

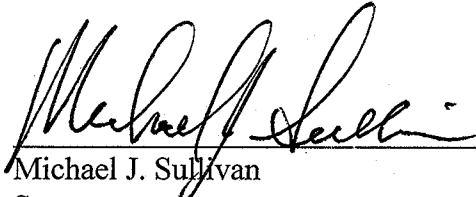
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF CORRECTIONS )

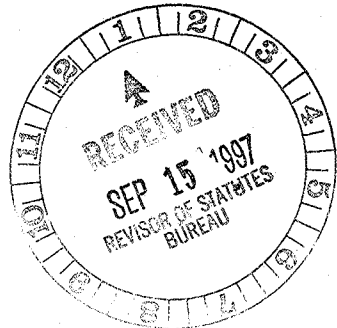
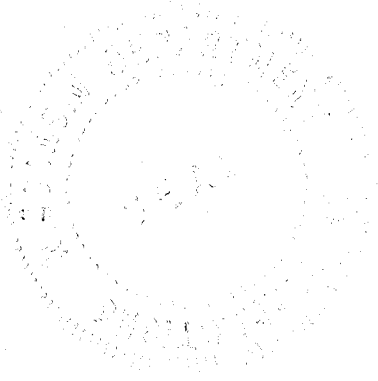
I, Michael J. Sullivan, Secretary, Department of Corrections, and custodian of the official records, certify that the annexed rules, relating to food, hygiene, and living quarters for inmates, were duly approved and adopted by the Department on September 15, 1997.

I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Corrections 149 E. Wilson Street in the City of Madison, this 15th day of September, 1997.

SEAL

  
Michael J. Sullivan  
Secretary



ORDER OF THE DEPARTMENT OF CORRECTIONS  
RENUMBERING, RENUMBERING AND AMENDING,  
REPEALING AND RECREATING, AND CREATING RULES

The Wisconsin department of corrections proposes an order to renumber DOC 309.38 (1), 309.38 (2), 309.38 (3), 309.38 (3) (a), and 309.38 (3) (c); to renumber and amend DOC 309.37, 309.38 (3) (d) and 309.38 (3) (e); to repeal and recreate DOC 309.38 (3) (b), 309.38 (3) (f), and 309.39; and to create DOC 309.24 (3) (e), relating to food, hygiene, and living quarters for inmates.

Statutory authority: ss. 301.03 (2), and 227.11 (2), Stats.  
Statutes interpreted: s. 302.08, Stats.

Analysis by the Department of Corrections

Some provisions of the department of corrections administrative rule related to food, hygiene, and living quarters for inmates have not been updated since it was created. With over 14 years of experience working with the rule, the department proposes to update the rule.

This rule:

1. Makes technical changes.
2. Removes the words "or religious" from the requirement that inmates who require a modified diet be provided the diet consistent with available resources while it retains the provision that an inmate may abstain from food that violates the inmates religion.
3. Requires, instead of recommends, that inmates who perform hazardous work assignments maintain suitably cropped hair or wear protective appliances or head gear for safety purposes.

4. Requires an inmate's fingernails not to exceed the end of the inmate's fingertips.

5. Permits new identification photographs of any inmate whose appearance changes.

6. Repeals the provisions related to housing emergency, number of inmates at an institution or to a room, and assignments to double and multiple occupancy during a housing emergency.

7. Allows the department to establish specific policies and procedures for limits on length of hair, mustaches, and beards to address health and safety concerns. The current rule states that there should be no limit on the growth of mustaches or beards or length of hair provided the style of wear does not cover the eyes.

SECTION 1. DOC 309.24 (3) (b) is created to read:

DOC 309.24 (3) (b) The department has the authority to regulate the length of hair, mustaches, and beards based upon institution health and safety concerns.

SECTION 2. DOC 309.24 (3) (e) is created to read:

DOC 309.24 (3) (e) The length of an inmate's fingernails may not exceed the end of the inmate's fingertips.

SECTION 3. DOC 309.24 (3) (g) is created to read:

DOC 309.24 (3) (g) An institution may require new identification photographs of any inmate whose appearance changes.

SECTION 4. DOC 309.25 is created to read:

DOC 309.25 MAINTAINING ORDERLY AND CLEAN LIVING QUARTERS. (1) An inmate shall keep assigned quarters neat and clean. Institution staff shall make necessary cleaning materials available to the inmate for this purpose.

