

H A R L A N R I C H A R D S

November 6, 2016

Squeezing Blood Out of a Turnip

I have read about the oppression of peasants back in medieval Europe. It is alleged that Robin Hood was an actual person who helped the peasants by robbing the rich and giving them money to pay the onerous taxes. They would have starved to death without Robin Hood's help. I would imagine that the phrase "you can't squeeze blood out of a turnip" was coined back then. It signifies trying to take something from someone who doesn't have it to give.

Squeezing blood out of a turnip in the 21st century has taken on a new form. The Republican-controlled legislature enacted a law requiring prisoners to begin paying their restitution obligations while still incarcerated. For decades, "[r]estitution ordered under this section is a condition of probation, extended supervision or parole served by the defendant for a crime for which the defendant was convicted." Sec. 973.20(1r), Wis. Stats. In other words, restitution was collected when the person could afford to pay it. The newly added law states:

"If a defendant who is in a state prison or is sentenced to a state prison is ordered to pay restitution, the court order shall require the defendant to authorize the department to collect, from the defendant's wages and from other money held in the defendant's prisoner's account, an amount or a percentage the department determines is reasonable for payment to victims." Sec. 973.20(1l)(c), Wis. Stats.

If prisoners had an opportunity to earn money while in prison, this provision would make sense. But Wisconsin prisoners are living in abject poverty, many of whom earn less in one week than a latte at Starbucks costs. Prison wages have been cut twice in the last 30 years. We are now paid less in actual dollars (and much less in inflation-adjusted dollars) than we earned when I came to prison in 1984. Back then, a prisoner could work at a prison job and earn enough money to pay for all his own wants and needs. He could afford to purchase the personal property he was allowed to have and to buy hygiene and other items from the prison canteen. It was not luxury living but it was enough to get by without enduring daily privation.

Prisoners are paid from \$8 to \$66 per month depending on the job they have (only 5% of prisoners are allowed to earn the highest rate; and there are a handful of prisoners working for prison industries who earn over \$100 per month). Most prisoners earn \$5-10 per week. Out of this amount, 10% is always deducted for placement in a "release account" (funds which are used for filing and service fees to file civil actions or upon release from prison). Now the DOC will be taking 50% of all incoming money for restitution (before taking 10% of the remainder for the release account). The DOC will pay themselves 5% of the restitution money as a reward for squeezing blood out of prisoner turnips.

For a prisoner earning \$2 per week (the lowest rate), \$1 will be taken for restitution. Of the remaining \$1, 10% will go to his release account and he will have 90¢ left to buy shampoo, deodorant, etc. The DOC will receive 5¢ as its commission and the 95¢ will be applied to restitution. If a prisoner only owed \$100 in restitution, it would take him 106 weeks to pay it off. Many prisoners owe thousands of dollars in restitution. They will be facing countless years of further privation trying to pay off their obligations with prison wages.

Most prisoners, however, do not try to live on their paltry prison wages. They have family and friends who send them enough money to live decently while in prison. What will happen to them? Most likely, nothing. The DOC will take half of their money and their families will double the amount of money they send to the prisoner. Who ends up paying the restitution? The families of those in prison.

When Scott Walker became governor, he passed tax cuts for the wealthy in Wisconsin. A couple of weeks ago, I heard on public radio news that the 11 biggest manufacturers in Wisconsin received \$21 million as a result of these tax cuts. If the purpose of the new restitution law was to restore crime victims more quickly, it could have been accomplished more effectively by paying them some of the \$21 million Gov. Walker gave to his rich supporters.

Meanwhile, blood will keep on being squeezed out of Wisconsin turnips causing hardship for thousands of Wisconsin's most disadvantaged citizens and their families. Where is our 21st century Robin Hood?

H A R L A N R I C H A R D S

November 7, 2016

Update on COMPAS Summary

In May 2016, I wrote about the new Correctional Offender Management Profiling For Alternate Sanctions (COMPAS) risk rating system which was used by the DOC to justify requiring me to take Cognitive Growth Intervention Program (CGIP). In July 2016, I wrote about my efforts to obtain a copy of the COMPAS summary by filing a mandamus action in state court.

Well, I finally got my action filed and served. The DOC record custodian did not oppose my action. His attorney advised him that under state law he was required to turn over the summary to me, and he did so. At a court hearing on Nov. 3rd, he agreed to reimburse me \$199.50 for my filing and service fees. It never should have come to that. He should have turned over the summary as soon as I requested it.

