Hearing held on nomination of Daniel Gabler for Parole Chairman- large turnout by Wisdom and Expo

Excerpt from Cap Times: The Committee on Judiciary and Public Safety held a public hearing concerning the nomination of Daniel Gabler, who has already been serving in the role for a few months. The chair of the parole commission makes the ultimate decisions about which inmates will be released back into society. Although the hearing was intended to be specifically about Gabler, members of WISDOM, a collective religious social justice organization, MOSES, an interfaith organization, and Ex-Prisoners Organizing (EXPO) saw the hearing as an opportunity to speak out against what they consider unfair parole practices. More activists showed up than expected, and the hearing had to move to a bigger room. Those wishing to comment on Gabler’s position had to wait several hours to speak….

Senator Lena Taylor asked Gabler what a “sufficient amount of time was,” and Gabler said that there was no formula to determine a sufficient amount of time, and that he considers many factors, including social connections, work skills and the attitude of the inmate. “I can go back to my office this afternoon and let all 3,000 of these people out,” Gabler said. “But that’s not fair to these individuals, to be quite honest with you.” He explained that they’ve spent a minimum 17 years in prison and often lack the soft skills needed to succeed, like the ability to cooperate with other individuals. He also noted that those who remain in prison are often are those who committed serious crimes.

From email by David Liners, head of Wisdom: Sadly, the nominee, Daniel Gabler, was far from impressive. Though he has been on the job as an interim since early March, he seemed to lack understanding of some very basic things. For example, he twice said that all of the parole-eligible people are “murderers and rapists” (which is simply not true at all -- there are lots and lots of parole-eligible people who were convicted of things like being accomplices to an armed robbery, and other crimes…) Worse, he said that the rate of granting parole was so low because they are “the worst of the worst” -- betraying an attitude that would indicate an inability to see people objectively. (He later tried to say that he meant that the crimes people committed were "the worst of the worst" and he didn't mean to say they were intrinsically bad people. We were unconvinced; his original statement sounded like what he really meant to say…)

David Liners then calls on member and concerned people to call the committee and voice their concerns

FFUP founder’s aside: this is wonderful effort by EXPO and WISDOM. Sadly, however, for many old law prisoners and FFUP this is a replay. Remember PAW?- ye old families of prisoners group? We packed a similar hearing hall (a church in Milwaukee I believe) when Alfonzo Graham was nominated and again Senator Taylor chaired. He too was adamant against parole and stayed true to form. We hope with this level of protest, the committee will be braver but have learned through the years that the DOC carefully picks its leaders and knows well how to play the public. Legislation and litigation are needed for there is likely to be little real reform from within. There is progress on this front- See legislative efforts founder notes next page.

FFUP is sharing the following parole solution with interested legislators along with the parole rule changes prisoner litigators and I put together in 2015. Your work is not forgotten and we will be heard. See legislative efforts founder notes next page.

An elegant solution By Harlan Richards 37975 SCI

This was written by Harlan Richards after Governor Walker suggested he eliminate the parole commission and have the parole authority turned over to the Bureau of classification (BOCM.) I am sharing this proposal along with the parole rule changes Prisoner litigators and I put together in 2015 with interested legislators. Your work is not forgotten and we will be heard. I will eliminate his comments on the BOCM proposal (outdated) and go straight to the statute change:

“Let's face it, the parole commission hasn't done its job since John Husz was removed as chairman 20 years ago. Since then, only Chairman Lenard Wells actually parolee deserving prisoners and he was forced out after he paroled two so-called cop killers (they shot an off-duty cop during an armed robbery when he opened fire on them.) Fortunately, there is a ready alternative that will address all the problems with the current paroling Process and take politics out of parole granting decisions.

For decades, when a person is found guilty of committing a crime but also not guilty by reason of mental disease or defect, he or she is sent to a mental institution for treatment. That person is held there until he or she no longer poses a risk to anyone, and is then released. Sec. 971.17(4), stats., contains the procedure and standard of review by which these people have been safely released for decades. In essence, the inmate may petition the court once every 6 months for release, Sub (4)(d) states in pertinent part:

"The court shall grant the petition unless it finds by clear and convincing evidence that the person would pose a significant risk of bodily harm to himself or herself or; to others or of serious property damage if conditionally released."

