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## Rep. Sanfelippo public testimony on the Victim Prevention Package

Chairman Schraa and committee members, thank you for holding a public hearing on Assembly bill's 87, 90, and 94 which are part of our victim prevent package.

The Victim Prevention Package uses our two-pronged philosophy: ensuring dangerous, violent repeat offenders are unable to continue victimizing our communities by removing them from our streets and continuing to provide evidence-based alternatives to incarceration.

Over 39% of violent criminals return to prison following their release from prior conviction, and we cannot allow repeat offenders to continue terrorizing our communities. Action must be taken, and this package of bills is a good start to addressing these serious issues plaguing both urban and rural communities across our state.

Based on current practices, it seems as though the criminal justice system has become more focused on the offenders and less focused on the victims they prey upon. To effectively deal with crime in our state, we need to find more of a balance between rehabilitating offenders and preventing victims. This package of legislation begins that conversation.

According to Milwaukee Police Department data, in 2016 there were 102 unique offenders arrested for habitual criminality, as defined in Wisconsin State Statute 939.62. From January 1st, 2007 through December 31st, 2016 these 102 offenders were arrested 945 times for a total of 2,628 crimes. The offender with the greatest number of arrests has been arrested 37 times in that ten year period.

According to the State Department of Justice, about 31% of offenders released from prison in 2011 were convicted of a new crime within 3 years of their release. The department also tells us that 35% of offenders released after 1 year or less of prison re-offend, 31.2% of offenders released after 2-3 years in prison re-offend and that 15.7% of offenders released after 5 or more years in prison re-offend. For some individuals prison time is the best deterrent to committing future crimes.

Assembly bill 87 removes the time limit on a restrictive custody sanction under the Serious Juvenile Offender Program. More specifically, this bill removes the three-year limit on the amount of time the Department of Corrections may place certain juveniles participating in the Serious Juvenile Offender Program in secured detention facilities. It will fulfill the Department of Corrections public safety responsibility for a small number of disobedient youth who must be released to the community after three years of confinement, regardless if they are a serious threat to the public. This bill affords the Department of Corrections with proportionate sanctions that will be imposed if they demonstrate behaviors that put the public at risk.

Assembly bill 90 includes all felonies as acts for which a juvenile may be placed in correctional placement or the Serious Juvenile Offender Program. This bill permits judge's broader discretion when sentencing juveniles to the serious juvenile offender program or correctional placement. Currently, only juveniles found guilty of certain serious felonies can be sentenced to these programs. This bill provides that if a juvenile is found guilty of what would be a felony if committed by an adult, they can be sentenced to the serious juvenile offender program or placed in a correctional facility. This legislation simply expands the number of felonies a judge can consider when sentencing a juvenile to these programs.

Assembly bill 94 directs the Department of Corrections to recommend to revoke parole, probation, and extended supervision if a person is charged with a crime. Assembly bill 94 requires that when a person on probation is charged with committing a new crime, the Department of Corrections shall initiate revocation proceedings, affording the court more oversight. This bill holds individuals on probation accountable to abide by the law, knowing that if they commit a new crime while on probation, swift sanctions will be imposed.

STATE SENATOR  
**Leah Vukmir**

**Assembly Committee on Corrections**

Tuesday, May 16, 2017

**Victim Prevention Package**

Assembly Bills 87, 90 & 94

Chairman Schraa and committee members, I would like to express my sincere gratitude for giving Representative Sanfelippo's and my bills a hearing. This legislation is part of our Victim Prevention Package that addresses the rapidly growing problem of violence in our state.

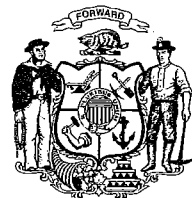
Over the past five years, national crime rates as a whole have dropped, but sadly Wisconsin's have risen. According to the Uniform Crime Report compiled by the Department of Justice from 2011 to 2015, Wisconsin saw a 72.6% increase in murder, 2% increase of sexual assaults, 13% increase in robberies, 21.5% increase in aggravated assaults, and 50% jump in motor vehicle thefts from 2013.

As a result of system failures, we are allowing violent criminals who have victimized our communities in the most egregious manner the ability to continue to do so.

