

Chapter HSS 328

ADULT FIELD SUPERVISION

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NOTE

Some sections in this chapter have explanatory material which can be found in the appendix following HSS 328.30.

Subchapter I—General Provisions

HSS 328.01 Purpose. The purposes of this chapter are to provide rules for community and facility-based supervision, services, and programs for clients under control in order to assure public safety, promote social reintegration, reduce repetition of crime and carry out the statutory directives under s. 46.001, Stats. The following specific goals and objectives are relevant towards fulfillment of these purposes:

- (1) To supervise and control offenders to the extent necessary to meet public, staff, and offender safety responsibilities;
- (2) To provide opportunities for obtaining education, training, work experience, coping skills, and other programs and services to enable offenders to live constructive lives;
- (3) To provide access to community-based programs for probationers and parolees for whom such programs are desirable and necessary;
- (4) To establish necessary guidelines, procedures, and controls to maintain program, staff, and fiscal accountability and to promote program efficiency and effectiveness;

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(5) To cooperate with other public and private agencies in activities for the purpose of prevention of crime and to provide alternatives to institutionalization; and

(6) To protect the health and rights of all persons involved in the division's programs and activities.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.02 Applicability. This chapter applies to the department and all adult clients under its custody and supervision for correctional purposes. It implements ss. 46.001, 46.03, 46.036, 53.11, 53.14, 53.19, 53.31, 57.06 (3), 57.072, 57.075, 57.12, 57.13, 57.135, 57.14, 161.47, 972.15, 973.04, 973.06, 973.08, 973.09, 973.10, 973.155, 975.08, 975.10, 975.11, 975.12, Stats., and ss. 54.01, 54.03-54.07, 54.10-54.11, 54.13, 54.15 and 54.16, (1975) Stats.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.03 Definitions. In this chapter:

(1) "Absconding" means the failure of a client to make himself or herself available as directed by the agent.

(2) "Administrator" means the administrator of the division or his or her designee.

(3) "Agent" means that employe of the bureau of community corrections, division of corrections, department of health and social services, who may be assigned the responsibilities under this chapter.

(4) "Bureau of community corrections" or "bureau" means the bureau of community corrections, division of corrections, department of health and social services.

(5) "Client" means that person who is committed to the custody of the department.

(6) "Collateral" means a family member, friend, employer, teacher, or any person who has contact with or information about a client.

(7) "Commitment term" means that period of time during which the client is under the custody and supervision of the department.

(8) "Compact administrator" means that person in Wisconsin or in a state other than Wisconsin who has been assigned the responsibilities under this chapter, or his or her designee.

(9) "Compact coordinator" means that employe of the bureau of community corrections, division of corrections, department of health and social services, who has been assigned the responsibilities under this chapter, or his or her designee.

(10) "Compact specialist" means an employe of the bureau of community corrections, division of corrections, department of health and social services, who has been assigned the responsibilities under this chapter, or designees.

(11) "Conditions" means specific regulations imposed on the client by the court or department.

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(12) "Contacts" means those communications between an agent and a client or collateral.

(13) "Department" means the department of health and social services.

(14) "Director of the bureau of community corrections" or "director" means the director of the bureau.

(15) "Discharge" means the successful completion of the term of supervision by a client.

(16) "Division" means the division of corrections, department of health and social services.

(17) "Extension" means the continuation of supervision of a client beyond the expiration of an order committing the client to the custody and supervision of the department.

(18) "Field staff" or "staff" means the professional and paraprofessional workers of the bureau assigned the responsibility for the control, supervision, and provision of program services to clients.

(19) "Field supervision" or "supervision" means the control and supervision of clients exercised by field staff.

(20) "Interstate compact" or "uniform act for out-of-state supervision" or "compact" means an agreement entered into by Wisconsin and another state in the United States or territory of the United States, which provides the means for supervising clients between states as authorized under ss. 57.13, 57.135, and 57.14, Stats.

(21) "Intoxicating substance" means anything which if taken into the body may alter or impair normal mental or physical functions, for example, LSD, cocaine, marijuana, alcohol, or any controlled substance as defined in ch. 161, Stats.

(22) "Physical custody" means actual custody of the person in the absence of a court order granting custody to the physical custodian.

(23) "Referral" means the introduction of a client to an agency or service to obtain necessary or desired assistance.

(24) "Region" means that subunit of the bureau of community corrections, composed of one or more counties.

(25) "Regional chief" means that employe of the bureau of community corrections, division of corrections, department of health and social services responsible for the administration of a region or designee.

(26) "Reporting" means that required contact between the agent and client determined by the rules or conditions of supervision.

(27) "Revocation" means the removal of a client from probation or parole supervision in accordance with ch. HSS 31, Wis. Adm. Code.

(28) "Rules" means those written departmental regulations applicable to a specific client under supervision.

(29) "Secretary" means the secretary of the department of health and social services or his or her designee.

(30) "Supervisor" means that employe of the bureau of community corrections, division of corrections, department of health and social services, responsible for the administration of field unit activities.

(31) "Term" means the rules, regulations, and conditions of supervision.

(32) "TIME system" means the state's information system for communicating apprehension requests or arrest warrants to all appropriate law enforcement agencies.

(33) "Transfer" means the change of a client assignment to a new agent in accordance with this chapter.

(34) "Waiver" means the written relinquishment of known rights by a client.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

Subchapter II—The Offender Under Supervision

HSS 328.04 Field supervision. (1) Parole and probation supervision is a mechanism of control and an attempt to guide offenders into socially appropriate ways of living. Field staff are to provide individualized supervision of clients in a manner consistent with the goals and objectives of this chapter. Specifically, field staff are to attempt to help the client be successfully reassimilated into the community, help the client adjust to and cope with community living, reduce crime, and protect the public.

(2) An agent shall abide by the department's administrative rules. An agent's responsibilities upon receiving a client for control and supervision shall include:

(a) Obtaining information necessary for appropriate supervision and control of the client;

(b) Evaluating the client's needs and security risk and classify the client's supervision as maximum, medium, or minimum in accordance with sub. (4);

(c) Determine the short-term and long-term goals and objectives of the client's overall supervision consistent with court order or parole board assessment;

(d) Establishing written rules of supervision that are supplemental to existing court-imposed or parole board conditions, and providing the client with a copy of them;

(e) Informing the client of the possible consequences of not abiding by the rules and conditions of supervision;

(f) Explaining the conditions and rules of supervision and the reporting requirements immediately upon reception to field supervision in a manner the client can understand;

(g) Informing the client of the client complaint process under s. HSS 328.11;

(h) Assisting the court in investigating the facts surrounding victim's loss to determine the amount of restitution owed by the client and rec-

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ommending a reasonable payment schedule in accordance with s. HSS 328.07 when ordered by the court;

(i) Providing individualized counseling designed to foster growth and development of the client as necessary;

(j) Informing the client of local law enforcement registration requirements applicable to the client;

(k) Monitoring the client's compliance with the conditions and rules of supervision to insure appropriate control of the client and the protection of the public;

(l) Periodically reassessing the client's needs and risks, and reevaluating the client's supervision in light of meeting those needs;

(m) Making appropriate referrals to other agencies for client services;

(n) Maintaining complete and accurate case records for each client under supervision in accordance with s. HSS 328.30 and ch. HSS 307, Wis. Adm. Code;

(o) Monitoring the client's progress where services are provided by another agency and evaluating the need for continuation of the services;

(p) Recommending interstate compact services, transfer, extension, discharge, revocation, and any other appropriate actions under this chapter or otherwise, for the necessary care and control of the client and the protection of the public consistent with the purposes and goals under this chapter, and other administrative rules;

(q) Conducting presentence investigations as requested by the court and preparing reports in accordance with ss. HSS 328.27 and 328.28;

(r) Supervising persons committed under ss. 971.14, 971.17, 975.06, Stats., who are released in accordance with the agreement between the division and the division of community services;

(s) Conducting periodic institution contacts with incarcerated offenders when necessary;

(t) Reporting child abuse cases under s. 48.09 Stats., to the appropriate authority;

(u) Reporting to a supervisor as directed on the status of all clients under supervision;

(v) Maintaining an effective and cooperative working relationship with public and private client service agencies;

(w) Reporting all violations of the criminal law by clients to a supervisor or appropriate law enforcement authority; and

(x) Preparing parole plans in accordance with s. HSS 328.041.

(3) When probation or parole begins, an agent shall meet with a client to review or develop written rules and specific conditions of the client's supervision, or both. These rules require that the client shall:

(a) Avoid all conduct which is in violation of state statute, municipal or county ordinances or which is not in the best interest of the public welfare or his or her rehabilitation;

- (b) Report all arrests or police contacts to an agent within 72 hours;
- (c) Make every effort to accept the opportunities and counseling offered by supervision;
- (d) Inform the agent of his or her whereabouts and activities as directed;
- (e) Submit a written monthly report and any other such relevant information as may be required;
- (f) Secure advance approval from an agent for a change of residence or employment, or in the case of emergency, notify an agent of the change within 72 hours;
- (g) Obtain the advance permission of an agent and a travel permit before leaving the state;
- (h) Obtain advance permission from an agent to purchase, trade, sell, or operate a motor vehicle;
- (i) Secure advance approval from an agent to borrow money or purchase on credit;
- (j) Purchasing, possessing, owning, or carrying any firearm or any other weapon only with the advance approval of an agent consistent with applicable statutes and administrative rules;
- (k) Make himself or herself available for searches or tests ordered by the agent including but not limited to urinalysis, breathalyzer, and blood samples or search of residence or any property under his or her control;
- (l) Follow any specific rules that may be issued by an agent to achieve the goals and objectives of this chapter. The rules may be modified at any time as appropriate.

