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**WISCONSIN ADMINISTRATIVE CODE**  
**DEPARTMENT OF CORRECTIONS**  
**CHAPTER DOC 310. COMPLAINT PROCEDURES**  
Current through Reg. No. 598 (October, 2005)

DOC 310.07 Organization of inmate complaint review system.

(1) To use the complaint system, an inmate files a complaint under ss. DOC 310.09, 310.10 or 310.16(4).

(2) The ICE then may do any of the following:

(a) Investigate the complaint under s. DOC 310.11 or 310.16 (4).

(b) Return complaint forms that do not meet the filing requirements of this chapter.

(c) Recommend a decision to the appropriate reviewing authority under s. DOC 310.12 (1) or to the secretary under s. DOC 310.13 (6).

(3) The appropriate reviewing authority or secretary makes a decision under s. DOC 310.12 (2) or 310.14 (2).

(4) An inmate may appeal an adverse decision under s. DOC 310.11 (6) or 310.13.

(5) The reviewing authority's decision on appeals under s. DOC 310.11 (6) and the secretary's decision on complaints under s. DOC 310.16 (4) is final.

(6) The CCE reviews appeals under s. DOC 310.13 and makes a recommendation to the secretary.

(7) The secretary shall review the CCE's report, make a decision under s. DOC 310.14, and ensure implementation under s. DOC 310.15.

History: CR 02-038: cr. Register November 2002 No. 563, eff. 12-1-02.  
<General Materials (GM) - References, Annotations, or Tables>

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Current through Reg. No. 598 (October, 2005)

DOC 310.09 Filing of complaints.

(1) Complaints filed by an inmate or a group of inmates shall:

(a) Be typed or written legibly on forms supplied for that purpose.

(b) Be signed by the inmate.

(c) Not contain language that is obscene, profane, abusive, or threatens others, unless such language is necessary to describe the factual basis of the substance of the complaint.

(d) Be filed only under the name by which the inmate was committed to the department or the legal name if an inmate has had a name change.

(e) Contain only one issue per complaint, and shall clearly identify the issue.

(2) Inmates may not file more than 2 complaints per calendar week, except that the ICE may waive this limit for good cause. The ICE shall exclude complaints that raise health and personal safety issues from this limit.

(3) The ICE shall return, and not process as complaints, submissions that do not meet the requirements under sub. (1).

(4) Prior to accepting the complaint, the ICE may direct the inmate to attempt to resolve the issue.

(5) The institution shall make complaint forms accessible to inmates.

(6) An inmate shall file a complaint within 14 calendar days after the occurrence giving rise to the complaint, except that the institution complaint examiner may accept a late complaint for good cause.

(7) The department shall not exclude impaired, handicapped or illiterate inmates from full participation in the ICRS. If an inmate is unable to write a complaint, the inmate may seek assistance in doing so.

(8) An inmate shall file a signed complaint by depositing it in a locked box designated for complaints or by submitting it to the office of the ICE via institution mail.

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History: CR 02-038: cr. Register November 2002 No. 563, eff. 12-1-02.

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DOC 310.11 Processing complaints at the institution level.

- (1) ICE staff shall collect all complaints.
- (2) The ICE shall assign each complaint a file number, classification code, and date for purposes of identification. The ICE shall review and acknowledge each complaint in writing within 5 working days after the date of receipt by the ICE.
- (3) The ICE shall use discretion in deciding the method best suited to determine the facts, including personal interviews, telephone calls, and document review, except that the processing of complaints under s. DOC 310.08 (3) shall be limited to review of the record. The ICE shall give priority to complaints dealing with health or personal safety.
- (4) The ICE shall direct complaint recommendations to the appropriate reviewing authority.
- (5) The ICE may reject a complaint for the following reasons:
  - (a) The inmate submitted the complaint solely for the purpose of harassing or causing malicious injury to one or more of the department's employees, agents, independent contractors, or any other person.
  - (b) The inmate does not raise a significant issue regarding rules, living conditions, or staff actions affecting institution environment.
  - (c) The inmate does not allege sufficient facts upon which redress may be made.
  - (d) The inmate submitted the complaint beyond 14 calendar days from the date of the occurrence giving rise to the complaint and provides no good cause for the ICE to extend the time limits.
  - (e) The issue raised in the complaint does not personally affect the inmate.
  - (f) The issue is moot.
  - (g) The issue has already been addressed through the inmate's prior use of the ICRS.
  - (h) The issue raised is not within the scope of the ICRS as defined in s. DOC

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310.08.

