

Chapter DOC 309

RESOURCES FOR INMATES

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Note: Chapter HSS 309 was renumbered chapter DOC 309 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412.

Note: Several sections in this chapter have explanatory notes. This information can be found in the appendix after the last section.

DOC 309.01 Applicability. This chapter applies to the department of corrections, and to all inmates in the legal custody of the department, except for inmates placed by the department in county penal facilities used by the department or other state or federal penal facilities. The department promulgates this rule pursuant to authority conferred by ss. 227.11 (2), 301.02, and 301.03, Stats., and interprets ss. 46.07, 301.32, 302.07, 302.08, 302.12, 303.01, and 303.065, Stats.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1987, No. 378; am. Register, September, 1998, No. 513, eff. 10-1-98; **correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534.**

DOC 309.02 Definitions. As used in this chapter:

- (1) "Adjustment committee" means the adjustment committee authorized under the departmental disciplinary rules to impose disciplinary measures for inmate misconduct.
- (2) "Administrator" means the administrator of the division of adult institutions, department of corrections, or designee.
- (3) "Clinical services unit supervisor" means the clinical services unit supervisor at an institution, or designee.
- (4) "Close family member" under ss. DOC 309.27 to 309.49 means the inmate's natural, adoptive, step, and foster parents; spouse, children, grandparents, grandchildren, or siblings. A parent surrogate is within the definition of parent if an inmate substantiates that a claimed surrogate did in fact act as a parent to the inmate, although the parent surrogate was not an adoptive, foster, or stepparent.
- (5) "Contraband" has the meaning given in s. DOC 303.10 (1).
- (6) "Department" means the department of corrections.
- (7) "Division" means the department of corrections, division of adult institutions.
- (8) "General or trust account" means an account established by an institution to receive all funds for the benefit of an inmate.
- (9) "Human sexual behavior" means the actual or simulated act of any of the following:
 - (a) Sexual intercourse, which means any penetration, however slight, by the penis into the mouth, vagina, or anus of another per-

son, or any penetration by any part of the body or an object into the anus or vagina of another person.

- (b) Fellatio or cunnilingus.
- (c) Sodomy.
- (d) Bestiality.
- (e) Masturbation.
- (f) Necrophilia.
- (g) Sexual sadism or sexual masochistic abuse including, but not limited to, flagellation, torture, or bondage.
- (h) Sexual excitement.
- (10) "Institution business manager" means the person designated to receive and disburse money and property at each institution or that person's designee.
- (12) "Mail" means materials such as letters and other items of correspondence processed through the United States postal service and letters and other items of correspondence processed within an institution.
- (13) "No-contact visiting" has the meaning given in s. DOC 303.02 (12m).
- (14) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the areola or nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (15) "Photograph" means an image on film, video tape, or electronic transmission.
- (16) "Pornography" means any material, whether written, visual, video, or audio representation or reproduction, that depicts any of the following:
 - (a) Human sexual behavior.
 - (b) Sadomasochistic abuse, including but not limited to flagellation, bondage, brutality to or mutilation or physical torture of a human being.
 - (c) Unnatural preoccupation with human excretion.
 - (d) Nudity which appeals to the prurient interest in sex.
 - (e) Nudity which is not part of any published or printed material, such as a personal nude photograph.
 - (f) Nudity of any person who has not attained the age of 18.
- (18) "Release account" means an account established for an inmate in which a percentage of the inmate's income is deposited,

in accordance with s. DOC 309.466 so that the inmate has sufficient funds when released from the institution to purchase release clothing, out-of-state transportation, and other items and services needed on release.

(19) "Representatives of the news media" means persons whose principle employment is to gather or report news for any of the following:

(a) A newspaper that qualifies as a general circulation newspaper of record in the community in which it is published.

(b) A news magazine that publishes news of a general character and of general interest which has a statewide or national circulation and is distributed at newsstands or by mail subscription to the general public.

(c) A statewide, national, or international news service.

(d) A radio or television news program of general character and general interest, at a station holding a federal communications commission license.

(20) "Secretary" means the secretary of the department of corrections, or designee.

(21) "Security director" means the security director at an institution, or designee.

(22) "Segregated account" means an account established for the receipt and disbursement of funds received by inmates for participation in a work or study release program under ch. DOC 324 and certain institution educational programs. Such funds include, but are not limited to, social security, veterans administration, and railroad retirement funds.

(23) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(24) "Warden" means the warden at an institution, or designee.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; emerg. cr. (9m), eff. 5-15-86; cr. (9m), Register, September, 1986, No. 369, eff. 10-1-86; cr. (2m) and (8m), Register, April, 1994, No. 460, eff. 5-1-94; renum. and am. (2), (4), (7), (9m), (10), (13) to be (4), (2), (8), (18), (19), (24), renum. (2m), (3), (5), (6), (8), (8m), (9), (11), (12) to be (5), (6), (7), (3), (10), (13), (15), (21), (22), cr. (9), (12), (14), (16), (20), (23), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.03 News media access to inmates.

(1) Representatives of the news media shall be permitted to visit correctional institutions. Visits and interviews by media representatives with correctional staff and inmates can foster the public's understanding of the qualities, problems, and needs of inmates and institutions. Such understanding helps to develop community acceptance and support of correctional objectives, including the objective of successful reintegration of offenders into the community.

(2) The warden may permit news media representatives to interview individual inmates, unless one of the following exists:

(a) The warden believes that an interview will jeopardize or be detrimental to any of the following:

1. The safety or order of the institution.
2. The welfare of the inmate.
3. The welfare of the victim, the victim's family or the community.
4. Legitimate correctional objectives, including resources.

(b) The inmate is confined in segregation.

(c) The inmate refuses to be interviewed.

(3) Representatives of the news media who visit correctional institutions are subject to the same rules as other visitors. They will not be counted against any limits as to the number of visitors permitted, unless they are on an inmate's visiting list.

(4) With the written permission of the inmate, news media representatives may photograph the inmate. The permission shall include the date of the photo and the use to be made of it.

(5) The warden shall regulate all visits and interviews conducted pursuant to this section as to time, location, length, and equipment used.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (2) (intro.), (a) (intro.), 1., 2., (5), cr. (2) (a) 3., 4., r. (2) (b), renum. and am. (2) (c) and (d) to be (2) (b) and (c), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.04 Inmate mail.

(1) The department may allow inmates to communicate with their families, friends, government officials, courts, and other people concerned with the welfare of inmates consistent with the need to protect the public.

(2) (a) Incoming mail addressed to inmates may be opened, examined, censored, and delivered under this section only if the inmate consents in writing to receive mail through institution mail services.

(b) If an inmate does not consent under par. (a), the institution shall return incoming mail addressed to the inmate to the post office unopened marked, "refused."

(c) The department shall permit an inmate to correspond with anyone.

(d) All outgoing inmate mail shall be stamped. The stamp shall identify the mail as coming from the Wisconsin state prison system.

(3) Institution staff may not open or read for inspection mail sent by an inmate to any of the parties listed in pars. (a) to (j), unless the security director has reason to believe that the mail contains contraband. Institution staff may open mail received by an inmate from any of these parties in the presence of the inmate. Staff may inspect the document but only to the extent necessary to determine if the mail contains contraband, or if the purpose is misrepresented. Staff may read the mail if staff has reason to believe it is other than a legal document. The department shall process contraband in accordance with sub. (4) (e) (intro.) and 1., (f) and (g). This subsection applies to mail clearly identifiable as being from one or more of the following parties:

- (a) An attorney.
- (b) The governor of Wisconsin.
- (c) Members of the Wisconsin legislature.
- (d) Members of the United States congress.
- (e) The secretary of the department.
- (f) The administrator of the division.
- (g) The attorney general or an assistant attorney general of Wisconsin.
- (h) An investigative agency of the federal government.
- (i) The clerk or judge of any state or federal court.
- (j) The President of the United States.

