



## CRIMINAL JUSTICE REFORM

### INTRODUCTION

For nearly two decades, Wisconsin's response to crime has been to incarcerate an ever-growing number of offenders. The high human and monetary costs of this policy are now prompting lawmakers and citizens to call for reform of our criminal justice system.

### CRIMINAL JUSTICE FROM A CATHOLIC PERSPECTIVE

Our Catholic tradition recognizes the need for society to protect itself from wrongdoers and those who violate the social contract. Yet, because the common good must consider the needs of all, the values of security must be assessed in light of the good of all people, certainly the victims, and even the offenders. Even as the community secures the peace, it must make room for, and encourage, the redemption of the offender.

As part of their 1999 statement, *Public Safety, the Common Good and the Church: A Statement on Crime and Punishment in Wisconsin*, Wisconsin's Catholic bishops identified the following principles to use when evaluating criminal justice policies.

**Human Dignity.** Corrections policies must recognize the inherent dignity of every person, whether offender or victim.

**Common Good.** Corrections policies must serve the common good. The needs of no single group — offenders, law enforcement, victims, or taxpayers — should trump the needs of all others.

**Preferential Option for the Poor.** Criminal justice policies must ensure that justice is as accessible to victims and offenders who are poor as it is to those who are more affluent. Policies must also be assessed in light of their impact on racial minorities, who are disproportionately represented in the criminal justice system.

**Rehabilitation, Not Retribution.** Nearly all prisoners will return to the community some day. Punishment for crime must be fashioned in a way that seeks to bring about the improvement of the incarcerated and not just revenge, so that former inmates may live productive and peaceful lives in the community.

**Restorative Justice.** Public policies must foster reuniting the offender with the community and the supportive institutions of family, church, and neighborhood. They must also help crime victims heal and, whenever possible, reconcile criminals with their victims.

### CRIMINAL JUSTICE IN WISCONSIN

Since 1990, our state's prison population has more than tripled from 7,247 inmates to more than 22,000 in 2009, and this does not count the tens of thousands in county jails. In 2008, the Department of Corrections (DOC) cost the state over \$1 billion.

Wisconsin's recidivism rate continues to be high at around 42 percent, and appears to be one of the unintended consequences of Truth-in-Sentencing (TIS), enacted in 1997. Under TIS, offenders are placed on community supervision for such lengthy periods and with so many restrictions that many of them are sent back to prison for breaking some condition of their release, not for having committed a new crime.

Estimates are that 60 to 70 percent of all inmates have drug and alcohol problems, fueling much of their criminal behavior. Moreover, the increased prison population has resulted in longer waiting lists for treatment. All too often,

inmates are released before they can even begin treatment. Most treatment experts agree that successful treatment cannot be accomplished in prison and that community-based programs have a higher success rate. Counties can apply for state funds in order to provide community-based treatment to non-violent drug and alcohol offenders instead of sending them to prison. Currently, however, the state does not make sufficient funds available to counties for such treatment programs.

Justice continues to elude the poorest in our state because the financial eligibility standards for public defender representation have not been updated in 22 years. For example, a person with two dependents, who owns a car and works 40 hours a week at the minimum wage does not qualify for a state public defender.

Our criminal justice system also has a disproportionate impact on minorities. While African Americans make up only 5.7 percent of Wisconsin's total population, they continue to compromise almost half of our prison population.

Ultimately we must recognize that many offenders were themselves subjected to abuse or neglect as children. For some, such experiences distorted their moral conscience. Helping to break this vicious cycle, either before it happens or after the offender is caught, is the key to a safer society.

## **PROPOSALS FOR REFORM**

**Community-based Treatment.** The WCC supports making additional funds available to counties that have or are planning to establish community-based treatment programs for non-violent offenders with drug and alcohol addictions.

**Early Release.** The Governor's budget recommends changing the Truth-in-Sentencing guidelines by permitting the Parole Commission (renamed the Earned Release Review Commission) the authority to review the sentencing requests of certain felons. The budget also proposes giving offenders incentives for good behavior in order to earn early release., and permitting the DOC secretary to determine if certain nonviolent offenders may be granted an adjustment in their sentence if they are one year away from release. The WCC supports finding alternatives to prolonged incarceration.

**State Public Defenders (SPD).** A sound judicial system depends both on fair prosecution and vigorous defense. The WCC supports updating the financial eligibility standards for SPD representation.

**Juvenile Justice.** Wisconsin is one of 13 states in the nation that automatically sends 17-year-olds to adult court (for all crimes) rather than to juvenile court. The WCC supports returning 17-year-olds to the juvenile justice system so they can receive age appropriate rehabilitation and education.

## **ACTION REQUESTED**

Write or call your legislator and make the following points:

1. Support community-based treatment for non-violent drug and alcohol offenders.
2. Revise sentencing guidelines and give early release incentives for good behavior.
3. Update the financial eligibility standards for those in need of state public defenders.
4. Return 17-year-olds to the juvenile justice system.

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