

CR 84-96

CERTIFICATE

RECEIVED
OCT 25 1984
1:20
Revisor of Statutes
Bureau

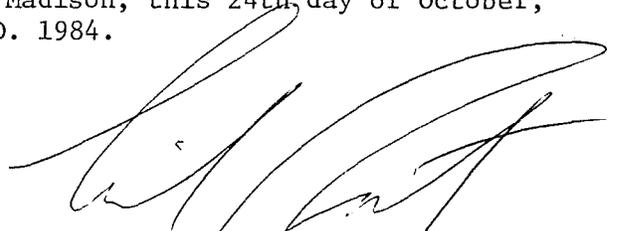
STATE OF WISCONSIN)
)
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed rules relating to property in the cells of inmates in program segregation status were duly approved and adopted by this Department on October 24, 1984.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 24th day of October, A.D. 1984.



SEAL:

Linda Reivitz, Secretary
Department of Health and Social Services

1-1-85

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND RECREATING RULES

RECEIVED
OCT 25 1984
Revisor of Statutes
Bureau

To repeal and recreate HSS 303.70(3) and (10) and Note, relating to property in the cells of inmates in program segregation status.

Analysis by the Department of Health and Social Services.

Prior to the emergency rule which became effective on July 31, 1984, the rule relating to property of inmates in program segregation at adult correctional institutions created a number of problems. That rule allowed inmates to have personal electronic equipment in program segregation regardless of the inmate's behavior. A recent study of the adjustment center at Waupun Correctional Institution found that excess property has contributed to inmate loss of property upon being removed from a cell, crowding of inmate cells, high noise level from electronic equipment, a feeling among both inmates and staff that the adjustment center is not restrictive in nature, and increased ability of inmates to harm staff members by throwing personal property out of cells. In addition, inmates have manufactured weapons out of electronic equipment and typewriters. Moreover, excess property causes fire hazards. Giving an inmate the automatic right to possess certain electronic equipment also circumscribes an institution's ability to create a program to motivate an inmate to improve his or her behavior. The revision of this rule, which is identical to the emergency rule, prohibits electronic equipment and typewriters in program segregation except as provided in accordance with the written policy of each institution. Such an institution policy is to be part of a broader policy for motivating inmates to improve their behavior when in segregation status. To minimize disruption and differential treatment in an institution, the rule applies to segregation imposed for conduct committed before, on, or after the rule's effective date. The rule also clarifies that inmates in program segregation may have approved items brought in from the canteen, but these are not necessarily the same items that inmates in the general population can purchase.

Pursuant to authority vested in the Department of Health and Social Services by ss. 46.03(6)(b), 53.07, and 227.014(2), Stats., the Department of Health and Social Services hereby repeals and recreates rules interpreting ss. 46.03(6)(b) and 53.07, Stats., as follows:

SECTION 1. HSS 303.70(3) and (10) are repealed and recreated to read:

HSS 303.70(3) PROPERTY. (a) Inmates in program segregation may have in their cells documents and other materials pertaining to legal proceedings as well as books provided by the institution librarian.

(b) Inmates in program segregation may not have electronic equipment or typewriters in their cells except as permitted in accordance with written policy of the institution. Every institution shall have a written policy providing for incentives for inmates in program segregation to earn the privilege of having personal electronic equipment or typewriters in program segregation. The director of the bureau of adult institutions shall approve each institution's policy before it takes effect to ensure that it is reasonable. Each institution shall post its approved policy and implementation procedures within 30 days after the effective date of this subsection.

(c) This subsection applies to all program segregation status imposed for conduct committed before, on or after the effective date of this subsection.

(10) CANTEEN. Inmates in program segregation may have approved items brought in from the canteen but may not go to the canteen in person.

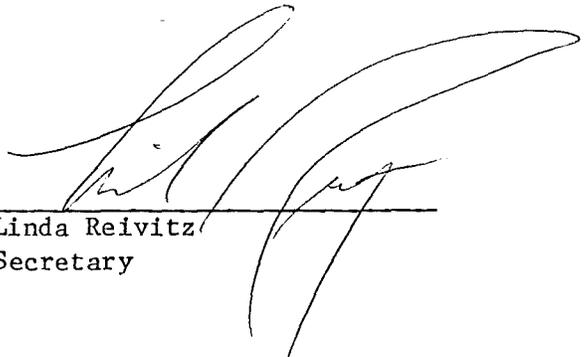
Note: Subsection (3) clarifies what personal property inmates in program segregation may keep in their cells. Inmates may not keep electronic equipment or typewriters in their cells except as allowed by a particular institution's written policy. Each institution is expected to have a policy designed to motivate inmates to improve their behavior in segregated statuses so that they will be permitted to move into the general population of the institution.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in s. 227.026(1), Stats.

Department of Health and
Social Services

Dated: 10-24-84

By:



Linda Reivitz
Secretary

SEAL:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

Linda Reivitz
Secretary

October 24, 1984

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

RECEIVED
OCT 25 1984
Revisor of Statutes
Bureau

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 303.70(3) and (10), administrative rules relating to property in the cells of inmates in program segregation status.

These rules are also being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,


Linda Reivitz
SECRETARY

Enclosure