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May 16, 2017

## 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.

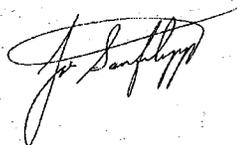
Assembly bill 90 includes all felonies as acts for which a juvenile may be placed in correctional placement or the Serious Juvenile Offender Program. This bill permits judge's broader discretion when sentencing juveniles to the serious juvenile offender program or correctional placement. Currently, only 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.

The cost to families victimized by violent criminals is much higher than it is for taxpayers to keep our communities safe. I expect that you may here some of their stories here today.

I ask you that support Assembly bills 87, 90, & 94.

Thank you again for listening to my testimony on the Victim Prevention Package. I'm happy to answer any questions you may have.

A handwritten signature in black ink, appearing to read "Joe Sanfilippo". The signature is written in a cursive style with a large initial "J" and "S".

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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**Kelli S. Thompson**  
State Public Defender

**Michael Tobin**  
Deputy State  
Public Defender

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Assembly Committee on Corrections  
Public Hearing on Assembly Bill 87  
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.

Assembly Bill (AB) 87 raises concerns about the goals of the juvenile justice system to “equip juvenile offenders with competencies to live responsibly and productively.” (s. 938.01(2)) Providing for longer terms of incarceration in a type 1 juvenile correctional facility is counter-productive in achieving that goal.

Extending the amount of time a juvenile adjudicated delinquent spends in a type 1 detention facility is not an evidence-based strategy to reduce recidivism upon release.

At this point, the only type 1 detention facility in Wisconsin is Lincoln Hills School and Copper Lakes School for Girls in Irma, Wisconsin. Sending juveniles to Lincoln Hills for longer periods of time will be counter-productive to the stated goals of this proposed legislation. The contributing factors for juvenile delinquency, most significantly poverty and lack of educational opportunities, will not be solved by additional incarceration. If the intent of SB 52 is to reduce recidivism rates, longer periods of incarceration are not the most efficient and cost-effective way of accomplishing the goal.

Protecting the long-term safety of the community requires consideration of not only the immediate decision regarding detention but also the lifetime of potential for that juvenile to be a productive member of society. SPD recommends that the committee not forward Senate Bill 52 to the full Senate.

Scott Walker  
Governor



Matt Strittmater  
Chair

Mishelle O'Shasky  
Vice-Chair

Julie-Anne Braun  
Second Vice-Chair

State of Wisconsin

**Wisconsin Council on Mental Health**

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**Wisconsin Council on Mental Health**

**Testimony on AB87 and AB90**

**Assembly Committee on Corrections**

**May 16, 2017**

The Wisconsin Council on Mental Health (WCMH) is the statutorily-created, Governor-appointed advisory council on mental health. The WCMH wishes to provide this testimony in opposition to AB87 and AB90, both concerning modifications to the statute regarding the Serious Juvenile Offender Program (SJOP). The Council appreciates the opportunity to outline our concerns with these proposals.

As recently as 2013, Wisconsin was recognized as one of nine "comeback states" for juvenile justice reforms as noted by the National Juvenile Justice Network and the Texas Public Policy Foundation's Center for Effective Justice.<sup>i</sup> Praiseworthy factors across the states surveyed included providing evidence-based alternatives to confinement, and closing or downsizing youth confinement facilities.

However, the outdated model of large-facility confinement is still unfortunately central to Wisconsin's youth justice system, despite "an increasing body of research suggesting that for many serious youth offenders, well-designed community based services can be more effective in reducing reoffending behaviors and increasing youth's positive engagement on the community than institutional confinement."<sup>ii</sup> Research also confirms that sanctions do not correlate well with youth's future behavior, while punitive measures are not the best approach for keeping communities safe, and longer stays in youth confinement facilities are ineffective in reducing offending.<sup>iii</sup>

Mental health challenges are a significant concern for Wisconsin youth receiving the level of restrictive placement specified in the Serious Juvenile Offender Program. According to Department of Corrections materials for the Juvenile Psychology Internship at Lincoln Hills/Copper Lake, the SJOP three-year commitment is the second-most frequent form of commitment to Lincoln Hills/Copper Lake.<sup>iv</sup> Fully half of youth at Lincoln Hills/Copper Lake have received mental health treatment before arriving at the facility, and others need treatment they have not previously received. In addition, a majority of youth at both facilities have experienced adversities that are strongly associated with mental health challenges. Nearly 2/3 of males and over 4/5 of females had an Adverse Childhood Experience (ACE) score of 3 or more.<sup>v</sup>

Both AB87 and AB90 would move Wisconsin in a direction that is counter to our best understanding of the current research.

