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 Details: Complaint.

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**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

Mr. Brian R. Locke, #96897
Green Bay Correctional Institution
P.O. Box 19033, DS - 228
Green Bay, WI 54307-9033



October 28, 2008

Legislative Council
1 East Main
Madison, WI 53703

RE: Joint Legislative Committee on
Administration Rules

Dear Committee Members,

As a mental health patient within the Department of Corrections (D.O.C.), I have first hand knowledge of the roadblocks and difficulties this type of inmate has on a daily basis. At the same time, I also understand the pressure the State has trying to satisfy both the public and the organizations and people asking for change. With the budget shortfalls we face today, there really is no money available to overhaul the D.O.C. statewide. Their budget is out of control in the first place, but there is a way for your committee to achieve statewide changes to the D.O.C. and its mentally ill issues for **NO COSTS** at all!

I have proposed my plan to state auditor, Ms. Janice Mueller of the Legislative Audit Bureau, Director James Greer of the Department of Health and Social Services, Mr. Frank Van den Bosch of Wisconsin Prison Watch and my advocate, Mrs. Peggy Swan from the Forum for Understanding Prisons. I believe Mrs. Swan has contacted your committee recently about this also.

Ms. Janice Mueller has confirmed that their current efforts include reviewing the housing of inmates with mental illnesses and segregation of these inmates. This was approved by the Joint Legislative Audit Committee on April 10, 2008. This is a perfect opportunity to present this **NO COST** plan.

My goal today is to make sure your committee recognizes the following plan for change and a legislative directive is issued to draft the proposed rule change. Since this process is overseen by the Administrative Rules Clearinghouse, which is operated by the Legislative Council, your action at this time would start this process moving forward, right at a time when it is needed the most.

The following **NO COST** plan to solve the conditions of confinement for the mentally ill in prison is very simple: Change two words in the D.O.C. Administrative Confinement (A/C) Rule 308.04 (12) (b). I'll explain.

The D.O.C. 308.04 Rules for Administrative Confinement specifically state that they are **NON PUNITIVE**. All disciplinary actions taken by the D.O.C. must be processed through the D.O.C. 303 Due Process Rules, which are **PUNITIVE**. What the D.O.C. has been doing is circumventing the Due Process rules altogether by placing inmates directly into Administrative Confinement (A/C). Usually this is a normal procedure, but the D.O.C. takes it a step further.

The A/C Rule 308.04 (12)(b) states: "Prisoners shall be allowed to have any property in the inmates cell that is consistent with property limits of the 'assigned area.'" The property limits in Disciplinary Segregation (D/S), which can last 360 days, is usually a few basic hygiene items, one religious text and legal materials. When the D.O.C. places **NON PUNITIVE** A/C status inmates with **PUNITIVE** D/S status inmates, they justify not giving A/C inmates property because of "the area" -- then the **NON PUNITIVE** A/C status becomes a justified **PUNITIVE** A/C status.

The biggest difference between the D.O.C. 303 Rules and the D.O.C. 308.04 Rules is due process. The maximum allowed punishment in D/S status is 360 days in segregation. Compare this to A/C status, which can be indefinite. A/C only has a review every six months on top of this. I met an inmate here at G.B.C.I. who has spent 8 years in A/C.

The Legislative intent by the author is very clear: "The D.O.C. 308.04 Rules are **NON PUNITIVE** and not intended for punishment." I also do not believe that the intent of the author meant for (12)(b) to be used to circumvent the due process laws!

The D.O.C. 303 Rules are the only rules that can be used to punish inmates because the limits are specified so abuse does not take place. The D.O.C. 308.04 (12)(b) Rules as they are written clearly opens the door for abuse and is a problem statewide.

THE SOLUTION IS SIMPLE: CHANGE THE TWO WORDS IN D.O.C. 308.04 (12)(b) from "ASSIGNED AREA" to "GENERAL POPULATION."

