

## Chapter DOC 350

## JAILS

|   |   |
|---|---|
| DOC 350.01 Purpose and authority (p. 369)   | DOC 350.14 Use of force (p. 380)                              |
| DOC 350.02 Applicability (p. 369)   | DOC 350.15 Discipline (p. 380)                                |
| DOC 350.03 Definitions (p. 369)   | DOC 350.16 Exceptions (p. 382)                                |
| DOC 350.04 Construction plans (p. 370)  | DOC 350.17 Policy and procedure manual (p. 383)               |
| DOC 350.05 Physical environment for new or substantially remodeled jails (p. 371) | DOC 350.18 Inmate health screening and care (p. 384)          |
| DOC 350.06 Physical environment of existing jails (p. 376)                        | DOC 350.19 Suicide prevention (p. 384)                        |
| DOC 350.07 Double ceiling (p. 376)  | DOC 350.20 Control and administration of medications (p. 385) |
| DOC 350.08 Sanitation and hygiene (p. 377)  | DOC 350.21 Communicable disease control (p. 385)              |
| DOC 350.09 Health care (p. 377)   | DOC 350.22 Mail (p. 386)                                      |
| DOC 350.10 Fire safety (p. 378)   | DOC 350.23 Visitation (p. 386)                                |
| DOC 350.11 Records and reporting (p. 378)   | DOC 350.24 Religious programming (p. 386)                     |
| DOC 350.12 Security (p. 379)  | DOC 350.25 Recreation (p. 387)                                |
| DOC 350.13 Administrative confinement (p. 379)                                    | DOC 350.26 Reading materials (p. 387)                         |
|   | DOC 350.27 Canteen (p. 387)                                   |

Note: Chapter HSS 350 was renumbered Chapter DOC 350 and revised under s. 13.93 (2m) (b) 1, 2, 6 and 7, Stats., Register, April, 1990, No. 412; Chapter DOC 350 was repealed and recreated by emergency rule effective March 19, 1990.

**DOC 350.01 Purpose and authority.** The purpose of this chapter is to establish minimum standards for the design and construction of jails, for maintaining sanitary and safe conditions in jails and the security of jails, and due process protections for inmates alleged to have violated jail conduct rules and subject to disciplinary proceedings and for the development of written inmate program standards for jails. 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. Register, February, 1990, No. 410, eff. 3-1-90; am. Register, December, 1992, No. 444, eff. 1-1-93.

**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 corrections established under s. 303.16, Stats.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90.

**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 350.07, "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. 48.208 and 48.209, Stats., for juveniles, or s. 302.31, Stats., for adults.

Register, December, 1992, No. 444

(4) "Contraband" means any item not allowed in a jail by the sheriff or by this chapter.

(5) "Dayroom" means an area in a jail which is designed and used as a leisure time area and which is readily accessible to a group of cells or a dormitory or is located within a dormitory.

(6) "Deliver" or "Delivery" has the meaning given in s. 450.01 (5), Stats.

(7) "Department" means the Wisconsin department of corrections.

(8) "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.

(9) "Division" means the division of probation and parole.

(10) "Dormitory" means a room used for sleeping purposes and designed for occupancy by 2 or more persons.

(11) "Health screening form" means the form or forms developed by a jail to obtain at admission information relating to each inmates's medical and dental condition, medical illnesses or disabilities, mental illnesses, developmental disabilities, alcohol or other drug abuse problems and suicide risk.

(12) "Holding room" means a secure room in the jail designed for holding more than one inmate of the same sex and security classification as determined by the segregation requirements specified in s. 302.36, Stats., for the purpose of processing admissions and releases.

(13) "Huber law inmate" means an inmate granted the privilege of leaving a jail under s. 303.08, Stats., or s. 973.09, Stats.

(14) "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 corrections as defined under s. 303.16 and 303.17, Stats.

(15) "Multi-purpose room" means a room or an area in a jail that is designated for recreational activities, physical exercise or congregate assembly other than visiting.

(16) "Privileged mail" means any written materials between an inmate and an attorney, court, government or jail official.

(17) "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.

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

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

(20) "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.

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

(22) "Special needs inmate" means any inmate who is identified or suspected of having a medical illness or disability, mental illness, a developmental disability or alcohol or other drug abuse problem or who is a suicide risk.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90; renum. (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.

**DOC 350.04 Construction plans.** (1) Before design development begins, a county which intends to build or remodel a jail shall file a letter of intent with the division'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 division'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 state building code, chs. ILHR 50 to 64.

