



# The Abuse of Revocation in Wisconsin

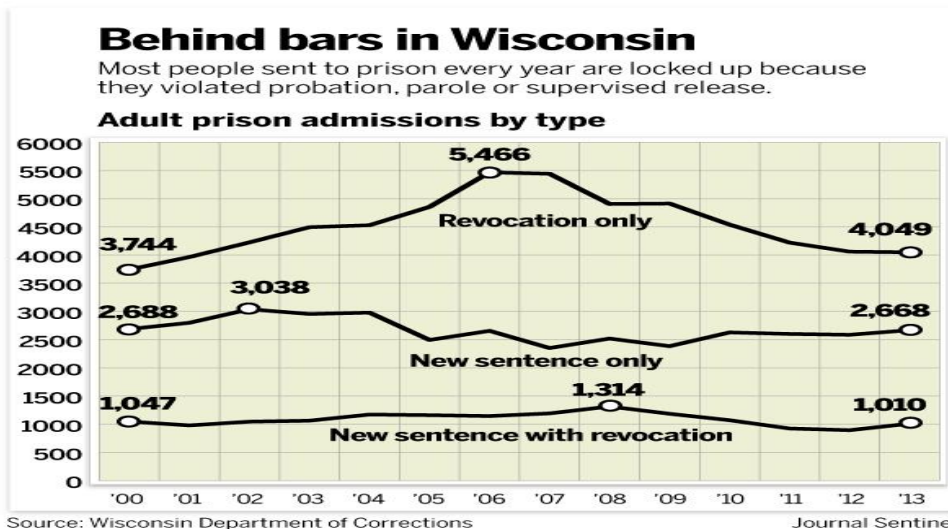
## What is Revocation?

A revocation occurs when Department of Corrections (DOC) officials re-incarcerate an individual who is on probation, parole, or extended supervision for . . .

- committing a new crime OR
- violating a rule of supervision that does NOT involve a new crime.

What we call ***crimeless revocation***, the DOC calls “revocation only”: both terms refer to re-incarceration of a person who has not been convicted of committing a new crime.

## Crimeless Revocations Play a Central Role in Maintaining Mass Incarceration in Wisconsin



The majority of people released from prison have 25-55 Rules of Supervision to follow. If they violate a rule, DOC officials can re-imprison people for acts like:

- accepting a job offer without prior agent approval
- unauthorized computer or cell phone use
- crossing the county line
- missing an appointment
- failing an alcohol or drug test
- entering a bar
- borrowing money
- malfunctioning of DOC’s GPS system

## Examples of Crimeless Revocations

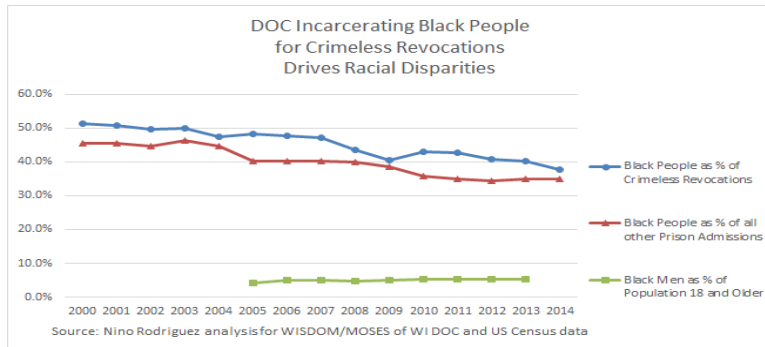
- Although Hector Cubero adjusted well to life on the outside after spending more than 27 years in prison, his agent decided to send him back to serve a life sentence because he gave a tattoo to a teenager who lied about his age.
- DOC sentenced a WISDOM member to four years in prison for creating an email account without prior agent approval.
- The DOC forced one Milwaukee man to spend three years in prison for failing a drug test and missing an appointment with a treatment provider.
- The agent of another WISDOM leader forced him to spend 18 months in prison for admitting, during a lie detector test, to alcohol and drug use and having unauthorized sex.

## Costs of Crimeless Revocations

Incarcerating individuals for crimeless revocations . . .

- destroys lives (people often lose jobs, housing, and the opportunity to support their families),
- contributes to overcrowding in jails,
- adds nothing to public safety in the vast majority of cases, and
- is fiscally irresponsible (imprisoning people for technical rule violations regularly costs taxpayers over \$150 million dollars per year).

## Racial Disparities in Crimeless Revocations



- The high rate of crimeless revocations among Black men helps explain why Wisconsin imprisons Black men at a higher rate than any other state.
- Although Black males constitute just 5% of adult males in Wisconsin, they accounted for 39% of all crimeless revocations in 2014.
- Crimeless revocation of Blacks is 12 times the rate for Whites (compared to the general population).
- Crimeless revocation is the primary reason that Black people are admitted to prison in Wisconsin.
- About half of all Black individuals that Wisconsin sent to prison over the last 15 years were not convicted of new crimes. Public officials incarcerated these people for rule violations.

## Some Potential Solutions

1. Develop Community Revocation Panels.
2. Do not hold people in county jails while awaiting the hearing before the administrative law judge.
3. During the revocation process, release on bail all people on supervision who get picked up for rule violations that do not involve new crimes.
4. Require more agents to obtain training in how to work with people who suffer from mental illness.
5. Create a system of incentives that rewards agents for the success of individuals under their supervision.
6. Hire more social workers to work as agents.
7. Count good time served on supervision as time served.
8. Develop more alternatives to incarceration programs.
9. Enable a person who gets revoked to see a circuit court judge for sentencing.
10. Place a cap of 30 days on the amount of time that parolees and probationers can be imprisoned for the most common types of rule violations.
11. Increase the use of “quick dips” (the strategy of sending people who violate technical conditions of supervision to jail for two or three days instead of immediately sending them to prison for years).
12. Enact Assembly Bill 309. This bill would place a cap of 3,000 per year on the number of individuals who can be imprisoned for crimeless revocations in Wisconsin. This bill would have three huge benefits.
  - a. It would reduce the number of people being sent back to prison each year by 1,000.
  - b. It would force the DOC to refine its priorities.
  - c. It would save taxpayers more than \$35 million dollars per year.
13. End the practice of incarcerating people for crimeless revocations!

## GET INVOLVED!

WISDOM’s Revocation Workgroup would be glad to have your support and participation. If you would like to get involved, join in our monthly phone call. The next one is November 24 at 7:00 p.m. To receive the agenda and call-in information, send an email message to the chairman, Mark Rice—ricemark@gmail.com.