

Chapter DOC 376

SECURITY IN TYPE 1 SECURED CORRECTIONAL FACILITIES

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Note: Chapter HSS 336 as it existed on June 30, 2000 was repealed and a new Chapter DOC 376 was created, Register, June, 2000, No. 534, effective July 1, 2000.

DOC 376.01 Authority and objectives. This chapter is promulgated under the authority of ss. 227.11 (2) (a), 301.025 and 938.48 (16), Stats. The department's primary security objectives are to protect the public, staff and youth and to afford youth a safe setting to participate in activities that prepare them to be successfully reintegrated into the community.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 376.02 Applicability. This chapter applies to the department and all youth under its supervision in a type 1 secured correctional facility consistent with the requirements of law.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 376.03 Definitions. In this chapter:

(1) "Administrator" means the administrator of the division of juvenile corrections or that person's designee.

(4) "Body contents search" means a search in which a youth is required to provide a biological sample, including deoxyribonucleic acid (DNA), urine, breath, or blood for analysis. Body contents searches do not include examinations and tests requested by medical staff for medical reasons.

(4m) "Body scan search" means a search using body scan technology to produce an image capable of revealing the presence of drugs, weapons, or other harmful materials concealed on or inside the body.

(5) "Chemical agent" means chloroacetophenone or "CN", o-chlorobenzyl malononitrile or "CS", oleoresin of capsicum or "OC" or other commercially manufactured chemical agents approved by the department.

(7) "Contraband" means any item or items introduced or found in the facility whether illegal or legal that are expressly prohibited by the department or facility policy.

(8) "Deadly force" means force which the user reasonably believes will create a substantial risk of causing death or great bodily harm to another.

(8m) "De-escalation" means assisting a youth to regain behavioral control and to avoid physical intervention to defuse a volatile situation.

(9) "Department" means the department of corrections.

(10) "Facility" means a type 1 juvenile correctional facility, as defined in s. 938.02 (19), Stats.

(11) "Force" means the exercise of strength or power to overcome resistance or to compel another to act or to refrain from acting in a particular way. It includes the use of physical force and mechanical restraints.

(12) "Full body restraint" means a mechanical restraint used to simultaneously immobilize legs, arms and torso.

(13) "Great bodily harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(13m) "Group disturbance" means the disruption or interference of normal facility operations resulting from 3 or more youth participating in actions, threats, demands, or suggestions to advocate disruption or disturbance almost akin to a riot.

(14) "Health services professional" means a nurse, an advanced practice nurse prescriber, a physician's assistant or a physician who are licensed or certified to practice in Wisconsin.

(17) "Lockdown" means restriction of movement and programs throughout an entire facility to control a situation regarding safety or security of a facility.

(18) "Medical staff" means physician, physician's assistant or nurse practitioner.

(19) "Mechanical restraint" means a commercially manufactured device approved by the department and applied to impede the free movement of a youth.

(21) "Personal search" means a search of a youth's person including the clothing, a pat-down of the body, an examination of shoes, coat and hat and an inspection of the mouth.

(21m) "Psychology staff" means individuals licensed to provide behavioral health services in accordance with state law and who meet education, training, and experience to perform the duties required in accordance with professional standards and licensing.

(22) "Reasonable belief" means an actor's belief that certain facts exist and the belief, under the circumstances, is reasonable even though the belief may be erroneous.

(22m) "Room confinement" means the involuntary restriction of a youth in a room, or other area, excluding the confinement of a youth to such an area during normal sleeping hours or on observation status as defined in ch. DOC 375.

(23) "Secretary" means the secretary of the department of corrections or that person's designee.

(24) "Staff" means a state employee or a person under contract with the department or the facility where a youth is housed.

(25) "Strip search" means a search in which a youth is required to remove or rearrange clothes. Permissible inspection includes examination of the youth's body and clothing and visual inspection of the mouth, breast, buttocks, or genitalia.

(26) “Superintendent” means the superintendent of a type 1 secured correctional facility or that person’s designee.

(27) “Supervisor” means staff designated by the superintendent to perform supervisory functions under this chapter.

(28) “Trauma-informed care” means staff providing care to youth by understanding how traumatic events may impact a person to better support and assist them.

(28m) “Visual monitoring” means staff directly observing youth at staggered intervals not to exceed 30 minutes, in order to prevent the possibility of harm emanating from a variety of sources.

(29) “Youth” means a person or persons supervised by the department in a facility consistent with the requirements of law and regardless of age.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: r. (2), (3), am. (4), cr. (4m), am. (5), r. (6), am. (7), cr. (8m), r. and recr. (10), am. (13), cr. (13m), r. (15), (16), am. (17), (19), r. (20), am. (21), cr. (21m), am. (22), cr. (22m), am. (24), (25), r. and recr. (28), cr. (28m), am. (29) Register February 2025 No. 830, eff. 3-1-25.

DOC 376.04 Administrative confinement. (1) In this section, “administrative confinement” means a form of room confinement, which includes the involuntary nonpunitive restriction of a youth locked alone in a room or other area because the youth poses a serious risk of imminent physical harm to others.

(2) The facility shall designate on-site supervisory staff who may initiate administrative confinement and remove youth from administrative confinement.

(3) Psychology staff shall be notified as soon as possible, and no later than 2 hours after a youth’s placement in administrative confinement.

(4) Any youth placed in administrative confinement for whom there is not already a mental health evaluation must have such an evaluation as soon as possible within 24 hours.

(5) Placements in administrative confinement will be reviewed by a psychology staff member as soon as possible within the initial 4-hour placement to determine whether that placement is a contraindication to the youth’s mental health or if other options will adequately protect the youth or staff.

(6) Staff shall engage in crisis intervention techniques designed to return the youth to the general population as soon as possible.

(7) If at any point a youth no longer poses a risk of imminent physical harm, the youth must be immediately removed from administrative confinement.

(8) Time in an administrative confinement placement may not exceed 4 hours except under the conditions of sub. (9).

(9) One 4-hour extension to an administrative confinement placement, and one additional 4-hour extension thereafter, for a total of up to 12 hours, may occur under all of the following conditions:

(a) The superintendent determines, following review of the psychology staff’s recommendation, that continued confinement is necessary due to the youth continuing to pose a risk of imminent physical harm to others.

(b) A plan is commenced to either promptly return the youth to the general population or transfer the youth to another facility.

(10) Administrative confinement time limits may be tolled from 8 p.m. to 8 a.m.

(11) Administrative confinement may only be extended beyond 24 hours, including tolled time, to effectuate transfer of a youth to another facility under a commenced plan.

(12) Any youth placed in administrative confinement for any

period in excess of 24 hours, including tolled time, shall receive daily services by psychology staff.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25.

DOC 376.045 Conditions of room confinement. (1) Punitive room confinement is prohibited.

(2) Any room used for room confinement shall be suicide resistant and protrusion free to reduce self-harm.

(3) Staff shall visually monitor youth in confinement. Visual monitoring shall be documented by staff.

(4) Youth shall spend a minimum of 30 hours per week and no less than 3 hours per day out of their assigned room, with time spent in the general population counted toward those hours.

(5) Youth shall have additional time out of their room to engage in gross motor exercise, social interaction and sensory stimulation activities unless a determination is made by a supervisor that the youth poses an immediate and substantial risk of physical harm to self or others.

(6) Youth shall have prompt access to water, toilet facilities, and hygiene supplies, either in their rooms or upon request to a staff member via any readily available communication method within 15 minutes of the request.

(7) Youth shall have property items similar to or the same as items allowed in the general population unless restricted as needed for safety of the youth or staff on a case-by-case basis. Any restriction shall only be temporary until the restricted items can be safely returned. A supervisor shall review any property restrictions on a daily basis and document the review.

(8) Youth shall have the ability to attend all regularly scheduled appointments with a social worker, psychology staff, and other health services unless it is determined by the superintendent following review of the psychology staff’s recommendation that the youth continues to present immediate and substantial risk of physical harm to others.

(9) Youth shall eat their meals out of their room unless a supervisor determines the youth presents an immediate and substantial risk of physical harm to others. If a youth is served their meal in-room a supervisor will document the occurrence including a justification for authorizing the meal in-room.

(10) Youth shall continue to receive any treatment programming they would regularly attend unless a determination is made by the superintendent following review of the psychology staff’s recommendation that the youth presents an immediate and substantial risk of physical harm to others or an unreasonable risk of significantly disrupting group dynamics. Treatment services may be delivered one-on-one if the youth’s assigned social worker determines this to be in the best interest of the youth. The reasoning for the determination and the manner in which the treatment is provided shall be documented in the youth’s treatment record.

(11) Youth shall receive educational services with the general population except if a determination is made by staff that the youth presents an immediate and substantial risk of physical harm to others or an unreasonable risk of significantly disrupting class instruction. When this determination is made, staff shall develop an alternative education plan within 24 hours including addressing any applicable special education services for youth.

(12) Youth must have access to any needed mental health treatment while in room confinement.

(13) Within 15 minutes of a youth’s placement in room confinement, staff shall orally inform the youth of their rights regarding grievances and appeals as specified in ch. DOC 380. Within one hour of a youth’s placement in room confinement, facility staff shall provide the youth with written notice of their rights regarding grievances and appeals.

(14) Staff shall create a written report, after room confinement of a youth is completed, documenting the necessity of room confinement, the less restrictive measures attempted to avoid room confinement, and the length of time the youth spent in room confinement. The youth shall be provided a copy of the report immediately upon completion of the report.

