

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JULIE, PATTY, BRIAN, JEFF, TODD and
JOHNNY, minors, on their own behalf
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

WILLIAM BLACK, in his official
capacity as La Crosse County Sheriff
and COUNTY OF LA CROSSE, WISCONSIN,

Defendants.

CONSENT JUDGMENT

Case No. 81-C-455

Julie v. Black



JI-WI-002-001

The parties, by counsel, hereby agree to, and submit to the
court for entry, the following Judgment resolving all issues in
this case.

Now, therefore, upon consent of the parties, it is HEREBY
ORDERED, ADJUDGED, and DECREED:

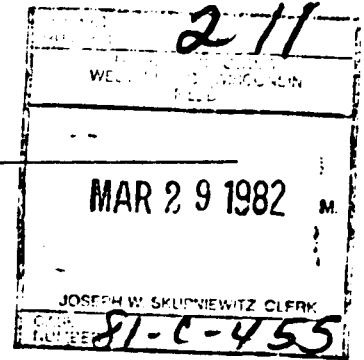
Plaintiffs are six individual juveniles who have been held
in the La Crosse County Jail. For purposes of declaratory and
injunctive relief, plaintiffs represent the class of juveniles
who are or will be held in the La Crosse County Jail, located in
La Crosse, Wisconsin. As used herein, the term "plaintiffs"
shall refer both to individually named plaintiffs and the class
they represent.

Defendants are:

1. William Black, in his official capacity as La Crosse
County Sheriff. Sheriff Black is in charge of and has custody
over the La Crosse County Jail and the persons held therein;

2. The County of La Crosse, Wisconsin.

*Copies of this document mailed to Atty Nirsch, Fitzpatrick, Birnbaum
Slack, Koby, Shepherd, Mone, Mathis & Robertshaw on
March 30, 1982 by L. Richter, Deputy Clerk.*



INTRODUCTION

This is an action for declaratory, injunctive, and monetary relief brought pursuant to 42 U.S.C. §1983.

Plaintiffs have alleged deficiencies in the operation of the jail which they contend are violative of their rights under the United States Constitution.

Jurisdiction over this case is present under 28 U.S.C. §1331 and §1343(3).

The parties hereto acknowledge that incarcerated or detained juveniles occupy a status different from similarly situated adults. In imposing detention upon juveniles, the state stands towards them as *parens patriae* and the state can meet the United States Constitution's requirements of due process and prohibition of cruel and unusual punishment if, and only if, it furnishes adequate care to the detainee.

In accordance with these principles, by consent, the above-named defendants are hereby enjoined to follow, so long as the La Crosse County Jail is used as a secure detention facility for juveniles, the following minimum policies and standards relating to the detention of juveniles in the La Crosse County Jail. For purposes of this consent decree, the parties stipulate that in the past not all of these policies and standards have in their entirety been applied to all class members.

As used herein, the terms "jail sergeant" and "sergeant" shall refer to that officer of the La Crosse County Sheriff's Department who is immediately below the Sheriff and Undersheriff

in the chain of command and who is officially responsible for the overall operation and supervision of the La Crosse County Jail.

I. INTAKE AND BOOKING

1. Juveniles shall not be accepted for jail confinement unless authorized and accompanied by an intake worker (Request for Temporary Physical Custody form J1-03) or ordered by a judge (Order for Secure Temporary Physical Custody in a County Jail form CD-24B). A capias or a warrant, although sufficient grounds for taking a child into custody, is not alone sufficient for jail confinement unless there is a personal intake interview and one of the state approved forms (currently J1-03 or CD-24B) has been completed. The only exception to this rule is 16- and 17-year-olds who are charged with traffic violations.
2. Juveniles shall be thoroughly screened during the booking process for medical and mental health status by medical personnel or by officers who are specifically trained by medical personnel to do such screening, using a screening form to be developed by the physician and mental health personnel who are responsible for care of jail inmates.
 - a) The screening form shall include verbal inquiry into pregnancy, venereal disease, current illnesses and health problems, current medications, and

immunizations; and visual observation of body deformities, trauma markings, bruises, lesions, skin condition, including jaundice, rashes and infestations, visible illnesses, disorientation, and intoxication from alcohol or drugs. The form shall also require that the jail staff member state what action is necessary with regard to the child's medical care, and to document efforts to provide that care.

b) If the screening is not conducted by the nurse, the nurse shall review the medical and mental health screening form with the child, within 24 hours of admission.

3. Juveniles who, in the judgment of the jailer, intake worker, or judge, exhibit significant mental or emotional distress or medical problems shall not be admitted to the jail but shall be transported to the appropriate mental health or medical facility. Transportation shall be the primary responsibility of the arresting agency. County traffic police shall be secondarily responsible.
4. Juveniles shall be given an opportunity to call an attorney as soon as practicable, but at least within one hour from the time they are physically brought to the jail.
5. Juveniles shall be given an opportunity to call a parent, relative, or surrogate parent as soon as

practicable, but at least within one hour from the time they are physically brought to the jail.

6. Juveniles shall be provided with a written summary of jail rules and policies, governing rules of behavior and access to services, and the written rules and policies shall be orally summarized by the admitting officer.

II. SEPARATION AND OVERCROWDING

1. While in the jail, juveniles will be kept out of physical contact with adult inmates at all times, including during booking. Juveniles shall be housed out of sight of adult inmates and shall be sound separated to the extent practicable. When out of their cellblocks in the jail or while being transported, juveniles shall be kept out of contact, sight, and sound of adult inmates to the extent reasonably possible.
2. No juvenile may be held in a cell or block which contains more than the number the cell or block was designed to contain. When more juveniles are detained than can be physically housed in accordance with this standard, the additional children will be transferred to another statutorily permitted facility where they will be kept under supervision of a jail staff member. In extreme emergencies and when the use of another facility is not possible, more juveniles may be held in a cellblock than it was designed to hold, for up to 24 hours if a juvenile court judge authorizes the

overcrowding, and the block checks described at III.4. are made at least every 15 minutes.

3. Written policies and procedures exist which ensure that Satisfactory care, housing, and supervision, in accordance with all other rules, be maintained when the regular juvenile cellblock is filled to capacity.

III. SUPERVISION AND MONITORING

1. The sheriff shall establish a chain of command which includes designation of an officer-in-charge for all shifts and a system of immediate verbal reports to the jail sergeant or one of the sergeant's superiors of emergencies or other unusual occurrences relating to the health or safety of the inmates.
2. Adequate staff, equipment, and physical layout shall enable an officer to be within call of juveniles at all times. Officers shall be required to be able to hear calls from juveniles at all times.
3. Staff shall respond to emergency calls from the juvenile cellblock immediately; all other calls must be responded to as soon as possible, but no longer than ten minutes from the time of the call.
4. Inner block checks shall be made at least every half hour, at irregular intervals, and documented on a block check sheet. Such checks require the jailer to physically enter the cellblock area and observe the condition of each resident between 6:00 a.m. and

10:00 p.m. From 10:00 p.m. to 6:00 a.m., jailers shall check the cellblocks at least every half hour at irregular intervals from both the hallway and from the catwalk. These checks shall be documented by block check sheets kept in the hallway and catwalk. However, when there are only one or two juveniles confined, and their cells can be fully observed from the hallway, checks need not be made from the catwalk.

5. In completing the block check sheet, the jailer shall note general resident activity, unusual events, requests, special needs, the responses made to requests and needs, and other information which will alert other officers to conditions affecting the care and supervision of the juveniles.
6. A log book shall be maintained, recording in detail any significant or unusual occurrences or observations which may have a bearing on the health or safety of the residents, such as signs or reports of physical illness, fights, threats to the safety or health of self or others. Entries in the log book shall be made as soon as practicable after the occurrence or observation, and before the end of the shift. The officer-in-charge shall be responsible for the maintenance of the log book.

IV. MEDICAL AND MENTAL HEALTH

1. Medical and mental health screening shall be performed

by appropriate personnel upon admission. Appropriate personnel includes medical personnel or officers specifically trained by medical personnel to do such screening. A screening form, developed by the physician and mental health personnel who are responsible for care of jail inmates, shall be used. (See Section I.)

