

Chapter HSS 309

RESOURCES FOR INMATES

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Note: Several sections in chapter HSS 309 have explanatory notes. This information can be found in the appendix after the last section.

HSS 309.01 Applicability. This chapter applies to the department of health and social services, to its division of corrections, and to all adult inmates in the legal custody of the department. It is promulgated pursuant to authority conferred by ss. 46.03 (1) and (6) and 227.014(2), Stats., and interprets ss. 46.064, 46.065, 46.07, 53.07, 53.08, 53.12, 56.01, and 56.065, Stats.

History: Cr. Register, October, 1981, No. 810, eff. 11-1-81.

HSS 309.02 Definitions. As used in this chapter:

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

(2) "Close family member" under ss. HSS 309.45 - 309.52 means the inmate's natural, adoptive, step, and foster parents; spouse, children, grandparents, grandchildren, or siblings. A parent surrogate is within

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

(3) "Department" means the department of health and social services.

(4) "Director of the bureau of adult institutions" or "bureau director" means the director of a bureau of the division of corrections, or designee.

(5) "Division" means the department of health and social services, division of corrections.

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

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

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

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

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

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

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

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

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

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

HSS 309.03 News media access to inmates. (1) Representatives of the news media shall be permitted to visit correctional institutions. Visits and interviews by media representatives with correctional staff and inmates can foster the public's understanding of the qualities, problems, and needs of inmates and institutions. Such understanding helps to develop community acceptance and support of correctional objectives, including the objective of successful reintegration of offenders into the community.

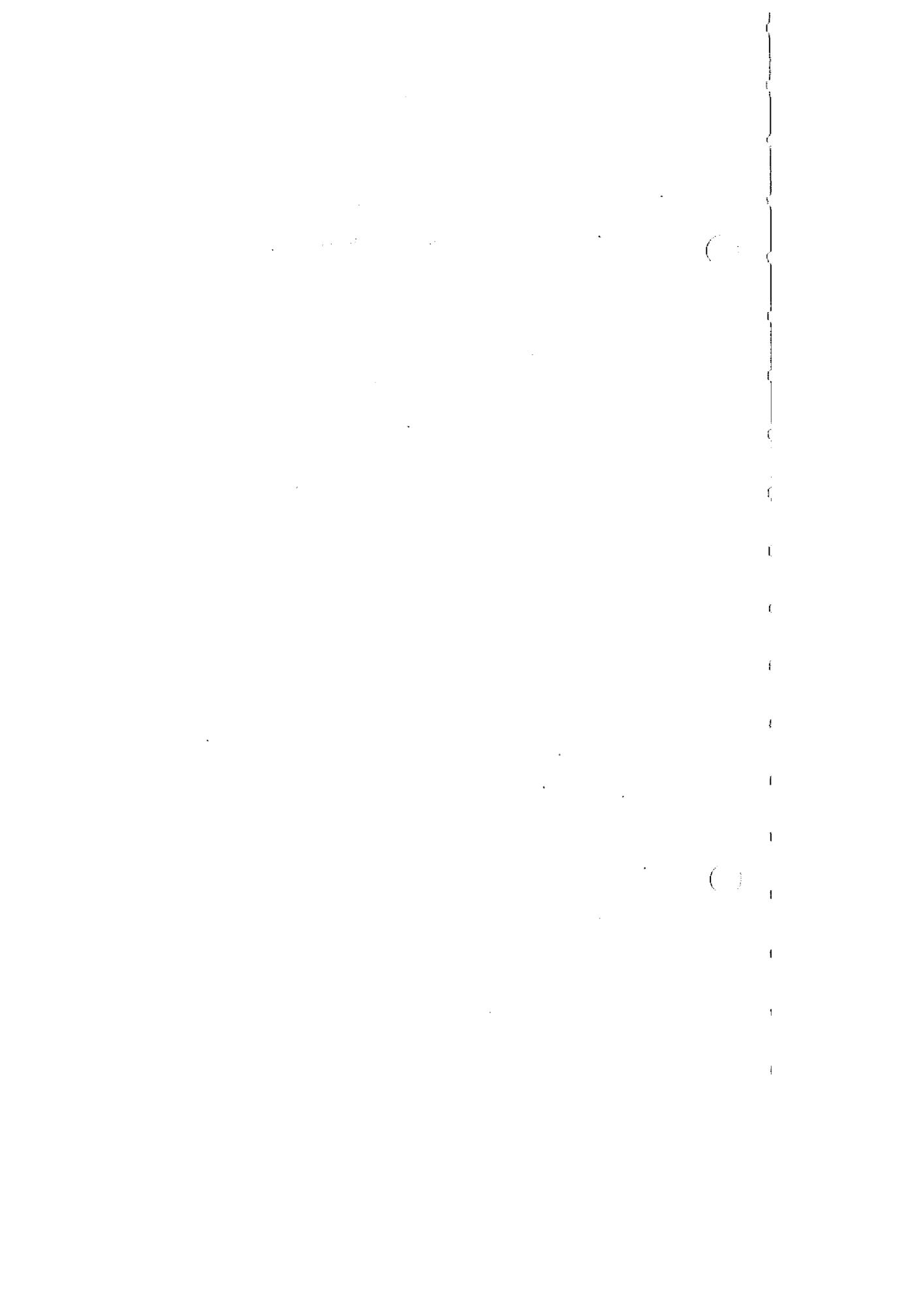
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(2) News media representatives shall be permitted to interview individual inmates, unless:

(a) The superintendent believes that an interview will:

1. Jeopardize the safety or order of the institution; or

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(2) Each institution shall make policies relating to wearing personal clothing. These policies must be approved by the director of the bureau of adult institutions.

(3) Inmates shall dress in a clean, neat, and appropriate manner.

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

HSS 309.45 Inmate funds and canteen - purpose. The division shall manage inmate funds and permit and forbid spending to achieve the following objectives:

(1) To promote the eventual successful reintegration of inmates into society through a policy designed to ensure that an inmate will have funds available upon release and can manage them responsibly;

(2) To prevent the exchange of contraband and victimization within institutions by prohibiting inmates from carrying money and by requiring all inmate funds to be deposited in accounts for the inmate;

(3) To develop a sense of responsibility on the part of inmates for payment of family financial obligations and debts;

(4) To permit inmates to obtain personal property in accordance with s. HSS 309.35; and

(5) To give inmates the opportunity to manage their funds in a manner consistent with ss. HSS 309.45-309.52.

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

HSS 309.46 Deposit of money. All money in any form delivered to any institution for the benefit of an inmate shall be delivered to the institution business manager. The institution business manager shall credit the appropriate account in the name of the inmate in accordance with these sections and ch. HSS 324.

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

HSS 309.465 Crime victim and witness assistance surcharge. For an inmate who committed a crime on or after October 1, 1983, and who has not paid the crime victim and witness assistance surcharge required under s. 973.045, Stats., upon transfer to the first permanent placement and in all subsequent placements in correctional institutions, the institution business office shall deduct 25% of all income earned by or received for the benefit of the inmate until the surcharge is paid in full. The business office shall forward the funds to the state treasurer to satisfy the surcharge in accordance with s. 973.045, Stats.

History: Emerg. cr. eff. 5-15-86; cr. Register, September, 1986, No. 369, eff. 10-1-86.

HSS 309.466 Release account funds. (1) After the crime victim and witness assistance surcharge has been paid in full, as provided for in s. HSS 309.465, and upon transfer of the inmate to the first permanent placement and in all subsequent placements, the institution business office shall deduct 15% of all income earned by or received for the benefit of the inmate, except from work release and study release funds under ch. HSS 324, until \$500 is accumulated, and shall deposit the funds in a release account in the inmate's name.