History: CR 24-003: cr. Register February 2025 No. 830, eff. 3-1-25.

DOC 376.05 Monitoring youth. (1) Youth at the facility shall be monitored with the use of video and audio supervision.

(2) Visual monitoring of youth shall occur at staggered intervals not to exceed 30 minutes.

(3) Video and audio supervision may include cameras, body cameras, intercoms, microphones, telephone monitoring, or other electronic recording and surveillance devices.

(4) Information obtained by video or audio supervision or both may be used by the department or law enforcement for purposes that include administrative actions, discipline, program direction, investigations under the Prison Rape Elimination Act, 42 USC 15601, et. Seq. and the standards issued thereunder, 28 CFR part 115, and criminal prosecutions.

(5) Video or audio supervision or both may not be used during private youth and psychology sessions unless informed consent is given by the youth.

(6) Video or audio supervision or both may not be used to interfere with or compromise privileged communications between a youth and their attorney.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25.

DOC 376.06 Youth count. The superintendent shall establish and maintain a system for accurately accounting for the whereabouts of all youth at all times. The system shall interfere as little as practical with school, work, program and recreational activities. The system shall be described in writing. All facility staff shall be familiar with the system.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: am. Register February 2025 No. 830, 3-1-25.

DOC 376.07 Use of force. (1) The superintendent shall enact policies and procedures related to the use of physical force based on juvenile-focused best practices, including a physical force intervention training that is consistent with the provisions of this section.

(2) Corporal punishment of youth is not permitted under any circumstances.

(3) Only the minimum force that is reasonably necessary to achieve a proper objective may be used. Excessive force shall not be used.

(4) Staff may use physical force only if the individual staff member using force reasonably believes that it is immediately necessary to accomplish one of the following purposes:

(a) To prevent a youth who poses an imminent and substantial risk of physical harm from harming themselves or others.

(b) To regain control of all or part of a facility during a disturbance as defined in s. DOC 376.20 (1) or an emergency as defined in s. DOC 376.21 (1).

(c) To prevent the escape of a youth.

(5) After the use of physical force, the youth who were involved shall be checked for injury and provided appropriate medical services. Staff shall submit a written report to the superintendent regarding any medical services provided.

(6) If physical force is used, each staff member involved shall submit a separate written report regarding the incident to the superintendent.

(7) All facility staff shall be trained in de-escalation practices at least annually.

(8) Staff may use the physical force necessary to prevent death or great bodily harm.

(9) Youth may not use physical force at any time.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25.

DOC 376.08 Use of chemical agents. The use of oleoresin capsicum and other chemical agents is prohibited.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25.

DOC 376.09 Mechanical restraints. Mechanical restraints, including handcuffs, may only be used if staff determine that they are the least restrictive means of addressing an imminent threat of physical harm to self or others and must be removed immediately when the threat of harm or safety concern has abated. The use of mechanical restraints shall be consistent with the provisions of this section and subject to all of the following:

(1) Under all circumstances, there is a presumption that youth shall not be mechanically restrained.

(2) No mechanical restraint device other than handcuffs may be used on youth while they are in the facility except under any of the following conditions:

(a) When ordered by psychology staff to attempt to prevent active self-harm.

(b) If the youth poses an immediate and substantial threat of physical harm to others.

(c) During transportation additional restraints such as waist chains or leg restraints may be used when necessary to prevent an imminent threat of harm to youth or others.

(3) Mechanical restraints shall never be used for punishment or discipline.

(4) Youth may never be restrained to a fixed object unless specifically ordered by a qualified mental health professional to attempt to prevent active self-harm.

(5) Only staff trained in the use of physical force, mechanical restraints, and de-escalation techniques may place a youth in mechanical restraints.

(6) Mechanical restraints may be used during transportation when there is a documented reason to prevent an imminent threat of physical harm to others.

(7) When youth are being transported for release to a non-locked environment, restraints may not be used unless to prevent a threat of harm to youth or staff or both.

(8) Any use of mechanical restraints, except during transportation or authorized by psychology staff, shall be authorized by a supervisor.

(9) A staff person shall be assigned to monitor a youth who is placed in mechanical restraints and shall remain in continuous auditory and visual contact with the youth. Observations of the youth's behavior and any staff interventions shall be documented at least every 45 minutes, with the actual time of the observation or intervention recorded.

(10) Facility staff must document all uses of restraints in the facility, including a description of the events leading up to the use of restraints, the less restrictive alternatives attempted, and the length of time the youth spent in restraints.

(11) Mechanical restraints in excess of 45 minutes may be used only if all of the following apply:

(a) The use is approved by the superintendent, safety director or designee.

(b) The use is approved by psychology staff.

(c) The superintendent and psychology staff shall review use every 45 minutes thereafter.

