

THREE VIEWS FROM THE BRIDGE

<https://www.wisconsinwatch.org/2019/06/hard-road-ahead-for-gov-tony-evers-promise-to-slash-wisconsin-prison-population/WisconsinWatch.org - Wisconsin Center for Investigative Journalism>

Hard road ahead for Gov. Tony Evers' promise to slash Wisconsin prison population

The Democrat's goal to reduce incarceration by 50 percent faces numerous hurdles; his own 2019-21 budget proposal calls for increasing prison beds

By [Izabela Zaluska](#) June 30, 2019

Gov. Tony Evers is considering enacting an obscure 30-year-old early release program and halting reincarceration of offenders for rule violations to reduce Wisconsin's growing prison population. In an interview with Wisconsin Watch, Evers expressed optimism about his ability to accomplish a major campaign promise: to reduce by 50 percent the state's prison population, which is on course to hit an all-time high of 25,000 inmates by 2021.

While 31 states saw decreases in their prison populations from 2017 to 2018, Wisconsin is not one of them. Currently, Wisconsin's prison system is 33 percent above capacity, with 18 of the state's 20 adult prisons listed as overcrowded. The prisons are also understaffed, with 7,650 full-time equivalent employees working the equivalent of nearly 900 additional FTEs.

In a July 2018 Democratic gubernatorial candidate debate, Evers was asked whether he supported a proposal by activists to cut the state's prison population in half: "Absolutely — and that's a goal worth accomplishing," he said. Unlike his predecessor, Republican Gov. Scott Walker, who drew sustained criticism for failing to fulfill a campaign pledge to create 250,000 jobs in his first term, Evers has avoided setting a deadline for halving the inmate numbers.

Evers signaled in the interview that he would favor increasing paroles, saying he believes in "second chances" and "redemption" for offenders. In addition, Evers said he wants to take a "holistic" approach to releasing inmates by helping them line up family-supporting jobs, housing and transportation for a smoother reintegration into society. And he vowed to keep pushing for more money for alternative and treatment programs to divert offenders from prison.

The Democratic governor also defended his first budget, which calls for more prison beds, not fewer. He said he is focused on longer-term solutions. "It's really a multifaceted project, and we're working very hard to make sure issues around housing, substance abuse, education and so on are part of that answer," Evers said. "If we just look at what happens just before someone's incarcerated or potentially incarcerated or just entering or re-entering the workforce and regular life, that's just not enough. We have to take this on in a more holistic way."

He said he remains concerned about the racial disparities in the state's criminal justice system — black people in Wisconsin were incarcerated at almost 12 times the rate of whites in 2017. This disparity was the second-highest in the country as of 2016.

There are some things the Democratic governor's administration can do on its own: increase paroles, reduce or eliminate so-called crimeless revocations that send offenders in the community back to prison for rule violations and invoke a little-used state law that allows early releases in periods of overcrowding. But other measures, such as cutting maximum sentences, reducing already-imposed sentences and diverting more offenders to treatment, would require cooperation of judges and the Republican-run Legislature, which has taken few steps in the past eight years to curb incarceration.

In a separate interview, Kevin Carr, Evers' pick for Department of Corrections secretary, avoided endorsing a specific number. Carr said his goal is to "lower the population as low as reasonably possible and still keep the public safe." That number could be 50 percent, he said, or it could be more or less than that.

"The governor didn't appoint me to this position and say, 'Here's the keys to all the jails. Let 50 percent of the people out tomorrow,' " Carr said. "It has to be done in a very thoughtful, deliberate way, and we hope to achieve reductions of our current populations in our facilities by having bipartisan support."

Mixed messages in budget

Wisconsin spends around \$6 million for treatment and diversion programs each year. In his budget, Evers proposed an additional \$2 million for these programs over the next two years. In May, he requested the Joint Finance Committee amend his budget to redirect \$6 million for treatment and diversion, for an increase of \$4 million per year. But Republicans who run the Joint Finance Committee kept it at \$2 million.

Under his capital budget, Evers is proposing adding a 144-bed barracks at Taycheedah Correctional Institution, the women's prison in Fond du Lac. He is also recommending Jackson Correctional Institution in Black River Falls add two, 144-bed barracks.

Wisdom, a statewide faith-based organization, released a statement saying Evers' budget "is extremely disappointing in its treatment of criminal justice issues," and "funds a growth in the prison system" rather than a reduction. Evers defended that move.

"Doing some temporary expansion is doing nothing more than making it safe for the people that are incarcerated," Evers said. "But I will say, just kind of pushing back a little bit, we did put a fair amount of money in the budget, and we continue to fight for that, making sure that we have mental health treatment and other alternatives and diversion programs across the state of Wisconsin."

He added that people are being incarcerated for too long, and in certain situations, offenders could be treated in a "better, more humane way."

Problems of overcrowded prisons

As of June 21, Wisconsin had 23,755 men and women in state prisons, one-third over the design capacity of 17,830. The population is expected to increase by about 6 percent in the next two years, according to the Wisconsin Policy Forum, which researches and advocates for efficiencies in state and local government.

Carr said in his visits to the prisons, the impact of overcrowding is “obvious,” including double-celled inmates and facilities that do not have enough resources to provide activities and programming. In some cases, inmates have been triple-celled, which is what Mark Rice experienced at Milwaukee Secure Detention Facility after being incarcerated for six months in 2007 for violating a rule of his supervision. With three people in a cell, there was little room to move. He said he was forced to sleep on the floor next to the toilet. The crowded conditions exacerbated his mental health problems, including paranoid schizophrenia, Rice said.

Former Waupun Correctional Institution psychologist Bradley Boivin, when asked about his experience working in overcrowded conditions, said around two-thirds of the inmates were double-celled during the two years he worked at Waupun before leaving in 2016.

