



LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION FUND

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ADMINISTRATION OF JUSTICE

The League's positions covering administration of justice were first adopted in 1957 and have been expanded several times since then. Extensive additions were made in the 1970's, with several reviews and updates since then. In a number of studies, many of the consensus positions focused on local communities, and since there were significant differences in communities, many local Leagues reached agreement in areas that were not shared by enough other local Leagues to reach statewide agreement. Therefore, the state Board authorized local Leagues to act on positions arrived at locally, provided that they were not in conflict with state positions.

COURTS

This position was adopted in 1957 and reviewed and reaffirmed in 1971.

The League took an active role in successfully securing passage of a constitutional amendment providing for a single level trial court and an intermediate appeals court. Two other League-supported improvements were passed, providing for a Chief Judge in each of 14 administrative districts in the state and uniform rules and procedures.

The League unsuccessfully continued its support for a constitutional amendment providing for the selection of judges based on qualifications established by citizen review. The League has recommended the establishment of a citizen's advisory review board to make recommendations to the governor for judicial appointments through a merit selection process. Some governors have chosen to do this, but there has been no effort to make this method a statutory requirement.

The jury selection position was used successfully when the League supported a bill

that broadened the base of jury selection by removing most exemptions and providing procedures to make jury administration more efficient.

The existing provision of legal services for the poor within the adult criminal justice system has consistently been supported by the League since the public defender program was first established. Adequate funding for the program in the state budget has been a political issue, especially in recent years.

LAW ENFORCEMENT

This position was adopted in 1973. While the League believes the state should set standards, it also recognizes the need for flexibility. Since law enforcement policy is developed locally by agencies that reflect local needs, local Leagues may use the state position to bolster their own positions in working for such procedures as citizen review boards or mandatory human relations training of personnel. The League believes that some hiring requirements are restrictive, effectively discouraging or eliminating women and members of minorities. Community needs can best be served when police are representative of the entire population. The League has opposed efforts to relax the minimum state training standards.

Laws that prohibit widely practiced behavior usually are not enforced. The League believes this situation tends to encourage disrespect for the law. Attempts to enforce such laws are inherently unequal and may lead to questionable police practices. The vagrancy statute is an example. It represents an improper use of the criminal sanction to deal with a social problem. The League does not support the use of marijuana but believes that most prohibitive laws are unenforceable. The League seeks laws that will be uniformly enforced and that are

worthy of respect. In 1983, the League worked hard for the successful passage of a bill that would remove non-commercial sexual behavior between consenting adults from the criminal statute.

CORRECTIONAL POLICY

It is the state's responsibility to own, operate and have oversight of prisons. It is the government's role to mete out justice and to provide rehabilitation and services. Public mechanisms provide for better scrutiny than private ones. Government must ensure that treatment is humane. It is in the interest of society to rehabilitate offenders. Higher quality staff will be drawn to state institutions because of better pay.

Private prisons would require more oversight and monitoring which could be difficult. There were questions regarding training of guards and low wages. Private facilities might want only better behaved prisoners and once established may raise costs.

The profit motive of private facilities could encourage an increase rather than a reduction in prison populations, which could then become a lobby bloc. The goal of a private prison is to make money; society's interest lies in providing treatment and services so that prisoners do not re-offend. Only a few corporations are in the prison business so there is little competition. When a private business loses a contract, it leaves an empty building that isn't an economic benefit.

There was support for public facilities using private contractors for specific services such as health care and education.

There was support for keeping Wisconsin residents in Wisconsin facilities. It was suggested that the state have regional facilities where one region keeps prisoners.

The ability of Leaguers to see the broad picture is both a blessing and a curse. In the consensus of 2003, it was difficult for Leaguers to remember that we were creating only an update on a specific portion of our entire Administration of Justice Positions, allowing us

to decide whether we would support or oppose the establishment of private correctional facilities in this state.

Most consensus comments eloquently addressed the need to reduce the prison population, to improve rehabilitation efforts, and to address current problems in the prisons. A careful reading of the Administration of Justice Positions reveals how clearly such issues are addressed, providing a basis for us to continue to take action on them.

This position was first adopted in 1973. The agreement on local jails dealt with the role of the state *vis a vis* the county and did not deal with the content of jail standards. However, in applying this position, the League can draw upon the specific standards established in the earlier concurrence statement dealing with conditions of punishment. These standards apply equally to prisons and jails.

League action in correctional policy began soon after member agreement was reached in 1975. In almost every session bills have been introduced asking for reinstatement of the death penalty in several forms in Wisconsin. The League has continued to oppose these bills in every session.

League has sought increased state support for correctional alternatives in the community and has supported several bills designed to remove barriers to employment for the ex-offender.

Under Human Resources and Correctional Policy positions, the League, working with the Coalition for Group Homes, secured passage of a law permitting the state to suspend local zoning ordinances to allow the establishment of small group homes in areas zoned for single families. It applies to a number of groups, including the developmentally disabled, juveniles, the elderly, ex-offenders, and alcoholics.

The "Truth in Sentencing" bill, passed in 1998, effectively put an end to parole in Wisconsin by requiring a felon to stay in prison for the entire sentence set by the judge. League strongly opposed every version of the bill, including the final one, for several reasons: it ignored other

approaches suggested by the Governor's task force on sentencing and corrections, it continues the high costs from prison over-crowding, and it does not effectively improve public safety.

(See also *Social Policy, Mental Health*)

JUVENILE JUSTICE

These positions were first adopted in 1975 and were reviewed and reaffirmed in 1991. A major reform of the juvenile justice system, which the League supported with a major effort, was accomplished in 1978. The revision specified procedures for due process in the juvenile court and modified some of the court procedures. It limited the use of secure detention and placed increased responsibility with the court for all major decisions regarding juveniles. It encouraged alternatives for disposition and temporary placement of juveniles.

The League strongly supported the Youth and Family Aids (YFA) program, which provides funds to help counties to establish and use local correctional means (group homes, foster homes, supervisory services). Since counties were given a lump sum for all corrections, whether at a state-run institution or at a local alternative facility, there is a financial incentive to use the least restrictive criterion to keep juveniles in the community. The League has continued to support adequate funding for this program. Local Leagues are encouraged to review how YFA funds are used in their counties.

The latter part of the 1980's saw a move by some legislators to make the Children's Code much more restrictive. The League gave qualified support to the extended jurisdiction bill in 1989, which extended court jurisdiction until the age of 21 or 25 of 14 or 15 year olds who commit serious crimes.

In 1995, supervision of juvenile delinquents was moved to the Department of Corrections from the Department of Health and Social Services. League opposed the move because services to juveniles in the court system are closely integrated with other services to children.

Other recent revisions in the juvenile code have made it more punitive and have blurred the

distinction between juveniles and adults. The League has opposed most of these changes. They include: lowering the age of delinquency from 12 to 10; making 17 year olds subject to the adult court; waiving juveniles to adult court at a younger age; allowing secure detention in county facilities as an appropriate disposition for juvenile offenses; and the elimination of jury trials for juveniles. League also opposed involving truancy in the court system.

The League did support new alternative dispositions available to the court.
