

## Chapter DOC 306

### SECURITY

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**Note:** Chapter DOC 306 as it existed on July 31, 2001, was repealed and a new chapter DOC 306 was created, Register July 2001, No. 547 effective August 1, 2001.

**Note:** Chapter HSS 306 was renumbered Chapter DOC 306 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April 1990, No. 412.

**DOC 306.01 Applicability and purpose.** Pursuant to authority vested in the department by ss. 301.02, 301.03 (2), 302.07 and 227.11 (2), Stats., the department adopts this chapter for purposes of establishing security standards and practices at state correctional institutions.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.02 Definitions.** In this chapter:

(1) "Administrator" means the administrator of the division or designee.

(2) "Authority" means the highest-ranking individual available in the institution, based on the written institution line of succession.

(3) "Bodily injury" means physical injury, illness, or any impairment of physical condition.

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

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

(6) "Disciplinary hearing" means a hearing authorized under ch. DOC 303 for the disciplining of inmates accused of misconduct.

(7) "Disturbance" means any of the following:

- (a) An assault on any person by 2 or more inmates.
- (b) The taking of a hostage by an inmate.
- (c) The destruction of state property or the property of another by 2 or more inmates.

(d) The refusal by 2 or more inmates, acting in concert, to comply with an order.

(e) Any words or acts which incite or encourage inmates to do any of the above.

(8) "Division" means the division of adult institutions, department of corrections.

(9) "Emergency" means an immediate threat to the safety of the public, staff or inmates of an institution, other than a disturbance. An emergency may include, but is not limited to the following:

- (a) A public health threat.
- (b) A utility malfunction.
- (c) A fire.
- (d) A bomb threat or explosion.
- (e) An employee job action.
- (f) Any natural disaster.

(g) A civil disturbance.

(h) Inmate escape.

(10) "Force" means the exercise of strength or power to overcome resistance or to compel another to act or to refrain from acting in a particular way.

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

(12) "Institution" means a correctional institution, correctional facility, or center or a prison defined under intensive sanctions in ch. DOC 333 or a facility that the department contracts with for services to inmates.

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

(14) "Non-deadly force" means force which the user reasonably believes will not create a substantial risk of causing death or great bodily injury to another.

(15) "Reasonably believes" means that the actor believes that a certain fact situation exists and such belief under the circumstances is reasonable.

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

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

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

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.03 Security policy.** Primary security objectives of the department are to protect the public, staff, and inmates and to afford inmates the opportunity to participate in correctional activities in a safe setting.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.04 Responsibility of employees.** Every employee of the department is responsible for the safe custody of the inmates confined in the institutions.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.05 Protective confinement.** (1) The security director may place an inmate in protective confinement if one of the following exist:

- (a) The inmate requests the placement in writing.
- (b) The security director is satisfied that the placement is necessary for the safety and welfare of the inmate.

(2) An inmate shall remain in protective confinement unless the security director determines that the conditions which warranted protective confinement no longer exist and approves release.

(3) The department shall consider an inmate in protective confinement to be in maximum custody as defined in ch. DOC 302.

(4) (a) Inmates in protective confinement shall have privileges and property at least equivalent to privileges and property allowed to inmates in program segregation under s. DOC 303.70.

(b) Additional privileges and property as determined by what is ordinarily allowed inmates by the rules governing the location of the unit in which the inmate is protectively confined.

(5) The security director shall review placements in protective confinement at least every 90 days.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.06 Inmate count.** Each warden shall establish and maintain a system to accurately account for all inmates in the warden's custody at all times. The institution shall make a count of all inmates at least 4 times each day. The institution shall space these counts to minimize interference with school, work, program, and recreational activities.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.07 Use of force. (1)** Corporal punishment of inmates is forbidden.

(2) Staff may use non-deadly force against inmates only if the user of force reasonably believes it is immediately necessary to realize one of the following purposes:

- (a) To prevent death or bodily injury to oneself or another.
- (b) To regain control of an institution or part of an institution.
- (c) To prevent escape or apprehend an escapee.
- (d) To change the location of an inmate.
- (e) To control a disruptive inmate.
- (f) To prevent unlawful damage to property.
- (g) To enforce a departmental rule, a policy or procedure or an order of a staff member.

(3) The use of an incapacitating agent is a form of non-deadly force and is regulated by s. DOC 306.09.

(4) Staff may use deadly force only if the user of force reasonably believes it is immediately necessary for the purpose of stopping the action and achieving the following:

- (a) Preventing death or bodily injury to oneself or another.
- (b) Preventing unlawful damage to property that may result in death or bodily injury to oneself or another.
- (c) Regaining control of an institution or part of an institution.
- (d) Preventing escape or apprehend an escapee.

(5) Staff may not use deadly force if its use creates a substantial danger of harm to innocent third parties, unless the danger created by not using such force is greater than the danger created by using it.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.08 Use of firearms. (1)** In this section, "issuance of firearms" means the deployment of firearms to authorized individuals, as determined by the warden, beyond designated armed posts in response to an emergency or disturbance.

(2) Only the warden or authority who is available may issue firearms to staff.

(3) Except in disturbances or emergencies, only staff assigned to posts requiring the use of firearms shall possess a firearm.

(4) Staff may only use firearms approved by the department and only after successfully completing the training program in sub. (5).

(5) The division shall provide an annual firearms training and qualification program which shall include instruction on the following:

- (a) Safe handling of firearms while on duty.
- (b) Legal use of firearms and the use of deadly force.
- (c) Division policies and procedures regarding firearms.
- (d) Fundamentals of firearms use, including range firing.
- (e) When firearms may and shall be used, including the use of verbal warnings and warning shots.

(6) If a staff member discharges a firearm pursuant to s. DOC 306.07 (4), either accidentally or intentionally, the following procedure shall be followed:

(a) The staff member who discharged the firearms shall notify his or her supervisor as soon as possible and shall write and submit an incident report.

(b) A supervisor shall investigate the incident and submit a report to the warden. The supervisor shall state in the report all facts relevant to the discharge of the firearm and shall include the supervisor's opinion as to whether the discharge was justified and occurred in accordance with this chapter. The warden shall send the reports required by par. (a) and this paragraph and the warden's conclusions as to the justification for the discharge and whether it was in accordance with these rules to the administrator.

(c) If a person is injured or killed by the discharge of a firearm, the department shall convene a firearm review panel to investigate the incident. The panel shall consist of 5 persons selected as follows:

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

2. Two members designated by the administrator, one of whom shall be a member of the central office staff and one of whom shall be a member of the public.

3. One member designated by the warden of the institution where the incident occurred, who is a member of the institution staff.

(d) The panel shall submit a written report to the secretary that includes the facts relevant to the incident and an opinion as to whether this chapter was complied with relating to the use of force.

(7) Only staff authorized by the warden may carry firearms off the institution premises.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.09 Use of incapacitating agents. (1)** DEFINITION. In this section "incapacitating agent" means any agent or device commercially manufactured and approved by the department for the purpose of temporary control of an inmate or area.

(2) REGULATION. The use of an incapacitating agent is a form of non-deadly force and is regulated by this section.

(3) AUTHORIZATION. Staff may use incapacitating agents in any of the following situations:

- (a) To prevent death or bodily injury to oneself or another.
- (b) To regain control of an institution or part of an institution.
- (c) To prevent escape or apprehend an escapee.
- (d) To change the location of an inmate.
- (e) To control a disruptive inmate.
- (f) To prevent unlawful damage to property.
- (g) To enforce a departmental rule, policy or procedure or an order of a staff member.

(4) APPLICATION. Only a staff member trained under sub. (5) may use an incapacitating agent.

(5) TRAINING. The division shall provide an incapacitating agent training program that shall include instruction on the following:

- (a) Safe handling of incapacitating agents while on duty.
- (b) Legal use of incapacitating agents.
- (c) Division policies and procedures regarding incapacitating agents.

- (d) Fundamentals of use of incapacitating agents.
- (e) When incapacitating agents may and shall be used.

**(6) MEDICAL ATTENTION AND CLEAN-UP.** As soon as possible after an incapacitating agent has been used, staff shall provide exposed inmates an opportunity for any necessary hygienic needs and shall consult with medical staff who shall provide any appropriate medical care.

**(7) INCIDENT REPORT.** As soon as possible following the use of an incapacitating agent, staff shall write and submit incident reports to their supervisor describing:

- (a) The problem leading to the use of the incapacitating agent;
- (b) The steps taken prior to the use of the incapacitating agent;
- (c) Why those steps were inadequate;
- (d) Measures taken following the use of the chemical agent.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.10 Use of mechanical restraints for transportation of inmates.** **(1) AUTHORIZATION.** Staff members may use mechanical restraints if the warden determines that the use of mechanical restraints is necessary to protect the public, staff or other inmates or to maintain the security of the institution.

**(2) MOVEMENT WITHIN INSTITUTION.** Staff may use mechanical restraints in the following situations if the warden determines that the use of mechanical restraints is necessary to protect the public, staff or other inmates or to maintain the security of the institution:

- (a) In transporting an inmate from within the institution to outside the institution.
- (b) In transporting an inmate to segregation or temporary lock-up status.
- (c) For an inmate who is in segregation or temporary lock-up status, while the inmate is outside his or her cell.
- (d) For other security reasons as determined by the warden.

**(3) MOVEMENT OUTSIDE INSTITUTION.** Staff may use mechanical restraints in transporting an inmate outside an institution, in accordance with s. DOC 302.12.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.11 Use of mechanical restraints to immobilize inmates.** **(1)** Staff may use mechanical restraints to confine inmates only with the express authorization of the shift supervisor and only in the following circumstances:

- (a) To protect staff and inmates from an inmate who poses an immediate risk of physical injury to others unless restrained.
- (b) To protect an inmate who poses an immediate threat of physical injury to self unless restrained.
- (c) To protect property.

**(2)** Staff may not use mechanical restraints:

- (a) As a method of punishment.
- (b) In a way that causes undue physical discomfort, inflicts physical pain, or restricts the blood circulation or breathing of the inmate.

**(3)** When staff places an inmate in a mechanical restraint, staff shall follow all of the following procedures:

(a) The shift supervisor shall notify the licensed psychologist or designee acting under the supervision of the licensed psychologist, or a psychiatrist, and a member of the medical staff. They shall interview the inmate and arrange for a physical and mental examination as soon as possible. They shall make recommendations to the warden concerning the inmate's continued placement in restraints. The warden shall evaluate the recommendations and decide if the inmate shall remain in restraints.

(b) A staff member shall observe an inmate in restraints every 15 minutes.

(c) If possible, staff may release an inmate from restraints to perform bodily functions and for meals. Three staff members, one

of whom shall be a security supervisor, shall be present at the time of release.

(d) The institution shall keep a record of inmates placed in restraints and it shall include:

1. The inmate's full name, number, and date;
2. The names of the staff members and supervisor present when the inmate was placed in restraints;
3. The reasons for placing the inmate in restraints;
4. The times that the inmate was checked, the name of the person making the check, and comments on the individual's behavior while in restraints;
5. The times the inmate was placed in restraints and removed; medication given; and
6. The names of staff visitors, the times of their visits, and any written comments they make.

(e) The warden shall not allow an inmate to remain in restraints for longer than 12 hours, unless the inmate is examined by a licensed psychologist or a designee acting under the supervision of the licensed psychologist, or a psychiatrist, and a member of the medical staff who shall make a recommendation to the warden concerning the inmate's continued placement in restraints. The institution shall conduct such an examination at least every 12 hours an inmate is in restraints. The warden shall notify the administrator of the decision to continue the use of restraints beyond 12 hours.

**(4)** The security director shall maintain a supply of restraining devices which staff shall periodically examine.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.12 Duty of staff regarding escapes.** Staff shall take actions to prevent the escape of any inmate.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.13 Escapes.** **(1)** Each institution shall have a written plan to be implemented if an escape occurs or is attempted. The security director shall prepare this plan and shall review and update the plan yearly. A copy of the plan shall be filed with the administrator.

**(2)** As soon as possible following an escape, staff shall write and submit incident reports including:

- (a) The method of escape;
- (b) Who was involved in the escape;
- (c) A description of the escapee, including clothing worn;
- (d) Action taken by the institution, including procedures initiated;
- (e) Factors which may have contributed to the escape; and
- (f) The identification of persons who may have information about the escape.

**(3)** If a staff member is taken as a hostage in an escape or escape attempt, that hostage has no authority to order any action or inaction by staff. Staff shall disregard any orders issued by a hostage.

**(4)** The institution shall coordinate the pursuit of escapees with law enforcement authorities.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.14 Search of institution premises.** A staff member may conduct a search of any area on the premises of a correctional institution.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.15 Periodic search of entire institution.** Warden may suspend or modify institution operations and authorize a search of all or part of institution premises.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.16 Search of inmate living quarters.** **(1)** Staff may conduct a search of the living quarters of any inmate at any time. Entry into the living quarters of an inmate by a

staff member to retrieve state property does not constitute a search of the living quarters of an inmate.

(2) The institution shall maintain a written record of all searches conducted under sub. (1), which shall include:

- (a) The identity of the staff member who conducted the search;
- (b) The date and time of the search;
- (c) The identity of the inmate whose living quarters were searched;
- (d) The reason for conducting the search. If the search was a random one, the report shall so state;
- (e) Any objects which were seized pursuant to the search; and
- (f) Whether any damage was done to the premises during the search.

(3) If staff seize any property or damage any property pursuant to the search of an inmate's living quarters, staff shall identify the property to the inmate in writing. The institution shall reimburse the inmate for damage to any property that is not contraband. The institution shall value any property which is damaged at its fair market value, not replacement cost.

(4) In conducting searches under this section, staff shall disturb the effects of the inmate as little as possible, consistent with thoroughness.

(5) Staff shall read only that part of the inmate's legal materials as necessary to determine that the item is legal material and does not contain contraband.

**History:** CR 00-079; cr. Register July 2001, No. 547 eff. 8-1-01.

#### DOC 306.17 Search of inmates. (1) PERSONAL SEARCH.

(a) In this subsection, "personal search" means a search of a person, including, but not limited to, the clothing, frisking the body, and an inspection of the mouth.

(b) Any staff member may conduct a personal search of an inmate under any of the following circumstances:

1. If the staff member has reasonable grounds to believe that the inmate possesses contraband.
2. At the direction of a supervisor either verbally or in written job instructions, post orders, or policies and procedures.
3. Before an inmate enters or leaves the security enclosure of a maximum or medium security institution or the grounds of a minimum-security institution.
4. Before an inmate enters or leaves the segregation unit or changes status within the segregation unit of an institution.
5. Before and after a visit to an inmate or as part of a periodic search or lockdown of a housing unit.

(2) STRIP SEARCH. (a) In this subsection, "strip search" means a search in which the person is required to remove all clothes.

(b) Permissible inspection pursuant to a strip search includes examination of the inmate's clothing and body and visual inspection of body cavities. Staff shall conduct a strip search in a clean and private place. Any staff member may conduct a visual inspection of body cavities. Except in emergencies, a person of the same sex as the inmate being searched shall conduct the strip search.

(c) Staff may conduct a strip search of an inmate under any of the following circumstances:

1. Before an inmate leaves or enters the security enclosure of a maximum or medium security institution or the grounds of a minimum-security institution.
2. Before an inmate enters or leaves the segregation unit or changes status within the segregation unit of an institution.
3. Before and after a visit under ch. DOC 309.
4. As part of a periodic search and lockdown of an institution under s. DOC 306.15.
5. At the direction of a supervisor.

(3) BODY CAVITY SEARCH. (a) In this subsection, "body cavity search" means an x-ray, or a strip search in which body cavities

are inspected by the entry of an object or fingers into body cavities.

(b) Medical staff shall conduct body cavity searches. Medical staff may conduct a body cavity search only if the warden approves. The warden shall approve if there is probable cause to believe that contraband is hidden in a body cavity.

(4) BODY CONTENTS SEARCH. (a) In this subsection, "body contents search" means a search in which the inmate is required to provide a biological specimen, including, but not limited to a sample of urine, breath, blood, stool, hair, fingernails, saliva, or semen for analysis.

(b) Only assigned staff may obtain samples as part of a body contents search.

(c) Staff may conduct a body contents search only under one of the following conditions and only after approval by the warden:

1. Security reasons.
2. Program reasons.
3. Investigation purposes.
4. As part of a random testing program.
5. As required by a court for deoxyribonucleic acid or DNA analysis under s. 973.047, Stats., or any other biological specimen analysis.

(5) STAFF CONDUCT. (a) Staff shall strive to preserve the dignity of inmates in all searches conducted under this section.

(b) Before a search is conducted pursuant to this section, staff shall inform the inmate that a search is about to occur, the nature of the search, and the place where the search is to occur.

(6) INCIDENT REPORT. Staff shall write and submit to the security director an incident report or log entry following all strip searches under sub. (2) (c) 4., of all body cavity searches under sub. (3), of all body contents searches under sub. (4) and of all searches in which contraband is found. The report or entry shall include:

- (a) The identity of the staff member who conducted the search;
- (b) The date and time of the search;
- (c) The identity of the inmate searched;
- (d) The reason for the search. If the search was a random search, the report shall so state;
- (e) Any objects seized pursuant to the search; and
- (f) The identities of other staff members present when the search was conducted.

**History:** CR 00-079; cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.18 Search of visitors. (1)** Before a visit by a non-inmate to an institution is permitted, the staff member responsible for the admission of visitors shall be satisfied that the visitor is not carrying any unauthorized objects into the institution.

(2) The institution shall have information readily available to visitors informing them of the objects they may carry into the institution. The institution may provide a place for the safekeeping of objects that may not be carried into the institution.

(3) Before admitting a visitor, the staff member responsible for admission may require the visitor to empty pockets and containers, permit the inspection of containers and submit the visitor and objects carried by the visitor into the institution to inspection by a device designed to detect metal or other unauthorized objects.

(4) The warden may require a visitor to submit to a personal search or strip search as defined in s. DOC 306.17 (1) and (2) prior to entering the institution. The staff member may conduct such a search only with the approval of the warden, who shall require the search only if there are reasonable grounds to believe the visitor is concealing an unauthorized object.

(5) The staff member shall write a report if the visitor refuses to submit to a search or if the search is conducted, and shall submit

the report to the security director, with a copy to the warden and the administrator. The report shall include:

- (a) The identity of the staff member and the person who approved the search;
- (b) The identity of the visitor and the inmate being visited;
- (c) The date and time of the search or proposed search;
- (d) The reason for the request to permit a search which shall include the basis for the belief that unauthorized objects were concealed by the visitor; and
- (e) Whether unauthorized objects were seized pursuant to the search and their description.

(6) Before an inspection or search is conducted pursuant to subs. (3) and (4) staff shall inform the visitor orally and in writing, either by a sign posted in a prominent place or on a notice, that the visitor need not permit the inspection or search and that if the visitor does not permit it, staff shall not admit the visitor to the institution at that time.

(7) If in an inspection pursuant to sub. (3) or a search under sub. (4) staff finds an unauthorized object, staff may deny the visitor the visit to the institution on the occasion, may suspend the visitor from further visits to the institution, or may allow the visit without the object.

(8) If the institution finds an unauthorized object pursuant to a search under this section, and it is illegal to conceal or possess the object, the warden shall inform a law enforcement agency and turn the object over to the law enforcement agency for referral to the district attorney pursuant to ss. 302.04 and 302.07, Stats. and deny the visit. If the institution determines that the visitor appears to be under the influence of an intoxicating substance, the warden shall deny the visit, may detain the visitor, and may inform a law enforcement agency.

(9) Staff shall conduct all inspections and searches in a courteous manner. Staff shall strive to protect the dignity of visitors who are inspected or searched pursuant to this section.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.19 Search of staff.** (1) The warden may require that a staff member be searched while on the grounds of an institution or require that a staff member's car be searched while on institution grounds. The institution may conduct such a search by requiring the staff members to empty pockets and containers and submit themselves and objects they carry into the institution to inspection by a device designed to detect metal or other unauthorized objects, a personal search, or a strip search, as defined under s. DOC 306.17 (1) and (2). Before a strip search of a staff member or the search of a staff members' vehicle is conducted, the warden and the administrator shall approve the search. They shall approve the search only if there are reasonable grounds to believe the staff member is concealing an unauthorized object. The institution shall not admit a staff member who refuses to submit to a search into the institution or may remove such a staff member from the institution and may subject the staff member to disciplinary action.

(2) If an unauthorized object is found pursuant to a search conducted under this section and it is illegal to conceal or possess the object, the warden may detain the staff member pursuant to ss. 302.04 and 302.07, Stats., and shall inform a law enforcement agency and turn the object over to the sheriff or law enforcement agency for referral to the district attorney. If the warden determines that the staff member appears to be under the influence of an intoxicating substance, the warden may detain the staff member and may inform a law enforcement agency.

(3) Staff shall conduct all searches in a courteous manner. Staff shall strive to protect the dignity of staff who are inspected or searched.

(4) Each institution shall inform staff in writing what objects they may not carry into the institution.

(5) If a strip search is conducted pursuant to this section, the staff member conducting the search shall write and submit a report to the security director. The security director shall provide a copy of the report to the warden and the administrator.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.20 Use of contraband as evidence at disciplinary hearing.** Contraband that is seized during a search under this chapter may be used as evidence by the institution at a disciplinary hearing conducted under ch. DOC 303.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.21 Use of test results as evidence at disciplinary hearings.** Subject to the confirmation required under s. DOC 303.59 (2), the institution may use results of physical examinations and tests performed on body content specimens for the purpose of detecting intoxicating substances as evidence at a disciplinary hearing conducted pursuant to ch. DOC 303.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.22 Emergency.** (1) If an emergency occurs that prevents the normal functioning of the institution, the warden may suspend the administrative rules of the department or any parts of them, except ss. DOC 306.07 to 306.09, until the emergency is ended and order is restored to the institution.

(2) If an emergency occurs, the secretary may convene an emergency review panel to investigate the emergency. The panel shall be made up of persons selected in accordance with s. DOC 306.08 (5) (d). The panel shall submit a written report to the secretary that includes the facts relevant to the incident and an opinion as to whether this chapter was complied with relating to an emergency. The department shall provide the panel with staff adequate to conduct a thorough investigation of the emergency.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.23 Disturbance.** (1) If a disturbance occurs that prevents the normal functioning of the institution, the warden may suspend the administrative rules of the department or any parts of them, except ss. DOC 306.07 to 306.09, until the disturbance is ended and order is restored to the institution. The warden shall make provisions for access to medical care.

(2) If a disturbance occurs and a person is injured and if it results in the suspension of these rules, the secretary may convene a disturbance review panel to investigate the disturbance. The secretary shall appoint the panel in accordance with s. DOC 306.08 (5) (d) and the panel shall submit a written report to the secretary that includes the facts relevant to the incident and an opinion as to whether this chapter was complied with relating to a disturbance. The department shall provide the panel with staff adequate to conduct a thorough investigation of the disturbance.

(3) A staff member taken hostage has no authority to order any action or inaction by staff.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.

**DOC 306.24 Emergency preparedness plan.** (1) The warden shall ensure that the institution has a written emergency preparedness plan for disturbances and emergencies and that a copy of the plan is filed with the administrator and implemented in a disturbance or an emergency.

(2) The purposes of the written emergency preparedness plan for disturbances and emergencies shall be:

- (a) To ensure the safety and welfare of the general public, staff, and inmates.
- (b) To protect property.
- (c) To maintain and restore order to the institution.
- (d) To identify any person who participated in the disturbance, to provide for disciplinary action to be taken according to these rules, and to provide relevant information to a law enforcement agency so that participants can be arrested and prosecuted.

(e) To identify any person who contributed to the creation of an emergency and to provide this information to a law enforcement agency for the person's arrest and prosecution.

**(3)** The plan shall give the highest priority to insuring the safety and welfare of the general public, staff, and inmates.

**History:** CR 00-079: cr. Register July 2001, No. 547 eff. 8-1-01.