CINDI DUCHOW

STATE REPRESENTATIVE • 99th ASSEMBLY DISTRICT

(608) 266-3007
Toll-Free (888) 534-0099

Rep.Duchow@legis.wi.gov
RepDuchow.com
P.O. Box 8952
Madison, WI 53708-8952

Assembly Committee on Judiciary
Testimony on 2023 AB 54
March 2, 2023

Thank you Chairman Tusler and members of the Committee for this opportunity to testify on Assembly Bill 54. I would also like to extend my thanks to Sen. Wanggaard for his partnership on this legislation.

You're all familiar with the proposed constitutional amendment on pretrial release that came through this committee in January. This sunrise bill, AB 54, is a straightforward bill that implements some necessary statutory changes if voters approve the constitutional amendment on bail on April 4th.

As you may recall from our testimony on those joint resolutions, the proposed constitutional amendment creates two phrases that the legislature needs to define. Those are "serious harm," and "violent crime." Currently, there is no definition of "serious harm" in state law, but several places where "violent crime" is defined. This bill creates those definitions.

The definition for "serious harm" was developed by examining the current statutory definitions of "harm," "mental harm," "bodily harm," "substantial bodily harm," "grievous bodily harm," "great bodily harm," and "serious bodily harm." Under the bill, serious harm is defined as any of the following: Personal physical pain or injury, illness, any impairment of physical condition, or death, including mental anguish or emotional harm attendant to the personal physical pain or injury, illness, or death; Damage to property over $2,500 in value; Economic loss over $2,500 in value.

This bill creates the definition of "violent crime" by gathering the current definitions of "violent crime" appropriately for courts to reference. We've also gone over each criminal statute to make sure that we included all crimes that can fairly be described as violent. Finally, the bill makes other minor statutory changes to implement the constitutional amendment.

Thank you for your time today. I'm happy to take any questions.

Van H. Wanggaard

Wisconsin State Senator

FOR IMMEDIATE RELEASE
March 1, 2023

CONTACT: Van Wanggaard
608-266-1832

TESTIMONY ON ASSEMBLY BILL 54

Thank you Mr. Chairman and Committee Members for this hearing today on Assembly Bill 54.

At this committee's last meeting in January, the committee passed AJR 1, reforming Wisconsin's outdated constitutional restrictions on bail. In just a few weeks, voters will have an opportunity to ratify the proposed amendment.

At the committee hearing in January, Representative Duchow and I promised that a trailer "sunrise" bill would be coming allowing the proposed constitutional amendment to be effective if ratified by the voters. This is that bill. The bill defines the terms "violent crime" and "serious harm" for the purposes of the proposed amendment. Assembly Bill 54 also makes the appropriate cross-references in the existing bail statutes should the amendment be approved.

The meat of the bill is the definitions of "Serious Harm" and "Violent Crime," and I want to explain how we came up with the definitions.

Although the term "serious harm" is used multiple times in statute, it is undefined. For the purpose of bail, we developed a definition of "Serious Harm" by evaluating the many existing statutory definitions of "harm," "mental harm," "bodily harm", "grievous bodily harm," "substantial bodily harm," "great bodily harm," and "serious bodily harm" throughout the statutes and finding the right balance. The dollar amounts in the definition are tied to the current amounts for felonies, $2,500.

For the definition of "Violent Crime" we consolidated the three existing "violent crime" statutes into a single definition. We then looked at the rest of our criminal statutes and added several crimes which are not currently defined as violent in statute, but certainly contain violent elements or crimes where violence is potentially imminent. We also removed operating a motor vehicle without consent, and failure to prevent child abuse from the new violent crime definition because we did not feel the elements of these crimes contained elements of violence.

I also want to point out the non-statutory language and effective date of the bill. This bill only becomes effective if one or both of the amendment questions are approved by voters in April.

