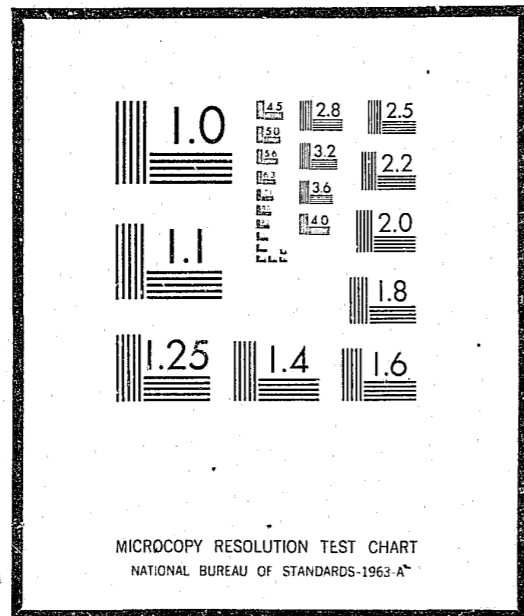


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HUBER LAW SURVEY

1972



DIVISION OF CORRECTIONS
BUREAU OF PLANNING, DEVELOPMENT, AND RESEARCH
MADISON, WISCONSIN 53701

NOVEMBER 1973

12474

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In 1913 the Wisconsin State Legislature adopted an act sponsored by Senator Henry Huber aimed at providing for the "reformation and rehabilitation" of county jail inmates and providing for a way to enable the inmates to financially support their dependents. The act became law and has historically been labeled the Huber Law.

The Huber Law concept has spread to many other states under such titles as Day Parole Program, County Jail Work Release, or Work Furlough. Although the name of the program changes from state to state, the concept remains basically the same. Selected county jail inmates are granted by courts the privilege of being released during working hours to carry on their own livelihood, while during non-working hours they remain confined in the county jail.

The original Huber Law, however progressive it may have appeared in 1913, actually was quite repressive in terms of today's milieu of due process and prisoners' rights. Only males were sentenced under the Huber Law in 1913. A portion of the earnings from their jobs at private employment, the county work project, or county workhouse was distributed to their dependents. All remaining earnings were retained by the county. If a man had no dependents, the county kept all of his earnings.

The Law has been amended many times since 1913. Currently, any misdemeanant sentenced by the court under the Huber Law may be granted the privilege of leaving the jail for private or self-employment, conducting his or her own business, attending family needs, attending school, or securing medical treatment. In addition, the inmate is liable only for his board and maintenance costs at the county jail in which he is housed. Savings accumulated by an inmate serving under the Huber Law are placed in a trust checking account until the inmate's release, at which time the savings are turned over to the inmate.

Huber Law Survey

Every four years information about Huber Law utilization is obtained from all county jails in Wisconsin. County sheriffs complete two schedules of information: One schedule is designed to report aggregate, calendar year, county-wide, Huber Law populations and their earnings; and the other for reporting comments and problems related to Huber Law utilization. The two completed schedules are sent to the State Division of Corrections' central office where the data are compiled and prepared in tabular form for presentation in the quadrennial Huber Law Survey Bulletin. Results of the 1972 survey are presented in the appendix tables and in the discussion of data which follows.

Discussion of Data

In 1972, over 10,000 men and women were sentenced to Wisconsin's county jails. This represented a drop from 1968 figures of 3,000 (See Table 3). Of all sentenced to county jails in 1972, 70 percent were sentenced under the Huber Law. In 1968, roughly 49 percent were sentenced under the Huber Law. These data indicate a trend in county court sentencing. The judges are sentencing fewer to county jails and are giving Huber Law privileges to a rapidly growing percentage. Several explanations are suggested for this trend:

- 1) Increased knowledge of the deficiencies of programs of recreation, rehabilitation, and reintegration in the county jails, coupled with rising awareness of the need for these programs;
- 2) The obvious fiscal advantages of a program such as the Huber Law (See Table 2);
- 3) Increased belief that confinement of certain offenders is counterproductive to criminal justice system goals.

