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# RON TUSLER

STATE REPRESENTATIVE • 3<sup>rd</sup> ASSEMBLY DISTRICT

Testimony Before the  
Senate Committee on Judiciary and Public Safety

on

Senate Bill 339

August 30, 2017

Mr. Chairman and members of the committee, thank you for the opportunity for a hearing on Senate Bill 339. This common-sense reform looks to lessen the disruption to the employment of criminals on probation.

Under current law, individuals on probation suspected of committing a parole violation are immediately confined until their parole revocation hearing, commonly called a PO Hold. These individuals remain in custody without work-release privileges. This time period of incarceration jeopardizes their employment. Their employment is critical, as it provides them with legally earned funds and maintains their attention towards meaningful duty. Employment creates stability. This bill and amendment extends the eligibility for Huber work-release program to individuals on a PO Hold.

Huber privilege eligibility would only be extended to individuals whose original offense was a misdemeanor and the parole violation was not a crime. The Department of Corrections still must determine eligibility for the program and may terminate participation in the Huber program at any time before the probation revocation proceedings. We are not allowing hardened criminals out onto the streets. We are giving the opportunity for individuals who made minor mistakes to maintain their employment.

There is solid evidence that inmates who participate in work-release programs have lower recidivism rates.<sup>1</sup> Further, participation in a work-release program doubles the chances of obtaining employment in the first three months after an inmate is released.<sup>2</sup> If encouraging employment decreases recidivism rates, than this legislation protects crime victims.

I urge you to adopt this bill and make a meaningful change in our criminal justice system. Thank you for your time and attention.

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<sup>1</sup> In Louisiana, 11.1% of prisoners participating in a work release program returned to prison after one year compared to 15.6% for those who did not participate in such a program. *See Work release programs Reduce Recidivism in Louisiana – At a Cost*, Prison Legal News, April 3, 2017 accessible at:

<https://www.prisonlegalnews.org/news/2017/apr/3/work-release-programs-reduce-recidivism-louisiana-cost/>.

<sup>2</sup> Bales, William, Catie Clark, Samuel Scaggs, David Ensley, Phillip Coltharp, Alexa Singer and Thomas Blomberg, *An Assessment of the Effectiveness of Prison Work Release Programs on Post-Release Recidivism and Employment*, Florida Dept. of Corrections & Florida St. Univ. College of Criminology and Crim. Justice, December 1, 2015.



**DAN FEYEN**

**STATE SENATOR**

18th Senate District  
(608) 266-5300  
Sen.Feyen@legis.wi.gov

PO Box 7882, Madison, WI 53707-7882  
<http://legis.wisconsin.gov/senate/18/feyen>

To: The Senate Committee on Judiciary and Public Safety  
From: Sen. Dan Feyen  
Re: Senate Bill 339

Mr. Chairman, members of the committee, thank you for holding this hearing today.

The intention of this legislation is to allow sheriffs to grant Huber privileges to an individual who committed a misdemeanor, was placed on probation, and was then placed on a probation hold due to a probation violation that is NOT a crime.

I think I can best illustrate the concept of this legislation with an example. An individual commits a misdemeanor. They serve the jail time or complete whatever penalty is necessary. They are then on probation. They get pulled over because they have a tail light out. They have a peaceful interaction with the police officer who gives them a ticket for having the light out. They forget to report this to their parole officer as "police contact". Their parole officer finds out about this contact with the police and begins revocation proceedings as they have broken a condition of their parole. While this individual sits in county jail waiting for their final hearing for a week, they lose their job. Our legislation aims to help this individual remain employed. They have committed no new crime; they're not a flight risk or a danger to others. So, at the judgment of the local sheriff, we would like them to be allowed Huber privileges before their final hearing.

Under the current system, it is highly likely our example individual would lose their job due to missing a week or more of work. The economic uncertainty created by a loss of employment creates a wave of other challenges that would threaten an individual's ability to stay out of our justice system such as housing insecurity, lack of legal income, loss of ability to pay child support, court fees, etc.

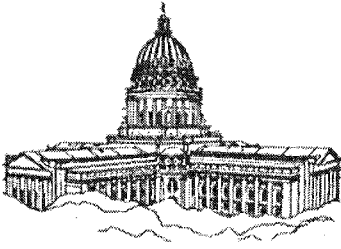
This legislation does not mandate anything. We are simply returning control back to the local level and allowing sheriffs the discretion to grant Huber to individuals in the revocation process if they see fit.

