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☛ **Committee Discussion ... 01/30/2013**

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2013-14

[session year]

Assembly

(Assembly, Senate, or Joint)

Committee on ... Corrections (AC-Co)

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (December/2014)

Assembly

COMMITTEE MEETING

Committee on Corrections

The committee will hold a public meeting on the following items at the time specified below:

Wednesday, January 30, 2013

10:01 AM*

328 Northwest

*Committee Discussion will begin upon completion of Informational Hearing

COMMITTEE DISCUSSION ONLY ON ADMINISTRATIVE CHAPTERS LISTED BELOW:

DOC 304- Inmate Secure Work Program

DOC 308 - Administrative Confinement

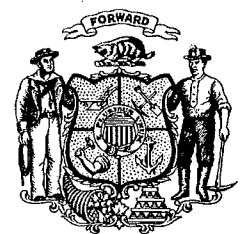
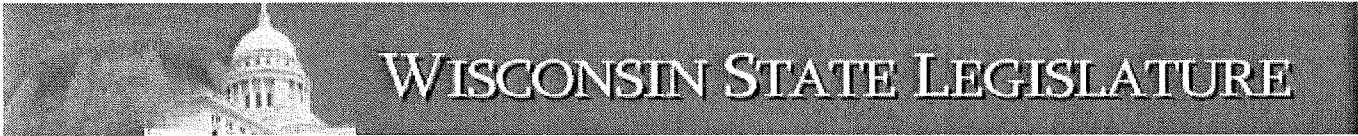
DOC 314 - Mental Health Treatment for Inmates

DOC 326 – Leave for Qualified Inmates

NO PUBLIC TESTIMONY WILL BE TAKEN. No executive action will be taken on any administrative chapters listed above.



Representative Garey Bies
Chair



ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
300 General Operations	10/03/13	<ul style="list-style-type: none"> -Section 895.55 Stats. requires we promulgate rules addressing the impact on small business. -Need general definitions and general operations included. 	<ul style="list-style-type: none"> -Statement of scope draft reviewed. 	None at this time.	<ul style="list-style-type: none"> -Statement of scope to be submitted to governor's office for review and approval.
DOC 302 A&E, Security Classification and Sentence Computation	10/03/13	<ul style="list-style-type: none"> -Revision of entire chapter. -DOC 302 Act 28 updates to reflect changes; includes revision to s. DOC 302.18 -Re-naming functions to be more clear and define what classification does. -Updates completed based on Act 28 and will have to be rewritten based on repeal of legislation. -Revision of entire chapter. 	<ul style="list-style-type: none"> -ACT 28 changes -- Effective 12/1/10 -Statement of Scope to amend chapter, filed 12/10/08 -Statement of Scope to amend DOC 302.33, filed 12/10/08 -Classification sub group has finished work on their draft. -Statement of Scope to address repeal of Act 28 changes filed 9/15/11 	<ul style="list-style-type: none"> Assessment and Classification (302.01, 302.03, 302.04-302.20): Angela Hansen-chair Sentence Calcs (302.01, 302.03, 302.21-302.32 Deborah Seitz co-chair Catrina Semanko co-chair Mark Heise-liaison 	<ul style="list-style-type: none"> -Classification section reviewed. -Sentence computation section to be reviewed at the December 2013 meeting.
DOC 303 Discipline	10/03/13		<ul style="list-style-type: none"> - Training plan and curriculum in place. -Sent to Legislative Council 3/30/11 -Public hearings held on 	<ul style="list-style-type: none"> M. Baenen - Chair B. Pollard - Liaison 	<ul style="list-style-type: none"> -K. Anderson will check the numbering and cross-references; forward to Governor for

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
DOC 304 Inmate Secure Work Program	10/03/13	-Inmate secure work program currently not utilized.	4/28/11. -Tentative effective date of April 1 2014.		approval before submission to the legislature. -No action needed.
DOC 306 Security	10/03/13	-Revision of entire chapter needed. -Specific issues related to medical/clinical restraints will be addressed in conjunction with 311. -Draft language has been developed.	-Statement of Scope, relating to medical and clinical restraints under (DOC 306.10, 306.11 and DOC 311), filed 9/9/08. -Review draft language	B. Pollard - chair	-To be reviewed at the 11/13 meeting.
DOC 308 Administrative Confinement	10/03/13	-Revision of chapter	-Statement of Scope, relating to revision of the entire chapter, filed 12/10/08 -Committee completed review of rule	G. Boughton-Chair -liaison	-K. Anderson will get it ready for submission to <u>Legislative Council</u> . -Schedule briefing with the Executive Team. -Schedule public hearings.
DOC 309 (*) Resources for Inmates	10/03/13	-Revision of entire chapter.	-Statement of Scope, relating to amending DOC 309.20 (4) (c) (use of inmate funds for burial costs), filed 12/10/08 -Statement of Scope,	-New committee chairs to be appointed B. Pollard - liaison	-All subcommittees will be meeting to continue review. -One section complete. Others in progress.

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
DOC 310 Complaint Procedures	10/03/13	-Revision of entire rule -DOC 310.14 (1) (m) needs to move forward.	relating to revision of entire chapter filed 7/14/10 -Small work groups established with subject matter experts (SMEs) assigned to specific sections. Current policies to be identified and reviewed by the SMEs. Oversight to be provided by Co-Chairs. - Need to include a provision that we would be willing to disclose contents of an inmate phone call by court order. -Issue re: media contacts with inmates, especially inmates in ICC status - Financial piece needs some work. -Reviewed media and visitation sections.	L. Tegels/W. Rose-Co-Chairs J. Pugh- liaison	-Completed review of chapter. -Updates needed based on the PREA workgroup recommendations. -Schedule briefing with the Executive Team.

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
DOC 311 Observation Status	10/03/13	<ul style="list-style-type: none"> -Specific issues related to medical and clinical restraints will be addressed in conjunction with 306. -Draft language has been developed. 	<ul style="list-style-type: none"> -Statement of Scope, relating to medical and clinical restraints (DOC 306.10 and 306.11, DOC 311), filed 9/9/08. 	B. Pollard, liaison	-To be reviewed at the 11/13 meeting.
DOC 313 Prison Industries	10/03/13	<ul style="list-style-type: none"> -Revision of entire chapter. 	<ul style="list-style-type: none"> -Statement of Scope, relating to review of entire chapter, filed 12/10/08 -K. Anderson to format for review and submission to Legislative Council. -Public hearings need to be scheduled 	B. Pollard liaison	<ul style="list-style-type: none"> -Prison Industries Board had no objections to the proposed changes. -Schedule briefing with the Executive Team.
DOC 314 Mental Health Treatment for Inmates	10/03/13	<ul style="list-style-type: none"> -Chapter needs revision. 	<ul style="list-style-type: none"> -Scope statement will be needed. 	Chair to be discussed with Dr. Kallas.	
DOC 316 Medical, Dental, and Nursing Copayment Charge	10/03/13	<ul style="list-style-type: none"> -DOC 316.04 (3) Inmate co-pay. Take specific job classifications out of the rule. 	<ul style="list-style-type: none"> -Statement of scope draft ready for review by committee. 		