Passing this bill will prevent judicial confusion about the meaning of the terms "Serious Harm" and "Violent Crime" if voters approve the constitutional amendment in April. I think you will find that the process we went through to develop these definitions was thorough and thoughtful. The definitions are rooted in existing statute and only slightly modified for the purposes of this bill. And I hope it has earned your support.

State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510
E-Mail: Sen.Wanggaard@legis.wi.gov • SenatorWanggaard.com

Wisconsin State Lodge
Fraternal Order of Police

PO Box 206 West Bend, WI 53095

Ryan Windorff President | **Mark Sette** Vice President | **Shane Wrucke** Secretary | **Aaron Peterson** Treasurer | **Randy Winkler** Second Vice President. | **Sean Marschke** Sergeant at Arms

Don Kapla Immediate Past President | **Jerry Johnson** National Trustee

March 2, 2023

Wisconsin Fraternal Order of Police Testimony in Support of Assembly Bills 52, 54, 57, & 70

Assembly Committee on Judiciary

Thank you, Representative Tusler and fellow committee members for the opportunity to provide testimony in support of Assembly Bills 52, 54, 57, and 70. My name is Mark Sette, and I am the Vice President of the Wisconsin State Lodge of the Fraternal Order of Police. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 364,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 2,900 members in 26 lodges throughout the state. We are the voice off those who dedicate their lives to protecting and serving our communities. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement and employee representation.

Vehicle thefts in Wisconsin, most notably the City of Milwaukee, are reaching epidemic levels. Last fall the National Insurance Crime Bureau named Milwaukee a "hot spot" for vehicle thefts listing it 8th in the country for vehicle thefts in 2021, up from 66th just the year prior. In Wisconsin, vehicle thefts are charged under the statute titled "Operating Vehicle Without Owner's Consent". We can all agree that a suspect stealing an unoccupied vehicle parked on the side of the road, while wrong, is far less concerning than a suspect pointing a gun at someone commuting to their job and forcing them out of their vehicle to steal it. There are different charges under the Operating Vehicle Without Owner's Consent statute that provide increased penalties if a person possesses a weapon and uses or threatens to use force or a weapon, but they are not easily distinguished from someone stealing an unoccupied vehicle.

Assembly Bill 52 would create a new section in the statutes for "carjacking" that would better differentiate the two very different crimes and increase penalties if the suspect possesses a weapon and uses or threatens to use force or the weapon. We believe that defining "carjacking" as a separate offense will assist the public and the criminal justice system in identifying the true scope of the problem, properly classify these offenses as the violent crimes that they are, and the increased penalties would better address the severity of the act.

We are seeing a crime wave across Wisconsin, the likes we have not seen before. According to crime data from the Federal Bureau of Investigation, Wisconsin has seen a 29% increase in violent crime, and 171% increase in homicides from 2011 to 2021. We believe one of the most significant problems is the lack of accountability for those committing these crimes. When there are no consequences for breaking the law, more people will break the law and crime will continue to increase.

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Ryan Windorff President | **Mark Sette** Vice President | **Shane Wrucke** Secretary | **Aaron Peterson** Treasurer | **Randy Winkler** Second Vice President. | **Sean Marschke** Sergeant at Arms

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The concept of monetary conditions of release, or "cash bail", can be traced back to the infancy of our modern criminal justice system. The need to ensure the appearance of criminal defendants for proceedings and to protect the public from additional harm is an integral part of a civilized society. In recent years, we have seen this important safety mechanism eroded by a faction of rogue prosecutors in a failed social experiment they call "bail reform" and "criminal justice reform". A nationwide crime surge and recent tragic events, including right here in Wisconsin, have highlighted the fallacy of these policies, and brought it to the public's attention. Our communities are seeing the real-life consequences of what happens when elected officials embrace pro-criminal, revolving door policies and make decisions that put the interests of violent offenders ahead of public safety. This does not occur in every county, but criminals know no jurisdictional boundaries and citizens across the state suffer the consequences of these decisions no matter where they occur. These inconsistencies and failures of some officials require intervention from the legislature, and that is why we are here. As law enforcement officers, we know all too well the pain and suffering that the victims of a revolving door criminal justice system endure. We are on the front lines each and every day, not just risking our safety and our lives to apprehend these repeat offenders, but to console and help pick up the pieces of the victims who are lucky enough to survive.

