

Evolution of the stuck system was calculated: no accident

"The entire prison industry is not so much a moral failure as it is a designed systemic failure, geared to maintain exploding prison populations and satisfy the requirements for obtaining the billions of dollars in federal grants. Moreover, from a public-safety point of view the system is making matters worse. And from every perceivable angle, it is by design. Can it be turned around? There has to be a commitment to make sweeping changes in the system, but I do not imagine those sacrificial changes coming on their own. The system will not sacrifice itself for the sake of correcting corrections, or doing the right thing for the public good. "

Ron Schilling: Old law lifer, now in 60's this written about 2006.

Wisconsin prison boom was part of a national effort- Most states threw aside long standing good prison policies to get big bucks from the federal government: We landed 21 billion dollars over the boom years and our prison population went from 7000 to 22000.

MONEY ROLLS IN

1994 Violent Crime Control and Law Enforcement Act/ \$9.7 billion in funding for Corrections

1996 VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING (VOI/TIS) INCENTIVE PROGRAM

REPORT TO CONGRESS

FEBRUARY 2012



BELOW- WHAT WI RECEIVED EACH YEAR FROM FEDERAL GOVERNMENT

Fiscal Years 1996-2001 VOI/TIS FUNDING

state	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY2001	total
WI	1,248,453	3,888,490	2,744,286	5,095,329	465,141	4860,545	21,962,244

Mandate from FEDS for WI : KEEP VIOLENT OFFENDERS IN. BUT Wisconsin did not have enough violent offenders. SO what did they do? ALL prisoners were treated as violent offenders and Parole was gradually stopped. Governor Thomson order his people to keep old law prisoners past their parole date and for as long as legally possible. Below is photo of the memo he sent:



TOMMY G. THOMPSON

Governor
State of Wisconsin

April 28, 1994

Sec. Michael J. Sullivan
Department of Corrections
149 East Wilson Street
Madison, WI 53707-7925

Dear Secretary Sullivan:

I write to you today regarding the administration of Wisconsin's mandatory release law.

I recently proposed and subsequently signed into law a bill to end mandatory parole for violent offenders in Wisconsin. In enacting that important change, legal counsel advised that any retroactive change in the law would be unconstitutional.

Therefore, although I have ended mandatory parole for violent offenders, there are some inmates already in prison who are still governed by the old release law.

I believe that mandatory release of violent criminals is wrong. That is why I called a Special Session of the legislature in 1987 to pass a "life means life" sentencing bill, and that is why I moved to end mandatory parole for violent offenders this year.

In order to implement this policy as fully as possible, I hereby direct the Department of Corrections to pursue any and all available legal avenues to block the release of violent offenders who have reached their mandatory release date.

The policy of this Administration is to keep violent offenders in prison as long as possible under the law.

Thank you for your immediate attention to this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Tommy G. Thompson".

Tommy G. Thompson
Governor

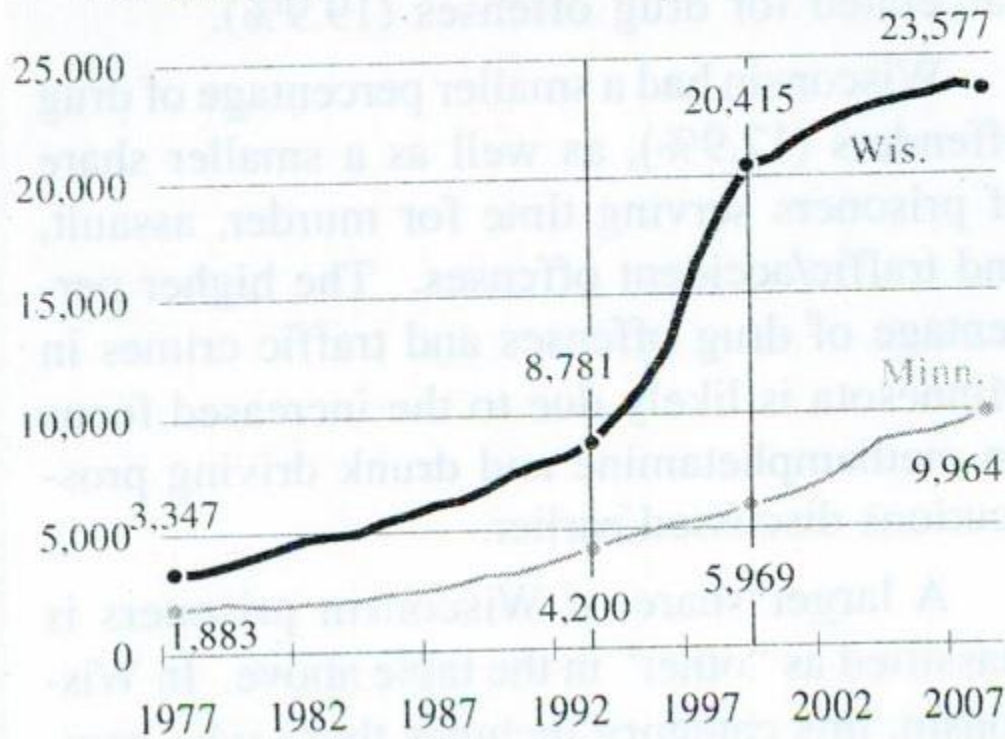
What WISCONSIN did with it's \$21,000,0000: construction projects at 5 correctional facilities across the state, adding 2,162 cells/beds/NLCI, SCI and Supermax were new prison constructed, GBCI added to, mental health unit at TCI built by court mandate.

