

**ORDER OF THE STATE OF WISCONSIN  
DEPARTMENT OF CORRECTIONS  
ADOPTING RULES**

1 The Wisconsin department of Corrections proposes an order to repeal and recreate rule DOC 310  
2 relating to complaint procedures.

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Statutory Authority: ss. 302.02, 301.03(2) and 227.11(2), Stats.

Statutes Interpreted: ss. 301.02 and 301.03(2), Stats.

**Analysis Prepared by the Department of Corrections...**

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4 The department's rule on inmate complaint procedures was last amended in 1998. Since that  
5 time the department has designed and added a new database and automated many of the record-  
6 keeping functions described in this rule. As prison administration continually evolves, so must  
7 our administrative code. For these reasons, the department proposes updating the rule.

8  
9 Since implementing the department's Inmate Complaint Tracking System, physical processing of  
10 inmate complaints has changed. This rule helps to clarify the process and that, in turn, promotes  
11 efficiency as well as understanding. For example, this rule proposal eliminates various vague  
12 statements such as in DOC 310.06(2)(b) which states that the Inmate Complaint Examiner may  
13 "reject a complaint in accordance with provisions of this chapter;" and inserts a more concrete  
14 statement of "return complaint forms that do not meet the filing requirements of this chapter."  
15 This language is more specific and provides inmates with the clear understanding that their  
16 complaints may be returned without being processed for failure to comply with filing  
17 requirements. The previous statement notified inmates that they might have their complaint  
18 returned but did not go as far to inform the inmate of a specific reason. Clarity in this rule may  
19 even lead to fewer inmate complaints, as they may understand the system better. The addition of  
20 specific requirements in s DOC 310.09(1) ensures that inmates know exactly what is required of  
21 them in filing complaints. It ensures easier processing of complaints through consistency and  
22 should logically result in fewer inmate complaints being returned for incomplete filing. This  
23 clarification will also assist the department in investigating inmate complaints in a timelier  
24 manner.

25  
26 This proposed rule also eliminates redundancy by removing such items as DOC 310.08(1),  
27 which states that "an inmate may use the complaint review system individually or with a group  
28 of inmates collectively." This statement is simply not necessary at this point in the rule as it is  
29 addressed in detail in ss. DOC 310.09 as well as 310.10.

30  
31 This rule proposal eliminates unnecessary directives regarding internal processing such as in ss.  
32 DOC 310.08(4) and (5), which state where complaints will be directed within the department.  
33 DOC 310.11(1) is also amended to simplify existing language to merely specify that "ICE staff"  
34 collect complaints.

35

36 This rule proposes changes in the time limits throughout the complaint process. The time limit  
37 for making a recommendation to the appropriate reviewing authority and the time needed to  
38 render a decision have each expanded by five working days. This change reflects both the  
39 increased time needed to effectively review and decide certain complaints, as well as the time  
40 needed to review the increasing number of complaints from a growing inmate population.

41  
42 The current rule allows an inmate to appeal only a rejected frivolous complaint to the appropriate  
43 reviewing authority, while this proposed rule allows inmates to appeal a rejected complaint to the  
44 appropriate reviewing authority. Non-frivolous complaints are currently reviewed directly by  
45 the Corrections Complaint Examiner, thereby skipping a logical step in the process. The  
46 proposed rule also makes the reviewing authority's decision final in all appeals, not just frivolous  
47 appeals as in the current rule.

48  
49 In summary, this rule proposal more logically and succinctly explains the progression of the  
50 complaint from its origin with the inmate through the appeal process and final decision, when  
51 applicable, by the Office of the Secretary of the Department of Corrections.

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52           **SECTION 1. Chapter DOC 310 is repealed and recreated to read:**

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54  
55 DOC 310.01 Purpose.

56  
57 (1) The policy of the department of corrections is to afford inmates in adult institutions a  
58 process by which grievances may be expeditiously raised, investigated, and decided. If the  
59 decision requires a change in administrative practice, the department shall implement the change.

