

Chapter DOC 346

SECURE DETENTION FOR JUVENILES

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Note: Chapter HSS 346 was renumbered Chapter DOC 346 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412.

DOC 346.01 Purpose and authority. The purpose of this chapter is to protect the health, safety and welfare of all juveniles held in secure detention facilities and the juvenile portion of county jails, by establishing minimum standards for these facilities, and to ensure compliance with 42 USC 5601 to 5761 (1988) and 28 CFR Part 31. These rules are promulgated under the authority of s. 48.22 (2) (a), Stats., and implement ss. 301.36, 301.37 and 48.209, Stats.

Note: 1995 Wis. Act 77 repealed s. 48.22, Stats.

Note: 42 USC 5601 to 5761 (1988) is known as the juvenile justice and delinquency prevention act of 1974 (JJJPA), as amended in 1988; 28 CFR Part 31 are the federal regulations promulgated under the JJJPA.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; am. Register, September, 1992, No. 441, eff. 10-1-92.

DOC 346.02 Applicability. All sections of this chapter apply to all facilities except that, unless specified to the contrary in s. DOC 346.36, the provisions of s. DOC 346.36 shall apply solely to facilities that are constructed or substantially remodeled after the effective date of this chapter.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1994, No. 465.

DOC 346.03 Definitions. (1) "Cell" means a secure room designed and used as a sleeping room for one or 2 juveniles. If a cell is designed or used for double occupancy, it shall comply with the requirements under s. DOC 346.37.

(2) "Contraband" means any item not allowed in a facility by the superintendent or by this chapter.

(3) "Day room" means an area usable and accessible by juveniles, contiguous to each group of cells, and designed and used for leisure activities.

(4) "Department" means department of corrections.

(5) "Dormitory" means a secure multiple occupancy area designed and used for sleeping and day room activities.

(6) "Facility" means either a secure detention facility under s. 48.02 (10r), Stats., or the juvenile portion of a county jail.

(7) "Family" means parents, brothers, sisters, grandparents, children of the juvenile, guardians, foster parents, and legal custodians.

(8) "Holding room" means a secure room designed for holding more than one juvenile of the same sex and classification for the purpose of processing admissions, releases, investigations or court appearances.

(9) "Juvenile" means a person who is less than 18 years of age, except that it does not mean a person 16 or 17 years of age who has been waived to adult court pursuant to the procedures in s. 48.18, Stats.

Note: 1995 Wis. Act 77 repealed s. 48.18, Stats.

(10) "Juvenile portion of a county jail" means an area used for detention of juveniles which is part of a county jail.

(11) "Living area" means the part of a secure detention facility normally occupied by juveniles, including day rooms, multi-purpose space, and adjacent control centers.

(12) "Multi-purpose space" means activity areas usable by juveniles which are designed for education, recreation, library services, and other program activities. Multi-purpose space does not include cells, day rooms or dormitories.

(13) "Privileged mail" means any written materials between a juvenile and an attorney, court, government or facility official.

(14) "Rated bed capacity" means the design capacity approved by the department under this chapter, based on single occupancy cells under s. DOC 346.36, double occupancy cells under s. DOC 346.37, and dormitories under s. DOC 346.38.

(15) "Receiving cell" means a cell used to segregate a juvenile for purposes of admission, release, discipline, investigation or court appearances.

(16) "Secure detention facility" has the meaning given in s. 48.02 (10r), Stats., and includes a stand alone facility or a facility located in the same building or on the same grounds as a county jail.

(17) "Superintendent" means:

(a) The individual designated to be in charge of a public secure juvenile detention facility under s. 48.22 (3) (a), Stats., or the director as specified in s. 48.22 (3) (b), Stats.; or

Note: 1995 Wis. Act 77 repealed s. 48.22, Stats.

(b) In the case of the juvenile portion of the county jail, the sheriff of a county in which the jail is located pursuant to s. 59.23 (1), Stats.

(18) "Undergarments" means underwear and socks.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; r. and recr. (6), am. (8) and (10), Register, September, 1992, No. 441, eff. 10-1-92; renum. (1) to (6), (8) and (10) to be (3), (4), (6), (9), (10), (11), (16) and (17) and am. (11), r. (7) and (9), cr. (1), (2), (5), (7), (8), (12), (13) to (15) and (18), Register, September, 1994, No. 465, eff. 10-1-94; **corrections in (6) and (16) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.**

DOC 346.035 Contact. There may be no physical, verbal or visual contact between juveniles and adult inmates in the juvenile portion of a county jail or a secure detention facility.

History: Cr. Register, September, 1992, No. 441, eff. 10-1-92.

DOC 346.04 Operational plan. (1) Before a facility may hold juveniles in secure custody, it shall have a mission statement and a written operational plan which has been approved by the department under s. 48.22 (2) (a), Stats., and which meets the requirements of 42 USC 5601 to 5761 (1988) and 28 CFR Part 31 and the standards specified in this chapter. No plan may be implemented until the department has approved the plan, under s. 48.22 (2) (a).

Note: 1995 Wis. Act 77 repealed s. 48.22, Stats.

(2) The operational plan shall contain the following components:

(a) Statement setting forth the mission of the facility.

(b) Designation of whether the facility will operate as a juvenile portion of the county jail or as a secure detention facility.

(c) Policies and procedures to ensure against any contact between juveniles and adult inmates in all areas of the facility, including sallyports, entrances, booking, intake, living areas, elevators, visiting, staircases, medical areas and all other areas in which juveniles could have contact with adult inmates.

(d) Policies and procedures for a secure detention facility to ensure immediate security backup in emergency situations.

(e) Policies and procedures for juvenile work assignments, property, clothing, religious programming, canteen, health screening and care, medications, medical records, communicable disease control, suicide prevention, crisis intervention, personal hygiene, nutrition, classification, out-of-cell time, educational programming, frequency of cell checks, programming, fire protection, staffing, discipline, use of restraints, recreation, mail, telephone, visitation, reading materials, use of volunteers, bedding and linens, and sanitation.

(f) Procedures which the facility will follow to ensure compliance with the standards specified in this chapter.

(3) Prior to submitting the operational plan to the department for approval under s. 48.22 (2) (a), Stats., the superintendent shall distribute the plan for review and comment to the sheriff, juvenile court judge, chief intake worker, social or human services director, and the director of the county department of community programs appointed under s. 51.42 (4), Stats.

Note: 1995 Wis. Act 77 repealed s. 48.22, Stats.

