

## Chapter DOC 349

### MUNICIPAL LOCKUP FACILITIES

DOC 349.01 Purpose and authority.  
 DOC 349.02 Applicability.  
 DOC 349.03 Definitions.  
 DOC 349.04 Prohibited uses.  
 DOC 349.05 Construction plans.  
 DOC 349.06 Physical environment for new or substantially remodeled lockups.  
 DOC 349.07 Physical environment of existing lockups.  
 DOC 349.08 Sanitation and hygiene.  
 DOC 349.09 Health care.  
 DOC 349.10 Fire safety.  
 DOC 349.11 Records and reporting.

DOC 349.12 Security.  
 DOC 349.13 Use of force.  
 DOC 349.14 Discipline.  
 DOC 349.15 Exceptions.  
 DOC 349.16 Policy and procedure manual.  
 DOC 349.17 Inmate health screening and care.  
 DOC 349.18 Suicide prevention.  
 DOC 349.19 Control and administration of medications.  
 DOC 349.20 Communicable disease control.  
 DOC 349.21 Detention of juveniles.

**Note:** Chapter HSS 349 was renumbered Chapter DOC 349 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412.

**DOC 349.01 Purpose and authority. (1)** The purpose of this chapter is to establish minimum standards for the design, construction and security of municipal lockup facilities, for maintaining sanitary and safe conditions in lockups and for the development of written program standards for municipal lockup facilities relating to holding inmates and juveniles who are alleged to have committed a delinquent act.

**(2)** The purpose of this chapter as it applies to juveniles is to protect the health, safety and welfare of juveniles held in municipal lockup facilities, and to ensure compliance with 42 USC 5601 to 5761 and 28 CFR Part 31.

**(3)** This chapter is promulgated under the authority of ss. 227.11 (2) (a), 301.03 (5), 301.36, 301.37, 302.365, and 938.209 (2m), Stats.

**History:** Cr. Register, January, 1990, No. 409, eff. 2-1-90; am. Register, December, 1992, No. 444, eff. 1-1-93; emerg. renum. (intro.) to be (1), cr., (2) and (3), eff. 12-10-98; renum. intro. to be (1), cr. (2) and (3), Register, June, 1999, No. 522, eff. 7-1-99.

**DOC 349.02 Applicability.** This chapter applies to all lockup facilities operated by municipalities under ss. 302.30, 61.24, and 62.09 (13), Stats.

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

**DOC 349.03 Definitions.** In this chapter:

**(1)** “Administer” has the meaning given in s. 450.01 (1), Stats.

**(1m)** “Adult” means a person who is 18 years of age or older, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “adult” means a person who has attained 17 years of age.

**(2)** “Cell” means a secure room designed and used as a sleeping room for one person confined in a lockup facility.

**(3)** “Confinement” means placement in a cell or holding room of a person who has been arrested and is awaiting an initial appearance in court or to post bond.

**(4)** “Contraband” means any item not allowed in a lockup by the lockup administrator.

**(4m)** “Delinquent act” means an act which is committed by a juvenile who is 10 years of age or older and which is a violation of any state or federal criminal law, except as provided in ss. 938.17, 938.18, and 938.183, Stats., or which constitutes a contempt of court, as defined in s. 785.01 (1), Stats., as specified in s. 938.355 (6g), Stats.

**(5)** “Deliver” or “delivery” has the meaning given in s. 450.01 (5), Stats.

**(6)** “Department” means the Wisconsin department of corrections.

**(7)** “Detention strength” means strong enough to resist damage an inmate could inflict with tools or equipment that would normally be in his or her possession.

**(8)** “Division” means the division of probation and parole.

**(9)** “Health screening form” means the form or forms developed by a lockup facility to obtain admission information relating to each inmate’s medical and dental condition, medical illnesses or disabilities, mental illnesses, developmental disabilities, alcohol or other drug abuse problems and suicide risk.