(4) Monitoring of a client by a representative of the department shall be done through one of three levels of supervision: maximum, medium, or minimum unless modified by the bureau director.

(a) *Maximum.* Maximum supervision shall require a minimum of one face to face contact with the client by a representative of the department every 14 days. Home visits shall be made at least once every 30 days unless this requirement is waived by a supervisor in writing, and collateral contacts shall be made by the agent as deemed appropriate. The client shall submit a monthly report which includes a verification of the client's residence and employment.

(b) *Medium.* Medium supervision shall require a minimum of at least one face to face contact with the client by a representative of the department every 30 days. Home visits shall be made at least once every 60 days unless this requirement is waived by a supervisor and collateral contacts by the agent shall be made as deemed appropriate. The client shall submit a verification of the client's residence and employment as required.

(c) *Minimum.* Minimum supervision shall require a minimum of one face to face contact with the client by a representative of the department every 90 days. Home visits by the agent shall be made as deemed appropriate. The client shall submit a periodic report, and shall verify his or

her residence and employment once every month. Monthly reports may be mailed rather than submitted in person if a supervisor approves.

(d) *Reassessment.* At any time, but no more than 6 months since the last reassessment, the agent shall determine whether the client shall be placed in a level of supervision consistent with the needs and risks of the client. The determination shall be based only upon the agent's assessment of the appropriate supervision necessary to provide for the proper care and control of the client and the protection of the public subject to the written approval of a supervisor.

(5) If a client fails to comply with the written conditions or rules of the his or her supervision, the following may result: modification of conditions or rules of supervision, extension, or revocation.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.041 Parole planning. The plan should be prepared by the inmate and institution staff. After the inmate and institution have prepared a proposed parole plan, the agent should investigate the plan, comment as to its appropriateness, and suggest modifications if necessary. The results of the investigation should be reported to the institution promptly.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.05 Funds, property, and loans. (1) An agent may assist in the management of the financial resources of a client. When an agent manages money under this section, the agent shall specify the reason the client's money is being managed and the facts. This may be done only through a bank account in the client's name administered by the division in accordance with this section if:

(a) The client requests it; or

(b) The agent believes that management is necessary to control the client's funds and to teach mature money management so that the client may develop skills for a more successful re-assimilation into the community upon discharge; or

(c) Reimbursement is necessary for the cost of purchased services provided to the client by the department; or

(d) The agent believes that management is necessary to ensure compliance with the client's existing financial obligations.

(2) For the purposes of this section, "financial resources" of a client means any special benefits the client is eligible for, e.g., benefits from the social security or veteran's administration or railroad retirement fund, any income earned by the client, any money in a savings or checking account controlled by the client, any unearned income given to the client, e.g., from family or friends, and any income the client receives through inheritances, grants, or income tax refund.

(3) An agent may require the client to provide financial information to assist in the management of the client's financial resources, including but not limited to:

(a) The amount and source of all the gross annual earned and unearned income of the client;

(b) The names of the people in the client's household dependent upon the income under par. (a);

(c) The names and addresses of all third party payors to, or on behalf of, the client such as insurance companies or medical assistance programs, and relevant policyholders and account claim numbers;

(d) The work-related expenses of the client;

(e) Any outstanding court obligations or judgments against the client;

(f) The social security number of the client, and any other claim numbers for special benefits for which the client may be eligible; and

(g) Federal or state income tax returns.

(4) All financial resources of a client managed by an agent shall be deposited directly into the client's account upon receipt.

(5) An agent shall maintain a personal receipt book, provided by the division, containing sequentially numbered receipt forms. If an agent receives money (cash, a check, or money order) on behalf of a client from anyone, the agent shall immediately issue that person a receipt indicating the date the money was received, the name of the person, the name of the client and the amount of money received. No temporary receipts shall be issued and all receipts voided shall be marked "VOID" and retained in proper sequence in the receipt book. Checks or money orders paid to the order of the agent may be accepted by the agent and shall be restrictedly endorsed to the order of the department. If the agent receives cash on behalf of a client, it shall be converted to a money order payable to the department within one working day of its receipt. Any employe of the bureau who is assigned a receipt book shall comply with this subsection.

(6) An agent shall transmit all collections received on behalf of clients to the division cashier for deposit into the client's account at the close of the work week within which it was collected. Any employe of the bureau who is assigned a receipt book shall comply with this subsection.

(7) An agent shall maintain a personal remittance sheet book and sequentially numbered remittance sheet forms. When an agent transmits collections received on behalf of clients to the division cashier, a remittance sheet stating the issued receipt numbers, the dates the money was received, the names of the clients who are to have the money credited to an account, and the amount of money credited to each client's account, shall accompany the collections. All voided receipts shall be recorded on the remittance sheet. The agent shall not submit personal checks drawn on his or her account. Any employe of the bureau who is assigned a receipt book shall maintain remittance sheets and shall comply with this subsection.

(8) An agent's supervisor shall audit the agent's management of a client's financial resources semiannually, at the termination or upon transfer of his or her employment as an agent (or bureau employe), and when a receipt book is filled.

(9) An agent shall file a disbursement order with the division cashier drawn on the client's savings account when payments towards the client's bills are due or when the client, with the agent's permission, wishes

to withdraw money. A disbursement order shall state the name of the person or agency to receive the money, the amount of money to be disbursed, the purpose for the disbursement, and shall include an itemized account of how the money is to be spent (if applicable). No money shall be disbursed unless the order is signed by the client and the agent. A disbursement order requesting a disbursement of \$250.00 or more shall not be honored by the division cashier unless it contains the signature of the agent's supervisor. A disbursement order may be filed with the division cashier authorizing the payment of a client's bills, e.g., rent, on a routine basis.

(10) An agent and the division cashier shall maintain accurate and complete itemized records of all disbursements from or deposits to a client's account. An agent shall record this information on a ledger sheet contained in the client's record. The division cashier shall maintain the official division record.

(11) An agent may seek a wage assignment against a client if it is necessary to assure timely collection of restitution and court costs and to control the client's earnings.

(12) All funds in a client's savings account administered by the division cashier shall be disbursed to the client through the agent upon the client's discharge.

(13) The division may establish a fund to provide emergency loans to clients for the purchase of basic living necessities such as clothing, transportation, food, or rent, when all local resources to meet the client's needs have been exhausted. A client may request a loan at any time. An emergency loan shall not exceed that amount determined by the law and shall not be extended unless an agent's supervisor approves of the loan in writing. The amount of the loan, a reasonable repayment schedule, and the client and agent's signatures must be included on a loan agreement before the money may be disbursed to the client. The repayment schedule must be explained to the client in accordance with the client's needs in advance of obtaining the client's signature on the loan agreement.

(14) One year after a client absconds, any funds remaining in the client's savings account administered by the division may be transferred to the fund under sub. (13) and used to extend loans to clients. Within 5 years after such a transfer, any person upon proof of ownership may have such funds repaid to them in accordance with the law.

(15) Agents shall not receive or store any property for a client except as provided under s. HSS 328.16.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.06 Temporary travel. (1) A client may request and receive authorization to travel out of the state of Wisconsin.

- (a) Agent approval is required for a time not to exceed 15 days to:
1. Seek employment;
 2. Seek educational or vocational opportunities;
 3. Seek future living accommodations;

4. Go on vacation;
5. Seek medical advice or care;
6. Satisfy special job requirements; or
7. Do other things consistent with the purposes and goals under this chapter; or

(b) Supervisory approval is required for a time exceeding 15 days to:

1. Satisfy day-to-day job requirements;
2. Obtain ongoing vocational or educational training;
3. Obtain ongoing medical treatment;
4. Visit another state prior to acceptance by that state under the terms of the uniform act for out-of-state supervision; or
5. Do other things consistent with the purposes and goals under this chapter.

(2) An authorization under sub. (1) may specify that the client:

- (a) Shall only be permitted to leave the state for specific time periods each day for 15 days or longer, for example, during working hours;
- (b) Shall be responsible for the costs incurred by the travel;
- (c) Shall report according to specific terms;
- (d) Shall be required to return to the state upon his or her agent's request at any time the client is out of state; and
- (e) Shall carry a travel permit.

(3) If the agent and supervisor disagree as to whether authorization to travel should be granted, the agent may appeal directly to the regional chief for resolution of the matter. The regional chief shall review the recommendation and client's record and may discuss the matter with the agent, supervisor, and client and shall decide whether to authorize the travel.

(4) An authorization to travel approved pursuant to sub. (1) shall be in writing, shall state the reasons for its authorization, and shall state any additional specific rules of supervision in effect while the client is out of state. After an explanation of the additional rules of supervision is given to the client, the client's signature shall be obtained on the travel permit and a copy shall be given to the client prior to departure.

(5) Any additional rules of supervision in effect while the client is out of state shall supplement the existing conditions and rules of supervision and a violation of them may result in a modification or revocation of the client's supervision in accordance with this chapter or ch. HSS 31, Wis. Adm. Code, or both.

