

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**Terry C. Anderson**  
Director  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 00-140**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The terms defined in s. DOC 302.03 should be in alphabetical order. For example, the terms defined in subs. (11) and (12) should precede sub. (10). Also see subs. (13) and (14).

b. In s. DOC 302.04, the introductory paragraph should be numbered sub. (1) because it does not introduce the subsequent subsections. The subsequent subsections should be renumbered accordingly. This comment also applies to s. DOC 302.16.

c. In s. DOC 302.10 (2), “a” should replace “such.”

d. In s. DOC 302.15, there needs to be an introductory paragraph stating that the subsequent subsections list the purposes of the program review. The title is not part of the text of the rule, so the text must indicate what is being listed.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In s. DOC 302.01, the statutory citations should be listed in numerical order.

b. In s. DOC 302.03 (1), “s.” should be inserted before “DOC” and it appears that “302.14” should be replaced with “302.11.”

c. In s. DOC 302.03 (4), “ss.” should be inserted before the first “DOC” and the second “DOC” should be deleted.

d. In s. DOC 302.03 (9), “s.” should be replaced with “ch.” Also, a more specific citation would be helpful.

e. In s. DOC 302.03 (13), “s.” should be inserted before “DOC.”

f. In s. DOC 302.08 (2) (a), the first “s.” should be replaced with “ss.” and the second “s.” should be deleted.

g. In s. DOC 302.08 (2) (b), it appears that the citation to s. DOC 302.18 should be to s. DOC 302.17.

h. In s. DOC 302.20 (1), the citation to s. DOC 302.16 (6) (a) is incorrect.

i. Please review the appendix and insert “s.” before citations to DOC rules, where needed.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. DOC 302.02 (1), “The purposes of this chapter are” should be replaced with “The purpose of this chapter is.”

b. In s. DOC 302.02 (2) (intro.), “of this chapter are all of the following” should replace “are.”

c. In s. DOC 302.02 (2) (a), “for” should be replaced with “based upon.”

d. In s. DOC 302.02 (2) (b), in this provision and others that follow, “institution” is used to presumably refer to a correctional institution. Is this clear enough, or should “institution” be defined or “correctional institution” used?

e. In s. DOC 302.02 (2) (d), “match inmate need” should be replaced with “to match an inmate’s program and treatment needs.”

f. In s. DOC 302.03 (2), “within” should be replaced with “of.”

g. In s. DOC 302.03 (8), “his or her” should be inserted before “designee.” This comment also applies to subs. (15) and (17).

h. In s. DOC 302.03 (11), “within” should be replaced with “by.”

i. In s. DOC 302.03 (13), the comma between “custody” and “classification” should be deleted.

j. In s. DOC 302.03 (14), “and others” should be deleted and “and” should be inserted before “clinical.”

k. In s. DOC 302.03 (17), what is a “correctional center”?

l. In s. DOC 302.03 (18), who are “program or treatment leaders”?

m. Custody classification is determined based upon each inmate’s characteristics, but that is not directly stated in s. DOC 302.04. Therefore, in s. DOC 302.04 (intro.), a phrase such as “to determine the appropriate placement of an inmate in order” should be inserted after “The purpose of a custody classification is.” Also, in sub. (1) (intro.), the sentence should be replaced with a sentence such as: “Custody classification is determined by assessing the risk of each inmate regarding all of the following:”

n. In s. DOC 302.04 (1) (c), “misconduct” should be more clearly defined. Does it mean misconduct in the institution?

o. In s. DOC 302.05 (intro.), the sentence should be replaced with a sentence such as: “An inmate is classified under one of the following 5 custody classification levels based upon the result of an assessment of the inmate’s risk under the A&E or PRC process:”.

p. In s. DOC 302.05, because the subsection titles are not considered to be text, each subsection should begin with a phrase such as: “Maximum custody requires . . . .” Also in that section, the descriptions of several of the classifications are not helpful. Specifically, what is meant by “general monitoring” or “moderate monitoring.” Also, the medium-out classification permits placement outside the facility, but it appears that the minimum classification does not. Is this correct?

q. In s. DOC 302.05 (3), “inmate may be placed” should be replaced with “permits placement.”

r. In s. DOC 302.05 (5) (intro.), the sentence should end with a colon. Also, should all temporary releases be included or only those in pars. (b) and (c)?

s. In s. DOC 302.06 (1), the sentence should be replaced with a sentence such as: “Except for inmates awaiting transfers and institutions in which there is a declared emergency or disturbance, an inmate’s custody classification may be no greater than the designated security classification of the institution in which the inmate is placed.”

t. In s. DOC 302.07 (intro.), the sentence should end with “in assigning custody classification:”.

u. In s. DOC 302.07 (1) (d), “in the commission of the offense for which the inmate was convicted” should be inserted at the end of the sentence.

v. In s. DOC 302.07 (2), “, including” should be replaced with “and” because juvenile adjudications are not part of the criminal record. Also, “delinquency” should be inserted before “adjudications.”

w. In s. DOC 302.07 (6), “intensive sanctions” should be replaced with “IS.” Also, “a” should be inserted before “mental health facility” and “local jail.”

x. In s. DOC 302.07 (9), the subsection and paragraph texts should be combined to read: “The risk of placing an inmate in the community where the offense was committed or where the institution is located, including the general attitude of the public as represented by elected officials, judges, sheriffs, district attorneys or a victim or witness.”

y. In s. DOC 302.07 (10), “or refusal to participate” should be inserted after “performance.”

z. In s. DOC 302.07 (12), a comma should be inserted after “expectations and.”

aa. In s. DOC 302.07 (13), “use” should be replaced with “results.”

ab. In s. DOC 302.08 (1), should extended supervision, as well as parole, be discussed? This comment also applies to subs. (2) (a) and (3). Also, in the second sentence, “considered to be” should be inserted before “serving a life sentence.” Finally, in the last sentence, “who is” should replace “that is.”

ac. In s. DOC 302.08 (2), the title should be deleted since the other subsections do not have titles.

ad. In s. DOC 302.08 (2) (c), the sentence could be rewritten to read: “Approval by the director for minimum custody classification.”

ae. In s. DOC 302.08 (3), the community custody classification is referenced. Should this be included in other provisions of the section?

af. In s. DOC 302.09 (intro.), “provided” should be replaced with “if.”

ag. In s. DOC 302.09 (1), the sentence could be rewritten to read: “The inmate has a program or treatment need that the program being considered would meet.”

ah. Section DOC 302.09 (4) should be deleted because it is repetitive.

ai. In s. DOC 302.10 (1) (intro.), “in assigning an inmate to a program or treatment component” should be inserted before the colon.

aj. In s. DOC 302.10 (1) (a), “Those stated in” should be replaced with “Factors under.”

ak. In s. DOC 302.11 (1), “will” should be replaced with “shall.”

- al. In s. DOC 302.11 (2), “Assessment and Evaluation” should not be capitalized.
- am. In s. DOC 302.12 (title) and (intro.), “purpose” should be replaced with “purposes.” Also, “all of” should be inserted after “be.”
- an. In s. DOC 302.12 (1), the sentence should state what type of risk is being assessed. Also, the sentence should end with a period.
- ao. In s. DOC 302.12 (6), the comma after “treatment” should be replaced with “and.”
- ap. In s. DOC 302.13 (1), it is not clear what the assessment and evaluation (A&E) review is.
- aq. In s. DOC 302.13 (2) (a), is the information discussed the information gathered through A&E? If so, this should be clarified.
- ar. Section DOC 302.13 (2) (d) 1. should clarify what is meant by “the issues.”
- as. In s. DOC 302.13 (3), “custody classification” should be inserted before “decision.”
- at. In s. DOC 302.15 (1), a hyphen should be inserted between “offense” and “related.” This comment also applies to the note to s. DOC 302.17 in the appendix.
- au. In s. DOC 302.15 (7), what is the “risk rating”?
- av. In s. DOC 302.15 (8) and (9), what is the “recall”?
- aw. In s. DOC 302.15 (9) (a), “determine” should be replaced with “determined.”
- ax. In s. DOC 302.15 (9) (c), what is the institution adjustment committee?
- ay. In s. DOC 302.17 (1), “program” should be inserted before “review.” Also, may any institution staff member prepare the materials for the program review under sub. (1)?
- az. In s. DOC 302.17 (2) (intro.), what is the program review office?
- ba. In s. DOC 302.17 (2), the paragraphs’ text should begin with capital letters. Also, in par. (c), “That” should be inserted at the beginning of the sentence.
- bb. In s. DOC 302.17 (3) (intro.), it may be helpful to state that prior to the program review, the program review committee (PRC) shall conduct an interview of the inmate, unless the inmate has waived the interview.
- bc. In s. DOC 302.17 (7), “outside” should be replaced with “other than those in ss. DOC.”
- bd. In s. DOC 302.17 (9), the slash should be replaced with “or” and the comma after “medium” should be deleted.

be. In s. DOC 302.17 (10), the second “unanimous” should be deleted.

bf. In s. DOC 302.19 (3), “arrangement of” in the last sentence should be replaced with “placement in.”

bg. In s. DOC 302.19 (4), “an inmate is” should be inserted after “If.” Also, “per” should be replaced with “as provided under” and “conclusions and decisions” should be replaced with “decision.”

bh. In s. DOC 302.19 (5), “, in its sole discretion,” should be deleted.

bi. In s. DOC 302.195 (2), “will” should be replaced with “shall.” Also, who may review the description? Finally, “sub.” should be inserted before “(1).”

bj. In s. DOC 302.20, it is not clear what the informational program review is. Please review the section.

bk. In s. DOC 302.20 (1) , par. (a) should end in a period and “medical” and “clinical” in pars. (c) and (d) should be further qualified.

bl. In s. DOC 302.20 (2), the sentence should end with a period.

bm. In the appendix, the note for DOC 302.19 should not be underscored.