**(10)** “Holding room” means a secure room in the lockup designed for holding, after arrest, one or more inmates of the same sex and security classification and segregated according to the requirements specified in s. 302.36, Stats., for purposes of processing admissions and releases.

**(10m)** “Juvenile” means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “juvenile” does not include a person who has attained 17 years of age.

**(11)** “Lockup administrator” means the person in charge of lockup operations or a designee.

**(12)** “Lockup facility” or “lockup” means a temporary place of detention within a police station which is used exclusively for confinement of persons under arrest before those persons are brought before a court or post bond.

**(13)** “Privileged mail” means any written materials between an inmate and an attorney, court, government or facility official.

**(14)** “Secretary” means the secretary of the department.

**(14m)** “Secure custody status” means the status of a juvenile in a lockup facility, which begins when the juvenile is placed in a cell, holding room, or other locked or secure room within the lockup and which ends when the juvenile is released from custody or is removed from the secure portion of a police station.

**(15)** “Secure detention area of the lockup” means the area within the secure outer boundaries of a lockup.

**(16)** “Security classification” means a grouping of inmates based on the level of supervision required, the nature of the offense or offenses for which the inmates were arrested and any other criteria set by the lockup administrator.

**(17)** “Special needs inmate” means an inmate who is identified or suspected of having a medical illness or disability, mental

**Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.**

illness, a developmental disability or alcohol or other drug abuse problem or who is a suicide risk.

**History:** Cr. Register, January, 1990, No. 409, eff. 2-1-90; renum. (1) to (11) to be (2) to (4), (6) to (8), (10) to (12), (15) and (16) and am. (8), cr. (1), (5), (9), (13), (14) and (17), Register, December, 1992, No. 444, eff. 1-1-93; emerg. cr. (1m), (4m) and (10m), eff. 12-10-98; cr. (1m), (4m) and (10m), (14m), Register, June, 1999, No. 522, eff. 7-1-99.

**DOC 349.04 Prohibited uses.** Pursuant to s. 302.30, Stats., a lockup may not be used to hold persons pending trial who have appeared in court or persons who have been committed to imprisonment for nonpayment of fines or forfeitures.

**History:** Cr. Register, January, 1990, No. 409, eff. 2-1-90; emerg. renum. (1) and (2), eff. 12-10-98; renum. (1) to be intro., and renum. (2) to be DOC 349.21 (1), Register, June, 1999, No. 522, eff. 7-1-99.

**DOC 349.05 Construction plans. (1)** Before design development begins, a village or city which intends to build or remodel a lockup shall file a letter of intent with the division's regional detention facilities specialist.

**(2)** Copies of original and updated design drawings of the area for the lockup shall be submitted to the division's regional detention facilities specialist at the same time the drawings are submitted to the village or city.

**(3)** All sites, plans and specifications for construction or remodeling of a lockup shall comply with the state commercial building code, chs. SPS 361 to 365.

**(4)** Prior to approval by the department of safety and professional services under chs. SPS 361 to 365 and prior to publication of bid documents, 2 complete sets of plans and specifications shall be forwarded to the division for its review and approval.

**(5)** Upon approval by the division, one set of plans and specifications shall be marked to indicate approval by the division and returned to the office that submitted the plan. The remaining set shall be filed in the division. If the plans and specifications are not approved, both sets shall be returned to the sender.

**History:** Cr. Register, January, 1990, No. 409, eff. 2-1-90; corrections made in (3) and (4) under 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1999, No. 522, eff. 7-1-99; corrections in (3) and (4) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612; corrections in (3) and (4) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673.

**DOC 349.06 Physical environment for new or substantially remodeled lockups. (1) APPLICABILITY.** This section applies only to lockups that are constructed or substantially remodeled on or after February 1, 1990.