(6) A supervisor may modify authorization to travel if the client receives written notification of the change prior to its effective date.

(7) Records relevant to out-of-state travel requests and authorizations shall be maintained in the client's record.

(8) The state visited by a client while on authorized travel shall be notified prior to the client's presence in that state.

(9) Authorization to travel to foreign countries shall not be granted to clients.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.07 Restitution. (1) In all cases where a court orders the department to assist in determination of restitution, the agent shall establish the pecuniary loss to the victim and make a recommendation as to appropriate payments by the offender.

(2) Whenever a court requires a probationer to pay restitution, the surcharge required by statute shall be computed at the statutory percentage of every dollar ordered for restitution.

(3) Collections and audits shall be conducted in accordance with s. HSS 328.05.

(4) The division may accept any collections paid in anticipation of an order of restitution and hold it for the client making such payment.

(5) The department may establish uniform procedures to assist staff in assessing restitution.

(6) Payments to victims shall be made as soon as possible after money is received, but no amount less than \$10 shall be paid unless it is the final payment.

(7) Money collected by the division shall be disbursed under the following priority schedule:

- (a) Payments for fines connected with the case;
- (b) Payments for restitution, interest, and the surcharge;
- (c) Payments for court costs;
- (d) Payments for attorney fees; and
- (e) Payments for unrelated amounts.

(8) Where an agent determines that an offender who has been ordered to pay restitution is not making the payments and is unable or refuses to meet the schedule established, the agent shall notify the court and may make a recommendation for modification of conditions, or any other recommendation authorized under this chapter.

(9) If restitution has not been paid at least 90 days before the probation expiration date, the agent shall notify the court of the status of any unpaid restitution and may make a recommendation for modification of conditions, or any other recommendation authorized under this chapter.

(10) Recommendations by an agent under this section shall be submitted to the court together with the reasons for making the recommendations and the facts upon which the recommendations were based.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

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HSS 328.08 Intrastate transfer. (1) **CRITERIA.** A client may request transfer to another geographical area if transfer is consistent with the goals and objectives of supervision for the client, and the:

(a) Client's family has moved to the area and the transfer is considered advisable to maintain or strengthen familial ties; or

(b) Client has obtained verified residence, employment, or schooling in the area.

(2) **RECOMMENDATION.** An agent may recommend a transfer and, if that agent obtains supervisory approval, shall prepare a transfer summary and recommendation, which should be sent with the client file directly to the designated receiving office.

(3) **INVESTIGATION.** A transfer is authorized only after the receiving agent investigates the transfer request, obtains supervisory approval, and then acknowledges the transfer in writing. Any rejection of the transfer by the receiving agent must have the receiving agent's supervisor's written approval of the reasons for the rejection and shall be provided to the agent in writing and communicated to the client. The agent shall notify the receiving agent as soon as possible of the client's anticipated arrival in the designated area.

(4) **INITIAL MEETING.** The client and new agent shall meet within 10 working days after the receiving agent has been notified of the client's arrival to the new area to discuss the goals and objectives of the client's supervision and confirm an understanding of the rules and conditions of the client's supervision. Any modification of the rules of supervision shall be explained to the client prior to their effective date and the client shall be given a copy of them.

(5) **RETURN.** If the transfer plan is not implemented within 60 days of arrival for reasons other than the client's misconduct, the client may be transferred back to the prior geographical area and agent.

(6) **RECORDS.** Records relevant to a client's transfer shall be maintained in the client's record.

History: Cr. Register, December, 1981, No. 312, off. 1-1-82.

HSS 328.09 Uniform act for out-of-state supervision (interstate transfer). The policy of the division is to cooperate with other jurisdictions which are signatories to the uniform act for out-of-state probationer and parolee supervision to provide for the welfare and protection of clients and of the public with respect to: the cooperative supervision of clients on probation or parole; the return, from one state to another, of clients who have absconded or escaped; and additional measures for the protection of clients and of the public, which two or more of the party states may undertake cooperatively. The following provisions interpret the compact:

(1) **WISCONSIN CLIENTS IN OTHER STATES.** An inmate scheduled to be paroled or client may request the assistance of a social worker or agent to help seek out or prepare a sound transfer plan providing for residence, schooling, employment, or training in another state. The agent or social worker shall assist with all reasonable requests and shall counsel the inmate or client about opportunities which may exist in other states. The social worker or agent may suggest that a client seek authorization for

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temporary travel under s. HSS 328.06, to another state to seek or confirm opportunities that would substantiate a request for a transfer.

(a) A client on supervision may transfer to another state after obtaining prior consent of that state in accordance with this section if:

1. The client is a resident of that state; or
2. The client's family resides in that state; or
3. Transfer is recommended by the parole board or court; and
4. A client has feasible plans to obtain residence, schooling, employment, or vocational training in another state.

(b) A client may not transfer to another state if his or her intent is to avoid supervision, or if equal opportunities for residence, schooling, employment, training, or constructive familial relationships exist in Wisconsin.

1. Wherever possible, a client's financial obligations, e.g., restitution, court costs, support, or paternity, shall be paid before a client is allowed to transfer to another state.

2. If payment in full cannot be made prior to a transfer, an agent shall prepare a written agreement to be signed by the client, establishing a payment schedule, stating the amounts to be paid, and how and when they are to be paid.

3. All payments, unless stated otherwise in a court order, shall be paid by money order or certified check payable to the department. Failure to pay according to the schedule may result in revocation or return to Wisconsin for judicial review of the order.

(c) A client on supervision may apply for a transfer to another state. An inmate in a correctional institution may apply for a transfer at any time under this section but a transfer cannot be implemented until his or her release to supervision.

(d) A client may apply for a transfer to another state by completing an application for compact services which acknowledges that any differences in the course and character of supervision in the other state or by the compact are accepted by the client and notes any reasons why the transfer would benefit him or her and would improve his or her opportunities to make a successful adjustment into the community. The client and agent must approve of, and sign, the application before the client is permitted to transfer. An agent may assist a client in completing the application.

(e) When an application has been completed and signed in accordance with par. (d), the agent, after receiving supervisory approval, shall send it to a compact specialist along with an authorization to travel, a description of the client's proposed living arrangements in the other state including the names of those persons the client will reside with, their address and telephone number, and any additional relevant information concerning the client's current social pattern, pending supervisory problems, or reasons for the transfer request and the following documents on the client:

1. Last periodic summary;

2. Conditions and rules of supervision;
3. Most current investigation summary;
4. Institution face sheet (if parolee);
5. Judgment and commitment order;
6. Extension order (if any);
7. Court orders (if any);
8. Fingerprints and photograph (if parolee);
9. Description of offense and sentencing; and
10. Financial obligations.

(f) A Wisconsin compact specialist shall review the materials submitted pursuant to par. (e), prepare a written request for the interstate transfer based upon the information provided, and send the request with the materials to the receiving state's compact administrator.

(g) No transfer is complete until a written response from the receiving state's compact administrator is received which approves of the transfer. The Wisconsin compact specialist may make inquiries into the status of a client's application by periodically contacting the compact administrator in the receiving state.

(h) If a receiving state compact administrator rejects a client's application for compact services, the client shall not be transferred to that state under the compact. If the receiving state compact administrator approves a client's application, a compact specialist shall notify the client's agent of the acceptance, send written notice to the client confirming his or her transfer, and send a written acknowledgement of the other state's acceptance of the client's supervision along with a request for periodic progress reports on the client to the compact administrator.

(i) After supervision of a client has been accepted by a compact administrator, the client may be transferred to the other state. The following provisions shall apply to a client's supervision and the client shall be informed of them prior to the transfer:

1. The client shall report to a specific probation and parole office as directed by the sending or receiving agent after arrival in the other state;
2. New rules and terms of supervision consistent with the other state's practices and the compact may apply to the client while he or she is in the other state and any differences will be explained to the client by the new agent;
3. The client's Wisconsin agent shall maintain responsibility for the client's case and any copies of correspondence between the client and agent shall be routed through the Wisconsin compact coordinator;
4. The client may be returned to active Wisconsin supervision at any time upon request of the other state;
5. The compact specialist may request and obtain the return of the client to Wisconsin at any time upon requisition for good cause, such as

an absconding or escape, unless criminal proceedings against the client are pending in the other state and the client is detained there; and

6. In the event the client absconds while under another state's supervision, active case responsibility shall be assumed by a Wisconsin agent who shall immediately issue an apprehension request and violation warrant in accordance with s. HSS 328.14.

(j) If a client under the supervision of another state in accordance with this subsection violates the conditions or rules of his or her supervision, revocation may occur.

1. An alleged violation without subsequent criminal charges shall be followed by an on-site hearing in conformity with the other state's practices which shall be documented. Revocation may be pursued only if there is probable or reasonable cause to believe that the violation occurred. If such proof is found, the Wisconsin compact specialist shall be notified and he or she may request that the client be returned to Wisconsin for a final revocation hearing in accordance with ch. HSS 31, Wis. Adm. Code.

2. An alleged violation or a subsequent verified criminal conviction for the misconduct may be followed by revocation. The client shall be notified in writing that a detainer has been filed and that the conviction is sufficient to establish probable cause to believe the client committed the alleged violation. The client shall be given an opportunity to waive his or her rights to a final revocation hearing, to elect to wait until he or she is returned to Wisconsin to have a final revocation hearing, or to submit a written statement that shall be considered in the revocation decision. If possible, the client shall be returned to Wisconsin following the conviction, if the decision is to revoke.

(k) A compact coordinator shall maintain an accurate and complete record of all clients under supervision receiving compact services.

(2) OUT-OF-STATE CLIENTS IN WISCONSIN. (a) For the purposes of this subsection and sub. (3), "client" means an offender from a state other than Wisconsin who has been convicted and placed on probation or parole in that other state.

(b) A client may request compact services by submitting an application to the Wisconsin compact administrator. The application shall be referred to the appropriate compact specialist for assignment to a Wisconsin agent who shall complete an investigation of the request and recommend approval or rejection of the transfer within 30 days of its receipt by him or her.

1. If the application is rejected, the Wisconsin agent shall notify the Wisconsin compact specialist, state the reasons for the rejection, and return all of the application materials to the Wisconsin compact specialist. Rejection of an application requires supervisory approval. The Wisconsin compact specialist shall return all of the application materials to the compact administrator with an explanatory letter rejecting the application.

2. If the application is accepted, the Wisconsin agent shall notify the Wisconsin compact specialist of the acceptance and the reasons for it. The Wisconsin compact specialist shall notify the compact administrator of the sending state of the acceptance and the reasons for it.

(c) All provisions under this chapter, unless otherwise noted under this section, shall apply to clients. An agent shall respond to requests for periodic reports or other information from the client's sending state and route responses through the Wisconsin compact specialist.

(d) If a client allegedly violates the conditions or rules of supervision and the Wisconsin agent with supervisory approval recommends return to the other state, the compact specialist shall be notified and he or she shall inform the sending state compact administrator of the facts underlying the alleged violation and request that state's preferred disposition either to proceed with a probable cause hearing in accordance with this chapter or immediately return the client to that state.

(e) An apprehension request for a client who absconds may be issued. The sending state shall be notified. If the client is not located after a reasonable period of time, the request shall be cancelled and the client's record along with an explanatory letter indicating the facts regarding the absconding, the client's adjustment prior to absconding, and any pending criminal charges against the client shall be forwarded by the Wisconsin agent with a recommendation for termination of compact services to the compact specialist for transmittal to the sending state compact administrator.

(f) An agent may recommend a client's discharge before expiration of the commitment term but the discharge may be granted only by the other state in accordance with its established procedures.

(g) A client shall be returned to his or her home state at any time upon request of the sending state unless criminal proceedings are pending in Wisconsin against the client which prevent the client's return.

(3) **REQUESTS FROM OTHER STATES FOR PRESENTENCE OR RECORD CHECK INVESTIGATIONS.** The Wisconsin compact coordinator shall receive all requests from other states for presentence or record check investigations of clients and refer them to a Wisconsin compact specialist who shall assign the investigation to a Wisconsin agent. The Wisconsin agent shall complete the investigation within 30 days of its receipt by him or her and submit a written report to the compact specialist for transmittal to the compact administrator requesting the investigation.

(4) **RETURN OF PAROLE AND PROBATION VIOLATORS.** The secretary may deputize a person from another state to assist in returning a client to Wisconsin if the client has violated the rules and conditions of parole or probation. Any deputation shall be in writing.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.10 Extension of probation. (1) **GENERAL.** Extension is the only means to continue the duration of control by the department over clients on probation beyond the expiration of their commitment term. Only the court that committed a client may grant an extension of the commitment term.

(2) **GROUND FOR EXTENSION.** Extension of a client's probation is governed by s. 973.09(3)(a), Stats.

(3) **MANDATORY NOTICE TO COURT.** An agent shall notify the committing court and client of the status of the client's failure to comply with an
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order for restitution at least 90 days prior to the expiration of the client's probation term.

(4) **AGENT'S RECOMMENDATION.** An agent may recommend that a court grant an extension of the commitment term or that financial obligations be modified. If the court or district attorney requests information regarding a client's possible extension, the agent may report the following to the client and court or district attorney as appropriate:

- (a) The background of the client's case, including:
 - 1. The name and age of the client;
 - 2. A brief description of the client's committing offense;
 - 3. The description of the sentence, including:
 - a. Whether the sentence was withheld or imposed with the execution of the sentence stayed;
 - b. The terms and conditions of probation; and
 - c. Any other prior extensions.
- (b) An accounting of the payments received, including:
 - 1. The original amount of restitution, interest, surcharge, attorney's fees, or court costs ordered;
 - 2. The amount paid to date; and
 - 3. The outstanding balances.
- (c) An employment record, including:
 - 1. The specific jobs held since the client's conviction, including the salaries earned and the dates of employment;
 - 2. The specific job presently held, including the salary earned and dates of employment; and
 - 3. Future job prospects.
- (d) Other specific sources and amounts of income:
 - 1. Since conviction;
 - 2. At the present time; and
 - 3. Anticipated future income.
- (e) A description of the competing specific financial demands on the client, including:
 - 1. Self-support or support of dependents (if any); and
 - 2. Other financial obligations.
- (f) Any written waiver of court hearing under sub. (7) signed by the client; and
- (g) A statement as to whether the client has demonstrated a good faith effort in meeting the obligations.
- (h) A brief description of the client's conduct under supervision; and

(i) Any other relevant or helpful information showing good cause for an extension.

(5) **CRITERIA FOR RECOMMENDATION AND APPROVAL.** An agent shall recommend extension if the agent or supervisor believes that further supervision under an extension is necessary to achieve the goals and objectives of supervision under this chapter.

(6) **HEARING.** If the department requests extension of a client's probation, the client shall be so notified and informed of the right to a court hearing.

(7) **WAIVER.** A client may knowingly, intelligently, and voluntarily waive the client's right to a court hearing in writing. The waiver shall state that:

(a) The client has read the notice, or has had it communicated to him or her, and understands the notice under sub. (6);

(b) The client acknowledges that there is good cause for the extension;

(c) The client consents to an extension of the supervision for the specific period of time stated in the notice; and

(d) The client was given an opportunity to consult with an attorney before signing the waiver.

(8) **RECORDS.** Relevant records of actions or decisions regarding a client's extension shall be maintained in the client's record.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.11 Client complaint process. (1) **PURPOSE.** The division shall afford clients an opportunity for administrative review of certain types of decisions through the client complaint process.

(2) **OBJECTIVES.** The objectives of the client complaint process are:

(a) To allow clients to raise questions in an orderly fashion regarding decisions affecting their supervision;

(b) To encourage communication and cooperation between clients and staff; and

(c) To resolve problems that arise under supervision in an orderly and uniform fashion.

(3) **SCOPE.** The client complaint process may be used by any client to review a decision which affects the client personally.

(4) **EXCEPTIONS.** The client complaint process may be used to challenge any decision affecting a client except those concerning:

(a) Revocation;

(b) Custody and detention;

(c) A violation of a criminal law or ordinance;

(d) A denial of use or possession of firearms pursuant to the federal gun control act of 1968;

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(e) Special conditions or terms of supervision imposed by a court or the parole board; or

(f) Discharge prior to the completion of the term of supervision.

(5) FILING A COMPLAINT. (a) A client may initiate a review of a decision by filing a complaint with the agent.

(b) The agent shall attempt to informally resolve the complaint. Any resolution agreed to by the agent and the client shall be documented in the client's record.

(c) If the complaint is not resolved as provided under par. (b), the client may file a written request for review directed to the agent's supervisor.

(d) A written request for review shall be filed with the supervisor within 5 working days of the decision giving rise to the complaint, except that a supervisor may for good cause accept a complaint after that time.

(6) SUPERVISOR'S INVESTIGATION AND DECISION. (a) Upon receipt of a written request for review, the supervisor shall notify the agent of its receipt. The agent shall be given an opportunity to respond to the complaint in writing within 5 working days of notice to the agent.

(b) The supervisor shall review the complaint and agent's response and may interview the client and others to investigate the complaint within 10 working days of receipt of the complaint.

(c) Within 5 working days after the supervisor's investigation is completed, the supervisor shall issue a written decision, stating the reasons for it. Copies of the decision shall be sent to the client and the agent.

(d) If no decision is issued, the client may appeal under sub. (7).

(7) APPEAL OF SUPERVISOR'S DECISION. (a) The client or agent may appeal the supervisor's decision in writing within 5 working days to the regional chief, stating the reasons for the appeal and requesting further review.

(b) The regional chief shall review the client's complaint and the supervisor's decision and may investigate the complaint and issue a written decision stating the reasons for it within 10 working days of receipt of the appeal. Copies of the decision shall be sent to the client, the client's agent, and supervisor.

(8) APPEAL OF THE REGIONAL CHIEF'S DECISION. (a) If the client, agent, or supervisor disagrees with the decision of the regional chief, he or she may within 5 working days of receipt of the decision, appeal in writing to the director of the bureau of community corrections.

(b) The bureau director or designee shall review all relevant written material including the client's complaint, the supervisor's and regional chief's decisions, and shall issue a written decision stating the reasons for it within 10 working days of receipt of the appeal. The client, agent, supervisor and regional chief shall receive copies of the decision. If the bureau chief is unable to decide within 10 days, he or she shall so state and notify the parties of the reason. In such cases a decision shall be rendered within 10 working days of notification. If the bureau director fails to decide, the regional chief's decision shall be final.

