

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

*Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤ 97hr\_JCR-AR\_ES\_pt11b

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤

JCRAR EXECUTIVE  
SESSION 11/20/97

LRB or Bill No /Adm Rule No  
DOC 310

Amendment No. if Applicable

X ORIGINAL                      UPDATED  
 CORRECTED                       SUPPLEMENTALFISCAL ESTIMATE  
DOA-2048 N(R10/94)

## Subject

Inmate Complaint Review System

## Fiscal Effect

State:  No State Fiscal EffectCheck columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation.X Increase Costs - May be possible to Absorb  
Within Agency's Budget X Yes     No Increase Existing Appropriation                       Increase Existing Revenues  
 Decrease Existing Appropriation                       Decrease Existing Revenues  
 Create New Appropriation Decrease Costs

LOCAL: X No local government costs

1.  Increase Costs  
 Permissive     Mandatory  
2.  Decrease Costs  
 Permissive     Mandatory3.  Increase Revenues  
 Permissive     Mandatory  
4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:

 Towns                       Villages                       Cities  
 Counties                       Others \_\_\_\_\_  
 School Districts                       WTCS Districts

## Fund Sources Affected

X GPR     FED     PRO     PRS     SEG     SEG-S

## Affected Ch. 20 Appropriations

20.410(1)(a)

## Assumptions Used in Arriving at Fiscal Estimate

The Wisconsin Department of Justice (DOJ) will no longer be providing support for the Inmate Complaint Review System (ICRS). As a result, changes in DOC 310 will eliminate the requirement that the "corrections complaint examiner" (CCE) be a person outside the Department. The rule will require that the CCE be assigned to a subunit that is not within the Division of Adult Institutions. This function will be assigned by the Department of Corrections (DOC).

Under the current rule and system, DOJ has had 2.5 FTE -- the 1.0 FTE examiner, a 1.0 FTE investigator and 0.5 FTE program assistant -- to support ICRS. DOC also had a 1.0 FTE investigator working on ICRS.

DOC will be able to devote a 0.5 FTE program assistant to ICRS but will have to absorb the workload of the CCE and the DOJ investigator with existing staff. There is currently a backlog of complaints. If the backlog is not reduced, the State may face an increased risk of legal challenges.

A change in language in DOC 310.01(2)(a) from "questions" to "significant issues" is intended to reduce the number of frivolous inmate complaints, which may reduce caseload and costs. The limit of two complaints by an inmate in a week may also reduce caseload and costs. The reductions cannot be determined. The caseload and cost reductions may, however, be offset by inmate appeals of examiner decisions that complaints were frivolous.

## Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)  
Rick Christofferson    266-8397  
Department of CorrectionsAuthorized Signature/Telephone No.  
*Robert Margolies*  
Robert Margolies    266-2931

Date

7/28/97

LRB or Bill No./Adm. Rule No.  
DOC 310

Amendment No. if Applicable

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Subject**

Inmate Complaint Review System

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation       Increase Existing Revenues
- Decrease Existing Appropriation       Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local:  No local government costs

- |   |   |  |
|---|---|--|
| <p>1. <input type="checkbox"/> Increase Costs<br/>    <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs<br/>    <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</p> | <p>3. <input type="checkbox"/> Increase Revenues<br/>    <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues<br/>    <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</p> | <p>5. Types of Local Governmental Units Affected:<br/><input type="checkbox"/> Towns      <input type="checkbox"/> Villages      <input type="checkbox"/> Cities<br/><input type="checkbox"/> Counties   <input type="checkbox"/> Others _____<br/><input type="checkbox"/> School Districts   <input type="checkbox"/> WTCS Districts</p> |
|---|---|--|

**Fund Sources Affected**

GPR    FED    PRO    PRS    SEG    SEG-S

**Affected Ch. 20 Appropriations**

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Agency/Prepared by: (Name & Phone No.)  
Rick Christofferson   266-8397  
Department of Corrections

Authorized Signature/Telephone No.  
*Robert Margolies*  
Robert Margolies   266-2931

Date  
7/28/97

DOC

332

## STATEMENT OF SCOPE OF PROPOSED RULE

### **Subject:**

DOC Code – Rule promulgation to establish policies, procedures, and standards for the sex offender community notification program and honesty testing of sex offenders program.

### **Description of Policy Issues:**

#### Statement of the Objectives of the Rule:

The objective of the rule is to establish procedures for registering sex offenders in the Wisconsin Sex Offender Registry, storage of that information, and the dissemination of that information to law enforcement and the public. The rule will delineate the responsibilities of both the Department of Corrections and offenders to whom the law is applicable. The rule is intended to protect victims and the public by denying anonymity to sex offenders. This rule is designed to aid law enforcement in monitoring sex offenders in Wisconsin Communities.

In addition, the objective of the rule is to establish standards for the use of honesty testing devices in the supervision of sex offenders. Further, the objective of the rule is to provide for assessment of fees upon offenders to partially offset the costs of the program.

The alternatives to the proposed policy would result in not establishing procedures for the registration of sex offenders as required by statute.

The alternatives to the proposed policy would result in not establishing standards for the use of honesty testing devices in the supervision of sex offenders.

### **Statutory authority for the rule:**

Sections 301.45, 301.46, 301.132, and 51.375

### **Estimate of the amount of time state employees will spend to develop the rule and of other resources necessary to develop the rule:**

The Department estimates that it will take approximately 300 hours to develop the rule for both sex offender community notification and honesty testing of sex offenders, including drafting and complying with rulemaking requirements.

January 28, 1997

**Notice of Hearings**  
 Department of Corrections  
 Notice is hereby given that pursuant to ss. 227.11(2)(a), 227.17, 301.45, and 301.46, Stats., the department of corrections proposes the following rule relating to registration of sex offenders and access to information concerning sex offenders. These hearings relate to both the proposed permanent rule and the emergency rule now in effect and published on June 1, 1997.

**Hearing Information**  
 August 27, 1997  
 Wednesday  
 1:00 p.m. to 4:00 p.m.  
 State Office Bldg.  
 141 N.W. Barstow St.  
 Rm. 120  
 Waukesha, WI

August 28, 1997  
 Thursday  
 10:00 a.m. to 1:00 p.m.  
 Wood Co. Courthouse -  
 Public Auditorium  
 400 Market St.  
 Wisconsin Rapids, WI

August 29, 1997  
 Friday  
 9:00 a.m. to 12:00 p.m.  
 GEF III Bldg.  
 123 S. Webster St.  
 Rm. 041  
 Madison, WI

The public hearing sites are accessible to people with disabilities.

**Analysis Prepared by the Department of Corrections**  
 These rules are pursuant to recently enacted legislation, s. 301.45 and 301.46 Stats., relating to sex offender registration and access to information concerning sex offenders. These rules require that sex offenders register information with the sex offender registry at regular intervals, update information, and verify the accuracy of information. These rules specify the type of information that must be provided and the methods of registration, updating and verification. These rules identify how the department of corrections will maintain the sex offender registry and under what circumstances information in the registry can be expunged. These rules require supervising agencies to notify offenders of the registration requirement, but alert offenders that failure to receive notice is not a defense to any

..... Teresa J. Mason ..... being duly sworn, doth depose and say the he (she) is an authorized representative of ..... The Wisconsin State Journal ..... a newspaper, published at Madison, the seat of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

..... August 17, 1997 .....

.....

.....

.....

.....

(Signed)..... Teresa J. Mason .....  
 Principal Clerk

Subscribed and sworn to before me this 20<sup>th</sup> day of August 1997  
 Alice K. Oster  
 Notary Public, Dane County, Wisconsin

My Commission expires 08-17-2007

(Seal)

Sex Offender Registration Program  
ORDER  
OF  
DEPARTMENT OF CORRECTIONS  
PROMULGATING EMERGENCY RULES

Under the authority vested in the Department of Corrections by ss. 227.11(2), 301.45(8), and 301.46(8), Stats., the Department of Corrections hereby creates DOC ch. 332, relating to registration and community notification of sex offenders.

Statutory authority: ss. 301.45 (8), 301.46 (8), and 227.11(2), Stats.

Statutes interpreted: ss. 301.45 (1) through (9), and 301.46 (1) through (9), Stats.

Adoption Procedure: This rule is adopted under the procedures authorized in ss. 227.16 (2) (c) and 227.24 (1) (a) and (4), Stats.

FINDING OF EMERGENCY

The Department of Corrections finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public safety. A statement of the facts constituting the emergency is: The legislature has directed the department to implement programs for sex offender registration and community notification by June 1, 1997. Emergency rules are necessary to implement the June 1, 1997, timeline mandated by the legislature, inform sex offenders of registration procedures, and inform law enforcement, victims and the public of the right to access information under the procedures designed by the department. Emergency rules are necessary to implement the June 1, 1997, timeline established by the legislature while permanent rules are developed and promulgated.

Analysis by the Department of Corrections

In accordance with the recently enacted statutory authority cited above the department of corrections proposes to comply with legislative directives by creating rules to implement sex offender registration and community notification programs.