It would be a simple matter to replace the current paroling statute, sec. 304.01, Wis. Stats., with sec. 971.17(4), WI. Stats. Currently, parole is denied arbitrarily without ever considering whether the prisoner can be safely released. (cont)

Turning the decision over to a judge and mandating that the decision be based on actual facts rather than conjecture, supposition or delusional findings would provide prisoners with a fair decision making process and protect the public much better than the current system does.
FFUP Founders notes: This was going to be our first newsletter with a bonafide, vetted legal section. Randal Mataya crafted a 19 page guide to the ADA (Americans with disabilities act), however, like other important mail items these day, it seems to have been eaten. We will get this out however, and this is an old tired route—we try to remedy and then keep going. Contact with one of our litigator helpers has also been interrupted temporarily and that is also part of this game. “Persistence is the only resistance” is a helpful mantra learned from one of our astute litigator friends. Take a deep breath, do what you can, and move onward. So this newsletter is a potpourri without obvious structure, and it has lots of unvetted legal stuff. I am not a lawyer, all I can do is pass what I learn on to you and what you teach me on to appropriate people “out here”.

**Strategies of Two legislators for Corrections Reform, Class Action**

FFUP is in contact with two senators that are working diligently on correcting Corrections. Senator Larson is in the Administrative Rules Committee and his corrections aide informs me that he is working on a standardization of DOC administrative rules so they are in sync with policy. David Liners of WISDOM and others are working with Senator Larson to craft a letter to the Administrative Rule Committee and that will be ready by mid September. FFUP will receive a copy and will spread it. Senator Larson and his aide know that each prison is a fiefdom and has its own policies and follows or does not follow Madison orders as it wishes. In talking with this aide, he seemed to know the full whole circle of corruption that you endure and will keep me informed with rules they come up with. He also says he will make sure you (prisoners) will have plenty of input once this gets going. Right now it is a strategy and plan only- “this is in off year” he says and budgetary items are in the main so they will start with the administrative rules.

By Summer 2018 they hope to have established research/study committees that will study actual changes to the statutes. This committee will have fast track to the legislature. He is well aware of the link between overcrowding, no parole and the overuse of solitary-the circle of dysfunction. And he understands that revocations without felonies are part and parcel to that circle for the DOC knows they are dumping untreated and untrained TIS prisoners on the streets. Their potential danger to society is somewhat truncated by the policy of reincarcerating them for the smallest rule infractions. It all works in its own way-the prisons are kept full as are the coffers of the prison industry. Because the crux of this is overcrowding and loss of mission because of the lie of no parole, FFUP has sent Larson’s aid our parole solutions and will send a summary of your reports of solitary overuse.

I am also excited by the work of Senator Risser. He is in the Judiciary and safety committee and is circulating a bill that would require the DOC to come up with alternatives to solitary confinement in one year. FFUP has sent them some of the solutions working elsewhere (CO, TCI etc) and both he and senator Larson will also receive FFUP report summing up what I have learned in letters from you as well as rule and statute changes we have worked on together these many years. It is clear to both these senators that only by legislation and/or litigation is real change coming. That is exciting.

Finally, Our work on a class action eliminating long term solitary goes forward. Because of the lack of mail privacy I am doing what I can with the data and cases I have. We will do this and we will get a lawyer, have several who have agreed to help and then disappeared. When we are ready, we will do what is required and get this done. This is parallel work to the legislative work discussed above- it is all need and it is all going forward in an abysmally difficult environment.

**Questionnaire and What You Can DO:**

I ask for your help in filling out the enclosed questionnaire. (page 8). Several prisoners have received it and filled it out and returned it without problem. The info you give us will help answer the question: “How well is the DOC is Wisconsin doing in fulfilling its mission to rehabilitate offenders and keep society safe?” With these questionnaires we go beyond anecdotes. Please take your time with this and use extra paper. If you need more paper you can note that on the form, We will send it.

Finally, this is a good time to be educating your legislators about Corrections. Again contact FFUP if you need to know you legislators- give the zipcode of your former address or that of your family. For many years I have counseled that one of your most powerful advocacy tools is your legislators. It is difficult and takes persistence BUT the legislator’s staff is paid to serve you. And now is the time these people need to know the nitty gritty of Corrections in Wisconsin. So to help with the effort and possibly get help for yourself individually, write the legislators of your former zip OR have your family call or email when you have a specific problems and /or if you want to encourage general reform action. On last page is listed members of the two committees noted above – The aids are always more attentive to their own constituents so if you lived in one of these zip codes or if your family lives in one- call or email them first.
Update on suit against misuse of act 355

From Randall Mataya: “Update on money suit: AAG filed a motion to dismiss and Randall Mataya defeated it. “I submitted a supporting brief and it is now the AAG’S turn to respond and then it is mine.”

On 9 11 7: Clerk of Dane county Court said it is still in the “Brief sage” and due dates are in October so he said we should not expect a decision until next year.

Find copy of Injunction and template for it here : “www.prisonforum.org.” . It was filed April 13th 2017 and is in Branch 6, Dane County Circuit Court, Judge Shelley Gaylord, presiding: Marcus Kerby V. Jon Litscher, 17-IP-18.

Another Act 355 proposal: This is from Jeff MacMillan (286461 WCI). I do not know the law and cannot attest to this proposals’s value however Mr MacMillan says he has used it successfully ” and has not had “anybody ( who followed the rules) have any issue.” . Here is a summary of his introduction: “I have been using and distributing a motion individuals can use to challenge the problem, without filing separate civil actions. This is done in their original court of sentencing and may be suitable for those that wish to have orders from the court that apply to them INDEPENDENT of any overall decisions. The benefit here is that the sentencing court issues an order to comply with the JOC as stated which supersedes any ‘Blanket’ DOC policy”

Also he says to qualify for this tool, you must have your JOC, sentencing transcripts and monthly account statements; the JOC and Judges statements cannot contradict each other and if there is a discrepancy, you need to address this first. Finally you have to follow the rules of court document creation carefully.

TITLE: NOTICE OF MOTION AND MOTION FOR AN ORDER COMPELLING THE DEPARTMENT TO COMPLY WITH THE JUDGMENT OF CONVICTION IMPOSED BY THE COURT PERTAINING TO THE ASSIGNMENT OF OBLIGATIONS PURSUANT TO WIS STAT.973.20(12)(A).

(Write FFUP for copy of template)

Three POEMS and a ROSE

“who” by Shavontoe Daniels

Who will cry for the little boy who’s pain knows no end
Who’s grief knows no bounds, and who’s world is Ruled by hate
Who I ask Who

Who will cry for the boy who’s never known love
Who’s every move brought but suffering and hate
who I ask who

Who shall cry for the little boy who locked
Away and left to die in this spiteful world’s cold embrace
Who I ask who

I will for I am that boy whose pain knows no end
And no bounds and who’s world is ruled by hate
I will I say
For I am that little boy who’s never known love
Who’s every move brought but suffering and hate
Who I ask who!

I will, will cry for that who’s locked away
and left to die in this spiteful world’s cold embrace
Who I ask who
I will for I am that soul who’s finally free
Shavontoe Daniels 528858 WCI
Harm
By Cody Long
The urge is only good as the feel, like the drug that has hit the vein.
It lasts for only some time but holds no ground so I as one look to more extreme.
As the glow of the glass cuts my scars, and I truly see what life holds to the future.
As the drown of rain falls from my eyes, I only see the red of my goodbyes.
But I urge once again to other I will not leave but become clean.
From all my darkness of my past, in the full comfort I scream beside.
Who is there to hear me? My shadow of who I hide, afraid that the younger me will see.
So I avoid the new and keep it hidden with my harm in front of me. HARM
Cody Long 558710 A.K.A Little Bear

Our Jim Crow
By T Sidney
They say 8 out of 10 color people-black, brown minority, felons-
The Drug Task Force say 8 out of 10 color people have drugs on them.
Of course I am suspect cause you can see the struggle n our eyes.
It’s crazy how white men just so free to genocide
We aint put crack here, but it’s us ya’ll want to penalize.

Rinse ya’ll eyes so you can see the Jim Crow wasn’t end it
Mass incarceration the new Jim Crow they just built a new engine
And the Engine ran off violations to our 4th amendment.

Stay with me because I’m about to take off and I’m well winded
We far from finished, I ain’t throwing in no towel cause I love war
If drugs was on a decline what was the war on drugs for

I know--- to control blacks in urban areas that was poor
In 85 the strategy to build legislative support
Was 4 the media to campaign Black crack babies and drug whores
In 82 Ronald Regan declare the drug war
Then in 2009 they locked me up for robbing and shooting a drug lord.

So the drug war that was declared does more
So please follow me so you can see it
The war on drugs help fund a covert war by the C.I.A.
WE use to couldn’t vote through poll tax, and grandfather Clause
So the purpose to be collapse of Jim crow we all applaud
Cause they got rid of everything but the disenfranchisement laws

With mass incarceration disenfranchisement put a higher wall
The disenfranchisement law still suppressed blacks to vote as well.
I’m just trying to show you how the new Jim Crow parallels the old Jim Crow-
felons can’t vote ; felons have to pay fines and fees to get they vote back- poll tax.
White rural areas housing prison just ain’t representing Jim
This is how they get more state legislators representing them

I speak the real I know ya’ll hated, but don’t be so sensitive
I got a lot to say and I can’t hold back
4 my little Souljahs in the Hood, please don’t get caught with no crack
Because ya’ll gone have to pay those fines and fees to get ya’ll vote back
Now what that sound like. That sound like the new poll tax
The supreme Emancipation Proclamation in 1857
Still remains true today as long as black labeled as Felon
JCI ILLEGALLY CONFISCATES PREVIOUSLY GRANDFATHERED MUSIC HOBBY PROPERTY

Although JCI currently allows inmates who transfer to its facility to retain possession of their electric guitars, do not expect to keep the required accessories such as pedals, processors, tuners or any other previously grandfathered music hobby items. In addition, JCI no longer allows drum machines and considers them as contraband as well. This change in JCPs position began on June 3, 2015, initialized by a low-ranked correctional officer. That arbitrary decision unexpectedly survived numerous complaints and just as many appeals, all the way up to the Secretary of the DOC, Jon Litschers. It also survived judicial review in the circuit court via writs of certiorari.

Two inmates from JCI have filed a § 1983 in the Western District. (Keep watch for this case on Lexis, case no. 17-cv-418-jdp.)

Does your institution still honor the Grand-fathering Clause provision in DAI Policy 309.36.01, and allow inmates to retain possession of their previously allowed musical hobby items? Contact: Chad Conrad 183250, JCI PO Box 233, Black River Falls, WI 554615

A New path to Madison?

I have been alerted by inmates to two relatively new legal documents. Both allow the inmate to go beyond the inmate complaint system and write directly to Warden and Madison-Executive Order 43 And WI Statute 301.29(3) These were submitted by Jason Brush, Carl McDaniel and Tony Merriweather. The executive directive gives the rules, the statute paves the path to Madison. Take a look. The basic idea I that you list the rule violated using Executive directive 43 and then cite the statute that allows you to write Madison uninhibited. Also cite the attempt you made using normal channels to remedy the situation. We would like to know if this helps increase accountability. I am squinting the executive order as much as possible, leaving out the intro and history.

EXECUTIVE DIRECTIVE #43

New Effective Date August 15, 2016
Subject Work Rules
Authority: Wis. Stats Ch.111 Wis Stats ch230; WI adm code employment relations; WI Human Resources Handbook Chapter 410; DOC Executive Directives; WI DOC Human Resources Policies

State of Wisconsin/Work Rules

The State of Wisconsin has established Work Rules which govern employee conduct so that the State of Wisconsin can fulfill its objectives in an orderly and efficient manner. Violations of any work rules may result in disciplinary action ranging from a (5) suspension to discharge, depending on the seriousness and frequency of the Infraction. In all cases, the State of Wisconsin considers discipline as corrective. Specifically, all employees of State of Wisconsin are prohibited from committing any of the following:

1. Falsification of records, knowingly giving false Information or knowingly permitting, encouraging others to do so. Failing to provide truthful, Accurate and complete information when required.

2. Failure to comply with written agency policies or procedures.

3. Disobedience, insubordination, inattentiveness, negligence, failure or refusal to carry out written or verbal assignments, directions, or instructions.

4. Failure to observe all health, safety and sanitation rules and practices. Including failure to report accidents which involve injuries or damage to state equipment or property.

5. Failure to report promptly at starting time or leaving the place of duty before the quitting time without proper authorization, or failure to promptly notify the proper authority of impending absences or tardiness.

6. Unexcused or excessive absenteeism or tardiness.

7. Misuse or abuse of leave benefits.

8. Failure to observe time limits for lunch or break periods.

9. Stealing, unauthorized use, neglect or destruction of government-owned or leased properly, materials, equipment or supplies. Includes theft or intentional destruction of personal possessions of staff or others on government owned or leased property.

