TO:
Governor Tony Evers
115 East, State Capitol
Madison, WI 53702

Date July 18, 2019.

We citizens of the State of Wisconsin do hereby petition the Wisconsin Department of Corrections (WIDOC) to conduct rule-making proceedings that seriously consider the guidelines and rules listed here. They have been carefully worked out to ensure the safe release of Wisconsin’s over 2500 Old Law Prisoners, many of whom have long been ready to be productive citizens. We believe these new rules will allow rehabilitated people to rejoin their families and communities while ensuring public safety.

These guidelines and rules were crafted over months by FFUP and several of Wisconsin’s prisoner litigators, who know well what good rules should look like. They were presented to the WIDOC several years ago but were not seriously considered then. We hope the time is right now. We also believe that the guidelines alone could be adopted and would by themselves, transform the parole system.

The intent here is to restore parole so it works largely the way it did before the infamous VOITIS act was enacted nationally (1994) and Truth in Sentencing (TIS) came to Wisconsin. At that time, rehabilitation of prisoners and ensuring public safety were the ground assumptions of the WIDOC and the guidelines could be vague and rules could allow a lot of discretion on the part of the Parole Commission. Prisoners were regularly release shortly after they served 25% of their sentence.

For the decades since then however, the “punishment only” ethic has ruled and our prisons are crowded with prisoners that should not be there, treatment and training has been axed and prisoners are released to society in much worse shape than they were upon entering. The system has become a financial and moral drain on all Wisconsin citizens. With a prison population growing from 7,000 to nearly 23,500 in the prison boom years, we now spend more on our prisons than we do on our childrens’ college education. Our children feel the brunt of these seriously flawed priorities. Black communities have been devastated. Wisconsin has the dubious distinction of incarcerating more Black people per capita than any other state in the nation.

We also include at end of this petition a few offerings that can enhance the conversation. One addresses our concern that many prisoners are of advanced age and need help in finding stable housing and support. There is a program in The George Washington University Law School where student volunteers locate housing and support for ready-to-be-released prisoners. It is a low-cost, effective program, needing little more than a coordinator and money for materials. We hope you will take a look at the summary of it in the addenda and consider a grant for a pilot program. In Wisconsin, this could also be used to help people sentenced under TIS who are now being released with no support and often no or only temporary housing.
Finally, we include links to blogs compiled for prisoners long overdue for release. We invite you to take a look as you consider this petition and also graphs and charts of data newly sent to FFUP that reveal how broken our present system really is. We thank you for consideration.

Sincerely,

FFUP members and supporters.

CC:
Department of Corrections Secretary-designee Kevin Carr
Parole Commissioner-designee John Tate.
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

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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links to blogs and new data. Links to blogs compiled for prisoners long overdue for release. We invite you to take a look as you consider this petition and also graphs and charts of data newly sent to FFUP that reveal how broken our present system really is. Go to www.secondchancewi.org.

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)

Present Parole Rules
Below 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) 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) The inmate has served sufficient time so that release would not depreciate the seriousness of the offense.
- 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)(e1) The inmate has gained maximum benefit from programs.
  - PAC 1.06(16)(e2) The inmate can complete programming in the community without presenting an undue risk.
  - PAC 1.06(16)(e3) The inmate has not been able to gain entry into programming and release would not present an undue risk.
- 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) 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) The commission shall provide an opportunity for a victim to provide direct input and to attend the interview.

PAC 1.06(18) The commission shall permit any office or person to submit a written statement for consideration in its decision-making process.

Requested Guidelines for Prisoners and the Parole Board

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, the “Old Law Prisoners”, and the intent of the judges when they sentenced these old law prisoners.

Broad outline of changes we propose

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 31st, 1999, the mandated 25% of their sentence shall be considered sufficient time for punishment. Afterwards, release on parole shall be granted, absent substantive extenuating circumstances, based on conduct and accomplishments while incarcerated.

