

period of time. The bureau should adjust this amount periodically to reflect the impact of inflation on purchasing power.

(c) A current list of approved and available merchandise, giving the price of each item, shall be conspicuously posted at each canteen. Copies shall be made available to inmates who do not have direct access to the canteen.

(d) Institutions shall permit inmates to purchase approved personal property not carried in the canteen. The procedures to be followed shall be written and available to inmates. The procedures shall permit purchases from a sufficient number of enterprises to ensure a reasonable selection and a competitive price.

(2) Each institution canteen shall maintain an identification and book-keeping system for withdrawal of funds from the inmate's general account for purchases made through the canteen. No canteen shall use money as a means of exchange.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81.

**HSS 309.55 Compensation.** (1) An inmate shall be compensated for his or her involvement only in approved institution work and study programs while confined in a correctional institution.

(2) The purposes of this section are:

(a) To provide uniform and fair compensation standards as an incentive to inmates to develop and reinforce positive behavior;

(b) To compensate inmates with wages so that they may make purchases from the canteen and accumulate funds to assist them upon their release;

(c) To encourage inmates to complete their programs successfully;

(d) To promote institutional order by providing an incentive for good behavior; and

(e) To encourage appropriate behavior and the development of skills useful to enable successful reintegration into the community upon release.

(3) All inmates shall receive compensation in accordance with sub. (1) with the exception of those inmates:

(a) Out of the institution for a court appearance;

(b) Participating in a work release program approved under ch. HSS 324;

(c) Placed in the following segregated statuses:

*Nonpunitive:*

1. Voluntary confinement - unless the inmate requested placement in this status upon the recommendation of, or with approval by, the security director for the purpose of ensuring the inmate's personal safety and the inmate was in a pay status prior to such placement;

2. Administrative confinement under ch. HSS 308 - if the inmate was in a nonpay status prior to such placement, or the inmate is not participat-

ing in an approved institution work or study program while in this status;

3. Observation under ch. HSS 311 - if the inmate was in a nonpay status prior to such placement, or the inmate is not participating in an approved institution work or study program while in this status;

*Punitive:*

4. Adjustment segregation under ch. HSS 303;

5. Program segregation under ch. HSS 303;

6. Control segregation under ch. HSS 303;

(d) Refusing any work or study assignment; or

(e) Voluntarily unassigned.

(4) An inmate in temporary lockup shall receive the regular incentive daily rate earned in his or her previous status. An inmate in administrative confinement or observation status and eligible for compensation under this section shall receive the regular incentive daily rate earned in his or her previous status.

(5) Each institution shall evaluate its work and study programs both inside and outside the institution on the basis of the skill and responsibility necessitated by each and rank them on a range of 1 to 5. Range 5 shall include those programs requiring the most skills and responsibility and range 1 shall include those programs requiring the least. This ranking shall be consistent throughout the division.

(5m) The maximum number of positions an institution may have at each level shall be determined as follows based on the total institution population:

<i>Program status</i>	<i>Positions</i>
Range 5	5%
Range 4	20%
Range 3	20%
Range 2	30%
Range 1	20%
Involuntarily unassigned	No maximum set

(6) All compensation shall be computed on an hourly basis. Those inmates with programs requiring more refined skills and increased responsibility shall receive greater compensation than those with programs requiring less skill and responsibility.

(a) Certain inmates shall be compensated at a uniform rate less than that computed for range 1 positions, unless otherwise provided for under this section. These are inmates who are:

1. Involuntarily unassigned;

2. In sick cell status;

3. In hospital placement;

4. In the old men's gang (not otherwise assigned under this section); or

5. In the "special" voluntary confinement status under sub. (3) (c) 1.

(b) The hourly rates shall be increased for weekend and legal holiday work. Inmates in sick cell status or hospital placement with injuries sustained in job-related accidents shall be compensated at the daily incentive rate earned in their previous status. Hospital placement status shall include those inmates transferred to mental health or medical facilities.

(7) Inmates in comparable work or study programs shall be compensated equally, regardless of their institution placement.

(8) An inmate shall be compensated for the period of any lockdown required for search of an institution pursuant to ch. HSS 306, unless the lockdown is precipitated by inmate misconduct.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81.

