

Chapter DOC 350

JAILS

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Note: Chapter HSS 350 was renumbered Chapter DOC 350 and revised under s. 13.93 (2m) (b) 1, 2, 6 and 7, Stats., Register, April, 1990, No. 412; Chapter DOC 350 was repealed and recreated by emergency rule effective March 19, 1990.

DOC 350.01 Purpose and authority. The purpose of this chapter is to establish minimum standards for the design and construction of jails and for maintaining sanitary and safe conditions in jails and the security of jails, and due process protections for inmates alleged to have violated jail conduct rules and subject to disciplinary proceedings. The rules are promulgated under the authority of ss. 227.11 (2) (a), 301.03 (5), 301.36 and 301.37, Stats.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

DOC 350.02 Applicability. This chapter applies to all jails established by counties under s. 302.30, Stats., all state-local shared correctional facilities established under s. 302.45, Stats., and all county houses of corrections established under s. 303.16, Stats.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

DOC 350.03 Definitions. In this chapter:

(1) "Cell" means a secure room designed and used as a sleeping room for one person confined in a jail, except that when the jail meets the conditions for double ceiling under s. DOC 350.07, "cell" means a secure room designed as a sleeping room and used for sleeping one or two persons confined in a jail.

(2) "Confinement" means placement in a cell of a person who has been arrested and is awaiting bail or bond posting, arraignment or another legal proceeding listed under ss. 48.208 and 48.209, Stats., for juveniles, or s. 302.31, Stats., for adults.

(3) "Contraband" means any item not allowed in a jail by the sheriff or by this chapter.

(4) "Dayroom" means an area in a jail which is designed and used as a leisure time area and which is readily accessible to a group of cells or a dormitory or is located within a dormitory.

(5) "Department" means the Wisconsin department of corrections.

(6) "Detention strength" means strong enough to resist damage an inmate could inflict with tools or equipment that would normally be in his or her possession.

(7) "Division" means the division of the department responsible for regulating jails.

(8) "Dormitory" means a room used for sleeping purposes and designed for occupancy by 2 or more persons.

(9) "Holding room" means a secure room in the jail designed for holding more than one inmate of the same sex and security classification as determined by the segregation requirements specified in s. 302.36, Stats., for the purpose of processing admissions and releases.

(10) "Huber law inmate" means an inmate granted the privilege of leaving a jail under s. 303.08, Stats., or s. 973.09, Stats.

(11) "Jail" means a place of confinement operated by a sheriff for the purposes listed under s. 302.31, Stats. "Jail" includes a jail as defined under s. 302.30, Stats., a state-local shared correctional facility as defined under s. 302.45, Stats., and a county house of corrections as defined under s. 303.16 and 303.17, Stats.

(12) "Multi-purpose room" means a room or an area in a jail that is designated for recreational activities, physical exercise or congregate assembly other than visiting.

(13) "Receiving cell" means a secure room designed and used as a sleeping room for one person confined in a jail to segregate the person for admission, release or disciplinary purposes.

(14) "Secure perimeter of the jail" means the secure outer boundaries of a jail.

(15) "Security classification" means a grouping of inmates based on the level of supervision required, the nature of the offense for which the inmate was arrested or of which the inmate was convicted, or other criteria set by the sheriff.

(16) "Sheriff" means the person in charge of jail operations or a designee.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90.

DOC 350.04 Construction plans. (1) Before design development begins, a county which intends to build or remodel a jail shall file a letter of intent with the division's regional detention facilities specialist.

(2) Copies of original and updated drawings of the area within the secure perimeter of the jail shall be submitted to the division's regional detention facilities specialist at the same time the drawings are submitted to the county.

(3) All sites, plans and specifications for construction or remodeling of a jail shall comply with the state building code, chs. ILHR 50 to 64.

(4) Prior to approval by the department of industry, labor and human relations under s. ILHR 50.12 and prior to publication of bid documents, Register, November, 1990, No. 419

(7) When inmates are locked in their cells, jail staff shall physically observe each inmate in all areas of the jail containing double occupancy cells at least once every 60 minutes at irregular intervals;

(8) Each cell used for double occupancy shall have a dayroom in its immediate vicinity that is accessible to inmates. The dayroom shall have detention strength tables and seating for the number of occupants of the cells that have access to the dayroom; and

(9) If a jail uses cells for double occupancy in a housing unit, the dayrooms in that housing unit may not be used for sleeping purpose.

History: Cr. Register, November, 1990, No. 419, eff. 12-1-90.

DOC 350.08 Sanitation. All jails shall meet the requirements of ch. HSS 190. In addition:

(1) Inmates assigned to the kitchen who prepare, handle or serve food shall bathe or shower daily;

(2) Blankets shall be laundered or sterilized before reissue. Blankets used with sheets shall be laundered at least every 3 months and blankets used without sheets shall be laundered at least weekly;

(3) Sheets, pillowcases and mattress covers shall be changed and washed at least weekly;

(4) Clean towels shall be issued to each inmate twice a week;

(5) Mattresses shall be provided where there is a need for overnight detention. Each mattress and each pillow, if used, shall be covered with a fire retardant, waterproof, easy-to-sanitize material. Mattresses and pillows shall be kept in good repair and in a clean and sanitary condition. The sheriff shall provide adequate bedding;

(6) Suppliers of mattresses and pillows shall provide evidence to the sheriff that the products are fire retardant, waterproof and easy to clean; and

(7) Mattresses shall be at least 3 inches thick and of proper size to fit the bed.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum; from DOC 350.07 and am. (1), (5) and (6), Register, November, 1990, No. 419, eff. 12-1-90.

DOC 350.09 Health care and hygiene. (1) Upon admission, each inmate shall be screened for mental and physical health problems by the jail staff who shall make use of a screening format developed in conjunction with medical personnel, including mental health care personnel.

(2) The sheriff shall provide or secure necessary medical treatment and emergency dental care for inmates in custody.

(3) No prescription medications or treatments may be administered unless prescribed by a physician. If a nurse or physician is not available, jail staff may deliver prescribed doses of oral medication at prescribed times.

(4) A written record of the administration or delivery of all treatments and prescription medications, including who administered or delivered them and the date and hour of administration or delivery, shall be maintained. Medical records shall be kept separate from other records and

shall be maintained in a confidential manner in accordance with ss. 146.81 to 146.83, Stats., and any other applicable state or federal laws.

(5) Any medications kept at the jail shall be stored in a locked drug cabinet that is not accessible to inmates.

(6) If an inmate dies or becomes acutely ill while in custody, the next of kin shall be notified as soon as possible.

(7) Containers of poisonous compounds used for exterminating rodents or insects shall be prominently and distinctly labeled for easy identification of contents. Poisonous compounds shall be stored independently and separately from food and kitchenware in a locked area not accessible to inmates.

(8) Inmates shall be served nutritionally balanced meals. Menus shall be kept for 90 days for review. An inmate shall be provided with a special diet if ordered by a physician.

(9) The sheriff shall provide an inmate whose clothing has been confiscated with adequate and appropriate clothing, including footwear, for use while the inmate is in custody.

(10) After 24 hours, inmates shall be notified that, upon request, they will be provided with towels and toilet articles sufficient for the maintenance of cleanliness and hygiene, including toothpaste and toothbrush, soap and comb. Basic feminine hygiene materials and toilet paper shall be provided to inmates upon request. There shall be no common use of toothbrushes, combs, shaving materials or feminine hygiene materials.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum. from DOC 350.08 and am. (2), (8) to (10), Register, November, 1990, No. 419, eff. 12-1-90.

DOC 350.10 Fire safety. (1) Each jail shall have and shall properly maintain fire alarms, smoke and thermal detectors, fire extinguishers, fire attack equipment and self-contained breathing apparatuses which operate for at least 30 minutes. This equipment shall be placed in the jail in accordance with the advice of the local fire department.

(2) Each jail shall develop written policies on fire protection, evacuation, including evacuation of persons with disabilities, and training of staff in equipment use and evacuation. The policies shall comply with local fire department recommendations.

(3) The evacuation route developed as part of the evacuation policy under sub. (2) shall be posted in a conspicuous place for jail staff in the jail.

(4) The sheriff shall arrange for a fire inspection by the local fire department at least once every 6 months. Documentation of fire inspections shall be included in facility files.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum. from DOC 350.09 and am. (4), Register, November, 1990, No. 419, eff. 12-1-90.

DOC 350.11 Records and reporting. (1) **REGISTER OF INMATES.** Each jail shall keep a register of all inmates. The register shall contain identifying information on each inmate, including name, residence, age, sex, race, court order, time and cause of placement and placing authority, and time of release and releasing authority. If an inmate escapes, the time and manner of the escape shall be recorded in the register.

Register, November, 1990, No. 419

DOC 350.07 or for any requirement specifically imposed by Wisconsin Statutes.

(2) In order to obtain a variance, the sheriff shall demonstrate in writing that strict enforcement of the rule would result in unreasonable hardship for administration of the jail and that the variance would provide equivalent or better protection for the health, safety, welfare and rights of inmates and the public.

(3) The department may impose specific conditions including reasonable time limits on a variance in order to protect the health, safety, rights or welfare of inmates or the public.

(4) Violation of any condition under which a variance is granted constitutes a violation of this chapter. Upon finding that there has been a violation of a condition of the variance, the department may revoke the variance and require strict enforcement of the rule.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum. from DOC 350.15 and am. Register, November, 1990, No. 419, eff. 12-1-90.