



ISSUE

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. At present, our collective response to crime is to incarcerate an ever-growing number of offenders. In the past fifteen years, our state's prison population has tripled from 7,247 inmates to more than 22,000 today. But as the cost of incarceration escalates and the number of people caught in our criminal justice system climbs, more and more people are beginning to ask whether our correctional system itself isn't in need of reform.

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 are harmful, 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 crime and violent crime has been dropping in recent years. Indeed, the overall crime rate is the lowest it's been since 1972 and violent crime is the lowest since 1988. As of 2003, Wisconsin's crime rate was well below the Midwest and national average. Along with this downward trend, however, Wisconsin's incarceration level and corrections spending have increased significantly. The Department of Correction's (DOC) spending increased by 63.6 percent from 1997 to 2004.

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.

In the fifteen years from 1990 to 2004, Wisconsin’s prison population tripled. The incarceration rate also tripled, from 138 inmates for every 100,000 persons in 1989 to 382 today. One of the most disturbing trends has been the increase in female inmates. Wisconsin’s recidivism rate continues to be high at 42 percent. Most prisoners return to prison not for new crimes, but for violating the terms of their probation or parole.

Estimates are that 60 to 70 percent of all inmates have drug and alcohol problems, much of which fuel 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.

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 compromise almost half of our prison population.

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

As the financial and social costs of incarceration continue to rise, several proposals are being considered:

Treatment instead of Prison (TIP). As they did last session, a bi-partisan group of legislators plans to introduce a bill to give grants to counties so that they might provide community-based treatment to non-violent drug and alcohol offenders instead of sending them to prison.

Truth in Sentencing (TIS). The TIS law of 1997 has contributed to significantly longer sentences and the elimination of parole for good behavior. As a result, inmates have less incentive to reform their lives and often succumb to despair and/or unruly conduct. The WCC supports a proposal to review certain sentences and to suggest modifications.

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. The WCC therefore supports a proposal to raise the indigency standards for SPD services to those of W-2.

ACTION REQUESTED

Urge legislators to:

- support community-based treatment for non-violent drug and alcohol offenders;
- revise sentencing guidelines; and
- raise the eligibility standards for those in need of State Public Defenders.

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