2. If parole is not granted, the Parole Board must state in written detail the specific requirements an eligible inmate must meet to be granted parole. This cannot contain a catch-all provision that might allow the decision-maker to base his or her decision on a factor of which the inmate has no control such as "insufficient time for punishment" or "seriousness of the crime". Also, 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.

Proposed rules placed within existing 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 31st, 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:
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.
All documents used in accessing whether to release an inmate shall be made available to the prisoner.

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.

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.

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.

A similar provision was in the 1989-90 statutes (304.06(1r)(a)(2):

- 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 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 one year to show that his or her release would pose a significant risk to the public.

**Need for new rules**

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. Here is some data:

1. There are approximately 2,500 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 mandatory release (MR).
3. By the time Lenard Wells was chairman the numbers of releases had dramatically declined. 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 MR dates 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 over 22,000.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>3624 old law prisoners released</td>
</tr>
<tr>
<td>2005</td>
<td>1161 released</td>
</tr>
<tr>
<td>2006</td>
<td>688 released</td>
</tr>
<tr>
<td>2012</td>
<td>154 released</td>
</tr>
</tbody>
</table>

Below is a DOC chart that graphically illustrates the ending of real parole—notice that mandatory release line, where the OL prisoners have to be by law released, constitutes the majority of the releases. “Extended supervision” is for the TIS inmates, who are released by law, ready or not. They are released usually without treatment or training or much support once released. The TIS mentally ill are often released directly from solitary confinement after months and years without treatment or training. Where is public safety in this picture?
More history:

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 is the then Governor Tommy Thompson’s memo to the secretary of Corrections Michael Sullivan.

Here Governor Thompson 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 over 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.

Adoption of guidelines alone could fix the system. 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. Alternatively, as the system was wrecked with no statutes or formal rule changes, the system can be righted with adoption of the proposed guidelines only. Vagueness of the parole rules themselves could then be adequately addressed.

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 some examples:

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

**Some of the unwritten rules and contradictory rules that keep the old law prisoners in.**

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.

**Requirements nowhere in the statues but inmates are repeatedly given these reasons for continuance of incarceration:**

3. **“Needs to transition to minimum security institution”**
   nowhere in the statutes is this mandated yet it 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.

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

6. 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.

7. 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 rule change 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.

- 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 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 risk to the public.

This is similar to a 1989 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 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 their 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.

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

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.

![National Arrest Rates by Age (1979 & 2004)](image.png)

Source: Bushway et al., Has the U.S. Prison Boom Changed the Age Distribution of the Prison Population? (2011).
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 person ages. 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 reincarcerated.

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.

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.

MISUSE OF RESOURCES
This is a main engine that drives much of the wider parole effort. For the first time in Wisconsin’s history, we are spending more on prisons that we are on the entire university system. We hear a lot about the overwhelming debt burden of our college students. Tuition has skyrocketed partly because we taxpayers are paying for prisons instead of schools.
Many of the Charts below show the incredible savings possible when good policy is enacted. By paroling those who are rehabilitated and investing the savings in treatment and learning within the prisons and prevention programs in the community, all will benefit and the WIDOC employees will find their jobs more fulfilling as well.

Below are charts summing data from the ACLU’s 2012 state by state study “at Americas Expense: the mass incarceration of the elderly.”

**Wisconsin spends eight times more on prisons than Minnesota yet both have the same crime rate and similar populations.**

Chart at left- 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)

(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.

**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.

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<th>Corrections</th>
<th>State support for K-12 schools</th>
<th>UW System</th>
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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
NOTE: three levels are used in each chart: the lowest is the healthy elderly prisoner OR the average healthy prisoner. So in each chart, the lowest numbers are those of most prisoners, old law or not.

**Chart two:** Here we offer the ACLU’s chart on costs of parole, again the three levels, the lowest being for the healthy elderly prisoner or average healthy prisoner.

