

TESTIMONY OF MARTY ORDINANS ON AB 324,
DEPARTMENT OF CORRECTIONS
ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS
MAY 21, 2003

MY NAME IS MARTY ORDINANS AND I WORK FOR THE DEPARTMENT OF CORRECTIONS. I'M THE DIRECTOR OF THE OFFICE OF DETENTION FACILITIES, THE UNIT CHARGED WITH WORKING CLOSELY WITH ALL THE COUNTY JAILS IN THE STATE. I'M HERE TODAY TO TESTIFY FOR INFORMATION ONLY ON AB 324.

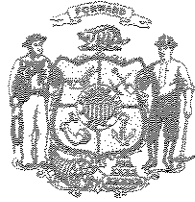
THE BILL ALLOWS COUNTY JAILS TO CHANGE THE WAY THEY MANAGE THEIR INMATE POPULATION. IT REPLACES AN OUTDATED METHOD OF SEGREGATING INMATES WITH A MORE COMPREHENSIVE SYSTEM CONSISTENT WITH CURRENT DAY CORRECTIONAL PRACTICE. OBJECTIVE JAIL CLASSIFICATION, SIMPLY STATED, ASSESSES AN INMATE'S RISK AND NEEDS BASED ON FACTORS SUCH AS PRIOR OFFENSE HISTORY, PREVIOUS BEHAVIOR IN JAIL, THE PRESENT OFFENSE, MEDICAL AND MENTAL HEALTH NEEDS AND OTHER FACTORS. IT IS RISK MANAGEMENT. IT IS SIMILAR TO HOW DOC CLASSIFIES INMATES WITHIN OUR PRISON SYSTEM.

THERE ARE CURRENTLY 20 OR SO COUNTIES, BOTH LARGE AND SMALL, STATEWIDE WHICH HAVE IMPLEMENTED OBJECTIVE JAIL CLASSIFICATION, SOME FOR MANY YEARS. CLASSIFICATION PROVIDES CRITICAL DECISION MAKING FOR INMATE HOUSING AND PROGRAM NEEDS, PARTICULARLY IN TIMES OF CROWDING.

THE BILL PROVIDES THE COUNTIES WITH THE FLEXIBILITY TO IMPLEMENT A CLASSIFICATION SYSTEM WHICH BEST SUITS THEIR NEEDS. THE NATIONAL INSTITUTE OF CORRECTIONS PROMOTES TWO ESTABLISHED MODELS WHICH MANY COUNTIES CURRENTLY USE. OTHERS HAVE CHOSEN TO CREATE THEIR OWN OR HAVE FOUND DIFFERENT MODELS.

THE DEPARTMENT OF CORRECTIONS WILL CONTINUE TO WORK WITH THE COUNTIES AND JAILS IN THIS EFFORT BY PROVIDING TRAINING OPPORTUNITIES AND TECHNICAL ASSISTANCE. AS AN EXAMPLE, WE HOSTED A TRAINING SESSION LAST MONTH IN WISCONSIN RAPIDS ON JAIL CLASSIFICATION WHICH WAS ATTENDED BY 50 COUNTY JAIL CORRECTIONS STAFF REPRESENTING 26 COUNTIES.

JAIL CLASSIFICATION IS A TOOL DESIGNED TO ASSIST THE JAILS IN MANAGING THE RISKS ASSOCIATED WITH THEIR INMATE POPULATIONS. IT IS BASED ON DOCUMENTABLE AND OBJECTIVE CRITERIA.



SCOTT FITZGERALD

WISCONSIN STATE SENATOR

ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

WRITTEN TESTIMONY BY SENATOR SCOTT FITZGERALD

Wednesday, May 21, 2003
400 NE, State Capitol

RE: Assembly Bill 324, Classification of jail prisoners

Chairman Bies and Committee Members:

Assembly Bill 324, involves classification of jail prisoners for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners.

