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**Judith B. Robson**  
Wisconsin State Senator

April 18, 2000

Mr. James Schultz, #8151  
Fox Lake Correctional  
P.O. Box 147  
Fox Lake, WI 53933

Dear Mr. Schultz:

Your recent letters to Senator Grobschmidt were forwarded to me since I am now the Senate co-chair of the Joint Committee for Review of Administrative Rules.

I have spoken with the Department of Corrections about the policy of considering internet generated materials to be contraband because such materials do not come directly from a publisher.

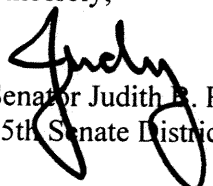
The Department's rationale for the rule is that electronic material can be easily manipulated before it is printed. In the Department's view, several pages of legitimate material can cover additional pages of material whose content would make them contraband. Further, the Department does not have the mailroom resources to search every piece of incoming mail to determine the content of multiple printed pages. Therefore the Department considers all of these pages to be contraband because they do not come from a publisher.

This rationale is probably sufficient to satisfy a court. Further, even if the Joint Committee for Review of Administrative Rules acted on your complaint, we would have to introduce legislation to change the Department's policy. I think that a majority of the legislature would not receive your argument favorably and I must therefore respectfully decline your request to have the committee take up this issue.

In your first letter you state that the material at issue in your institution complaint was legal in nature. If you feel that you were denied legal material that was not available from the institution law library, you should raise this narrow issue with the complaint examiner.

Thank you for bringing this matter to my attention.

Sincerely,

  
Senator Judith B. Robson  
15th Senate District

JBR:da

any other photocopy would be done in  
prison, under supervision.

prob = cutting & pasting before  
printing

CC- Grothman

P.O. Box 147  
Fox Lake, WI 53933

March 23, 2000

Senator Grobschmidt, Cochairperson  
Joint Committee for Review of Admin. Rules  
Room 404  
100 North Hamilton Street  
P.O. Box 7882  
Madison, WI 53707 7882

Representative Grothman, Cochairperson  
Joint Committee for Review of Admin. Rules  
Room 125 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53708 8952

Gentlemen:

RE: Department of Corrections's Internal Policy "Rules"

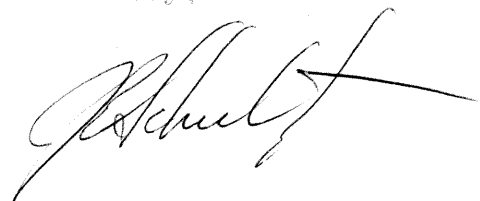
This is a follow-up to my correspondence, dated March 15, 2000, regarding denial of access to internet generated materials by Wisconsin prisoners.

Enclosed, please find the response I received from the Fox Lake Correctional Inmate Complaint Examiner regarding "Internet generated materials" along with the reconsideration I submitted. It should be noted that, contrary to the ICE's statement, all prisoners at the FLCI who have received internet generated materials to date have been denied same under DOC Administrative Directive 34.1.

Now, the ICE is misinterpreting the intent of the Administrative Code to deny access to Internet generated materials. Again, this is a common occurrence in Corrections. Internal policy is implemented as rule; then, if someone challenges it, they create a temporary rule as an "emergency" situation and six months later it becomes law, without your approval.

Again, your comments would be most appreciated. Thank you for your time and attention.

Sincerely,



James R. Schultz 8151

# OFFENDER COMPLAINT

**INSTRUCTION SEE REVERSE SIDE**

OFFENDER NAME (If group complaint, enter name of spokesperson) SCHULTZ, James			DOC NUMBER 8151
INSTITUTION NAME F.I.C.I.	OFFENDER HOUSING UNIT 6	CELL OR ROOM NUMBER D-93A	

<b>TO BE FILLED IN BY ICE ONLY</b>	
DOC COMPLAINT FILE NUMBER EICT 2000-8125	
INSTITUTION COMPLAINT FILE NUMBER	
DATE COMPLAINT RECEIVED	
TYPE OF COMPLAINT <input type="checkbox"/> Individual <input type="checkbox"/> Group	CODE NUMBER
DATE OF INCIDENT OR DENIAL OF REQUEST	

STATE YOUR COMPLAINT  
RE: RECONSIDERATION OF DECISION ON  
DISALLOWMENT OF INTERNET GENERATED  
MATERIALS THROUGH OUTSIDE THIRD PARTIES

I am in receipt of your decision, dated March 21, 2000, and received on March 23, 2000, affirming the institution's decision to not allow internet generated materials. I am asking for reconsideration and / or further clarification.

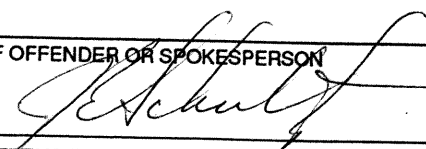
**DISCUSSION:** You state that Administrative Directive 34.1 is not being utilized to deny prisoners from receiving internet generated materials, rather DOC 309.05(2)(a) and DOC 309 IMP #4 are the proper references; that internet-generated materials are considered "electronic publications" and are not allowed because they do not come "directly from the publisher. DOC 309.05(2)(a) states: "Inmates may only receive publications directly from the publisher or other recognized commercial sources in their packages." DOC 309 IMP #4 states in relevant part: "Publications, including books, magazines, newspapers and pamphlets shall be purchased through approved retail outlets or the publisher."

According to your denial, all data off the internet is a "publication." For example, according to your report:

1. I cannot have Americans with Disabilities information generated from the internet; yet, I can request the same information through the University of Wisconsin Law School and have it forwarded to me in the form of photocopied material - the same identical material, just received from different sources.
2. I cannot have a legal case citation copied from the internet that's necessary for submission to a court - again, the same identical material that could be photocopied and forwarded to me.
3. I could not receive DOC's IMPs or Administrative Code if it were generated off the internet. I could have the same identical information that appears on the internet photocopied and forwarded to me; yet, it's twin that was generated from the internet would be illegal.
4. I could not receive copies of newspaper articles that were generated off the internet, yet I could receive a photocopy of the exact same article appearing in a newspaper.

(continued)

NAME(S) OF PEOPLE WHO HAVE INFORMATION ABOUT THIS COMPLAINT  
Senator Grobschmidt, Representative Grothman -Cochairpersons  
Joint Committee for Review of Admin. Rules

SIGNATURE OF OFFENDER OR SPOKESPERSON  


DATE SIGNED  
3/23/00

NOTICE TO OFFENDER: The ICE will acknowledge your complaint within 3 working days of the date of receipt.

# INSTRUCTIONS

You should talk to appropriate staff in an effort to informally resolve your complaint prior to filling out this form. If you have not done so the ICE has authority to direct you to in accordance with DOC 310.11(7).

The following rules govern the processing of complaints. The Institution Complaint Examiner (ICE) may reject any complaint that does not comply:

1. Complaints are to be filed within 14 calendar days of the occurrence giving rise to the complaint (late complaints may be accepted for cause). File the original with the ICE within this institution.
2. Frivolous complaints, as defined in DOC 310.11(4), will not be accepted.
3. No more than 2 complaints may be filed in any calendar week, except medical and safety issues (if good cause exists the ICE may allow more).
4. Complaints may only address one issue. Please print or type.
5. You must sign the complaint. If a group complaint is filed all members must sign the complaint (attach a separate sheet if necessary). The first signature on the complaint will be designated as spokesperson.
6. The issue raised must affect you personally.
7. Your complaint must be within the scope of the of the Inmate Complaint Review System (ICRS). Refer to DOC 310.08.
8. Your complaint will be acted upon by the ICE who will make a recommendation to the Warden. If you do not receive the Warden's Decision within 23 working days of the date your complaint was acknowledged, you are to consider your complaint denied. If your complaint was denied or if you were not satisfied with the Warden's decision you may send your appeal to the Corrections Complaint Examiner with in 10 calendar days after the date of the Warden's decision. Forms may be obtained from the ICE. The CCE will make a recommendation for decision on your complaint to the Secretary of the Department of Corrections for decision.

**Note:** You will not be disciplined for using the complaint system unless you lie about a staff member and make the lie known outside the complaint system. See DOC 303.271

DOC has always had a policy that prisoners could receive photocopies of any "public information" not described in DOC Administrative Codes 309.04(4)(c) or 309.05(2)(b) through the mail. Thus, in accordance with established policy, the same identical information could be forwarded in another data mode.

As you are aware, the intent of DOC 309.05(2)(a) is found in the appendix of DOC 309, which states in relevant part:

Subsection (2) states the limits on inmate access to publications. Publications are mail and therefore the mail rules apply. *Gaugh v. Schmidt*, 498 F.2d 10 (7th Cir.1974). The requirement that publications come directly from the publisher or other commercial sources is to control contraband. It is not aimed at the substance of publications. *Bell v. Wolfish*, 441 U.S. 520 (1979).

The intent is to control contraband. How can one mode of "identical public information" contain contraband and the other not?

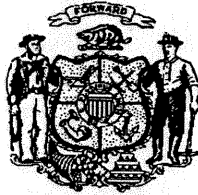
**REQUEST:** Please answer the following question:

1. Does the present policy prohibit prisoners from receiving legal materials generated off the internet?  
..... and please provide the following:
  - a. the criteria the DOC uses to determine whether something was generated off the internet or just photocopied?
  - b. the criteria DOC used to determine all internet generated materials are "publications?"
  - c. the revised DOC 309.05(2)(a) if it has been changed since January, 2000.
  - d. the name and address of the publisher of the internet so that I may contact him / her to receive said materials directly, if as you say, all internet generated materials are publications.

