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CERTIFICATE

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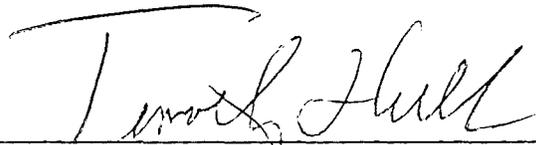
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STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Timothy F. Cullen, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to the design, construction, repair and maintenance of Huber facilities were duly approved and adopted by this Department on July 2, 1987.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 2nd day of July, 1987.



\_\_\_\_\_  
Timothy F. Cullen, Secretary  
Department of Health and Social Services

SEAL:

9-1-87

ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
ADOPTING RULES

To create HSS 348, relating to the design, construction, repair and maintenance of Huber facilities.

Analysis Prepared by the Department of Health & Social Services

Under s. 56.08, Wis. Stats., a court may grant a person sentenced by it to a county jail the privilege of leaving the jail during daytime hours to look for a job, be trained for employment, work, attend school, or receive medical treatment. Laws which permit such leaves for prisoners are called Huber laws, the privilege is called a Huber privilege, and a special facility used exclusively for Huber prisoners is called a Huber facility.

Recent statutory changes and increased judicial use of Wisconsin's Huber law have encouraged some counties to reevaluate their needs for secured facilities such as jails. 1983 Wisconsin Act 254 permitted counties to "establish, relocate and maintain an unlocked facility" for persons granted Huber privileges and directed the Department of Health and Social Services to set reasonable standards and regulations for counties interested in using Huber facilities. In keeping with that directive, the rules included in this proposed order establish minimum standards for the design, construction, repair and maintenance of Huber facilities. The standards include requirements for room size, furnishings and location; sanitation; fire safety; building and equipment repair and maintenance; and recordkeeping and reporting.

The Department's authority to create these rules is set forth in ss. 46.17(1) and 227.11(2)(a), Stats. The rules interpret ss. 46.17 and 56.09, Stats.

Pursuant to authority vested in the Department of Health and Social Services by ss. 46.17(1) and 227.11(2)(a), Stats., the Department of Health and Social Services hereby adopts rules interpreting ss. 46.17 and 56.09, Stats., as follows:

Section 1. HSS 348 is created to read:

## Chapter HSS 348

## HUBER FACILITIES

HSS 348.01 Purpose and Authority  
HSS 348.02 Applicability  
HSS 348.03 Definitions  
HSS 348.04 Construction Plans  
HSS 348.05 Physical Environment  
HSS 348.06 Fire Safety  
HSS 348.07 Sanitation  
HSS 348.08 Maintenance and Repair  
HSS 348.09 Records and Reporting

HSS 348.01 PURPOSE AND AUTHORITY. The purpose of this chapter is to establish minimum standards for the design and construction of Huber facilities and for maintaining sanitary and safe conditions in these facilities. These rules are promulgated under the authority of ss. 46.17(1) and 227.11(2)(a), Stats.

HSS 348.02 APPLICABILITY. This chapter applies to all Huber facilities established by counties under s. 56.09, Stats.

HSS 348.03 DEFINITIONS. In this chapter: (1) "Day room" means an area in the facility which is readily accessible to each group of sleeping rooms or dormitories and which is designated and used as a leisure time area.

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

(3) "Dormitory" means a room used for sleeping purposes and designed for occupancy by 3 or more persons.

(4) "Huber facility" or "facility" means a place of incarceration established by a county or a group of counties under s. 56.09, Stats., for use

exclusively by persons granted leave privileges under s. 56.08 (1), Stats., and persons confined under s. 973.09 (4), Stats.

(5) "Multi-purpose room" means a room or an area in the facility designated for recreational activities, physical exercise or congregate assembly other than visiting.

(6) "Sheriff" means the administrator of a facility and includes the superintendent of a house of correction.

(7) "Sleeping room" means a room used for sleeping purposes and designed for single or double occupancy.

HSS 348.04 CONSTRUCTION PLANS. All sites, plans and specifications for construction or remodeling of a facility shall comply with the state building code, chs. 1LHR 50 to 64, including requirements for a barrier-free environment under s. 1LHR 52.04, and shall, following approval by the department of industry, labor and human relations under s. 1LHR 50.12, be submitted to the department for approval pursuant to s. PW-C 50.01(8).

