



**JOHN SPIROS**  
State Representative • 86th Assembly District

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March 1, 2023

*Testimony on Assembly Bill 47*

Good Afternoon Chairman Swearingen and members of the Assembly Committee on State Affairs, and thank you for allowing me to share my testimony regarding Assembly Bill 47 (AB47). This bill will address several issues that have come to light over the past year regarding the Wisconsin Parole Commission. These issues, including a lack of transparency and accountability within the Parole Commission, create a serious threat to public safety.

As you will hear in Sen. Wanggaard's testimony, the events that led to this bill began in May of 2022 when a violent criminal was granted parole and certain members of the victim's family were not notified. This violated state law, and the Wisconsin Constitution. During the summer of 2022, several legislators and legislative service agencies requested additional information from the Department of Corrections (DOC) and the Parole Commission. Amazingly, different requesters received different answers, and some were simply ignored. To add to the frustration, it was clear that DOC and the Parole Commission were in possession of the requested information as news agencies were publishing stories regarding parolees. The legislature was being shut out. This put the legislature in a position where the only option left was to invoke seldom-used committee powers to obtain information. Only after Senator Wanggaard invoked his authority as Chairman of the Senate Judiciary and Public Safety Committee did he receive the records from DOC- 4 months after they were originally requested.

This ordeal prompted a review of the Parole Commission as a whole. A number of problems have become clear. They do not value transparency or respect state law, and their public notices do not list individuals whose applications are to be heard, something which is standard practice for the Governor's Pardon Board. The Parole Commission's meeting minutes do not include statutorily required votes to enter into closed session, and the Commission often fails to notify victims' families of upcoming parole hearings. Additionally, neither DOC nor the Parole Commission provide any statistics on who is being paroled.

Assembly Bill 47 addresses these issues with the Parole Commission. The changes will support victims and their families and also help to prevent the mishandling of serious parole cases. The bill has four components:

First, it eliminates the exception to the open meetings law that allows the Parole Commission to meet in closed session when considering specific applications for release. This change means that the Commission is subject to the open meetings requirement when considering whether or not to grant parole to someone. I want to make clear that the Parole Commission would still be allowed to go into closed session to discuss private matters, like a person's medical history.

The second change the bill makes addresses the issue of the Parole Commission violating the Wisconsin Constitution by failing to notify crime victims and their families of parole hearings. The Commission would be required to provide notice of all meetings on the DOC internet site. The notice would include the names of individuals being considered for parole. This change mirrors the meeting notice procedure that the Pardon Advisory Board operates under.

Third, the bill brings public data to light by requiring DOC to publish statistics online. These statistics would include individuals that have been granted or denied parole and individuals that have had their parole revoked. DOC would be required to post aggregate numbers on a monthly and yearly basis. The yearly totals shall be presented in three categories: 1) the crime for which the individual was convicted, 2) the sex, race, and age of the individual, and 3) the locality in which the individual was convicted. By making this change, the legislature and the public will no longer be required to make constant open records requests into DOC and the Parole Commission for basic parole statistics. The information will be readily available on their website.

The final change AB 47 makes is to require DOC to post any guidance documents that the Parole Commission uses when making decisions about whether or not to grant parole. This is a way for both the public and the legislature to verify that *dangerous individuals are not being released before they have been fully rehabilitated*. Posting guidance documents will also contribute to increased transparency as to how the Parole Commission acts and makes decisions.

Individuals who are eligible for parole have not committed petty crimes. Parole eligible individuals have been incarcerated for at least 23 years, meaning they have committed serious violent crimes. Their parole is a matter of public safety, and any incompetence in the parole process is a threat to public safety. This bill ensures that the Parole Commission follows the law and the Wisconsin Constitution, and that the Commission cannot ignore legislators and victims.

Thank you for listening to my testimony on this bill. I urge you to support the bill and look forward to answering any questions you may have.



# Van H. Wanggaard

## Wisconsin State Senator

March 1, 2023

### Testimony on Assembly Bill 47

Thank you Chairman Swearingen and members of the committee for hearing this bill today. Representative Spiros and I have brought this bill forward because of the lack of transparency and accountability within the Parole Commission, and the threat to public safety this creates.

The story behind this bill begins in May of 2022. Thanks to reporting done by Wisconsin Right Now, we learned of a case in which the family of a victim of a horrific crime was not notified that the perpetrator was granted parole. This not only is a violation of statute, but of Marsy's Law and the Wisconsin Constitution as well.

Following the report, my office, Senator Bradley's office, and others, including Legislative Council and the Legislative Reference Bureau, requested additional information from the Department of Corrections (DOC) and the Parole Commission. Some of us were told that we could not be provided the information, some were told that the Parole Commission was a separate entity from DOC and could not fulfill open records requests, and some of us were simply ignored. Throughout the summer of 2022, my office and others, made numerous failed attempts to receive the information that we requested.

In September, I formally invoked my authority as Chairman of the Senate Judiciary and Public Safety Committee, requesting DOC provide the committee the records that we asked for and were statutorily-required to receive. Only then, a week after invoking that authority, did we receive the information we requested four months earlier. Some, like Legislative Council, to this day have not received a response from DOC.

At the same time that we were waiting for these records, myself, and other legislators began to look further into the workings of the Parole Commission, their policies and procedures. It was clear that the Commission did not value transparency or hold state law in high regard. Their public notices do not provide a list of individuals whose applications are to be heard as does the public notices of the Governor's Pardon Board. The meeting minutes are brief and lack statutorily required votes to enter into closed session. And, as mentioned at the start of my comments, they often fail to notify victims' families of upcoming parole hearings.

In addition, except for the monthly totals of adults on parole that the DOC publishes in their "Persons in Our Care" reports, neither the DOC nor Parole Commission provide any statistics on who is being paroled.

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State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510  
E-Mail: [Sen.Wanggaard@legis.wi.gov](mailto:Sen.Wanggaard@legis.wi.gov) • [SenatorWanggaard.com](http://SenatorWanggaard.com)

I think that we can all agree, whether you're a Democrat or Republican, increased transparency in government is a good thing. And right now, there is a serious lack of transparency with the Parole Commission. This bill will change that.

First, the bill eliminates the specific open meeting law exemption that exists for considering applications of probation, extended supervision, or parole, and requires the Parole Commission to include the names of the individuals being considered for parole on their meeting notices so that the public will always know who is applying for, and who is being granted parole. The law will still allow the Parole Commission to go into closed session as needed to discuss things such as a person's medical history, among many other things.

Next, it requires DOC to post on their website statistics relating to parole, such as: monthly and yearly totals of the individuals granted or denied parole, and who have had their parole revoked; the crimes individuals were convicted of; the demographics of the individuals; where the individuals were originally convicted; and all guidance documents that are used to determine whether or not to grant parole.

It is important to remember that anyone eligible for parole has been incarcerated for at least 23 years. Meaning, these individuals have committed very serious, violent crimes, and their release into the community is a matter of great public safety. This bill will increase transparency and place additional scrutiny on the Parole Commission so they can no longer get away with ignoring crime victims, legislators, state law, or the Wisconsin Constitution.

Thank you again committee members for hearing Assembly Bill 47. I urge you to support its passage.

