



ISSUE BRIEF

REFORMING THE CRIMINAL JUSTICE SYSTEM

INTRODUCTION

We live in a sinful world in which crime is one of the many reminders of our fallen nature. For nearly two decades, Wisconsin's response to crime has been to incarcerate an ever-growing number of offenders. Since 1990, our state's prison population has more than tripled from 7,247 inmates to more than 22,000 in 2007, and this does not count the tens of thousands in county jails. The costs of such a system are staggering. In 2006, the Department of Corrections (DOC) alone cost the state close to \$1 billion. Such high human and monetary costs are 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, even the offenders themselves. Even as the community secures the peace, it must make room for — and encourage — the redemption of the offender. Christ made this message abundantly clear when he called on his disciples to not just love their neighbors, but also their enemies; to do good to those who do harm, and to forgive beyond calculation.

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.

THE STATE OF CRIME AND PUNISHMENT IN WISCONSIN

Wisconsin's overall incidence of violent crime has continued to decline. In the period 1994-2004, there was a 15.0 percent decrease, from 13,704 to 11,645 violent offenses.

Some observers see a direct correlation between tougher sentences and decreased criminal activity, but the best estimates are that "tough sentencing laws may have contributed to about 15 percent to 25 percent of the decline in

the crime rate.” Experts point out that the crime rate was declining in Wisconsin, as elsewhere around the country, even before these tougher measures were enacted.

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. Legislation passed last session that permitted counties to apply for state funds in order to provide community-based treatment to non-violent drug and alcohol offenders instead of sending them to prison. The available funds, however, are insufficient and numerous counties did not receive the funding they requested.

Justice continues to elude the poorest in our state. Today, someone who has an annual income of \$17,500 and has two dependents still does not meet the income qualifications 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 comprise almost half of our prison population. Indeed, Wisconsin has the highest incarceration rate of minorities in the nation.

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

PROPOSALS FOR REFORM

Treatment instead of Prison (TIP). The state needs to make additional funds available to counties that are running or planning to establish community-based treatment programs for non-violent offenders with drug and alcohol addictions.

Truth in Sentencing (TIS). Sentencing guidelines need to be reformed in order to insure that sentences are both appropriate and effective. The goal of TIS should be to help released offenders succeed once they return to the community, not simply to imprison them when they fail.

State Public Defenders (SPD). A sound judicial system depends both on fair prosecution and vigorous defense. In too many cases, however, the poor receive inferior legal counsel. Currently, for example, people earning as little as \$2.87 an hour do not qualify for a state public defender. Indigency standards for SPD services should be raised to those of W-2.

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. Seventeen-year-olds should be returned to the juvenile justice system where they can receive age appropriate rehabilitation and education.

ACTION REQUESTED

Please urge legislators to:

- Support community-based treatment for non-violent drug and alcohol offenders;
- Revise sentencing guidelines and reduce recidivism;
- Raise the eligibility standards for those in need of State Public Defenders; and
- Return 17-year-olds to the juvenile justice system.

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Prepared by the Wisconsin Catholic Conference
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