

CR 81-96

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

**RECEIVED**


TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

DEC 6 1982  
2:20 pm  
Revisor of Statutes  
Bureau

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed rules relating to the secure detention of juveniles were duly approved and adopted by this department on December 6, 1982.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 6th day of December, A.D. 1982.



SEAL:

Donald E. Percy, Secretary  
Department of Health and Social Services

2-1-83

Order of the  
Department of Health and Social Services  
Repealing and Adopting Rules

To repeal PW-C 50.10, 50.11 and 50.12, and to create HSS 346, relating to the secure detention of juveniles.

Analysis Prepared by the Department of Health and Social Services

Sections 46.16, 46.17, 48,209(1), and 48.22(2), Stats., make the Department of Health and Social Services responsible for investigating and supervising all juvenile detention homes and jails, establishing reasonable standards for the design, construction, repair and maintenance of such homes and jails, and establishing minimum requirements for approval of the operation of secure detention facilities for juveniles and the juvenile portion of county jails. Plan requirements and rules are to be designed to protect the health, safety and welfare of children in those facilities.

The Department has administered these responsibilities through its jail inspection staff located within the Division of Corrections.

This chapter sets forth minimum requirements for operation of facilities providing secure detention for juveniles. It establishes a set of definitions for key terms used in the chapter. Definitions are included for terms such as day room, superintendent, and living unit. A written operational plan is required from each facility which indicates how that facility will be staffed, provided with fire protection and health care, provide visitation, mail and phone privileges and otherwise maintain its normal operations. A section on the physical environment for secure detention facilities and the juvenile portion of jails is established and all existing facilities are grandfathered in to those requirements. Sections on security and the admission of juveniles to secure detention are also established. Finally, staffing requirements, training requirements, disciplinary requirements and record-keeping requirements are established.

The establishment of these rules should serve to assist counties in further defining their responsibilities when they choose to administer secure detention programs for juveniles. The primary fiscal impact of this chapter will occur only if a county believes that its existing law enforcement system cannot accommodate the need for around-the-clock supervision of juveniles securely detained without adding a part-time staff member or transporting a juvenile to an adjacent county.

Pursuant to authority vested in the Department of Health and Social Services by s.48.22(2)(a), Stats., the Department of Health and Social Services hereby repeals and adopts rules interpreting ss. 46.16, 46.17, 48.209, and 48.22(2), Stats., as follows:

SECTION 1. Sections PW-C 50.10, 50.11, and 50.12 of the Wisconsin Administrative Code are repealed.

SECTION 2. Chapter HSS 346 of the Wisconsin Administrative code is created to read:

Chapter HSS 346  
Secure Detention for Juveniles

346.01 Purpose and Authority	346.07 Supervision and Care of Juveniles
346.02 Applicability	346.08 Staff
346.03 Definitions	346.09 Security
346.04 Operational Plan	346.10 Fire Protection
346.05 Construction Plans	346.11 Physical Environment
346.055 Use of Jails	346.12 Sanitation
346.06 Admission of Juveniles to Secure Detention	346.13 Records and Reporting

HSS 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. These rules are promulgated under the authority of s.48.22(2)(a), Stats., and implement ss.46.16, 46.17, 48.209(1), and 48.22(2), Stats.

HSS 346.02 APPLICABILITY. All sections of this chapter apply to all facilities except that, unless specified to the contrary in s.HSS 346.11, the provisions of s.HSS 346.11 shall apply solely to facilities that are constructed or substantially remodeled after the effective date of this chapter.

HSS 346.03 DEFINITIONS. (1) "Day room" means an area readily accessible to each group of sleeping rooms and which is designated and used as a leisure time area.

(2) "Department" means department of health and social services.

(3) "Facility" means either a secure detention facility under s.48.02(16), Stats., or the juvenile portion of a county jail.

(4) "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.

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

(6) "Living unit" means the area of a secure detention facility normally occupied by juveniles as their daily living area.

(7) "Multi-purpose room" means an area which allows adequate space for recreational activities and physical exercise.

(8) "Secure detention facility" has the meaning prescribed in s.48.02(16), Stats.

(9) "Sleeping room" means a secure room which is designed for single occupancy.

(10) "Superintendent" means:

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

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

HSS 346.04 OPERATIONAL PLAN. Before a facility may hold juveniles in secure custody, it shall have a written operational plan which it shall submit to the department for approval. The plan shall state the procedures which the facility will follow to ensure compliance with the standards specified in this chapter. The plan shall cover fire protection, staffing, discipline, daily recreation, mail and phone privileges, visitations, and health care.

HSS 346.05 CONSTRUCTION PLANS. All plans, specifications, and sites for construction or remodeling of a secure detention facility or the juvenile portion of a county jail shall be submitted to the department for approval pursuant to s.PW-C 50.01(8), shall meet the requirements of the chs. IND 50-64, and shall be approved by the department of industry, labor and human relations under s.IND 50.12.

HSS 346.055 USE OF JAILS. The juvenile portion of a county jail shall be completely segregated from the adult portion to prevent physical, verbal or visual contact with adults confined in the jail.

HSS 346.06 ADMISSION OF JUVENILES TO SECURE DETENTION. (1) No juvenile may be placed in secure detention except in a facility meeting these standards and approved by the department.

(2) Juveniles may be admitted to secure detention only after it has been determined by the court or intake worker pursuant to 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 by the superintendent to the department in writing.

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

(4) Items of personal property and valuables, including money, which are taken from juveniles shall be listed in writing, stored in a safe place and returned to the juvenile upon release. The written property list 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 two witnesses.

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

(6) Upon admission, the juvenile shall be given an opportunity as soon as possible to telephone both a family member and legal counsel.

(7) Upon admission, the juvenile shall be screened for mental and physical health problems by a staff member who shall make use of a screening format developed in conjunction with medical personnel, including mental health care personnel.

(8) A juvenile who appears to be seriously ill or injured, who exhibits significant mental or emotional distress, or who appears to be so significantly under the influence of a controlled substance or alcohol as to have impaired functioning shall not be confined in the facility unless the juvenile has been seen by medical personnel, treated and found to be well enough to be confined.

HSS 346.07 SUPERVISION AND CARE OF JUVENILES. (1) DISCIPLINE (a) 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 also be posted in conspicuous places.

(b) Documentation of a rule infraction and any disciplinary action shall be made part of the juvenile's record as required under s. HSS 346.13.

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

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

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

1. Room confinement, except that room confinement for more than 6 hours shall not occur unless the juvenile is first given a disciplinary hearing in accordance with sub. (4). Room confinement of less than 6 hours shall be reviewed by supervisory personnel.

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

3. Restriction of family visits, telephone, mail and exercise when the restriction is directly related to a violation of rules concerning these activities, provided that the procedures under par. (f) are followed.

(f) 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 rules violation and restriction shall be reviewed immediately by supervisory staff. If the violation occurs after 8 p.m. and no administrative superior is available, the staff member may restrict privileges subject to supervisory review within 12 hours. The supervisor's review shall include an opportunity for the juvenile to explain the circumstances of the alleged violation.

(g) 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.

(2) CONTROL. If a juvenile's behavior presents a serious danger of harm to self or others or when a juvenile presents a serious risk to security, the juvenile may be confined to his or her own room for purposes of control and shall be provided with professional help as soon as possible if this seems warranted. The juvenile shall be released as soon as the danger has ended. Room confinement for control for more than one hour shall require the approval of the staff person in charge of the facility. If the juvenile is held in room confinement for more than one hour, the staff person in charge of the facility 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 room confinement. Administrative approvals shall be made a part of the juvenile's record.

(3) ROOM CONFINEMENT. Whenever a juvenile is confined in his or her own room, whether for discipline or control:

(a) The juvenile shall be observed at least once every 30 minutes at irregular intervals, and more frequently if possible.

(b) 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.

(c) No juvenile may be placed in room confinement for more than 24 consecutive hours without medical authorization based on a finding that further confinement will not harm the juvenile. Close observation shall occur.

(d) A written log of room confinements shall be recorded and maintained.

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

(4) DISCIPLINARY HEARINGS. (a) Whenever room confinement exceeding 6 hours is proposed as a disciplinary measure, the juvenile shall be given a disciplinary hearing. Notice of the hearing and the 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:

1. The right to request the presence of available material witnesses.
2. The right to have the facility provide a person to help the juvenile respond to the charges.

(b) The disciplinary hearing shall be held within 24 hours of receipt of the written notice. The juvenile shall be afforded the hearing before a person or persons not involved as an accuser, witness, or investigator of the incident.