Since there is one additional loop-hole the D.O.C. could use to circumvent their D.O.C. 303 Rules, it might make sense to modify Protective Custody's D.O.C. 306.05 Rules by adding one additional rule as follows: "If Protective Custody (P/C) is imposed by the Security Director or any D.O.C. employee, the inmate will then have all property consistent with 'General Population.'" This will stop the D.O.C. from transferring A/C inmates to P/C status in retaliation for closing the A/C (12)(b) loop-hole.

In conclusion, I ask this committee to support this rule change plan and fast track it,

because most of the severely mentally ill inmates are in A/C and suffer so much they harm themselves. Our most recent tragedy was an A/C inmate, mentally ill, who cut off his testicles with a broken Bic razor.

I also ask if it would be possible for me to speak by telephone during one of your public hearings. I believe a voice should be available on my side for comments or questions.

I appreciate your interest to help correct this issue, especially at **NO COST** to our taxpayers. It would also be a tremendous help to me if an aide could write to confirm receiving this letter.

I have included 5 extra copies of this letter to distribute to the committee members listed below.

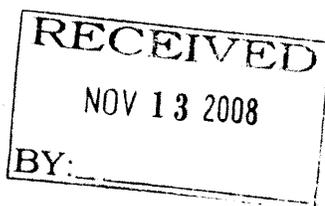
Very truly yours,

A handwritten signature in cursive script that reads "Brian R. Locke".

Brian R. Locke

cc: Senator Grothman
Senator Robert Jauch
Senator John Lehman
Senator Pat Kreitlow
Representative Spencer Black
Representative Terese Berceau
Representative Gothlieb

Senator Robert Jauch, chair
Joint Committee On Administrative rules
P.O. Box 7882
Madison, WI 53707
November 12, 2008



Hello,

I am part of a coalition of groups and have been working with prisoners and their families for over nine years. I am writing to ask for your help with prisoners in administrative segregation in Waupun and Green Bay Correctional Institutions. We have long complained of conditions in segregation especially for the mentally ill. Because our society as a whole has turned away from this group of people, they are usually funneled into the prison system, where they often end up in solitary cells on what is called "non-punitive administrative confinement." It appears each institution has its own way to interpret the rule that defines conditions. At Columbia Correctional Institution, for example, Prisoners in "non-punitive administrative confinement" are allowed books and magazines ordered by friends and families, programs, tvs etc. At Waupun and Green Bay, however, this is not the case. No tvs, magazines, books from the outside are allowed. We have been getting many letters from Prisoners in these draconian conditions and have pursued what remedies we can with the head of health Services, James Greer and also with certain sympathetic legislators through their aids. One of the horrifying parts of this type of confinement is that unlike the segregation that is used as punishment for a conduct report, which has a time limit to it, prisoners in non-punitive confinement remain there for years. They get more ill and disruptive.

Our efforts to help these men have so far been stymied by the very structure of the DOC system. Recently a prisoner in Green Bay Correctional Institution wrote to me about a rule change that would dramatically improve conditions for all prisoners in non-punitive administrative confinement. Below I will outline this proposed rule change and ask that you introduce it to your committee. I am a member of a coalition of groups which includes a families of prisoners group and many ex prisoners and we can present testimony to your committee that will verify the need for this rule change. The change does not make segregation humane, but it will be a step forward in that direction. I thank you for your attention to this matter and await your response.

Peggy Swan

A handwritten signature in cursive script that reads "Peggy Swan".

member Forum for Understanding Prisons
1-608-536-3993
29631 WILD Rose Drive
Blue River, WI 53518

Subject in a nutshell : DOC. Administrative Confinement rule#308.04 (12) (b)

- 1) Now used by the DOC to make conditions in non-punitive administrative segregation very punitive
- 2) **The rule states prisoners "shall be allowed to have any property in the inmate's cell that is consistent with property limits for the assigned area."**
- 3) **Change requested : prisoners "shall be allowed to have any property in the inmate's cell that is consistent with property limits for general population."**

Prisoners discussed: Matthew Schumacher #369487 Waupun Correctional Institution(WCI)

Shaun Matz #264654 WCI

Brian Locke#96897 Green Bay Correctional Institution(GBCI)

Many others, to numerous to name

Our coalition's most detailed information comes from Green Bay. This is what we are told:

In Green Bay Correctional Institution, "the assigned Area" for administrative seg is the "disciplinary segregation area" So property allowed on the D/S area is nothing- no books from family or friends, no tv, no radio, personal stuff is very limited. The feeling of isolation and loneliness is intense in these areas.

