



**FELMERS O. CHANEY
CORRECTIONAL CENTER
COMMUNITY ADVISORY BOARD
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Milwaukee, WI 53210
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April 22, 2014**

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Michael Cockroft

In Memory Of:

Felmers O. Chaney
(1918 – 2012)

Mr. Ed Wall, Secretary
Wisconsin Department of Corrections
3009 E. Washington Ave.
Madison, WI 53707

Dear Secretary Wall,

On 4/18/14, the Felmers O. Chaney Correctional Center Community Advisory Board (FCAB) received from FCCC Supt. Michael Cockroft what was described as an “official message” from DOC. The message was as follows:

In regard to any corrections-related data/information FCAB wishes to have, FCAB should visit the DOC website and, if FCAB doesn't find what we are looking for on the website, we should contact DOC Senior Policy Analyst Tony Streveler for the information, and said information/data will definitely be provided to us. Also, DOC would like for FCAB to develop a list of all the information that we have requested along with the date of the original request.

This correspondence is being sent as a reply to the request. However, please regard this reply as illustrative rather than exhaustive in that we have made many information-seeking inquiries, most of which were made orally rather than in writing.

A place to start in terms of written requests is with an 8/24/12 FCAB letter to former Secretary, Gary Hamblin. In that correspondence, Barry Givens, co-chair of FCAB's Revocations committee, stated:

In our efforts to familiarize ourselves with the revocations process we have met and discussed DOC revocation policy and practice, as well as Alternatives to Revocation (ATR) with the DCC Regional Chief, Roberta Gaither, and Assistant Chiefs. Although our discussions have been very productive, we have concluded that we would like an opportunity to further explore matters pertaining to the number and types of ATR agreements within Milwaukee compared to other areas of Wisconsin, as well as length of time spent in confinement prior to the revocation hearing. We have also encountered some additional questions concerning the overall revocation practice in Wisconsin – a practice that we believe can result in racial disparities. Therefore, as a committee, we feel it will be beneficial to meet with you to discuss our questions and concerns.

Denise Symdon, in a lengthy 10/16/12 correspondence, and in eschewing the need for a meeting, essentially responded as follows:

(T)he Felmers O. Chaney Advisory Board Revocations Committee was formed as a result of the widespread perception of systemic racial disparities in revocations practice. I am unaware of what evidence based research and data you have utilized in forming this perception.

Significantly, despite the lengthy response, not one reference was made to data being stratified by race.

FCAB responded to Ms. Symdon, on 11/9/12, as follows:

We are requesting data that support the absence of racial disparities in the revocation process. It will be our goal to help in dispelling perceptions of bias after we have reviewed the data...We would greatly appreciate being provided with the instrument DOC is using to transparently measure staff competency. We would also appreciate it if we could be provided with a status update as to the Business Plan goal of refining the procedures for recruiting and retaining staff to ensure that the knowledge, skills, and attitudes of new hires align with DOC mission and re-entry philosophy...The Department's Reentry Business Plan includes a goal to strengthen alternatives to revocation (ATR) programming...We are now requesting to meet with you, Secretary Wall, Deputy Secretary Morgan and Executive Assistant Schuh, in order to discuss the progress that the Department has made in respect to this goal as well as to discuss any challenges and solutions to issues that have prevented the Department, and stakeholders, from efficiently and effectively meeting this goal. In particular, questions we have include: Are offenders in other areas of the state being held for similar lengths of time, and in similar conditions, as those at MSDF while awaiting ATR placements? Do these conditions, particularly at MSDF, align with constitutional conditions of confinement? Additionally, when we meet, we would like to discuss options for what, together, we can do to ensure that there is sufficient ATR Capacity and that community-based ATRs address criminogenic needs.

Perhaps it is pertinent, here, to mention that FCAB member, David McGinnis, participated in the effort to draft the Department's business plan.