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(c) The bureau director's decision regarding the complaint shall be final.

(9) **EFFECT OF APPEAL ON DISPUTED DECISION.** During the period required under this section to investigate any complaint or review any decision, the affected parties shall comply with the decision under dispute.

(10) **EXPEDITED APPEAL.** If resolution of a complaint under the periods of time provided for under this section would moot the complaint, the complaint process shall be expedited.

(11) **PENALTIES.** No penalties to a client shall result from the mere filing of a complaint by the client.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.12 Purchase of services. (1) If a client requires assistance or materials that cannot feasibly be provided through any other available resource, the department may provide such assistance through individual or group service contracts with service agencies.

(2) The division shall follow department established, specific policies and procedures consistent with the goals and objectives of this chapter and s. 46.036, Stats., for the provision of such assistance to clients. Such guidelines should set priorities for the types of assistance which may be provided by the department.

(3) (a) A client may request and an agent may arrange for assistance to be provided to the client. Documentation of the provision of service shall be maintained in the client's record and it shall include the reasons why the assistance is needed and the agent's attempts to provide the necessary assistance through other sources. It shall be reviewed by the agent's supervisor.

(b) Appropriate staff may audit the provision of services to a client where a purchase of services contract has been entered into.

(4) Assistance to clients may be provided after receiving departmental approval pursuant to the procedures under sub. (2). Purchase of service funds may be used in service of clients by contracting with other service agencies. Approval of the contract is necessary before such services may be provided.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.13 Voluntary return to an institution. (1) A client on parole may request a return to a correctional institution in writing only after the client has been informed by an agent:

(a) That if he or she goes back to the institution a return to parole status may be determined only by the parole board or he or she may have to remain there until he or she reaches his or her mandatory release date under s. HSS 302.21, Wis. Adm. Code;

(b) That he or she must waive good time in accordance with s. HSS 302.26, Wis. Adm. Code, to return to or remain in an institution beyond the mandatory release date;

(c) That all the department's administrative rules applicable to inmates in correctional institutions shall apply to the client upon return; and

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(d) Of the procedures to be used to return the client to a particular institution.

(2) An agent shall discuss a request and the client's record with a supervisor. If the agent and supervisor agree in writing that the client knowingly, voluntarily, and intelligently requests return and that such return is consistent with the goals and objectives of this chapter, the client may be returned to an institution. If the agent and supervisor disagree, the regional chief shall make the decision in writing.

(3) An agent shall arrange for a client's return to an institution.

(4) An agent and supervisor are responsible for following the client's case and shall appropriately assist the client when he or she is eligible for release.

(5) Relevant records relating to the voluntary return of a client to an institution shall be maintained in the client's record.

(6) In an emergency, the provisions of this section requiring a written decision prior to return are inapplicable.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.14 Absconding. (1) If a client absconds, a field staff member shall issue an apprehension warrant to be entered in the TIME system or to be sent to the local apprehending authority. If the local apprehending authorities are contacted, they shall be instructed not to forward any information regarding the absconding to the TIME system.

(2) An apprehension warrant shall include all relevant and necessary information and should satisfy all of the requirements of the TIME system.

(3) A violation report shall be prepared for a client who absconds, in accordance with s. HSS 31.03 (1) (d), Wis. Adm. Code.

(4) An agent shall make reasonable attempts to locate a client who has absconded which may include a letter to the last known address. Certified letters may be used.

(5) An agent shall prepare a request for a violation warrant not later than 30 days after an agent becomes aware that a client has absconded unless a supervisor decides that a warrant shall not be prepared.

(6) As soon as is feasible after a client is located, a field staff member or department representative shall meet with the client to discuss the facts underlying the absconding, the possible consequences of it, any extenuating or mitigating circumstances, and shall evaluate the factors contributing to the absconding.

(7) An agent shall request in writing that the apprehension warrant be cancelled as soon as the client is located.

(8) A client shall be continued on supervision if revocation proceedings are not initiated against the client following an absconding, subject to s. 57.072 (1), Stats. Any modification of the rules of supervision made subsequent to the client's absconding shall be discussed with the client prior to their effective date and the client shall be given a copy of them.

(9) Upon notification that a client who has absconded is in custody out of the state of Wisconsin, an agent shall request that the client be detained, and the regional chief or designee shall forward a violation warrant to the detaining authority noting that extradition is requested. Cancellation of the apprehension warrant shall be requested. If the client is on parole, an institution shall be advised of the client's whereabouts and the institution staff shall arrange for extradition. If the regional chief approves of the return of a client on probation, the agent and the supervisor shall arrange for the client's return to Wisconsin.

(10) Relevant records relating to a client's absconding shall be maintained in the client's record.

(11) (a) If a client who has not been convicted of an offense, e.g., a client committed under s. 161.47 (1), Stats., or ch. 54, Stats. (1975), absconds, an agent shall issue the apprehension warrant.

(b) If the client is not located within 90 days, an agent shall request that the committing court issue a capias ordering apprehension of a client, vacate the order committing the client to the custody of the department, or relieve the department of further responsibility for the client. Following court action the agent shall cancel the apprehension warrant.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.15 Ethics, relationships, gifts, and gratuities. (1) Field staff may not have personal relationships with clients and their families. There shall be no nonprofessional contacts.

(2) Field staff shall not provide permanent or temporary housing for clients or their families.

(3) Field staff shall not accept any gifts or gratuities from clients or their families.

(4) Field staff shall maintain the confidentiality of each client's status or other information about the client with any person not having a sufficient need to know it, in accordance with the departmental rules.

(5) Field staff shall not require a client to pay money for noncompliance with conditions other than court imposed mandatory requirements.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.16 Contraband. (1) In this chapter, "contraband" means:

(a) Any item which the client may not possess under the rules or conditions of the client's supervision; or

(b) Any item whose possession is forbidden by law.

(2) Any field staff member who reasonably believes that an item is contraband may seize the item, whether or not the staff member believes a violation of the client's rules or conditions of supervision has occurred. The client shall be issued a receipt for the item seized and the supervisor shall be notified in writing of the circumstances of the seizure. Property which is not contraband shall be returned to the owner, if feasible, and a receipt shall be obtained, or disposed of in accordance with this section and a report of the disposal kept.

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(3) The supervisor shall dispose of seized contraband after all proceedings in which it may be required have been completed. Disposition shall be as follows:

(a) All confiscated currency, whose true owner cannot be determined, shall be placed in the general fund.

(b) Checks and other negotiable instruments shall be returned to the maker. If it is not possible to determine an address for the maker of the check, the check shall be destroyed.

(c) U.S. bonds and other securities shall be held in the division's cashier's office, and upon proof of ownership, the item shall be returned to the owner.

(d) Property shall be returned to the owner if the owner is known, or sent at the client's expense to another, in accordance with the nature of the property, unless the owner transferred the property in an unauthorized manner. Otherwise, items of inherent value shall be sold through the department's purchasing officer and money received shall be placed in the state's general fund. Items of inconsequential value, that is, having a value of \$5.00 or less, shall be destroyed.

(e) Intoxicating substances, such as alcohol, narcotics or dangerous drugs, shall be disposed of by the client's agent after obtaining supervisory approval or given to a law enforcement agency for use as evidence or for disposal.

(f) Firearms not required for use as evidence shall be disposed of in accordance with s. 968.20, Stats.

(g) Any item originally assigned as property of the state shall be returned to service.

(4) If a client believes that property should be returned or sent out at his or her direction, and a decision to dispose of it in a different manner has been made, the client may file a complaint under s. HSS 328.11. The property shall not be disposed of until the complaint is resolved.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.17 Discharge. (1) The division shall inform a client of the individualized objectives and conditions of the client's supervision so that the client may be aware of the effort and achievement required of him or her, and to encourage discharge of the client at the earliest possible time consistent with the client's progress in satisfying the objectives and conditions and the protection of the public.

(2) A client shall be discharged upon the issuance of a discharge certificate by the secretary at the expiration of the term noted on the court order committing the client to the custody and supervision of the department unless:

(a) The court has subsequently modified the term and extended or reduced it;

(b) The department recommends, and the governor grants:

1. A discharge for a client serving a life sentence who has been on parole for at least 5 years with such terms as the governor thinks appropriate; or

2. A discharge for a client who has served the minimum term of punishment prescribed by law for the offense for which the client was sentenced with such terms as the governor thinks appropriate;

(c) There is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the client or for the protection of the public that the department retain custody, and discharge is merited; or

(d) The client is fully pardoned.

(e) In these instances, the client shall be discharged at the date of expiration of the modification of the term or earlier if the client receives a discharge from the governor or department, or a pardon.

(3) (a) A probationer may be discharged pursuant to sub. (2) (c) if:

1. The client has maintained a minimum status on supervision for a reasonable period of time;

2. The client has satisfied all of the goals and objectives, and conditions and rules of the client's supervision and all financial obligations have been paid in full or remitted by a court;

3. The client has served at least one year on probation for a felony conviction, if applicable;

4. The client has served at least 6 months on probation for a misdemeanor conviction, if applicable; and

5. The client's commitment term expires more than 60 days after a discharge under sub. (2) (c); or

(b) A parolee may be discharged pursuant to sub. (2) (c) if:

1. The client has maintained a minimum status on supervision for a reasonable period of time;

2. The client has satisfied all of the goals and objectives, and conditions and rules of the client's supervision;

3. The client has reached his or her mandatory release date; and

4. The client's commitment term expires more than 60 days after a discharge under sub. (2) (c); or

(c) In unusual circumstances consideration may be given to an administrative discharge.