We see this as a common sense solution to help ensure offenders receive as seamless of a transition as possible between the correctional system and world of work in order to reduce recidivism rates and assist with post-release employment. Studies have proven inmates who participate in a work release program have lower recidivism rates. Research also shows inmates who participate in a work release program are up to two times more likely to obtain employment during the first 3 months after release than those who did not participate in a work release program.

You will see there is one amendment to this bill. In drafting the initial bill we did not include tribal jails which was simply an oversight. The amendment also allows tribal jails to grant Huber to their inmates as well.

Thank you for your time and consideration. I'm happy to answer any questions you may have.

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**LENA C. TAYLOR**

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

**Testimony of State Senator Lena C. Taylor  
Senate Committee on Judiciary and Public Safety  
Senate Bill 339 and Assembly Bill 345  
August 30, 2017**

Chairman Wannngaard, fellow members of the committee, thank you for allowing me the opportunity to submit written testimony for Senate Bill 339, relating to Huber release for probationers in a county jail, and Assembly Bill 345, relating to work release for inmates in Department of Corrections contracted facilities.

It is no secret that we need to change how we approach corrections. Far too often, our approach has been to lock individuals up and throw away the key. As of August 25, 2017, the Department of Corrections held over 23,000 adults in its facilities. According to the Milwaukee Journal Sentinel, Wisconsin's prison population is on track to hit record highs by 2019. The costs of mass incarceration are high. Families are separated. Wages and household income are lost. Taxpayers are stuck with the bill. Wisconsin now spends more on incarceration than it does for our landmark University of Wisconsin System. Between 2017 and 2019, taxpayers will spend over \$1.1 billion annually for the Department of Corrections. These outcomes are not the ones we need nor are they the outcomes we can afford.

In order to change outcomes, we need to change the inputs. By shifting toward community corrections and increasing opportunities to work, we can reduce recidivism and create second chances. Work programs and community release can help incarcerated individuals get valuable training and job skills. These are not the only the skills that can be taken away. Participants can learn soft and social skills that are invaluable to employment after release. Skills such as working in a team, meeting deadlines, and showing up on time may be obvious to us, but they may not be obvious to everyone. We need to meet people where they are at and create opportunities for growth, reflection, and rehabilitation. The Huber and work release programs are important tools that can provide these opportunities. They are inputs that will create the new outcomes that we need.

Chairman Wannngaard, members of the committee, I ask for your support for Senate Bill 339 and Assembly Bill 345. These bills will expand opportunities to work and allow individuals to gain skills that can meet today's workforce needs. We know that employment is crucial to reducing recidivism, and in the long-run, I am excited for the potential these bills have for cost-savings for taxpayers and new starts for work participants. These are important steps to change our approach, invest in community corrections, and improve our outcomes.

Thank you for your attention to these important issues.



# Wisconsin State Public Defender

17 S. Fairchild St. - 5<sup>th</sup> Floor  
PO Box 7923 Madison, WI 53707-7923  
Office Number: 608-266-0087 / Fax Number: 608-267-0584  
[www.wispd.org](http://www.wispd.org)

**Kelli S. Thompson**  
State Public Defender

**Michael Tobin**  
Deputy State  
Public Defender

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2017 Senate Bill 339  
Senate Committee on Judiciary & Public Safety  
Wednesday, August 30, 2017

The State Public Defender (SPD) would like to thank Senator Feyen and Representative Tusler for introducing Senate Bill (SB) 339. This bill allows Sheriffs or jail administrators the discretion to provide Huber release for individuals in jails who are being held for a violation of a probationary sentence for a misdemeanor.

The bill includes a number of safeguards to exclude individuals whose prior record shows a high risk of violent criminal conduct. The Sheriff and Department of Corrections will have the authority to allow Huber release. It only is available to persons originally convicted of a misdemeanor crime and whose sole reason for revocation is an administrative violation of the conditions of release, not alleged new criminal activity.

Maintaining employment is a key factor related both to recidivism as well as successful release. Strategies that serve to reduce recidivism also have the benefit of reducing future victimization.

This bill also provides an opportunity for employers to retain qualified and trained employees. If a current employee on probation is revoked, the employer may be in the best position to help the local Sheriff and jail administrator understand the potential risks and benefits in allowing their employee Huber release to continue working.

Thank you to this committee for having a hearing on SB 339. We urge members to support and forward this bill to the State Senate.