Note: 42 USC 5601 to 5761 (1988) is known as the juvenile justice and delinquency prevention act of 1974 (JJDPA), as amended in 1988; 28 CFR Part 31 are the federal regulations promulgated under the JJDPA.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; r. and recr. Register, September, 1992, No. 441, eff. 10-1-92; am. (2) (c), (e), Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.044 Annual meeting. In any county in which there is a secure detention facility, the superintendent shall conduct an annual meeting to discuss and review the operation of the secure detention facility, and to review the operational plan to ensure it is current and reflects practices at the facility. The superintendent shall schedule the annual meetings, and invite the sheriff, juvenile court judge, chief intake worker, social or human services director, and the director of the county department of community programs appointed under s. 51.42 (4), Stats.

History: Cr. Register, September, 1992, No. 441, eff. 10-1-92.

DOC 346.05 Construction plans. All plans, specifications, and sites for construction or remodeling of a secure deten-

tion facility or the juvenile portion of a county jail shall be submitted to the department for approval pursuant to s. DOC 350.04, shall meet the requirements of chs. Comm 61 to 65, and shall be approved by the department of commerce under ch. Comm 61.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; **corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register December 2006 No. 612.**

DOC 346.055 Use of jails. (1) The department may approve a county jail for use as a juvenile portion of a county jail or as a secure detention facility.

(2) The juvenile portion of a county jail may only be used to hold juveniles under the provisions permitted by 42 USC 5601 to 5761 (1988) and 28 CFR Part 31.

Note: 42 USC 5601 to 5761 (1988) is known as the juvenile justice and delinquency prevention act of 1974 (JJDPA), as amended in 1988; 28 CFR Part 31 are the federal regulations promulgated under the JJDPA.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; r. and recr. Register, September, 1992, No. 441, eff. 10-1-92.

DOC 346.06 Classification. The operational plan under s. DOC 346.04 shall contain policies and procedures creating a classification system based on legal status, gender, age, behavior, information concerning present offense, current and prior detention history, medical condition, mental health, and other criteria designed to provide for the protection and safety of juveniles, staff and community. In addition, the classification system shall identify specific criteria for the exclusion of juveniles from being housed in double cells under s. DOC 346.37 or dormitories under s. DOC 346.38.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; r. and recr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.07 Admission of juveniles to secure detention. (1) No juvenile may be placed in secure detention unless the facility meets the requirements of this chapter and is approved by the department.

(2) Juveniles may be admitted to secure detention under s. 48.17, Stats., or after it has been determined by the court or intake worker under ss. 48.20, 48.205, 48.208, 48.209, and 48.21, Stats., that secure placement is appropriate. Any violation of requirements specified in s. 48.067 (2), Stats., shall be reported in writing by the superintendent to the department.

Note: 1995 Wis. Act 77 repealed s. 48.17, Stats.

(3) An approved facility shall be able to receive juveniles into secure detention 24 hours a day, 7 days a week.

(4) As soon as practicable following admission, each juvenile shall be required to take a bath or shower.

(5) A juvenile who appears to be seriously ill or injured, who exhibits significant mental or emotional distress, or who appears to have impaired functioning due to controlled substance or alcohol abuse shall not be confined in the facility unless a health care professional has treated and approved the juvenile for confinement.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; correction in (6) made under s. 13.93 (2m) (b) 5., Stats., Register, June, 1994, No. 462; r. and recr., Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.08 Health screening and care. (1) The facility shall provide or secure necessary medical treatment and emergency dental care while the juvenile is in custody. Consent of a juvenile's parent, guardian or legal custodian shall be required for treatment, except in the event of an emergency during which a parent, guardian or legal custodian is not available.

(2) A health screening form shall be developed in conjunction with health care professionals and used at admission to obtain information relating to each juvenile's medical and dental condition, medical illnesses or disabilities, mental illnesses, developmental disabilities, alcohol or other drug abuse problems and suicide risk.

(3) The operational plan under s. DOC 346.04 shall contain policies and procedures for juvenile health care, including the following components:

(a) Staff who have the authority to make health care decisions, including emergency medical and dental care, shall be designated.

(b) Health screening shall be performed in a manner which ensures the privacy of a juvenile and confidentiality of information.

(c) Names, addresses and telephone numbers of health care professionals who provide emergency and other health care services, including counseling, shall be listed and available to staff.

(d) Referral of juveniles to health care professionals or to agencies which provide health care or counseling.

(e) Provision of non-emergency health care, including use of a juvenile's personal physician.

(f) Schedule of access to routine medical care shall be provided.

(g) Requests for medical services shall be processed and disposition of those requests shall be documented.

(h) A special diet shall be provided if ordered by a health care professional.

(4) Facilities shall maintain agreements with health care professionals.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.09 Medications. (1) The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the control and administration of prescription and nonprescription medications, including the following components:

(a) Process by which security staff or health care professionals determine whether medications brought in by juveniles or other persons for a juvenile are necessary.

(b) All medications brought into the facility shall be inventoried and securely stored.

(c) Consent of a juvenile's parent, guardian or legal custodian shall be required for treatment, except in the event of an emergency during which a parent, guardian or legal custodian is not available.

(d) Administration or delivery of prescription and nonprescription medications to juveniles, including identification of staff authorized by the facility to do so.

(e) Administration or delivery of medication to a juvenile shall be documented. The documentation shall include the type and dosage of medication, the name of the practitioner who prescribed the medication, the name of the person who administered or delivered the medication, the date and time of administration or delivery, and any refusal by a juvenile of recommended or prescribed medications.

(f) Return or disposal of a juvenile's unused medications inventoried upon admission or nonfacility provided medications received by the juvenile after admission.

(g) Inventory and disposal of unused, facility provided medications upon the juvenile's release.

(2) Psychotropic drugs, such as antipsychotics or antidepressants, and drugs requiring parental administration shall be prescribed by a practitioner as defined under s. 961.01 (19), Stats., and administered by a health care professional.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.

DOC 346.10 Communicable disease control. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the care, treatment and supervision of juveniles who may have communicable diseases, including the following components:

(1) Provision of treatment and supervision of juveniles during isolation or quarantine under s. 252.06 (6) (b), Stats.

(2) Documentation of the need for isolation or quarantine under s. 252.06 (6) (b), Stats., in the juvenile's confidential medical file.

(3) Provision of laboratory screening for juveniles who may have been exposed to a communicable disease if ordered by a health care professional.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94; corrections in (1) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.

DOC 346.11 Suicide prevention. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the supervision and housing of juveniles who may be at risk of seriously injuring themselves, including the following components:

(1) Assessment of a juvenile's suicide risk at admission and documentation of the results.