(12) When psychology staff approves additional 45 minutes of mechanical restraint use, as soon as possible and no later than 2 hours following this approval, psychology staff shall evaluate the youth and provide therapeutic interventions to the youth as needed.

(13) Full body restraints may be used only for the following reasons with authorization from the superintendent in consultation with psychology staff:

(a) To protect a youth who poses an immediate threat of physical injury to self unless placed in full body restraints.

(b) To protect a youth in a health emergency that requires full body restraints.

(c) To protect staff, youth or other persons from a youth who poses an immediate risk of physical injury to others unless placed in full body restraints.

(14) When staff place a youth in full body restraints under sub. (13) (a) to (c), all of the following apply:

(a) The shift supervisor shall be present and shall notify the superintendent, a health services professional and the psychologist on call.

(b) A minimum of 3 staff shall be present when the youth is placed in full body restraints.

(c) A video and audio recording shall be made as directed by the superintendent.

(d) A staff psychologist or psychiatrist shall arrange for an on-site evaluation within 2 hours after the application of full body restraints.

(e) The psychologist or psychiatrist shall recommend to the superintendent whether the youth should remain in full body restraints and what actions should be taken to protect the youth.

(f) A health services professional shall conduct a physical examination as soon as possible, but not later than one hour after application of full body restraints. A physical examination shall be conducted every 4 hours thereafter by a health services professional.

(g) Staff shall directly and continuously observe a youth immobilized in full body restraints.

(h) Youth may be partially released from full body restraints if it is safe to do so to perform bodily functions and for meals. Three staff members, one of whom shall be a supervisor, shall be present before and during the release.

(i) The youth shall be released immediately if it becomes apparent that full body restraints present a medical risk to the youth.

(15) Facility staff must document all uses of full body restraints in the facility, including a description of the events leading up to the use of full body restraints, the less restrictive alternatives attempted, and the length of time the youth spent in full body restraints. Staff shall also document:

(a) The name of the staff making the observation and comments on the youth's condition and behavior while in full body restraints.

(b) The dates and times that the youth was observed by clinical staff, a health services professional or a licensed psychologist or psychiatrist, the recommendations made by those persons and whether staff implemented the recommendations.

(c) Medication given and the time it was given.

(16) The superintendent may authorize partial or complete release from full body restraints at any time.

(17) No youth may be immobilized in full body restraints for longer than 12 hours, unless the youth is examined by a psychologist, psychiatrist or the crisis intervention worker, who shall make

a written recommendation to the superintendent as to whether the youth should continue to remain in full body restraints. An examination by a psychologist, psychiatrist or crisis intervention leader shall occur thereafter at least every 12 hours that a youth is in full body restraints. The superintendent may authorize the use of restraints for more than 12 hours. The superintendent shall notify the administrator of the decision to continue the use of full body restraints beyond 12 hours and every 12 hours thereafter.

(18) Staff shall initiate a transfer to a mental health facility under s. 51.35 (3), Stats., if appropriate. Staff shall not retain a youth in full body restraints under sub. (13) (a) to (c) for more than 24 hours, unless a transfer to a mental health facility has been initiated by the facility.

(19) A monthly report concerning each incident involving the use of full body restraints shall be submitted by the superintendent to the administrator.

(20) Facilities shall maintain a supply of commercially manufactured mechanical restraints approved by the department. The mechanical restraints shall be periodically examined and any excessively worn or defective mechanical restraints shall be removed from the supply and destroyed.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00 ; CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25; correction in (18), (20) made under s. 35.17, Stats., Register February 2025 No. 830.

DOC 376.10 Escapes. (1) **PLAN.** The facility shall have a written plan approved by the superintendent to be implemented in the event an escape occurs or is attempted. The plan shall be updated annually and shall be filed with the administrator. The plan shall provide for all of the following:

(a) Reporting the escape to the superintendent and the administrator.

(b) Staff communication.

(c) Notification to local and committing county law enforcement authorities.

(d) Notification to the community, consistent with s. 938.51 (1r), Stats.

Note: There is no statutory requirement for notification to the community in the event of escape.

(e) Pursuit of the escapee.

(f) An immediate count of all youth.

(g) A search of the facility and grounds.

(h) An investigation into the background, mail and visitors list of the escaped youth.

(i) An accessible list of the names, addresses and phone numbers of off-duty staff members.

(j) The operation of essential posts.

(k) Securing tools and any implement that may be fashioned into a weapon.

(L) Victim notification, if requested under s. 938.51 (4), Stats.

(m) The preservation of any evidence relevant to the escape and the chain of evidence.

(n) The repair of any facilities damaged in the escape.

(o) The responsibility of staff after an escape.

(p) Notification of the administrator and law enforcement agencies of the apprehension of an escapee.

