



Expungement reform will help nonviolent offenders find work

Badger Institute analysis: Current restrictions undermine lawmakers' intent, create obstacles to employment

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Madison – The bipartisan effort to strengthen Wisconsin's expungement law is a needed step that will allow nonviolent offenders to gain access to the workforce, according to Mike Nichols, president of the Badger Institute.

"The original intent of Wisconsin's expungement law was to clear minor criminal infractions from the records of offenders to avoid negatively affecting their job prospects," said Nichols. "But it hasn't worked very well. If legislators want to reduce the number of low-risk prisoners in Wisconsin's overcrowded prison system, changing the expungement timeline and eliminating age restrictions will significantly help. Helping ex-inmates get jobs lowers crime, saves money and helps law enforcement. We all benefit from that."



A 2017 Badger Institute report titled "[Black Robes & Blue Collars](#)" found that Wisconsin's expungement laws are ineffective because judges have to make the

decision at the time of sentencing rather than contingent on the defendant's successful completion of his or her sentence when rehabilitation (or the lack thereof) is more readily apparent.

The report also found that there are significant differences statewide in the prevalence of expungement by age, location and race. For example, Milwaukee has more than three times the number of charges in the expungement-eligible crime categories that Outagamie, La Crosse or Kenosha counties do. Yet, in the 2010-'16 period examined, Milwaukee County had fewer total expungements (506) than Outagamie (640), La Crosse (623) or Kenosha (579).

The Badger Institute partnered with researchers at Court Data Technologies in Madison to identify and examine the approximately 10,000 cases expunged by Wisconsin judges in the past seven years. Since 2010, nearly two-thirds of such expungements were for criminal misdemeanors — possession of small amounts of pot or drug paraphernalia, minor thefts or disorderly conduct — or involved charges for which the defendant had been found not guilty.

The Institute is also part of the Wisconsin Criminal Justice Coalition that recently released "[Criminal Justice Reform Recommendations](#)," which recommends reforms including changing the time of consideration by judges and eliminating the age restriction.

"Black Robes & Blue Collars" can be found [here](#).

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