

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
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- Executive Sessions ... ES
- 97hr_JCR-AR_ES_pt11a
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

JCRAR EXECUTIVE
SESSION 11/20/97

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

May 30, 1997

Mr. Bruce E. Munson, Revisor
Revisor of Statutes Bureau
Suite 800
131 West Wilson Street
Madison, WI 53703-3233

Dear Mr. Munson:

Pursuant to sec. 227.135, Stats., the Department of Corrections submits the enclosed statement of scope of a proposed administrative rule relating to secure work programs for inmates. The proposed rule has been promulgated as an emergency rule. Enclosed is a copy of the Order of the Department of Corrections adopting the emergency rule.

If you have any questions, please call Deborah Rychlowski at (608) 266-8426.

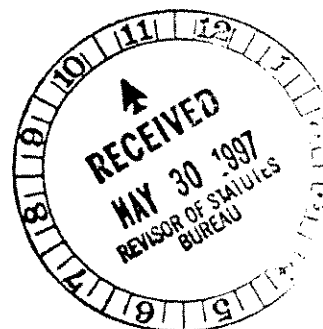
Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan
Secretary

cc: Mark Bugher

Enclosures



STATEMENT OF SCOPE OF PROPOSED RULE

SUBJECT:

Administrative Code - Secure Work Crews

STATEMENT OF THE OBJECTIVE OF THE PROPOSED RULE:

It is anticipated that the proposed administrative rule will make permanent an emergency rule which states the purpose, applicability, organization, and operation of secure work programs for inmates. The rule will also provide definitions, eligibility requirements for inmates to participate in the program, the rate of inmate pay, and also provide a review of the inmate's work program assignment.

STATEMENT OF THE EXISTING RELEVANT POLICIES AND NEW POLICIES PROPOSED AND ANALYSIS OF POLICY ALTERNATIVES:

The existing relevant policies are contained in an emergency rule which is in effect for secure work crews for inmates. It is anticipated that the proposed permanent rule will be identical or similar to the emergency rule. It is anticipated that the policies will not change, but that the emergency rule will be made into a permanent rule.

The policies of the organization of the secure work program include the requirement that the inmate's participation in the secure work program be approved by the warden of the correctional facility to which the inmate is assigned. The policies also provide that an individual work crew may consist of a maximum of 12 inmates, that the work crew members shall be restrained by individual chain leg restraints, and that the inmates may be required to wear electronic stun belts or utilize other security technology. The secure work crew shall be supervised by two correctional officers, and at least one correctional officer shall be armed. The Department determined that the safety of the public, the inmates, and the security officers could only be maintained with these security measures. The warden approves the inmates selected to the program so that inmates who would pose a great risk to the public would not be allowed to participate in the secure work program. The Department determined that each work crew should be limited to 12 inmates for security and safety concerns. The Department determined that the leg restraints would be necessary to prevent inmates from escaping and from harming members of the public, correctional officers, themselves, or other inmates. Inmates may be required to wear electronic stun belts or other security technology if the Department determines that it is necessary for security reasons. Also, at least one of the correctional officers supervising the work crew shall be armed. This requirement is also intended to protect the public by reducing the risk of an escape.

The proposed permanent rule would require an inmate to have a security classification of medium, minimum or minimum security- community residential confinement in order to be eligible for a secure work program assignment. The proposed permanent rule will allow inmates in the intensive sanctions program who are sanctioned back to prison, and probationers and parolees being held in custody as an

alternative to revocation, to be eligible for a secure work program assignment. The proposed permanent rule also would allow inmates to be assigned to the secure work program as a disciplinary disposition if the inmate otherwise is eligible for participation in the program. The Department determined that it would be preferable to allow as broad as inmate population as possible to participate in the secure work program without compromising security and safety concerns.

The proposed permanent rule would provide that inmates would be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned and that the work assignments would include roadside cleaning, snow removal, construction projects and community service projects. The Department determined that these activities are commensurate with the abilities of most inmates, would provide work opportunities for the inmates and would provide service to the community. Sec. 303.063 (2), Stats., states that the Department's rules shall require that the inmates who are on work assignments under this program must wear distinctively colored outer garments. The proposed permanent rule complies with this statutory requirement.

STATEMENT OF THE AUTHORITY FOR THE RULE:

Sections 301.02, 301.03, and 303.063, Stats.

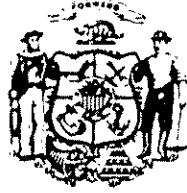
STAFF TIME AND ADMINISTRATIVE COSTS TO DEVELOP THE RULE:

It is anticipated that the permanent rule will be identical or at least similar to the emergency rule. The emergency rule will be used as the basis for the permanent rule. There may be some changes made based on the legislative council report or based upon public comments. It is anticipated 10 hours of staff time may be necessary to develop the permanent administrative rule.

May 30, 1997

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

June 26, 1997

Bruce Munson, Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, Wisconsin 53703-3222

Dear Mr. Munson:

Pursuant to s. 227.14 (4m), Stats., please find attached the Notice of Submission of Administrative Rule, DOC 304 to the Wisconsin Legislative Council Staff. This rule relates to secure work crews.

If you have questions, please contact Deborah Rychlowski at 266-8426.

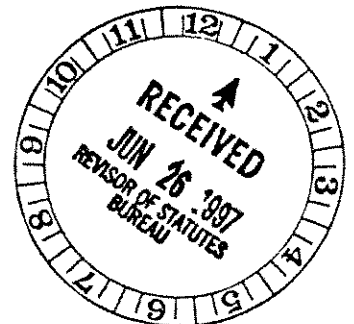
Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan
Secretary

Attachment

cc: Richard G. Chandler
State Budget Director
DOA



NOTICE OF SUBMITTAL OF PROPOSED RULE OF THE
DEPARTMENT OF CORRECTIONS
DOC 304
TO WISCONSIN LEGISLATIVE COUNCIL STAFF

NOTICE IS HEREBY GIVEN That pursuant to s. 227.14 (4m), Stats., the Department of Corrections submits proposed DOC 304 to the Wisconsin Legislative Council Staff.

SUBJECT MATTER OF THE PROPOSED RULE

Secure work crews for inmates.

WHETHER PUBLIC HEARING THE PROPOSED RULE IS REQUIRED

Public hearing is required under s. 227.16 (1), Stats., and will be scheduled at a later date.

ORGANIZATION UNIT THAT IS PRIMARILY RESPONSIBLE FOR PROMULGATION OF THE RULE

Division of Adult Institutions.

DATE SUBMITTED TO WISCONSIN LEGISLATIVE COUNCIL STAFF:

June 26, 1997.

APPROVAL BY SECRETARY OF THE DEPARTMENT OF CORRECTIONS

Date: June 26, 1997

Approved: 

Michael J. Sullivan
Secretary

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



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149 East Wilson Street
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Telephone (608) 266-2471

State of Wisconsin Department of Corrections

June 26, 1997

JUN 26 1997

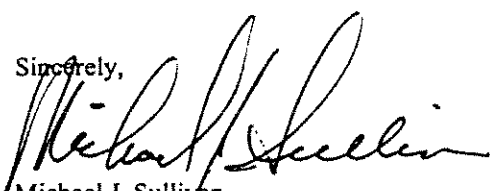
Ronald Sklansky, Director
Administrative Rules Clearinghouse
One East Main Street, Suite 401
P.O. Box 2536
Madison, WI 53701-2536

Dear Mr. Sklansky:

Pursuant to s. 227.15 (1), Stats., the Department of Corrections submits proposed administrative rule DOC 304, related to secure work crews, for your review.

If you have any questions regarding proposed DOC 304, please contact Deborah Rychlowski at 266-8426.

Sincerely,


Michael J. Sullivan,
Secretary

Enclosure

PROPOSED ORDER OF THE
DEPARTMENT OF CORRECTIONS
CREATING RULES

The Wisconsin department of corrections proposes an order to create DOC 304, relating to the inmate secure work program.

Statutory authority: ss. 303.063, 227.11 (2)

Statutes interpreted: s. 303.063, Stats.

Analysis Prepared by the Department of Corrections

Sec. 303.063 (1), Stats. authorizes the Department of Corrections to establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

Sec. 303.063 (2), Stats. requires that the Department of Corrections must promulgate rules specifying the procedures and regulations relating to the secure work program under (1) before it may implement such a program.

The proposed rule:

1. Provides that an inmate shall have a security classification of medium, minimum, or minimum community residential confinement in order to be eligible to participate in the secure work program.
2. Provides that intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.
3. Provides that inmates otherwise meeting the requirements of DOC 304.04 may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.
4. Provides that the warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program, and that an inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.
5. Provides that a secure work crew may consist of a maximum of 12 inmates.
6. Provides that an inmate may be on any one secure work program assignment for a maximum of 60 work days.

7. Provides that inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the perimeter of the institution.

8. Provides that each work crew shall be supervised by at least 2 correctional officers, and that at least one of those officers shall be armed.

9. Provides that inmates in the secure work program may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned, and that work assignments may include roadside cleaning, snow removal, and construction projects.

10. Requires that inmates who are participating in secure work program assignments wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.

11. Provides that inmates who are assigned to secure work crews, who are not in disciplinary status, shall be paid at pay ranges 1 through 3, depending upon work assignment and performance.

DOC 304.01 PURPOSE. The purposes of the secure work program are:

- (1) To provide inmates work opportunities while the inmates are appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for employment upon release to the community.
- (3) To fulfill the goals of public protection and reintegration of the inmate into the community.
- (4) To provide service to the community.

DOC 304.02 APPLICABILITY. This chapter applies to the Wisconsin Department of Corrections and adult inmates in its custody. It interprets s. 303.063, Stats. This chapter is adopted pursuant to the authority of s. 303.063 (2), Stats.

DOC 304.03 ORGANIZATION OF THE SECURE WORK PROGRAM. (1) Inmates shall be eligible to participate in the secure work program if they meet the requirements under s. DOC 304.04.

(2) The warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program. An inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the

inmate's assignment.

- (3) A secure work crew may consist of a maximum of 12 inmates.
- (4) An inmate may be assigned to any one secure work crew assignment for a maximum of 60 work days.
- (5) Inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the secure perimeter of the institution.
- (6) Each work crew shall be supervised by at least 2 correctional officers, and at least one of those correctional officers shall be armed.

DOC 304.04 ELIGIBILITY FOR SECURE WORK PROGRAM ASSIGNMENT. (1) An inmate shall have a security classification of medium, minimum, or minimum community residential confinement as defined in s. DOC 302.12 in order to be eligible to participate in the secure work program.