(4) Except as provided in sub. (3), the department shall apply the following restrictions to all inmate correspondence:

(a) Incoming and outgoing mail may be opened and inspected for contraband. It shall not be delivered if it contains contraband.

(b) Correctional staff may read mail other than mail specified in (3) in order to ensure the safety of the institution, institution staff, inmates and the general public. If the correspondence is between inmates and concerns joint legal matters, staff shall not read further and staff shall submit the mail for delivery.

(c) The department may not deliver incoming or outgoing mail if it does any of the following:

1. Threatens criminal activity or harm to any person.
2. Threatens blackmail or extortion.
3. Concerns sending contraband in or out of an institution.
4. Concerns plans to escape.
5. Concerns activity that, if completed, would violate the laws of Wisconsin or the United States or the administrative rules of the department.
6. Is in code.

7. Solicits gifts from a person other than a family member or a person on the visiting list.

8. Is "injurious", meaning material that:

- a. Is, in whole or in part, pornography.
- b. Poses a threat to the security, orderly operation, discipline or safety of the institution.
- c. Is inconsistent with or poses a threat to the safety, treatment or rehabilitative goals of an inmate.
- d. Facilitates criminal activity.

9. Contains information that, if communicated, would create a clear danger of physical or mental harm to any person.

10. Teaches or advocates illegal activity, disruption, or behavior consistent with a gang or a violent ritualistic group.

11. Is determined by the warden, on a case by case basis, to interfere with an inmate's penological interests, goals, or needs.

12. Is determined by the warden, for reasons other than those listed in this paragraph, to be inappropriate for distribution throughout the institution.

(d) The security director shall keep a record of any mail that is read, except inmate to inmate mail. The record shall include the name of the sender and receiver, the date, the reason for reading it, and the name of the reader. Inmates shall address questions regarding mail inspection to the security director.

(e) A record of any mail that is not delivered shall be kept by the security director. It shall include the name of the sender and intended receiver, the date, and the reason for not delivering it.

1. If it is incoming mail, the letter and a written notice stating why the letter was not delivered shall be sent to the sender, unless the sender was an inmate. The inmate to whom the letter was sent shall be given a written notice that the letter was not delivered and the identity of the sender.

2. If the letter is outgoing mail, the department shall provide the sender a notice stating why the letter was not delivered. Correctional staff shall dispose of the letter consistent with s. DOC 303.10.

(f) An inmate may appeal decisions regarding non-delivery of mail to the warden, who shall decide the appeal in accordance with this subsection.

(g) A record of cash, checks, money orders, and any negotiable instruments shall be made. It shall include the name of the sender and receiver, the amount, and date.

(h) If the inspection or reading of mail reveals an attempt to send contraband in or out of an institution or to secure delivery of mail that may not be delivered pursuant to par. (c), the security director may order that mail to or from the inmate or sender shall be opened and read for a reasonable period of time.

(5) Parcels, packages, and any other incoming or outgoing items other than correspondence that are mailed or delivered to an inmate may be opened for inspection for contraband. If, upon opening, the contents are found to be damaged, the inmate should be notified.

(6) The department shall dispose of contraband found through inspections conducted pursuant to this section in accordance with s. DOC 303.10.

(7) For violations of administrative rules or policies and procedures made by institutions relating to mail, mail privileges may be suspended by the security director or adjustment committee.

(8) If an inmate is alleged to have violated these rules or institution policies and procedures relating to mail, institution staff may write a conduct report which shall be disposed of in accordance with the rules providing for disciplinary procedures for major offenses. For such violation, the department may impose a penalty which may include suspension of mail privileges with a specific person for a specific period, subject to the following:

(a) An inmate may appeal a suspension of 6 months or less to the warden within 10 days of the imposition.

(b) An inmate may appeal a suspension of more than 6 months to the warden within 10 days of its imposition and thereafter to the administrator.

(9) If a member of the public is alleged to have violated these sections or institution policies and procedures relating to mail, the security director shall investigate and decide if such a violation occurred. If such a violation occurred, the security director may suspend mail privileges with a specific person for a specific period. Suspension of mail privileges may be appealed in accordance with sub. (8).

History: Cr. (3) (h) to (j), (4) (c) 8., 10. to 12., renum. and am. (1) and (2) (c), (3) (intro.) to (g), (4) (intro.), (b), (c) (intro.) to 7., (d), (e) 2., (f), (6), (8) (intro.) to (b) from DOC 309.05 (1), (2) (c), (4) (intro.) to (f), (L), (6) (intro.), (b), (c) (intro.) to 7., (d), (e) 2., (f), (8), (10) (intro.) to (b), renum. (2) (a), (b), (d), (4) (a), (c) 9., (e), 1., (g), (h), (5), (7), (9) from DOC 309.05 (2) (a), (b), (d), (6) (a), (c) 9., (e), 1., (g), (h), (7), (9), (11), r. (6) (c) 8. and 9., (12), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.05 Publications. (1) The department shall facilitate inmate reading of publications, including books, magazines, newspapers, and pamphlets.

(2) Section DOC 309.04 applies to receipt of publications. In addition, the department shall restrict receipt of publications by inmates as follows:

(a) Inmates may only receive publications directly from the publisher or other recognized commercial sources in their packages.

(b) Inmates may not receive publications that:

1. Teach or advocate violence or hatred and present a danger to institutional security and order.

2. Teach or advocate behavior that violates the law of the state or the United States or the rules of the department.

3. Teach or describe the manufacture or use of weapons, explosives, drugs, or intoxicating substances.

4. Are injurious as defined in s. DOC 309.04 (4) (c) 8.

5. Teach or describe the manufacture or use of devices that create a substantial danger of physical harm to self or others.

(c) The department may not prohibit a publication on the basis of its appeal to a particular ethnic, racial, or religious audience or because of the political beliefs expressed therein.

(3) If a publication is not delivered pursuant to sub. (2), the department shall notify the inmate and the sender. The inmate may appeal the decision to the warden within 10 days of the decision.

History: Renum. and am. (1), (2), (3) from DOC 309.06 (1), (2), (3), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.06 Visitation. The department shall administer a visitation program which regulates visitation of inmates by family members, friends, and others consistent with resources available, the department's responsibility for the secure and orderly operation of institutions, public safety, and the protection of visitors, staff and inmates.

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

DOC 309.07 Conduct during visits. Visitors and inmates shall obey the administrative rules and institution policies and procedures regarding visitation.

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

DOC 309.08 Visiting list. (1) Each inmate shall have an approved visitor's list.

(a) Except as otherwise provided under this section, the warden shall only permit visitors on the inmate's approved list to visit the inmate. Except as provided under par. (c), the warden shall only permit each inmate 12 adult visitors on the visiting list.

(b) Children of the inmate and children of approved visitors who have not attained their 18th birthday may visit and the warden shall not count them against the 12 visitors permitted. In order to be permitted to visit an inmate, children shall have written approval of a non-incarcerated custodial parent or legal guardian, or have a court order directing the visit, and their names must appear on the approved visitors list.

(c) The warden may approve more than 12 visitors on the visiting list if the first 12 visitors on the visiting list are close family members.