Thank you for your time and attention.

Tommy G. Thompson  
Governor

Jon E. Litscher  
Secretary



ICE REPORT  
FLCI-2000-8125

# State of Wisconsin

## Department of Corrections

### INSTITUTION COMPLAINT EXAMINER'S REPORT

**To:** SCHULTZ, JAMES # 8151  
UNIT: 06 - 693  
FOX LAKE CORRECTIONAL INSTITUTION  
W10237 LAKE EMILY ROAD / P.O. Box 147  
Fox Lake, WI 53933-0147

**Complaint Information:**

DOC Complaint Number:

FLCI-2000-8125

Date Complaint Received: 3/17/00

Inmate Contacted?  N

Subject of Complaint: Correspondence & Publications

Person Interviewed:

Documents Relied Upon:

Administrative Directive 34.1  
DOC 309 Internal Management Procedure #4  
DOC 309.05, Wis. Adm. Code

Brief Summary:

Challenging the denial of Internet-generated materials because the institution is not correctly following Administrative Directive 34.1.

Summary of Facts:

The first point that needs to be made is that the institution is not using Administrative Directive 34.1 to prohibit inmates from receiving Internet-generated materials - contrary to the statements made by inmate Schultz in his complaint. Inmate Schultz' attention is directed to DOC 309.05(2)(a), Wis. Adm. Code. In addition, DOC 309 IMP #4, in relevant part, states: "Publications, including books, magazines, newspapers and pamphlets shall be purchased through approved retail outlets or the publisher."

Materials taken from the Internet are considered electronic publications. Such materials, therefore, are not allowed in unless they are sent "directly from the publisher or other recognized commercial sources in their package" (DOC 309.05(2)(a)). This restriction is necessary given the ease with which data taken from the Internet may be manipulated and is based on legitimate security concerns.

To reiterate, Internet-generated materials are not being denied based on AD 34.1. They are, however, being denied based on the Administrative Code and Internal Management Procedures.

ICE Recommendation:

Dismissed

MAR 17 2000

P.O. Box 147  
Fox Lake, WI 53933

March 15, 2000

Senator Grobschmidt, Cochairperson  
Joint Committee for Review of Admin. Rules  
Room 404  
100 North Hamilton Street  
P.O. Box 7882  
Madison, WI 53707 7882

Representative Grothman, Cochairperson  
Joint Committee for Review of Admin. Rules  
Room 125 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53708 8952

Gentlemen:

RE: Department of Corrections's Internal Policy "Rules"

Enclosed, please find an example of the Department of Corrections Policy regarding Internet Access that they are applying to all incoming mail received by State prisoners. Also enclosed is a response I received from the DOC Legal Counsel.

I'm forwarding the enclosed items to you because they represent common occurrences in Corrections. They implement internal policy as rules; then, if someone challenges it, they create a temporary rule as an "emergency" situation and six months later it becomes law, without your approval.

It used to be that we, as prisoners, would at least receive lip service to any complaint we might have. Not so since the Antiterrorism and Effective Death Penalty Act [AEDPA] mandating court filing fees for all civil actions in any court. DOC knows the majority of prisoners cannot afford the court filing fees; thus, most issues are dead at the agency level.

I'm bringing the Internet policy to your attention because I believe it to be the most backwards step DOC has ever taken. The materials I had received were legal reference materials that I wanted to make available to the prisoners, as a law clerk, at the Fox Lake Correctional Institution.

Your comments would be most appreciated. Thank you for your time and attention.

Sincerely,



James R. Schultz 8151



## OFFENDER COMPLAINT

INSTRUCTION SEE REVERSE SIDE

OFFENDER NAME (If group complaint, enter name of spokesperson) SCHULTZ, James  
DOC NUMBER 8151

INSTITUTION NAME OFFENDER HOUSING UNIT CELL OR ROOM NUMBER  
F.I.C.I. 6 D-93A

STATE YOUR COMPLAINT

RE: DISALLOWMENT OF INTERNET GENERATED MATERIALS THROUGH OUTSIDE THIRD PARTIES PURSUANT TO ADMINISTRATIVE DIRECTIVE 34.1

I have written to you independently regarding the above and received a response stating basically, this is the way it is; I have written to the DOC legal counsel and the response was the same. Therefore, this is my formal complaint.

**FACTS:** I have had to return several packets of materials that were generated by my family and friends on their home computers off the internet. The institution's reason for denial cites Administrative Directive 34.1.

**DISCUSSION:** This complaint is brought pursuant to DOC 310.08(2) which states: "An inmate may use the ICRS to raise significant issues regarding rules."

The interpretation of Administrative Directive 34.1 is a significant issue. It is being used as a rule and affects inmates' rights.

As a rule, it was not properly promulgated pursuant to Section 227.01(13), Wisconsin Statutes. See *Citizens for Sensible Zoning, Inc. v. DNR*, 90 Wis.2d 804, 814, 280 N.W.2d 702, 708 (1979).

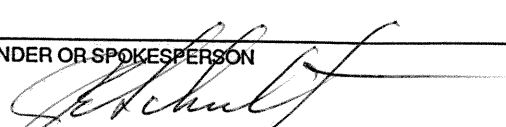
Administrative Directive 34.1 deals exclusively with Internet Access WITHIN AN INSTITUTION. It does not address the issue of any internet generated materials outside of the institution by third parties and forwarded to prisoners.

**RELIEF REQUESTED:** That Fox Lake Correctional Institution stop utilizing Administrative Directive 34.1 as a reason to non deliver Internet Generated Materials by prisoners' families and friends to prisoners at the institution.

NAME(S) OF PEOPLE WHO HAVE INFORMATION ABOUT THIS COMPLAINT

cc: Senator Grobschmidt, Representative Grothman -Cochairpersons  
Joint Committee for Review of Admin. Rules

SIGNATURE OF OFFENDER OR SPOKESPERSON



DATE SIGNED

3/15/00

NOTICE TO OFFENDER: The ICE will acknowledge your complaint within 3 working days of the date of receipt.

TO BE FILLED IN BY ICE ONLY	
DOC COMPLAINT FILE NUMBER	
INSTITUTION COMPLAINT FILE NUMBER	
DATE COMPLAINT RECEIVED	
TYPE OF COMPLAINT <input type="checkbox"/> Individual <input type="checkbox"/> Group	CODE NUMBER
DATE OF INCIDENT OR DENIAL OF REQUEST	

## **ADMINISTRATIVE DIRECTIVE**

July 13, 1998

AD-34.1

TO: All Wardens  
Bureau and Office Directors  
Division of Adult Institutions

FROM: Dick Verhagen, Administrator  
Division of Adult Institutions

RE: **Internet Access in the Division of Adult Institutions**

### **Purpose:**

This policy is written to provide direction on the use and access of Internet access in correctional institutions and in DAI bureaus and offices. While it is recognized that the Internet presents staff with a valuable source of information and ideas, its scope requires administrative and security management. Staff in correctional institutions and in bureaus and offices have a responsibility to maintain a balance between providing a modern resource for improving prison operations and the risks involved in allowing this technology inside institutions.

### **Definitions:**

**Internet:** The worldwide network of computer networks. Each network is comprised of many tens of thousands of computers. The estimated total number of individual users of the Internet is in the hundreds of millions. This high level of connectivity fosters an unparalleled degree of communication, collaboration, resource sharing and information access.

**Email:** Short for "electronic mail". Email is a method of corresponding with one or more individuals by composing messages on a computer and transferring the message through data lines. Email is sent through Internet servers that locate message recipient(s) by using the email

address in the message. Email messages can be composed through a variety of methods, both within and outside of the World Wide Web.

WWW: Short for "World Wide Web". "The Web" was originally designed for the physics community to make technical papers and documents more readily available in an electronic format. World Wide Web pages or screens can display text, photos, videos and play sound files as well as include links to other Web pages. The Web is best viewed through a "browser" such as Netscape or Internet Express, which can convert computer program language into the text, pictures, videos and sounds you see and hear on a web page.

Password: Access to computers or programs on a computer can be password protected, meaning the computer or programs on the computers cannot be run without first typing in a password selected by the user(s) of the computer or program. Passwords provide security for computers or specific programs on computers and help ensure its use by authorized persons only.

Private Internet Provider: Many private companies now provide individuals with Internet access. A person or business may make a phone call with their computer to the Internet provider, who then links that persons' computer with an Internet server. Most government agencies and universities have direct access to an Internet server and do not need the services of a private company to make the connection.

Secure Area: A secure area is an area in the institution where inmate access is limited to direct staff supervision. Careful consideration should be given prior to allowing Internet access to areas behind the secure perimeter line of the institution or areas where inmates congregate (e.g., libraries, chapel, classrooms). This includes email access for staff in these areas.