(2) Intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.

(3) Inmates who otherwise meet the eligibility requirements of this section may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.

DOC 304.05 SECURE WORK PROGRAM OPERATION. (1) An inmate participating in a secure work program assignment may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.

(2) Work assignments may include, but are not limited to, roadside cleaning, snow removal, construction projects and community service projects.

(3) Inmates who are participating in secure work program assignments shall be required to wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.

DOC 304.06 INMATE SECURE WORK CREW PAY. Inmates assigned to secure work programs, who are not in disciplinary status, shall be paid at pay ranges 1 through 3 depending upon work assignment and performance.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Corrections

Dated: _____

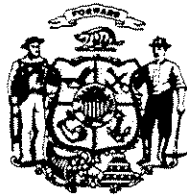
By: _____
Michael J. Sullivan
Secretary

Seal:

F

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

May 30, 1997


Bruce Munson, Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, Wisconsin 53703-3222

Dear Mr. Munson:

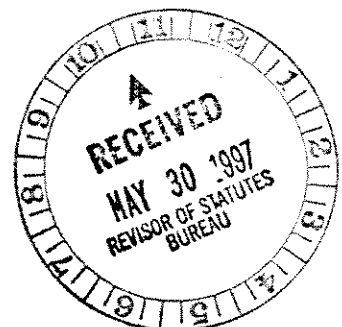
Pursuant to s. 227.20 Stats., the Department of Corrections submits a certified and uncertified copy of emergency rule DOC 304, relating to secure work groups.

If you have any questions, please call Deborah Rychlowski at (608) 266-8426.

Sincerely,


Michael J. Sullivan
Secretary

Enclosures



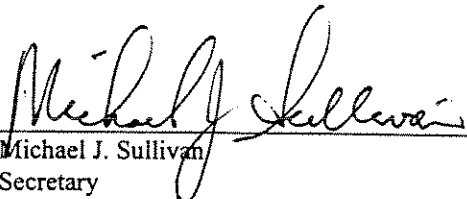
STATE OF WISCONSIN)
) SS
DEPARTMENT OF CORRECTIONS)

I, Michael J. Sullivan, Secretary, Department of Corrections, and custodian of the official records, certify that the annexed emergency rules, relating to inmate secure work groups, were duly approved and adopted by the Department on May 30, 1997.

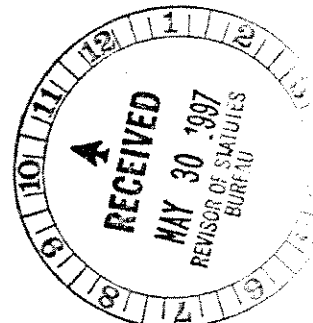
I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the official seal of the
Department of Corrections
149 E. Wilson Street in the City of
Madison, this 30th day of May, 1997.

SEAL



Michael J. Sullivan
Secretary



ORDER OF THE
DEPARTMENT OF CORRECTIONS
ADOPTING RULES

FINDING OF EMERGENCY

The Department of Corrections finds an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

Effective June 1, 1997, appropriations will be made available to the Department of Corrections for the establishment of secure work groups. Section 303.063 (2), Stats. requires that if the Department establishes a secure work program, the Department shall, before implementing the program, promulgate rules specifying the procedures and regulations relating to the program. The Department has just begun the permanent rule process for establishing the administrative rules for the secure work program. It typically takes nine months for a permanent administrative rule to be promulgated from the time the permanent rule making process begins.

The Department needs to adopt administrative rules regarding the organization and operation of the secure work group program in order to have rules in place which will comply with Sec. 303.063 (2), Stats. The rules will provide for the protection of the public, the correctional officers and the inmates by providing the requirements for participation in the program as well as providing for safety and security concerns.

An emergency currently exists as the prison population is idle and needs secure work groups to provide inmates work opportunities, to prepare inmates for work opportunities upon release to the community, and to reintegrate inmates into the community.

Analysis Prepared by the Department of Corrections

Sec. 303.063 (1), Stats. authorizes the Department of Corrections to establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

Sec. 303.063 (2), Stats. requires that the Department of Corrections must promulgate rules specifying the procedures and regulations relating to the secure work program under (1) before it may implement such a program.

The emergency rule:

1. Provides that an inmate shall have a security classification of medium, minimum, or minimum community residential confinement in order to be eligible to participate in the secure work program.

2. Provides that intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.
3. Provides that inmates otherwise meeting the requirements of DOC 304.04 may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.
4. Provides that the warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program, and that an inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.
5. Provides that a secure work crew may consist of a maximum of 12 inmates.
6. Provides that an inmate may be on any one secure work program assignment for a maximum of 60 work days.
7. Provides that inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the perimeter of the institution.
8. Provides that each work crew shall be supervised by at least 2 correctional officers, and that at least one of those officers shall be armed.
9. Provides that inmates in the secure work program may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned, and that work assignments may include roadside cleaning, snow removal, and construction projects.
10. Requires that inmates who are participating in secure work program assignments wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.
11. Provides that inmates who are assigned to secure work crews, who are not in disciplinary status, shall be paid at pay ranges 1 through 3, depending upon work assignment and performance.

ORDER

Pursuant to the authority vested in the Department of Corrections by ss. 301.02, 301.03 (2), 303.063 and 227.11 (2), Stats., the Department of Corrections hereby creates rules providing for the purpose, applicability, organization, and operation for the secure work group program. The rules also provide definitions, inmate eligibility requirements, inmate secure work group pay, and for review of inmate work program assignments.

SECTION 1. DOC 304 is created to read:

DOC 304.01 PURPOSE. The purposes of the secure work program are:

- (1) To provide inmates work opportunities while the inmates are appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for employment upon release to the community.
- (3) To fulfill the goals of public protection and reintegration of the inmate into the community.
- (4) To provide service to the community.

DOC 304.02 APPLICABILITY. This chapter applies to the Wisconsin Department of Corrections and adult inmates in its custody. It interprets s. 303.063, Stats. This chapter is adopted pursuant to the authority of s. 303.063 (2), Stats.

DOC 304.03 ORGANIZATION OF THE SECURE WORK PROGRAM. (1) Inmates shall be eligible to participate in the secure work program if they meet the requirements under s. DOC 304.04.

- (2) The warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program. An inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.
- (3) A secure work crew may consist of a maximum of 12 inmates.
- (4) An inmate may be assigned to any one secure work crew assignment for a maximum of 60 work days.
- (5) Inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the secure perimeter of the institution.
- (6) Each work crew shall be supervised by at least 2 correctional officers, and at least one of those correctional officers shall be armed.

DOC 304.04 ELIGIBILITY FOR SECURE WORK PROGRAM ASSIGNMENT. (1) An inmate shall have a security classification of medium, minimum, or minimum community residential confinement as defined in s. DOC 302.12 in order to be eligible to participate in the secure work program.

- (2) Intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.

(3) Inmates who otherwise meet the eligibility requirements of this section may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.

DOC 304.05 SECURE WORK PROGRAM OPERATION. (1) An inmate participating in a secure work program assignment may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.

(2) Work assignments may include, but are not limited to, roadside cleaning, snow removal, construction projects and community service projects.

(3) Inmates who are participating in secure work program assignments shall be required to wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.

DOC 304.06 INMATE SECURE WORK CREW PAY. Inmates assigned to secure work programs, who are not in disciplinary status, shall be paid at pay ranges 1 through 3 depending upon work assignment and performance.

This rule shall take effect on May 30, 1997 as an emergency rule.

WISCONSIN DEPARTMENT OF CORRECTIONS

Dated: 5/23/79

By: Michael J. Sullivan
Michael J. Sullivan
Secretary

Seal:

PROPOSED ORDER OF THE
DEPARTMENT OF CORRECTIONS
CREATING RULES

The Wisconsin department of corrections proposes an order to create DOC 304, relating to the inmate secure work program.

Statutory authority: ss. 303.063, 227.11 (2)

Statutes interpreted: s. 303.063, Stats.

Analysis Prepared by the Department of Corrections

Sec. 303.063 (1), Stats. authorizes the Department of Corrections to establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

Sec. 303.063 (2), Stats. requires that the Department of Corrections must promulgate rules specifying the procedures and regulations relating to the secure work program under (1) before it may implement such a program.

The proposed rule:

1. Provides that an inmate shall have a security classification of medium, minimum, or minimum community residential confinement in order to be eligible to participate in the secure work program.
2. Provides that intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.
3. Provides that inmates otherwise meeting the requirements of DOC 304.04 may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.72 (9).
4. Provides that the warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program, and that an inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.
5. Provides that a secure work crew may consist of a maximum of 12 inmates.
6. Provides that an inmate may be on any one secure work program assignment for a maximum of 60 work days and that an inmate may be assigned to several secure work program assignments during the course of the inmate's incarceration..

7. Provides that inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the perimeter of the institution.

8. Provides that each work crew shall be supervised by at least 2 correctional officers, and that at least one of those officers shall be armed.

9. Provides that inmates in the secure work program may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned, and that work assignments may include roadside cleaning, snow removal, and construction projects.

10. Requires that inmates who are participating in secure work program assignments wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution and that this outerwear shall be the outermost layer of clothing and that the outerwear shall be labeled "DOC inmate."

11. Provides that inmates who are assigned to secure work crews, who are not in disciplinary status, shall be paid compensated at an hourly rate unless serving a disciplinary sanction.

DOC 304.01 PURPOSE. The purposes of the secure work program are:

- (1) To provide inmates work opportunities while the inmates are appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for employment upon release to the community.
- (3) To fulfill the goals of public protection and reintegration of the inmate into the community.
- (4) To provide service to the community.

DOC 304.02 APPLICABILITY. This chapter applies to the Wisconsin department of corrections and adult inmates in its custody. It interprets s. 303.063, Stats. This chapter is adopted pursuant to the authority of s. 303.063 (2), Stats.

DOC 304.03 ORGANIZATION OF THE SECURE WORK PROGRAM. (1) An inmate is eligible to participate in a secure work program if the inmate meets the requirements under s. DOC 304.04.

- (2) The warden of the correctional facility to which an eligible inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program. An inmate may participate in a secure work program only after the warden or the warden's designee approves the

inmate's assignment.

- (3) A secure work crew may consist of a maximum of 12 inmates.
- (4) An inmate may be assigned to any one secure work crew assignment for a maximum of 60 work days. An inmate may be placed on several secure work crew programs during the course of the inmate's incarceration.
- (5) Inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the secure perimeter of the institution.
- (6) Each work crew shall be supervised by at least 2 correctional officers, and at least one of those correctional officers shall be armed.

DOC 304.04 ELIGIBILITY FOR SECURE WORK PROGRAM ASSIGNMENT. (1) An inmate is eligible to participate in the secure work program if any of the following apply:

(a) The inmate has a security classification of medium security, medium outside security with supervision, minimum security or minimum security-community residential confinement under s. DOC 302.12 (1) (c) to (f).

(b) The inmate is an intensive sanction inmate who has been sanctioned back to prison or is a probationer or parolee who is being held in custody as an alternative to revocation.

(2) Inmates who otherwise meet the eligibility requirements of this section may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.72 (9).

DOC 304.05 SECURE WORK PROGRAM OPERATION. (1) An inmate participating in a secure work program assignment may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.

(2) Work assignments may include roadside cleaning, snow removal, construction projects and community service projects.

(3) Inmates who are participating in secure work program assignments shall wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution. Inmates shall be outfitted in distinctively colored garments to be worn as the outermost layer of clothing and the garments shall be labeled "DOC inmate."

DOC 304.06 INMATE SECURE WORK CREW PAY. Inmates assigned to secure work programs shall be compensated at an hourly rate unless serving a disciplinary sanction.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Corrections

Dated: _____

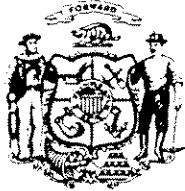
By: _____

Michael J. Sullivan
Secretary

Seal:

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

June 26, 1997

JUN 26 1997

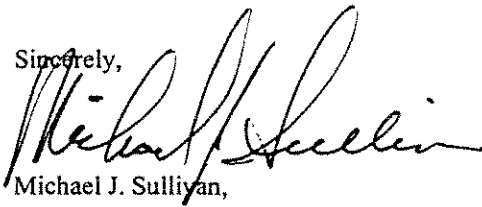
Ronald Sklansky, Director
Administrative Rules Clearinghouse
One East Main Street, Suite 401
P.O. Box 2536
Madison, WI 53701-2536

Dear Mr. Sklansky:

Pursuant to s. 227.15 (1), Stats., the Department of Corrections submits proposed administrative rule DOC 304, related to secure work crews, for your review.

If you have any questions regarding proposed DOC 304, please contact Deborah Rychlowski at 266-8426.

Sincerely,


Michael J. Sullivan,
Secretary

Enclosure

PROPOSED RULES OF THE
DEPARTMENT OF CORRECTIONS

DOC 304 Wis. Adm. Code

Subject: SECURE WORK CREWS FOR INMATES

Statutory Authority:

Sections 303.063 and 227.11 (2) (a), Stats.

Analysis Prepared by the Department of Corrections

Sec. 303.063 (1), Stats. authorizes the Department of Corrections to establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

Sec. 303.063 (2), Stats. requires that the Department of Corrections must promulgate rules specifying the procedures and regulations relating to the secure work program under (1) before it may implement such a program.

The proposed rule:

1. Provides that an inmate shall have a security classification of medium, minimum, or minimum community residential confinement in order to be eligible to participate in the secure work program.

2. Provides that intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.

3. Provides that inmates otherwise meeting the requirements of DOC 304.04 may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.

4. Provides that the warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program, and that an inmate shall be allowed to participate in a

secure work program only after the warden or the warden's designee approves the inmate's assignment.

5. Provides that a secure work crew may consist of a maximum of 12 inmates.

6. Provides that an inmate may be on any one secure work program assignment for a maximum of 60 work days.

7. Provides that inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the perimeter of the institution.

8. Provides that each work crew shall be supervised by at least 2 correctional officers, and that at least one of those officers shall be armed.

9. Provides that inmates in the secure work program may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned, and that work assignments may include roadside cleaning, snow removal, and construction projects.

10. Requires that inmates who are participating in secure work program assignments wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.

11. Provides that inmates who are assigned to secure work crews, who are not in disciplinary status, shall be paid at pay ranges 1 through 3, depending upon work assignment and performance.

Forms

NA

Agency Procedure for Promulgation

Approval of notice of submittal to joint legislative council by secretary of department of corrections, submittal of rule to JLCS, notice of submittal to revisor and notice secretary

of administration under s. 227.14 (4m); approval of notice of hearing by secretary under 227.17 (2m), Stats.; public hearing under ss. 227.17 and 227.18, Stats; notice of hearing to revisor of statutes and secretary of administration under s. 227.17 (1) (bm); approval of rules in final draft form by secretary; legislative standing committee review under 227.19; Stats.; and filing of rules under s. 227.20, Stats.

Name and Phone Number of Agency Contact

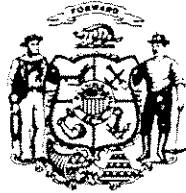
Deborah Rychlowski, Office of Legal Counsel, 266-8426.

Date Sent to Legislative Council Administrative Rules Clearinghouse

June 26, 1997.

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

June 26, 1997

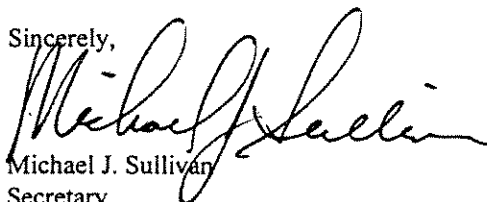
Bruce Munson, Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, Wisconsin 53703-3222

Dear Mr. Munson:

Pursuant to s. 227.14 (4m), Stats., please find attached the Notice of Submission of Administrative Rule, DOC 304 to the Wisconsin Legislative Council Staff. This rule relates to secure work crews.

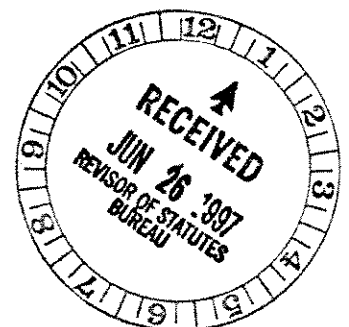
If you have questions, please contact Deborah Rychlowski at 266-8426.

Sincerely,


Michael J. Sullivan
Secretary

Attachment

cc: Richard G. Chandler
State Budget Director
DOA



NOTICE OF SUBMITTAL OF PROPOSED RULE OF THE
DEPARTMENT OF CORRECTIONS
DOC 304
TO WISCONSIN LEGISLATIVE COUNCIL STAFF

NOTICE IS HEREBY GIVEN That pursuant to s. 227.14 (4m), Stats., the Department of Corrections submits proposed DOC 304 to the Wisconsin Legislative Council Staff.

SUBJECT MATTER OF THE PROPOSED RULE

Secure work crews for inmates.

WHETHER PUBLIC HEARING THE PROPOSED RULE IS REQUIRED

Public hearing is required under s. 227.16 (1), Stats., and will be scheduled at a later date.

ORGANIZATION UNIT THAT IS PRIMARILY RESPONSIBLE FOR PROMULGATION OF THE RULE

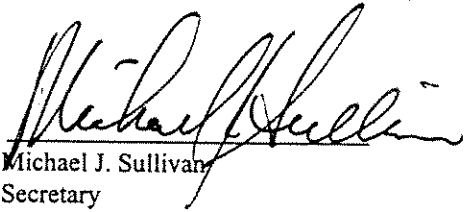
Division of Adult Institutions.

DATE SUBMITTED TO WISCONSIN LEGISLATIVE COUNCIL STAFF:

June 26, 1997.

APPROVAL BY SECRETARY OF THE DEPARTMENT OF CORRECTIONS

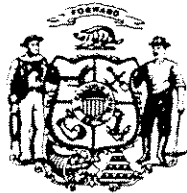
Date: June 26, 1997

Approved: 

Michael J. Sullivan
Secretary

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

July 25, 1997

Mr. Gary L. Poulson
Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Room 800
Madison, WI 53703-3233

Re: CR 97-095
Proposed Rule Relating to Secure Work Programs for Inmates

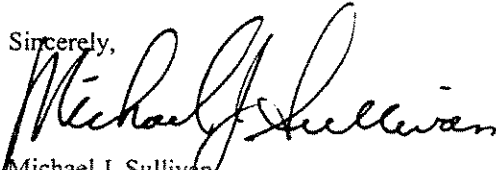
Dear Mr. Poulson:

Pursuant to s. 227.17 Stats., please find enclosed the Notice of Hearing for CR 97-095, the proposed rules relating to leave for qualified inmates. Also enclosed is a 3.5" double-density disk containing a copy of the notice.

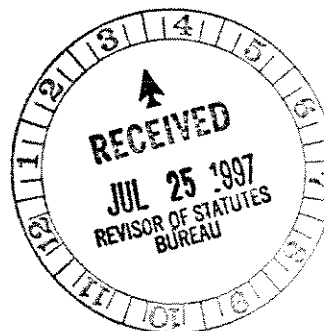
I approve the attached notice of hearing.

If you have questions, please contact Deborah Rychlowski at (608) 266-8426.

Sincerely,


Michael J. Sullivan
Secretary

cc: Richard G. Chandler
State Budget Director



NOTICE OF HEARING

DEPARTMENT OF CORRECTIONS

(Inmate Secure Work Programs - DOC 304)

NOTICE IS HEREBY GIVEN That pursuant to ss. 227.11 (2) (a), and 303.065, Stats., the department of corrections proposes the following rule relating to inmate secure work programs.

Hearing Information

<u>Date & Time</u>	<u>Location</u>
August 25, 1997 Monday 10:00 A.M. to Noon	Room 223 State Office Building 141 Northwest Barstow Street Waukesha, Wisconsin
August 28, 1997 Thursday 1:00 P.M. to 3:00 P.M.	Room 105 State Office Building 718 West Clairemont Eau Claire, Wisconsin
August 29, 1997 Friday 2:00 P.M. to 3:00 P.M.	Secretary's Conference Room Department of Corrections 149 E. Wilson Street, 3rd Floor Madison, Wisconsin

The public hearing sites are accessible to people with disabilities.

Analysis Prepared by the Department of Corrections

Sec. 303.063 (1), Stats. authorizes the Department of Corrections to establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

Sec. 303.063 (2), Stats. requires that the Department of Corrections must promulgate rules specifying the procedures and regulations relating to the secure work program under (1) before it may implement such a program.

The proposed rule:

1. Provides that an inmate shall have a security classification of medium, minimum, or minimum community residential confinement in order to be eligible to participate in the secure work program.