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
DOC 324 Work and Study Release	10/03/13	-Review of entire chapter. -Issue with the deductions taken.	-Statement of scope draft ready for review by committee. -Statutory language change needed.	L. Avila, Chair S. Ross, Liaison	-Form committee to review chapter to address changes in operations.
DOC 325 Temporary Release under Supervision	10/03/13	-Need to address palliative care and scheduled medical trips. -Infirmary transfers needing classification review within 10 days	-Statement of Scope, regarding palliative care filed 8/3/09. -Review in conjunction with DOC 326.	M. Heise, Liaison	-M. Heise will put a group together to work on the necessary changes.
DOC 326 Leave for Qualified Inmates	10/03/13		-Review in conjunction with DOC 325. -Review for statutory provisions to see if continues to be appropriate.	M. Heise, Liaison	-Referred to minimum security wardens for review.
DOC 327 Community Residential Confinement	10/03/13	- Community residential confinement currently not utilized.			-No action needed.
DOC 328 Adult Field Supervision	10/03/13	Changes needed to 07/01/13 permanent rule based on new PREA standards and 2011 Wis. Act 38.	-Statement of Scope, regarding 2011 Wis. Act 38 and PREA filed 7/15/13.	Rose Snyder Spaar- Liaison	-Awaiting recommendations from the PREA implementation team
DOC 330 Pharmacological	10/03/13				-No action needed.

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
Treatment for Certain Child Sex Offenders					
DOC 331 Probation-Parole Revocation Procedure	10/03/13	Entire rule re-written.			Permanent rule effective 7/1/13.
DOC 332 Sex Offender Registration & Community Notification Requirements	10/03/13	1 – DOC 332.19- Increase in sex offender registration fee. 2 – DOC 332.20- New legislation regarding GPS tracking and fees 3 – DOC 332.21- Risk assessment for GPS.	3. Statement of scope draft ready for committee review.	3. S. Jackson, Liaison	1-Permanent rule effective 1/1/09. 2- Permanent rule effective 7/1/09
DOC 333 Intensive Sanctions	10/03/13	Intensive sanctions program not currently utilized.			No action needed.
DOC 335 Environmental Policy Implementation	10/03/13				No action needed.
DOC 346 Secure Detention for Juveniles	10/03/13	-Secure Detention for Juveniles which addresses county facilities.	-Permanent rule effective 11/1/10. -Change in maximum confinement from 30 to 180 days made by Act 32.		-Department withdrew statement of scope relating to the change in the maximum confinement period, pending further

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
DOC 348 Huber Facilities	10/03/13				review. No action at this time.
DOC 349 Municipal Lockup Facilities	10/03/13	Review entire chapter	-Statement of Scope filed 3/30/11. -Need update from ODF.	K. Dietz, Chair K. Anderson, Liaison	
DOC 350 Jails	10/03/13	-Entire chapter being revised.	Statement of Scope, relating to revision of the entire chapter, filed 7/14/10.	K. Dietz, Chair K. Anderson, Liaison	- Needs to be submitted to Governor's office and Legislature.
DOC 371 Youth Assessment and Case Management	10/03/13	-Review entire chapter.		S. McCulley, Liaison	
DOC 373 Youth Conduct in Type 1 Secured Correctional Facilities	10/03/13	Review of entire rule needed. Include review of consistency with 303, changes in law, evidence-based practices, and trauma-informed care.	Statement of scope reviewed by committee on 4/5/12. -Statement of Scope to repeal & recreate entire chapter, filed 3/29/13	R. Hepp, Chair S. McCulley, Liaison	
DOC 374 Administrative Confinement in Type 1 Secured Correctional Facilities	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 375 Observation Status in	10/03/13	--Review entire chapter		S. McCulley, Liaison	

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
Type 1 Secured Correctional Facilities DOC 376 Security in Type 1 Secured Correctional Facilities	10/03/13	-Review entire chapter		S. McCulley, Liaison	

ADMINISTRATIVE RULE LOG (10/03/13)

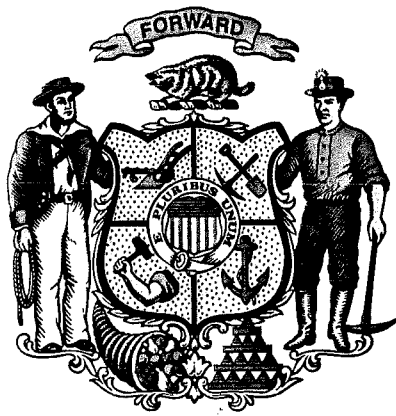
RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
DOC 379 Living conditions for youth in Type 1 Secured Correctional Facilities	10/03/13	Review of entire rule needed. Include review of consistency with 309, changes in law, evidence-based practices, and trauma-informed care.	Statement of scope reviewed by committee on 4/5/12. -Statement of Scope to repeal & recreate entire chapter, filed 3/29/13.	R. Hepp, Chair S. McCulley, liaison	
DOC 380 Complaint Procedure for Youth in Type 1 Secured Correctional Facilities	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 381 Furloughs, Offgrounds Leave and Trial Visits for Youth in Type 1 Secured Correctional Facilities	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 383 Use of Psychotropic Medication	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 392 Drug Testing of Youth on County Supervision, Type 2 Status or Aftercare	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 393 Youth Aftercare Conduct and	10/03/13	-Review entire chapter		S. McCulley, Liaison	

ADMINISTRATIVE RULE LOG (10/03/13)

RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
Revocation DOC 394 Type 2 Child Caring Institutions	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 396 Type 2 Secured Correctional Facilities	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 397 Services for Youth Who Are Adjudicated Delinquent	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 398 Intensive Supervision Program	10/03/13	-Review entire chapter		S. McCulley, Liaison	
DOC 399 Intake Worker Training	10/03/13	-Review entire chapter		S. McCulley, Liaison	
PAC 1 Parole Procedure	10/03/13	-Complete revision of rule chapter, including revisions to incorporate 2011 WI Act 38	- Revised rule effective 12/01/10 --Statement of Scope signed by Parole Chair, filed 04/15/13	K. Nagle, Chair K. Anderson, Liaison	-Chapter to be reviewed at the 11/13 meeting.
N/A Placeholders		Section 301.055, Stats., requires that the DOC promulgate rules "providing limits on the number of	- No rules have been promulgated. We need to have the statute repealed, changed or come into compliance. - K. Anderson and B.	None at this time.	

ADMINISTRATIVE RULE LOG (10/03/13)

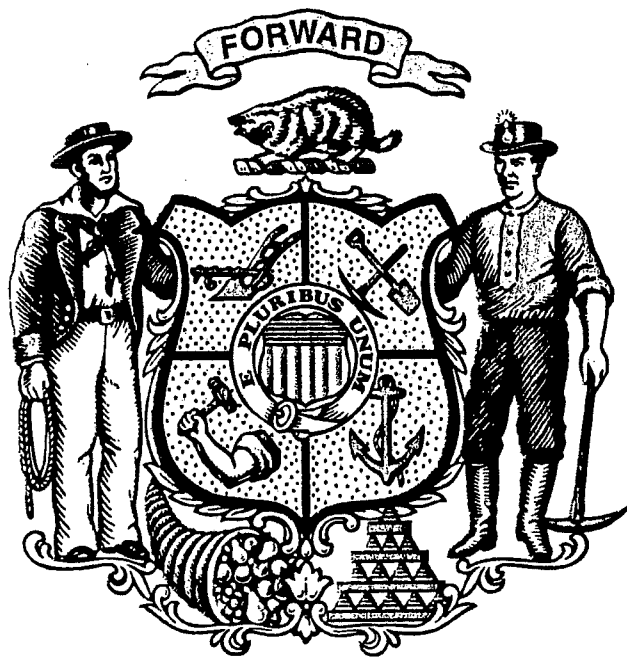
RULE (CHAPTER/NUMBER)	DATE	ISSUE	STATUS/FOLLOW	WORKGROUP ASSIGNMENTS	OUTCOME
		prisoners at all state prisons..."	Pollard will recommend that the statute be repealed or modified.		



Chapter Name/Area	Committee	Chair
DOC 302 Assessment and evaluation, security classification and sentence computation	Corrections	Bies
DOC 303 Discipline	Corrections	Bies
DOC 304 Inmate secure work program	Corrections	Bies
DOC 306 Security	Corrections	Bies
DOC 308 Administrative confinement	Corrections	Bies
DOC 309 Resources for inmates	Corrections	Bies
DOC 310 Complaint procedures	Corrections	Bies
DOC 311 Observation status	Corrections	Bies
DOC 313 Prison industries	Corrections	Bies
DOC 314 Mental health treatment for inmates	Corrections	Bies
DOC 316 Medical, dental and nursing copayment charge	Corrections	Bies
DOC 324 Work and study release	Corrections	Bies
DOC 325 Temporary release under supervision	Corrections	Bies
DOC 326 Leave for qualified inmates	Corrections	Bies
DOC 327 Community residential confinement	Corrections	Bies
DOC 328 Adult field supervision	Corrections	Bies
DOC 330 Pharmacological treatment for certain child sex offenders	Corrections	Bies
DOC 331 Probation - parole revocation procedure	Corrections	Bies
DOC 332 Sex offender registration and community notification requirements	Corrections	Bies
DOC 333 Intensive sanctions	Corrections	Bies
DOC 335 Environmental policy implementation	Corrections	Bies
DOC 346 Secure detention for juveniles	Corrections	Bies
DOC 348 Huber facilities	Corrections	Bies
DOC 349 Municipal lockup facilities	Corrections	Bies
DOC 350 Jails	Corrections	Bies
DOC 371 Youth assessment and case management	Corrections	Bies
DOC 373 Youth conduct in Type 1 secured correctional facilities	Corrections	Bies
DOC 374 Administrative confinement in Type 1 secured correctional institutions	Corrections	Bies
DOC 375 Observation status in Type 1 secured correctional facilities	Corrections	Bies
DOC 376 Security in Type 1 secured correctional facilities	Corrections	Bies
DOC 379 Living conditions for youth in Type 1 secured correctional facilities	Corrections	Bies
DOC 380 Complaint procedure for youth in Type 1 secured correctional facilities	Corrections	Bies
DOC 381 Furloughs, offgrounds leave and trial visits for youth in Type 1 secured correctional facilities	Corrections	Bies

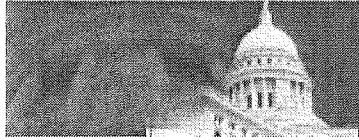
DOC 383 Use of psychotropic medication	Corrections	Bies
DOC 392 Drug testing of youth on county supervision, Type 2 status or aftercare	Corrections	Bies
DOC 393 Youth aftercare conduct and revocation	Corrections	Bies
DOC 394 Type 2 child caring institutions	Corrections	Bies
DOC 396 Type 2 secured correctional facilities	Corrections	Bies
DOC 397 Services for youth who are adjudicated delinquent	Corrections	Bies
DOC 398 Intensive supervision program	Corrections	Bies
DOC 399 Intake worker training	Corrections	Bies
DHS 97 Complaint procedures for inmates of the Wisconsin resource center	Corrections	Bies
DHS 98 Field supervision of clients	Corrections	Bies
DHS 99 Persons qualified to conduct evaluations of persons alleged to be sexually violent	Corrections	Bies
PAC 1 General provisions	Corrections	Bies

45 chapters

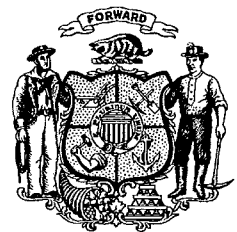


DOC 303.02 Definitions. In this chapter:

- (1) "Adjustment committee" means adjustment committee or hearing officer.
- (2) "Administrator" means an administrator of a division of the department of corrections, or designee.
- (3) "Authorized" means any of the following:
 - (a) According to departmental rules.
 - (b) According to policies and procedures.
 - (c) According to the direction of a staff member.
 - (d) According to established institution custom.
 - (e) With permission from the appropriate staff member.
- (4) "Bodily injury" means injury or physical pain, illness or any impairment of physical condition.
- (5) "Case record" means any file folder or other method of storing information which is accessible by the use of an individual inmate's name or other identifying symbol.
- (6) "Communicate" means any of the following:
 - (a) To express verbally.
 - (b) To express in writing.
 - (c) To express by means of a gesture or other action.
- (7) "Consent" means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. A person under 15 years of age is incapable of consent as a matter of law. The department presumes that the following persons are incapable of consent but the presumption may be rebutted by competent evidence:
 - (a) A person who is 15 to 17 years of age.
 - (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.
 - (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.



WISCONSIN STATE LEGISLATURE



DOC 303.78 Due process: advocates.

(1)

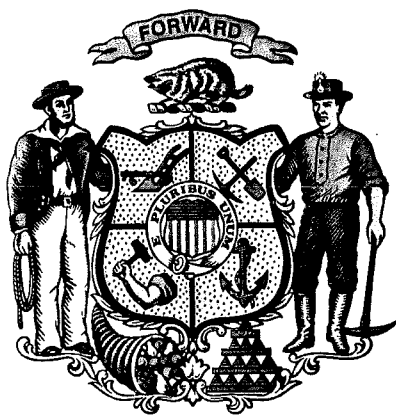
(a) At each institution, the warden may designate or hire staff members to serve as advocates for inmates in disciplinary hearings at the institution.

(b) The warden may assign a different staff member to serve as the inmate's advocate if the inmate establishes the assigned advocate has a conflict of interest in the case.

