

Chapter DOC 309

RESOURCES FOR INMATES

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Note: Several sections in this chapter have explanatory notes. This information can be found in the appendix after the last section.

Note: Chapter HSS 309 was renumbered chapter DOC 309 and revised under s. 13.93 (2m) (b) 1, 2, 6 and 7, Stats., Register, April, 1990, No. 412.

DOC 309.01 Applicability. This chapter applies to the department of corrections, and to all adult inmates in the legal custody of the department. It is promulgated pursuant to authority conferred by ss. 227.11 (2), 301.02, and 301.03, Stats., and interprets ss. 46.07, 301.19 (1), 301.32, 302.07, 302.08, 302.12, 303.01, and 303.065, Stats.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; correction made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1987, No. 378.

DOC 309.02 Definitions. As used in this chapter:

(1) "Adjustment committee" means the adjustment committee authorized under the departmental disciplinary rules to impose disciplinary measures for inmate misconduct.

(2) "Close family member" under ss. DOC 309.45 to 309.52 means the inmate's natural, adoptive, step, and foster parents; spouse, children,

grandparents, grandchildren, or siblings. A parent surrogate is within the definition of parent if investigation substantiates that a claimed surrogate did in fact act as a parent to the inmate, although the parent surrogate was not an adoptive, foster, or stepparent.

(3) "Department" means the department of corrections.

(4) "Administrator of the division of adult institutions" or "division administrator" means the administrator of the division of adult institutions of the department of corrections, or designee.

(5) "Division" means the department of corrections, division of adult institutions.

(6) "Clinical services unit supervisor" means the clinical services unit supervisor at an institution, or designee.

(7) "General account" means an account established to receive an inmate's pay, pensions, disability payments, or gifts from family; and from which disbursements may be made while an inmate is in the legal custody of the department.

(8) "Institution business manager" means the person designated to receive and disburse money and property at each institution or that person's designee.

(9) "Photograph" means an image on film, video tape, or electronic transmission.

(9m) "Release account" means an account established for an inmate in which a percentage of the inmate's income is deposited, in accordance with s. DOC 309.466 so that the inmate has sufficient funds when released from the institution to purchase release clothing, out-of-state transportation, and other items and services needed on release.

(10) "Representatives of the news media" means any person 18 years old or older who is a member of the press, including broadcast or journalism, who visits an institution for the purpose of investigation and reporting.

(11) "Security director" means the security director at an institution, or designee.

(12) "Segregated account" means an account established for the receipt and disbursement of funds received by inmates for participation in a work or study release program under ch. DOC 324 and certain institutional educational programs. Such funds include, but are not limited to, social security, veterans administration, and railroad retirement funds.

(13) "Superintendent" means the superintendent at an institution, or designee.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; emerg. cr. (9m), eff. 5-15-86; cr. (9m), Register, September, 1986, No. 369, eff. 10-1-86.

DOC 309.03 News media access to inmates. (1) Representatives of the news media shall be permitted to visit correctional institutions. Visits and interviews by media representatives with correctional staff and inmates can foster the public's understanding of the qualities, problems, and needs of inmates and institutions. Such understanding helps to develop community acceptance and support of correctional objectives, in-Register, April, 1990, No. 412

(b) A suspension of more than 6 months may be appealed to the superintendent and thereafter the administrator and the secretary.

(11) If a member of the public is alleged to have violated these sections or institution policies and procedures relating to mail, the security director shall investigate and decide if such a violation occurred. If such a violation occurred, the security director may suspend mail privileges with a specific person for a specific period. Suspension of mail privileges may be appealed in accordance with sub. (10).

(12) If mail is opened or read inadvertently, the inmate shall be so notified.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; corrections in (5) (b) and (h) made under s. 13.93 (2m) (b) 4, Stats., Register, June, 1987, No. 378; emerg. r. and recr. (3) and (4), eff. 7-15-87; r. and recr. (3) and (4), renun. (5) to (11) to be (6) to (12) and am. (6) (intro.), cr. (5), Register, March, 1988, No. 387, eff. 4-1-88.

DOC 309.06 Publications. (1) The department shall encourage and facilitate inmate reading of publications, including books, magazines, newspapers, and pamphlets. Reading generally fosters correctional objectives by educating inmates and by keeping them informed of events and issues in the community.

(2) DOC 309.05 applies to publications. In addition, the receipt of publications by inmates is subject to the following restrictions:

(a) Publications must be received directly from the publisher or other recognized commercial sources in their packages;

(b) Inmates shall not receive publications that:

1. Teach or advocate violence and present a clear and present danger to institutional security and order;

2. Teach or advocate behavior that violates the law of the state or the United States or the rules of the department of corrections;

3. Teach or describe the manufacture or use of weapons, explosives, drugs, or intoxicating substances;

4. Are obscene as defined in s. DOC 309.05 (5) (c) 8; or

5. Teach or describe the manufacture or use of devices that create a substantial danger of physical harm to others;

(c) A publication shall not be prohibited on the basis of its appeal to a particular ethnic, racial, or religious audience or because of the political beliefs expressed therein.

