Wednesday March 29, 2017

Dear Honorable Members of Senate Committee on Judiciary and Public Safety,

The YWCA Madison opposes Senate Bills 52, 54, 55, 56, 58, and 59.  All of these bills will result in either more Wisconsin residents being incarcerated or longer incarceration times, or both.

SB 52 and SB 59, two bills targeting juvenile offenders, are cruel.  At a time when Lincoln Hills and the state’s juvenile facilities are being sued for inhumane treatment of youth, it is unfathomable that the legislature would support bills that increase the time our youth spend in these facilities.  SB 52 removes the three-year limit to a youth being sentenced to a Serious Juvenile Offender Program.  Under current law, the three-year limit already does not apply to either the most serious of crimes that would carry a life sentence for an adult or if the state has declared a youth to be a danger to the public.  With these two exceptions, the most serious youth offenders are already removed from society for longer than three years. We cannot find any reason why this three-year limit—which is already too long in many circumstances—should be deleted. According to a 2011 national study by the Center of Juvenile and Criminal Justice, there is a direct relationship between the length of a youth’s sentence and that youth’s chance of recidivism. That study and others have documented that when a youth is incarcerated for too long a time, that youth actually poses a greater danger to society upon release than when he entered the system. If you approve SB 52, you will be making our community less safe and these youth less functional in society.  In addition, SB 59 increases the number of crimes that send a youth to a juvenile facility to begin with.  This bill is moving our state in the opposite direction: We should be removing youth from Lincoln Hills, not sending more.

SB 55, 56, and 58 each increase the mandatory minimum incarceration time for certain crimes. Judges already have tremendous discretion to incarcerate individuals for a longer amount of time that minimally required. We are not aware of any community demand for increasing the mandatory minimums of any of these crimes. Even the very conservative Heritage Foundation in 2014 issued a report questioning the reasons behind mandatory minimums and arguing against mandating fixed penalties. Mandatory minimum sentences do not make communities safer but instead bind judges and force them to disregard the circumstances behind a crime. This will only lead to more Wisconsin residents incarcerated in our system.

SB 54 mandates Department of Corrections officials to unconditionally recommend revocation of parole, probation, or supervision whenever an individual commits a new crime, regardless of circumstances.  Like SB 55, 56, and 58, this bill removes discretion and again will result in more Wisconsin residents being incarcerated in our criminal justice system.  Inflexible rules that disregard the circumstances surrounding a crime, as well as the severity of the crime, do not keep us safer.

Wisconsin has the highest racial disparities in incarceration in the nation, and it has led Wisconsin to be named one of the worst places to live for people of color.  These bills ignore the reality of our racially biased criminal justice system and will only worsen our disparities.

We urge you to vote down SB 52, 54, 55, 56, 58, and 59. If you have any questions, please do not hesitate to contact me or Carousel Bayrd, our Policy and Partnership Coordinator, at (608) 395-2196.

Sincerely,

Vanessa McDowell  
Interim CEO