

USC Institute for Justice and Journalism Story Behind the Story

Sentencing Series

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HOW THE PROJECT BEGAN

Almost every criminal justice project I have tackled in recent years has involved the use of the Wisconsin Department of Corrections public release database. This computerized data has more than 123,000 records and lists every inmate who has been in the state prison system from January 1, 1990 to date. I have been requesting this database since 1995. Among the hundreds of fields of information are the inmate name, date of birth, education level, prison conduct, charge, sentence and prior felony record.

Several years ago I used the database to look at health care in the state prison system. I queried the database to find out who had died in prison and then looked up the records and ordered the prison incident reports under the state's Open Records law. What I found was dozens of inmates who had died under questionable circumstances under a veil of secrecy. The reaction to the series was swift and changes in prison health care were made..

Right after that series ran, administrators with the state prison system decided that they would no longer make the computerized database available to the public, citing cost. I fought with them and got nowhere. Then I went on to another project. Earlier this year – with a new governor and secretary of corrections in place – I asked for the computerized data again. They agreed to make it available to me. This was prior to the fellowship and we were not sure how we would use the data.

After the June fellowship conference I decided I needed to focus on Wisconsin's Truth in Sentencing law and its impact on the state. The measure was passed in 1998 with little debate and no fiscal note. Critics said that making both non-violent and violent inmates serve 100% of their prison time, with no chance of early release would bankrupt the system. Proponents said it would be a more honest system and restore credibility to the system. We decided to find out what actually happened.

As a first step I read everything that had been written about truth in sentencing in both newspapers and legal journals. Then I made a list of the key players and went to them for guidance. These conversations were off

the record and helped me focus. In one case a university law professor spent an entire afternoon schooling me in the intricacies of the law and how it differed from the old parole system. In another case a judge who headed a legislative committee charged with finding ways to implement the new law schooled me in both sides of the debate and pointed out problematic areas.

I asked each of these people to tell me what they wanted this fellowship project to accomplish. The responses were all similar: Tell us how much truth in sentencing is costing? Are judges honing down their sentences as they were asked to do? Is the community safer? What is happening with offenders on community supervision?

THE PROCESS

I then went to Dave Munro, who is our computer consultant and asked if we could use the database to determine the additional cost of the law and look at judicial behavior. He agreed to try.

There were many delays in the process. The first database they gave us was corrupt and it took weeks to get another one. Then we discovered that the field that would tell us which inmates were truth in sentencing inmates was missing. We waited several more weeks for that information.

We also ran into what we call the 260 problem. These were people being put in prison on probation and parole holds for rule violations or new crimes. We saw a huge increase in their numbers in recent years and thought it might be a potential story. However, we soon discovered that these probation and parole holds were only coded in for the last few years, so we had no comparison years. We decided to eliminate those records.

We also decided to only use inmates who were coming in on new charges with one offense. This was to avoid problems with concurrent and consecutive sentences which were not always entered correctly in the database.

I also made a strategic decision to have an off the record lunch with Matt Frank, our secretary of corrections, to explain the fellowship project and ask for his help. He agreed to do what he could. This was key.

I knew there was no way to separate out one part of the system and ignore the others. If we were going to talk about the impact of truth in sentencing we were going to have to look at the system from the time offenders were sentenced to prison to the time they were released.

There was no way I could do a project of this magnitude by myself in the 6-month time fellowship time frame and my editors agreed to let our federal building reporter, Gina Barton, work with me part-time on the project.

I asked Frank to clear it for both Gina and I to have access on at least a weekly basis to two of their best parole agents. I told him we did not do public relations and that we would write about any problems we found. He agreed to this arrangement.

Meanwhile, while Munro was working on the data analysis, I continued to interview people about the state and worked on finding offenders who might best illustrate the problems. I did not share what I was hearing anecdotally with Munro until after he had analyzed the data. As it turned out, the data analysis findings matched the anecdotal.

I also contacted public defenders offices around the state and spoke with their front line attorneys. They provided me with cases that they felt best illustrated the problems.

In addition, I pulled dozens of subsets of cases from the clerk of courts office. These were cases that I selected from the prison database. By doing this and reading court transcripts I was able to come up with more examples and write with authority about what was happening in the system.

In the end Gina and I interviewed well over 100 people. When we were sure we hadn't missed anything and had a clear and honest photo of what was happening, we turned our attention to writing.

THE WRITING

When I was read to write I had 10 buckets of files – literally hundreds. I brought them home to my basement office where it was quiet.

We had decided early on that we would both contribute to all of the stories but that I would captain the first two parts and Gina would focus on the second two parts. That worked well.

The process was made less arduous by the fact that I wrote everyday during the research. For example, when I came back from my visits with offenders or the parole agents, I would immediately write what I had learned. I also kept extensive case logs. As I looked up court cases I would log them under specific headings of what they represented – like “has a drug problem” or “released without treatment.” When I went to write, I could easily find the example I was looking for.

It took me about two weeks to get the first two parts in draft form. I had little problem with the editing process and there were no major rewrites of any of the pieces. Editors did shuffle some paragraphs around and did some polishing. In the end everyone was satisfied with what we had produced.

Our computer consultant read over all of the graphics and numbers in the stories to make sure our findings were accurately worded. We also sent the findings over to the state Department of Corrections almost a month before publication and told them to tell us of any inaccuracies. They did not challenge the analysis.

I also have a habit of footnoting every major project I write. I literally go line by line and provide a source document for every fact and the spelling and title of every name. This is incredibly tedious, but I have found dozens of errors this way.

THE RESULTS

In the end both Republican and Democratic legislators paid attention.

The day our second story ran, a Republican state senator, called for a state audit of truth in sentencing by the non-partisan state audit bureau and said the newspaper stories pointed out problems that needed to be addressed. She was joined by a Democratic senator and several members of the State Assembly.