10 Unauthorized use or misuse of state or private property, materials, facilities and equipment including but not limited to computers, mail services, telephone system, fax machine or other electronic media.

11 Unauthorized audio and video recording and photography on state property or while conducting State business.

12 Unauthorized access, disclosure, destruction or use of information or records that could be reasonably considered confidential.

13 Threatening or attempting to inflict or inflicting bodily harm to or mental anguish to another person.

14 Intimidating, interfering with, harassing, demeaning, treating discourteously, or bullying; or using profane or abusive language in dealing with others.

15 Possession of a controlled substance or analogue without a prescription while on duty; manifesting signs of having consumed alcohol, or illegal drugs; or reporting to work or working in an impaired condition so as to be unsafe to the employee, others, or physical property.

16 Engaging in unauthorized activities while on duty, including but not limited to gambling, operating a personal business, soliciting, playing games, horseplay or disorderly conduct or other disruptive or unsafe behavior.

17 Making false, inaccurate or malicious statements about another person or the employer.

18 Unauthorized possession, misuse or mishandling of weapons, ammunition or explosives.

19 Entering or permitting others to enter restricted areas without authorization, including unauthorized exit outside work hours or unauthorized entry into restricted areas.

20 Failure to comply with or violating any rule, regulation or order of a professional licensing agency when the license or certification is related to the employee’s position.

21 Failure to comply with the provisions of the state code of ethics.
Serious Misconduct: Section 230.34 (1)(a), Wis.Stats states: An employee with permanent status in class or an employee who has served with the state as an assistant district attorney, or an assistant public defender for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay, or demoted for just cause. It is just cause to remove, suspend without pay, discharge, reduce the base pay or demote an employee for work performance or personal conduct that is inadequate, unsuitable or inferior, as determined by the appointing authority, but only after imposing progressive discipline that complies with the administrator's standards under s. 230.04 (13m).

Violation of these rules may also result in appropriate disciplinary action.

It is just cause to remove, suspend without pay, discharge, reduce the base pay of, or demote an employee without imposing progressive discipline for any of the following conduct:

1. While on duty, harassing a person.
2. While on duty, intentionally inflicting physical harm on another person.
3. While on duty, being intoxicated or under the influence of a controlled substance, as defined in s.961.01 (4) or a controlled substance analog, as defined in s.961.01 (4m).
4. While on duty, being in possession of a controlled substance, as defined in s.961.01(4), or a controlled substance analog, as defined ins. 961.01 (4m), without a prescription.
5. Theft of agency property or services with intent to deprive an agency of the property or services permanently, theft of currency of any value, felonious conduct connected with the employee's employment with the agency, or intentional or negligent conduct by an employee that causes substantial damage to agency property.
6. A conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the agency.
7. A serious violation of the code of ethics established by the director under s. 1945(11)(a) as determined by the director.
8. While on duty, being intoxicated or under the influence of a controlled substance, as defined in s.961.01 (4).
9. While on duty, being in possession of a controlled substance, as defined in s.961.01(4), or a controlled substance analog, as defined ins. 961.01 (4m), without a prescription.
10. While on duty, being intoxicated or under the influence of a controlled substance, as defined in s.961.01 (4m).

Serious Violations:

1. While on duty, harassment of a person.
2. While on duty, intentionally inflicting physical harm on another person.
3. While on duty, being intoxicated or under the influence of a controlled substance, as defined in s.961.01 (4) or a controlled substance analog, as defined in s.961.01 (4m).
4. While on duty, being in possession of a controlled substance, as defined in s.961.01(4), or a controlled substance analog, as defined ins. 961.01 (4m), without a prescription.
5. Theft of agency property or services with intent to deprive an agency of the property or services permanently, theft of currency of any value,
6. Theft of agency property or services with intent to deprive an agency of the property or services permanently, theft of currency of any value, felonious conduct connected with the employee's employment with the agency, or intentional or negligent conduct by an employee that causes substantial damage to agency property.
7. A conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the agency.
8. Misuse or abuse of agency property, including the intentional use of the agency’s equipment to download, view, solicit, seek, display, or distribute pornographic material.
9. A serious violation of the code of ethics established by the director under s. 1945(11)(a) as determined by the director.

WI STATUTE  301.29   Bonds of employees; police powers; investigation of complaints.