This rule:

1. Creates definitions.
2. Requires offenders to register with the department of corrections sex offender registry.
3. Specifies the category of offenses that require registration.
4. Mandates the frequency with which offenders must register and update information.
5. Specifies the type of information that must be provided.
6. Permits the department to collect additional information necessary to provide for the public protection.



- 7 Provides for the expungement of information in the registry upon reversal of a conviction that prompted registration.
- 8 Specifies the methods of registration.
9. Requires supervising agencies to notify offenders of the registration requirement.
10. Requires the supervising agency to notify the local district attorney of an offenders failure to comply with registration requirements.
11. Permits law enforcement to have access to the registry information.
12. Provides that the department issue bulletins to law enforcement prior to the release of specific types of offenders.
13. Provides that the department allow access to specific registry information by community entities and victims of crimes.
14. Permits the department to allow access to specific registry information by the general public in the interest of public protection.
15. Prohibits the department from allowing access by community entities or the general public to information relating to a child who is required to register or to information regarding any juvenile adjudication.
16. Prohibits access to registry information by community entities, victims, or the general public after the period of time which the offender is required to register.
17. Permits the department to allow access to registry information by law enforcement for law enforcement purposes after the period of time the registration requirement has elapsed.

SECTION 1. DOC 332 is created to read:

DOC 332.01 APPLICABILITY. These rules interpret ss. 301.45 and 301.46, Stats.

DOC 332.02 DEFINITIONS. (1) "Agency with Jurisdiction" means the state agency with the authority or duty to confine or supervise a person or release or discharge a person from confinement.

(2) "Comparable Law" means a law of this state or another state that is similar in substance to an included offense.

(3) "Department" means the department of corrections.

(4) "Included Offense" means any of the following:

(a) The offense is one for which the person has either been convicted, adjudicated delinquent, or found in need of protection or services on or after December 25, 1993, for any violation, or the solicitation, conspiracy or attempt to commit any violation of ss. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11, or 948.30 Stats., or of ss. 940.30 or 940.31 Stats., if the victim was a minor and the person was not the victim's parent.

(b) The person is in prison, a secured correctional facility, as defined in ss. 938.02(15m) Stats., or a secured child caring institution, as defined in s. 938.02(15g) Stats., or on probation, parole, supervision or aftercare supervision on or after December 25, 1993, for any violation, for the solicitation, conspiracy or attempt to commit any violation, of any statute identified in par. (a), or for any violation, for the solicitation,

conspiracy or attempt to commit any violation of a law of this state that is comparable to any statute identified in par (a)

(c) The person has been found not guilty or not responsible by reason of mental disease or defect on or after December 25, 1993, and committed under ss. 51.20 or 971.17 Stats., for any violation of any statute identified in par. (a).

(d) The person is in institutional care or on conditional transfer under s. 51.35(1) Stats., or conditional release under s. 971.17 Stats., on or after December 25, 1993, for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of any statute identified in par. (a), or for any violation, for the solicitation, conspiracy or attempt to commit a violation of a law of this state that is comparable to any statute identified in par. (a).

(e) The person is on parole or probation in this state from another state under ss. 304.13 or 304.135 Stats., on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of the law of another state that is comparable to any statute identified in par (a).

(f) The person is in institutional care under, or on parole from, a commitment for specialized treatment under ch. 975 Stats., on or after December 25, 1993.

(g) The person is in institutional care or on conditional release under ch. 980 Stats., on or after June 2, 1994.

(h) The person has been ordered by a court under ss. 51.20(13)(ct), 938.34(15m), 971.17(1m) (b) 2, or 973.048, Stats., to comply with the registration requirements under this section.

(5) "Residence" means any permanent or temporary dwelling where the offender is residing for a minimum of 2 weeks during a calendar year.

DOC 332.03 PERSONS REQUIRED TO REGISTER. Any person who has committed an act or violation which constitutes an included offense is subject to the registration requirements of this section.

DOC 332.04 MAINTENANCE OF REGISTRY. (1) The department shall maintain a registry of all persons subject to registration requirements.

(2) Persons subject to registration shall complete and sign a form provided by the department that requires the following information:

(a) The person's name including any aliases used by the person.

(b) The person's date of birth, gender, race, height, weight, eye and hair color.

(c) The included offense that subjects the person to registration requirements, the date of conviction, adjudication or commitment, and the county and state of conviction, adjudication or commitment.

(d) All of the following that are applicable:

1. The date the person was placed on probation, parole, supervision, conditional release, conditional transfer or supervised release.

2. The date the person was or is to be released from confinement, or discharged, or terminated from a sentence or commitment.

3. The date the person entered the state.

4. The date the person was ordered to comply with s. 301.45, Stats.

- (e) Any residence at which the person will be residing
  - (f) The name and telephone number of the supervising agency or office or unit.
  - (g) A description of all motor vehicles owned or registered to the person, which shall include the make, model, color and license number.
  - (h) The name and address of all the person's current or prospective employers and schools of enrollment.
  - (i) The date that any information required to be provided was changed or updated.
  - (j) Any other information that the department deems necessary to aid law enforcement or further the interests of public protection. This information shall only be made available to law enforcement.
- (3) The department shall expunge registry information concerning any person when the department receives all of the following:
- (a) A written request for expungement.
  - (b) A certified copy of a court order reversing, setting aside, or vacating all convictions, adjudications, findings of need of protective services, or commitments that required registration compliance.
- (4) The department may request assistance of any county, circuit court, or the department of health and family services in obtaining registry information.

**DOC 332.05 REGISTRATION TIMELINES.** (1) When a person subject to registration is on supervision the supervising department or agency shall provide the information required under s. DOC 332.04(2), to the department of corrections in a manner and form provided by the department of corrections and in accordance with the following:

(a) The information shall be provided within 10 days of the person being placed on probation, parole, supervision, aftercare supervision, conditional release or supervised release.

(b) The information shall be provided within 10 days of the persons entrance to this state on probation or parole from another state.

(2) When sub. (1) does not apply and the person is subject to registration requirements the person shall provide the information in a manner and form provided by the department and in accordance with the following:

(a) The information shall be provided no later than 10 days before being terminated or discharged from a commitment.

(b) The information shall be provided no later than 10 days prior to being released from confinement upon maximum discharge from a sentence or commitment.

(3) If sub. (1) or (2) do not apply, the information shall be provided within 10 days after the person is sentenced or receives a disposition.

**DOC 332.06 REGISTRATION FREQUENCY, DURATION, VERIFICATION, AND UPDATING.** (1) Persons subject to registration shall provide required information in accordance with the following:

(a) Unless par (b) or (c) applies, persons who have met any prerequisite that subjects the person to registration shall register, in a form and manner provided by the department, every 12 months until 15 years have elapsed since discharge from probation, parole, sentence or commitment.

(b) Persons who have on two or more separate occasions been convicted or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of ss. 940.22(2), 940.225(1), (2) or (3), 944.06, 948.02(1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, Stats., or of ss. 940.30 or 948.31, Stats., if the victim was a minor and the person was not the victim's parent, or for the violation, or for the solicitation, conspiracy or attempt to commit any violation of a law of this state or any other state that is comparable to any statutory provision cited in this paragraph shall register in a form and manner provided by the department every 12 months until his or her death. A conviction that has been reversed, set aside or vacated is not a conviction for purposes of determining under this paragraph whether a person has been convicted on 2 or more separate occasions.

(c) Any person determined to be a sexually violent person under ch. 980 Stats., shall register in a form and manner provided by the department every 90 days until his or her death.

(2) Unless sub. (3) applies, persons subject to registration shall provide updated information within 10 days of any change in residence, school, employment or vehicle registration.

(3) A person who is subject to registration and who is moving from this state to another state must comply with the following:

(a) Provide the department with the change in residence information no later than 10 days prior to moving.

(b) Register and comply with any sex offender registry program requirements of the receiving state.

(4) Persons subject to registration who receive any notice from the department requesting verification of registry information shall verify the accuracy of registry information and provide any updated information within 10 days of the receipt of the notice by signing and returning a confirmation receipt to the department.

(5) The supervising department or if the person is not supervised the department of corrections shall notify persons subject to registration of the registration requirements in accordance with the following:

(a) Persons required to register every 90 days shall be notified every 90 days.

(b) Persons subject to annual registration requirements shall be notified annually until the obligation expires.

(6) Failure to receive notice of registration requirements under sub.(5) is not a defense to liability under s. 301.45(6), Stats.

(7) In addition to penalties provided in s. 301.45(6), Stats., failure to comply with registration requirements, including but not limited to signing the registration form, verifying information, updating information, or providing true and accurate information when the person is on probation, parole, supervised release, conditional discharge, or aftercare supervision is a violation of that supervision.

(8) The department shall notify the District Attorney in the county where the offender resides of any intentional non-compliance with the obligation to register, update registry information or verify registry information.

DOC 332.07 ACCESS TO REGISTRY BY LAW ENFORCEMENT. (1) The department shall allow access to registry information to law enforcement agencies in accordance with the following:

(a) The department shall allow the police chief and sheriff of any community or county in which a person subject to registration resides, is employed, or is enrolled in a school program to access all of the registrant's information identified in s. DOC 332.04(2)(a), through (i).

