

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 department;

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 75206); and

10. Wisconsin Jury Instructions - Criminal.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (2), Register, January, 1987, No. 373, eff. 2-1-87.

**DOC 309.28 Access to legal assistance.** (1) The department 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 department, 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.

**DOC 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 department is not responsible for legal materials not provided by the department that are given to other inmates.

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

**DOC 309.35 Personal property.** (1) **POLICY.** Inmates are permitted to have personal property in their possession in an institution subject to this section and the policies and procedures established under this section by the administrator of the division of adult institutions or by the warden or superintendent of an institution, relating to the acquisition, possession, use and disposal of inmate property.

(2) **INVENTORY.** Each institution shall monitor and control authorized property in an inmate's possession. A written inventory shall be maintained of all authorized personal property in an inmate's possession. An inmate is responsible for notifying the institution property department immediately if a discrepancy exists between the inventory and the property in the inmate's possession.

(3) **ACQUISITION, POSSESSION AND USE.** Each warden or superintendent shall develop policies and procedures subject to the approval of the administrator of the division of adult institutions, relating to the acquisition, possession and use of the personal property of inmates within the institution, and including the following components:

(a) A written list of the personal property items permitted at the institution. The list and any changes to it shall be approved by the administrator of the division of adult institutions.

(b) Permissible methods by which personal property may be acquired by an inmate, including:

1. Purchase from institution canteen;
2. Purchase from approved retail outlets;
3. Gifts from friends and relatives brought in on visits; or
4. Other methods approved by the institution.

(c) All inmate personal property, excluding electronic equipment, typewriters, fans or other large items, shall be stored in receptacles provided by the institution. The volume of an inmate's possessions may not exceed the maximums provided under this section.

(d) All inmate personal property, excluding medically prescribed items, hobby materials, legal materials, electronic equipment, typewriters, fans or other large items, shall fit in a receptacle which is no larger than 32" x 16" x 16" or 8192 cubic inches.

(e) All inmate hobby materials shall fit in a receptacle which is no larger than 14" x 14" x 14" or 2744 cubic inches, except one oversized item.

(f) An inmate shall be allowed legal materials which are necessary for that inmate's legal actions or the legal actions of another inmate whom the first inmate is assisting. All of an inmate's legal materials which are kept in the inmate's cell or room shall fit in a receptacle which is no larger than 20" x 20" x 20" or 8000 cubic inches. A warden or superintendent may authorize additional storage space on a temporary basis upon demonstrated need in connection with on-going litigation and consistent with fire codes and regulations.

(g) Repair of inmate property shall be at the inmate's expense. Loss or damage to property caused by another inmate is not the responsibility of the institution. Repair or replacement of loss or damage caused by institution staff shall be at the expense of the institution. Value of property shall be determined in accordance with sub. (5).

(4) DISPOSAL. Each warden or superintendent shall develop policies and procedures subject to the approval of the administrator of the division of adult institutions, relating to the disposal of personal property of inmates within the institution. Inmates shall have the option of choosing the method of disposal subject to security concerns. The following components shall be included:

(a) Inmates released to discretionary parole, mandatory parole or discharge shall be notified in advance of their release date that the options for disposal of their personal property are as follows:

1. Property may be taken with the inmate at the time of release.
2. Property may be sent by commercial carrier on or before the date of release. An inmate shall make arrangements through the institution business office prior to release for this service and payment shall be made from the inmate's account.
3. Arrangements may be made in advance for pickup of all property, on or before the date of release, except for necessities which are required

by the inmate during the balance of incarceration, and which the inmate can take on the day of release.

4. Upon release to parole or mandatory release, funds in an inmate's account shall be disbursed as specified in s. DOC 309.49 (5).

5. Unclaimed property shall be held for a one year period after the date of release, after which time the property shall be disposed of in accordance with s. DOC 303.10 (3). The institution shall not be responsible for damage due to prolonged storage.

(b) Upon the escape of any inmate, the institution shall collect all personal property of the inmate as soon as possible, prepare an inventory of such property and place the property in a secure area for safekeeping.

1. Personal property and funds of an inmate who has escaped shall be held in the institution for a period of one year after which time the property shall be disposed of in accordance with s. DOC 303.10 (3). The institution shall not be responsible for damage due to prolonged storage. No property shall be released to family members solely at the request of the inmate's family members.

2. If an inmate is apprehended and returned to an institution within one year of the date of escape, the inmate's property stored under this paragraph shall be transferred to the institution of placement by the institution from which the inmate escaped. If an inmate is incarcerated in a prison or jail which is not under the jurisdiction of the department, the property may be transferred upon the written request of the inmate and at the inmate's expense to the location of the inmate's confinement.

(c) Upon the death of an inmate, and satisfactory verification of next of kin, the warden or superintendent shall:

1. Approve the disbursement of property and funds to next of kin if the property and funds do not exceed \$150.00 in value in accordance with s. 302.14, Stats.

2. Prepare an affidavit for transfer of property under s. 867.03, Stats., if the property and funds value more than \$150.00 and less than \$10,000.00. The affidavit shall be signed by the person claiming the property and filed with the institution and the Wisconsin department of revenue prior to transfer of property to the next of kin in accordance with s. 867.03, Stats.

3. Unclaimed property shall be held for a one year period after the date of death, after which time the property shall be disposed of in accordance with s. DOC 303.10 (3). The institution shall not be responsible for damage due to prolonged storage.

(d) Inmates who are currently incarcerated shall be notified that the options for disposal of their personal property are as follows:

1. Items received at an institution but not approved shall upon inmate notification be returned to the sender, forwarded by commercial carrier to a person on the inmate's visiting list at the inmate's expense, or picked up by a person on the inmate's approved visiting list within 30 days. Items which are not approved and pose a security concern to the institution shall be disposed of immediately. Property which cannot be disposed of as provided in this paragraph shall be disposed of at the discretion of the warden or superintendent.

2. Items which are contraband shall be disposed of in accordance with s. DOC 303.10.

3. Inmates shall be given written notice within 10 days of the disposal of any of their personal property.

4. Inmates are permitted to sell to other inmates only property items which are specified in policies and procedures established by each warden or superintendent and approved by the administrator of the division of adult institutions.

(5) VALUE OF PROPERTY. The cost of a musical instrument or individual or combination electronic item may not exceed \$350.00, excluding taxes and shipping costs. The cost of other items except those which are medically prescribed may not exceed \$75.00 for each item, excluding taxes and shipping costs. Personal property shall require a receipt from the merchandise supplier. In case of loss or damage caused by the staff of an institution, the value of an inmate's personal property shall equal its value at the time of loss or damage, not to exceed its purchase price.

(6) TRANSPORTATION OF PROPERTY. The administrator of the division of adult institutions shall develop procedures regulating the transportation of inmate personal property between institutions, subject to the following:

(a) Items of personal property may not exceed the size limitations under sub. (3) (d) through (f). Property in excess of these limitations shall be disposed of in accordance with sub. (4).

(b) For the purposes of transportation, an inmate's legal materials shall fit in a receptacle which is no larger than 20" x 20" x 20" or 8000 cubic inches. Materials in excess of this amount shall be shipped at the inmate's expense by commercial carrier. A warden or superintendent shall authorize payment of shipping costs for excess materials if the inmate can establish indigence in accordance with s. DOC 309.51.

(7) CONTRABAND. Items not permitted at an institution or permitted but not on an inmate's property list under sub. (2) shall be considered contraband and subject to seizure and disposition under s. DOC 303.10. An inmate may be subject to discipline for possessing contraband under ss. DOC 303.42 through 303.47.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; emerg. r. and recr. eff. 8-9-93; emerg. r. and recr. eff. 1-22-94; r. and recr., Register, May, 1994, No. 461, eff. 6-1-94.

DOC 309.36 Leisure time activities. (1) The department 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.

DOC 309.365 Inmate activity groups. (1) DEFINITIONS. In this section:

Register, May, 1994, No. 461

(a) "Activity group" means a group of inmates organized to promote educational, social, cultural, religious, recreational or other lawful leisure time activities.

(b) "Inmate union" means an organization of inmates formed for the sole purpose of serving the inmates' collective interest with respect to conditions of confinement issues such as inmate wages, working conditions, housing conditions, programming and services.

(2) APPROVAL REQUIRED. (a) With the exception of organizational activities approved by the superintendent under sub. (3), no group of inmates may refer to itself by a collective name, conduct meetings or engage in any organized activity which promotes identification with a particular group unless the group has been approved by the superintendent under sub. (5).

(b) With the exception of organizational activities approved by the superintendent under sub. (3), no individual inmate or other person from inside or outside the institution may attempt to carry out organized activities within an institution which promote identification with a particular group unless the group has been approved under sub. (5).

(3) APPROVAL OF ORGANIZATIONAL ACTIVITIES. A group of inmates or an inmate on behalf of a group may submit a written request to the superintendent for permission to engage in organizational activities necessary to formulate a request for approval as an activity group under sub. (4). The request submitted under this subsection shall state the objectives and proposed activities of the proposed activity group and the activities necessary to formulate a request for approval under sub. (4). Using the criteria listed in sub. (5) (b) 1, the superintendent shall determine within 14 calendar days after receipt of the request whether to permit the requested organizational activities.

(4) REQUESTS FOR APPROVAL. A group of inmates or an inmate on behalf of a group may submit a written request to the superintendent for approval as an activity group. The request shall include:

- (a) The name of the group;
- (b) The group's mailing address and phone number, if other than that of the institution;
- (c) The names of the group's officers;
- (d) The group's objectives and proposed activities;
- (e) The inmate population the group intends to include;
- (f) The group's charter, constitution or by-laws, or all 3 documents;
- (g) The institutional services and resources, such as staff time or meeting rooms, needed for the group's activities; and
- (h) The anticipated length and frequency of group meetings or activities.

(5) CRITERIA FOR APPROVAL OF GROUPS. (a) The decision to approve a group as an activity group rests solely with the superintendent.

(b) In determining whether to approve a group, the superintendent shall:

1. Consider whether the objectives of the group promote educational, social, cultural, religious, recreational or other lawful leisure time interests of the inmates who will participate in the group's activities;

2. Consider whether the proposed activities can be accommodated within the available resources of the institution;

3. Balance the benefits of the group's activities and services against the necessary allocation of staff time and institution resources to the group. The consideration of the group's benefits to inmates is subject to s. DOC 309.61 (1) (a).

4. Consider whether the activities, services or benefits offered by the group are adequately provided by existing programs, groups or resources readily available to the inmate population.

(c) The superintendent may not approve:

1. An inmate union; or

2. A group that he or she has reasonable grounds to believe is an inmate gang, as defined in s. DOC 303.02 (9).

(d) The superintendent shall approve or disapprove a request submitted under sub. (4) within 14 calendar days after receipt of the request.

(e) If the superintendent approves an activity group, he or she shall specify in writing:

1. The types of activities the group may undertake;

2. The times at which the group may hold its meetings and activities;

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