(3)The department shall investigate complaints against any institution under its jurisdiction or against the officers or employees of the institutions. For that purpose, the secretary and such officers and employees as the secretary authorizes may summon and swear witnesses, take testimony and compel the production of books and papers. On its own initiative, the department may investigate the affairs of any institution. Any written communication or complaint addressed to the secretary by any inmate, employee or subordinate of an institution shall be immediately forwarded unopened to the addressee.

GOAL: Abolish JLWOP in Wisconsin and allow for a meaningful Opportunity of release

Editor’s note: At July phone conference guest speaker was Attorney Eileen Hirsch from UW Remington Center Law Clinic who gave history of legislation on Juveniles and outlook for future and info below was supplied at that meeting. Early in this conference it was discussed that WI does not have a mandatory life sentence structure but many youths did receive Defacto life sentences because of their inordinate length and it was acknowledged that the lack of parole in Wisconsin in general must also be addressed.

Legislation on juveniles and trends/ summary from new Group WAYJ:

Superpredator Myth: Crime for adults and youth rose. The media started focusing on kids. Rhetoric around justice involving kids got out of control. The public began to panic. Elected officials responded by enacting laws making it easier to charge, prosecute, and sentence kids as adults. While this was happening penalties in the criminal justice system (adult system) were becoming more harsh. States are still working to roll back harmful laws. Some state are moving slower than others.
Miller v Alabama
2005 Roper v Simmons Supreme Court of the United States (SCOTUS) said it’s unconstitutional to execute someone for crimes committed under the age of 18 years old.
2010 Graham v Florida SCOTUS said juvenile life without parole (JLWOP) for nonhomicide charges is unconstitutional.
2012 Miller v Alabama (and companion case Jackson v Hobbs) SCOTUS said mandatory JLWOP is unconstitutional. The characteristics of childhood must be taken into consideration at sentencing. JLWOP should be rare. If the judge sentences the child to something other than JLWOP the opportunity of release must be meaningful. Legal questions that remain are ‘what is life?’ And ‘what is meaningful?’

Montgomery v Louisiana
2014 in December SCOTUS agreed to hear Toca v Louisiana. Less than 2 months later Louisiana vacated his conviction and released him from prison. 2015 SCOTUS dismisses the case.
2016 Montgomery v Louisiana SCOTUS says Miller applies retroactively. And repeats and a judge must find that a child is irreparably corrupt (can not be rehabilitated and safely released) before sentencing a child to juvenile life without parole.

Legal questions that remain are ‘what is life?’ And ‘what is meaningful?’

National Trends
19 States and D.C. now ban JLWOP
Legislation from states has included:
- consideration of factors related to a child’s age, maturity, life circumstances, and capacity for rehabilitation at the time of sentencing for all children tried in adult court
- judicial discretion to depart from mandatory minimums, sentencing enhancements, and lengthy terms of years for children being sentenced in adult court
- meaningful and periodic reviews for all children sentenced in adult court
- due process protections, including legal representation during parole and resentencing proceedings

BY STATE
Nevada • 15-20 Year parole eligibility for all
North Dakota • 20 Years or earlier review in front of judge
D.C. • 20 Years or earlier review in front of judge
West Virginia • Parole eligibility for any child convicted of any crime after 15 years
CA • Requires board to meet with inmate six years before the initial parole eligibility date to provide specified information, such as recommendations on rehabilitative programs
Wyoming • Makes a person sentenced to life for an offense committed as a juvenile eligible for parole after serving 25 years

Wisconsin Specific
11% juvenile vs. adult lifers. Second highest in the nation
1%-2% WI lifer parole grant rate between 2011 and 2013
The pamphlet ends with goals- basically taking all the right considerations into account at sentencing and at parole hearings. Overall goal of reducing all sentences of juveniles to 20 or less years. “How long” took Arkansas nearly 3 years to go from bill introduction to passage, took West Virginia only 4 months.
Note: We are working on good contact information that works for prisoners for this and other groups. Right now, JWAY is available on facebook. They meet monthly by phone conference and are just starting out.