(2) **REPORTS.** Reports of escapes required under sub. (1) (a) shall include:

(a) Date, time and location when the youth was last seen.

(b) The method of escape.

(c) Who was involved in the escape.

(d) A description of the escapee, including clothing worn.

(e) Action taken by the facility, including procedures initiated.

(f) A brief evaluation of the factors which may have contributed to the escape.

(g) The identification of persons who may have information about the escape.

(3) **HOSTAGES.** When a youth takes the superintendent or any staff hostage, the hostage shall have no authority to order any action or inaction by staff.

(4) **PURSUIT.** Any pursuit of an escaped youth by staff shall be done in cooperation with local law enforcement authorities. Until local law enforcement authorities are able to supervise pursuit, staff shall conduct the pursuit under supervision of the superintendent.

(5) **OFF-DUTY STAFF.** In the event of an escape, the superintendent may order any off-duty staff to work.

(6) **VEHICLES.** The superintendent may authorize staff to use their own vehicles to pursue an escaped youth if state-owned vehicles are unavailable.

(7) **CRIMINAL CONVICTIONS.** A youth who is in a facility because of an adult criminal court conviction who escapes from a facility shall be treated as an adult in regard to confidentiality of information.

(8) **PUBLIC INFORMATION RELEASE.** After 12 hours, the department may release information to the public if permitted under s. 938.78 (3), Stats., for youth adjudicated for certain criminal offenses. The information may include the youth's name, age, physical description, including clothing, the date and time of the escape and the facility where the escape occurred.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (1) (L) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534; **CR 24-003: am. (1) (intro.), (g), (2) (e), (7), (8) Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.11 Search of facility grounds. Staff may conduct a search of any area within the buildings or grounds of a facility at any time. There is no requirement that evidence exists that contraband is concealed on facility grounds before such a search is conducted. Upon completion of the search, staff shall complete a facility incident report describing the search including any discovery of contraband.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: am. Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.12 Search of youth living quarters. (1) Whenever staff conduct a search of a youth's living quarters, staff in charge of the living unit at the time of the search or the staff who conducted the search shall write a report that includes all of the following:

(a) The identity of the staff who conducted the search and the supervisor who approved it.

(b) The date and time of the search.

(c) The identity of the youth whose living quarters were searched.

(d) The reason for conducting the search. If the search was a random search, the report shall state that it was a random search.

(e) Any objects that were seized pursuant to the search.

(f) Whether any damage was done to the premises during the search.

(2) If property was seized or damaged pursuant to the search of a youth's living quarters, staff shall inform the youth in writing. The facility shall pay for the cost of repair of personal property that is not contraband. In the alternative, and at the discretion of the superintendent, damaged personal property that is not contraband shall be replaced or the youth shall receive the fair market value of the property at the time it was damaged.

(3) In conducting searches, staff shall disturb the effects of youth as little as possible, consistent with thoroughness.

(4) Staff shall not read materials that they know or have reason to believe are legal materials.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: am. (2), (4) Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.13 Search of youth. (1) The following categories of youth searches may be conducted as follows:

(a) *Personal search.* Staff may conduct a personal search of a youth under any of the following circumstances:

1. At the direction of a supervisor.

2. If staff have a reasonable belief that the youth possesses contraband.

3. Before a youth enters or leaves the security enclosure of a facility.

4. Before and after a youth has been with a visitor.

5. As part of a lockdown or a search of a housing unit under s. DOC 376.12 or facility under s. DOC 376.11.

6. When a youth is apprehended after an escape or an attempted escape.

(b) *Body scan search.* A body scan search of a youth may occur only if there is probable cause to believe that the individual youth possesses or has ingested contraband or other harmful materials that could not be discovered through less intrusive means. Body scan searches of youth are subject to all of the following:

1. A body scan search may only be conducted in a private location not in view of other youth or staff members not involved in the search.

2. Body scan searches may only be conducted by a person of the same gender identity as the youth being searched unless the search is conducted by a medical staff.

3. Body scan searches may not be conducted in view of others not directly involved in the search and must be conducted away from video recording.

4. Psychology staff shall be notified as soon as practicable when a youth has been body scan searched.

5. Body scan searches shall be documented by staff.

6. a. Images produced utilizing body scanner technology may be viewed only when necessary by supervisors, psychology staff, or the health services unit.

b. Images produced utilizing body scanner technology may not be stored on any external storage device or copied in any manner, unless authorized by the superintendent.

(c) *Strip search.* A strip search of a youth may occur only if there is probable cause to believe that the individual youth possesses contraband that could not be discovered through less intrusive means. Strip searches, when permitted, are subject to all of the following:

1. A strip search may only be conducted in a private location. No unintended individuals including youth and staff shall be able to view the search, including by video or audio recording.

