

## Chapter DOC 379

### LIVING CONDITIONS FOR YOUTH IN TYPE 1 SECURED CORRECTIONAL FACILITIES

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**Note:** Chapter HSS 339 as it existed on June 30, 2000 was repealed and a new Chapter DOC 379 was created, Register, June, 2000, No. 534, effective July 1, 2000.

**DOC 379.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 227.11 (2) and 938.48 (16), Stats., to structure the resources available to youth to balance the need for public protection, youth accountability, youth skill-building and the provision of services to youth in a safe, humane and caring environment.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.02 Applicability.** This chapter applies to the department and all youth who are under its supervision in a type 1 secured correctional facility consistent with the requirements of law.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.03 Definitions.** In this chapter:

(1) "Activity group" means youth who participate in a group organized to promote educational, social, cultural or other lawful activities approved by the department.

(2) "Administrator" means the administrator of the division of juvenile corrections or that person's designee.

(3) "Agent" means a person employed by the department or a county department to provide community supervision of a youth and authorized to make decisions regarding community supervision matters.

(4) "Close confinement" means restriction of a youth to the youth's assigned room with a minimum of one hour of out-of-room time per day.

(5) "Close family member" means a youth's natural, adoptive, step and foster parents, spouse, children, grandparents or siblings. A parent surrogate is within the definition of parent if investigation substantiates that a claimed surrogate did in fact act as a parent to the youth although the parent surrogate was not an adoptive, foster or stepparent.

(6) "Community supervision" means the corrective sanctions program under s. 938.533, Stats., aftercare under s. 938.34 (4n), Stats., the serious juvenile offender program under s. 938.538, Stats., and type 2 secured correctional facility supervision under s. 938.539 (2), Stats.

(7) "Contraband" means any of the following:

(a) Any item which subch. VI of ch. DOC 373 prohibits a youth from possessing.

(b) Any item which is not state property and is on the institution grounds, but not in the possession of any person or in an approved location.

(c) Stolen property.

(d) Any item that is not on a youth's property list and is required to be.

(e) Any item of a type that is not allowed according to posted policies and procedures.

(f) Allowable items in excess of the quantity allowed according to policies and procedures.

(g) Items in the possession of a youth that do not belong to the youth, except for state property issued to the youth for personal use.

(h) Anything used as evidence in a disciplinary hearing that is deemed to be contraband by the hearing officer.

(8) "County department" means a county department under s. 938.02 (2g), Stats.

(9) "Department" means the department of corrections.

(10) "Gang" means a group of people that threatens, intimidates, coerces, or harasses other people or engages in activities that intentionally violate, or encourage the intentional violation of state or federal laws or regulations, municipal ordinances or institutional policies or procedures.

(11) "General account" means an account established to receive youth pay or allowances under s. 938.48 (13), Stats., pensions, disability payments, monetary gifts from family or any other payments to the youth from which disbursements may be made while the youth is under the supervision of the department.

(12) "Guardian" means the person named by the court having the duty and authority of guardianship.

(13) "Institution" means a type 1 secured correctional facility operated by the department.

(14) "Institution housing emergency" means any of the following:

(a) The number of youth exceeds the original design bed capacity of a specific institution.

(b) A portion of any institution's original design bed capacity becomes unavailable for use as living quarters because of fire, storm or other damage, health-threatening contamination, staff unavailability beyond the control of the institution or a disturbance, with the result that the number of youth at a specific institution exceeds the available beds.

(15) "Mail" includes materials such as letters, other items of correspondence and packages processed through the United States postal service or courier including but not limited to United Parcel Service, Federal Express and Dunham Express, and letters and other items of correspondence processed within an institution.

(16) "Major penalty" means removal from general population under s. DOC 373.80 (3).

(17) "Modified confinement" means restriction of a youth to the youth's assigned room with a minimum of 4 hours of out-of-room time per day.

(18) "No-contact visiting" means visitation during which no physical contact is permitted between a youth and a visitor.

(19) "Obscene material" means a writing, picture, sound recording or film, about which all of the following are true:

(a) The average person, applying contemporary community standards, would find it appeals to the prurient interest if taken as a whole.

(b) Under contemporary community standards, describes or shows sexual conduct in a patently offensive way.

(c) Lacks serious literary, artistic, political, educational or scientific value, if taken as a whole.

(20) "Parent" has the meaning given in s. 938.02 (13), Stats.

(21) "Representative of the news media" means any person 18 years old or older who is a credentialed member of the press, including broadcast or print journalism, who visits an institution for the purpose of investigation and reporting.

(22) "Restitution" means payment owed by a youth to a victim, the court or the department pursuant to s. 938.34 (5) (a) or (8d), Stats.

(23) "Secretary" means the secretary of the department of corrections or that person's designee.

(24) "Special events" means activities beyond regularly scheduled program events, including but not limited to, sporting events, guest speakers, concerts or recognition events.

(25) "Staff" means an employee of the institution, where a youth is housed.

(26) "Superintendent" means the superintendent of a type 1 secured correctional facility or that person's designee.

(27) "Type 1 secured correctional facility" has the meaning given in s. 938.02 (19), Stats.