(2) Bed sheets, pillow cases, and towels shall be changed at least once a week. Each inmate shall be provided with a standard

issue of blankets and similar items necessary for physical comfort. The inmate shall take proper care of these items.

(3) The warden may establish other appropriate specific policies and procedures to ensure the maintenance of clean quarters to maintain institution health and safety. These policies and procedures shall be in writing.

SECTION 5. DOC 309.37 is renumbered DOC 309.23 and amended to read:

DOC 309.23 (1) The department shall provide nutritious and high quality food for all inmates. Meals Menus shall satisfy ~~the standard of nutrition of the division of health, department of health & social services generally accepted nutritional standards.~~ The sanitation requirements set by the warden at each institution shall be in writing and set by the department shall also be satisfied.

(2) Each institution shall make written policies regulating eating outside the dining ~~hall~~ area. Institutions may forbid taking certain foods into ~~the living quarters and out of the dining room or out of the dining area and living quarters.~~

(3) The menu for each institution shall be posted ~~one~~ once a week ~~for the following week in advance of the meal. However, menus may be subject to change.~~

(4) Consistent with available resources, inmates who require a special modified diet for medical ~~or religious~~ reasons shall be provided with such a modified diet.

(5) An inmate may abstain from any foods that violate ~~his or her~~ the inmate's religion. Consistent with available resources, ~~such an inmate staff may~~ shall provide a substitute from other available foods from the menu at that meal. The substitution shall be consistent with sub. (1).

SECTION 6. DOC 309.38 (1) is renumbered DOC 309.24 (1).

SECTION 7. DOC 309.38 (2) is renumbered DOC 309.24 (2).

SECTION 8. DOC 309.38 (3) (intro.) is renumbered DOC 309.24 (3) (intro.).

SECTION 9. DOC 309.38 (3) (a) is renumbered DOC 309.24 (3) (a).

SECTION 10. DOC 309.38 (3) (b) is repealed.

SECTION 11. DOC 309.38 (3) (c) is renumbered DOC 309.24 (3) (c).

SECTION 12. DOC 309.38 (3) (d) is renumbered DOC 309.24 (3) (d) and amended to read:

DOC 309.24 (3) (d) Inmates performing work assignments that may reasonably be considered to be hazardous ~~should~~ shall be required to maintain suitably cropped hair or wear protective appliances or headgear for safety purposes.

SECTION 13. DOC 309.38 (3) (e) is renumbered DOC 309.24 (3) (f) and amended to read:

DOC 309.24 (3) (f) Use of hair pins, barrettes, or curlers are permitted under such policies and procedures established by the ~~superintendents~~ warden. These policies and procedures shall be in writing.

SECTION 14. DOC 309.38 (3) (f) is repealed.

SECTION 15. DOC 309.39 is repealed.

SECTION 16. Appendix (Note) DOC 309.37 is renumbered DOC 309.23 and is amended to read:

Amend sentence #1 paragraph #1 to read:

DOC ~~309.37~~ 309.23...

Amend sentence #1 paragraph #4 to read:

Subsection (4)...~~or religious~~...

Delete sentence #2 paragraph #4.

SECTION 17. Appendix (Note) DOC 309.38 is renumbered DOC 309.24 and is amended to read:

Amend sentence #1 paragraph #1 to read:

DOC ~~309.38~~ 309.24...

Delete sentence #2 paragraph #3.

SECTION 18. Appendix (Note) DOC 309.39 is repealed.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Corrections

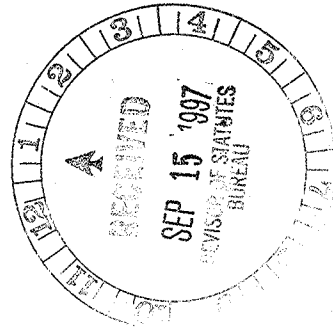
Dated: \_\_\_\_\_

9/13/97

By: \_\_\_\_\_

Michael J. Sullivan  
Michael J. Sullivan  
Secretary

Seal:



Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



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## State of Wisconsin Department of Corrections

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September 15, 1997

Bruce Munson  
Revisor of Statutes Bureau  
131 West Wilson Street, Room 800  
Madison, Wisconsin 53703-3222

Dear Mr. Munson:

Pursuant to s. 227.20 Stats., the Department of Corrections submits a certified and uncertified copy of a portion of DOC 309, relating to food, hygiene, and living quarters for inmates.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan

Attachment