As of June 21, the Waupun prison had a population of 1,254 — about 370 more than its design capacity. Boivin described the cells as “closet sized.” Cells are so narrow, he said, inmates can touch both walls, and the depth is barely longer than a bunk bed. State officials declined requests from Wisconsin Watch to view and photograph prison conditions.

Putting individuals with trauma in a small space with people they might see as a threat can trigger emotions and symptoms associated with the trauma, Boivin said. “One of the things psych services had the authority to do at Waupun, and in the DOC in general, was to put in a single-cell request for mental health reasons,” Boivin said. “Typically, security staff is required to accommodate that ... but the reality is it wasn’t always honored. I had a captain tell me he wasn’t going to give an inmate the single cell, and the inmate was just trying to take advantage of me.

“If these individuals were in single cells, I would say half the psych service requests wouldn’t have even existed.”

Invoking a little-used law

One option the DOC and Evers are considering is the Special Action Release Program, a 1989 law which would authorize Carr to release parole-eligible inmates, which would primarily be those convicted before truth-in-sentencing. Evers said any releases would not happen immediately. Carr added that public safety would be the top priority.

Among the dozen requirements for special action release are that individuals are not serving a life sentence, are within 18 months of mandatory release and do not have a conviction for an assaultive crime or have a known history of assaultive behavior in or outside of prison.

While it is unclear exactly how many parole-eligible inmates would meet the criteria for the program, as of Dec. 31, there were 1,900 inmates serving time only on parole-eligible offenses, DOC spokeswoman Clare Hendricks said. Another 1,000 or so inmates could be paroled only after completing sentences for non-parole eligible offenses, she said.

Paroles set to increase?

Only about 5 percent of so-called old-law inmates have been granted parole in recent years, said David Liners, executive director of Wisdom. He said releasing half to two-thirds of the people who are parole-eligible could potentially reduce the prison population by 1,500 to 2,000 inmates. Prior to Wisconsin’s truth-in-sentencing law in 1999, offenders were eligible for release after serving 25 percent of their time and received a mandatory release after serving two-thirds of their time, after which they were paroled.

“That whole (parole) system is just broken down, and it’s a nightmare,” Liners said. “Common reasons people are given for having their parole denied, are ‘insufficient time served’ or somehow releasing them would be an ‘unacceptable risk to society’ — there’s no definition for either of those things.”

In late April, the American Civil Liberties Union of Wisconsin filed a class-action lawsuit alleging the reasons for refusing parole for eligible inmates who committed crimes as juveniles are unconstitutional. The current parole system, according to the ACLU of Wisconsin, “gives parole commissioners unchecked discretion to deny release.”

Paroles are handled by the Wisconsin Parole Commission, which is separate from the DOC. The governor appoints the commission’s chairperson for a two-year term with the consent of the state Senate.

Under Walker, paroles decreased significantly. In 2017, Walker proposed eliminating the Parole Commission and turning the responsibilities over to a gubernatorial appointee.

In May, Evers appointed Racine alderman John Tate II to serve as chairman of the commission. When asked if he would favor Tate granting more paroles, Evers said he does not want to direct Tate one way or the other and trusts his judgment. Tate has told Wisconsin Public Radio that he would like to increase the number of paroles.

Said Evers: “I’m sure he (Tate) will be not only fair, but he’ll also believe, as I do, that we have to believe in redemption, and we have to believe in making sure people get a second chance.”

Can sentences be cut?

University of Wisconsin-Madison professor emeritus of law Walter Dickey believes truth-in-sentencing legislation has been a major driver of the rising prison population. Dickey was the DOC secretary from 1983 to 1987. Under the law — implemented Dec. 31, 1999 and considered one of the most punitive in the country — traditional parole was virtually eliminated for newly convicted offenders. They now receive a bifurcated sentence, which includes the time they will spend in prison and time on extended supervision following their release.

Without changes to Wisconsin’s current sentencing system, Dickey believes cutting the prison population in half would be extraordinarily difficult, if not impossible. Sentences, for the most part, cannot be shortened. Judges can adjust sentences, but this is not a realistic method for reducing the prison population because it would take willing judges and a return to court for each case, Dickey said. In a May 2017 report, the Badger Institute found that sentence adjustment petitions are rarely approved. Out of the 2,288 petitions filed in 2016, 295 were granted, according to the institute, which advocates for free markets and limited government.

Assembly Corrections Committee chairman Rep. Michael Schraa, R-Oshkosh, does not see truth-in-sentencing going away any time soon, but he does believe changes can be made when dealing with certain offenses, such as first-time drug offenses or nonviolent crimes. “We are not going to revamp and get rid of truth-in-sentencing in a matter of a session or two,” Schraa said. “The appetite just isn’t there, especially in the Senate. ... That’s the tough thing we’re up against, but I think we can take a scalpel and come up with very effective, proven areas that we could work on.”

An April Marquette Law School poll found 55 percent of voters support early release if offenders have served two-thirds of their sentence and demonstrate they are not a threat to society. The poll also found that 71 percent favor getting rid of mandatory minimums and instead letting the judge decide sentences on a case-by-case basis.

Rep. Evan Goyke, D-Milwaukee, a member of the Assembly Corrections Committee, sees truth-in-sentencing potentially being addressed in the long term. But his focus is on more immediate fixes — revocation, release and supervision — to ease overcrowding.

“We have over 500 people sleeping in county jails because our prisons are so overcrowded that the DOC has to rent rooms in county jails,” Goyke said. “If we take a long-term view of where the system needs to go, we do need to address how we sentence the penalties associated with certain crimes and the policy of truth-in-sentencing, but where I’m really focused on the short term is handling that immediate crisis of overcrowding.”