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# Wisconsin Legislative Council



Anne Sappenfield  
Director

TO: SENATOR VAN WANGGAARD

FROM: Brian Larson, Senior Staff Attorney

RE: Wisconsin Parole Commission Compliance With Open Meetings Law Requirements

DATE: January 5, 2023

This memorandum responds to a request from your office regarding whether the Wisconsin Parole Commission (WPC) fully complied with requirements under the Open Meetings Law (OML) in connection with its closed session on November 23, 2022. As explained below, the answer is no. The OML requires meetings of a governmental body to be open to the public unless an exemption applies authorizing a closed session for a purpose identified in the statute. For an exemption to apply, the governmental body must take certain steps, including making an announcement and holding a vote regarding the closed session, which must be recorded in the minutes. In this case, the minutes indicate that the WPC failed to take these steps in connection with its closed session.<sup>1</sup>

## BACKGROUND

The purposes of the OML are set forth in a statutory declaration “[i]n recognition of the fact that a representative government of the American type is dependent upon an informed electorate,” that “the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” To ensure this policy, the OML requires all meetings of governmental bodies to be held in open session unless otherwise expressly provided by law. An “open session” means a meeting held in a place that is reasonably accessible to members of the public and is open to all citizens at all times. [ss. 19.81 (1) - (2), 19.82 (3), and 19.83 (1), Stats.]

## Exemptions Authorizing Closed Session

The OML authorizes governmental bodies to convene in a closed session only for a specific purpose enumerated in the statute. [s. 19.85 (1), Stats.] The statute provides that a closed session may be held for the following purposes, among others:

- Deliberating about a case that was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. [s. 19.85 (1) (a), Stats.]
- Considering dismissal, demotion, licensing, or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the

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<sup>1</sup> The notice and minutes posted by the WPC in connection with its meeting on November 23, 2022, are available on the WPC’s website at: <https://doc.wi.gov/Pages/AboutDOC/ParoleCommission.aspx>. For reference, these materials are also included as an attachment to this memorandum.

grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter, as specified in the statute. [s. 19.85 (1) (b), Stats.]

- Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. [s. 19.85 (1) (c), Stats.]
- Considering specific probation, extended supervision, or parole applications, or considering strategy for crime detection or prevention. [s. 19.85 (1) (d), Stats.]
- Deliberating or negotiating the purchasing of public properties, investing public funds, or conducting other specified public business, if competitive or bargaining reasons require a closed session. [s. 19.85 (1) (e), Stats.]

With respect to some of these exemptions, other statutory requirements must also be satisfied for the exemption to be properly applied. For example, in a closed session concerning a parole application, the WPC must permit certain specified individuals to attend an interview or hearing on the application and to make a statement at that interview or hearing. Depending on the circumstances, this may include a victim of the crime, their parent or legal guardian, or an adult member of their family. [s. 304.06 (1) (c) 3. and (eg), Stats.] Also, with respect to certain crimes enumerated in the statutes, the WPC must allow any person who is a victim, or a family member of a victim, of such crimes to have direct input in the decision-making process for parole. [s. 304.06 (1) (em); and ch. PAC 1, Wis. Adm. Code.]

## Public Notice Requirement

The OML requires a governmental body's chief presiding officer to provide public notice of every meeting. Whenever a closed session is contemplated at the time public notice is given for the meeting, the notice must contain the subject matter of the closed session. [s. 19.84 (2), Stats.] In addition to identifying a statutory exemption, the public notice of a closed session must describe the specific nature of the business to be conducted in closed session. Such notice "must contain enough information for the public to discern whether the subject matter is authorized for closed session" under the statute. [*Buswell v. Tomah Area Sch. Dist.*, 2007 WI 71 ¶ 37 n.7.]

## Procedures for Closed Session

The OML also includes specific procedures that a governmental body must follow before it may convene in closed session. These steps must be taken in all cases, regardless of which statutory exception may apply. Also, the procedures are required to be followed whether or not a closed session was specified in the notice. [DOJ Compliance Guide, pg. 24.] The specific procedures are:

- The governmental body must convene in open session, and the chief presiding officer must announce to those present the nature of the business to be considered in a closed session and the specific exemption under which the closed session is authorized. The announcement must be made part of the record of the meeting. [s. 19.85 (1), Stats.]
- The governmental body must pass a motion, by majority vote, to convene in closed session. The vote must be conducted in such a manner that each member's vote is ascertained and recorded in the meeting's minutes. If the motion passes unanimously, this must be reflected in the minutes, but there is no requirement to record the votes individually. [s. 19.85 (1), Stats.; see also DOJ Compliance Guide, pg. 24.]
- If the motion passes by majority vote, only then may the governmental body convene in closed session. The business to be taken up at the closed session must be limited to the matters contained in the presiding officer's announcement preceding the vote. [s. 19.85 (1), Stats.]