(2) Designation of security staff or health care professionals who may assess a juvenile's level of suicide risk and who may authorize placement on or removal from a suicide watch status for juveniles who are suicide risks.

(3) Identification of areas within the facility where juveniles who are suicide risks shall be housed.

(4) Referral of juveniles who are suicide risks to a mental health professional.

(5) Documentation of observation of juveniles under s. DOC 346.28 (2).

(6) Communication between health care professionals and security staff regarding the status of a juvenile who is a suicide risk.

(7) Intervention of a suicide in progress, including first aid measures.

(8) List of persons to be notified in case of potential, attempted or completed suicides.

(9) Documentation of actions and decisions regarding juveniles who are suicide risks.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.12 Crisis intervention. The operational plan under s. DOC 346.04 shall contain policies and procedures for the provision of professional help for a juvenile displaying mental distress, including withdrawal, uncontrolled emotions or self-destructive behavior.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.13 Medical records. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to medical records of juveniles, including the following components:

(1) Juvenile medical records shall be kept separate from other records, including custodial and adult records, and shall be maintained in a confidential manner in accordance with ss. 51.30, 146.81 to 146.84, Stats., and other applicable state or federal laws.

(2) Records shall be maintained in locked storage.

(3) No person except those authorized under s. 51.30 or 146.82, Stats., or other applicable state or federal law may have access to information in the records or be permitted to inspect the records.

(4) Whenever a person is allowed access to a juvenile's confidential medical record, a notation shall be made in the file which includes the person's name, date of access and authorization for access.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.14 Nutrition. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the nutrition of juveniles, including the following components:

(1) Juveniles shall be served 3 meals daily in sufficient quantities and varieties to provide for proper nutrition.

(2) Milk shall be offered as a beverage at every meal.

(3) In planning menus, consideration shall be given, whenever possible, to the religious practices of the juveniles.

(4) Daily menus of food actually served shall be kept on file for at least 60 days and shall be made available to the department upon request.

(5) Menus and portion sizes shall be reviewed at least annually by a dietician to ensure compliance with nationally recommended food allowances. Reports shall be available to the department upon request.

(6) Supplementary food or modified diet, as ordered by a physician, shall be provided for those juveniles who have special needs.

(7) A minimum of 3 meals, 2 of which are hot, shall be provided at regular meal times during each 24 hour period, with no more than 14 hours between the evening meal and breakfast. Provided basic nutritional standards are met, the superintendent may permit variations based on weekend and holiday food service demands.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.15 Personal hygiene. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the personal hygiene of juveniles, including the following components:

(1) Toilet articles sufficient for the maintenance of cleanliness and hygiene, including but not limited to, toothpaste and toothbrush, soap, comb, toilet paper, towels and washcloths, shampoo, shaving materials, and feminine hygiene materials, shall be provided. There shall be no common use of these items.

(2) Showers shall be available daily.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.16 Personal property. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the inventory, storage and return of a juvenile's personal property, including the following components:

(1) Items of personal property, including money, which are taken from the juveniles shall be listed in writing, stored in a safe place and returned to the juvenile upon release. The written inventory shall be signed by each juvenile and an employee at the time of admission and release. If a juvenile cannot or will not sign the property list, a written notation to that effect shall be placed on the list and verified by one witness.

(2) Provision for the possession of authorized personal property.

(3) Provision for the return of juvenile's property.

(4) Provision for the disposal of unclaimed property.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.17 Clothing. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to the clothing which a juvenile is permitted to wear, including the following components:

(1) Clean undergarments shall be issued to juveniles on a daily basis.

(2) Clean outergarments shall be issued to juveniles at a minimum of twice weekly.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.18 Mail. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to written contact between juveniles and their families, friends, attorneys, the court system, governmental officials and others, including the following components:

(1) The amount of mail a juvenile may send or receive may not be limited unless the reasons for such limitation are documented in the juvenile's record.

(2) Privileged correspondence may not be limited.

(3) Mail to the juvenile shall be delivered on the same day that it is received at the facility.

(4) Appropriate writing materials shall be provided to juveniles upon request.

(5) Postage for a minimum of 2 nonprivileged letters a week shall be provided for each juvenile. Postage for privileged correspondence may not be limited.

(6) Incoming privileged mail may be opened and inspected in the presence of the juvenile to whom the mail is addressed. Privileged mail may not be read.

(7) Juveniles shall be provided notice upon admission that their nonprivileged incoming letters and packages may be inspected for contraband.

(8) Provision for staff inspection and reading of nonprivileged incoming and outgoing mail.

(9) Juveniles shall be notified of confiscated mail when appropriate.

(10) Mail which is confiscated shall be inventoried. Confiscated mail shall be returned to the sender, disposed of or delivered to the juvenile upon release. A record of confiscated mail shall be maintained and include the names of the sender and receiver, the dates of receipt and disposition, and the reasons for confiscation and disposal.

(11) Cash, checks or money orders shall be receipted, inventoried and credited to the juvenile's account or placed in the juvenile's secured property.

(12) Mail addressed to a released juvenile shall be forwarded unopened to the juvenile or returned to the sender or post office if no forwarding address is available.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.19 Telephone. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to juvenile access to the telephone, including the following components:

(1) Upon admission, the juvenile shall be given an opportunity as soon as possible to make a minimum of 2 telephone calls to his or her parents, legal guardians, foster parents, custodians or legal counsel.

(2) A juvenile shall be given the opportunity to make telephone calls other than those under sub. (1) to his or her parents, legal guardians, foster parents, custodians or legal counsel, given the facility's schedule, telephone availability, and personnel constraints. Reasons for limiting access to the telephone shall be documented.

(3) A juvenile shall be allowed to make at least one 10-minute telephone call to a family member every 24 hours.

(4) Provision for a juvenile to receive personal telephone calls or messages from parents, legal guardians, foster parents, custodians, or legal counsel.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.20 Visitation. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to visitation, including the following components:

(1) Family visits are of primary importance and shall be allowed on a daily basis. Each facility shall provide for family visits during designated hours. Visiting hours shall be designated during both the day and evening with a minimum of 3 hours before 5:00 p.m. and 2 hours after 5:00 p.m.

(2) Clergy, teachers, mental health professionals, social workers and legal counsel shall be permitted to visit at reasonable

times. These visits may not be subject to any physical barriers or restrictions and shall be free of surveillance.