Many officers, myself included, can tell you that they have personally arrested individuals for violent crimes who were released from custody, literally before the reports were even completed. We have listened to the pleas of victims asking us why we cannot protect them from their attackers who are back on the street. I have personally arrested defendants for crimes who were already out on bond who, when bail is set for their new case that included the new charges in addition to a bail jumping charge, were given an even lower bond than their initial one. Under current law, cash bail can only be imposed upon a finding that there is a "reasonable basis to believe that bail is necessary to assure the appearance of the accused in court". This language precludes court commissioners and judges from another essentially important consideration for pre-trial release, the protection of the public.

In April, the people of Wisconsin will be given the opportunity to vote to amend our state's constitution to allow court commissioners and judges to consider the "totality of the circumstances" when considering pre-trial release conditions for a defendant charged with a violent crime. These considerations include the seriousness of the offense charged; whether the accused has a previous conviction for a violent crime, the probability that the accused will fail to appear in court; the need to protect members of the community from serious harm; the need to prevent the intimidation of witnesses; and the potential affirmative defenses of the accused. We believe that these changes would offer the courts more latitude in imposing the necessary pre-trial conditions of release, including cash bail if necessary, to assist law enforcement officers in keeping our communities safe. Assembly Bill 54 would implement the language of the proposed constitutional amendment, if passed, into the statues.

Another way that offenders evade the consequences for their crimes is through plea agreements or deferred prosecution agreements with our extremely overburdened prosecutors in Wisconsin. Charges being dismissed or amended down negate the seriousness of the offense that was committed and sends a message that we, as a society,

do not take crime seriously. Assembly Bill 57 would require that a prosecutor get approval from the court before dismissing or amending charges for crimes of domestic violence, theft of an automobile, crimes against individuals at risk, sexual assault, crimes against children, felon in possession of a firearm, and reckless driving that causes great bodily harm. The courts would be required to consider the public's interest in deterring the commission of these crimes and the legislature's intent to vigorously prosecute individuals who commit these crimes when considering whether to approve the dismissal or amendment. This bill would also prohibit deferred prosecution agreements for any of the aforementioned offenses. This will send a message that the people of our state take these crimes seriously and at least slow down what has become a revolving door criminal justice system in many of our communities.

In the summer of 2020, we saw extremely violent riots across the country and right here in Wisconsin that resulted in vandalism, looting of businesses, and arson fires causing an estimated $2 billion in damaged and led to assaults, shootings, and even the loss of life of citizens and law enforcement officers. We saw agitators from across the country invade our communities for the sole purpose of creating disorder to promote their social and political agendas. Law enforcement stood by in what seemed like a helpless endeavor to attempt to maintain peace and protect the communities they serve from death and destruction. Many of those most responsible for inciting the destruction we saw have gone unpunished due to their lack of direct involvement in the acts themselves. Currently Wisconsin statutes do not clearly define what a riot is and does not differentiate violent acts that occur as part of these violent demonstrations. Assembly Bill 70 would provide a definition of a riot and make it a Class I felony to urge, promote, organize, encourage, or instigate others to commit a riot and a Class H felony to intentionally commit an act of violence while participating in a riot. These laws would give law enforcement, prosecutors, and the courts the needed tools to hold those who turn what otherwise may have been a lawful and peaceful protest into a violent mob responsible for their actions.

Thank you again for the opportunity to testify in support of these bills, and I am happy to answer any questions you may have.