Increasing alternatives to incarceration

An area that is more likely to receive bipartisan support from the state Legislature is expanding treatment alternatives and diversion programs, such as drug courts. The April Marquette Law School poll found 78 percent of respondents favor such programs. Instead of “warehousing someone away,” treatment and diversion programs treat the problem and reduce recidivism, Schraa said.

Said Dickey: “Prison is for the people we’re afraid of — not the people we’re mad at. We ought to be using prison as a means to achieve public safety, and if we have people who don’t ‘need’ prison because they’re not a public safety threat, then we shouldn’t be using prison for them. We should be using some other kind of/ correctional resource.” Liners said such programs are “fiscally really responsible, and the recidivism rate is much lower for people who get into TAD programs than it is for the equivalent people who go to jail. Whichever thing we’re trying to do — save money or reduce crime — they both have the same answer.”

On the national level, there are conversations about how states can reduce their prison populations. Sens. Cory Booker, D-New Jersey, and Richard Blumenthal, D-Connecticut, introduced the Reverse Mass Incarceration Act in May, which would provide a financial incentive to states that reduce their prison population by 7 percent over three years without seeing an increase in crime rate of more than 3 percent.

Both Schraa and Goyke believe Wisconsin could cut the state prison population by thousands of inmates. Liners believes the prison population could be reduced by at least 8,000 in two years by ending crimeless revocations, boosting paroles and expanding diversion programs. That would bring the prison population to around 15,700 — the same level it was in 1997.

ACLU’s Campaign for Smart Justice said Evers could reach his goal in six years by ending crimeless revocations, expanding mental health and substance abuse treatment and broadening a judge’s discretion to impose community supervision instead of prison. Its blueprint would lead to 12,170 fewer people in prison by 2025 — saving the state \$886 million. The report also recommended reducing incarceration time by speeding up parole decisions, expanding earned release and reducing sentencing ranges by 40 to 60 percent. The report noted, however, that racial disparities likely will persist unless explicit racial justice strategies are implemented.

Evers said bipartisan efforts to cut prison populations are underway across the country, and Wisconsin should follow their lead. “When we have people whose lives are being turned around in a negative way because they’re incarcerated for either too long or for crimes that don’t need incarceration, that’s a moral issue for me,” Evers said. “That’s why I think it’s important, and that’s why I think we’re going to be successful in the end.”

Staffing, Crowding and Death in the Wisconsin DOC A preliminary report by Forum For Understanding Prisons

Researched and written by Ben Turk, FFUP’S new outreach worker (and a man of many other hats)
26 pages available in 2 on a side form, from FFUP or online at www.prisonfourm.org

This excellent report used open records request and other data to refute many of the DOC myths.

Our findings contradict the DOC’s “understaffing” narrative in the following ways:

- The DOC had significantly more guards at the end of the research period than the beginning.
- The prison population also increased during that time period, but at a slower rate, so the guard-to-prisoner ratio rose significantly.
- Turnover for guards is high and grew higher over the research period.
- A majority of terminations were guards quitting, frequently without notice.
- The DOC contracts to private vendors. Non-guard staff increased exponentially during the research period, indicating that what’s happening is privatization rather than understaffing.

These shifts in DOC staffing contributed to a dramatic rise in suicides among people who were imprisoned in 2016. The suicide rate has remained elevated through 2018.

These facts support accounts from people held in Wisconsin prisons that describe a growing disregard for captives, an abundance of guard harassment and violence, a lack of procedural consistency, and a heavy reliance on solitary confinement. The data strongly supports an argument for decarceration, reducing both the number of people held in prisons

Unstable Security: Modified Lockdown and the Milwaukee Secure Detention Facility

by [Ben Turk](#) Jun. 11, 2019

<https://shepherdexpress.com/news/features/unstable-security-modified-lockdown-and-the-milwaukee-secure/#/questions>

On a chilly evening last November, Downtown Milwaukee was host to a small but defiant protest. This demonstration went unnoticed by almost all residents, even though the protesters were tear-gassed, restrained, deprived of most of their property and locked in a solitary confinement cell for three months. There were no trials, indictments, criminal charges or legal representation. No media covered the event, and very few people even knew it had happened at all. How can this be?

This protest has been nearly invisible until now because it occurred on the seventh floor of the Milwaukee Secure Detention Facility (MSDF).

It was built in 2001 to accommodate the Wisconsin Department of Corrections (DOC) practice of incarcerating people for community supervision holds, sanctions and “alternative to incarceration” treatment. Its cells were originally designed to hold one person 20 or more hours a day, but for the last few years, therefore, MSDF’s cells often hold three people in a space not much larger than a walk-in closet.

Last August, MSDF began operating on “modified lockdown” status over the weekends and around holidays, citing staff shortages. This means those two or three people per cell began spending weekends held together for some 23 hours at a time (their single hour out of their tiny cell spent in a windowless, multi-purpose dayroom). Modified lockdown allows a single correctional officer (CO) to monitor each pod, while a sergeant—often called a “white shirt”—roves from pod to pod, providing back-up for the one hour people are let out of their cells.

On the evening of Sunday, Nov. 25, the white shirts were running behind, and by the time they got to 7a, they were 15 minutes late. When finally released, the captives likely hustled to the dayroom to use the phones or showers or just to get a little time away from the people they’d been holed up with all weekend. Only 45 minutes later, they were ordered back to their cells. Even though dayroom started late, staff was determined to make it end on time, shorting people a full quarter of their scant time out of their cells. But that November evening, at least two prisoners had other ideas. The CLOSEmsdf campaign received a letter from one of these prisoners (who we refer to as Sam), who told them what transpired.