(3) The number of visitors a juvenile may receive and the length of visits may be limited only as required by the facility's schedule, space availability and personnel constraints or when there are documented reasons to justify such limitations. Family visiting time may not be scheduled for less than 30 minutes.

(4) Visitors shall be required to register upon entry to the facility.

(5) Establishment of a search policy of visitors and their possessions.

(6) Visiting during which physical contact between a juvenile and visitor is permitted based on the security needs and physical plant of a facility.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.21 Programming. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to programming for juveniles, including the following components:

(1) Juveniles shall be out of their cells a minimum of 12 hours per day, except for discipline, medical, behavioral, investigative or lockdown reasons.

(2) If a juvenile is not out of his or her cell for a minimum of 12 hours each day, facility staff shall document in writing the reasons for the increased cell time.

(3) On weekdays other than legal holidays a minimum of 6 hours of the out-of-cell time under sub. (1) shall be time spent in structured group or individual activities, including education, exercise, recreation and, as appropriate, family counseling or drug and alcohol counseling. On weekends and legal holidays a minimum of 3 hours of the out-of-cell time under sub. (1) shall be time spent in structured activities which may include visitation, recreation, exercise and housekeeping.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.22 Educational programming. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to educational programming for juveniles, including the following requirements:

(1) Superintendents shall ensure that juveniles have access to education, as provided by the school district in which the facility is located.

(2) Superintendents shall notify the school district in which the facility is located when juveniles are present in the facility.

(3) Superintendents shall cooperate with the school district in which the facility is located in the implementation of an educational program.

(4) Superintendents shall communicate to the department of public instruction significant concerns regarding adequacy of educational programming within facilities.

(5) Superintendents shall document on a daily basis:

(a) Number of hours of instruction by a teacher.

(b) Number of juveniles receiving instruction.

(c) Names of juveniles who refused to participate in education.

(d) Names of juveniles who were unable to participate and the reasons for the inability.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.23 Reading materials. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to access to reading materials, including the following components:

(1) Reading materials of general interest, such as books, newspapers and magazines, shall be provided.

(2) Reading materials which are prohibited for juveniles because their content creates a security risk shall be identified.

(3) Inspection of reading materials brought by visitors for juveniles if the facility allows visitors to bring in reading materials.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.24 Recreation and exercise. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to recreation and exercise for juveniles, including the following components:

(1) Juveniles shall have access to leisure time supplies and activities unless use of these materials is restricted for disciplinary or security reasons.

(2) Each juvenile shall be provided an opportunity to participate in at least one hour of large muscle or cardiovascular physical exercise a day.

(3) Superintendents shall document on a daily basis the names of juveniles who do not participate in recreation or exercise and the reason for nonparticipation.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.25 Uncompensated work assignments. Juveniles are not required to participate in uncompensated work assignments unless the work is related to housekeeping, maintenance of the facility or grounds, personal hygienic needs, or part of an approved training or community service program.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.26 Religious programming. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to religious programming, including the following components:

(1) Juveniles shall have the right to religious ministrations and sacraments as provided in s. 301.33, Stats.

(2) Juveniles shall be given an opportunity to request access to clergy. Facilities shall document requests and their disposition.

(3) Juveniles shall be notified of the schedule of religious services available in the facility and religious organizations and clergy willing to conduct religious services in the facility.

(4) Bibles or Qurans shall be provided upon request under s. 301.33, Stats.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.27 Volunteers. If a facility uses volunteers, the facility's operational plan under s. DOC 346.04 shall contain policies and procedures relating to the use of volunteers, including recruitment and selection, training and orientation, supervision and evaluation, duty and responsibility assignments, and termination.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.28 Observation of juveniles. (1) All areas occupied by juveniles shall be physically inspected at least once every 60 minutes, at irregular intervals, to ensure the custody, safety, and welfare of those confined.

(2) A dormitory must be under constant observation, unless no juvenile is in the dormitory.

(3) Juveniles who are in dayrooms or multi-purpose space shall be observed at least once every 15 minutes at irregular intervals.

(4) Security staff shall physically observe each juvenile at irregular intervals, according to the following schedule:

(a) Every juvenile at least once every 60 minutes.

(b) Every juvenile locked in a cell at least once every 30 minutes.

(c) Every juvenile in a dormitory at least once every 30 minutes.

(d) Every juvenile exhibiting behavioral or mental problems, including suicidal tendencies, at least once every 15 minutes.

(e) Every juvenile in cell confinement or administrative confinement status at least once every 15 minutes.

(f) Every juvenile in a receiving cell or holding room at least once every 15 minutes.

(5) Each inspection or observation shall be documented.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.29 Canteen. If a facility provides canteen, vending or other similar services for juveniles, the facility's operational plan under s. DOC 346.04 shall contain policies and procedures for use of the service. If there is a commissary or canteen, strict controls shall be maintained over its operation and regular accounting procedures shall be followed.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.30 Discipline. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to discipline of juveniles, including the following components:

(1) At the time of admission, each juvenile shall be notified verbally and provided with a copy of the rules of behavior required in the facility and the potential disciplinary actions imposed for violation of the rules. Copies of the rules shall be posted in conspicuous places.

(2) Documentation of a rule infraction and any disciplinary action shall be made part of the juvenile's record as required under s. DOC 346.40.

(3) Disciplinary action shall be determined on an individual basis. Group discipline for the misbehavior of one juvenile is prohibited.

(4) No juvenile may be given authority over another juvenile or be involved in taking disciplinary action against another juvenile.

(5) The following penalties shall be allowed as disciplinary actions:

(a) Cell confinement, except that cell confinement for more than 6 hours shall not occur unless the juvenile is first given a disciplinary hearing in accordance with s. DOC 346.32. Cell confinement of less than 6 hours shall be reviewed by supervisory personnel.

(b) Restriction of privileges, including use of radio, television, leisure time materials or canteen, provided that procedures under sub. (6) are followed. Restriction on opportunities for religious worship; food or special dietary requirements; sleep; access to attorneys, courts, legislators, mental health personnel or social workers; and basic health and sanitation requirements shall not be permitted.

(c) Restriction of family visits, telephone, education, nonprivileged mail and exercise when the restriction is directly related to a violation of rules concerning these activities, provided that the procedures under sub. (6) are followed.

(6) A juvenile's privileges may be restricted for a rule violation after the juvenile is given an opportunity to explain the circumstances of the alleged violation. The rule violation and restriction shall be reviewed immediately by supervisory staff. If the violation occurs after 8 p.m. and no supervisory staff is available, security staff on duty may restrict privileges subject to supervisory review which shall occur within 12 hours. The supervisor's review shall include an opportunity for the juvenile to explain the circumstances of the alleged violation.