(6) An inmate may appeal a rejected complaint within 10 calendar days only to the appropriate reviewing authority who shall only review the basis for the rejection of the complaint. The reviewing authority's decision is final.

(7) If an ICE determines that the procedure under this chapter would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm, the ICE shall refer the complaint to the appropriate reviewing authority.

(8) Staff shall respond in writing, if requested, to an inquiry by an ICE investigating a complaint.

(9) If an inmate is transferred after an incident but before filing a complaint, the inmate shall file the complaint at the currently assigned institution. The ICE shall forward the complaint to the ICE at the appropriate institution for investigation and decision.

(10) The ICE shall note the persons interviewed and the documents used as a basis for the decision.

(11) The ICE shall either reject the complaint or send a recommendation to the appropriate reviewing authority within 20 working days from the date of acknowledgment.

History: CR 02-038: cr. Register November 2002 No. 563, eff. 12-1-02.  
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DOC 310.12 Appropriate reviewing authority decision.

(1) The appropriate reviewing authority shall make a decision within 10 working days following receipt of the recommendation.

(2) The appropriate reviewing authority shall do one of the following:

- (a) Dismiss the complaint.
- (b) Dismiss the complaint with modifications.
- (c) Affirm the complaint.
- (d) Affirm the complaint with modifications.
- (e) Return the complaint to the ICE for further investigation.

(3) If the complainant does not receive the decision within 30 working days after the ICE acknowledges receipt of the complaint under s. DOC 310.11 (2), the complainant may appeal to the CCE.

History: CR 02-038: cr. Register November 2002 No. 563, eff. 12-1-02.  
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DOC 310.13 Review by corrections complaint examiner.

(1) A complainant dissatisfied with a reviewing authority decision may, within 10 calendar days after the date of the decision, appeal that decision by filing a written request for review with the corrections complaint examiner on forms supplied for that purpose. The institution shall make these forms accessible to inmates.

(2) Upon good cause, the CCE may accept for review an appeal filed later than 10 calendar days after receipt of the decision.

(3) The CCE shall not review a rejected complaint.

(4) The CCE shall, within 5 working days after receiving an appeal, issue a written receipt of the appeal to the inmate.

(5) The CCE shall use discretion in deciding the method best suited to determine the facts, including personal interviews, telephone calls, and document review. The CCE shall have full access to inmates, staff, physical plant, and department records. If an appeal necessitates resolution of disputed issues of fact, the CCE may require sworn statements from the principals. The CCE shall give priority to complaints dealing with health or personal safety.

(6) The CCE shall recommend a decision to the secretary within 35 working days of receipt of the appeal.

History: CR 02-038: cr. Register November 2002 No. 563, eff. 12-1-02.  
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DOC 310.14 Secretary's decision.

(1) The secretary shall make a decision within 10 working days following receipt of the CCE's recommendation. The secretary may extend the time for making a decision for cause and upon notice to the inmate.

(2) The secretary shall do one of the following:

(a) Accept the recommendation of the CCE and adopt it as the decision.

(b) Adopt the recommendation of the CCE with modifications.

(c) Reject the recommendation of the CCE and make a decision.

(d) Return the appeal to the CCE for further investigation.

(3) If the inmate does not receive the secretary's written decision within 45 working days of the CCE's acknowledgement of receipt of the appeal, the inmate shall consider the administrative remedies to be exhausted, unless the time has been extended under sub. (1).

History: CR 02-038: cr. Register November 2002 No. 563, eff. 12-1-02.  
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