The importance of these procedures for a closed session has been emphasized by the Attorney General, who has a specific statutory duty to interpret and provide advice regarding the OML. [s. 19.98, Stats.] In response to a request from a person who was the subject of a closed session by a town board, the Attorney General issued guidance concerning the board's failure to fully comply with the requirements described above, as follows:

You state that at the meeting the town chairman announced that the board was going into closed session to discuss action concerning the discrimination suit filed by you against the town. You note that there was no motion to go into closed session and no roll call vote was taken.

The open meetings law clearly provides that the board cannot go into closed session unless a motion to do so is approved by a majority vote in such a manner that the vote of each member is ascertained and recorded in the minutes. In addition, prior to the adoption of the motion, the town chairman must announce the nature of the business to be considered at the closed session and the specific exemption or exemptions that authorize the closed session. Sec. 19.85 (1), Stats.

According to your description, the town chairman announced the nature of the business to be discussed but failed to announce the specific exemption that authorized the closed session. Also, the board should have voted on a motion to go into closed session and the vote should have been conducted in such a way that the vote of each board member was ascertained and recorded. Failure to comply with these requirements constitutes violations of the open meetings law.

[Schuh Correspondence (Dec. 15, 1988).]

Thus the board had failed to hold a vote and record it in the minutes prior to convening in closed session. Also, although the presiding officer had announced the nature of the business to be considered in closed session, they had not identified the specific exemption that applied. Under these circumstances, the Attorney General concluded that the town board had committed multiple violations of the OML.

### **Required Contents of the Announcement**

In order to fulfill the requirements described above, a presiding officer must determine what to include in the announcement of the "nature of the business to be considered" prior to convening in closed session. As a starting point, if public notice of the closed session was provided, then it is good practice for the announcement to at least match the description in the notice. [See Schaeve v. Van Lare, 125 Wis. 2d 40, 50-51 (App. Ct. 1985).]

For additional guidance, the Attorney General has issued the following response to a school board's request for advice regarding the required contents of the announcement:

Recitation of the statutory language is appropriate to aid in identifying the specific exemption, however, most of the exemptions deal with a number of subjects and the body would not in most cases be concerned with all subjects within the exemption. A degree of specificity is necessary so that the members of the body can intelligently vote on the motion to go into

closed session and to inform the members of the public and news media present of the claimed reason for closure.

[Heule Correspondence (June 29, 1977).]

Based on this opinion, and other guidance issued by the Attorney General, when a statutory exemption deals with more than one subject, the announcement by the presiding officer should always clarify which subject or subjects are specifically related to the closed session in that instance. This allows the members of the body and the public to be informed of the actual reason for the closure. When public notice of the closed session is provided, as is usually the case, the same clarification should be included in the public notice. [See DOJ Compliance Guide, pages 18 and 24.]

Beyond those minimum requirements, it appears that the statute, as it has been interpreted, affords some discretion to the governmental body with regard to the level of specificity in the announcement. In the response to the school board, discussed above, the Attorney General stated:

Just as reasons justifying a closed session will vary depending upon the circumstances, the announcement of the “nature of the business to be considered” will vary. The announcement should be tailored to the special circumstances. Whether the name of the specific person or persons should be included is usually within the discretion of the governmental body. In certain cases reference could be made to the position or class of persons involved, i.e., secretary, administrator, teacher, student, etc.