(7) A juvenile may not be disciplined by corporal or unusual punishment, intentional humiliation, mental abuse, interference with the daily functions of living, the use of chemical agents, the use of restraints such as handcuffs or shackles, or by placement in a cell designed for the administrative or disciplinary segregation of adults.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.31 Control. The operational plan under s. DOC 346.04 shall contain policies and procedures for the control of juveniles, including the following components:

(1) **CELL CONFINEMENT.** (a) If a juvenile's behavior presents a serious risk of harm to self or others or if a juvenile presents a serious risk to security, the juvenile may be confined to his or her own cell for purposes of control and shall be referred to health care professionals as soon as possible if appropriate. The juvenile shall be released as soon as the danger has ended. Cell confinement for control for more than one hour shall require the approval of the superintendent or designee. If the juvenile is held in cell confinement for more than one hour, the superintendent or designee shall personally visit the confined juvenile before the juvenile has been confined for 6 hours, excluding hours between 8:00 p.m. to 7:00 a.m., and at least once every 6 hours thereafter until the juvenile is released from cell confinement. Documentation of cell confinement and required approvals shall be made a part of the juvenile's record.

(b) Whenever a juvenile is confined to his or her own cell for discipline or control:

1. There shall be no additional loss of privileges, and reading, recreational and educational materials shall be provided unless there is reason to believe that these materials will be damaged or their presence presents a danger to the juvenile.

2. No juvenile may be placed in cell confinement for more than 24 consecutive hours without medical authorization based on a finding that further confinement will not harm the juvenile.

3. A written log of cell confinements shall be recorded and maintained.

4. A juvenile shall not be placed in confinement in a cell designed for the administrative or disciplinary segregation of adults.

(2) **USE OF RESTRAINTS.** (a) Instruments of restraint, such as handcuffs, leg irons, and straight jackets, shall not be applied as punishment. Restraints may only be applied with the approval of the superintendent for prevention of escape during transfer, for medical reasons by direction of medical personnel, or to prevent juvenile self-injury, injury to others, or property damage.

(b) Instruments of restraint shall not be applied for more time than is necessary to achieve the purposes under par. (a).

(c) Documentation of use of restraints shall include the reason for and duration of use.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.32 Disciplinary hearings. The operational plan under s. DOC 346.04 shall contain policies and procedures relating to disciplinary hearings.

(1) Whenever cell confinement exceeding 6 hours is proposed as a disciplinary measure, the juvenile shall be given a disciplinary hearing. Notice of the hearing and specific charges shall be given at least 12 hours prior to the hearing unless the notice is waived by the juvenile. The juvenile shall be advised of the following rights:

(a) The right to request the presence of available material witnesses.

(b) The right to have the facility provide a staff advocate or adequate substitute to assist the juvenile to respond to the charges.

(2) The disciplinary hearing shall be held before an impartial hearing officer or committee within 24 hours of receipt of written notice or waiver by the juvenile.

(3) At the hearing, the juvenile or the juvenile's representative shall be entitled to call witnesses and present documentary evidence which are material to the determination of the facts of the alleged violation.

(4) The juvenile shall be given a written decision and instructions for possible appeal to the superintendent no later than 24 hours after the hearing.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.33 Staff. (1) EMPLOYMENT PRACTICES. Employment practices of each facility shall be in compliance with subch. II of ch. 111, Stats., the equal employment opportunity act of 1972 (42 USC 2000e - 2000e - 17) and s. HFS 5.07 (1).

(2) **JOB DESCRIPTIONS.** There shall be written job descriptions kept on file for all staff and prior employment references shall be verified and documented in the employee's personnel record.

(3) **HEALTH QUALIFICATIONS FOR EMPLOYMENT.** Staff shall receive a medical examination by a physician at the time of initial employment. Personnel records shall contain verification of the medical examination.

(4) **EDUCATION AND TRAINING.** (a) As soon as possible within the first 90 days of employment, security staff shall receive 40 hours of orientation training which shall be documented in the employee's personnel record and which shall include but not be limited to:

1. Information on the administrative rules governing secure detention of juveniles;
2. First aid, the use of emergency equipment and medical screening; and
3. Supervision and control of juveniles.

(b) Security staff shall receive training as required under s. 165.85 (4), Stats., which may include 16 hours of training in the subjects listed under par. (a).

(c) Superintendents shall receive training as required under s. 938.22 (3) (c), Stats.

(5) **STAFFING PLAN.** (a) A staffing plan which specifies methods by which adequate staffing will be provided to ensure the health, safety and welfare of the juveniles shall be submitted to the department for approval.

(b) In secure detention facilities:

1. There shall be at least one security staff member on duty at all times in each living area where juveniles are present.
2. There shall be no less than one security staff member supervising a maximum of 15 juveniles in the living area. Additional security staff shall be available at all times as back up.
3. There shall be no less than 2 security staff members on duty in the facility at any time when juveniles are present and at least one of those shall be in the living area.
4. A security staff member of the same sex as the juveniles being admitted or held in custody shall be on duty.
5. No staff member responsible for supervision of juveniles may during the same work shift have responsibility for supervision of adult inmates in a county jail, except that a person with solely administrative, clerical, or other duties which do not include the supervision of adult inmates, may provide non-emergency backup or assistance in the secure detention facility, provided that person has been trained in the supervision of juveniles under sub. (4).

(c) In the juvenile portion of county jails:

1. No security staff member providing supervision to juveniles may be responsible for the supervision of more than 30 individuals.
2. No security staff member responsible for supervision of juveniles may during the same time period have responsibility for radio or dispatch duties.
3. A security staff member of the same sex as the juveniles being admitted or held in custody shall be on duty.
4. At all times a security staff member shall be within call of the area in which a juvenile is confined.

(d) Staff may not accept any gift or gratuity from a juvenile or juvenile's family.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; renum. (4) (a) (intro.), 1. to 3. and (5) (d) to be (4) (intro.), (a) to (c) and (5) (e), r. (4) (b) and (5) (b) 3., cr. (5) (d), Register, September, 1992, No. 441, eff. 10-1-92; renum. from DOC 346.08 and am. (4), (5), Register, September, 1994, No. 465, eff. 10-1-94; **corrections in (1) and (4) (c) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.**

DOC 346.34 Security. (1) There shall be at least 3 complete sets of secure area and fire escape keys, one set in use, one set stored in a safe place which is accessible only to staff workers for use in an emergency and one set stored in a secure place outside the confinement area.

