

(2) Enabling the inmate to return to the community free of unnecessary legal complications that will make it difficult to adjust to community living and that may lead to being sent back to the institution; and

(3) Ensuring that inmates are dealt with in accordance with constitutional and other legal requirements and that there are effective procedures for raising and resolving complaints about institutional practices and policies.

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

**HSS 309.26 Access to courts.** (1) Inmates should have access to courts and administrative agencies.

(2) Institutions may make reasonable policies that relate to access to courts, but such policies should not unduly delay or adversely affect the outcome of an inmate's claim or defense or discourage inmates from seeking judicial consideration of their claims.

(3) Legal documents shall not be read, censored, or altered by correctional staff, nor should their delivery be delayed.

(4) Inmates' decisions to seek judicial or administrative relief shall not adversely affect their program, security classification, or assignment to an institution.

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

**HSS 309.27 Access to legal materials.** (1) Legal materials shall be available to inmates at reasonable times and for reasonable periods. Special provision should be made to provide access to legal materials for inmates with a special legal need.

(2) Each institution shall maintain an adequate law library. Each individual correctional camp is not required to maintain a library that satisfies the requirements of this rule, but efforts shall be made to accommodate requests by loaning requested materials from the Criminal Justice Reference and Information Center at the University of Wisconsin Law School. The camps shall comply with reasonable requests for legal materials and shall inform inmates how legal materials can be obtained. An inmate, at his or her request, may be transferred from a camp to an institution with a law library if the inmate requires access to a library and materials made available pursuant to this section are inadequate.

(3) A law library is adequate if it includes:

(a) Federal Materials: (Current editions or earlier editions including updating services)

1. The following titles of either *United States Code Annotated*, (West Pub. Co., St. Paul) or *United States Code Service Annotated* (formerly *Federal Code Annotated*), (Lawyers' Cooperative, Rochester):

- a. The United States Constitution with Amendment Volumes;
- b. Title 18 (Federal Criminal Code);
- c. Title 28, ss. 2441 - 2255 (Federal Rules of Appellate Procedure and Rules of the Supreme Court); and
- d. Title 42, ss. 1981-1985 (Civil Rights Act).

2. One of the following: *United States Reports*, (U.S. Government Printing Office, Washington, D.C.): *Supreme Court Reporter*, (West Pub. Co.); or *United States Supreme Reports Lawyers' Edition*, 2d Series, (Lawyers' Cooperative, Rochester).

3. Federal Reporter, 2d Series, Vol. 273 and subsequent volumes (West Pub. Co., St. Paul), (cases from U.S. Circuit Court of Appeals).

4. Federal Supplement, Vol. 180 and subsequent volumes, (West Pub. Co., St. Paul), (U.S. District Court Decisions).

5. Shepard's United States Citations, (Shepard, Colorado Springs, 1968).

6. Shepard's Federal Citations, (Shepard, Colorado Springs, 1968).

7. Current rules of local federal district courts and the Seventh Circuit Court of Appeals. (Free from court clerks).

(b) General Materials:

1. Bailey, F. Lee and Henry B. Rothblatt, *Complete Manual of Criminal Forms, Federal and State*, (Lawyers Cooperative Rochester, 1968).

2. Either Ballentine, James A., *Ballentine's Law Dictionary* (3d ed. by James A. Anderson), (Lawyers Cooperative, Rochester 1969); or Black, Henry C., *Black's Law Dictionary* (Rev. 4th ed.), (West Pub. Co., St. Paul, 1968).

3. Cohen, Morris L., *Legal Research in a Nutshell* (2d ed.), (West Pub. Co., St. Paul, 1971).

4. *Criminal Law Reporter*, (Bureau of National Affairs, Washington D.C., Weekly).

5. Fox, Sanford J., *Juvenile Courts in a Nutshell*, (West Pub. Co., St. Paul, 1971).

6. Israel, Jerold H. and Wayne R. LaFave., *Criminal Procedure in a Nutshell*, (West Pub. Co., St. Paul, 1971).

7. Sokol, Ronald P., *Federal Habeas Corpus* (2d ed.), (Michie, Charlottesville, VA., 1969).

(c) State Materials:

1. Wisconsin Reports 1960;

2. State statutes compilation (multiple copies);

3. State digest of court decisions;

4. Shepard's Citation for state;

5. Treatises covering state criminal practice and procedure (Defense of Criminal Cases);

6. Volume containing rules of state courts, if available, otherwise, rules obtainable free from clerks of some state courts;

7. Administrative rules of the division;

8. The program manual of the Legal Assistance to Institutionalized Persons Program;
9. Wisconsin Legal Directory, (Legal Directors Publishing Company, Inc., 700 Campbell Centre, Box 64805, Dallas, TX 05206); and
10. Wisconsin Jury Instructions - Criminal.

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

**HSS 309.28 Access to legal assistance.** (1) The division of corrections shall make reasonable efforts to ensure that adequate legal services are available to indigent inmates. These legal services need not be provided directly by the division, but may be provided by outside agencies. The legal services by these agencies may include services provided by lawyers, law students and aides supervised by lawyers, and paraprofessionals.

(2) The legal services available pursuant to sub. (1) should include services on the full range of legal concerns an inmate may have.

(3) The lawyer-client privilege applies between lawyers and inmates. The privilege also applies to aides and law students to the same extent it would apply to them in their work with non-inmates, under the rules regulating student practice promulgated by the Wisconsin supreme court.

(4) Before a paraprofessional, a law student, or aide may be admitted to an institution, written authorization from the attorney is required.

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

**HSS 309.29 Inmate legal services to inmates.** (1) Inmates may provide legal services to other inmates.

(2) Institutions may regulate the time and place for the provision of legal services by inmates to other inmates.

(3) Compensation of any kind for the provision of legal services by one inmate to another is forbidden. Such service shall be permitted only if the provider does so voluntarily.

(4) The division is not responsible for legal materials not provided by the division that are given to other inmates.

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

**HSS 309.35 Personal property.** (1) Inmates are permitted to have personal property in their possession in an institution in accordance with this section and policies made by the institution pursuant to this section.

(2) Each institution shall keep a written list of the personal property items permitted at that institution. This list shall be reviewed and, if appropriate, revised every 6 months. The list and any changes in it must be approved by the director of the bureau of adult institutions.

(3) The following are permissible methods by which personal property may be obtained by an inmate, subject to institution approval:

- (a) Purchase from canteen;
- (b) Purchase from approved retail outlets;

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- (c) Gifts from friends and relatives brought in on visits;
  - (d) Other methods approved by the institution.
- (4) Each institution shall make written policies approved by the director of the bureau of adult institutions that:
- (a) Provide the approved methods for inmates to obtain personal property at the institutions;
  - (b) Provide for records of inmate personal property;
  - (c) Provide for the storage of personal property; and
  - (d) Specify limitations as to the specifications and number of particular items, such as television sets, rings, radios, and phonographs.
- (5) Items not permitted at an institution or permitted but not on the inmate's property list are contraband. They may be seized in accordance with these rules. An inmate may be subject to discipline for possessing contraband.

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

**HSS 309.36 Leisure time activities.** (1) The division shall provide as much leisure time activity as possible for inmates, consistent with available resources and scheduled programs and work. Leisure time activity is free time outside the cell or room during which the inmate may be involved in activities such as recreational reading, sports, film and television viewing, and handicrafts.

(2) Each institution shall permit inmates to participate in leisure time activities for at least 4 hours per week. Institutions with the facilities to permit more leisure time activity should do so.

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

**HSS 309.37 Food.** (1) The division shall provide nutritious and high quality food for all inmates. Meals shall satisfy the standards of nutrition of the division of health. The sanitation requirements set by the department shall also be satisfied.

(2) Each institution shall make written policies regulating eating outside the dining hall. Institutions may forbid taking certain foods into the living quarters and out of the dining room.

(3) The menu for each institution shall be posted one week in advance of the meal.

(4) Consistent with available resources, inmates who require a special diet for medical or religious reasons shall be provided with such a diet.

(5) An inmate may abstain from any foods that violate his or her religion. Consistent with available resources, such an inmate may substitute from other available foods. The substitution shall be consistent with sub. (1).

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

**HSS 309.38 Personal hygiene.** (1) Each institution shall enforce the

(e) When an emergency exists.

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

**HSS 309.58 Incoming and emergency calls.** (1) Because of the difficulty of reaching inmates for incoming calls, a person calling an inmate should be asked to leave a message. The message shall be delivered to the inmate as soon as possible.

(2) In the case of emergencies, including but not limited to critical illness or death of a close family member of an inmate, a special telephone call may be permitted regardless of the security status of the inmate or the number of calls already made during that month.

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

**HSS 309.59 Calls between inmates.** (1) An inmate shall be permitted to make telephone calls to his or her spouse, parent, or child committed to another Wisconsin correctional or mental health institution. Such calls shall be permitted only after prior arrangements through appropriate staff have been made. Calls under this section shall be paid for from the account of the inmate originally requesting the call.

(2) Calls under this section are subject to the limits under s. HSS 309.56 (3).

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

**HSS 309.60 Procedure for approval.** (1) Each institution shall make a written policy available to inmates that contains a specific procedure for requesting telephone calls and that sets time limits for the calls. The procedure shall be consistent with this chapter.

(2) The superintendent may make exceptions to any limits on inmate calls consistent with the policy of this chapter.

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