

Chapter HSS 302

ASSESSMENT AND EVALUATION, SECURITY CLASSIFICATION AND SENTENCE COMPUTATION IN ADULT CORRECTIONAL INSTITUTIONS

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NOTE

Each section in this chapter has explanatory material which can be found in the appendix following HSS 302.26

HSS 302.01 Applicability of A & E process. (1) Every convicted offender sentenced or committed to a correctional institution shall participate in an orientation program, receive a security classification and assignment to an institution and be offered a vocational, job, school or program assignment (hereinafter "program assignment"), consistent with existing resources, as specified in this chapter.

(2) This initial process for orientation, security classification and program assignment shall be called "the assessment and evaluation process" (hereinafter "A & E"). In this chapter the term "convicted offender" includes a person sentenced to a correctional institution, a person committed to the department under ch. 975, Stat., and transferred to a correctional institution and a person assigned to a correctional institution after the revocation of probation, discretionary parole or mandatory release.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.02 Purposes of A & E. The purposes of A & E shall be the following:

- (1) A comprehensive assessment of a resident's social background, sentence structure, academic and vocational achievements;
- (2) A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of a resident;
- (3) An orientation to the program resources of the division of corrections;
- (4) The motivation of the offender to become constructively involved in the correctional process;
- (5) The social reintegration of the offender through the formulation of an individualized plan to aid the newly confined resident to utilize resources effectively, to develop socially acceptable life goals and to permit the division to make efficient use of available resources; and
- (6) The protection of the public through planning for appropriate correctional treatment and supervision.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.03 Duration of A & E process. (1) A & E shall be completed not more than 6 weeks after the arrival of the offender at the institution to which the offender has been sentenced or assigned.

(2) In unusual circumstances, the director of A & E (hereinafter "director") may delay the starting time of the A & E Process.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.04 Restricted movement during A & E process. (1) During A & E, a resident may be separated from the general resident population until the institution physician is satisfied that the resident is not suffering from a communicable disease or the director is satisfied that the person need not be separated for the resident's safety.

(2) The director and the security director or their designees may evaluate residents upon their arrival at the institution and recommend to the superintendent that individuals be separated from the general population and each other and have their movement restricted for the duration of A & E. The superintendent may order such residents separated and their movement restricted if he or she believes that it is necessary for the safety and security of the individual resident or of the institution.

(3) If a resident is separated from the general resident population pursuant to this section, he or she shall be notified of the reasons in writing.

HSS 302.05 Orientation during A & E process. (1) The purposes of orientation are:

- (a) To initiate the correctional process in a constructive and positive manner;
- (b) To communicate to residents the objectives of the correctional process, the successful reintegration of the offender into the community, and the protection of the public;
- (c) To communicate to residents the commitment of the whole correctional staff to the achievement of these correctional objectives and of

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(8) In determining the projected mandatory release date of a resident serving concurrent sentences imposed at the same time, the greater sentence shall control. Each sentence shall commence on the date imposed, less any credit granted pursuant to s. 973.155, Stats.

(9) In determining the projected mandatory release date of a resident serving concurrent sentences imposed at different times, the sentences shall be treated as commencing on the date each was imposed, less any credit granted pursuant to s. 973.155, Stats.

(10) In determining the projected mandatory release date of a resident serving consecutive sentences imposed at the same time, the sentences shall be treated as one continuous sentence for purposes of good time credit.

(11) In determining the projected mandatory release date of a resident serving consecutive sentences imposed at different times, the sentences shall be treated as separate sentences. Accordingly, state good time shall be credited on the second sentence as though the sentence has just commenced.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.22 Ambiguity in sentence. If a registrar is uncertain as to the terms of a sentence imposed on a resident, the registrar shall notify the court of the uncertainty in writing. The registrar shall also inform the resident in writing of the uncertainty and inform the resident of the legal services available at the institution to assist the resident.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.23 Violation of discretionary parole. When a resident is returned to an institution after the revocation of discretionary parole, the resident shall receive credit toward the satisfaction of the sentence according to the following:

(1) The resident shall receive credit from the beginning date of sentence until the date of the violation of parole. State and extra good time earned from the beginning date of sentence until the date of violation may be subject to forfeiture. The date of violation shall be determined by the hearing examiner, and if the resident waived the revocation hearing it shall be determined by the resident's parole agent.

(2) The resident shall receive credit for all time from the date of placement in custody to the date of return to the institution including state good time for the period during which the resident was in custody. A person is "in custody" under the terms of this section if freedom of movement is limited in whole or in part pursuant to a departmental parole hold or in connection with the course of conduct for which parole is revoked.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.24 Violation of mandatory release. When a resident who has been released on mandatory release or has reached mandatory release while on discretionary parole is returned to an institution after the revocation of release, the resident shall receive credit toward the satisfaction of this sentence according to the following:

(1) The resident shall receive credit from the beginning date of the sentence to the mandatory release date.

(2) The resident shall receive credit for all time from the date placed in custody until returned to the institution. A person is in custody as defined in HSS 302.23 (2).

(3) The resident shall receive credit for good time and street time, i.e. the time from mandatory release until the projected discharge date in accordance with the decision of the hearing examiner.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.245 Revocation of probation. When the probation is revoked, the probationer shall receive credit toward the satisfaction of sentence according to the following:

(1) If the probationer has already been sentenced, the term of the sentence shall begin on the date the probationer enters the prison.

(2) If the probationer has not been sentenced, he or she shall be returned to court for sentencing and unless the sentence is consecutive, the term of the sentence shall begin on the date of sentencing.

(3) All probationers whose probation is revoked shall receive credit toward the satisfaction of the sentence including state good time for all periods during which the probationer was in custody, which in whole or in part was the result of a probation-hold placed upon the person for the course of conduct which resulted in revocation.

HSS 302.25 Effect of escape on sentence. A resident who escapes from custody shall receive no credit toward the service of the sentence during the period the person is unlawfully absent from custody. A resident shall be regarded as unlawfully absent unless he or she is in the custody of law enforcement officials of any state or the United States in connection with the escape, except that the person shall be treated as unlawfully absent while in custody serving a sentence other than a sentence to a Wisconsin correctional institution.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.26 Waiver of good time. A resident and a parolee may waive good time pursuant to the following conditions:

(1) Except in an emergency, good time may be waived not less than 30 days before and not more than 90 days before the projected mandatory release date;

(2) Not less than 30 days and not more than 180 days of good time may be waived at one time, except that a parolee or person on mandatory release may waive 360 days of good time at one time;

(3) Good time waived shall not be reinstated, except for good cause;

(4) Waiver of good time must be by the resident or parolee in writing;
and

(5) The resident must consult with his or her social worker and the parolee must consult with his or her parole agent before waiving good time.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.