	.1
313	.1
314	.3
315	.1
316	.1
317	.1
319	.1
323	.1
331	.1
332	.1
333	.1
334	.1
338	.1
342	.3
344	.1
347	.1
351	.1
356	.1
357	.1
360	.1
362	.1
364	.1
365	.1
369	.1
376	.1
377	.3
380	.1
381	.1
383	.1
384	.1
395	.1
398	.1
399	.1
405	.1
410	.1
414	.1
426	.1
430	.1
447	.1
452	.1

Source: Milwaukee County Sheriff's Office

Table A-6. Length of Stay for Misdemeanor Pretrial Inmates Released for Time Served/Sentence Complete	
Days in Custody	Percent
0	1.6
1	7.3
2	4.9
3	4.0
4	3.4
5	3.4
6	2.3
7	2.9
8	3.0
9	2.0
10	1.6
11	1.7
12	1.7
13	.6
14	1.2
15	1.3
16	1.0
17	1.3
18	.6
19	.8
20	1.2
21	.9
22	.9
23	.8
24	.8
25	.9
26	.9
27	.6
28	.5
29	.8
30	.8
31	.2
32	.1
33	.4
34	1.0
35	.6
36	.6
37	.4
38	.4
39	.6
40	.2
41	.5
42	.3
43	.6
44	.6

45	.2
46	.3
47	.2
48	.2
49	.3
50	.3
51	.1
52	.5
53	.4
54	.3
55	.3
56	.2
57	.3
58	.2
59	.6
60	.6
61	.3
62	.6
63	.6
64	.9
65	.4
66	.6
67	.4
68	.6
69	.4
70	.2
71	.3
72	.2
73	.2
74	.1
75	.2
76	.4
77	.2
78	.4
79	.3
80	.4
81	.3
82	.2
83	.4
84	.3
85	.5
86	.2
87	.3
88	.4
89	.2
90	.1
91	.2
92	.2
93	.3
95	.2

96	.1
97	.2
98	.2
99	.2
100	.3
102	.2
103	.2
104	.3
105	.1
106	.2
107	.2
108	.6
109	.2
110	.2
111	.1
112	.2
113	.1
114	.2
115	.2
116	.2
117	.4
118	.1
119	.4
120	.2
121	.2
122	.2
123	.4
124	.3
125	.2
126	.2
127	.4
128	.4
129	.3
130	.4
131	.2
132	.1
133	.2
134	.2
135	.3
136	.1
137	.2
138	.1
140	.1
142	.1
143	.2
144	.2
145	.2
146	.1
147	.2
148	.1

149	.1
150	.1
151	.1
152	.3
153	.2
154	.2
155	.2
156	.1
157	.1
158	.1
159	.1
160	.1
161	.1
164	.1
165	.3
166	.2
167	.4
169	.1
170	.2
171	.3
172	.2
173	.2
174	.1
175	.1
176	.1
177	.2
179	.2
180	.1
181	.1
182	.2
183	.1
184	.2
186	.1
187	.2
188	.2
189	.1
191	.2
193	.1
197	.2
199	.3
201	.1
202	.2
203	.1
204	.1
205	.1
207	.1
210	.2
211	.2
212	.2
213	.2

217	.1
218	.1
219	.1
221	.2
222	.1
223	.1
225	.1
226	.1
227	.1
228	.2
229	.1
238	.2
240	.2
241	.2
243	.1
244	.1
245	.2
248	.3
250	.1
256	.1
259	.1
260	.1
261	.1
266	.1
268	.1
273	.1
274	.2
276	.1
277	.1
296	.1
300	.1
306	.1
316	.1
324	.1
326	.1
327	.2
347	.1
354	.1
363	.2
384	.1
385	.1
420	.1

Source: Milwaukee County Sheriff's Office