2. Provides that intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.

3. Provides that inmates otherwise meeting the requirements of DOC 304.04 may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.72 (9).

4. Provides that the warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program, and that an inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.

5. Provides that a secure work crew may consist of a maximum of 12 inmates.

6. Provides that an inmate may be on any one secure work program assignment for a maximum of 60 work days and that an inmate may be assigned to several secure work program assignments during the course of the inmate's incarceration..

7. Provides that inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the perimeter of the institution.

8. Provides that each work crew shall be supervised by at least 2 correctional officers, and that at least one of those officers shall be armed.

9. Provides that inmates in the secure work program may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned, and that work

assignments may include roadside cleaning, snow removal, and construction projects.

10. Requires that inmates who are participating in secure work program assignments wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution and that this outer garment shall be the outermost layer of clothing and that the outer garment shall be labeled "DOC inmate."

11. Provides that inmates who are assigned to secure work crews, who are not in disciplinary status, shall be paid compensated at an hourly rate unless serving a disciplinary sanction.

DOC 304.01 PURPOSE. The purposes of the secure work program are:

- (1) To provide inmates work opportunities while the inmates are appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for employment upon release to the community.
- (3) To fulfill the goals of public protection and reintegration of the inmate into the community.
- (4) To provide service to the community.

DOC 304.02 APPLICABILITY. This chapter applies to the Wisconsin department of corrections and adult inmates in its custody. It interprets s. 303.063, Stats. This chapter is adopted pursuant to the authority of s. 303.063 (2), Stats.

DOC 304.03 ORGANIZATION OF THE SECURE WORK PROGRAM. (1) An inmate is eligible to participate in a secure work program if the inmate meets the requirements under s. DOC 304.04.

(2) The warden of the correctional facility to which an eligible inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program. An

inmate may participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.

(3) A secure work crew may consist of a maximum of 12 inmates.

(4) An inmate may be assigned to any one secure work crew assignment for a maximum of 60 work days. An inmate may be placed on several secure work crew programs during the course of the inmates incarceration.

(5) Inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the secure perimeter of the institution.

(6) Each work crew shall be supervised by at least 2 correctional officers, and at least one of those correctional officers shall be armed.

DOC 304.04 ELIGIBILITY FOR SECURE WORK PROGRAM ASSIGNMENT. (1) An inmate is eligible to participate in the secure work program if any of the following apply:

(a) The inmate has a security classification of medium security, medium outside security with supervision, minimum security or minimum security-community residential confinement under s. DOC 302.12 (1) (c) to (f).

(b) The inmate is an intensive sanction inmate who has been sanctioned back to prison or is a probationer or parolee who is being held in custody as an alternative to revocation.

(2) Inmates who otherwise meet the eligibility requirements of this section may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.72 (9).

DOC 304.05 SECURE WORK PROGRAM OPERATION. (1) An inmate participating in a secure work program assignment may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.

(2) Work assignments may include roadside cleaning, snow removal, construction projects and community service projects.

(3) Inmates who are participating in secure work program assignments shall wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution. Inmates shall be outfitted in distinctively colored garments to be worn as the outermost layer of clothing and the garments shall be labeled "DOC inmate."

DOC 304.06 INMATE SECURE WORK CREW PAY. Inmates assigned to secure work programs shall be compensated at an hourly rate unless serving a disciplinary sanction.

Initial Regulatory Flexibility Analysis:

These rules are not expected to have an effect on small businesses.

Fiscal Estimate

This administrative rule relates to the development and organization of a secure work program for the department in which inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

The rule sets standards of eligibility for participation, duties of inmates who are assigned to the program, and security supervision requirements.

There will be some additional administrative workload for the institutions who have secure work crew programs. It is believed that these costs can be absorbed by the department.

Contact Person

Deborah Rychlowski (608) 266-8426
Office of Legal Counsel
149 E. Wilson Street
P.O. Box 7925
Madison, Wisconsin 53707-7925

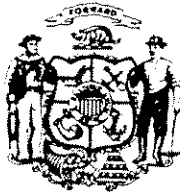
If you are hearing or visually impaired, do not speak English, or have circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written Comments

Written comments on the proposed rules received at the above address no later than September 5, 1997, will be given the same consideration as testimony presented at the hearing.

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

July 30, 1997

Ronald Sklansky, Director
Administrative Rules Clearinghouse
One East Main Street, Suite 401
P.O. Box 2536
Madison, WI 53701-2536

Dear Mr. Sklansky:

Pursuant to s. 227.15 (1), Stats., the Department of Corrections submits proposed administrative rule DOC 310, relating to the inmate complaint review system, for your review.

If you have any questions regarding proposed DOC 310, please contact Deborah Rychlowski at 266-8426.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan,
Secretary

Enclosure

PROPOSED RULES OF THE
DEPARTMENT OF CORRECTIONS

DOC 310 Wis. Adm. Code

Subject: INMATE COMPLAINT REVIEW SYSTEM

Statutory Authority:

Sections 301.02 (2), 301.03 (2), and 227.11 (2) (a),
Stats.

Analysis Prepared by the Department of Corrections

The department provides an administrative process by which inmates may raise grievances concerning rules, living conditions, and staff actions affecting inmates' institution living. This rule updates the department's current rule.

This proposed rule eliminates redundant and confusing language, simplifies and clarifies some language, and uses current terminology.

This rule reflects the statutory requirement that requires inmates to exhaust their administrative remedies before commencing a civil action.

This rule uses the term "significant" to modify the "issues" to establish a more administratively efficient inmate complaint review system. This rule requires the institution complaint examiner to dismiss frivolous complaints. This rule permits inmates to appeal the dismissal of a frivolous complaint to the appropriate reviewing authority. This rule prohibits the corrections complaint examiner from reviewing complaints dismissed as frivolous.

This rule permits the institution complaint examiner to accept late complaints for good cause.

This rule requires the written complaint procedure to be readily available to all inmates. It requires inmates to receive written notification and an oral explanation of the complaint procedures. It requires appropriate provisions to be made for non-English speaking, impaired or handicapped inmates.

This rule limits the number of complaints that an inmate may file to 2 complaints in a calendar week unless the institution complaint examiner finds that good cause exists to allow the inmate to file more than 2 complaints in the calendar week.

This rule expands some time lines by changing calendar days to working days. This rule requires the secretary to make a decision on the complaint within 10 calendar days instead of 5 calendar days. This rule permits the time lines to be extended for cause and upon notice to the inmate or all interested parties involved.

This rule permits persons other than the warden to review and make decisions regarding an inmate complaint.

This rule permits a complaint to be filed directly with the reviewing authority if the institution complaint examiner determines that the normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm.

This rule removes language that permitted the corrections complaint examiner to order an evidentiary hearing.

This rule prohibits inmate participation in the resolution of another inmate's complaint if the complainant objects.

This rule prohibits any inmate or employee who appears to be involved in the matter from deciding the resolution of the complaint.

This rule prohibits any reprisal against an inmate for participation in the complaint procedure.

This rule requires all records of an inmate complaint to be kept for at least 3 years after disposition of the complaint.

This rule permits the secretary to suspend these rules in an emergency.

Forms

NA

Agency Procedure for Promulgation

Approval of notice of submittal to joint legislative council by secretary of department of corrections, submittal of rule to JLCS, notice of submittal to revisor and notice secretary of administration under s. 227.14 (4m); approval of notice of hearing by secretary under 227.17 (2m), Stats.; public hearing under ss. 227.17 and 227.18, Stats; notice of hearing to revisor of statutes and secretary of administration under s. 227.17 (1) (bm); approval of rules in final draft form by secretary; legislative standing committee review under 227.19; Stats.; and filing of rules under s. 227.20, Stats.

Name and Phone Number of Agency Contact

Deborah Rychlowski, Office of Legal Counsel, 266-8426.

Date Sent to Legislative Council Administrative Rules Clearinghouse

July 30, 1997.

310(17). DOC
7/25/97

PROPOSED ORDER OF THE
DEPARTMENT OF CORRECTIONS
REPEALING AND RECREATING RULES

The Wisconsin department of corrections proposes an order to repeal DOC 310.125 (intro.), 310.025 (6), 310.125 (7), 310.03 (5), 310.04 (2) (a), 310.04 (3) (a), 310.04 (3) (b), 310.04 (3) (c), 310.04 (3) (d), 310.06 (3), 310.06 (4), 310.08 (title), 310.08 (1), 310.08 (2), 310.09 (7), 310.09 (8), 310.09 (9), 310.12 (1), 310.13 (7), and 310.14 (3); to renumber and amend 310.01 (2) (b), 310.01 (2) (c), 310.01 (2) (d), 310.01 (2) (e), 310.01 (2) (f), 310.01 (2) (g), 310.015, 310.02 (2), 310.02 (3), 310.02 (4), 310.02 (5), 310.02 (6), 310.02 (8), 310.02 (9), 310.02 (10), 310.025 (title), 310.025 (1), 310.025 (2), 310.0125 (2) (a), 310.025 (2) (b), 310.025 (2) (c), 310.025 (3), 310.025 (4), 310.025 (5), 310.03 (title), 310.03 (1), 310.03 (2), 310.03 (3), 310.03 (4), 310.04 (title), 310.04 (1), 310.04 (2), 310.08 (2) (a), 310.04 (2) (c), 310.04 (2) (d), 310.04 (2) (e), 310.04 (3), 310.04 (5), 310.05 (1), 310.05 (2), 310.05 (3), 310.05 (4), 310.05 (5), 310.05 (6), 310.06 (2), 310.06 (5), 310.06 (6), 310.07 (1), 310.07 (2), 310.07 (3), 310.07 (4), 310.07 (5), 310.07 (6), 310.07 (7), 310.07 (8), 310.09 (title), 310.09 (1), 310.09 (2), 310.09 (4), 310.09 (10), 310.09 (11), 310.10 (1), 310.10 (2), 310.10 (2) (b), 310.10 (2) (c), 310.12 (2), 310.12 (3), 310.12 (4) 310.13 (1), 310.13 (2), 310.13 (5), 310.13 (6), 310.14 (1), and 310.14 (2); renumber 310.02 (intro.), 310.02 (1), 310.02 (7), 310.025 (title), 310.04 (2) (b), 310.05 (title), 310.06 (title), 310.06(1), 310.07 (title), 310.09 (3), 310.09 (5), 310.09 (6), 310.10 (title), 310.10 (2) (a), 310.10 (3), 310.12 (title), 310.13 (3), 310.13 (4), 310.14 (title), 310.14 (a), 310.14 (b), 310.14 (c), and 310.14 (d); amend 310.01 (2), 310.01 (2) (a), and 310.02; and create 310.01 (2) (b), 310.03 (2), 310.03 (3), 310.03 (5), 310.03 (9), 310.03 (10), 310.03 (13), 310.03 (14), 310.03 (15), 310.03 (17), 310.06 (2) (b), 310.06 (2) (c), 310.06 (6), 310.08 (2) (a), 310.08 (2) (f), 310.08 (4), 310.08 (4) (a), 310.08 (4) (b), 310.08 (4) (c), 310.05, 310.10 (3), 310.11 (4), 310.11 (4) (a), 310.11 (4) (b), 310.11 (4) (c), 310.11 (5), 310.11 (11), 310.12 (title), 310.12 (1), 310.12 (2), 310.12 (2) (a), 310.12 (2) (b), 310.12 (2) (c), 310.12 (2) (d), 310.12 (2) (e), 310.12 (3), 310.13 (4), 310.14 (2) (d), 310.15 (1), 310.15 (2), 310.18, and 310.19, relating to the inmate complaint review system.