HSS 348.05 PHYSICAL ENVIRONMENT. (1) SLEEPING ROOMS. (a) Sleeping rooms shall provide not less than 56 square feet for single occupancy and 100 square feet for double occupancy. The distance between the floor and ceiling may not be less than 8 feet and the distance between walls may not be less than 7 feet.

(b) Each occupant of a sleeping room shall have a bed, desk, chair and storage area for personal property.

(c) Sleeping rooms shall be provided with light of at least 10 footcandles

and with the capability to reduce lighting during sleeping hours to a level which permits security checks.

(d) Each sleeping room shall be equipped with a door and shall have an observation panel which permits security checks.

(e) Locks, if provided on sleeping room doors, may not prevent the occupant or occupants from leaving the room.

(2) DORMITORIES. (a) Dormitories shall have a minimum floor area of 50 square feet per occupant and a floor to ceiling height of not less than 8 feet.

(b) A secured locker for clothing and personal property shall be provided for each occupant of the dormitory.

(c) The number of beds in each dormitory may not exceed the number of occupants indicated by square footage requirements specified in par. (a).

(d) Dormitories shall be provided with light of at least 10 footcandles and with the ability to reduce lighting during sleeping hours to a level which permits security checks.

(e) Locks, if provided on entrance and exit doors of a dormitory, may not prevent the occupants from leaving the dormitory.

(3) DAYROOMS. (a) All sleeping rooms and dormitories shall be provided with one or more dayrooms in their immediate vicinity that are accessible to inmates. A dayroom shall provide a minimum of 35 square feet for each occupant of the dormitories and sleeping rooms which have access to it. The distance between the ceiling and floor of a dayroom shall be at least 8 feet.

(b) Each dayroom shall have sufficient tables and seating for the number of occupants of the dormitories and sleeping rooms that have access to it.

(c) Lighting in dayrooms may not be less than 10 footcandles.

(4) MULTIPURPOSE ROOM. Each facility shall provide a multipurpose room for recreation and physical exercise. The multipurpose room shall have a minimum of either 300 square feet or 35 square feet per occupant at maximum capacity of the facility, whichever is greater.

(5) VISITING AREA. Each facility shall provide a visiting area separate from inmate sleeping rooms, dormitories, dayrooms and multipurpose rooms. Space in the visiting area shall be sufficient to permit 10% of the maximum population of the facility to visit at the same time.

(6) RECEIVING AND PROCESSING AREA. Each facility shall have an area for receiving and processing inmates. The area shall be immediately adjacent to the entrance of the facility and shall be designed so that activities conducted within the area cannot be viewed by the public.

(7) TOILET AND BATHING FACILITIES. The facility shall have sufficient washbasins, stools and urinals, and showers or bathtubs. The minimum number of bathroom fixtures is specified in Table 348.05.

TABLE 348.05

## REQUIRED BATHROOM FIXTURES

Stools		Urinals	Washbasins	Bathtubs or Showers
Males	Females	Males		
One stool for every 8 males or fraction thereof	One stool for every 8 females or fraction thereof	Urinals may be substituted for up to 2/3 of the required number of stools	One washbasin for every 8 persons or fraction thereof	One bathtub or shower for every 10 persons or fraction thereof

(8) DOORS AND LOCKS. (a) Each entrance and exit door to the facility shall be equipped with a locking mechanism that prevents unauthorized entry. The locking mechanism may not prevent exiting by inmates or staff.

(b) Entrance and exit doors shall be provided with an indicator light in the staff area and with an alarm system which will sound when the door is opened without authorization.

(c) Entrance doors shall have vision panels to permit identification of individuals before they enter the facility.

(9) WINDOW SCREENS. All windows accessible to inmates shall have screens of .047 gauge with tensile strength of 1600 pounds per linear inch after weaving to prevent the introduction of contraband.

