

**Before The State of Wisconsin Department of Corrections  
and the Wisconsin Parole Commission**

**PETITION BY CITIZENS FOR THE PROMULGATION OF NEW RULES  
GOVERNING PAROLE FOR OLD LAW PRISONERS**

TO:

Kevin Carr ,WI DOC Secretary  
PO Box 7925;Madison, WI 53707

Chairman; Parole Commission  
PO Box 7960;Madison, WI 53707

Governor Tony Evers  
PO Box 7863; Madison, WI 53707

Date

We, the undersigned Citizens of the State of Wisconsin do hereby petition the Wisconsin Department of Corrections (DOC) to conduct rule-making proceedings to adopt the rules listed in this petition which give new parole guidelines for the release on parole of Wisconsin's nearly 3000 Old Law Prisoners, many of whom have long been ready to be productive citizens. We believe these new rules will allow rehabilitated men and women to rejoin their families and communities while ensuring public safety. We will present compelling arguments why our present system accomplishes neither of these goals and has become a drain on all systems, financial and moral.

This petition is filed pursuant to the provisions of 227.12 (1) and (2), Wis. Stats. A petition for rule-making must state the substance or nature of the rule requested, the reason for the request, the petitioners' interest in the requested rule, and a reference to the agency's authority to promulgate the requested rule (227.12 (2), Wis. Stats.). This petition fulfills these requirements and describes why rule changes are urgently needed. The proposed rules changes are listed on pages 4 through 6.

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WI and US as a whole

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## SIGNATURES of PETITIONERS

### **Statute 227.12 provides that 5 or more people can petition for a rule change:**

#### **227.12 Petition for rules.**

*(1) Unless the right to petition for a rule is restricted by statute to a designated group or unless the form of procedure for a petition is otherwise prescribed by statute, a municipality, an association which is representative of a farm, labor, business or professional group, or any 5 or more persons having an interest in a rule may petition an agency requesting it to promulgate a rule.*

*(2) A petition shall state clearly and concisely:*

*(a) The substance or nature of the rule making requested.*

*(b) The reason for the request and the petitioners' interest in the requested rule.*

*(c) A reference to the agency's authority to promulgate the requested rule.*

*(3) Except as provided in sub. (4), within a reasonable period of time after the receipt of a petition under this section, an agency shall either deny the petition in writing or proceed with the requested rule making. If the agency denies the petition, it shall promptly notify the petitioner of the denial, including a brief statement of the reason for the denial. If the agency proceeds with the requested rule making, it shall follow the procedures prescribed in this subchapter.( entire statute exhibit 6) (2)*

## 1) Present PAC rules

At right are the present PAC 106 rules, under which the Parole Commission operates. Before truth in sentencing was enacted, these rules were sufficient to allow for timely release of rehabilitated old law prisoners. For inmates who were convicted of crimes committed before 1999, the mandated portion of their sentence was 25% or 13 ½ years for those given life sentences. (WI Statutes 304.06) After that mandated portion of their sentence, they were eligible for parole based on conduct while in prison and the normal procedure WAS release soon after 25 % of their sentence was served.

This is no longer the case and in this documents we will supply the proofs and details of why these new rules are needed. First, if you look at the present PAC rules at right, you will notice few of the many criteria listed give any factors that can be measured objectively. It is the vague and subjective nature of the present rules we intend to address.

Here are two of the worst examples:

*Pac 1.06 (16) (b) The inmate has served sufficient time so that release would not depreciate the seriousness of the offense. (what IS sufficient time?)*

*PAC 1.06(16)(h) The inmate has reached a point at which the commission concludes that release would not pose an unreasonable risk to the public and would be in the interests of justice. (Completely subjective)*

- [PAC 1.06\(16\)](#) (16) A recommendation for a parole grant or release to extended supervision order may be made after consideration of all the following criteria:
- [PAC 1.06\(16\)\(a\)](#) (a) The inmate has become parole or release to extended supervision eligible under s. 304.06, Stats., and s. [PAC 1.05](#).
- [PAC 1.06\(16\)\(b\)](#) (b) The inmate has served sufficient time so that release would not depreciate the seriousness of the offense.
- [PAC 1.06\(16\)\(c\)](#) (c) The inmate has demonstrated satisfactory adjustment to the institution.
- [PAC 1.06\(16\)\(d\)](#) (d) The inmate has not refused or neglected to perform required or assigned duties.
- [PAC 1.06\(16\)\(e\)](#) (e) The inmate has participated in and has demonstrated sufficient efforts in required or recommended programs which have been made available by demonstrating one of the following:
  - [PAC 1.06\(16\)\(e\)1.](#) 1. The inmate has gained maximum benefit from programs.
  - [PAC 1.06\(16\)\(e\)2.](#) 2. The inmate can complete programming in the community without presenting an undue risk.
  - [PAC 1.06\(16\)\(e\)3.](#) 3. The inmate has not been able to gain entry into programming and release would not present an undue risk.
- [PAC 1.06\(16\)\(f\)](#) (f) The inmate has developed an adequate release plan.
- [PAC 1.06\(16\)\(g\)](#) (g) The inmate is subject to a sentence of confinement in another state or is in the United States illegally and may be deported.
- [PAC 1.06\(16\)\(h\)](#) ) The inmate has reached a point at which the Commissioner concludes that release would not pose an unreasonable risk to the public and would be in the interests of justice.
- [PAC 1.06\(17\)](#) (17) The commission shall provide an opportunity for a victim to provide direct input and to attend the interview.
- [PAC 1.06\(18\)](#) (18) The commission shall permit any office or person to submit a written statement for consideration in its decision-making process.

## 2) THE NATURE OF THE REQUESTED RULES

The petitioners respectfully ask the Department of Corrections to promulgate changes to PAC 106 that fulfill the intent both of the legislators when statute 304.06 was passed regarding prisoners sentenced before 1999, which we are calling “old Law Prisoners”, and the intent of the judges when they sentenced these old law prisoners.

*The general ideas of what we feel are necessary are listed below. We will then expand them to include the details that are needed so they fit into the present PAC rule.*

*Our aim here is to bring in specific, measureable criteria that gives both the parole commission and the old law prisoners goals to aim for. In addition, we feel that opening up the hearing process to allow more testimony both for and against parole will make sure the more subjective criteria will also be considered.*

## **Here are the broad outlines of what we would like to achieve for WISCONSIN'S OLD LAW INMATES**

- 1) For inmates sentenced for crimes committed prior to December 31<sup>st</sup>, 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, There is no statutory requirement that a prisoner be transitioned to a minimum security prison before release. Yet unwritten rules today usually require it and overcrowded conditions leave many parole -ready inmates waiting years for the next transition. If timely transition to a lower level security prison is not possible , a prisoner who can otherwise show himself ready for release shall be paroled without regard to the security level of the prison in which he resides. Likewise, working outside the prison before release, although laudable, is not a prerequisite for release as there are many times the applicants for these jobs than there are openings.
- 3) Also, availability of programs and prison overcrowding cannot be a factor in determining release eligibility. 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, the prisoner will be allowed to complete the program in the community or it 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. (4)

# THE PROPOSED RULES

Here we have expanded and added details in order to fold the new rule proposals into the existing PAC rules

**Below is a Rewriting of PAC 106 (16) through (20) with proposed changes inserted**

PAC 1.06(16) (16)

**A RECOMMENDATION FOR A PAROLE GRANT OR RELEASE TO EXTENDED SUPERVISION ORDER MAY BE MADE AFTER CONSIDERATION OF ALL THE FOLLOWING CRITERIA:**

**(NEW RULES IN BOLD PRINT)**

PAC 1.06(16)(a) The inmate has become parole or release to extended supervision eligible under s. 304.06, Stats., and s. PAC 1.05.

