



**DAY OF EMPATHY 2024**

## **FACT SHEET: SUPERVISION AND CRIMELESS REVOCATION IN WISCONSIN**

### Wisconsin's Prison Population

As in states across the country, Wisconsin's state prison population has experienced astronomical growth in recent years. Between 1980 and 2016, Wisconsin's prison population increased more than fivefold (456 percent) to more than 22,000 people.<sup>1</sup> **As of March 2024, 22,199 people are imprisoned in the state,<sup>2</sup> at a time when overcrowding, staffing shortages, and lockdowns have gained national attention for leaving thousands of incarcerated people trapped in inhumane conditions.<sup>3</sup>**

### Crimeless Revocation

Crimeless revocations of community supervision—the imprisonment of an individual for violating a rule of supervision that does not involve a new crime—are significant contributors to the growing Wisconsin prison population. **These revocations, for violations of supervision rules as minor as borrowing money, missing an appointment, or accepting employment without prior approval, accounted for over 35 percent of all admissions to Wisconsin prisons in 2023.<sup>4</sup>**

As a result of Wisconsin's current extended supervision system, **roughly 63,000 people are under either probation or parole supervision**—more people than are under supervision in Alaska, Delaware, Maine, Montana, New Hampshire, North Dakota, South Dakota, Vermont and Wyoming *combined*.<sup>5</sup> Unfortunately, lengthy periods of community supervision result in half those under supervision serving time behind bars due to revocation without any new convictions.<sup>6</sup> These revocations are a large driver to Wisconsin's overpopulated prisons, forcing the Department of Corrections to, among other things, rent out beds in ill-equipped county jails for individuals serving state sentences.<sup>7</sup> **People reincarcerated without a new offense in Wisconsin will spend an average of 1.5 years in prison, costing taxpayers \$147.5 million.<sup>8</sup>**

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<sup>1</sup> Bureau of Justice Statistics, Corrections Statistical Analysis Tool

<sup>2</sup> Wisconsin Department of Corrections, "Persons in Our Care on 03 01 2024," <https://doc.wi.gov/DataResearch/WeeklyPopulationReports/03012024.pdf>.

<sup>3</sup> Mario Koran, "Inside a 'Nightmare' Lockdown at a Wisconsin Prison," *New York Times* (Aug. 21 2023), <https://www.nytimes.com/2023/08/19/us/wisconsin-prison-lockdown.html>.

<sup>4</sup> WI DOC, "Prison Admissions Dashboard," <https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx> (accessed 3/4/2024).

<sup>5</sup> Danielle Kaebler, U.S. Department of Justice Bureau of Justice Statistics, "Probation and Parole in the United States, 2021," (Feb. 2023) <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ppus21.pdf>.

<sup>6</sup> Jarred Williams, et al., Colum. Univ. Justice Lab, "The Wisconsin Community Corrections Story" (2019), <https://org2.salsalabs.com/o/7172/images/Wisconsin%20Community%20Corrections%20Story.%20Full%20Report.pdf> (estimating that up to 75 percent of people entering prisons from parole are due to revocations without a new conviction).

<sup>7</sup> Wisconsin Department of Corrections., Offenders Under Control on 1/25/2019 (2019), <https://doc.wi.gov/DataResearch/WeeklyPopulationReports/01252019.pdf>.

<sup>8</sup> Satinsky, Sara, Logan Harris, Lili Farhang, and Gus Alexander. "Excessive Revocations: The Health Impacts of Locking People Up Without a New Conviction in Wisconsin" (2016), [https://humanimpact.org/wp-content/uploads/Report\\_ExcessiveRevocationsWI\\_2016.12.pdf](https://humanimpact.org/wp-content/uploads/Report_ExcessiveRevocationsWI_2016.12.pdf).

## Recommendations

- The legislature should **eliminate incarceration as a response to crimeless violations** of supervision rules.
- The legislature should look to **reduce probation and parole terms to between 1 and 3 years**, except in rare circumstances.
- **Provide credit** against the term of extended supervision for every month spent in compliance with the terms of supervision.
- **People under community corrections supervision should not be incarcerated, even for short-term holds, unless criminal activity is suspected.** In cases where criminal activity is suspected, Wisconsin should require judicial review before a person is incarcerated, with the same level of due process proceedings that would be expected for a member of the public who is not under community corrections supervision.
- Wisconsin should also require that **revocation proceedings only follow after, not in place of, full criminal proceedings and conviction.** This ensures appropriate due process, and avoids unnecessary incarceration.