

(b) All exterior windows shall be translucent or shall be located to prevent persons outside the secure detention area of the lockup facility from observing inmates within the lockup.

(c) Each exterior window that has an opening in any direction in excess of 5½ inches shall be covered with security steel grills to prevent escape.

(d) If an exterior window is accessible to inmates and opens, the window shall be mounted in a detention strength frame and shall be covered on the inside with a security screen of at least 1600 pound per lineal inch tensile strength and made of at least .047 mil. diameter wire to prevent the passage of contraband.

(e) If an exterior window is not accessible to inmates 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 inmates, 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.

(6) **EXTERIOR APPROACHES.** The exterior of the lockup and approaches to the lockup shall be well lighted at night to permit observation of persons approaching the building.

(7) **WALLS.** (a) Walls on the exterior of the lockup shall be constructed of reinforced concrete or fully grouted concrete block at least 8 inches thick, or the walls shall be constructed of materials of similar strength which provide equivalent security.

(b) Walls in the interior of the lockup shall be constructed of reinforced concrete or fully grouted concrete block at least 6 inches thick, or the walls shall be constructed of materials of similar strength which provide equivalent security.

(8) **CEILINGS.** Ceilings in areas accessible to inmates shall be constructed of pre-cast concrete or flat steel of at least 3/16 inch thickness, or ceilings shall be constructed of materials of similar strength which provide equivalent security.

(9) **DOORS AND LOCKS.** (a) Every door that leads to the exterior of the lockup facility or to an area outside the secure detention area of the lockup shall have a sill designed to prevent the introduction of contraband.

(b) Every door entering into the secure detention area of the lockup shall be of detention strength. Each of these doors shall have a vision panel or other means of observation to permit identification of individuals before they enter the secure detention area of the lockup and to allow observation of the area before entering it. If the vision panel has an opening in any direction in excess of 5½ inches, the opening shall be covered with detention strength steel grills to prevent escape.

(c) If locks to cell or holding room doors have an electric release, the electric release shall have a mechanical emergency release. The mechanical emergency release may be by key at the cell door provided that the inmate does not have access to the key hole mechanism.

(10) ACCESS TO CONTROLS. Inmates may not have access to plumbing, wiring, vents, thermostats, switches or controls.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90.

DOC 349.07 Physical environment of existing lockups. (1) This section applies to lockups that were constructed before February 1, 1990 and have not been substantially remodeled on or after February 1, 1990.

(2) Each cell shall be designed and used for single occupancy only.

(3) Each cell shall be at least 5-½ feet wide and 7-½ feet long and provide 400 cubic feet of air space.

(4) Each cell shall contain 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, a prison-type wash bowl a prison-type toilet. The supply of water shall be adequate.

(5) All windows accessible to prisoners shall be covered with a heavy gauge screen of ¼" mesh or less or a detention screen to prevent passage of contraband.

(6) An approved security door with a security glass observation opening shall be provided for each entrance into the secure detention area of a lockup facility. The door may not be unlocked except to admit authorized persons and inmates.

(7) A modern detention strength locking device shall be installed on each security door.

(8) The exterior of and approaches to the lockup shall be well lighted at night to permit observation of persons approaching the building.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; emerg. and r. and recr. eff. 3-19-90; r. and recr. November, 1990, No. 419, eff. 12-1-90.

DOC 349.08 Sanitation and hygiene. (1) Except when an inmate's safety would be jeopardized and the inmate has been identified as having a special problem under s. DOC 349.12, the lockup administrator shall provide:

(a) Clean cloth towels or paper towels and soap to each inmate upon request;

(b) Upon request, toilet articles sufficient for the maintenance of inmate cleanliness and hygiene, including toothpaste, a toothbrush, a comb, toilet paper and basic feminine hygiene materials. There shall be no common use of towels, toothbrushes, combs, shaving materials or feminine hygiene materials;

(c) Adequate and appropriate clothing and footwear for an inmate whose clothing has been confiscated, for use while the inmate is in custody;

(d) Clean blankets to each inmate upon request during normal sleeping hours. Blankets shall be laundered or sterilized before reissue; and

(e) When an inmate is detained overnight, a mattress at least 3 inches thick and of proper size to fit the bed. Each mattress and each pillow shall be covered with fire retardant, waterproof, easy-to-sanitize material. Mattresses and pillows shall be kept in good repair and in a clean

Register, November, 1990, No. 419

and sanitary condition. Suppliers of mattresses and pillows shall provide evidence to the lockup administrator that the products are fire retardant, waterproof and easy to clean.

(2) Each cell shall be cleaned and the toilet area sanitized after an occupant is released. Each holding room shall be cleaned and the toilet area sanitized at least twice a week.

(3) If the facility where the lockup is located has a kitchen where food is prepared for inmates, the kitchen shall meet the requirements for food service and dishwashing provided in ss. HSS 190.09 and 190.10.

(4) All food served to inmates shall be clean, free from spoilage, free from adulteration and misbranding and safe for human consumption.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; emerg. am. (1), eff. 3-19-90; am. (1) (intro.) and (b), Register, November, 1990, No. 419, eff. 12-1-90.

DOC 349.09 Health care. (1) Upon admission, each inmate shall be screened for mental and physical health problems by the lockup staff who shall make use of a screening format developed in conjunction with medical personnel, including mental health care personnel.

(2) The lockup administrator shall provide or secure necessary medical treatment for persons in custody, including treatment for inmates who appear to be seriously ill or injured, inmates who exhibit significant mental or emotional distress and inmates who appear to be so significantly under the influence of a controlled substance or alcohol as to have impaired functioning.

(3) The lockup administrator shall provide or secure emergency dental care for inmates.

(4) No prescription medication or treatment may be administered to an inmate unless prescribed by a physician. If a nurse or physician is not available, lockup staff may deliver prescribed doses of oral medication at prescribed times.

(5) A written record shall be maintained of the administration or delivery of all treatments and prescription medications, including who administered or delivered them and the date and hour of administration or delivery.

(6) Any medications kept at the lockup shall be stored in a secure area that is not accessible to inmates.

(7) If an inmate dies or becomes acutely ill while in custody, the next of kin shall be notified as soon as possible.

(8) An itemized list shall be kept for 90 days of all food and beverages served during normal meal times.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90.

DOC 349.10 Fire safety. (1) Each lockup shall have and shall properly maintain fire alarms, smoke and thermal detectors, fire extinguishers, fire attack equipment and self-contained breathing apparatuses which operate for at least 30 minutes. This equipment shall be placed in the lockup facility in accordance with the advice of the local fire department.

(2) Each lockup shall develop written policies on fire protection, evacuation, including evacuation of persons with disabilities, and training of

Register, November, 1990, No. 419

staff in equipment use and evacuation. The policies shall comply with local fire department recommendations.

(3) The evacuation route developed as part of the evacuation policy under sub. (2) shall be posted in a conspicuous place for lockup staff within the lockup facility.

(4) The lockup administrator shall arrange for a fire inspection by the local fire department at least once every 6 months. Documentation of fire inspections shall be included in facility files.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90.

DOC 349.11 Records and reporting. (1) **REGISTER OF INMATES.** Each lockup shall keep a register of all inmates. The register shall contain identifying information on each inmate that includes name, residence, age, sex, date of birth, race, time and date of confinement, cause and authority for the confinement, time and date of release, and the releasing authority. If an inmate escapes from confinement, the date, time and manner of the escape shall be recorded in the register.

(2) **LOCKUP LOG.** Each lockup shall have a log which shall include the information required in s. DOC 349.12 (1) and (5). The log shall be maintained by shift on a daily basis.

(3) **STORAGE OF RECORDS.** Records shall be kept in a secure area.

(4) **REPORTING REQUIREMENTS.** (a) The lockup administrator shall notify the division's regional detention facilities specialist within 48 hours after any of the following events occur:

1. An inmate dies;

2. An inmate attempts suicide and is admitted to a hospital, not including an emergency room admission or admission for detention and evaluation under ch. 51, Stats., or is provided medical treatment for a life-threatening injury incurred as a result of the suicide attempt;

3. An inmate has received an injury and is hospitalized due to the injury;

4. An inmate escapes or attempts to escape from confinement; or

5. There is any significant damage to the lockup affecting the safety or security of the lockup.

(b) Information requested by the division shall be promptly furnished by the lockup administrator.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; emerg. r. and recr. (4) (a), eff. 3-19-90; r. and recr. (4) (a), Register, November, 1990, No. 419, eff. 12-1-90.

DOC 349.12 Security. (1) Lockup staff shall physically inspect all areas of the lockup occupied by inmates at irregular intervals but at least once every 60 minutes during the day and night, to ensure that inmates are in custody and are safe, except that areas occupied by inmates who have been identified by lockup staff as having a special problem, such as mental disturbance, a suicidal tendency or severe alcohol or drug withdrawal, shall be physically inspected at least once every 15 minutes. Lockup staff shall record each inspection in the lockup log, including the time of the inspection and the inspecting staff member's initials.

Register, November, 1990, No. 419

(2) There shall be at least 3 complete sets of lockup and fire escape keys, one set in use, one set stored in a secure place within the secure detention area which is accessible only to lockup personnel for use in an emergency and one set stored in a secure place outside the secure detention area.

(3) All lockup personnel shall be given instructions concerning the use and storage of lockup and fire escape keys and shall be held strictly accountable for keys assigned to them.

(4) All lockup personnel shall be familiar with the lockup system of the lockup facility and shall be able to release inmates promptly in the event of a fire or other emergency.

(5) The lockup administrator shall ensure that lockup staff make monthly inspections to determine if cell and fire escape locks and doors are in good working order. Each inspection shall be recorded in the lockup log.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90.

DOC 349.13 Use of force. Corporal punishment of inmates is forbidden.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; emerg. r. and recr. eff. 3-1-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90.

DOC 349.14 Discipline. Lockup staff may not give an inmate disciplinary authority over another inmate.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90.

DOC 349.15 Exceptions. (1) The division administrator or designee may grant a variance to a requirement found in this chapter, except that no variance may be granted for the requirement of single occupancy cells under s. DOC 349.06 (3) (b) or 349.07 (2), for the minimum cell space requirement under s. DOC 349.06 (3) (c) or 349.07 (3) or for any requirement specifically imposed by Wisconsin Statutes.

(2) In order to obtain a variance, the lockup administrator shall demonstrate in writing to the division's regional detention facilities specialist that strict enforcement of the rule would result in unreasonable hardship for administration of the lockup and that the variance would provide equivalent or better protection for the health, safety, welfare and rights of inmates and the public.

(3) The department may impose specific conditions, including time limits on a variance, in order to protect the health, safety, rights or welfare of inmates 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 a variance, the department may revoke the variance and strictly enforce the rule.

History: Cr. Register, January, 1990, No. 409, eff. 2-1-90; emerg. r. and recr. eff. 3-19-90; r. and recr. Register, November, 1990, No. 419, eff. 12-1-90.