2. Medical information shall be sought by intake workers from parents and other available sources during the intake process.
3. Juveniles requiring medical treatment at admission shall be provided such treatment immediately, at a medical or hospital facility, if necessary.
4. Juveniles exhibiting or known to be suffering significant emotional distress will be transported to the appropriate mental health facility, and not admitted to the jail until discharged from the health facility or until after the health facility refuses admission.
5. The sheriff and county shall contract with a physician or clinic to design and supervise medical care in the jail. The physician or clinic shall prepare a written plan for medical, dental, and mental health care 24 hours a day, and shall specifically detail procedures to be followed in emergencies.
6. Juveniles shall be checked daily for any signs of mental and emotional distress. When juveniles exhibit such signs, including but not limited to, uncontrollable crying, hallucinations, extremely erratic behavior or

movement, self-harming behavior or threats of self-harming behavior, or severe withdrawal, jailers shall immediately make arrangements for the juvenile to be evaluated as soon as possible. Pending the evaluation, the child shall be kept under constant observation. A psychologist, psychiatrist, or psychiatric social worker shall perform the evaluation, provide necessary services, and state conclusions of the evaluation and orders regarding services in writing. Juveniles who are suffering significant mental and emotional distress shall be removed from the jail.

7. Isolation cells shall not be used. If the juvenile requires removal from the general population for reasons of mental or emotional distress, emergency measures shall be taken to ensure that the youth is provided on-going contact with trained staff or trained volunteers to prevent consequences of removal.
8. When juveniles notify correctional officers of injuries or ill health, the officers shall immediately report those complaints to the nurse, who shall be responsible for evaluating the medical needs of the juvenile. If the nurse is unavailable, other medical evaluation must be obtained. The name, address, and telephone numbers of the jail nurse, consulting physicians and dentists, as well as hospitals and clinics which provide care to jail inmates shall be readily available to all staff.
9. The jail nurse shall personally visit each juvenile

daily to inquire into health problems or complaints, to provide medical care, and to monitor each juvenile's health.

10. No medication shall be administered to any juveniles unless it is prescribed by a physician, given under direction of the jail nurse, and taken voluntarily by the resident. Whenever medication is administered, it shall be recorded in a "medication log" maintained by the jail nurse. The log shall contain the name of the juvenile, the medication prescribed, the dosage, the prescribing physician, special instructions, the time the medication was prescribed, and the signature of the person who administered the medication.

V. HYGIENE AND NUTRITION

1. Upon admission, juveniles shall be given toothpaste, toothbrush, soap, comb, toilet paper, and bath and face towels.
2. Shampoo, drinking cups, showers, and shaving materials shall be provided daily; sanitary napkins and tampons provided as needed. Deodorant will be provided daily if it is available in individual quantities, such as deodorant pads.
3. Mattress, pillow, clean sheets, and adequate blankets shall be provided upon admission.
4. Upon admission, juveniles will be given a clean jail uniform. Unless the juvenile prefers to wear the jail

uniform, his or her own clothing will be searched, laundered, if necessary, and returned to the juvenile the day after his or her admission to the jail.

Additional clothing may be brought for juveniles. Such clothing shall be searched by a jailer, laundered, if necessary in the opinion of the jailer, and given to the juvenile as soon as possible, but within 24 hours. The jail will allow clean underwear and socks daily if the child wishes to wear underwear and socks, and has his or her own. Juveniles shall not be allowed to wear their own shoes without special permission, but must wear jail tennis shoes. Liability for damage to any personal clothing damaged by laundering will be assumed by La Crosse County.

5. Laundry: towels and outerclothing - twice weekly; sheets - weekly, more often if needed.
6. Cells shall be thoroughly cleaned after removal of a child from a cell, and before placement of another child in the cell.
7. Juveniles shall be given necessary supplies and an opportunity to clean their cells and cellblock daily.
8. Meals shall be prepared under sanitary conditions, as prescribed by state rules.
9. Meal plans shall be approved by a dietician as sufficient to meet nutritional needs of adolescents. Milk or fruit juice shall be provided with each meal.
10. Juveniles shall be allowed to supplement meals with

daily canteen privileges.

VI. VISITATION

1. Parents, immediate family, surrogate parents:

a) Allowed daily, 5:00 p.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends and holidays, except between the hours of 7:00 to 8:00 p.m. on Wednesdays and 1:30 to 3:00 p.m. on Sundays and holidays. No length restriction of less than one-half hour. Special provision for visitation shall be made by the sergeant or one of the sergeant's superiors for those who have difficulty visiting during those hours.

b) Allowed in a private area allowing for physical contact, unless there is a clear and present danger of physical injury. If contact is not allowed, reasons must be documented, and child and visitors given the right to appeal the decision to the jail sergeant, sheriff, and juvenile court judge.

c) No age restrictions, so long as a minor visitor is accompanied by a parent, surrogate parent, or adult family member.

2. Relatives and friends:

a) Allowed daily, 9:00 a.m. to 9:00 p.m. except between the hours of 7:00 to 8:00 p.m. on Wednesdays and 1:30 to 3:00 p.m. on Sundays and holidays. No length restrictions of less than one-half hour.

- b) Allowed in the jail visitation booths.
 - c) No age restrictions.
 - d) Parents, surrogate parents, and immediate family may also visit at visitation booths during the hours set forth in VI.2.a).
3. Attorney, social workers, mental health professionals, religious advisors:
- a) Allowed daily, unlimited hours.
 - b) Allowed in a private area allowing for physical contact, unless there is a clear and present danger of physical injury. If contact is not allowed, reasons must be documented, and child and visitors given the right to appeal the decision to the jail sergeant, sheriff, and juvenile court judge.

VII. TELEPHONE

1. Access to uncensored and unmonitored outgoing telephone calls from 9:00 a.m. to 9:00 p.m. by provision of telephones and jacks in the cellblocks.
2. Whenever possible, residents shall be allowed to receive incoming calls. Between 9 a.m. and 9 p.m., if the resident cannot receive an incoming call, a message must be given to the resident within 30 minutes and an opportunity must be given to return the call within 60 minutes. Emergency messages will be delivered immediately. Other messages received after 9 p.m. will be delivered the next morning.

VIII. MAIL

1. Mail to and from attorneys, the court, facility officials, and government officials may be sent and received sealed and uninspected, and at no cost to the juvenile.
2. General outgoing mail is not opened or inspected.
3. General incoming mail may be opened in front of the juvenile and inspected for contraband. It may not be read or censored, unless contraband which may constitute evidence of a crime is found.
4. Jail provides juveniles with writing supplies. In addition to the postage supplied pursuant to number 1 above, if the juvenile does not have money in the canteen account, the jail will provide one stamp per day.
5. No limit on amount of mail.
6. Mail delivered and sent same day it is received by jail staff.

IX. RULES, DISCIPLINE, AND CONTROL

1. The use of handcuffs and shackles shall be prohibited for punishment or for any other purpose in the jail. Where handcuffs or shackles are used for transportation, they shall be put on just prior to the juvenile leaving the jail.
2. Written rules of resident conduct, worded positively,

specify acts prohibited within the facility and penalties that may be imposed for various degrees of violation. The penalties bear a reasonable relationship in type and severity to the conduct proscribed.

3. A summary of written rules shall be given to, and explained to, each new resident.
4. Juveniles shall not be disciplined for a rule violation until they have had an opportunity to explain the circumstances to the officer in charge. If discipline is imposed, the officer must maintain a written record of the incident, the determination, the disciplinary measures taken, and the reasons therefore. The policies and procedures shall be reasonable.
5. The disciplining of a juvenile or of a group for the misbehavior of another juvenile shall be prohibited.
6. Juveniles shall not be disciplined or controlled by corporal or unusual punishment, intentional humiliation, psychological or mental abuse, or interference with daily functions of living. Prohibited disciplinary and control measures include, but are not limited to, loss of regular meals, clothing, sleep, hygiene, health care services, educational opportunity, all exercise, correspondence and telephone contact with family and attorneys, contact with family and attorneys, and access to court; the use of chemical agents; or adjustment of temperature in the juvenile living area. Reading materials may not be withheld unless there is reason to

believe they will be damaged.