**(2) EQUIPMENT AND MATERIALS.** The following equipment and materials in a lockup shall be of detention strength and manufactured, sold and installed by firms that specialize in jail and prison equipment or ordered from a firm that will follow the specifications for detention strength equipment in this chapter:

- (a) Windows;
- (b) Glazing;
- (c) Security screens;
- (d) Grills over vents and windows;
- (e) Security doors;
- (f) Security locks;
- (g) Keys;
- (h) Hinges;
- (i) Food passes;
- (j) Observation ports;
- (k) "Contraband proof" sills;
- (L) Speaking ports;
- (m) Seats;
- (n) Benches;
- (o) Lights;

- (p) Locking mechanism housings;
- (q) Key cabinets;
- (r) Walls;
- (s) Windows and door frames;
- (t) Bunks;
- (u) Tables;
- (v) Toilets;
- (w) Urinals;
- (x) Wash basins;
- (y) Drinking fountains;
- (z) Showers;
- (za) Desks;
- (zb) Clothing hooks;
- (zc) Shelves;
- (zd) Door pulls;
- (ze) Screws;
- (zf) Bolts;
- (zg) Mirrors;
- (zh) Floor drains; and
- (zi) Ceilings.

**(3) CELLS. (a)** This subsection applies to all cells except holding rooms. Requirements for holding rooms are specified under sub. (4).

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

**(c)** Each cell shall have a floor area of at least 54 square feet. The distance between the floor and ceiling may not be less than 8 feet and the distance between opposite walls may not be less than 6 feet.

**(d)** Each cell shall have:

1. 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 a similar strength;

2. A detention strength, metal, institution-type wash basin and toilet. The wash basin and toilet may be combined in one unit. The wash basin shall have hot and cold running water; and

3. Detention strength light fixtures that provide at least 10 footcandles of illumination 30 inches above the floor. Lights shall have a dimming capability or there shall be a night light to allow for comfortable sleeping.

**(4) HOLDING ROOMS. (a)** A person under arrest who is in the process of being admitted or released may be placed in a holding room for a period of time not to exceed 4 hours, but only after the decision has been made, in the case of a person being admitted, to admit the person to the lockup facility and a proper entry has been made in the register of inmates required under s. DOC 349.11 (1). Holding rooms shall be located in an area that allows continuous staff observation or electronic surveillance of inmates. Supervision shall be in accordance with the requirements of ss. 302.41 and 302.42, Stats.

**(b)** Holding rooms may be designed and used for multiple occupancy for inmates of the same security classification who are properly segregated as required under s. 302.36, Stats.

**(c)** Each lockup which has a holding room shall have at least one cell that is designed and used for single occupancy.

**(d)** Each holding room shall contain detention strength, rigidly constructed seats or benches bracketed to the wall or bolted to the floor or seats or benches of masonry construction of a similar strength.

**(e)** A detention strength, institution-type wash basin and toilet

shall be provided for every 8 occupants and, for holding rooms designed for male occupancy, a urinal shall be provided.

(f) Hot and cold running water shall be provided.

(g) A holding room shall have a floor area of at least 50 square feet. The maximum capacity for a holding room with at least 50 square feet of floor space but less than 60 square feet of floor space shall be 5 persons. The maximum capacity for a larger holding room shall be one more person for every additional 10 square feet of floor space.

**(5) EXTERIOR WINDOWS.** (a) This subsection applies only to lockup facilities that have exterior windows. In this subsection, "exterior window" means any window that faces the exterior of the lockup facility or an area outside the secure detention area of the lockup facility.

(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 re-

lease, 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 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. DHS 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; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612; corrections in (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2011 No. 666.

**DOC 349.09 Health care.** (1) 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.

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

(3) 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.

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

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

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

(7) Medical records shall be kept separate from other records and shall be maintained in a confidential manner in accordance with ss. 146.81 to 146.83, Stats., and any other applicable state or federal laws.

