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## THIRSTING FOR JUSTICE

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***Wisconsin's overuse of jails and prisons is out of control.*** A few facts give a sense of the overwhelming failure of our state's criminal justice system:

- Wisconsin has the nation's highest rate of incarceration for African American males AND for Native American males;
- Over half of all African American men from Milwaukee County in their 30's and early 40's have been or are incarcerated;
- The Wisconsin prison population has more than tripled since 1990;
- Wisconsin spends over \$1.3 billion per year on the Department of Corrections. The state's Corrections budget passed the University of Wisconsin budget as the destination for taxpayer dollars.

WISDOM is very concerned about the way things are going in our Wisconsin prison system. At this moment, in August 2016, we are living with:

- Staff shortages that threaten safety, good order and the health of corrections officers;
- The continued overuse of solitary confinement, especially of so-called "Administrative Confinement";
- The scandalous record of abuse and neglect at our two juvenile facilities, Lincoln Hills and Copper Lake, which were so severe and so ignored by the DOC that the federal government needed to intervene;
- The unexplained deaths of people inside the prison walls;
- Hunger strikes and forced feeding that paint a very inhumane picture.

Our state's commitment to mass incarceration has reached a point where it has broken the system. The most basic problem is not too few guards, too few programs or mismanagement. ***The biggest problem is that we have far too many prisoners.***

There are some things our state can do right now to improve the picture. Tonight, you will hear about five ways that Wisconsin could restore some humanity, some sanity, and some fiscal responsibility to its Department of Corrections. This is not all that needs to be done, but it would be a start.

## **Solitary Confinement**

Prison was once thought to be a place of rehabilitation. The out-of-control overuse of Solitary Confinement as a discipline and management tool has, for many, turned prison into a place where people are damaged, in many cases magnifying mental health issues that were the original cause of the behavior that led to incarceration. By again turning prisons into places of correction and rehabilitation, we can greatly increase the chances that those who leave the prison will do so once and for all.

The United Nations characterizes any use of Solitary Confinement for longer than 15 days as “torture.” Still, in Wisconsin there are people right now in Solitary Confinement who have been held there for more than a decade. Men and women in Solitary Confinement are kept alone in their small cell for 23 hours per day. For the other hour, they are permitted to go to another small area where they are still completely alone.

The Wisconsin Department of Corrections, in part as a response to groups like WISDOM, has somewhat decreased its use of Solitary Confinement. Still, they have not promulgated new Administrative Rules to make any changes permanent. The changes that have happened have been uneven: some institutions seem to have made major reforms, while others seem not to have changed anything.

## **Contaminated Water**

For too long incarcerated men in the Waupun and Fox Lake prisons have been served contaminated water. Both correctional institutions have been advised by Wisconsin DNR to correct their issues with lead, copper, metal and other pollutants in their water.

Many guards, visitors and those incarcerated complained about the yellowish, brownish, bad smelling and strange tasting water, but they have no idea about the severe health and safety risks associated with consuming the contaminated water made available at both prison facilities. Both Fox Lake and Waupun have recently participated in routine flushing of their lead and copper lined pipes, which means that they have been adding chemicals that are not safe for human consumption. However, people at both facilities report that they were not informed that they should not consume the water during the scheduled routine treatments. Since 2008, 18 water samples at Fox Lake exceeded the maximum contaminant level of 1.3 milligrams per liter for copper, and six samples exceeded the maximum contaminant level of 15 parts per billion (ppb) for lead, according to the DNR database. Fox Lake also has excessive levels of naturally occurring manganese, a metal that is considered dangerous to adults in high doses. This metal is known to turn water brown and give it a bad taste and smell. Fox Lake has posted a sign above their water bubblers advising visitors, staff and residents to, “Drink at your own risk”. What about the inmates who cannot afford to purchase water? What about the men who are in the prison’s medical ward, those on dialysis, those with kidney failure and those with other medical conditions?

Incarcerated individuals are forced to *purchase* water that is safe for human consumption, but they are faced with the high cost of the bottled water. Fox Lake charges \$7.60 for a case of 24, 16oz. bottles of water. Because prison has a limit for the number of cases of water that they can offer through canteen, due to the weight of each case of water, everyone who orders a case of water will not receive a case of water.

## **Parole for Parole-eligible Prisoners**

Nearly 3,000 people in Wisconsin prisons are eligible for parole. All of them were convicted of crimes committed before “Truth In Sentencing” was enacted in 1999. Prior to “Truth In Sentencing”, many people were given extremely long sentences by Wisconsin judges who understood that they would likely be paroled after 25% of their overall sentence had been served if they completed their programs and were deemed rehabilitated. Since the change in law, the percentage of eligible people granted parole has shrunk every year. Now, only a few get released.

Many who are denied parole are simply given the reason of “insufficient time served,” although there is no definition of that term, and they have already served many more years than the sentencing judge had envisioned.

The average cost to taxpayers for a Wisconsin prisoner is nearly \$50,000 per year. The average cost for an incarcerated person over age 55 is over \$100,000 per year. This year, Wisconsin taxpayers will pay more than \$125 million to hold parole-eligible people, even though many of them are considered so low-risk that they are allowed to leave the prison, unsupervised, for work assignments.

The legislature should call upon the Department of Corrections and Parole Commission to immediately review the status of all those sentenced under the Old Law and move to release those who can, and should be, freed immediately. If even one of every three were released, the budget could be reduced by more than \$40 million per year, and prison overcrowding would be eased considerably.