7. Juveniles shall never be placed in isolation or segregation cells designed for the administrative or disciplinary segregation of adults. They may be confined to their own cells for purposes of discipline for violation of jail rules, but no more than one hour for each offense. Confinement to a juvenile's own cell may be used for purposes of control when the juvenile presents serious danger of harm to himself, herself, or others, or when there are extraordinary circumstances creating a serious risk to jail security. The juvenile shall be released from the cell when the danger has ended. A juvenile may not be confined to a cell for more than one hour without the approval of the jail sergeant or one of the sergeant's superiors. A juvenile may not be confined for more than six hours unless the sergeant or one of the sergeant's superiors personally visits the juvenile and approves of the continued confinement. The sergeant or one of the sergeant's superiors shall continue to visit the juvenile and approve the continual confinement every six hours until the juvenile is released. The juvenile may not be held in room confinement for more than 24 hours unless such confinement is reviewed and approved by the juvenile court judge, and the judge shall review and approve such confinement daily until the juvenile is released. Notice of any room confinement for more than 24 hours

shall be promptly sent to the responsible Department of Health and Social Services jail inspector. During room confinement, daily functions and activities shall be maintained to the extent possible. The prohibitions stated in IX.6., above, apply. Any other limitations on daily functions and activities after a juvenile is placed in his or her cell must be approved by the jail sergeant or one the sergeant's superiors. The juvenile shall be checked by a staff member at least once every 15 minutes. Whenever a juvenile is placed in room confinement, a detailed record shall be kept, including the time of confinement and release, the reasons for it, times of observation of the juvenile, visits, and approvals. This section shall not apply to routine night lockup in the juvenile's own cell between the hours of 10:00 p.m. and 6:00 a.m.

X. RECREATION AND EXERCISE

1. Juveniles are given at least one hour each day for large muscle exercise in the dayroom of the cellblock. As soon as possible, but in no event longer than 120 days from County Board approval of this agreement, juveniles shall be given a daily opportunity for exercise in an area outside their cellblocks which will be developed as a jail recreation area suitable for large muscle exercise. The equipment in the recreation area will include a ping pong table, a universal gym, an

exercise bicycle and a television. Juveniles will be permitted to use the recreation area for at least one hour each day and each juvenile will be permitted to use the area for as much time as each adult inmate is allowed to use the area. If a juvenile does not wish to exercise, the juvenile shall be allowed to engage in other recreation in the recreation area.

2. Juveniles shall be given a daily opportunity to choose books and magazines from materials provided by the county. The materials shall be up to date and appropriate for juveniles.
3. Juveniles shall be provided with recreation materials including, but not limited to, playing cards, puzzles, and table games.
4. Juveniles shall have regular access to television and radio.

XI. EDUCATION

1. The following provisions regarding education shall apply only during the school year: In the event a detention hearing results in the continued detention of a juvenile, the La Crosse County social worker assigned to the juvenile shall make arrangements for the juvenile to receive educational instruction from a certified teacher. The social worker shall notify the sergeant or one of the sergeant's superiors as to the arrangements which have been made for the juvenile's education. If

the sergeant or one of the sergeant's superiors do not receive confirmation of the arrangements within 48 hours, exclusive of weekends, of the admission of the juvenile to the jail, then the sergeant or one of the sergeant's superiors shall check with the juvenile's social worker to see that arrangements have been made for the juvenile's instructions.

2. When the juvenile who has been attending school is confined, arrangements shall be made involving either attending his or her school or for providing the juvenile with substantially equivalent instruction by a certified teacher.

When a juvenile who has not been attending school is confined, he or she must be provided the opportunity for education instruction by a certified teacher.

3. If the juvenile requests school arrangements before the detention hearing, the above arrangements shall be made as soon as possible.

XII. TRANSPORTATION

1. When juveniles are transported outside the jail, physical restraints will not be used, except in the following circumstances:
 - a) In transporting a child to Lincoln Hills or between counties, physical restraints may be used when, in the judgment of the sheriff, their use is necessary to protect the safety of others or to prevent escape.

In arriving at a decision regarding restraints in each case, the sheriff shall consider factors such as the child's prior record, prior escape attempts, pending charges, and information indicating an intent to escape. While both leg irons and handcuffs may be used, if necessary, restraints shall be used in the least restrictive way, for the shortest period of time necessary, and in the manner least likely to cause unnecessary pain, embarrassment, or humiliation to the juvenile. In accordance with these principles, it is anticipated that normally fewer body restraints will be used when juveniles are transported in secured vehicles.

- b) When the La Crosse County Sheriff or Traffic Department transports a child to a local hospital or elsewhere in La Crosse County, or within the courthouse, handcuffs may only be used when, in the judgment of the transporting officer, their use is necessary to protect the safety of others or to prevent escape. In arriving at a decision regarding the use of handcuffs in each case, the officer shall consider factors such as the child's prior record, prior escape attempts, the pending charge, and information indicating an intent to escape.
- Handcuffs shall be used for the shortest period of time necessary, and in the manner least likely to cause unnecessary pain, embarrassment, or humiliation

to the juvenile. Leg irons shall not be used unless a court order specific to that circumstance is first obtained.

2. Unless there is a court order on file authorizing use of restraints, whenever physical restraints are used, the sheriff or the responsible officer shall prepare a brief written report stating the reasons for using the restraints. The report shall be placed in the child's jail file.
3. While awaiting transportation outside the jail, and during transportation, juveniles are kept separate from adults.

XIII. TRAINING

1. All new staff receives at least ten (10) hours of training prior to beginning employment and an additional thirty (30) hours within the first year of employment, on the care and supervision of juveniles, including explanation of state laws and administrative regulations about juveniles, the jail rules and policies regarding juveniles, and training about screening and recognition of symptoms of physical medical problems, mental illness and emotional distress, and records and reports, as well as general instruction on the care and supervision of juveniles.*
2. After their initial training, all staff shall continue to receive at least fifteen (15) hours of training on

the care and supervision of juveniles annually.

3. Records shall be kept of each employee's training.

*All current staff will receive ten (10) hours of this training within 60 days of County Board approval of this agreement, and an additional thirty (30) hours within one year of such approval.

XIV. GRIEVANCE PROCEDURE

1. The jail shall establish a grievance procedure designed to give juveniles an orderly, fair, simple, and expeditious method of resolving grievances. The grievance procedure shall be a supplement to informal channels of problem resolution such as personal discussion between the juvenile and the jailer, and it should not be designed as an adversary process.
2. Grievances may include, but are not be limited to, complaints about application of jail rules, policies and procedures.
3. The grievance procedure shall include a method for the juvenile to state his grievance in writing, meeting with the jail sergeant within a reasonable time to determine if the matter can be resolved, and a meeting with the sheriff if resolution is not achieved with the jail sergeant. If the resident is not satisfied at that stage, (s)he shall be given an opportunity to notify the juvenile court judge.

The defendants herein are further enjoined to maintain juvenile Rules and Regulations in conformity with the above minimum policies and standards. A copy of approved Rules and Regulations is attached hereto and incorporated by reference. La Crosse County or the La Crosse County Sheriff's Department may propose changes to these Rules and Regulations which must conform with the above minimum policies and standards and must first be approved by the independent compliance monitor. Counsel for the plaintiffs herein shall be informed of the proposed changes and be given an opportunity to object or otherwise state their position. Plaintiffs or their counsel may not propose changes in the Rules and Regulations.

COMPLIANCE

By consent of the parties and to assure that the above minimum standards are adhered to, it is further ordered that:

(a) The County Board shall assure that the County Personnel and Safety Supervisor, under the direction of the County Personnel Director, shall act as a compliance officer to monitor compliance by the defendants with this Judgment. Such compliance officer will report to the La Crosse County Board Law Enforcement Committee periodically, but no less than two times each year. It is understood by the parties that the County Board has, by resolution, created such a position.

(b) An independent compliance monitor, as an officer of

this Court, shall monitor the enforcement of this order by visiting the jail, inspecting the jail facility, interviewing juveniles and appropriate officials, inspecting records, and taking whatever other action he deems necessary. It is specifically understood that the independent compliance monitor is to assume an impartial role as an officer of the Court to see that the Court's order is complied with, attempt to resolve disputes, and approve and disapprove of proposed modifications of the jail rules. He shall perform his duties in a manner least intrusive of the normal operations of the jail.

For the first two years following entry of this Judgment, the independent compliance monitor may, as he deems necessary, conduct up to one monitoring visit to the jail per month. He may additionally make monitoring visits and inspections to the jail in response to specific complaints received from juveniles or counsel. For the first two years, the independent compliance monitor shall file reports of his findings with plaintiffs' counsel, the La Crosse County Sheriff, the La Crosse County Corporation Counsel, and the La Crosse County compliance officer twice each year.

For the third, fourth, and fifth years following entry of this Judgment, the independent compliance monitor may, as he deems necessary, conduct up to one monitoring visit every two months, and in response to specific complaints received from juveniles or their counsel. During the third, fourth, and fifth year, the independent compliance monitor shall file reports of his findings with plaintiffs' counsel, the La Crosse County

Sheriff, the La Crosse County Corporation Counsel, and the La Crosse County compliance officer annually.

The term of the independent compliance monitor shall expire in five years unless otherwise ordered by the Court. If, before that time, the independent compliance monitor withdraws or is unavailable to perform his duties, he shall give such notice to the Court and plaintiffs' counsel, La Crosse County Sheriff, and the La Crosse County Corporation Counsel. They shall, upon notice, be given an opportunity to be heard regarding the appointment of a successor by the Court.

The defendants shall fully cooperate with the efforts of the County compliance officer, and the independent compliance monitor in the conduct of monitoring, and shall provide them with access to all areas of the jail and to all juvenile inmates therein, and further shall permit them to inspect all records pertaining to the confinement and detention of juveniles in the La Crosse County Jail. The County compliance officer, and the independent compliance monitor shall maintain the confidentiality of all such records, and may not disclose the identities or identifying information regarding any juvenile inmates except upon order of this Court, or an appropriate state court.

By consent of the parties, Attorney Stuart Robertshaw is hereby appointed independent compliance monitor.

DAMAGES AND ATTORNEYS' FEES

Without admitting liability for, and while specifically

denying liability to, the plaintiffs for compensatory damages, the defendants agree that to settle the named plaintiffs' claims, the amount of \$3,500.00 will be paid. Said settlement is approved, and shall be distributed to the individually named plaintiffs as follows:

- (1) To plaintiff JULIE, \$500;
- (2) To plaintiff PATTY, \$500;
- (3) To plaintiff BRIAN, \$500;
- (4) To plaintiff JEFF, \$500;
- (5) To plaintiff TODD, \$1,000; and,
- (6) To plaintiff JOHNNY, \$500.

In return, for the above monetary settlement, named plaintiffs agree to dismissal of their claims for compensatory and punitive damages upon the merits and with prejudice. Dismissal of such claims upon the merits and with prejudice is accordingly ordered.

Plaintiffs are awarded \$6,500.00 in attorney's fees and costs. From this amount, the guardian ad litem's fees, and the fees of the independent compliance monitor will be paid, without any further cost to the defendants.

CONTINUING JURISDICTION, FINAL JUDGMENT

The Court shall retain subject matter jurisdiction and jurisdiction over Sheriff Black in his official capacity, and over the County, for purposes of assuring compliance with this order.

By consent of the parties, this Judgment constitutes a full

and final resolution of all controversies herein between plaintiffs and defendants herein. Named plaintiffs and defendants and their heirs, representatives, assigns, and successors in interest expressly waive all claims for redress relating to the incarceration and detention of plaintiffs at any time prior to the signing of this Order, all claims by defendants as against plaintiffs or plaintiffs' counsel, and all additional claims by named plaintiffs for attorneys fees. The plaintiff class expressly releases and waives any and all claims or actions for injunctive and/or declaratory relief for any and all prayers for relief included in the Amended Complaint in this action.

This Court hereby finds, pursuant to Rule 54(b), Federal Rules of Civil Procedure, that as to all controversies arising between plaintiffs and the defendants herein, that there is no reason for delay in the enforcement or appeal of this consent judgment.

Dated this 29th day of March, 1982.

BY THE COURT:

Barbara B. Crabb
Barbara B. Crabb, District Judge

FOR DEFENDANT WILLIAM BLACK:

William L. Black
William Black

James M. Roby
Attorney James M. Roby

Thomas M. Fitzpatrick
Attorney Thomas M. Fitzpatrick

LA CROSSE COUNTY BY:

Dated: 3-28-82

Charles H. Pierce
Charles H. Pierce,
County Board Chairman

Dated: 3-28-82

Russell L. Fiedler
Russell L. Fiedler,
County Clerk

Dated: 3-29-82

William A. Shepherd
William A. Shepherd,
Assistant Corporation Counsel

Dated: 3/27/82

John M. Moore
John M. Moore,
Of Counsel

FOR PLAINTIFFS:

3/29/82

James G. Mathis
Attorney James Mathis
Guardian ad Litem

3/29/82

Eileen Hirsch
Attorney Eileen Hirsch

3/29/82

Thomas E. Dixon
Attorney Thomas E. Dixon

3/29/82

Harold L. Harlowe
Attorney Harold L. Harlowe

This consent judgment is entered this 29th day of March, 1982,
at Madison, Wisconsin.

Joseph W. Skupniewitz
JOSEPH W. SKUPNIEWITZ
Clerk of Court

LA CROSSE COUNTY JAIL
JUVENILE RULES AND REGULATIONS

I. INTAKE AND BOOKING

1. When a juvenile is brought to the jail for booking, the jailer's first duty is to check the legal authority for jailing. No juvenile shall be booked unless they are accompanied by an intake worker and a valid Request for Temporary Custody Form (currently J1-03) signed by the intake worker, or an Order for Secure Temporary Physical Custody in a County Jail form (CD-24B) signed by a judge. A *capias* or warrant, although sufficient grounds for taking a child into custody, is not alone sufficient for jail confinement unless there is a personal intake interview and one of the forms (currently J1-03 or CD-24B) has been completed. (This section does not apply to 16-and 17-year-olds who are charged with traffic violations.)
2. Juveniles awaiting booking shall be supervised continuously. Booking must begin within 30 minutes of the time the juvenile is brought to the jail.
3. Booking shall begin with filling out the Sheriff Department booking form. The juvenile must actually be weighed when possible and before the weigh-in blank is completed.
4. If the nurse is on duty at the time of booking, she shall complete the physical and mental condition form. If she is not present, a health-trained jailer shall do so. If the screening is not conducted by the nurse, the booking jailer shall leave a message for the nurse, directing her to review the medical and mental health screening form with the child within 24 hours of admission.
5. If a juvenile is physically ill or seriously injured, or suffering significant mental or emotional distress, the booking jailer or intake worker shall ask the nurse to examine the juvenile to determine whether he or she should be transported to a hospital or clinic. If the nurse is not on duty, the intake worker or jailer shall arrange for the juvenile to be transported to the hospital for evaluation. If a juvenile is to be transported to a hospital or clinic, a jailer shall arrange for the arresting agency to transport the child. If transportation cannot be arranged by the arresting agency, the county traffic police shall be called for transportation. The jailer shall also notify the hospital that the juvenile is being brought there and shall make arrangements for a jailer to accompany or meet the child at the hospital or clinic. The care of juveniles who appear to be intoxicated or under the influence of other drugs shall be addressed in the medical health plan.

6. When the forms are completed, fingerprints and photographs shall be taken of those juveniles who have not been previously admitted to the jail. If a juvenile who has previously been admitted to the jail has changed in physical appearance, or if a law enforcement agency requests or if no photographs or fingerprints have been taken within the past six months, new photographs and fingerprints may be taken.
7. A jailer of the same sex as the juvenile shall search the juvenile and provide the juvenile with clean jail clothing. The booking jailer shall ask the juvenile if he or she wants to shower. If so, he or she shall be allowed to shower before being placed in a cell.
8. All of the juvenile's property will be listed on the booking sheet. Personal property shall be securely stored in a jail locker and returned to the juvenile at the time he or she is released.
9. Juveniles shall be given a toothbrush, toothpaste, a bath towel, a face towel, soap, a comb, and toilet paper when they are placed in the cellblock. A mattress, a pillow, clean sheets, and adequate blankets will also be provided when the juvenile is placed in the cellblock. If the juvenile is a girl, she must be asked if she needs tampons or sanitary napkins. If so, they must be provided.
10. The booking jailer must give the juvenile a written summary of jail rules and policies, and orally summarize the rules to the juvenile. Upon the juvenile's request, a complete copy of the jail Rules and Regulations will be made available for inspection and/or copying by the juvenile's attorney.
11. Within an hour of the time the juvenile is physically brought to the jail, the booking jailer shall give him or her an opportunity to make however many phone calls are necessary to reach an attorney, and a parent, relative, or other supportive adult (i.e., a foster parent). The calls shall not be monitored. The jailer shall give the child as much privacy to converse as is possible, and cannot limit the conversation to less than 10 minutes.

II. SEPARATION AND OVERCROWDING

A. Separation.

1. Jailers will not place a juvenile in a cellblock with adults, unless specifically ordered by the court following waiver to adult court.
2. Juveniles will be kept out of physical contact with adult inmates, and will be kept sight and sound-separated as much

as possible. Meals will be served by jailers. Adult trustees will not be allowed to hand meal trays to juveniles. Whenever juveniles are outside their cellblocks -- waiting to be booked or released, waiting for court appearances, going to visitation, etc. -- a jailer must accompany them, except when they are in the recreation room, and minimize contact with adult inmates as much as possible.

3. Juveniles must be booked privately.
4. Juveniles and adults will not be transported to or from court together. If they must go at the same time, separate jailers will take them. Similarly, juveniles will not be transported outside the courthouse in the same vehicle with adult inmates.

B. Overcrowding.

1. When one of the juvenile cellblocks is full, the officer in charge of the shift shall contact the jail sergeant or the sergeant's superior to make arrangements for the possibility of overcrowding. If the juvenile male cellblock is full and the juvenile female cellblock is empty, or vice versa, any additional juveniles will be put in the empty juvenile cellblock.
2. If more juveniles are detained than the jail can hold without overcrowding the cellblocks, the officer in charge of the shift will contact the sergeant or the sergeant's superior and assist them in making arrangements to transfer some of the juveniles to another facility under the full-time supervision of a jailer.
3. In emergencies, when another statutorily permitted facility cannot be used, the sergeant or one of the sergeant's superiors will contact the juvenile court judge for authorization to overcrowd the juvenile cellblock. Unless there is court authorization, no jailer will put more juveniles in a cellblock than the cellblock is designed to hold.
4. If the court authorizes overcrowding, the additional juveniles will be given space for the bedding in the dayroom. One of the cells must be left open to give them access to toilet and sink facilities. Because of increased safety risks in such a situation, jailers must complete block checks at least once every 15 minutes, while the cellblock is overcrowded. In no case may the overcrowding extend beyond 24 hours.

III. SUPERVISION AND MONITORING

1. One jailer will be designated as officer-in-charge of each

shift. Other jailers will report any emergencies or unusual events or occurrences to the officer-in-charge. Other jailers will also refer all rules violations to the officer-in-charge in accordance with Section IX of these rules.

2. The officer-in-charge shall immediately report orally to the jail sergeant, or one of the sergeant's superiors, any of the following situations:
 - a. Fire that threatens or threatened the health or safety of the inmates.
 - b. Damage to the physical plant that could seriously endanger the health or safety of the inmates.
 - c. Any escape.
 - d. Any inmate who attempted to cause or has caused serious bodily harm to another.
 - e. An inmate who attempted or threatened suicide or serious self-harm.
 - f. An inmate who is seriously ill.
 - g. Riot or potential riot conditions.
3. Jailers will coordinate their work so at least one jailer is able to hear juveniles at all times, by being either near the juvenile cellblock or near the intercom. The officer-in-charge of each shift is responsible for ensuring that this requirement is met.
4. Jailers shall respond to emergency calls for help from the juvenile cellblock immediately. All other calls must be responded to as soon as possible, but no longer than 10 minutes from the time of call.
5. Jailers must go inside the cellblock to check the juvenile at least once every half hour, between 6:00 a.m. and 10:00 p.m., at irregular intervals. From 10:00 p.m. to 6:00 a.m., jailers must check the cellblocks at least every half hour, at irregular intervals from both the hallway and from the catwalk. All checks must be noted on block check sheets kept at the control box and in the catwalk. However, when there are only one or two juveniles confined, and their cells can be fully observed from the hallway, checks need not be made from the catwalk.
7. In completing the block check sheet, the jailers must include the time, a population count, and a short description of

resident activity in the cellblock. Unusual events and requests, special needs, and the responses made to unusual requests and needs, and other information which will alert other officers to conditions affecting the care and supervision of the juveniles must also be specially noted on the block check sheet.

7. The officer-in-charge of each shift must ensure that all significant or unusual occurrences or observations which have a bearing on the health or safety of the residents, such as reports or other indications of physical illness, escape attempts, suicide threats, and threats to the safety of others are recorded in detail in the log book. Entries in the log book shall be made as soon as practicable after the occurrence or observation, but at least before the end of the shift.

IV. MEDICAL AND MENTAL HEALTH

1. The _____ will prepare a written plan of medical, dental and mental health care for juveniles in the jail, specifically detailing emergency procedures. That plan will supplement these policies.
 - a. The name of the jail doctor is _____, address _____, phone number _____.
 - b. The medical, mental health, and dental plan is kept in _____. All jail personnel must be familiar with it and follow it.
2. The sheriff and county have made arrangements with _____ and _____ for _____ all necessary services that cannot be provided at the jail. The name, address and telephone numbers of the hospital and clinic are posted in _____. Whenever a juvenile is transported to such a facility, a staff member must accompany or meet the juvenile. The jailer on duty, when a decision is made to transport, will call the sergeant, or one of the sergeant's superiors, to arrange for additional staff.
3. If the nurse is on duty at the time a juvenile is booked into the jail, she will do the medical and mental health screening by interviewing the child, completing the physical and mental condition forms, and asking the intake worker about medical and mental health information obtained from parents or others during the intake process. If the nurse is not on duty, a jailer, who has been specifically trained to do health screening shall take those steps and shall notify the nurse to review the screening with the child within 24 hours.
 - a. The medical and mental health plan includes a list of medical and mental health symptoms that indicate that a

juvenile should not be admitted to the jail but instead should be provided treatment at a health facility. The nurse and all jail personnel must follow the standard operating procedures in the physician's plan. Any such symptoms must be noted in the daily log and in the resident's file by the officer-in-charge.

- b. Juveniles requiring medical treatment at admission that does not require the juvenile to be transported elsewhere, shall receive such treatment as soon as possible.
 - c. If the juvenile needs care at a health facility at the time of admission, the jailer will call the arresting agency for transportation. If such arrangements cannot be made, the jailer will arrange for the county traffic police to transport.
 - d. If a juvenile is transported to a health facility, the juvenile shall not be admitted to the jail until discharged from the health facility or until after the health facility refuses admission. If a health facility refuses admission, the jailer shall return the juvenile to the jail and contact the sergeant or the sergeant's superiors for instructions on how to proceed consistent with the physician's written health plan.
4. The jail nurse will make a daily sick call to juveniles inquiring into health problems and complaints, providing medical care in accordance with the physician's plan, and monitoring each resident's health. At the nurse's request, a jailer will accompany the nurse to the cellblock for sick call.
5. a. Jailers must watch juveniles for signs of mental and emotional distress. If a juvenile exhibits such distress, including but not limited to, uncontrollable crying, hallucinations, extremely erratic behavior or movement, self-harming behavior or threats of self-harming behavior, or severe withdrawal, the jailer shall immediately make arrangements for a psychological evaluation as soon as possible in accordance with the jail's mental health plan. The jailer shall also ensure that the juvenile is constantly observed until the evaluation takes place. The child may not be placed in an isolation or segregation cell to wait for the evaluation. He or she may be moved to another cellblock or area, if that seems advisable, providing there is constant supervision.
- b. When the psychologist, psychiatrist, or psychiatric social worker evaluates the juvenile the jailer on duty shall obtain a copy of their orders for mental health services. If the juvenile is to remain in the jail, the jailer will

put one copy of the orders in the log book, directing jailer to follow them. If the psychologist, psychiatrist, or psychiatric social worker determines that the juvenile is suffering significant mental and emotional distress, the jailer shall make arrangements to transport the child to the appropriate facility.

- c. A written psychological evaluation report must be placed in the child's file whenever an evaluation is done. The jail sergeant is responsible for ensuring that the report is received and filed in the juvenile's file and a copy given to the nurse.
6. When juveniles notify jailers of injuries or ill health, the jailers must immediately relay those complaints to the nurse, who is responsible for evaluating the medical needs of the juvenile. If the nurse is unavailable, the jailer will obtain a medical evaluation from the jail's consulting physician. (The telephone numbers are posted in _____.) Jailers must not take it upon themselves to screen medical complaints and must report them immediately to the nurse or consulting physician.
7. Whenever a juvenile is provided emergency medical care or taken to another facility for medical or mental health care, the jailer will notify the juvenile's parents or guardian as soon as possible. They should be allowed to visit the child, either in the jail or at the hospital, unless prohibited by court order.
8. No medication shall be administered to any juvenile unless it is:
 - a. Prescribed by a physician;
 - b. Given by the jailer under direction of the jail nurse or given by the jail nurse; and
 - c. Taken voluntarily by the resident.

Whenever medication is administered, it shall be recorded in the nurse's "medication log". The log shall contain the name of the juvenile, the medication prescribed, the dosage, the prescribing physician, special instructions, the time the medication was prescribed, and the signature of the person who administered the medication. If the juvenile refuses medication, such refusal and the time of refusal shall be recorded by the jailer in the medication log. Juveniles shall initial the receipt or refusal of medication in the medication log.

9. All medications are to be kept in the nurse's office, which must be secure at all times.
10. First aid kits are located in the main office and nurse's office. All staff will be trained in first aid and emergency care.

V. HYGIENE AND NUTRITION

1. Upon admission, the booking jailer must give juveniles toothpaste, toothbrush, soap, comb, toilet paper, bath and face towels.
2. The booking jailer will ensure that a mattress, pillow, clean sheets, and adequate blankets are provided to the juvenile when (s)he is placed in the cellblock.
3. Clothes.
 - a. Upon admission, a juvenile's clothes will be taken, and a clean jail uniform will be provided. The booking jailer will search the clothes for contraband, and take them to the laundry. Except in exceptional circumstances, they will be laundered and returned to the juvenile by 1:00 p.m. the next day. Jailers should check each day to be sure that the juvenile's laundry has been done and returned to them, except for shoes, shoestrings, belts and coats.
 - b. If the juvenile wishes to wear jail-provided clothing, rather than his or her own clothing, the jailers will provide clean jail uniforms.
 - c. Visitors may bring a limited amount of clean clothing which should be searched prior to being given to a juvenile. (It may be laundered, if the jailer thinks it necessary.) The clothing must be given to the juveniles within 24 hours of its receipt.
 - d. Juveniles must wear jail tennis shoes, unless the sergeant gives special permission for other shoes. The jailer will ensure that the tennis shoes are in good condition and of proper size.
4. Laundry.
 - a. Outer clothing and towels shall be washed twice weekly, more often if necessary. The jail will provide clean clothing to juveniles who need it while their clothes are being washed.
 - b. Sheets shall be washed weekly, but more often if necessary.

5. Cleaning. When one child is released from a cell, the jailer on duty will be sure the cell is thoroughly cleaned before another child is placed in the cell.

Juveniles will be given necessary supplies to clean their cells and cellblock daily. The day shift is responsible for providing the supplies.

6. Drinking cups, shampoo and shaving materials shall be provided daily. Showers will be open each day from the time breakfast trays are picked up until lunch. Sanitary napkins and tampons shall be provided, as needed, upon request. Deodorant will be provided daily, if available.
7. Juveniles shall have continuous access to a sink with running water of a temperature adequate for drinking and washing, located in their cells. Juveniles shall also have sufficient quantities of toilet paper and continuous access to toilets located in their cells.
8. Meals shall be prepared and served under sanitary conditions as prescribed by state regulations. Meal plans shall be approved by a dietician as sufficient to meet nutritional standards for adolescents. Milk or fruit juice will be provided with each meal. If seconds are available, they will be offered to juveniles. Juveniles will also be allowed to supplement meals with reasonable daily canteen privileges.

VI. VISITATION

1. Visits with parents, immediate family, and "surrogate" parents (i.e., foster parents and grandparents) are allowed daily from 5:00 p.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends and holidays, except between the hours of 7:00 p.m. to 8:00 p.m. on Wednesdays and 1:30 p.m. to 3:00 p.m. on Sundays and holidays. If family member or surrogate parent has difficulty visiting during those hours, arrangements may be made with the jail sergeant or one of the sergeant's superiors who will attempt to make special visitation arrangements.
 - a. These visitors will have the opportunity to have contact visits in the conference room or laundry room unless the juvenile's behavior is so extreme as to show a clear danger of physical injury to a person. The jailer must note any denial of a contact visit in the daily log, the resident's file, and communicated orally to the resident and visitor. If the conference room and laundry room are occupied with other visitors, the visitor will be given the choice of waiting until they are available or using a visitation booth.

- b. Visits may not be limited to less than one-half hour.
 - c. Juveniles shall be allowed to receive any such visitor not excluded by court order. A visitor's age shall not preclude them from visitation, provided minor visitors shall be accompanied by a parent, surrogate parent, or adult family member before being allowed a contact visit.
2. Relatives and friends may visit every day between 9:00 a.m. and 9:00 p.m., and no visit may be limited to less than one-half hour. These visits shall take place in the visitation booths, unless the sergeant, or one of the sergeant's superiors, gives special permission for a visit in the conference room or laundry room. The jailer cannot exclude any relatives unless a court order excludes that relative. A visitor's age shall not preclude him/her from this visitation.
 3. Visits with attorneys, social workers, mental health professionals, and clergy are allowed daily, at unlimited hours, and for unlimited length of time. These visitors shall be given the opportunity to have contact visits in the laundry room or conference room unless the juvenile's behavior is so extreme as to show a clear danger of physical injury to a person. The jailer must note all denials of contact visits in the daily log and the resident's file, in addition to communicating such denials orally to the resident and visitor. If the conference room and laundry room are occupied with other visitors, the visitor shall be given the choice of waiting until they are available or using visitation booth.
 4. A jailer may search residents prior and subsequent to visits only if (s)he has reasonable grounds to believe that they possess contraband. A report shall be written about the search, including the grounds for it, the time, whether anything was found, and the jailer doing the search. The search must be noted in the daily log, and the report must be filed in the child's file.
 5. A register is to be kept at the main desk. It is the jailer's responsibility to make sure that all visitors sign the register and state their name, address, and relation to the resident. Packages or bags to be brought into the visitation areas may be searched, in the presence of the visitor. Any contraband found may not be brought into the secure area of the jail. Jailers may require visitors to leave coats, other bulky clothing, purses, packages and other articles at the main desk prior to contact visits.
 6. Reasonable amounts of clothing, soft-covered books, writing materials, games and recreation materials, religious articles, magazines and other reading materials, and educational

materials may be brought by visitors to the jail's main desk for inspection. Within 24 hours, the articles must be inspected and either given promptly to the resident, or, if they contain contraband, denied. No cigarettes or lighting materials will be allowed in the jail unless authorized by the sergeant or the sergeant's superiors.

7. Money for residents is to be left at the main desk. The jailer shall write a receipt for it and place it in the juvenile's canteen fund. Upon departure, all remaining money shall be returned to the juvenile.
8. The privacy of visitation must be maintained. Visual surveillance may be maintained by the jailer, but (s)he must avoid overhearing or disrupting the visitation.
9. The sheriff shall post rules relating to visitation in the hallway outside the main office to the jail in a way which is clearly visible to the public.

VII. TELEPHONES

1. Unmonitored telephones will be placed in the juvenile cell-block from 9:00 a.m. to 9:00 p.m. each day. The jailer may limit a resident's access to make an outgoing call if it is necessary to assure that another resident has an equal opportunity to make an outgoing call.
2. Juveniles may be brought to the office to answer incoming calls. Between 9:00 a.m. and 9:00 p.m., if the juvenile does not answer an incoming call, a message must be given to the juvenile within 30 minutes, and they must get an opportunity to return the call within 60 minutes. Emergency messages will be delivered immediately; other messages will be delivered the next morning.
3. If the sergeant or one of the sergeant's superiors determines that a juvenile is using a jail phone to make obscene, harrassing, or threatening phone calls, they may limit access to the telephone. Such determinations and the reasons therefor will be noted in the daily log, placed in the resident's file, and explained to the resident. The resident may still make outgoing calls to his or her parents and attorney. The resident may utilize the grievance procedure if so limited.

VIII. MAIL

1. Mail to and from attorneys, the courts, and government officials shall be sent and received sealed and uninspected. If the jailer has reason to suspect that incoming mail may not

have come from the official or attorney who is listed on the return address, (s)he may call or contact the sender to verify the origin. The jail will supply stamps for this mail.

2. General Incoming Mail

- a. There are no limits on the number of persons with whom a resident may correspond nor on the number of letters a resident may receive.
- b. The jailer shall distribute all incoming mail promptly on the day it arrives.
- c. A jailer may open incoming mail, in the presence of the resident, only to inspect for contraband. If contraband is found, the contraband may be seized. If contraband may constitute evidence of a crime, the contraband and mail may be seized; only mail so seized may be read.
- d. All cash sent to residents shall be retained for them and placed in their canteen fund. The jailer shall keep a record of all cash.

3. General Outgoing Mail

- a. Residents are permitted to communicate by mail with persons of their choice, without restriction. There are no limits on either the length or number of letters a resident may send.
 - b. All outgoing mail shall be sent on the day received by the jailer if it is ready to be mailed by lunch-time.
 - c. Outgoing mail may not be inspected, read or censored.
4. The jail will provide writing supplies for all letters, within one hour of a request. If the juvenile does not have money in the canteen account, the jail will also provide postage for one letter daily, in addition to the postage supplied for legal and government mail.

IX. RULES, DISCIPLINE AND CONTROL

1. Resident Rules

- a. All residents must obey the laws of the state.
- b. Residents should treat the property of the jail and other residents with respect. Destruction of property is subject to jail discipline and/or criminal charges.

- c. "Contraband" is material that is either potentially dangerous or disruptive, or illegal. Residents may not possess the following "contraband":
 - 1) Firearms, knives, or any article intended for use as a weapon;
 - 2) Files, saws, or any article intended for use to aid an escape;
 - 3) Narcotics or any drug;
 - 4) Cash;
 - 5) Stolen property;
 - 6) Cigarettes, lighters or matches in the cells, cellblocks or recreation area.
- d. Escapes or attempted escapes are prohibited and will result in discipline, and/or criminal charges.
- e. All residents and staff have the right to be free from dangerous activities and from assaults or threats of assaults from anyone in the jail. Such activities and threats are prohibited.
- f. At the times normally permitted, residents may engage in activities such as watching television, reading, playing games, using the recreation area, receiving visitors and mail, and using the telephone. Excessive loudness or aggressive behavior which disrupts or prevents other residents from engaging in those activities or prevents them from sleeping between 10:00 p.m. and 6:00 a.m. is prohibited.
- g. Residents must keep their cells clean. Litter, foodstuff and any mess created by the resident must be cleaned up by the resident.
- 2. Jailers may not discipline a juvenile for the behavior of another juvenile, nor may a group of juveniles be disciplined for the behavior of one or some of the group.
- 3. When a juvenile violates state law or jail rules, acts uncontrollably, threatens harm to himself, herself or others, jailers may exercise their discretion to take immediate action to control juveniles in order to prevent destruction of property or harm to others. Jailers will not discipline a juvenile or withhold privileges until the juvenile and jailer involved have the opportunity to explain to the officer-in-

charge the circumstances of the incident giving rise to the potential discipline.

The officer-in-charge will determine what, if any, disciplinary measure is appropriate. In determining what measure of discipline is appropriate, the officer-in-charge will consider:

- 1) The seriousness of the underlying incident;
- 2) The juvenile's previous conduct in the jail;
- 3) The amount or value of damage or harm sustained or threatened;
- 4) The type of damage or harm caused or threatened;
- 5) Available measures to prevent and deter such conduct in the future without unduly disciplining the juvenile or adversely affecting his/her health.
- 6) Disciplinary and control measures should be related as directly as possible to the rule violation and seriousness of the incident giving rise to the discipline and/or control. The least restrictive effective method of discipline should be used.

If discipline is imposed, both the jailer involved and the officer-in-charge shall write reports explaining the circumstances of the incident, the juvenile's and jailer's explanations, and the discipline imposed. The reports will be submitted to the jail sergeant or one of the sergeant's superiors and subsequently placed in the juvenile file.

Juveniles who are disciplined may utilize the grievance procedure.

4. Disciplinary measures include the following:
 - A. Removal of property damaged or misused by residents. These may include temporary removal of bedding and limiting the supply of toilet paper.
 - B. Withdrawal of some or all privileges for varying lengths of time, including the following privileges:
 1. Use of television or radio.
 2. Visits from friends.
 3. Use of the materials in and/or access to the recreation room.

4. Access to telephone calls to persons other than family or attorneys.
5. Canteen privileges.
6. Library books and materials if there is reason to believe that the books or materials may be damaged.
- C. Withdrawal of a privilege may not extend for more than 24 hours without the prior written approval of the jail sergeant or one of the sergeant's superiors.
- D. Confinement to a cell in a juvenile cellblock.
- E. Referral to juvenile court.
5. Confinement.

Between 6:00 a.m. and 10:00 p.m., a juvenile may be confined to his or her cell for purposes of discipline or control only pursuant to the following rules:

A. Cell Confinement for Discipline.

1. Cell confinement will not be used unless the officer in charge is convinced that no other penalty will be effective.
2. Up to one hour of cell confinement may be imposed for any of the following conduct:
 - a. Serious interference with the rights or privileges of other juveniles housed in the same cellblock and when no other cellblock is available to separate the juveniles involved.
 - b. Taunting other juvenile residents to the extent that chaos is imminent or the personal safety of residents is in danger and when no other cellblock is available to separate the juveniles involved.
 - c. Continuous yelling or shouting so as to disrupt other jail residents.
 - d. After a juvenile or juveniles refuse to clean a mess created by a resident, all cellblock residents may be confined to their cells so that the cellblock or cells can be cleaned.
3. If any of the above conduct (2. a, b or c) continues, or is repeated after the first use of cell confinement,

the juvenile may be confined for up to two additional one-half hour periods.

4. If any of the above conduct (2. a, b or c) continues or is repeated, after the second use of cell confinement, then cell confinement may be used as a control measure, if used in accordance with no. 8.B below.
5. In the event of assaults or attempted assaults, cell confinement may be used as a control measure, if used in accordance with no. 8.B below. Assaults or attempted assaults must be reported to the sergeant, or one of the sergeant's superiors for possible referral to juvenile court.
6. In the event of escapes or attempted escapes, cell confinement may be used as a control measure, if used in accordance with no. 8.B below. Escapes or attempted escapes must be reported to the sergeant or one of the sergeant's superiors for possible referral to juvenile court.
7. Juveniles shall not be confined to their cells for discipline for more than four hours in any 12-hour period.

B. Cell Confinement for Control.

1. A juvenile may be confined to his or her cell for purposes of control when the juvenile presents a serious danger of harm to himself, herself, or others, or if there are extraordinary circumstances creating a serious risk to jail security.
2. The jailer must obtain the approval of the sergeant or one of the sergeant's superiors before confining a juvenile to his or her cell for more than one hour.
3. A confined juvenile must be checked at least every 15 minutes.
4. Before a juvenile may be confined to his or her cell for more than one hour, the jailer must obtain directions from the sergeant or one of the sergeant's superiors about the continued confinement. The jailer or sergeant must record these directions in the log book and follow the directions. In reaching any decision regarding continued confinement, the decision-maker will consider the possible need for a psychological evaluation, pursuant to Rule IV, 5.
5. The sergeant or one of the sergeant's superiors must personally visit the confined juvenile before the

juvenile has been confined for six hours, and at least once every six hours thereafter until the juvenile is released from cell confinement.

6. If it is anticipated that the cell confinement is likely to last for more than 24 hours, the sergeant or one of the sergeant's superiors will refer the matter to a La Crosse County juvenile court judge for approval of any such continuing confinement of more than 24 hours. The sergeant or one of the sergeant's superiors will also ensure that a La Crosse County juvenile court judge reviews and approves the cell confinement once every 24 hours thereafter.
7. Within three days after the first 24 hours of cell confinement, the sheriff shall send a report of the facts and circumstances of any cell confinement of more than 24 hours to the DHSS jail inspector's office.
8. The jailer who initially confines a juvenile to his or her cell will begin a report, stating the time of confinement, the reasons for it and sign the report. Jailers will record their 15 minute checks on that report, as well as approvals for continuing confinement, visits by administrators, and the time of release from cell confinement. The report will be given to the jail sergeant, who will place it in the juvenile's file.

6. JAIL STAFF SHALL NOT:

Impose multiple disciplinary measures without the prior specific approval of the sergeant or one of the sergeant's superiors.

Withhold regular meals from juveniles, unless ordered by a physician.

Withhold all clothing, except as provided in I. 7, V. 3, 4, IX.

Withhold or restrict health services.