Milwaukee POLICE Association
Local #21 IUPA

6310 WEST BLUEMOUND ROAD, MILWAUKEE, WI 53213
PHONE: (414) 778-0740 • FAX: (414) 778-0757 • mpa@milwaukeecops.org
www.milwaukeepoliceassoc.com

March 2, 2023

Good morning my name is Alexander Ayala and I am the Vice President of the Milwaukee Police Association where we represent 1,300 members of the rank and file of the Milwaukee Police Department.
I want to thank the chair and Co-chair and the entire committee and all authors of the bills in which I will be testifying in favor of this morning.

I have been with the Milwaukee Police Department for 23 years now. I have served as a police officer in patrol for 15 years working various districts and assignments. The last 7 years of my career I have been working as a Detective in the robbery unit.

So I sit here today as someone who has worked the street of the city of Milwaukee and has worn the uniform for many years and have collected years of experience.

The Milwaukee Police Association is in favor of the bills presented today. We think that these bills change the quality of life of people around the state, and especially in the city of Milwaukee where we have seen a very severe spike in crime combined with critical staffing shortages never seen before.

Just 3 weeks ago we lost a Milwaukee police officer one of our brothers in blue to the criminals that are running the streets of Milwaukee. 2022 saw record homicides at 224 and non-fatal shooting at 877. We need all the help that can get when it comes to funding our police department, so that we can be properly staffed and be able to implement the changes in these bills.

I believe that these bills will help address some of the issues that Milwaukee is currently experiencing.

AB-52 – Carjacking

We are in support of having a concise definition and a standalone statue that can categorize and define this very common and specific crime. This will also be helpful when presenting charges to a district attorney and it will show the severity of the crime that was committed. This will also be helpful for keeping accurate documentation of crime statistics. At the Milwaukee Police Department, we had to develop a separate tracking system to account for Carjackings so that they would not get lost in the Robbery crimes stats or the taking a vehicle without the owner's consent statistics. I also hope that the enhanced classification and penalties will help discourage people from committing this crime that affects not only the victim of the carjacking but future victims. It has been my experience as a Detective in the Robbery unit that suspects will commit a carjacking to then commit robbery sprees or other crimes leaving behind several innocent victims.

AB- 57 - Dismissing or amending certain criminal charges and deferred prosecution agreements for certain crimes.

We support this bill because of the revolving door that Milwaukee has become for criminals, and this has had a detrimental impact not only for Milwaukee but the communities that surround Milwaukee. Time after time we see someone arrested for a crime or several crimes only to later discover that some if not most charges were dismissed or amended to a lower crimes by a district attorney.

Now we understand that the workload for a DA is only growing, especially for Milwaukee county DA's, due to their staffing shortages and now it becomes the perfect storm of catch and dismiss.

We believe that the list of crimes set forth here are some of the crimes that have a high impact on quality-of-life issues and they should be an approval process in place if DA's are going to dismiss or amend charges.

AB- 70 Participation in a riot and penalties

This bill should hold accountable those who want to make a peaceful protest a violent one. Acts of violence while in a protest can incite a riot and those people need to be charged. Riots destroy neighborhoods, hurt innocent people, business and first responders that are trying to do their jobs.
I have now been involved in two separate incidents of protest that turned into riots. One in 2016 when a gas station was burned down in District 7 along with other business and squad cars. My second one in 2020 when as a detective and had to put on my riot gear and stand in line to protect our Police Administration Building located downtown. That day the group of several hundred people remained peaceful, but you could feel the tension in the air and at any moment the protest could turn into a riot.

Hopefully people will think twice about trying to instigate a riot.

Alexander Ayala

Vice President
Milwaukee Police Association

March 2, 2023

To: Chairman Tusler and Members of the Assembly Judiciary Committee

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 54, Bail Constitutional Amendment

Chairman Tusler, thank you for your willingness to hold a hearing on this legislation. We would also like to thank the authors, Representative Duchow and Senator Wanggaard for introducing this bill.

We ask for your support of Assembly Bill 54.