**PAC 1.06(16)(b) Once a prisoner has served the statutorily imposed minimum amount of time necessary to become parole-eligible, the Parole Commission shall recognize that the prisoner has served the "sufficient time for punishment" portion of his/her sentence. ) For inmates sentenced for crimes committed prior to December 31<sup>st</sup>, 1999, the mandated 25% of their sentence shall be considered sufficient time for punishment, for those with life sentences, it is 13 ½ years. For Prisoners sentenced pre-1981, parole eligibility for those serving life sentences started at 11 yrs, 3 months.**

PAC 1.06(16) (c) The inmate has demonstrated satisfactory adjustment to the institution.

PAC 1.06(16) (d) The inmate has not refused or neglected to perform required or assigned duties.

PAC 1.06(16)(e) The inmate has participated in and has demonstrated sufficient efforts in required or recommended programs which have been made available by demonstrating **one of the following**

**PAC 1.06(16)(e)(1) P.A.C.1.06 (16)(e) 1.1 Inmate has participated in required programs satisfactorily, OR**

**PAC 1.06(16)(e)(2.) The inmate can complete programming in the community OR**

**PAC 1.06(16)(e)(3) The inmate has not been able to gain entry into programming because the program was not available at his institution. In cases where the inmate is in administrative confinement, a non punitive status, all efforts shall be made to see that programming required for release is successfully taken. If the inmate requests such programming and a good faith attempt to supply it is not made, this lack of programming shall not be used against the inmate when deciding readiness for release.**

**PAC 1.06(16)(e)(4) Where such inmate chances to obtain favorable parole is contingent upon his completion or participation in such program or treatment, the Parole Commission and Program Review Committee, shall work together in securing an inmate a space in required programs and treatment, as required by DOC 302.15 (4)(9) WI Adm. Code.**

PAC 1.06(16)(f) The inmate has developed an adequate release plan.

PAC 1.06(16)(g) The inmate is subject to a sentence of confinement in another state or is in the United States illegally and may be deported.

**PAC 1.06 (16)(h)Inmates who committed their crimes before 1999 who were ordered by the judge to be deported upon release, shall , if permission is given by the host country and the inmate, be deported to his or her country of origin.**

**PAC 1.06(16)(i)In order to assess whether or not release would pose an unreasonable risk to the public and would be in the interest of justice , the Parole Commission shall be afforded the widest possible view of the prisoner. Therefore:**

**(5)**

**PAC 106(16)(i)(1)** In addition to permitting victims and victim advocates the opportunity to be heard at each hearing, the Parole Commission shall permit interested parties to speak at parole hearings on behalf of the prisoner. These interested parties may consist of family, friends, members of the prisoner's support group, clergy, employers or other advocates as well as prison staff who support release.

**PAC 106(16)(i)(2)** The Parole Commission shall also permit two institutional staff and/or community members who voice opposition to release to speak at the hearing. In addition, Correctional staff or any person in the community will be allowed to submit written testimony in opposition to the parole.

**PAC 106 (16)(i)(3)** The commission may use the independently scored findings of evidence-based-practice evaluations used initially to identify essential program needs during the Assessment & Evaluation process and subsequently used to evaluate current dangerousness to the community in preparation for release. IF these test scores are used in the assessment, copies of the questions and answers and test results shall be made available to the prisoners before the parole hearing. He/she shall be able to comment on test process and fairness.

**PAC 106(16)(j)**All documents used in accessing whether to release an inmate shall be made available to the prisoner.

**PAC 1.06 (19)**If parole is not granted, the Parole Commissioner must detail in writing, exactly what specific, achievable requirements the prisoner needs to satisfy to become suitable for release. These requirements cannot contain any highly subjective, catch-all provisions that might allow a decision-maker to base his or her decision on immutable factors over which neither the prisoner nor the Parole Commission has any control such as "seriousness of the offense" or "unreasonable risk to the community" without detailing exactly what achievable requirements the prisoner needs to satisfy to become suitable for release. Any such requirements shall then be endorsed for prompt implementation/action in the written decision of the hearing in which they were made.

**PAC 1.06 (20)** Once the prisoner has been issued a deferment, the Parole Commission shall not increase or repeat that deferment for any reason other than the following:

- The prisoner's negative institution conduct based upon a lawful finding of guilt made by Department of Corrections personnel authorized by rule to make such findings;
- The prisoner's refusal to participate in essential programming mandated by the court or
- The negative removal of the prisoner from such essential programming during the current deferment period for a well documented cause.

**PAC 1.06 (21)**In every case, each Parole Commissioner shall be required to maintain continuity in the decision making process by continuing with the case plan set forth in any written decision which was made subsequent to the implementation of these proposed rules.

**IN addition we add this rule which honors the education effort made by many old law prisoners. A similar provision was in the 1989-90 statutes (304.06(1r)(a)(2):**

**PAC 1.06 (22)** a parole eligible prisoner who came into prison without a high school diploma, GED or HSED, and has attained his HSED or GED shall be paroled unless the prisoner has received a major provable behavior conduct report within the last one year or if his current parole review that indicates his or her release would pose a significant risk to the public. Also a prisoner who gained a college degree or completed a vocational course while in prison shall be paroled if there is no provable evidence within the last one year to show that his or her release would pose a significant risk to the public.

## NEED FOR THE NEW PAC RULES/ *needs data from 2018 also*

We believe that the intent of statutes regarding parole has been circumvented and parole for Old Law prisoners has virtually stopped since Truth –in-Sentencing (TIS) was enacted. Most Old Law Prisoners are not released until their Mandatory Release (MR) dates and for “lifers,” who have no MR date, this policy means they will die in prison. At the time of their sentencing, the prisoner was eligible for release after serving 25% of his or her sentence; the average lifer was eligible for release consideration after 13 ½ years (statute 304.6). For those convicted before 1981, parole eligibility for “lifers” started after the mandatory 11yrs 3 months.

It is difficult to get exact data on old law prisoners as little is kept by the DOC.

Here is some of what we know:

- 1) There are approximately 2, 800 Old law prisoners in the system today.
- 2) IN 1993, before present changes were put into place, Wisconsin paroled 3,624 prisoners while 607 waited for MR
- 3) By the time Lenard Wells was chairman, the numbers of releases had dramatically lessened. According to the Milwaukee Journal Sentinel, under Lenard Wells in 2005, there were 6294 reviews and 1161 grants. In 2006, under Alfonso Graham , there was another drop: 4705 reviews, and 688 grants. Each time the pool of old law prisoners lessons in relation to the growing number of TIS prisoners, yes, but also each time these old law prisoners go to parole they are older and more mature and most are more deserving of release.
- 4) Only 154 old law prisoners were released in 2012, most because they had reached their mandatory release dates (MR) and the prison is forced by statute to release them if they cannot be proven dangerous. This near stoppage of parole was done without substantive legislative action.
- 5) In this same time period the DOC population went from 7000 to 22,000.
  - 1993- 3624 old law prisoners released
  - 2005- 1161 released
  - 2006 - 688 released
  - 2012- 154 released

The changes began in 1994, with the passage of the VOI/TIS bill in the US congress which brought billions of dollars in federal grants to build new prisons, increase penalties and which mandated receiving states keep “violent offenders” in prison longer. This catalog of events is important here only because it helps to prove the point that laws need not be changed to correct the situation as laws were not changed to create the situation. Rule changes will serve to right the system.