(4) (a) A client's agent may recommend the client's discharge under sub. (2) (b) or (c) after a review of the client's record, or a client may request a discharge.

(b) The agent's written recommendation shall address all of the requirements under sub. (3) and may describe the client's plans for discharge. The recommendation shall be forwarded along with the client's record to the agent's supervisor for review.

(c) After a review of the client's record, the agent's recommendation and discussions with the agent and any other person with information which may be relevant to making the decision, which may include the client, the supervisor shall decide within a reasonable period of time

whether to forward the recommendation and record to the regional chief for review. If the supervisor disagrees with the recommendation of the agent, the reasons for the decision not to forward the recommendation and record shall be stated in writing and sent to the agent. The recommendation and materials should be returned to the agent.

(d) If the agent disagrees with the decision of the supervisor, the agent may appeal directly to the regional chief for review of the recommendation. The agent's recommendation, the supervisor's statement, and the client's record shall be forwarded to the regional chief for review.

(e) After a review of the client's record, the agent's recommendation, the supervisor's statement, if any, and discussions with the agent, supervisor, and any other person with information which may be relevant to making the decision, which may include the client, the regional chief shall decide within a reasonable time whether to recommend discharge for the client. A written statement of the regional chief's decision and the reasons for it shall be sent to the client's agent and supervisor. A recommendation to discharge a client under sub. (2) (b) shall be sent to the governor.

(5) Relevant records of a client's discharge shall be maintained in the client's record.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

Subchapter III--Use of Force and Related Matters

HSS 328.18 Use of force. Whenever feasible, the field staff shall rely on law enforcement authorities to exercise force against clients. When such assistance is not practical, field staff may use force subject to this section.

(1) In this subchapter, the following definitions apply:

(a) "Bodily injury" means physical pain or injury, illness, or any impairment of physical condition.

(b) "Deadly force" means force which the user reasonably believes will create a substantial risk of causing death or great bodily injury to another.

(c) "Force" means the exercise of strength or power to overcome resistance or to compel another to act or to refrain from acting in a particular way. It includes the use of mechanical and physical power or strength. Only so much force may be used as is reasonably necessary to achieve the objective for which it is used.

(d) "Great bodily injury" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(e) "Non-deadly force" means force which the user reasonably believes will not create a substantial risk of causing death or great bodily injury to another.

(f) "Reasonably believes" means that the actor believes that a certain fact situation exists and such belief under the circumstances is reasonable even through it may be erroneous.

(2) Corporal punishment of clients is forbidden. This prohibition allows no exceptions and applies to public and private programs.

(3) Non-deadly force may be used by field staff against clients only if the user of force reasonably believes it is immediately necessary to realize one of the following purposes:

(a) To prevent death or bodily injury to oneself or another;

(b) To prevent unlawful damage to property that may result in death or bodily injury to oneself or another;

(c) To prevent a client from fleeing the control of a field staff member;

(d) To change the location of a client; or

(e) To prevent unlawful damage to property.

(4) Non-deadly force may be used to apprehend a client or take a client into custody only in the following manner:

(a) Staff should exhaust all efforts to persuade clients to voluntarily be taken into the custody of field staff prior to using force;

(b) If the client refuses, staff may exercise minimal physical force necessary to apprehend the client. Minimal force should be exercised in the following way:

1. If possible, staff should not attempt to physically handle the client until sufficient staff are present to evidence a show of force;

2. The client should again be asked to voluntarily be taken into custody;

3. If the client refuses, the client may be firmly grasped by one or more staff; and

4. The client shall then be handcuffed behind his or her back or restrained by other appropriate methods;

(c) After apprehension, the client and staff should be checked for injury and treated by a physician if necessary. If injury resulted, the regional chief shall be notified and a summary report shall be submitted to the regional chief detailing the cause and extent of the injury and the treatment provided for it; and

(d) If force is used, a written report describing the apprehension including the names of all people who observed the exercise of force shall be submitted to the regional chief, and shall be included in the client's record.

(5) Deadly force may not be used by field staff against clients except to prevent death or great bodily injury to oneself or another.

(6) Deadly force may not be used by field staff if its use creates a substantial danger of harm to innocent third parties, unless the danger

created by not using such force is greater than the danger created by using it.

(7) The use of excessive force is forbidden.

(8) In an emergency, field staff may be used at an institution. In such circumstances, staff shall abide by the use of force rules under ch. HSS 306, Wis. Adm. Code.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.19 Mechanical restraints. (1) Mechanical restraints are limited to handcuffs, handcuffs with restraining belt or chain, restraining chain, leg restraints, and leather and plastic restraints. These may be used to restrain and transport a client, but only in accordance with this section.

(2) Mechanical restraints may only be used in the following circumstances:

(a) To protect staff or others from a client who poses an immediate risk of flight or physical injury to others, unless restrained;

(b) To protect a client who poses an immediate threat of physical injury to himself or herself, unless restrained;

(c) When taking a client into custody; or

(d) To transport a client.

(3) Mechanical restraints shall never be used:

(a) As a method of punishment;

(b) About the head or neck of the client;

(c) In a way that causes undue physical discomfort, inflicts physical pain, or restricts the blood circulation or breathing of the client; or

(d) To restrain a client to a moving vehicle.

(4) When a client is placed in restraints, a staff member shall transport the client to a detention facility, a mental health or medical facility, or to the appropriate law enforcement authorities.

(5) A staff member shall observe a client in restraints at least once every 15 minutes until the restraints are removed, or the client is admitted to a detention facility, mental health facility, or medical facility.

(6) If feasible, clients should be released from restraints to perform bodily functions and for meals.

(7) Except when restraints are used to take a client into custody or transport a client, a report shall be maintained in the client's record of each time the client is placed in restraints. It shall include:

(a) The client's full name, number, and the date the client was placed in restraints;

(b) The name of the staff member who placed the client in restraints;

(c) The reason for placing the client in restraints; and

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(d) A statement indicating when, and under what circumstances, the restraints were removed.

(8) Field staff shall have access to mechanical restraining devices which shall be periodically examined. Any excessively worn or defective restraining devices shall be removed from the supply. Only commercially manufactured restraining devices may be used.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.20 Chemical agents and firearms. (1) Chemical agents shall not be used by field staff against clients.

(2) Field staff shall not carry firearms or other weapons during their working hours.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.21 Search and seizure. (1) A search of a client, client's living quarters, or property may be made at any time, but only in accordance with this section.

(2) (a) Field staff may conduct only 2 types of searches of clients:

1. A personal search is a search of a client's person, including, but not limited to, the client's pockets, frisking the client's body, an examination of the client's shoes and hat, and an inspection of the client's mouth.

2. A strip search is a search in which the client is required to remove all of his or her clothes. Permissible inspection includes examination of the client's clothing and body and visual inspection of his or her body cavities. A strip search may only be conducted in a clean and private place. A strip search shall be conducted by any staff member of the same sex as the client being searched.

(b) A personal search of a client may be conducted by any field staff member:

1. If the staff member has reasonable grounds to believe that the client possesses contraband; or

2. At the direction of a supervisor; or

3. In the circumstances defined under par. (c).

(c) A strip search may be conducted:

1. Before a client enters and after a client leaves the security enclosure of a correctional institution, jail, or detention facility; or

2. If the staff member is satisfied that there are reasonable grounds to believe the client possesses contraband; or

3. When a client is taken into custody.

(3) A written report or written record entry of all strip searches shall be filed with a supervisor. This report shall state:

(a) The identity of the client searched;

(b) The identity of the staff member who conducted the search and the supervisor, if any, who approved it;

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- (c) The date, time, and place of the search;
- (d) The reason for the search;
- (e) Any items seized pursuant to the search; and
- (f) The identity of any other staff members present when the search was conducted.

(4) A search of a client's living quarters or property may be conducted by field staff if there are reasonable grounds to believe that the quarters or property contain contraband. Approval of the supervisor shall be obtained unless exigent circumstances require search without approval.

(a) There shall be a written record of all searches of a client's living quarters or property. This record shall be prepared by the staff member who conducted the search and shall be filed with the agent's supervisor. If the search was conducted without the supervisor's approval because of exigent circumstances, a report stating what the exigent circumstances were shall be part of the record and shall be filed with the supervisor within 48 hours of the search. The report shall state:

1. The identity of the client whose living quarters or property was searched;
2. The identity of the staff member who conducted the search and the supervisor, if any, who approved it;
3. The date, time, and place of the search;
4. The reason for conducting the search. If the search was a random one, the report shall so state;
5. Any items seized pursuant to the search; and
6. Whether any damage was done to the premises or property during the search.

(b) If any items are damaged pursuant to the search of a client's living quarters or property, the client shall be informed in writing what those items are.

(c) In conducting searches, field staff shall disturb the effects of the client as little as possible, consistent with thoroughness.

(d) During searches, staff shall not read any legal materials, communication between the client and an attorney, or any materials prepared in anticipation of a lawsuit. This does not include business records.

(e) If the client whose living quarters or property is being searched is not present, the agent may not forcibly enter the premises. A search should normally be conducted in the presence of another person.