(d) The institution may require inmates to provide accurate and complete information regarding proposed visitors, including, but not limited to, the name and address of the proposed visitor, the inmate's relationship to the proposed visitor, and date of birth of the proposed visitor.

(e) The institution may require and utilize information from other sources in determining a proposed visitor's suitability for visitation.

(f) An inmate may not make any changes in an inmate's visiting list for a minimum of 6 months from the date of its original approval or for a minimum of 6 months after each subsequent approval or disapproval determination is made.

(2) The department shall establish procedures for the formulation and maintenance of visiting lists.

(3) The warden may place additional limitations or conditions on the visitation of inmates during periods of intensive programming or special placement for an individual inmate or a class of inmates. The additional limitations shall be related to the special programs or placements for security or program reasons. Limitations may include the number of visits or visitors and time or duration of visits. Conditions may include no contact visits or visitation provided by technological means not requiring direct personal contact, such as video connections.

(4) The warden shall determine whether a person may be approved for visiting, including no-contact visiting, or removed from a visiting list based on the following:

(a) The requesting inmate has provided falsified, incorrect, or incomplete information.

(b) The proposed visitor has provided falsified, incorrect, or incomplete information.

(c) There is no signed and dated approval of a non-incarcerated custodial parent or legal guardian for a proposed visitor less than 18 years of age or there is no court order directing the visit.

(d) The warden has reasonable grounds to believe the visitor has attempted to bring contraband into any penal facility, as defined in s. 19.32 (1e), Stats., or that the visitor otherwise poses a threat to the safety and security of visitors, staff, inmates or the institution.

(e) The warden has reasonable grounds to believe that the inmate's reintegration into the community or rehabilitation would be hindered.

(f) The warden has reasonable grounds to believe that the inmate's offense history indicates there may be a problem with the proposed visitation.

(g) The warden has reasonable grounds to believe that the proposed visitor may be subjected to victimization.

(h) The proposed visitor has been incarcerated within the last twelve months.

(i) A visitor was approved for visiting by mistake or based on inadequate information.

(j) The proposed visitor is a current or former employee, volunteer, contract agent or similarly situated individual within the past 12 months.

(5) A custodial parent, or authorized adult who is on the approved list, shall accompany visitors who have not attained their 18th birthday, unless the visitor is the spouse of the inmate.

(6) If the warden disapproves a proposed visitor or approves a proposed visitor for no-contact visiting only, the warden shall inform the visitor of the reasons for the action in writing. The proposed visitor may appeal this decision in writing to the warden. An inmate may appeal this decision through the inmate complaint review system.

(7) The warden may permit occasional visits by people not on an inmate's visiting list. The warden may require notification in advance of such a visit.

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

DOC 309.09 Regulation of visits for inmates.

(1) The department shall establish policies and procedures governing visitation in prisons. Each institution shall establish written policies and procedures regarding visitation and shall make them available to inmates and visitors at each institution.

(2) Each institution shall establish a visitation schedule consistent with other institution activities and available resources.

(3) Each institution shall permit each inmate in the general population the opportunity for visitation at least 9 hours per week according to the visitation schedule established under sub. (2).

(4) Each institution shall permit each inmate in a segregated status the opportunity for visitation at least 1 hour per week with the exception of controlled segregation and observation, which require the approval of the warden.

(5) Institutions shall require visitors to provide identification before permitting the visit.

(6) Institutions may limit visitation for inmates in segregation by issuing restrictions concerning minor visitors, number of visitors, hours and location of visits, or if the warden determines that the visit poses a threat to the proposed visitor, staff or inmates.

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

DOC 309.10 Visitation. History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.10 Special visits. (1) Public officials and members of private and public organizations who provide services to inmates may visit institutions with the approval of the warden. These visitors shall make arrangements for all such visits in advance with the warden to minimize interference with normal operations and activities. The warden may limit the duration of such visits for security reasons. A person who has not attained the age of 18 may not participate in any group visit except with the approval of the warden, unless the person is a family member on the inmate's approved visitor list.

(2) The warden shall permit attorneys, attorney aides, and law students to visit their inmate clients to provide professional services during institution business hours on weekdays. The warden shall permit pastoral visits during institution business hours on weekdays. The warden shall not count these persons against the allowable number of visitors or hours of visits of the inmate. The warden may require advance notice of these visits. The warden may approve visits of this type outside institution business hours in emergencies.

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

DOC 309.11 Conduct during visits. History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (2), Register, April, 1994, No. 460, eff. 5-1-94; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.11 No-contact visiting. (1) (a) The warden may impose no-contact visiting in response to an initial application to visit or upon subsequent review of the visiting status of an inmate or visitor. In making such determination, the warden shall consider the criteria in s. DOC 309.08 (4). After a period of one year the inmate or visitor may request review of the conditions of visiting.

(b) If the warden imposes no-contact visiting on an inmate, the warden may apply no-contact visiting to all visitors of the inmate.

(c) If the warden imposes no-contact visiting on a visitor, the warden may apply no contact visiting to all visits of the visitor, and may recommend to the administrator the no-contact visits be imposed at all other institutions. The administrator may approve the recommendation.

(2) The security director may impose no contact visiting if:

(a) The security director finds that an inmate or visitor has introduced contraband into any institution or engaged in other behavior that threatens security or interferes with the rights of others.

(b) An inmate is in temporary lockup, observation, voluntary confinement, adjustment segregation, program segregation, controlled segregation, disciplinary separation, or administrative confinement.

(3) (a) If staff allege an inmate has violated visitation rules or institution policies or procedures relating to visitation, staff shall write and dispose of a conduct report in accordance with the rules providing for disciplinary procedures. For a visiting violation, staff may impose any penalty provided in the disciplinary rules.

(b) In addition to any penalty imposed in par. (a), for a visiting violation the security director may impose no-contact visiting for up to one year, and the inmate may appeal this to the warden.

(c) In addition to any penalty imposed in par. (a), for a visiting violation, the warden may impose no-contact visiting for more than one year, and the inmate may appeal this to the administrator.

(4) If staff allege a visitor has violated visitation rules or institution policies and procedures relating to visitation, the security director shall investigate and decide if a violation occurred. If the security director determines a violation occurred, the security director may impose no-contact visiting restrictions on that visitor. The visitor may appeal the no-contact visiting restrictions in accordance with sub. (3). The warden shall inform the visitor and inmate of the restriction promptly in writing and the reasons for it.

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

DOC 309.12 Visiting list. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (3) and (4) (intro.) and cr. (8m), Register, April, 1994, No. 460, eff. 5-1-94; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.12 Revocation, suspension, and termination of visiting privileges. (1) In this section:

(a) "Revoke" means to remove visiting privileges based upon new information or changed circumstances that affects visiting approval.

(b) "Suspend" means to restrict the visits of an inmate by a specific visitor for a specific period of time due to an investigation or review process because of an alleged violation of visitation rules, policies and regulations.

(c) "Terminate" means the stopping of a visit in progress, usually based on an alleged violation of visitation rules, policies and regulations during the visit.

(2) A supervisor may terminate a visit, and the warden or security director may suspend or revoke visiting privileges.

(3) If staff allege an inmate has violated visitation rules, policies or procedures during a visit, staff shall write and dispose of a conduct report in accordance with the rules provided for in disciplinary procedures. In addition to any disciplinary penalty, the warden or security director may suspend or revoke visiting privileges, and a supervisor may terminate a visit.

(4) If staff allege a visitor has violated these sections or institution policies and procedures relating to visits, the security director shall investigate and decide if such a violation occurred. If the security director determines that such a violation occurred, the security director may suspend visiting privileges with that visitor. The visitor may appeal the suspension of visiting privileges in accordance with sub. (2). The security director shall inform the visitor and inmate of the suspension promptly in writing and the reasons for it.