(c) At the hearing, the juvenile or the juvenile's representative shall be entitled to call witnesses who are material to the determination of the facts of the alleged violation and present documentary evidence in his or her defense.

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

(5) CLOTHING. Each facility shall insure that juveniles are dressed appropriately in clean clothes.

(6) WORK ASSIGNMENTS. Juveniles may be required to perform such assignments as making their own beds, cleaning their own rooms and keeping group living and activity areas in order. Under no circumstances may juveniles be assigned hazardous work or work normally done by a paid employe or craftsman.

(7) RELIGION. Juveniles shall have the right to religious ministrations and sacraments as provided in s.46.066, Stats.

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

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

(b) In planning menus, consideration shall be given, whenever possible, to the religious practices and cultural patterns of the juveniles.

(c) 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.

(d) The food service program shall be monitored and evaluated every 90 days by the superintendent or designee. Reports shall be available to the department upon request.

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

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

(b) Each juvenile shall be provided an opportunity to participate in at least 1 hour of physical exercise a day. The opportunity to exercise may be restricted when a juvenile's participation creates an imminent danger to self or others. Any restrictions shall be logged, along with reasons for them.

(10) MAIL. (a) There shall be no limitations on the amount of mail a juvenile may send or receive unless the reasons for such limitations are justified and documented in the juvenile's record.

1. Upon request, the facility shall provide a juvenile with all necessary writing materials. Postage for a minimum of 2 letters a week for each juvenile shall be provided.

2. There shall be no limitation on subsidized correspondence to a juvenile's legal counsel, the court and government officials.

(b) Juveniles shall be permitted to send uninspected, sealed letters to the court, legal counsel, officials of the facility, and government officials, and to parents, legal custodians or guardians.

(c) Juveniles shall be permitted to receive uninspected, sealed letters from the court, legal counsel, officials of the facility and government officials.

(d) Upon entry into the facility, juveniles shall be advised that their general incoming letters and packages may be inspected for contraband. Any contraband found may be confiscated.

(e) All mail shall be delivered to the juvenile on the same day that it is received at the facility.

(11) VISITORS. (a) 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. "Family" means immediate family and relatives. Visits by related juveniles when accompanied by a related adult shall be allowed.

(b) 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.

(c) 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 visits may not be limited to less than 30 minutes.

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

(12) TELEPHONE CALLS. Calls by the juvenile to his or her legal counsel and social worker shall not be limited. A juvenile shall be allowed to make at least one 10-minute telephone call to a family member every 24 hours. Additional telephone calls shall be allowed to the extent possible, given the facility's schedule, telephone availability, and personnel constraints, unless there are documented reasons to justify limitations.

(13) HYGIENE AND HEALTH CARE. (a) 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.

(b) Showers shall be available daily.

(c) The facility shall provide or secure necessary medical treatment and emergency dental care while the juvenile is in custody. Parental consent for treatment shall be required, except in the event of an emergency and parents are not available or as otherwise provided by statute.

(d) Professional help shall be provided for a juvenile displaying mental distress including withdrawal, uncontrolled emotions and self-destructive behavior.

(e) Facilities shall have a written plan, developed in conjunction with medical, dental and mental health personnel, for medical, dental and mental health care. The plan shall detail procedures to be followed in emergencies and shall be posted in a place easily accessible to facility staff. The plan shall also include procedures for facility staff to follow when they observe or are notified of injuries or illness.

(f) The names, addresses and telephone numbers of all medical, mental health and dental personnel and hospitals and clinics which provide care to detained juveniles shall be posted in a place easily accessible to staff.



(g) No prescription medication may be administered to any juvenile unless prescribed by a physician and given under direction of the jail nurse or another trained person identified in the plan required under par. (e). A record of prescription medications administered shall be maintained in the form of a log.

(14) EDUCATION. Facilities shall make every reasonable effort to ensure that juveniles held for more than 5 school days are provided with educational instruction and materials. If a juvenile will likely be held more than 5 school days the facility shall notify the juvenile's school and parents and ask that they provide the juvenile with educational assignments, counseling and materials.

HSS 346.08 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 U.S.C. 2000e - 2000e - 17) and s.HSS 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 employe'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, staff shall receive 40 hours of orientation training which shall be documented in the employe'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) Each staff member shall receive an annual minimum 20 hours of documented training related to topics in par. (a).