I could go on but, for the sake of brevity, I will now move to the meeting FCAB had with DOC on 3/7/13. Please find, below, the issues we raised orally, at one time or another, during that meeting:

1. Does DOC systematically collect data that identify revoked ex-offenders by race? If not, why not? Without such data, how do we know if there are or aren't disparities by race? If data are collected, does DOC have data that support the absence of racial disparities in the revocation process?
2. There are widespread perceptions of systemic racial disparities in revocations practice. These perceptions are held by the low-income grass-roots public, especially African Americans, by many attorneys who represent those facing revocation, and even by DOC staff who have contacted FCAB anonymously. Such disparate practices would have a devastating effect on DOC's re-integration goals. For example, does DOC consider if a person has a job before placing that person on a 3-day hold? ***Selected Concerns of Revocations Committee:*** Anti-reintegration revocations due to agents' rigid enforcement of minor rule infractions, capricious 3-day lockups resulting in loss of ex-offender employment, and lack of culturally syntonic gender/race symmetry between agents and ex-offenders, resulting in significant failures to communicate. **Needed Data:** How many holds due to rule violations result in job loss and/or housing loss?
3. Has DOC conducted or considered racial disparities special training and sensitivity to help minimize any racism perceptions in revocation process? If so, what are trainers' qualifications and what is the curriculum? Does everyone receive the training? What is the follow-up on how the lessons learned are put into practice?
4. Three-day lockups (or short-term holds) can be disruptive to employment, housing, etc., and to family re-integration, especially holds that take place after hours. Has DOC considered procedures (such as having a revocations agent on call) to help reduce these holds or to review the risk of an offender staying in the community versus losing his job/housing for a minor rules infraction?
5. What are the number and types of ATR agreements within Milwaukee as compared to other areas of Wisconsin? Discussion of this on p. 36 of 10/12 Reentry Business Plan. However, we note that the dates on some of these tasks to be completed were extended. Why? What is current status of this work?
6. On average, it can take 2.5 months for individuals to get into MSDF ATRs that are based within the institution. Community ATRs are needed to stabilize individual reintegration because, otherwise, the offender could be removed from family and employment for upwards of six months, thus starting a new cycle of incarceration and reentry. Are offenders in other areas of the state being held for similar lengths of time, and in similar conditions, as those at MSDF, while awaiting ATR placements? Is it true that an offender can wait at MSDF for a considerable period of time only to find out after the program facilitator's review that he is not eligible for the program? What happens, then, to the offender?

7. What is the role of the agent and what are the benchmarks that connote the agent's success? Some states provide incentives for reducing revocations. Does Wisconsin? What about other benchmarks than reducing revocations? Denise Symdon shared that one benchmark for agent success includes competency in the use of motivational interviewing. How is motivational interviewing competency measured and what data support that it is associated with reductions in revocations? Too, has FCAB been provided with the instrument that DOC is using to transparently measure staff competency?

8. Is there an evidence-based scoring tool that helps to determine an objective method for revocations practice? Our information is that there isn't such a tool. (Could a tool be the PVDMI tool used by the California Dept. of Corrections and Rehabilitation?)

9. Is it thought that the *Performance, Planning and Development* and *Position Description* documents we received will ensure that the knowledge, skills, and attitudes of new hires align with DOC's mission and re-entry philosophy? The job description now lays out the expectations for the work release coordinators but won't superintendents need to supervise and monitor the coordinators to ensure that these duties and behaviors take place?" What procedures/policies ensure that superintendents will monitor coordinators vigilantly?

10. What challenges have prevented or impeded the Department from realizing successes in its efforts to efficiently and effectively develop Alternatives to Revocation?

One point that was made at the meeting, on several occasions, by various DOC attendees, was that DOC did not collect revocation-related information by race.

You may recall attending, with Deputy Sec. Deidre Morgan, and Warden Quala Champagne, a 3/20/13 meeting of FCAB. You indicated, as noted in our minutes for the 3/20/13 meeting, that:

1. The (FCAB) is as an entity that DOC needs to "engage with."
2. FCAB is possibly the most important advisory board in the State.
3. He (Sec. Wall) intends to be "open" to the Board.
4. He feels that he and the Board can learn from each other.
5. He wants to commit resources to help the Board.

At that same meeting, you asked to be sent a bit of information detailing how FCAB got started and, as R.L. McNeely noted in his reply of 3/21/13, he sent more than what you requested (Please see appendix 1). These were sent in an effort to reiterate that FCAB seeks to work, hand-in-hand with DOC, in behalf of achieving DOC's rehabilitative goals. Unfortunately, since our 3/20/13 joint meeting, FCAB's interaction with DOC has not conformed with the points, iterated above, that you made at that meeting.