The choice between parole and prison financially is obvious and wise use of parole brightens the possibility of using funds now disastrously wasted to fulfill the doc mission to rehabilitate and keep citizens safe. The change of mission that recognizes the humanity of our prisoners and the fact that people change will effect positively all levels of our society.
But the most compelling reasons for fixing our parole policies are not financial

Of course the community most impacted by present policy is the Black community. A generation of kids are growing up without their fathers as our inner cities were and are still being mined for prison fodder. Here is a really scary 2013 study, put together by the Employment and Training Project of UWM:

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.

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 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 it’s me Robert!! I’m a senior at park high school. I’m 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 it’s time for him to get out of prison. I love my dad and I believe he deserves another chance at life and you should put him on parole house arrest or something just let my father come home where he belongs. We’ll that’s all I have to say so I end this with a goodbye and I pray you overlook his case and send him home. Goodbye

PRISONS ARE NOT ABLE TO DEAL HUMANELY WITH THE ELDERLY

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.”

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.
Two excellent studies of our looming crisis of the elderly in prison. Unlike other states- we have a clear and easy fix- change the PAC guidelines or rules to allow safe release of parole ready old law prisoners. Use links below or go to www.secondshancewi where they will be lined on the sidebar.

2)ACLU’s 2012 state by state study “at Americas Expense: the mass incarceration of the Elderly :https://ffupstuff.files.wordpress.com/2014/12/acluat-americas-expense.pdf

Finally, the BIG Lie
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 the “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 months and 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.

While we are wasting our resources on entombing 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? “

In SUM: The system is broken and nothing can help it until the population is reduced. Punishment is a viable part of incarceration, yes, but we have taken it to an extreme. 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. In Tandem, a program to ensure adequate placement should be started for those inmates who have lost touch with family and friends. We propose a grant for a coordinator for that task in appendix. 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.

We challenge the WI DOC to take its mission seriously: In order to ensure public safety we must included rehabilitation as a main aspect of the work and to do that we cannot waste resources on policies that decimate families and budgets and souls.

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) POPS program: a Template for Wisconsin?

Supporting Signatures from Online Petitioners
THE BEGINNINGS: some VOTIS Documentation from the prison boom era, when new parole were implemented

Like most states, Wisconsin received much funding though 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.
2) Letter from USDOJ district attorney in 1999 congratulating Secretary Litchner 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 1st requirement while making rules that keep inmates in until their MR date (85% of sentence) fulfilled the second.
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.
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.

22
NOTICE OF PAROLE COMMISSION CONSIDERATION

OFFENDER NAME
DOC NUMBER
INSTITUTION
SCHEDULED REVIEW

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   Your part in the crime
   Type of crime (person or property)
   Your feelings about the crime and the victim(s)
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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 rile

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.
Below: A Template for Wisconsin?
I have talked a few times with LAIP people in Madison and although they did not think this would fall under the LAIP rubric, they thought the program could be effective and inexpensive. In Wisconsin’s case, the Volunteers would not come from the law school, they would come from Wisconsin’s large group of community activists. Also, the volunteers would be working with prisoner slated to be release and would not be doing the screening. I believe expenses of volunteers would need to be paid and each volunteer would be given a limited amount of hours expected to be served per week. We could expand the concept to include help TIS prisoners find stable situations. At present, they are released as the law demands often with little or no support. The POPS program is much more comprehensive than the one we are proposing for WI and so have highlighted the sections relevant to this discussion. FFUP has done this work for prisoners and can provide some tips.

POPS: The Project for Older Prisoners
http://www.law.gwu.edu/Academics/ELclinics/Pages/POPS.aspx
Faculty Supervisor: Jonathan Turley
The Project for Older Prisoners (POPS) encompasses a number of prison projects in which students are involved as volunteers or work for academic credit. Some students assist individual low-risk prisoners over the age of 55 to help them obtain paroles, pardons, or alternative forms of incarceration. In a typical case, a student will prepare an extensive background report on a prisoner to determine the likelihood of recidivism. If the risk is low, the student will then locate housing and support for the prisoner and help prepare the case for a parole hearing. Other students are involved in a Prison Environmentalism project that is working to introduce recycling and environmental industries in prisons. POPS also runs a "Books for Crooks" program to help build prison libraries, while another project involves students in a study of the federal prison system and the sentencing guidelines for the U.S. Sentencing Commission.