**Assembly Bill 87** removes the three-year maximum term of confinement for juveniles placed in the Serious Juvenile Offender Program. This bill is a Department of Corrections ask to fulfill its public safety responsibility for a small number of disobedient youth who represent a serious threat to the public, but must be released into society.

**Assembly Bill 90** before you today affords judges more discretion by allowing them to consider more felonies when sentencing juveniles in correctional facilities. Current law does not allow for habitual juvenile offenders to be placed in a correctional facility, unless that juvenile commits an extremely egregious crime. This bill allows judges to consider the totality of a juvenile's record and gives them more latitude when sentencing.

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**Assembly Bill 94** requires that when an individual is on probation and commits a crime that is punishable by a term of confinement, the probation agent shall recommend that individual be revoked from probation, parole or extended supervision. This simply requires the probationer to appear in front of a judge for a hearing to determine if they are still eligible for probation, parole or extended supervision.

When we focus on converting crime statistics into numbers and dollars, we often lose sight of the victims and the brutality they have endured, the anguish their families have gone through. It is with those people in mind that I bring these bills before you.

These bills are simply the beginning of our effort to combat our rising crime issues and make law abiding residents our first priority. Thank you again for allowing me to testify on bills from our victim prevention package.



# Wisconsin State Public Defender

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Assembly Committee on Corrections  
Public Hearing on Assembly Bill 90  
Tuesday, May 16, 2017

The State Public Defender (SPD) is the agency in Wisconsin which ensures that the state meets its constitutional and statutory requirement to provide counsel to financially eligible defendants. SPD also provides representation in juvenile proceedings.

SPD's concerns are similar to but more acute than for Assembly Bill 87. By expanding the types of crimes that qualify for the Serious Juvenile Offender Program to include any crime classified as a felony if committed by an adult, there will be a significant expansion in the number of juveniles placed at Lincoln Hills. For similar reasons stated in our testimony on AB 87, placement at Lincoln Hills is not an effective way to reduce recidivism and is less cost effective than nearly every other alternative.

The Serious Juvenile Offender Program was created as a way to impose more serious punishment through more severe types of incarceration. The Legislature, in the legislative intent section of Chapter 938, has stated that the goals of the juvenile justice system include conducting an "individualized assessment" and diverting "juveniles from the juvenile justice system through early intervention." To be sure, the intent recognizes the need to protect public safety as well. By treating all adult felonies as equally serious juvenile offenses, the individualized assessment is removed from the equation. In current law, by enumerating individual serious juvenile offenses, the legislature has recognized that some felony offenses committed by juveniles do not carry the same level of culpability when committed by a juvenile. While a juvenile charged with felony retail theft (a \$500 value threshold) can still be sentenced to Lincoln Hills based on an individualized assessment under current law, this bill assumes that all juveniles committing that crime are serious juvenile offenders.

Research and data suggest that juveniles are not capable of the same cognitive process as adults. By treating all juveniles accused of committing an adult felony the same, we will not effectively address the needs and root causes of the delinquent behavior.

I strongly support the idea that any violation of the law that would be a felony if committed by an adult should also be a felony if committed by a juvenile. There are too many stories in the press of victims severely injured or killed in car jackings, robberies and other felonies. It's time to stop feeling sorry for the perpetrators and consider the victims whose lives have often been ruined or taken.

Putting a teenage felon in a juvenile center for a limit of three years may just put him or her back on the street too soon and see that person go right back to their felonious behavior. A longer term may serve a) as a deterrent and b) provide time for rehabilitation.

And, that having been said, there must be some attempt at rehabilitation. Judging from the stories about Lincoln Hills, rehab is not happening. So while I am very much in favor of longer sentences, I don't believe they will be effective without serious rehabilitation.

And any felon, juvenile or adult, who commits another crime while under supervision or probation, should be put right back into detention for as long as deemed necessary. The safety of the public depends on this. Too many violent felons are released to subsequently do more harm, often in a very short period after their release.

If I were given a vote on Assembly Bills 87, 90 and 94, I'd vote for each of them. For too long the justice system has made excuses for criminals. It's time to consider the victims, their families and the effect on our communities.

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