(5) STAFFING PLAN. (a) A staffing plan which specifies methods by which adequate supervision 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 staff member on duty at all times in each living unit where juveniles are present.

2. No staff member may be responsible for supervision of more than 15 juveniles.

3. No staff member responsible for supervision of juveniles in a secure detention living unit may during the same time period have responsibility for the supervision of juveniles in a non-secure unit.

4. There shall be no less than 2 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.

5. A staff member of the same sex as the juveniles being admitted or held in custody shall be on duty.

(c) In the juvenile portion of county jails:

1. No staff member providing supervision to children may be responsible for the supervision of more than 30 individuals.

2. No staff member responsible for supervision of juveniles may during the same time period have responsibility for radio or dispatch duties.

3. A staff member of the same sex as the juveniles being admitted or held in custody shall be on duty.

4. At all times a staff member shall be within call of the area in which the juvenile is confined.

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

HSS 346.09 SECURITY. (1) All areas occupied by juveniles shall be physically inspected at least once every 60 minutes, at irregular intervals, during the day and night, to insure the custody, safety, and welfare of those confined. All areas occupied by juveniles who have exhibited special problems, including but not limited to suicidal tendencies, vulnerability and mental disturbance shall be physically inspected at 15 minute intervals.

(2) 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.

(3) 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.

(4) The superintendent shall insure that monthly inspections are made to determine if sleeping room and fire escape locks are in good working order. The inspections shall be documented in the files.

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

(6) 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.

HSS 346.10 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 service at least every 6 months with documentation of such inspection in the facility files.

HSS 346.11 PHYSICAL ENVIRONMENT. (1) SLEEPING ROOMS. All sleeping rooms for juveniles in a secure detention facility or a juvenile portion of a county jail shall be designated and used for single occupancy only.

(a) Sleeping rooms shall have floor dimensions of at least 54 square feet.

(b) Each sleeping room 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 a 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 sleeping room.

(e) An unbreakable, institution-type wash basin and toilet shall be provided in each sleeping room and as replacements, when needed, in existing facilities.

(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 sleeping room and as replacements, when needed, in existing facilities.

(g) Two or more non-removable, collapsible, detention-type clothing and towel hooks shall be provided in each sleeping room.

(h) Sleeping room doors of secure detention facilities described in s.48.02(16), Stats., shall be equipped with locks which juveniles may secure from the inside to prevent access by unauthorized persons but not by authorized staff members.

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

(j) There shall be no exposed heating pipes, radiators or controls in sleeping rooms.

(k) Light fixtures shall be security fixtures, and shall provide at least 30 foot candles of light. During sleeping hours, lights shall be dimmed sufficiently to allow comfortable sleeping. There shall be enough illumination for observation of juveniles during night security checks.

(2) DAY ROOM. For each group of sleeping rooms there shall be a readily accessible day room or rooms with a minimum total space of 35 square feet for each sleeping room. Each day room shall have a minimum of 70 square feet of unobstructed space.

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

(b) There shall be security light fixtures which provide at least 30 foot candles of light.

(c) There shall be adequate furnishings and equipment for social, recreational and leisure time activities as required in s.HSS 346.07.

(3) 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.

(4) MULTI-PURPOSE ROOM. New or remodeled facilities shall contain a multi-purpose room for recreation and physical exercise which shall have a minimum of 300 square feet or provide 35 square feet for each user, whichever is greater.

(5) WINDOWS. The inside of all windows of sleeping rooms and detention sections accessible to juveniles shall be covered with a 1600 tensile strength screen of .047 mil. diameter. Windows shall be so located or translucent to prevent outsiders from looking into the facility. Paint may not be used on window glass.

(6) EXISTING FACILITIES. Existing facilities shall continue to meet the physical requirements for adult jails established in ch.PW-C 50.

HSS 346.12 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) Any person within food service areas shall be temporarily relieved of their duties when they show symptoms of illness, to include a cold, elevated temperatures, a rash, or when they have open lesions, until such conditions are no longer present.

(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 service 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 by the department. Milk and cream shall be handled as follows:

1. All milk and cream shall be kept in the original containers in which delivered and under refrigeration until served or used.

2. Dipping of milk or milk products is not permitted.

3. Bulk milk dispensers which have been approved by the department as to design and construction may be used provided that no surfaces with which milk comes in contact, other than the delivery orifice, shall be accessible to manual contact, droplets, dust or flies; and the milk dispensing device shall be cleaned, sanitized, filled and sealed at a milk plant which meets the grade A milk requirements adopted by the state department of agriculture, trade and consumer protection.

(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. All animals used for meat shall be slaughtered in a licensed slaughter house, or under the antemortem and postmortem inspection of a licensed veterinarian.

(i) All ice used for cooling drinks or food by direct contact shall be from a public water supply or other approved source, and stored and handled in such a manner as to prevent contamination.

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

(k) Where applicable, the following procedures shall be adhered to:

1. All foods when displayed shall be protected by glass or other approved manner from public handling or other contamination, except that approved arrangements for self-service shall be permitted on counter fronts.

2. Spoons, spatulas, dippers, and scoops for dispensing frozen desserts may not be placed on the countertop when not in active use. Rather, they shall be kept in water maintained at 170° F. or in running water.

3. Tongs, spoons, forks, or spatulas shall be used for serving foods. When a food is offered for self-service, tongs or a fork or other equipment shall be provided so that a person may serve himself or herself in a sanitary manner.

4. When meals are served family-style, the tableware shall be kept in storage places until it is time to set the table for the meal. Until served, hot foods shall be kept above 150° F., and cold foods kept below 40° F.

5. Food being transported shall be in covered carts or be protected in transit with other covers.

(1) 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 above the floor on shelving, racks, dollies or other clean surfaces at an elevation sufficient 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 to sight and touch 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) The kitchen shall be located on the premises or a satisfactory sanitary method of transportation of food shall be provided.

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

(t) 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 of 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 110°F. to remove soap or detergent, then submerging for at least two minutes in a hypochlorite solution with a chlorine solution concentration of at least 100 parts per million. A different chemical sanitizing solution may be approved by the department. All sanitizing solutions shall be prepared at least 3 times each day prior to use in sanitizing the dishes used at each main meal. Soaps, water softeners, washing compounds and detergents shall not be added to solutions. Utensils should be racked in baskets so that all surfaces will be reached by the chemical solution while submerged.

(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° to 150° F. Utensils shall be in the washing section for at least 20 seconds.

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 provided with wire screening of not less than number 16 mesh or its equivalent and shall be properly maintained to prevent entry of insects. Screens for windows shall cover at least one-third of the window area. Screen doors shall be self-closing.

(b) All means necessary for the elimination of rodents, flies, roaches, bedbugs, fleas, lice and other household pests shall be used. All poison shall be used with extreme care to prevent accidental poisoning.

(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.

(5) WATER SUPPLY AND SEWERAGE. (a) Where municipal water and sewage systems are available they shall be used by the facilities.

(b) Where municipal water and sewage systems are not available, independent systems shall be subject to approval by the department of natural resources.

HSS 346.13 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 shall be made in the file which includes the persons's name, date of access and authorization for access.

(5) The department shall be notified by the superintendent as soon as possible regarding the following circumstances:

(a) Within 48 hours of the death, attempted suicide, or physical injury of any juvenile in custody;

(b) Any escape or attempted escape;

(c) Any significant damage to the facility;



(d) At least 30 days notice of any intention to terminate the operation of the facility; and

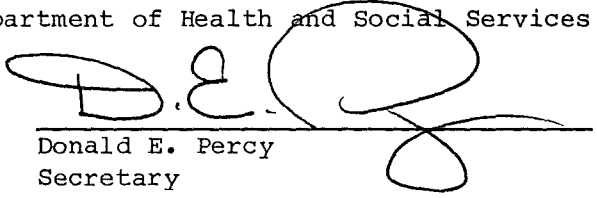
(e) Any change in the superintendency of the facility.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s.227.026(1), Stats.

Department of Health and Social Services

Dated: December 6, 1982

By:

  
\_\_\_\_\_  
Donald E. Percy  
Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE SECRETARY  
1 WEST WILSON STREET  
P.O. BOX 7850  
MADISON, WISCONSIN 53707

December 6, 1982

Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 346, administrative rules relating to the secure detention of juveniles.

These rules are being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Percy'.

Donald E. Percy  
SECRETARY

Enclosure

**RECEIVED**

**DEC 6 1982**

Revisor of Statutes  
Bureau