

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

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Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

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Hearing Records

03hr_ab0324b

03hr_sb0000

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

Timothy Gary, for
Representative Donald Friske
Assembly Bill 324

Senate Judiciary Committee
January 22, 2004
Public Hearing

Mr. Chairman and Committee Members,

Thank you for having this hearing today and your consideration of my bill, AB 324 relating to jailing classification systems used in Wisconsin. I appreciate this opportunity to appear before you today.

Current law has not kept up with societal changes. Law enforcement has made an evolutionary change in the way it conducts business, while our statutes have not. This has resulted in a number of law enforcement agencies that are operating outside the parameters set in statute.

Law enforcement agencies are setting the rules and systems by which they house prisoners in its facility based on experience and history.

A jailer may use criteria for whom to house with whom. Whether that criterion is objective or subjective makes a great difference in the predictability of an individual prisoner's experience and exposure not only while being housed in that facility, but after a release as well.

By using objective criteria, jailers can reduce the number of troubling incidents that occur within that facility and encourage a lower recidivism rate following a prisoner's release.

Further, by reducing the likelihood of an incident within the confines of the jailing facility, a law enforcement agency or local government in charge of that law enforcement agency may reduce the likelihood of a lawsuit brought by a prisoner or family member of a prisoner hurt within that facility.

Jailers have been leading the way to reduce the likelihood of incidents within their facilities, to the benefit of the prisoners, the jailers and the taxpayers.

It is not only appropriate, but necessary that these positive evolutionary changes be adapted into the statutes so the agencies will be compliant with the statutes as well as their responsibility set to ensure the safety of all.

Thank you again for this opportunity to testify before you. I am now willing to take any questions from the chair or members of the committee.

Jim Doyle
Governor

Matthew J. Frank
Secretary



State of Wisconsin
Department of Corrections

Mailing Address

3099 E. Washington Ave.
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 240-5000
Fax (608) 240-3300

January 22, 2004

Senator David Zien, Chair
Senate Committee on Judiciary, Corrections and Privacy
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Zien:

AB 324 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. 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. Objective jail classification assesses an inmate's risk and needs based on factors such as prior offense history, previous behavior in jail, current offense, medical and mental health needs and other factors. Jail classification is risk management. It is similar to how the Department of Corrections (DOC) classifies inmates within our prison system.

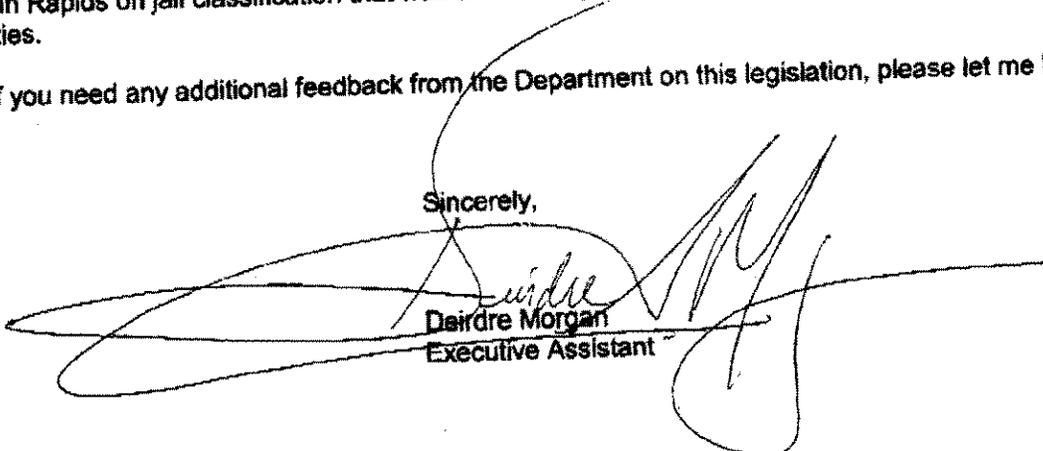
There are approximately 20 counties that have implemented objective jail classification, some for many years. Classification provides critical decision making for inmate housing and program needs, particularly in times of crowding.

The bill provides the counties with the flexibility to implement a classification system that best suits their needs. The National Institute of Corrections promotes two established models that many counties currently use. Others have chosen to create their own or have found different models.

DOC 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 year in Wisconsin Rapids on jail classification that was attended by 50 county jail corrections staff representing 26 counties.

If you need any additional feedback from the Department on this legislation, please let me know.

Sincerely,


Dairde Morgan
Executive Assistant



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189

MEMORANDUM

TO: Honorable Members of the Senate Committee on Judiciary, Corrections and Privacy

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate 

DATE: January 23, 2004

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 for 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.

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 5-10-4

Moved by: Fitz

Seconded by: Stepp

AB 324 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed