

Community Advocacy Board Locked Out
An Interview with Milwaukee Leaders for Justice
Summer, 2015

By Patricia Oblatz, Editor

Update 11/08/15: HBO's talk show host John Oliver on prison re-entry issues:
<http://www.alternet.org/watch-john-oliver-slams-one-worst-things-about-americas-criminal-justice-system?akid=13641.295758.7eTJ6K&rd=1&src=newsletter1045512&t=6>

Update 6/27/15: WI AG Brad Schimel has yet to respond to Advocacy Board's 6/9/15 open records request referencing Schimel's public promise to expand WI open records law to include electronic communications, as well.

Ed. Note: *"On Tuesday, May 19, with about 30 minutes notice and virtually no discussion, the legislative Joint Finance Committee accepted the Department of Corrections request for an additional \$5 million to [INCREASE THE PRISON POPULATION](#) by about 500 people in the next 2 years."*

---David Liners, State Director, WISDOM

Corrections officials in Wisconsin, which has the nation's widest black-white gap in imprisonment, have been stonewalling on the release of additional racial data and have cut ties with a Milwaukee corrections advisory board seeking that data, members of the board say. Advisory board chair attorney [RL McNeely](#), PhD; JD was invited to join other board members, including Honorable [Lindsey Draper](#), Esq., formerly Disproportionate Minority Contact Coordinator for the State of Wisconsin's Office of Justice Assistance (WOJA), civil rights leader [Reverend Joseph Ellwanger](#), organizer for [MICA/H/WISDOM 11x25](#) criminal justice campaign to end mass incarceration, and Barry W. Givens, board First Treasurer and Revocations Committee Co-Chair, and president of the Sherman Park Community Association (SPCA).

Their story begins with [Felmers O. Chaney](#) (1918-2012), who in 1954 became Milwaukee's first African American police sergeant in a department that counted only three other African Americans. He gave the Wisconsin Department of Corrections (DOC) the right to use his name for a Milwaukee minimum security facility that houses more than 100 non-violent prisoners who have six to 12 months left to serve on their sentences. In doing so, Chaney signed the notarized Declaration that stipulated: "Whereas, the Wisconsin Department of Corrections, hereinafter DOC, promised

community members and community organizations, in 1999 and 2000, that the correctional center now known as the Felmers O. Chaney Pre-Release Correctional Center, hereinafter FCCC, would have as its organizational mission the provision of programming focusing upon the community re-integration of inmates incarcerated at the Center.”

Mr. Chaney, revered civil rights leader and multi-termed NAACP Milwaukee Branch President, also called for the formation of a Chaney Center Community Advisory Board dedicated to reducing recidivism, to enhancing re-integration, and to lowering state budget costs due to incarceration.

In 2010, due to concerns over perceived racial disparities in the treatment of current and recently released prisoners, and to efforts empirically assess which Chaney Center programs reduced recidivism, the advisory board verbally requested crucial statistics from DOC, said advisory board chair, RL McNeely, PhD; JD. Despite the [public records law](#) in Wisconsin, and the federal [Freedom of Information Act of 1966](#), no information was provided, he said. (Wisconsin DOC isn't the only government department denying access to public information, according to the [March 30, 2015, Washington Post](#).)

Two years later, advisory board Revocations Committee Co-Chair Barry Givens issued the first formal open records request letter, stating that there is a “widespread perception of systemic racial disparities in (Wisconsin’s) revocations practice,” adding that “(D)iscriminatory practice has a devastating impact on successfully integrating Milwaukee-based offenders with employment, their families and communities (I)ndividuals who have been revoked should also have access to more community-based programs.” A few meetings arranged for DOC staff and the advisory board were to no avail.

An April 22, 2014, letter from the Revocations Committee co-chairs and board chair also requested specific data on the state’s prison population by race for the years 2000-14 because DOC claimed they didn’t include race or gender in prisoner files. Other questions included were about Milwaukee’s types of Alternatives to Revocation (ATR) programs compared to others around the state, and the number of inmates by race; were they community-based or in Milwaukee Secure Detention Facility (MSDF) ATR programs? How many disciplinary actions by race per year, and more?

Bureaucracy on the Defensive

The advisory board’s last written request to DOC for a meeting to discuss the stonewalled public records was dated February 18, 2015. It summarized previous requests for public information statistics, such as:

- How many paroled or on probation people by race break a rule, but don't commit a crime, yet get sent to Milwaukee Secure Detention Facility (MSDF) for evaluation of whether they return to prison or go to an Alternative to Prison (ATR)?
- How many people by race are in a MSDF ATR program, and how many by race are in community-based ATR programs?
- Which re-integration programs work? Which ones are modeled on evidence-based [current best practices](#) programs?
- How many prisoners by race are eligible for parole or for compassionate care release?
- How many prisoners by race are sent to solitary confinement and for how long?

The letter then listed the multiple days every week in March that Milwaukee County [Chief Judge Jeffrey Kremers](#) was free to meet with DOC and advisory board in an effort to resolve the matter of the requested data and to resolve the violation of state and federal public information laws.

The DOC responded quickly to that letter with a March 12, 2015, letter from DOC Administrator of Division of Adult Institutions Cathy A. Jess. It stated that the DOC *“respectfully requests that (the advisory board) refrain from identifying itself as affiliated with, or functioning under the auspices of the Felmers O. Chaney Correctional Center (FCCC),”* nor was the board allowed to be on the premises, to paraphrase another command. Meeting monthly at the Chaney Center gave time for board members to get to know some of the inmates, and to physically demonstrate to inmates that Milwaukee community members were interested in their re-integration with their families and neighborhoods.

Advisory board members, after being dis-affiliated, voted to continue their pursuit of criminal justice matters as an all-volunteer advisory board, meeting bi-monthly as usual, but at local universities instead of at the Chaney Center. In compliance with the DOC decree, the board changed its name to Felmers O. Chaney Advocacy Board. Here's what they have to say about information being locked up and the advisory board being locked out:

McNeely said, “We need statistics to tell us which re-integration programs work and which don't, information crucial to the development of evidence-based programming that show which has proven more effective. Sometimes the stats that the DOC deny having actually end up in a DOC report here and there – but there's nothing about race from the standpoint of many of the questions we have asked.”

Ellwanger agreed, and said that the DOC says that “‘the recidivism rate is going down and revocation rates are going down’ . . . but after waiting up to 60 or more days to learn if you go back to prison or to an Alternative to Revocation in the Milwaukee Secure Detention Facility (MSDF), you end up leaving after being incarcerated in what is the equivalent of a maximum security prison for up to nine months, sometimes even a year.” He shook his head and with quiet force said, “And yet that’s not called a revocation, that is (called) an alternative to revocation. But there’s no record of actual time in prison.”

Former Judicial Court Commissioner (primarily Children’s Court) Lindsey Draper added that losing that time to unrecorded incarceration at the secure detention center can cost people their employment, home and family connections. He said that there are community-based ATR programs that help people preserve their employment, home and family connections. “That’s why,” he said, “the Commission on Reducing Racial Disparities in the Wisconsin Criminal Justice System and the Office of Justice Assistance kept requesting the numbers of people by race being sent to which holding center for evaluation for either revocation or ATR.” He said that the DOC didn’t include “the people waiting at the secure detention facility to be evaluated in the presentation made publicly to the community “and the secure detention facility is the place where most cops put the ones they pull in for breaking a parole or probation rule. . . . It’s a holding center, not a prison, DOC claims.”

Givens said, “Getting people into their community with employment (helps) the neighborhood become more viable; getting them involved in the entities in their community are going to make them successful and want to stay. They can’t do that without positive transitional pre-release and post-release programs – especially if they were kept in solitary confinement too long, or addiction and/or other mental health problems preceded their initial incarceration.”

Yes, Ellwanger said, and recounted his recent meeting with an inmate at Waupun, who said that a man “had just been sent to [90 days of solitary confinement](#) for ‘some little infraction of a rule’; a lot of times, it’s for ‘trumped up reasons,’ or a guard thinks an inmate was ‘snippy’ to him.” Ellwanger reminded us that the [United Nations ruled](#) that solitary confinement longer than 15 days is torture, which Wisconsin DOC visibly violates.

McNeely said that, despite the pursuit of a complete set of prison stats by the Commission on Reducing Racial Disparities, the WI Office of Justice Assistance, MICAH/Wisdom, and the advisory board, the information remains hidden behind DOC doors, which also violates Executive Order 251. “That order directs DOC to provide this information,” he said. “When questioned, a DOC representative said something to the

effect that 'Executive Order 251 was under a different governor' -- but unless it was officially abolished, it should still be in effect."

When asked about legal recourse, McNeely said that the Freedom of Information Act (FOIA) requires the specific titles of the documents that are being requested but it appears that DOC keeps the data in un-titled documents. McNeely said that the stats they seek are available because DOC keeps a file on every prisoner.

Draper allowed that, even should they unearth what FOIA requires, "(W)e'd be number 976 out of a 1,000 on the priority list." He said that a lot of people think that prisoners don't deserve justice.

Givens said, "I think all of us realize that DOC is not providing that information because they know that we're going to analyze it, and secondly, we're going to find some things that are irregular and they're not certain what we're going to do with that information."

Ellwanger said that the cost of keeping prisoners "should be incentive enough for the DOC to release those eligible for parole or compassionate care." He said that the prison reform task force, after "eye-balling" prison populations around the state, estimates that about 1,000 people are still being held after having served their sentences. Ellwanger said, "(DOC) doesn't want to give the number of persons eligible for compassionate release because we're going to be saying that every one of those persons needs a social worker to help them fill out all the forms required for their release.

"Wisconsin spent \$1.2 billion plus on state corrections for 2013-15," Ellwanger said, which amounts to "more than 25 percent of the general fund appropriations for state operations, and more than what the entire University of Wisconsin system received. At a prison reform meeting in Madison I attended last week, even Grover [Norquist](#) spoke in favor of reform (he's a libertarian-leaning Republican who promotes tax cuts for corporations). You would have thought Norquist was a member of [WISDOM](#)." (Norquist promoted prison reform the following weekend in a Sunday paper op-ed column.)

DOC Hides More than Half of Revocations

The insistence of prison reform advocates on reviewing prison population statistics no doubt triggered DOC Director of Research and Policy Tony Streveler's [presentation](#) (scroll below photos; click 'here' link),"Who Is In Wisconsin Prisons" at the January 28, 2015, Milwaukee Community Justice Council meeting. Givens said that none of the charts and graphs answered the advisory board's April 22, 2014, letter asking "to further explore matters pertaining to the number and types of ATR (Alternatives to Revocation) agreements within Milwaukee compared to other areas of Wisconsin, as well as length

of time spent in confinement prior to the revocation hearing (Which is) a practice that we believe can result in racial disparities.”

Of Streveler’s PowerPoint charts and graphs, Ellwanger said that, "(M)any stats and trends in the correctional system, but (none) address the underlying causes of racial disparity, and it does not document any changes that are being made in the correctional system to bring Wisconsin's policies in line with [current best practices](#)." He said that, contrary to DOC’s claims, DOC never delivered statistics on inmates by race eligible for compassionate release, or sent to solitary confinement and for how many days. He said, “If the DOC really doesn’t know the answers, as they claim, then that’s even worse! If they really wanted to get people out for the sake of our economy, they would know how many people are eligible, and they would be pushing the social workers to help those eligible to fill out application forms and help them transition back into the community upon their release.”

Advisory board member Thomas P. LeBel, PhD, commented on Streveler’s data by email. Associate Professor of Criminal Justice LeBel wrote: “Essentially, the WI DOC is only telling part of the story of recidivism . . . by using a restrictive definition. It appears that the presentation includes information that is not utilized when calculating recidivism in the June 2014 WI DOC report titled [Recidivism After Release from Prison](#). Most importantly, the DOC collects information about revocations . . . and also about in-custody Alternatives to Revocation (ATR).”

“The WI DOC defines recidivism as a new offense resulting in a conviction and sentence to the WI DOC. Consequently,” LeBel continued, “the ***DOC is not accounting for many of the individuals returned to prison each year*** in their report, and the number of in-custody ATRs is never discussed. I think it is important to include revocations (and acknowledge in-custody ATRs), as these individuals are returned to prison by the DOC itself and not due to a conviction for a new crime.”

LeBel added that “recent recidivism reports from the US DOJ Bureau of Justice Statistics and the Pew Center on the States show that Wisconsin’s recidivism rate is much higher when including all persons returned to prison. Moreover, the presentation by Streveler to the Milwaukee Community Justice Council indicates that there were more revocations (4,062) in 2013 than new sentences (only 2,669) and revocation-new sentences (1,012) combined!”

Similar Populations, Different Priorities

The conversation turned to the [similarities](#) between Minnesota and Wisconsin in most things, but not at all in correctional systems and other [safety nets](#).

Draper said, “Minnesota counties pay for their prisons. When they realized that they couldn’t afford to keep so many prisoners, they searched for programs proven to help people released from prison turn into taxpayers.”

In [Minnesota, the incarceration](#) rate per 100,000 is 189; the black to white ratio is 9.1 to 1; the total prison population amounts to 10,289. [Wisconsin](#), on the other hand, incarcerates 370 per 100,000; the black to white ratio is 10.6 to 1, and the total prison population numbers 21,285. In 2013, Minnesota spent \$495 million on incarceration. Wisconsin spent around a \$1 billion!

Ellwanger said that the “solution to Wisconsin’s excessive incarceration is the advisory board’s continuation of pursuing the same information that we and other prison reform advocates have been pursuing all along. We’re not giving up on [working for change](#) where it needs to happen. That’s the basic solution to all of the issues: Don’t give up.”

The members of the new advocacy board have no intention of giving up the fight to end racial disparity in Wisconsin’s prison system. Racial disparity is just one finger of fascism. Withholding information is another. Torture is another. Dis-affiliation yet another. Wisconsin is guilty of all, and not just in the DOC.

[“What affects the least of us affects us all.”](#)

--- The Golden Rule

Germany preserves the human dignity of prisoners:

http://www.nytimes.com/2015/08/07/opinion/what-we-learned-from-german-prisons.html?emc=edit_ty_20150807&nl=opinion&nid=55765318