

H A R L A N   R I C H A R D S

August 7, 2013

DOC 303.511 Being In An Unassigned Area  
(Wisconsin Administrative Code)

"Any inmate who, without a staff member's permission, enters or remains in a room or area other than the one to which the inmate is assigned is guilty of an offense."

Note to DOC 303.49 to DOC 303.52:

"In general, all of the sections concerning movement have the following purposes: (1) to prevent escape by monitoring inmates' movements; (2) to prevent fights, assaults and disturbances by preventing gathering of groups except in closely supervised situations; and (3) to permit the effective monitoring of inmate activity both in the institution and while the inmate is on work or study release."

I went to the gym the other day to exercise and saw a sign on the wall that said:

"No inmates allowed on or around table or chairs.  
This is considered to be an unassigned area."

The sign is posted above a small table and 2 plastic chairs. Although it may seem strange to someone not familiar with Stanley prison, it makes perfect sense to prison guards. Except for library, school attendance or visits, we are not allowed to sit on chairs. All we have to sit on are round, stainless steel plates welded to tables. To call them uncomfortable would be an understatement. To say that prohibiting lightweight plastic chairs is an appropriate response to legitimate security concerns would be ridiculous.

In every other medium security prison in Wisconsin, lightweight plastic chairs are available for prisoners to sit on. It is only in Stanley that we are forced to sit on stainless steel plates. To the guards who have been here for years, it makes perfect sense to prevent prisoners from sitting on chairs. After all, chairs are not available in the living units so prisoners shouldn't be allowed to sit on them in the gym. Rather than repeatedly telling the prisoners not to sit on the chairs for no reason, they posted the unassigned area rule to stop prisoners from sitting on the chairs.

Most prisoners have never read the administrative code so they have no idea that the rule was not intended for such petty power plays. A knowledgeable jailhouse lawyer could probably overturn a conduct report in a certiorari action. But it would cost him about \$150 in nonrefundable filing and service fees along with postage and photocopy costs. When a prisoner earns from 12¢ to 42¢ an hour for wages, it becomes prohibitive to file any litigation. Of course, those of us in prison know that Prison Litigation Reform Acts (both state and federal) were enacted to prevent all prisoner litigation regardless of its merit.

So the twisting of the meaning of the unassigned area rule will probably never be challenged. Bizarre though it may be, it is the norm in Wisconsin prisons.