Instead, it took me a year before I could review the report for errors. Sure enough, there were several crucial errors, including misstatements about my pre-incarceration conduct, my responses to interview questions and even false comments submitted by a staff member. I am in the process of getting those errors corrected and when I do, there's a good chance I'll no longer have a program need assigned to me.

The 21st century DOC is like living in an alternate reality. Nothing is logical or rational. Nothing makes any sense. There is massive groupthink among the staff who feel that all prisoners are good for is to be grist for their correctional mill. They grind us up and spit us out without regard to truth, fairness or justice. This is the norm and when anyone comes forward seeking to restore sanity to corrections, they are looked upon as crazy.

I recently described the paroling process in Wisconsin in a court brief as being kafkaesque. Anyone who has read Franz Kafka's novel will know what I'm talking about. If you haven't, you should do so. I think it is called "The Trial," but it has been so long since I read it I can't remember for sure. Read it and you'll understand how bizarre it is to live in a Wisconsin prison.

H A R L A N R I C H A R D S

November 8, 2016

My 33rd Year In Prison

Last week I began my 33rd year in prison for a crime for which I am not guilty. I was attacked without provocation by a man who outweighed me by 85 pounds and I stabbed him in self-defense. At a trial riddled with errors - including prosecutorial misconduct, perjury, deficient performance by my attorney and faulty jury instructions - I was convicted of first degree murder.

Last year, I hired attorney Matthew Pinix to write a report detailing the circumstances of the stabbing and recounting how a clear-cut case of self-defense was turned into a first degree murder conviction. He sent the report to the parole commission at my request so they would finally know the truth about what happened back in 1984. In his cover letter to Chairman Stensberg attorney Pinix stated in part:

"I believe that the facts of Mr. Richards' case strongly support the conclusion that he should never have been convicted of first degree murder. As the court of appeals recognized, Mr. Richards' jury found guilty without being properly informed that it should consider first his imperfect self-defense claim. The enclosed report is intended to shed light on the facts of Mr. Richards' case and demonstrate the significance of the instructional error, thereby demonstrating the unfairness of his continued incarceration."

You would think that chairman Stensberg would want to know if he was keeping an innocent man in prison and, if so, take steps to release him. Not in Wisconsin. Stensberg refused to read the report.

One of the most frustrating aspects of my trial was how the prosecutor managed to portray my attacker as a family man - a pillar of the community - and me as a homicidal maniac who viciously murdered him for no apparent reason. The truth about Dick Endres was not brought to the court's attention until I obtained the evidence on my own years after the trial and submitted it along with a request for a new trial. Attorney Pinix summarized Dick's criminal history in his report:

"Over a fifteen-year period of time from 1951 to 1966, Dick had been arrested thirty-seven times. Those arrests were for incidents including disorderly conduct, assault, battery, and malicious mischief. In 1965, he severely

beat a man after a card game, claiming that the man owed him some money. But those thirty-seven incidents over fifteen years were far from the end of his run-ins with the law.

In 1966, Dick and another person strong-arm robbed a man of \$12.00. Dick was sentenced to prison. In 1968, he robbed a cab driver of \$40.00. In 1971, Dick slapped and punched his fiancée in front of police officers. Later that year, a female friend told police that Dick held her down and forced her to have sex with him--twice. In 1973, Dick forcibly removed his child from his ex-wife's home and then got into an altercation with police as they were assisting in the child's retrieval. During that encounter with police, Dick was belligerent to his ex-wife and the police officers who were helping her. He knocked down one of the officers and swore at the other officers.

In 1978--only six years before the encounter in Dunwald's apartment--Dick was charged with battery to a police officer and resisting arrest. An officer had witnessed him speeding and had attempted to effectuate a traffic stop. However, Dick led the officer on a long, high speed chase and did not stop his vehicle until he arrived home. There, Dick physically assaulted the officer while he was writing out a citation. When backup arrived, officers followed Dick in to arrest him, and Dick fought back. Explaining why it took three officers to subdue him, one officer wrote, "It should be noted that [Dick] is extremely strong person and was totally capable of moving two Officer's body weight with one arm."

Several years earlier, the parole commission had noted that Dick "showed acute problems of sadistic, uncontrollable anger, continued association with antisocial peers of either sex, resentment and hostility toward . . . authoritative figures."

The entire trial was a farce from start to finish. At a fair trial, I would have been acquitted. Instead, I have spent the last 32 years in prison. Had the jury known the truth about Dick, I would never have been convicted of murder.

Do you want to know the truth? Do you want to read attorney Pinix's report? If so, send me your email address and I'll have a copy sent to you. You can see for yourself how an innocent man has been unjustly imprisoned for the last 32 years.