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(2) Release account funds may not be disbursed for any reason until the inmate is released to field supervision, except to purchase adequate clothing for release and for out-of-state release transportation. Following the inmate's release, these funds shall be disbursed in accordance with s. HSS 309.49 (5).

(3) An inmate may request that release account funds be deposited in an interest-bearing account established at a bank designated by the division. Deposits shall be made in accordance with division procedures. All interest earned by these funds shall accrue to the inmate and shall be exempt from release account deductions under sub. (1).

(4) An inmate may request that general account funds be transferred to his or her release account up to the release account limit established by the division under sub. (1).

History: Emerg. cr. eff. 5-15-86; cr. Register, September, 1986, No. 369, eff. 10-1-86.

HSS 309.47 Receipts. Inmates shall be provided with a receipt or monthly statement of transactions involving personal funds and shall receive a periodic statement from an institution savings account containing the inmate's funds.

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

HSS 309.48 Procedure for inmate requests for disbursements of general account funds. Each institution shall set forth in writing a procedure whereby inmates may request the disbursement of funds. This procedure shall be consistent with ss. HSS 309.45-309.52 and shall include the following information:

- (1) How and to whom requests must be made;
- (2) What information requests shall include;
- (3) Who investigates request;
- (4) Who approves or disapproves requests;
- (5) Notice that the inmate may appeal to the superintendent any decision not made by the superintendent;
- (6) Notice that all decisions shall be in writing, shall state the underlying facts and shall be based on reasons consistent with s. HSS 309.45;
- (7) Time limits for decisions; and
- (8) Notice to the inmate that, if the recipient of funds is receiving government aid, the recipient may have a duty to report receipt of the inmate's funds.

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

HSS 309.49 Disbursement of general account funds. (1) General account funds, in excess of the amount specified for canteen, under s. HSS 309.52(1)(b), shall be disbursed by the institution business manager under sub. (3). All disbursements shall be consistent with the purposes under s. HSS 309.45.

(2) Inmates may request to have general account funds disbursed for any reason. The procedure for processing inmate requests is required to be written under s. HSS 309.48.

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(3) Requests for disbursement in excess of \$25 to more than one close family member and to other persons under sub. (4)(a) may be made only with written permission of the superintendent or designee. All other disbursements are approved or disapproved by the person designated by the institution under s. HSS 309.48(4).

(4) The objectives of s. HSS 309.45 may be fulfilled by disbursements of general account funds in excess of the canteen limit including, but not limited to, the following:

(a) To any source not including sources under par. (b), (c), (d), or (f) only with written permission from the superintendent under sub. (3).

(b) Twenty-five dollars or less to the inmate's one close family member once every 30 days. Such disbursements do not require approval by the superintendent.

(c) To deposit in an interest bearing account established in the inmate's name at a bank designated by the division. All interest shall accrue to the inmate. Such disbursements do not require approval by the superintendent.

(d) To purchase United States savings bonds. Bonds purchased for others are subject to the limitations under par. (b). Bonds purchased shall be retained by the institution business manager until redeemed or until the inmate's release. Any redemption money shall be returned to the general account. Such disbursements do not require approval by the superintendent.

(e) To pay creditors' claims acknowledged in writing by the inmate and claims reduced to judgment. Such disbursements require approval by the superintendent. If necessary, the claims may be verified.

(f) To pay costs of temporary release under ch. HSS 325 and leave for qualified inmates under ch. HSS 326. Such disbursements do not require approval by the superintendent.

(5) Before releasing an inmate to field supervision, the releasing institution shall inform the parole agent of the balances in the inmate's general account, release account under s. HSS 309.466 and segregated account, if any, under s. HSS 309.50. The agent shall instruct the institution business manager as to where these balances shall be transferred. Following release, the former inmate may use funds formerly held in his or her institution accounts only with the approval of the agent. When the client is discharged from field supervision, any remaining funds from these accounts shall be paid to the client.