Professor Jonathan Turley is the director of P.O.P.S.
The George Washington University Law School
2000 H Street, NW
Washington DC, 20052
Phone: (202) 994-6261 | Fax: (202) 994-8980

From Jonath Turley piece POPS founder
THE PROJECT FOR OLDER PRISONERS
In 1989, I established POPS to work on the problems associated with the growing population of older offenders. POPS began with a single prisoner, Quenton Brown, who was incarcerated at the Angola Prison in Louisiana. On June 7, 1973, then 50 years old and homeless, Brown walked into a bread store in Louisiana and, at gunpoint, stole $100 and a 15-cent pie. He then crawled under a nearby house where he remained until the police arrived. After his arrest, Louisiana determined that Mr. Brown had an I.Q. of 51—the intelligence of a three-year-old child. After a one-day trial, Mr. Brown was given a 30-year sentence without chance of parole. He had served 16 years when I first met him.
In a matter of weeks, I was deluged by letters from close to one hundred older and geriatric prisoners, who heard I was representing an older prisoner for free. This number was striking in a state with such extreme overcrowding that it had to rent out cells in local jails for a significant percentage of its population. With the help of my students, POPS was born. We set out to develop new approaches to this population, including evaluative measures to isolate low-risk prisoners and policies to reduce the costs of this population while improving care for individual prisoners.

POPS works on both national and local aspects of this problem, and POPS continues to gather data on the special costs and necessities of this population. Hundreds of law students have been trained in POPS and are now practicing attorneys. All that is required is for a state to request such a program, give POPS researchers access to the prison population, and enlist the participation of one or more law schools. POPS/DC will help any law school establish an academic program and regional office for work in a given state. POPS largely performs three functions in this area: individual case evaluations, state reports and recommendations for reform, and legislative drafting.

**POPS students work without compensation and the project does not charge for its services.** When assigned a case, POPS students first interview prisoners over the age of 55. Each prisoner is then evaluated according to a long, comprehensive questionnaire that explores the prisoner’s criminal history, chemical dependence history, health, employment background, and family background. This information is generally taken from interviews with the inmate, review of the prison files, interviews with the correctional staff, and a search of all courts and news files available on LEXIS/NEXIS and Westlaw. POPS generally uses two different recidivism tests to gauge the risk of an individual inmate. If the inmate appears low risk on both tests, the student presents the case to the other POPS students.

If the students vote to go forward, the student then attempts to contact any victims or surviving family members as part of our victim consultation stage. POPS was one of the first organizations to make such interviews mandatory. Victim interviews can reveal inconsistencies in an inmate’s account or simply show a level of violence or aggression that does not appear in a written record. In states allowing conditional paroles, victims are asked what conditions would make them feel more comfortable with a release.

**Assuming the inmate’s case is still viable, the case worker then proceeds to determine how a prisoner will live upon release.** Specifically, the student confirms any benefits, such as veteran’s benefits or social security payments, which the inmate may be entitled to receive. If the prisoner has a supportive family offering long-term housing, the student confirms who owns the house, who lives in the house, and the space available for the prisoner. The student further confirms whether anyone in the house has a criminal record. Finally, if the prisoner is able to work, the student works with any family or friends to confirm employment upon release.

Once all of these facts have been ascertained, the case is presented a final time to the POPS members. If approved, the student then submits the comprehensive findings and recommendations to the appropriate parole or pardon board. The POPS model has been endorsed by leaders from both parties and state commissions in states like California.

Click for: Johnathan Turley’s [Testimony on Prisoner Reform and Older Prisoners before the House Judiciary Committee](/Published 1, December 6, 2007)
Petitioners Statements

1) This is Kathleen Hart, Director of WI CURE 2005 to 2014. I agree with the Rule Change Proposals for Wisconsin's Parole Eligible Inmates. I have documentation from almost 400 prisoners who have been denied parole based on "not enough time served". At every parole hearing they have been denied and given 2 and 3 year deferments. When they ask what is "enough time served", there is no answer. They are, in fact, being re-sentenced at every hearing. Inmates who have been model prisoners with a score of 33 each and every time are again being re-sentenced. It is very judgmental. I would also like to say that regarding No. 3, some programs could be done after release on parole if they do not have room in the prison programs. Regarding No. 4, it is very important that inmates be allowed to have people at the hearing. The victims can have representatives helping them so the inmates should also have that right. PO Box 183, Greendale, WI 53129

2) Peggy Swan, 29631 Wild Rose Drive; Blue River, WI 53518; advocates for prisoners and their families as part of the nonprofit Forum for Understanding Prisons (FFUP)
I became concerned about Wisconsin’s prisons around 2000 when the Supermax opened 15 miles from my home. I had been writing international prisoners (for Amnesty International) who were enduring these same conditions and was upset that Wisconsin would accept total isolation for anyone. I visited and became friends with many inmates and all were old law prisoners. I have seen them grow and mature over the years. One inmate, in fact, was seriously mentally ill when I met him and now has all his symptoms under control, is in general population and a leader. I have learned through experience that even under the most harsh conditions and with the barest of tools, most people will find a way to grow both spiritually and mentally and I am morally outraged that we seem to be using our prisons as jobs programs. We tweak our laws so that the poor are funneled into them while funding for programs that heal are slashed. But mostly my interest is personal. I know many of these men and women very well and advocate on a personal level with many I know less well but care about. Many of the old law prisoners I know are fathers and want nothing more than to be able to be a positive influence on their children and loved ones. Enough is enough- they deserve a second chance and we as a state need to do the right thing finally. We need no new laws- I believe these rules change will put the parole system back on the right track.

3) Ron Solinger: 29631 Wild Rose Drive; Blue River, WI 53518
Piano tuner, Retired piano teacher I have no personal; history of the prison system or do I have any friends or family involved in the prison culture. What created my interest was the construction of a state prison near where I lived, my wife’s (Peggy Swan’s) reaction and visits to it and my own visits to several prisoners there. I now have lost any bad guy stereotypes that the justice system brands these men with to keep them locked up. The problems of these men and the problems of society are immensely complicated and the current justice system is both too expensive and completely inadequate.

4) Mrytle Morris; Hall Lane; Richland Center, WI 53581
I am responding to this petition by citizens. We ask for the promulgation of new rules governing parole for old law Rule changes are urgently needed as many of the nearly 3000 old law prisoners are needing to be released from this prison system. I write to some of these guys who’ve been sitting behind these bars for 30, 35, 40 years—many years passed the date they should have been released according to the sentences they received thirty, forty years ago. Too much top dollar is being spent to house them. They have gone to classes, gained many talents and are ready to go to work. One man I write to is even ready to be hired in Madison upon release. I know Vietnam vets who put their lives on the line only to come home to be put in prison. Here are a few that need to be given a true second chance: Oscar McMillion, Robert Mallory, Kenneth Jordan, Jeffery Harris, Larry Echols, Ben Sanders, Ron Schilling. There are many many more. These rules will ensure that those who can show themselves rehabilitated will be released.

5) Alice Koepke, N95 W24981 Norwauk Rd., Colgate, WI 53017 - I have been personally involved with the DOC for over 30 years in several ways; an incarcerated family member sentenced under the old law system, volunteer services in several areas and friends of loved ones incarcerated under both old law and TIC. I have seen many injustices, some of which I have personally taken action to promote change. I have seen some change, albeit personal, but it has taken many hours, and dollars. I understand that change usually comes with a price, but why must it when the laws and rules are in place but not being enforced or followed? I recently heard personal testimony from others who have been treated
unjustly but do not have the family, friends or financial means to fight. I am grateful for the 11 x 15 group that had stepped up to the plate. My personal motto is "if nothing changes, nothing changes" and it seems that now is the time to bring these injustices to light so that changes can be made. I would like to see the WI DOC become one of the BEST and progressive penal systems in the country instead of one of the POOREST and regressive as it is now. Addressing this petition for parole rule changes will put us on the right track. I wish to do all I can to help promote positive changes to restore trust in decision making by those in authority within the DOC.