## **Compassionate Release**

As a percentage of population, the fastest growing group of Wisconsin prisoners are those over 60 years of age. Years of excessive sentences, coupled with an unwillingness to consider parole, has led to a need to build geriatric wings in prisons, and to spend enormous amounts of money on round-the-clock nursing care. Wisconsin, like most states, has reasonable laws on the books allowing for the release of prisoners who are aging and/or seriously ill. The problem is that this provision is very underutilized by the Department of Corrections. It is difficult for inmates to even learn they are eligible, or to get help with the application process. Even those who do apply are usually turned down.

Leaders of the ROC Wisconsin campaign Compassionate Release Subcommittee have worked with families and with nursing homes who have the ability and the willingness to care for these brothers and sisters in the final months or years of their lives.

The Department of Corrections needs to work at all levels to help eligible prisoners apply for Compassionate Release, then to grant the many requests that are reasonable.

## **Crimeless Revocation: A Failed Policy**

In June 2015, Governor Walker said that the “challenges in terms of people being incarcerated for relatively low offenses is not a significant issue in the state of Wisconsin.” Actually, it is a huge problem.

The first step to solving a problem is admitting you have one. Walker must face the fact that crimeless revocation (the practice of re-incarcerating individuals on probation, parole, or extended supervision for minor rule violations) is more than significant. It is a failed policy, a waste of money, and an embarrassment to Wisconsin.

We are talking about imprisoning people for minor infractions like unauthorized computer or cell phone use, crossing county lines, missing appointments, failing alcohol tests, and entering bars.

Incarcerating people for rule violations that do not involve new crimes destroys lives, contributes to overcrowded jails, adds nothing to public safety, and is fiscally irresponsible. Crimeless revocation plays a central role in maintaining mass incarceration in Wisconsin and in explaining why Wisconsin imprisons black men at a higher rate than any other state. Crimeless revocations accounted for about half of all new admissions to Wisconsin prisons since 2000.

Wisconsin taxpayers pay more than \$150 million each year to unnecessarily imprison individuals for crimeless revocations. This money should instead be used to build human potential.

### ***We Need a Statewide Summit on Corrections***

Our Corrections system is broken, and it cannot fix itself. WISDOM will continue to call for the Governor, the Legislature and the Department of Corrections to come together with all of the stakeholders at a statewide summit in early 2017. We need an open discussion of all the issues listed above, not with an eye toward blame but with an eye toward fixing things. We believe Wisconsin should start with greater limitation on solitary confinement, with a drastic reduction in crimeless revocations, with giving old law inmates an honest chance at parole. And, Corrections needs to be obligated to be much more transparent and accountable.

### ***Who Are We?***

- **WISDOM**

WISDOM is a network of faith-based organizations around the state, working locally and working together to make Wisconsin a more compassionate and fair place for everyone to live. WISDOM's local organizations can be found in Milwaukee (MICA), Racine (RIC), Kenosha (CUSH), Waukesha County (SOPHIA), Fox Valley (ESTHER), Green Bay area (JOSHUA), Manitowoc (RUTH), North-central Wisconsin (NAOMI), Eau Claire area (JONAH), Madison (MOSES) and Beloit (JOB). Most of our members are congregations, from 19 different faith traditions, but all people of good will are welcome to be part of us. Contact us, and we can connect you to the people in your area.

- **EXPO**

EXPO (EX-Prisoners Organizing) is comprised of men and women who have experienced incarceration, as well as the loved ones of people in prison. EXPO is part of WISDOM, and has local chapters. EXPO provides leadership training and mutual support for its members. EXPO is at the center of ROC Wisconsin, providing leadership on many of the issues we address. EXPO currently has active chapters in Eau Claire, Madison and Milwaukee, with new chapters being formed in Green Bay, the Fox Valley and Racine/Kenosha. EXPO works to end mass incarceration, to eliminate all forms of structural discrimination against formerly-incarcerated people, and to restore formerly-incarcerated people to full participation in the lives of our communities.



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## **ROC Wisconsin: Restoring Our Communities, Beyond 11x15**

The WISDOM campaign to end mass incarceration in Wisconsin is ROC Wisconsin. The four principle aims of the campaign are:

- **For Wisconsin to invest in the programs and strategies that will end the racial and economic disparities that fuel mass incarceration.**

We recognize that the criminal justice system is connected to our educational, housing, health care, transportation and economic systems. The criminal justice system is both a result and a contributor to the systemic racism and economic inequities that attacked most convicted people long before their first arrest. Reform of the criminal justice system is an important part of the broader goal of ending systemic injustice in our state and nation.

- **For Wisconsin to reduce its prison population to 11,000, and to reduce the number of people on extended supervision.**

We have challenged Wisconsin to reduce its prison population by half, to 11,000. That goal is achievable, it is in line with the best practices of other states, and it can be accomplished if the people of our state demand that our leaders be smart on crime and strong on justice. At the same time, the number of people on extended supervision must be reduced to reasonable levels.

- **For Wisconsinites to view people who have been convicted of a crime as human beings, members of families, and assets to the community.**

Those convicted of a crime are people - not statistics. Every human being is capable of growth and change. Even as we debate the most appropriate way to keep our communities safe and to rehabilitate those who have committed crimes, the ROC Wisconsin campaign is dedicated to lifting up the irrevocable humanity of every person in our state, with no exceptions.

- **For formerly-incarcerated people to be restored to full participation in our communities, our economy and our civic life.**

ROC Wisconsin seeks policies and laws that provide those who have spent time in jail or prison opportunities to work, to continue their education, to live in decent housing, to regain their full citizenship, and to be free of fear of being sent back to prison if they do not commit a new crime.