

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

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0152b

03hr_sb0000

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00



Judith B. Robson

Wisconsin State Senator

Senate Committee on Judiciary, Corrections & Privacy
201 Southeast, 1:00 p.m.
January 8, 2004

RE: Assembly Bill 152

Thank you for scheduling Assembly Bill 152 for hearing today. This bill responds to a critical need in our Corrections system to provide public accountability and assurance that the health care needs of inmates are being addressed. I also want to thank Dr. Wasserman for his expert leadership on this issue.

Our concern was first triggered in February, 2000 when a female inmate died at Taycheedah during an asthma attack. She had reportedly complained several times immediately before her death that she needed medical attention. Despite her pleas, health care officials at the prison reportedly refused to treat or even see her.

I responded at that time by requesting an audit of the management and provision of health care services within state prisons. An audit was conducted and the Department took steps to improve management and review of inmate health care. A Health Service Action Plan was developed and an independent management consulting firm was utilized to review the delivery of health care.

However, when deaths occur in the prison system, and they do occur, the families and the public need the assurance that the deceased had received appropriate medical care. The key word in the review process is "independent."

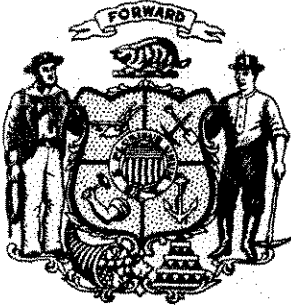
AB 152 creates an independent review board that will prepare reports on inmate deaths and, if needed, file complaints to the appropriate credentialing board if negligence is found. The reports will be accessible to family members of the deceased.

Your support and timely executive action on this bill would be appreciated. Thank you.

WISCONSIN
STATE
ASSEMBLY

January 8, 2004

Testimony of Representative Sheldon Wasserman
Before the Senate Committee on Judiciary, Corrections and Privacy
In Support of Assembly Bill 152



SHELDON
WASSERMAN
STATE REPRESENTATIVE

Good afternoon, Chairman Zien and committee members. Thank you for the chance to testify in favor of Assembly Bill 152 today.

I am sure that you all remember the story of Taycheedah inmate Michelle Greer from a few years ago. Ms. Greer was born in Taycheedah, and she died there in February 2000 of an asthma attack on a cafeteria floor. The questionable circumstances surrounding her death spurred numerous newspaper reports and an audit of the delivery of health care and emergency response protocol in Wisconsin's prisons.

Last session former Representative Scott Walker and I co-authored a bill to address public concerns about prison death investigations in particular. While the proposal did not advance past the committee stage, the Department of Corrections (DOC) was compelled to make some needed improvements after Ms. Greer's passing and the debate over the legislation. I have toured four prisons since then and have been impressed with many of the things I have seen and the people I have met. However, there is still more that can be done to improve the current inmate death review process.

The current DOC inmate mortality review panel is called the Committee on Inmate/Youth Deaths. It is an internal panel that meets quarterly and at times can consider 30 cases or more. In my view the panel's membership lacks necessary independence, and its investigative and advisory capabilities fall short.

An internal panel cannot truly and independently review inmate deaths, and it invites public distrust. It would serve both the inmate population and the department well—politically, legally and ethically—to form an external review board as proposed in my legislation.

I have met with DOC Secretary Matt Frank, his staff, the Legislative Reference Bureau and other interested parties since AB 152's introduction. Over the course of several months, we developed amendments that address a number of DOC issues, while preserving my goal of forming an independent medical review panel.

The bill will make several key improvements to the current process.

-Page One of Two-

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Testimony of Rep. Sheldon Wasserman on Assembly Bill 152
January 8, 2004
Page Two

AB 152 creates a new Inmate and Resident Mortality Board within DOC. The board will be made up of 12 members appointed to staggered 4-year terms:

- 8 members appointed by the governor, including 2 physicians from the UW Medical School, 2 from the Medical College of Wisconsin, one physician from a health care provider other than the UW or MCW, an RN employed by a private HMO, an RN employed by a private hospital, and one at-large member of the public.
- 4 members appointed by the DOC secretary, including a warden, a manager of a Health Services Unit, a health care provider who is employed by DOC, and a correctional officer.
- At least one of member of the board must be a board-certified forensics pathologist.