6) Pat Anderson, 2206 W. 5th Ave., Brodhead, WI 53520
I support the Rule Change Proposals for Wisconsin's Parole Eligible Inmates. I retired from the DOC position of Teacher of Adult Basic Education several years ago. During the time I worked for the DOC, I became acquainted with many Old Law prisoners who had accomplished personal rehabilitation goals. These goals included the CGIP program for restructuring their thinking patterns, completing GED’s or HSED’s, earning college credits, and honing skills that will prove valuable in the workplace. Since retiring, I have remained in contact and become a close friend of an Old Law prisoner and know him to be worthy of release, but frustrated by repeated deferments from the parole commission. He was long denied access to a required program, then once admitted, was dismissed for insufficient cause, in an obvious and deliberate attempt to keep him parole ineligible. He poses no danger to society. I am signing this petition in the hope that the DOC will right the moral wrong being perpetuated by the so-called 'justice' system. What the State of Wisconsin is doing to our citizens in the name of justice is a sham and an embarrassment.

7) Stacy Howard ~ Spokane Valley, WA/I have had a loved one in prison for 34 years. He has been eligible for parole since 1997 and each year that he goes in front of the parole commission he is given the same excuse, "has not served enough time for seriousness of crime.” He has completed every program required of him and meets all of the criteria for parole but he is given deferment after deferment which has begun to make him feel hopeless. There is no one that governs the parole commission which means that they are free to make up rules as they see fit. This is unfair and completely discriminatory. Working outside the fence is not part of the criteria for parole yet this is one of the requirements that the commission tells my loved one that he must fulfill before they consider him for release. The problem with this is that there are very few “outside the fence” jobs to be had which make sit incredibly difficult to be approved to work outside the fence. It is time for change. It is time for actual justice for these Old Law Prisoners. Out with the old and in with the new!

8) Heather Truesdale (htrulesdale1973@gmail.com)
Subject: Parole Rule Change
I support this parole rule change petition. I have had a love one (Clinton Sims # 221931) in prison for 29 years. He has been eligible for parole since 2005 and each year he goes in front of the parole commission he is given the same excuse, "has not served enough time for seriousness of crime". He has completed every program required of him and more. He meets all of the criteria for parole but he is given deferment after deferment which has begun to make him feel hopeless. There is no one that governs the parole commission which means that they are free to make up rules as they see fit. This is unfair and completely discriminatory. It is time for change. It is time for actual justice for those old law prisoners. Thank you for your time and attention to this matter.

9) Ben Turk, insurgent.ben@gmail.com

Truth in Sentencing created a moral disaster for Wisconsin. By failing to anticipate its impact on people incarcerated under the old law, policy-makers created a reprehensible system devoid of justice or rationality. There is no reasonable cause for continuing the incarceration of people who have satisfied all the requirements they were sentenced under, and yet in recent years the commission has been granting parole in only a tiny sliver of cases, often relying on the original crime, rather than recent behavior or actual deficiencies of the person before them seeking a chance at rejoining society.

I consider the recommendations contained in this petition to be the bare minimum first steps. I hope the new parole commissioner, and the governor recognize that there is a direct financial incentive for parole commissioner to prevent people’s release. If these recommendations, or any rational approach to parole were actually adopted, the parole commission would soon render itself obsolete. It is a vestige of law change that occurred over a decade ago, and ought to be phased out. There is
deep moral failing and horrific injustice in continuing to rob people of their freedom and reintegration with their family and community for the sake of job security for people on the commission. The decent thing for commissioners to do is adopt these recommendations, favor release in all but the most exceptional cases, and work their way out of their jobs, which exist as a drain on taxpayers and denial of justice.

10) To whom it may concern:

I am writing to voice my support for the new parole rule change petition. I have a family member, Ronald Schilling #32219, incarcerated in the WI DOC, after being convicted of Party to the Crime of First Degree Murder, §940.01, and 939.05, Wis. Stats., and Party to the Crime of Armed Robbery, §943.32(1)(a), (2) and 939.05. He begins his 45th year of continued incarceration in June 2019.

He was incarcerated 13 June 1975, when he was 24 years old, and as of 5.29.19 will be 68 years old. He has completed all of his treatment and educational programs as of 1988, upon completion of the college degree program, and has subsequently obtained plural college degrees and completed dozens of elective programs and academic courses, as well as programs to enhance his education in general. Moreover, he has been a model prisoner in every respect, going well beyond all DOC expectations - obeying all the rules, and working harder than ten men (supervisor's language).

Parole eligibility was statutorily set after 11.3 years; meaning that after serving 11.3 years the Legislature determined he could be safely released back to society - that was in April of 1987. He has had 50+ parole hearings and each and every time has been denied for the same reasons; that being "insufficient time for punishment," and some perceived "risk to the public." Neither allegation is in any way substantiated or valid.

He currently has an approved parole plan for Milwaukee; that is, housing, clothing, employment, transportation, and all support personnel are in place to assist him with getting to the parole office, and to the DMV to obtain a driver's license and CDL. He also has numerous family members and friends willing to assist if necessary with his transition to society.

Both of his co-defendants, including the so-called mastermind of the offense, have been paroled - the first as early as 1992.

Given the systemic problems - the manifest changes in classification and parole policy and general shifting sentiment over the decades - it has culminating in the complete elimination of parole release after serving 44+ years of-continuous incarceration It has pragmatically changed the sentence to "terminal."

It is my hope that you will find this matter appalling and even disgusting for myriad moral and ethical reasons and that in the interest of fairness and justice you will support the parole rule revision petition. Imagine what you would wish for yourself under similar circumstance. Ron's sentence has been served with all due honor, remorse, stellar rehabilitation and impeccable behavior, and he deserves a second chance. And I thank you in advance for your time and consideration of the petition.

Sincerely,

Wendy Smith
2839 Berkan St
Madison, WI 53711-5914

Carol Oldershaw (Ron's Aunt)
611 E Wells
Prescott, AZ 86301
I support this parole rule change petition. I have had a loved one in prison for 21 years. He has been eligible for parole since 2014 and each year that he goes before the parole commission he is given the same excuse; "has not served enough time for seriousness of crime." He has completed every program required of him and meets all of the criteria for parole, but he is given deferment after deferment which has begun to make him feel hopeless. There is no one that governs the parole commission which means that they are free to make up rules as they see fit. This is unfair and completely discriminatory. It is time for change. It is time for actual justice for these old law prisoners, but with the old and in with the new.
Willie Anderson  
8512 W. Morgan Ave. 
Milwaukee, WI 53228

I support this parole rule change petition. I have had a loved one in prison for 20 plus years. He has been eligible for parole since 2010 and each year that he goes in front of the parole commission he is given the same excuse. "He has completed every program required of him and meets all of the criteria for parole but he is given deferment after deferment which has begun to make him feel hopeless. There is no one that governs the parole commission which means that they are free to make up rules as they see fit. This is unfair and completely discriminatory. It is time for change. It is time for actual justice for these Old Law Prisoners. Out with the old in with the new!

Willie Anderson  
Justin Anderson  
Willie Anderson Jr.  
Lindy Anderson  
Algie Hickman  
 disconnected  
Ginger Lee  
Judith Baker  
Tony Anderson  
Todd Anderson  
Tak Brown  
Jan Brown

Warren Banks  
Jay Banks  
Regent Lee  
James Johnson  
Donald Lee  
Willie Brown  
Christ Holden  
Jonathan Brown  
Tony Jackson  
Sam Jackson  
Paul Young  
Johnny Doyle  
Eric Barrels