**History:** Cr. Register, January, 1990, No. 409, eff. 2-1-90; r. (1) and (5), renum. (2) to (4) and (6) to (8) to be (1) to (6), cr. (7), Register, December, 1992, No. 444, eff. 1-1-93.

**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 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.

(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 administra-

tor 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.

**DOC 349.16 Policy and procedure manual.** (1) **CONTENT OF MANUAL.** The lockup administrator shall develop a written policy and procedure manual for the operation of each lockup facility. The policies and procedures contained in the manual shall be developed in consultation with outside resources, such as medical, mental health, alcohol and other drug abuse, and developmental disabilities providers, and shall reference any agreements with such providers for the provision of services to inmates identified as needing care and treatment. The manual shall contain the following components:

(a) Statement of the availability of the manual to staff.

(b) Statement of the policies of the lockup facility on inmate programs, including inmate health screening and care, suicide prevention, control and administration of medications, and communicable disease control.

(c) Statement of policies and procedures for detention of juveniles who are alleged to have committed a delinquent act, consistent with s. DOC 349.21.

(d) Statement of the procedure for notification of inmates and juveniles of each policy under pars. (b) and (c).

(2) **SUBMISSION AND APPROVAL OF MANUAL.** (a) *Division approval.* The lockup administrator shall submit the initial policy and procedure manual to the division for approval by April 1, 1993.

1. The division shall approve or disapprove the manual in writing within 60 days after submission. If the division approves the manual, the division shall notify the lockup administrator in writing of the approval.

2. If the division disapproves the manual, the division shall notify the lockup administrator in writing of the decision and the reasons for the disapproval. If the lockup administrator accepts the decision, the lockup administrator shall submit a revised manual which conforms with the decision within 21 days of the date of the disapproval. If the lockup administrator does not accept the decision of the division, then the lockup administrator may appeal under par. (b).

(b) *Appeal to secretary.* Within 21 days of the date of the disapproval, the lockup administrator may appeal the division's disapproval to the secretary. The secretary shall issue a decision within 30 days of the appeal. The decision shall be in writing and shall state the reasons for the decision. If required by the secre-

tary's decision, the lockup administrator shall modify the manual and resubmit it within 60 days of the decision to the division.

(c) *Changes to manual.* Any proposed substantive changes to an approved manual shall be submitted to the division and shall be reviewed under the procedures of this section.

**History:** Cr. Register, December, 1992, No. 444, eff. 1-1-93; emerg. renun. (1) (c) to be (1) (d) and am., cr. (1) (c), eff. 12-10-98; renun. (1) (c) to be (1) (d) and am., cr. (1) (c), Register, June, 1999, No. 522, eff. 7-1-99.

**DOC 349.17 Inmate health screening and care.** The manual under s. DOC 349.16 shall contain policies and procedures for inmate health screening and care, including the following components:

(1) Health screening form which is developed in conjunction with health care professionals and which is used at booking to obtain information relating to each inmate's medical and dental condition, medical illnesses or disabilities, mental illnesses, developmental disabilities, alcohol or other drug abuse problems and suicide risk.

(2) Procedures for the documentation of health screening results, referrals made or health care provided and maintenance of documents in an inmate's confidential medical file.

(3) Names, addresses and telephone numbers of health care providers or agencies who have agreed to provide emergency and other health care services for special needs inmates.

(4) Procedures for the referral of an inmate to lockup facility health care staff or to other agencies which provide health care.

(5) Designation of staff who have the authority to make health care decisions, including emergency medical and dental care.

(6) Documentation in an inmate's confidential medical file of any referral and identification of the services provided, including emergency services.

(7) Maintenance of agreements between the lockup facility and providers of health care services.

**History:** Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 349.18 Suicide prevention.** The manual under s. DOC 349.16 shall contain policies and procedures relating to the supervision and housing of inmates who may be at risk of seriously injuring themselves, including the following components:

(1) Assessment of an inmate's suicide risk at booking and documentation of the results.

(2) Designation of persons who may assess an inmate's level of suicide risk and who may authorize placement on and removal from a suicide watch status for inmates who are suicide risks.

(3) Identification of housing areas for inmates who are suicide risks.

(4) Referral of inmates who are suicide risks to mental health care providers or facilities.

(5) Supervision of inmates who are suicide risks, including frequency of observation and documentation of supervision.

(6) Communication between health care and lockup facility personnel regarding the status of an inmate who is a suicide risk.

(7) Intervention of a suicide in progress, including first aid measures.

(8) List of persons to be notified in case of potential, attempted or completed suicides.

(9) Documentation of actions and decisions regarding inmates who are suicide risks.

**History:** Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 349.19 Control and administration of medications.** The manual under s. DOC 349.16 shall contain policies

and procedures relating to the control and administration of prescription and nonprescription medications, including the following components:

(1) Determination by appropriate personnel that all medications brought in by inmates or other persons for an inmate are necessary.

(2) Inventory and secured storage of all medications brought into the lockup facility.

(3) Designation of staff who are authorized to administer or who are authorized to deliver medication to inmates.

(4) Administration or delivery of prescription and nonprescription medications to inmates.

(5) Documentation of all medication administered or delivered to an inmate, including who prescribed the medication, who administered or delivered the medications and the date and time of administration or delivery. All refusals of recommended or prescribed medications by an inmate must be documented.

(6) Return of an inmate's medications inventoried at admission.

(7) Inventory or disposal of unused medications upon the inmate's release or transfer.

**History:** Cr. Register, December, 1992, No. 444, eff. 1-1-93.

**DOC 349.20 Communicable disease control.** The manual under s. DOC 349.16 shall contain policies and procedures relating to the care, treatment and supervision of inmates who may have communicable diseases, including the following components:

(1) Provision of treatment and supervision of inmates during isolation or quarantine under s. 252.06 (6) (b), Stats.

(2) Documentation of the need for isolation or quarantine under s. 252.06 (6) (b), Stats., in the inmate's confidential medical file.

**History:** Cr. Register, December, 1992, No. 444, eff. 1-1-93; correction in (1) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.

**DOC 349.21 Detention of juveniles.** (1) A lockup may not be used for the secure detention of juveniles, except a lockup may be used to hold juveniles who are alleged to have committed a delinquent act.

(2) A lockup administrator may authorize the holding of a juvenile who is alleged to have committed a delinquent act only if all of the following criteria are met:

(a) Except as provided in this section, the lockup facility meets the provisions of this chapter and has been approved by the department as a suitable place for holding juveniles in custody.

(b) The lockup administrator shall have developed and implemented policies and procedures which ensure sight and sound separation between juveniles and adult inmates in all areas of the lockup facility, including entrances, booking, intake, elevators, staircases, cells, holding rooms, and all other areas in which juveniles could have contact with adult inmates.

(c) The lockup administrator shall have established and implemented policies and procedures to ensure that juvenile records are maintained in a confidential manner and kept separate from adult inmate records in accordance with s. 938.396, Stats.

(3) The lockup administrator may only authorize that a juvenile who is alleged to have committed a delinquent act be placed in secure custody status for a period of time not to exceed 6 hours.

(4) The lockup administrator may only authorize that a juvenile who is alleged to have committed a delinquent act be placed in secure custody status for investigative purposes.

(5) Lockup facility staff shall physically observe each juvenile and document each observation. The observations shall be at irregular intervals in accordance with the following schedule:

(a) Every juvenile at least once every 20 minutes.

(b) Every juvenile exhibiting behavioral or mental problems, such as mental disturbance, suicidal tendency, or being under the influence of alcohol or drugs, at least once every 15 minutes.

**History:** Emerg. cr. eff. 12-10-98; cr. Register, June, 1999, No. 522, eff. 7-1-99.