(3) If a publication is not delivered pursuant to sub. (2), the inmate shall be notified of the name and address of the sender, the date, and the reason for nondelivery. The sender shall be similarly and the publication shall be returned to the sender. The inmate may appeal the decision to the superintendent, who shall decide it within 10 days.

(4) Correctional institutions are encouraged to subscribe to publications and circulate them to inmates. Each institution shall establish policies and procedures for making such publications available to inmates.

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

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DOC 309.10 Visitation. The department of corrections shall encourage and accommodate the visitation of inmates by family members, friends, and others who provide support to inmates. The successful adjustment of an inmate to a correctional institution and the ultimate successful reintegration of an inmate into the community depend upon the maintenance of family and community ties. Personal contact through visits greatly assists in the maintenance of these ties. Visitation also enhances the exchange of ideas and information between inmates and the public, and many important values are thereby served.

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

DOC 309.11 Conduct during visits. (1) Visitors are required to obey the administrative rules and institution policies and procedures regarding visitation. Visitors and inmates shall avoid loud talking and boisterous behavior. Parents are responsible for supervising their children.

(2) Inmates and their visitors are permitted to embrace and kiss at the beginning and end of each visit. Inmates may hold their children. Inmates should otherwise conduct themselves in a discreet manner.

(3) Inmates and visitors may not pass or exchange items during a visit unless authorized to do so.

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

DOC 309.12 Visiting list. (1) Each inmate shall have an approved visitors' list.

(2) (a) Except as otherwise provided under this section, only visitors known to the inmate and on the inmate's approved list shall be permitted to visit the inmate. Each inmate shall be permitted 12 adult visitors on the visiting list, regardless of relationship.

(b) Children of the inmate and approved visitors who have not attained their 18th birthday may visit and shall not be counted against the 12 visitors permitted.

(c) Spouses of immediate family members, as defined in sub. (10), who are on the visiting list shall be listed on the visiting list but shall not be counted against the 12 visitors permitted.

(d) With the approval of the superintendent or designee, an inmate may have more than 12 visitors on the visiting list if all such visitors are immediate family members as defined in sub. (10).

(3) An inmate's approved visiting list shall show the name and address of all visitors, relationship, date of birth, the date the person was approved for visiting, and any denial of visitation privileges.

(4) Except as provided under sub. (8), a person may be approved for visiting according to the following requirements:

(a) The inmate shall submit a written request on the appropriate form asking that a person be added to the visiting list.

(b) The appropriate form shall then be sent to the prospective visitor for completion and returned to the institution.

(c) Upon return of the form under par. (b), it will be evaluated by the designated staff member. A field investigation may be requested if further information is necessary.

(d) Minors shall be required to have written approval of their parent or guardian to visit.

(e) In determining whether a person should be approved for visiting, a proposed visitor may be disapproved only if one or more of the following criteria exist:

1. The requesting inmate has provided falsified, incorrect, or incomplete information under par. (a).

2. The proposed visitor has provided falsified, incorrect, or incomplete information on the form under par. (b) or the questionnaire is not returned in 30 days.

3. There is no signed and dated approval of parent or guardian for a proposed visitor under 18 years of age.

4. There are reasonable grounds to believe the visitor has attempted to bring contraband into any correctional institution, including the county jail.

5. The inmate has already reached the limit of 12 visitors permitted under sub. (2).

6. There are reasonable grounds to believe the visitor's presence may pose a direct threat to the safety and security of inmates and staff.

7. The inmate's reintegration into the community would be hindered because of prior criminal involvement with the proposed visitor or because of the proposed visitor's poor adjustment or reputation in the community. This rule is not intended to interfere with inmates' and visitors' pursuit of joint legal interests. Sources specifying prior criminal involvement or poor adjustment and reputation should be listed.

8. A proposed visitor may be disapproved if he or she is a mandatory release and discretionary parolee, probationer, or ex-offender who has not been released or under supervision for at least 6 months before approval unless the proposed visitor is an immediate family member as defined under sub. (10). In all cases, support for approval should come from the supervising agent or agencies involved.

(5) Visiting privileges shall not be denied because of the visitor's marital status. Approved visitors of either sex shall be permitted to visit inmates whether the married visitor's spouse accompanies the visitor or has approved of the visit.

(6) No changes shall be made in an inmate's visiting list for a minimum of 6 months from the date of approval.

(7) Visitors who have not attained their 18th birthday shall be accompanied by an adult who is on the approved list, unless the visitor is the spouse of the inmate.

(8) If a potential visitor is disapproved for visiting, the inmate and the visitor shall be informed of the reasons for the disapproval in writing. The proposed visitor can object to this decision by appealing to the su-

perintendent. A record of the disapproval shall be kept. An inmate may appeal a disapproval through the inmate complaint review system.

(9) Immediate family members as defined under sub. (10) shall be routinely approved for visiting if requested by the inmate to be added to the visiting list of 12 visitors.

(10) Immediate family members are the inmate's natural, adoptive, or stepparents, children, grandchildren, siblings, grandparents, spouse, foster parents, and the spouses of each.

(11) The superintendent may permit occasional visits by family members not on the visiting list who live a great distance from the institution so that frequent visiting is impossible. The superintendent may require notification in advance of such a visit.