Statutory authority: ss. 301.02(2), 301.03(2), and 227.11(2),

Stats.

Statutes interpreted: ss. 301.02 and 301.03, Stats.

Analysis Prepared by the Department of Corrections

The department provides an administrative process by which inmates may raise grievances concerning rules, living conditions, and staff actions affecting inmates' institution living. This rule updates the department's current rule.

This proposed rule eliminates redundant and confusing language, simplifies and clarifies some language, and uses current terminology.

This rule reflects the statutory requirement that requires inmates to exhaust their administrative remedies before commencing a civil action.

This rule uses the term "significant" to modify the "issues" to establish a more administratively efficient inmate complaint review system. This rule requires the institution complaint examiner to dismiss frivolous complaints. This rule permits inmates to appeal the dismissal of a frivolous complaint to the appropriate reviewing authority. This rule prohibits the corrections complaint examiner from reviewing complaints dismissed as frivolous.

This rule permits the institution complaint examiner to accept late complaints for good cause.

This rule requires the written complaint procedure to be readily available to all inmates. It requires inmates to receive written notification and an oral explanation of the complaint procedures. It requires appropriate provisions to be made for non-English speaking, impaired or handicapped inmates.

This rule limits the number of complaints that an inmate may file to 2 complaints in a calendar week unless the institution complaint examiner finds that good cause exists to allow the inmate to file more than 2 complaints in the calendar week.

This rule expands some time lines by changing calendar days to working days. This rule requires the secretary to make a decision on the complaint within 10 calendar days instead of 5 calendar days. This rule permits the time lines to be extended for cause

and upon notice to the inmate or all interested parties involved.

This rule permits persons other than the warden to review and make decisions regarding an inmate complaint.

This rule permits a complaint to be filed directly with the reviewing authority if the institution complaint examiner determines that the normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm.

This rule removes language that permitted the corrections complaint examiner to order an evidentiary hearing.

This rule prohibits inmate participation in the resolution of another inmate's complaint if the complainant objects.

This rule prohibits any inmate or employee who appears to be involved in the matter from deciding the resolution of the complaint.

This rule prohibits any reprisal against an inmate for participation in the complaint procedure.

This rule requires all records of an inmate complaint to be kept for at least 3 years after disposition of the complaint.

This rule permits the secretary to suspend these rules in an emergency.

Chapter DOC 310

COMPLAINT PROCEDURES

- DOC 310.01 Purpose
- DOC 310.02 Applicability
- DOC 310.03 Definitions
- DOC 310.04 Exhaustion of administrative remedies
- DOC 310.05 Communication of procedures
- DOC 310.06 Organization of inmate complaint review system
- DOC 310.07 Inmate complaint review system
- DOC 310.08 Scope of complaint review system
- DOC 310.09 Filing of complaints
- DOC 310.10 Group Complaints
- DOC 310.00 Processing complaints at the institution level
- DOC 310.12 Appropriate reviewing authority
- DOC 310.13 Review by corrections complaint examiner
- DOC 310.14 Secretary's decision
- DOC 310.15 Implementation of affirmed complaint
- DOC 310.16 Confidentiality
- DOC 310.17 Reports
- DOC 310.18 Preservation of records
- DOC 310.19 Suspension of provisions of this chapter

SECTION 1. DOC 310.01 (2) and 310.01 (2) (a) are amended to read:

DOC 310.01 (2) The objectives of the inmate complaint review system are the following:

(a) To allow inmates to raise, in an orderly fashion, questions significant issues regarding rules, living conditions, and staff actions affecting institution living environment.

SECTION 2. DOC 310.01 (2) (b) is renumbered DOC 310.01 (2) (c) and is amended to read:

DOC 310.01 (2) (c) To encourage communication between inmates and staff~~7~~.

SECTION 3. DOC 310.01 (2) (b) is created to read:

DOC 310.01 (2) (b) To provide the department an early opportunity to decide the issue before an inmate commences a civil action or special proceeding against a department officer, employe or agent in the officer's, employe's or agent's official or individual capacity.

SECTION 4. DOC 310.01 (2) (c) through (g) are renumbered DOC 310.01 (2) (d) through (h) and are amended to read:

DOC 310.01 (d) To develop inmates' sense of involvement in and respect for the correctional process~~7~~.

(e) To explain correctional policy to inmates and staff~~7~~.

(f) To afford inmates and staff the opportunity to review correctional policy and gain further insight into the correctional system~~7~~.

(g) To correct any errors and deficiencies in correctional policy through questioning and review~~7~~.

(h) To allow inmates to raise civil rights grievances.

SECTION 5. DOC 310.015 is renumbered 310.02 is amended to read:

DOC 310.02 APPLICABILITY. Pursuant to authority vested in the department of corrections under ss. 301.02, 301.03 (2) and 227.11 (2), Stats., the department adopts this chapter which applies to the department and all adult inmates ~~in its legal custody~~ confined in a state correctional facility. It interprets ss. 301.02 and 301.03 (2), Stats.

SECTION 6. DOC 310.02 (intro.) and 310.02 (1) are renumbered DOC 310.03 (intro.) and 310.03 (1).

SECTION 7. DOC 310.02 (2) is renumbered DOC 310.03 (4) and is amended to read:

(4) "Calendar days" means all days including Saturdays, Sundays, and state legal holidays.

SECTION 8. DOC 310.02 (3) is renumbered DOC 310.03 (6) and is amended as follows:

DOC 310.03 (6) "CCE" or "corrections complaint examiner" means the ~~person outside employee of~~ the department designated to investigate complaints appealed to the secretary. The CCE shall be assigned to a subunit that is not within the division of adult institutions.

SECTION 9. DOC 310.02 (4) is renumbered DOC 310.03 (7) and is amended to read:

DOC 310.03 (7) "Civil rights grievance" means any inmate complaint relating to an incident affecting the delivery of services to inmates ~~in which it appears that an inmate has been discriminated against~~ alleging discrimination on the basis of race, creed, ethnicity, national origin, sex, handicap, age, religion, color, ancestry, sexual orientation or marital status.

SECTION 10. DOC 310.02 (5) is renumbered DOC 310.03 (8) and is amended to read:

DOC 310.03 (8) "Department" means the ~~Wisconsin~~ department of corrections.

SECTION 11. DOC 310.02 (6) is renumbered DOC 310.03 (11) and is amended to read:

DOC 310.03 (11) ~~"ICI"~~ "ICE" or ~~"inmate complaint investigator"~~ "institution complaint examiner" means the person at each adult correctional institution or designee designated to investigate complaints filed by inmates.

SECTION 12. DOC 310.02 (7) is renumbered DOC 310.03 (12).

SECTION 13. DOC 310.02 (8), 310.02 (9), and 310.02 (10) are renumbered DOC 310.03 (16), 310.03 (18) and 310.03 (19), and are amended to read:

DOC 310.03 (16) "Secretary" means the ~~head~~ secretary of the department of corrections, or ~~that person's~~ designee.

(18) ~~"Superintendent"~~ "Warden" means the superintendent warden of

the institution at which the complaint was filed, or designee.

(19) "Working days" means all days except Saturdays, Sundays, and state legal holidays.

SECTION 14. DOC 310.025 (title) is renumbered DOC 310.06 (title).

SECTION 15. DOC 310.025 (intro.) is repealed.

SECTION 16. DOC 310.025 (1), 310.025 (2), and 310.025 (2) (a) are renumbered DOC 310.06 (1), 310.06 (2), and 310.06 (2) (a) and are amended to read:

DOC 310.06 ORGANIZATION OF INMATE COMPLAINT REVIEW SYSTEM. (1) To use the complaint system, an inmate files a complaint with the inmate institution complaint investigator examiner (ICI) under ~~s. DOC 310.05~~ ss. DOC 310.09 or 310.10.

(2) The ~~ICI~~ ICE then may do any of the following:

(a) Investigates the complaint under s. ~~DOC 310.07~~ 310.11;

SECTION 17. DOC 310.025 (2) (b) and (c) are renumbered 310.06 (2) (d) and (e) and are amended to read:

DOC 310.06 (2) (d) Attempts to resolve the complaint under s. ~~DOC 310.07 (5)~~ 310.11 (9);

(e) Recommends a decision to the ~~superintendent~~ appropriate reviewing authority under s. ~~DOC 310.07 (3)~~ 310.11(13).

SECTION 18. DOC 310.025 (3) through (5) are renumbered DOC 310.06 (3) through (5) and are amended to read:

DOC 310.06 (3) The ~~superintendent~~ appropriate reviewing authority, ~~after studying the ICI's report, renders~~ makes a decision under s. ~~DOC 310.08~~ 310.12.

(4) An inmate may appeal an adverse decision to the corrections complaint examiner ~~(CCE)~~ under s. ~~DOC 310.09 (1)~~ 310.13.

(5) The ~~corrections complaint examiner~~ CCE then investigates and makes a recommendation to the secretary under s. ~~DOC 310.09 (10)~~ 310.13(8).

SECTION 19. DOC 310.025 (6) and (7) are repealed.

SECTION 20. DOC 310.03 (title), 310.03 (1), 310.03 (2), 310.03 (3), and 310.03 (4) are renumbered DOC 310.07 (title), 310.07 (1), 310.07 (2), 310.07 (3) and 310.07 (4) and are amended to read:

DOC 310.07 INMATE COMPLAINT REVIEW SYSTEM. (1) To effectuate achieve the purpose and objectives of s. DOC 310.01, the department shall maintain an inmate complaint review system ~~(ICRS)~~ in the ~~adult~~ correctional institutions.