(a) There shall be an accurate record of the location of all keys.

(b) All staff workers shall be given instructions concerning the use and storage of the keys and shall be held strictly accountable for keys assigned to them.

(2) All staff workers shall be familiar with the locking system of the secure area and able to release juveniles promptly in the event of a fire or other emergency.

(3) The superintendent shall insure that monthly inspections are made to determine if cell, dormitory and fire escape locks are in good working order. The inspections shall be documented in the files.

(4) An approved security door with security glass observation openings shall be provided for locked entrances into all confinement rooms and areas.

(5) Any damage to the facility which jeopardizes safety or security shall be promptly and securely repaired and shall be reported in writing to the department within 72 hours.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; renum. from DOC 346.09, r. (1), renum (2) to (6) to be (1) to (5) and am. (3), Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.35 Fire protection. (1) Each facility shall include in its written operational plan, plans for fire protection and evacuation which have been developed in collaboration with the local fire department.

(2) The evacuation plan shall be posted in a conspicuous place.

(3) There shall be properly placed and maintained fire alarms, smoke and thermal detectors, self-contained breathing apparatuses with at least a 30 minute capability and fire attack equipment.

(4) All staff shall be trained in the proper use of the equipment in sub. (3) and in emergency rescue and evacuation procedures. Documentation of such training shall be in the facility files.

(5) There shall be fire inspection services at least every 6 months with documentation of such inspection in the facility files.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; renum. from DOC 346.10, Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.36 Physical environment. (1) JUVENILE HOUSING. (a) Each juvenile shall have a separate bunk or bed in a cell which meets the requirements of sub. (2), or s. DOC 346.37 or in a dormitory which meets the requirements of s. DOC 346.38. A facility may not exceed its rated bed capacity.

(b) The total number of juveniles housed in double cells under s. DOC 346.37 and in dormitories under s. DOC 346.38 may not exceed 75% of the rated bed capacity of the facility.

(2) **CELLS.** Except if s. DOC 346.37 applies, all cells for juveniles in a facility shall be designated and used for single occupancy only.

(a) Except if s. DOC 346.37 applies, cells shall have minimum floor area of 54 square feet. The distance between the floor and ceiling may not be less than 8 feet and the distance between opposite walls may not be less than 6 feet.

(b) Except if s. DOC 346.37 applies, each cell shall contain a rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor.

(c) Mattresses and pillows shall be available where there is need for overnight detention.

1. Mattresses and pillows shall be made of fire-resistant material, shall be covered with fire retardant, waterproof, easy-to-sanitize material and shall be kept in good repair.

2. Suppliers of mattresses and pillows shall provide information giving evidence of the fire retardant and waterproof capabilities of their product.

3. Mattresses shall be at least 3 inches in thickness and be of proper size to fit the bunks or beds.

(d) An unbreakable, institution-type mirror shall be provided in each cell.

(e) A detention strength, metal, institution-type wash basin and toilet shall be provided in each cell. The wash basin and toilet may be combined in one unit. The wash basin shall have hot and cold running water.

(f) A rigidly constructed shelf-type table and seat which are bracketed to the wall or bolted to the floor shall be provided in each cell.

(g) Except if s. DOC 346.37 applies, 2 or more non-removable, collapsible, detention strength clothing and towel hooks shall be provided in each cell.

(h) All facilities shall have a system for emergency unlocking of individual or all cell doors from a single point outside the confinement area.

(i) There shall be no exposed heating pipes, radiators or controls in cells.

(j) Light fixtures shall be detention strength and shall provide at least 30 footcandles at 30 inches above the floor. Lights shall have a dimming capability or there shall be a nightlight to allow for comfortable sleeping. There shall be enough illumination for observation of juveniles during security checks.

(3) DAY ROOM. Each day room shall have a minimum floor area of 35 square feet for each juvenile based on the rated bed capacity of the adjacent group of cells. In addition, each day room shall have a minimum of 70 square feet of unobstructed floor area.

(a) There shall be no exposed heating pipes, radiators or controls.

(b) Light fixtures shall be detention strength and shall provide at least 30 footcandles at 30 inches above the floor.

(c) There shall be adequate furnishings and equipment for leisure time activities as required under this chapter.

(d) The day room shall have detention strength tables and seating based on the rated bed capacity of the adjacent cells.

(4) SHOWERS. There shall be at least one shower for every 8 persons and an adequate supply of hot and cold water so that all juveniles may shower every day.

(5) MULTI-PURPOSE SPACE. Facilities shall contain multi-purpose space which shall have a minimum of 300 square feet of floor area or provide 35 square feet of floor area for the maximum number of juveniles expected to use the space at one time, whichever is greater.

(6) EXTERIOR WINDOWS.

(a) This subsection applies to all windows that lead to the exterior of the facility or to an area outside the secure perimeter of the facility.

(b) All exterior windows shall be translucent or shall be located to prevent persons outside the secure perimeter of the facility from observing juveniles within the facility.

(c) Each exterior window that has an opening in any direction in excess of 5 1/2 inches shall be covered with security steel grills to prevent escape.

(d) If an exterior window is accessible to juveniles and opens, the window shall be mounted in a detention strength frame and shall be covered on the inside with a 1,600 pound per lineal inch tensile strength security screen of .047 mil. wire diameter to prevent the passage of contraband.

(e) If an exterior window is not accessible to juveniles and opens, the window's security screen need not meet the requirements of par. (d), but the screen shall have a tensile strength of at least 800 pounds per lineal inch and shall be made of wire of at least .028 mil. diameter.

(f) If an exterior window does not open, whether or not it is accessible to juveniles, the security screen required under par. (d) or (e) may be omitted if the window is mounted in a detention strength frame and the pane is security glass of sufficient strength to resist breakage and prevent the passage of contraband.

(7) RECEIVING CELLS. (a) All receiving cells shall be designed and used for single occupancy.

(b) Each receiving cell shall have a minimum floor area of 54 square feet. The distance between the floor and ceiling may not be less than 8 feet and the distance between opposite walls may not be less than 6 feet.

(c) Each receiving cell shall have:

1. A rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor or a bed built in masonry construction of similar strength;

2. A detention strength, metal, institution-type wash basin and toilet. The wash basin and toilet may be combined in one unit. The wash basin shall have hot and cold running water; and

3. Light fixtures shall be detention strength and shall provide at least 30 footcandles at 30 inches above the floor. Lights shall have a dimming capability or there shall be a nightlight to allow for comfortable sleeping. There shall be enough illumination for observation of juveniles during security checks.

