

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

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Parole In Wisconsin

Truth In Sentencing (TIS) in Wisconsin took effect in 1999. Before that, all prisoners were sentenced under statutes which permitted release on parole (except for some life sentences which had no parole eligibility). There are approximately 2500 prisoners still incarcerated under the pre-TIS laws who are eligible for release on parole. Unfortunately, release on parole has all but stopped since Scott Walker became governor in 2010.

I recently found out how many prisoners were released on parole in 2015 and 2016:

2015 - 164 approximately 6.5%

2016 - 189 approximately 7.5%*

(*based on 2500 prisoners which is just a ball park figure)
[//doc.wi.gov/About/Data-and-Research/Interactive-Dashboards/DAI-Releases-from-Prison/](http://doc.wi.gov/About/Data-and-Research/Interactive-Dashboards/DAI-Releases-from-Prison/)

If the current rate of paroles continues, all of the parole-eligible prisoners could be released over the next 15 years. However, it is unlikely that the parole commission chairman will continue to release prisoners at that rate. For one thing, if Gov. Walker's proposal to abolish the parole commission is passed by the legislature, it is a sure bet that paroles will essentially cease altogether. Also, there are some prisoners who, although they are eligible for release on parole, will never be released because their crimes are so heinous and/or their conduct in prison makes them an actual risk to the public.

For instance, a serial killer like David Van Dyke, will never be released on parole if he lives long enough to reach parole eligibility (he has 6 consecutive life sentences). There are other prisoners serving life sentences who have never left maximum security because their conduct has been so bad (I'll omit their names even though I personally know who they are).

Notwithstanding those two categories of prisoners, there are many prisoners who have shown by their conduct and attitude that they can be safely released right now but are being routinely denied release on parole for no apparent reason. Most people serving life sentences (lifers) want to fly under the radar. They do not want to be identified publicly for fear

they will be denied release on parole due to a backlash from the public. I generally only use my case to highlight unfair treatment even though others have been treated equally unfairly.

The worst part of the parole commission's decision making is its inconsistency. In 2010, I was in a work release center with an 8 month defer and community custody. I drove a state van unsupervised over 30,000 miles throughout northwestern Wisconsin. The parole commission increased my defer to 12 months in 2011 for no reason and I was returned to medium security after 9 years of minimum security and community custody.

In 2015, after 4 years of 12 month defers, I received a 36 month defer - the longest defer I've ever had -again for no apparent reason. I am serving a single life sentence for stabbing a man in a fight. At the same time I was getting my defer increased, two men I know who are serving double life sentences for double murders, had their defers reduced to 12 months. How does that make sense?

I recently read an email from Kathleen Hart where she tersely commented on the number of prisoners released on parole in 2015 and 2016:

"189 were probably near death or MR for sure."

That says it all. The parole commission routinely refuses to release prisoners who pose no risk to the public unless that person is terminally ill or near their mandatory release date.

Wisconsin needs a parole statute which mandates release unless there is articulable "clear and convincing evidence" that the prisoner is a risk to the public based on current facts. Until that happens, prisoners will continue to be needlessly warehoused in Wisconsin prisons.