(2) Each ~~superintendent~~ warden shall appoint an inmate institution complaint investigator ~~(ICI) examiner, to implement the complaint review system whose primary responsibility shall be complaint investigation.~~ ~~In some institutions the superintendent~~ The warden may designate ~~an~~ any employe to function as ~~(ICI) ICE~~ in addition to other duties. ~~Complaint investigation shall be the primary responsibility of this person.~~

(3) The ~~ICI~~ ICE shall be provided with office space and clerical support required to implement the ICRS.

(4) In investigating a complaint, the ~~ICI~~ ICE shall have access to institution staff, inmates, and any institution or department records pertaining pertinent to that investigation ~~not otherwise protected by rule or statute.~~

SECTION 21. DOC 310.03 (2), 310.03 (3) are created to read:

DOC 310.03 (2) "Administrator" means an administrator, division of adult institutions, department of corrections, or designee.

(3) "Appropriate reviewing authority" means the warden, bureau director, administrator or designee who is authorized to review and decide an inmate complaint.

SECTION 22. DOC 310.03 (5) is repealed.

SECTION 23. DOC 310.03 (5), 310.03 (9), 310.03 (10), 310.03 (13) through 310.03 (15), and 310.03 (17) are created to read:

DOC 310.03 (5) "Calendar week" means Sunday through Saturday.

(9) "Director" means a director of a bureau, department of corrections, or designee.

(10) "Emergency" means any situation determined by the secretary to affect the security or orderly administration of the institution or the security, safety, or health of staff.

(13) "Malicious injury" means injury to the department or a person as the result of hatred, ill will, revenge, or as the result of intent to insult or injure.

(14) "Persons working in the inmate complaint review system or ICRS" include the secretary, deputy secretary, CCE, ICE support staff, staff who assist an inmate to reduce the complaint to writing, clerical staff who input ICRS data and other staff who by the nature of their jobs have contact with inmate complaints.

(15) "Reprisal" means any action or threat of action against anyone for their good faith participation in the complaint procedure.

(17) "Significant" means a serious or important defect or omission.

SECTION 24. DOC 310.04 (title), 310.04 (1), and 310.04 (2) are renumbered DOC 310.08 (title), 310.08 (1), and 310.08 (2) and are amended to read:

DOC 310.08 SCOPE OF COMPLAINT REVIEW SYSTEM. (1) The inmate complaint review system ~~(ICRS)~~ may be used by an inmate ~~acting~~ individually or by a group of inmates ~~acting~~ collectively.

(2) The ICRS may be used to ~~seek a change of any institution policy or practice~~ raise significant issues regarding rules, living conditions, and staff actions affecting institution environment, except any of the following:

SECTION 25. DOC 310.04 (2) (a) is repealed.

SECTION 26. DOC 310.04 (2) (b) is renumbered 310.08 (2) (b).

SECTION 27. DOC 310.04 (2) (c) through 310.04 (2) (e) are renumbered DOC 310.08 (2) (c) through 310.08 (2) (e) and are amended to read:

DOC 310.08 (2) (c) A decision of the parole commission acting in any capacity;

(d) The denial of a request for an authorized leave as provided in ch. DOC 326; or

(e) A decision of on a challenge to an inmate record.

SECTION 28. DOC 310.04 (3) is renumbered DOC 310.08 (3) and is amended to read:

DOC 310.08 (3) ~~After exhausting the appeal in DOC 302.19, 303.75 or 303.76, The~~ the ICRS may be used to challenge the procedure used by the adjustment committee or hearing officer, by a program review committee, or by any decision maker acting on a request for authorized leave. ~~If a complaint challenging the procedure used by the adjustment committee or hearing officer is affirmed, the decisionmaker shall.~~

SECTION 29. DOC 310.04 (3) (a) through (d) are repealed.

SECTION 30. DOC 310.04 (5) is renumbered DOC 310.08 (5) and is amended to read:

DOC 310.08 (5) Civil rights complaints may be filed in the ICRS in accordance with the procedures set forth in this chapter. The ICE at the institution level and CCE at the appeals level may request assistance from the department's affirmative action/civil rights compliance officer to investigate or resolve a civil rights complaint.

SECTION 31. DOC 310.04 is created to read:

DOC 310.04 EXHAUSTION OF ADMINISTRATIVE REMEDIES. Before an inmate may commence a civil action or special proceedings against any officer, employe or agent of the department in the officer's, employe's or agent's official or individual capacity for acts or omissions committed while carrying out that person's duties as an officer, employe or agent or while acting within the scope of the person's office, the inmate is required to file a complaint under ss. DOC 310.09 or 310.10, receive a decision on the complaint under s. DOC 310.13, have an adverse decision reviewed under s.

DOC 310.14, and be advised of the secretary's decision under s. DOC 310.14.

SECTION 32. DOC 310.05 (title) is renumbered DOC 310.09 (title).

SECTION 33. DOC 310.05 (1) is renumbered DOC 310.09 (1) and is amended to read:

DOC 310.09 FILING OF COMPLAINTS. (1) A complaint, whether filed by an individual or a group of inmates, shall be written on forms supplied for that purpose and shall be signed by the inmate or by all members of the group filing the complaint. Unsigned complaints or complaints with foul language will not be accepted.

SECTION 34. DOC 310.05 (2) is renumbered DOC 310.09 (3) and is amended to read:

DOC 310.09 (3) A complaint shall be filed within 14 calendar days after the occurrence giving rise to the complaint, except that the ~~inmate institution complaint investigator (ICI)~~ examiner may accept a late complaint for good cause.

SECTION 35. DOC 310.05 (3) is renumbered DOC 310.09 (4) and is amended to read:

DOC 310.09 (4) Impaired, handicapped or illiterate inmates may not be excluded from full participation in the ICRS. If an inmate is unable to write a complaint, the ~~ICI~~ ICE or other staff shall reduce the complaint to writing and shall read it to the inmate. When the inmate is satisfied with the complaint, the inmate should sign it if able, or mark it with the inmate's mark, if able. An inmate ~~can~~ may also receive assistance from another inmate in preparing a complaint.

SECTION 36. DOC 310.05 (4) is renumbered DOC 310.09 (2) and is amended to read:

DOC 310.09 (2) The institution shall provide a supply of complaint forms and make the forms readily available to inmates.

SECTION 37. DOC 310.05 (5) and 310.05 (6) are renumbered DOC 310.09 (5) and (6) and are amended to read:

DOC 310.09 (5) A signed complaint may be filed by depositing it in a locked box ~~in the living unit~~ designated for complaints or by

placing it in a sealed envelope marked for delivery to the office of the ~~ICF-ICE~~ via institution mail.

~~(6) An inmate may file any number of no more than 2 complaints in any given calendar week, unless the ICE determines in the ICE's discretion that good cause exists to allow the inmate to file more than 2 complaints in the calendar week. However, the ICF ICE shall exercise discretion in determining the order in which subsequent complaints from an inmate will be processed within the time limits of this section and in keeping with priorities set by s. DOC 310.07 (3) whether to assign individual complaint numbers or to batch complaints of similar content filed by one inmate. Health and personal safety issues shall be excluded from this section and shall be dealt with in the manner provided by s. DOC 310.11(3).~~

SECTION 38. DOC 310.05 is created to read:

DOC 310.05 COMMUNICATION OF PROCEDURES. The written complaint procedure shall be readily available to all inmates. Upon arrival at an institution, each inmate shall receive written notification and an oral explanation of the procedure, including how to file at the institution. The inmate shall be given the opportunity to ask and have questions answered orally. Appropriate provisions shall be made for non-English speaking, impaired or handicapped inmates.

SECTION 39. DOC 310.06 (title) and 310.06 (1) are renumbered DOC 310.10 (title) and 310.10 (1).

SECTION 40. DOC 310.06 (2) is renumbered DOC 310.10 (2) and is amended to read:

DOC 310.10 (2) Inmates having a complaint in common may file as a group by using one complaint form ~~and affixing the signatures of all complainants to the form.~~ All complainants shall sign the form. Alternatively, each may file individually but ask that the complaints be considered together. In either event, ~~the~~ The group shall designate a spokesperson or, if none is designated, the first name signed on the complaint ~~filed shall be deemed the~~ spokesperson for the group. A group complaint counts as a complaint under DOC 310.09(6).

SECTION 41. DOC 310.06 (2) (b) and (c) are created to read:

DOC 310.06 (2) (b) Rejects a complaint in accordance with provisions of this chapter;

(c) Dismisses a complaint in accordance with provisions of this chapter;

SECTION 42. DOC 310.06 (3) and (4) are repealed.

SECTION 43. DOC 310.06 (5) and DOC 310.06 (6) are renumbered DOC 310.10 (4) and DOC 310.10 (5) and are amended to read:

DOC 310.10 (4) The ~~ICI~~ warden shall determine if decisions ~~or~~ acknowledgments shall be ~~communicated individually issued~~ to all parties to a group complaint or, ~~if individual notice is administratively infeasible, may elect to post decisions or acknowledgments of receipt of appeals posted~~ in a place accessible to the group.

(5) Group complaints filed in accordance with this section shall not be ~~deemed~~ considered a group petition within the meaning of s. DOC 303.20 and shall not subject the complainants to discipline under that section.

SECTION 44. DOC 310.06 (6) is created to read:

DOC 310.06 (6) The secretary reviews the CCE's report, makes a decision under s. DOC 310.14, and ensures implementation under DOC 310.15.

SECTION 45. DOC 310.07 (title) is renumbered DOC 310.11 (title).

SECTION 46. DOC 310.07 (1) through (3) are renumbered DOC 310.11 (1) through (3) and are amended to read:

DOC 310.11 PROCESSING COMPLAINTS AT THE INSTITUTION LEVEL. (1) Unless the inmate complaint investigator ~~(ICI)~~ examiner is absent, ~~at least once each working day~~ the ICE shall collect all complaints deposited in any complaint box in the institution. The ~~superintendent~~ warden shall proceed under s. ~~DOC 310.03 (5)~~ 310.07(2) in the event of an absence of the ~~ICI~~ ICE for longer than 2 working days. Except as provided in this section, Only only the ~~ICI~~ ICE shall have access to the complaint boxes, which shall be provided with locks.

