

a spokesperson or, if none is designated, the first name signed on the first complaint filed shall be deemed spokesperson.

(3) If more than one complaint is filed on the same subject, the ICI or the CCE may treat the complaints as a group complaint, but each complainant shall be furnished with notices and acknowledgements of receipt of appeals as if they were individual complaints.

(4) The ICI shall determine if the complaint is in fact a common complaint. If the ICI determines that the complainants do not share a common complaint, the reasons for that determination shall be sent in writing to the complainants.

(5) The ICI shall determine if decisions or acknowledgments are to be communicated individually to all parties to a group complaint or, if individual notice is administratively not feasible, may elect to post decisions or acknowledgements of receipt of appeals in a place accessible to the group.

(6) A group complaint filed in accordance with this section shall not be deemed a group petition within the meaning of s. DOC 303.20 and shall not subject the complainants to discipline under that section.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

HSS 97.07 Processing complaints at the institution level. (1) Unless the ICI is absent, at least once each working day the ICI shall collect all complaints deposited in any complaint box in the institution. The director shall proceed under s. HSS 97.03 (5) in the event of an absence of the ICI for longer than 2 working days. Only the ICI may have access to the complaint boxes, which shall be provided with locks.

(2) Each complaint shall be assigned a file number for purposes of identification, and the date of receipt shall be noted. Each complaint shall be reviewed and acknowledged in writing by the ICI within 3 calendar days after the date of receipt. Complaints dealing with health or personal safety shall be given priority.

(3) The ICI shall decide the investigatory methods best suited to expeditiously determine the facts. These may include personal interviews, telephone calls and review of documents and correspondence. The ICI shall forward a report and recommendation to the director within 15 calendar days after the date of acknowledgment for decision in accordance with s. HSS 97.08. The complainant may waive the time limits for up to an additional 30 calendar days to allow completion of an investigation. The report shall include those items required by subs. (5) and (6), when applicable. The inmate may waive time limits if the additional time will result in resolution of the complaint.

(4) Staff shall respond in writing, if requested, to an inquiry by an ICI investigating a complaint.

Note: The department's original intent was to include the following as sub. (6) but failed to include it in the final draft. The department will add this language in a future rule-making order.

(5) The ICI shall attempt to informally resolve the complaint at the institution level. If resolution attempts are successful, the ICI shall record the results in writing and have the complainant sign the report indicating the complainant's acceptance of the resolution. This resolution shall then be forwarded to the director for a decision under s. HSS 97.08.

(6) If an inmate is transferred to another institution after a complaint is filed but before the director renders a decision, the ICI shall determine if the complaint is moot because of the transfer and, if so, shall notify the inmate. If the issue must still be decided, the ICI at WRC shall investigate and make a recommendation to the director. The ICI shall note the persons interviewed and the documents or records relied on in reaching a recommendation.

(7) If an inmate is transferred after an incident but before filing a complaint, the inmate, pursuant to s. DOC 310.07 (7), shall file the complaint at the receiving institution. The ICI there, pursuant to s. DOC 310.07 (7), shall send the complaint to the ICI at WRC for investigation and decision. The ICI at the WRC shall note the persons interviewed and the documents or records relied on in reaching a recommendation.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

HSS 97.08 Director's decision. (1) Within 5 calendar days after receipt of the ICI's report, the director shall render a written decision, including the reasons for the decision. If the director accepts the ICI's recommendation, indication of acceptance shall be sufficient. The director's decision and the ICI's report shall be delivered to the complainant or to the designated spokesperson in a group complaint as provided under s. HSS 97.06 (4).

(2) If the complainant does not receive the director's decision within 23 calendar days after the ICI's receipt of the complaint, the complaint shall be considered denied and may be appealed immediately under s. HSS 97.09.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

HSS 97.09 Review by corrections complaint examiner. (1) A complainant affected by a director's decision may, within 5 calendar days after receipt of the decision, appeal that decision by filing a written request for review with the CCE.

(2) An appeal shall be sent to the CCE in a sealed envelope. Department employes may not open or inspect that envelope.

(3) The CCE may accept for review an appeal filed later than 5 calendar days after receipt of the decision if the elapsed time has not made it difficult or impossible to investigate the complaint.

(4) The CCE shall, within 5 calendar days after receiving an appeal, review and acknowledge receipt of the appeal. Appeals dealing with health and personal safety shall be given priority attention. Within 5 calendar days after a request for review is received by the CCE, the ICI shall provide the CCE with copies of the complaint, the ICI's investigation report and the director's decision.

(5) The CCE may use any appropriate investigatory method necessary to arrive at a recommendation for the secretary. The CCE shall have full access to inmates, staff, physical plant, and Wisconsin resource center records. If an appeal necessitates resolution of disputed issues of fact, the CCE may require sworn statements from the principals.

(6) The CCE shall be treated as a division employe for purposes of access to records.

Register, December, 1990, No. 420