2. Strip searches may only be conducted by a person of the same gender identity as the youth being searched unless the search is conducted by a medical professional.

3. Less intrusive search methods shall be attempted before a strip search is conducted, unless it is determined by psychology staff in consultation with the youth that less intrusive searches, which may include physical contact, would cause greater trauma to the youth.

4. Strip searches may only be conducted by staff trained in trauma-informed care in accordance with facility policy.

5. Psychology staff shall be consulted prior to a strip search.

6. Strip searches shall be documented by staff.

(d) *Body contents search.* Only staff assigned by the superintendent may obtain samples as part of a body contents search.

Staff of the same gender identity as the youth being searched shall collect urine specimens. Trained staff may conduct breath specimen tests. Assigned staff may conduct a body contents search under any of the following circumstances, and only after approval by the superintendent:

1. For security reasons.
2. For program reasons.
3. For investigation purposes if one or more staff, from direct observation or reliable sources, have a reasonable belief that a youth has used, possesses, or is under the influence of intoxicating substances.
4. As part of a random testing program.
5. As required by a court for DNA analysis under s. 973.047, Stats., or any other biological specimen analysis.

(2) Staff shall preserve the dignity of youth to the extent reasonably possible in all searches conducted under this section and are required to conduct all searches utilizing trauma-informed care.

(3) Before a search is conducted pursuant to this section, a youth shall be informed that a search is about to occur and of the nature of the search and the location where the search is to occur.

(4) Results of searches, and any contraband or test results obtained under sub. (1), may be retained as evidence for consideration in response to addressing noncompliant behaviors.

(5) All searches conducted under sub. (1) shall be documented by staff and include all of the following:

- (a) The identity of the staff member who conducted the search.
- (b) The date and time of the search.
- (c) The identity of the youth searched.
- (d) The reason for the search. If the search was a random search the report shall so state.
- (e) Any objects seized pursuant to the search.
- (f) The identity of all staff present when the search was conducted.
- (g) When a body scan search is conducted, the documentation shall assert how the limitations and requirements in sub. (1) (b) are met.
- (h) When a strip search is conducted, the documentation shall assert how the limitations and requirements in sub. (1) (c) are met.

(6) Contraband seized as the result of any search under sub. (1) shall be disposed of in accordance with s. DOC 376.17. All contraband seized shall be documented by staff along with searches required by sub. (1) and include the place and time contraband was seized and the identity of the person possessing the contraband. If the contraband was not found in possession of a person, the report shall state that fact.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25.

DOC 376.14 Search of visitors. (1) Before a visitor is permitted in a facility, staff responsible for the admission of visitors shall be satisfied that the visitor is not carrying an unauthorized object into the facility.

(2) Each facility shall have information readily available to visitors informing them of the objects they may carry into the facility. Each facility shall have a place for the safekeeping of objects that may not be carried into the facility and shall permit visitors to store objects in these places.

(3) Before admitting a visitor, staff responsible for admission of visitors may request visitors to empty pockets and containers, permit the inspection of containers or submit themselves and ob-

jects they carry into the facility to inspection by a device designed to detect metal or unauthorized objects.

(4) Before admitting a visitor, staff responsible for admission of visitors may request a visitor to submit to a personal search, which the superintendent and the administrator must authorize, if there is a reasonable belief the visitor is concealing an unauthorized object.

(5) Before an inspection or search is conducted pursuant to sub. (3) or (4), the visitor shall be informed orally and in writing, either by a sign posted in a prominent place or on a notice, that the visitor need not permit the inspection or search and that if the visitor does not give permission, the visitor shall not be admitted to the facility.

(6) If staff find an unauthorized object under sub. (3) or (4), the visitor may be denied entry to the facility and visiting privileges may be suspended.

(7) If a visitor is denied entry to a facility for refusal to permit a search or if a search is conducted of a visitor under sub. (4), the staff involved shall submit a written report to the superintendent that states all of the following:

- (a) The identity of all staff involved and the person who approved the search.
 - (b) The identity of the visitor and the youth being visited.
 - (c) The date and time of the search or proposed search.
 - (d) The reason for the request to permit a search, including the basis for the belief that unauthorized objects were concealed by the visitor.
 - (e) Whether unauthorized objects were seized pursuant to the search and a description of the objects.
 - (f) Any involvement of the sheriff or local law enforcement.
- (8) If an unauthorized object is found pursuant to a search of a visitor, the superintendent shall dispose of the object consistent with s. DOC 376.17.
- (9) Staff shall conduct all inspections and searches in a courteous manner and shall strive to protect the dignity of visitors who are inspected or searched.