(2) No complaint may include more than one issue. Each complaint

shall be assigned a file number ~~for purposes of identification,~~ ~~classification code and the date of the receipt shall be noted~~ dated for purposes of identification. Each complaint shall be reviewed and acknowledged in writing by the ~~ICI ICE~~ within 3 calendar ~~working~~ days of the date of receipt. ~~Complaints dealing with health or personal safety shall be given priority.~~

(3) The ~~ICI ICE~~ shall ~~employ use discretion~~ in deciding the investigatory method best suited to determine the facts, ~~including personal interviews, telephone calls, and document and correspondence review~~ except that the investigation of complaints under 310.08(3) shall be limited to the record. This may include personal interviews, telephone calls, and document and correspondence review. Complaints dealing with health or personal safety shall be given priority. ~~The ICI shall forward a report and recommendation to the superintendent within 15 calendar days from the date of the acknowledgment for decision in accordance with s. DOC 310.08. 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.~~

SECTION 47. DOC 310.07 (4) through (8) are renumbered DOC 310.11 (6) through (10) and are amended as follows:

DOC 310.11 (6) Staff ~~must~~ shall respond in writing, if requested, to an inquiry by an ~~ICI ICE~~ investigating a complaint.

(7) The ~~ICI ICE~~ ~~shall~~ may attempt to informally resolve the complaint, which may include directing the inmate to discuss the issue with an appropriate institution staff member prior to investigating the complaint, at the institution level. If resolution attempts are successful, the ~~ICI ICE~~ 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 ~~superintendent~~ appropriate reviewing authority ~~for a decision under s. DOC 310.08.~~

(8) If an inmate is transferred to another institution after a complaint is filed but before a ~~superintendent~~ the appropriate reviewing authority renders a decision, the ~~ICI ICE~~ shall determine if the complaint is moot because of the transfer and, if

so, shall notify the inmate. If the issue still must be decided, the ~~ICI ICE~~ at the institution where the complaint originated shall investigate and make a recommendation to the ~~superintendent~~ appropriate reviewing authority.

(9) If an inmate is transferred after an incident but before filing a complaint, the inmate shall file the complaint at the ~~receiving~~ currently assigned institution. The ~~ICI ICE~~ there shall send forward the complaint to the ~~ICI ICE~~ at the ~~transferring~~ appropriate institution for investigation and decision.

(10) ~~In any event, the~~ The ~~ICI ICE~~ shall note the persons interviewed and the documents or records used as basis to support the decision or which were relied on in reaching a decision.

SECTION 48. DOC 310.08 (title), 310.08 (1) and 310.08 (2) are repealed.

SECTION 49. DOC 310.08 (2) (a) and (f) are created to read:

DOC 310.08 (2) (a) The subject matter of a conduct report that has not been resolved through the disciplinary process in accordance with ch. DOC 303;

(f) A denial of an open records request.

SECTION 50. DOC 310.08 (4), 310.08 (4) (a) through 310.08 (4) (c) are created to read:

DOC 310.08 (4) Complaints filed in the following areas shall be directed to the following appropriate reviewing authority:

(a) Health care and psychiatric issues shall be directed to the director of the bureau of health services.

(b) Badger state industries and farm issues shall be directed to the director of the bureau of correctional enterprises.

(c) The reviewing authority for all other complaints is the warden, unless another authority is designated by the secretary.

SECTION 51. DOC 310.09 (title), 310.09 (1) and 310.09 (2) are renumbered DOC 310.13 (title), 310.13 (1) and 310.13 (2) and are amended to read:

DOC 310.13 REVIEW BY CORRECTIONS COMPLAINT EXAMINER. (1) A complainant affected by a superintendent's dissatisfied with a decision may, within 5 calendar days after receipt of the decision, appeal that decision by filing a written request for review with the corrections complaint examiner (CCE).

(2) Appeals shall be sent to the CCE in a sealed envelope that ~~department employees~~ only the CCE or CCE support staff may not open or inspect.

SECTION 52. DOC 310.09 (3) is renumbered DOC 310.13 (3).

SECTION 53. DOC 310.09 (4) is renumbered DOC 310.13 (5) and is amended to read:

DOC 310.13 (5) The CCE shall, within 5 ~~calendar~~ working 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~~ working days of a request by the CCE, the ~~inmate institution~~ complaint investigator examiner shall provide the CCE with copies of the complaint, the ~~ICI's~~ ICE's investigation report and associated documentation and the ~~superintendent's~~ appropriate reviewing authority's decision. Appeals dealing with health or personal safety shall be given priority.

SECTION 54. DOC 310.09 (5) and (6) are renumbered DOC 310.13 (6) and (7).

SECTION 55. DOC 310.09 (7), 310.09 (8), and 310.09 (9) are repealed.

SECTION 56. DOC 310.09 (10) and 310.09 (11) are renumbered DOC 310.13 (8) and 310.13 (9) and amended to read:

DOC 310.13 (8) Unless extended for cause and upon notice, the CCE shall recommend a decision to the secretary within 37 ~~calendar~~ working days of receipt of the complaint. Should the CCE fail to make a recommendation within the prescribed time, the ~~superintendent's~~ appropriate reviewing authority's decision shall be affirmed. The inmate shall be notified of all decisions in writing.

(9) A complainant may waive time limits ~~if doing so may result in a favorable decision by the secretary rather than an affirmation of the superintendent's decision under sub. (10).~~

SECTION 57. DOC 310.10 (title) is renumbered DOC 310.14 (title).

SECTION 58. DOC 310.10 (1) and 310.10 (2) are renumbered DOC 310.14 (1) and 310.14 (2) and are amended to read:

DOC 310.14 SECRETARY'S DECISION. (1) The corrections complaint examiner's (CCE's) written recommendation, along with a copy of the institution complaint file, shall be delivered to the secretary who shall make a decision based on the record within ~~5~~ 10 calendar working days following receipt of the recommendation. ~~The secretary may take an additional 5 calendar days to make that extend the time for making a decision if there is for cause and the secretary notifies upon notice to all interested parties.~~

(2) The secretary may do any of the following:

SECTION 59. DOC 310.10 (2) (a) is renumbered DOC 310.14 (2) (a).

SECTION 60. DOC 310.10 (2) (b) and (c) are renumbered 310.14 (b) and (c) and are amended to read:

DOC 310.14 (b) Adopt the recommendation of the CCE with modifications; ~~or~~

(c) Reject the recommendation of the CCE and decide ~~it~~.

SECTION 61. DOC 310.10 (3) is renumbered DOC 310.14 (3).

SECTION 62. DOC 310.10 (3) is created to read:

(3) The CCE shall issue a receipt to the spokesperson acknowledging the complaint.

SECTION 63. DOC 310.11 (4), (4) (a) through (4) (c), 310.11 (5) and 310.11 (11) are created to read:

(4) The ICE may reject a complaint that the ICE determines to be frivolous. A complaint rejected because the ICE has determined it

to be frivolous may be appealed only to the appropriate reviewing authority. The ICE may determine the complaint frivolous if the ICE finds one of the following:

(a) The inmate submitted the complaint solely for the purpose of harassing or causing malicious injury to the department or one or more of its employes, agents, independent contractors, or any other person.

(b) The complaint does not raise a significant issue regarding rules, living conditions, or staff actions affecting institution environment.

(c) The complaint presents only an abstract question.

(5) If an ICE determines that normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm, the ICE shall refer the complaint to the appropriate reviewing authority.

(11) Unless extended for cause and upon notice to the inmate, the ICE shall send a report and recommendation to the appropriate reviewing authority within 15 working days from the date of acknowledgment for decision in accordance with s. DOC 310.12. The complainant may waive the time limits in writing to allow completion of an investigation or resolution of the complaint.

SECTION 64. DOC 310.12 (title) is renumbered DOC 310.15.

SECTION 65. DOC 310.12 (1) is repealed.

SECTION 66. DOC 310.12 (2), 310.12 (3) and 310.12 (4) are renumbered DOC 310.15 (3), 310.15 (4), and 310.15 (5) and are amended to read:

(3) Within 30 ~~ealendar~~ working days after issuance of the secretary's decision, the administrator of ~~the department's division of adult institutions~~ shall notify all affected parties of decisions that affect more than one institution.

(4) If an affirmed complaint has not been implemented at any level within 30 ~~ealendar~~ working days after a decision to affirm, the complainant may directly inform the secretary appointing authority ~~by mail in writing~~ of the failure to implement the decision. ~~The~~

~~secretary shall investigate and take all steps necessary to ensure implementation.~~

(5) If a the decision on a complaint requires a change in an administrative rule, the decision maker shall initiate making the change in the rule making.

SECTION 67. DOC 310.12 (title), 310.12 (1), 310.12 (2), 310.12 (2) (a) through (e) and 310.12 (3) are created to read:

DOC 310.12 APPROPRIATE REVIEWING AUTHORITY DECISION. (1) The institution complaint examiner's written recommendation, along with a copy of the institution complaint file, shall be delivered to the appropriate reviewing authority who shall make a decision based on the record within 5 working days following receipt of the recommendation unless extended for cause and upon notice to all interested parties.

(2) The appropriate reviewing authority may do any of the following:

- (a) Dismiss the complaint.
- (b) Dismiss the complaint with modifications.
- (c) Affirm the complaint.
- (d) Affirm the complaint with modifications.
- (e) Return the recommendation to the ICE for further investigation.

(3) If the complainant does not receive the decision within 23 working days of the ICE's receipt of the complaint, the complaint shall be considered dismissed and may be appealed immediately.

SECTION 68. DOC 310.13 (title) is renumbered DOC 310.16 (title).

SECTION 69. DOC 310.13 (1) and (2) are renumbered DOC 310.16 (1) and (2) and amended to read:

DOC 310.16 CONFIDENTIALITY. (1) Except as otherwise provided in

this section, complaints filed with the inmate complaint review system ~~(ICRS)~~ shall be confidential. Persons working in the ICRS shall respect the confidential nature of the work. The identity of complainants and the nature of the complaint shall be revealed only to the extent ~~necessary~~ reasonable and appropriate for thorough investigation and implementation of the remedy.

(2) Confidentiality of complaints may be waived by the ~~superintendent~~ warden if the security, safety, or health of the institution, staff or inmates is involved.

SECTION 70. DOC 310.13 (3) and (4) are renumbered DOC 310.16 (3) and (4).

SECTION 71. DOC 310.13 (4) is created to read:

DOC 310.13 (4) The CCE may not review a complaint dismissed under s. DOC 310.11(4).