60  
61 (2) The department has the following objectives for the inmate complaint review system:

62  
63 (a) To allow inmates to raise, in an orderly fashion, significant issues regarding rules, living  
64 conditions, and staff actions affecting institution environment.

65  
66 (b) To provide the department an early opportunity to decide the issue before an inmate  
67 commences a civil action or special proceeding against a department officer, employee or  
68 agent in the officer's, employee's or agent's official or individual capacity.

69  
70 (c) To encourage communication between inmates and staff.

71  
72 (d) To develop inmates' sense of involvement in and respect for the correctional process.

73  
74 (e) To explain correctional policy to inmates and staff.

75

76 (f) To afford inmates and staff the opportunity to review correctional policy and gain further  
77 insight into the correctional system.

78  
79 (g) To correct any errors and deficiencies in correctional policy through questioning and review.

80  
81 (h) To allow inmates to raise civil rights grievances.

82  
83 **DOC 310.02 Applicability.** Pursuant to authority vested in the department of corrections under  
84 ss. 301.02, 301.03 (2), and 227.11 (2), Stats., the department adopts this chapter which applies to  
85 the department and all inmates confined in a state adult correctional facility. This section  
86 interprets ss. 301.02 and 301.03 (2), Stats.

87  
88 **DOC 310.03 Definitions.** In this chapter:

89  
90 (1) "Administrator" means an administrator in a division of the department of  
91 corrections, or designee.

92  
93 (2) "Appropriate reviewing authority" means the warden, bureau director, administrator  
94 or designee who is authorized to review and decide an inmate complaint.

95  
96 (3) "Calendar days" means all days including Saturdays, Sundays, and state legal holidays.

97  
98 (4) "Calendar week" means Sunday through Saturday.

99  
100 (5) "CCE" or "corrections complaint examiner" means the employee of the department, who is  
101 assigned to a subunit that is not within the division of adult institutions, and who is designated by  
102 the secretary to review complaints appealed to the secretary and conduct further investigation  
103 when necessary.

104  
105 (6) "Civil rights grievance" means any inmate complaint relating to an incident affecting the  
106 delivery of services to an inmate who alleges discrimination on the basis of race, creed, ethnicity,  
107 national origin, sex, handicap, age, religion, color, ancestry, sexual orientation or marital status.

108  
109 (7) "Department" means the department of corrections.

110  
111 (8) "Director" means a director of a department of corrections bureau, or designee.

112  
113 (9) "Emergency" means any situation determined by the secretary to affect the security or  
114 orderly administration of the institution or the security, safety, or health of staff.

115  
116 (10) "ICE" or "institution complaint examiner" means the person or persons at each adult  
117 correctional institution assigned by the warden to investigate complaints filed by inmates.

118  
119 (11) "ICRS" or "inmate complaint review system" means the process by which complaints  
120 filed by inmates of adult correctional institutions are investigated and resolved.

121

- 122 (12) "Malicious injury" means injury to the department or a person as the result of hatred, ill  
123 will, revenge, or as the result of intent to insult or injure.  
124
- 125 (13) "Moot" means the issue or complaint is one which seeks to determine an abstract  
126 question which does not arise upon existing facts or rights, or where there would be no  
127 practical effect to any remedy because the issue or complaint is already resolved.  
128
- 129 (14) "Reprisal" means any action or threat of action against anyone for their good faith  
130 participation in the complaint procedure.  
131
- 132 (15) "Secretary" means the secretary of the department of corrections, or designee.  
133
- 134 (16) "Significant issue" means a serious or important defect or omission.  
135
- 136 (17) "Warden" means the warden, superintendent, or designee.  
137
- 138 (18) "Working days" means all days except Saturdays, Sundays, and state legal holidays.  
139  
140

