

## Chapter DOC 350

### JAILS

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**Note:** Chapter DOC 350 as it existed on August 31, 2014, was repealed and a new ch. DOC 350 was created, Register August 2014 No. 704, effective September 1, 2014.

**DOC 350.01 Purpose and authority.** The purpose of this chapter is to establish minimum standards for the design, construction, and operation of jails and houses of correction. The rules are promulgated under the authority of ss. 227.11 (2) (a), 301.03 (5), 301.36, 301.37, and 302.365, Stats.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

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

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; CR 13-038: r. and recr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.03 Definitions.** In this chapter:

- (1) "Administer" has the meaning given in s. 450.01 (1), Stats.
- (2) "Cell" means a secure room designed and used as a sleeping room for one person confined in a jail, except that, when the jail meets the conditions for double ceiling under s. DOC 350.20, "cell" means a secure room designed as a sleeping room and used for sleeping one or two persons confined in a jail.
- (3) "Confinement" means placement in a cell of a person who has been arrested and is awaiting bail or bond posting, arraignment, or another legal proceeding listed under ss. 938.208 and 938.209, Stats., for juveniles, or s. 302.31, Stats., for adults.
- (4) "Contraband" means any item not allowed in a jail by the sheriff or by this chapter.
- (5) "Court holding room" means a secure room outside the secure perimeter of the jail adjacent to or near courtrooms.
- (6) "Dayroom" means an area in a jail that is readily accessible to inmates, contiguous to a group of cells or dormitory, and is designed and used for leisure or recreation activities but not for sleeping purposes.
- (7) "Deliver" or "delivery" has the meaning given in s. 450.01 (5), Stats.
- (8) "Department" means the Wisconsin department of corrections.
- (9) "Detention strength" means strong enough to resist damage an inmate could inflict with tools or equipment that would normally be in his or her possession.

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

(11) "Exercise space" means a room or an area in a jail that is designated for inmate exercise and recreation.

(12) "Health screening form" means the form used to record information about medical, mental health, and dental conditions; physical and developmental disabilities; alcohol or other drug abuse problems; and suicide risk.

(13) "Holding room" means a secure room in the jail designed for holding more than one inmate of the same sex and classification for the purpose of processing admissions and releases.

(14) "Huber law inmate" means an inmate who has been granted the privilege of leaving a jail under s. 303.08 or 973.09 (4), Stats.

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

(16) "Multipurpose room" means a room or an area in a jail that is designated for programming or congregate assembly other than visiting.

(17) "Natural lighting" means direct or indirect illumination as provided by the sun or daylight.

(18) "Privileged mail" means any written materials between an inmate and an attorney.

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

(20) "Secretary" means the secretary of the department.

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

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

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

(24) "Unencumbered space" means usable floor space that is not encumbered by furnishings or fixtures.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90; renun. (1) to (16) to be (2) to (5), (7) to (10), (12) to (15), (17), (19) to (21) and am. (9), cr. (1), (6), (11), (16), (18) and (22). Register, December, 1992, No. 444, eff. 1-1-93; corrections in (3) made under 13.93 (2m)

(b) 7., Stats., Register, June, 1999, No. 522; CR 13-038: r. and recr. Register August 2014 No. 704, eff. 9-1-14.

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

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

(3) All sites, plans, and specifications for construction or remodeling of a jail shall comply with the Wisconsin commercial building code.

(4) Prior to publication of bid documents, one complete set of plans and specifications shall be forwarded to the department for review and approval.

(5) Any proposed changes to the approved plans must be submitted to the department for review and approval.

**History:** Cr. Register, February, 1990, No. 410, eff. 3-1-90; corrections in (3) and (4) made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1999, No. 522; corrections in (3) and (4) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612; corrections in (3) and (4) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673; CR 13-038: r. and recr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.05 Physical environment for new or substantially remodeled jails.** (1) **APPLICABILITY.** This section applies only to jails that are constructed or substantially remodeled on or after September 1, 2014.

(2) **FURNITURE AND FIXTURES.** Furniture and fixtures used in a jail shall be of detention strength materials and manufactured, sold, and installed by firms that specialize in detention equipment or ordered from a firm that will follow the specifications for detention strength equipment in this chapter, including all of the following:

- (a) Benches.
- (b) Bolts.
- (c) Bunks.
- (d) Ceilings.
- (e) Clothing hooks.
- (f) Contraband proof thresholds.
- (g) Desks.
- (h) Door pulls.
- (i) Drinking fountains.
- (j) Floor drains.
- (k) Food passes.
- (l) Glazing.
- (m) Grills over vents and windows.
- (n) Hinges.
- (o) Key cabinets.
- (p) Lights.
- (q) Locking mechanism housings.
- (r) Mirrors.
- (s) Observation ports.
- (t) Screws.
- (u) Seats.
- (v) Security doors.
- (w) Security locks.
- (x) Security screens.
- (y) Shelves.
- (z) Showers.
- (za) Skylights.
- (zb) Speaking ports.
- (zc) Sprinkler heads.
- (zd) Tables.

(ze) Toilets.

(zf) Urinals.

(zg) Walls.

(zh) Washbasins.

(zi) Windows.

(zj) Window and door frames.

(3) **CELLS.** (a) This subsection applies to all cells except receiving cells and holding rooms. Requirements for receiving cells are specified under sub. (5), and requirements for holding rooms are specified under sub. (7).

(b) Except if s. DOC 350.20 applies, each cell shall be designed and used only for single occupancy.

(c) Except if s. DOC 350.20 applies, each cell shall have a floor area of at least 35 square feet of unencumbered space. The distance between the floor and ceiling may not be less than 8 feet, and the distance between opposite walls may not be less than 6 feet.

(d) Double cells shall have a floor area of at least 25 square feet of unencumbered space per occupant. The distance between the floor and ceiling may not be less than 8 feet, and the distance between opposite walls may not be less than 6 feet.

(e) There shall be at least one shower or bathtub in each area where cells are located. There shall be hot and cold running water in the showers and bathtubs, and the hot water shall maintain a minimum temperature of 110°F to the mixer. In this paragraph, "mixer" means the part of the plumbing system that combines hot and cold water.

(f) All dayrooms, dormitories, and cellblocks shall provide the occupants with access to natural light.

(g) Each cell shall have all of the following:

1. A rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor or a bed built in masonry construction of a similar strength for each inmate.

2. A detention strength, metal, institution-type washbasin and toilet. The washbasin and toilet may be combined in one unit. The washbasin shall have hot and cold running water.

3. Detention strength light fixtures that shall provide at least 10 foot-candles of illumination, 30 inches above the floor. Lights shall have a dimming capability or there shall be a night light to allow for comfortable sleeping.

4. A detention strength, metal, institution-type mirror that is not removable.

(4) **DAYROOMS.** (a) All dormitories and cells, except receiving cells and holding rooms, shall be provided with one or more dayrooms in their immediate vicinity that are accessible to inmates.

(b) Dayrooms shall provide a minimum of 35 square feet per inmate.

(c) Each dayroom shall have detention strength tables and seating for the number of occupants that have access to the dayroom.

(d) Illumination in dayrooms may not be less than 10 foot-candles, 30 inches above the floor.

(5) **RECEIVING CELLS.** (a) All receiving cells shall be designed and used for single occupancy.

(b) Each receiving cell shall have a floor area of at least 35 square feet of unencumbered space. The distance between the floor and ceiling may not be less than 8 feet, and the distance between opposite walls may not be less than 6 feet.

(c) Each receiving cell shall have all of the following:

1. A rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor or a bed built in masonry construction of a similar strength.

2. A detention strength, metal, institution-type washbasin and toilet. The washbasin and toilet may be combined in one unit. The washbasin shall have hot and cold running water.

3. Detention strength light fixtures that shall provide at least 10 foot-candles of illumination, 30 inches above the floor. Lights

shall have a dimming capability or there shall be a night light to allow for comfortable sleeping.

**(6) DORMITORIES.** (a) Inmates may be housed in dormitories if the inmates are of the same security classification.

(b) Each dormitory shall have a minimum floor area of 35 square feet of unencumbered space per occupant for sleeping purposes. In addition, each shall have a minimum floor area of 35 square feet for the purpose of a dayroom. Each dayroom shall have detention strength tables and seating for the number of occupants. Each dormitory shall have a floor to ceiling height of not less than 8 feet.

(c) A detention strength bed shall be provided for each occupant of a dormitory.

(d) An area for personal property shall be provided for each occupant of a dormitory.

(e) Dormitories shall be provided with illumination of at least 10 foot-candles, 30 inches above the floor, and with the ability to reduce lighting during sleeping hours to a level that is light enough for security checks.

(f) Each dormitory shall provide adequate showers or bathtubs, toilets, and washbasins for the occupants. Each dormitory shall have hot and cold running water, and the hot water shall maintain a minimum temperature of 110°F to the mixer. In this paragraph, “mixer” means the part of the plumbing system that combines hot and cold water.

(g) Dormitories shall be constructed of materials of detention strength and shall be provided with detention strength equipment.

**(7) HOLDING ROOMS.** (a) Holding rooms are intended to be used for admission, release, and investigative purposes. A holding room may not be used as a cell, dormitory, or receiving cell. Holding rooms shall be located in an area that allows continuous staff observation or electronic video surveillance of inmates.

(b) Each holding room shall contain detention strength, rigidly constructed seats or benches bracketed to the wall or bolted to the floor or seats or benches of masonry construction of a similar strength.

(c) A detention strength, institution-type washbasin with hot and cold running water and toilet shall be provided.

(d) A holding room shall have a minimum floor area of at least 50 square feet with an additional 10 square feet for each occupant above five.

**(8) COURT HOLDING ROOMS.** (a) Court holding rooms shall only be used for courtroom purposes. A court holding room may not be used as a cell, dormitory, or receiving cell. Supervision is subject to the requirements of s. [DOC 350.18](#) and ss. [302.41](#) and [302.42](#), Stats.

(b) Court holding rooms may be designed and used for multiple occupancy for inmates who are properly segregated under ss. [938.209](#) and [302.36](#), Stats.

(c) Each court holding room shall contain detention strength, rigidly constructed seats or benches bracketed to the wall or bolted to the floor or seats or benches of masonry construction of a similar strength.

(d) A detention strength, institution-type washbasin and toilet shall be provided.

(e) A court holding room shall have a floor area of at least 50 square feet with an additional 10 square feet for each occupant above five.

**(9) MULTIPURPOSE ROOMS.** Each jail shall provide multipurpose rooms for programming, education, or congregate assembly other than visiting. There shall be a minimum of one multipurpose room per every 100 inmates based on approved rated capacity. Each multipurpose room shall have a minimum floor area of 300 square feet.

**(10) EXERCISE SPACE.** Each jail shall provide dedicated exercise and recreation space. The space shall have a minimum of 300 square feet.

**(11) EXTERIOR WINDOWS.** (a) This subsection applies to all windows that lead to the exterior of the jail or to an area outside the secure perimeter of the jail.

(b) All exterior windows shall be translucent or shall be located to prevent persons outside the secure perimeter of the jail from observing inmates within the jail.

(c) Each exterior window that has an opening in any direction in excess of 5 1/2 inches shall be covered with security steel grills to prevent escape.

(d) If an exterior window is accessible to inmates and opens, the window shall be mounted in a detention strength frame and shall be covered on the inside with a 1,600 pound per lineal inch tensile strength security screen of .047 mil. wire diameter to prevent the passage of contraband.

(e) If an exterior window is not accessible to inmates and opens, the window’s security screen need not meet the requirements of par. (d), but the screen shall have a tensile strength of at least 800 pounds per lineal inch and shall be made of wire of at least .028 mil. diameter.

(f) If an exterior window does not open, whether or not it is accessible to inmates, the security screen required under par. (d) or (e) may be omitted if the window is mounted in a detention strength frame and the pane is security glass of sufficient strength to resist breakage and prevent the passage of contraband.

**(12) EXTERIOR APPROACHES.** The exterior of the jail and approaches to the jail shall be well lighted at night to permit observation of persons approaching the building.

**(13) WALLS.** (a) Walls on the exterior of the jail shall be constructed of reinforced concrete or fully grouted concrete block at least 8 inches thick, or the walls shall be constructed of materials of similar strength that provide equivalent security.

(b) Walls in the interior of the jail shall be constructed of reinforced concrete or fully grouted concrete block at least 6 inches thick, or the walls shall be constructed of materials of similar strength that provide equivalent security.

(c) Interior walls between cells and housing units are to be constructed tight to the structure.

**(14) CEILINGS.** Ceilings in areas accessible to inmates shall be constructed of high impact detention strength materials that are escape resistant, resist damage, and prevent passage of contraband.

**(15) DOORS AND LOCKS.** (a) Every door exit that leads to the exterior of the jail or to an area outside the secure perimeter of the jail shall have detention strength framing and a threshold designed to prevent the introduction of contraband.

(b) Every door entering into the secure perimeter of the jail shall be of detention strength. Each of these doors shall have a vision panel or other means of observation to permit identification of individuals before they enter an area within the secure perimeter of the jail and to allow observation of an area before entering it. If the vision panel has an opening in any direction in excess of 5 1/2 inches, the opening shall be covered with detention strength steel grills to prevent escape.

(c) In multiple cell sections, other than receiving cell sections, the mechanical means of emergency release may not be operated by key locks in the door or cells. The mechanical means of emergency release shall be operated by remote control located in an area not accessible to inmates.

(d) For receiving cells, the mechanical means of emergency release may be operated by key locks in the doors of cells.

**(16) ACCESS TO CONTROLS.** Inmates may not have access to plumbing, wiring, vents, thermostats, switches, or controls,

except that inmates in dormitories may have limited access to operate lights, radios, and televisions.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.06 Physical environment for new or substantially remodeled jails on or after March 1, 1990 to September 1, 2014.** (1) **APPLICABILITY.** This section applies only to jails that are constructed or substantially remodeled on or after March 1, 1990 to September 1, 2014.

(2) **FURNITURE AND FIXTURES.** Furniture and fixtures used in a jail shall be of detention strength materials and manufactured, sold, and installed by firms that specialize in detention equipment or ordered from a firm that will follow the specifications for detention strength equipment in this chapter, including all of the following:

- (a) Benches.
- (b) Bolts.
- (c) Bunks.
- (d) Ceilings.
- (e) Clothing hooks.
- (f) Contraband proof thresholds.
- (g) Desks.
- (h) Door pulls.
- (i) Drinking fountains.
- (j) Floor drains.
- (k) Food passes.
- (l) Glazing.
- (m) Grills over vents and windows.
- (n) Hinges.
- (o) Key cabinets.
- (p) Lights.
- (q) Locking mechanism housings.
- (r) Mirrors.
- (s) Observations ports.
- (t) Screws.
- (u) Seats.
- (v) Security doors.
- (w) Security locks.
- (x) Security screens.
- (y) Shelves.
- (z) Showers.
- (za) Speaking ports.
- (zb) Tables.
- (zc) Toilets.
- (zd) Urinals.
- (ze) Walls.
- (zf) Washbasins.
- (zg) Windows.
- (zh) Window and door frames.

(3) **CELLS.** (a) This subsection applies to all cells except receiving cells and holding rooms. Requirements for receiving cells are specified under sub. (5), and requirements for holding rooms are specified under sub. (7).

(b) Except if s. DOC 350.20 applies, each cell shall be designed and used for single occupancy only.

(c) Except if s. DOC 350.20 applies, each cell shall have a floor area of at least 54 square feet. The distance between the floor and ceiling may not be less than 8 feet, and the distance between opposite walls may not be less than 6 feet.

(d) A cell that is to be used for double occupancy shall have a floor area of at least 70 square feet.

(e) There shall be at least one shower or bathtub in each area where cells are located. There shall be hot and cold running water in the showers and bathtubs, and the hot water shall maintain a

minimum temperature of 110°F to the mixer. In this paragraph, “mixer” means the part of the plumbing system which combines hot and cold water.

(f) Each cell shall have all of the following:

1. A rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor or a bed built in masonry construction of a similar strength for each inmate.

2. A detention strength, metal, institution-type washbasin and toilet. The washbasin and toilet may be combined in one unit. The washbasin shall have hot and cold running water.

3. Detention strength light fixtures that shall provide at least 10 foot-candles of illumination, 30 inches above the floor. Lights shall have a dimming capability or there shall be a night light to allow for comfortable sleeping.

4. A detention strength, metal, institution-type mirror that is not removable.

(4) **DAYROOMS.** (a) All dormitories and cells, except receiving cells and holding rooms, shall be provided with one or more dayrooms in their immediate vicinity that are accessible to inmates. If the dayroom is an area within a dormitory, the requirements under sub. (6) (b) apply.

(b) Each dayroom shall have detention strength tables and seating for the number of occupants of the dormitory or cells that have access to the dayroom.

(c) Illumination in dayrooms may not be less than 10 foot-candles, 30 inches above the floor.

(5) **RECEIVING CELLS.** (a) All receiving cells shall be designed and used for single occupancy.

(b) Each receiving cell shall have a floor area of at least 54 square feet. The distance between the floor and ceiling may not be less than 8 feet and the distance between opposite walls may not be less than 6 feet.

(c) Each receiving cell shall have all of the following:

1. A rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor or a bed built in masonry construction of a similar strength.

2. A detention strength, metal, institution-type washbasin and toilet. The washbasin and toilet may be combined in one unit. The washbasin shall have hot and cold running water.

3. Detention strength light fixtures that shall provide at least 10 foot-candles of illumination, 30 inches above the floor. Lights shall have a dimming capability or there shall be a night light to allow for comfortable sleeping.

(6) **DORMITORIES.** (a) Inmates may be housed in dormitories if the inmates are of the same security classification and properly segregated as required under s. 302.36, Stats.

(b) Each dormitory shall have a minimum floor area of 35 square feet per occupant, excluding the toilet and shower area. Each dormitory shall have a floor to ceiling height of not less than 8 feet.

(c) A detention strength bed shall be provided for each occupant of a dormitory.

(d) An area for personal property shall be provided for each occupant of a dormitory.

(e) Dormitories shall be provided with illumination of at least 10 foot-candles, 30 inches above the floor and with the ability to reduce lighting during sleeping hours to a level which is enough for security checks.

(f) Each dormitory shall provide adequate showers or bathtubs, toilets, and washbasins for the occupants. Each dormitory shall have hot and cold running water, and the hot water shall maintain a minimum temperature of 110°F to the mixer. In this paragraph, “mixer” means the part of the plumbing system which combines hot and cold water.

(g) Dormitories shall be constructed of materials of detention strength and shall be provided with detention strength equipment.

**(7) HOLDING ROOMS.** (a) Holding rooms are intended to be used for admission, release, and investigative purposes. A holding room may not be used as a cell, dormitory, or receiving cell. Holding rooms shall be located in an area that allows continuous staff observation or electronic video surveillance of inmates.

(b) Each holding room shall contain detention strength, rigidly constructed seats or benches bracketed to the wall or bolted to the floor or seats or benches of masonry construction of a similar strength.

(c) A detention strength, institution-type washbasin and toilet shall be provided.

(d) A holding room shall have a floor area of at least 50 square feet with an additional 10 square feet for each occupant above five.

**(8) MULTIPURPOSE ROOM.** Each jail shall provide a multipurpose room for recreation, physical exercise, and congregate assembly other than visiting. The multipurpose room shall have a minimum floor area of 300 square feet.

**(9) EXTERIOR WINDOWS.** (a) This subsection applies to all windows that lead to the exterior of the jail or to an area outside the secure perimeter of the jail.

(b) All exterior windows shall be translucent or shall be located to prevent persons outside the secure perimeter of the jail from observing inmates within the jail.

(c) Each exterior window that has an opening in any direction in excess of 5 1/2 inches shall be covered with security steel grills to prevent escape.

(d) If an exterior window is accessible to inmates and opens, the window shall be mounted in a detention strength frame and shall be covered on the inside with a 1,600 pound per lineal inch tensile strength security screen of .047 mil. wire diameter to prevent the passage of contraband.

(e) If an exterior window is not accessible to inmates and opens, the window's security screen need not meet the requirements of par. (d), but the screen shall have a tensile strength of at least 800 pounds per lineal inch and shall be made of wire of at least .028 mil. diameter.

(f) If an exterior window does not open, whether or not it is accessible to inmates, the security screen required under par. (d) or (e) may be omitted if the window is mounted in a detention strength frame and the pane is security glass of sufficient strength to resist breakage and prevent the passage of contraband.

**(10) EXTERIOR APPROACHES.** The exterior of the jail and approaches to the jail shall be well lighted at night to permit observation of persons approaching the building.

**(11) WALLS.** (a) Walls on the exterior of the jail shall be constructed of reinforced concrete or fully grouted concrete block at least 8 inches thick, or the walls shall be constructed of materials of similar strength which provide equivalent security.

(b) Walls in the interior of the jail shall be constructed of reinforced concrete or fully grouted concrete block at least 6 inches thick, or the walls shall be constructed of materials of similar strength which provide equivalent security.

**(12) CEILINGS.** Ceilings in areas accessible to inmates shall be constructed of pre-cast concrete or flat steel of at least 3/16 inch thickness, or ceilings shall be constructed of materials of similar strength which provide equivalent security.

**(13) DOORS AND LOCKS.** (a) Every door that leads to the exterior of the jail or to an area outside the secure perimeter of the jail shall have a threshold designed to prevent the introduction of contraband.

(b) Every door entering into the secure perimeter of the jail shall be of detention strength. Each of these doors shall have a vision panel or other means of observation to permit identification of individuals before they enter an area within the secure perimeter of the jail and to allow observation of an area before entering

it. If the vision panel has an opening in any direction in excess of 5 1/2 inches, the opening shall be covered with detention strength steel grills to prevent escape.

(c) In multiple cell sections, other than receiving cell sections, the mechanical means of emergency release may not be operated by key locks in the door or cells. The mechanical means of emergency release shall be operated by remote control located in an area not accessible to inmates.

(d) For receiving cells, the mechanical means of emergency release may be operated by key locks in the doors of cells.

**(14) ACCESS TO CONTROLS.** Inmates may not have access to plumbing, wiring, vents, thermostats, switches, or controls, except that inmates in dormitories may have limited control over lights, heating, radios, and televisions.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.07 Physical environment of jails constructed before March 1, 1990.** (1) This section applies to jails that were constructed before March 1, 1990, and have not been substantially remodeled on or after March 1, 1990.

(2) Except if s. DOC 350.20 applies, each cell shall be designed and used for single occupancy only.

(3) Except if s. DOC 350.20 applies, each cell shall be at least 5 1/2 feet wide and 7 1/2 feet long.

(4) A cell that is to be used for double occupancy shall have a floor area of at least 70 square feet.

(5) Each cell shall contain a rigidly constructed metal bunk with the frame bracketed to the wall or bolted to the floor or a bed built in masonry construction of a similar strength for each inmate, a prison-type wash bowl, and a prison-type toilet.

(6) There shall be adequate showers or bathtubs for the inmates. The supply of hot and cold water shall be adequate.

(7) Inmates may be housed in dormitories if the inmates are of the same security classification and properly segregated as required under s. 302.36, Stats. Dormitories may be used for Huber law inmates or other groups by classification. Dormitories shall include sufficient washbasins, toilets, and showers.

(8) All windows accessible to prisoners shall be covered with a heavy gauge screen of 1/4 inch mesh or less or a detention screen to prevent passage of contraband. If the window leads to the exterior of the jail or to an area outside the secure perimeter of the jail and the exterior window does not open, the detention screen may be omitted if the window is mounted in a detention strength frame and the pane is security glass of sufficient strength to resist breakage and prevent the passage of contraband.

(9) An approved security door with an observation opening shall be provided for each entrance into the secure perimeter of a jail. The door may not be unlocked except to admit authorized persons and inmates.

(10) A detention strength locking device shall be installed on each security door. Jail sections having multiple cells shall be provided with locking devices so that doors may be unlocked by a remote release located in an area not accessible to inmates.

(11) The exterior of and approaches to the jail shall be well lighted at night to permit observation of persons approaching the building.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.08 Variance.** (1) The department may grant a variance to a requirement found in this chapter, except that no variance may be granted for the conditions required to permit double celling under s. DOC 350.20 or for any requirement specifically imposed by Wisconsin Statutes.

(2) In order to obtain a variance, the sheriff shall demonstrate in writing that strict enforcement of the rule would result in unreasonable hardship for administration of the jail and that the vari-

ance would provide equivalent or better protection for the health, safety, rights, and welfare of inmates and the public.

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

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

(5) Any variance granted shall not set a precedent.

History: CR 13-038; cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.09 Policy and procedure manual.** (1) CONTENT OF MANUAL. The sheriff shall develop a written policy and procedure manual for the operation of each jail. The manual shall contain all of the following:

(a) Statement of the policies of the facility, including policies under ss. DOC 350.11 to DOC 350.35.

(b) Statement of the availability of the manual to staff.

(c) Statement of the procedure for notification to inmates of policies.

(2) SUBMISSION AND APPROVAL OF MANUAL. (a) *Department approval.* The sheriff shall submit the initial policy and procedure manual to the department for approval, using the following procedure:

1. The department shall approve or disapprove the manual in writing within 90 days after submission. If the department approves the manual, the department shall notify the sheriff in writing of the approval.

2. If the department disapproves the manual, the department shall notify the sheriff in writing of the decision and the reasons for the disapproval. If the sheriff accepts the decision, the sheriff shall submit a revised manual which conforms with the decision within 21 days of the date of the disapproval. If the sheriff does not accept the decision of the department, then the sheriff may appeal under par. (b).

(b) *Appeal to secretary.* Within 21 days of the date of the disapproval, the sheriff may appeal the department's disapproval to the secretary. The secretary shall issue a decision within 30 days of the appeal. The decision shall be in writing and shall state the reasons for the decision. If required by the secretary's decision, the sheriff shall modify the manual and resubmit it within 60 days of the decision to the department.

(c) *Changes to manual.* Any proposed substantive changes to an approved manual shall be submitted to the department and shall be reviewed under the procedures of this subsection.

History: CR 13-038; cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.10 Records and reporting.** (1) REGISTER OF INMATES. Each jail shall keep a register of all inmates. The register shall contain identifying information on each inmate, including name, residence, age, sex, race, court order, time and cause of placement and placing authority, and time of release and releasing authority. If an inmate escapes, the time and manner of the escape shall be recorded in the register.

(2) STORAGE OF RECORDS. Records shall be kept in a secure area. Juvenile records shall be kept separate from adult records and shall be maintained in a confidential manner in accordance with s. 938.396, Stats., and any other applicable federal or state law.

(3) REPORTING REQUIREMENTS. (a) The sheriff shall notify the department's regional detention facilities specialist within 48 hours after any of the following events occur:

1. An inmate dies.

2. An inmate attempts suicide and is admitted to a hospital, excluding an emergency room admission or admission for deten-

tion and evaluation under ch. 51, Stats., or is provided medical treatment for a life-threatening injury incurred as a result of the suicide attempt.

3. An inmate or staff is hospitalized due to an injury caused by assault or use of force.

4. An inmate escapes or attempts to escape from secure custody.

5. There is significant damage to the jail affecting the safety or security of the facility.

(b) The sheriff shall promptly furnish to the department all requested information.

History: CR 13-038; cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.11 Food service.** The jail shall have policies and procedures relating to food service, including the following components:

(1) The jail shall provide nutritious and quality food for all inmates.

(2) An annual menu review by a qualified nutritionist or dietician shall be completed and maintained in the facility files.

(3) An annual inspection of all full-production and service kitchens in a jail by a qualified, independent outside source documenting that the food service area meets health and safety codes.

(4) Internal monthly inspection of the food service area is completed and documented.

(5) The kitchen area and all equipment are maintained in a sanitary condition. Routine inspections are completed and documented.

(6) Three nutritious meals are provided daily, two of which are hot. Variations may be allowed based on weekend and holiday food service demands, provided basic nutritional goals are met.

(7) Food temperatures are properly maintained.

(8) Food items are stored appropriately at least 6 inches off the floor. Opened food packages are stored in airtight containers that are labeled and dated. Food items are stored in appropriate locations and temperatures.

(9) Special diets are provided as prescribed by a qualified health care professional.

(10) An inmate may abstain from any foods that violate the inmate's religion. Consistent with available resources, the jail shall provide a substitute from other available foods from the menu served at the meal. The substitutions shall be consistent with sub. (1).

(11) Inmates assigned to the kitchen who prepare or serve food shall bathe or shower daily and be provided a clean uniform.

(12) No person who is known to be infected with any illnesses transmittable by food or utensils may be employed or work as a food handler in a facility.

(13) All persons who work in food service areas shall wear clean garments and clean caps or hairnets and shall keep their hands clean at all times when engaged in the handling of food, drink, utensils, or equipment. Particular attention shall be given to the cleaning of fingernails.

(14) Inmate workers are provided orientation and training prior to assignment in the kitchen area.

(15) Inmate workers are supervised throughout all aspects of food preparation and service.

(16) Food and drink shall be protected from contamination. Meals are covered during transit to and within the facility.

(17) Kitchen food storage and dishwashing equipment temperatures are routinely monitored and documented.

(18) Garbage containers are covered, emptied daily, and kept clean.

(19) Cleaning agents are stored separately from food service items.

(20) A security procedure is in place to control and account for sharps, tools, and utensils at all times.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.12 Sanitation and hygiene.** The jail shall have policies and procedures relating to sanitation and hygiene, including the following components:

- (1) Facilities are required to be clean and in good repair.
- (2) Blankets shall be laundered monthly and before reissue.
- (3) Sheets, pillowcases, and mattress covers shall be changed and washed at least weekly and before reissue.
- (4) Clean towels shall be issued to each inmate twice a week.
- (5) Mattresses shall be provided where there is a need for overnight detention. Each mattress and each pillow, if used, shall be covered with a fire retardant, waterproof, easy-to-sanitize material. Mattresses and pillows shall be kept in good repair and in a clean and sanitary condition. The sheriff shall provide adequate bedding. Mattresses shall be cleaned and sanitized before reissue.
- (6) Suppliers of mattresses and pillows shall provide evidence to the sheriff that the products are fire retardant, waterproof, and easy to clean.
- (7) Mattresses shall be of proper size to fit the bed.
- (8) The sheriff shall provide an inmate whose clothing has been confiscated with adequate and appropriate clothing, including footwear, for use while the inmate is in custody. Footwear shall be cleaned and sanitized before reissue.
- (9) Laundry schedule shall be established to meet daily needs. All issued and allowed clothing items are laundered twice weekly.
- (10) Vermin and pests are controlled with an effective, documented program. Containers of poisonous compounds used for exterminating rodents or insects shall be prominently and distinctly labeled for easy identification of contents. Poisonous compounds shall be stored independently and separately from food and kitchenware in a locked area not accessible to inmates.
- (11) After 24 hours, inmates shall be provided with toilet articles sufficient for the maintenance of cleanliness and hygiene, including toothpaste and toothbrush, soap, and comb. Basic feminine hygiene materials for females and toilet paper shall be provided to inmates upon request. There shall be no common use of toothbrushes, combs, shaving materials, or feminine hygiene materials.
- (12) Inmates are provided cleaning materials daily. Tables used for common use and meals shall be kept sanitized. Door traps used for passing meals or other items shall be kept sanitized.
- (13) Safety and sanitation inspections of the jail are completed and documented at a minimum of once monthly.
- (14) Common use grooming tools are disinfected and cleaned before reissue and are stored in a secure area.
- (15) Property storage containers shall be sanitized before reuse.
- (16) Trash is removed daily from all dayrooms.
- (17) Hazardous waste shall be disposed of according to government regulations.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.13 Inmate health screening.** The jail shall have policies and procedures for inmate health screening, including the following components:

- (1) Use of a health screening form that is developed in conjunction with health care professionals and is used at booking with each inmate to record information about medical, mental health, and dental conditions, physical and developmental disabilities, alcohol or other drug abuse problems, and suicide risk.
- (2) Referrals to medical, mental health, or supervisory staff in a timely manner in response to identified concerns. If urgent concerns are identified, the referral shall be immediate.

(3) Review of the health screening form by health care or other designated staff within 72 hours if non-urgent concerns are identified.

(4) Documentation of health screening results and subsequent review of the health screening form in an inmate's confidential medical file.

(5) A health appraisal that is to be completed within 14 days after arrival at the facility unless a health appraisal has been completed by health care staff within the previous 90 days. The health appraisal shall be completed by health care staff in accordance with protocols established by the responsible physician.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.14 Inmate health care.** There shall be sufficient equipment, material, space, and supplies for the performance of health care services in a confidential manner. The jail shall have policies and procedures for inmate health care, including the following components:

- (1) The sheriff shall provide or secure necessary medical and mental health treatment and emergency dental care for inmates in custody.
- (2) Nursing care shall be provided in accordance with the standards of practice established by the board of nursing, ch. N 6.
- (3) Health care staff shall be in compliance with state and federal licensure certification and registration. Verification of compliance shall be maintained at the facility.
- (4) Medical records shall be kept separate from other records and shall be maintained in a confidential manner in accordance with ss. 146.81 to 146.83, Stats., and any other applicable state or federal laws.
- (5) If an inmate dies or becomes acutely ill while in custody, the next of kin shall be notified as soon as possible.
- (6) Officers shall receive documented annual training on health care policies and procedures, medications, and health screening at the time of admission.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.15 Health care policy.** The jail shall have policies and procedures for inmate health care, including the following components:

- (1) Documentation of health referrals made or health care provided.
- (2) Maintenance of documents in an inmate's confidential file.
- (3) Names, addresses, and telephone numbers of health care providers or agencies who have agreed to provide emergency and routine health care services for inmates.
- (4) Referral of an inmate to jail health care staff or to other agencies that provide health care.
- (5) Designation of staff who have the authority to make health care decisions, including emergency medical and dental care.
- (6) Non-emergency health care, including use of an inmate's personal physician.
- (7) Schedule of inmate access to routine medical care.
- (8) Provision for inmates with chronic medical conditions.
- (9) Procedure for processing inmate medical requests on a daily basis.
- (10) Documentation in an inmate's confidential medical file of any referral and identification of the services provided, including emergency services.
- (11) Provision of special diet if ordered by a qualified health care professional.
- (12) Pregnancy management.
- (13) Maintenance of agreements between the jail and providers of health care services.
- (14) Use of health transfer summary form under s. 302.388(2), Stats.

(15) Communicable disease and infection control. Policies and procedures relating to communicable disease and infection control shall contain all of the following components:

(a) Provision of treatment and supervision of inmates during isolation or quarantine under s. 252.06 (6) (b), Stats.

(b) Documentation of the need for isolation or quarantine under s. 252.06 (6) (b), Stats., in the inmate's confidential medical file.

(c) Provision of laboratory screening for inmates who may have been exposed to a communicable disease if ordered by medical personnel.

(d) Provision for handling bio-hazardous waste and decontaminating medical and dental equipment in accordance with regulations.

(16) Detoxification and management of intoxicated inmates.

History: CR 13-038; cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.16 Control and administration of medications.** The jail shall have policies and procedures relating to the control, delivery, and administration of prescription and nonprescription medications, including the following components:

(1) A qualified health care professional shall prescribe medications and order treatments.

(2) Designated trained staff may administer or deliver prescribed doses of medication at prescribed times. Annual documented training shall be provided to jail staff that deliver medications.

(3) Determination by appropriate personnel that all medications brought in by inmates or other persons for an inmate are necessary.

(4) All medications brought into the jail shall be inventoried and placed in secure storage.

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

(6) Administration or delivery of prescription and nonprescription medications to inmates.

(7) Medication administered or delivered to an inmate shall be documented, including who prescribed the medication, who administered or delivered the medication, and the date and time of administration or delivery.

(8) All refusals of recommended or prescribed medications by an inmate shall be documented. A health care professional shall monitor the inmate in accordance with requirements of s. 302.384, Stats.

(9) Return of an inmate's medications inventoried at admission.

(10) Inventory or disposal of unused medications upon the inmate's release or transfer.

History: CR 13-038; cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.17 Suicide prevention.** The jail shall have policies and procedures relating to the supervision and housing of inmates who may be at risk of seriously injuring themselves, including the following components:

(1) Obtaining documented information from the arresting or transporting agency to assess an inmate's potential for suicide or self-harm.

(2) Intake screening of inmates that includes interview items and staff observation related to potential suicide risk.

(3) Procedure for placement of an inmate on suicide watch. Policies and procedures relating to the procedure for placing an inmate on suicide watch shall include all of the following components:

(a) Immediate notification to designated supervisory staff if an inmate is identified as a suicide risk.

(b) Designation of housing areas and security precautions for inmates who are placed on suicide watch.

(c) Description of monitoring procedures for inmates on suicide watch, including frequency and documentation of wellness checks.

(4) Identification of trained persons who may assess an inmate's level of suicide risk.

(5) Notification to qualified mental health professionals within 12 hours of placement of a potentially suicidal inmate on suicide watch. Assessment by a qualified mental health professional shall be completed as soon as practicable.

(6) Identification of qualified mental health professionals who are authorized to remove an inmate from a suicide watch status after an on-site face-to-face assessment.

(7) Frequency of communication between health care and jail personnel regarding the status of an inmate who is on suicide watch.

(8) Intervention protocol during an apparent suicide attempt, including life-sustaining measures.

(9) Identification of persons to be notified in case of attempted or completed suicides.

(10) Documentation of actions and decisions regarding inmates who are suicide risks, including all of the following:

(a) Individual initiating the suicide watch.

(b) Date and time watch was initiated.

(c) Reason watch was initiated.

(d) Name of supervisor contacted.

(e) Date and time supervisor contacted.

(f) Name, date, and time of referral to mental health professional.

(g) Written documentation from the mental health professional removing an inmate from a suicide watch including name, date, and time.

(11) Implementation of 2 hours of annual documented staff training regarding suicide prevention and identification of risk factors.

(12) Access by staff to debriefing and support services.

(13) Implementation of an operational review following a suicide or significant suicide attempt.

History: CR 13-038; cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.18 Security.** The jail shall have policies and procedures relating to jail security, including all of the following components:

(1) INMATE SUPERVISION. The jail shall have a system providing for well-being checks of inmates. Policies and procedures shall provide that all inmates are personally observed by jail security staff at staggered intervals not to exceed the following:

(a) 60 minutes.

(b) 15 minutes for inmates housed on suicide watch.

(2) SUPPLEMENTAL OBSERVATION. A video monitoring system may be used to supplement but not replace personal observations.

(3) DOCUMENTATION. Each observation shall be documented.

(4) INMATE COUNTS. Description of the system for physically counting inmates. Formal counts shall be completed and documented at least three times per day, with a minimum of one count per shift.

(5) SECURITY INSPECTIONS. Description of procedures for conducting and documenting facility and area searches.

(6) INMATE SEARCHES. Description of procedures for conducting and documenting inmate pat down, strip, and body cavity searches.

(7) DOOR AND LOCK INSPECTIONS. Monthly inspections shall be made to determine if all jail doors and locks within and to the secure perimeter of the facility are in good working order. Each inspection shall be documented.

(8) KEY CONTROL. Control and use of jail keys, including all of the following:



(a) All issued keys shall be inventoried and accounted for at shift change.

(b) All keys shall be stored in a secure area and accessible in the event of an emergency.

(c) Inmates are not permitted to handle or utilize jail keys.

**(9) WEAPONS CONTROL.** Introduction, availability, control, inventory, storage, and use of firearms, chemical agents, electronic control devices, or other related security devices and specification of the level of authority required for their access and use.

**(10) TOOL AND SHARPS CONTROL.** Introduction, availability, control, inventory, storage, and use of tools and sharps within the facility.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.19 Fire safety.** The jail shall have policies and procedures relating to fire safety, including the following components:

(1) The facility conforms to applicable federal, state, and local fire safety codes.

(2) Each jail shall develop a fire safety policy in accordance with local fire department recommendations that addresses all of the following:

(a) Local fire department inspection requirements under sub. (5).

(b) Fire protection equipment location and maintenance. Each jail shall have and shall properly maintain fire alarms, smoke and thermal detectors, fire extinguishers, and self-contained breathing apparatuses which operate for at least 30 minutes.

(c) Training of staff in equipment use and the evacuation of inmates.

(d) A written evacuation plan.

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

(4) Fire safety evacuation and other procedures shall be practiced or simulated by all jail staff at least once every 12 months. Each practice or simulation shall be documented.

(5) The facility shall be inspected by the local fire department at least once every 12 months and a record thereof shall be maintained.

(6) There shall be monthly inspections of the facility to ensure compliance with safety and fire prevention standards. Inspections shall be documented.

(7) After September 1, 2014, sprinkler heads accessible to inmates not under direct supervision must be tamper and suicide resistant.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.20 Double celling.** If approved by the department, the jail shall have policies and procedures relating to double celling, including the following components:

(1) The county board and sheriff shall determine jointly the adequate staffing needs, including support staff and services that are required to ensure the health, safety, and security of the jail staff and inmates when using cells for double occupancy. The joint determinations shall be in writing and signed by the representatives of the county board and the sheriff and shall be filed with the department. The written joint determination shall remain in effect until rescinded or amended by mutual written agreement of the county board and sheriff. Unless there is adequate staff as agreed upon by the county board and sheriff, double celling may not occur.

(2) Inmates housed in the same cell shall have the same custody classification and be properly segregated as required under s. 302.36, Stats.

(3) For male and female housing areas, at least one cell or 15% of the jail's total number of cells, whichever is greater, shall be maintained for single occupancy.

(4) Receiving cells may not be used for double occupancy.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.21 Inmate classification.** All jails shall meet the requirements set forth in s. 302.36, Stats. The sheriff shall establish and maintain an objective prisoner classification system to determine prisoner custody status and housing assignment, and develop eligibility criteria for prisoner participation in available work assignments, programs, and community service projects. The jail shall have policies and procedures relating to classification, including the following components:

(1) Description of the objective prisoner classification system, including the identification and training of staff authorized to classify prisoners, initial classification and reclassification procedures, and prisoner appeal process.

(2) Eligibility criteria for prisoner participation in available work assignments, programs, and community service projects.

(3) Review of prisoner classification decisions.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.22 Use of force.** The jail shall have policies and procedures for the use of force, including the following components:

(1) Jail staff may use physical force against an inmate only if force is necessary to change the location of an inmate or to prevent death or bodily injury to the staff member, the inmate, or someone else, unlawful damage to property, or the escape of an inmate from the jail. Staff may use only the amount of force reasonably necessary to achieve the objective for which force is used. Corporal punishment of inmates is forbidden.

(2) Any staff member who has used force to control an inmate or inmates shall submit a written report to the sheriff, jail administrator or the staff member's supervisor describing the incident. The report shall include all known relevant facts and be submitted by the end of the shift unless otherwise authorized by the sheriff or sheriff's designee.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.23 Use of restraints.** The jail shall have policies and procedures governing the use of restraints and control devices, including the following components:

(1) Restraint devices are never used as punishment and are not applied longer than necessary.

(2) When an inmate is mechanically restrained for non-routine purposes, a written report must be completed by the end of the shift unless otherwise authorized by the sheriff or sheriff's designee. Documentation shall include the reason for use, duration of use, and corresponding wellness checks.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.24 Discipline.** The jail shall have policies and procedures outlining inmate discipline and due process, including the following components:

(1) **INMATE RULES OF BEHAVIOR.** Every jail shall have written rules of behavior for inmates. At the time of admission, each person shall be notified verbally of the existence of the jail's rules for inmate behavior and the potential disciplinary actions for violation of the rules. Each inmate shall be provided with a copy of the jail rules or copies of the rules shall be posted in conspicuous places in the jail.

(2) **DISCIPLINE FOR A MINOR VIOLATION.** (a) In this subsection, "minor violation" means a violation of the jail's rules of behavior for which minor discipline, or any combination of these consequences may be imposed if the accused inmate is found guilty. A minor discipline is a verbal or written reprimand, restriction of

privileges for 24 hours or less, or placement in disciplinary segregation for 24 hours or less.

(b) A staff member who observes an inmate committing a minor violation shall inform the inmate of the rule that he or she has violated, the potential discipline, and the disciplinary procedures for minor violations under pars. (c) to (g).

(c) The staff member shall give the inmate an opportunity to make a verbal statement about the alleged violation to the staff member.

(d) The staff member may impose a minor discipline if he or she finds that a violation occurred.

(e) The staff member shall inform his or her supervisor of the incident and the discipline administered as soon as the supervisor is available. The supervisor shall review the incident and discipline administered. If the supervisor concludes that the violation constitutes a major violation, the alleged infraction shall be handled in accordance with sub. (3). If the supervisor finds that no violation has occurred, the inmate shall be notified that the charge has been dismissed.

(f) The inmate may appeal the supervisor's decision. The jail shall have a procedure for an inmate to follow if the inmate wishes to appeal that decision. The inmate shall be notified of his or her right to appeal the supervisor's decision and of the jail's procedure for making the appeal.

(g) Information about the incident, the discipline administered, and the supervisor's decision shall be made part of the inmate's file. If the supervisor finds that no violation occurred or if the reviewer of an appeal submitted under par. (f) finds that no violation occurred, the due process records shall reflect those findings.

**(3) DISCIPLINE FOR A MAJOR VIOLATION.** (a) In this subsection, "major violation" means a violation of the jail's rules of behavior for which major discipline, or any combination of these consequences may be imposed if the accused inmate is found guilty. A major discipline is restriction of privileges for more than 24 hours, placement in solitary confinement for more than 24 hours in accordance with s. 302.40, Stats., loss of good time in accordance with s. 302.43, Stats., restrictions affecting Huber law privileges in accordance with s. 303.08, Stats., or restrictions affecting work release in accordance with s. 303.065, Stats.

(b) A staff member who observes an inmate committing a major violation shall submit a written report to his or her supervisor within 24 hours of the incident.

(c) The inmate shall be notified of the charges and of his or her right to a hearing under par. (d) at least 24 hours in advance of the hearing. The inmate may waive this time requirement.

(d) A due process hearing shall be held within seven calendar days unless an inmate waives the right to a due process hearing under par. (e). The due process hearing shall be conducted in accordance with all of the following:

1. An impartial hearing officer or committee shall conduct the due process hearing. The hearing may not be conducted by a person who may review an appeal made under par. (d) 6, or who has personally observed, been a part of, or investigated the incident which is the subject of the hearing.

2. The inmate has the right to be present at the hearing, to make a statement, and to present relevant evidence. If the inmate refuses to attend the hearing or disrupts the hearing, the hearing may be conducted without the inmate being present. The hearing officer or committee may hear the testimony of a witness outside the presence of the accused inmate if there is a significant risk of bodily harm to the witness in testifying in front of the accused inmate. The reason for the accused inmate's absence shall be documented.

3. The inmate has the right to present any relevant witness whose testimony is not cumulative of other evidence unless the

safety of any other witness or the security of the jail would be threatened if that witness testified. The reasons for the absence of the witness shall be documented.

4. If the inmate is illiterate or the issues are complex, the inmate has the right to a staff advocate or adequate substitute aide to assist him or her in understanding the charges and preparing a defense.

5. The hearing officer or committee may consider the inmate's mental illness, developmental disability, or other emotional or mental disability as a mitigating factor in imposing the discipline.

6. The hearing officer or committee shall issue a written decision that shall state the discipline to be administered. The inmate shall receive a written copy of the decision.

7. The inmate shall be notified of his or her right to appeal the hearing officer or committee's decision and of the jail's procedure for making an appeal.

8. Information on the incident, the discipline administered, and the hearing officer or committee's decision shall be made part of the inmate's file. Upon appeal, if the hearing officer or committee or the reviewer under par. (d) 6. finds that no violation occurred, the due process records shall reflect those findings.

(e) An inmate may waive the right to a due process hearing under par. (d) in writing at any time. If the inmate waives the right to a due process hearing, the violation shall be disposed of in accordance with the procedures for minor violations under sub. (2), except that a major discipline may be imposed if the relevant staff member finds a violation occurred. A waiver does not constitute an admission of the alleged violation.

**(4) CLASSIFICATION.** An inmate may be evaluated for custody classification following the imposition of discipline.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.25 Administrative confinement.** In this section, "administrative confinement" means a nonpunitive, segregated confinement of an inmate in his or her cell or other designated area to ensure personal safety and security within the jail. The jail shall have policies and procedures outlining the administrative confinement process, including the following components:

**(1)** An inmate may be placed in administrative confinement if the inmate's continued presence in the general population meets one of the following:

(a) Presents a substantial risk of physical harm to the inmate, another person, or property.

(b) Threatens the security and order of the jail.

(c) Inhibits a pending disciplinary investigation.

**(2)** A jail staff member shall inform his or her supervisor of any incident that may require administrative confinement of an inmate, and the supervisor shall determine whether to place the inmate in administrative confinement. In the absence of his or her supervisor, a jail staff member may place an inmate in administrative confinement. The staff member's supervisor shall review that placement decision within 24 hours. This review shall include evaluation of the inmate's classification.

**(3)** An inmate's progress in administrative confinement shall be reviewed by a supervisor at least once every seven days. The supervisor shall determine when the inmate no longer presents a threat to the safety, security, and order of the jail and may be released to the general population. Each review shall be documented.

**(4)** The reason an inmate is placed in administrative confinement and the length of time the inmate remains in administrative confinement shall be documented in the inmate's file.

**History:** CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.26 Grievance process.** The jail shall have policies and procedures relating to an inmate grievance process and ensure it is available to all inmates and includes at least one level of appeal.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.27 Legal access.** The jail shall have policies and procedures to address inmates' access to the courts, their attorneys, and legal materials.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.28 Indigence.** The jail shall have policies and procedures to address indigence, including all of the following components:

(1) The jail shall establish definitions and procedures to define indigence.

(2) Inmates' access to health care, programming, and essential services is not precluded by inability to pay.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.29 Mail.** The jail shall have policies and procedures relating to written contact between inmates and their families, friends, attorneys, the court system, governmental officials, and others, including the following components:

(1) Provision for staff inspection and reading of nonprivileged incoming and outgoing mail.

(2) Provision for the limited inspection of incoming and outgoing privileged mail.

(3) Delivery of all nonprivileged and approved privileged incoming mail.

(4) Inventory and disposition of contraband items found in mail.

(5) Provision of postage to indigent inmates.

(6) Provision for notifying inmates when incoming or outgoing mail is withheld.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.30 Visitation.** The jail shall have policies and procedures relating to visitation, including the following components:

(1) Establishment of visitation schedule for family, friends, attorneys, and others. Attorney visits shall be allowed during reasonable hours, as long as security and daily routine are not unduly interrupted.

(2) Establishment of procedures for requesting visitation during nonscheduled times.

(3) Documentation of all visits through a visitor log or register.

(4) Establishment of a search policy of visitors and their possessions.

(5) Posting of visitation policies and procedures, including visitation schedule, in a place readily accessible to visitors and inmates.

(6) Establishment of a search policy for inmates before and after each visit.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.31 Programs and services.** The jail shall have policies and procedures relating to the provision of inmate programs and services, including the following components:

(1) Use of community resources, contract providers, and volunteers authorized by the sheriff.

(2) Notification to inmates of availability, eligibility, and schedules.

(3) Conducting criminal background checks on all volunteers, community resources, and contract providers.

(4) Orientation and training on facility operations for all volunteers.

(5) Educational programming for inmates who are under 18 years of age consistent with the requirements of the Department of Public Instruction.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.32 Religious programming.** Inmates shall have the opportunity to participate in practices of their religious faith consistent with existing state and federal statutes. The jail shall have policies and procedures relating to religious programming, including the following components:

(1) Identification of religious organizations and clergy willing to conduct religious services in the facility.

(2) Notification to inmates of the schedule of religious services available in the jail.

(3) Identification of religious items that may be kept on an inmate's person or in the cell.

(4) Conducting criminal background checks on members of a religious organization and clergy.

(5) Orientation and training on facility operations for all volunteers.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.33 Recreation.** The jail shall have policies and procedures relating to recreation, including the following components:

(1) Identification of the recreational activities that are available.

(2) Schedule of recreational activities.

(3) When and where available, at least one hour of daily exercise and recreation is outside the cell or outdoors.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.34 Publications.** The jail shall have policies and procedures relating to access to publications, including the following components:

(1) Provision of publications of general interest for inmates such as books, newspapers, and magazines.

(2) Identification of publications that are prohibited for inmates because their content creates a security risk.

(3) Inspection of publications brought by visitors for inmates if the jail allows visitors to bring in reading materials.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.

**DOC 350.35 Canteen.** The jail shall have policies and procedures for the establishment and use of canteen, vending, or other similar services for inmates, including the following components:

(1) Canteen shall be made available to eligible inmates.

(2) Access to canteen may be restricted by the facility based upon inmate classification or status.

History: CR 13-038: cr. Register August 2014 No. 704, eff. 9-1-14.