

Chapter HSS 325

TEMPORARY RELEASE UNDER SUPERVISION FROM ADULT CORRECTIONAL INSTITUTIONS

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NOTE

Most sections in this chapter have explanatory material which can be found in the appendix following HSS 325.14.

HSS 325.01 Purpose. (1) The purposes of temporary release under escort are the following:

(a) To use resources outside the institution for educational and rehabilitative purposes;

(b) To permit an inmate to visit a seriously ill close family member or attend the funeral of a close family member or both; and

(c) To permit the superintendent to temporarily remove an inmate from an institution when an emergency exists.

(2) Temporary release under escort should be consistent with preserving order in the institution and protecting the public.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.02 Applicability. Pursuant to the authority vested in the department of health and social services under s. 227.014 (2), Stats., the department hereby adopts this chapter that applies to the department, the division of corrections and all adult inmates under its legal custody. It implements ss. 53.15 and 57.115, Stats.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.03 Definitions. In this chapter:

(1) "Close family member" or "family" means the inmate's natural, step, and foster parents; spouse, children, and siblings. A parent surrogate is within the definition of parent if investigation substantiates that a claimed surrogate did in fact act as the inmate's parent although the parent surrogate was not a foster or step parent. A person who as a child was raised along with the inmate by the parents, in the same relationship as siblings, is to be considered a sibling even though not a blood sibling. The list of persons in this definition is not intended to be exhaustive.

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(2) "Escape" is defined under ch. HSS 303.

(3) "Superintendent" means the superintendent of an institution, or designee.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.04 Supervision. Temporary release under this chapter shall be under the direct supervision of staff or an approved sponsor designated by the superintendent. The level of supervision shall be specified by the superintendent.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.05 Custody. Inmates who are temporarily released under this chapter remain in the legal custody of the department.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.06 Approval by superintendent. Only a superintendent may order the temporary release of an inmate.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.07 Conditions. (1) The superintendent may authorize the temporary release of an inmate for any length of time and upon appropriate conditions.

(2) The superintendent shall specify in writing:

(a) The staff member or other person to accompany the inmate on release;

(b) The level of supervision required;

(c) The cost, if any, that is to be assumed by the inmate; and

(d) Any other conditions that shall be complied with by the inmate on temporary release. The conditions imposed are to comply with HSS 302.12.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.08 Criteria. An inmate's temporary release may be authorized for the following reasons:

(1) To attend the funeral of a close family member;

(2) To visit a terminally ill close family member;

(3) To respond to a request from law enforcement officials or to make a court appearance;

(4) To attend educational, social, therapeutic, or athletic events;

(5) To participate in a structured work program;

(6) To be interviewed by a prospective employer or educational official who requests the interview to determine a work release or study release placement;

(7) For medical purposes; and

(8) For any other purpose consistent with the purposes of this chapter.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.09 Release order. (1) Every authorization for temporary release shall be in writing and shall contain the following information:

- (a) The inmate's name and institution number;
- (b) The name of the person accompanying the inmate;
- (c) The date and time of departure and return to the institution;
- (d) The criteria under HSS 325.08 upon which the release was ordered and the underlying facts upon which the order was made; and
- (e) The conditions imposed under HSS 325.07.

(2) The accompanying staff member or person designated by the superintendent shall carry a copy of the release order. The institution shall retain a copy in the inmate's record. The inmate may be required to carry a copy.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.10 Inmate conduct on temporary release. Any inmate temporarily released shall abide by all statutes, department rules, and release conditions. Failure to do so is misconduct punishable under ch. HSS 303.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.11 Authority of escort. An inmate shall obey all lawful directives made by the staff member or other designated person accompanying him or her on release.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.12 Cancellation. (1) The superintendent may cancel the release order at any time he or she considers leave no longer desirable or no longer in conformance with the purposes of temporary release as stated under HSS 325.01.

(2) The cancellation order shall contain the reasons for the cancellation and the facts upon which the decision was based.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.13 Cost. (1) An inmate may be required to pay all, part, or none of the cost of a release requested under this chapter. Any cost the inmate must assume shall be specified as a condition under HSS 325.07.

(2) In deciding how much the inmate must pay, the superintendent shall consider the purpose of the release, the inmate's ability to pay, and the requirements of HSS 309.45-309.52. Mileage costs should be computed at the current rates for state travel set by the Department of Administration.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

HSS 325.14 Procedure. Each institution shall make available to inmates a specific written procedure by which inmates may request temporary release under this chapter and by which inmates shall receive a

timely written response to their requests. Forms for requests shall be available at the institutions.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.