Juvenile Life Without Parole (JLWOP)
By Demetrius Robertson 552375; GBCI, PO Box 1903, Green Bay, WI 54307

According to the dictionary, the word “justice” means: fairness; righteousness. Justice is a word often tossed around by the dictators of the American legal system. Multiple proclamations have been made regarding their application of “justice”. However, we must ask ourselves is “our” legal system applying justice or “law”. Are they doing what’s legal or what’s just? See, the word “legal” according to the dictionary means: “Conforming to or permitted by law or established rules.” In other words, what’s allowable and justifiable. Now, just because something is allowed-legal, doesn’t mean it’s “just”- fair and right. In fact, “our” legal system is guilty of using the word “justice” to justify unjustifiable acts, or should I say “laws”. For instance, is it right or fair to permanently condemn a juvenile? IS it fair to right to sentence a juvenile to life in prison without parole, regardless of the crime committed? The simple answer is NO! It’s not fair from a scientific perspective a logical perspective or a moral perspective. But clearly it’s an entirely different story when being viewed from a “legal perspective.”Our” American legal system is responsible for sentencing multiple juveniles to life in prison without parole. This just goes to show that “law” and “justice “are not always consistent with one another.

JLWOP is a law, or was law, that many justified on the pretense that many juveniles are very mature, intelligent and calculated. They argue that if a Juvenile is smart enough, calculated and cold enough to commit a crime as extreme as murder then they are suitable to get prosecuted to the fullest extent of the ”law”.
The simple truth is a juvenile, at let’s say age 15 to 17 years old only has 15 to 17 years of experience at living life, at experiencing themselves. It’s experience that ultimately determines how a person applies their intellect, their emotions and theirselves as a whole. So it’s not about intellect, or emotions, it’s about the application of these things.

For those that try to justify JLWOP using the intellectual capacity, the emotional stability or maturity of a juvenile, I must ask you this: looking at yourself in retrospect, would you choose to go back to being the person you were at 15 to 17 and stay that exact way for the rest of your life? I assume you’ll answer no, despite how mature and intelligent you were as a juvenile. Even if you didn’t commit a crime as extreme as murder or any crime for that matter as a juvenile, you still find a plethora of reasons why it wouldn’t be fair, or logical or right to be condemned FOREVER as a juvenile. If we were all permanently stuck in our 15 to 27 year old state of evolution, I’m sure it’s only be a matter of time before human kind diminishes. It’d be like defying the evolutionary process of nature.

In closing I would like to say that juvenile crime is not a product of ruthless, coldhearted teens. It’s a product of a system failed. We are what we consume.

**QUESTIONNAIRE:** To all prisoners in the WI system

We need data on what you are given in the way of treatment, training in preparation for release as we only have anecdotal evidence right now. Please consider filling out this form as it will have many uses and will be widely shared. If enough of you fill this out, we will have a powerful tool to use for real change. Please be honest and include data you consider favorable as well as unfavorable. We ask you to help if you can and add information you think we missed. Return the forms to: FFUP/c/o Peg Swan; 29631 Wild Rose Drive, Blue River, WI 53518. And thanks much to all who help.

*This is squinched from 4 to 2+pages to fit in newsletter- please use your own paper if needed to expand answers. Put down number you are answering if you use your own paper. And thankyou.*

1) **personal data:**

- name/ number/ prison /age and birth year /________________________________________________________
- what city/county did you reside before incarceration?__________________________________________________
- release date/length of time in prison/ _________________________________________________________________
- crime convicted of/Date of crime for which you were convicted:  are you TIS or OL? _______________________
- guilty as charged(yes) (no)/length of sentence given____________________________________________________
- Did you have a private lawyer? Public defender? _______________________________________________________

Add items you think are important but be factual and focused.

For the rest of the questions, use more paper if you need- just write the number on the new sheet of the question you are answering

2) **support from outside:**

- Do you have family or friends in touch with you- do they visit/write/ help with funds/what difference does that make in your time in prison/what could the prison do to make connections with family and friends easier?____________________________________

3) **Support growing up.** There is talk these days that over incarceration cause crime? Do you agree? Did you have a father at home while growing up? Was your father incarcerated? Was any other member of your family incarcerated? Does yes or no to that question make a difference in your prison experience? Who were your role models as you grew up? How about gangs? Positive and negatives about gang support in your life________________________________

4) **support on the inside:** were there people within the system, either staff or prisoners who helped you sustain yourself- or grow
5) For the mentally ill: (diagnosis and treatment)
What is your diagnosis? Has your diagnosis been changed? If your diagnosis was recently changed, from what to what - was the MH level changed. What is your diagnosis now? and the MH level? Was your seg status changes? Were you transferred to another prison? Other consequences? Are you or have you been on AC? How long have you been in solitary?

