

**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.

(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.

**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, eff. 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