

February 13, 2020



**Testimony of ACLU of Wisconsin
In Support of Assembly Bills 830 and 831**

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 in support of AB 830 and AB 831.

Today we are talking about a set of modest reforms that would begin to address the epidemic of crimeless revocation and mass incarceration that has hurt Wisconsin communities and wasted billions in taxpayer dollars.

Without action, Wisconsin's overflowing prisons will burst at the seams – forcing taxpayers to foot the bill for a new state prison. Wisconsin's broken probation and parole system drives reincarceration rather than rehabilitation and causes people to be thrown back in prison for minor mistakes like missing an appointment or even starting a job without prior approval.

Wisconsin's prolonged probation and parole sentences are an outlier, with Wisconsinites spending twice as long on parole, on average, than people in other states.ⁱ Rather than combating mass incarceration, this parole-to-prison pipeline exacerbates it – trapping people in a revolving door between parole and prison. This broken system of correctional control has had tragic consequences for thousands of families across the state, especially people of color, while betraying our shared values of fairness and justice. According to the Division of Community Corrections, people reincarcerated without a new offense in Wisconsin will spend an average of 1.5 years in prison, costing taxpayers \$147.5 million.ⁱⁱ

AB 830 and 831 will help to reduce Wisconsin's prison population, eliminate long prison sentences for crimeless technical violations, and rein in prolonged probation sentences for minor offenses. While there is far more work to be done, these bills represent an important first step toward reforming this fundamentally unjust system and breaking the vicious cycle of reincarceration.

AB 830 would allow incarcerated people who succeed in completing educational or vocational training or a treatment program during their incarceration to reduce their prison terms by up to 15 percent. This will help incarcerated Wisconsinites return to their communities more quickly and more prepared to find a job, support their families, and rebuild their lives.

AB 831 would limit the amount of time most people can spend in prison for a technical violation of probation or extended supervision. Under AB 831, a person whose probation is revoked and who meets certain conditions will not spend more than 30 days in prison. While even a single day in prison for a technical violation is too many, this bill will begin to address the devastating impact of crimeless revocations and build momentum for additional reforms.

We aren't just supporting these pieces of legislation because we need these reforms to our system, we want to make sure that people, like our volunteer Lea from the Fox Valley, stop being needlessly harmed by these terrible practices. As she said last month at our lobby day event:

"The impact of my crimeless revocation traumatized my daughter mentally and emotionally. One morning she woke up and discovered I was no longer there. I was not where she expected and needed me to be in her life. And the fact that I, who had not committed a new crime, could be unexpectedly removed from my daughter's world has permanently changed my relationship with her and I cannot fix it. I do not want any other mother, father or child to go through that fear and trauma."

Make no mistake: these reforms don't go nearly far enough and we won't rest until crimeless revocation is abolished and Wisconsin ends its harmful addiction to mass incarceration once and for all. No one should live one missed appointment away from a prison sentence or languish in a cage when they could be working productively in the community and supporting their families. Moving forward, we're determined to build on this progress with reforms that will end Wisconsin's mass incarceration crisis and ensure the movement to put people before prisons doesn't leave anyone behind.

We urge you to vote yes on AB 830 and 831. Thank you.

ⁱ <https://justicelab.columbia.edu/sites/default/files/content/Wisconsin%20Community%20Corrections%20Story%20final%20online%20copy.pdf>

ⁱⁱ WILLIAMS, ET AL.; WIS. DIV. OF CMTY. CORR., 2018: A YEAR IN REVIEW 7 (2018), <https://doc.wi.gov/DataResearch/DataAndReports/DCCYearInReview.pdf>.