(28) "Type 2 secured correctional facility" has the meaning given in s. 938.02 (20), Stats.

(29) "Youth" means a person or persons supervised by the department in an institution consistent with the requirements of law, regardless of age.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.04 Mail. (1) POLICY.** Communication fosters reintegration into the community and the maintenance of family ties. A youth may communicate with government offices, courts, approved family members and other persons concerned with the youth's welfare as approved by the superintendent and consistent with program needs and the need to protect the public.

**(2) CORRESPONDENCE LIST.** There shall be an approved correspondence list for each youth. The list shall include the name, date of birth, address, and relationship to the youth for all approved correspondents.

(b) Except as otherwise provided in this chapter, only individuals on a youth's approved list will be permitted to correspond with the youth. To the extent compatible with program goals and institution needs, a youth shall be permitted to correspond with close family members. If the superintendent grants prior approval, other relatives, friends, or interested persons may also correspond with the youth.

**(3) INCOMING MAIL.** (a) Mail addressed to youth shall be promptly delivered, except as provided in this section.

(b) Incoming mail to a youth, except as provided in sub (5), may be opened, read and inspected for contraband, if the youth consents in writing to receive mail through institution mail services. Contraband shall not be delivered and shall be returned to the sender, unless it is a violation of the laws of Wisconsin or the United States to possess the contraband, in which case, the contraband shall be disposed of as provided in s. DOC 376.17.

(c) If a youth does not consent under par. (b), the institution shall return incoming mail addressed to the youth to the post office unopened and marked "refused."

(d) If a letter has no return address, it shall be opened, inspected and read to identify the sender and determine if the sender is on the approved correspondence list. If the sender cannot be identified, the mail will be disposed of consistent with institution procedures.

(e) If incoming mail is not given to the youth, the mail and a written notice stating why the mail was not delivered shall be promptly sent by the superintendent to the sender. The mail and written notice will not be sent if the sender is a youth or an adult under the supervision of or in the custody of the department. The youth to whom the letter was sent shall be given a written notice within 3 working days that the mail was not delivered, the reason for non-delivery and the identity of the sender.

**(4) OUTGOING MAIL.** (a) At least one letter per week may be sent at department expense. Additional mail may be sent at department expense as authorized by the superintendent. If a youth pays for the postage, additional letters may be sent by the youth.

(b) Outgoing mail from a youth, except as provided in sub. (5), may be opened, read and inspected for contraband, if the youth consents in writing to send mail through institution mail services. The contraband shall be disposed of as provided in s. DOC 376.17.

(c) If outgoing mail is not sent, the superintendent shall promptly send a notice to the youth stating why the letter was not sent. The letter will be disposed of consistent with institution procedures.

**(5) SPECIAL CORRESPONDENCE.** Staff may open and inspect, but not read mail received by youth from or sent by a youth to any of the persons listed below only in the presence of the youth. Staff shall inspect the document to determine if the mail contains contraband. Mail containing contraband shall be confiscated. This subsection applies to mail clearly identifiable as being from or to one or more of the following parties:

- (a) The governor of Wisconsin.
- (b) Members of the legislature.
- (c) Members of the United States congress or the president of the United States.
- (d) The secretary.
- (e) Department staff acting within their official capacity.
- (f) The attorney general of Wisconsin or an assistant attorney general of Wisconsin.
- (g) The clerk or judge of any state or federal court.
- (h) An investigative agency of the federal government.
- (i) An attorney.

**(6) RESTRICTIONS.** Except as provided in sub. (5), the following restrictions apply to all youth correspondence:

- (a) Incoming and outgoing mail may not be delivered if it does any of the following:
  - 1. Threatens criminal activity.
  - 2. Threatens or attempts blackmail or extortion.
  - 3. Relates to sending contraband in or out of an institution or contains contraband.
  - 4. Relates to plans to escape.
  - 5. Relates to any gang activity.
  - 6. Relates to activity that, if completed, would violate the laws of Wisconsin or of the United States or the administrative rules of the department.
  - 7. Is in code.
  - 8. Solicits gifts from a person other than a family member or a person on the visiting list.
  - 9. Is obscene material.
  - 10. Contains information that, if communicated, would create a danger of physical or mental harm to any person.

11. Relates to a contract that the youth is asked to enter into or seeks to enter into.

(b) Mail shall not be delivered to a youth or sent by a youth if the sender or recipient is not on the approved correspondence list for the youth. Mail to or from a person not on the approved correspondence list shall be returned to the sender or disposed of consistent with institution procedures.

(c) The department shall obtain written approval from the parents or guardian of a person under 18 years of age with whom a youth requests permission to correspond. If the parents or guardian approve, correspondence may be permitted. If the parents or guardian do not approve, permission to correspond shall be denied. A youth may not correspond with another youth in an institution.

(7) RECORD. (a) The superintendent shall keep a record of any mail that is not delivered to the youth or mailed from the institution. It shall include the name of the youth, and the sender or recipient, the date, and the reason for non-delivery or failure to mail.

(b) A record of cash, incoming checks, money orders and any negotiable instruments shall be kept by the institution. The record shall include the name of the sender, name and identifying number of the receiving youth, the amount and date received.

