



## Fiscal Estimate Narratives

DOC 1/25/2024

LRB Number	23-4430/1	Introduction Number	AB-0814	Estimate Type	Original
<b>Description</b> inmate access to the outdoors					

### Assumptions Used in Arriving at Fiscal Estimate

#### \*STATE\*

This bill requires the Department of Corrections (DOC) and county sheriffs to provide every inmate being held in a state correctional institution or county house of correction with three hours per week of outdoor time, unless the person in our care (PIOC) is being held in the Milwaukee Secure Detention Facility (MSDF), in which case the three-hour per week requirement does not apply until the inmate's 91st day of holding at that institution.

The DOC may be able to meet the requirements of this legislation at all correctional institutions, except MSDF, provided they have adequate staffing levels. As of January 14, 2024, nine institutions have security staff vacancy rates over 30%. Unless these vacancy rates decrease, it would be difficult for these facilities to meet the requirements of this legislation, without reassigning staff from other areas in the institution.

The Department understands the importance of reducing a PIOC's "idle time" and per Wisconsin Administrative Code 309.36:

1. The Department shall provide as much leisure time activity as possible for inmates, consistent with available resources and scheduled programs and work. Leisure time activity is free time outside the cell or room during which the inmate may be involved in activities such as recreational reading, sports, film, television viewing, and handicrafts.
2. Each institution shall permit inmates to participate in leisure time activities for at least 4 hours per week. Institutions with the facilities to permit more leisure activity should do so.

To ensure that outdoor time would offer PIOC's fulfilling outdoor activities, the Department would need to conduct a study, which would have an indeterminate cost, of each institution. This study would determine what type of activities could be offered in the available outdoor space, if there is enough staff, and, in the interest of PIOC health and safety, what type of shelter(s) may be needed to ensure outdoor time is able to still be offered during periods of inclement weather. As written, this bill does not allow the Department any flexibility on the weekly outdoor time requirement during periods of inclement weather (such as extreme temperatures, poor air quality, intense precipitation, high winds, etc.). Current DAI Policy 300.00.03, Heat and Cold Weather Advisory, directs institutions to modify operations during periods of extreme heat (a heat index above 90F) and extreme cold (25F and below); modified operations can include the cancellation of outdoor recreation sessions. Should institutions require additional Corrections Officers or Recreation Leaders there would be an annual cost per FTE of \$153,100 GPR or \$67,200 GPR, respectively. The cost to build outdoor shelters is indeterminate.

The Department would be unable to meet the requirement at MSDF as it is currently constructed. MSDF was constructed as a single high-rise structure, designed to look like an office building from the outside. DOC and MSDF leadership have identified two possibilities to create an outdoor space for persons in our care (PIOCS). One option would be to create a level space on top of the parking structure and constructing a secure walkway between MSDF and the outdoor structure - this option would require cutting a hole into one of the housing pods, thereby reducing bed capacity. The other option would be to construct an outdoor space on the roof, however this option would provide limited space for any type of outdoor activities. Either option would necessitate the construction of exterior elevated observation posts to monitor PIOC's when outdoors. To determine cost and engineering feasibility of these options, the DOC would need to hire an architect and engineering firm at indeterminate cost to complete a formal study. Additionally, either option would necessitate adding 20.00 FTE Correctional Officers at a cost of \$2,860,400 annually.

Should this legislation be enacted without construction at MSDF, it would cause significant operational challenges for the Department, as PIOC's would have to be constantly rotated between MSDF and other facilities before the 91st day requirement. This could cause a disruption to the provision of education courses, treatment programming, and work opportunities for PIOC's.

\*LOCAL\*

This bill requires county sheriffs to provide every inmate being held in a county house of correction with three hours per week of outdoor time, unless the inmate is subject to a jail lockdown or is being held in solitary confinement.

Wisconsin has a single county house of corrections, the Community Reintegration Center (CRC) in Milwaukee. CRC maintains outdoor recreation, weather permitting, and has implemented a recreation schedule that allows residents at the CRC to engage in gymnasium activities outside their housing unit at least three times a week. Per CRC's policies, "When weather allows and where available, the residents' recreation time shall be outdoors". As such, this bill's requirement would only conflict with existing CRC policy in cases where, due to weather and/or other factors, residents' are not already allowed outdoor recreation under current practices. As DOC cannot precisely estimate how often those scenarios would occur, it cannot estimate the degree, if any, to which facility operations would need to change to become compliant with this bill's requirements. That said, the department does not anticipate that any changes are likely to lead to any significant cost impacts.

### **Long-Range Fiscal Implications**