[Heule Correspondence (June 29, 1977).]

Several years later, in a case involving a different school board, the Court of Appeals took a similar approach when it held that a reference to a class of persons was sufficient. The board had desired to conduct an evidentiary hearing in closed session, under the exception in s. 19.85 (1) (b), Stats. The name of the person involved was not included in the announcement, or public notice, relating to the closed session. However, the Court of Appeals determined that the announcement and notice, which referred to a closed session “to conduct a hearing to consider the possible discipline of a public employee” had been specific enough to describe the subject matter of the hearing. [Schaeve v. Van Lare, 125 Wis. 2d 40, 47 (App. Ct. 1985).]

## DISCUSSION

Prior to its meeting on November 23, 2022, the WPC provided notice that an open session would be held at 1:00 p.m., with “Chairperson’s Comments” listed as the only item on the agenda. The notice also indicated that a closed session was contemplated, as follows:

\* \* \* \* \*  
CLOSED EXECUTIVE SESSION  
(Pursuant to Wis. Stats. 19.85 (1) (d))

### TO CONSIDER INDIVIDUAL PAROLE CASES

The minutes subsequently posted by the WPC indicate that the meeting began at approximately 1:00 p.m., Chairman Blythe opened by introducing himself, there were no other agenda items taken up, and the meeting concluded at approximately 1:02 p.m. In addition, the minutes state that the meeting “then transitioned into closed session, and the no-action cases presented by Commissioners Kramer and Pierce were reviewed.” There is no mention of the presiding officer making an announcement regarding the closed session, nor do the minutes indicate that a motion to meet in closed session was carried by a majority vote of the members.



You asked whether the WPC fully complied with requirements under the OML that would authorize the WPC to convene in closed session in connection with this meeting. As explained above, there are several applicable provisions, including requirements relating to: (1) a statutory exemption; (2) public notice; and (3) a set of procedural steps that must be followed in all cases.

With regard to the first requirement, in order for a governmental body to convene in closed session, there must be an applicable statutory exemption. Here, the WPC cited the exemption for “specific probation, extended supervision, or parole applications, or ... strategy for crime detection or prevention.” [s. 19.85 (1) (d), Stats.] Given the fact that it refers to parole applications, this exemption, on its face, clearly applies to certain activities of the WPC. Thus, it appears that the requirement of an applicable statutory exemption was met, as long as this was actually the business taken up by the WPC on the date specified in the notice.

With regard to the requirement of public notice, the OML states that when a closed session is contemplated at the time public notice is given for the meeting, the notice must contain the subject matter of the closed session. In this case, the public notice did indicate that a closed session was contemplated, and it identified the applicable statutory exemption. The notice also clarified that the specific purpose was “TO CONSIDER INDIVIDUAL PAROLE CASES.” Together, these various elements of the notice described the actual reason for the closure. Therefore, it met the minimum requirement, which is to allow the public to discern whether the subject matter is authorized for closed session. The notice could have included more specific information about the cases being considered. However, the statute, as it has been interpreted, appears to afford some discretion to the governmental body with regard to the level of specificity in the public notice (and also with regard to the announcement from the presiding officer), as described above.

With regard to the required procedural requirements, as described above, the OML compels a governmental body to follow certain steps before it may convene in closed session. First, the chief presiding officer must announce to those present the nature of the business to be considered in a closed session and the specific exemption under which the closed session is authorized, and this announcement must be made part of the record of the meeting. Also, the governmental body must pass a motion, by majority vote, to convene in closed session. The vote must be conducted in such a manner that each member’s vote is ascertained and recorded in the meeting’s minutes.

It appears that the WPC failed to take these procedural steps in connection with its closed session on November 23, 2022. The minutes indicate that the presiding officer introduced himself. However, this does not satisfy the requirement to announce the nature of the business to be considered and the specific exemption that applies. As discussed above, there may be some discretion afforded with regard to the required contents of the announcement; however, where no announcement occurs it is clear the requirement has not been met. Nor is there any indication that a vote was held regarding the closed session, which is also required. Thus, it appears from the minutes that none of the procedural steps required by the OML were taken.

