

Wisconsin

WOMEN IN PRISON: 1,386 (12/99)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

*NONE.*ⁱⁱ Wisconsin currently has no active legislative proposals protecting those entrusted to its care and custody.

Does the statute impose a criminal penalty on the inmate?	NO LAW
Does the statute cover all relevant forms of sexual abuse?	
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	
Does the statute cover all custodians and staff in contact with inmates?	
Does the law cover all places where an inmate might be abused?	
Is the penalty a felony?	

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱⁱ	Because Wisconsin does not have a protective law, Amnesty International did not issue a request.
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> - Waukesha County Jail: Former inmate loses civil lawsuit against the county claiming she was sexually assaulted by Officer Agerholm. Officer Agerholm was fired and charged with five felony counts that were later reduced to disorderly conduct and fornication in public. He was sentenced to four months of work release and three years probation. <i>Milwaukee Journal Sentinel</i> 06/22/00 - Racine County Jail: Four jailers were suspended after allegations of sexual abuse of female inmates. <i>Milwaukee Journal Sentinel</i> 12/26/99 - Dodge Correctional Institute: Two female inmates claim sexual assaults by prison guard. <i>Capital Times</i> 03/06/99 According to the Wisconsin Department of Corrections, the officer was terminated and convicted of a felony.^{iv}

Custodial Sexual Misconduct –Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases where further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	No	The policy does not contain specific language about the sexual nature of the behaviors prohibited. ^v
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Allow cross-gender pat-down searches?	Yes	According to written response from the Wisconsin DOC, cross-sex searches are done only in an emergency – “emergency” not defined. ^{vi}
Restrictions on the duties of male guards?	Yes	According to written response from the Wisconsin DOC, the Bona Fide Occupational Qualification (BFOQ) Plan places restrictions on pat-down searches, strip searches and unannounced bathroom/shower entries; it also covers when a medical condition is likely to require disrobing. ^{vii}
Was there staff training on sexual misconduct in 1996?		Not known. ^{viii}
Staff training developed 1996-2000?	Yes	No details of training are available. ^{ix} According to written response from the Wisconsin DOC, staff training took place in April 1999, – no further details were provided. ^x
Special procedures for investigating allegations of sexual misconduct in 1996?	No	Wisconsin is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most DOCs use standard investigatory procedures with no special considerations for the nature of the complaint. ^{xi}
Were investigation procedures introduced 1996-2000?	No	No new initiatives. ^{xii}
Informing inmates of agency policies on sexual misconduct in 1996?		Not known. ^{xiii}
Revision of procedures on informing inmates on sexual misconduct 1996-2000	No	No new initiatives. ^{xiv}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

<i>None</i>	
<i>Amnesty International USA comments:</i>	<i>Amnesty International proposes that Wisconsin introduce legislation to prohibit custodial sexual misconduct.</i>

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Wisconsin has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning pregnancy and delivery		Not known.

Pregnancy and Parenting - Policies, Procedures and Practices

Use of restraints in third trimester	Yes	According to a written response from the Wisconsin DOC, restraints are used based on custody classification, unless medical staff advises against it. It is unclear whether this is based on policy or procedure. ^{xv}
Restraints during transport	Yes	According to a written response from Wisconsin DOC, restraints are used based on custody classification, unless medical staff advises against it. It is unclear whether this is based on policy or procedure. ^{xvi}
Restraints during labor		According to a written response from Wisconsin DOC, no restraints are used during active labor as determined by medical staff. It is unclear whether this is based on policy or procedure. ^{xvii}
Officer in delivery room		Not known.

Parenting programs specific for women	Yes	Wisconsin DOC provides a parenting program specifically for women. ^{xviii} This program operates at the Taycheedah Correctional Institution. ^{xix}
Special visitation rights for women	Yes	Wisconsin DOC has special visitation rights for women with children at the Taycheedah Correctional Institution that includes extended visitation (daylong visits) in a farmhouse located on grounds. ^{xx}
State Mother and Child Residency Program	No	Wisconsin DOC has no residential program for inmate mothers and their infants/children. ^{xxi}

Contact information

WISCONSIN DEPARTMENT OF CORRECTIONS

Secretary Mr. Jon E. Litscher 149 East Wilson Street, Post Office Box 7925, Madison, Wisconsin 53707-7925 Phone:(608) 266-4548; Fax: 608-267-3661 Email: docweb@doc.state.wi.us	Homepage: http://www.wi-doc.com Statistics and information on inmates: http://www.wi-doc.com/index_adult.htm Bill Clausius: public information and media relations. Phone: (608) 266-2940; e-mail: william.clausius@doc.state.wi.us
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WISCONSIN DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Dodge Correctional Institution <i>Female inmates: 89(02/01)</i> ^{xxii} Capacity: 30 ^{xxiii} Warden: Mr. John Bett 1 W. Lincoln St, PO Box 661 Waupun, WI 53963-0661 Phone: 920-324-5577 Fax: 920-324-6297 <i>Security level: maximum</i>	Taycheedah Correctional Institution <i>Female inmates: 617 (02/01)</i> ^{xxiv} Capacity: 464 ^{xxv} Warden Ms. Jodine Deppisch 751 County Road K Fond du Lac, WI 54935-2946 Phone: 920-929-3800 Fax: 920-929-2946 <i>Security level: maximum</i>	Milwaukee Women's Center <i>Female inmates: 41(02/01)</i> ^{xxvi} Capacity: 42 ^{xxvii} Superintendent Ms. Beverly Lewis-Moses 525 North 17th St. Milwaukee, WI 53233-2190 Phone: (414) 227-4055 Fax: (414) 227-4169 <i>Security level: minimum</i>
Robert E. Ellsworth Center <i>Female inmates: 257(02/01)</i> ^{xxviii} Capacity: 100 Superintendent Ms. Barbara Powell 21425-A Spring St Union Grove, WI 53182-9408 Phone: 414-878-2392 Fax: 414-878-4768 <i>Security level: minimum</i>	John Burke Correctional Center <i>Female inmates: 170(02/01)</i> ^{xxix} Superintendent. Art Thurmer 900 S. Madison Street Waupun, WI 53963-0900 Phone: 920-324-3460 Fax: 920-324-4575 <i>Security level: minimum</i>	Contract Beds (02/01) ^{xxx} Oneida County Jail, <i>Female inmates: 28</i> Outagamie County Jail, <i>Female inmates: 25</i> Vilas County, <i>Female inmates: 35</i> St. Croix County Jail, <i>Female inmates: 8</i> Columbia County Jail, <i>Female inmates: 24</i>