(b) The department may grant a police chief or sheriff access to information concerning any person registered under s. DOC 332.04.

(2) In addition to the information provided to law enforcement agencies under sub. (1) the department may provide law enforcement with any other information concerning persons subject to registration.

DOC 332.08 BULLETINS TO LAW ENFORCEMENT. (1) The department shall provide bulletins to law enforcement agencies in accordance with the following:

(a) If an agency with jurisdiction confines a person under the community residential confinement program, provides a person entering the intensive sanction program with a sanction other than a type 1 prison, or releases a person from confinement or institutional care, and the person has, on one occasion only, been convicted or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of ss. 940.22(2), 940.225(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or s. 948.30, Stats., or of ss. 940.30 or 940.31, Stats., if the victim was a minor and the person was not the victims parent, or a law of this state that is comparable to a statutory provision identified in this paragraph, the agency with jurisdiction may notify the police chief and sheriff where the person resides, is employed or is enrolled in a school program if the agency determines that notification is necessary to protect the public.

(b) If an agency with jurisdiction confines a person under the community residential confinement program, provides a person entering the intensive sanctions program with a sanction other than a type 1 prison, or releases a person from confinement or institutional care; and the person has been found to be a sexually violent person under ch. 980 Stats., or has on two or more separate occasions been convicted of or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation of any statutory provision identified in par. (a), the agency with jurisdiction shall notify the police chief and the sheriff where the person resides, is employed or enrolled in a school program.

(2) The notification provided under this section shall be in the form of a written bulletin that provides all the applicable information identified at s. DOC 332.04(2).

DOC 332.09 NOTIFICATION OF VICTIMS. (1) In this subsection:

(a) "Member of the family" means spouse, child, parent, sibling or legal guardian.

(b) "Victim" means a person against whom an included offense has been committed.

(2) Victims and any member of the victim's family may request, in a form and manner provided by the department, access to information and written notifications when an offender registers or updates information.

(3) The department shall provide notice to victims and family members who have requested notification under sub. (2) which shall include:

- (a) The person's name including any aliases.
- (b) The person's address.
- (c) The name and telephone number of the supervising agency.
- (d) All motor vehicle information concerning the person.
- (e) Any updated information including the date the information was last updated.

(4) In addition to information provided under sub. (3) the victim or family member may request that the department provide him or her with other information concerning the person that is specified at s. DOC 332.04(2)(a) through (i).

DOC 332.10 ACCESS TO REGISTRY BY COMMUNITY ENTITIES. (1) Community entities may request, in a form and manner provided by the department, information concerning any person subject to registration who resides, is employed or attends school within the general geographic area of the community entity.

(2) Community entities that may request information under sub. (1) are as follows:

(a) A public or private elementary or secondary school; a s. 48.651, Stats., licensed group home; a s. 48.48, Stats., licensed shelter care facility; a s. 48.62., Stats., foster home or treatment foster home; a ss. 46.21, 46.215, 46.22, 46.23, 51.42, or 51.437, Stats., county department; a s. 48.57., Stats., child welfare agency or a s. 104.01(6), Stats., sheltered workshop personnel office.

(b) The departments of justice, health and family service or public instruction.

(c) An organized unit of the Boy Scouts of America, the Boy's Clubs of America, the Girl Scouts of America or the Camp Fire Girls.

(d) A day care provider that holds a license under s. 48.65, Stats., is certified under s. 48.651, Stats., holds a s. 48.69, Stats., probationary license, or is contracted for or established under s. 120.13(14), Stats.

(e) A neighborhood watch program authorized under s. 60.23(17m), Stats., or by the law enforcement agency of a city or village.

(f) Any other community-based public or private, nonprofit organization that the department determines should have access to registry information in the interest of public protection.

(3) In response to a request under sub. (1) the department shall provide all of the following:

- (a) The name and aliases of any person required to register.
- (b) The date and county of conviction.
- (c) All motor vehicle information concerning the person.
- (d) The last date on which the registry information was updated.

(4) The department shall not provide any of the following information in response to a request under sub. (1):

- (a) Any information regarding a child who is subject to registration requirements.

(b) If the person registered is an adult, any information concerning a juvenile proceeding in which the person was involved.

(5) Subject to sub. (4), a community entity under sub. (2)(e) may request, in a form and manner provided by the department, the names of and information specified at sub. (3) concerning all persons registered who reside, are employed or attend school within the general geographic area of the entity.

DOC 332.11 ACCESS TO REGISTRY BY GENERAL PUBLIC. (1) The department may in the interest of public protection provide information to a person not provided access to registry information under other sections when the person requests information, in a form and manner provided by the department, and when the person does all of the following:

- (a) Submits a request in a form and manner provided by the department.
- (b) Specifies by name the person about whom information is requested and;
- (c) Provides any other information deemed necessary by the department to identify the person registered under s. DOC 332.04.

(2) When the department grants access to information in response to a request under sub. (1) all of the following information shall be provided:

- (a) The state, county and date of the person's last conviction or commitment that required registration compliance.
- (b) All motor vehicle information concerning the person.
- (c) The date the information was last updated.

(3) The department shall not provide any of the following information in response to a request under sub. (1):

- (a) Any information concerning a child who is required to register.
- (b) If the person registered is an adult, any information concerning a juvenile proceeding in which the person was involved.

DOC 332.12 MISUSE OF REGISTRY INFORMATION. Persons who commit crimes using information that is disclosed under the provisions of this chapter are subject to the penalty provided for the crime committed and any increased penalty provided under s. 939.646, Stats.

DOC 332.13 PERIOD OF ACCESS TO REGISTRY. (1) Except as provided in sub. (2) the department shall provide access to registry information only during the period of time in which the person is required to register.

(2) The department may provide registry access to law enforcement agencies regardless of whether the person is still subject to registration requirements.

DOC 332.14 OPEN RECORDS REQUESTS. Open records requests under s. 19.35, Stats., directed to department records other than the sex offender registry are not effected by the provisions of this chapter.

FISCAL ESTIMATE

A copy of the fiscal estimate is attached.

**EFFECTIVE DATE**

The rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats..

Dated: \_\_\_\_\_ Agency: \_\_\_\_\_  
MICHAEL J. SULLIVAN, Secretary  
Department of Corrections



FISCAL ESTIMATE  
DOA-2048 N(R10/94)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No /Adm. Rule No.  
Adm. Rule DOC 332  
Amendment No. if Applicable

Subject

Relating to Implementation of Sex Offender Registration and Community Notification

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
     Permissive       Mandatory  
2.  Decrease Costs  
     Permissive       Mandatory

3.  Increase Revenues  
     Permissive       Mandatory  
4.  Decrease Revenues  
     Permissive       Mandatory

5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties       Others \_\_\_\_\_  
 School Districts       WTCS Districts

Fund Sources Affected

- GPR    FED    PRO    PRS    SEG    SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The creation of Adm. Rule DOC 332 relates to registration and community notification.

The Legislature directed the Department of Corrections to implement a sex offender registry, notify sex offenders of registration procedures, and inform law enforcement, victims and the public of the right to access information. The Department is required to implement these programs by June 1, 1997.

This Administrative Rule should not have a Departmental fiscal effect separate from the statutory effect.

Long-Range Fiscal Implications

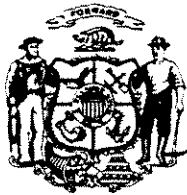
Agency/Prepared by: (Name & Phone No.)  
Department of Corrections  
C. Halpin 267-0934

Authorized Signature/Telephone No.  
*Robert Margolies*  
Robert Margolies/266-2931

Date  
May 22, 1997

Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



F  
Mailing Address  
149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471

## State of Wisconsin Department of Corrections

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September 3, 1997

Senator Richard Grobschmidt  
Joint Committee for Review of Administrative Rules  
Room 404, 100 N. Hamilton Street  
Madison, Wisconsin 53707

Representative Glenn S. Grothman  
Joint Committee for Review of Administrative Rules  
State Capitol, Room 125 West  
Madison, Wisconsin 53708

Dear Senator Grobschmidt and Representative Grothman:

The Department of Corrections has an emergency rule that will expire on October 30, 1997, before it can be replaced by a permanent rule. Pursuant to s. 227.24(2), Stats., I ask the Joint Committee to extend the emergency rule creating DOC 304 by 60 days.

This emergency rule is required to provide for the establishment of secure work crews. The Department of Corrections has proposed a permanent rule to provide for secure work crews. The Department submitted a scope statement on May 30, 1997, a copy of which is enclosed. The Department submitted the proposed permanent rule to the Administrative Rules Clearinghouse and the Revisor of Statutes on June 26, 1997, copies of which are enclosed. The Department received the report from the Administrative Rules Clearinghouse on July 17, 1997. On July 25, 1997, the Department scheduled this rule for hearings on August 25, August 28, and August 29, 1997, a copy of the notice of hearing is attached. All three hearings were held. The open comment period for written comments extends to September 5, 1997. The Department will not be able to promulgate the permanent rule before the emergency rule expires.

Copies of the order creating an emergency rule and the proposed order creating a permanent rule are enclosed. If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,

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

Michael J. Sullivan  
Secretary

Enclosures

cc: JCRAR Members

Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



Mailing Address  
149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471

State of Wisconsin  
Department of Corrections

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September 15, 1997

Mr. Gary L. Poulson  
Deputy Revisor  
Revisor of Statutes Bureau  
131 West Wilson Street  
Room 800  
Madison, WI 53703-3233

Re: CR 97-106  
Proposed Rule Relating to the Inmate Complaint Review System

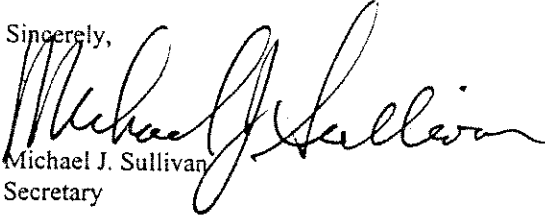
Dear Mr. Poulson:

Pursuant to s. 227.17 Stats., please find enclosed the Notice of Hearing for CR 97-106, the proposed rules relating to the inmate complaint review system. Also enclosed is a 3.5" double-density disk containing a copy of the notice.

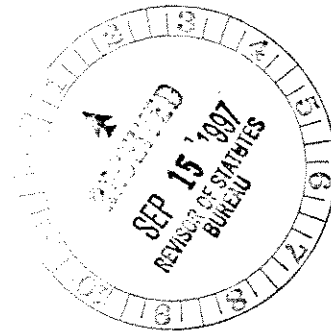
I approve the attached notice of hearing.

If you have questions, please contact Deborah Rychlowski at (608) 266-8426.

Sincerely,

  
Michael J. Sullivan  
Secretary

cc: Richard G. Chandler  
State Budget Director



NOTICE OF HEARING

DEPARTMENT OF CORRECTIONS

(The Inmate Complaint Review System - DOC 310)

NOTICE IS HEREBY GIVEN That pursuant to ss. 227.11 (2) (a), and 303.065, Stats., the department of corrections proposes the following rule relating to the inmate complaint review system.

Hearing Information

<u>Date &amp; Time</u>	<u>Location</u>
October 15, 1997 Wednesday 3:00 P.M.	Secretary's Conference Room Department of Corrections 149 E. Wilson Street, 3rd Floor Madison, Wisconsin
October 16, 1997 Thursday 1:00 P.M.	Room 105 State Office Building 718 West Clairemont Eau Claire, Wisconsin
October 17, 1997 Friday 10:00 A.M.	Room 223 State Office Building 141 Northwest Barstow Street Waukesha, Wisconsin

The public hearing sites are accessible to people with disabilities.

Analysis Prepared by the Department of Corrections

The department provides an administrative process by which inmates may raise grievances concerning rules, living conditions, and staff actions affecting inmates' institution living. This rule updates the department's current rule.

This proposed rule eliminates redundant and confusing language, simplifies and clarifies some language, and uses current

terminology.

This rule reflects the statutory requirement that requires inmates to exhaust their administrative remedies before commencing a civil action.

This rule uses the term "significant" to modify the "issues" to establish a more administratively efficient inmate complaint review system. This rule requires the institution complaint examiner to dismiss frivolous complaints. This rule permits inmates to appeal the dismissal of a frivolous complaint to the appropriate reviewing authority. This rule prohibits the corrections complaint examiner from reviewing complaints dismissed as frivolous.

This rule permits the institution complaint examiner to accept late complaints for good cause.

This rule requires the written complaint procedure to be readily available to all inmates. It requires inmates to receive written notification and an oral explanation of the complaint procedures. It requires appropriate provisions to be made for non-English speaking, impaired or handicapped inmates.

This rule limits the number of complaints that an inmate may file to 2 complaints in a calendar week unless the institution complaint examiner finds that good cause exists to allow the inmate to file more than 2 complaints in the calendar week.

This rule expands some time lines by changing calendar days to working days. This rule requires the secretary to make a decision on the complaint within 10 calendar days instead of 5 calendar days. This rule permits the time lines to be extended for cause and upon notice to the inmate or all interested parties involved.

This rule permits persons other than the warden to review and make decisions regarding an inmate complaint.

This rule permits a complaint to be filed directly with the reviewing authority if the institution complaint examiner determines that the normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm.

This rule removes language that permitted the corrections

complaint examiner to order an evidentiary hearing.

This rule prohibits any reprisal against an inmate for participation in the complaint procedure.

This rule requires all records of an inmate complaint to be kept for at least 3 years after disposition of the complaint.

This rule permits the secretary to suspend these rules in an emergency.

Chapter DOC 310

COMPLAINT PROCEDURES

- DOC 310.01 Purpose
- DOC 310.02 Applicability
- DOC 310.03 Definitions
- DOC 310.04 Exhaustion of administrative remedies
- DOC 310.05 Communication of procedures
- DOC 310.06 Organization of inmate complaint review system
- DOC 310.07 Inmate complaint review system
- DOC 310.08 Scope of complaint review system
- DOC 310.09 Filing of complaints
- DOC 310.10 Group complaints
- DOC 310.11 Processing complaints at the institution level
- DOC 310.12 Appropriate reviewing authority
- DOC 310.13 Review by corrections complaint examiner
- DOC 310.14 Secretary's decision
- DOC 310.15 Implementation of affirmed complaint
- DOC 310.16 Confidentiality
- DOC 310.17 Reports
- DOC 310.18 Preservation of records
- DOC 310.19 Suspension of provisions of this chapter

SECTION 1. DOC 310.01 (2) (intro.) and (a) are amended to read:

DOC 310.01 (2) The objectives of the inmate complaint review system are the following:

(a) To allow inmates to raise, in an orderly fashion, questions significant issues regarding rules, living conditions, and staff actions affecting institution living environment.

SECTION 2. DOC 310.01 (2) (b) is renumbered DOC 310.01 (2) (c),

and as renumbered, is amended to read:

DOC 310.01 (2) (c) To encourage communication between inmates and staff~~7~~

SECTION 3. DOC 310.01 (2) (b) is created to read:

DOC 310.01 (2) (b) To provide the department an early opportunity to decide the issue before an inmate commences a civil action or special proceeding against a department officer, employe or agent in the officer's, employe's or agent's official or individual capacity.

SECTION 4. DOC 310.01 (2) (c) to (g) are renumbered DOC 310.01 (2) (d) to (h), and as renumbered, are amended to read:

DOC 310.01 (d) To develop inmates' sense of

involvement in and respect for the correctional process~~7~~

(e) To explain correctional policy to inmates and staff~~7~~

(f) To afford inmates and staff the opportunity to review correctional policy and gain further insight into the correctional system~~7~~

(g) To correct any errors and deficiencies in correctional policy through questioning and review~~7~~ and~~1~~

(h) To allow inmates to raise civil rights grievances.

SECTION 5. DOC 310.015 is renumbered 310.02, and as renumbered, is amended to read:

DOC 310.02 APPLICABILITY. Pursuant to authority vested in the department of corrections under ss. 301.02, 301.03 (2) and 227.11 (2), Stats., the department adopts this chapter which applies to the department and all adult inmates in its legal custody confined in a state correctional facility. It interprets ss. 301.02 and 301.03 (2), Stats.

SECTION 6. DOC 310.02 (intro.) and 310.02 (1) are renumbered DOC 310.03 (intro.) and 310.03 (1).



SECTION 7. DOC 310.02 (2) is renumbered DOC 310.03 (4), and as renumbered, is amended to read:

(4) "Calendar days" means all days including Saturdays, Sundays, and state legal holidays.

SECTION 8. DOC 310.02 (3) is renumbered DOC 310.03 (6), and as renumbered, is amended to read:

DOC 310.03 (6) "CCE" or "corrections complaint examiner" means the ~~person outside employe of the department, who shall be assigned to a subunit that is not within the division of adult institutions, who is~~ designated to investigate complaints appealed to the secretary.

SECTION 9. DOC 310.02 (4) is renumbered DOC 310.03 (7), and as renumbered, is amended to read:

DOC 310.03 (7) "Civil rights grievance" means any inmate complaint relating to an incident affecting the delivery of services to inmates ~~in which it appears an inmate has been discriminated against alleging discrimination~~ on the basis of race, creed, ethnicity, national origin, sex, handicap, age, religion, color, ancestry, sexual orientation or marital status.

SECTION 10. DOC 310.02 (5) is renumbered DOC 310.03 (8), and as renumbered, is amended to read:

DOC 310.03 (8) "Department" means the ~~Wisconsin~~ department of corrections.

SECTION 11. DOC 310.02 (6) is renumbered DOC 310.03 (11), and as renumbered, is amended to read:

DOC 310.03 (11) ~~"ICI" "ICE" or "inmate complaint investigator"~~ "institution complaint examiner" means the person at each adult correctional institution or designee designated to investigate complaints filed by inmates.

SECTION 12. DOC 310.02 (7) is renumbered DOC 310.03 (12).

SECTION 13. DOC 310.02 (8), 310.02 (9), and 310.02 (10) are renumbered DOC 310.03 (16), 310.03 (18) and 310.03 (19), and as renumbered, are amended to read:

DOC 310.03 (16) "Secretary" means the ~~head~~ secretary of the department of corrections, or ~~that person's~~ designee.

(18) ~~"Superintendent"~~ "Warden" means the ~~superintendent~~ warden of the institution at which the complaint was filed, or designee.

(19) "Working days" means all days except Saturdays, Sundays, and state legal holidays.

SECTION 14. DOC 310.025 (title) is renumbered DOC 310.06 (title).

SECTION 15. DOC 310.025 (intro.) is repealed.

SECTION 16. DOC 310.025 (1), 310.025 (2) (intro.), and 310.025 (2) (a) are renumbered DOC 310.06 (1), 310.06 (2) (intro.), and 310.06 (2) (a), and as renumbered, are amended to read:

DOC 310.06 ORGANIZATION OF INMATE COMPLAINT REVIEW SYSTEM. (1) To use the complaint system, an inmate files a complaint with the inmate institution complaint investigator examiner (ICI) under ~~s. DOC 310.05 ss. DOC 310.09 or 310.10.~~

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

(a) Investigate the complaint under s. ~~DOC 310.07~~ 310.11;

SECTION 17. DOC 310.025 (2) (b) and (c) are renumbered 310.06 (2) (d) and (e), and as renumbered, are amended to read:

DOC 310.06 (2) (d) Attempt to resolve the complaint under s. ~~DOC 310.07 (5)~~ 310.11 (7);

(e) Recommend a decision to the superintendent appropriate reviewing authority under s. ~~DOC 310.07 (3)~~ 310.11(3).

SECTION 18. DOC 310.025 (3) to (5) are renumbered DOC 310.06 (3) to (5), and as renumbered, are amended to read:

DOC 310.06 (3) The superintendent appropriate reviewing authority, ~~after studying the ICI's report,~~ renders makes a decision under s. ~~DOC 310.08~~ 310.12.

(4) An inmate may appeal an adverse decision to the corrections

complaint examiner ~~(CCE)~~ under s. DOC ~~310.09 (1)~~ 310.13.

(5) The ~~corrections~~ ~~complaint examiner~~ CCE then investigates and makes a recommendation to the secretary under s. DOC ~~310.09 (10)~~ 310.13(8).

SECTION 19. DOC 310.025 (6) and (7) are repealed.

SECTION 20. DOC 310.03 (title), 310.03 (1), 310.03 (2), 310.03 (3), and 310.03 (4) are renumbered DOC 310.07 (title), 310.07 (1), 310.07 (2), 310.07 (3) and 310.07 (4), and as renumbered, are amended to read:

DOC 310.07 INMATE COMPLAINT REVIEW SYSTEM. (1) To effectuate achieve the purpose and objectives of s. DOC 310.01, the department shall maintain an inmate complaint review system ~~(ICRS)~~ in the ~~adult~~ correctional institutions.

(2) Each ~~superintendent~~ warden shall appoint an inmate institution ~~complaint investigator (ICI) examiner to implement the complaint review system whose primary responsibility shall be complaint investigation.~~ In some institutions the superintendent ~~The warden~~ may designate ~~an~~ any employe to function as ~~ICI~~ ICE in addition to other duties. ~~Complaint investigation shall be the primary responsibility of this person.~~

(3) The ~~ICI~~ ICE shall be provided with office space and clerical support required to implement the ICRS.

(4) In investigating a complaint, the ~~ICI~~ ICE shall have access to institution staff, inmates, and any institution or department records pertaining pertinent to that investigation ~~not otherwise protected by rule or statute.~~

SECTION 21. DOC 310.03 (2) and 310.03 (3) are created to read:

DOC 310.03 (2) "Administrator" means an administrator, division of adult institutions, department of corrections, or designee.

(3) "Appropriate reviewing authority" means the warden, bureau director, administrator or designee who is authorized to review and decide an inmate complaint.

SECTION 22. DOC 310.03 (5) is repealed.

SECTION 23. DOC 310.03 (5), 310.03 (9), 310.03 (10), 310.03 (13) to 310.03 (15), and 310.03 (17) are created to read:

DOC 310.03 (5) "Calendar week" means Sunday through Saturday.

(9) "Director" means a director of a bureau, department of corrections, or designee.

(10) "Emergency" means any situation determined by the secretary to affect the security or orderly administration of the institution or the security, safety, or health of staff.

(13) "Malicious injury" means injury to the department or a person as the result of hatred, ill will, revenge, or as the result of intent to insult or injure.

(14) "Persons working in the inmate complaint review system or ICRS" include the secretary, deputy secretary, CCE, ICE support staff, staff who assist an inmate to reduce the complaint to writing, clerical staff who input ICRS data and other staff who by the nature of their jobs have contact with inmate complaints.

(15) "Reprisal" means any action or threat of action against anyone for their good faith participation in the complaint procedure.

(17) "Significant issue" means a serious or important defect or omission.

SECTION 24. DOC 310.04 (title), 310.04 (1), and 310.04 (2) are renumbered DOC 310.08 (title), 310.08 (1), and 310.08 (2), and as renumbered, are amended to read:

DOC 310.08 SCOPE OF COMPLAINT REVIEW SYSTEM. (1) The inmate complaint review system ~~(ICRS)~~ may be used by an inmate ~~acting~~ individually or by a group of inmates ~~acting~~ collectively.

(2) The ICRS may be used to ~~seek a change of any institutional policy or practice~~ raise significant issues regarding rules, living conditions, and staff actions affecting institution environment, except any of the following:

SECTION 25. DOC 310.04 (2) (a) is repealed.

SECTION 26. DOC 310.04 (2) (b) is renumbered 310.08 (2) (b).

SECTION 27. DOC 310.04 (2) (c) to 310.04 (2) (e) are renumbered DOC 310.08 (2) (c) to 310.08 (2) (e), and as renumbered, are amended to read:

DOC 310.08 (2) (c) A decision of the parole commission acting in any capacity;

(d) The denial of a request for an authorized leave as provided in ch. DOC 326; or

(e) A decision on a challenge to an inmate record;

SECTION 28. DOC 310.04 (3) (intro.) is renumbered DOC 310.08 (3), and as renumbered, is amended to read:

DOC 310.08 (3) ~~After exhausting the appeal in DOC 302.19, 303.75 or 303.76, The~~ the ICRS may be used to challenge the procedure used by the adjustment committee or hearing officer, by a program review committee, or by any decision maker acting on a request for authorized leave. ~~If a complaint challenging the procedure used by the adjustment committee or hearing officer is affirmed, the decisionmaker shall.~~

SECTION 29. DOC 310.04 (3) (a) to (d) are repealed.

SECTION 30. DOC 310.04 (5) is renumbered DOC 310.08 (5), and as renumbered, is amended to read:

DOC 310.08 (5) Civil rights complaints may be filed in the ICRS in accordance with the procedures set forth in this chapter. The ~~ICE~~ ICE at the institution level and CCE at the appeals level may request assistance from the department's affirmative action/civil rights compliance officer to investigate or resolve a civil rights complaint.

SECTION 31. DOC 310.04 is created to read:

DOC 310.04 EXHAUSTION OF ADMINISTRATIVE REMEDIES. Before an inmate may commence a civil action or special proceedings against any officer, employe or agent of the department in the officer's, employe's or agent's official or individual capacity for acts or omissions committed while carrying out that person's duties as an

officer, employe or agent or while acting within the scope of the person's office, the inmate is required to file a complaint under ss. DOC 310.09 or 310.10, receive a decision on the complaint under s. DOC 310.13, have an adverse decision reviewed under s. DOC 310.14, and be advised of the secretary's decision under s. DOC 310.14. With respect to procedures used by the adjustment committee or hearing officer in a prison disciplinary action under ch. 303, an inmate shall appeal to the warden under s. 303.76 and file an inmate complaint under s. 310.08 (3) in order to exhaust administrative remedies.

SECTION 32. DOC 310.05 (title) is renumbered DOC 310.09 (title).

SECTION 33. DOC 310.05 (1) is renumbered DOC 310.09 (1), and as renumbered, is amended to read:

DOC 310.09 FILING OF COMPLAINTS. (1) A complaint, whether filed by an individual or a group of inmates, shall be written on forms supplied for that purpose and shall be signed by the inmate or by all members of the group filing the complaint. Unsigned complaints or complaints with foul language will not be accepted.

SECTION 34. DOC 310.05 (2) is renumbered DOC 310.09 (3), and as renumbered, is amended to read:

DOC 310.09 (3) A complaint shall be filed within 14 calendar days after the occurrence giving rise to the complaint, except that the inmate institution complaint investigator (ICI) examiner may accept a late complaint for good cause.

SECTION 35. DOC 310.05 (3) is renumbered DOC 310.09 (4), and as renumbered, is amended to read:

DOC 310.09 (4) Impaired, handicapped or illiterate inmates may not be excluded from full participation in the ICRS. If an inmate is unable to write a complaint, the ICI ICE or other staff shall reduce the complaint to writing and shall read it to the inmate. When the inmate is satisfied with the complaint, the inmate should shall sign it if able, or mark it with the inmate's mark, if able. An inmate can may also receive assistance from another inmate in preparing a complaint.

SECTION 36. DOC 310.05 (4) is renumbered DOC 310.09 (2), and as renumbered, is amended to read:

DOC 310.09 (2) The institution shall provide a supply of complaint forms and make the forms readily available to inmates.

SECTION 37. DOC 310.05 (5) and 310.05 (6) are renumbered DOC 310.09 (5) and (6), and as renumbered, are amended to read:

DOC 310.09 (5) A signed complaint may be filed by depositing it in a locked box in the living unit designated for complaints or by placing it in a sealed envelope marked for delivery to the office of the ~~ICF~~ ICE via institution mail.

(6) An inmate may file ~~any number of~~ no more than 2 complaints in any given calendar week, unless the ICE determines in the ICE's discretion that good cause exists to allow the inmate to file more than 2 complaints in the calendar week. However, the ~~ICF~~ ICE shall exercise discretion in determining ~~the order in which subsequent complaints from an inmate will be processed within the time limits of this section and in keeping with priorities set by s. DOC 310.07 (3) whether to assign individual complaint numbers or to batch complaints of similar content filed by one inmate.~~ Health and personal safety issues shall be excluded from this section and shall be dealt with in the manner provided by s. DOC 310.11 (3).

SECTION 38. DOC 310.05 is created to read:

DOC 310.05 COMMUNICATION OF PROCEDURES. The written complaint procedure shall be readily available to all inmates. Upon arrival at an institution, each inmate shall receive written notification and an oral explanation of the procedure, including how to file at the institution. The inmate shall be given the opportunity to ask and have questions answered orally. Appropriate provisions shall be made for non-English speaking, impaired or handicapped inmates.

SECTION 39. DOC 310.06 (title) and 310.06 (1) are renumbered DOC 310.10 (title) and 310.10 (1).

SECTION 40. DOC 310.06 (2) is renumbered DOC 310.10 (2), and as renumbered, is amended to read:

DOC 310.10 (2) Inmates having a complaint in common may file as a group by using one complaint form ~~and affixing the signatures of all complainants to the form.~~ All complainants shall sign the form. ~~Alternatively, each may file individually but ask that the complaints be considered together. In either event, the~~ The group

shall designate a spokesperson or, if none is designated, the first name signed on the complaint ~~filed~~ shall be deemed the spokesperson for the group. A group complaint counts as a complaint under DOC 310.09 (6).

SECTION 41. DOC 310.06 (2) (b) and (c) are created to read:

DOC 310.06 (2) (b) Reject a complaint in accordance with provisions of this chapter;

(c) Dismiss a complaint in accordance with provisions of this chapter;

SECTION 42. DOC 310.06 (3) and (4) are repealed.

SECTION 43. DOC 310.06 (5) and DOC 310.06 (6) are renumbered DOC 310.10 (4) and DOC 310.10 (5), and as renumbered, are amended to read:

DOC 310.10 (4) The ~~ICI warden~~ shall determine if decisions ~~or~~ ~~acknowledgments~~ shall be ~~communicated individually~~ issued to all parties to a group complaint or, ~~if individual notice is administratively infeasible, may elect to post decisions or~~ ~~acknowledgments of receipt of appeals~~ posted in a place accessible to the group.

(5) Group complaints filed in accordance with this section shall not be ~~deemed~~ considered a group petition within the meaning of s. DOC 303.20 and shall not subject the complainants to discipline under that section.

SECTION 44. DOC 310.06 (6) is created to read:

DOC 310.06 (6) The secretary shall review the CCE's report, make a decision under s. DOC 310.14, and ensure implementation under DOC 310.15.

SECTION 45. DOC 310.07 (title) is renumbered DOC 310.11 (title).

SECTION 46. DOC 310.07 (1) to (3) are renumbered DOC 310.11 (1) to (3), and as renumbered, are amended to read:

DOC 310.11 PROCESSING COMPLAINTS AT THE INSTITUTION LEVEL. (1)  
Unless the ~~inmate institution~~ complaint investigator ~~(ICI)~~



~~examiner is absent, at least once each working day~~ the ICE shall collect all complaints deposited in any complaint box in the institution. The ~~superintendent warden~~ shall proceed under s. DOC ~~310.03 (5)~~ 310.07(2) in the event of an absence of the ~~ICI ICE~~ ICE for longer than 2 working days. Only Except as provided in this section, only the ICE shall have access to the complaint boxes, which shall be provided with locks.

(2) No complaint may include more than one issue. Each complaint shall be assigned a file number ~~for purposes of identification,~~ and classification code and the ~~date of the receipt shall be noted~~ dated for purposes of identification. Each complaint shall be reviewed and acknowledged in writing by the ~~ICI ICE~~ ICE within ~~3~~ 5 calendar working days of the date of receipt. ~~Complaints dealing with health or personal safety shall be given priority.~~

(3) The ~~ICI ICE~~ ICE shall ~~employ use discretion~~ in deciding the investigatory method best suited to determine the facts, ~~including personal interviews, telephone calls, and document and correspondence review~~ except that the investigation of complaints under 310.08(3) shall be limited to the record. This may include personal interviews, telephone calls, and document and correspondence review. Complaints dealing with health or personal safety shall be given priority. The ICE shall forward a report and recommendation to the superintendent within ~~15~~ calendar days from the date of the acknowledgment for decision in accordance with s. DOC 310.08. The complainant may waive the time limits for up to an additional 30 calendar days to allow completion of an investigation. The report shall include those items required by subs. (5) and (6), when applicable. The inmate may waive time limits if the additional time will result in resolution of the complaint.

SECTION 47. DOC 310.07 (4) to (8) are renumbered DOC 310.11 (6) to (10), and as renumbered, are amended to read:

DOC 310.11 (6) Staff ~~must~~ shall respond in writing, if requested, to an inquiry by an ~~ICI ICE~~ ICE investigating a complaint.

(7) The ~~ICI ICE~~ ICE ~~shall~~ may attempt to informally resolve the complaint, which may include directing the inmate to discuss the issue with an appropriate institution staff member prior to investigating the complaint, at the institution level. If resolution attempts are successful, the ~~ICI ICE~~ ICE shall record the results in writing and have the complainant sign the report

indicating the complainant's acceptance of the resolution. This resolution shall then be forwarded to the ~~superintendent for a decision under s. DOC 310.08~~ appropriate reviewing authority.

(8) If an inmate is transferred to another institution after a complaint is filed but before ~~a superintendent~~ the appropriate reviewing authority renders a decision, the ~~ICE~~ ICE shall determine if the complaint is moot because of the transfer and, if so, shall notify the inmate. If the issue still must be decided, the ~~ICE~~ ICE at the institution where the complaint originated shall investigate and make a recommendation to the ~~superintendent~~ appropriate reviewing authority.

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

(10) ~~In any event, the~~ The ~~ICE~~ ICE shall note the persons interviewed and the documents or records used as basis to support the decision or which were relied on in reaching a decision.

SECTION 48. DOC 310.08 (title), 310.08 (1) and 310.08 (2) are repealed.

SECTION 49. DOC 310.08 (2) (a) and (f) are created to read:

DOC 310.08 (2) (a) The subject matter of a conduct report that has not been resolved through the disciplinary process in accordance with ch. DOC 303;

(f) A denial of an open records request.

SECTION 50. DOC 310.08 (4), 310.08 (4) (a) to 310.08 (4) (c) are created to read:

DOC 310.08 (4) Complaints filed in the following areas shall be directed as follows to the following appropriate reviewing authority:

(a) Health care and psychiatric issues shall be directed to the director of the bureau of health services.

(b) Badger state industries and farm issues shall be directed to the director of the bureau of correctional enterprises.

(c) The reviewing authority for all other complaints is the warden, unless another authority is designated by the secretary.

SECTION 51. DOC 310.09 (title), 310.09 (1) and 310.09 (2) are renumbered DOC 310.13 (title), 310.13 (1) and 310.13 (2), and as renumbered, are amended to read:

DOC 310.13 REVIEW BY CORRECTIONS COMPLAINT EXAMINER. (1) A complainant ~~affected by a superintendent's~~ dissatisfied with a decision may, within 5 calendar days after receipt of the decision, appeal that decision by filing a written request for review with the corrections complaint examiner ~~(CCE)~~.

(2) Appeals shall be sent to the CCE in a sealed envelope that ~~department employees~~ only the CCE or CCE support staff may ~~not~~ open or inspect.

SECTION 52. DOC 310.09 (3) is renumbered DOC 310.13 (3).

SECTION 53. DOC 310.09 (4) is renumbered DOC 310.13 (5), and as renumbered, is amended to read:

DOC 310.13 (5) The CCE shall, within 5 ~~calendar~~ working days after receiving an appeal, ~~review and~~ acknowledge receipt of the appeal. ~~Appeals dealing with health and personal safety shall be given priority attention.~~ Within 5 ~~calendar~~ working days of a request by the CCE, the ~~inmate~~ institution complaint ~~investigator~~ examiner shall provide the CCE with copies of the complaint, the ~~ICI's~~ ICE's investigation report and associated documentation and the superintendent's appropriate reviewing authority's decision. Appeals dealing with health or personal safety shall be given priority.

SECTION 54. DOC 310.09 (5) and (6) are renumbered DOC 310.13 (6) and (7).

SECTION 55. DOC 310.09 (7), 310.09 (8), and 310.09 (9) are repealed.

SECTION 56. DOC 310.09 (10) and 310.09 (11) are renumbered DOC 310.13 (8) and 310.13 (9), and as renumbered, are amended to read:

DOC 310.13 (8) Unless extended for cause and upon notice, the CCE shall recommend a decision to the secretary within 37 ~~calendar~~ working days of receipt of the complaint. Should the CCE fail to make a recommendation within the prescribed time, the ~~superintendent's appropriate reviewing authority's~~ decision shall be affirmed. The inmate shall be notified of all decisions in writing.

(9) A complainant may waive time limits ~~if doing so may result in a favorable decision by the secretary rather than an affirmation of the superintendent's decision under sub. (10).~~

SECTION 57. DOC 310.10 (title) is renumbered DOC 310.14 (title).

SECTION 58. DOC 310.10 (1) and 310.10 (2) are renumbered DOC 310.14 (1) and 310.14 (2), and as renumbered, are amended to read:

DOC 310.14 SECRETARY'S DECISION. (1) The corrections complaint examiner's (CCE's) written recommendation, along with a copy of the institution complaint file, shall be delivered to the secretary who shall make a decision based on the record within ~~5~~ 10 calendar working days following receipt of the recommendation. ~~The secretary may take an additional 5 calendar days to make that extend the time for making a decision if there is for cause and the secretary notifies upon notice to all interested parties.~~

(2) The secretary may do any of the following:

SECTION 59. DOC 310.10 (2) (a) is renumbered DOC 310.14 (2) (a).

SECTION 60. DOC 310.10 (2) (b) and (c) are renumbered 310.14 (2) (b) and (c), and as renumbered, are amended to read:

DOC 310.14 (b) Adopt the recommendation of the CCE with modifications; ~~or~~

(c) Reject the recommendation of the CCE and decide ~~;~~

SECTION 61. DOC 310.10 (3) is renumbered DOC 310.14 (3).

SECTION 62. DOC 310.10 (3) is created to read:

(3) The CCE shall issue a receipt to the spokesperson acknowledging the complaint.

SECTION 63. DOC 310.11 (4), 310.11 (5) and 310.11 (11) are created to read:

(4) The ICE may reject a complaint that the ICE determines to be frivolous. A complaint rejected because the ICE has determined it to be frivolous may be appealed only to the appropriate reviewing authority. The ICE may determine the complaint frivolous if the ICE finds one of the following:

(a) The inmate submitted the complaint solely for the purpose of harassing or causing malicious injury to the department or one or more of its employees, agents, independent contractors, or any other person.

(b) The complaint does not raise a significant issue regarding rules, living conditions, or staff actions affecting institution environment.

(c) The complaint presents only an abstract question.

(5) If an ICE determines that normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm, the ICE shall refer the complaint to the appropriate reviewing authority.

(11) Unless extended for cause and upon notice to the inmate, the ICE shall send a report and recommendation to the appropriate reviewing authority within 15 working days from the date of acknowledgment for decision in accordance with s. DOC 310.12. The complainant may waive the time limits in writing to allow completion of an investigation or resolution of the complaint.

SECTION 64. DOC 310.12 (title) is renumbered DOC 310.15 (title).

SECTION 65. DOC 310.12 (1) is repealed.

SECTION 66. DOC 310.12 (2), 310.12 (3) and 310.12 (4) are renumbered DOC 310.15 (3), 310.15 (4), and 310.15 (5), and as renumbered, are amended to read:

(3) Within 30 ~~calendar~~ working days after issuance of the secretary's decision, the administrator ~~of the department's division of adult institutions~~ shall notify all affected parties of decisions that affect more than one institution.

(4) If an affirmed complaint has not been implemented at any level within 30 ~~calendar~~ working days after a decision to affirm, the complainant may directly inform the ~~secretary appointing authority by mail in writing~~ of the failure to implement the decision. ~~The secretary shall investigate and take all steps necessary to ensure implementation.~~

(5) If a the decision on a complaint requires a change in an administrative rule, the decision maker shall initiate making the change in the rule making.

SECTION 67. DOC 310.12 (title), 310.12 (1), 310.12 (2), and 310.12 (3) are created to read:

DOC 310.12 APPROPRIATE REVIEWING AUTHORITY DECISION. (1) The institution complaint examiner's written recommendation, along with a copy of the institution complaint file, shall be delivered to the appropriate reviewing authority who shall make a decision based on the record within 5 working days following receipt of the recommendation unless extended for cause and upon notice to all interested parties.

(2) The appropriate reviewing authority may do any of the following:

(a) Dismiss the complaint.

(b) Dismiss the complaint with modifications.

(c) Affirm the complaint.

(d) Affirm the complaint with modifications.

(e) Return the recommendation to the ICE for further investigation.

(3) If the complainant does not receive the decision within 23

working days of the ICE's receipt of the complaint, the complaint shall be considered dismissed and may be appealed immediately.

SECTION 68. DOC 310.13 (title) is renumbered DOC 310.16 (title).

SECTION 69. DOC 310.13 (1) and (2) are renumbered DOC 310.16 (1) and (2), and as renumbered, are amended to read:

DOC 310.16 CONFIDENTIALITY. (1) Except as otherwise provided in this section, complaints filed with the inmate complaint review system ~~(ICRS)~~ shall be confidential. Persons working in the ICRS shall respect the confidential nature of the work. The identity of complainants and the nature of the complaint shall be revealed only to the extent ~~necessary~~ reasonable and appropriate for thorough investigation and implementation of the remedy.

(2) Confidentiality of complaints may be waived by the ~~superintendent~~ warden if the security, safety, or health of the institution, staff or inmates is involved.

SECTION 70. DOC 310.13 (3) and (4) are renumbered DOC 310.16 (3) and (4).

SECTION 71. DOC 310.13 (4) is created to read:

DOC 310.13 (4) The CCE may not review a complaint rejected under s. DOC 310.11 (4).

SECTION 72. DOC 310.13 (5) and (6) are renumbered DOC 310.16 (5) and (6), and as renumbered, are amended to read:

DOC 310.16 (5) A complainant may waive confidentiality in writing or make public any aspect of a complaint at any time. If the complaint contains a false statement meeting the requirements of s. DOC 303.271, making that false statement public constitutes the offense of lying about staff.

(6) ~~No sanction may be applied against an inmate for filing a complaint~~ may be subjected to reprisal for using or participating in the ICRS. An inmate shall be entitled to pursue, through the ICRS, a complaint that a reprisal has occurred.

SECTION 73. DOC 310.13 (7) is repealed.

SECTION 74. DOC 310.14 (title) is renumbered DOC 310.17 (title).

SECTION 75. DOC 310.14 (1) and (2) are renumbered 310.17 (1) and (2), and as renumbered, are amended to read:

DOC 310.17 REPORTS. (1) The ~~inmate-institution~~ complaint ~~investigator (ICI) examiner~~ shall submit quarterly reports to the secretary and CCE to indicate the number and type of complaints processed and the disposition of the complaints.

(2) The CCE shall file an annual report with ~~the attorney general~~ and the secretary. This report shall include all of the following:

SECTION 76. DOC 310.14 (2) (a) to (d) are renumbered DOC 310.17 (2) (a) to (d).

SECTION 77. DOC 310.14 (2) (d) is created to read:

DOC 310.14 (2) (d) Return the recommendation to the CCE for further investigation.

SECTION 78. DOC 310.14 (3) is repealed.

SECTION 79. DOC 310.15 (1) and (2) are created to read:

DOC 310.15 IMPLEMENTATION OF AFFIRMED COMPLAINT. (1) An affirmed decision shall be implemented within 30 working days from date of decision.

(2) Inmates shall be notified in writing of affirmed decisions requiring change in institution programs of operations affecting the general inmate population.

SECTION 80. DOC 310.18 and DOC 310.19 are created to read:

DOC 310.18 PRESERVATION OF RECORDS. All records related to an inmate complaint shall be kept according to department policy and procedures. The department shall keep all records for at least 3 years following disposition of the complaint.

DOC 310.19 SUSPENSION OF PROVISIONS OF THIS CHAPTER. The secretary may suspend any provision of this chapter in an emergency. The suspension may apply to one or more institutions.



Note: DOC 310.01 paragraph 2, sentence 3 is amended as follows:

Issues and policies that need to be reexamined periodically will be brought to the attention of the administration, and a forum is provided for resolution of issues ~~questions~~ without prolonged debate.

Paragraph 2, sentences 4 and 5 are created to read:

Paragraph (a) allows inmates to raise issues which are significant. Although the department encourages the use of the complaint system, the system can not function efficiently when large numbers of insignificant and frivolous complaints are filed.

Paragraphs 3 and 4 are deleted.

Paragraph 5, sentence 3 is deleted.

Paragraphs 6 to 9 are deleted.

Paragraph 4 is created to read:

Furthermore, a system encouraging involvement is likely to eliminate the use of unacceptable and destructive methods for raising grievances.

Note: DOC 310.02 is repealed.

Note: DOC 310.03 is renumbered DOC 310.07 and amended as follows:

Delete paragraphs 1 to 3.

Amend paragraph 4 as follows:

Because timeliness is important in handling complaints, the ~~superintendent warden~~ is authorized under DOC 310.07 (2) to designate an acting ~~ICF~~ ICE in the absence of the appointed ~~investigator~~ examiner.

Note: DOC 310.04 is renumbered DOC 310.08 and amended as follows:

Paragraph 3, sentence 4 is amended as follows:

Second, the nature of the issue may make investigation difficult or may require expertise that is beyond the ~~ICI-ICE~~ and the CCE.

Delete paragraph 4, sentence 2.

Note: DOC 310.05 is renumbered DOC 310.09 and amended as follows:

Delete paragraph 2, sentence 1.

Amend paragraph 3, sentence 1 as follows:

Subsection ~~(2)~~ (3) underscores the importance of filing a complaint as soon as it is apparent that no other acceptable method of resolution is possible.

Amend paragraph 3, sentence 2 as follows:

The ~~ICI ICE~~ is given discretion, however, to accept old complaints if ~~he or she~~ the ICE believes it is still possible to adequately determine the facts needed to make a recommendation.

Amend paragraph 3, sentence 3 as follows:

Promptness in filing a complaint is required ~~to ensure~~ for a thorough investigation of the facts.

Amend paragraph 4, sentence 1 as follows:

The number of complaints one person can file ~~should not~~ may be limited, ~~except that the ICRS may become overburdened because of multiple complaints from one individual~~ distractions take away time from valid complaints.

Paragraph 4, sentence 2 is repealed and recreated to read:

The ICE may assign individual complaint numbers or batch complaints of similar content filed by one inmate.

Note: DOC 310.06 is renumbered 310.10.

Paragraph 1, sentence 1, is amended as follows:

Complaints arising from living and working conditions or the application of a rule ~~to a segment of the institution population~~ may be shared by a number of persons ~~in contrast to a complaint that affects only one inmate.~~

Paragraphs 2 and 3 are repealed.

Paragraph 4, sentence 1 is amended to read:

~~Since the~~ The department ~~is encouraging~~ encourages the use of the complaint system to deal with frustrations and irritations of institution life, prohibiting group complaints would be inappropriate.

Note: DOC 310.07 is renumbered DOC 310.11 and is amended as follows:

Paragraph 1, sentence 1 is amended as follows:

DOC ~~310.07~~ 310.11 establishes the procedure for processing complaints and authorizes priority handling of complaints dealing with health or personal safety.

Paragraph 1, create sentences 3 through 6 as follows:

Experience has shown some inmate complaints to be frivolous. For example, a complaint which alleges that an inmate had creamy peanut butter rather than chunky peanut butter. These complaints serve to distract attention away from the more important issues. DOC 310.11 (4) requires the ICE to reject frivolous complaints as defined in this section.

Delete paragraph 2.

Paragraph 3, sentence 1, amend as follows:

Informal resolution of a complaint is not only authorized, but also encouraged when possible.

Paragraph 3, sentences 2 and 3 are deleted.

Paragraph 3, sentences 4 and 5 are amended as follows:

This practice can do much to remove misunderstandings and

relieve the tensions from which the complaint developed. Experience with the complaint procedure in Wisconsin has shown that ~~more than one third~~ many of the complaints filed are resolved informally.

Paragraph 5, sentence 1 is amended as follows:

Because inmates are frequently transferred within the Wisconsin correctional system, subs. ~~(6)~~ (8) and ~~(7)~~ (9) provide a method for dealing with complaints arising just before or at the time of the transfer.

Note: DOC 310.08 is renumbered DOC 310.12.

Paragraph 1, sentence 1 is amended as follows:

This section requires the ~~superintendent's~~ appropriate reviewing authority's written decision to be rendered within ~~23-calendar~~ working days of the date the complaint is filed.

Paragraph 1, sentences 3 through 5 are deleted.

Paragraph 1, sentence 3 is created to read:

Experience in the ICRS has shown that timeliness is one of the most important factors in the process.

Note: DOC 310.09 is renumbered DOC 310.13.

Paragraph 1, sentence 1 is amended to read:

~~DOC 310.09 310.13 sets out~~ defines the procedure for appealing a ~~superintendent's~~ an adverse decision to the CCE.

Paragraph 1, sentences 3 and 4 are deleted.

Paragraph 2, sentence 1 is amended to read:

Appeal to the CCE provides another element deemed essential to a ~~valid~~ credible complaint system, namely, a review by someone outside the ~~correctional agency division of adult institutions~~ chain of command.

Paragraph 2, sentences 2 and 3 are deleted.

Paragraph 2, sentence 2 is created to read:

Appeals dealing with health or personal safety are to be given priority over other complaints.

Note: DOC 310.12 is renumbered DOC 310.15.

Paragraph 3, sentence 1 is deleted.

Paragraph 3, sentence 2 is amended to read:

Subsection ~~(3)~~ (4) ~~modifies this to state~~ states that the complainant may notify the secretary of failure to implement a decision.

Paragraph 3, sentence 3 is amended to read:

~~This is proper because the~~ The secretary, ~~rather than the CCE,~~ is in a position to ensure that a decision is implemented promptly.

Note: DOC 310.13 is renumbered DOC 310.16.

Paragraph 1, sentence 1 is amended to read:

If the ICRS is to ~~have~~ maintain integrity and the confidence of the inmates, complaints entered must be treated confidentially and, with certain limited exceptions, no sanctions can result from use of the system.

Paragraph 1, sentence 4 is amended to read:

~~The complaint system~~ ICRS is an appropriate forum for resolving these issues, but because complaints often identify a staff member as the perceived perpetrator of some injustice, the complainant must be protected from retribution or penalty for legitimate use of the system.

Paragraph 1, sentence 6 is deleted.

Paragraph 2, sentence 1 is amended to read:

The nature of some complaints is such that a meaningful investigation cannot be made without revealing the identity of the

complainant, but this should be done only when ~~necessary~~  
reasonable and appropriate.

Paragraph 2, sentence 2 is amended to read:

Confidentiality can be waived if it can be shown that the security or the orderly administration of the institution, or the security ~~of the institution, safety, or health of staff, or inmates~~ is involved.

Paragraph 3, sentences 1 through 3 are amended to read:

This is not to say that inmates are free to make threatening or false statements about staff, knowing they are false and with the intent to harm the staff, especially if those false statements are made public. There have been malicious lies about staff corruption and sexual behavior made in the ~~complaint system~~ ICRS. This rule does not ~~insulate inmates from~~ prohibit disciplinary action for the illegitimate use, or rather abuse, of the ~~complaint system~~ ICRS.

Paragraph 4 is deleted.

Paragraph 5, sentence 1 is amended to read:

The ~~ICF~~ ICE must use discretion in revealing only enough information about the nature of the complaint to allow for a thorough investigation.

Paragraph 6, sentence 2 is amended to read:

However, if an inmate makes a false accusation pursuant to s. DOC 303.271, revealing that false accusation to persons outside the complaint system may subject the inmate to disciplinary action.

Note: DOC 310.14 is deleted.

Note: DOC 310.19 is created to read:

Experience has shown that there are rare situations when it is necessary to suspend these rules. DOC 310.19 permits the secretary to suspend these rules in an emergency. The rules define an emergency.

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

#### Fiscal Estimate

The Wisconsin Department of Justice will no longer be providing support for the Inmate Complaint Review System (ICRS). As a result, changes in DOC 310 will eliminate the requirement that the "corrections complaint examiner" (CCE) be a person outside the Department. The rule will require that the CCE be assigned to a subunit that is not within the Division of Adult Institutions. This function will be assigned by the Department of Corrections (DOC).

Under the current rule and system DOJ has had 2.5 FTE - the 1.0 FTE examiner, a 1.0 FTE investigator and 0.5 FTE program assistant- to support ICRS. DOC also had a 1.0 FTE investigator working on ICRS.

DOC will be able to devote a 0.5 FTE program assistant to ICRS but will have to absorb the workload of the CCE and the DOJ investigator with existing staff. There is currently a backlog of complaints. If the backlog is not reduced, the State may face an increased risk of legal challenges.

A change in language in DOC 310.01 (2) (a) from "questions" to "significant issues" is intended to reduce the number of frivolous inmate complaints, which may reduce caseload and costs. The limit of two complaints by an inmate in a week may also reduce caseload and costs. The reductions cannot be determined. The caseload reductions may, however, be offset by inmate appeals of examiner decisions that complaints were frivolous.

#### Contact Person

Deborah Rychlowski (608) 266-8426  
Office of Legal Counsel  
149 E. Wilson Street  
P.O. Box 7925  
Madison, Wisconsin 53707-7925

If you are hearing or visually impaired, do not speak English, or have circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

#### Written Comments

Written comments on the proposed rules received at the above address no later than October 21, 1997, will be given the same consideration as testimony presented at the hearing.