141 **DOC 310.04 Inmate complaint review system.**  
142

- 143 (1) To achieve the purpose and objectives of s. DOC 310.01, the department shall maintain an  
144 inmate complaint review system in the state adult correctional facilities.  
145
- 146 (2) Each warden shall appoint an institution complaint examiner whose responsibility shall be  
147 complaint investigation. The warden may designate any employee to function as ICE in  
148 addition to other duties.  
149
- 150 (3) The ICE shall have access to institution staff, inmates, and any institution or department  
151 records required when investigating a complaint.  
152

153 **DOC 310.05 Exhaustion of administrative remedies.**  
154

155 Before an inmate may commence a civil action or special proceedings against any officer,  
156 employee or agent of the department in the officer's, employee's or agent's official or individual  
157 capacity for acts or omissions committed while carrying out that person's duties as an officer,  
158 employee or agent or while acting within the scope of the person's office, the inmate shall  
159 exhaust all administrative remedies that the department of corrections has promulgated by rule.  
160

161 **DOC 310.06 Communication of procedures.**  
162

163 The department shall make the written complaint procedure readily available to all inmates. The  
164 department shall provide each inmate written notification and an oral explanation of the  
165 complaint procedures. The department shall provide an inmate the opportunity to ask and have  
166 questions answered. The department shall make appropriate provisions for non-English  
167 speaking, impaired or handicapped inmates.

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**DOC 310.07 Organization of inmate complaint review system.**

- (1) To use the complaint system, an inmate files a complaint under ss. DOC 310.09, 310.10 or 310.16 (4).
- (2) The ICE then may do any of the following:
  - (a) Investigate the complaint under s. DOC 310.11 or 310.16 (4).
  - (b) Return complaint forms that do not meet the filing requirements of this chapter.
  - (c) Recommend a decision to the appropriate reviewing authority under s. DOC 310.12 (1) or to the secretary under s. 310.13 (6).
- (3) The appropriate reviewing authority or secretary makes a decision under s. DOC 310.12 (2) or 310.14 (2).
- (4) An inmate may appeal an adverse decision under s. DOC 310.11 (6) or 310.13.
- (5) The reviewing authority's decision on appeals under 310.11 (6) and the secretary's decision on complaints under 310.16 (4) is final.
- (6) The CCE reviews appeals under s. DOC 310.13 and makes a recommendation to the secretary.
- (7) The secretary shall review the CCE's report, make a decision under s. DOC 310.14, and ensure implementation under s. DOC 310.15.

**DOC 310.08 Scope of complaint review system.**

- (1) An inmate may use the ICRS to raise significant issues regarding rules, living conditions, staff actions affecting institution environment, and civil rights complaints in accordance with this chapter.
- (2) An inmate may not use the ICRS to raise the following issues:
  - (a) Any issue related to a conduct report, unless the inmate has exhausted the disciplinary process in accordance with ch. DOC 303.
  - (b) A program review committee's decision.
  - (c) A decision of the parole commission.
  - (d) The denial of a request for an authorized leave as provided in ch. DOC 326.

- 214 (e) A challenge to an inmate record, including a pre-sentence investigation report.  
215  
216 (f) A denial of an open record request.  
217  
218 (3) After exhausting the appeal process in s. DOC 302.18, 303.75, 303.76, 308.04, or 326.06, an  
219 inmate may use the ICRS to challenge only the procedure used in the program review process,  
220 the disciplinary process, the administrative confinement review process, or by any decisionmaker  
221 acting on a request for authorized leave.  
222