(c) The warden may assign advocates to inmates. If an inmate objects to the assignment of a particular advocate because the advocate has a known and demonstrated conflict of interest in the case, the warden shall assign a different staff member to serve as the inmate's advocate.

(2) When the warden assigns an advocate, the advocate's purpose is to help the accused inmate to understand the charges against the inmate and to help in the preparation and presentation of any defense the inmate has, including gathering evidence and testimony, and preparing the inmate's own statement. The advocate may speak on behalf of the accused inmate at a disciplinary hearing or may help the inmate prepare to speak.

History: Cr. Register, December, 2000, No. 540, eff. 1-1-01.



Chapter DOC 304

INMATE SECURE WORK PROGRAM

DOC 304.01 Purpose.

DOC 304.02 Applicability.

DOC 304.03 Organization of the secure work program.

DOC 304.04 Eligibility for secure work program assignment.

DOC 304.05 Secure work program operation.

DOC 304.06 Inmate secure work crew pay.

Note: Chapter DOC 304 was created as an emergency rule effective May 30, 1997.

DOC 304.01 Purpose. The purposes of the secure work program are:

- (1) To provide inmates work opportunities while the inmates are appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for employment upon release to the community.
- (3) To fulfill the goals of public protection and reintegration of the inmate into the community.
- (4) To provide service to the community.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

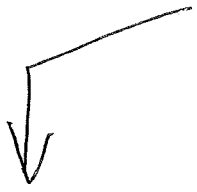
DOC 304.02 Applicability. This chapter applies to the Wisconsin department of corrections and adult inmates in its custody. It interprets s. 303.063, Stats. This chapter is adopted pursuant to the authority of s. 303.063 (2), Stats.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

DOC 304.03 Organization of the secure work program.

- (1) An inmate is eligible to participate in a secure work program if the inmate meets the requirements under s. DOC 304.04.
- (2) The warden of the correctional facility to which an eligible inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program. An inmate may participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.
- (3) A secure work crew may consist of a maximum of 12 inmates.
- (4) An inmate may be assigned to any one secure work crew assignment for a maximum of 60 work days. An inmate may be placed on several secure work crew programs during the course of the inmate's incarceration.

*Why
max of
60?*



- (5) Inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the secure perimeter of the institution.
- (6) Each work crew shall be supervised by at least 2 correctional officers, and at least one of those correctional officers shall be armed.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

DOC 304.04 Eligibility for secure work program assignment.

- (1) An inmate is eligible to participate in the secure work program if any of the following apply:
 - (a) The inmate has a security classification of medium security, medium outside security with supervision, minimum security or minimum security-community residential confinement under s. DOC 302.12 (1) (c) to (f).

Note: DOC 302.12 (1) (c) to (f) were repealed eff. 2-1-02.
 - (b) The inmate is an intensive sanction inmate who has been sanctioned back to prison or is a probationer or parolee who is being held in custody as an alternative to revocation.
- (2) Inmates who otherwise meet the eligibility requirements of this section may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.72 (9).

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

DOC 304.05 Secure work program operation.

- (1) An inmate participating in a secure work program assignment may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.
- (2) Work assignments may include roadside cleaning, snow removal, construction projects and community service projects.
- (3) Inmates who are participating in secure work program assignments shall wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution. Inmates shall be outfitted in distinctively colored garments to be worn as the outermost layer of clothing and the garments shall be labeled "DOC inmate."

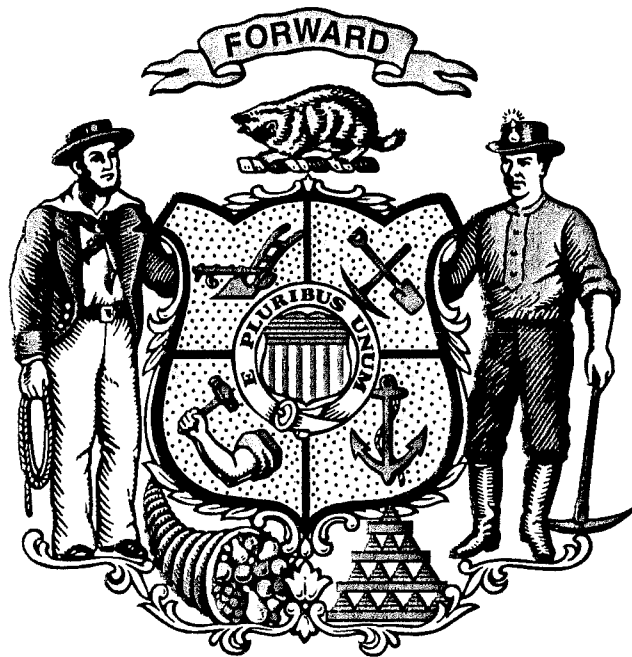
History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Still have chain leg restraints?

DOC 304.06 Inmate secure work crew pay. Inmates assigned to secure work programs shall be compensated at an hourly rate unless serving a disciplinary sanction.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

The Wisconsin Administrative Code on this web site is updated on the 1st day of each month, current as of that date. See also Are the Codes on this Website Official?



1/30/13

#304

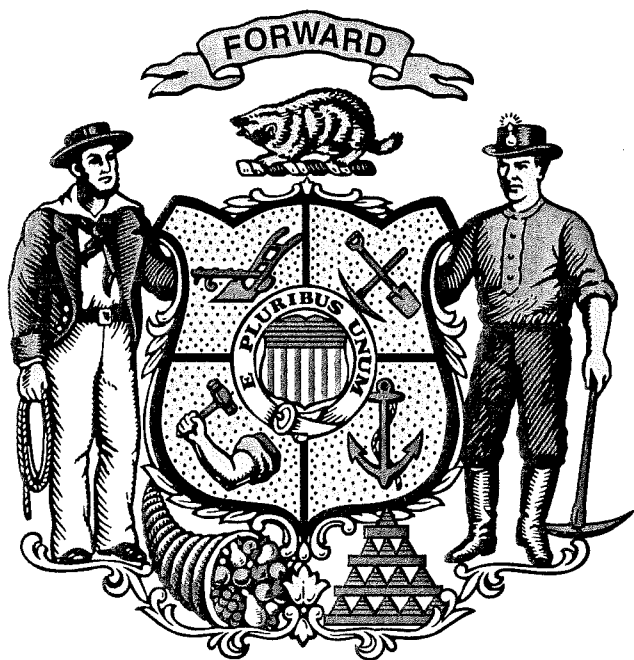
(4) - Krug

why 60 days? Would it be more worthwhile to have them stay on a job longer?

Brooks ~~Doc~~ DOC 304.03 (5)

How many hrs. worked in 2012

304.06 - what is hourly rate?
- discretion of warden?
- statutory



Chapter DOC 308

ADMINISTRATIVE CONFINEMENT

DOC 308.01 Purpose.

DOC 308.02 Applicability.

DOC 308.03 Definitions.

DOC 308.04 Administrative confinement.

Note: Chapter HSS 308 was renumbered Chapter DOC 308 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412.

DOC 308.01 Purpose. The purpose of this chapter is to provide for an involuntary nonpunitive status for the segregated confinement of an inmate whose continued presence in general population poses a serious threat to life, property, self, staff, or other inmates, or to the security of the institution.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, June, 1998, No. 510, eff. 7-1-98.

DOC 308.02 Applicability. Pursuant to authority vested in the department under ss. 227.11 (2), 301.02 and 301.03, Stats., the department adopts this chapter which applies to the department and all adult inmates in its legal custody. It interprets ss. 302.07 and 302.08, Stats.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; correction made under s. 13.93 (2m) (b) 7., Stats; Register, June, 1987, No. 378.

DOC 308.03 Definitions. In this chapter:

- (1) "Administrative confinement review committee" or "ACRC" means the administrative confinement review committee appointed by the warden, consisting of 3 members, one of which shall be from security, one from treatment, and at least one member shall be a supervisor who will serve as the hearing officer.
- (2) "Administrator" means the administrator of the division of adult institutions, department of corrections, or designee.
- (3) "Department" means the department of corrections.
- (4) "Disturbance" means any of the following:
 - (a) An assault on any person by 2 or more inmates.
 - (b) The taking of a hostage by an inmate.
 - (c) The destruction of state property or the property of another by 2 or more inmates.
 - (d) The refusal by 2 or more inmates, acting in concert, to comply with an order, to return to cells or rooms.

- group of inmates which is not sanctioned by warden*
- (5) "Division" means the division of adult institutions, department of corrections.
- (6) "Inmate gang" has the meaning given in s. DOC 303.02 (9).
- (7) "Misconduct" means behavior in violation of state or federal statutes or the administrative rules of the department.
- (8) "Riot" has the meaning given in s. DOC 303.18.
- (9) "Street gang" means a group of people, outside the institution, which threatens, intimidates, coerces, or harasses other people or engages in activities that intentionally violate or encourage the intentional violation of federal statutes, state statutes or administrative rules, county or municipal ordinances or resolutions, or institutional policies or procedures.
- (10) "Warden" means the warden at an institution, or designee.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; renum. (1), (3), (4), (6) to be (3), (5), (7), (10), and am. (5) and (10), cr., (1), (4), (6), (8) and (9), am. (2), Register, June, 1998, No. 510, eff. 7-1-98.

DOC 308.04 Administrative confinement.

- (1) Administrative confinement is an involuntary nonpunitive status for the segregated confinement of an inmate whose continued presence in general population poses a serious threat to life, property, self, staff, or other inmates, or to the security or orderly running of the institution. Inmate misconduct shall be handled through the disciplinary procedures.
- (2) An inmate may be placed in administrative confinement for any of the following reasons:
- ✓ (a) The inmate presents a substantial risk to another person, self, or institution security as evidenced by a behavior or a history of homicidal, assaultive or other violent behavior or by an attempt or threat to cause that harm.
 - ✓ (b) The inmate's presence in the general population poses a substantial risk to another person, self or institution security.
 - ✓ (c) The inmate's activity gives a staff member reason to believe that the inmate's continued presence in general population will result in a riot or a disturbance.
 - ✓ (d) The inmate has been identified as having an active affiliation with an inmate gang or street gang or there are reasonable grounds to believe that the inmate has an active affiliation with an inmate gang or street gang; and there is reason to believe that the inmate's continued presence in the general population will result in a riot or a disturbance.
- (3) An inmate may be placed in administrative confinement only after a review by the administrative confinement review committee in accordance with this section. An inmate may be placed in administrative confinement from the general population or any form of segregation and may be confined in temporary lockup or TLU in accordance with the departmental rules, pending a review according to this section.
- (4) An inmate shall be given written notice of the review which shall include all of the following:
- (a) The reason under sub. (2) that administrative confinement is considered necessary.

not (9) should be (11)

- (b) The evidence to be considered at the review.
 - (c) The sources of information relied upon unless the disclosure would threaten personal safety or institution security.
 - (d) An explanation of the possible consequences of any decision.
 - (e) An explanation of the inmate's rights at a review which include all of the following:
 1. The right to be present at the review.
 2. The right to deny the allegation.
 3. The right to present documentary evidence.
 4. The right to present and question witnesses in accordance with sub. (7) and the hearing procedures for major disciplinary offenses. In the case that the witness is a confidential informant, then sub. (5) shall apply.
 5. The right to assistance of an advocate in accordance with s. DOC 303.78.
 6. The right to receive a written decision, stating the reasons for it based upon the evidence.
 7. The right to appeal the finding.
 - (f) The date, time, and place of the review and an order that the inmate appear at the review.
- (5)**
- (a) If a witness is a confidential informant, a designated security staff member shall do all of the following:
 1. Investigate to determine whether testifying would pose a significant risk of bodily injury to the witness.
 2. Attempt to obtain a signed statement under oath from the witness and determine that the statement is corroborated in accordance with s. DOC 303.86 (4) if the designated staff member finds a significant risk of bodily injury.
 3. Prepare a summary of the signed, corroborated statement to avoid revealing the identity of the witness.
 4. Deliver a copy of the summary to the inmate and the ACRC hearing officer.
 - (b) The summary of the statement of the confidential informant may be considered as evidence.
 - (c) The ACRC hearing officer shall have access to the original signed statement and may question the confidential informant ~~if~~ the confidential informant is available.
 - (d) The original signed statement shall be available to the warden or administrator for review.
 - (e) The original signed statement shall be kept in a restricted department file.
 - (6) The review shall take place not sooner than 2 days and not later than 21 days after service of notice to the inmate. The inmate may waive these time limits in writing. The administrative confinement hearing officer may extend the time limit upon written request from the inmate for good cause. The time limits will be tolled during any time the inmate is unavailable.
 - (7) At the review, all of the following shall occur:

- (a) The reason for placing the inmate in administrative confinement shall be read aloud.
 - (b) All witnesses for or against the inmate, including the inmate and the staff member who recommended the placement, shall have a chance to speak.
 - (c) The ACRC hearing officer may require medical or physical evidence to be offered.
 - (d) The ACRC hearing officer may permit direct questions or require the inmate or the inmate's advocate, if any, to submit questions to the ACRC hearing officer to be asked of the witnesses.
 - (e) Repetitive, disrespectful, or irrelevant questions may be forbidden.
- (8)** All of the following shall occur after the review:
- (a) The ACRC shall deliberate in private considering only the evidence presented to it that supports or refutes the need for administrative confinement and the inmate's records.
 - (b) The ACRC shall decide whether the evidence and the records support the need for administrative confinement and, if so, shall order the placement.
 - (c) If the vote is not unanimous, the record, with the views of each ACRC member, shall be forwarded to the warden for a decision.
 - (d) The record, except portions regarding the identities of sources of information or containing statements or evidence that could, upon disclosure, threaten personal safety or institution security, shall be shared with the inmate who may make known any additional relevant information in writing to the warden.
 - (e) The reasons for the decisions of the ACRC and warden shall be based upon the evidence and given to the inmate in writing.
- (9)** An inmate may appeal the ACRC's decision to the warden within 10 days of the date of the decision and again to the administrator within 10 days of the date of the warden's decision.
- (10)** An inmate's progress in administrative confinement shall be reviewed by the ACRC at least every 6 months following the procedures for review under this section. Monthly progress will be reviewed consistent with the segregation review process as outlined in s. DOC 303.70 (12).
- (11)** If an inmate has been in administrative confinement for 12 months or longer, the warden and administrator shall do all of the following:
- (a) Automatically review a decision by the ACRC to continue the inmate's confinement in this status.
 - (b) Affirm, reverse, or remand the decision within 10 working days of the earlier decision. A decision to affirm, reverse, or remand the earlier decision shall state the reasons for it based on the evidence. A failure to issue a decision within the time allotted shall constitute an affirmation of the earlier decision.
 - (c) Send a copy of the warden's and administrator's decision to the ACRC and inmate. The decision of the warden and administrator is final except that the inmate may challenge any procedural [errors] through the inmate complaint review system under ch. DOC 310.
- (12)** While in administrative confinement, an inmate:
- (a) Shall have a classification of maximum security; supervision, movement, and program shall be in accordance with ss. DOC 302.05 (1) and 306.10.

warden shall review every 30 days

mechanical restraints

- (b) Shall be allowed to have any property in the inmate's cell that is consistent with property limits for the assigned area.
- (c) Shall be permitted visitation in accordance with ch. DOC 309.
- (d) May receive and send mail in accordance with ch. DOC 309.
- (e) Shall be permitted to shower at least once every 4 days.
- (f) Shall be provided religious, social, and clinical services as possible; however, they must be provided at the inmate's cell unless otherwise authorized by the warden.
- (g) May earn extra good time credit in accordance with ch. DOC 302, and all inmates shall earn compensation consistent with pay for involuntarily unassigned inmates.
- (h) May not go to the canteen in person but may have approved items from the canteen delivered to the inmate.
- (i) May have any other properties and privileges consistent with departmental rules, at the discretion of the warden.

Note: Administrative confinement under s. DOC 308.04 is a nonpunitive measure taken to ensure personal safety and security within the institution. This measure may be infrequently needed and of short duration but, as to a particular inmate, the reasonable needs of safety and security within the institution may require continued confinement for long periods of time.

Sub. (2) establishes the conditions under which administrative confinement may be used. Administrative confinement is a vehicle for removing inmates from the general population to protect and ensure the safety, security and orderly running of the institution. Without the ability to confine this type of inmate, the primary security objectives of the department, namely protecting the public, staff, inmates, and property, cannot be met.

Inmate misconduct is handled through the disciplinary process. Segregation in administrative confinement cannot be a penalty for misconduct, but may result either prior to or subsequent to a disciplinary proceeding or independent of any such proceeding.

Sub. (3) requires special review by the ACRC. This review incorporates components of the standard of the major disciplinary hearing procedure. This review is provided despite the fact that the U.S. Supreme Court has indicated that due process does not require this review for these transfers. *Meachum v. Fano*, 427 U.S. 215 (1976); *Montanye v. Haymes*, 427 U.S. 236 (1976). In *Caldwell v. Miller*, 790 F2d 589 (7th Cir 1986), the court found no liberty interest in a transfer from one cell block in an institution to another. Due process protections are important and are afforded to few inmates affected by this provision because of the seriousness of the prolonged social isolation of administrative confinement. Nonetheless, by providing the review, the Department does not intend to create any protected liberty interest by using mandatory language. Administrative confinement is a typical approach used in prison to respond to situations listed in this chapter. See *Sandin v. Conner*, 115 S. Ct. 2293 (1995).

At this special review, in this status, there must be proof, from evidence presented at the hearing and from the inmate's records, that he or she meets one of the criteria for administrative confinement under sub. (2). The responsibility for placement rests solely with the ACRC. An appeal is provided first to the warden and then to the administrator of the division of adult institutions, one of the highest levels in the department, in recognition of the potential serious consequences of prolonged segregation in administrative confinement.

Sub. (4) gives the inmate certain rights. It requires that adequate written notice of the review be given the inmate. If necessary, a verbal explanation of the notice should be made in accordance with the inmate's needs. The rights also include the right to present and question witnesses in the same manner as for due process hearings, s. DOC 303.81.

Sub. (9) provides for a review of the inmate's status at least once every 6 months. A review may occur earlier at the discretion of the warden. This time period balances fairness to the inmate with the practicalities of providing for a meaningful review by the ACRC. Compliance with departmental rules alone

may not be sufficient and an inmate may continue to be confined if there is still reasonable fear of violent behavior, harm to the inmate by others, harm to others or riots.

Sub. (10) reflects the view that administrative confinement may have serious consequences and that extreme care should be exercised at the highest level in assessing the need for continued confinement.

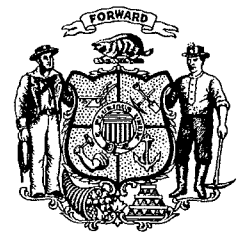
This chapter is in substantial accord with the provisions regarding the special management of inmates in the American Correctional Association's Manual of Standards for Adult Correctional Institutions (1993), standards 3-4237, 3-4249, 3-4254, 3-4255, and 3-4261.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; r. and recr. (2) and (4), am. (5), (6), (7) and (11), Register, April, 1985, No. 352, eff. 5-1-85; emerg. am. (12) (a), eff. 11-18-85; am. (12) (a) Register, May, 1986, No. 365, eff. 6-1-86; emerg. am. (2) (b), eff. 12-5-86; r. and recr. (12) (g), Register, February, 1987, No. 374, eff. 3-1-87; am. (2) and (4) (e) 4., Register, June, 1987, No. 378, eff. 7-1-87; am. (1), (2) (a), (3), (4) (intro.) to (e) 3., 5. to 7. and (12), r. and recr. (2) (b), (c), (4) (e) 4., r. (8) and (11), cr. (2) (d), (5), and (9), renum. (5), (6),(7), (9), (10) to be (6), (7), (8), (10), (11), and am., Register, June, 1998, No. 510, eff. 7-1-98.

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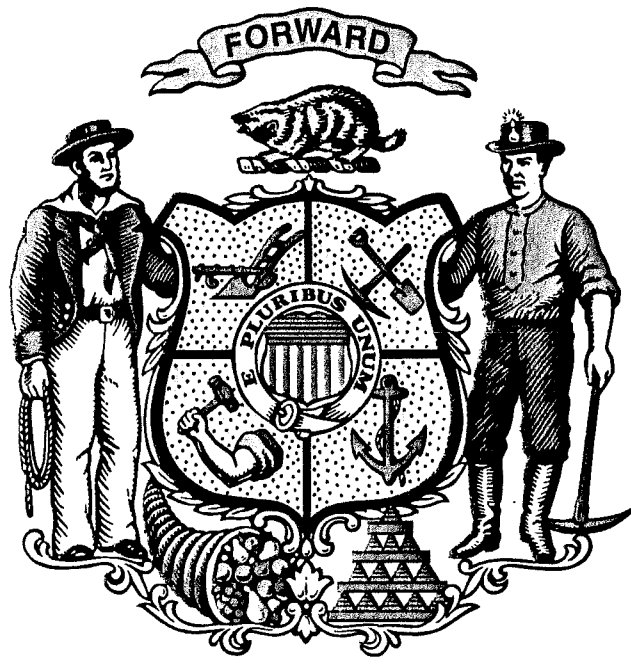
(8) "Department" means the department of corrections.

(9) "Division" means the division of adult institutions, department of corrections.

(10) "Harass" means to annoy or irritate persistently.

(11) "Inmate gang" means a group of inmates which is not sanctioned by the warden under s. DOC 309.22.

Note: There is no s. DOC 309.22.



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Chapter DOC 314

MENTAL HEALTH TREATMENT FOR INMATES

DOC 314.01 Authority, applicability and purpose.

DOC 314.02 Definitions.

DOC 314.03 Involuntary commitment.

DOC 314.04 Informing the inmate.

DOC 314.05 Involuntary treatment.

DOC 314.06 Review of an inmate on psychotropic medication.

Note: Chapter DOC 314 as it existed on November 30, 2000 was repealed and a new chapter DOC 314 was created effective December 1, 2000.

DOC 314.01 Authority, applicability and purpose.

- (1) This chapter is promulgated pursuant to the authority vested in the department by ss. 301.02, 301.03 (2), 301.03 (6) and 227.11 (2), Stats., and applies to the department and to all adult inmates in its legal custody in correctional institutions. This chapter interprets s. 51.20, Stats.
- (2) The department has authority to provide specialized treatment for inmates and shall assess and direct inmates into treatment programs.
- (3) The department may consider involuntary mental health treatment when the inmate otherwise cannot be treated adequately and when ordered by a court. Whenever feasible and appropriate, the department intends to use other forms of treatment for mental illness, including voluntary treatment in the correctional institution or state treatment facility or transfer to another more appropriate correctional institution. This chapter provides guidance to correctional institution staff concerning the times when it will become necessary to provide an inmate involuntary treatment.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00.

DOC 314.02 Definitions. In this chapter:

- (1) "Correctional institution" means a facility named in s. 302.01, Stats.
- (2) "Department" means the department of corrections.
- (3) "Nurse practitioner" means a person who meets the qualifications under s. 441.16, Stats.
- (4) "Outpatient" means an inmate receiving treatment for a mental disorder in a correctional institution.
- (5) "Physician" means a person licensed to practice medicine in Wisconsin under ch. 448, Stats.
- (6) "Physician assistant" means a person licensed to practice as a physician assistant in Wisconsin under ch. 448, Stats.

- (7) "Psychiatrist" means a person licensed to practice medicine in Wisconsin under ch. 448, Stats. and who is board certified to practice as a psychiatrist.
- (8) "Psychologist" means a person licensed to practice psychology in Wisconsin under ch. 455, Stats.
- (9) "Psychotropic medication" means controlled medication that is used to influence psychological functioning, behavior or experience.
- (10) "Registered nurse" means a person licensed to practice as a registered nurse in Wisconsin under ch. 441, Stats.
- (11) "State treatment facility" has the meaning given in s. 51.01 (15), Stats.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2011 No. 666.

DOC 314.03 Involuntary commitment. The department may file a petition for an inmate's involuntary commitment to a state treatment facility under s. 51.20, Stats., following consideration of voluntary treatment.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00.

DOC 314.04 Informing the inmate.

- (1) Before filing a commitment petition under s. DOC 314.03 for an inmate's involuntary commitment for mental health care, a physician or psychologist shall inform the inmate about all of the following:
 - (a) The inmate's treatment needs.
 - (b) The mental health services that are appropriate and available to the inmate, including a description of the appropriate voluntary treatment available in either a correctional institution or state treatment facility.
 - (c) The inmate's rights under s. 51.61, Stats. Inpatients have all rights specified in s. 51.61, Stats.
 - (d) Outpatients have only the rights under s. 51.61, Stats., that are specified in s. 51.61 (1) (a), (d), (h), and (k), Stats.
- (2) The correctional institution shall give the inmate an opportunity to consent to voluntary treatment, including voluntary placement in a state treatment facility or voluntary treatment with psychotropic medication.
- (3) Correctional institution staff shall tell the inmate that the inmate retains the status as an inmate upon commitment under s. 51.20, Stats., and that the inmate is subject to the same rules as other inmates of the department, which include for outpatients the grievance procedure under ch. DOC 310 and for inpatients the grievance procedure required under s. 51.61 (5), Stats.
- (4) Any information conveyed under subs. (1) to (3) shall be in a manner that is reasonably calculated to best enable the inmate to understand the information.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00.

DOC 314.05 Involuntary treatment. An inmate may be treated involuntarily with psychotropic medications only under the following circumstances:

- (1) While the inmate is in a state treatment facility under an involuntary commitment under ch. 51, Stats., for the treatment of mental illness and

the court has found the inmate not competent to refuse psychotropic medication under s. 51.61, Stats.

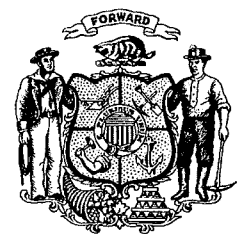
- (2) If the inmate is committed under s. 51.20, Stats., as an outpatient in a correctional institution, the court has found the inmate not competent to refuse psychotropic medication, and the inmate refuses to take the medication voluntarily. All of the following steps shall be followed:
- (a) Psychotropic medication shall be administered by a registered nurse, nurse practitioner, physician assistant, physician, or a designee.
 - (b) The registered nurse, nurse practitioner, physician assistant or physician shall give the inmate an opportunity to take the medication voluntarily.
 - (c) When an inmate has been adjudicated under ch. 54, Stats., to be incompetent to consent to treatment, the department of corrections shall obtain consent to voluntary treatment from the inmate's guardian.
 - (d) When the inmate refuses, the registered nurse, nurse practitioner, physician assistant or physician shall counsel the inmate and attempt to persuade the inmate to take the medication.
 - (e) If the inmate continues to refuse and there is a current physician order to involuntarily administer the psychotropic medication, the registered nurse, nurse practitioner, or physician assistant shall contact the physician who wrote the order to assess the situation. The physician shall decide the course of action to be taken. Possible actions may include all of the following:
 - 1. Take no action for a period of time.
 - 2. Transfer the inmate to a special unit within the correctional institution for treatment of mental illness.
 - 3. Place the inmate in observation status pursuant to ch. DOC 311.
 - 4. Recommend transfer of the inmate to an alternate correctional institution pursuant to ch. DOC 302.
 - 5. Recommend transfer of the inmate to a state treatment facility, pursuant s. 51.20, Stats.
 - 6. Direct that the medications be administered.
 - (f) If directed by the attending physician, the registered nurse, nurse practitioner, or physician assistant shall instruct the inmate to take the medication. If the inmate persists in refusing to take the medication, security staff will restrain the inmate while the registered nurse, nurse practitioner, physician assistant, or physician administers the psychotropic medication involuntarily.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00; correction in (2) (c) made under s. 13.93 (2m) (b) 7., Stats., Register December 2006 No. 612.

DOC 314.06 Review of an inmate on psychotropic medication.

The department of corrections staff psychiatrist or psychologist shall review the need to request an extension of the court order 60 days prior to the end of the court order.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00.



Chapter DOC 326 **LEAVE FOR QUALIFIED INMATES**

- DOC 326.01 Authority and applicability.
- DOC 326.02 Purpose.
- DOC 326.03 Definitions.
- DOC 326.04 Eligibility for leave application.
- DOC 326.05 Process for obtaining leave.
- DOC 326.06 Review of denial of leave.
- DOC 326.07 Notification of local officials.
- DOC 326.08 Custody.
- DOC 326.09 Expenses.
- DOC 326.10 Inmate conditions while on leave.
- DOC 326.11 Sanctions.
- DOC 326.12 Good time credit on leave.

Note: Chapter HSS 326 as it existed on November 30, 1984 was repealed and a new Chapter HSS 326 was created effective December 1, 1984. Chapter HSS 326 was renumbered Chapter DOC 326 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412. Chapter DOC 326 as it existed on September 30, 1997, was repealed and a new Chapter DOC 326 was created effective October 1, 1997.

Note: Several of the sections in Ch. DOC 326 have explanatory notes. These notes can be found in the appendix following the last section.

DOC 326.01 Authority and applicability. This chapter is promulgated under the authority of s. 303.068 (5), Stats., and interprets s. 303.068, Stats. It applies to the department of corrections and to all inmates in the legal custody of the department. Community custody inmates may be permitted unescorted leaves under this chapter. Leaves under this chapter are distinguishable from temporary release of inmates with supervision which is regulated by ch. DOC 325, and from work and study release for inmates which is regulated by ch. DOC 324.

History: Cr. Register, September, 1997, No. 501, eff. 10-1-97.

DOC 326.02 Purpose. This chapter provides for an eligible, community custody inmate to be considered for an unescorted leave from the institution.

History: Cr. Register, September, 1997, No. 501, eff. 10-1-97.

DOC 326.03 Definitions. In this chapter:

- (1) "Administrator" means the administrator of the division of adult institutions or the administrator of the division of community corrections, department of corrections.

- (2) "Bureau of health services" means bureau of health services, department of corrections.
- (3) "Close family member" means the inmate's parent, child, spouse, grandparent, brother or sister. "Parent" includes a person who was previously acting as a parent, as defined in s. 822.02 (8), Stats., for the inmate.
- (4) "Community custody" means that custody classification which permits inmates to participate in off-grounds activities.
- (5) "Department" means the department of corrections.
- (6) "History of assaultive behavior" means any prior arrests or charges for violent offenses, whether or not there was a conviction, and whether or not the offenses occurred inside or outside of the institution.
- (7) "Leave agreement" means the written statement, signed by the inmate, by which the inmate agrees to accept the responsibilities that the privilege of the leave requires and agrees to abide by certain specified conditions of leave.
- (8) "Leave for qualified inmates" or "leave" means the privilege of an unescorted, authorized absence from the institution for one of the verifiable purposes under s. DOC 326.02.
- (9) "Serious illness" means a medical condition which is verified by a physician where death is imminent.
- (10) "Superintendent" means the superintendent at a correctional center, or designee.
- (11) "Violent offense" means a conviction for any offense in which there is actual or threatened bodily harm or any sexual offense.
- (12) "Warden" means the warden at an institution, or designee.

History: Cr. Register, September, 1997, No. 501, eff. 10-1-97.

DOC 326.04 Eligibility for leave application. To be eligible to apply for a leave, an inmate shall meet the following requirements:

- (1) The inmate shall be housed in a minimum security facility as described in s. DOC 302.06, including contract facilities, and the inmate shall have a community custody status as defined in s. DOC 326.03 (4).
- (2) The inmate shall be able to demonstrate one of the following needs:
 - (a) To visit a close family member who is seriously ill.
 - (b) To attend the funeral of a close family member.
 - (c) To contact a legitimate, verified potential employer through a prearranged interview.
 - (d) To screen for or diagnose or treat an injury, illness or disease, as pre-approved by the bureau of health services.
 - (e) To visit a close family member to facilitate family reintegration and stability.
- (3) The inmate shall not be confined, nor have a criminal conviction for a violent offense or a history of assaultive behavior.
- (4) The inmate shall not be confined, nor have a criminal conviction for escape.
- (5) The proposed leave is restricted to the state of Wisconsin.
- (6) The proposed leave shall only be for a period of time necessary for the purpose of the leave, but no inmate may be granted a total of more than

3 leaves per calendar year and no leave may exceed 3 days exclusive of travel time unless an extension is granted, for cause, by the warden or superintendent.

History: Cr. Register, September, 1997, No. 501, eff. 10-1-97; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 2001, No. 545.

DOC 326.05 Process for obtaining leave.

- (1) The inmate or an employee on behalf of the inmate shall apply for a leave by submitting a completed, signed application and leave agreement.
- (2) In completing these documents, the inmate shall be required to provide all necessary information, prove eligibility, and agree in advance to all conditions of the leave, including, but not limited to geographic and travel conditions, including travel routes and mode of transportation, the specific geographic confines within which the inmate is authorized to move, any other condition on movement, conduct or communication consistent with the intent of this chapter, and any urinalysis or breathalyzer tests, personal or strip searches by department staff or law enforcement personnel.
- (3) The warden or superintendent shall designate a staff member to investigate and verify the application information according to the following procedure:
 - (a) Verify that there are no outstanding detainers, pending charges, or revocations.
 - (b) Verify the accuracy of the information in the application and the inmate's eligibility under s. DOC 326.04. This investigation shall include contact with anyone who can verify the accuracy of the information in the application. If, upon investigation, the inmate is found ineligible, the staff member shall note the reason for the ineligibility on the application.
 - (c) Notify the parole agent assigned to the inmate of the details of the approved leave.
 - (d) Attempt to determine potential community reaction to the proposed leave, including, any input from the parole agent, local law enforcement authorities and district attorneys.
- (4) The staff member designated under sub. (3) shall recommend approval or denial of the inmate's application for an unescorted leave and shall refer the recommendation to approve or deny the leave to the warden or superintendent. If a recommendation to deny the unescorted leave is based on insufficient time for institution staff to investigate, review or process the application prior to the requested leave departure date, the staff member shall advise the inmate that he or she may apply for a temporary leave under supervision as provided in ch. DOC 325.
- (5) The warden or superintendent shall review any recommendation and shall do either of the following:
 - (a) Deny the leave.