



Van H. Wanggaard

Wisconsin State Senator

March 14, 2023

Testimony on Senate Bill 48

Thank you 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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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 Senate Bill 48. I urge you to support its passage.



JOHN SPIROS

State Representative • 86th Assembly District

March 14, 2023

Testimony on Senate Bill 48

Good Morning Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety, and thank you for allowing me to share my testimony regarding Senate Bill 48 (SB 48). 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 heard 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.

Senate Bill 48 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 SB 48 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 Senate Bill 48. I urge you to support the bill and look forward to answering any questions you may have.