

People of Faith United for Justice

April 29, 2015

Madison WI

Criminal Justice Reform

The state budget must bring balance and responsibility back to our criminal justice system. Wisconsin's incarceration rate is unacceptable. That our rate of incarceration for African-American males is, by far, the highest in the nation should be treated as an emergency.

Though mass incarceration is a massive problem, deeply rooted in many policies and aspects of our culture, there are steps that can be taken in this budget to make things better:

- **Increase TAD by \$20 million per year**, targeting at least half the money for the communities with the highest incarceration rates -- within 2 years, saving more than \$20 million/year;
- Demand that the Department of Corrections (DOC) **implement alternatives to revocation** in a meaningful way – saving \$50 million/year;
- Demand that the DOC and the **Parole Commission act to release hundreds of “old law” prisoners** who should have been home long ago -- saving at least \$25 million/year;
- **Move 17-year-olds back to the juvenile justice system** where they belong.

TAD:

Two years ago, the state increased funding for Treatment Alternatives and Diversions (TAD) from \$1 million to \$4 million per year. That increase has kept at least 1,000 people out of the state's jails and prisons. That was a good start, but far short of what is needed.

This year, we ask you to include at least an additional \$20 million per year in the TAD program in the state budget. We further request that at least half of the increase be targeted to the communities with the greatest need.

Recent TAD expansions have gone to new counties, and that has been welcomed. To significantly reduce the prison population, and to move Wisconsin away from having the highest rate of incarceration for African-Americans of any state in the country, the next expansion should go predominantly to communities with the highest incarceration rates. TAD administrators should be given the task of reaching out to the communities that most need it. The incarceration explosion has disproportionately affected communities that have the highest populations of people of color. TAD funding, allotted in those same proportions, can help reverse that shameful trend.

TAD programs save taxpayers \$1.96 for every dollar spent. Money spent on TAD will yield dividends in the current budget cycle, and in every future year.

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Alternatives to Revocation:

A potential source of savings can come from reducing the number of crimeless revocations back to prison. Each year, about 4,000 prison admissions (about half the total) are former prisoners being sent back to prison without being convicted of a new crime. The last legislature passed a law calling for lesser sanctions for technical violations of the terms of supervision, yet the DOC's proposed budget assumes the same number of revocations back to prison as in years past. The budget should reflect a commitment to reduce revocations by at least 25%.

Old Law/Parole Eligible Prisoners:

Thousands of persons are in Wisconsin prisons who do not need to be there, at an average cost of more than \$50,000 per person per year. Old Law prisoners, more than 2,500 men and women who have served the time envisioned by the judge who sentenced them in the last century, are eligible for parole. But the parole system has broken down, and many prisoners are caught in a bureaucratic nightmare as they try to navigate a system where the rules keep changing. Not all Old Law prisoners are ready to be released, but many are. The DOC and the Parole Commission must be challenged to do their jobs, to move low-risk men and women toward release as soon as possible, not to simply budget for a continuation of the status quo.

Related to Old Law prisoners is the issue of "compassionate release" for people who are elderly and infirm. There are statutory provisions in both the "old law" and "truth in sentencing" that provide for the appropriate release of many of these prisoners. Yet, the DOC and Parole Commission make very sparing use of this capacity, and continue to waste enormous sums of money on elderly and sick prisoners who could spend their final years with family or in care facilities that would welcome them. The average cost for a state prisoner over age 55 is \$100,000/year. In prison they are not eligible for Medicare dollars to pay for their care.

17-year-olds:

A final area of concern that must be addressed by this budget is the question of 17-year-olds. It seems that there is little opposition in theory to the Second Chance Act, which would move most 17-year-olds back to juvenile court where they belong. The sticking point is that this would increase costs to counties. The budget needs to ensure that counties will have the funding needed to deal with the increased workload in the juvenile justice programs. We cannot sacrifice the future well-being of our youth to a financial squabble between two units of government.

Wisconsin's annual prison budget has grown from \$178 million to \$1.2 billion since 1990, under the leadership of both political parties. Working together, both parties have an opportunity to cooperate in taking steps to restore balance to our system.

There is no reason to wait two more years.