The language in Assembly Bill 54 proposes a constitutional amendment which provides that a defendant is eligible for release before conviction under reasonable conditions designed to protect members of the community from "serious harm as defined by the legislature by law," not just "serious bodily harm." The bill defines "serious harm," as required by the amendment, and harmonizes the statutes with the amended constitutional provision to allow the court to set reasonable conditions designed to protect members of the community from serious harm.

As members of law enforcement, we have witnessed violent offenders who were released from custody before the reports of their crimes were even completed. We have also heard from victims of crimes, who ask us in fear of how they can remain safe when their attackers are already back out on the streets.

The proposed constitutional amendment adds that, if the defendant is accused of a violent crime as defined by the legislature by law, monetary bail may be imposed if the court finds that there is a reasonable basis to believe that bail is necessary based on the totality of the circumstances.

The Wisconsin Chiefs of Police Association (WCPA) supports this bill because it protects members of our communities from serious harm and takes into consideration the totality of the circumstances. Both of these goals are positive steps in helping keep those in our communities safe. This is why the WCPA believes these changes to Wisconsin Constitution are needed.

The WCPA supports this legislation and asks that the committee move forward on Assembly Bill 54.

We would be happy to take any questions.

Wisconsin State Public Defender

17 S. Fairchild St. - 5th Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
www.wispd.org

Protecting Justice for all Since 1977

Kelli S. Thompson
State Public Defender

Katie York
Deputy State Public Defender

Assembly Committee on Judiciary
Assembly Bill 54
March 2, 2023

The State Public Defender (SPD) testified in opposition to Assembly Joint Resolution 1, second consideration of the amendment to change the constitutional language related to bail. For reference, I have attached a copy of that testimony to our material from today.

In summary, those concerns focused on the impact of this change on the number of presumed innocent individuals held in pre-trial custody, the workload impact on the criminal justice system as a whole, the potential broadness of the language of the amendment, and the lack of definition of "serious harm" and "violent felony" terms in the amendment. It is these last two points in particular (broad scope and defined terms) that lead us to express opposition to Assembly Bill (AB) 54.

The definitions of serious harm and violent offense will impact a significant number of people. This will increase the pretrial jail population and the number of people who have non-monetary conditions imposed. It will increase the number of speedy trial demands. Both of these changes will place a significant burden on an already overtaxed criminal justice system.

In addition the definitions undermine the presumption of innocence and present issues related to excessive bail under the 8th amendment. 'Excessive' isn't just a high cash bail amount, it's a sum total of the impact. A low-level charge combined with even a low level of cash bail amount that is prohibitive of release can be excessive.

The serious harm definition is broad to the point of encompassing nearly all possible situations. The definition under subsection a on page 4, lines 1-3 introduces language not found elsewhere in statute. Terms such as mental anguish and emotional harm can be found in some jury instructions, but are associated with concrete actions such as mental anguish associated with treatment by a mental health professional. Personal pain or injury could be broadly and differently interpreted to mean that even minor pain could be considered grounds to set cash bail.

The enumerated list of violent crimes attached to the co-sponsorship memo seem to define sections A and B of the list of violent crimes. Sections C, D, and E (page 4, lines 18-23) include other crimes such as criminal damage to property, criminal trespassing, disorderly conduct, or violation of an injunction. These three included subsections seem to go well beyond the stated intent of the amendment of focusing on violent crimes.

Consistent with our testimony on the constitutional amendment language itself, AB 54 lays out a framework that will undoubtedly increase the number of people that are held in custody on cash bail. Research has shown this does not promote public safety long term, and it undermines the presumption of innocence. AB 54 casts a wide net that will significantly expand the number of individuals who will have cash set as a condition of bail.

