

EXCESSIVE REVOCATIONS IN WISCONSIN

EXECUTIVE SUMMARY



THE HEALTH IMPACTS OF LOCKING PEOPLE UP WITHOUT A NEW CONVICTION

"I was suicidal. I was depressed—and I got revoked on an accusation. I had no hope because I lost my opportunity to go to school and with three decades of a felony record, education was my only opportunity to get a job that's decent. It affected me mentally...I ended up diabetic and I was affected with this last incarceration a lot." Kenosha focus group participant



The Department of Corrections suggests that some of the 3,000 people may have broken the law. However, no charges were brought against them, and Department data on this is incomplete. Until clear data is available, people should not be assumed to have committed a crime unless charged and convicted.

Revocation—being incarcerated for breaking the rules of a supervision arrangement (like parole, probation, or extended supervision)—feeds the mass incarceration cycle in the United States. Estimates suggest that across the U.S., half of the people in jails and more than one-third of the people entering prison are locked up for a revocation.

A large number of people are incarcerated for breaking the rules of supervision, but do not commit a new crime. In Wisconsin, the Department of Corrections (DOC) put about 3,000 people in prison in 2015 alone for what DOC calls a "revocation without a new offense," meaning there was not a new criminal conviction. These people will serve an average of 1.5 years in prison without being convicted of a new crime—and cost Wisconsin \$147.5 million dollars in the process.

The increase in incarceration over time is a significant public health issue. This report reviews the revocations process in Wisconsin, describes related consequences to health and the factors that drive it, and recommends changes in managing people on supervision.

FINDINGS INDICATE

Two out of every five people put in prison for a revocation without a new criminal conviction in 2015 identified as Black (40%)—yet only 6.6% of the Wisconsin population identifies as Black. Similarly, nearly half of people put in prison for a revocation without a new criminal conviction have a mental health condition (44%)—when Wisconsin has an 18% prevalence of mental health conditions. In a state with too few rehabilitative programs as alternatives to incarceration, these inequities contribute to significant barriers for people to reach their full health and human potential.

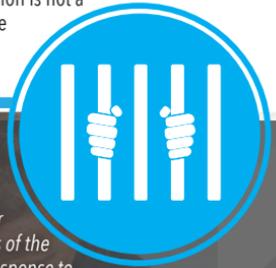
Revocation affects employment and housing. Employment and housing are particularly important for people's successful re-entry after release from incarceration. For people on supervision, time incarcerated while the state investigates and decides on an allegation or revocation means time away from work. This can lead to loss of income, making it harder to pay for basic needs like housing or childcare. It can even mean losing jobs—a challenge for people that evidence shows already face considerable barriers in getting a job. Ironically, employment and stable housing are often part of the rules of supervision. A person may risk a revocation if they don't have steady employment or stable housing.

The stress and stigma of incarceration and supervision affect health. It can damage health when stressful situations consistently overwhelm a person's ability to cope—particularly when a person feels they have little control over these situations. Imprisonment is an acute stressor, as a major disruption in a person's life. It is also a chronic stressor that may involve daily exposure to violence or threats, hostile relationships with guards and other incarcerated people, overcrowding, and a lack of privacy and control. After release from incarceration, people remain marked by the stigma of a conviction and can face secondary stressors as they work towards rehabilitation—including the constant threat of revocation.

When a parent is incarcerated, families pay a price. Nearly half of people put in prison for a revocation without a new criminal conviction in 2015 were parents (48%). The impacts of incarceration extend beyond the people locked up, and are associated with wide ranging detrimental effects on children and families. The report finds that incarcerating people for revocation without being convicted of a new crime in 2015 put an estimated 2,700 kids at increased risk of poverty with a father's incarceration, and 1,600 kids in Wisconsin may have lost primary financial support with any parent's incarceration.

Revocation processes are applied inconsistently in Wisconsin. The Department of Corrections has yet to clearly implement the state law calling on it to create short-term responses for people who break the rules of supervision and to determine how to reward people under supervision for compliance. Current practice is inconsistent and there is too little training, lack of written policy, and opportunity to improve Department data collection.

Incarcerating people for breaking the rules of supervision doesn't improve public safety. Research shows that violating what are known as technical rules of supervision is not a good indicator of new crime, and that incarcerating people for technical rule violations may increase recidivism—making the possibility of a person committing a future crime more likely.



RECOMMENDATIONS

1. Remove incarceration as a response to non-compliance for non-criminal violations of the rules of parole, probation or extended supervision.
2. As an alternative measure to revocation for people on parole, probation, or extended supervision: continue to build on the partially implemented steps of the "short-term sanctions" law, by ensuring a consistent and racially equitable response to non-compliance and the granting of rewards for compliance that is transparently documented, through policy development, clear matrices, and workforce development that includes annual trainings.
3. Consistently track, evaluate at regular intervals, and annually disseminate the outcomes on the use of alternative measures to revocation for people on parole, probation or extended supervision to build community trust.
4. As an alternative to revocation, provide access and navigation into rehabilitative programs and assure successful graduation for people on parole, probation or extended supervision.
5. Reduce the number of people and length of time people across races/ethnicities are placed on probation or extended supervision, which will in turn reduce agency caseloads.
6. Apply greater due process rights for people in revocations investigations and proceedings, such as right to bail and a higher standard of evidence.

The full report includes action steps for Department of Corrections, the State Legislature, and other groups with the power to address the changes described above. Visit sentback.org to read the full report.