

Wisconsin Policy Research Institute: New report on how to let judges help job-seekers and employers

Posted on Thursday, May 11, 2017

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

Contact: Mike Nichols, [\(262\) 389-8239](tel:(262)389-8239)
mike@wpri.org

Report: Reforms to Wisconsin expungement and sentence adjustment laws could lighten prison load, increase employment opportunities for ex-offenders

“Black Robes & Blue Collars” identifies policy changes that will help ex-offenders enter the job market. WPRI President Mike Nichols will testify on prisoner re-entry before the Governor’s Task Force on Minority Unemployment in Milwaukee on Friday.

May 11, 2017 — State laws designed to keep nonviolent ex-offenders out of prison and help them find work are falling short of lawmakers’ intentions but can be improved with common-sense modifications, according to a report published today by the Wisconsin Policy Research Institute. The report, titled “Black Robes & Blue Collars,” includes two policy briefs: “Problems with Wisconsin’s Expungement Law” and “Sentence Adjustment Petitions: Are They Working?”

“Taxpayers, law enforcement officials and victims of crime all share the goal of reducing recidivism and steering ex-offenders toward productivity,” said WPRI President Mike Nichols. “Wisconsin’s prison population has nearly 23,000 inmates in a system designed for 16,000. If legislators want to significantly reduce the number of low-risk prisoners in the system — and help ex-offenders stay out of the system — this report offers some clear insights and strategies.”

The original intent of Wisconsin's expungement law was to clear minor criminal infractions from the records of young offenders to avoid negatively affecting their job prospects — an important option in places like Milwaukee, where 42 percent of the unemployed looking for jobs reportedly have a criminal history. The WPRI Report identifies numerous limitations within the current law and offers recommendations for making the process more equitable and effective in helping low-level offenders find work — and helping companies find employees.

To fully assess the use and efficacy of the expungement law, WPRI partnered with researchers at Court Data Technologies in Madison to identify and examine the approximately 10,000 cases expunged by Wisconsin judges in the past seven years. Since 2010, nearly two-thirds of such expungements were for criminal misdemeanors — possession of small amounts of pot or drug paraphernalia, minor thefts or disorderly conduct — or involved charges for which the defendant had been found not guilty.

One shortcoming of the current law is that the opportunity for judges to consider expungement eligibility occurs at the wrong time in the legal process. Another concern is that there are significant differences statewide in the prevalence of expungement by age, location and race. For example, Milwaukee has more than three times the number of charges in the expungement-eligible crime categories that Outagamie, La Crosse or Kenosha counties do. Yet, in the 2010-'16 period examined, Milwaukee County had fewer total expungements (506) than Outagamie (640), La Crosse (623) or Kenosha (579).

The report also recommends that the state review and explore a little-used sentence adjustment mechanism that was part of truth-in-sentencing reforms in 2002 and 2011. Sentence adjustments, designed to allow well-behaved, low-level, nonviolent offenders to petition a judge for release after serving 75 percent or 85 percent of their sentences, are rarely and inconsistently approved.

WPRI and CDT conducted a computerized data search to analyze sentence adjustment petition filings by county and judges' decisions on those petitions. The analysis shows that fewer than 10 percent of inmates filed petitions, which may indicate that the law is written so narrowly that most inmates don't qualify. In cases where eligible inmates did file petitions, judges denied the vast majority of them.

The report suggests that lawmakers consider allowing inmates to start the petition process earlier, file petitions after serving a smaller percentage of their time,

encourage the expedited review of petitions and encourage more legal representation of prisoners who qualify for early release.

“We’re not advocating for programs that allow bureaucrats to release prisoners or that allow the records of violent offenders to be cleared,” said Nichols. “We just need to make sure that judges have the information and opportunity to make the decisions that legislators entrusted to them — and that these opportunities are applied fairly and consistently.”

Nichols is scheduled to testify Friday, May 12, on “re-entry initiatives around workforce development” before the Governor’s Task Force on Minority Unemployment. The hearing takes place at 9 a.m. in Room 118 of Employ Milwaukee, 2432 N. 27th St. in Milwaukee.

“Black Robes & Blue Collars” can be found [here](#). Permission to reprint is granted as long as WPRI is properly cited.

Founded in 1987, WPRI is a nonprofit, nonpartisan 501(c)(3) guided by the belief that free markets, individual initiative, limited and efficient government and educational opportunity are the keys to economic prosperity and human dignity.