**HSS 309.56 Inmate telephone calls.** (1) The division of corrections shall encourage communication between inmates and their families, friends, government officials, courts, and people concerned with the welfare of inmates. Communication fosters reintegration into the community and the maintenance of family ties. It helps to motivate inmates and thus contributes to morale and to the security of inmates and staff.

(2) Inmates may be permitted to phone individuals on the approved visiting list as provided under s. HSS 309.12 and others as provided in this chapter.

(3) Each inmate shall be permitted to make a minimum of one telephone call per month. Where resources permit, more than one telephone call may be allowed and is encouraged.

(a) Telephone calls not made during the month may not be banked for use at a later date.

(b) The inmate may be prohibited from calling if in segregated status, but may be permitted to make calls under s. HSS 309.57 or 309.58 (2).

(4) Long distance calls shall be made collect unless payment from the inmate's general account is approved.

(5) Calls shall not exceed 6 minutes in duration, without permission.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81.

**HSS 309.57 Telephone calls to attorneys.** (1) Inmates may call attorneys regarding legal matters with the permission of the appropriate staff member. Such calls may be made regardless of the inmate's security status.

(2) An inmate's telephone calls to an attorney are not subject to the maximum limit in number, and an attorney's name need not be on the inmate's approved visiting list.

(3) An inmate's telephone calls to an attorney shall be made collect unless payments from the inmate's general account is approved.

(4) Staff shall give permission for calls to attorneys for the following reasons:

(a) To allow an inmate to return a call from an attorney;

(b) When there is a statutory time limit that would be missed and the inmate needs to convey information to the attorney;

(c) When it appears to staff that a call to an attorney is in the best interest of the inmate;

(d) When an inmate is unable to write; or

(e) When an emergency exists.

History: Cr. Register, October, 1981. No. 310, eff. 11-1-81.

**HSS 309.58 Incoming and emergency calls.** (1) Because of the difficulty of reaching inmates for incoming calls, a person calling an inmate should be asked to leave a message. The message shall be delivered to the inmate as soon as possible.

(2) In the case of emergencies, including but not limited to critical illness or death of a close family member of an inmate, a special telephone call may be permitted regardless of the security status of the inmate or the number of calls already made during that month.

History: Cr. Register, October, 1981. No. 310, eff. 11-1-81.

**HSS 309.59 Calls between inmates.** (1) An inmate shall be permitted to make telephone calls to his or her spouse, parent, or child committed to another Wisconsin correctional or mental health institution. Such calls shall be permitted only after prior arrangements through appropriate staff have been made. Calls under this section shall be paid for from the account of the inmate originally requesting the call.

(2) Calls under this section are subject to the limits under s. HSS 309.56 (3).

History: Cr. Register, October, 1981. No. 310, eff. 11-1-81.

**HSS 309.60 Procedure for approval.** (1) Each institution shall make a written policy available to inmates that contains a specific procedure for requesting telephone calls and that sets time limits for the calls. The procedure shall be consistent with this chapter.

(2) The superintendent may make exceptions to any limits on inmate calls consistent with the policy of this chapter.

History: Cr. Register, October, 1981. No. 310, eff. 11-1-81.

**HSS 309.61 Religious beliefs and practice.** (1) **GENERAL PRINCIPLES.** (a) The division may not discriminate against an inmate or an inmate group on the basis of the inmate's or group's religious beliefs. The division recognizes that religious beliefs can provide support to inmates which may aid in their adjustment to institutional life and can lead to development of community ties which may aid in the inmates' successful reintegration into the community upon release.

(b) Inmates may pursue lawful religious practices required or encouraged by their respective religions which are consistent with their orderly confinement, the security of the institution and fiscal limitations.

(c) The division may not require inmates to participate in religious activities and may not maintain information concerning an inmate's religious activities other than records required for administrative purposes.

(d) To the extent feasible, institutions shall make facilities and other resources available to inmates for religious practices permitted under sub. (2).

(2) **INMATE PARTICIPATION IN RELIGIOUS PRACTICES.** (a) An inmate who wants to participate in religious practices that involve others or that affect the inmate's appearance or institution routines shall submit a written request to the superintendent for permission to participate in specific religious practices. The request shall include a statement that the inmate professes, or adheres to, a particular religion and shall specify the practices of the religion in which the inmate requests permission to participate.