(c) The institution shall maintain a record of items of personal property received through the mail as under s. DOC 379.10.

(8) APPEAL. A youth may appeal a decision under this section within 10 days of receipt of the written notice to not deliver incoming or mail outgoing mail. The appeal shall be in writing to the superintendent.

(9) VIOLATION. If a youth or a member of the public is alleged to have committed a violation under this section or institution policies and procedures, the superintendent may take disciplinary action under ch. DOC 373. If a violation occurred, the superintendent may suspend the youth's mail privileges with the person involved in the violation for a specified period of time based upon the severity of the violation and the record of prior violations, if any. A youth may file a complaint under ch. DOC 380 regarding suspension of mail privileges under this subsection.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (4) (b) and (6) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534.

**DOC 379.05 Publications.** (1) Youth are permitted and encouraged to read. Reading fosters correctional objectives by educating youth and keeping them informed of events and issues in the community. The department shall facilitate youth reading of publications, including books, magazines, newspapers and pamphlets consistent with correctional objectives and youth program objectives.

(2) The superintendent may create an approved list for youth subscriptions that shall be made available to all youth. A youth may request that the superintendent add publications to the approved list. Youth shall not receive publications that are not on the approved list. Youth must receive publications directly from the publisher and the youth must have sufficient resources to pay for the publications.

(3) Youth may not possess, receive or read publications that do any of the following:

- (a) Teach or advocate violence or hatred.
- (b) Present a danger to institution security and order.
- (c) Teach or advocate behavior that violates the laws of Wisconsin or the United States or the rules of the department.
- (d) Teach or describe the manufacture or use of weapons, explosives, drugs or intoxicating substances.
- (e) Meet the definition of obscene material.
- (f) Teach or describe the manufacture or use of a device that creates a substantial danger of physical harm to self or others.

(4) If a publication is not delivered under sub. (2) or (3), the superintendent shall notify the youth within 3 working days that

the publication will not be delivered and the reason it will not be delivered. The youth may file a complaint under ch. DOC 380 regarding the failure to deliver a publication under this section.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.06 News media access to youth.** (1) It is the policy of the department to permit visits to correctional institutions by representatives of the news media. Visits and interviews by representatives of the news media with staff and youth can foster the public's understanding of the qualities, problems and needs of youth and institutions. That understanding helps to develop community acceptance and support of correctional objectives which enhances the achievement of those objectives, including reintegration into the community.

(2) If a representative of the news media requests an opportunity to interview a youth, the superintendent may permit the interview consistent with institution needs and program needs of the youth. The superintendent shall obtain parental or guardian approval for a youth under the age of 18 before the interview. An interview may be refused if any of the following occur:

(a) The superintendent determines that an interview will jeopardize or be detrimental to the safety or order of the institution or the welfare or program of a youth.

(b) The clinical services supervisor believes that the youth has emotional problems which are likely to be exacerbated by an interview or believes the youth is mentally ill.

(c) The youth is in close confinement.

(d) The youth refuses to be interviewed.

(e) The parents of a youth under the age of 18 years object to the interview.

(f) The welfare of the victim, the victim's family or the community would be jeopardized.

(3) Representatives of the news media may not photograph any youth in a manner that would reveal the identity of the youth.

(4) All visits and interviews conducted under this section are subject to specific policies and procedures of the superintendent as to time, location, length, staff presence and the equipment used. The superintendent may terminate an interview consistent with this chapter at any time.

(5) All representatives of the news media who are granted interviews under this section shall sign a prior written agreement not to reveal the identity of any youth or to disclose information that would lead to the youth's identity.

(6) A superintendent may permit anonymous interviews of a youth.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.07 Visitation.** (1) POLICY. The department shall administer a visiting program that regulates visitation of youth by family members and other persons consistent with program goals and resources available, the department's responsibility for the secure and orderly operation of institutions, public safety and the protection of visitors, staff and youth.

(2) VISITING LIST. (a) There shall be an approved visitor list for each youth. A youth's approved visitors list shall show the name, date of birth, address and relationship to the youth of all approved visitors.

(b) Except as otherwise provided in this chapter, only visitors on a youth's approved list will be permitted to visit the youth. To the extent compatible with program goals and institution needs, a youth shall be permitted to receive visits from close family members. If the superintendent grants prior approval, other relatives, friends, or interested persons may also visit.

(c) Children of the youth and children of approved visitors who have not attained their 18th birthday may visit. Children of the youth and approved visitors may not visit unless they have the written approval of a non-incarcerated custodial parent or guardian or a court order directing the visit. The names of children must

appear on the approved visitors' list. Approved children may visit if accompanied by an approved adult, subject to exceptions that may be granted by the superintendent.

(d) All of the following procedures apply to proposed visitors:

1. A youth or proposed visitor may submit a written request to the superintendent asking that the proposed visitor be added to the list.

2. If additional information is required from a proposed visitor, staff shall send a questionnaire to a proposed visitor for completion and return to the institution. If the questionnaire is not returned, the request may not be approved.

3. If additional information is required from a youth, staff shall request the information from the youth. If the youth fails to provide the needed information, the request may not be approved.

