

WISCONSIN: “Conditions of Confinement” Package - November 2, 2023

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Building on recommendations from stakeholders including people who were incarcerated, this Conditions of Confinement package includes 17 bills to address the current state of conditions and lockdowns in state prisons and county jails by addressing labor rights, personal hygiene, movements and programming, communications, facility modifications, and oversight and transparency.

1. Constitutional Amendment to Ban Slavery The United States Constitution bans slavery except for punishment of a crime. LRB 5017 would amend the Wisconsin Constitution to ban slavery in all forms, even in jails and prisons.

2. Raising Minimum Wage to \$2.33 an Hour LRB 4331 - Current pay rates for most people who are incarcerated in Wisconsin are 0.00-0.40 cents an hour. LRB 4431 establishes that people who are currently incarcerated who work receive a wage that has parity with the sub-minimum wage in Wisconsin which is currently \$2.33 an hour. Currently, the roughly 380 people who are incarcerated and work for the Bureau of Correctional Enterprises can receive a maximum of \$1.61 per hour. LRB 4431 also raises the pay for BCE employees by \$2.33 per hour, creating a new maximum pay of \$3.94 per hour. LRB 4431 also sets a minimum wage of \$2.33 for people who are incarcerated in a county jail or county work camp

3. Regular and Culturally Sensitive Hygiene Products, w/ a Credit of \$25/ mo. LRB 4680 establishes that state and county institutions must provide a variety of regular and culturally sensitive hygiene products in the commissary and a \$25 per month stipend to each person who is currently incarcerated to purchase the products. Regular products include deodorant, antiperspirant, shampoo, hair conditioner, liquid body wash, bar soap, body lotion, face wash, facial lotion, toothpaste, toothbrush, dental floss, razor, shaving cream, sunscreen, comb, hairbrush, and cleansing wipes. Culturally sensitive products include shampoo, conditioner, natural hair oil, and shaving cream that are appropriate for types 2, 3, and 4 hair, bar soap, and cocoa-butter-based body lotion.

4. Free Feminine Hygiene Products LRB 4681 establishes that state and county institutions' commissaries must provide, free of charge, at least three brands of tampons (one with a plastic applicator) and pads for varying levels of flow, and at least one brand of menstrual cup.

5. Four Bathing Periods with Heated Running Water LRB 4682 requires that people who are currently incarcerated in both state and county institutions have access to at least four bathing periods per week which include access to heated running water.

6. Two Visitations per Week and Original Artwork Created under Supervision LRB 4669 requires that people who are currently incarcerated in both county and state institutions have access to two in-person visiting sessions per week, that a person who is incarcerated may designate up to 25 individuals to be registered as visitors, that visitors may physically embrace for 20 seconds before and after visitations. The institution must provide paper, pen or pencil, and markers or crayons, and the person currently incarcerated can keep an original artwork, letter or note that was created during the supervised visit.

7. Recreational Opportunities and Structured Programming LRB 4432 requires that all state correctional institutions and sheriffs ensure that all county jails and houses of correction provide recreational opportunities and organized, structured programming that is relevant to the interests and needs of the individuals currently incarcerated being held in state correctional institutions, jails, and houses of correction. LRB 4432 requires at least seven hours of recreational opportunities per week and 14 hours of structured programming per week, with an average of 3 hours per day. This 21-hour limit is required when the state or county facility's staffing levels are below 80% for officer staff and structured programming staff. When an institution is at or above 80% for officer and structured programming staffing levels, then it must provide 35 hours per week of recreation and programming.

8. Solitary Confinement Condition LRB 4895 establishes minimum conditions for people who are currently incarcerated that are placed in restrictive housing. Within two hours all of the following items must be provided to the individual placed in restrictive housing: any book, a pen or pencil, paper, envelopes, the individual's personal address book, soap, a toothbrush, toothpaste, shampoo, and deodorant. The bill requires that the person currently incarcerated must be allowed to access, within 24 hours of confinement, three 25-minute visitation periods per week to be conducted via live audiovisual means. The bill also requires that the person currently incarcerated is provided with at least 15 hours per week of structured programming in his or her cell, which must include visits of at least 30 minutes at least twice per week from the individual's assigned case manager and at least five times per week from representatives for a variety of other services.

9. Electronic Credits for Emails, Video calls, and Media LRB 4895 would provide one weekly media credit on electronic devices, which would allow people who are currently incarcerated to choose whether they spend the credits on emails, phone calls, or media. The weekly credit will be **\$17.50 ea week / \$70/ month**, for example: 100 emails (sent or received) per week and one 25-minute video visitation.

10. Climate Control in State Correctional Institutions. LRB 4428 ensures that the temperature of housing units must be between 68 degrees and 76 degrees Fahrenheit and provides an appropriation to the DOC for updating the HVAC systems to meet this requirement in all facilities by May 1, 2033 (!) at the latest. Within 12 months of passage, the DOC must prepare a report with a prioritization schedule of facility modifications to meet deadlines in the bill. County jails must also meet this requirement by May 1, 2028.

11. Ability to See Outside LRB 4434 establishes that each person currently incarcerated will have access to at least 3 hours of outdoor viewing time each day, which can be achieved by time spent outdoors, time spent in the cell if the cell has a window, or by moving the person who is currently incarcerated to a location in the institution with a window. LRB 4434 also requires that transparent windows be installed in cells with exterior walls where structurally possible.

12. Access to the Outdoors LRB 4430 provides that every person who is currently incarcerated in State Correctional Institutions or County Houses of Corrections must have at least 3 hours of outdoor time per week. This requirement does not apply to the Milwaukee Secure Detention Facility (MSDF) until January 1, 2026, at which time this requirement will apply to individuals in MSDF after a person's 91st day of confinement in MSDF.

13. Public Dashboard with Status on Solitary Confinement and Lockdowns, with Notification System for Families LRB 4433 This bill requires the Department of Corrections to establish and maintain on its website an interactive reporting system that reports all of the following for each state correctional institution or county jail: 1) whether any type of restriction upon an individual or group of persons currently incarcerated that impacts availability for visitation periods or communication is in effect at that state correctional institution, and if a restriction is in effect, a statement identifying the reason that the restriction is in effect and how long the restriction has been in effect; 2) the number of persons who are currently being held in solitary confinement; and 3) the total number of persons being held. LRB 4433 also requires the DOC and Sheriffs to establish notification systems that allows people who are currently incarcerated to choose up to 3 individuals who must be notified by electronic message within 24 hours if the person who is currently incarcerated has been placed under an individual or group restriction.

14. Public Dashboard with Disaggregated Data on Complaints LRB 4688 requires the Department of Corrections to establish and maintain on its website an interactive reporting system that is updated every 72 hours and that reports all of the following complaint data for each state correctional institution:

1. The total number of complaints filed in the current calendar year.
2. For every complaint filed, all complaint data, disaggregated, in a format that is searchable by each category of information contained in the complaint and that does not contain any personally identifying information of any person currently incarcerated or employee of the state correctional institution. The reporting system must be established within six months of the bill passage.

15. Access to Prisons and Jails for Oversight Purposes LRB 4687 provides that any legislator who is a member of a standing committee of the legislature with jurisdiction over matters related to the Department of Corrections must be provided immediate access, upon request, to a tour of any state correctional

institution that includes the residential areas, prison cells, meal areas, and discussions with persons currently incarcerated. LRB 4687 also ensures that public employees who have oversight of a county jail be provided immediate access to tour any county jail that they have oversight of. Immediate requests may only be denied if between the hours of 9 p.m. to 6 a.m. or if the individual has had 12 requests fulfilled in the calendar year.

16. Constitutional Amendment - County Authority to Oversee Jails Currently, counties are able to oversee county prisons. LRB-4706 would apply the same state law for county jails, allowing counties to oversee control of a jail if they vote to do so.

17. Rights During Incarceration Available to all People LRB 4889 provides that for all people who are currently incarcerated, the Department of Corrections for state correctional institutions or the county sheriff for county jails must prepare a written document that lists the rights of all adults currently incarcerated afforded under the U.S. Constitution, the Wisconsin Constitution, the Wisconsin statutes, and any applicable administrative rules and that explains any complaint processes available to each person who is incarcerated. The document must be posted throughout the institution, copies must be provided when entering facilities, restricted movement, solitary confinement, or by request at any time. A person who is currently incarcerated may also request to have their rights explained to them at any time.

The following representatives have authored these bills: Samba Baldeh, Ryan Clancy, Dora Drake, Jodi Emerson, Francesca Hong, LaTonya Johnson, Chris Larson, Darrin Madison, LaKeisha Myers, Kelda Roys, Shelia Stubbs and Lena Taylor

This is all that I have to offer. Please write to the authors of the bills for more information:

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