There were two federal bills that funded the prison boom and caused the collapse of parole in WI:

**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**

[In appendix and online here is the then Governor Tommy Thompson's memo to the secretary of Corrections Michael Sullivan.](#) Here he is laying out the proposal to block the mandatory release of violent offenders and because legal counsel told him “any retroactive change in the law would be unconstitutional.” His solution was:

*“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.”*

Truth in sentencing was enacted and ALL old law prisoners- violent offenders, non- violent offenders and party to a crime offenders alike were treated them same- as if they had been sentenced under “Truth in sentencing”. Parole became rarer and rarer. Our prison population rose from 7 thousand (approx) to 22 thousand. In appendix and online we include besides [Governor Thompson's memo to Sullivan](#), a letter from the [US Assistant attorney General to WI DOC Secretary Jon Litscher](#) and [Justice Department data on how much money was received by all states.](#)

Again, we include this material in order to make our point that PAC rule changes that give specific criteria for release, can, if implemented in good faith, make the Wisconsin parole system work as statutes and judges intended and the public expects: Those who are ready to be released, will get a true second chance.

Until 1994 the existing Statutes were enough to effect the regular release of old law prisoners. After 1994 the statute's broad and vague language and the non specific nature of the PAC rules has been used to craft guidelines with much subjective criteria and with requirements that are completely open ended. The result is that the finish line is forever moved ahead for the parole eligible inmate. Many inmates have begun to waive their right to a hearing because they feel it is a complete sham.

Each Old Law Prisoners is given a “Notice of Parole Commission consideration as he /she prepared for the hearing . In it is a list of criteria for parole consideration. Next to most of the listing are the words: “**may include but not limited to**” and the subjective nature of the listing gives the inmates nothing to aim for. [The full notice is online here and in appendix on page 22.](#)

From the subjective and vague PAC rules have evolved a two page list of criteria even more subjective and unreachable by the prisoner.

Here are two example:

**Sufficient Time for Punishment, (may include but not limited to)**

Length of sentence or sentences /Mitigating (makes crime less serious) and aggravating (makes the crime more serious) factors/**Reason for committing the crime**/Your part in the crime

Type of crime (person or property)/**Your feelings about the crime and the victim(s)**/Attitude of judge and district attorney;

Another, “**Risk to the Public (may include but not limited to)**” includes:”**Is parole/ES violation likely by breaking parole/ES rules, or for new offense**” and “**Do you demonstrate good judgment and control?**”



**This subjective criteria has resulted in a myriad of what prisoners and their families call “excuses”** given to parole ready individuals as to why their release will be deferred yet another time. We give a listing of some of the most prevalent “excuses” that have been endured by prisoners and their families year after year.

**Following is a listing of some of the unwritten rules and contradictory rules that keep the old law prisoners in:**

**Most used:**

1) *“Has not served enough time for punishment” or “ release would pose an unreasonable risk to the public”*

Many times no evidence of risk other than original crime is given , no criteria give for what is sufficient time. Our rules will give specifics while allowing more public input to give rounded view of risk imposed by release.

2) “Has not completed programming”. The usual reason for not completing programming are :

a) the needed programming is not offered in the prison he is in and he /she is on perpetual waiting list to be transferred to appropriate institution.

b) he/she is told he cannot complete till almost at MR date.

c) PRC and PAC contradict each other in recommendations.

**The following are again nowhere in the statues but inmates are repeatedly given these reason for continuance of incarceration:**

3 ) Needs to transition to minimum security institution : nowhere in the statutes is this mandated yet is one of the main sticking points to parole. Transition through the security system is blocked by:

a) PRC recommends programming a lower security institution and BOCM blocks it.

b) PAC and PRC contradict each other

4) There are no rules prohibiting a parole release from medium security or a higher security level but inmates are repeatedly told they have to be at a minimum security prison to be released. Once arriving at the minimum, the situation is worse: As Gina Barton has noted in her recent Milwaukee Journal Sentinel, there are over 400 parole eligible individuals in minimum security now, some who have been there a decade or more and they are not being released. Many of the inmates are told they need to be on work release . They there are a dozen jobs and hundreds of applicants. These minimum facilities are called “pretend minimums” by many inmates.

5) Must have 11 month defer before release. Defers are given arbitrarily and give the inmate no real hope.

**less known examples of unwritten rules that confuse and befuddle/and statutes misapplied**

1)We have many reports of programs assigned retroactively using the Compass Test and there is much mistrust in this method. The test is given verbally, the inmates are not allowed to see the test questions, their answers or the results. We know of inmates given new program requirements through compass testing who have had multiple degrees gained when there were Pell grants available, are in their 60's have been ready for release for decades.

2)Catch 22 of administrative confinement : this is supposedly a non punitive status yet many segregation rules do not allow programming and the inmates are given extra time for not doing programming.

**We have reports of many inmate waiving parole hearings because they feel they are a sham and heart break for them and their families.**

With the current system, prisoners know that their personal efforts count of nothing except as a negative tool. If they get a conduct report or bad review, it will be used to deny them parole but there is nothing they can do positively to affect their own release. They know that most old law prisoners being release today are being released because they have reached their Mandatory release date and the prison has no choice but to release the inmate unless there is real cause/danger proven.

The overall purpose of our new rules is for the Parole Commission to evaluate the specific measurable criteria while opening up the hearing process so that any subjective criteria and the responsibility for decisions on it is spread to a wider base. By allowing testimony both for and against release of a specific inmate and ensuring that the inmate has access to all documents used in the evaluation, we are removing the arbitrariness of the decision made to ensure that a true second chance for these inmates is opened up.

### **A few notes on specific rule proposals**

**PAC 106 (16)(i)(3) The commission may use the independently scored findings of evidence-based-practice evaluations used initially to identify essential program needs during the Assessment & Evaluation process and subsequently used to evaluate current dangerousness to the community in preparation for release. IF these test scores are used in the assessment, copies of the questions and answers and test results shall be made available to the prisoners before the parole hearing. He/she shall be able to comment on test process and fairness.**

This is in response to the recent practice of using compass testing to assign programs to otherwise parole ready inmates. Social Workers give the test verbally, the inmate is not allowed to see the test questions or his/her answers or to question the results. One inmate did two open records request to get the test and was refused and he and others I know of ,in their 60's with multiple degrees gained through the Pell Grant program, were assigned cognitive training programs. At minimum, for the inmate or their families to have any faith in the process, they must be able to view the questions the answers and the results and be able to comment/appeal

**2) PAC 1.06 (22) a parole eligible prisoner who came into prisoner without a high school diploma, GED or HSED, and has attained his HSED or GED shall be paroled unless the prisoner has received a major provable behavior conduct report within the last two years or if his current parole review indicates his or her release would post a significant risk to the public. Also a prisoner who gained a college degree or completed a vocational course while in prison shall be paroled if there is no provable evidence within the last 2 years to show that his or her release would pose a significant rick to the public.**

This is similar to a 1989-89 statute. There are many old law prisoners with multiple degrees , college education paid for by the taxpayer through the PELL grant program. With the VOTIS act of 1994, all Pell grants funding was stopped. We need these prisoners and their learning out here. Also, many of old law prisoners came to prison as juveniles or young men and were illiterate or with little reading and math abilities . The prison gave them an opportunity to learn and with these tools they have matured and have much to give.