4. A copy of the visiting rules shall be sent to each person on the approved visitors' list.

5. The superintendent may request a field investigation if further information is necessary.

(e) The superintendent may deny the addition of a person to the approved visitor's list or remove a person from the approved visitors' list based on any of the following:

1. The requesting youth provided false or incorrect information or knowingly provided incomplete information.

2. The proposed visitor provided false or incorrect information or knowingly provided incomplete information.

3. There is no signed and dated approval of a non-incarcerated custodial parent or guardian for a proposed visitor less than 18 years of age.

4. There are reasonable grounds to believe that the visitor has attempted to bring contraband into any correctional institution.

5. There are reasonable grounds to believe the visitor poses a threat to the safety and security of visitors, staff, youth or the institution.

6. There are reasonable grounds to believe that the youth's reintegration into the community or rehabilitation would be hindered.

7. There is a court order prohibiting a visit.

8. There are reasonable grounds to believe that the youth may victimize the proposed visitor or the proposed visitor may victimize the youth.

9. The proposed visitor has been arrested, incarcerated or under correctional supervision within the previous 12 months. Exceptions may be made for close family members under sub. (7).

10. A visitor was approved by mistake or based on inadequate or incorrect information.

11. The proposed visitor is a current or former employee of the department or a person who provided services to the department within the past 12 months and the proposed visitor has violated the department's policy regarding fraternization.

(f) The superintendent shall also determine, every 60 days, whether visits shall be no-contact visits, based on institution security or any of the following:

1. The visitor has violated department rules or institution policies and procedures relating to visiting at any institution operated by the department.

2. The visitor introduced contraband into any correctional institution, engaged in behavior that threatened the security of any correctional institution or interfered with the rights of others at any correctional institution.

3. The youth has been found guilty of a violation of department rules or institution policies and procedures relating to visiting.

4. The youth has violated s. DOC 373.46 relating to intoxicants and drug paraphernalia.

5. The youth is in close or modified confinement because of a major penalty.

(g) Consistent with available resources and program goals, an institution may place a reasonable limit on the number of persons on a youth's visitors' list. Youth shall retain visitors on the visitors' list for a minimum of 90 days from the date of approval, unless the superintendent waives this provision for cause.

(h) If a person is disapproved by the superintendent for visiting or approved for no contact visiting only, the youth and the person shall be informed of the reasons for the action in writing. A youth may appeal the decision using the complaint procedure in ch. DOC 380. The disapproved person may appeal the decision in writing to the superintendent who shall issue a decision within 15 days of receipt of the appeal and send a copy of the decision to the youth and the disapproved person.

(i) A youth may submit a written request to the superintendent for visits by family members not on the approved visitors list. The superintendent may permit occasional visits by family members not on the approved visiting list and may require notification from the family members in advance of the visits.

**(3) REGULATION OF VISITS.** (a) Each institution shall develop written policies and procedures relating to youth in the general population concerning all of the following:

1. The time for visits.

2. Weekday, weekend and night visits.

3. The duration of visits.

4. The number or frequency of visits.

5. The number of visitors permitted on each visit.

6. Immediate termination of a visit for a violation of laws of the United States or of the state of Wisconsin, department rules or institution policies and procedures.

7. Items which may be brought into the institution during a visit.

8. The place of visits.

9. No-contact visiting.

(b) Institutions may require visitors of any age to provide picture identification or other identification before permitting the visit.

(c) Each institution shall develop written policies and procedures which may limit visitation for youth in major penalty status by issuing restrictions concerning specific visitors, visitors under the age of 18 years, number of visitors, and the hours for and the location of visits. Each institution shall permit a youth in a major penalty status to visit at least 1 hour per week.

(d) Each institution shall provide visiting access on weekends and some weekdays and evenings consistent with scheduled activities and available resources.

(e) Each institution shall permit a youth in the general institution population to have visits at least six hours per week in visits of such duration as the institution specifies under par. (a).

(f) Specific policies adopted under this section may include requirements necessary to manage the visiting population within the physical space and staff limitations of each institution.

**(4) VISITS TO YOUTH ON CONTROL STATUS OR OBSERVATION STATUS.** Visits to youth on control status under s. DOC 373.82 (2) or observation status under ch. DOC 375 require the approval of the superintendent.

**(5) SPECIAL VISITS.** (a) Public officials and members of private or public organizations who provide services to youth may visit with the approval of the superintendent. Prior arrangements for the visits shall be made with the superintendent to minimize interference with normal operations and activities. The superintendent may limit the number of visitors, visits and the duration of visits and restrict visits to certain areas of the institution for security reasons.

(b) Attorneys, attorney assistants, approved law students and legal interns shall be permitted to visit their clients to provide professional services with the approval of the superintendent, consis-

tent with institution security. The visits shall not count against the allowable number or hours of visits for a youth.

**(6) NO CONTACT VISITING.** The superintendent may impose no-contact visiting in response to an initial application to visit or upon subsequent review of the visiting status of a youth or visitor, consistent with sub. (2) (f).

**(7) INTER-INSTITUTION VISITS BY FAMILY MEMBERS.** The superintendent may approve visits between a youth and the youth's spouse, and between parents and children who are confined in a prison or another type 1 secured correctional facility within the state of Wisconsin. The criteria for approval are the same as for other visitors under this section.

**(8) CONTACT DURING VISITS.** (a) Visitors are required to obey the laws of the United States and the state of Wisconsin, the department's rules and policies and procedures of the institution relating to visiting.

(b) Only physical contact approved by the superintendent is permitted.

(c) Youth and visitors may not pass or exchange items during a visit, unless the superintendent gives prior approval.

**(9) SUSPENSION OR TERMINATION OF VISITING PRIVILEGES.** (a) The superintendent may suspend or terminate visiting privileges for a violation of the laws of the United States or the state of Wisconsin, the department's rules or those institution policies and procedures of which a youth or visitor had actual or constructive notice, consistent with s. DOC 373.65 (3) (a) and (b), subject to the following:

1. The visitor and youth shall be informed in writing of the suspension or termination and the reasons for the action within 5 days of the violation.

2. The youth may appeal a decision of the superintendent by filing a complaint under ch. DOC 380 within 5 days of receipt of the decision. The visitor may appeal the decision by filing an appeal with the administrator, whose decision shall be final. The administrator shall issue a decision within 15 days of receipt of the appeal and send copies of the decision to the superintendent, the youth and the visitor. Failure of the administrator to issue a decision upholds the decision of the superintendent.

3. Termination or suspension of visiting privileges under this paragraph may be ordered by the superintendent to protect the security of the institution.

(b) If a youth is alleged to have violated any conduct rule under ch. DOC 373 during a visit, the youth's discipline under ch. DOC 373 may include suspension of visiting privileges with the visitor.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.08 Special events.** (1) Special events may be held in institutions subject to the approval and regulation of the superintendent.

(2) In regulating special events, the superintendent shall consider all of the following:

(a) Any threat to security posed by the activity.

(b) The benefit to the public and youth.

(c) Staff and other resources available to regulate the activity.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.09 Access to courts, legal services and materials.** (1) **GENERAL POLICY.** Youth shall have access to the courts, legal services, and legal materials.

(2) **ACCESS.** (a) Institutions may establish policies and procedures which relate to access to courts, but such regulations may not unduly delay or adversely affect the outcome of a youth's claim or defense or discourage a youth from seeking judicial consideration of his or her claims.

(b) Appropriately identified legal documents may not be read, censored or altered by correctional staff, nor may delivery be delayed.

(c) A youth shall not be disciplined for seeking judicial or administrative relief.

(d) This section does not require the department to use its resources to provide legal services.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.10 Property.** (1) **POSSESSION OF PROPERTY.** Youth are permitted to have a limited and specified amount of property in their possession in an institution in accordance with this section. The institution shall establish policies and procedures under this section relating to the acquisition, possession, use and disposal of property.

(2) **PROPERTY LIST.** Each institution shall develop and maintain a list of the personal property items permitted at the institution. The list may establish limitations as to the value, type of property and number of particular items. The superintendent may approve additions to the property list if the additions further program goals. Youth shall be provided with a copy of the list when they arrive at the institution and any changes made subsequent to their arrival.

(3) **ACQUIRING PROPERTY.** Methods approved by a superintendent to acquire personal property may include any of the following:

(a) Purchase from the institution canteen.

(b) Purchase from an approved retail outlet.

(c) Delivery by approved visitors or mail.

(d) Other methods approved by the superintendent.

(4) **INVENTORY.** Each institution shall monitor property in a youth's possession. A written inventory shall be maintained of all authorized property in a youth's possession. A youth is responsible for notifying the institution immediately if a discrepancy exists between the inventory and the property in the youth's possession.

(5) **COST OF PROPERTY.** The cost of personal property items, except those that are medically prescribed, may not exceed an amount approved by the superintendent for each item, excluding taxes and shipping cost. Personal property shall be inventoried for its value and an institution property receipt shall be provided.

(6) **INSTITUTION LIABILITY FOR PROPERTY.** The institution is not financially liable for the personal property of youth, unless staff negligence is the proximate cause of loss or damage. If staff have negligently caused loss or damage to a youth's personal property, the institution's liability is limited to the value of the property or the cost of repair, whichever is less, at the time of loss or damage, not to exceed the purchase price.

(7) **DISPOSAL OF PROPERTY.** (a) Each superintendent shall develop policies and procedures, subject to approval of the administrator and consistent with s. DOC 376.17, relating to the disposal of personal property of youth within the institution. Youth may choose the method of disposal, subject to security concerns.

(b) Upon the escape of a youth, the institution shall collect all personal property of the youth as soon as possible, prepare an inventory of the property and place the property in a secure area for safekeeping, subject to disposal under par. (a).

(c) The institution shall not be responsible for damage due to storage or disposal after release or escape.

(d) Upon the death of a youth and satisfactory identification of the parents, the superintendent shall:

1. Prepare an affidavit for transfer of property under s. 867.03, Stats., if the property and funds of the deceased youth have a value of more than \$150.00 and less than \$10,000.00. The affidavit shall be signed by the person claiming the property and shall be filed with the institution prior to transfer of property to the parent in accordance with s. 867.03, Stats.