Currently, a county jail must keep certain prisoners separate from other prisoners. Prisoners who have not been convicted must be kept separately from prisoners who have been convicted, prisoners who are mentally ill must be kept from prisoners who are not, and prisoners of different sexes must be kept apart.

This bill calls for objective jail classification on a statewide basis. The prisoner classification system developed by each county shall be based on objective criteria. The costs for implementation are minimal.

Objective jail classification is a common sense approach, not only for controlling the prison population but for overall safety in our county jails.

The bill is supported by the Wisconsin Counties Association.

I would ask your support for this bill utilizing objective jail classification as an effective tool in our county jails.

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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections and the Courts

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate *SDK*

DATE: May 21, 2003

SUBJECT: Support for Assembly Bill 324 – Objective Jail Classification

The Wisconsin Counties Association (WCA) supports Assembly Bill 324, relating to classification of jail prisoners for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners.

Under current law, county jail inmates who have not been convicted must be kept separate from prisoners who have been convicted, prisoners who are mentally ill must be kept separate from prisoners who are not mentally ill and prisoners of different sexes must be kept separate. However, it has been proven that there are better ways to classify jail inmates. Studies produced by the National Institute of Corrections and other entities clearly show that more objective factors should be used to determine prisoner housing assignments, type of prisoner supervision, and the delivery of services and programs to prisoners. Thus, most counties across the state utilize some form of objective jail classification.

Over the past five years, the Department of Corrections, the Wisconsin Counties Association, sheriffs, jail administrators and others have been meeting to discuss the use of objective jail classification in the state of Wisconsin, crafting legislation that would allow for the use of objective jail classification and discuss training options to assist counties in utilizing an objective jail classification system.

The bill before the committee today is the first step in implementing objective jail classification on a statewide basis. Specifically, the bill provides that the sheriff, jailer or keeper of a jail shall establish a prisoner classification system that shall be used for the purpose of determining prisoner housing assignments, the type of prisoner supervision and the delivery of services and programs to prisoners. The prisoner classification system developed by each county shall be based on objective criteria, including a prisoner's

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criminal offense record, gender, information relating to current offense for which the prisoner is currently in jail, history of behavior in jail and medical and mental health condition, as well as any other factor the sheriff, jailer or keeper of a jail considers necessary to provide for the protection of prisoners, staff and the general public.

Why is objective jail classification a good idea for county jails? First, objective jail classification increases safety for the general public, county jail staff and county jail inmates, especially in jails with capacity issues. Second, classifying prisoners based on objective factors, as opposed to whether or not they have been convicted, will limit a county's liability if an incident should occur in the jail. Third, objective jail classification allows for better decision-making and resource management within the jail, especially when determining housing assignments and inmate programming. Finally, an objective jail classification system will provide valuable data for county planners and jail administrators when developing new jail facilities.

There are at least twenty counties currently utilizing objective jail classification, and another twenty-two counties that attended a recent NIC Jail Classification Training Session. For those counties that are not currently utilizing an objective jail classification system, the legislation provides over two years for county implementation. The implementation costs for a simple objective jail classification system is minimal; yet, in the end, counties will truly benefit by limiting liability claims and increasing safety within the confines of the county jail.

The Wisconsin Counties Association believes that the utilization of objective factors in the classification of jail inmates will go a long way in ensuring safety for all individuals in a county jail setting, as well as assist counties in meeting the needs of jail inmates. We strongly urge you to support this legislation.

Thank you for considering our comments.

My name is Vernon Vorbeck and I've been the classification officer for the La Crosse County Sheriffs' Department since 1995. La Crosse County uses classification to reach objective, consistent and valid decisions about the separation of inmate populations into certain groups for specific purpose. Classification provides a decision making mechanism, which when used as intended, produces legitimate and defensible decisions about the diverse safety, housing and security needs of inmates. The old method of making housing cell assignments based solely on conviction status, bed availability and a jailers feelings about certain inmates is subjective, dangerous, irresponsible and certainly not in the best interest of inmates or staff. The liabilities associated with such practices can be enormous and indefensible.