(5) Field staff shall strive to preserve the dignity of clients in all searches conducted under this section.

(6) Whenever feasible, before a search is conducted under this section, the client shall be informed that a search is about to occur, the nature of the search, and the place where the search is to occur.

(7) In deciding whether there are reasonable grounds to believe a client possesses contraband, or a client's living quarters or property contain contraband, a staff member should consider:

- (a) The observations of a staff member;
- (b) Information provided by an informant;
- (c) The reliability of the information relied on; in evaluating reliability, attention should be given to whether the information is detailed and consistent and whether it is corroborated;
- (d) The reliability of an informant; in evaluating reliability, attention should be given to whether the informant has supplied reliable information in the past, and whether the informant has reason to supply inaccurate information;
- (e) The activity of the client that relates to whether the client might possess contraband;
- (f) Information provided by the client which is relevant to whether the client possesses contraband;
- (g) The experience of a staff member with that client or in a similar circumstance;
- (h) Prior seizures of contraband from the client; and
- (i) The need to verify compliance with rules of supervision and state and federal law.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.22 Custody and detention. Whenever feasible, staff shall rely on law enforcement authorities to take a client into custody. When such assistance is not practical, field staff shall take clients into custody in accordance with this section.

(1) A client shall be taken into custody and detained if the client has a record of prior assaultive or dangerous conduct and is arrested for any reason or is involved in assaultive or dangerous conduct. A regional chief may permit exceptions to this subsection.

(2) A client may be taken into custody and detained:

- (a) For investigation of an alleged violation by the client;
- (b) After an alleged violation by the client to determine whether to commence revocation proceedings;
- (c) For disciplinary purposes; or
- (d) To prevent a possible violation by the client.

(3) An agent may authorize the detention of a client under sub. (1) or (2) (a) (b) and (d) for a maximum of 5 working days. A supervisor may approve of subsequent detention for a maximum of 5 working days and the regional chief may approve of detention for an additional 5 working days. Detention beyond the foregoing time limits must be authorized by the director. A client detained under sub. (2) (c) may only be detained with supervisory approval for a maximum of 5 working days for disciplinary purposes.

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(4) The following subsection applies to custody decisions during revocation proceedings only.

(a) At a case review under s. HSS 31.03 (2) (a), Wis. Adm. Code, a supervisory staff member shall decide whether a client shall be detained pending further revocation proceedings. This detention decision shall supercede any decision under sub. (3). If a client waives his or her rights to a case review or if a review need not take place, the client shall remain in custody status in accordance with subs. (1) - (3).

(b) A client shall only be detained if a supervisory staff member reasonably concludes under s. HSS 31.03 (2) (a), Wis. Adm. Code, that revocation proceedings shall be pursued and that the client's detention is advisable and consistent with the goals and objectives under this chapter.

(c) Detention is advisable and consistent with the goals and objectives of this chapter if any of the following apply:

1. The client is believed to be dangerous;
2. There is a likelihood that the client will abscond;
3. The client is likely to engage in criminal behavior pending revocation;
4. The client is likely to engage in an activity in noncompliance with the rules and conditions of supervision; or
5. The length of the term to be served upon revocation is great.

(d) A detained client is not eligible for partial release from detention, e.g., release during working hours.

(5) The custody decision made pursuant to sub. (4) shall remain in effect until the date that the decision of the hearing examiner under s. HSS 31.03 (3) (h), Wis. Adm. Code, takes effect and becomes final. If the final hearing examiner's decision is to reinstate the client or to not revoke the client's supervision, and the department requests review of that finding, the custody decision made pursuant to sub. (4) shall remain in effect pending a decision by the secretary. The secretary may alter the custody decision at any time if the public interest warrants it.

(6) A client on parole from a state correctional institution or on felony probation with an imposed and stayed sentence may be detained in an institution pending revocation proceedings.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.23 Transporting clients in custody. (1) A field staff member may transport a client to jail, institution, court, or other detention facility.

(2) A client may be handcuffed or otherwise appropriately restrained when being transported by field staff. When a client is being taken into custody, it is usually desirable to restrain the client.

(3) Two field staff members shall transport a client whenever feasible, and the client shall be informed of the reasons why he or she is being transported prior to such transport.

(4) If a client is to be transported to Wisconsin from another state, an agent and the agent's supervisor shall determine:

- (a) Whether the client is available for transport;
- (b) Whether an on-site hearing should be held prior to transport;
- (c) Whether extradition matters are resolved;
- (d) Which staff members shall transport the client.

(5) Relevant records relating to transport of a client shall be maintained in the client's record.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

Subchapter IV—Matters Relating to Revocation

HSS 328.24 Good time forfeiture hearings. (1) **AMOUNT OF TIME AVAILABLE FOR FORFEITURE.** (a) Prior to a client's case review under s. HSS 31.03(2), Wis. Adm. Code, an agent shall contact in writing the registrar of the institution which has the client's record and advise the registrar of the client's alleged date of violation and request the registrar to provide the amount of client's total good time that is available for forfeiture upon revocation of a parolee's supervision.

(b) The agent shall notify the hearing examiner's office of the amount of good time available for forfeiture prior to a final revocation hearing.

(2) **AGENT'S RECOMMENDATION.** (a) An agent shall recommend that a specific amount of good time be forfeited upon revocation of a client's supervision. This amount of time shall be expressed in terms of whole days, months, or years, or any combination thereof. The amount of time shall not be expressed in terms of fractions or percentages of time periods. Reasons for the recommendation, including the factual basis for it, shall be given with it.

(b) An agent should consider the following prior to making a forfeiture recommendation:

1. The client's institution conduct record;
2. The nature and severity of the original offense;
3. The client's conduct and behavior while on parole;
4. The amount of time left before mandatory release (if the client is a discretionary release parolee); and
5. Whether forfeiture would be consistent with the goals and objectives of field supervision under this chapter.

(c) If an agent's supervisor approves of the agent's recommendation, it shall be included in the client's chronological history along with a supervisor's comments on the recommendation.

(3) **HEARING.** (a) *General.* A hearing shall be held before an impartial hearing examiner who shall determine, based upon the evidence presented, what amount of good time shall be forfeited following revocation of a client's parole supervision unless the client waives his or her rights to the hearing in accordance with par. (c). This hearing may be held in conjunction with the final revocation hearing.

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(b) *Notice.* A client and the client's agent shall be given written notice of the client's right to:

1. A hearing to be held in accordance with this section;
2. Receive a written decision stating the reasons for it based upon the evidence presented; and
3. The right to have the decision reviewed in accordance with par. (h). The notice shall include the date, time, and place of the hearing.

(c) *Waiver.* A client may knowingly, voluntarily, and intelligently waive his or her right to a hearing under this section in writing. Forfeiture is then decided pursuant to par. (k).

(d) *Time.* A hearing shall take place either:

1. Immediately following a final revocation hearing under s. HSS 31.03 (3), Wis. Adm. Code; or
2. Within a reasonable period of time after the secretary issues a decision under s. HSS 31.03 (4), Wis. Adm. Code, revoking the client's parole, if a client waived his or her rights to a final revocation hearing.

(e) *Procedure.* The hearing shall be conducted in accordance with par. (a). If the recommendation has been decided upon, it shall be read aloud and the client and agent may speak and respond to questions from the hearing examiner. A verbatim record of the hearing shall be kept.

(f) *Decision.* 1. After the hearing, the examiner shall consider only the record of the final revocation hearing, if any was held, any record kept under ch. HSS 31, Wis. Adm. Code, the revocation decision and the reasons for it, testimony at the hearing, and the client's record.

2. The examiner shall recommend:

- a. Whether good time should be forfeited; and
- b. If good time should be forfeited, the specific number of whole days, months, or years, or any combination thereof, that shall be forfeited. The amount of time forfeited shall not be expressed in terms of fractions or percentages of time periods.

3. Good time shall not be forfeited unless the examiner finds that non-forfeiture would be inconsistent with the goals and objectives of supervision under this chapter. The specific goal or objective and the reason it would be inconsistent with the continuation of supervision shall be expressly stated in the decision. No more good time shall be forfeited than is necessary to achieve the goals and objectives of supervision under this chapter.

4. The examiner shall issue a written decision, based upon the evidence presented and the client's record, indicating the forfeiture or non-forfeiture of the client's good time.

(g) *Order.* The examiner's written order stating the decision and the reasons for it shall be delivered within 10 working days after the hearing to the client and the division's representative and agent. The time limits start on the day after the end of the hearing and include the date of delivery. If a hearing was held under par. (d) 1., this order shall be incorporated into the order under s. HSS 31.03 (3) (g), Wis. Adm. Code.

(h) *Effect of order and request for review.* 1. An order pursuant to a hearing under par. (d) 1. shall take effect and be reviewed in accordance with s. HSS 31.03(3), Wis. Adm. Code.

2. An order pursuant to a hearing under par. (d) 2. or (c) shall take effect and be final 10 days after the date it was delivered unless the client or the division requests a review of the forfeiture decision by the secretary within that time. Written notice of the request shall be sent to the secretary and other party.

3. The registrar at the institution where the client is to be received following revocation shall be notified by the hearing examiner as soon as possible after the forfeiture decision becomes final and shall receive a copy of the order within 10 working days of its effective date.