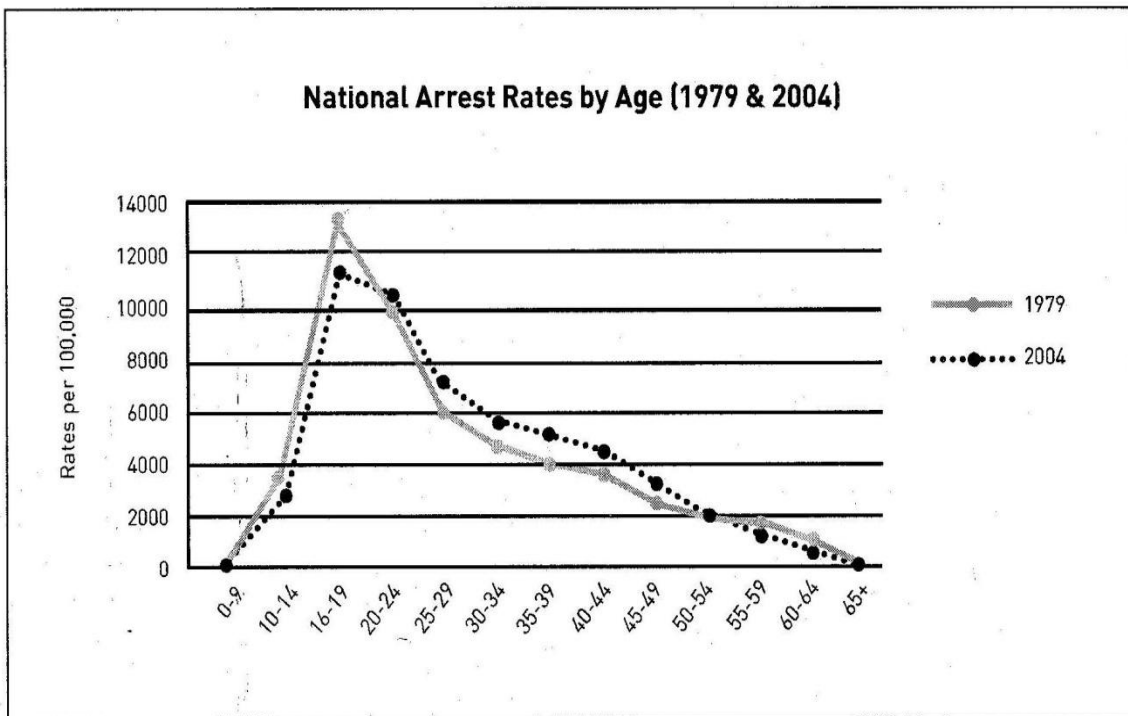
**3)PAC 1.06 (23)Inmates who committed their crimes before 1999 who were ordered by the judge to be deported upon release, shall , if given permission of the host country and the inmate, be deported to his or her country of origin.** Incredibly, Wisconsin is holding many non- resident old law prisoners who were ordered deported by the judge at completion of their sentence. When they were eligible for release long ago why are we holding them? We know of about 15 examples but are sure there are many more.

## SUPPORTING DOCUMENTS AND ARGUMENTS

Here we intend to show why giving a true second chance to old law prisoner is in the best interest of the DOC and the taxpayer, and the public at large

### 1) Old law inmates are all over thirty in the main are not dangerous.

a) Studies show that most non corporate crime is committed by people under thirty. Period. A recent and incredibly detailed study by the ACLU went state by state to get data and found that after 30, the percentage of prisoners to reoffend was 6 %, after 55 it dropped to zero. This and studies by the FOB and other organizations showing similar findings need to be given much consideration when deciding whether an mature or elderly inmate, once violent, is still a danger. People change. All old law prisoners are over thirty (crimes committed 15 plus years ago) and about a third of our nearly three thousand old law prisoners are over 55. Many are fathers, grandfathers.



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

**Crime Declines Precipitously With AGE for ALL Crimes** Research has conclusively shown that long before age 50, most people have outlived the years in which they are most likely to commit crimes. Even when examining data on arrests that may not lead to conviction or indicate guilt, this holds true. For example, the figure below shows the percentage of individuals arrested nationally by age in 2004. Less than 6% of individuals ages 30-34 were arrested (nearly 14% for 19 year olds), whereas a little over 2% of individuals ages 50-54 were arrested and almost 0% of those age 65 and older were arrested. This trend of decreasing crime rates from adulthood to old age has held constant overtime, as shown by the 1979 arrest curve.

**Here is a quote from the Pew Charitable Fund(2012) on the subject :**

“Researchers have consistently found that age is one of the most significant predictors of criminality, with criminal or delinquent activity peaking in late adolescence or early adulthood and decreasing as a personages. Older offenders are less likely to commit additional crimes after their release than younger offenders. Studies on parolee recidivism find the probability of parole violations also decreases with age, with older parolees the least likely group to be re-incarcerated. A 1998 study found that only 3.2 percent of offenders 55 and older

returned to prison within a year of release, compared with 45 percent of offenders 18 to 29 years old.<sup>21</sup>

Likewise, a 2004 analysis of people sentenced under federal sentencing guidelines found that within two years of release the recidivism rate among offenders older than 50 was only 9.5 percent compared with a rate of 35.5 percent among offenders younger than 22 . Given these statistics, releasing some elderly inmates before the end of their sentence poses a relatively low risk to the public.”

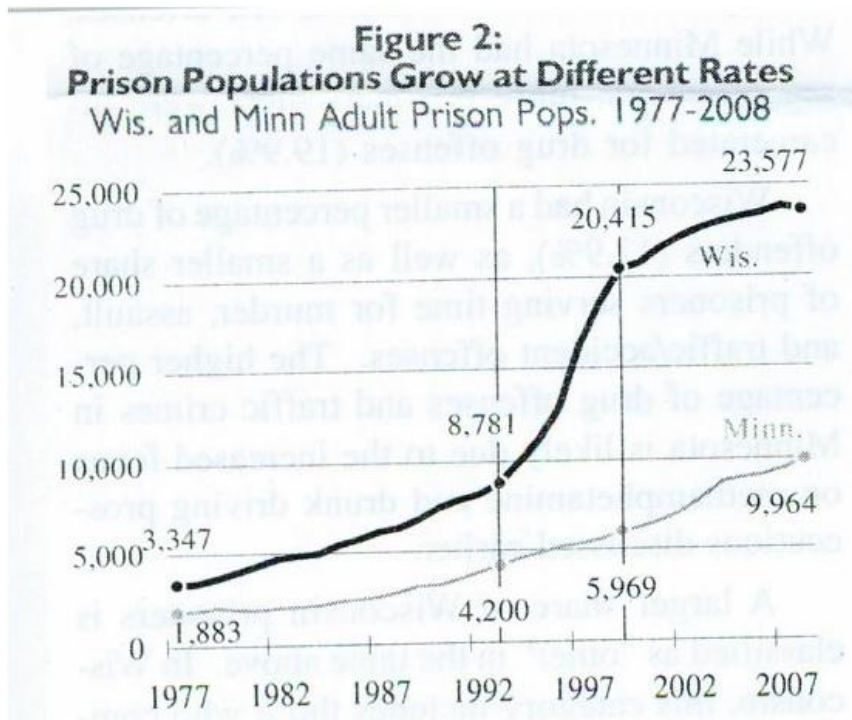
Another reason to reevaluate the “risk to the public” of old law prisoners:

**VIOLENT CRIMINALS vs prisoners convicted of a violent crime  
vs old law prisoners.**

When Truth in Sentencing came in and in order to receive the VOTIS money, WI had to certify that it was keeping “violent Offenders in” and that it had enough violent offenders to qualify for the funds. ALL old law prisoners were swept under that appellation when in truth , many offenders were guilty of being “party to a violent crime” or were part of non violent crimes,( drugs etc). We have many people classified as “convicted of a violent crime” who were not “violent offenders” and never wielded a weapon nor hurt anyone physically. 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. In an open records request response the DOC acknowledged that of the 2887 old law prisoners **"957 are serving a sentence for a violent crime," instead of labeling them violent offenders.**

We believe that the above information and the data from many studies showing dramatic risk reduction with increased age, gives the DOC a mandate to change present PAC rules to eliminate the power of the parole commission to use overly subjective criteria. With the addition to the hearing of advocates and other testimony from those who know the prisoner and can testify pro and con, the parole deciders will have the broad view needed to accurately and fairly assess the inmate’s readiness and the rehabilitated prisoners will be released to society where they belong.