Finally, note that if these steps were, in fact, taken, but were not reflected in the minutes, then although WPC would have complied with other procedural steps under the OML, it would have failed to comply with an additional OML requirement to make the announcement and vote regarding moving into closed session a part of the record of the meeting. [See s. 19.85 (1), Stats.]

Please let me know if I can provide any further assistance.

BL:kms

Tony Evers  
Governor



Mailing Address

Post Office Box 7960  
Madison, WI 53707-7960  
Telephone (608) 240-7280  
Fax (608) 240-7299

Christopher Blythe  
Chairperson

**State of Wisconsin  
Parole Commission**

E-Mail:  
ParoleCommission@Wisconsin.Gov

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## **Parole Commission**

Staff Meeting

Public attendance to be held over Zoom  
Please register in advance

Zoom Webinar Registration Link:

[https://doc-wi.zoom.us/webinar/register/WN\\_FSpynQsKSQSKUFTsH6oKxg](https://doc-wi.zoom.us/webinar/register/WN_FSpynQsKSQSKUFTsH6oKxg)

Join by telephone:

213-787-0529 US Toll

888-808-6929 US Toll-free

Conference code: 662307

Date: Wednesday, November 23rd, 2022

Time: 1:00 PM

## **Agenda**

- **Chairperson's Comments**

\* \* \* \* \*

CLOSED EXECUTIVE SESSION  
(Pursuant to Wis. Stats. 19.85(1)(d))

TO CONSIDER INDIVIDUAL PAROLE CASES

Tony Evers  
Governor



Mailing Address

Post Office Box 7960  
Madison, WI 53707-7960  
Telephone (608) 240-7280  
Fax (608) 240-7299

Christopher Blythe  
Chairperson

**State of Wisconsin**  
**Parole Commission**

E-Mail:  
ParoleCommission@Wisconsin.Gov

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PAROLE COMMISSION  
Staff Meeting Minutes  
Wednesday, November 23rd, 2022  
3099 East Washington Avenue  
Madison, WI 53704

Presiding: Christopher Blythe, Chair

Present: Doug Drankiewicz, Jennifer Kramer, Shannon Pierce, Sara Tome, Oliver Buchino

Guests: Amanda Readman, Angela Root, Tina Jones, Wendy Sisavath

The meeting began at approximately 1:00 PM.

Chairman Blythe opened by introducing himself. There were no agenda items presented by the Chair or by other members of the Commission.

The meeting concluded at approximately 1:02pm. The meeting then transitioned into closed session, and the no-action cases presented by Commissioners Kramer and Pierce were reviewed.

# Pardon Advisory Board Meeting

11/18/2022 08:30 AM - 11 /18/2022 03:30 PM

Streaming Online, Madison, WI- 53703

[Map](#)

Agency: Office of the Governor

Contact: Josephine Clark  
 (608) 228-9143  
[josephine.clark@wisconsin.gov](mailto:josephine.clark@wisconsin.gov)

The Governor’s Pardon Advisory Board will hold the following meeting:

**Date:** November 18, 2022

**Time:** 8:30 am – 3:30 pm

**Location:** Streaming live at <https://youtu.be/nsn5yZelZKY> and [wiseye.org/live](http://wiseye.org/live)

Purpose: To hear and interview applicants for gubernatorial pardon. After each of two sessions, the meeting will be held in closed session pursuant to Wis. Stat. §§ 19.85(1)(a), (d), and (f) for purposes of deliberations concerning a case which is before the Board, for purposes of considering specific applications, and for purposes of considering financial, medical, social, or personal histories of specific persons. Hearing times are approximate. If you need accommodation to attend the meeting, please contact Josephine Clark at [Josephine.Clark@wisconsin.gov](mailto:Josephine.Clark@wisconsin.gov).