(i) *Materials submitted for review.* All materials submitted to aid the secretary in review of the forfeiture decision must be received by the secretary within 10 working days after the request for review is received by the secretary. An extension of this time limit may be granted by the secretary.

(j) *Secretary's decision.* 1. The secretary shall review the record of the hearing, the revocation decision and the reasons for it, the client's record, and all materials submitted for review under par. (i).

2. The secretary shall decide to modify or affirm the examiner's forfeiture decision based upon the evidence presented.

3. The secretary's written decision, stating the reasons for it, shall be delivered to the client and the agent within 10 days after the date that all materials under par. (i) are due. The secretary may extend the time limit.

4. The secretary shall inform the client and agent in writing of any extension of the time limit. Specific reasons for the extension shall be included in the notice of extension.

(k) *Procedure when hearing waived.* 1. If a client waives his or her right to a hearing under this section, copies of the waiver and revocation decision shall be sent to the hearing examiner for review within a reasonable time after the revocation decision becomes final.

2. An agent shall recommend a forfeiture of good time in accordance with sub. (2) (a) and (b).

3. The waiver may result in an informal interview with a hearing examiner who shall consider the client's record, the revocation decision and the reasons for it, and any evidence or testimony presented at the final revocation hearing.

4. The hearing examiner shall decide whether good time should be forfeited and, if so, the amount of time to be forfeited. A forfeiture of time shall be expressed in terms of whole days, months, or years, or any combination thereof. The amount of time shall not be expressed in fractions or percentages of time periods. Paragraph (f) 3. applies to the hearing examiner's decision.

5. The hearing examiner's written decision shall state the reasons for it based upon the evidence presented and the client's record and the

decision shall be delivered to the client and agent within 10 days of receipt of the waiver and revocation decision pursuant to par. (k) 1. and 2.

(4) RECORDS. Relevant records relating to the forfeiture of good time shall be maintained in the client's record.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.25 Tolloed time. (1) For the purposes of this chapter, "tolled time" means the period of time between the date of a client's violation and the date the client is reinstated or revoked.

(2) The period of a client's probation or parole ceases to run during tolled time in accordance with s. 57.072, Stats. If a client is subsequently reinstated rather than revoked, time shall be tolled only if the reinstatement order concludes that the client did in fact violate the rules or conditions of his or her supervision. In this case, the reinstatement order shall credit time spent in custody as service of the supervision period.

(3) The amount of time to be tolled is officially determined by a hearing examiner or the secretary's decision in accordance with HSS 328.24.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.26 Reinstatement. Reinstatement may only occur in accordance with this section.

(1) DEFINITION. For the purposes of this chapter, "reinstatement" means the return of a client to field supervision after either:

(a) A client's personal written admission of a violation of the rules or conditions of supervision; or

(b) A finding by a hearing examiner or the secretary under ch. HSS 31, Wis. Adm. Code, that the client committed a violation of the rules or conditions of supervision sufficient to warrant revocation.

(2) ADMISSION. (a) A client may knowingly, intelligently, and voluntarily make a written admission, signed and witnessed, of a violation of the rules or conditions of supervision sufficient to warrant revocation, and request reinstatement. The request must acknowledge:

1. The date of the violation;
2. That the client is aware that the period between the date of violation and the date of reinstatement or revocation shall be tolled, i.e., the period of the client's commitment term ceases to run during this period of time; and

3. That the client is aware that a specific stated amount of good time may be forfeited as a result of the violation if reinstatement is approved by the secretary.

(b) A staff member may accept a client's written admission and request and shall submit it with the report under s. HSS 31.03 (1) (d), Wis. Adm. Code, to a supervisory staff member.

(c) The supervisory staff member shall decide whether to accept the admission and request, recommend reinstatement, and forward the admission, request, and recommendation to the secretary for approval, or proceed with revocation proceedings. Reinstatement shall only be recommended when it is consistent with the goals and objectives of supervi-

sion under this chapter. The recommendations shall include a statement of the reasons for it.

(d) The secretary shall decide within 5 working days of receipt of an admission and request and a staff member's recommendation whether to order reinstatement. A copy of the secretary's decision, stating the reasons for it, shall be sent to the client and the supervisory staff member.

(e) If the secretary decides that reinstatement shall not occur, the revocation process may be initiated in accordance with ch. HSS 31, Wis. Adm. Code.

(3) **FINDING OF VIOLATION BY HEARING EXAMINER.** A hearing examiner may, under ch. HSS 31, Wis. Adm. Code, order a client reinstated after finding that the client committed a violation of the rules or conditions of supervision. Reinstatement shall only be ordered when it is consistent with the goals and objectives of supervision under this chapter. The order shall include a statement of the reasons for it.

(a) The date of a client's violation and the date that the client was reinstated shall be stated on the hearing examiner's order of reinstatement.

(b) Good time may be forfeited by a hearing examiner's decision and order for reinstatement.

(c) A hearing examiner's order for reinstatement is subject to approval by the secretary in accordance with ch. HSS 31, Wis. Adm. Code.

(4) Relevant records relating to a client's reinstatement shall be maintained in the client's records.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

Subchapter V—Records and Reports

HSS 328.27 Presentence investigation report. (1) **PURPOSE.** The primary purpose of the presentence investigation report is to provide the sentencing court with accurate and relevant information upon which to base its sentencing decision. The report is also important in the correctional process. It is used for such things as determining levels of supervision, classification, program assignment, parole planning and decision making and in the overall correctional treatment of offenders.

(2) **COURT ORDER.** Upon order of the court, an agent shall prepare a presentence investigation report. It shall contain the information provided for under this section unless the court orders otherwise.

(3) **CONTENT.** (a) *Information.* A presentence report should contain the following information relating to the client:

1. Present offense
2. Prior criminal record
3. Prior correctional institution record
4. Victim's statement
5. Family information

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6. Personal history

(b) *Summary and conclusions.* A presentence report shall contain information about the offender's present situation. If the agent concludes the offender has immediate problems that require attention this shall be stated together with the facts and reasons for the conclusion. Pending charges may be included in this subsection.

(c) *Agent's recommendation.* Unless the court otherwise directs, the agent's recommendation for sentencing shall be included in the presentence report. The conclusions of the agent shall be reported together with the reasons for the conclusions and the facts upon which they are based.

(d) *Tentative plan.* Unless waived by the supervisor, a tentative treatment plan addressing the specific conclusions arrived at under par. (b). The plan shall contain the offender's response, unless the supervisor waives this requirement. The treatment plan shall include any recommendations about restitution.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.28 Modified presentence investigation report. (1) Upon order of the court, field staff may prepare a presentence investigation report that contains only the information that the court orders, notwithstanding s. HSS 328.27.

(2) Upon order of the court, division staff may present the report orally in open court or in the judge's chambers. Defense counsel, district attorney, and client may be present.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

HSS 328.29 Sources of information for presentence investigation report. (1) (a) All sources of information relied upon for an investigation and report shall be identified in writing in the presentence report unless otherwise ordered under s.HSS 328.28. All sources shall be informed of this requirement.

(b) No pledge of confidentiality may be given to any person by the agent in return for facts included in the report except in accordance with sub. (2).

(2) When a person who supplies information used in a presentence report may be in danger if identified, the agent should request that the judge conceal the identity of that person under s. 972.15 (3), Stats.

(3) A presentence investigation prepared for a court is subject to the provisions of ss.HSS 307.21 (2) and 307.50 (2) (a), Wis. Adm. Code.

(4) Arrest records that did not lead to conviction and not confirmed by the client may not be used as a source of information in a presentence investigation and report, except that adjudications under s.161.47, Stats. and ch. 54, Stats. (1975), misdemeanor expunction, and pending charges may be included.

(5) An attempt shall be made to interview the offender during the preparation of the report under ss. HSS 328.27 and 328.28.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

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HSS 328.30 Recordkeeping. (1) A case record of each client shall be maintained by the department. That record shall include:

- (a) An initial entry summary;
- (b) Chronological log entries;
- (c) Periodic case planning summaries prepared in accordance with the department's case classification policies;
- (d) Case transfer summaries, if any;
- (e) Supervisory contact summaries;
- (f) Records of administrative decisions;
- (g) Reports from community-based residential facilities, if any;
- (h) A record of all disclosures of information to social welfare or law enforcement agencies, or to third parties;
- (i) The client's court order and any court imposed conditions and obligations;
- (j) Copies of the client's presentence investigation report prepared under ss. HSS 328.27 or 328.28.
- (k) The rules and conditions of the client's supervision and the reasons for them;
- (l) Relevant information regarding institutional experience;
- (m) Information relating to parole planning, parole decisions and conditions; and
- (n) Other information as required.

(2) The initial entry summary shall be included in the client's record within 30 days after a client has been assigned to an agent.

(3) The agent shall maintain a chronological log of all case-related contacts.

(4) The agent shall prepare a case transfer summary as the last entry in the case record when the client's supervision is transferred.

(5) The agent shall record all relevant information regarding administrative decisions including those relating to a client's alternate care, absconding, revocation, transfer, discharge, and extension. The record shall contain documentation of the reasons for each decision.

(6) The agent shall enter in the client's record all reports received from alternate care facilities, educational institutions, or contracting agencies which provide services to the client.

(7) Additional entries to the client's record should be made at any other time, if the agent or supervisor determines the entry is necessary or helpful in describing a client's progress or adjustment under supervision.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.