WISCONSIN EXECUTIVE

Governor Scott McCallum[R] State Capitol, P.O. Box 7863 Madison, WI 53707 Phone: (608) 266-1212 Fax: (608) 267-8983 Email: wisgov@mail.state.wi.us	Homepage: http://www.Wisconsin.gov Contact page: http://www.wisgov.state.wi.us/contact.asp Elected since 1986
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Attorney General James E. Doyle [D] Wisconsin Department of Justice P.O. Box 7857 Madison, WI 53707-7857 Phone: (608) 266-1221 Fax: (608) 267-2779 E-mail: wisag@doj.state.wi.us	Homepage: http://www.doj.state.wi.us/ag/ Contact page: http://badger.state.wi.us/departments.html
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WISCONSIN LEGISLATIVE INFORMATION

Legislative Session: Each biennial session period begins and ends on the first Monday in January of the odd-numbered year. Senate: 33 members, 4-year term Assembly: 99 representatives, 2-year term	Legislative home page: http://www.legis.state.wi.us/ Bill search: http://www.legis.state.wi.us/billtrack.html or http://www.legis.state.wi.us/billtext.html
Senate State Senate State Capitol Madison, WI 53701	Senate home page: http://www.legis.state.wi.us/assembly/assembly.html
Assembly State Capitol P.O. Box 8952 Madison, WI 53708-8952	Assembly Home Page http://www.legis.state.wi.us/assembly/assembly.html

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International

Wisconsin-CURE P.O. Box 259452 Madison, WI 53725-9452 608-835-3740 (ask for Jackie)
Horizon House 2511 Vine Street Milwaukee, WI 53205 Phone: 414 342-3237 <i>Residential treatment program. Services include counseling, lodging for women on probation and those released from prison, and a parent education/children's program.</i>
Wisconsin Coalition for Advocacy Madison, WI Phone: 608 267-0214 <i>Focuses on medical problems and health issues of male and female prisoners.</i>
ACLU of Wisconsin 207 E. Buffalo Street, Suite 325 Milwaukee, WI 53202 Phone: (414) 272-4032 Web site: www.aclu-wi.org
ARC Maternal and Infant Program 5706 Odana Road, 2 nd Floor Madison, WI 53719
Benedict Center for Criminal Justice 229 East Wisconsin Avenue Milwaukee, WI 53202 Phone: 414 347-1774 <i>Deals only with inmates at Milwaukee County Jail.</i>

Legal Assistance to Incarcerated Persons
University of Wisconsin School of Law
975 Bascom Mall,
Madison, WI 53706-1399

Wisconsin Women's Network
122 State Street, 4/F
Madison, WI 53703
Phone: 608 255-9809

ⁱ Prisoners in 1999, Bureau of Justice Statistics Bulletin, August 2000 NCJ 183476.

ⁱⁱ The Wisconsin Department of Corrections comments: "While it is true Wisconsin does not have specific law to this effect, there are current laws in effect that cover instances of prison staff involved with sexual misconduct with inmates. Prosecutors protecting inmates consider laws covering Misconduct in Public Office (Sec.946.12(2) Wis. Stats.) and the variety of sexual assault laws (Sec.940.225 Wis. Stats.) sufficient. There also exists Sec.940.29 Wis. Stats. that provides a Class E felony for persons convicted of Abuse of Residents in Penal Facilities. Misconduct in Public Office has a maximum penalty of five years in prison and a maximum fine of \$10,000. Convictions for sexual assault include a range of sentencing possibilities of prison and fines, depending on the severity of the sex offense." Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001 *AMNESTY INTERNATIONAL COMMENTS: It is unacceptable that Wisconsin does not legally prevent its custodians from engaging in any sexual conduct with those entrusted to their care.*

ⁱⁱⁱ The information does not reflect prosecutions or convictions under rape statutes.

^{iv} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^v US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^{vi} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{vii} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{viii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^{ix} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^x Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^{xii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^{xiii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^{xiv} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xv} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xvi} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xvii} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xviii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xix} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xx} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xxi} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000

^{xxii} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xxiii} Source: Department of Corrections, Offenders Under Control on June 30, 2000, DOC-302, revised 7/6/00

^{xxiv} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xxv} An all women's facility. Source: Department of Corrections, Offenders Under Control on June 30, 2000, DOC-302, revised 7/6/00

^{xxvi} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

^{xxvii} An all women's facility. Source: Department of Corrections, Offenders Under Control on June 30, 2000, DOC-302, revised 7/6/00

^{xxviii} Letter from State of Wisconsin Department of Corrections, Bill Clausius, Public Information Director, February 15, 2001

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