An objective classification system includes the increased ability to identify and appropriately segregate inmates with special housing need considerations, such as court ordered no contacts, institutional behavioral problem prone inmates and those with mental health issues. The ability to keep non-violent inmates safe from predatory inmates is of paramount concern and the foremost goal of the La Crosse County classification program. The Wisconsin DOC recognizes the need for safer jail management techniques and encourages comprehensive classification systems to be implemented.

There are liability issues for acting with deliberate indifference to inmates' safety and security needs or for failing to take reasonable measures to abate foreseeable harmful situations or conditions. There are requirements to ensure that inmates receive adequate housing and care. Jail administrators have ethical and legal obligations to protect prisoners and the public from violence and harassment at the hands of assaultive prone inmates. The La Crosse County classification program constantly strives towards increased safety for the public and inmate populations of the county in a humane and ethically justifiable manner.

Classification takes into consideration a prisoners current and prior behavior, charges and convictions. The process maintains its objective validity by accessing national crime data resources available to all law enforcement agencies. The process begins by attaining a criminal history on an inmate and looking into any prior misconducts or behavioral issues on record. A short interview may be required in some instances to address conflicting reports or ease inmates concern who believe they have been wrongly classified. Inmates are reviewed often following their primary security level assignment. This is to assure that any changes in legal status are correctly tracked and taken into consideration on an ongoing basis. Inmate cell assignments and movement throughout the jail are routinely tracked to assure that assaultive inmates or those with escape histories are not mistakenly housed with lower risk inmates.

Classification information can also be used by social service workers to help them decide who is appropriate for certain in-house or community based programs.

In closing let me review why classification should be implemented throughout Wisconsin.

- 1) Inmate safety
- 2) Staff safety
- 3) Public safety
- 4) Protection against liability
- 5) Effective real-time jail management tool
- 6) Orderly and fair processing of inmates
- 7) Protection of inmate rights

Classification is versatile and can be used in the smallest jails to simply separate violent inmates from non violent inmates or in the largest jails to deal with more complex inmate security needs that cover a wide range of criminal behaviors, such as gangs.



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DANIEL J. TRAWICKI, *Sheriff*

**Testimony of Michael D. Giese Re: Objective Classification
Waukesha County Sheriff's Department
05-21-03**

Good Morning. My name is Michael Giese, I am the jail administrator the Waukesha County Sheriff's Department. I want to thank you for the opportunity to address you on the topic of objective classification. Waukesha County has successfully used a classification system since 1993.

Objective classification is a system used by jail administrators which provides a needs and risk assessment, using defined factors that are applied consistently. This allows for equity in decision-making relating to inmate housing and access to inmate programs. The factors used are severity of offense, prior charges and incarcerations, institutional behavior, personal characteristics, and program needs. These factors are used to make a risk assessment, which conforms to proper modern day principles of inmate management.

I support this bill, as it would replace the current form of segregation which is archaic, and does not satisfactorily address the challenges posed by the current profile of a county jail inmate. By providing a more comprehensive system of inmate management, jail administrators are able to better able to use scarce resources, and reduce liability exposure by providing a safer environment for the public, the jail staff, and the inmate population. Additionally, a classification system provides detailed records which assist sheriffs and jail administrators in budgeting for identified resources, and for better planning of new jail facilities.

Thank you.

An Accredited Law Enforcement Agency

Administration: 262-548-7126 Records: 262-548-7156 Process: 262-548-7151 Jail: 262-548-7170 Huber: 262-548-7181 Fax: 262-548-7887

Assembly Republican Majority Bill Summary

AB 324: Classification of Jail Prisoners

Relating to: classification of jail prisoners for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners.

Introduced by Representatives Friske, Bies, Huber, Van Roy, Musser, Hines, F. Lasee, Ladwig, Townsend, Owens, McCormick, Stone, J. Fitzgerald, Hundertmark, Albers, Grothman and Petrowski, cosponsored by Senator S. Fitzgerald.