2. Property with a value of \$10,000 or more is to be managed in accordance with s. 867.01, Stats.

(e) Items received at an institution but not approved shall be disposed of consistent with s. DOC 376.17.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.11 Religion. (1) RELIGIOUS BELIEFS AND PRACTICE.**

(a) The department may not discriminate against a youth on the basis of the youth's religious beliefs. The superintendent may modify a youth's religious practices based on health and safety considerations, the security and order of the institution, the rehabilitation goals of the youth and fiscal and operational limitations.

(b) The department may not require a youth to participate in religious activities but may maintain information concerning a youth's religious activities for administrative purposes.

(c) To the extent reasonable, institutions shall make facilities and other resources available to youth for religious practices permitted under sub. (2).

**(2) YOUTH PARTICIPATING IN RELIGIOUS PRACTICES.** (a) A youth who wants to participate in religious practices or request a change in religious programming, diet, special foods or authorized property that involves others or that affects the youth's appearance or institution routines shall submit a written request to the superintendent for permission to participate in the religious practice. The request shall include a statement that the youth professes or adheres to a particular religion and shall specify the practices and tenets of the religion in which the youth requests permission to participate.

(b) Upon receipt of the request the superintendent shall, with the assistance of a chaplain or staff with appropriate religious training, determine if the request is supported by tenets of the religion.

(c) In determining whether the request is supported by tenets of the religion the superintendent may consider any of the following:

1. Whether there is literature stating religious principles that support the belief.
2. Whether the beliefs are recognized by a group of persons who share common ethical, moral or intellectual views.

(d) The superintendent shall deny the request if the tenets of the religion or a reasonable variation of those tenets do not support the request.

(e) If the superintendent determines that the request is supported by tenets of the religion, the superintendent shall grant permission to participate in practices that are consistent with orderly confinement, security of the institution and fiscal, staff and space limitations.

(f) The superintendent shall establish written guidelines consistent with this section and institution security needs to govern youth participation in religious practices. The guidelines shall be made available to all youth.

(g) The superintendent shall require a youth to identify a religious preference, if any, to participate in religious activities. A youth may change this religious preference once every six months.

**(3) RELIGIOUS SERVICES AND PRAYERS.** (a) Each superintendent shall, upon the recommendation of a chaplain or staff with appropriate religious training, coordinate religious programming to the extent possible at the times prescribed or encouraged by the youth's religion.

(b) The superintendent may, upon the recommendation of a chaplain or staff with appropriate religious training, permit representatives of approved religious groups from outside the institution to visit youth, hold services and provide counseling and services commonly provided by chaplains.

**(4) RELIGIOUS PROPERTY.** A superintendent may permit youth to possess approved religious property required by the youth's religion in accordance with sub. (2).

**(5) DIETARY LAWS.** (a) To the extent possible, the institution shall plan meals so that youth may maintain a nutritious diet while complying with dietary restrictions prescribed by the youth's approved religion.

(b) An institution may accommodate youth requests for special foods for religious observances.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.12 Leisure time activities.**

Each institution shall provide the youth in the general population with structured and approved leisure time activity, including outdoor recreation, on a regular basis consistent with security, available resources and the priorities of school attendance, scheduled programs and work. Outdoor leisure time activities shall be provided when weather conditions do not pose a risk to health and safety.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.13 Education programs. (1)**

Institutions shall make the following educational programs and services available to youth:

- (a) Elementary education, as appropriate.
- (b) Junior high school/middle school classes.
- (c) Special education for students with exceptional educational needs.
- (d) High school credit-generating classes.
- (e) High school equivalency programs.
- (f) Training in independent living skills.
- (g) Pre-vocational and vocational/technical education including work experience.
- (h) Reintegration services at the time the youth is released from the institution, including transfer of records and consultation with education staff at the school the youth will attend in the community.

**(2)** Teachers and staff shall meet state licensing or training requirements from the department of public instruction or the technical college system board. Teachers are required to obtain and maintain their required license or certification.

**(3)** A youth under the age of 18 years who has not earned a high school diploma or high school equivalency diploma will participate in an education program as required by law.

**(4)** A youth 18 years or older who has not earned a high school diploma or high school equivalency diploma may participate in educational or vocational programming, but is not legally required to participate.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.14 Social services.**

Each institution shall provide social services for youth. The superintendent shall insure sufficient licensed social worker time to deliver the services necessary to meet the identified goals and objectives in each youth's individual case plan consistent with s. DOC 371.10 (4).

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.15 Health services. (1)**

Youth shall have access to health care services.

**(2)** Ordinary medical and dental care shall be provided to youth consistent with s. 938.505 (1), Stats.

**(3)** Qualified health care providers shall provide health care based on professionally recognized standards in accordance with state and federal requirements.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.16 Food and liquids. (1)**

The department shall provide nutritious food for all youth. Meals shall satisfy standards of nutrition which meet or exceed the recommended dietary allowances of the food and nutrition board of the national academy of sciences of the national research council and the department of public instruction.