223 **DOC 310.09 Filing of complaints.**  
224

- 225 (1) Complaints filed by an inmate or a group of inmates shall:  
226  
227 (a) Be typed or written legibly on forms supplied for that purpose.  
228  
229 (b) Be signed by the inmate.  
230  
231 (c) Not contain language that is obscene, profane, abusive, or threatens others, unless such  
232 language is necessary to describe the factual basis of the substance of the complaint.  
233  
234 (d) Be filed only under the name by which the inmate was committed to the department or the  
235 legal name if an inmate has had a name change.  
236  
237 (e) Contain only one issue per complaint, and shall clearly identify the issue.  
238  
239 (2) Inmates may not file more than two complaints per calendar week, except that the ICE may  
240 waive this limit for good cause. The ICE shall exclude complaints that raise health and  
241 personal safety issues from this limit.  
242  
243 (3) The ICE shall return, and not process as complaints, submissions that do not meet the  
244 requirements under sub. (1).  
245  
246 (4) Prior to accepting the complaint, the ICE may direct the inmate to attempt to resolve the  
247 issue.  
248  
249 (5) The institution shall make complaint forms accessible to inmates.  
250  
251 (6) An inmate shall file a complaint within 14 calendar days after the occurrence giving rise to  
252 the complaint, except that the institution complaint examiner may accept a late complaint for  
253 good cause.  
254  
255 (7) The department shall not exclude impaired, handicapped or illiterate inmates from full  
256 participation in the ICRS. If an inmate is unable to write a complaint, the inmate may seek  
257 assistance in doing so.  
258  
259 (8) An inmate shall file a signed complaint by depositing it in a locked box designated for

260 complaints or by submitting it to the office of the ICE via institution mail.

261

262 **DOC 310.10 Group complaints.**

263

264 (1) Except as noted in this section, the ICE shall process group complaints in the same way as  
265 individual complaints.

266

267 (2) Inmates who have a complaint in common may file as a group by using one complaint form.  
268 All complainants shall sign the form. The group shall designate a spokesperson or, if none is  
269 designated, the first name signed on the first complaint shall be deemed the spokesperson for the  
270 group. A group complaint counts as a complaint under  
271 s. DOC 310.09 (1) (f).

272

273 (3) The ICE shall issue a receipt acknowledging the complaint only to the spokesperson.

274

275 (4) The reviewing authority shall determine the manner in which decisions in group complaints  
276 are issued.

277

278

279 (5) The CCE shall issue a receipt acknowledging the appeal only to the spokesperson.

280

281 (6) The secretary shall determine the manner in which decisions on appeals of group complaints  
282 are issued.

283

284 (7) The department shall not consider group complaints filed in accordance with this section a  
285 group petition within the meaning of s. DOC 303.20 and shall not subject the complainants to  
286 discipline under that section.

287

288 **DOC 310.11 Processing complaints at the institution level.**

289

290 (1) ICE staff shall collect all complaints.

291

292 (2) The ICE shall assign each complaint a file number, classification code, and date for purposes  
293 of identification. The ICE shall review and acknowledge each complaint in writing within 5  
294 working days after the date of receipt by the ICE.

295

296 (3) The ICE shall use discretion in deciding the method best suited to determine the facts,  
297 including personal interviews, telephone calls, and document review, except that the processing  
298 of complaints under s. DOC 310.08 (2) shall be limited to review of the record. The ICE shall  
299 give priority to complaints dealing with health or personal safety.

300

301 (4) The ICE shall direct complaint recommendations to the appropriate reviewing authority.

302

303 (5) The ICE may reject a complaint for the following reasons:

304

305 (a) The inmate submitted the complaint solely for the purpose of harassing or causing malicious

306 injury to one or more of the department's employees, agents, independent contractors, or any  
307 other person.

308

309 (b) The inmate does not raise a significant issue regarding rules, living conditions, or staff  
310 actions affecting institution environment.

311

312 (c) The inmate does not allege sufficient facts upon which redress may be made.

313

314 (d) The inmate submitted the complaint beyond 14 calendar days from the date of the occurrence  
315 giving rise to the complaint and provides no good cause for the ICE to extend the time limits.

316

317 (e) The issue raised in the complaint does not personally affect the inmate.

318

319 (f) The issue is moot.

320

321 (g) The issue has already been addressed through the inmate's prior use of the ICRS.

322

323 (h) The issue raised is not within the scope of the ICRS as defined in 310.08.

324

325 (6) An inmate may appeal a rejected complaint within 10 calendar days only to the appropriate  
326 reviewing authority who shall only review the basis for the rejection of the complaint. The  
327 reviewing authority's decision is final.