(10) If the facility finds an unauthorized object pursuant to the search under this section, and it is illegal to conceal or possess the object, the superintendent shall inform a law enforcement agency and turn the object over to the law enforcement agency for referral to the district attorney and deny the visit. If the facility determines that the visitor appears to be under the influence of an intoxicating substance, the superintendent shall deny the visit and may inform a law enforcement agency.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 24-003: am. (1) to (3), renum. (4) (a) to (4) and am., r. (4) (b), am. (5), (6), (7) (intro.), cr. (10) Register February 2025 No. 830, eff. 3-1-25; correction in (5) made under s. 35.17, Stats., Register February 2025 No. 830.

DOC 376.15 Search of staff. (1) Each facility shall give staff written notice of the objects that they may not carry into or out of the facility.

(2) The superintendent may require that staff regularly submit to a personal search before they enter or leave a facility. As part of the personal search, the superintendent may require staff to submit themselves and objects they carry into or out of the facility to inspection by a device designed to detect metal or unauthorized objects.

(3) The superintendent may require that staff vehicles and personal possessions be searched while on facility grounds. Staff who refuse to submit to a search shall not be admitted to the facility and may be subject to disciplinary action.

(4) If an unauthorized object is found pursuant to a search conducted under this section, the superintendent shall dispose of the object consistent with s. DOC 376.17.

(5) All searches shall be conducted in a courteous manner. Staff shall strive to protect the dignity of staff who are searched.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: r. and recr. Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.16 Factors to consider to determine if a search is necessary. Prior to searching a visitor, a youth or other staff, staff shall determine that reasonable grounds or probable cause exists to believe the person being searched possesses contraband. Staff shall consider all of the following factors.

(1) The reliability of information provided by an informant indicating the existence of contraband by assessing whether the information is detailed, consistent and corroborated.

(2) The reliability of an informant by considering whether the informant has supplied reliable information in the past and whether the informant has reason to supply inaccurate information.

(3) The activity of a visitor, youth or staff that relates to whether the person to be searched might carry contraband.

(4) The information provided by the person who may be searched which is relevant to whether the person possesses contraband.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 376.17 Seizure and disposal of contraband. (1) Staff who reasonably believe that an item is contraband may seize the item. Items seized shall be sent to the superintendent and documented in accordance with s. DOC 376.13 (6). Items that are not contraband shall be returned to the owner consistent with facility policy and procedure. Contraband shall be returned to the owner, given to the appropriate law enforcement agency or disposed of in accordance with this section.

(3) Disposal of contraband shall be accomplished in one of the following ways:

(a) Except as otherwise provided in this subsection, if the owner can be determined, the superintendent may direct that the contraband be returned to the owner.

(b) Contraband that is unlawful to possess under state or federal law shall be given to the appropriate law enforcement agency.

(c) Intoxicating substances shall be given to the sheriff or a local law enforcement agency or destroyed at the direction of the superintendent.

(d) Weapons shall be given to the sheriff or a local law enforcement agency or destroyed at the direction of the superintendent.

(e) Currency, checks, and other negotiable instruments shall be returned to the owner unless the owner is determined to be a youth, in which case, these items shall be held in the youth's account. If the owner cannot be determined, currency shall be placed in the state's general fund. Checks and other negotiable instruments shall be given to the appropriate law enforcement agency.

(g) Other property, whose ownership is unknown, shall be sold through the department's purchasing office and proceeds of the sale shall be placed in the state's general fund.

(h) If it is determined that a youth is the owner of contraband that is lawful to possess, other than currency, but return of the contraband is inconsistent with the department's rules or the facility's policies and procedures, the superintendent shall do one of the following:

1. Give the contraband to the sheriff or a local law enforcement agency.

2. Store the contraband in the facility until the youth is discharged or otherwise released from the facility.

3. Deliver the contraband by mail or commercial carrier to a person on the youth's visiting list at the expense of the youth.

4. Deliver the contraband to a person on the youth's visiting list when the person visits the facility.

5. Destroy the contraband, consistent with facility policy and procedure.

(4) A youth who is the owner of property under sub. (3) shall receive notice of the proposed disposition of the property at least 3 days prior to the disposition. The youth may appeal the decision by filing a complaint under ch. DOC 380. The property shall not be disposed of until the complaint is resolved.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: am. (1), r. (2), am. (3) (a), (b), (c), r. (3) (f), am. (3) (g), (h) (intro.), 2., 4., 5. Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.18 Incident review process. Committee review of incidents involving the use of physical force, room confinement, mechanical restraints applied for more than 45 minutes, and any strip searches shall be consistent with all of the following:

(1) The review committee will include all staff directly involved in an incident, their supervisors, the case manager assigned to the youth, the psychology staff who are familiar with the youth, the facility director of security, the deputy superintendent, and the superintendent.

(2) Within 24 hours of the incident, all available members of the review committee shall meet to assess whether physical force, room confinement, or mechanical restraints were used appropriately, to discuss less restrictive alternative strategies that staff could have used, and to provide an opportunity for staff training or redirection or both if needed.