Interfere with mail except as provided in Sec. VIII.

Prevent telephone calls between juveniles and their attorneys or immediate family unless ordered by the court.

Withhold or restrict visits with attorneys or family, unless after court order, except as provided in Sec. VI.

Use corporal or unusual punishment, intentional humiliation, mental abuse, punitive interference with the daily functions of sleeping, eating or hygiene.

Place juveniles in an isolation cell (hall tank).

Prevent exercise in the cell or cellblock.

Use of handcuffs, shackles, or other physical restraints in the jail.

Withhold bedding materials during the hours of 10:00 p.m. to 6:00 a.m. unless the juvenile is damaging or attempting to damage the bedding material or using or threatening to use the bedding material to harm himself, herself or others.

Preclude educational opportunities.

X. RECREATION AND EXERCISE

1. The County will ensure that the county library provides a daily service for juveniles. Juveniles will be allowed to check out at least two soft-covered books or magazines at a time. The library shall include books, magazines and other materials which are up to date and suitable for juveniles.
2. Recreation materials including, but not limited to, playing cards, puzzles and table games appropriate for juveniles shall be available in sufficient quantity and condition to meet the needs of the residents. Residents will be provided such material upon request.
3. Jailers are responsible for seeing that materials are properly checked out and returned, and that the residents have reasonable access to such materials.
4. A TV shall be maintained in the catwalk outside the juvenile cellblock in good working condition. The juveniles may have it on between 8:00 a.m. and 10:00 p.m. A majority vote of the cellblock residents will determine which channel they watch; otherwise, the jailer shall decide.
5. Juveniles are allowed at least one hour each day for large muscle exercise in the dayroom of the cellblock. After July 18, 1982, juveniles will be allowed at least one hour each day for large muscle exercise outside the cellblock in the jail recreation area and each juvenile will be given as much time in the recreation area as each adult inmate. If a juvenile does not wish to exercise, the juvenile may engage in other recreation in the jail recreation area.
6. Juveniles should be supervised while they are in the jail recreation area to ensure that their health and safety is not endangered.
7. Jailers are responsible for checking the equipment in the recreation area every day to see if it is in good working

condition. Any damage or any need for repairs or maintenance shall be promptly reported to the jail sergeant.

XI. EDUCATION

1. The following provisions regarding education shall apply only during the school year: In the event a detention hearing results in the continued detention of a juvenile, the La Crosse County social worker assigned to the juvenile shall make arrangements for the juvenile to receive educational instruction from a certified teacher. The social worker shall notify the sergeant or one of the sergeant's superiors as to the arrangements which have been made for the juvenile's education. If the sergeant or one of the sergeant's superiors do not receive confirmation of the arrangements within 48 hours, exclusive of weekends, of the admission of the juvenile to the jail, then the sergeant or one of the sergeant's superiors shall check with the juvenile's social worker to see that arrangements have been made for the juvenile's instruction.

2. When the juvenile who has been attending school is confined, arrangements shall be made involving either attending his or her school or for providing the juvenile with substantially equivalent instruction by a certified teacher.

When a juvenile who has not been attending school is confined, he or she must be provided the opportunity for education instruction by a certified teacher.

3. If the juvenile requests school arrangements before the detention hearing, the above arrangements shall be made as soon as possible.

XII. TRANSPORTATION AND RESTRAINTS

1. When juveniles are transported outside the jail for any reason, physical restraints (handcuffs and leg irons) will not be used unless it is necessary to protect the safety of others or to prevent escape. If they are used, they shall be used in the least restrictive way; that is, for the shortest period of time necessary, and in the manner least likely to cause unnecessary pain, embarrassment, or humiliation to the juvenile.
2. When juveniles are transported outside La Crosse County, the sheriff will determine whether handcuffs and leg irons are necessary, using the general principles stated above. In determining whether restraints are necessary, the sheriff will consider the juvenile's age, physical size, prior record, current charges, prior escape attempts, and information

indicating an intent to escape. The sheriff will determine what restraints will be used, for what time, and in what manner in accordance with the above principles. Jailers involved in transportation will follow the sheriff's orders.

3. When juveniles are transported within La Crosse County, whether to court, a hospital or elsewhere, the following rules apply:
 - a. Leg irons will not be used unless there is a court order authorizing their use. If a jailer believes there is a reason to use leg irons for a juvenile, he or she must report it to the jail sergeant, or one of the sergeant's superiors. The sergeant, or one of the sergeant's superiors will be responsible for seeking the juvenile court order, if appropriate.
 - b. When a La Crosse County Sheriff's Department or Traffic Department officer provides transportation, the officer responsible for the transportation will determine whether handcuffs are necessary, using the general principles stated above and considering the juvenile's age, physical size, prior record and pending charges, prior escape attempts, and information indicating an intent to escape. However, whenever it is possible, the transporting officer will discuss the use of restraints with the jail sergeant or one of the sergeant's superiors before the transportation. When the transporting officer is not under the jurisdiction of La Crosse County or the Sheriff of La Crosse County, the jailer shall make a recommendation about the use of handcuffs using the above criteria. Jailers who escort juveniles to court appearances will routinely check each morning with the sergeant or one of the sergeant's superiors to discuss the need for handcuffing juveniles who have court appearances that day. The jailer will follow the directions of the sergeant or one of the sergeant's superiors. If handcuffs are used, they will be used in the manner dictated by the general principles stated above.
4. Unless there is a court order authorizing the use of restraints for a particular juvenile, the sheriff or the jailer using physical restraints must prepare a report stating the reasons for using the restraints. The report will be given to the jail sergeant, who will place it in the juvenile's file.

XIII. TRAINING

1. Before beginning work in the jail, all new staff must receive at least ten hours of training about the care and supervision

of juveniles in the jail.^a Within a year of beginning employment, all jailers will receive an additional 30 hours of such training.^b

2. After the first year of employment, jail staff will continue to receive at least 15 hours of training about the care and supervision of juveniles each year.
3. The training curriculum will include explanation of state laws and administrative regulations about juveniles; the jail rules and policies regarding juveniles; screening and recognition of symptoms of physical medical problems, mental illness, and emotional distress; and records and reports; as well as general instruction on the care and supervision of juveniles.
4. The jail sergeant will be in charge of scheduling training, approving staff requests for training, and keeping records of staff training. However, each staff member will be responsible for ensuring that he or she receives the required training each year. Staff members will cooperate fully with the jail sergeant in administering jailer training.
5. Records of each employee's training will be kept in his or her personnel file.

^aAll staff members employed as of March 18, 1982, will receive this training by May 18, 1982.

^bAll staff employed as of March 18, 1982, will receive this training by March 18, 1983.

XIV. GRIEVANCE PROCEDURE

1. The grievance procedure is a supplement to informal channels of problem resolution such as personal discussion between the resident and jailer. If the juvenile is unsatisfied with that discussion, the jailer should offer the juvenile an opportunity to discuss the matter with the jail sergeant before a grievance is filed.
2. Grievances may include but are not limited to, complaints about the application of these rules and regulations.
3. The Grievance Procedure:
 - a. Whenever a juvenile tells a jailer that (s)he wishes to file a formal grievance, the jailer shall instruct the juvenile to call his or her attorney to discuss whether a formal grievance should be filed.

- b. When the juvenile informs the jailer that (s)he has consulted with his or her attorney and wishes to proceed with a formal grievance, the jailer will promptly provide the juvenile with a grievance form and a pencil. When the juvenile gives the completed grievance form to a jailer, the jailer will deliver the grievance form to the jail sergeant at the first opportunity.
 - c. The jail sergeant will meet as soon as possible with the juvenile to determine if the matter can be resolved. The jail sergeant shall keep a record of the result of this meeting and place a copy in the resident's file.
 - d. If the juvenile is not satisfied with the jail sergeant's resolution of the matter, the sergeant shall notify the sheriff, who will meet with the resident as soon as possible. The undersheriff may take the sheriff's place if the sheriff will be unavailable for more than 24 hours. The sheriff must keep a record of the results of this meeting and place a copy in the resident's file.
 - e. If the resident is not satisfied with the sheriff's resolution of the grievance, (s)he shall be given an opportunity through his or her attorney to notify a juvenile court judge in writing.
 - f. The juvenile may be assisted by his or her attorney at all steps in the grievance procedure.
4. Upon admission, a summary of the grievance procedures shall be given to juveniles.