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

HSS 348.06 FIRE SAFETY. (1) Each facility shall have and shall properly maintain fire alarms, smoke detectors, sprinkler systems, fire extinguishers, fire attack equipment and self-contained breathing apparatuses which operate for at least 30 minutes. This equipment shall be placed in the facility in accordance with the advice of the local fire department.

(2) Each facility, in collaboration with the local fire department, shall develop written plans for fire protection, evacuation, and training of staff in equipment use and evacuation.

(3) The evacuation plan developed under sub. (2) shall be posted in a conspicuous place in the facility.

(4) The sheriff or a designee shall arrange for a fire inspection by the local fire department at least once every 6 months. Documentation of inspections shall be included in facility files.

(5) Each facility shall have standby emergency power for all electrically operated smoke detectors, fire alarms, exit lighting and selected lighting within the facility. Emergency power shall be designed to start up automatically within 10 seconds of the failure of normal power. The emergency power source shall be capable of generating power for at least 1 1/2 hours.

HSS 348.07 SANITATION. All facilities shall meet the requirements of ch. HSS 190. In addition: (1) Clean sheets, pillowcases, blankets and towels shall be provided to each inmate upon admission;

(2) Blankets shall be laundered or sterilized before reissue and at least every 3 months;

(3) Sheets and pillowcases shall be changed and washed at least weekly;

(4) Clean towels and washcloths shall be issued to each inmate twice per week;

(5) A mattress and pillow shall be provided for each bed;

(6) Each mattress and pillow shall be made of fire-resistant material and 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;

(7) Suppliers of mattresses and pillows shall provide evidence to the sheriff that the contents of their products are fire resistant and that the products are fire retardant, waterproof and easy to clean.

(8) Mattresses shall be at least 3 inches thick and of proper size to fit the bed.

HSS 348.08 MAINTENANCE AND REPAIR. (1) Facility staff shall inspect the facility daily to discover inoperative devices and equipment and areas in need of repair and maintenance.

(2) Defects in the physical plant and its contents that endanger any inmate's safety, health or life, or that threaten serious damage to the facility shall be repaired immediately. If the repairs cannot be made immediately, the defective area or items may not be used.

(3) Repairs shall restore the facility to its original condition or to an equivalent safe condition.

(4) Routine repair and maintenance of the facility shall be performed consistently to ensure that the facility is in proper condition.

HSS 348.09 RECORDS AND REPORTING. (1) REGISTER OF INMATES. A register of all inmates shall be kept with identifying information that includes name, age, sex, race, court order, time 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 included in the register.

(2) MEDICAL RECORDS. While an inmate is in custody, records shall be maintained on medical screening conducted on admission to the facility, medications prescribed, medical evaluations and treatment provided. 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 other applicable state and federal laws.

(3) DISCIPLINE RECORDS. Records shall be maintained of disciplinary actions that result in loss of good time or loss of privileges in accordance with ss. 53.43 and 56.08 (10), Stats.

(4) REGISTRATION OF VISITORS. Visitors shall be required to register upon entering the facility.

(5) STORAGE OF RECORDS. Records shall be secured in locked desks or in filing or storage cabinets.

(6) REPORTING REQUIREMENTS. (a) The sheriff shall notify the department's regional detention facility specialist immediately when any of the following situations occur:

1. When an inmate dies or attempts suicide and requires hospitalization;
2. When an inmate escapes or attempts to escape; or
3. When a fire, natural disaster, riot, inmate escape or other major occurrence damages the facility.

(b) Information requested by the department's division of corrections shall be promptly furnished by the sheriff.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

WISCONSIN DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DATED: July 2, 1987

BY:



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Timothy F. Cullen  
Secretary

SEAL

338/rgm



State of Wisconsin

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

Tommy G. Thompson  
Governor

Timothy F. Cullen  
Secretary

July 2, 1987

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JUL 2 1987

Revisor of Statutes  
Bureau

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

Mr. Orlan Prestegard  
Revisor of Statutes  
9th Floor - 30 on the Square

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 348, administrative rules relating to the design, construction, repair and maintenance of Huber facilities.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rule changes do not affect small businesses as defined in s. 227.114(1)(a), Stats., because they apply to county-established Huber facilities.

Sincerely,

Timothy F. Cullen  
SECRETARY

Enclosure