6) More For the mentally ill: (diagnosis and treatment): What treatment have you received. State the name and years you received it and whether it was paper work, in person sessions with a therapist or groups sessions. Describe a session briefly and explain if it helped. Did the treatment help? add what you think is important. Have you requested treatment at WRC/ What happened? Be specific whenever you can.

7) more : For the mentally ill. How was treatment you received before incarceration? Did you have access to a mental health clinic or therapists. Describe help you were given and by whom. Was there anyone in your family who helped you cope or a friend? Was poverty a factor in your illness?

8) For ALL: are you in solitary? What is your status called? for what and what time line? Are you on AC/ What is conduct report or reason. Do you have documentation? Have you filed complaints? Describe conditions. Attempts to get out of solitary etc. all information needed.

9) General health care_ please outline problems and good things here. Note health care staff shortages where you have encountered them

10) For all: Training received while in prison: what you received, when( years), whether it was effective. IS there anything you can use once you get out? Did you receive your GED and how was that- are you a competent reader and writer? Are there any skills you learned that can be used once you are out? If you are an old law prisoner when you received this training is especially important, what training or treatment have you received since TIS was enacted? Was there treatment or treatment you asked for that you did not receive? Why?

11) more on training and treatment and preparation for release: books and resources available to you, law library . free books to prisoners, This is a big one for FFUP- what can you access to help yourself to learn and grow. Delineate some of the good things and obstacles- IF you are motivated to get the most out of your incarceration, what tools are available? What are the obstacles? Again, show specific examples. Also physical well being is important- recreation and diet. All these things are important. Be on point.
12) Release – for those nearing release, out, or revoked

What help is or did the parole agent or DOC give you to prepare for release and what is offered as conditions of release:

a) Do you or did you have a place to go with family or friends? Did the DOC/parole approve of your plan?

b) were you or will be you given things you need to sustain yourself after release? What exactly were you supplied with or will you be given-

( check if yes and explain in lines/please use more paper if needed)

state id_______housing for how long where____________________access to phone____________________clothes____________________-

voucher for thrift shops____________________bus pass____________________money____________________transport by

agent?_________curfew____________________other restrictions___________________________anything else?

For those reincarcerated for non felonies- Please summarize your experience – try to be clear about the dangers your actions posed and alternatives to reincarceration that could have been used. We have heard of reincarceration for very minor rule offences. Be specific about what happened and you will be educating us all. This is a nebulous topic with near nothing in data.(again, use more paper)

Specific issues: overcrowding and lack of staff- if you have PERSONALLY experienced the effects of this- please site specifics. And items you want to stress even if you noted them above, plus note things you think we missed. Be factual and on point as much as possible.

Here add anything you want- critique of questionnaire okay. And thank you very much for your participation

Send to FFUP c/o peg Swan; 29631 Wild Rose Drive, Blue River, WI 53518

Help Educate your Legislators

COMMITTEES of importance in the next few sessions: see founder notes: Help to educate your legislators- especially if one of them is on one of these committees

2017 Senate Committee on Administrative Rules (proposal to work on standardizing DOC’s administrative rules needs support -see founders notes p2)

Senator Steven Nass (Chair)Whitewater; Senator Devin LeMahieu (Vice-Chair)(Oostburg 53070 District9)Senator Duey Stroebel (Saukville); Senator Chris Larson(Milwaukee); Senator Robert Wirch (Sommers)

2017 Senators on the Judiciary and Public Safety Committee

Senator Risser is trying to get support for a proposal giving DOC a year to come up with alternatives to solitary_Senator Van Wanggaard (Racine)(Chair); Sen. Patrick Testin (Stevens Point)(vice-chair); Sen. Duey Stroebel (West Bend/Fond du Lac area); Sen. Fred Risser (Madison); Sen. Lena Taylor (Milwaukee)

Contacting legislators with your own with our own problems and big picture: Finding your legislator- where you used to live or where you family lives now- legislators are easily found here:

http://legis.wisconsin.gov Plug in zipcode and your guys will pop up OR call_800-362-9472/ or write FFUP

“you're right—it does feel good to sit.”

FFUP; 29631 Wild Rose Drive, Blue River, WI 53518
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