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

DOC 309.13 Regulation of visits for inmates in the general population. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (1) (g) and (h) and cr. (1) (i), Register, April, 1994, No. 460, eff. 5-1-94; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.13 Special events. Special events may be held in correctional institutions subject to the approval and regulation of the warden.

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

DOC 309.14 Special visits. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.15 Interinstitution visits of family members. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.155 Legal services. (1) **POLICY.** It is the policy of the department to permit inmates reasonable access to the judicial process and to legal materials, and to afford a reasonable opportunity to prepare legal documents. Such access serves important rehabilitative goals and ensures effective procedures for raising and resolving complaints about institution practices and policies.

(2) **ACCESS TO COURTS.** Inmates shall have access to courts and administrative agencies. Inmates' decisions to seek judicial or administrative relief shall not adversely affect their program, security classification or assignment to an institution.

(3) **ACCESS TO LEGAL MATERIALS.** Each institution, except correctional centers and the Wisconsin resource center, shall maintain a law library and make legal materials available to inmates at reasonable times and for reasonable periods. Special provisions shall be made to provide access to legal materials for inmates with a special legal need and for inmates with a special need, such as illiteracy. The department may employ the use of current technology in providing access to legal materials.

(4) **ACCESS TO LEGAL ASSISTANCE.** The department 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.

(5) **INMATE TO INMATE LEGAL SERVICES.** Inmates may provide legal services to other inmates except that institutions may regulate the time and place of such legal services. Compensation of any kind for the provisions of such inmate to inmate legal services is prohibited. The department is not responsible for legal materials not provided by the department that are given to other inmates.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.16 Visits to inmates in segregation. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; cr. (3m) and (4) (i) and am. (4) (g) and (h), Register, April, 1994, No. 460, eff. 5-1-94; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.165 No-contact visiting. **History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.17 Suspension of visiting privileges. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.18 Public events, art exhibits, group visits, and banquets. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 309.20 Personal property. (1) **POLICY.** The department shall permit inmates 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 or by the warden, 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 shall develop policies and procedures subject to the approval of the administrator, 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 either of the following:

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) An inmate shall store all personal property as specified by each institution. The volume of an inmate's possession 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) The department shall allow an inmate legal materials which are necessary for that inmate's legal actions or the 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 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 shall develop policies and procedures subject to the approval of the administrator, relating to the disposal of personal property of inmates within the institution. The department shall provide inmates the option of choosing the method of disposal subject to security concerns. The department shall include the following components:

(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 an inmate's release to parole or mandatory release, the department shall disburse funds in the inmate's account as specified in s. DOC 309.27 (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. The institution shall hold property and funds of an inmate who has escaped for a period of 30 days after which time the property shall be considered abandoned. The institution shall dispose of the abandoned inmate personal property in accordance with the policies and procedures of the institution. The institution shall not be responsible for damage due to prolonged storage. The institution shall not release property 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 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. The department shall, upon notification to the inmate, return to the sender items received at an institution which are not approved. The department shall forward these items by commercial carrier to a person on the inmate's visiting list at the inmate's expense, or arrange to have these items picked up by a person on the inmate's approved visiting list within 30 days. The institution shall immediately dispose of items which are not approved and pose a security concern to the institution. The warden shall dispose of property which cannot be disposed of as provided in this paragraph, at the discretion of the warden.

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. The department shall permit inmates to sell to other inmates only property items which are specified in policies and procedures established by each warden and subject to approval by the administrator.

(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. Commercial carrier shall ship materials in excess of this amount at the inmate's expense. The warden may authorize payment of shipping costs for excess materials if the inmate can establish indigence in accordance with s. DOC 309.36.

(7) **CONTRABAND.** The institution shall consider items not permitted at an institution or permitted but not on an inmate's property list under sub. (2) contraband and subject the items to seizure and disposition under s. DOC 303.10. The institution may subject an inmate to discipline for possessing contraband under ss. DOC 303.43 through 303.48.

History: Renum. from DOC 309.35, am. (1), (3), (b) (intro.), 1., 2., (c), (f), (4) (intro.), (a) 4., (b) 1., (c) (intro.), (d) 1., 4., (6) (b) and (7), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.23 Food. (1) The department shall provide nutritious and quality food for all inmates. Menus shall satisfy generally accepted nutritional standards. The sanitation requirements set by the warden at each institution shall be in writing and shall also be satisfied.

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

(3) The menu for each institution shall be posted once a week for the following week. However, menus may be subject to change.

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

(5) An inmate may abstain from any foods that violate the inmate's religion. Consistent with available resources, staff shall provide a substitute from other available foods from the menu at that meal. The substitution shall be consistent with sub. (1).

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; renum. from DOC 309.37 and am., Register, November, 1997, No. 503, eff. 12-1-97.

DOC 309.24 Personal hygiene. (1) Each institution shall enforce the maintenance of good personal hygiene standards for its inmates. Personal cleanliness shall be the responsibility of each inmate. Adequate facilities shall be provided for this purpose.

(2) Institutions shall provide a minimum of 2 bathing periods per week for each inmate. Clean undergarments, shirts, and stockings shall be allowed for or provided at least twice each week. Inmates whose work or other activity makes it desirable shall be allowed more frequent bathing and changes of clothing.

(3) Grooming shall be regulated as follows:

(a) Specific policies and procedures for hairdressing, use of cosmetics, and personal hygiene shall be made by the division of adult institutions.

(b) The department has the authority to regulate the length of hair, mustaches, and beards based upon institution health and safety concerns.

(c) Inmates assigned to food preparation and serving areas shall be required to wear hairnets or other suitable hair covering.

(d) Inmates performing work assignments that may reasonably be considered to be hazardous shall maintain suitably cropped hair or wear protective appliances or headgear for safety purposes.

(e) The length of an inmate's fingernails may not exceed the end of the inmate's fingertips.

(f) Use of hair pins, barrettes, or curlers are permitted under such policies and procedures established by the warden. These policies and procedures shall be in writing.

(g) An institution may require new identification photographs of any inmate whose appearance changes.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; renum. from DOC 309.38 and am. (3) (d) and (f), cr. (3) (b), (e) and (g), Register, November, 1997, No. 503, eff. 12-1-97.

DOC 309.245 Maintaining orderly and clean living quarters. (1) An inmate shall keep assigned quarters neat and clean. Institution staff shall make necessary cleaning materials available to the inmate for this purpose.

(2) Bed sheets, pillow cases, and towels shall be changed at least once a week. Each inmate shall be provided with a standard issue of blankets and similar items necessary for physical comfort. The inmate shall take proper care of these items.

(3) The warden may establish other appropriate specific policies and procedures to ensure the maintenance of clean quarters to maintain institution health and safety. These policies and procedures shall be in writing.

History: Cr. Register, November, 1997, No. 503, eff. 12-1-97; renum. from s. DOC 309.255 under s. 13.93 (2m) (b) 1., Stats., Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.25 Access to judicial process, legal services, and legal materials. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.255 Maintaining orderly and clean living quarters. **History:** Cr. Register, November, 1997, No. 503, eff. 12-1-97; renum. to be s. DOC 309.245 under s. 13.93 (2m) (b) 1., Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.26 Access to courts. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.27 Access to legal materials. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (2), Register, January, 1987, No. 373, eff. 2-1-87; r. Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.28 Access to legal assistance. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, January, 2000, No. 529, eff. 2-1-00.

DOC 309.29 Inmate legal services to inmates. **History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. Register, January, 2000, No. 529, eff. 2-1-00.

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:

(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;
- 3. The places where the group may hold its meetings and activities;

4. The maximum number of members of the group;

5. Whether persons from outside the institution may participate in the group's meetings or activities, and the maximum number of those persons permitted;

6. The name of the staff member assigned as advisor to the group;

7. Whether a staff member's presence is required at group meetings and activities;

8. Whether the group is required to provide the superintendent with an agenda prior to meetings, minutes of its meetings, and a list of inmates and other persons who attend its meetings; and

9. Whether the group is required to provide the superintendent with an up-to-date list of group members.

(6) INSTITUTIONAL POLICIES. Each superintendent shall establish written policies which cover:

- (a) Money-making activities by groups;
- (b) Group membership dues;
- (c) Group activities off-grounds;
- (d) The responsibilities of staff advisors to groups; and
- (e) Fiscal responsibility requirements of groups.

(7) WITHDRAWAL OF APPROVAL. (a) A superintendent may withdraw approval of an activity group if he or she has reasonable grounds to believe that:

- 1. The group has created a disturbance as defined in s. DOC 306.22;
- 2. The group poses a threat to the order and security of the institution;
- 3. The group has developed a purpose or practice outside the scope of its original charter, constitution or by-laws;
- 4. The group's purposes and activities no longer provide benefits to inmates which, on balance, warrant the staff time and institution resources which must be allocated to the group; or
- 5. The group has violated a statute, administrative rule or institutional policy or procedure.

(b) The superintendent shall notify the activity group in writing of the withdrawal of approval and of the reasons for the withdrawal.

History: Emerg. cr. eff. 12-5-86; cr. Register, June, 1987, No. 378, eff. 7-1-87.

DOC 309.39 Inmate telephone calls. (1) The department shall encourage communication between an inmate and an inmate's family, friends, government officials, courts, and people concerned with the welfare of the inmate. Communication fosters reintegration into the community and the maintenance of family ties. It helps to motivate the inmate and thus contributes to morale and to the security of the inmate and staff. A telephone shall be used in a lawful manner.

(2) (a) The warden shall establish facilities for inmate telephone use.

(b) An inmate who wishes to use an institution telephone shall use a telephone provided for inmate telephone calls, shall comply with these rules, and shall comply with institution policies and procedures established under sub. (10).

(c) An inmate may be permitted to phone individuals of the inmate's choice who are on the approved visiting list as provided under s. DOC 309.12 and others as provided in this chapter.

(d) An inmate may make a properly placed telephone call to an attorney. For the purposes of this section, "properly placed" means an inmate telephone call to an attorney placed in compliance with this section, these rules, and the procedures of the institution.

(3) Each inmate shall be permitted to make a minimum of one telephone call per month. Where resources permit, more than one telephone call may be allowed and is encouraged.

(a) Telephone calls not made during the month may not be banked for use at a later date.

(b) The inmate may be prohibited from calling if in segregated status, but may be permitted to make calls under s. DOC 309.405 or 309.41 (2).

(4) All calls shall be made collect unless payment from the inmate's general account is approved. Third party billing or electronic transfer of an inmate's call to a third party is not permitted. The inmate is responsible for any misuse of the telephone subject to this section and the policies and procedures established by the administrator of the division of adult institutions or by the warden, relating to the use of telephones. The warden shall refer an incident of unlawful telephone use by an inmate to appropriate law enforcement authority.

(5) Calls shall not exceed 6 minutes in duration, without permission.

(6) A corrections officer or supervisor may do all of the following:

(a) Monitor and record an inmate's phone call. A corrections officer or supervisor may not knowingly monitor or record a properly placed telephone call to an attorney. For the purpose of this paragraph, "knowingly" means that the corrections officer or supervisor is aware that the inmate has obtained approval from the appropriate staff member for the telephone call to an attorney or the telephone number which the inmate calls is the inmate's attorney telephone number or that during a monitored telephone conversation the corrections officer or supervisor becomes aware that the call is a telephone call to an attorney. For the purpose of this paragraph, "attorney" means the inmate's lawyer of record or an attorney with whom the inmate has a client-attorney relationship or an attorney with whom the inmate seeks to establish a client-attorney relationship. A telephone call to an attorney which is recorded under this section shall be considered privileged to the extent provided under s. 905.03, Stats., and shall not be disclosable under s. 19.35, Stats. Upon learning that a telephone call to an attorney was monitored or recorded, the warden of the institution which monitored or recorded the telephone call shall notify the pertinent inmate and the attorney that the telephone call was monitored or recorded.

(b) Record the date, time, destination, number, duration of a call, and the conversation.

(c) Disclose the contents of a recording of an inmate's telephone conversation to any of the following:

1. A member of the adjustment committee.
2. The director of the office of offender classification.
3. The warden.
4. The administrator of the division of adult institutions.
5. The secretary of the department of corrections.
6. An investigative officer.
7. A law enforcement officer.

(d) Use the contents of a recording of an inmate's telephone conversation for any of the following reasons:

1. For disciplinary purposes.
2. In deciding placement or transfer of an inmate.
3. For investigations of an inmate's plans to escape.
4. For investigations of threats to the security of the correctional facility.
5. For investigations of threats to the safety, health or welfare of employes, the public, and other inmates.
6. For investigations of threats against witnesses.
7. For investigations of trafficking of drugs or other contraband.
8. For investigations of any illegal activity.
9. As evidence in administrative and judicial proceedings.

(7) A corrections officer or supervisor may use a recording of an inmate telephone call only for the purposes stated in sub. (6) (d).

(8) During assessment and evaluation an inmate shall be given a notice written in English and Spanish which informs the inmate of the monitoring and recording of any calls. A non-English or non-Spanish speaking inmate shall be provided notice written in the inmate's native language or, if the notice can not be translated, provided orally in the inmate's native language. The inmate shall sign a receipt for the notice or the institution staff member shall note in writing the inmate's receipt of the notice if the inmate declines to sign the receipt.

(9) A written notice in English and Spanish shall be posted on the telephone or near enough to the telephone used by an inmate that the inmate will be able to read the notice when the inmate uses the telephone. The notice shall inform the inmate that a call other than a properly approved call to an attorney shall be monitored and recorded and that the use of the telephone constitutes consent to the monitoring and recording.

(10) In order to preserve the security and orderly management of the institution and to protect the public, the warden may establish policy or procedures subject to the approval of the administrator relating to the use of telephones.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (1) and (4), r. and recr. (2), cr. (6) to (10), Register, September, 1995, No. 477, eff. 10-1-95; renum. from DOC 309.56, Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.40 Clothing. (1) Each inmate shall be provided with adequate clothing. Inmates are required to maintain this clothing in good condition. Worn clothing shall be exchanged.

(2) Each institution shall make policies relating to wearing personal clothing. These policies must be approved by the administrator of the division of adult institutions.

(3) Inmates shall dress in a clean, neat, and appropriate manner.

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

DOC 309.405 Telephone calls to attorneys.

(1) Inmates may call attorneys regarding legal matters with the permission of the appropriate staff member. Such calls may be made regardless of the inmate's security status.

(2) An inmate's telephone calls to an attorney are not subject to the maximum limit in number, and an attorney's name need not be on the inmate's approved visiting list.

(3) An inmate's telephone calls to an attorney shall be made collect unless payments from the inmate's general account is approved.

(4) Staff shall give permission for calls to attorneys for the following reasons:

(a) To allow an inmate to return a call from an attorney.

(b) When there is a statutory time limit that would be missed and the inmate needs to convey information to the attorney.

(c) When it appears to staff that a call to an attorney is in the best interest of the inmate.

(d) When an inmate is unable to write.

(e) When an emergency exists.

History: Renum. from DOC 309.57 and am. (4) (a) to (d), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.41 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: Renum. from DOC 309.58, Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.42 Calls between inmates. (1) The department shall permit an inmate to make telephone calls to the inmate's spouse, parent, or child committed to another Wisconsin correctional or mental health institution. The department shall permit calls under this section 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. DOC 309.39 (3).

History: Renum. from DOC 309.59 and am. (1), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.43 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 warden may make exceptions to any limits on inmate calls consistent with the policy of this chapter.

History: Renum. from DOC 309.60 and am. (2), Register, September, 1998, No. 513, eff. 10-1-98.

DOC 309.45 Inmate funds and canteen - purpose. The department shall manage inmate funds and permit and forbid spending to achieve the following objectives:

(1) To promote the eventual successful reintegration of inmates into society through a policy designed to ensure that an inmate will have funds available upon release and can manage them responsibly;

(2) To prevent the exchange of contraband and victimization within institutions by prohibiting inmates from carrying money and by requiring all inmate funds to be deposited in accounts for the inmate;

(3) To develop a sense of responsibility on the part of inmates for payment of family financial obligations and debts;

(4) To permit inmates to obtain personal property in accordance with s. DOC 309.20; and

(5) To give inmates the opportunity to manage their funds in a manner consistent with ss. DOC 309.45 to 309.52.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; emerg. am. (1), eff. 5-15-86; am. Register, September, 1986, No. 369, eff. 10-1-86; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1998, No. 513.

DOC 309.46 Deposit of money. All money in any form delivered to any institution for the benefit of an inmate shall be delivered to the institution business manager. The institution business manager shall credit the appropriate account in the name of the inmate in accordance with these sections and ch. DOC 324.

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

DOC 309.465 Crime victim and witness assistance surcharge. For an inmate who committed a crime on or after October 1, 1983, and who has not paid the crime victim and witness assistance surcharge required under s. 973.045, Stats., upon transfer to the first permanent placement and in all subsequent placements in correctional institutions, the institution business office shall deduct 25% of all income earned by or received for the benefit of the inmate until the surcharge is paid in full. The business office shall forward the funds to the state treasurer to satisfy the surcharge in accordance with s. 973.045, Stats.

History: Emerg. cr. eff. 5-15-86; cr. Register, September, 1986, No. 369, eff. 10-1-86.

DOC 309.466 Release account funds. (1) After the crime victim and witness assistance surcharge has been paid in full, as provided for in s. DOC 309.465, and upon transfer of the inmate to the first permanent placement and in all subsequent placements, the institution business office shall deduct 15% of all income earned by or received for the benefit of the inmate, except from work release and study release funds under ch. DOC 324,

until \$500 is accumulated, and shall deposit the funds in a release account in the inmate's name.

(2) Release account funds may not be disbursed for any reason until the inmate is released to field supervision, except to purchase adequate clothing for release and for out-of-state release transportation. Following the inmate's release, these funds shall be disbursed in accordance with s. DOC 309.49 (5).

(3) An inmate may request that release account funds be deposited in an interest-bearing account established at a bank designated by the department. Deposits shall be made in accordance with department procedures. All interest earned by these funds shall accrue to the inmate and shall be exempt from release account deductions under sub. (1).

(4) An inmate may request that general account funds be transferred to his or her release account up to the release account limit established by the department under sub. (1).

History: Emerg. cr. eff. 5-15-86; cr. Register, September, 1986, No. 369, eff. 10-1-86.

DOC 309.47 Receipts. Inmates shall be provided with a receipt or monthly statement of transactions involving personal funds and shall receive a periodic statement from an institution savings account containing the inmate's funds.

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

DOC 309.48 Procedure for inmate requests for disbursements of general account funds. Each institution shall set forth in writing a procedure whereby inmates may request the disbursement of funds. This procedure shall be consistent with ss. DOC 309.45 to 309.52 and shall include the following information:

(1) How and to whom requests must be made;

(2) What information requests shall include;

(3) Who investigates requests;

(4) Who approves or disapproves requests;

(5) Notice that the inmate may appeal to the superintendent any decision not made by the superintendent;

(6) Notice that all decisions shall be in writing, shall state the underlying facts and shall be based on reasons consistent with s. DOC 309.45;

(7) Time limits for decisions; and

(8) Notice to the inmate that, if the recipient of funds is receiving government aid, the recipient may have a duty to report receipt of the inmate's funds.

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

DOC 309.49 Disbursement of general account funds. (1) General account funds, in excess of the amount specified for canteen, under s. DOC 309.52 (1) (b), shall be disbursed by the institution business manager under sub. (3). All disbursements shall be consistent with the purposes under s. DOC 309.45.

(2) Inmates may request to have general account funds disbursed for any reason. The procedure for processing inmate requests is required to be written under s. DOC 309.48.

(3) Requests for disbursement in excess of \$25 to more than one close family member and to other persons under sub. (4) (a) may be made only with written permission of the superintendent or designee. All other disbursements are approved or disapproved by the person designated by the institution under s. DOC 309.48 (4).

(4) The objectives of s. DOC 309.45 may be fulfilled by disbursements of general account funds in excess of the canteen limit including, but not limited to, the following:

(a) To any source not including sources under par. (b), (c), (d), or (f) only with written permission from the superintendent under sub. (3).

(b) Twenty-five dollars or less to the inmate's one close family member once every 30 days. Such disbursements do not require approval by the superintendent.

(c) To deposit in an interest bearing account established in the inmate's name at a bank designated by the department. All interest shall accrue to the inmate. Such disbursements do not require approval by the superintendent.

(d) To purchase United States savings bonds. Bonds purchased for others are subject to the limitations under par. (b). Bonds purchased shall be retained by the institution business manager until redeemed or until the inmate's release. Any redemption money shall be returned to the general account. Such disbursements do not require approval by the superintendent.

(e) To pay creditors' claims acknowledged in writing by the inmate and claims reduced to judgment. Such disbursements require approval by the superintendent. If necessary, the claims may be verified.

(f) To pay costs of temporary release under ch. DOC 325 and leave for qualified inmates under ch. DOC 326. Such disbursements do not require approval by the superintendent.

(5) Before releasing an inmate to field supervision, the releasing institution shall inform the parole agent of the balances in the inmate's general account, release account under s. DOC 309.466 and segregated account, if any, under s. DOC 309.50. The agent shall instruct the institution business manager as to where these balances shall be transferred. Following release, the former inmate may use funds formerly held in his or her institution accounts only with the approval of the agent. When the client is discharged from field supervision, any remaining funds from these accounts shall be paid to the client.

(6) Inmates may not open charge accounts or possess charge cards.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; emerg. r. (5), eff. 5-15-86; r. and recr. (5), September, 1986, No. 369, eff. 10-1-86.

DOC 309.495 Transportation for inmates upon release. The department shall arrange for the transportation of an inmate released from an institution to the inmate's release placement location in the state, or shall give the inmate the means to procure transportation to that location.

History: Emerg. cr. eff. 5-15-86; cr. Register, September, 1986, No. 369, eff. 10-1-86.

DOC 309.50 Segregated account funds. (1) Funds received for inmates on work or study release shall be credited to a segregated account.

(2) Collection and disbursement of funds received under sub. (1) shall be governed under ch. DOC 324.

(3) Funds received by inmates for enrollment in programs within the institution and funded by the institution shall be placed in a segregated account. Inmates shall be required to pay the costs of tuition and books from these funds. If an inmate refuses to do so, it may be grounds for removal from a program.

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

DOC 309.51 Funds for legal correspondence and copying. (1) Correspondence to courts, attorneys, parties in litigation, the inmate complaint review system under ch. DOC 310 or the parole board may not be denied due to lack of funds, except as limited in this subsection. Inmates without sufficient funds in their general account to pay for paper, photocopy work, or postage may receive a loan from the institution where they reside. No inmate may receive more than \$200 annually under this subsection, except that any amount of the debt the inmate repays during the year may be advanced to the inmate again without counting against the \$200 loan limit. The \$200 loan limit may be exceeded with the superintendent's approval if the inmate demonstrates an extraordinary need, such as a court order requiring submission of specified documents. The institution shall charge any amount advanced under this subsection to the inmate's general account for future repayment. An inmate may be permitted to retain in the inmate's general account an amount of money specified, in writ-

ing, by the bureau of adult institutions that is not subject to repayment of the loan.

(2) The costs to inmates of engaging in correspondence described in sub. (1) may not exceed the following:

(a) Fifteen cents per page of photocopy; and

(b) Two cents per sheet of paper.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; am. (1), r. and recr. (2), Register, December, 1989, No. 408, eff. 1-1-90.

DOC 309.52 Canteen. (1) (a) Each institution shall maintain a canteen accessible directly or indirectly to inmates to facilitate purchase of property approved under s. DOC 309.20. Institution staff may consult with the inmate population in selecting canteen stock.

(b) The division of adult institutions shall establish, in writing, a maximum allowable amount of money that may be spent during a specified period of time. The division should adjust this amount periodically to reflect the impact of inflation on purchasing power.

(c) A current list of approved and available merchandise, giving the price of each item, shall be conspicuously posted at each canteen. Copies shall be made available to inmates who do not have direct access to the canteen.

(d) Institutions shall permit inmates to purchase approved personal property not carried in the canteen. The procedures to be followed shall be written and available to inmates. The procedures shall permit purchases from a sufficient number of enterprises to ensure a reasonable selection and a competitive price.

(2) Each institution canteen shall maintain an identification and bookkeeping system for withdrawal of funds from the inmate's general account for purchases made through the canteen. No canteen shall use money as a means of exchange.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1998, No. 513.

DOC 309.55 Compensation. (1) **PURPOSES AND APPLICABILITY.** (a) Except as provided under sub. (7), this section shall govern compensation for inmates participating in approved work and program assignments while confined in a correctional institution. This section does not apply to corrections industries or the prison farms. Inmates participating in work and program assignments are not employees of the state.

(b) The purposes of this section are:

1. To provide uniform and fair compensation standards to encourage and reinforce positive inmate behavior;

2. To enable inmates to make purchases from the canteen and accumulate funds to assist them upon their release;

3. To encourage inmates to complete their assignments successfully;

4. To promote institutional order by providing inmates with an incentive for good behavior; and

5. To encourage inmates to develop skills that will be useful in helping them to become reintegrated into the community upon release.

(2) **DEFINITIONS.** In this subsection:

(a) "Full performance level" means the maximum level of performance expected on a work assignment or program assignment other than school or vocational training in terms of skills exhibited, output achieved, responsibility, diligence and effort shown, and level of supervision required.

(b) "Program assignment" means a placement in a school, vocational training or other program to which the inmate has been assigned by a program review committee in accordance with ch. DOC 302.

(c) "Range" means the ranking established by an institution for a work assignment or for a program assignment other than school or vocational training, based on the skill and responsibility required for the assignment.

(3) **ELIGIBILITY.** Except as provided under sub. (7), only inmates participating in approved work and program assignments while confined in a correctional institution shall be compensated.

(4) **EXCEPTIONS.** No compensation may be paid under this section to an inmate who:

(a) Participates in a work release program approved under ch. DOC 324, unless the inmate participates in a work or program assignment in a correctional institution in addition to the work release program;

(b) Participates in a work or program assignment while assigned to the assessment and evaluation program at Dodge correctional institution;

(c) Refuses any work or program assignment;

(d) Is voluntarily unassigned; or

(e) Is placed in one of the following segregated statuses:

1. Voluntary confinement under s. DOC 306.045, unless the inmate requested placement in this status upon the recommendation or approval of the security director for the purpose of ensuring the inmate's personal safety and the inmate was receiving pay immediately prior to placement in voluntary confinement;

2. Administrative confinement under ch. DOC 308, if the inmate was not receiving pay immediately prior to that placement and is not participating in an approved work or program assignment while in administrative confinement;

3. Observation under ch. DOC 311, if the inmate was not receiving pay immediately prior to that placement and is not participating in an approved work or program assignment while in observation status;

4. Adjustment segregation under s. DOC 303.69;

5. Program segregation under s. DOC 303.70; or

6. Controlled segregation under s. DOC 303.71.

(5) **WORK ASSIGNMENT PAY PLAN.** (a) Each institution shall rank its work assignments on a scale of one to 5 based on the level of skill and responsibility required by each assignment. Range 5 shall include work assignments requiring the most skill and responsibility and range one shall include work assignments requiring the least. The department shall ensure that the ranking of comparable work assignments within an institution is consistent. The range of the work assignment shall determine the pay rate for the full performance level of the work assignment.

(b) The number of work assignments an institution may have in each range may vary to meet institutional needs, but an institution may not exceed the total allocation of work assignment funds made available to it on the basis of the percentages in Table 309.55.

Table DOC 309.55

BASIS FOR ALLOCATING WORK ASSIGNMENT FUNDS TO AN INSTITUTION

Range	Percentage of Funds
Range 5	5%
Range 4	20%
Range 3	20%
Range 2	30%
Range 1	20%
Special categories listed under sub. (7)	5%

(c) Compensation for inmates in work assignments shall be computed on an hourly basis. The department shall determine an hourly pay rate for the full performance level of each range. The hourly pay rate for work assignments requiring more skill and greater responsibility shall be higher than the hourly pay rate for work assignments requiring less skill and responsibility.

(d) The department shall set hourly pay rates for weekend and legal holiday work which are higher than the full performance level pay rates determined under par. (c).

(e) Institutions may vary compensation rates for inmates working in comparable work assignments at less than the full performance level based on individual work performance. If an inmate is compensated at less than the full performance level pay rate under this paragraph, the inmate's supervisor shall evaluate the inmate's performance in writing at least once a month until the inmate is paid at the full performance level pay rate. The criteria to be used in evaluating the inmate's work performance include, but are not limited to, the following:

1. Attitude toward fellow employees and staff;

2. Initiative and ability to perform assignments with minimal supervision;

3. Punctuality and attendance;

4. Quality of performance of assigned duties;

5. Diligence in applying one's self to an assignment and willingness to acquire and apply job skills;

6. Conduct as it relates to the job assignment; and

7. Improvement.

(f) Each institution may establish a probationary period, not to exceed 6 months, during which an inmate may be compensated at a lower rate of pay than the full performance rate for the work assignment. The pay rate may not be lower than the pay rate 2 ranges below the full performance level of the work assignment.

(g) In exceptional circumstances, such as an inmate demonstrating a substantial improvement in effort shown or output achieved, the superintendent, upon the recommendation of the inmate's supervisor, may compensate an inmate working above the full performance level at a higher pay rate than the full performance rate for the work assignment.

(6) **PROGRAM ASSIGNMENT PAY PLAN.** (a) The department shall establish a single uniform pay rate higher than the pay rate for range one of work assignments for all inmates whose primary program assignment is to a school or vocational training program and who are adequately performing their school or vocational training assignments. An inmate's supervisor shall periodically evaluate the performance of an inmate participating in a school or vocational training assignment. Criteria to be used in evaluating program performance include, but are not limited to, skills exhibited, output achieved, responsibility, diligence and effort shown, and level of supervision required. To the extent necessary because of the unique requirements of a school or vocational training assignment, the supervisor shall establish additional reasonable criteria consistent with the necessary skills and responsibilities of that assignment. An inmate who does not meet the established performance criteria for an adequate performance level shall be compensated using the pay rate for a range one work assignment.

(b) Each institution shall rank and establish pay rates for the full performance level of program assignments other than school or vocational training. The department shall ensure that the ranking within an institution of comparable program assignments other than school or vocational training is consistent. An inmate's supervisor shall periodically evaluate the performance of an inmate participating in a program assignment. Institutions may vary compensation rates based on individual performance evaluations for inmates working at less than the full performance level in comparable program assignments other than school or vocational training.

(c) Each institution may establish a probationary period, not to exceed 6 months, during which an inmate may be compensated at a lower pay rate than the pay rate established for adequate performance of the school or vocational training assignment or full performance of the program assignment that is not school or vocational training. The probationary period pay rate may not be lower

than 2 ranges below the adequate performance level of the school or vocational training assignment or the full performance level of the program assignment that is not school or vocational training.

(d) Compensation for inmates in program assignments shall be determined on a daily basis. For purposes of determining daily pay for inmates in program assignments:

1. Full-time vocational training and school programs are equivalent to 7 hours a day;
2. Full-time program assignments other than vocational training and school are equivalent to 8 hours a day;
3. Half-time programs are equivalent to 4 hours a day; and
4. Quarter-time programs and programs which are less than quarter time are equivalent to 2 hours a day.

(7) **SPECIAL CATEGORIES.** (a) Unless otherwise specified in this section, the department shall establish a uniform compensation rate less than that for range one work assignments for inmates who are:

1. Involuntarily unassigned;
2. In sick cell status;
3. In hospital placement, including inmates transferred to mental health or medical facilities;
4. Unable to perform work assignments, such as elderly or disabled inmates, and not otherwise assigned under this section; or
5. In voluntary confinement status if that status was requested by the inmate upon the recommendation or approval of the security director for the inmate's personal safety and the inmate was receiving pay immediately prior to the placement in voluntary confinement.

(b) An inmate who is in sick cell status or hospital confinement as a result of injury sustained in a job-related accident shall be compensated at the rate he or she was earning in his or her previous status.

(8) **STATUS CHANGES.** An inmate in temporary lockup shall be compensated at the rate earned in his or her previous status. An inmate in administrative confinement or observation status and eligible for compensation under this section shall receive the rate earned in his or her previous status.

(9) **LOCKDOWNS.** An inmate who has a work or program assignment shall be compensated for the period of any lockdown required for search of an institution pursuant to ch. DOC 306, unless the lockdown is precipitated by the misconduct of any inmate, in which case, under s. DOC 306.14 (2), only those inmates allowed to work to perform necessary housekeeping chores shall be compensated.

History: Cr. Register, October, 1981, No. 310, eff. 11-1-81; r. and recr. Register, June, 1989, No. 402, eff. 7-1-89.

DOC 309.61 Religious beliefs and practice. (1) GENERAL PRINCIPLES. (a) The department may not discriminate against an inmate or an inmate group on the basis of the inmate's or group's religious beliefs. The department recognizes that religious beliefs can provide support to inmates which may aid in their adjustment to institutional life and can lead to development of community ties which may aid in the inmates' successful reintegration into the community upon release.

(b) Inmates may pursue lawful religious practices required or encouraged by their respective religions which are consistent with their orderly confinement, the security of the institution and fiscal limitations.

(c) The department may not require inmates to participate in religious activities and may not maintain information concerning an inmate's religious activities other than records required for administrative purposes.

(d) To the extent feasible, institutions shall make facilities and other resources available to inmates for religious practices permitted under sub. (2).

(2) **INMATE PARTICIPATION IN RELIGIOUS PRACTICES.** (a) An inmate who wants to participate in religious practices that involve others or that affect the inmate's appearance or institution routines shall submit a written request to the superintendent for permission to participate in specific religious practices. The request shall include a statement that the inmate professes, or adheres to, a particular religion and shall specify the practices of the religion in which the inmate requests permission to participate.

(b) Upon receipt of the request, the superintendent, with the assistance of the chaplain or designated staff person with appropriate religious training, shall determine if the request is motivated by religious beliefs.

(c) In determining whether the request is motivated by religious beliefs, the superintendent may consider:

1. Whether there is literature stating religious principles that support the beliefs; and
2. Whether the beliefs are recognized by a group of persons who share common ethical, moral or intellectual views.

(d) In determining whether the request is motivated by religious beliefs, the superintendent may not consider:

1. The number of persons who participate in the practice;
2. The newness of the beliefs or practices;
3. The absence from the beliefs of a concept of a supreme being; or
4. The fact that the beliefs are unpopular.

(e) If the superintendent determines that the request is not motivated by religious beliefs, he or she shall deny the request.

(f) If the superintendent determines that the request is motivated by religious beliefs, he or she shall grant permission to participate in practices that are consistent with orderly confinement, the security of the institution and fiscal limitations.

(g) The superintendent shall establish guidelines consistent with this section to govern inmate participation in religious practices and the guidelines shall be posted in a conspicuous place or distributed to all inmates.

(3) **RELIGIOUS SERVICES AND PRAYERS.** To the extent feasible, each superintendent, upon the recommendation of the chaplain or designated staff person with appropriate religious training, shall arrange the institution's schedule so that inmates may attend religious services, pray or meditate at the times prescribed or encouraged by their religion.

(4) **CHAPLAINS.** (a) The superintendent may employ one or more chaplains to coordinate and supervise the institution's religious programs.

(b) The chaplain shall hold services, provide counseling and provide other pastoral services or shall arrange for other qualified persons to provide these pastoral services.

(c) The chaplain or designated staff person with appropriate religious training shall develop and maintain close relationships with religious resources from outside the institution and shall encourage religious groups from outside the institution to take part in institution religious activities.

(d) The superintendent, upon the recommendation of the chaplain or designated staff person with appropriate religious training, may permit representatives of religious groups from outside the institution to visit inmates, hold services, provide counseling, perform marriages and provide other services commonly provided by chaplains. The superintendent may compensate these representatives.

(5) **RELIGIOUS LITERATURE.** Religious literature transmitted through the U.S. mail or otherwise distributed shall be delivered to inmates unless the security director has reasonable grounds to believe that the literature will jeopardize the safety of the institution or that the literature promotes illegal activity.

(6) SYMBOLS. Inmates may wear garments, religious medals and other symbols required by their religion, unless this interferes with the identification of inmates or the security of the institution.

(7) DIETARY LAWS. (a) Upon request of an inmate, the superintendent shall provide the inmate with a list of the contents of each meal in advance of the meal.

(b) To the extent feasible, institutions shall plan meals so that an inmate may maintain a nutritious diet while complying with dietary restrictions prescribed by the inmate's religion.

(c) An institution may accommodate inmate requests for special foods for religious observances.

History: Emerg. cr. eff. 6-16-86; cr. Register, January, 1987, No. 373, eff. 2-1-87.