(2) Each institution shall have specific written policies and procedures that regulate eating outside the designated dining area. Institutions may forbid taking foods into living quarters and out of the designated dining area.

(3) The menu for each institution shall be posted weekly in advance of the meals for that week.

(4) If medical staff prescribe a special diet for health reasons, a youth shall be provided the diet, consistent with the department diet manual, related policies and procedures and available resources.

(5) A youth shall be provided sufficient liquids to sustain basic nutrition and health needs.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.17 Clothing.** (1) Each institution shall provide youth with adequate clothing. All of the following apply to repair or replacement of clothing by an institution.

(a) The institution shall replace or repair clothing damaged by normal wear.

(b) The institution may require a youth to pay the institution for the cost of replacing or repairing clothing that was willfully lost, destroyed or damaged by the youth.

(2) Each institution shall create policies and procedures relating to clothing.

(3) Youth shall dress in a clean, neat and appropriate manner as prescribed by institution policy.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.18 Personal hygiene.** (1) Each institution shall create minimum personal hygiene standards for its youth. Personal cleanliness shall be the responsibility of each youth.

(2) Institutions shall provide a minimum of 3 showering periods every 7 days for each youth in the general population. When possible, an institution shall permit youth to shower daily. Institutions shall provide clean undergarments, shirts and stockings at least 3 times every 7 days. Youth whose work or other activity makes it desirable shall be allowed more frequent bathing and changes of clothing.

(3) All of the following apply to grooming:

(a) Each institution shall make policies and procedures governing personal hygiene, hair and use of cosmetics.

(b) A youth's hair shall not cover his or her eyes, disguise identity or conceal contraband.

(c) Youth assigned to food preparation and serving areas shall be required to wear hairnets or other suitable hair covering.

(d) Youth performing work assignments that may reasonably be considered to be hazardous shall be required to maintain suitably cropped hair or wear protective headgear for safety purposes.

(4) New identification photographs may be required of any youth whose appearance changes or is altered significantly during confinement as a result of change in hair style, hair length, facial hair growth or removal, maturation or other changes.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.19 Living quarters.** (1) An institution may not exceed the original design capacity of a room and the institution when assigning youth to rooms, except in an institution housing emergency under sub. (2), or to meet youth program needs. The original design capacity of a room and an institution is the occupancy, number of youth, for which a room and the institution was originally designed.

(2) If the secretary declares an institution housing emergency, the number of youth assigned to living quarters may exceed original design capacity. Conditions for youth assigned to a room in excess of the original design capacity shall be as humane as reasonably possible, consistent with available resources.

(3) There shall be no discrimination on the basis of race or religion in the assignment of youth to living quarters.

(4) The superintendent may consider the following factors before assigning a youth to a room:

(a) The youth's medical, psychological and psychiatric condition.

(b) The youth's record of assault or aggressive behavior.

(c) The youth's overall institutional adjustment.

(d) The youth's history of sexual behavior.

(e) The youth's length of sentence.

(f) The youth's program assignment.

(g) The total institution population.

(5) Youth shall keep assigned living quarters clean, neat and orderly as directed by staff. Appropriate cleaning materials shall be made available for this purpose.

(a) The institution shall provide youth with clean bed sheets, pillowcases and towels at least once every 7 days. The institution shall provide each youth with a standard issue of blankets and similar items necessary for physical comfort. Youth shall be responsible for their proper care.

(b) The superintendent may establish appropriate policies and procedures to insure proper maintenance of living quarters.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.20 Youth funds and accounts.** (1) GENERAL POLICY. The institution shall manage youth funds and permit or forbid spending to achieve the following objectives:

(a) To promote the successful reintegration of youth into society through a policy designed to provide youth with funds available upon release that they can manage responsibly.

(b) To prevent the exchange of contraband and victimization within institutions by prohibiting youth from carrying money and by requiring all youth funds to be deposited in accounts for the youth.

(c) To require youth to pay financial obligations.

(d) To permit youth to obtain personal property in accordance with s. DOC 379.10.

(2) DEPOSIT OF MONEY. All money received by an institution for the benefit of a youth shall be credited to the youth's general account. The institution shall issue the youth a receipt for all money received.

(3) ALLOWANCE. Each institution shall deposit in each youth's account a weekly allowance in an amount to be determined by the department.

(4) TRANSFER OF MONEY. Each institution shall create a policy for transfer of money, at the request of a youth, from a general account to a savings account.

(5) CASH GRANT. Each institution shall evaluate a youth's need for a cash grant sufficient to meet the immediate, but unmet needs of the youth for the day of release from the institution. The institution shall consider the amount of money in the youth's account and the availability of other resources in determining the amount of the cash grant.

(6) RECEIPTS. Each youth shall be provided, upon reasonable request, information regarding the youth's accounts, including receipt numbers, disbursements and the balance of the account. Institutions shall provide a youth with monthly statements of the youth's accounts. If a youth has funds in an account in the institution's savings program, a statement from the financial institution that is used for the youth's savings account shall be provided at least quarterly.

(7) DISBURSEMENTS OF GENERAL YOUTH ACCOUNT FUNDS. (a) Each institution shall follow the division's written policies and procedures for disbursement of general account funds by the institution to pay for court-ordered surcharges and restitution, institution restitution or other financial obligations owed by the youth.