(4) Prior to approval by the department of industry, labor and human relations under s. ILHR 50.12 and prior to publication of bid documents,

Next page is numbered 371

(7) When inmates are locked in their cells, jail staff shall physically observe each inmate in all areas of the jail containing double occupancy cells at least once every 60 minutes at irregular intervals;

(8) Each cell used for double occupancy shall have a dayroom in its immediate vicinity that is accessible to inmates. The dayroom shall have detention strength tables and seating for the number of occupants of the cells that have access to the dayroom; and

(9) If a jail uses cells for double occupancy in a housing unit, the dayrooms in that housing unit may not be used for sleeping purpose.

History: Cr. Register, November, 1990, No. 419, eff. 12-1-90.

DOC 350.08 Sanitation and hygiene. All jails shall meet the requirements of ch. HSS 190. In addition:

(1) Inmates assigned to the kitchen who prepare, handle or serve food shall bathe or shower daily;

(2) Blankets shall be laundered or sterilized before reissue. Blankets used with sheets shall be laundered at least every 3 months and blankets used without sheets shall be laundered at least weekly;

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

(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;

(6) Suppliers of mattresses and pillows shall provide evidence to the sheriff that the products are fire retardant, waterproof and easy to clean; and

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

(8) 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.

(9) 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.

(10) After 24 hours, inmates shall be notified that, upon request, they will be provided with towels and toilet articles sufficient for the maintenance of cleanliness and hygiene, including toothpaste and toothbrush, soap and comb. Basic feminine hygiene materials 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.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum; from DOC 350.07 and am. (1), (5) and (6), Register, November, 1990, No. 419, eff. 12-1-90; (8) to (10) renum. from DOC 350.09 (7), (9) and (10), Register, December, 1992, No. 444, eff. 1-1-93.

Register, December, 1992, No. 444

**DOC 350.09 Health care.** (1) The sheriff shall provide or secure necessary medical treatment and emergency dental care for inmates in custody.

(2) No prescription medications or treatments may be administered unless prescribed by a physician. If a nurse or physician is not available, jail staff may deliver prescribed doses of oral medication at prescribed times.

(3) 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.

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

(5) If an inmate dies or becomes acutely ill while in custody, the next of kin shall be notified as soon as possible.

(6) Inmates shall be served nutritionally balanced meals. Menus shall be kept for 90 days for review. An inmate shall be provided with a special diet if ordered by a physician.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum. from DOC 350.08 and am. (2), (8) to (10), Register, November, 1990, No. 419, eff. 12-1-90; r. (1), renum. (2) to (6) and (8) to be (1) to (6) and am. (3), renum. (7), (9) and (10) to be DOC 350.08 (8) to (10), Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.10 Fire safety.** (1) Each jail shall have and shall properly maintain fire alarms, smoke and thermal detectors, fire extinguishers, fire attack equipment and self-contained breathing apparatuses which operate for at least 30 minutes. This equipment shall be placed in the jail in accordance with the advice of the local fire department.

(2) Each jail shall develop written policies on fire protection, evacuation, including evacuation of persons with disabilities, and training of staff in equipment use and evacuation. The policies shall comply with local fire department recommendations.

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

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

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum. from DOC 350.09 and am. (4), Register, November, 1990, No. 419, eff. 12-1-90.

**DOC 350.11 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.

DOC 350.07 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 variance would provide equivalent or better protection for the health, safety, welfare and rights 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 or welfare of inmates or 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.

History: Cr. Register, February, 1990, No. 410, eff. 3-1-90; renum. from DOC 350.15 and am. Register, November, 1990, No. 419, eff. 12-1-90.

**DOC 350.17 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 policies and procedures contained in the manual shall be developed in consultation with outside resources, such as medical, mental health, alcohol and other drug abuse, and developmental disabilities providers, and shall reference any agreements with such providers for the provision of services to inmates identified as needing care and treatment. The manual shall contain the following components:

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

(b) Statement of the policies of the facility on inmate programs, including inmate health screening and care, suicide prevention, control and administration of medications, communicable disease control, mail, visitation, religious programming, recreation, reading materials, and canteen.

(c) Statement of the procedure for notification of inmates of each policy under par. (b).

(2) **SUBMISSION AND APPROVAL OF MANUAL.** (a) *Division approval.* The sheriff shall submit the initial policy and procedure manual to the division for approval by April 1, 1993.

