

## HEALTH AND SOCIAL SERVICES

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inmates affected by this provision because of the seriousness of the prolonged social isolation of administrative confinement. At this special review, in this status, there must be proof, from evidence presented at the hearing and from the inmate's records, that he or she meets one of the criteria for administrative confinement under sub. (2). The responsibility for placement rests solely with the PRC, and the decision therefore is a classification decision. An appeal is provided first to the superintendent and then to the director of the bureau of adult institutions, one of the highest levels in the division, in recognition of the potential serious consequences of prolonged segregation in administrative confinement.

Sub. (4) gives the inmate certain rights. It requires that adequate written notice of the review be given the inmate. If necessary, a verbal explanation of the notice should be made in accordance with the inmate's needs. The rights also include the right to present and question witnesses in the same manner as for due process hearings, s. HSS 303.81.

Sub. (5) provides for the time of the review. The inmate may waive these time limits. To ensure that any waiver is a knowing and intelligent one, the inmate must be informed of what the review will be like if he or she waives the time limits, and the waiver must be in writing. The waiver is *not* an admission that administrative confinement is necessary.

Sub. (9) provides for a review of the inmate's status at least once every 3 months. A review may occur earlier at the discretion of the PRC. This time period balances fairness to the inmate with the practicalities of providing for a meaningful review by the PRC.

Sub. (10) reflects the view that administrative confinement may have serious consequences and that extreme care should be exercised at the highest level in assessing the need for continued confinement.

Sub. (11) indicates that an inmate will be given every opportunity consistent with his or her status and behavior to show that continued confinement is not necessary. This may be done by increasing his or her personal contacts through enhanced visitation privileges and movement from the cell. Great care should be taken to ensure the safety of others and to keep adequate records.

This gradual "stepping-down" process allows the inmate to demonstrate to the PRC that he or she no longer needs to be confined. However, compliance with departmental rules alone may not be sufficient and an inmate may continue to be confined if there is still reasonable fear of violent behavior, harm to others or riots.

This chapter is in substantial accord with the provisions regarding the special management of inmates in the American Correctional Association's *Manual of Standards for Adult Correctional Institutions* (1977), standards 4201, 4203-4206, 4208, 4210, 4212-4221, 4381, and 4383.

**History:** Cr. Register, April, 1981, No. 304, eff. 5-1-81; r. and recr. (2) and (4), am. (5), (6), (7) and (11), Register, April, 1985, No. 352, eff. 5-1-85; emerg. am. (12) (a), eff. 11-18-85; am. (12) (a) Register, May, 1986, No. 365, eff. 6-1-86; emerg. am. (2) (b), eff. 12-5-86; r. and recr. (12) (g), Register, February, 1987, No. 374, eff. 3-1-87; am. (2) and (4) (e) 4., Register, June, 1987, No. 378, eff. 7-1-87.