(b) Upon receipt of the request, the superintendent, with the assistance of the chaplain or designated staff person with appropriate religious training, shall determine if the request is motivated by religious beliefs.

(c) In determining whether the request is motivated by religious beliefs, the superintendent may consider:

1. Whether there is literature stating religious principles that support the beliefs; and

2. Whether the beliefs are recognized by a group of persons who share common ethical, moral or intellectual views.

(d) In determining whether the request is motivated by religious beliefs, the superintendent may not consider:

1. The number of persons who participate in the practice;

2. The newness of the beliefs or practices;

3. The absence from the beliefs of a concept of a supreme being; or

4. The fact that the beliefs are unpopular.

(e) If the superintendent determines that the request is not motivated by religious beliefs, he or she shall deny the request.

(f) If the superintendent determines that the request is motivated by religious beliefs, he or she shall grant permission to participate in practices that are consistent with orderly confinement, the security of the institution and fiscal limitations.

(g) The superintendent shall establish guidelines consistent with this section to govern inmate participation in religious practices and the guidelines shall be posted in a conspicuous place or distributed to all inmates.

(3) **RELIGIOUS SERVICES AND PRAYERS.** To the extent feasible, each superintendent, upon the recommendation of the chaplain or designated staff person with appropriate religious training, shall arrange the institution's schedule so that inmates may attend religious services, pray or meditate at the times prescribed or encouraged by their religion.

(4) **CHAPLAINS.** (a) The superintendent may employ one or more chaplains to coordinate and supervise the institution's religious programs.

(b) The chaplain shall hold services, provide counseling and provide other pastoral services or shall arrange for other qualified persons to provide these pastoral services.

(c) The chaplain or designated staff person with appropriate religious training shall develop and maintain close relationships with religious resources from outside the institution and shall encourage religious groups from outside the institution to take part in institution religious activities.

(d) The superintendent, upon the recommendation of the chaplain or designated staff person with appropriate religious training, may permit representatives of religious groups from outside the institution to visit inmates, hold services, provide counseling, perform marriages and provide other services commonly provided by chaplains. The superintendent may compensate these representatives.

(5) **RELIGIOUS LITERATURE.** Religious literature transmitted through the U.S. mail or otherwise distributed shall be delivered to inmates unless the security director has reasonable grounds to believe that the literature will jeopardize the safety of the institution or that the literature promotes illegal activity.

(6) **SYMBOLS.** Inmates may wear garments, religious medals and other symbols required by their religion, unless this interferes with the identification of inmates or the security of the institution.

(7) **DIETARY LAWS.** (a) Upon request of an inmate, the superintendent shall provide the inmate with a list of the contents of each meal in advance of the meal.

(b) To the extent feasible, institutions shall plan meals so that an inmate may maintain a nutritious diet while complying with dietary restrictions prescribed by the inmate's religion.

(c) An institution may accommodate inmate requests for special foods for religious observances.

History: Emerg. cr. eff. 6-16-86; cr. Register, January, 1987, No. 373, eff. 2-1-87.

## APPENDIX

Note: HSS 309.03. Access to correctional institutions, staff, and inmates by the news media furthers several important public policy objectives. These objectives include the free exchange of information and ideas about correctional policy; the provision of information about correctional policy to the public; the development of public support for appropriate correctional objectives, including reintegration of offenders into the community; and the important values which inevitably flow from openness in public institutions and from the exercise of freedom of expression. See T. Emerson, *Toward A General Theory of the First Amendment* (1963); T. Emerson, *The System of Freedom of Expression* (1970).

It is through the exchange of information and ideas that an understanding by the public of the difficult correctional issues comes. Such understanding furthers the correctional process.

For these reasons and because of the fundamental nature of freedom of expression, HSS 309.03 permits media access to correctional institutions, inmates, and staff is permitted. This access is not unlimited, however. Sub. (2) identifies the circumstances in which this access is restricted. In weighing the necessity for such limitations, due consideration was given to other forms of access of inmates to the media. See HSS 309.05. It should be apparent that the limitations in sub. (2) are not substantial in the light of other means of access. *Houchins v. KQED*, 438 U.S. 1 (1978); *Pell v. Procunier*, 417 U.S. 817 (1974); *Saabe v. Washington Post Co.*, 417 U.S. 843 (1974); *Procunier v. Martinez*, 416 U.S. 396 (1974).