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

DOC 309.13 Regulation of visits for inmates in the general population. (1) Each institution shall set forth in writing and make available to inmates and visitors policies and procedures providing for:

- (a) The time for visits;
- (b) Weekday, weekend, and night visits;
- (c) The duration of visits;
- (d) The number of visits;
- (e) The number of visitors permitted each visit;
- (f) Immediate termination of a visit for a violation of these rules;
- (g) Items that may be brought into the institution during a visit; and
- (h) The place of visits.

(2) These policies and procedures shall be approved by the administrator of the division of adult institutions.

(3) Each institution shall permit visits on weekends or some weekday nights, or both.

(4) Each institution shall permit visits on weekdays if consistent with scheduled activities and available resources.

(5) Each institution shall permit each inmate in the general population the opportunity to be visited at least 9 hours per week in visits of such duration as the institution specifies pursuant to sub. (1).

(6) Institutions shall require visitors to provide identification before permitting the visit.

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

DOC 309.14 Special visits. (1) Public officials and members of private and public organizations who provide services to inmates may visit institutions with the approval of the superintendent. Arrangements for all such visits shall be made in advance with the superintendent to minimize interference with normal operations and activities. Such visits may be limited in duration and restricted to certain areas of the institution by the superintendent for security reasons. A person who has not attained

his or her 18th birthday may not participate in any group visit except with the approval of the superintendent.

(2) Attorneys and clergy shall be permitted to visit their clients to give professional services during institution business hours on weekdays. An attorney's aide and law students shall be permitted the same visitation privileges only if an attorney has informed the institution in writing that the aide and law students will visit. Attorneys' aides, law students, and clergy must give advance notice of their visit, when feasible. Visiting attorneys, their aides, and clergy shall not count against the allowable number of visitors or hours of visits of the inmate. In emergencies, attorney and clergy visits may be permitted outside business hours with the superintendent's approval.

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

DOC 309.15 Interinstitution visits of family members. (1) Except in the correctional center system and metro centers, visits between spouses and between parents and their children who are inmates of different adult state correctional institutions shall be permitted, subject to the following limitations:

(a) At the time of the visit, each inmate shall be in the general population and not subject to any disciplinary restriction.

(b) A visit each quarter of a year shall be permitted between married inmates, but such visit must be conducted in an institution of the same or greater security as the inmate with the highest security classification.

(c) One visit per calendar year shall be permitted between parents and children provided that such a visit is conducted in an institution of the same or greater security as the inmate with the highest security classification.

(d) Visits must be approved by staff members in each institution. The criteria for approval are the same as for other visitors, as set forth under s. DOC 309.13.

(2) In the correctional center system and metro centers, visits between spouses and between parents and their children who are inmates of different adult state correctional institutions are permitted, consistent with available resources. In scheduling such visits, priority should be given to inmates serving long sentences.

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

DOC 309.16 Visits to inmates in segregation. (1) Inmates in segregation shall be permitted visits in accordance with this section. Institutions may increase visiting time for inmates in segregation, but shall provide an opportunity for not less than the following:

<i>Segregated status</i>	<i>Minimum visiting period</i>
Temporary lockup	One hour per weekday and one hour per weekend within the visiting limit
Observation	One hour per weekday and one hour per weekend within the visiting limit, with the approval of the superintendent
Voluntary confinement	Two hours per month for the first 200 days and four hours per month thereafter

Adjustment segregation	One hour per week
Program segregation	Two hours per month for the first 200 days and four hours per month thereafter
Control segregation	None
Administrative confinement	Three two-hour visits per month

(2) Inmates in temporary lockup, observation, voluntary confinement, adjustment segregation, and program segregation may designate 3 people from their visiting list who may visit them while in segregation. Inmates in administrative confinement may receive visits from any of the 12 visitors on their visiting list while in segregation. People who have not attained the age of 18, except the children of the inmate, must have the advance approval of the security director to visit inmates in any of the above statuses.

(3) Visits to inmates in segregated status may be limited if the superintendent determines that the visit poses an immediate threat to the inmate or another.

(4) Each institution shall make written policies and procedures relating to visits to inmates in segregation providing for:

- (a) The time for visits;
- (b) Weekday, weekend, and night visits;
- (c) The duration of visits;
- (d) The number of visits;
- (e) The number of visitors permitted each visit;
- (f) Immediate termination of a visit for a violation of these rules;
- (g) Items that may be brought into an institution during a visit; and
- (h) The place of visits.

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

DOC 309.17 Suspension of visiting privileges. (1) A visit may be terminated and the adjustment committee or security director may suspend visiting privileges for violations of administrative rules or institution policies and procedures relating to visiting.

(2) If an inmate is alleged to have violated these rules or institution policies or procedures during a visit, a conduct report shall be written and disposed of in accordance with the rules providing for disciplinary procedures for major offenses. For such a violation, the penalty may include suspension for up to one year or termination of visiting privileges with a specific visitor and any other penalty provided in the disciplinary rules, subject to the following:

(a) A suspension of 6 months or less may be imposed by the adjustment committee and appealed to the superintendent.