(6) Inmates may not open charge accounts or possess charge cards.

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

HSS 309.495 Transportation for inmates upon release. The division shall arrange for the transportation of an inmate released from an institution to the inmate's release placement location in the state, or shall give the inmate the means to procure transportation to that location.

History: Emerg. cr. eff. 5-15-86; cr. Register, September, 1986, No. 369, eff. 10-1-86.

HSS 309.50 Segregated account funds. (1) Funds received for inmates on work or study release shall be credited to a segregated account.

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(2) Collection and disbursement of funds received under sub. (1) shall be governed under ch. HSS 324.

(3) Funds received by inmates for enrollment in programs within the institution and funded by the institution shall be placed in a segregated account. Inmates shall be required to pay the costs of tuition and books from these funds. If an inmate refuses to do so, it may be grounds for removal from a program.

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

HSS 309.51 Funds for legal correspondence and copying. (1) Legal correspondence may not be denied due to lack of funds, except as limited in sub. (2). Inmates without sufficient funds in their general account to pay for paper, photocopy work, or postage may receive a loan. Any amount advanced shall be charged to the inmate's general account for future repayment.

(2) If the superintendent determines that charges for legal correspondence substantially exceed the inmate's ability to pay, the superintendent may grant a subsidy from institution funds to the inmate. No subsidy may exceed \$25.

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

HSS 309.52 Canteen. (1) (a) Each institution shall maintain a canteen accessible directly or indirectly to inmates to facilitate purchase of property approved under s. HSS 309.35. Institution staff may consult with the inmate population in selecting canteen stock.

(b) The bureau of adult institutions shall establish, in writing, a maximum allowable amount of money that may be spent during a specified period of time. The bureau should adjust this amount periodically to reflect the impact of inflation on purchasing power.

(c) A current list of approved and available merchandise, giving the price of each item, shall be conspicuously posted at each canteen. Copies shall be made available to inmates who do not have direct access to the canteen.

(d) Institutions shall permit inmates to purchase approved personal property not carried in the canteen. The procedures to be followed shall be written and available to inmates. The procedures shall permit purchases from a sufficient number of enterprises to ensure a reasonable selection and a competitive price.

(2) Each institution canteen shall maintain an identification and book-keeping system for withdrawal of funds from the inmate's general account for purchases made through the canteen. No canteen shall use money as a means of exchange.

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

HSS 309.55 Compensation. (1) An inmate shall be compensated for his or her involvement only in approved institution work and study programs while confined in a correctional institution.

(2) The purposes of this section are:

(a) To provide uniform and fair compensation standards as an incentive to inmates to develop and reinforce positive behavior;

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(b) To compensate inmates with wages so that they may make purchases from the canteen and accumulate funds to assist them upon their release;

(c) To encourage inmates to complete their programs successfully;

(d) To promote institutional order by providing an incentive for good behavior; and

(e) To encourage appropriate behavior and the development of skills useful to enable successful reintegration into the community upon release.

(3) All inmates shall receive compensation in accordance with sub. (1) with the exception of those inmates:

(a) Out of the institution for a court appearance;

(b) Participating in a work release program approved under ch. HSS 324;

(c) Placed in the following segregated statuses:

Nonpunitive:

1. Voluntary confinement - unless the inmate requested placement in this status upon the recommendation of, or with approval by, the security director for the purpose of ensuring the inmate's personal safety and the inmate was in a pay status prior to such placement;

2. Administrative confinement under ch. HSS 308 - if the inmate was in a nonpay status prior to such placement, or the inmate is not participating in an approved institution work or study program while in this status;

3. Observation under ch. HSS 311 - if the inmate was in a nonpay status prior to such placement, or the inmate is not participating in an approved institution work or study program while in this status;

Punitive:

4. Adjustment segregation under ch. HSS 303;

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