Date: November 5, 2003

BACKGROUND

Under current law, a county jail must keep certain prisoners separate from other prisoners. Prisoners who have not been convicted must be kept separate from prisoners who have been convicted, prisoners who are mentally ill must be kept separate from prisoners who are not mentally ill, and prisoners of different sexes must be kept separate. However, a sheriff, jailer, or keeper of the jail may permit prisoners of different sexes to eat together or to participate together in treatment or in educational, vocational, religious, or athletic activities, if the prisoners are under such supervision that the sheriff, jailer, or keeper of the jail considers necessary.

SUMMARY OF AB 324

Assembly Bill 324 allows county jails to segregate prisoners as per current law or by establishing a prisoner classification system for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners. The prisoner classification system must be based on objective criteria, including a prisoner's criminal offense record and gender, information relating to the current offense for which he or she is sentenced, the prisoner's history of behavior in jail, the prisoner's medical and mental health condition, and any other factor necessary to provide for the protection of prisoners, staff, and the general public.

Also under the bill, the option to use the segregation system as per current law expires on January 1, 2006. From that day forward, counties must adopt an objective prisoner classification system as forth in this legislation.

FISCAL EFFECT

A fiscal estimate prepared by the Department of Corrections indicates an "indeterminate" cost at the local level. The costs will result from the implementation of new objective prisoner classification systems in counties that do not already utilize such systems. Costs of the system implementation will include development of the classification system, training of staff for implementation of the system, and implementation of the system itself. Costs will also vary depending on how a county decides to implement objective prisoner classification, for example, will a county use a manual classification system or an automated classification system.

The fiscal estimate also indicated the Department of Corrections would also experience some increased costs as a result of their responsibilities of oversight of the development and implementation of the new classification systems. However, the Department could not estimate what those costs would be.

PROS

1. AB 324 would allow jail administrators more flexibility in the placement of prisoners, thereby increasing safety in county jails for staff, prisoners and public.
2. Objective jail classification should limit liability for counties should an incident occur.
3. Should not require high expenditures of counties yet to implement objective classification systems.
4. Flexibility of prisoner placement would allow for better utilization of jail space and would reduce wasted jail space.
5. Waukesha County expressed willingness to assist other counties in establishing an objective classification system.

CONS

1. Counties not currently utilizing objective prisoner classification will be required to implement such a system by 2006.
2. Development and implementation of objective classification system will cause counties to incur costs.

SUPPORTERS

Rep. Donald Friske, author; Sen. Scott Fitzgerald, lead co-sponsor; LaCrosse County Sheriff's Department; Marathon County Sheriff's Department; Waukesha County Sheriff's Department; Wisconsin Counties Association; Dodge County Sheriff's Department.

OPPOSITION

No one registered or testified in opposition to Assembly Bill 324.

HISTORY

Assembly Bill 324 was introduced on May 13, 2003, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on May 21, 2003. On September 10, 2003, the Committee voted 11-0 to recommend passage of Assembly Bill 324.

CONTACT: Andrew Nowlan, Office of Rep. Garey Bies

324

last jail's top priority of sex
under car law or medical
~~own~~ class system.

by 2006 all jails must
have classification system

324

When used provide legit &
defensible decisions on
the housing of inmates.

- effective jail mgmt

- non-viol vs vio

d

non conv vs conv

Current practices/class do
not match current inmate
profiles.

Black Cnty is willing
to help others in
getting an object class
system up & running.

324

- Savings to counties
- Provides for 9 safety & security personnel

CL

- Segregated under specific criteria.
- Unlabeled space.

324 → Objective criteria
More flex to city jails
for placement.

"seems common sense"

324

Obj: jail class

- 9 safety - inmates/staff/public incident occur.
- Limit liability should as
- Budget declines must as for as housing
- Data for dove new jail facilities. Design/Function.

High cost not req to implement.