Implementation of TIS

WISCONSIN Prison population tripled

Figure 2:

Prison Populations Grow at Different Rates
Wis. and Minn Adult Prison Pops. 1977-2008



bold line: Wisconsin, fine line: Minnesota

2008 chart and Report from WISTAX: Wisconsin spent \$1.08 billion on corrections in 2008, compared to \$460 million in Minnesota.

MI has 12,000 fewer prisoners than WI with similar populations. MN puts its funding into community programs and probation, and has the same crime rate as WI.

While WI was growing its prisons , Minnesota was putting its money into probation, rehabilitations and community support. It now has 1/8th the prison population, and the crime rates are similar.

HOW are old law prisoners kept in?

TO receive federal funds, WI had to keep “**violent offenders**” in prison.

PROBLEM: NOT ENOUGH VIOLENT OFFENDERS IN WISCONSIN

SOLUTION : BIG LIE : Governor Tommy Thompson changed this requirement to those “**convicted of violent crime**” which means all those convicted of being “**Party to a crime**” still remain in prison. Many of these people are categorized as “violent” when they have never hurt anyone.

In words of Kim Szemborski:

Problem:

It seems like every single time the issue of the gross wasting lives and money in holding old law prisoners it is quickly followed by the DOC commentary pointing out that 95% of these prisoners are violent offenders, which imparts a certain impression on the viewer and in the process leaves the most crucial part of this story untold.

DOC received \$21,962,24.00 for certifying to the Feds that they were making violent offenders serve a substantial portion of their time and that the prison time served is directly related to the determination that the prisoner is a violent offender.

In actuality they lied to the Feds because many of those that they kept in longer and certified to be violent offenders were merely convicted of violent category crimes and were not violent offenders.

On the face of it, it wouldn't appear to be much of a distinction, but whether a person has ever actually physically harmed someone by their actions is huge as it relates to risk to the community.

Although the DOC more or less acknowledged the distinction in that sheet they put out in February regarding the 2887 old law prisoners by pointing out that “**957 are serving a sentence for a violent crime,**” **instead of labeling them violent offenders, they have never acknowledged the difference on any other front.** Doing so raises more questions about why these guys are still locked up and they don't want to have to answer those either.”

Listing of excuses and unwritten rules messing system up

The usual excuses: Has not served enough time-(no criteria given)

Has not completed programming (not offered in prison he is in or ld he cannot complete till almost at MR date)

Must be released from minimum security institution

Must have 11 month defer before release

All above are bogus, no written rules behind them yet used consistently in parole action reports. On the moving to minimum before release: According to reports, inmates with life sentences/convicted of killing someone, are concentrated in minimum because the public perceived minimums are for “good inmates” . Then, when they come up for parole, the Parole commission says “he killed someone, and has not served enough time.” Those with lesser sentences stay in maximums until just before they “max” out. (serve every minute of their sentence). The litigators and activists STAY in maximums and “max” out finally or die.

less known examples of unwritten rules used to confuse and befuddle/and statutes misapplied

1) mandatory Programming must be assigned by the judge. Many reports of programs assigned retroactively

Larry Brown: They applied the 2004 PMR rule retroactively and required that him take a 4 year sot program, He had already completed the required SOT program; also John Washington and many others

2) catch 22 of administrative segregation: Luis Ramirez : mentally ill in seg are not allowed programming / he is being threatened with being give extra time because he has not cooperated with programming. Wants good programming desperately

Most common recently is to require inmates in SCI is to do work release before parole when there are few jobs, and in FLCI to require work on the farms surrounding the prison- dozen of jobs for hundreds of inmates. Another ruse. We have reports of many inmate waiving parole hearings because they know it is such a sham and heart break.

NO LAWS NEED TO BE CHANGE TO MAKE THIS SYSTEM WORK!!

We need a change of attitude that allows the commission to operate the way it did before the prison book OR clear written rules, not unwritten contradictory verbal mandates.

Here is our RULE CHANGE Proposal, sent to Wall and Stensberg last. It was part of a petition using statute 227. We just include the rules needed here. No legislature action needed- these are administrative rules that the DOC and Parole Commission can craft.

PAROLE has VIRTUALLY stopped for all old law prisoners .

Here are parole figures taken from an investigative article by the Milwaukee Journal sentinel in 2004.

1992, the board released 2,921 prisoners on parole and 648 prisoners had to wait until MR

1993 3,624 paroled 607 waited for MR

1994 3,325 paroled 698 waited for MR

1995 3,941 paroled 965 waited for MR

1996. 3,705 paroled 1,086 waited for MR

1997. 3,637 paroled 1,291 waited for MR

1998. 2,627 paroled 2,006 waited for MR

1999. 1,567 paroled 3,347 waited for MR

2000. 2,325 paroled 4,424 waited for MR

2001 1,872 paroled 4,131 waited for MR

2012 according to WI DOC 150 old law prisoners were released

IN sum , there were 3 ,624 old law released in 1993: before the memo went into effect when there were 7.500 prisoners in all.

There were 150 old law releases in 2012. When there were 22000 prisoners total.