SECTION 72. DOC 310.13 (5) and (6) are renumbered DOC 310.16 (5) and (6) and are amended to read:

DOC 310.13 (5) A complainant may waive confidentiality in writing or make public any aspect of a complaint at any time. If the complaint contains a false statement meeting the requirements of s. DOC 303.271, making that false statement public constitutes the offense of lying about staff.

(6) No ~~sanction may be applied against an inmate for filing a~~ complaint may be subjected to reprisal for using or participating in the ICRS. An inmate shall be entitled to pursue, through the ICRS, a complaint that a reprisal has occurred.

SECTION 73. SECTION DOC 310.13 (7) is repealed.

SECTION 74. DOC 310.14 (title) is renumbered DOC 310.17 (title).

SECTION 75. DOC 310.14 (1) and (2) are renumbered 310.17 (1) and (2) and are amended to read:

DOC 310.17 REPORTS. (1) The ~~inmate-institution~~ complaint investigator ~~(ICI)~~ examiner shall submit quarterly reports to the secretary and ~~CCE~~ to indicate the number and type of complaints processed and the disposition of the complaints.

(2) The CCE shall file an annual report with ~~the attorney general~~ and the secretary. This report shall include all of the following:

SECTION 76. DOC 310.14 (2) (a) through (d) are renumbered DOC 310.17 (2) (a) through (d).

SECTION 77. DOC 310.14 (2) (d) is created to read:

DOC 310.14 (2) (d) Return the recommendation to the CCE for further investigation.

SECTION 78. DOC 310.14 (3) is repealed.

SECTION 79. DOC 310.15 (1) and (2) are created to read:

DOC 310.15 IMPLEMENTATION OF AFFIRMED COMPLAINT. (1) An affirmed decision shall be implemented within 30 working days from date of decision.

2) Inmates shall be notified in writing of affirmed decisions requiring change in institution programs of operations affecting the general inmate population.

SECTION 80. DOC 310.18 and DOC 310.19 are created to read:

DOC 310.18 PRESERVATION OR RECORDS. All records related to an inmate complaint shall be kept according to department policy and procedures. The department shall keep all records for at least 3 years following disposition of the complaint.

DOC 310.19 SUSPENSION OF PROVISIONS OF THIS CHAPTER. The secretary may suspend any provision of this chapter in an emergency. The suspension may apply to one or more institutions.

Note: DOC 310.01 paragraph 2, sentence 3 is amended as follows:

Issues and policies that need to be reexamined periodically will be brought to the attention of the administration, and a form is provided for resolution of ~~issues~~ questions without prolonged

debate.

Paragraph 2, sentences 4 and 5 are created to read:

Paragraph (a) allows inmates to raise issues which are significant. Although the department encourages the use of the complaint system, the system can not function efficiently when large numbers of insignificant and frivolous complaints are filed.

Paragraphs 3 and 4 are deleted.

Paragraph 5, sentence 3 is deleted.

Paragraphs 6 to 9 are deleted.

Paragraph 4 is created to read:

Furthermore, a system encouraging involvement is likely to eliminate the use of unacceptable and destructive methods for raising grievances.

Note: DOC 310.02 is repealed.

Note: DOC 310.03 is renumbered DOC 310.07 and amended as follows:

Delete paragraphs 1 to 3.

Amend paragraph 4 as follows:

Because timeliness is important in handling complaints, the ~~superintendent~~ warden is authorized under DOC 310.07 (2) to designate an acting ~~ICI~~ ICE in the absence of the appointed ~~investigator~~ examiner.

Note: DOC 310.04 is renumbered DOC 310.08 and amended as follows:

Paragraph 3, sentence 4 is amended as follows:

Second, the nature of the issue may make investigation difficult or may require expertise that is beyond the ~~ICI-ICE~~ and the CCE.

Delete paragraph 4, sentence 2.

Note: DOC 310.05 is renumbered DOC 310.09 and amended as follows:

Delete paragraph 2, sentence 1.

Amend paragraph 3, sentence 1 as follows:

Subsection ~~(2)~~ (3) underscores the importance of filing a complaint as soon as it is apparent that no other acceptable method of resolution is possible.

Amend paragraph 3, sentence 2 as follows:

The ~~ICI~~ ICE is given discretion, however, to accept old complaints if ~~he or she~~ the ICE believes it is still possible to determine the facts needed to make a recommendation.

Amend paragraph 3, sentence 3 as follows:

Promptness in filing a complaint is required ~~to ensure for a~~ thorough investigation of the facts.

Amend paragraph 4, sentence 1 as follows:

The number of complaints one person can file may be limited, ~~except that the ICRS may become overburdened because of multiple complaints from one individual~~ distractions take away time from valid complaints.

Paragraph 4, sentence 2 is repealed and recreated to read:

The ICE may assign individual complaint numbers or batch complaints of similar content filed by one inmate.

Note: DOC 310.06 is renumbered 310.10.

Paragraph 1, sentence 1, is amended as follows:

Complaints arising from living and working conditions or the application of a rule ~~to a segment of the institution population~~ may be shared by a number of persons ~~in contrast to a complaint that affects only one inmate.~~

Paragraphs 2 and 3 are repealed.

Paragraph 4, sentence 1 is amended to read:

~~Since the~~ The department ~~is encouraging~~ encourages the use of the complaint system to deal with frustrations and irritations of institution life, prohibiting group complaints would be inappropriate.

Note: DOC 310.07 is renumbered DOC 310.11 and is amended as follows:

Paragraph 1 sentence 1 is amended as follows:

DOC ~~310.07~~ 310.11 establishes the procedure for processing complaints and authorizes priority handling of complaints dealing with health or personal safety.

Paragraph 1, create sentences 3 through 6 as follows:

Experience has shown some inmate complaints to be frivolous. For example, a complaint which alleges that an inmate didn't receive the proper food simply because it was "bagged" when the "bagged" meal was permitted under policy and procedures. These complaints serve to distract attention away from the more important issues. DOC 310.11(4) requires the ICE to dismiss frivolous complaints as defined in this section.

Delete paragraph 2.

Paragraph 3, sentence 1, amend as follows:

Informal resolution of a complaint is not only authorized, but also encouraged when possible.

Paragraph 3, sentences 2 and 3 are deleted.

Paragraph 3, sentence 4 and 5 are amended as follows:

This practice can do much to remove misunderstandings and relieve the tension from which the complaint developed. Experience with the complaint procedure in Wisconsin has shown that ~~more than one third~~ many of the complaints filed are resolved informally.

Paragraph 5, sentence 1 is amended as follows:

Because inmates are frequently transferred within the Wisconsin correctional system, subs. ~~(6)~~ (10) and ~~(7)~~ (11) provide a method for dealing with complaints arising just before or at the time of the transfer.

Note: DOC 310.08 is renumbered DOC 310.12.

Paragraph 1, sentence 1 is amended as follows:

This section requires the ~~superintendent's~~ appropriate reviewing authority's written decision to be rendered within 23 working days of the date the complaint is filed.

Paragraph 1, sentences 3 through 5 are deleted.

Paragraph 1, sentence 3 is created to read:

Experience in the ICRS has shown that timeliness is one of the most important factors in the process.

Note: DOC 310.09 is renumbered DOC 310.13.

Paragraph 1, sentence 1 is amended to read:

~~DOC 310.09~~ 310.13 sets out ~~defines~~ the procedure for appealing a ~~superintendent's~~ an adverse decision to the CCE.

Paragraph 1, sentences 3 and 4 are deleted.

Paragraph 2, sentence 1 is amended to read:

Appeal to the CCE provides another element deemed essential to a ~~valid~~ credible complaint system, namely, a review by someone outside the ~~correctional agency~~ division of adult institutions chain of command.

Paragraph 2, sentences 2 and 3 are deleted.

Paragraph 2, sentence 2 is created to read:

Appeals dealing with health or personal safety are to be given priority over other complaints.

Note: DOC 310.12 is renumbered DOC 310.15.

Paragraph 3, sentence 1 is deleted.

Paragraph 3, sentence 2 is amended to read:

Subsection ~~(3)~~ (4) ~~modifies this to state~~ states that the complainant may notify the secretary of failure to implement a decision.

Paragraph 3, sentence 3 is amended to read:

~~This is proper because the~~ The secretary, ~~rather than the~~ CCE, is in a position to ensure that a decision is implemented promptly.

Note: DOC 310.13 is renumbered DOC 310.16.

Paragraph 1, sentence 1 is amended to read:

If the ICRS is to ~~have~~ maintain integrity and the confidence of the inmates, complaints entered must be treated confidentially and, with certain limited exceptions, no sanctions can result from use of the system.

Paragraph 1, sentence 4 is amended to read:

~~The complaint system~~ ICRS is an appropriate forum for resolving these issues, but because complaints often identify a staff member as the perceived perpetrator of some injustice, the complainant must be protected from retribution or penalty for legitimate use of the system.

Paragraph 1, sentence 6 is deleted.

Paragraph 2, sentence 1 is amended to read:

The nature of some complaints is such that a meaningful investigation cannot be made without revealing the identify of the complainant, but this should be done only when ~~necessary~~ reasonable and appropriate.

Paragraph 2, sentence 2 is amended to read:

Confidentiality can be waived if it can be shown that the security or the orderly administration of the institution, or the

security ~~of the institution,~~ safety, or health of staff, or inmates is involved.

Paragraph 3, sentences 1 through 3 are amended to read:

This is not to say that inmates are free to make threatening or false statements about staff, knowing they are false and with the intent to harm the staff, especially if those false statements are made public. There have been malicious lies about staff corruption and sexual behavior made in the ~~complaint system~~ ICRS. This rule does not ~~insulate inmates from~~ prohibit disciplinary action for the illegitimate use, or abuse, of the ~~complaint system~~ ICRS.

Paragraph 4 is deleted.

Paragraph 5, sentence 1, is amended to read:

The ~~ICI~~ ICE must use discretion in revealing only enough information about the nature of the complaint to allow for a thorough investigation.

Paragraph 6, sentence 2 is amended to read:

However, if an inmate makes a false accusation pursuant to s. DOC ~~303.271~~ 303.28, revealing that false accusation to persons outside the complaint system may subject the inmate to disciplinary action.

Note: 303.14 is deleted.

Note: DOC 310.19 is created to read:

Experience has shown that there are rare situations when it is necessary to suspend these rules. DOC 310.19 permits the secretary to suspend these rules in an emergency. The rules define an emergency.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Wisconsin Department of Corrections

by: Michael J. Sullivan
Secretary

Date:

Seal: