

(6) Parole consideration is specifically exempt from open meetings legislation and is closed to the public as provided by s. 19.85 (1) (d), Stats. However, upon request to and with the approval of the secretary, the secretary's designee, or board chairperson, persons with a civic, academic, or professional interest in the paroling process may be allowed to observe individual parole proceedings. Observers will not be allowed if the inmate objects.

(7) A recommendation for parole and a grant of parole shall be made only after the inmate has:

(a) Become parole-eligible under s. 57.06, Stats., and s. HSS 30.04;

(b) Served sufficient time for punishment, considering the nature and severity of the offense;

(c) Demonstrated satisfactory adjustment to the institution and program participation at the institution;

(d) Developed an adequate parole plan; and

(e) Reached a point at which, in the judgment of the board, discretionary parole would not pose an unreasonable risk to the public.

(8) The notice of consideration for parole under sub. (3) (a) shall include the factors which will be considered by the board in assessing the fulfillment of each of the requirements under sub. (7).

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. (3) (a), r. and recr. (3) (intro.) and (7), cr. (8), Register, December, 1982, No. 324, eff. 1-1-83; am. (1), renum. (3) (intro.) to (c) to be (3) (a) to (d) and am. (3) (a) and (c), cr. (3) (c), r. and recr. (4), Register, September, 1984, No. 345, eff. 10-1-84; r. and recr. (3) (c), Register, November, 1987, No. 383, eff. 12-1-87.

HSS 30.06 Parole board recommendations. (1) After consideration, the assigned board members may recommend parole with or without special conditions, or they may deny parole. If parole is denied, the assigned board members shall establish a date providing for reconsideration in accordance with s. HSS 30.05 (2). However, a date for further consideration of discretionary parole need not be established if the inmate will reach the mandatory release date prior to the time established according to s. HSS 30.05 (2).

(2) Any board member assigned to parole consideration may, with the approval of the board chairperson, refer the case to the full board for a decision.

(3) A recommendation for parole may be withdrawn by the board members who made the recommendation any time prior to the approved grant of parole whenever the circumstances affecting the original recommendation have, in the opinion of the members, changed sufficiently to require such action.

(4) If, subsequent to a grant of parole by the secretary, the secretary's designee, or board chairperson, but prior to release, circumstances require reconsideration of the grant, the inmate will be provided written notice of the reasons for the reconsideration, disclosure of evidence against him or her, a right to appear and be heard by an impartial hearing examiner, the right to present witnesses and evidence and to confront and cross-examine witnesses against him or her, a right to receive a written statement of the evidence relied upon and a right to be represented

remar
recom
(3) (d)
+
Cr (3)
12/1/87

by counsel. After a review of the findings of fact, conclusions of law, and recommendation of the examiner, a final decision relative to the grant of parole will be made by the secretary, the secretary's designee, or board chairperson.

(5) The inmate shall be advised of the decision to defer or to recommend a grant of parole and the reasons for it as soon as feasible following the decision but in no case later than the last day of the month following the month in which the interview occurred.

(6) The inmate shall be afforded an opportunity to comment on the decision following the board members' explanation of it, orally if an interview has been provided, in writing if an interview has not been provided.

(7) The secretary, secretary's designee, or board chairperson may call for reconsideration of a board recommendation at any time that unusual circumstances affecting an individual inmate develop and are documented and verified.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; r. (7), renum. (8) to be (7), Register, December, 1982, No. 324, eff. 1-1-83; am. (1), Register, September, 1984, No. 345, eff. 10-1-84.