(8) HOLDING ROOMS. (a) Holding rooms shall only be used for admission, release, investigative purposes and court appearances. Holding rooms shall be located in an area that allows continuous staff observation or electronic video surveillance of juveniles.

(b) Holding rooms may be designed and used for multiple occupancy for juveniles of the same classification.

(c) Each holding room shall have:

1. Detention strength, rigidly constructed seats or benches bracketed to the wall or bolted to the floor or seats or benches of masonry construction of similar strength;

2. A detention strength, metal, institution-type wash basin and toilet;

3. A minimum floor area of 50 square feet with an additional 10 square feet for each occupant above 5; and

4. Light fixtures shall be detention strength and shall provide at least 30 footcandles at 30 inches above the floor.

(9) EXISTING FACILITIES. Existing juvenile portions of a county jail shall continue to meet the physical requirements for adult jails established in ch. DOC 350.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; renum. from DOC 346.11 and am., Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.37 Double ceiling. (1) A secure detention facility may use cells for double occupancy. This section does not apply to a juvenile portion of a county jail.

(2) If, based on all the criteria under s. DOC 346.06, a secure detention facility determines that placement of a juvenile in a double cell may jeopardize the health or safety of the juvenile, other juveniles in the facility, staff or the community, the juvenile may not be placed in a double cell. If, based on all the criteria under s. DOC 346.06, a secure detention facility determines that placement of 2 particular juveniles in a double cell may jeopardize the health or safety of either juvenile, other juveniles in the facility,

staff or the community, those juveniles may not be placed together in the double cell.

(3) In addition to the requirements for single occupancy cells under s. DOC 346.36 and before a cell may be used for double occupancy, all of the following conditions shall be met:

(a) *Minimum floor area.* 1. In secure detention facilities which are constructed or substantially remodeled on or after October 1, 1994, a cell shall have a minimum floor area of 70 square feet. The distance between the floor and ceiling may not be less than 8 feet and the distance between opposite walls may not be less than 6 feet.

2. In secure detention facilities which were constructed before October 1, 1994 and have not been substantially remodeled after October 1, 1994, a cell shall have a minimum floor area of 54 square feet. The distance between the floor and ceiling may not be less than 8 feet and the distance between opposite walls may not be less than 6 feet.

(b) *Receiving cells.* Receiving cells may not be used for double occupancy.

(c) *Single occupancy cells.* Each secure detention facility shall maintain a minimum of 2 cells which are designed and used for single occupancy only.

(d) *Double occupancy cells.* A secure detention facility may not exceed 75% double occupancy of the total number of cells, excluding receiving cells and holding rooms.

(e) *Clothing hooks.* Each cell shall contain a minimum of two nonremovable, collapsible, detention strength clothing and towel hooks for each occupant.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.38 Dormitories. (1) A secure detention facility may use dormitories in addition to cells for the secure detention of juveniles. Each dormitory shall be designed for a minimum of 3 and a maximum of 8 juveniles. If a secure detention facility contains one dormitory, it shall have a minimum of 2 cells designed and used for single occupancy. If more than one dormitory is built, the number of dormitory beds may not exceed 50% of the rated bed capacity of the secure detention facility.

(2) If, based on all the criteria under s. DOC 346.06, a secure detention facility determines that placement of a juvenile in a dormitory may jeopardize the health or safety of the juvenile, other juveniles in the facility, staff or the community, the juvenile may not be placed in a dormitory.

(3) Each dormitory shall have:

(a) A minimum combined sleeping area and adjacent day room space of 70 square feet per juvenile based on rated bed capacity of the dormitory, excluding toilets, showers and lavatories;

(b) A minimum floor to ceiling height of 8 feet;

(c) Non-locking doors on sleeping rooms, if separate sleeping rooms are provided;

(d) Unrestricted, physical access to the day room, lavatories and toilets;

(e) A rigidly constructed metal bed with the frame bracketed to the wall or bolted to the floor for each juvenile based on the rated bed capacity of the dormitory;

(f) Detention strength wash basins and toilets;

(g) Unbreakable, detention strength mirrors sufficient for the number of juveniles confined;

(h) Detention strength tables and seating in the day room based on the rated bed capacity of the dormitory;

(i) Two nonremovable, collapsible, detention strength clothing and towel hooks for each juvenile confined based on the rated bed capacity of the dormitory; and

(j) Light fixtures shall be detention strength and shall provide at least 30 footcandles at 30 inches above the floor. Lights shall have a dimming capability or there shall be a nightlight to allow

for comfortable sleeping. There shall be enough illumination for observation of juveniles during security checks.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.39 Sanitation. (1) SHEETS, PILLOWCASES, BLANKETS AND TOWELS. (a) Clean linens shall be furnished to juveniles upon admission.

(b) Blankets shall be laundered or sterilized before reissue and at least every 3 months.

(c) Mattress covers, when used, and sheets and pillowcases shall be changed and washed at least weekly.

(d) Clean towels and washcloths shall be issued to each juvenile 2 times a week.

(2) FOOD SERVICE. a disease in a form that is communicable by food handling may be employed or work as a food handler in a facility. If the superintendent suspects that a person has a communicable disease that may be transmitted by food handling, the superintendent shall exclude the person from working with food and, in the case of a reportable communicable disease defined under s. HFS 145.03 (4), shall notify the local health authority immediately.

(b) All persons shall refrain from using tobacco in food storage or food preparation areas, or while serving food.

(c) All persons who work in food service areas shall wear clean garments and clean caps or hairnets, and shall keep their hands clean at all times when engaged in the handling of food, drink, utensils or equipment. Particular attention shall be given to the cleaning of fingernails.

(d) Adequate and convenient handwashing facilities shall be provided for use by persons working in food services areas, including hot and cold running water, soap and approved sanitary towels. Use of a common towel is prohibited.

(e) All milk and milk products served shall be pasteurized and shall be from sources certified as grade A.

(f) No spoiled or contaminated food may be used.

(g) All raw vegetables and fruits and poultry shall be thoroughly washed in clean water.

(h) All purchased meats and poultry shall be from sources under federal or state inspection.

(i) All ice used for cooling drinks or food by direct contact shall be from a safe public water supply and stored and handled to prevent contamination.

(j) Food shall be prepared by methods that conserve nutritive value, flavor, and appearance.

(k) Food shall be covered or protected when in transit.

(L) Food and drink shall be stored in a clean, well-ventilated place protected from flies, dust, vermin, overhead leakage, sewage backflow and other contamination.