Wisconsin State Public Defender

17 S. Fairchild St. - 5th Floor
PO Box 7923 Madison, WI 53707-7923
Office Number: 608-266-0087 / Fax Number: 608-267-0584
www.wispd.org

Protecting Justice for all Since 1977

Kelli S. Thompson
State Public Defender

Jon Padgham
Deputy State Public Defender

Assembly Committee on Judiciary
Assembly Joint Resolution 1/Senate Joint Resolution 2
Tuesday, January 10, 2023

Good morning Chairmen and members,

Thank you for having this hearing on Assembly Joint Resolution (AJR) 1 and Senate Joint Resolution (SJR) 2, which proposes changes to the Wisconsin Constitution related to eligibility and conditions for release prior to conviction. The State Public Defender (SPD) is concerned that these changes will result in a significant increase in the number of people detained pretrial who are presumed innocent and do not pose a serious risk to the community.

It is a fundamental principle that individuals accused of committing a crime are presumed innocent until proven guilty. As the U.S. Supreme Court has noted, "[i]n our society social liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." (*United States v. Salerno*, 481 U.S. 739, 755, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987)). In determining whether to impose pretrial conditions of release under current law, a court first considers whether an individual is likely to appear at future court hearings. A monetary condition of release, bail, may be imposed only if the court finds that there is a reasonable basis to believe it is necessary to ensure the individual's appearance in court. The court may also impose any reasonable non-monetary condition of release to ensure a defendant's appearance in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. Courts also have the ability to deny pretrial release from custody to persons accused of certain violent crimes.

AJR 1/SJR 2 make several changes that run counter to the 5th and 8th amendments to the United States Constitution.

First, the resolution would add language to Article I of the Wisconsin Constitution requiring that judges consider four new factors in determining the amount of monetary bail imposed. These factors--the seriousness of the offense charged, a previous conviction for a violent crime, and the need to protect members of the community from serious harm or prevent the intimidation of witnesses--are appropriate when setting conditions of release, but are not appropriate considerations in determining how much money an accused person must post to be released pretrial. These four new factors are prefaced with the language that the judge or court commissioner must consider the "totality of the circumstances." This broad phrase would seem to indicate that Judges are free to use whatever factors they want to consider when setting cash bail. There is also a fifth factor included on page 2, line 14 regarding the "potential affirmative defenses of the accused." Practically, this is not a factor that anyone, including the client and their attorney, would know at the hearing to set bail. Including this as a factor to consider when

setting bail is neither practically feasible nor constitutionally permitted. Adding these considerations to the Constitution creates the likelihood that judges will set bail that violates the "excessive bail" prohibition under the 8th Amendment to the U.S. Constitution.

The second change to Article I suggested by the resolution, amending "serious bodily harm" to "serious harm" creates an ambiguity that is unworkable. The vague term "serious harm" would seem to encompass emotional, economic, or non-criminal behavior which, while perhaps not welcome, is not reason enough to deprive someone of their liberty through the imposition of cash bail. Given this overly broad standard, it is likely that far more people will be detained pretrial than under our current standards.

The anticipated effect of this language is that Wisconsin will see an increase in the number of people who are presumed innocent, and unnecessarily incarcerated while they await trial. This is also bound to result in lengthy, and costly litigation.

In addition, this proposal runs counter to what many other states are looking at when considering the future role of bail and monetary conditions in the criminal justice system.

The ballot questions contained in AJR 1/SJR 2 split the proposed changes into two questions. While Question 1, related to the earlier change in the Section 8(2) can stand alone, if the voters were to approve Question 2 but not Question 1, the redrafted section would contain contradictory statutory language. At the beginning, it would refer to "serious bodily harm" while further down in the section it would use the language "serious harm as defined by the legislature by law." This potentially creates two different systems - one where non-monetary conditions are based on serious bodily harm, but another where monetary conditions are based on serious harm as defined by the legislature.

A better model to consider is a preventive detention system that significantly disincentivizes the role that money plays in this system by instead primarily determining pretrial release on a case-by-case basis through the use of a risk assessment tool combined with judicial discretion. Persons are either determined to be of sufficient risk to be held in custody pretrial or are released with non-monetary conditions pending future court proceedings. This is an improvement over the current process, which allows people with access to money, though potentially high-risk, to be released before trial, while people who are low-risk, but who are unable to post even modest amounts of cash bail, often remain in custody.