(3) If not all members of the review committee are available for the meeting within 24 hours of the incident, the full review committee shall meet or confer as soon as possible and no later than one week after the incident.

(4) The review committee shall also review all uses of strip searches weekly to ensure that any such searches were conducted only upon probable cause.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: r. and recr. Register February 2024 No. 830, eff. 3-1-25.**

DOC 376.19 Lockdown. In the event of an extraordinary safety or security need, the superintendent may at any time lockdown a facility to investigate and control an imminent threat to the safety and security of staff and youth. The superintendent shall give the secretary and the administrator advance notice of any lockdown. If advance notice cannot be given, the superintendent shall notify the secretary and the administrator of a lockdown as soon as possible.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: am. Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.20 Disturbance plan. (1) In this section, a disturbance means any of the following has occurred:

(a) A group disturbance.

(b) An incident.

(c) A youth has taken a hostage.

(d) Two or more youth, acting in concert, refuse to comply with an order to return to living quarters or to go to a place.

(e) One or more youth incite or encourage one or more youth by words or acts to do any of the acts referred to in pars. (a) to (d).

(2) Each facility shall have a written plan, a copy of which shall be filed with the administrator, to control and stop a disturbance. The plan shall be prepared by the superintendent and shall be reviewed at least once a year.

(3) The purposes of the disturbance plan are:

(a) To ensure, as the highest priority, the safety and welfare of the general public, staff and youth.

(b) To protect property.

(c) To maintain and restore order to the facility.

(d) To identify any person who participated in the disturbance, to address youth behavior in accordance with ch. DOC 373 and to provide relevant information to the sheriff or local law enforcement agency so that participants may be prosecuted.

(4) Staff who are taken hostage have no authority to order any action or inaction by staff.

(5) If a major disturbance occurs that prevents the normal functioning of the facility, the superintendent may suspend the administrative rules of the department that relate to the division, except ss. DOC 376.05 to 376.09 and 376.13, until the disturbance is ended and order is restored to the facility.

(6) A superintendent shall immediately notify the administrator of a disturbance.

(7) If a disturbance occurs and a person is injured or if it results in a suspension of the rules under sub. (5), the secretary may convene a disturbance review panel to investigate the disturbance. The panel shall be made up of persons selected in accordance with sub. (8). The panel shall have adequate staff to conduct a thorough investigation of the disturbance.

(8) A disturbance review panel shall consist of 5 persons selected as follows:

(a) Two members designated by the secretary, one of whom shall be a member of the public and one of whom shall be a member of the department staff who shall serve as chairperson.

(b) Two members designated by the administrator, one of whom shall be a member of the administrator's central office staff and one of whom shall be a member of the public.

(c) One member to be designated by the superintendent of the facility where the incident occurred from the facility staff.

(9) A disturbance review panel shall submit a written report to the secretary that includes the facts relevant to the incident and states a conclusion as to whether the department's rules were complied with.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; **CR 24-003: am. (1) (intro.), r. and recr. (1) (a) to (c), am. (2), (3) (c), (d), (5), (8) (c) Register February 2025 No. 830, eff. 3-1-25.**

DOC 376.21 Emergencies. (1) In this section, "emergency" means an immediate threat to the safety of the staff or youth of a facility, as determined by a superintendent, other than a disturbance as defined in s. DOC 376.20 (1). An emergency may include, but is not limited to:

(a) An epidemic or pandemic.

(b) A malfunctioning of facility systems including the water, electrical or telephone system.

(c) A fire.

(d) A bomb threat or explosion.

(e) An employee strike.

(f) A natural disaster.

(g) A civil disturbance.

(2) Each facility shall have a written plan, a copy of which shall be filed with the administrator, to be implemented in the event of an emergency.

(3) The purposes of the emergency plan shall be:

(a) To ensure as the highest priority, the safety and welfare of the general public, staff and youth.

(b) To protect property.

(c) To maintain or restore order to the facility.

(d) To identify any person who contributed to the creation of an emergency and to provide this information to the sheriff or local law enforcement agency for prosecution.

(4) If an emergency occurs that prevents the normal functioning of the facility, the superintendent may suspend the administrative rules of the department that relate to the division, except ss. DOC 376.05 to 376.09, until the emergency is ended and order is restored to the facility.

(5) The superintendent shall provide immediate notification of an emergency to the administrator.

(6) If an emergency occurs, the secretary may convene a review panel to investigate the emergency. The panel shall be made up of persons selected in accordance with s. DOC 376.20 (8). The panel shall be provided with staff adequate to conduct a thorough investigation of the emergency.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (1) (intro.) and (6) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534; **CR 24-003: am. (1) (intro.), (a), (b), (2), (3) (c), (4) Register February 2025 No. 830, eff. 3-1-25.**