

President's Note

Five months ago, WPRI issued “Unlocking Potential,” a report on reducing recidivism in Wisconsin — a noble goal that everyone from crime victims to taxpayers to employers to prison officials can rally behind.

We pointed out that only one in 20 male inmates, and fewer women, are “lifers” in this state. The majority will be out in less than five years and return to the same neighborhoods where their victims often live. As it is right now, about 30 percent typically end up back inside within three years of release — a major reason Wisconsin may soon need to build a new prison. One that taxpayers can't afford.

We put the spotlight on work and education and mentoring programs, and we highlighted the potential use of social impact bonds — a way to infuse private capital into programs that can reduce the burden on the state Department of Corrections.

We also recommended that the state review and explore a little-used sentence adjustment mechanism that originally was inserted into state law as part of truth-in-sentencing reforms. As you will see in our policy brief, “Sentence Adjustment Petitions: Are They Working?,” in the second half of this report, we don't think that mechanism — which is supposed to allow well-behaved, low-level, nonviolent offenders to petition a judge for release after serving 75 percent or 85 percent of their sentences — works in practice the way legislators probably initially envisioned.

The state's existing expungement statute for low-level, nonviolent offenders doesn't work well in practice, either — as you will see in the other policy brief, “Problems with Wisconsin's Expungement Law,” that we issue today. There is a crucial flaw. Judges are allowed to consider expungement eligibility at the wrong time in the legal process. Meanwhile, the use of the statute from county to

county and by race is uneven.

Violent criminals are not eligible for either sentence adjustments or expungement, and we don't think they should be.¹ Legislators have long given more leeway to low-risk offenders, however, in the hope they will prosper and earn the dignity that comes with a job instead of dependence on government. That can be tough when you're part of the 40 percent of the unemployed looking for jobs in Milwaukee who have a record.

If the unemployed fail, we all do. Especially in Milwaukee, the talent pipeline is exceedingly thin. According to the Metropolitan Milwaukee Association of Commerce, there will be 45,400 additional jobs in metro Milwaukee in the next 10 years, the same time period over which the labor force is expected to fall by 42,600. Wisconsin clearly needs to find a way to grow and retain its workforce.

Judges can help. We call this report “Black Robes & Blue Collars” because we are not advocating for the early release programs of yore that enabled bureaucrats to open the doors for prisoners whom judges want locked up. We just need to make sure that judges have the information, opportunity and discretion to make the decisions that our legislators meant to entrust to them.

Most inmates are not highly educated. Only 5 percent of men and 6 percent of women in our prisons have an associate or bachelor's degree or something beyond that. Wisconsin's unemployment rate is exceedingly low right now though, just 3.7%, and employers are looking for help. Blue-collar jobs are available — as are policy options to keep low-risk offenders out of expensive prison cells.

We highlight two of those options in our report today, and we hope policy-makers will consider them.

Mike Nichols
WPRI President

¹ No court may order that a record of a conviction be expunged for a Class H or I felony, if the person has, in his or her lifetime, been convicted of a prior felony offense or if the felony is a violent offense, as defined in state statute.

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