8:30 – 11:30 am	Applicants: <ul style="list-style-type: none"> <li>• 8:30 to 10:00 am:                         <ul style="list-style-type: none"> <li>• Louise Tiegs</li> <li>• Jeffrey Gibbs</li> <li>• Tyree Fleming</li> <li>• Rodvegas Roach</li> <li>• Calvin Rodgers</li> <li>• Maxine Cook</li> <li>• Richard Copus</li> <li>• Alonzo Payne</li> </ul> </li> <li>• 10:00 to 11:30 am:                         <ul style="list-style-type: none"> <li>• Quantrell Bounds</li> <li>• Mario Burks</li> <li>• Dwight Kirkendoll</li> <li>• Donnanora Stadtler</li> <li>• Ramiro Cornejo</li> <li>• Vincent Neal</li> <li>• Daniel Gocht</li> <li>• Timothy Hinke</li> <li>• Samuel Tribble</li> <li>• Christina Cunningham</li> </ul> </li> </ul>
11:30 am – 12:30 pm	Board meets in closed session
12:30 – 1:00 pm	BREAK

1:00 – 2:30 pm	Applicants: <ul style="list-style-type: none"><li>• 1:00 to 2:30 pm:<ul style="list-style-type: none"><li>• Dashawna Hicks</li><li>• Leigh Lambright</li><li>• Jeffery Kusick</li><li>• Craig Sanders</li><li>• Joshua Hauglie</li><li>• Shalanda Jenkins</li><li>• Gary Shmerler</li><li>• Christian Dunahee</li><li>• Leon Falkowski</li><li>• Andre Groce</li></ul></li></ul>
2:30 – 3:30 pm	Board meets in closed session

**Tony Evers**  
Governor



Mailing Address

Post Office Box 7960  
Madison, WI 53707-7960  
Telephone (608) 240-7280  
Fax (608) 240-7299

**John Tate II**  
Chairperson

**State of Wisconsin**  
**Parole Commission**

E-Mail:  
ParoleCommission@Wisconsin.Gov

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## **Parole Commission**

3099 E. Washington Ave.  
Madison, Wisconsin 53704  
(608) 240-7280

### **Staff Meeting**

**Public attendance to be held over Zoom due to COVID-19**  
**Please register in advance**

#### **Zoom Webinar Registration Link:**

**[https://doc-wi.zoom.us/webinar/register/WN\\_MqBOv5HaQT69xiNIpTjnVQ](https://doc-wi.zoom.us/webinar/register/WN_MqBOv5HaQT69xiNIpTjnVQ)**

**Questions about parole policy, practice, or procedure to be answered at the meeting should be submitted to [ParoleCommission@Wisconsin.gov](mailto:ParoleCommission@Wisconsin.gov) until 2/28 at the latest.**

**Join by telephone:**  
**213-787-0529 US Toll**  
**888-808-6929 US Toll-free**  
**Conference code: 662307**

**Date: Wednesday, March 2nd, 2022**  
**Time: 10:00 AM**

## **AGENDA**

- **Chairperson's Comments**
  
- **Individual Business**

The official record in this series may be transferred to, or maintained in, electronic/digital format for the full retention period. To comply with Wis. Stat. § 16.61(7) and §137.20 for authenticity, accuracy, and accessibility the original input documents may be imaged or reformatted and subject to review, to ensure the images are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input record will be destroyed.

RETENTION: EVENT (date work completed or sample rejected) + 3 years and destroy

<b><u>00226000.</u></b>	<b><u>LICENSE PLATE SUMMARY</u></b>	<b><u>EVT+3</u></b>	<b><u>DEST</u></b>	<b><u>N</u></b>
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Summary of single license plates shipped. Accumulated from daily production report and used for future production.

