



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1847/P4
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DOA:.....Hutter, BB0478 - Office of Ombudsperson for the Department of Corrections

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Creating an office of the ombudsperson for corrections

This bill creates the Office of the Ombudsperson for Corrections, attached to DOC. The office is under the direction of an ombudsperson, who is appointed by the governor, is approved by a three-quarters vote of the senate, and may be removed only by the governor, for just cause. Under the bill, the ombudsperson accepts complaints regarding facilities and abuse, unfair acts, and violations of rights of prisoners and juveniles from persons being held in state prisons and juvenile correctional facilities. Under the bill, the ombudsperson has the power to investigate a variety of actions by DOC and make recommendations on the basis of the investigations. If the ombudsperson determines to make a recommendation to a state prison or juvenile correctional facility, the superintendent of the state prison or juvenile correctional facility has 30 days to respond to the recommendations of the ombudsperson.

Also under the bill, the Office of the Ombudsperson for Corrections must annually publish a report of its findings, recommendations, and investigation results and distribute the report to the governor, the chief clerk of each house of the legislature, and the secretary of corrections.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.145 (title) of the statutes is amended to read:

15.145 (title) Same; attached boards, commissions, ~~and~~ councils, and offices.

SECTION 2. 15.145 (7) of the statutes is created to read:

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15.145 (7) OFFICE OF THE OMBUDSPERSON FOR CORRECTIONS. There is created an office of the ombudsperson for corrections, attached to the department of corrections under s. 15.03. The office shall be under the direction and supervision of an ombudsperson who shall be nominated by the governor, with the advice and consent of three-fourths of members elected to the senate appointed, and may be removed only by the governor for just cause.

SECTION 3. 20.410 (4) of the statutes is created to read:

20.410 (4) OFFICE OF THE OMBUDSPERSON FOR CORRECTIONS. (a) *General program operations.* The amounts in the schedule for the general program operations of the office of the ombudsperson for corrections.

(i) *Gifts and grants.* All moneys received from gifts and grants to carry out the purposes for which made.

(k) *Interagency and intra-agency assistance.* All moneys received from the department or any other state agency to carry out the purposes for which received.

(m) *Federal aid.* All moneys received as federal aid as authorized by the governor under s. 16.54 to carry out the purposes for which received.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.923 (6) (bn) of the statutes is created to read:

20.923 (6) (bn) Corrections, department of: ombudsperson of the office of the ombudsperson for corrections.

SECTION 5. 230.08 (2) (ym) of the statutes is created to read:

230.08 (2) (ym) The ombudsperson of the office of the ombudsperson for corrections.

SECTION 6. 301.55 of the statutes is created to read:

BILL**SECTION 6****301.55 Office of the ombudsperson for corrections. (1) DEFINITIONS.**

In this section:

(a) “Office” means the office of the ombudsperson for corrections.

(b) “Ombudsperson” means the ombudsperson of the office.

(2) **STAFF.** The ombudsperson may appoint, in the classified service, one deputy ombudsperson of the office, and employees for the office to complete the ombudsperson’s duties described under this section. The ombudsperson may delegate to the deputy ombudsperson or other employees of the office any of the ombudsperson’s authority or duties except those described under subs. (5) (b) and (7) (b).

(3) **POWERS.** The ombudsperson may do all of the following:

(a) Investigate, upon a complaint or upon personal initiative, any matter described under sub. (4).

(b) Determine the scope and manner of investigations to be made.

(c) Enter and inspect, at any time, premises within the control of the department.

(d) Examine records and documents in the possession of the department, including corrections and detention data and medical data maintained by the department and classified as private or confidential data on individuals when access to the data is necessary for the ombudsperson to perform the powers authorized under this subsection.

(e) Subpoena witnesses and the production of books, papers, records, and documents material to an investigation conducted by the office.

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(f) Attend any proceedings and deliberations relating to the granting or revocation of parole, extended supervision, or probation.

(4) INVESTIGATIONS. The ombudsperson may investigate any of the following:

(a) Complaints regarding state correctional institutions and abuse, unfair acts, and violations of rights of prisoners and juveniles.

(b) The policies or practices of the department.

(c) Any action by the department that may be contrary to law or rule.

(d) Any other action by the department that has been alleged to be unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of the department.

(e) Procedures and practices that may lessen the risk that objectionable actions by the department may occur in the future.

(5) COMPLAINTS. (a) The ombudsperson shall create a complaint form and provide sufficient blank copies of the form and self-sealing envelopes to state correctional institutions for distribution to prisoners and juveniles. Blank copies of the form and self-sealing envelopes shall be placed in locations where prisoners and juveniles regularly visit, such as a common area or library, and shall be provided upon request to a prisoner or juvenile. The department shall also make the form available on its website.

(b) An operator of a state correctional institution shall immediately forward a complaint form described under par. (a) that has been completed by a prisoner or juvenile to the office. No individual other than an authorized employee of the office may open an envelope that contains a complaint form.

(c) The ombudsperson shall review each complaint form received under par.

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(b) and determine whether to make a recommendation regarding the complaint directly to the state correctional institution where the prisoner or juvenile is housed, the governor, the legislature, or other party, or make no recommendation.

(d) No operator of a state correctional institution may open and preview or screen mail addressed from the office to a prisoner or juvenile residing at the state correctional institution unless the operator has reason to believe that the mail contains contraband or is not a document from the office. If the operator has reason to believe that the mail contains contraband or is not a document from the office, the operator may open and inspect the mail in the presence of the prisoner or juvenile to whom it was addressed, but may inspect the document only to the extent necessary to determine whether it contains contraband or is not a document from the office. The operator may read the mail only if, after inspection, the operator has reason to believe it not a document from the office.

(6) DISCLOSURES. Information in the possession of the office that relates to a client, complaint, or investigation of the office may be disclosed only at the discretion of the ombudsperson or his or her designated representative. A disclosure of information under this subsection relating to a client, named witness, or a prisoner or juvenile who is not a client may be made only if one of the following applies:

(a) The disclosure is authorized in writing by the client, named witness, prisoner, or juvenile or his or her legal guardian, if applicable.

(b) The disclosure is made pursuant to a lawful order of a court of competent jurisdiction.

(7) REPORTS. (a) If the ombudsperson determines to make a recommendation

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under sub. (5) (c) directly to the state correctional institution where the prisoner or juvenile is housed, the warden or superintendent of the state correctional institution shall respond within 30 days. The warden or superintendent shall include in the response what actions the warden or superintendent is taking as a result of the recommendations of the ombudsperson and why the warden or superintendent is taking those actions or not taking actions.

(b) If the ombudsperson has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, the ombudsperson may refer the matter to the appropriate authorities.

(c) The ombudsperson shall, at the request of the governor at any time, report to the governor on any matter over which the ombudsperson has authority.

(d) On or before December 31 of each year, the ombudsperson shall submit to the governor, the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), and the secretary of corrections a report of the ombudsperson's findings and recommendations for improvements to policies and practices at state correctional institutions and the results of the ombudsperson's investigations conducted under sub. (4).

(END)