Mistreated, Lied To, Brushed Off

“We are tired of being mistreated, lied to,” Sam says he explained to Shift Captain Morris. “We are tired of the DOC taking the little we have and never giving it back. We are tired of being treated as less than human.” One other prisoner and he refused to comply with the order to return to their cells. Then they used sheets to tie the doors shut and exercise equipment to barricade it.

“We are tired of [being] brushed off every time we address the warden, unit manager or social worker, as well as captains, sergeants or other correctional officers,” Sam explains in his letter. “They always pass the buck down the line to the next person until you just give up trying to get an answer.”

Captain Morris was the main officer responding to the protest, and rather than summoning the warden or addressing Sam’s issues, he filled the room with pepper spray and convinced the men to surrender. The entire incident took less than half an hour, but the whole facility was put on lockdown in response, and word spread—eventually reaching CLOSEmsdf organizers—who called officials to learn what had happened.

It took months of open records requests and letter writing to get in touch with Sam. During those months, modified lockdown continued and led to additional severe consequences. On Sunday, March 17, it proved fatal. That was the day Bill Leary died. According to his cellmate, he’d been complaining of stomach pains for days. The pain was severe enough that even the cellmate wrote a letter out to family, seeking help on Leary’s behalf. On that Sunday, he had to half-carry Leary back to his bunk from the dayroom because he was so ill.

He says a nurse finally came but moved on after a brief check-up. Fifteen minutes later, while his cellmate pounded on the door and shouted for help, Bill succumbed to internal bleeding. Medical examiners found a note he’d attached to his clothes, it read:

Tell Chad [Leary’s probation agent] that I’m bleeding inside really badly and that HSU [Health Services Unit] 2 is doing nothing for me. They won’t even see me, and I was already in the hospital for four days for this [expletive], and when I stand up I get dizzy [sic].

MSDF is not the only facility the DOC operates on modified lockdown status. Anti-prison organizers report getting letters from Taycheedah, Oshkosh, Columbia, Green Bay and other state correctional facilities complaining that the facilities are on modified lockdown at least part time. Rules changes and increased cell time are destabilizing and traumatic for people incarcerated in these facilities, and it has been met with some resistance. One prisoner at Columbia Correctional Institution, recently released after 17 months in solitary confinement, wrote a letter to Forum for Understanding Prisons (FFUP)—a prison research and prisoner advocacy non-profit organization—that under modified lockdown, “general population



is similar to segregation, because we're locked in our cells a majority of the time."

The DOC also requires staff to work mandatory overtime, often without notice. According to Sam's letter, "Officers aren't showing up for work because they are overworked, and MSDF is understaffed. Officers are working double shifts." Last year, the DOC spent \$50 million on overtime, and some COs worked up to 95 hours a week.

The government's response to this staffing crisis has been to try to hire more correctional officers. In an interview with Wisconsin Eye on Monday, March 4, DOC Secretary Kevin Carr said that one in 10 jobs at the DOC are vacant and pay raises are needed to attract more guards. Gov. Tony Evers complied with his wishes, writing raises for COs into his proposed state budget. However, an open records request filed by FFUP August 2018 calls this response into question. According to the data the DOC released, the number of guards (both in total and per prisoner) has actually *increased* over the last five years. Meanwhile, non-correctional staff (psychologists, social workers, administrators... the people who might handle complaints or resolve issues) declined by nearly one half during the same period.

Sam's letter reflects the lack of responsive staff. "We locked down the recreation room only to get the attention of the warden as well as the other staff to look into the matters that I tried many times to address through request forms as well as ICE [Inmate Complaint Examiner]." Hiring more COs is unlikely to prevent deaths like Bill Leary's. Guards do not administer medical care or respond to health crises; their role in the prison is to turn keys and issue conduct reports, and that's what happened to all the incarcerated people mentioned in this story.

Sam and his protest ally were written up and sent to disciplinary segregation for 120 days, despite the DOC publicly announcing a 90-day limit on solitary confinement four years ago. Under something termed "Administrative Control" status, Wisconsin prisoners can be held in solitary confinement *indefinitely*. Leary's surviving cellmates were also sent to "the hole," as prisoner's commonly refer to segregation. Friends outside of prison say they were given a choice: stay in the cell and sleep a few feet from where they had just witnessed Leary's needless, violent death or go to solitary. They chose the latter.

This lack of compassion by COs may be feeding the DOC's staffing crisis. According to the open records request, the DOC terminated almost as many COs as they hired, with more than half of them quitting. Peg Swan, founder of FFUP, says that, over the years, she's heard from prison staff and former staff that they've witnessed or are required to participate in horrible things, but they won't share their experiences publicly for fear of retaliation. Meanwhile, high turnover rates can aggravate humanitarian problems in the prisons. The more callous and desensitized COs are most likely to stay on the job, training and acculturating new hires. Over time, high turnover has degraded the DOC's institutional culture and conditions of confinement, especially in segregation and mental health observation units.

According to another open records release, suicide rates among people held by the DOC spiked from one or two per year to 12 a year in 2016; it has remained at an elevated level ever since (eight in 2017; six in 2018). FFUP says they've received many letters describing guard harassment, abuse and even assistance leading to these suicides.

If the new administration's only solution is hiring more staff to replace the many they lose and hold more people on modified lockdown and solitary confinement longer, they'll see these trends continue or worsen. Their other option is to reduce the prison population. In January, Columbia University's Justice Lab released a report finding that Wisconsin's community supervision policies are contributing to our rising incarceration rate, while many states have reformed such policies leading to significant reductions of mass incarceration and associated costs. The Justice Lab's recommendations would depopulate and close MSDF and significantly reduce crowding system-wide, eliminating the need to lockdown whole facilities and overwork prison employees.