328

329 (7) If an ICE determines that the procedure under this chapter would subject the inmate to  
330 substantial risk of personal injury or cause other serious and irreparable harm, the ICE shall refer  
331 the complaint to the appropriate reviewing authority.

332

333 (8) Staff shall respond in writing, if requested, to an inquiry by an ICE investigating a complaint.

334

335 (9) If an inmate is transferred after an incident but before filing a complaint, the inmate shall file  
336 the complaint at the currently assigned institution. The ICE shall forward the complaint to the  
337 ICE at the appropriate institution for investigation and decision.

338

339 (10) The ICE shall note the persons interviewed and the documents used as a basis for the  
340 decision.

341

342 (11) The ICE shall either reject the complaint or send a recommendation to the appropriate  
343 reviewing authority within 20 working days from the date of acknowledgment.

344

345 **DOC 310.12 Appropriate reviewing authority decision.**

346

347 (1) The appropriate reviewing authority shall make a decision within 10 working days following  
348 receipt of the recommendation.

349

350 (2) The appropriate reviewing authority shall do one of the following:

351

- 352 (a) Dismiss the complaint.  
353  
354 (b) Dismiss the complaint with modifications.  
355  
356 (c) Affirm the complaint.  
357  
358 (d) Affirm the complaint with modifications.  
359  
360 (e) Return the complaint to the ICE for further investigation.  
361  
362 (3) If the complainant does not receive the decision within 30 working days after the ICE  
363 acknowledges receipt of the complaint under s. DOC 310.11 (2), the complainant may appeal  
364 to the CCE.  
365

366 **DOC 310.13 Review by corrections complaint examiner.**  
367

- 368 (1) A complainant dissatisfied with a reviewing authority decision may, within 10 calendar days  
369 after the date of the decision, appeal that decision by filing a written request for review with  
370 the corrections complaint examiner on forms supplied for that purpose. The institution shall  
371 make these forms accessible to inmates.  
372  
373 (2) Upon good cause, the CCE may accept for review an appeal filed later than 10 calendar days  
374 after receipt of the decision.  
375  
376 (3) The CCE shall not review a rejected complaint.  
377  
378 (4) The CCE shall, within 5 working days after receiving an appeal, issue a written receipt of the  
379 appeal to the inmate.  
380  
381 (5) The CCE shall use discretion in deciding the method best suited to determine the facts,  
382 including personal interviews, telephone calls, and document review. The CCE shall have full  
383 access to inmates, staff, physical plant, and department records. If an appeal necessitates  
384 resolution of disputed issues of fact, the CCE may require sworn statements from the principals.  
385 The CCE shall give priority to complaints dealing with health or personal safety.  
386  
387 (6) The CCE shall recommend a decision to the secretary within 35 working days of receipt of  
388 the appeal.  
389

390 **DOC 310.14 Secretary's decision.**  
391

- 392 (1) The secretary shall make a decision within 10 working days following receipt of the CCE's  
393 recommendation. The secretary may extend the time for making a decision for cause and  
394 upon notice to the inmate.  
395  
396 (2) The secretary shall do one of the following:  
397

- 398 (a) Accept the recommendation of the CCE and adopt it as the decision.  
399  
400 (b) Adopt the recommendation of the CCE with modifications.  
401  
402 (c) Reject the recommendation of the CCE and make a decision.  
403  
404 (d) Return the appeal to the CCE for further investigation.  
405  
406 (3) If the inmate does not receive the secretary's written decision within 45 working days of the  
407 CCE's acknowledgement of receipt of the appeal, the inmate shall consider the administrative  
408 remedies to be exhausted, unless the time has been extended under (1).  
409

410 **DOC 310.15 Implementation of affirmed complaint.**

- 411  
412 (1) The department shall implement an affirmed decision within 30 working days from the date  
413 of decision.  
414  
415 (2) If an affirmed complaint has not been implemented within 30 working days, the complainant  
416 may directly inform the decision-maker in writing of the failure to implement the decision.  
417