(m) Staple foods and bulk supplies of flour, sugar and similar ingredients shall be stored in metal or plastic containers with tight-fitting covers once the original container is opened.

(n) Food shall be stored at least 6 inches above the floor on clean surfaces to permit cleaning underneath and to protect from splash and other contamination.

(o) All readily perishable foods, except when being prepared or served, shall be refrigerated at or below 40° F.

(p) Dishes, glassware, utensils and other food use or service equipment shall be stored in an area protected from contamination.

(q) Tables, cooking and working surfaces and food contact surfaces of equipment, including multi-use utensils, shall be thoroughly cleaned and sanitized after each usage.

1. The walls, floors and ceilings of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed shall be kept clean and in good repair.

2. Ventilation, fans, oven hoods and ducts shall be kept clean and free of grease.

(r) Animals shall be kept out of the kitchen, pantry or places where food is handled or prepared.

(s) All garbage and kitchen refuse which is not disposed of through a garbage disposal unit connected with the sewerage system shall be kept in leakproof, nonabsorbent containers with close-fitting covers in areas separate from those used for preparation and storage of food. The contents shall be removed as often as necessary to prevent decomposition and overflow. Garbage containers shall be reasonably clean and show no evidence of accumulated grease or long standing.

(3) UTENSIL CLEANING. (a) In manual washing, dishes and utensils shall first be prewashed and then shall be washed in hot water at a temperature of at least 100° F., containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently. Sanitizing all utensils following hand washing shall be done by either:

1. Submerging all utensils for 30 seconds in clean water maintained at a temperature of 170° F. or more; or

2. Submerging all utensils for rinsing in hot water at a minimum temperature of 100° F. to remove soap or detergent, then submerging for at least 2 minutes in a hypochlorite solution with a chlorine solution concentration of at least 100 parts per million. A different chemical sanitizing solution may be used if approved by the department. Soaps, water softeners, washing compounds and detergents shall not be added to sanitizing solutions. All utensils shall be air dried after sanitizing.

(b) In mechanical washing, utensils shall be stacked in racks or trays so as to avoid overcrowding and in such a manner as to ensure complete washing contact with all surfaces of each article.

1. The wash water temperature of utensil washing machines shall be held at from 130° F. to 150° F.

2. A detergent shall be used in all washing machines.

3. For sanitizing in a spray-type machine, dishes shall be subjected to a rinse period of 10 seconds or more at a temperature in the supply line of the machine of at least 180° F. For sanitizing in an immersion-type machine, dishes shall be submerged for 30 seconds or more with the water at the temperature of 170° F. or more. There shall be a constant change of water through the inlet and overflow.

4. Thermometers shall be located in both the wash compartment and rinse water line, in such locations as to be readily visible. Thermostatic control of the temperature of the rinse water shall be provided in new equipment.

5. The pressure of the water used in the spray washing and rinsing shall be 15 to 25 pounds per square inch at the machine nozzles.

6. Utensils shall be allowed to air-dry in racks or on drainboards.

(4) INSECT AND RODENT CONTROL. (a) All outside openings shall be covered with wire screening of not less than number 16 mesh or its equivalent and shall be properly maintained to prevent entry of insects. Screen doors shall be self-closing.

(b) All means necessary for the elimination of vermin shall be used.

(c) All poisonous compounds used in the extermination of rodents or insects shall be clearly labeled as poisons. Poisonous compounds shall be stored in a locked area separate from food, kitchenware, and medications.

(d) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, or in a way that constitutes a hazard to juveniles, staff or other person, or in a way other than in full compliance with the manufacturer's labeling.

(5) WATER SUPPLY. All water shall be obtained from a safe public water source.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; renum. from DOC 346.12, r. (2) (a), (r), renum. (2) (s) and (t) to be (r), (s), r. and recr. (2) (a), am. (2) (e), (h), (i), (k), (n), (q) intro., (3) (a) 2., (b) 1., (4) (a), (b), (5), cr. (4) (d), Register, September, 1994, No. 465, eff. 10-1-94; **correction in (2) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.**

DOC 346.40 Records and reporting. (1) A register of all juveniles shall be kept with identifying information including name, age, sex, race, name of parents or guardian, alleged offense, detaining authority, time of placement and authority for placement, release and destination.

(2) If a juvenile escapes, the time and manner of such escape shall be included in the register.

(3) During the time the juvenile is in custody a daily record shall be kept on behavior, medical history, disciplinary actions, visitations, room assignment, care requirements and other special conditions.

(4) Records shall be secured in locked desks, filing or storage cabinets and shall be maintained in a confidential manner.

(a) Records shall be maintained and stored separate from records of persons 18 or older.

(b) No person except those authorized through a court order or by authorized facility or department personnel may have access to information in the records or be permitted to inspect the records.

(c) Whenever a person is allowed access to a juvenile's file, a notation which includes the person's name, date of access and authorization for access shall be made in the file.

(5) The superintendent shall notify the department's regional detention facilities specialist within 48 hours excluding weekends and holidays, after any of the following events occur:

(a) Death, attempted suicide which requires emergency medical care or hospitalization, or physical injury of any juvenile in custody;

(b) Any escape or attempted escape;

(c) Any significant damage to the facility; or

(d) Any change in the superintendency of the facility.

(6) At least 30 days notice of any intention to terminate the operation of the facility.

(7) Information requested by the department shall be promptly furnished by the superintendent.

History: Cr. Register, January, 1983, No. 325, eff. 2-1-83; renum. from DOC 346.13 and am. (4) (c), (5), cr. (6) and (7), Register, September, 1994, No. 465, eff. 10-1-94.

DOC 346.41 Variances. (1) The department may grant a variance to a provision of this chapter, except that no variance may be granted to the provisions of s. DOC 346.36 (1), 346.37 (3) (a), 346.37 (3) (d), or 346.38.

(2) In order to obtain a variance, the superintendent shall demonstrate in writing that strict enforcement of the rule would result in unreasonable hardship for administration of the facility and that the variance would provide equivalent or better protection for the health, safety, welfare and rights of juveniles and the public.

(3) The department may impose specific conditions including reasonable time limits on a variance in order to protect the health, safety, rights or welfare of juveniles or the public.

(4) Violation of any condition under which a variance is granted constitutes a violation of this chapter. Upon finding that there has been a violation of a condition of the variance, the department may revoke the variance and require strict enforcement of the rule.

History: Cr. Register, September, 1994, No. 465, eff. 10-1-94.