

February 5, 2020



**Testimony of ACLU of Wisconsin
In Opposition to Senate Bills 745, 749, 752, 753, 754**

The American Civil Liberties Union of Wisconsin is a non-partisan, non-profit organization working to protect civil liberties and civil rights, and is submitting this testimony opposing SB 745, 749, 752, 753, 754. These bills would take Wisconsin in the wrong direction on criminal justice reform, by expanding, rather than reducing, our prison population.

We have been traveling the state having many conversations about the criminal legal system from Racine, Oshkosh, and Green Bay, to Eau Claire, Madison, and Brown Deer. In the process, we have collected almost 1,000 signatures on a petition to end crimeless revocations. Along with our lobby day last week where over 300 people came in person to Madison from almost every Senate District, this just shows that people clearly care deeply about fixing our broken system of corrections and supervision.

Friends, the bills we are here to oppose today would move us in entirely the wrong direction.

We cannot continue to double down on harmful policies that have pushed our corrections system to the breaking point and failed to make anyone safer. These bills are not needed to reduce crime or improve public safety. Instead, these measures would create additional problems by destabilizing families, weakening communities, and diverting resources away from priorities like mental health and addiction treatment. Those are the needs we must meet – rather than spending even more of this state’s limited budget to build more prisons and lock up more Wisconsin residents. As a reminder, we have about 23,000 people in state prisons, over 12,500 in county jails and about 68,000 people on probation, parole and extended supervision.

First, SB 752 would require the DOC to recommend revocation of probation or community supervision for just being charged with - not necessarily convicted of - a crime, which means an individual may be sent back to prison with only a finding of “probable cause,” not “beyond a reasonable doubt.” Under current law, the Department of Corrections (DOC) makes discretionary decisions regarding revocation of community supervision. The bill is unnecessary and excessive, since making such recommendations is already an option for agents if they think the charge merits revocation. Further, revocations already make up the largest source of new prison admissions, with more than 3,000 revocations per year during the past several years. Adoption of this bill will make the problem worse. We are also concerned because the revocation process is not fair and transparent, and takes place in private. SB 752 would also burden local taxpayers with increased jail costs, because the people held under it will be housed at local county jails at local expense, even if the elected county sheriff or prosecutor does not believe it is necessary for the person to remain in custody.

Second, SB 753 broadens the criteria for the Serious Juvenile Offender program – the kind of program most states have eliminated. SB 753 would result in sending more children to the troubled, failing and expensive Lincoln Hills and Copper Lake facilities which this body has already voted to close – or to

new, costly, unnecessary prisons. We know that incarcerating more children will not help the youth nor will it make our communities safer. Instead, widespread research and the practice of most states shows that youth outcomes improve and community safety increases when they are provided services close to their home communities and in the most family-like settings possible.

Third, SB 749 and SB 745 increase sentences and make it more difficult to reduce charges in designated cases – which will only add to the prison overcrowding problem. SB 749 would punish a person who might have stolen a pack of gum when they were a child, a can of beer when they were in college, and walked out of Walmart inadvertently with their child holding something they didn't pay for years later. This kind of draconian penalty increase is why Wisconsin currently has more than twice Minnesota's prison population.

Finally, SB 754 prohibits early release on parole or probation for people with a broader range of felonies – even if those people have completed programming or have extraordinary health conditions. It is not sensible to keep people locked up simply because their original conviction was one of these felonies. Older people pose fewer disciplinary problems during their incarceration and reoffend at lower rates upon release. The significant medical needs of elderly individuals make them an extraordinarily costly group to house, and prisons and jails are simply not equipped to handle the complexities involved in caring for aging adults.

Wisconsin must do better by following in the footsteps of other states – including states like Texas and Michigan– by reducing corrections populations and costs. We should do so by expanding approaches that have proven track records for keeping people out of prison, reducing the number of prison admissions that don't involve new convictions, and reducing recidivism by removing barriers to employment. We should also invest in local, community-based solutions and treatment. We should not be finding ways to increase the prison population, as these bills will do.

Friends, the Wisconsin Legislature should be working to support communities and families, not needlessly putting more people behind bars.

We urge you to vote no on this package of bills. Thank you.