The official record in this series may be transferred to, or maintained in, electronic/digital format for the full retention period. To comply with Wis. Stat. § 16.61(7) and §137.20 for authenticity, accuracy, and accessibility the original input documents may be imaged or reformatted and subject to review, to ensure the images are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input record will be destroyed.

RETENTION: EVENT (Date of summary) + 3 years and destroy

<b><u>00227000.</u></b>	<b><u>PAROLE HEARING RECORDINGS</u></b>	<b><u>EVT+0/6</u></b>	<b><u>DEST</u></b>	<b><u>Y</u></b>
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CONTENT: This record series consists of recordings of inmate parole/earned release hearing. These recordings include an introduction by the commissioner; commissioner's name; date and place of hearing; tape number; materials located in the Institution Case File that have been reviewed prior to hearing; inmate name and DOC#.

PURPOSE: The purpose of this record is to record the proceedings of an inmate's parole/earned release hearing.

Each recording has a pre-assigned number and may contain more than one (1) inmate's hearing. The commissioner conducting the hearing is responsible for recording the hearing.

The forms include but are not limited to: None

CONFIDENTIAL:

Federal Laws:

42 C.F.R. Part 2 Confidentiality of Alcohol and Drug Abuse Patient Records  
45 C.F.R. Part 160 Privacy of Health Information  
45 C.F.R. Part 164 Protected Health Care Records

State Statutes:

Wis. Stat. §19.35(1)(am) Safety and Security Wis. Stat. § 19.36(8) Confidential Informant  
Wis. Stat. §51.30 Mental Health, Developmental Disabilities, and AODA Information  
Wis. Stat. §51.47 Alcohol and Other Drug Abuse (AODA) Treatment Records  
Wis. Stat. §71.78(1)(5)(6) Revenue Confidentiality Provisions Wis. Stat. § 118.125 Pupil Records  
Wis. Stat. §146.82 Health Care Records  
Wis. Stat. §146.83 Access to Patient Health Care Records  
Wis. Stat. §165.79 DNA Analysis and Data Bank Wis. Stat. §252 HIV Test Results  
Wis. Stat. §905.03 Lawyer-Client Privilege Wis. Stat. §905.09 Informant  
Wis. Stat. §905.10 Identity of Informer Wis. Stat. §938.78 Juvenile Records Wis. Stat. §950.04(1v) Rights of Victims  
Wis. Stat. §972.15 Pre-Sentence Investigation

Administrative Rules:

Wis. Admin Code Ch. 309.39(7) Inmate Phone Calls  
Wis. Admin Code Ch. 332.17(7)(a-d) Lie Detector Disclosure of Test Information  
Wis. Admin Code PAC Ch. 1.08(4)(f) Release Due to Extraordinary Health Condition or Age

See Confidentiality of Records section below and application of the balancing test

RETENTION: EVENT (Date of hearing) + 6 months and destroy confidential

<b><u>00228000.</u></b>	<b><u>MENTAL HEALTH RECORDS FOR SEX OFFENDERS</u></b>	<b><u>EVT+60</u></b>	<b><u>DEST</u></b>	<b><u>Y</u></b>
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Purpose: The purpose of this record series is to ensure delivery of and document mental health care services to sex offenders under the supervision of the Division of Community Corrections (DCC).

Retention Period Justification: An offender in this record series has been flagged as a "Sex Offender" by Sex Offender Program staff based on various factors, to include the offense statute of his/her conviction, underlying conduct was sexually motivated, conviction of sex crime in another state or jurisdiction, etc. It has been requested by Wisconsin Department of Justice (DOJ) to retain these records an extended time in order to have documents in the event of proceedings relating to Wis. Stat. ch. 980 Sexually Violent Person Commitments.

Contents: This record series consists of individually identifiable confidential documents relating to a sex offender completed by a DCC Mental Health provider (psychologist or psychiatrist), or by a person under the direction of a mental health care provider, and filed in the