418 **DOC 310.16 Confidentiality.**

- 419  
420 (1) Except as otherwise provided in this section, the department shall ensure that complaints  
421 filed with the inmate complaint review system are confidential. Persons working in the ICRS  
422 may reveal the identity of complainants and the nature of the complaint only to the extent  
423 necessary to investigate the complaint, implement the remedy, or in response to litigation.  
424  
425 (2) The appropriate reviewing authority may waive confidentiality of a complaint if the security,  
426 safety, or health of the institution or any person is involved.  
427  
428 (3) A copy of ICRS documents may not be filed in any case file, nor may any notations  
429 regarding a complaint be made in those files, except pursuant to s. DOC 310.16 (1) and (2).  
430  
431 (4) A breach of confidentiality in the process may itself be the subject of a complaint.  
432 This type of complaint shall be filed directly with the CCE.  
433  
434 (5) An inmate waives confidentiality by making known any aspect of a complaint to persons  
435 outside the ICRS.  
436  
437 (6) The department may not subject an inmate to reprisal for using or participating in the ICRS.  
438 An inmate shall be entitled to pursue, through the ICRS, a complaint that a reprisal has occurred.  
439

440 **DOC 310.17 Records.**

- 441  
442 (1) The department shall maintain statistics showing the number, type and disposition of  
443 complaints.

444  
445 (2) The department shall keep all records related to an inmate complaint according to its policies  
446 and procedures  
447

448 **310.18 Suspension of provisions of this chapter.**  
449

450 The secretary may suspend any provisions of this chapter in an emergency. The secretary may  
451 apply the suspension to one or more institutions.  
452  
453

454

455 **SECTION 2. DOC 310 Appendix is repealed and recreated to read:**  
456

1 **Note: DOC 310.01.** DOC 310.01 states the purpose of the inmate complaint review system  
2 (ICRS) and the commitment of the department to the system.

3 Subsection (2) lists the objectives of the ICRS. The ICRS benefits inmates, staff, and the  
4 correctional process. Through the ICRS, inmates bring issues and policies that need to be  
5 reexamined periodically to the attention of the administration. Paragraph (a) allows inmates to  
6 raise significant issues. Although the department encourages the use of the ICRS, the system  
7 cannot function efficiently when large numbers of insignificant and frivolous complaints are  
8 filed.

9 The ICRS promotes an acceptable and positive method for resolving grievances.  
10

11 **Note: Doc 310.08.** This section establishes the scope and limits of ICRS.

12 The ICRS can be used to seek change in any institution policy or practice not listed in  
13 sub.(2). The application of a rule may be challenged in the ICRS.

14 There are two principal reasons for the exceptions provided in sub. (2). First, procedures  
15 for review of some decisions are provided in other sections of the administrative rules. This is  
16 true of disciplinary, program review, and authorized leave decisions. Second, the nature of the  
17 issue may make other avenues of resolution more appropriate.  
18

19 However, except for parole, under sub. (3), the procedure followed in these decisions is  
20 within the scope of the ICRS, after exhaustion of administrative remedies required under other  
21 chapters.  
22

23 **Note: DOC 310.09.** DOC 310.09 sets out the procedure by which a complaint can be  
24 filed. It is intended to make filing as easy as possible. No one should be excluded from legitimate  
25 use of the system because he or she does not have complaint forms or is unable to write.

26 Subsection (2) allows the ICE to direct the inmate to attempt to informally resolve the  
27 issue prior to accepting the complaint. This meets the objective of DOC 310.01

28 Subsection (4) underscores the importance of filing a timely complaint. The ICE is given  
29 discretion, however, to accept late complaints for good cause. Promptness in filing a complaint  
30 is required for a thorough investigation of the facts. This is especially true of complaints

31 involving lost or damaged personal property. Recollections can dim or property can be altered or  
32 destroyed, making investigation difficult or impossible.

