

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

DOC 310 Inmate Complaint Procedure

3. Subject

Repeal and recreate portions of DOC 310, relating to inmate complaint procedures.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

DOC 310 is the Administrative Rule related to inmate complaint processes.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The last revision was provided to DOC 310 in the 2001 Session, relating to inmate complaint procedures. Through 2001's revision, the language was modified to reflect changes in practices and laws. The changes modified the time limits provided throughout the complaint process. The time limit for making a recommendation to the appropriate reviewing authority and the time needed to render a decision were each expanded by five working days. These changes reflected both the increased time needed to effectively review and to make a decision. In 2001, it was not anticipated that the changes would have any fiscal impact on the Department.

The Department is further revising this Chapter in order to provide additional clarity and updates per additional law and practice modifications. The current revision provides updated terminology and new definitions to DOC 310, in order to provide consistency between current Department of Corrections (DOC) terminology and practices. The Department is further modifying the timeline of the complaint process in order to reflect the time needed to effectively review complaints and make a decision. Legislative Council style, formatting and grammar suggestions are also incorporated to create consistent and accurate terminology and statutory applications.

The updated language helps clarify the process by adding specificity, eliminating redundancy, and providing inmates with a clear understanding of how the process works. Ultimately, this rule proposal explains the complaint process in a more logical and concise manner. It is not anticipated that these changes will have any fiscal impact on the department.

11. Identify the local governmental units that participated in the development of this EIA.

No local government units were needed to participate in the development of this statement given the scope of Wisconsin inmate conduct and discipline.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The proposed rule change is anticipated to have no significant adverse or material economic impact on small businesses. The Department determined this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the state.

There is no known financial impact on the Department of Corrections in relation to the Admin Rule 310 revisions.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

DOC 310 is the rule the Department refers to when evaluating procedures for inmate complaints. This rule updates the current rule (DOC 310) to reflect changes in procedures, practice, and the law. Additionally, the modification ensures that the Department is consistent with best correctional practices.

14. Long Range Implications of Implementing the Rule

Inmate Complaint practices will more reliably and consistently resemble inmate complaint practice standards reflective of best correctional practices.

15. Compare With Approaches Being Used by Federal Government

There are no federal regulations which address the development, implementation, or monitoring of inmate complaint procedures by the State of Wisconsin. However, the US Department of Justice issued standards implementing the Prison Rape Elimination Act of 2013 (PREA). Those standards regulate areas covered by DOC 310.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

In most cases, requirements vary moderately between the adjacent states and those Wisconsin has proposed. Some states have different timelines in which complaints may be filed and how the claims may be filled out and filed. Additionally, some of the states have very limited or nonexistent statutes or administrative code rules that set out procedures to address complaint processes. For a detailed analysis, please refer to the proposed rule-making order submitted by the Department associated with this rule.

17. Contact Name

Robin Walrath

18. Contact Phone Number

608-240-5422

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-