The board's duties and abilities would include:

- The responsibility of preparing reports on every inmate death to be submitted to a relative of the deceased, the DOC secretary, and if appropriate, the district attorney and the attorney general. The chair and ranking member of the appropriate assembly and senate committees will also receive these reports.
- Making recommendations to the department regarding medical and other prison procedures based on its medical review, and the work performance of department staff.
- Forwarding a complaint to the appropriate credentialing board if a medical provider is found negligent.

All findings of the board are subject to open records law. DOC is required to cooperate with the board and provide any assistance the board requests to review the circumstances of a death. Specific timelines are set for the notification of inmate deaths, and when reports must be submitted.

The bill also gives the attorney general the power to order an inquest, so that there is another avenue whereby an inquest may be requested aside from the local district attorney. If there is a criminal investigation pending on an inmate death, the board must wait until that investigation is concluded before issuing its final report on the death.

Having all of this spelled out in the statutes will provide continuity through changes in the administration. It will bring more accountability and structure to the process of reviewing inmate deaths, with a focus on the expertise of independent medical professionals. It will serve the government and the public well.

Assembly Bill 152 has the support of the Department of Corrections and of several inmate advocacy groups, including Amnesty International. I look forward to your questions, and hope that the committee will also support this effort.

Thank you.



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 10, 2004 (hand delivered)

RE: Paper Ballot (1 page)

Please consider the following item and vote on the motion below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 9:00pm Wednesday, March 10, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Assembly Bill 152

relating to: creating a board to investigate and make recommendations regarding inmate deaths..

Introduced by Representatives Wasserman, Coggs, Bies, Albers, Berceau, Gronemus, Gunderson, Hahn, Hines, Miller, Pocan, Turner and Young; cosponsored by Senator Robson.

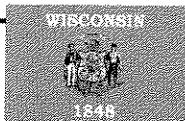
- Moved by Senator Zien that LRBs0466/1 to ASSEMBLY BILL 152 be recommended for introduction and adoption as amended:

Aye X No

- Moved by Senator Zien that ASSEMBLY BILL 152 be recommended for CONCURRENCE as amended:

Aye No X

Signature Scott Fitzgerald
 Senator Scott Fitzgerald





STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
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MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

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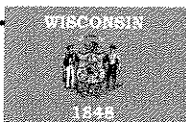
Aye No

- Moved by Senator Zien that ASSEMBLY BILL 152 be recommended for CONCURRENCE as amended:

Aye No

Signature _____

Senator Cathy Stepp



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STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
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 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
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 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

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Aye No

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Aye No

Signature 
 Senator Tim Carpenter





STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

- CHAIRPERSON**
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
- VICE CHAIRPERSON**
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
- MEMBER**
 COMMITTEE ON SENATE ORGANIZATION
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 SENTENCING COMMISSION
 COUNCIL ON TOURISM
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MEMORANDUM

TO: Senator G. Spencer Coggs, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

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Aye No

- Moved by Senator Zien that ASSEMBLY BILL 152 be recommended for CONCURRENCE as amended:

Aye No

Signature _____


 Senator G. Spencer Coggs



John -

Just a note regarding the
committee vote on AB 152.

The two votes against it were
Reps. Sude and Albers.

Rep. Sude's questions and
Rep. Albers' concerns have
since been resolved.

Sarah

Fitz = AB152 vs. Wasserman & Robson
Hates B:1152

1. Local Counties have Relationship w/ Prison w/in border.
2. What deaths (sickness, homicides) will be investigated?
 - A. Coroner investigation
 - B. Local Sheriff detective
3. This bill is based on the assumption that something w/in DOC is wrong in every death.

DOC Frank - wants Board Breathing down his ^{Dept's} neck
- Good Bill. Many Health Problems in Corr. Fac.
- Internal Process to Review Deaths w/in A

Fitz:

1. This is a board in Madison. "Another Lay 'Gotcha Board'"
 2. Anti DOC Health Care Provider. Anti DOC Anti Local DA. → could conflict w/ investigator on local level. Redundant
- Zien: Who Supports this? Badger sheriffs? DA's? DOC workers? Coroners?

Fitz: Intent to make DOC do a better job.
But, it may have influence on Indep. Local

Leg. Cocl.

- Rule of Brd is "Advisory". If any finding
Brd turns it over to AG or DA.

Fitz ok then ???!