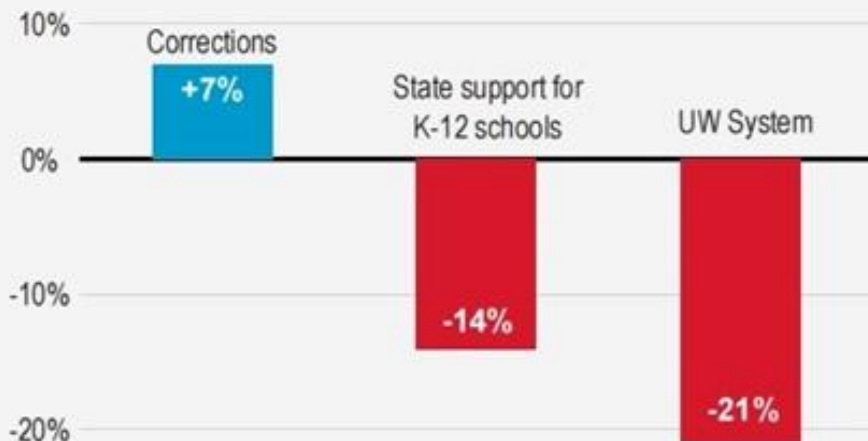
# A Look at the Money and prison population



(left) Taxpayers money used to support our schools and public services. In the 1990's we had 7000 prisoners and they were sentenced by the judge knowing that they would serve 25 % of their time and after that, if their behavior was good, they would be released. All that was mixed with the prison boom and incoming truth in sentencing (TIS). The prison population soared to 23,000 in WI. Here is a 2008 chart of the growth in incarceration rate done by the non profit 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. Per capita spending here was 23% above the average for the 11 states with violent crime rates comparable within 10% of Wisconsin's (wistax)

## Unlike K-12 Education and UW System, Corrections Has Been Protected from Severe Budget Cuts

Change in General Purpose Revenue spending between the 2003-05 and 2015-17 budget periods, adjusted for inflation. Dollar amounts for 2015-17 are budgeted.



Source: Analysis of Wisconsin Department of Administration figures. For continuity purposes, the 2015-17 budgeted amount for Corrections includes Youth Aids, which was moved from the Department of Corrections to the Department of Children in Families starting July 2015.

WISCONSIN BUDGET PROJECT

(left) Our kids reel under the burden of student debt largely because we support the corrections industry and not education. While the budget for the DOC rises (7%) in graph above for 215-17, budget for k=12 drops by 14% and the UW system drops by 21%. WHY? Look at the prison population graph below: When the prison boom started, around 1990, WI had about 7000 prisoners. Today it has 22,000. That is where our taxpayer money is going. And it is going into warehousing prisoners, not into rehabilitation

## The most compelling reason for fixing our parole policies, however , are not financial

- As these old law prisoners get older, their continued status as prisoners becomes more and more absurd and tragic. Not only is the taxpayer paying exorbitant bills to hold people that are no longer a risk to society but that money is not buying good or humane treatment. Prisons are not built to house elderly humanely without building expensive hospice units and building those for people who are no longer dangerous and should be home is beyond understanding.
- I recommend the reading of one of the many excellent studies on this national crisis of the elderly. We can be out front in showing a solution because we do not have to enact new statutes, instead we need to ensure that the ones we have are properly implemented by putting in place PAC rules that ensure stricter compliance with the intent of sentencing judge and legislators.



From 2012 Human Rights Watch study “Old In Prison:

“Life in prison can challenge anyone, but it can be particularly hard for those whose minds and bodies are being whittled away by age. Prisons in the United States contain an ever growing number of aging men and women who cannot readily climb stairs, haul themselves to the top bunk, or walk long distances to meals or the canteen; whose old bones suffer from thin mattresses and winter's cold; who need wheelchairs, walkers, canes, portable oxygen, and hearing aids; who cannot get dressed, go to the bathroom, or bathe without help; and who are incontinent, forgetful, suffering chronic illnesses, extremely ill, and dying.

[This is an excellent study of our looming crisis of the elderly in prison . Unlike other states- we have a clear and easy fix- change the PAC rules to allow safe release of parole ready old law prisoners. click for link to online study.](#)

[Another Great study:  
ACLU's 2012 state by state study "at Americas  
Expense: the mass incarceration of the Elderly."](https://ffupstuff.files.wordpress.com/2014/12/aclu-at-americas-expense.pdf)

cut and paste to view online

<https://ffupstuff.files.wordpress.com/2014/12/aclu-at-americas-expense.pdf>



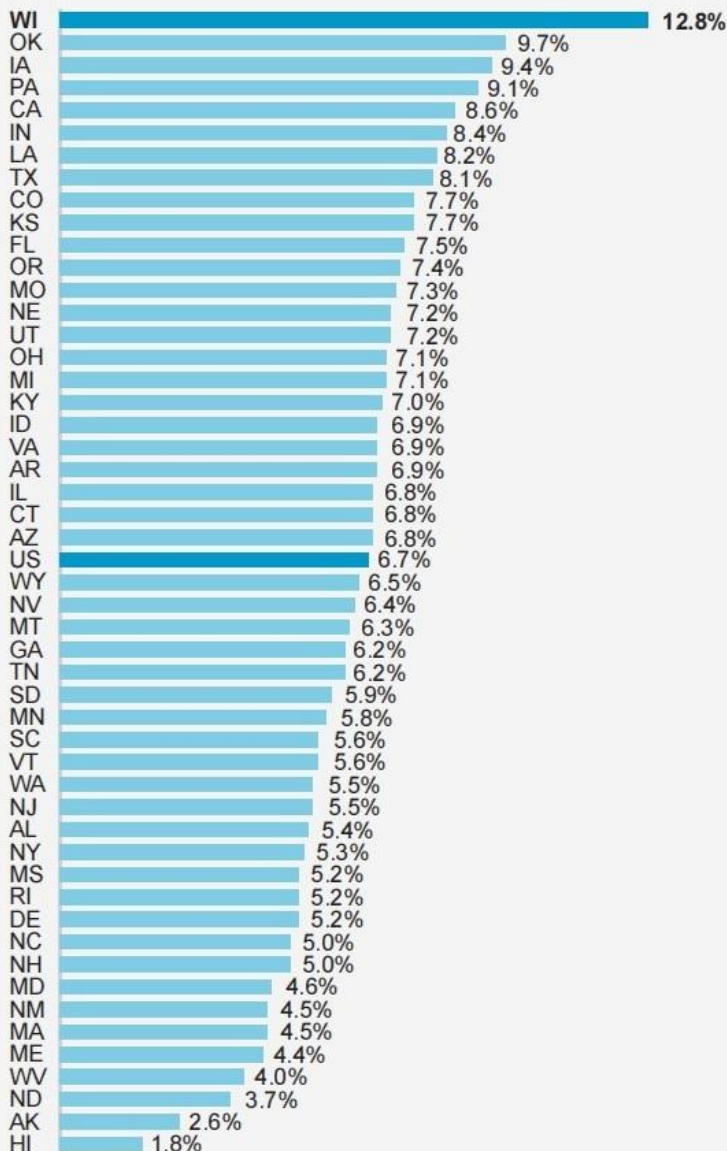
School of Continuing Education

**Employment & Training Institute**

Contact: John Pawasarat  
Email: [pawasara@uwm.edu](mailto:pawasara@uwm.edu)  
Website: [www.eti.uwm.edu](http://www.eti.uwm.edu)  
Date: April 2013

**Wisconsin has highest black male incarceration rate in U.S. Half of African American men in their 30s in Milwaukee County have been in state prison.**

Share of African-American men age 18 to 64 incarcerated in state or local correctional facilities, based on the 2010 Census.



[UWM Employment and Training Institute did a study on the impact of WI justice policies on the Milwaukee Community. Here is the opening statement.:](#)

“The prison population in Wisconsin has more than tripled since 1990, fueled by increased government funding for drug enforcement (rather than treatment) and prison construction, three-strikes rules, mandatory minimum sentence laws, truth- -in-sentencing replacing judicial discretion in setting punishments, concentrated policing in minority communities, and state incarceration for minor probation and supervision violations. Particularly impacted were African American males.

Notably 26,222 African American men from Milwaukee County have been or are currently incarcerated in state correctional facilities (including a third with only non-violent offenses), and another 27,874 men (non-offenders) have driver's license violations (many for failure to pay fines and civil forfeitures) preventing them from legally driving.”

It is easy to see the impact of our lock- em-up- and-throw- away -the -key policy through the younger T-I-S prisoner. Many of our old law prisoners have children who only know their father and mothers as prisoners and now many these now young adults are having children. As most Milwaukeeans know and this study shows, the absence of fathers is a major factor in crime in Milwaukee - over incarceration causes crime. And over and over again we hear from TIS prisoners that they grew up without their fathers; that their only model was the drug dealer on the corner or the movies.

Below are the words of a 17 year old waiting for his father who has served 17 years of a 50 year sentence for the crime of robbery in which no one was hurt. He has been eligible for parole for the last 4 years, has done all his programming and has been well behaved. Like most of the other old law prisoners, the reason given for no parole is: "Not enough time served for punishment."

*"Hello its me Robert!! Im a senior at park high school. Im 17 and I don't have a good relationship with my dad but I would love a relationship with him. I would love to see him at my prom and graduation that's all I want really. I haven't seen my dad in 2 years and I would love for him to come home. I would like to have a father in my life now and I go to prom on May 17th and I graduate June 8. My relationship to my father is not what I want I really want to see him and I want him to come home. The reason why I want him to come home is because he hasn't been a father in my life for 17 years and I want him here. I believe he should come home because he been in there for 17 years and its time for him to get out of prison. I love my dad and I believe he deserve another chance at life and you should put him on parole house arrest or something just let my father come home where he belong's. We'll that's all I have to say so i end this with a goodbye and I pray you over look his case and send him home. Goodybye*

### Finally, the BIG Lie

Today we see Wisconsin saddled with stuffed prisons in which the mission to rehabilitate prisoners and keep the public safe has been largely lost. Conditions for staff have deteriorated to the point there is a severe shortage of staff at all levels from professional health care staff to guards and many prisons are on almost permanent lockdown.

The wise solution is to incarcerate only those people who need to be in prison . And treat and train-rehabilitate those we do lock up. Instead we have the most obscene irony: While most old law prisoners (OL) , are told at their parole hearings that they will not be released because they "have not served enough time for punishment" and/or releasing them would "pose an undue risk to the public", the DOC releases the truth in sentencing inmates ( TIS) regularly as the law demands often without treatment or training and virtually no support and often straight from years in solitary.

The Old Law prisoners, who are entombed for decade after decade, have had the training and treatment that was available in the years before TIS was enacted, and many got college degrees through Pell Grants then offered. They are truly ready for society in the main; yet the prison proponents try to whip the public into hysteria over "murderers" and "Rapists" while in truth, people change and these people have had long years of learning and want to give back.

At the same time our resources are wasted on keeping Old law prisoners because, we are told, they are "Dangerous", very little training or treatment is available to TIS inmates,( those incarcerated after 2000). Most are under thirty and have not learned yet the lessons on self control the years teach.

Many are mentally ill and wind up in solitary where suicides and suicide attempts are daily occurrences. Many TIS inmates beg for treatment at Wisconsin Resource Center (WRC, the one treatment center available to the system)- before release and many are not given a referral. Each prison's social workers are tasked with referring disabled prisoners **of their choice** to an organization that prepares SSI benefits before release but that does not happen for most mentally ill prisoners and they are released little hope of success. They are given a state issues ID, food stamps and a curfew. A

letter from one inmate writing one month before release sums up the situation:

"I get released in a month back to the same neighborhood where I was before prison . I have had no treatment and no training and am drug addicted. I have no support and the DOC offers almost none.  
What do you think I will end up doing? "

– We need these parole rules or guidelines to start the healing process. The system is broken to the core and nothing can help it until the population is reduced. We demand that the WIDOC renew its commitment to its mission- to rehabilitate prisoners and keep the public safe. We can do this safely and effectively starting with an effective parole system.



We can still make the shift to a wise policy. In recent decades, our society has refused to accept responsibility for its problems and has gone for easy solutions, giving quick sound bites in answer to any resistance- and has literally dumped its alienated and poor and it's mentally ill into our prisons; In the 90's the legislature gave Departments of Corrections plenty of money to build and warehouse but no resources to rehabilitate. And the mental hospitals were closed, making our the prisons the defacto mental health hospitals .

Now there s no federal funding, the boom is gone and it is time to rethink policy. I ask you to help the DOC release this albatross around its neck- let the rehabilitated old law prisoner free by adopting these new PAC rules. We will ensure that in tandem a program to ensure adequate placement goes into effect for those inmates who have lost touch with family and friends. In turn, the money saved can be use to make the work in the prison much more fulfilling for staff and the stay in prison for the inmates healing. Punishment is a viable part of incarceration, yes, but we have taken it to an extreme. Prisons have become a jobs program and this is wrong. I challenge the WI DOC to take it mission seriously: In order to ensure public safety you must included rehabilitation as a main aspect of your work and to do that you cannot waste resources on policies that decimate families and budgets.

### **Appendix:**

#### A)VOTIS FUNDING DOCUMENTS

1994 Tommy Thompson memo to DOC Secretary Sullivan

1997 VOTIS funding confirmation letter

DOJ study of VOTIS funding to states

B) 2012 Notice of Parole consideration

C) petition statute 227

D statutory authority for presenting this petition to DOC Secretary Carr, Governor Evers and Parole Chairman

### **Signature s of Petitioners**

**A)THE BEGINNINGS** : some VOTIS Documentation from the prison boom era, when new parole were implemented

Like most states, Wisconsin received much funding through these bills:  
1994 Violent Crime Control and Law enforcement Act and the  
1996 Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Program

1) Letter number one is the famed 1994 Tommy Thomson memo to the then secretary Sullivan enacting the policy of using all legal means to keep old law prisoners in for as long as is possible. Today most old law prisoners are kept until their MR dates although recently, there has been a spate of releases a few months before MR. Many inmates and activists think this is a cynical attempt to make it look like parole is happening again.



**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 cursive script, appearing to read "Tommy G. Thompson".

Tommy G. Thompson  
Governor

2) Letter from USDOJ district attorney in 1999 congratulating Secretary Litscher on the granting to that date of nearly 12.5 million dollars up to that date. Wisconsin received 21 million dollars in all.

**“Based on your state’s documentation of yearly increases in Part 1 violent offenders’ arrested, sentences to prison and/or serving longer periods of confinement.**

**Your state has also met program requirements that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed”**

**Truth-in sentencing was enacted to fulfill the 1<sup>st</sup> requirement while making rules that keep inmate:**



U.S. Department of Justice  
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 21, 1999

Jon E. Litscher  
Secretary  
Wisconsin Department of Corrections  
149 East Wilson Street  
P.O. Box 7925  
Madison, WI 53707-7925

Dear Mr. Litscher:

I am pleased to inform you that I have approved a supplemental grant award to the Wisconsin Department of Corrections under the FY 1999 Violent Offender Incarceration/Truth-in-Sentencing Incentive Grant Program (VOI/TIS). The amount of this supplemental award is \$3,542,694, based on your state's documentation of yearly increases in Part 1 violent offenders arrested, sentenced to prison, and/or serving longer periods of confinement. Your state has also met program requirements that persons convicted of a Part 1 violent crime serve not less than 85 percent of the sentence imposed. As with the FY 1997 and FY 1998 VOI/TIS awards, this grant is designated as a supplement to the FY 1996 base allocation.

To date, your state has received \$12,476,358 (including this award) through the VOI/TIS program. Beginning with FY 1999 awards, you may use up to 10 percent of your VOI/TIS award (excluding prior year funds) for implementation of the comprehensive program of drug testing and interventions that was submitted to, and approved by, the Office of Justice Programs as of September 1, 1998.

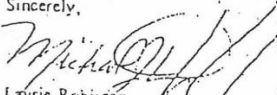
The original and one copy of the grant award are enclosed. If you accept this award, sign both the award document and the special conditions and return the copy to the Office of the Comptroller, Financial Management Division, Attention: Control Desk, 810 Seventh Street, N.W., Room 5303, Washington, DC 20531. Please retain the original for your file.

In accepting this supplemental award, you are reminded that all the administrative and financial responsibilities agreed upon in the FY 1996 grant and subsequent supplements remain in effect.

If you have any questions pertaining to this award, please contact Thomas Mason, the Grant Manager for your state, at (800) 848-6325, extension 305-2692. For financial questions, please contact the Office of the Comptroller's Customer Service Center at (800) 458-0786.

Congratulations. We look forward to working with you to accomplish the goals of this program.

Sincerely,

  
Laurie Robinson  
Assistant Attorney General

Attachments

App:

FACT# _____
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3) This chart shows the funding got by WI and the rest of the states. Many are reeling now that funding has stopped and their prisons are too full, with many of the elderly prisoners needing extensive health care that is NOT funded by any federal programs All other prison programs are cut along with funding for communities and schools. The impact for WI is especially hard on families of minorities and the poor. A generation of children have grown up (15+ years since parole stopped) without their fathers/ mothers.

**The message of this petition is this: WISCONSIN is in a unique position because of the way she chose to keep the old law prisoners in. NO laws are needed, just the will to heal a broken system**

**Appendix A: Fiscal Years 1996–2001 VOITIS Funding (\$)**

<u>State</u>	<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	<u>Total</u>
Alabama	1,248,453	5,875,017	3,643,392	3,456,497	3,794,689	4,087,815	22,105,863
Alaska	1,248,453	2,961,111	4,112,977	2,974,831	2,481,801	2,701,507	16,480,680
American Samoa	83,230	125,405	120,281	134,926	97,211	151,453	712,506
Arizona	1,248,453	16,497,328	11,269,475	10,113,985	9,143,545	9,650,219	57,923,005
Arkansas	1,248,453	5,100,454	3,889,474	3,716,472	3,054,721	3,312,053	20,321,627
California	1,248,453	140,077,509	80,615,103	67,506,416	54,099,129	59,257,970	402,804,580
Colorado	1,248,453	5,549,412	4,050,258	3,884,182	3,204,474	3,517,743	21,454,522
Connecticut	1,248,453	9,758,837	6,672,573	6,060,463	5,272,248	5,497,274	34,509,848
Delaware	1,248,453	5,459,352	4,264,753	4,074,623	3,628,478	3,895,225	22,570,884
District of Columbia	1,248,453	5,220,680	6,594,653	4,521,350	3,704,340	0	21,289,476
Florida	1,248,453	73,077,414	47,202,272	41,204,384	36,997,672	37,237,454	236,967,649
Georgia	1,248,453	23,946,367	15,228,219	14,704,207	13,296,419	13,787,371	82,211,036
Guam	83,230	100,184	108,166	113,165	0	0	404,745
Hawaii	1,248,453	2,570,285	3,043,778	2,877,797	2,407,477	2,629,593	14,777,383
Idaho	1,248,453	2,871,234	1,914,164	1,795,968	1,554,528	1,641,940	11,026,287
Illinois	1,248,453	31,705,171	10,224,732	29,972,621	26,055,262	25,559,231	124,765,470
Indiana	1,248,453	7,126,458	4,081,337	3,879,216	3,157,058	4,040,149	23,532,671
Iowa	1,248,453	5,622,682	4,216,254	3,797,288	3,518,579	4,521,574	22,924,830
Kansas	1,248,453	8,571,063	4,765,114	4,393,694	4,037,213	4,229,932	27,245,469
Kentucky	1,248,453	5,517,942	3,854,544	2,567,617	2,201,958	2,334,940	17,725,454
Louisiana	1,248,453	21,850,383	14,695,754	12,682,918	10,151,393	10,051,745	70,680,646
Maine	1,248,453	1,996,070	2,077,822	3,024,912	1,708,299	1,782,321	11,837,877
Maryland	1,248,453	7,441,887	6,585,443	6,341,191	5,072,449	5,521,311	32,210,734
Massachusetts	1,248,453	8,693,941	4,828,943	4,690,945	3,950,148	4,027,185	27,439,615
Michigan	1,248,453	33,404,658	20,860,987	18,793,213	17,113,398	17,938,572	109,359,281
Minnesota	1,248,453	8,753,067	7,474,998	6,776,964	5,038,492	6,032,295	35,324,269
Mississippi	1,248,453	9,283,063	5,501,269	4,846,096	4,211,642	4,197,544	29,288,067
Missouri	1,248,453	17,980,445	11,169,944	9,801,499	8,894,650	9,028,954	58,123,945
Montana	1,248,453	3,525,466	2,904,906	1,640,529	1,328,062	2,842,004	13,489,420
Nebraska	1,248,453	3,177,940	2,169,783	3,205,083	2,710,719	2,020,374	14,532,352
Nevada	1,248,453	5,084,162	3,907,621	3,684,070	3,016,361	2,322,870	19,263,537
New Hampshire	1,248,453	3,510,704	2,903,680	1,644,523	2,283,606	2,524,292	14,115,258
New Jersey	1,248,453	17,880,143	15,507,192	13,251,583	11,504,014	11,534,197	70,925,582
New Mexico	1,248,453	5,148,069	3,964,947	6,772,254	5,127,031	5,434,773	27,695,527
New York	1,248,453	76,220,953	41,466,914	34,714,181	31,938,353	31,902,580	217,491,434
North Carolina	1,248,453	24,215,700	15,991,797	14,478,072	13,262,926	13,663,363	82,860,311
North Dakota	1,248,453	1,745,272	1,783,449	1,680,824	1,460,155	2,433,735	10,351,888
Northern Marianas	83,230	100,184	108,166	102,188	88,537	92,642	574,947
Ohio	1,248,453	25,462,481	16,243,572	13,713,772	12,872,891	12,668,669	82,209,838
Oklahoma	1,248,453	7,967,196	7,459,345	3,005,528	3,456,270	3,752,313	26,889,105
Oregon	1,248,453	9,584,886	8,224,800	6,489,223	5,657,937	5,817,288	37,022,587
Pennsylvania	1,248,453	26,737,883	18,156,869	16,628,372	15,273,763	15,203,542	93,248,882
Puerto Rico	1,248,453	6,305,160	4,488,824	4,222,780	3,374,927	3,530,644	23,170,788
Rhode Island	1,248,453	2,702,471	3,076,888	1,804,047	2,411,837	3,721,909	14,965,605
South Carolina	1,248,453	19,194,039	12,332,492	11,176,675	10,238,092	10,365,136	64,554,887
South Dakota	1,248,453	3,529,268	1,761,818	2,720,855	2,285,160	2,499,329	14,044,883
Tennessee	1,248,453	19,494,335	13,686,213	13,474,173	12,331,924	12,937,768	73,172,866

<u>State</u>	<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	<u>Total</u>
Texas	1,248,453	19,415,632	12,731,208	12,588,646	10,205,690	11,095,088	67,284,717
Utah	1,248,453	6,129,375	4,747,551	4,421,090	3,838,027	4,039,957	24,424,453
Vermont	1,248,453	3,420,494	2,851,801	2,672,429	1,375,255	2,348,746	13,917,178
Virgin Islands	83,230	296,190	219,716	218,187	199,321	204,400	1,221,044
Virginia	1,248,453	13,110,184	6,344,856	15,465,293	3,140,318	8,129,981	47,439,085
Washington	1,248,453	14,332,304	6,628,179	10,307,617	7,323,519	7,491,093	47,331,165
West Virginia	1,248,453	3,824,452	1,956,995	2,947,005	2,543,251	2,812,307	15,332,463
Wisconsin	1,248,453	3,388,490	2,744,286	5,095,329	4,625,141	4,860,545	21,962,244
Wyoming	1,248,453	2,542,492	1,718,883	2,712,850	1,411,009	2,390,628	12,024,315
<b>Total</b>	<b>65,252,476</b>	<b>795,183,344</b>	<b>509,149,430</b>	<b>489,544,618</b>	<b>413,131,369</b>	<b>435,273,543</b>	<b>2,707,534,780</b>

DEPARTMENT OF CORRECTIONS

Earned Release Review Commission (ERRC) 000-1 204 (Rev. 6/2010)

WISCONSIN

Wisconsin Statutes  
Chapter 304  
Administrative Code  
Chapter PAC1

**NOTICE OF PAROLE COMMISSION CONSIDERATION**

OFFENDER NAME

DOC NUMBER

INSTITUTION

SCHEDULED REVIEW

Please take notice that you are scheduled for consideration by the ERRC during the month shown above. You may submit information to the Social Worker for forwarding to the Commission, before the review.

If you are not sufficiently able to speak or understand English language an interpreter will be provided. If you have a disability in verbal communication and require assistance, contact your institution Social Worker at least fifteen (15) days prior to your scheduled review to arrange for an interpreter.

In accordance with Wisconsin Statute, Chapter 304, the ERRC will consider the following criteria for parole/release consideration:

**1. Statutory Eligibility**

The date established in accordance with Ch. 304, Wisconsin Statutes and Chapter PAC 1 of the Administrative Code.

**2. Sufficient Time for Punishment, (may include but not limited to)**

Length of sentence or sentences

Mitigating (makes crime less serious) and aggravating (makes the crime more serious) factors

Reason for committing the crime

Your part in the crime

Type of crime (person or property)

Your feelings about the crime and the victim(s)

Attitude of judge and district attorney

**3. Institutional Adjustment (may include but not limited to)**

Number and type of conduct reports

Positive changes in behavior since incarceration

Security classification (maximum, medium, minimum)

Any escapes on your record

**4. Program Participation (may include but not limited to)**

Involvement in programs and/or therapy and the results

Results of psychological tests and evaluations

Past education/school achievement

Work skills/employment history

Whether you have done as much as you are capable of doing in recommended/available institution programs.

Whether you have received or are interested in receiving treatment for a substance abuse problem.

**5. Parole/Release Plan (may include but not limited to)**

- The availability of a stable residence upon your release
- The existence of any health conditions
- Whether employment has been secured or the prospect of becoming employed
- The availability of support from family
- Whether you have any plans for attending school
- How you plan to support yourself
- The possibility of negative reaction to your release
- The agent's assessment of your parole/release plan
- The existence of any detainers on file

**6. Risk to the Public (may include but not limited to)**

- Number of prior convictions
  - Previous incarceration as an adult and/or juvenile
  - Prior periods of probation, parole or extended supervision or revocations
  - Crime-free period(s)
  - Were you "on paper" at time of crime
  - Age, now and at time of offense
  - If you have a drug/alcohol problem, have you had treatment
  - Have you ever threatened or injured another person
  - Security classification (maximum, medium, minimum)
  - Detainers
  - Is parole/ES violation likely by breaking parole/ES rules, or for new offense I. Do you demonstrate good judgment and control?
  - Military record
  - What are the results of psychological/clinical evaluations and reports, if any a. Do you have any unmet treatment needs
  - Documents contained in your files and available to you will be considered by the ERRC in making its decision relative to your parole/release.
  - An exception may occur in those cases where the file contains restricted material, such as a pre-sentence investigation (access restricted by Wisconsin Statutes, §972.15), or information obtained under an assurance of confidentiality. These documents will not be available to you.
  - If you have questions about the information in your file, contact your Institution Social Worker prior to your review.
  - If you have been seen by a member of the ERRC in a face-face interview, or have been interviewed by telephone or video conference in the last twelve (12) months, a file review may be conducted at the discretion of the Commissioner.
  - By statute, the judge/office of the judge and district attorney/office of the district attorney and victim's family (if requested) must be advised of your first consideration for parole/release, and they may request notification of subsequent parole/release reviews. This provides them an opportunity to express an opinion regarding your parole/release.
  - C. The victim or a representative of the victim's family (if the victim is deceased), or the guardian of a victim under the age of eighteen (18), by statute, may be present at the review (Wisconsin Statute 304).
  - You will be notified of the recommendation/decision and the reasons for it at the time of the review. If, for some reason this cannot be done at the time of your consideration, you will be notified of the decision in writing.
  - Interviews are recorded. Transcripts of interviews are prepared only by order of a court, which has granted a petition for judicial review.
  - I acknowledge receipt of this "NOTICE OF EARNED RELEASE REVIEW COMMISSION CONSIDERATION".
- NOTE: Although you are being notified that you have been scheduled for review by the Earned Release Review Commission, due to the large number of reviews scheduled and the number of Commissioners available, it is possible that you may not be seen. If review in the following month does not allow sufficient time for court notification and administration of paperwork, you will not be rescheduled.