

Rep. Clancy: Community partners and legislators coalesce to introduce a new vision for pre-trial detention

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MADISON – Today, Representative Ryan Clancy (D-19), Senator Chris Larson (D-7), and Representative Darrin Madison (D-10) stood with a diverse group of coalition partners to draw attention to the negative effects of the cash bail expansion constitutional amendment questions on the April 4th ballot and introduce legislation to replace the current cash bail system to a more risk-assessment based system. The new legislation will minimize the use of cash bail.

The coalition partners are:

American Civil Liberties Union of Wisconsin

Black Leaders Organizing for Communities (BLOC)

The Community

Congregations United to Serve Humanity (CUSH)

Dream.Org

Ex-Incarcerated People Organizing (EXPO)

FREE

Justice Organization Sharing Hope & United for Action (JOSHUA)

Leaders Igniting Transformation

Madison Wisconsin Homeless Union

Milwaukee Democratic Socialists of America and their Abolition Working Group

Milwaukee Freedom Fund, opposed to the ballot questions and all incarceration

Our Wisconsin Revolution

Progressive Restaurants and Activists of Wisconsin Network (PRAWN)

Racine Interfaith Coalition (RIC)

Wisconsin Association of Criminal Defense Lawyers (WACDL)

Wisconsin Justice Initiative

WISDOM

The first bill in the package will minimize the use of cash bail and include:

- Risk as sole factor for pretrial incarceration.
- Criteria and data used in the risk assessment tool is public.
- Defense will have the ability to appeal a judgment for pre-trial detention.
- Risk assessment tool is dynamic, not fixed. It will be improved as data is collected.
- Rebuttable presumption of pretrial release for all charges except certain violent crimes.
- Restricts use of cash bail only to return to trial. No person will be incarcerated merely for inability to afford bail.

Wraparound companion bill provides for and funds:

- Bail advocates.
- Text messaging service for anyone expected for a hearing or trial.
- Funds the Risk Assessment tool itself and data analysis for improvement.
- Transportation and childcare assistance.

Representative Clancy (D-19) issued the following statement:

“If we want to have a serious conversation about public safety, we need a solution

which looks at both the data and at the lived experience of people and families impacted by pre-trial detention. Opposing the cash bail expansion ballot questions is the first step; the next step is replacing that failed system with one that brings us closer to justice. This bill package does just that. This legislation is being crafted with our coalition partners and I am confident we will create the gold standard of pre-trial detention.”

Senator Larson (D-7) issued the following statement:

“Wisconsin has a mass incarceration problem. We have spent almost a billion and half dollars every year on the state prison system alone, and millions more on our county jails, where people who have not yet been convicted of a crime now make up the majority of the 13,000 people in these jails at any given time. The attempted constitutional amendment would only make this problem worse. Instead we should be doing what actually works: risk based assessments.

The 21 States, Washington D.C. and the federal court system have been moving away from cash bail to a risk-based model of pre-trial detention and have not experienced statistically significant increases in crime. We have the opportunity to keep our communities safe, save money, and reduce injustice by rejecting the current constitutional amendment and replace it with real bail reform.”

Representative Madison (D-10) issued the following statement:

“Today, our coalition partners uplifted the values and stories of communities that are directly impacted by the criminal justice system. America has a pretrial detention problem, with over 400,000 people in the U.S. currently being detained pretrial. We know that people are sitting in pretrial detention for months, sometimes over a year. Even one or two days in pretrial detention can cause significant harm as individuals risk losing access to employment, housing, transportation, social and mental health services, and can lead to the separation of families. We can not continue to incarcerate our way out of the issues plaguing our communities. Our legislation, developed in collaboration with our coalition partners, will ensure that we are moving toward a more equitable justice system.