**Policy:**

- (1) Internet access, including the use of email or the World Wide Web, in an adult correctional institution will be confined to the administration building or secure areas of the facility. **NO** Internet access will be allowed without permission of the Institution Warden or Bureau Director and the Administrator of the Division of Adult Institutions. Permission will be requested from the Institution Warden using form DOC-1462, LogIn ID Request and sent to the DAI Administrator. Any secure area with Internet access must be locked when not in use. Internet computers shall be password protected so that no program on the computer can be accessed without first entering a user password. Users must

- "logout" of or "lock" the computer prior to leaving the computer unattended.
- (2) Internet access will be allowed for staff who have received permission for the access from the Institution Warden and the Administrator of the Division of Adult Institutions. Permission will include staff and areas involved with Internet use.
  - (3) At no time will inmates be allowed access to the Internet.
  - (4) The Bureau of Technology Management will install the Internet for staff who have received permission for the access as described above. Institutions may not receive Internet access through a private provider without the permission of the Administrator of the Division of Adult Institutions. This will insure that any Internet access is protected through the DOC LAN firewall system.
  - (5) All information browsed or obtained from the Internet must be related to the user's position description or at the direction of the Warden or Bureau Director. Unauthorized use of Internet equipment or access is a work rule violation as indicated in Executive Directive #43, Work Rules.
  - (6) All computer records are the property of the DOC and there is no expectation of privacy or confidentiality for Department employees. Computers with Internet access may be checked and/or inspected for proper use.
  - (7) Persons who violate this policy will be subject to progressive discipline up to and including termination from employment as indicated in Executive Directive #43, Work Rules.
  - (8) Institution and Bureau Emergency Management Plans must include procedures for the securing of computer equipment during a disturbance or other emergency.

CC: Assistant Administrators  
Office of the Secretary

**Division of Adult Institutions  
Administrative Directive 34.1**

P.O. Box 147  
Fox Lake, WI 53933

February 21, 2000

Tom Gozinske, Institution Complaint Examiner  
Fox Lake Correctional Institution  
Fox Lake, WI 53933

Dear Mr. Gozinske:

RE: Materials Received Through the Mail That Are Obtained  
Off the Internet

Your assistance would be most helpful in interpreting both the Institution and Department directive regarding prisoners receiving internet generated material through the mail.

Many prisoners here at F.L.C.I. are being denied computer generated materials through the mail through family and friends on the basis of Administrative Directive AD 34.1, dated July 13, 1998. However, said directive appears to cover only those prisoners and staff who have **DIRECT ACCESS** - i.e. actually using a computer that has direct access to the internet. It says nothing about receiving materials that have been generated through someone else.

If this "directive" is going to be used as a "rule," then it has to be properly promulgated, pursuant to ch.227, Wisconsin statutes. There is nothing showing that it has been properly promulgated. It appears this policy or directive is aimed at staff to not allow inmates to have direct access to the internet - via computer - in a prison setting.

Clarification in regards to the above would be greatly appreciated. Thank you for your time and consideration.

Sincerely,



James R. Schultz 8151  
Housing Unit 6C  
Room 93A

cc: file

P.O. Box 147  
Fox Lake, WI 53933

February 25, 2000

Mr. David Whitcomb, Legal Counsel  
Wisconsin Department of Corrections  
P.O. Box 7925  
Madison, WI 53707 7925

Dear Counsel:

RE: Materials Received Through the Mail That Are Obtained  
Off the Internet

Your assistance would be most helpful in interpreting both the Institution and Department directive regarding prisoners receiving internet generated material through the mail. The Inmate Complaint Examiner at the Fox Lake Correctional Institution failed to address my specific questions.

Many prisoners here at F.L.C.I. are being denied computer generated materials through the mail through family and friends on the basis of Administrative Directive AD 34.1, dated July 13, 1998. However, said directive appears to cover only those prisoners and staff who have **DIRECT ACCESS** - i.e. actually using a computer that has direct access to the internet. It says nothing about receiving materials that have been generated through someone else.

If this "directive" is going to be used as a "rule." then it has to be properly promulgated, pursuant to ch.227. Wisconsin statutes. There is nothing showing that it has been properly promulgated. It appears this policy or directive is aimed at staff to not allow inmates to have direct access to the internet - via computer - in a prison setting.

Clarification in regards to the above would be greatly appreciated - i.e. can prisoners receive third-party generated materials off the internet; and, if not, what is the basis for the denial? Thank you for your time and consideration.

Sincerely,



James R. Schultz 8151  
Prisoner Law Clerk

cc: file

Tommy G. Thompson  
Governor

Jon E. Litscher  
Secretary



State of Wisconsin  
Department of Corrections

Mailing Address

149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471  
Fax (608) 267-3661

March 1, 2000

Mr. James R. Schultz, #8151  
Fox Lake Correctional Institution  
P.O. Box 147  
Fox Lake, Wisconsin 53933-0147

RE: 2/25/00 Letter.

Dear Mr. Schultz:

This is written in response to your above-referenced letter.

If you seek to change the policy regarding receipt of internet materials through the mail then, as you probably know, you have to exhaust your administrative remedies and take it to court.

I trust this addresses your concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gregory Smith'.

Gregory Smith  
Assistant Legal Counsel



**Judith B. Robson**  
Wisconsin State Senator

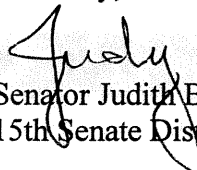
July 31, 2000

Mr. Roger Kaufman, #215453  
Supermax Correctional Institution  
Boscobel, WI 53805

Dear Mr. Kaufman:

Thank you for your recent letter. At this time I am not able to begin an investigation regarding conditions at SMCI. The matters you urge me to investigate go far beyond the scope of the Administrative Rules committee that I chair. They are, in fact, issues that should be addressed by the Assembly and Senate committees that deal with the Department of Corrections. I have therefore copied your letter and forwarded it to the chairs of those committees.

Sincerely,

  
Senator Judith B. Robson  
15th Senate District

JBR:da



Roger L. Kautman # 205453  
SMCI, P.O. Box 9900  
Boscobel, WI. 53805

07-07-00

Senator J. Robson  
P.O. Box 7882, Room 155, State Capitol  
Madison, WI. 53707

Dear Senator Robson,

I was very glad to have received a personal response from you regarding my issues, i.e. "conditions of confinement" at SMCI.!

I would like to ask you if there is a State agency outside of the DOC that oversees the function and running of SMCI? I know that the State had to approve the construction of this facility! I also know that the policies and procedures needed approval. As such there must be some State Senator or Representative who is interested in the "conditions of confinement" at SMCI especially since it (SMCI) was recently built. Who can I contact?

So far none of my inmate complaints were granted, even when evidence was provided to prove the complaint. I have appealed to Madison, but the DOC has a vested interest in the status quo of filling this facility.

If it is possible to have you initiate a possible investigation thru various, committee motions or by your fellow colleagues concerning the "conditions

of confinement" at SMCI, I would be grateful!

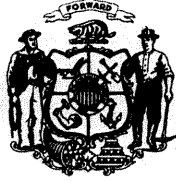
It is very difficult for others and I at SMCI to get any type of positive charges (privileges or otherwise) due to our 24 hrs. 7 days a week lock-down status. Recreation privilege, as mandated by law, is in itself viewed as punishment here by inmates

I've tried to get relief and change from SMCI Warden Berge, Leisure time TV from education director Mr Harig and have filed inmate complaints and appeals.

I sure do not want to go to Court over issues that can be resolved by the intervention of the State legislature whom has control over all issues regarding the "conditions of confinement" at SMCI. SMCI has to have the legislatures approval to run the facility and the programs or lack of them. SMCI couldn't carry out the death penalty and if they were the legislature surely would get involved in regards to that example of "condition of confinement".

I ask that you help me find a way to better my "conditions of confinement" especially leisure time activity due to the severe isolation, lack of movement, mental idleness and indefinite confinement at this facility. Something & Someone has to help us all, help ourselves! We cant do it alone!

Sincerely,  
Roger L. Kaufman



# Judith B. Robson

Wisconsin State Senator

September 12, 2000

Mr. Brionne Rischke  
1580 North Farwell Avenue, Apt. #223  
Milwaukee, WI 53202

Dear Mr. Rischke

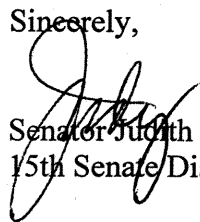
Thank you for contacting me regarding your appeal of the decision by the University of Wisconsin – Milwaukee that you are not entitled to resident tuition.

I must decline to write a letter on your behalf to the UWM appeal committee because this is a matter over which I have no jurisdiction. The Joint Committee for Review of Administrative Rules (JCRAR) has jurisdiction over all administrative rules. However, the administrative code is silent on the issue of determining residency. There are provisions relating to the process for appealing a residency determination (Chap. UWS 20), but those provisions relate only to the appeal process, not to the criteria used to make a residency decision. Since you are contesting your actual determination and not the appeal process, there is nothing the JCRAR can do for you.

The criteria used by the University of Wisconsin System for determining residency are in state statutes (Section 36.37). Therefore, any change in these criteria would require action by the full legislature, not just the JCRAR.

For these reasons, the JCRAR will not be able to help you with your residency problem. I hope that you are able to arrive at a satisfactory resolution of this issue.

Sincerely,

  
Senator Judith B. Robson  
15th Senate District

JBR:da

Mr. Brionne R. Bischke, Wisconsin Engineer-in-Training #1510158-500  
1580 N. Farwell Ave., Apt. #223  
Milwaukee, WI 53202  
Home: (414) 276-4952  
Work: (262) 797-7373 ext. 129  
E-mail: [bbischke@members.asce.org](mailto:bbischke@members.asce.org)

September 7, 2000

Attn: Senator Judith Robson, Senate Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 15S. State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

**RE: Wisconsin-Residency Status at the University of Wisconsin – Milwaukee**

Please help me by supporting my claim and petition for Wisconsin-residency status with UWM's Non-Resident Tuition Appeals Committee.

The Committee has denied my request for Wisconsin-residency by erroneously making the following claims in UWM's (Matthew Jensen) letter dated September 5, 2000:

1. That you have not been a bona fide resident of Wisconsin for twelve months next preceding the beginning of the Fall 2000 semester, and
2. That your intent to make Wisconsin your permanent home once again was first manifested on April 5, 2000.

I claim the following in response to the Committee's claims:

I intended to make Wisconsin my permanent home in May, 1988, after leaving Penn State University. I lived within Wisconsin from May, 1988 through January, 1990. In January, 1990, my Wisconsin-based employer's (Laidlaw Environmental Services, Inc.) division office (located in Saukville, Wisconsin) relocated me to three locations outside of the State of Wisconsin. I claim that had my Wisconsin-based employer not relocated me, I would have resided within the State of Wisconsin from May, 1988 to Present (satisfying WAC requiring bona fide residence for twelve months next preceding the beginning of Fall 2000 semester). In essence, I claim that the Committee's decisions are needlessly punishing me for being a good and diligent employee to my Wisconsin-based employer.

In addition, I have previously twice submitted to the Committee significant family history and significant family contributions to the Milwaukee, Wisconsin Metropolitan Area and its residents. At anyone's request, I can immediately provide and submit supporting evidence to this incredible list of my family's history and contributions.

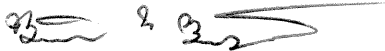
I pray that both you and the Committee will agree with me and all of my peers and your constituency (Milwaukee Metropolitan Area municipality clients, coworkers, subcontractors, church members, family, friends, neighbors, students, etc.) that the Committee should consider me a resident of the State of Wisconsin.

Would you please kindly contact the following Committee member via letter and support my claim of Wisconsin-residency to reduce my tuition burden?

Attn: Matthew G. Jensen  
Senior Administrative Specialist of Admissions  
Department of Enrollment Services  
University of Wisconsin – Milwaukee  
Mellencamp Hall, P.O. Box 749  
Milwaukee, WI 53201-0749

Thank you.

Sincerely,



Brionne R. Bischke  
Wisconsin Engineer-in-Training #1510158-500



# Judith B. Robson

Wisconsin State Senator

October 18, 2000

Mr. William Evers  
P.O. Box 233  
Black River Falls, WI 54615-0233

Dear Mr. Evers:

Your recent letter to Senator Grobschmidt was forwarded to me because I am now the Senate co-chair of the Joint Committee for Review of Administrative Rules (JCRAR).

In your letter you mention "changes to administrative rules that will be considered and/or promulgated by your committee." Please be aware that the JCRAR does not promulgate any administrative rules on its own. Rules are written and put into effect by state agencies.

Agencies draft rules and hold public hearings on the drafts. This is the procedure established by sections 227.135 through 227.18 of the statutes, to which you refer in your letter.

However, after being written by an agency, proposed rules are submitted to the Legislature for review. This is the procedure specified in section 227.19 of the statutes.

Once proposed rules are submitted to the Legislature for review, they are referred to one committee in each branch of the Legislature. Each committee has several options. It can do nothing. This signifies the Legislature's approval of the rule and the rule goes into effect. Or the committee can negotiate with the agency to modify the rule. This signifies the Legislature's desire for changes in the rule and willingness on the part of the agency to make changes. Or the committee can vote to object to all or part of the rule. This signifies the Legislature's desire for changes and a lack of willingness on the part of the agency to make changes.

A proposed rule is referred to the JCRAR only if a committee votes to object to all or part of the rule.

Once a rule is referred to JCRAR, that committee can either vote to sustain the objection of the original committee or can vote to not sustain the objection. If the JCRAR does not sustain the objection, the rule goes into effect. If the JCRAR does sustain the objection, a bill is introduced to prohibit promulgation of the rule. The bill must pass both branches of

15 South, State Capitol, Post Office Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2253

District Address: 2411 East Ridge Road, Beloit, WI 53511

Toll-free 1-800-334-1468 • E-Mail: [sen.robson@legis.state.wi.us](mailto:sen.robson@legis.state.wi.us)

the Legislature and be signed by the Governor in order for the rule to be stopped. If the bill is defeated, the rule goes into effect as originally written by the agency.

Similarly, once a rule is in place, the JCRAR can vote to suspend all or part of a rule if legislation to that effect is introduced, passed and signed into law. (Section 227.26, statutes.)

There are thus two parts to the rule making process. The first part is where the agency drafts the rule, holds one or more public hearings on the draft, and makes changes to the draft. The second part is where the Legislature reviews the proposed rule and decides whether it agrees or disagrees with the rule.

If you are interested in keeping track of proposed changes to rules you should look at the Wisconsin Administrative Register. The Revisor of Statutes Bureau publishes the Register twice a month. It lists statements of proposed rule changes, public hearing notices, and indicates when rules are submitted to the Legislature for review. The Register usually accompanies subscriptions to the administrative code and may be available with the code in the prison law library.

If not, you can subscribe to the Administrative Rules Register by writing to:

Document Sales and Distribution Section  
Department of Administration  
P.O. Box 7840  
Madison, WI 53707-7840

You asked whether it is correct that under section 227.18 agencies conduct public hearings on proposed rules without any legislative oversight. This is correct. But, as outlined above, later in the rule making process the Legislature has the opportunity to review the entire rule.

Finally, you asked what guidelines exist to implement section 227.17(c) of the statutes, where agencies are required to provide notice of public hearings to interested parties. As far as I know, there are no general guidelines for this statutory section. How each agency handles notice to interested parties is an internal matter, handled differently within each agency. I can give you no guidance on that matter.

I hope this information is helpful to you.

Sincerely,

  
Senator Judith B. Robson  
15th Senate District

JBR:da

William J. Evers  
P. O. Box 233  
Black River Falls, WI. 54615-0233

October 11, 2000

Senator Grobschmidt  
Joint Committee for Review of Administrative Rules  
Room 404, 100 N. Hamilton St.  
P. O. Box 7882  
Madison, WI. 53707-7882

Dear Senator Grobschmidt;

I am writing to try and obtain some information into the workings of the JCRAR.

Specifically I would like to know if there is a way an individual or organization can obtain advance information about the rules, or changes to administrative rules, that will be considered and/or promulgated by your committee and how you determine where the hearings will be held.

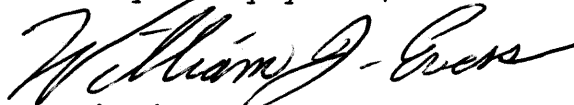
I am familiar with Wis. Stats. sec. 227.17 and 227.18 and I cannot find any information on how the private person or organization can obtain advance notice of any rule a specific agency is proposing, whether a hearing will be held, and where that hearing will be held.

I also read 227.18 to say the agency schedules, conducts, and records the hearing with no legislative oversight. Am I correct in this?

Also, 227.17(c) says the agency shall take any action it considers necessary to provide notice to other interested parties. I would like to know what guidelines there are as it relates to the agencies discretion as it relates to "any action it considers necessary."

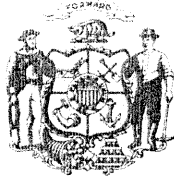
Thank you for your time and consideration in these matters, it is appreciated.

Very truly yours;



William J. Evers





**Judith B. Robson**  
Wisconsin State Senator

December 5, 2000

Mr. Dwayne Cox, #84324  
Supermax Correctional Institution  
P.O. Box 9900  
Boscobel, WI 53805

Dear Mr. Cox:

*Dwayne*  
Thank you for your recent letter regarding what you consider to be your unjust placement at the supermax prison. While it is true that I am a co-chair of the legislative committee that has oversight of administrative rules, I am not able to act on your complaint.

The Joint Committee for Administrative Rules has the statutory authority to suspend both rules that are being proposed by an agency and rules that have already been promulgated by an agency. However, the committee does not have authority to write rules on its own, nor does it have jurisdiction over how a particular rule is applied in a given situation.

Complaints about the application of a rule, like yours, are more properly directed to the agency administering the rule. In your case that would mean going through the inmate complaint review system and, if your complaint is denied, to the courts.

You asked if I could refer you to an attorney who might be willing to represent you in a court action. Unfortunately, I do not know of any attorneys who work on prison issues.

I hope this information is helpful to you.

Sincerely,

*J. Robson*  
Senator Judith B. Robson  
15th Senate District

JBR:da

Nov. 21. 2000.

Senator Judith Robson  
15 South, State Capitol  
P.O. Box 7882  
Madison, Wt. 53707

In Re: Due process, and Eighth Amend. Violations;

Dear Ms. Robson,

It is my understanding that you are in charge of overseeing the administrative rules governing the Wisconsin's Dept. of Corrections.

I am being arbitrarily confined to administrative segregation at Supermax Corr. Inst. I have committed no offense against the W. D.O.C. I have not received a D.O.C. Conduct report to justify this seg. status.

The "ACRC" are keeping me in this seg. status based on a Conduct report I received from Corrections Corporation of America's Whiteville facility (CCA-WCF) in Whiteville, Tennessee, and for my Criminal Conviction, and prior Conduct reports for which I have already been punished. In the CCA Conduct report (attached hereto) the hearing officer makes no recommendation of admin. Confinement

I received on 60 days program seq. Starting on Dec. 22, 1999, and ending on Feb. 22, 2000.

Once in Wisconsin I filed an Offender Complaint dated 02-09-00 (also attached hereto) to Challenge the Conduct report, on 02-18-2000. I received a Memorandum (also attached) from Mr. Michael Ellestad returning the Complaint stating S.M.C.I. and Wisconsin DOC have limited to no authority over issues regarding Conduct reports from Contracted facilities, but yet the "ACRC" has based their decision to justify placing me on Admin. Seq. by the CCA Conduct report which is both an Eighth. Amend. and Due process Violation.

Therefore Can you please investigate this unjust Continued Confinement, and or refer me to an attorney who might consider civil action on an Contigent basis? I should mention also that the writer of the CCA Conduct report, Mr. Roy Fisher "Internal Affairs" has been fired for falsifying documents.

Thank you for your time and attention to this matter. Can you please photocopy all enclosure and return originals to me. Thank you again.

CC: File

### OFFENDER COMPLAINT

INSTRUCTION SEE REVERSE SIDE

OFFENDER NAME (If group complaint, enter name of spokesperson) DOC NUMBER

Dwayne Cox 184324

INSTITUTION NAME OFFENDER HOUSING UNIT CELL OR ROOM NUMBER

SMCI Alpha Unit 1215

DATE OF INCIDENT OR DENIAL OF REQUEST  
ON GOING

STATE YOUR COMPLAINT

TO BE FILLED IN BY ICE ONLY
DOC COMPLAINT FILE NUMBER
DATE COMPLAINT RECEIVED
CODE NUMBER

The inadequate medical, dental, educational program, jobs and inadequate food gave rise to an alleged riot that occurred on 11-30-99. Supposedly staff was injured and a S.O.C.T team was summoned. The Complainant in the absence of misconduct was mased, gased, beaten by various S.O.C.T members, forced to crawl on hand & knees through debris e.g. broken glass, discarded food trays, ETC. The Complainant was then striped naked and locked in a cell with (4) four other inmates receiving no shower, hygiene, clothing, bedding. Meals that woefully below the 2000 Caloristic level for several days. During medical observation of prisoners the following injuries were noted by the CCA nurse, bruising, cuts, bleeding, however the following injuries persist: Lower back injury, problematic vision due to excessive gas & mase. Complications in respiration: some time it seem's hard to catch my breath, when breathing deeply I can still feel the burning sensation of the gasses. There have been nites when I have awoken in full body

Page 1 of 2

NAME(S) OF PEOPLE WHO HAVE INFORMATION ABOUT THIS COMPLAINT

Nurse Wagner  
SIGNATURE OF OFFENDER OR SPOKESPERSON

DATE SIGNED  
102-09-00

NOTICE TO OFFENDER: The ICE will acknowledge your complaint within 5 working days of the date of receipt.

# INSTRUCTIONS

You should talk to appropriate staff in an effort to informally resolve your complaint prior to filling out this form. If you have not done so, the ICE may return this form in accordance with DOC 310.11(7). The department shall not exclude impaired, handicapped or illiterate inmates from full participation in the ICRS as defined in DOC 310.09(4).

The following rules govern the processing of complaints. The Institution Complaint Examiner (ICE) may reject any complaint that does not comply:

1. Complaints are to be filed within 14 calendar days of the occurrence giving rise to the complaint (late complaints may be accepted for cause). File the original with the ICE at this institution.
2. Frivolous complaints, as defined in DOC 310.11(4), will be rejected and may only be appealed to the appropriate reviewing authority.
3. No more than 2 complaints may be filed in any calendar week, except medical and safety issues (if good cause exists the ICE may allow more).
4. Complaints may only address one issue. Please print or type.
5. You must sign the complaint. If a group complaint is filed, all members must sign the complaint (attach a separate sheet if necessary). The first signature on the complaint will be designated as spokesperson.
6. The issue raised must affect you personally.
7. Your complaint must be within the scope of the Inmate Complaint Review System (ICRS). Refer to DOC 310.08.
8. The complaint must not contain foul language as defined in DOC 310.09(1)
9. Your complaint will be acted upon by the ICE who will make a recommendation to the appropriate reviewing authority. If you do not receive the reviewing authority's decision within 23 working days of the date your complaint was acknowledged, you are to consider your complaint denied. If your complaint was denied or if you were not satisfied with the reviewing authority's decision, you may send your appeal to the Corrections Complaint Examiner within 10 calendar days after the receipt of the reviewing authority's decision. Forms may be obtained on the housing unit or from the office of the ICE. The CCE will make a recommendation on your complaint to the Secretary of the Department of Corrections. The Secretary will review the material submitted and render a decision.

**Note:** You will not be disciplined for using the complaint system unless you lie about a staff member and make the lie known outside the complaint system. See DOC 303.271

### OFFENDER COMPLAINT

INSTRUCTION SEE REVERSE SIDE

OFFENDER NAME (If group complaint, enter name of spokesperson)		DOC NUMBER
Dwayne Cox		184324
INSTITUTION NAME	OFFENDER HOUSING UNIT	CELL OR ROOM NUMBER
SMCI	FOXTROT	215

TO BE FILLED IN BY ICE ONLY
DOC COMPLAINT FILE NUMBER
DATE COMPLAINT RECEIVED
CODE NUMBER

DATE OF INCIDENT OR DENIAL OF REQUEST  
ON GOING

STATE YOUR COMPLAINT

Sweet as the recipient of nightmares governed by that horrific experience. On 12-20-99 the Complainant received disciplin Contrary to procedural due process Clause of the 14th Amend. U.S. Constitution. on 01-14-2000 the Complainant received reclassification considerations that did not comport with departmental mandates under Chapter 302 Wis. Adm. Code. As a result of this reclassification the Complainant was sent to S.M.C.I.

It is essential that the whole matter be investigated in it's totality from 11-30-99 the date as these Civil matters continue.

== END OF COMPLAINT ==

Page 2 of 2

NAME(S) OF PEOPLE WHO HAVE INFORMATION ABOUT THIS COMPLAINT

Nurse Wagner  
SIGNATURE OF OFFENDER OR SPOKESPERSON

DATE SIGNED

*Dwayne Cox*

102-09-00

NOTICE TO OFFENDER: The ICE will acknowledge your complaint within 5 working days of the date of receipt.

# INSTRUCTIONS

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**Note:** You will not be disciplined for using the complaint system unless you lie about a staff member and make the lie known outside the complaint system. See DOC 303.271

STATE OF WISCONSIN  
DEPARTMENT OF CORRECTIONS  
SUPERMAX CORRECTIONAL INSTITUTION

MEMORANDUM

DATE: February 18, 2000  
FROM: Mr. Michael Ellestad  
Institution Complaint Examiner  
TO: COX, DWAYNE 084324  
ALPHA 215  
SUBJECT: Return of complaint(s)

Wisconsin Administrative Code 310 was revised with an effective date of April 1998. Accordingly, your complaint(s) are being returned because:

- No more than two complaints may be filed in any calendar week. No complaint may include more than one issue.
- Complaints with inappropriate language, or considered threatening will not be accepted.
- Unsigned complaints will not be accepted.
- You are not personally affected.
- The information/complaint submitted appears to be only a statement, is speculation, or provides insufficient information.
- You are directed to contact your Unit Manager regarding this issue. You should submit an **interview request form** to the staff member and direct your concern(s) directly to her. If the issue is not resolved, you must submit the interview request **response** to show their answer when filing another complaint.

Other:

You are directed to contact, **Warden P. Pitzer at the Corrections Corporation of America, Whiteville Correctional Facility, 206 East Main Street, PO Box 679, Whiteville, TN 38075-0679** regarding **this issue**. SMCI and Wisconsin DOC have limited to no authority over issues regarding conduct reports, their investigations and dispositions from contracted facilities.

~~Received this tonight 2/18/00~~  
~~Sent to you also on 2/21~~  
Cox



PROGRAM REVIEW  
 INMATE CLASSIFICATION SUMMARY

07/14/00

Page 1 of 2

INMATE NAME Last	First	MI	SUF	INMATE #	REPORTING INSTITUTION	AREA #
COX	DWAYNE	A		084324	SUPERMAX-BOSCOB	31714

DATE RECEIVED A&E	LATEST PAROLE ACTION	PED	MR/ES DATE	MAXIMUM DISCHARGE DATE
09/24/92	ADMISSION	11/06/60	/ /	**/**/LIFE

MEDICAL REPORT DATE	MEDICAL CONDITION	Primary	NO SPECIAL CONDITION
10/21/92		Secondary	NO SPECIAL CONDITION
			Other NO

MEDICAL ACTIVITY LEVEL	MEDICAL HOLD DATE	MEDICAL/DENTAL PLACEMENT STATUS
ANY	/ /	

DENTAL REPORT DATE	DENTAL CLASSIFICATION	DENTAL HOLD DATE
09/28/92	STAFF DENTIST SERVICE REQUIRED	/ /

SENTENCE INFORMATION			ADDITIONAL OFFENSES
Offense Description	Relationship	Term	
1. HOMICIDE 1ST DEG INTENT	GOVERNING	LIFE	USE OF WEAPON IN CRIME
2.			PARTY TO A CRIME
3.			ARMED ROBBERY

DETAINERS/PENDING CHARGES  
 NONE KNOWN

PROGRAM PERFORMANCE	A&E Need	Participation Code	Entry Date	Exit Date
Program				
AGGRESS/ANGER MGMT COUNSG	1	TERMINATED-DROPPED OUT	08/16/93	09/17/93
INTENSIVE SANCTIONS		INELIGIBLE-LIFER	04/11/95	
ABE-INTERMEDIATE	2	TERMINATED-DISCIPLINARY	03/15/95	08/07/95
ABE - BASIC		REASSIGNED	01/08/96	01/12/96
ABE - PRE-HSED		REASSIGNED	01/08/96	01/12/96
ABE - HSED		REASSIGNED	01/09/95	04/17/95

TYPE OF REVIEW	SCHEDULED	LAST PRC DATE	01/12/00
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SOCIAL WORKER SUMMARY AND APPRAISAL OF PROGRAM REVIEW REQUEST

AS PER 302.19, MR COX WAS INTERVIEWED BY SW ON XX/XX/XX IS PREP FOR A SCHEDULED PRC HEARING. HE WAS ADVISED THAT THE HEARING WILL ADDRESS CUSTODY, PLACEMENT AND PROG ISSUES. HE WISHES TO ATTEND HIS APPEARANCE -THE CRITERIA CONSIDERED IN THIS RECOMMENDATION AND DISCUSSED WITH MR COX ARE I/M'S CURRENT OFFENSE, PRIOR RECORD, SENTENCE, MOTIVATION FOR OFFENSE, I/M'S PRIOR RECORD OF ADJ IN PRISON, CONDUCT AND ADJ, PERFORMANCE IN PROG AND RISK RATING FACTORS.

THE CURRENT OFFENSE INVOLVED 1ST DEGREE INTENTIONAL HOMICIDE. -MR IS LIFE. PRESENT ASSIGNMENT IS ADM CONF. SMCI ARRIVAL IS 01/13/00. MR COX WAS TRFRD TO SMCI D/T HIS INVOLVEMENT IN A LARGE SCALE DISTURBANCE/ HOSTAGE TAKEOVER AT CCAW, 11/30/99. HE WAS OBSERVED VANDALIZING KITCHEN EQUIPMENT AND FOOD, BARRICADING CHOWHALL DOORS.

INST ADJ SINCE THE LAST REIVEW DATED 01/12/00 HAS BEEN 2 WARNINGS AND 0 CRS. SMCI PROG INVOLVEMENT: NOTHING NOTED. IT IS TAKEN AS A REFUSAL/ UNMOTIVATED BECAUSE APPARRENTLY I/M HAS NOT REQUESTED TO PARTICIPATE IN PROG. -NOTHING NOTED FOR ESCAPE HISTORY/CONCERNS; PENDING CHARGES/DETAINERS; SPNS.

MR COX WAS GIVEN THE OPPORTUNITY TO MAKE A COMMENT/REQUEST, NONE WAS NOTED. SW RECOMMENDS MAX CUSTODY AT SMCI. THE INTAKE COMMITTEE RECOMMENDS THAT THE I/M TAKE THE FOLLOWING PROG AS THE BECOME AVAILABLE: ADJ TO LONG-TERM INCARCERATION; DECISION MAKING AND REINTEGRATION TO GP.

ASSIGNMENT	SOCIAL WORKER NAME	COMPLETION DATE
1. ADM CONF 2.	CRAVENS	07/06/00

PROGRAM REVIEW  
INMATE CLASSIFICATION SUMMARY

07/14/00

Page 2 of 2

-----  
INMATE NAME Last First MI SUF | INMATE # | TYPE OF REVIEW  
COX DWAYNE A | 084324 | SCHEDULED  
-----

PROGRAM REVIEW COMMITTEE COMMENTS, RECOMMENDATIONS, AND DECISION

MR COX APPEARED AT HIS SCHEDULED REVIEW. SW COMMENTS ARE NOTED. MR COX IS A TRACK 4 I/M W/A MR DATE OF LIFE.  
-MR COX WAS ADVISED THE PURPOSE OF THIS REVIEW IS TO EVAL CUSTODY, PLACEMENT AND PROG ISSUES. THIS WAS DISCUSSED W/HIM BY THE SW IN PREP FOR TODAY'S HEARING; FACTORS TAKEN UNDER ADVISEMENT WERE S. DOC 302. I/M WAS ADVISED OF HIS APPEAL RIGHTS UNDER DOC 302.19.

MR COX ADJ HAS BEEN PROBLEMATIC AS INDICATED BY HIS DISCIPLINARY RECORD. COMMITTEE NOTES THAT SINCE ARRIVAL AT SMCI, HAS HAD 0 CRS. -I/M ARRIVED AT SMCI ON 01/13/00 FROM CCAW, NOTING HIS PARTICIPATION IN CCAW RIOT. I/M IS CURRENTLY ON LEVEL 3 AND IN ADM CONF STATUS. MR COX HAS REFUSED SCHOOL STATING HE HAS NO NEED FOR SCHOOL, HOWEVER HE IS ENROLL-ED IN TURNING POINT PROG.

MR COX SUBMITTED A WRITTEN STATEMENT DISPUTING HIS CR FROM CCAW.

THE COMMITTEE RECOMMENDS MAX CUSTODY W/CONTINUED PLACEMENT AT SMCI BASED ON I/M'S PRIOR RECORD OF ADJ IN PRISON, CONDUCT AND ADJ, PERFORMANCE IN PROG AND RISK RATING FACTOR.

A 6 MONTH RECALL IS SET. COMMITTEE RECOMMENDS CONTINUED SMCI IDENTIFIED PROG. I/M IS ENCOURAGED TO WORK THROUGH THE LEVEL SYSTEM AND PARTICIPATE IN OFFERED/AVAILABLE PROG AT SMCI.

I/M WAS ADVISED OF HIS PROG APPEAL RIGHTS AS PER 302.19(9). HE MAY REQUEST A REVIEW OF CUSTODY AND PLACEMENT BY THE BOCM DIRECTOR/DESIGNEE.

-----  
INMATE PRESENT AT PROGRAM REVIEW | SECOND STEP REFERRAL NO  
-----

-----  
CURRENT CUSTODY RATING | TOTAL # OF CONDUCT REPORTS RECEIVED | LAST MAJOR CONDUCT REPORT DATE  
MAXIMUM | Minor 003 Major 007 | 12/22/99  
-----

RISK RATING HIGH | SPECIAL PLACEMENT NEEDS

-----  
RISK RATING GUIDELINE DETERMINANT | CUSTODY RATING MAXIMUM  
-----

INSTITUTION ASSIGNMENT | TEMPORARY ASSIGNED INSTITUTION | RECALL DATE  
1. SMCI 2. | 1. 2. 3. | 01/01  
-----

NAMES OF STAFFING COMMITTEE | REVIEW DATE  
HANSON BLACKBOURN MILES | 07/14/00  
HAINES  
-----

CENTRAL OFFICE DECISION COMMENTS

-----  
CENTRAL OFFICE DECISION | CENTRAL OFFICE STAFF INITIALS | DECISION DATE  
APPROVED | N/A | 07/14/00  
-----

TRANSFER PRIORITY CODE C  
-----

PROGRAM REVIEW  
INMATE RISK ASSESSMENT

-----  
INMATE NAME Last First MI Suffix | INMATE # | INSTITUTION  
COX DWAYNE A | 084324 | SUPERMAX-BOSCOB  
-----

MONTH TO MR DATE | SOCIAL WORKER NAME (Last) | DATE COMPLETED  
| CRAVENS | 07/06/00  
-----

CURRENT OFFENSES Rating: HIGH

- |    | Offense Description | Relationship | Term |
|----|---------------------|--------------|------|
| 1. |                     | GOVERNING    | LIFE |
| 2. |                     |              |      |
| 3. |                     |              |      |

Comment: PER GUIDELINES

-----  
OFFENSE HISTORY Rating: LOW

Comment: 1980-89 NON ASSAULTIVE

-----  
SENTENCE STRUCTURE Rating: HIGH

Assigned Track: LIFER-CATEGORY IV

Comment: PED 11/2060 TO MOD 11/2057

-----  
INSTITUTION ADJUSTMENT Rating: HIGH

Comment: INSURRECTION/DESTRUCTION OF PROPERTY

Conduct Report Offense: 303.18 RIOT-INCITING | INCITING A RIOT

\*Disposition Date: 12/22/99 \*Release to Population Date: 02/22/00

\*Disposition (Days): Program Seg: 0 Adj Seg: 60 Loss of Time: 0

-----  
ESCAPE HISTORY Rating: LOW

Comment: 1978(EAS), '84(MC), '89(ABODE), '88(RX/ATR)2MIN/10YRS

-----  
EMOTIONAL/MENTAL HEALTH Rating: LOW

Comment:

-----  
PROGRAM PARTICIPATION Rating: LOW

Comment:

-----  
TEMPORARY FACTORS Rating: LOW

County Hold: NO Detainer/Pending Charges: NO

Field Information Unavailable: NO INS Status: NO

Other Condition: NO

Comment:

-----  
RISK RATING: HIGH

# NOTICE OF REVIEW OF ADMINISTRATIVE CONFINEMENT

OFFENDER NAME  
COX, DWAYNE

DOC NUMBER  
207786 84324

INSTITUTION  
SMCI

TYPE OF REVIEW

Initial Review - Specify name of staff member recommending administrative confinement:

Offender Presently in Administrative Confinement - Specify date placed in confinement:

1. It has been alleged that you are dangerous and that you should be placed in Administrative Confinement based on:  
D.O.C. RECOMMENDATION FOR ADMINISTRATIVE CONFINEMENT
2. The standard used to determine dangerousness is if you evidence a substantial probability of physical harm to others as manifested by: (A) behavior or history of homicidal, assaultive or other violent behavior or by an attempt or threat to cause that harm; or (B) your presence in the general population poses a substantial risk to another person, self or institution security; or (C) your activity gives a staff member reason to believe that your continued presence in general population will result in a riot or disturbance; or (D) you have been identified as having an active affiliation with an inmate gang or street gang or there are reasonable grounds to believe that you have an active affiliation with an inmate gang or street gang and there is reason to believe that your continued presence in the general population will result in a riot or disturbance, as defined in Administrative Rule Section DOC 303.02(9), DOC 303.18 or DOC 306.22(1).
3. Before you may be placed in Administrative Confinement, the Administrative Confinement Review Committee (hereafter referred to as the ACRC) must review the allegation of your dangerousness and the recommendation to place you in Administrative Confinement.
4. The following evidence will be considered at the review:  
D.O.C. 121  
— PACKET OF EVIDENCE
5. The following sources of information will be relied on at the review:  
— INMATE CONDUCT RECORD
6. If the ACRC decides that you are dangerous and should be placed in Administrative Confinement, you:
  - a. May be required to reside in a segregated building or area.
  - b. Shall require the direct supervision of one or more correctional officers while outside of your cell.
  - c. May be required to wear restraining devices while outside of your cell.
  - d. May only participate in programs that do not require you to leave your cell.
  - e. May participate in limited exercise and therapy.
  - f. May be limited to three (3) two-hour visits per month.
  - g. May be provided religious, social and clinical services only if they are provided at your cell unless otherwise authorized by the Warden/Superintendent.
  - h. May not go to the canteen but may have approved items from the canteen delivered to you.
7. You have the following rights at the review:
  - a. You may be present.
  - b. You may deny the allegation.
  - c. You may have the assistance of your choice of the following staff advocates:  
**\*\* At institutions that employ full-time advocates the Warden shall assign an advocate to you.**

NAME OF STAFF ADVOCATE	NAME OF STAFF ADVOCATE	NAME OF STAFF ADVOCATE
  - d. You may present documentary evidence.
  - e. You may present witnesses unless the ACRC determines that doing so would threaten personal safety or institution security.
  - f. You or your staff advocate may question witnesses. The ACRC may permit direct questions or require you or your advocate to submit questions to the ACRC to be asked of the witness. Repetitive, disrespectful and irrelevant questions may be forbidden.
8. You shall have the right to receive a copy of the ACRC's decision in writing stating the reasons for it based upon the evidence. If the ACRC's decision is not unanimous, you may make known any additional relevant facts to the Warden/Superintendent and the Warden/Superintendent will make the final decision.
9. If the ACRC's decision is unanimous, you have the right to appeal the decision to the Warden/Superintendent within 10 days of the date of the decision and again to the Administrator of the Division of Adult Institutions within 10 days of the date of the Warden/Superintendent's decision.

# ADMINISTRATIVE CONFINEMENT HEARING

## REASONS FOR DECISION AND EVIDENCE RELIED ON

OFFENDER NAME	DOC NUMBER	INSTITUTION	HEARING DATE	HEARING TIME
COX, Dwayne	084324	SMCI	10/26/00	10:45 A M.

- Report read aloud to offender.  Offender not present, but given a chance to attend. The committee knew these facts because:
- Offender present at hearing

### OFFENDER STATEMENT

Inmate did submit a statement for the committee (attached). He contends that he is being held accountable twice for his actions, first on the disposition of the conduct report and again for consideration of AC placement. He stated that he never assaulted anyone at CCA-Whiteville.

Advocate Sickinger stated that the inmate advised her that he observed the assault at CCA-Whiteville but did not commit or participate in the assault.

### EVIDENCE (The committee relies on the following evidence in finding Administrative Confinement necessary)




- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Statement in the report dated <u>10/14/00</u><br><input type="checkbox"/> Testimony by reporting staff member<br><input type="checkbox"/> Other testimony<br><input type="checkbox"/> Physical evidence (Explain what)<br><div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px 0;">Inmate's conduct record</div> <input type="checkbox"/> Confidential Witness Statements (attach copy of summary)<br><input checked="" type="checkbox"/> Behavior or history of homicidal, assaultive or other violent behavior or by an attempt or threat to cause that harm<br><input checked="" type="checkbox"/> Your presence in the general population poses a substantial risk to another person, self or institution security | <input type="checkbox"/> Your activity gives a staff member reason to believe that your continued presence in general population will result in a riot or disturbance<br><input checked="" type="checkbox"/> You have been identified as having an active affiliation with an inmate gang or street gang or there are reasonable grounds to believe that you have an active affiliation with an inmate gang or street gang and there is reason to believe that your continued presence in the general population will result in a riot or disturbance, as defined in Administrative Rule Section DOC 303.02(9), DOC 303.18 or DOC 306.22(l.). |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|


DECISION Based on the evidence, the committee finds Administrative Confinement: 04-27-00 <input checked="" type="checkbox"/> is necessary <input type="checkbox"/> is not necessary	Dissent from Majority and Reasons for Dissent          <input type="checkbox"/> See Attachments
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### REASON FOR DECISION

The committee is unanimous in recommending continued placement in Administrative Confinement. Inmate Cox is serving a life sentence for 1<sup>st</sup> Degree Intentional Homicide and Armed Robbery. Since his incarceration he has received conduct reports for the following: Intoxicants-4, Threats-2, Tested positive for cannabinoids-3. The committee notes that he was involved in extorting money and threatening the family of another inmate. The committee also notes that he was an active participant in the riot at CCA-Whiteville, where he barricaded the doors of the dining area. A female hostage who was beaten pleaded with Cox who was watching the assault. Through his own admission Cox has admitted to his involvement in the insurrection. The committee also notes the inmate's involvement with the disruptive group, Simon City Royals. Since his placement into AC, inmate Cox has received a major conduct report for Unauthorized Forms of Communication on 9/11/00 and has had five (5) entries into his Behavioral Log. If the inmate were released to general population it would create a substantial danger to the safety of staff and other inmates.

See Attachments

DATE OF DECISION	SIGNATURES OF ADMINISTRATIVE CONFINEMENT REVIEW COMMITTEE MEMBERS	
10/26/00	 Capt. Gary Blackburn	 H. Bloyer
	 B. Kool	

SIGNATURE OF STAFF MEMBER GIVING COPY TO OFFENDER 	DATE COPY GIVEN TO OFFENDER 11-06-00	TIME COPY GIVEN TO OFFENDER 945 A.M.
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Memorandum / Correspondence

Date: October 18, 2000

From: Mr. Swayne Cox (#084324)  
Unit - ALPHA Cell - 203

To: Coordinator, In/CD  
Administrative Confinement Review Committee

Re: Written Objection And Statement Pursuant To Admin.  
Confinement Classification

A). This matter comes before the AERC for the review for admin. confinement retention at the supermax correctional facility. The ~~Offender~~<sup>CONVICT</sup> has read the recommendation entered by a Lieutenant Flowers along with the accompanying packet which includes PRC papers depicting Offenders committing offense, C-120 face card, and the 9 conduct reports received by the Offender over an eight year period of time. The packet offers nothing new that would justify placement on admin. confinement.

1). The writer of the recommendation is free spirited with her pen; however, she is obviously heedless of the Supreme Court decision in Hewitt v. Helms, 459 U.S. 460, 468 (1983), which informs us that admin. confinement "is the sort of confinement that inmates should reasonably anticipate receiving at some point in their incarceration. The Court goes on to state: "Reviews must be meaningful; due process is not satisfied by perfunctory review and rote reiteration of stale justification." Also see, Thompson-Ed v. Jones, 876 F.2d 66, 69 n. 6 18th Cir. 1989; Howard v. Grinnage, 6 F.3d 410, 412 (6th Cir. 1993)

2). The Offender's committing offense has no place before this Committee for consideration for admin. confinement. Chief Judge Foreman, in Bono v. Saxbe, 458 F. Supp. 934 (1978), indicated:

"At the trial, all evidence indicated that no reasonable prediction of an inmate's behavior in the prison could be based on the crime for which he was convicted. Accordingly, the court finds that any attempts to determine that an inmate will not function in the prison setting, based on the crime for which he was convicted, are violative of due process."

3). The Bono v. Saxbe, supra. court further articulates that an inmate is entitled to "an impartial decision maker, he is also entitled to a decision maker qualified to determine whether the extreme measure of removing a person from prison general population is justified. This decision involves much more than a simple weighing of facts. It involves professional expertise."

Whereupon the inmate arrived at Inmate, he asked, via written request to Warden Buge, Unit Manager Linda Haddy - Shipp, and general staff the minimum expected stay at the supermax facility and was awarded with the response of 18-months. Hence, where the offender has not yet been at Inmate for that "minimum period, it is clear that this committee is only going through the motion with its decision already foretold. This is a partial committee contrary to procedural due process.

4). The Department's own Rules, 3 DOC 308.04 (2), indicates the expectation for admin. confinement placement and none of those reasons set forth include the use of TIC. Three of 5 majors (conduct reports), are for smoking grass and rightly so when an inmate is convicted for life plus in this onerous system in this state. Nonetheless, this committee is harmed by collateral

stopped or "issue preclusion." See, Miges v. Warren Cty. School, 565 U.S. 75, 77 n. 1, 104 S. Ct. 92 (1984). The facts and the merits of each conduct report has been decided and punishment served. Hence, to use those very conduct reports once again, now to decide placement within the prison is violative of law.

### Conclusion:

This Committee has been convened to determine placement in the Supermax facility. Whether its program segregation, adjustment segregation, control segregation or administrative segregation. . . segregation by any name remains the same, and it is an oppressive type of confinement which works an atypical and significant hardship as the term is used under the new due process analysis. See, Sandin v. Conner, 515 U.S. 472, (1995).

The Supreme Court rejected the "mandatory language" approach in Hewitt v. Helms, supra. decision "because it created an "undeviable effect" when inmates comb the administrative regulations in search of "liberty interest." Similarly, a due process analysis that would allow correctional officials to avoid the creation of "liberty interest" by simply applying the term "administrative" action, either as a deterrent, management tool, or to the term segregation, seems to encourage the same "standardless discretion" which the Supreme Court found offensive in the Sandin decision.

Today an inmate is being placed on admin. confinement based upon mendacious internal affairs report, which, incidently was the cause of Ray Fisher's termination from CCA, WCF. This hearing's focus is upon an incident that happened in the State of Tennessee, a facility not structured as one in



this state; this state - in its maximum custody facilities neither affords the inmate the movement, change, nor opportunity to create disruption as evidence by the frequent occurrence of "mass" disruptions resulting in injury.

In this case, the need for such momentary deprivation of the very limited freedoms afforded in the prison setting is unwarranted. The very fact that there is no time period to be served on admin. confinement, and the offender has life imprisonment, which may be the expected term to be served on admin. confinement at the supermax facility works an atypical and significant hardship within ordinary incidents of prison life. See, McClary v. Kelly, 4 F. Supp. 2d 195 (WD N.Y. 1998).

For the reasons stated above, return to prison general population is essential.

Dated: Oct. 26, 2000  
Signature: Mr. Daryl C. [unclear]  
CIT # 084324

Nov. 15<sup>th</sup>, 2000

Mr. Jim Haines,  
Echo Unit Manager.

Dear Mr. Haines,

It's been brought to my attention that Wisconsin, and S.M.C.I. are in the process of conducting an independent investigation into the unjust transfers from CCAs Whiteville Correctional facility, along with the falsifying of Conduct reports, and other documentations surrounding certain inmates alleged involvement in the riotous disturbance that erupted on Nov. 30, 1999.

Mr. Haines, I am one of those inmates who have been falsely accused as an active participant in that disturbance. The memorandum dated Dec. 15, 99 prepared by Internal Affairs Mr. "Roy Fisher" has me admitting to participating in the riot. That is absurd. I have never made such an admission. Mr. Fisher also prepared the Conduct report dated Dec. 20, 99. Five days after the memorandum, he makes no such entry in Conduct report of my admittance. Also in the memo Mr. Fisher has me being identified as an active member of gang which is also absurd. I have never been involved with any gang anywhere in all of my life. See ~~of~~ any and all files. At my age 39 I don't think

(2)

any gang would want me as a member. It is my sole belief that I was transferred to S.M.C.I. for not identifying the actual perpetrators of the riot. For I was in the dining hall, but only doing my assigned inst job.

Therefore Mr. Haines, I am asking you to please investigate my situation ~~to~~ thoroughly and you see I was not involved in this incident and have been unjustly transferred to S.M.C.I.

Thank you for your time and attention to this matter!

Sincerely,  
Mr. Duwayne Cox  
# 84324 / Echo-115

Mr. Cox,

I told Mr. Jones that I would review files for CCAW inmates transferred here. The intention was NOT to re-investigate or question their investigation but to use their reports to make sure that there is documentation of Actively Participating in the Riot. I understand your concerns but you'll probably need to go through the Court system to prove your points above. Good Luck

CC: FILE

Jerry  
Haines

# CCA INMATE/RESIDENT DISCIPLINARY REPORT

Inmate/Resident's Name Dwayne Cox

CCA# \_\_\_\_\_ Other WDOC# 084324

Offense # and Title 15-2 #13 Insurrection, 15-2 #6 Destruction

Date of Offense 11-30-99 Time of Offense Approximately 11:47 a.m.

Location of Offense: Wcf # Chowhall-Kitchen Area

Inmate/Resident Detained For: \_\_\_\_\_

Description of Offense: On Tuesday 11-30-99 at approximately 11:47 a.m. a major riot occurred in the chowhall-kitchen area. Inmate Cox was observed vadelizing teh kitchen equipment and food, also barricading the chowhall doors.

(Use Continuation Sheet if Necessary)

Staff Involved: See Internal Affairs

Inmate/Residents Involved: See Internal Affairs

Reporting Employee's Name and Title: Roy Fisher, Internal Affairs

Date & Time Prepared: December 20, 1999 10:00 a.m.

Employee's Signature: [Signature] Supervisor's Signature: [Signature]

## ADVISEMENT OF RIGHTS:

By signing below, the accused indicates the rights they desire and is not an admission of guilt.

1. Does the accused wish to have a Staff Advisor? Yes \_\_\_\_\_ No  If yes, Staff Advisor's name and title: \_\_\_\_\_

2. Does the accused wish to call voluntary witnesses to testify on their behalf? Yes  No \_\_\_\_\_ If yes, name and case or arrest # of witnesses Mr Bruce Burrows, Mr Daniel James 12-22-99 APPROX 10:15 A/M

3. Does the accused waive the right to a hearing? Yes \_\_\_\_\_ No  If so, does the accused plead guilty to the charge? Yes \_\_\_\_\_ No

4. Date set for hearing within 24 hr no more than 7 days

5. Does the accused wish to waive the right to 24 hours notice of charges? Yes \_\_\_\_\_ No

Inmate/Resident's signature X referred to sign [Signature]

Accused Inmate/Resident received a copy of report:

X referred to sign [Signature]  
Inmate/Resident Signature

12-22-99  
Date & Time

[Signature]  
Staff Serving Notice of Charges

12-22-99  
Date & Time

**PRE-HEARING DETENTION**

Seg / I unit

Form 15-2B

Was the Inmate/Resident admitted to pre-hearing detention?

Yes  No  If yes, explain reason #13 Instruction #6 Destruction

Staff Authorizing Asst. Chief Adams

Date & Time 11-30-99 Approx 3:00pm

**HEARING INFORMATION:**

Inmate Name: COX, Dwayne WDOC#: 084324 Docket #: 99-808

Date & Time of Hearing: 12-22-99/Approx 10:15 Staff Advisor:

Witnesses Present: No. Written statements were given.

Inmate/Resident Plea: Guilty: Not Guilty:  Inmate's Signature: COX

Hearing Officer's Finding: Guilty:  Not Guilty:

Summary of Hearing/Reasons for findings: Inmate has been advised anything he says can and will be held against him in any outside agency

Penalty Recommendation/Reasons: <sup>3A</sup> 30 Days Disciplinary Sig. Due to Disciplinary Begins 12-22-99, END 2-22-2000.

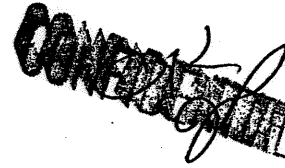
Inmate notified of right to appeal disciplinary decision within 15 days of hearing to the Warden. The Warden has 30 days from receipt of appeal to respond. Appeal forms are available from Unit Manager, Counselor, or Housing Unit.

Inmate/Resident Signature: [Signature]

Hearing Officer or Committees Signature(s) / S. Davis

Disciplinary Report Reviewed by: [Signature] Date: 10 Jan 00

Distribution: White - Inmate File  
Yellow - Inmate

**CORRECTIONS CORPORATION OF AMERICA**

Percy H. Pitzer, Warden  
Whiteville Correctional Facility  
1440 Union Springs Road  
Whiteville, TN 38075

**MEMORANDUM**

TO: Percy H. Pitzer, Warden

FROM: Roy Fisher, Internal Affairs *RF*

SUBJECT: Summary and inmate involvement in hostage situation

DATE: December 15, 1999

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**Inmate Dwayne Cox #084324**

On Tuesday, November 30, 1999 at approx. 11:47 AM, a major disturbance erupted in the main inmate dining room area of the Whiteville Correctional Facility in Whiteville, TN. Thirteen staff members were overpowered and taken hostage by force. They were held at bay for approximately (90) minutes in the dry food storage area of the kitchen. During the siege one counselor was stabbed twice in the stomach and beaten, another female counselor suffered two severe beatings and a large laceration to the head. A male teacher suffered a head gash, and an investigator was severely beaten resulting in broken bones, and his throat slashed which required numerous stitches. Several other minor injuries and assaults on staff were also reported.

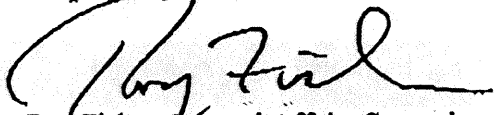
There were over (100) inmates present during the incident and over (30) presently identified as involved or directly responsible. Three attempts to negotiate ended unsuccessfully. Those primarily responsible were members of the Gangster Disciples. The involved parties did an extensive amount of damage to the kitchen and dining area. The siege was ended when S.O.R.T. teams from the Hardeman County Correctional Facility, West TN. Detention Facility, Bolivar Police Dept and Whiteville Police entered, after over (30) canisters of gas was dispersed. The teams successfully rescued the hostages and regained custody of the involved inmates.

The investigation has revealed thus far that inmate Dwayne Cox was involved in the insurrection in the following manner. Inmate Cox has been identified as and knowingly and willingly acting in concert with hostage takers. He was observed barricading the chow hall doors, destroying kitchen equipment, and vandalizing kitchen food stocks by dumping refrigerated supplies in the floor of the coolers. Cox also refused to help a female counselor who recognized him watching her being beaten, and begged him to make them stop. Cox has been identified as being an active member of the STG Simon City Royals.

By his own statement, Cox self-admits to barricading doors during the insurrection, and being a part of the insurrection. He also admitted stealing food from the kitchen during the siege.

Due to institutional security concerns, I would recommend that inmate Cox be retained at Maximum Custody status by PRC, reviewed and evaluated for placement considerations. See attached documentation covering disciplinary records from this institution for the last six- (6) months.

Respectfully submitted,



Roy Fisher, Internal Affairs Supervisor