To quote the prisoner:

" Now the difference between being punished by the DOC for rule violations using the DOC 308 disciplinary " due process" rules and administrative confinement(a/c) is that the 308 rules have specific limitations that are controlled by government. The worse punishment is "being in the hole 360 days! Now A/C is, or can be forever! The only requirement is 6 months reviews. Big deal. "

The prisoner goes on " I do not believe that the authors of this admin. Code meant for it to be used as a permanent punishment that was punitive in nature, when the DOC #308 is specifically designated as NON-PUNITIVE.

SOLUTION: ONE WORD CHANGE: "general population"

From: prisoners "shall be allowed to have any property in the inmate's cell that is consistent with property limits for the assigned area. "

To: prisoners "shall be allowed to have any property in the inmate's cell that is consistent with property limits for the general population"

Note: Waupun Correctional Institution also does not allow any books, tv, radio or programming for those mentally ill prisoners FFIUP is working with. There is a new program " special management units" being started in WCI , I am told, however, the prisoners I work with are told by guards they will not be eligible, because the new program is for those prisoners who will be going to general population and these prisoners are or will be on Administrative confinement status.

Background: I have been doing prisoner support work for over 9 years now and have often been upset by conditions of confinement in solitary especially for the mentally ill. Recently this problem has come to a head. First, Matthew Schumacher wrote me from Waupun Correctional Institution (WCI), saying he had been transferred out of the then Boscobel Supermax after the famed lawsuit forbade mentally ill placement, and had been put in a segregation unit with worse conditions. He has often cut himself, last time last month, been taken to the health unit or hospital and then back to the same conditions after being put on "observation status : " naked in a cell with camera" the only "treatment. I have documents testifying to his veracity .

Shawn Matz is another prisoner who has begun writing me along with 2 others from WCI. I have tried to send in books and been denied. Here is what he says: **"Ms Swan, I have cut my throat with razors, glass and metal and wasn't suppose to live through any of those incidents. My arms are so scarred I don't even look human any more. And yes, I do get teased and laughed at quite a bit by staff and other inmates. However, they don't understand that the only way I feel alive or human is when I can see the evidence of my mortality flowing from my veins and the only way these people here respond is by stripping me naked and putting me in a cold cell but then a few days later putting me back on the tier declaring me "OK". But I'm not okay, Ms Swan and I don't know how much more of this I can take. The doctor cut off my anti-psychotic meds and everyday I want to cut myself but because these people will use it against me to keep me locked in here I try and resist the urge. I don't know what to do any more."**

Waupun Correctional Institution (WCI) and Green Bay Correctional(GBCI) both have segregation units in which prisoners are not allowed any property, tv, radio, books from the outside etc. I have often in the past tried to send books through to desperate segregation prisoners, and found that some institutions allow this, some do not.

Brian Locke is fighting for his life and for the betterment of all solitary confinement prisoners. He is manic depressive and writes me several times a week from his cell in Green Bay, pleading for placement in Columbia, where A/C prisoners are allowed property . This is the man who has looked into the changing for the administrative confinement rule and given us all , perhaps , a way to make a very big and positive change in the whole system. Brian's story is well summed up in an isthmus article. <http://www.thedailypage.com/isthmus/article.php?article=22710>

Again, I thank you for your attention.

Peggy Swan
member Forum for Understanding Prisons
1-608-536-3993
29631 WILD Rose Drive
Blue River, WI 53518