Although the number and percentage of people sentenced under the Huber Law during calendar year 1972 exceeded any prior reporting year, the percentage of those sentenced actually using Huber privileges was the lowest in recent reporting years. Usual reasons for the underutilization of Huber Law privileges in some counties, such as lack of personnel, facilities and transportation needed to administer the program, probably would not cause the large drop in the utilization rate of Huber Law privileges. The decrease in percentage using Huber privileges probably stems from the higher unemployment rate during most of 1972. Persons with low job skills, a common characteristic of those sentenced to county jails, are probably the ones most affected by a rising unemployment rate.

Despite the unemployment problem, over 4,000 people serving county jail sentences were released under the Huber Law in 1972 to begin or continue employment in the community. Their net earnings exceeded \$1 million. In rough proportions, net earnings were disbursed as follows: one-third of the amount was collected by the counties for board and maintenance costs*, one-third was disbursed to reduce debts and make family support payments, and the final one-third was spent by the inmate for personal items and transportation while on the program or was turned over to the inmate upon sentence completion (See Table 2).

Excluding counties with unreported financial data**, each person employed under the Huber Law had average net earnings of \$308. If the average wage of persons employed under the Huber Law was about \$2.50 per hour, then the average length of employment was probably about one month. Of course, this was the statewide average. If county-by-county averages were computed, there would be wide variation depending upon sentence lengths, wage levels, and other factors.

* Board and maintenance charges ranged from \$0 to \$5.50 per day per person, depending upon the county. The average board and maintenance charge was \$3.20 per day per person.

** Ten of the 71 county jails failed to report complete financial data.

The Huber Law program comprises one of the largest community-based correctional programs in Wisconsin. Each year thousands are released to pursue livelihoods in local communities. A potential control problem for local law enforcement agencies might be said to be created. However, of the over 7,000 people sentenced in 1972 under the Huber Law, only 308 had their privileges revoked by the courts; of that group only 195 walked away from supervision and may have been charged with escape.

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Table 1
 Persons Sentenced, Employed, and Studying
 by Sex and County Jail
 Huber Law 1972

County Jail	Number Sentenced			Number Employed			Number Studying (Includes Training)		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	7,231	7,020	211	4,099	4,012	87	291	273	18
Adams	11	11	-	11	11	-	-	-	-
Ashland	-	-	-	-	-	-	-	-	-
Barron	18	18	-	7	7	-	3	3	-
Bayfield	7	7	-	7	7	-	1	1	-
Brown	88	88	-	81	81	-	5	5	-
Buffalo	3	3	-	3	3	-	-	-	-
Burnett	2	2	-	2	2	-	-	-	-
Calumet	6	6	-	6	6	-	-	-	-
Chippewa	-	-	-	-	-	-	-	-	-
Clark	15	15	-	15	15	-	-	-	-
Columbia	57	57	-	49	49	-	2	2	-
Crawford	8	8	-	7	7	-	-	-	-
Dane	1,070	980	90	442	427	15	32	29	3
Dodge	46	46	-	8	8	-	1	1	-
Door	8	8	-	8	8	-	-	-	-
Douglas	108	105	3	93	90	3	9	9	-
Dunn	13	13	-	11	11	-	2	2	-
Eau Claire	206	201	5	192	190	2	6	6	-
Florence	3	3	-	3	3	-	-	-	-
Fond du Lac	43	43	-	43	43	-	-	-	-
Forest	1	1	-	1	1	-	-	-	-
Grant	36	36	-	21	21	-	4	4	-
Green	27	27	-	17	17	-	-	-	-
Green Lake	11	11	-	11	11	-	-	-	-
Iowa	17	17	-	7	7	-	-	-	-
Iron	3	2	1	3	2	1	-	-	-
Jackson	29	29	-	4	4	-	-	-	-
Jefferson	81	80	1	28	28	-	-	-	-
Juneau	2	2	-	2	2	-	-	-	-
Kenosha	288	285	3	100	98	2	15	15	-
Kewaunee	15	15	-	15	15	-	-	-	-
LaCrosse	73	72	1	76	75	1	12	11	1
Lafayette	9	9	-	9	9	-	-	-	-
Langlade	11	11	-	10	10	-	-	-	-
Lincoln	40	40	-	24	24	-	1	1	-
Manitowoc	95	92	3	75	72	3	5	5	-
Marathon	49	49	-	49	49	-	4	4	-
Marinette	10	10	-	11	11	-	-	-	-
Marquette	-	-	-	-	-	-	-	-	-
Milwaukee	1,263	1,247	16	1,030*	1,018*	12*	50	50	-