AB87 promotes longer holds of youth offenders, a practice that is neither evidence-based nor recovery-oriented. Rather than promoting safety, research indicates that longer confinement does not reduce offending and can actually be counter-productive, as successful community re-entry becomes more

difficult. Increasing the 3-year time limit would decrease safety both for our communities and for our youth. Extended incarceration is not effective as a deterrent to criminal behavior, does not determine better outcomes for rehabilitation, nor is it in keeping with a developmentally-informed approach to rehabilitation.

AB90 significantly expands the list of offenses for which a youth age 14 or older may be placed in the SJOP, to include any offense that would be a felony if committed by an adult. This approach departs from a nuanced and developmentally-informed understanding that criminal offenses vary in type and severity and are contextually based. The proposal also extends, and promotes, a detrimental one-size-fits-all threshold for dangerousness to the public. Expanding the list of SJOP-eligible offenses to all felonies would more than double the number of acts that would qualify, creating a substantial increase in the number of youth being placed in secure confinement, particularly at Lincoln Hills/Copper Lake.

Mental health concerns relating to secure confinement for youth in Wisconsin have been heightened by the ongoing investigation regarding child abuse and neglect at Lincoln Hills/Copper Lake, as well as the recent suit regarding inhumane use of pepper spray and solitary confinement/isolation. Isolation can have profoundly negative mental health effects, including anxiety, depression, cognitive disturbances, perceptual distortions, obsessive thoughts, paranoia, and psychosis.<sup>vi</sup>

The WCMH priorities for the 2017/19 state budget also reflect the Council's extreme concern regarding the current situation at Lincoln Hills/Copper Lake. WCMH budget recommendations include both a review in the short term by independent experts regarding the restrictive housing facilities and the use of isolation, and a longer-term stakeholder process to examine the entire Wisconsin juvenile justice system and make recommendations for an evidence-based redesign featuring a regional model of small, safe, and treatment-oriented facilities to replace the current large-facility model.

The current concerns at Lincoln Hills and Copper Lake only serve to underscore the inadvisability of expanding the SJOP through increasing how long youth are confined via AB87, or increasing the length of time youth are confined via AB90. The Wisconsin Council on Mental Health opposes both AB87 and AB90, and recommends that neither proposal be advanced.

Sincerely,



Matt Strittmater  
Chair, Wisconsin Council on Mental Health

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<sup>i</sup> <http://archive.jsonline.com/newswatch/212000131.html>

<sup>ii</sup> <http://www.wccf.org/assets/State-of-Juvenile-Justice-20161.pdf>

<sup>iii</sup> <http://www.pathwaysstudy.pitt.edu>

<sup>iv</sup> <http://doc.wi.gov/Documents/WEB/Employment/EMPLOYMENTOPPORTUNITIES/Internships/Current%20DOC%20Juvenile%20Psychology%20Internship%20Brochure.pdf>

<sup>v</sup> <https://www.documentcloud.org/documents/2809740-Trauma-Informed-Care-Lincoln-Hills.html>

<sup>vi</sup> <http://jaapl.org/content/38/1/104>

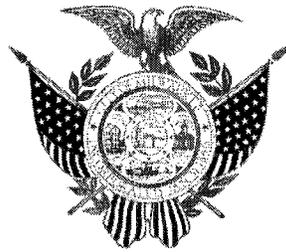
**COMMITTEE ASSIGNMENTS**

**CHAIR**

- Public Safety

**MEMBER**

- Public Works
- Steering and Rules
- Anti-Graffiti Policy



**ROBERT G. DONOVAN**  
ALDERMAN, 8TH DISTRICT

May 15, 2017

Rep. Sanfelippo  
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Dear Members of the State Legislature,

I am writing today in support of Assembly Bill 87, 90 and 94. As elected officials, I believe we are all well aware that the current juvenile justice system is in need of some serious changes in order to address the most violent juvenile offenders.

Rehabilitation efforts are important, but at some point we need to distinguish between the one-time non-violent offenders and the repeat offenders whose violent acts have proven that they pose a serious danger to our community. We have a right to protect our society from dangerous criminals and unfortunately in some cases, these criminals are juveniles.

All three of these bills are a move in the right direction. These bills make clear distinctions between the dangerous offenders and those who are not, and I believe it is in the best interest of Milwaukee residents to move forward with all three.

Cordially,

Robert G. Donovan  
Alderman, 8<sup>th</sup> District

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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