On 10/24/13, for example, in a continuing effort to obtain the data FCAB was seeking, FCAB's Revocations Committee met with Regional Chief Neil Thoreson and Assistant Chiefs Erin King, Mike Williams and Mary Jane Anttila. DOC's policy of not collecting race-stratified data was re-asserted during that meeting. As noted at the meeting by Barry Givens, FCAB continued to find assertions that revocation data were not collected by race to be dubious. Indeed, DOC's collection of such data appeared obvious, for example, by publications generated partly in response to the Racial Disparities Commission,¹ such as the DOC/ Population Health Institute's synopsis.² One FCAB Revocations Committee member even asked, during the meeting, how could it be that such data -- not just race-based but gender-based data -- were not collected at intake? In fairness, it should be mentioned that the DOC attendees agreed with FCAB that the race-stratified data being requested *should* be collected by DOC, and that they would look into seeing if gender-based revocations data were collected, but no one from DOC ever got back into contact with the inquirer in regard to the question about gender-based data.

¹ Commission on Reducing Racial Disparities in the Wisconsin Justice System, *Final Report* (monograph), Office of Justice Assistance, Madison, Wisconsin, (February) 2008: 98 pp.

² Kit R. Van Stelle and Jane Goodrich, "*2008/2009 Study of Probation/Parole Revocation Executive Summary*," University of Wisconsin Population Health Institute, June 2009: 7 PP.

Some new informational inquiries have emerged over the period of time FCAB was not provided with the public information we have sought. These include:

1. FCCC recidivism rates by year starting one year after FCCC began operating.
2. The number of persons in prison who are eligible for compassionate release, according to current Wisconsin policy, by institution.
3. The number of persons held in solitary confinement ("segregated housing," i.e., persons confined by themselves 23 hours per day), by race, for more than 15 consecutive days, by institution. Five year record, 2009-2013, with number of days/months/years served by each person who served more than 15 consecutive days in segregated housing/solitary confinement.
4. How many individuals on community supervision, by race and community supervision districts, have had parole revocations as a result of a parole agreement violation (not a new crime), and how many have experienced revocation because of a new crime.

FCAB, of course, understands that our data requests cannot be responded to instantaneously. They have built up over a long period of time. Nonetheless, we look forward to working with Senior Policy Analyst Streveler and to receiving responses to our requests within reasonable time periods, all in behalf of achieving desirable correctional goals. We will be in touch with him shortly.

Respectfully,
s/ Barry Givens
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Respectfully,
s/ Ramona Dicks-Williams
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C: Deidre Morgan, Deputy Secretary
Denise Symdon, DCC Administrator
Quala Champagne, WCCS Warden
Tony Streveler, Executive Policy Initiatives Advisor and Research and Policy Director
Michael Cockroft, FCCC Superintendent

APPENDIX I

FCAB's 3/21/13 Response to Secretary Wall included the following:

1. "Reporter's 'Spin' Confuses Prison's Real Purpose," a news article prepared by FCAB to rebut an attempt by the Journal-Sentinel to stir up fears about so-called escapes from FCCC.
2. FCAB's position, published by the Milwaukee Journal Sentinel, as to whether the Milwaukee Police Department (MPD) was engaged in race-related police-stop disproportionalities as contrasted with the disruption, destabilization and destruction of low-income communities.
3. A three-pager document stating FCAB's opposition to Senate Bill 207 and Assembly Bill 286, both of which were at odds with DOC's mission to enhance re-integration, was sent along with the point that DOC could not have taken a public stand on these bills.
4. FCAB's "The Prison in Our Midst" news article that appeared in community print media to inform the local community that DOC was not living up to its agreements and, thereby, that it was failing in its stated mission to effectuate policies and programs that facilitated re-integration.
5. FCAB's bylaws.
6. A document drafted by then FCCC superintendent, Gary Davis, in response to the Sherman Park Community Association's condition that an independent advisory board be established in exchange for SPCA's agreement to build the prison.
7. FCAB's Principles, Goals and Operating Standards (PGO) statement.