Table 1 (Concluded)

County Jail	Number Sentenced			Number Employed			Number Studying (Includes Training)		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Monroe	12	12	-	12	12	-	1	1	-
Oconto	3	3	-	3	3	-	-	-	-
Oneida	15	15	-	15	15	-	1	1	-
Outagamie	166	166	-	122	122	-	5	5	-
Ozaukee	85	83	2	47	45	2	11	11	-
Pepin	-	-	-	-	-	-	-	-	-
Pierce	15	-	-	17	-	-	-	-	-
Polk	2	-	-	2	-	-	-	-	-
Portage	52	52	-	17	17	-	8	8	-
Price	3	3	-	3	3	-	-	-	-
Racine	1,302	1,284	18	294	281	13	6	6	-
Richland	10	10	-	14	14	-	-	-	-
Rock	580	559	21	180	175	5	10	8	2
Rusk	7	7	-	7	7	-	-	-	-
St. Croix	10	10	-	12	12	-	2	2	-
Sauk	43	43	-	52	52	-	-	-	-
Sawyer	14	14	-	14	14	-	3	3	-
Shawano	67	67	-	73	73	-	7	7	-
Sheboygan	188	183	5	133	132	1	2	2	-
Taylor	8	8	-	8	8	-	-	-	-
Trempealeau	24	24	-	13	13	-	-	-	-
Vernon	18	18	-	16	16	-	-	-	-
Vilas	1	1	-	16	16	-	1	1	-
Walworth	34	34	-	30	30	-	4	4	-
Washington	14	14	-	14	14	-	-	-	-
Washington	45	45	-	48	48	-	3	3	-
Waukesha	367	359	8	303	297	6	11	11	-
Waupaca	23	23	-	23	23	-	1	1	-
Waushara	17	17	-	6	6	-	-	-	-
Winnebago	273	254	19	65	64	1	58	46	12
Wood	61	61	-	59	56	3	5	5	-

* Estimated figures.

Table 2
Total Financial Data
Huber Law 1972

County Jail	Total Net Earnings	Disbursements					Balance To Prisoner
		Total	Room and Board	Travel and Personal	Support	Debts	
Total	\$1,133,522.35	\$897,303.22	\$365,210.80	\$124,534.05	\$212,090.83	\$195,467.54	\$236,219.13
Adams	4,823.05	3,663.29	1,400.00	780.48	450.00	1,032.81	1,159.76
Ashland	-	-	-	-	-	-	-
Barron	826.00	476.00	109.00	20.00	250.00	97.00	350.00
Bayfield	864.00	108.00	108.00	-	-	-	756.00
Brown	36,155.71	24,725.40	5,768.10	4,342.16	11,195.80	3,419.34	11,430.31
Buffalo	2,450.00	2,450.00	600.00	-	1,850.00	-	-
Burnett	893.90	667.30	321.00	346.30	-	-	226.60
Calumet	282.60	147.05	47.58	5.00	75.00	19.47	135.55
Chippewa	-	-	-	-	-	-	-
Clark	3,897.39	3,130.56	797.04	42.67	227.87	2,062.98	766.83
Columbia	20,322.27	17,572.37	3,987.40	2,881.63	5,996.00	4,707.34	2,749.90
Crawford	3,028.48	2,508.59	296.40	36.00	1,500.00	676.19	519.89
Dane	119,650.81	84,461.32	29,773.00	10,527.12	19,697.42	24,463.78	35,189.49
Dodge	35,075.14	32,810.43	9,115.60	5,759.43	6,596.76	11,338.64	2,264.71
Door	1,613.15	1,084.26	36.50	325.56	135.00	587.20	528.89
Douglas	19,643.80	2,003.50	2,003.50	-	-	-	17,640.30
Dunn*	N.R.	N.R.	344.92	N.R.	N.R.	N.R.	N.R.
Eau Claire	16,819.65	16,339.53	8,030.86	7,628.67	-	680.00	480.12
Florence*	N.R.	N.R.	160.00	N.R.	N.R.	N.R.	N.R.
Fond du Lac*	N.R.	N.R.	1,185.00	N.R.	N.R.	N.R.	N.R.
Forest	657.29	553.42	207.76	-	-	345.66	103.87
Grant	6,538.94	5,370.55	2,899.81	190.54	1,949.72	330.48	1,168.39
Green	7,447.62	4,307.55	1,753.75	872.65	441.00	1,240.15	3,140.07
Green Lake	3,878.25	3,497.54	1,304.50	687.70	345.00	1,160.34	380.71
Iowa	8,289.77	6,694.03	1,429.16	660.00	2,270.00	2,334.87	1,595.74
Iron	136.00	38.25	38.25	-	-	-	97.75
Jackson	2,560.00	2,212.72	1,292.72	380.00	-	540.00	347.28
Jefferson	14,193.99	11,473.61	3,017.40	2,472.22	3,746.18	2,237.81	2,720.38

Table 2 (Continued)

County Jail	Total Net Earnings	Disbursements					Balance To Prisoner
		Total	Room and Board	Travel and Personal	Support	Debts	
Juneau	1,197.00	1,197.00	-	-	1,197.00	-	-
Kenosha	64,708.85	60,008.68	5,611.00	11,350.00	37,816.26	5,231.42	4,700.17
Kewaunee	5,501.95	3,420.33	1,293.80	184.70	250.00	1,691.83	2,081.62
LaCrosse	9,641.43	9,379.16	5,976.50	2,336.96	808.52	257.18	262.27
Lafayette	1,053.51	827.73	553.94	72.42	-	201.37	225.78
Langlade	1,150.31	1,096.37	647.50	29.94	-	418.93	53.94
Lincoln	8,689.49	8,356.10	3,451.28	3,368.83	555.52	980.47	333.39
Manitowoc	24,726.04	22,074.08	5,430.88	5,580.31	5,668.00	5,394.89	2,651.96
Marathon	21,545.47	20,052.87	7,972.62	1,837.71	3,419.91	6,822.63	1,492.60
Marinette	3,504.61	2,792.60	1,364.50	236.00	-	1,192.10	712.01
Marquette	-	-	-	-	-	-	-
Milwaukee	326,871.54	270,090.64	157,242.75	11,719.35	45,347.81	55,780.73	56,780.90
Monroe	2,921.01	2,163.64	1,009.54	336.61	731.00	86.49	757.37
Oconto	2,383.99	1,732.08	176.50	230.00	277.00	1,048.58	651.91
Oneida	2,759.36	1,281.96	1,116.96	-	130.00	35.00	1,477.40
Outagamie	62,477.68	38,853.96	11,520.34	12,703.29	7,481.45	7,148.88	23,623.72
Ozaukee	19,947.39	14,261.86	4,942.40	2,542.41	2,185.00	4,592.05	5,685.53
Pepin	-	-	-	-	-	-	-
Pierce	2,019.19	1,743.43	183.50	1,129.93	-	430.00	275.76
Polk	541.36	357.31	98.10	50.00	150.00	59.21	184.05
Portage	20,542.39	15,907.47	5,437.98	1,554.66	2,401.23	6,513.60	4,634.92
Price*	N.R.	N.R.	87.50	N.R.	N.R.	N.R.	N.R.
Racine*	N.R.	45,639.95	17,725.61	16,050.28	11,864.06	-	N.R.
Richland	7,198.95	5,349.45	1,500.03	1,045.30	1,338.21	1,465.91	1,849.50
Rock	43,255.24	33,853.02	12,210.64	3,341.56	10,144.40	8,156.42	9,402.22
Rusk*	N.R.	N.R.	387.72	N.R.	N.R.	N.R.	N.R.
St. Croix	8,448.32	6,645.32	2,882.45	1,237.00	918.54	1,607.33	1,803.00
Sauk	17,441.09	14,951.74	6,217.66	1,783.28	1,425.21	5,525.59	2,489.35
Sawyer*	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
Shawano	17,995.03	12,225.46	3,934.83	1,307.76	6,455.47	527.40	5,769.57
Sheboygan	48,648.80	41,581.30	16,010.16	11,217.59	10,670.55	3,683.00	7,067.50
Taylor	2,266.34	1,934.48	1,022.05	109.74	733.10	69.59	331.86

Table 2 (Concluded)

County Jail	Total Net Earnings	Disbursements					Balance To Prisoner
		Total	Room and Board	Travel and Personal	Support	Debts	
Trempealeau*	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
Vernon	3,271.51	2,116.05	228.64	694.58	759.36	433.47	1,155.46
Vilas*	N.R.	N.R.	1,005.00	N.R.	N.R.	N.R.	N.R.
Walworth	16,096.61	13,244.02	2,873.00	2,452.59	4,473.75	3,444.68	2,852.59
Washburn*	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
Washington	27,690.30	24,918.56	9,132.32	2,992.89	4,802.24	7,991.11	2,771.74
Waukesha	18,778.22	16,026.42	8,745.10	1,570.18	2,668.22	3,042.92	2,751.80
Waupaca	9,811.95	5,144.70	2,584.00	1,045.70	700.00	815.00	4,667.25
Waushara	1,092.70	981.84	575.75	66.77	135.00	204.32	110.86
Winnebago	13,651.16	12,164.48	6,621.59	1,723.62	1,564.42	2,254.85	1,486.68
Wood	5,645.75	4,273.84	2,305.16	724.24	157.91	1,086.53	1,371.91

N.R. - Not reported.

* Counties that supplied incomplete financial data. (In some cases, partial information is included in the table but this information is not included in the totals.)

Table 3
Total Sentences, Huber Law Sentences, and Other Sentences
To Wisconsin County Jails
by Year of Survey and Sex

Type of County Jail Sentence and Sex	Year of Huber Law Survey											
	1956		1960		1964		1968		1972		Number	Percent
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent		
<u>Total Co. Jail Sentences</u>	7,682	100.0	9,813	100.0	11,252	100.0	13,398	100.0	10,281	100.0	10,281	100.0
Male	7,309	95.1	9,359	95.4	10,599	94.2	12,770	95.3	9,838	95.7	9,838	95.7
Female	373	4.9	454	4.6	653	5.8	628	4.7	443	4.3	443	4.3
<u>Huber Law Sentences</u>	2,654	34.5	3,215	32.8	5,391	47.9	6,618	49.4	7,231	70.2	7,231	70.2
Male	2,581	33.6	3,167	32.3	5,302	47.1	6,469	48.3	7,020	68.3	7,020	68.3
Female	73	0.9	48	0.5	89	0.8	149	1.1	211	2.0	211	2.0
<u>Other Sentences</u>	5,028	65.5	6,598	67.2	5,861	52.1	6,780	50.6	3,050	29.7	3,050	29.7
Male	4,728	61.6	6,192	63.1	5,297	47.1	6,301	47.0	2,818	27.4	2,818	27.4
Female	300	3.9	406	4.1	564	5.0	479	3.6	232	2.3	232	2.3

Table 4
Total Net Huber Law Earnings
by County Jail and Year of Survey

County Jail	Year of Huber Law Survey				
	1956	1960	1964	1968	1972
<u>Total</u>	\$364,282.87	\$632,940.47	\$941,694.59	\$1,435,004.19	\$1,133,522.35
Adams	206.00	-	975.00	1,283.39	4,823.05
Ashland	-	-	-	5,604.59	-
Barron	-	-	1,241.19	1,606.60	826.00
Bayfield	-	176.75	-	469.50	864.00
Brown	8,276.75	26,928.22	25,133.94	34,944.59	36,155.71
Buffalo	112.00	600.00	-	1,877.52	2,450.00
Burnett	-	102.25	125.00	1,952.59	893.90
Calumet	-	1,099.21	5,833.71	7,782.19	282.60
Chippewa	-	-	1,088.35	748.76	-
Clark	-	260.46	53.41	751.50	3,897.39
Columbia	-	2,060.00	3,750.58	27,357.86	20,322.27
Crawford	282.50	250.00	1,883.94	2,406.88	3,028.48
Dane	26,557.77	46,619.75	127,004.96	129,875.99	119,650.81
Dodge	139.96	2,763.70	12,828.97	18,052.03	35,075.14
Door	-	1,562.76	1,702.00	1,545.73	1,613.15
Douglas	-	-	2,954.00	13,888.00	19,643.80
Dunn	-	6,511.50	2,462.42	577.24	N.R.
Eau Claire	3,893.40	1,938.97	3,001.68	14,544.68	16,819.65
Florence	-	-	-	-	N.R.
Fond du Lac	1,203.67	3,022.53	1,814.84	4,445.57	N.R.
Forest	-	-	336.50	-	657.29
Grant	2,751.77	-	337.65	1,667.89	6,538.94
Green	184.23	4,766.52	6,336.68	11,621.21	7,447.62
Green Lake	-	2,388.87	1,583.16	1,232.07	3,878.25
Iowa	5,945.19	4,937.86	4,893.93	5,449.25	8,289.77
Iron	-	-	-	-	136.00
Jackson	-	1,041.80	1,129.00	4,700.00	2,560.00
Jefferson	-	7,939.36	18,203.17	22,848.91	14,193.99
Juneau	-	-	-	-	1,197.00
Kenosha	4,370.99	28,197.39	27,062.97	22,708.53	64,708.85
Kewaunee	-	-	296.63	1,333.49	5,501.95
LaCrosse	6,579.42	4,755.00	17,508.72	7,720.55	9,641.43
Lafayette	-	260.46	2,012.00	2,194.52	1,053.51
Langlade	526.90	449.75	2,551.49	1,407.85	1,150.31
Lincoln	44.03	1,562.76	1,697.73	7,201.48	8,689.49
Manitowoc	11,190.91	7,890.87	15,236.06	51,107.98	24,726.04
Marathon	-	4,600.22	10,420.44	16,741.72	21,545.47
Marinette	-	-	-	1,539.40	3,504.61
Marquette	68.00	260.46	383.64	811.32	-
Milwaukee	167,971.34	245,837.68	303,572.16	508,544.18	326,871.54

Table 4 (Concluded)

County Jail	Year of Huber Law Survey				
	1956	1960	1964	1968	1972
Monroe	-	272.50	1,746.48	4,093.23	2,921.01
Oconto	-	-	-	851.87	2,383.99
Oneida	810.68	820.97	3,114.67	2,763.35	2,759.36
Outagamie	20,108.14	24,500.00	30,877.60	42,087.87	62,477.68
Ozaukee	432.07	5,786.32	21,445.42	23,777.16	19,947.39
Pepin	-	250.00	-	-	-
Pierce	-	260.46	-	-	2,019.19
Polk	-	-	-	1,357.68	541.36
Portage	5,402.94	5,088.19	11,567.06	10,237.42	20,542.39
Price	-	260.46	-	-	N.R.
Racine	19,751.93	47,897.42	61,052.94	30,737.74	N.R.
Richland	-	520.92	2,367.72	10,538.33	7,198.95
Rock	31,189.61	36,749.24	31,245.21	64,653.65	43,255.24
Rusk	-	-	-	446.18	N.R.
St. Croix	-	1,259.78	273.48	6,530.16	8,448.32
Sauk	265.00	7,458.21	12,604.47	21,177.49	17,441.09
Sawyer	-	682.58	-	611.46	N.R.
Shawano	1,317.07	1,905.20	3,534.37	21,721.74	17,995.03
Sheboygan	6,485.46	55,915.08	30,353.53	58,781.21	48,648.80
Taylor	-	-	2,650.00	-	2,266.34
Trempealeau	1,407.05	449.79	-	1,576.03	N.R.
Vernon	-	1,358.00	268.05	4,814.75	3,271.51
Vilas	-	-	840.00	1,734.00	N.R.
Walworth	-	93.22	9,760.22	18,803.34	16,096.61
Washburn	-	-	35.00	50.00	N.R.
Washington	-	-	13,587.73	27,205.24	27,690.30
Waukesha	26,728.49	19,956.57	49,251.42	71,264.67	18,778.22
Waupaca	-	-	1,186.58	4,888.87	9,811.95
Waushara	-	-	267.16	668.08	1,092.70
Winnebago	5,727.64	6,510.95	42,549.30	52,254.78	13,651.16
Wood	4,351.96	6,159.51	6,700.26	12,832.33	5,645.75

N.R. - Not reported.

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