Currently, more than 22 states and the federal courts use a preventive detention system rather than monetary bail. These systems have shown success in both protecting public safety (fewer crimes committed by persons released pretrial) and in reducing incarceration costs (fewer low-risk individuals in custody). A risk-based system that removes money as the primary determinant for pretrial release is both more fair and more protective of public safety than the current system in Wisconsin.

Attached to our testimony is a white paper prepared by the SPD examining the policy in several states and the lessons learned from the implementation. There is also a one page summary of the pretrial best practices. Briefly, those best practices include: that risk should be the sole factor in determining pretrial outcomes; that release on non-monetary conditions should be the default

outcome; that the use of cash bail should be restricted and that pretrial detention based solely on the inability to pay cash bail should be eliminated.

A recent overview of preventive detention in the United States prepared by the National Center for State Courts' Pretrial Justice Center can be found at: https://www.ncsc.org/__data/assets/pdf_file/0026/63665/Pretrial-Preventive-Detention-White-Paper-4.24.2020.pdf

In addition, there are empirical studies that demonstrate that the length of time someone is held pretrial has a measurable impact on future criminal activity. This is based on the principle that detaining both low and high-risk offenders in the same facility increases the likelihood of the low-risk offender engaging in future criminal behavior. When a low-risk defendant is held more than 2-3 days, they are 40% more likely to commit another crime after obtaining pretrial release. Being held 8-14 days pretrial increases the likelihood 51% that a low-risk defendant will commit another crime within two years after the completion of their case.

Cash bail is not an adequate measure of protecting public safety. It simply exacerbates the socioeconomic divide in the criminal legal system. Those with means can afford to post a cash bail amount, even if it is set high based on the totality of the circumstances. Those who are poor will often be held on cash bail amounts as low as $200 which, as the data above shows, actually increased the risks of future recidivism.

To reiterate the principles spelled out in the *Salerno* decision, bail should be the carefully limited exception, not the norm. Changing the constitution to make cash bail more pervasive in the criminal justice system makes changes that affect the vast majority of people arrested for low level crimes to try and predict public safety for the minority of those arrested. A comprehensive report on cash bail was released by the United States Commission on Civil Rights in January. It highlights a significant amount of data that shows the negative impact of cash bail without a corresponding increase in community safety. One national statistic highlighted was that nationwide in 2016, 5% of all arrests were for violent offenses, 83% were for low level offenses. In 2018 in Wisconsin, there were 247,794 arrests. 3.2% were for violent crime. Even adding in serious crimes that aren't necessarily violent, that number is 13.8%.

To provide additional context, on one day in May 2019, a county conducted a detailed review of the individuals being held in the jail. Out of 796 individuals, 82 were being held pre-trial on 135 new cases alone (another 17 individuals had both new charges and were being held for another reason such as probation revocation.) The median amount of cash bail for the 135 pending cases was $1,000. From the standpoint of the 82 individuals, the median cash bail amount was $2,750. Either way, these amounts were sufficient to hold these individuals who are presumed innocent pending trial. These are not amounts that most of us at this hearing would have difficulty paying, but on that day in 2019, those amounts were enough to account for 10% of the jail population. Making it easier to set cash bail of any amount will almost certainly increase the jail populations across Wisconsin and will make detention based on cash bail the norm, rather than the exception.

Thank you for the opportunity to testify on Assembly Joint Resolution 1 and Senate Joint Resolution 2. We urge the committee to strongly consider whether the resolution is the answer to

a perceived problem or whether a more comprehensive discussion by all criminal justice system partners should be held before amending the Constitution. As the U.S. Supreme Court has explained, "[u]nless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." (*Stack v. Boyle*, 342 U.S. 1, 4, 72 S.Ct. 1, 96 L.Ed. 3 (1951)).

Submitted by:
Adam Plotkin, SPD Legislative Liaison
608-264-8572
plotkina@opd.wi.gov