



Crimeless Revocation in Wisconsin

Wisconsin's prison population grew at unprecedented rates between 1980 and 2016, when it increased 456% to more than 22,000 people.ⁱ As of December 2018, more than 23,000 people were imprisoned in the state, and the Wisconsin Department of Corrections predicts that the prison population will continue to grow in the near future, surpassing 25,000 people by 2021.ⁱⁱ

The Problem:

Crimeless revocations of community supervision, also known as technical violations, send individuals back to prison for violating a rule of supervision that does not involve committing a new crime. These revocations, for violations of supervision rules as minor as borrowing money, missing an appointment, or accepting employment without prior approval, accounting for 37% of all admissions to Wisconsin prisons in 2017.ⁱⁱⁱ The number of crimeless revocations to prison increased 25% between 2000 and 2017 (from 2,748 to 3,442) — representing the greatest increase of any admission type^{iv}.

Under Wisconsin's current extended supervision system, roughly 66,000 people are under probation or parole supervision. This is 5,000 more people than are under supervision in Alaska, Maine, Montana, New Hampshire, North Dakota, South Dakota, Vermont and Wyoming *combined*.^v Because community supervision sentences are also longer than many other states, half those under supervision are serving time behind bars due to revocation without any new convictions.^{vi} People reincarcerated without a new offense in Wisconsin will spend an average of 1.5 years in prison, costing taxpayers \$147.5 million.^{vii}

The Solution:

- 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.
- Wisconsin should provide credit against the term of extended supervision for every month spent in compliance with the terms of supervision.^{viii}
- Wisconsin should ensure people under community corrections supervision are not 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.^{ix}
- 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.^x

ⁱ BJS, Corrections Statistical Analysis Tool

ⁱⁱ Wisconsin Policy Forum, Wisconsin's Prison Population on the Rise (10/31/2018).

ⁱⁱⁱ WI DOC, Prison Admissions Dashboard, <https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx> (accessed 12/18/2018).

^{iv} The WI DOC classifies admissions as "New Sentence Only," "Revocation – New Sentence," "Revocation Only," and "Other." "Revocation only" refers to people who are revoked for violating supervision and have not committed a new crime.

^v WILLIAMS, ET AL.; WIS. DIV. OF CMTY. CORR., 2018: A YEAR IN REVIEW 7 (2018), <https://doc.wi.gov/DataResearch/DataAndReports/DCCYearInReview.pdf>.

^{vi} WILLIAMS, ET AL..

^{vii} Satinsky, Sara, Logan Harris, Lili Farhang, and Gus Alexander. 2016. Excessive Revocations: The Health Impacts of Locking People Up Without a New Conviction in Wisconsin. Oakland, CA: Human Impact Partners. Available: https://humanimpact.org/wp-content/uploads/Report_ExcessiveRevocationsWI_2016.12.pdf

^{viii} The Badger Institute, Criminal Justice Reform Recommendations for Wisconsin Policymakers: Policy ideas from the Wisconsin Criminal Justice Coalition (2018).

^{ix} Columbia University Justice Lab, The Wisconsin Community Corrections Story (12/2018).

^x Columbia University Justice Lab, The Wisconsin Community Corrections Story (12/2018).