

Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

January 30, 2020

Representative John Spiros, Chair
Representative Shae Sortwell, Vice Chair
Assembly Committee on Criminal Justice and Public Safety

Re: Opposition to AB 805, AB 806, AB 809

Dear Chairmen:

Thank you for the opportunity to provide this correspondence related the proposed bills AB 805, AB 806, and AB 809 that are being heard at your Assembly Committee on Criminal Justice and Public Safety on Thursday, January 30, 2020. The Department of Corrections is opposed to the aforementioned bills.

Across the Country, states, both red and blue, have been changing their approach to criminal justice, from an old school, ineffective mentality of “lock them up and throw away the key,” to a smart, safe, and rehabilitative approach that supports the transition of formerly incarcerated people back into our community to become employable, tax paying citizens. States like Texas and Michigan changed laws and policies, reduced their prison population, closed prisons, and saved the taxpayer money; while increasing public safety! In fact, in other states, over time crime and incarceration rates have followed similar trends downward together, which appears to directly counter the, “tougher on crime” narrative.

Over the past year, I have met with many of you and your colleagues to discuss how we can work together on common-sense bipartisan criminal justice reform. I believe these conversations have been productive, and regardless of what side of the aisle you are on, we have been in agreement that those reforms must be a good investment for our taxpayers and the focus must be on evidence-based outcomes. I believe we can develop a plan for criminal justice reform that is right for Wisconsin. In fact, just this fall, Senator Darling and Representative Schraa co-signed a letter with their Democratic colleagues to all of you stating, “Wisconsin is not experiencing savings that other states have because we lag behind the national trends in criminal justice reform.” As they highlighted in their letter, focusing on bipartisan reforms could provide real savings to tax payers and maintain public safety, just as Texas and Michigan have done. Wisconsin is already an outlier when it comes to criminal justice and AB 805, AB 806, and AB 809 move us in the wrong direction.

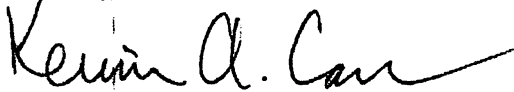
Here are some facts that I hope you will be considering as you debate moving these bills forward:

- In Wisconsin, it is currently costing taxpayers more than \$33,000 per incarcerated person each year. Our state currently houses nearly 24,000 incarcerated individuals.
- There are serious and immediate safety consequences within existing DOC facilities if any legislation increases the incarceration rate. Our prisons are already operating at an average of 133.8 percent of their design capacities. Building any new prisons to house a ballooning prison population would require hundreds of millions of taxpayer dollars and years in the state building process before any doors would open to provide capacity relief. We should not look to add more prison beds; instead we should work together to reduce our prison population.
- The Legislative Audit Bureau (LAB) noted in 2019 that when compared with six other Midwestern states, only Wisconsin experienced an increase in its inmate population from 2009 to 2018.
- Wisconsin's prison population is projected to increase during each of the next two years without any changes to current policies and laws.
- AB 805 would eliminate the current framework that DOC works within to determine the best course of action when a person under supervision is charged with a crime. This framework includes: Department Policy, evidence-based practices, Department Administrative Code, and statutory requirements.
- AB 805 would essentially eliminate the system of short-term sanctions established by 2013 Act 196 would no longer be an option for offenders charged with a crime while on extended supervision, parole, or probation.
- AB 806 could expand the number of incarcerated youth, at a time when the legislature has yet to move forward on both the bi-partisan Juvenile Corrections Grant Committee statewide plan for County Secure Residential Care Centers for Children and Youth (SRCCCYs), and the submitted plan for the construction of two Type 1 facilities. Both of these plans required in the unanimously supported 2017 Act 185 and 2019 Act 9.
- AB 809's prohibitions on carefully monitored and defined release mechanisms further exasperates our prison population concerns especially considering our aging population whose health care needs and costs will continue to rise.

Reflecting on the abovementioned facts, by working together, I believe we can do much better than the bills you have in front of you today.

Thank you again for your time. I am more than happy to sit down and discuss criminal justice reform in more detail. Please contact my Legislative Advisor, Paulina de Haan, at 608-240-5056 or via email at Paulina.dehaan@wi.gov to schedule some time.

Sincerely,



Kevin A. Carr

Secretary

cc: Committee Members, Assembly Committee on Criminal Justice & Public Safety