

Chapter HSS 310

COMPLAINT PROCEDURES IN ADULT CORRECTIONAL INSTITUTIONS

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Note: Most of the sections in this chapter have explanatory material relating to the text of the rule. This material can be found in the appendix following HSS 310.14.

HSS 310.01 Purpose. (1) The policy of the division of corrections is to afford inmates in adult institutions a process by which grievances may be expeditiously raised, investigated, and decided. If the decision requires a change in administrative practice, the change shall be implemented.

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

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

(b) To encourage communication between inmates and staff;

(c) To develop inmates' sense of involvement in and respect for the correctional process;

(d) To explain correctional policy to inmates and staff;

(e) To afford inmates and staff the opportunity to review correctional policy and gain further insight into the correctional system;

(f) To correct any errors and deficiencies in correctional policy through questioning and review; and

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

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. (2) (e) and (f), cr. (2) (g), Register, March, 1987, No. 375, eff. 4-1-87.

HSS 310.015 Applicability. Pursuant to authority vested in the department of health and social services under s. 227.11 (2), Stats., the department adopts this chapter which applies to the department, the division of corrections, and all adult inmates in its legal custody. It interprets s. 46.03, Stats.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March 1987.

HSS 310.02 Definitions. In this chapter:

(1) "AA/CRC officer" or "affirmative action/civil rights compliance officer" means the person in the division designated by the administrator to monitor and aid in the investigation and resolution of civil rights complaints.

(2) "Administrator" means the administrator of the department's division of corrections, or his or her designee.

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

(4) "CCE" or "corrections complaint examiner" means the person outside the division designated to investigate complaints appealed to the administrator.

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

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

(7) "Director" means the director of the bureau of adult institutions in the department's division of corrections.

(8) "ICI" or "inmate complaint investigator" means the person at each adult correctional institution designated to investigate complaints filed by inmates.

(9) "ICRS" or "inmate complaint review system" means the process by which complaints filed by inmates of adult correctional institutions are investigated and resolved.

(10) "Secretary" means the head of the department, or that person's designee.

(11) "Superintendent" means the superintendent of the institution at which the complaint was filed, or that person's designee.

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

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; r. and recr. Register, March, 1987, No. 375, eff. 4-1-87.

HSS 310.025 Organization of inmate complaint review system. The following steps outline the procedure for raising and resolving a grievance:

(1) To use the complaint system, an inmate files a complaint with the inmate complaint investigator (ICI) under s. HSS 310.05.

(2) The ICI then:

(a) Investigates the complaint under s. HSS 310.07;

(b) Attempts to resolve the complaint under s. HSS 310.07 (5); and

(c) Recommends a decision to the superintendent under s. HSS 310.07 (3).