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

2. If the division disapproves the manual, the division 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 division, 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 division'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 re-submit it within 60 days of the decision to the division.

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

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.18 Inmate health screening and care.** The manual under s. DOC 350.17 shall contain policies and procedures for inmate health screening and care, including the following components:

(1) Health screening form which is developed in conjunction with health care professionals and which is used at booking to obtain information relating to each inmate's medical and dental condition, medical illnesses or disabilities, mental illnesses, developmental disabilities, alcohol or other drug abuse problems and suicide risk.

(2) Procedures for the documentation of health screening results, referrals made or health care provided and maintenance of documents in an inmate's confidential medical file.

(3) Names, addresses and telephone numbers of health care providers or agencies who have agreed to provide emergency and other health care services for special needs inmates.

(4) Procedures for the referral of an inmate to jail health care staff or to other agencies which 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) Procedure for processing inmate medical requests, including written disposition.

(9) Documentation in an inmate's confidential medical file of any referral and identification of the services provided, including emergency services.

(10) Provision of special diet if ordered by a physician.

(11) Maintenance of agreements between the jail and providers of health care services.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.19 Suicide prevention.** The manual under s. 350.17 shall contain 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) Assessment of an inmate's suicide risk at booking and documentation of the results.

Register, December, 1992, No. 444

(2) Designation of person who may assess an inmate's level of suicide risk and who may authorize placement on and removal from a suicide watch status for inmates who are suicide risks.

(3) Identification of housing areas for inmates who are suicide risks.

(4) Referral of inmates who are suicide risks to mental health care providers or facilities.

(5) Supervision of inmates who are suicide risks, including frequency of observation and documentation of supervision.

(6) Communication between health care and jail personnel regarding the status of an inmate who is a suicide risk.

(7) Intervention of a suicide in progress, including first aid measures.

(8) List of persons to be notified in case of potential, attempted or completed suicides.

(9) Documentation of actions and decisions regarding inmates who are suicide risks.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.20 Control and administration of medications.** The manual under s. DOC 350.17 shall contain policies and procedures relating to the control and administration of prescription and nonprescription medications, including the following components:

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

(2) Inventory and secured storage of all medications brought into the jail.

(3) Designation of staff who are authorized to administer or who are authorized to deliver medication to inmates.

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

(5) Documentation of all medication administered or delivered to an inmate, including, who prescribed the medication, who administered or delivered the medications and the date and time of administration or delivery. All refusals of recommended or prescribed medications by an inmate must be documented.

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

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

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.21 Communicable disease control.** The manual under s. DOC 350.17 shall contain policies and procedures relating to the care, treatment and supervision of inmates who may have communicable diseases, including the following components:

(1) Provision of treatment and supervision of inmates during isolation or quarantine under s. 143.05 (6) (b), Stats.

Register, December, 1992, No. 444



(2) Documentaion of the need for isolation or quarantine under s. 143.05 (6) (b), Stats., in the inmate's confidential medical file.

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

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.22 Mail.** The manual under s. DOC 350.17 shall contain 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) Delivery of all nonprivileged incoming mail.

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

(4) Delivery of all approved privileged mail.

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

(6) Provision of postage to indigent inmates.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.23 Visitation.** The manual under s. DOC 350.17 shall contain policies and procedures relating to visitation, including the following components:

(1) Establishment of visitation schedule for family, friends, attorneys and others.

(2) Establishment of procedures for requesting visitation during non-scheduled 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.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.24 Religious programming.** The manual under s. DOC 350.17 shall contain 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 of inmates of the schedule of religious services available in the jail.

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

(4) Provision of Bibles or Qurans upon request under s. 302.39, Stats.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

Register, December, 1992, No. 444

**DOC 350.25 Recreation.** The manual under s. DOC 350.25 shall contain policies and procedures identifying the recreational activities which are available and when they are scheduled.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.26 Reading materials.** The manual under s. DOC 350.17 shall contain policies and procedures relating to access to reading materials, including the following components:

- (1) Provision of reading materials of general interest, such as books, newspapers and magazines, for inmates.
- (2) Identification of reading materials which are prohibited for inmates because their content creates a security risk.
- (3) Inspection of reading materials brought by visitors for inmates if the jail allows visitors to bring in reading materials.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 350.27 Canteen.** The manual under s. DOC 350.17 shall contain policies and procedures for the establishment and use of canteen, vending or other similar services for inmates.

History: Cr. Register, December, 1992, No. 444, eff. 1-1-93.