(b) Each superintendent shall create a written policy and procedure that will permit youth to request the disbursement of funds in their accounts consistent with sub. (1). The policy and procedure

sure shall be consistent with this chapter and shall include information regarding all of the following:

1. Limit and purpose of requests.
2. How and to whom requests must be made.
3. What must be included in an information request.
4. Who investigates requests.
5. Who approves or disapproves requests.
6. A requirement that all decisions shall be in writing with reasons stating the underlying facts upon which each decision is made.
7. Time limits for decisions.

(c) Youth may not open charge accounts or possess charge cards, purchase items or services on credit or installment plan, receive any property with a balance owing or enter into any agreement incurring a future financial obligation.

(d) When a youth is transferred to another institution, the youth's accounts shall be transferred to that institution within 30 days.

(e) Upon release or transfer to community supervision, youth funds may be transferred to and managed by the youth's agent or county worker.

**(8) FUNDS FOR LEGAL CORRESPONDENCE AND COPYING.** A youth without sufficient funds in an assigned account to pay for paper, writing instruments, envelopes, photocopy work or postage for legitimate legal correspondence may receive a loan. The loan amount shall be charged to the youth's account for future repayment while in any institution or community placement. Loans for this purpose shall be for actual institution costs and shall not exceed \$100.00 per year.

**(9) CANTEEN.** (a) Each institution shall provide a canteen. The superintendent shall establish, in writing, the maximum amount of money that may be spent in a specified period of time by a youth in the canteen. A current list of approved and available merchandise, including the price of each item, shall be made available to youth. Copies shall be made available to youth who do not have direct access to the canteen. A superintendent may create a policy to permit youth to purchase specified personal property that is not supplied by the canteen.

(b) Each canteen shall maintain a bookkeeping system for withdrawal of funds from the youth's general account for purchases made through the canteen. No canteen shall use money as a means of exchange for youth.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 379.21 Telephone calls.** (1) Institutions shall encourage youth to communicate with their families, government officials and people concerned with the welfare of youth. This policy is intended to foster reintegration into the community, maintain family ties, motivate youth, improve morale and contribute to security. The superintendent may establish policies or procedures, subject to the approval of the administrator, relating to the use of telephones.

(2) A telephone shall only be used in a lawful manner.

(3) A superintendent may do any of the following:

(a) Monitor and record a youth's telephone call under s. DOC 376.05. A properly placed call to or from an attorney, an attorney's assistant or approved law student may not knowingly be monitored or recorded.

(b) Record the conversation and the date, time, destination, number and duration of a call.

(c) Disclose the contents of a recording of a youth's telephone conversation to any of the following:

1. The department's office of juvenile offender review.

2. The administrator.
3. The secretary.
4. An investigating officer from the department or another state or federal agency.
5. A law enforcement officer.

(d) Use the contents of a recording of his or her telephone conversation for any of the following reasons:

1. For disciplinary purposes.
2. To decide placement, transfer or release of a youth.
3. For an investigation of a youth's plans to escape.
4. For investigations of threats to the security of the institution.
5. For investigations of threats to the health, safety or welfare of staff, the public or other youth.
6. For investigations of threats against witnesses or victims.
7. For investigations of trafficking of drugs or other contraband.
8. For investigations of any illegal activity.
9. As evidence in administrative and judicial proceedings.
10. For programming and treatment.

**(4)** (a) Each institution shall have a written policy available to youth that contains a specific procedure for telephone calls and that sets time limits for calls. The procedure shall be consistent with this chapter.

(b) The superintendent may make exceptions to any policy regarding limits on calls consistent with the policy stated in this section.

(c) Youth may be permitted to call approved close family members or other persons approved by the superintendent. If a youth has no close family members, the youth may be permitted to call persons on the approved visitor list.

(d) Each youth shall be permitted to make a minimum of 2 telephone calls per month. Where resources permit, more than 2 telephone calls may be permitted.

1. Telephone calls not made during the month may not be accrued for use at a later date.

2. A youth may be prohibited from calling under this section if segregated from the general population.

(e) Institutions shall determine who shall pay for calls.

(f) Institutions shall permit calls to be at least 5 minutes in duration.

(g) In the case of emergencies, including critical illness or death of a family member, a special telephone call may be permitted regardless of the security status of the youth or the number of calls already made during that month.

**(5)** A youth may be permitted to make phone calls to a youth's spouse or parent committed to another Wisconsin correctional institution. The institution may require payment for the cost of the calls. Calls between spouses or a youth and parent are subject to the limits under sub. (4) (d). The superintendent may approve calls between siblings in Wisconsin correctional institutions.

**(6)** (a) Youth shall be permitted to call attorneys, attorney assistants or approved law students regarding legal matters, consistent with the program and security needs of the institution.

(b) Calls are subject to superintendent approval as to time and duration.

(c) A youth's telephone calls to an attorney, attorney assistant or approved law student are not subject to the limit in number in sub. (4) (d) or the visitor list requirement.

(d) Telephone calls to attorneys, attorney assistants or approved law students shall be made collect.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.