FOUNDERS NOTES:

GUT-PUNCHED, a promise betrayed

You don't have to look beyond the first page of Governors Evers' new pardon application to see the betrayal. After a year of talking about dramatically reducing prison population and then months of back and forth between the governor's transition team; and after hundreds of prisoners submitted their heart-rending stories of indefinite delay of release, the new pardon application comes out with these fateful words:

"Eligibility: You are eligible for a pardon **only** if **all** if the following conditions apply to you:

1. You are seeking a pardon for a Wisconsin felony conviction.
2. You have **completed your entire sentence at least five (5) years ago**. This means you:
 - a. **Completed all confinement**; and
 - b. **Completed supervised release** (e.g., probation, parole, or extended supervision)."

website containing pardon application: <https://evers.wi.gov/Pages/pardon-information.aspx>

NO PRISONERS ARE ELIGIBLE FOR PARDON. So, who benefits here? Those who are past supervision (not "on paper") already can vote. The pardon does not expunge the record, it does allow firearms but after five years out an ex prisoner gains little benefit from the pardon. Prison population will certainly not be reduced with this limitation.

The final punch is that the public and media were fooled- big articles coming out with the fact that the pardon board has been established (with the caveat that there would not be clemencies) and we all eagerly opened the website to look at the new application. The glaring fact that there would not be pardons for those currently in prison was not mentioned in the news.

So where from here?

First, I think we take time for outrage and grief- this is big. For me the big realization is that prisoners and their families have no power base and are just used. "Thrown under the bus" is not the appropriate term here, for prisoners ARE the bus, the politicians

“go- to scapegoat” and reason for many legislators’ unlimited funding from the various corporations that depend on large captive populations(prison Industrial complex).I’m sure Governor Evers calculated that by dissing us he could gain traction in other areas with the all too hostile Republican legislature. Prisoners and their families, like immigrants and their families- have little political clout except in primaries. We need to change that.

The biggest hope is that Governor Evers is holding back on pardons until he gets his appointments to DOC chairmanship (Kevin Carr)and Parole commissioner(John Tate). As I write this, we are planning a gathering in Madison for the 18th, to meet with republican legislators key to the appointments. We will also be delivering our parole rule change petition to Evers, Tate and Carr. I have notified who I can through the corrlinks site as this rag will come out too late for you to respond to the 18th gathering but I urge you to have your families

- 1)write mail or call Evers, urging reinstatement of real parole and pardon
- 2) write , email or call your legislators urging their support of appointments of Carr and Tate (find your legislators here:www.legis.wisconsin.gov.

GOOD ADDRESSES to WRITE AT END of this newsletter

Please keep us posted on your parole hearings. So far I have heard two heartbreaking parole hearing tales and of two people who got 11 month defers and are on their way home. CONGRATULATIONS! At the great suggestion of one of our litigator friends we have done an open records request for the minutes of the first meeting between Tate and the commissioners (who are civil servants and cannot be fired except by cause.) It is possible with a word from Evers or Tate to set parole tight again, as it was only with a memo that the wrench was plunged into the works.

But I think our main emphasis needs to be on getting applications for Compassionate release into the parole chairman and building a power base with the public. see complete Executive order 31 page10.

please look carefully at this paragraph to see if you qualify:

"Extraordinary circumstances" means advanced age, infirmity or disability of the Inmate, need for treatment or services not available within the correctional Institution, a sentence to a term of Imprisonment that is substantially disparate from the sentence usually imposed for a particular offence, or other circumstances warranting an early release which are made known to the sentencing court pursuant to section PAC 105 (1) (a), Wis. Adm Code

Please notice the loose definition of “extraordinary circumstances above. a member of Evers transition team asked FFUP for cases of “low hanging fruit” .I assumed all OL prisoners are such, but in present circumstances these below apply certainly whether old law or TIS :

- 1) **“Juvenile offenders”- a large group of prisoners who** were waived into adult court as children and are now adults. Science has shown that the juvenile brain cannot judge adequately in rough situations. For this and other reasons, the US Supreme Court ruled in 2012 that life sentences without parole for juveniles is unconstitutional. As it stands, the lack of parole and pardons means that for many, their sentences will be life sentences. Many of these are old law and I think should apply. Also we can start pressuring for an executive order for TIS prisoners that parallels this one for TIS lifers.
- 2) **Those slated to be deported upon release-** Wisconsin is holding people beyond their parole eligibility who will not live here after release, they’ll be deported to their home countries. Many want nothing more but to go home. Why hold them in our prisons?
- 3) **Party to a crime (PTAC)-** these are prisoners who were supporters of the crime, like getaway drivers and accomplices, often people who didn’t know what they were involved in. In these cases, the actual perpetrators often get released decades earlier because they had information to bargain with.
- 4) **Those who are very old and sick-** there’s no need to incarcerate people for their last days, why not let them be with their families?
- 5) **Those reincarcerated for non-felonies, or crimeless rules violations.** Over 40 % of Wisconsin’s prison system admissions each year are for NON-FELONIES. Most are people on community supervision re-incarcerated for small technical rule violations. Again, with pressure maybe include TIS in a new compassionate release order.
- 6) what about those innocent?

Question: what is the process for an executive order and can one be made especially for TIS in non death extraordinary conditions?

But this definition of “low hanging fruit” still leaves thousand of able bodied, relatively young men over 30, the old law prisoners long eligible for parole still stewing in the corrupt DOC brew. Couple ideas to help pry open parole and widen compassionate release:

a)FFUP has lots of data on how parole used to work. The changes since the prison boom are generally known but possibly a **comparison between usual time spent for each crime before the prison boom (1990’s and before) and now** would be good for both widening scope of compassionate release, opening parole generally and would be fodder for a class action on parole. I have lots of this accumulated over the years and can send to any interested in working on this.

b) **FOLLOW THE MONEY** :one of the many elephants in the room is the PIC(prison Industrial complex) and its funding of legislators. We know Walker came straight from ALEC to the legislature as a junior and brought the ALEC written TIS bill that we still reel under. What makes up the prison Industrial complex and how much do our legislators depend on them for funding? any takers? I can supply data and articles and I am sure there will be open record requests to do. (GUT PUNCHED Continued Pg 7)

PLEASE POST THIS IN YOUR NEXT NEWSLETTER!!!!!!

I just got a letter from the Governors office today regarding getting an application for a pardon. In the response was the following info:

"Currently, applicants must have completed their entire sentence at least five (5) years prior to applying. Because you are still serving your sentence, you are not eligible."

Once again, guys like me serving life are being screwed over by a LIAR who promises prison reform. Old law and TIS lifers alike!! How in the world can I ever be eligible, if I was sentenced to life without eligibility for release to Extended Supervision and will never get out of prison?? I'm not even looking for a full pardon, I'm only looking for a commutation of my sentence so that I can have the chance to be eligible to apply for Extended Supervision after serving 20 to 25 years.

Problem is...I have noone that cares out there, noone who will keep my name or case alive in the news or on social media, so my case will never be heard by anyone.

Just wanted you to know that I was lied to....

Here's what I propose...I am about to prepare a petition to the Governor on behalf of TIS lifers ONLY!! Its about time we get the spotlight to a change and get some love from outside help. No disrespect to old law guys or short timers or guys doing numbers...but this fight is only for us doing LETTERS UNDER TIS LAW. Please contact me by snail mail: Jermaine Smith #394890 @Waupun Corr. Inst. or send an email request to Lady (first name) L (last name) at LadyLWORT@gmail.com and when she accepts your request, ask her to forward your email to me. Let me know what you think and what ideas we can put together to convince him to pardon us too...not just the inmates that are popular. Be serious about what you want me to know and what you want the Governor to know because the state wants us to actually DIE IN PRISON. Lady L will email you the final draft that will be sent to the Governor./PEACE AND LOVE FROM THE THINK TANK. 2WIN

TIS I INMATES From an FFUP litigator guide

"Those inmates who were sentenced under Truth-N-Sentencing No #1, can petition their Judges for 75% or 85% as the court stated that the Felony Classification System under the second phase of TIS (TIS II) under 939.50 Wis. Stats., should be utilized to determine "Applicable Percentage" of the term of initial confinement and petition for sentence adjustment.

This was done because they ruled that TIS was unconstitutional when implemented because it was not completed but yet courts had arbitrarily sentenced inmates under it. So they also said inmates can go back and get their cases vacated or request the 75% or 85% application (see State VS Tucker 694 NW 2d 926(WI app.2005 and State V Stenklyft 2005 WI 71

from: Supreme Court of Wisconsin.

STATE of Wisconsin, Plaintiff-Appellant, v. David S. STENKLYFT, Defendant No. 2003AP1533-CR.

Decided: June 09, 2005

"We conclude, in accordance with State v. Tucker, 2005 WI 46, 22-24, 279 Wis.2d 697, 694 N.W.2d 926, that § 973.195 applies to inmates sentenced under TIS-I and that the felony classification system employed by the second phase of Truth-in-Sentencing (TIS-II), under Wis. Stat. § 939.50, should be utilized to determine the "applicable percentage" of the term of initial confinement an inmate sentenced under TIS-I must serve in order to file a petition for sentence adjustment. That "applicable percentage" is then applied to the sentence originally imposed to determine if the inmate is eligible to file a petition under Wis. Stat. § 973.195(1g). Id., 23. Because the crime for which Stenklyft was convicted is now classified as a Class F felony and there is no dispute that he served 75 percent of the initial confinement portion of his sentence, we conclude that his petition for sentence adjustment was not premature under § 973.195(1g)."

also there is referenced State VS Tucker 694 NW 2d 926(WI app.2005 which decided the same thing.

(GUT PUNCHED continued from Pg6)

FFUP has an OUTREACH WORKER now, in Ben Turk- ut skilled , wise , humane and dedicated and I feel honored to work with him. As I do my grunt intake work, I finally have someone to both share/discuss/ strategize with and best of all he knows and uses the social media and also is patient enough to take my too dense stuff and make it palatable. Division of labor has been wanting at FFUP for too long, I am immensely grateful for the addition of Ben Turk to our team. WELCOME BEN!

Web work- public education, and your "Request for Serious Release Consideration" :

I have posted just about all the data on release you have sent, Now need to make it so each of you can direct people to your case and the general outline of the whole fiasco. The main web where all is linked now, albeit mostly in a scroll down haphazard fashion, is www.secondchancewi.org. I welcome any of your family or friends with some web savvy to help me get these cases organized in a way that they are easily accessible by category and name. Also, many of you sent me large packets of documents to post- and these I posted as links only, again on the website listed above. As I get the better organized, I will get new links to you. IF you need your docs back, you need to tell me.

Reports, help needed:

FFUP is in a unique position in getting so much information from prisoners and requests for stories and data from other organizations are increasing. I have always been the bottleneck- with too much info and too little brain power and wherewithall to be effective in spreading valuable info. The vista from my view of the WI Justice system has

never been more depressing. Conditions worsen daily and the DOC seems to have carte blanche to do whatever it needs to keep prisoners' voices muted. The corks are that most people out here do NOT want to know as it is hard stuff, and education needs to be dropped in digestible spoonfuls; and the courts are incredibly little help..

Therefore I will use FFUP's new outreach potential to gather the cases and info I have into reports and will put them as is appropriate on the web. Many of you have written fine essays also on condition and those will be posted soon. The patterns are here- each issue has many victims. So besides encouraging individuals to learn the law to do self advocacy, we can gradually get a strong enough legal and informational base to better push for systemic changes. Here is a list of issues FFUP is gathering cases on. Note: because I am always swamped. keep your reports brief, I will ask for more if needed.

A)The big one is always Solitary confinement and we have started an email newsletter consisting of writings of solitary prisoners and FFUP input which goes out to the general public and is linked to the web.. This issue has many branches and will be address more thoroughly in future newsletters . **We thank you for your wonderful submissions for the e- mail newsletter and will be in touch with you individually soon on progress with the project.**

B) some other issues we are gathering-

1)access to the courts restricted- more info on widening use of rubber pencil, courts refusal to allow prisoners to use release accounts to pay partial filing fees, retaliatory moves of litigators, confiscation of legal material, arbitrary new rules restricting litigators access to people they are trying to help, use of paper restriction to stop litigation. Collecting for a report to use to spread the word.

2)Ongoing and pervasive failure to protect: for staff and inmate on inmate abuse, prea violations and gang extortion and harassment. Collecting for a report to use to spread the word.

3)SCAMS- latest- the new canteen-heard from 3 prisoners so far that new canteen sells less quantities for more money and many items are missing. Need help researching /strategizing on what to do besides informing the powers. Open records requests on bidding etc? need leader in the research- I can supply data. Collecting for a report to use to spread the word.

4) Innocence: collecting cases on web for push to raise awareness of injustice rife in this state-

5) Legal project cases:Besides trying to help you connect with guides, I am also gathering by issue in hopes we can grow beyond single money settlements .As we all have learned- many people who win their lawsuits get the settlement money but conditions get worse and retaliation is rife. .

Two articles by Ronald Schroeder, 528682 OSCI/P0 Box 3310/Oshkosh,WI 54903

(Permission to edit and/or publish granted)

JAILED FOR PAYING CHILD SUPPORT

Department of Corrections officials have jailed and imprisoned a client **for** paying, his child support.

The day after Ron Schroeder filed a formal grievance against his probation agent, Kimberly Malone, she asked him if he was paying, his child support. He said he was unsure as he didn't receive Paystubs and was unable to log on to his employer's website. The following day Malone obtained a wage statement from Schroeder's employer, noted he was paying the child support and put him in jail. She claims Schroeder lied to her – that he wasn't paying his child support- when in fact he was. She moved to reimprison him for 22 years (he's now at Oshkosh Correctional Institution).

Schroeder filed a retaliation lawsuit against Malone and her supervisor, Jason Popp, which is pending. Schroeder v. Malone et al. Eastern District of Wisconsin Case. No. 17CV1676. "Even with Agent Malone's and Supervisor Popp's (incorrect version of the facts, putting me in jail and prison when I was paying. my child support was a clear abuse of power, says Schroeder. "Their office needs to be audited."

- END-

DOC OFFICIALS REVOKING SUPERVISION ON OVERRIDES NOT RECORDED OR REMEMBERED

Wisconsin Statute 301 .03(3) directs the DOC to revoke less and impose more non-jail/prison sanctions. The law also directed the DOC to create and evidence-based response to violations policy.

In October 2016 DOC implemented its "Evidence-Based Response to Violations" policy (available on DOC's website). EBRV relies on evidence rather than agents' discretion. Agents and their supervisors must follow their EBRV policy under current law.

EBRV policy did not authorize the detention nor revocation of Ron Schroeder (now at Oshkosh Corr. Inst.) so he sued his agent and her supervisor Jason Popp (Schroeder v Malone et al., EDWI Case No. 17CV1676, avail. on Pacer.gov). Popp stated he is not bound by DOC's EBRV rules and routinely overrides them Schroeder asked Popp who overrode what and why . Popp said he and his supervisor did but could not recall what or why. Simply put, Popp had Schroeder reimprisoned for 21 years on an override

He didn't record and for a reason he can't remember. This likely happens to others:

Readers are asked to

- (1) Ask DOC Kevin Carr/or Governor Evers to issue a proclamation requiring agents and supervisors to provide clients copies of all EBRV overrides, including names and reasons, in writing, within 7 days of each override;
- (2) Ask your legislator to amend Statute 301 .03(3) to require agents and their supervisors to document in detail every EBRV override, including names and reasons, and provide to affected clients within 7 calendar days;
- (3) Ask Secretary Carr and/or Governor Evers for an audit of this illegal practice; or
- (4) Create awareness of this through social media, including blogs and Change.org

* * * END * *

Y Chromosome

On this Father's Day, I don't begrudgingly go to retrieve you a beer. I understand what a hard tiring day looks like...
On this Father's Day, I thank you for showing me your smile, when you caught me with my pants to my ankles with the girl

next door, and mom was screaming about tearing me a new ass...

On this Father's Day, I have let you know I hold close what you said about standing up to piss...

On this Father's Day, I wish I could have been more like the son you've envisioned, when you first held me...

On this Father's Day, I humbly thank you for putting your shaving cream on my face, cause you knew that was the coolest

thing I thought about shaving...

On this Father's Day, thank you for showing me what chivalry looks like by the way you treat mom...

On this Father's Day, I smile knowing being a man is so much more than just biology...

On this Father's Day, I understand now how hard it was for you to show me your tears...

On this Father's Day, thank you for that trip to Las Vegas, and introducing me to Cinnamon...

On this Father's Day, I now know the difference between, a Phillips and caliper...

On this Father's Day, I know the definition of integrity, honor and love because of YOU!!!

On this Father's Day, I thank you for showing me how to properly use a condom...

On this Father's Day, I can chuck anything miles away because you showed me how to throw...

On this Father's Day, please accept my apologies for not be in the son you hoped I'll be when she told you, I was comin'...

On this Father's Day, I paid more attention than you think on those fishing trips. I shall never go hungry...

On this Father's Day, thank you for not blaming me on you and mom separating...

On this Father's Day, I use your lesson on 'Boxing' on the playground with that bully...

On this Father's Day, thank you for lovin' me a little more for being your First Born...

On this Father's Day, I'm better at math because you took the time to explain conversion on your triple beam...

On this Father's Day, thank you for showing me drugs isn't the way to go by dying with that needle in your arm -- that boy...

On this Father's Day, I believe you, every girl isn't like mom...

On this Father's Day, I wish I can be just like YOU... I love you, pop./ Kenneth M. Gray #315302

FOR THE LOTS OF CALLS AND LETTERS SUGGESTED, HERE is contact information:

1)Kevin Carr ,WI DOC Secretary / PO Box 7925; Madison, WI 53707 /(608) 240-5000

2)John Tate, Chairman; Parole Commission / PO Box 7960;Madison, WI 53707

3)Governor Tony Evers/PO Box 7863; Madison, WI 53707/ 608-266-1212.

4)Lieutenant Governor Mandela Barnes/PO Box 2043, Madison, WI 53702

5)DAI Makda Fessahaye, Administrator/Doug Percy, Assistant Administrator/Stephanie Hove, Assistant Administrator/P.O. Box 7925/Madison, WI 53707-7925/(608) 240-5104 Office

6)LAIP **Should** have all its prose packets in your libraries- let FFUP know if they are not there/ ALSO LAIP law students are helping with compassionate release applications both for TIS and OL.

LAIP c/o Frank Remington Center. UW Law School; 975 Bascom Mall, Madison WI 53706.

Renagh O'Leary, Clinical Assistant Professor, Frank J. Remington Center

EXECUTIVE ORDER 31 SQUINCHED

note: the decision is up to the parole commissioner. The warden only determines if the applicant is statutorily eligible 9

EXECUTIVE DIRECTIVE #31

Subject: Extraordinary Circumstances

For Parole Consideration

I. Authority

Wisconsin Statutes s 15.145(1)

Wisconsin Statutes SS 304.01,304.02,304.06(1m)

Wisconsin Administrative Code Chapter DOC 330

Wisconsin Administrative Code chapter PAC1

II. Background

This directive formalizes the process by which the Parole Commission reviews Inmates for parole consideration under extraordinary circumstances.

III Definitions, Acronyms & References

."Chairperson" means the chairperson of the Commission. "Chairperson" includes a commissioner who is designated by the Chairperson to perform a specific assignment or duty

."Commission" means the Parole Commission, including the Chairperson and the Commissioners.

."Commissioner" means a member of the Parole Commission, including the Chairperson.

."Extraordinary circumstances" means advanced age, infirmity or disability of the Inmate, need for treatment or services not available within the correctional Institution, a sentence to a term of Imprisonment that is substantially disparate from the sentence usually imposed for a particular offence, or other circumstances warranting an early release which are made known to the sentencing court pursuant to section PAC 105 (1) (a), Wis. Adm Code

"Inmate" means a person who is incarcerated in a DOC facility or a facility under contract with the DOC for a crime committed in the state of Wisconsin

"Parole" means release from prison of an inmate before the expiration of his or her sentence to the supervision of the Division of Community Corrections

"Parole eligibility date" means the date whereby the inmate has served 25 percent of the sentence imposed or six months of the sentence, whichever is greater, or the date imposed by the sentencing court.

"Victim" means a person against whom a crime has been committed, or if the victim is deceased, an adult member of the victim's family or, if the victim is under 18 years old, the victim's parent or legal guardian (Sees 304.06 (1) (c)3,Stats)

IV Scope

This Executive Directive applies only to inmates who are statutorily eligible for parole consideration in accordance with Wisconsin Statutes s 304.01. Inmates serving a sentence under s. 973.01, Stats., are not eligible for parole consideration for extraordinary circumstances for that sentence but may petition for release under the procedures set forth in 5.302.113 (9g) Wis. Stats.

V. Policy

Inmates who have not reached their parole eligibility date may be considered for extraordinary circumstances release under s. 304.06 (im), Stats. The sentencing court, district attorney and *victim*, if available, must be notified and permitted to comment upon the proposed recommendation for release.

Vi. Procedure General Guidelines

A The Chairperson, Warden, inmate or the inmates guardian may request consideration for release due to extraordinary circumstances regardless of the parole eligibility date . If an inmate has previously waived parole eligibility, the inmate or the inmate's legal guardian must request reinstatement of parole eligibility prior to any action being taken in accordance with s PAC 105 (6), Wis Adm. Code

B. All requests will be forwarded to the **Warden who will review the request to determine if the inmate is statutorily eligible for consideration** and forward the request to the Chairperson with a recommendation.

C. **The Chairperson shall consider all of the following eligibility for parole, sufficiency of time served. satisfactory adjustment to institution, satisfactory program participation, adequate release planning and risk to the public**

D. The Department will provide the Chairperson with requested information, including release plans.

E. The Chairperson will determine whether or not his appropriate to waive the 25 percent of service sentence requirement under s 304.06 (1) (b), Stats. In accordance with S PAC 1.05 (1) (a), notice of the determination to the court, district attorney and victim is required.

F. The Chairperson will make a decision to approve, deny, or defer for continued monitoring of the extraordinary circumstances.

Doc Library 3600.500.0031

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revised October 1993

new effective Date November 1, 2013

Date of Approval 10-15- 13

signed by secretary and Parole commissioner

FFUP ; 29631 Wild Rose Drive, Blue River, WI 53518, All donations welcome , needed and well used. Make checks payable to prisonforum c/o above address, or go to our go- fund- me account at

<https://www.gofundme.com/prisonforum>. Email with questions at pgswan3@aol.com

