Summary of proposal to change rules governing parole For Wisconsin's nearly 3000 old law prisoners

Using Statute 227, which allows citizens to bring a petition for rule changes to the government, we, citizens of Wisconsin, are proposing changes to the rules that govern the parole commission in its dealings with old law prisoners. There are almost 3000 parole eligible inmates stuck in a system that no longer works and now with budget shortfalls and rising costs health care of these aging prisoners, it is at last time to do the right and wise thing. We propose rules that replace the subjective and arbitrary nature of the present rules with clear, achievable criteria that also allow testimony for and against parole of the applicant. We believe that the majority of these inmates are truly ready for release and that our rules will allow for their safe release while holding back those among them who are not rehabilitated.

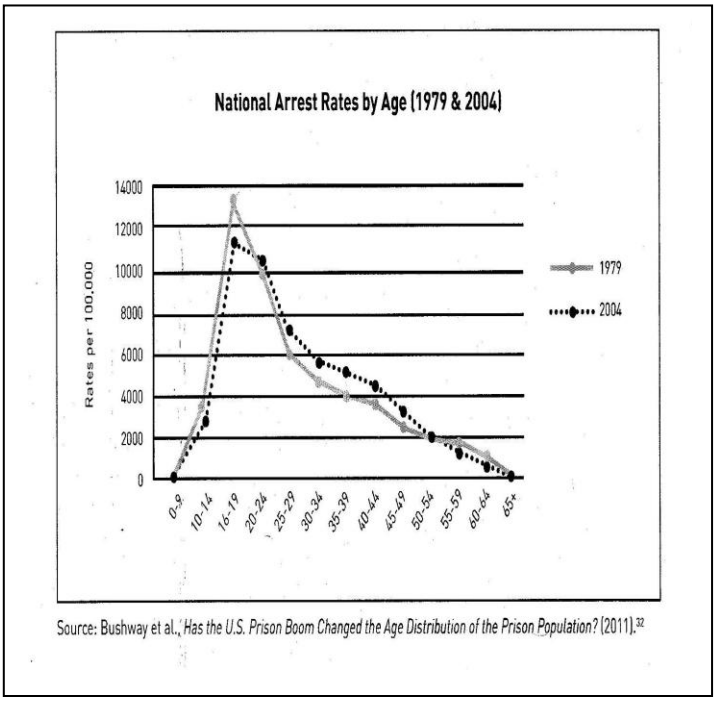
Old law prisoners are those prisoners who were convicted of crimes committed before 1999. At that time, the law mandated that prisoners served a minimum of 25% of their sentence and the judges gave long sentences knowing that under this system release would not happen without rehabilitation. The prison population was around 7000 then, there were lots of program and Pell Grants and many inmates not only rehabilitated themselves through the programming but got college degrees. Most prisoners were released under this system shortly after they served 25 % of their sentence.

All this stopped in 1994 with a federal bill that funded the prison boom, built WI Supermax , made laws harsher and changed our system to Truth-in-Sentencing(TIS). And the prison population went from 7 thousand to 22 thousand while treatment programs and schooling were cut. The old law prisoners, still governed by the 25% law, were swept into the same basket as TIS inmates and they are still being made to serve full sentences. So a 18 year old boy going to prison in 1985 who was told by the judge that he is going to get 40 years because the judge wants him out in ten, is still in prison 30 years later.

Here are points to remember about old law prisoners

1) All committed their crimes before 1999 and are over 30 years old. There are over 1000 WI prisoners over 55years old.

2) Study after study shows that crime drops precipitately after age 30- it is down to zero after age 60.

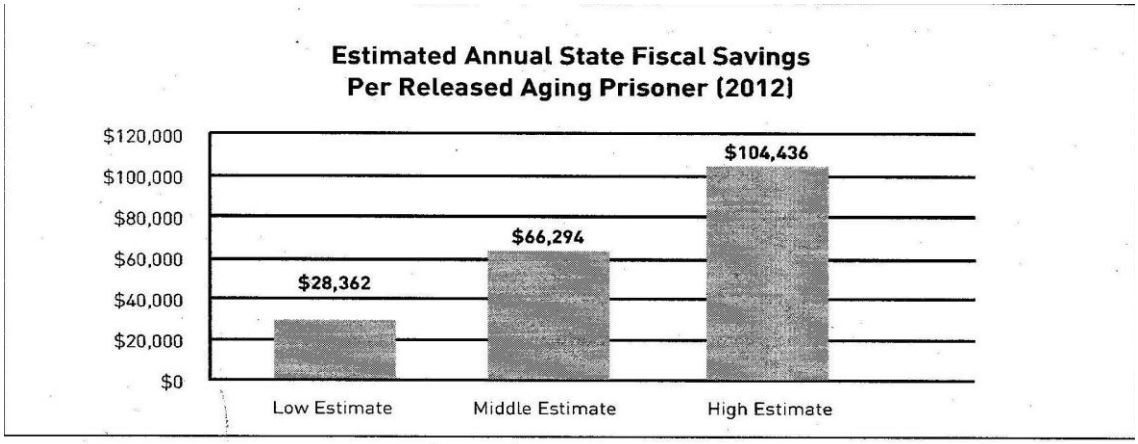


Source: Bushway et al., *Has the U.S. Prison Boom Changed the Age Distribution of the Prison Population?* (2011).[32]

3) Most of Wisconsin's Old law prisoners spent years in prison before program cuts were made and many have college degrees and much training which is being wasted. Most are eager to have a chance to give back to society and have much to offer. Most have become mature in prison, have learned how to focus and try to teach the younger TIS inmates how to achieve self control. They have all served their sentence and deserve a second chance.

4) Each prisoner costs the state's taxpayers between 35 and 103 thousand a year, depending on health care needs. Throughout the nation there is a "crisis of the elderly" in our prisons because these prisons age, their health care costs go up and there is no funding of health care for prisoners- no medicare or Medicaid, no SS or SSI. All comes out of the state taxpayers pocket. IN Wisconsin we are cutting schools and universities, all service and the DOC because of budget shortfalls.

5) Parole costs between 1200 and 5000 a year, again depending on health. The savings per released prisoner is between 23 thousand and 100 thousand a year, again depending on health care needs. And the ironic fact is hat the exorbitant costs of health care in prison does not secure good care for prisoners are set up for the healthy and are brutally inadequate for the infirm.



Source: ACLU State Fiscal Impact Analysis (2012).

IN our proposal we show that no laws need to be changed. The system of almost no parole is maintained through confusing , contradictory and /or unwritten rules. Wisconsin wanted to receive the federal funding to build its prison system and it had to keep "violent offenders" in and all old law prisoners, violent or not were treated the same. Common reasons given for no parole are: unwritten rules like- you have to be in minimum to be released or you have to be on work release first or have a 12 month defer . These are not in the statutes or the PAC rules. The long list of subjective criteria for judging "enough time served for punishment" is what is used most to keep old law prisoners in year after year. Incomplete programming is 2nd in line for the most used reason for no release and this is brought about because programming is unavailable ,or there is too long a waiting list or one branch okays transfer to prison where programming is and another denies . Our rules will fix this and allow parole for those ready. These men and women need to be back with their friends, families ,their children . As a society we will be feeling the ramifications of our present period of over incarceration for years to come. It is time to end it now. Enough waste of money. Enough waste of lives.

Here is a summation of our proposals. They are expanded into the existing PAC rules in the proposal itself but these are the point s we would like to achieve:

1) For inmates sentenced for crimes committed prior to December 31st, 1999, the mandated 25% of their sentence shall be considered sufficient time for punishment. Afterwards, release on parole shall be granted, absent substantive extenuating circumstances, based on conduct and accomplishments while incarcerated.

2) If parole is not granted, the Parole Board must state in written detail the specific requirements an eligible inmate must meet to be granted parole. This cannot contain a catch-all provision that might allow the decision-maker to base his or her decision on a factor of which the inmate has no control such as "insufficient time for punishment" or "seriousness of the crime". Also, availability of programs and prison overcrowding cannot be a factor. A prisoner can be paroled from any prison and working outside the prison before release, although laudable, is not a prerequisite for release.

3) The Department of Corrections and Community Supervision shall provide parole eligible inmates access to the programs/facilities necessary to complete the requirements for their parole release within 90 days of denial of parole for reasons of programming. If this is not possible due to current conditions and the inmates has not received program due to not being offered at his institution or because he was in conditions where it was not allowed (example some administrative confinement situations) the inmate will be allowed to take the programming in the community, or the requirement will be waived.

4) The Parole Board shall have the widest possible view of the prisoner. In addition to allowing victims and victim advocates to testify at the hearing, prisoners shall be able to invite family members and advocates. Also, the prisoners shall be allowed to submit letters of recommendation by WIDOC staff and WIDOC volunteers who have worked with him/her. Staff and community members who are against the release shall be allowed to speak.

5) The decision whether to release an inmate shall be made based on testimony at the hearing and documents in the prisoner's file only and the prisoner shall be able to view and contest contents of his/her file beforehand.
For full petition (20 pages) including rule change proposals in full go to www.prisonforum.org or email pgswan3@aol.com