33  
34 **Note: DOC 310.10.** Complaints arising from living and working conditions or the  
35 application of a rule may be shared by a number of persons. Accordingly, this section allows a  
36 group of inmates to join in a common complaint.

37 The department encourages the use of the complaint system to deal with frustrations and  
38 irritations of institution life, so prohibiting group complaints would be inappropriate. Subsection  
39 (7) makes this clear.

40  
41 **Note: DOC 310.11.** DOC 310.11 establishes the procedure for processing complaints  
42 and sub. (3) authorizes priority handling of complaints dealing with health or personal safety.  
43 Experience has shown some complaints to raise insignificant issues. For example, a complaint  
44 alleging that the institution served creamy peanut butter but the inmate preferred chunky peanut  
45 butter. These complaints take attention away from significant issues.

46  
47 Because inmates are transferred within the Wisconsin correctional system, sub. (9) provides a  
48 method for dealing with complaints arising around the time of the transfer.

49  
50 **Note: DOC 310.12.** This section requires the appropriate reviewing authority's written  
51 decision to be rendered within 25 working days after the complaint is acknowledged. If the  
52 complaint system is to have any value as a method of resolving conflict, decisions must be  
53 rendered quickly. Experience in the ICRS has shown that timeliness is an important factor in the  
54 process.

55  
56 **Note: DOC 310.13.** DOC 310.13 defines the procedure for appealing an adverse decision  
57 to the CCE. This section requires that appeals be filed within 10 calendar days, although the  
58 CCE may accept an appeal filed later for good cause.

59 Appeal to the CCE provides another element deemed essential to a credible complaint  
60 system; namely, a review by someone outside the division of adult institutions chain of  
61 command. CCE's shall give priority to appeals dealing with health and personal safety.

62  
63 **Note: DOC 310.15** Since the purpose of the complaint system is to air grievances and  
64 seek resolutions, decisions resulting in a change in program, policy, or rule interpretation that  
65 affect more than a few inmates, must be promptly implemented.

66  
67 Subsection (2) states that the complainant may notify the decision- maker of failure to  
68 implement a decision within 30 working days. The decision-maker is in a position to ensure that  
69 a decision is implemented promptly.

70  
71 **Note: DOC 310.16** If the ICRS is to maintain integrity and the confidence of the inmates,  
72 complaints entered must be treated confidentially and, with certain limited exceptions, no  
73 sanctions can result from the good faith use of the system. The ICRS is an appropriate forum for  
74 resolving staff issues. However, because complaints often identify a staff member as the  
75 perceived perpetrator of some injustice, the complainant must be protected from retribution or  
76 penalty for good faith use of the system.

77 The nature of some complaints is such that a meaningful investigation cannot be made  
78 without revealing the identity of the complainant, but this should be done only when necessary to  
79 investigate the complaint, implement the remedy, or in response to litigation. Confidentiality can  
80 be waived if it can be shown that the security or orderly administration of the institution, or the  
81 security, safety or health of any person is involved.

82 This is not to say that inmates are free to make threatening or false statements about staff,  
83 knowing they are false, especially if those false statements are made public. There have been  
84 malicious lies about staff corruption and sexual behavior made in the ICRS. This rule does not  
85 prohibit disciplinary action for the bad faith use, or rather abuse, of the ICRS under DOC  
86 303.271.

87 The ICE must use discretion in revealing only enough information about the nature of the  
88 complaint as necessary to investigate the complaint, implement the remedy, or in response to  
89 litigation.

90  
91  
92 **Note: DOC 310.18** Experience has shown that there are rare situations when it is  
93 necessary to suspend these rules. DOC 310.18 permits the secretary to suspend these rules in an  
94 emergency. The rule defines an emergency in s. DOC 310.03(9).

95  
96 This rule shall take effect on the first day of the month following publication in the Wisconsin  
97 administrative register as provided in s.227.22 (2) Stats.

98 Wisconsin Department of Corrections

99

100

Dated: \_\_\_\_\_ Agency: \_\_\_\_\_  
Jon E. Litscher, Secretary

Seal: