

Chapter HSS 302

**ASSESSMENT AND EVALUATION, SECURITY
CLASSIFICATION AND SENTENCE COMPUTATION IN
ADULT CORRECTIONAL INSTITUTIONS**

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Note: Each section in this chapter has explanatory material which can be found in the appendix following the last section of the chapter.

HSS 302.01 Applicability of A&E process. (1) Every convicted offender sentenced or committed to a correctional institution shall participate in an orientation program, receive a security classification and assignment to an institution and be offered a vocational, job, school or program assignment (hereinafter "program assignment"), consistent with existing resources, as specified in this chapter.

(2) This initial process for orientation, security classification and program assignment shall be called "the assessment and evaluation process" (hereinafter "A&E"). In this chapter the term "convicted offender" includes a person sentenced to a correctional institution, a person committed to the department under ch. 975, Stat., and transferred to a correctional institution and a person assigned to a correctional institution after the revocation of probation, discretionary parole or mandatory release.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

Register, August, 1989, No. 404.

HSS 302.02 Purposes of A&E. The purposes of A&E shall be the following:

- (1) A comprehensive assessment of a resident's social background, sentence structure, academic and vocational achievements;
- (2) A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of a resident;
- (3) An orientation to the program resources of the division of corrections;
- (4) The motivation of the offender to become constructively involved in the correctional process;
- (5) The social reintegration of the offender through the formulation of an individualized plan to aid the newly confined resident to utilize resources effectively, to develop socially acceptable life goals and to permit the division to make efficient use of available resources; and
- (6) The protection of the public through planning for appropriate correctional treatment and supervision.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.03 Duration of A&E process. (1) A&E shall be completed not more than 6 weeks after the arrival of the offender at the institution to which the offender has been sentenced or assigned.

(2) In unusual circumstances, the director of A&E (hereinafter "director") may delay the starting time of the A&E Process.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.04 Restricted movement during A&E process. (1) During A&E, a resident may be separated from the general resident population until the institution physician is satisfied that the resident is not suffering from a communicable disease or the director is satisfied that the person need not be separated for the resident's safety.

(2) The director and the security director or their designees may evaluate residents upon their arrival at the institution and recommend to the superintendent that individuals be separated from the general population and each other and have their movement restricted for the duration of A&E. The superintendent may order such residents separated and their movement restricted if he or she believes that it is necessary for the safety and security of the individual resident or of the institution.

(3) If a resident is separated from the general resident population pursuant to this section, he or she shall be notified of the reasons in writing.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.05 Orientation during A&E process. (1) The purposes of orientation are:

- (a) To initiate the correctional process in a constructive and positive manner;
- (b) To communicate to residents the objectives of the correctional process, the successful reintegration of the offender into the community, and the protection of the public;

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(c) To communicate to residents the commitment of the whole correctional staff to the achievement of these correctional objectives and of

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Correctional Institution	Resident Security Classification			
	Maximum (Close and General)	Medium	Medium/ Outside	Minimum
WISCONSIN STATE PRISON	X	X	X	X
WISCONSIN STATE REFORMATORY	X	X	X	X
WISCONSIN COR- RECTIONAL INSTI- TUTION		X	X	X
KETTLE MORAINÉ CORRECTIONAL INSTITUTION		X	X	X
TAYCHEEDAH COR- RECTIONAL INSTI- TUTION (FEMALE)	X	X	X	X
WISCONSIN COR- RECTIONAL CAMP SYSTEM				X
WISCONSIN COR- RECTIONAL INSTI- TUTION-OAKHILL				X
WISCONSIN COR- RECTIONAL INSTI- TUTION-DODGE	X	X	X	X
COMMUNITY COR- RECTIONS CEN- TERS				X
AETP				X

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

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HSS 302.14 Factors in assigning a security classification. The following factors may be taken into consideration in assigning a security classification to an inmate:

(1) The nature of the offense of which the inmate was convicted, and its seriousness. Evaluation of the seriousness of the offense may include consideration of the following:

- (a) Physical danger to another by the offense;
 - (b) Harm done to another in the commission of the offense;
 - (c) Whether the offender exhibited physical aggressiveness that exposed another to harm;
 - (d) Whether the crime was a crime against property; and
 - (e) Mitigating factors;
- (2) The criminal record of the inmate;
- (3) The length of sentence being served;
- (4) The motivation for the crime of which the inmate was convicted;
- (5) The inmate's attitude toward the offense and sentence;
- (6) The inmate's vulnerability to physical assault by other inmates;
- (7) The inmate's prior record of adjustment in a correctional setting, including any record of escape;
- (8) The length of time the inmate has been in a particular security classification and institution;
- (9) The medical needs of the inmate, including the need for physical or psychological treatment;
- (10) Time already served for the offense;
- (11) The reaction to the inmate in the community where the offense was committed or in the community where the institution is located;
- (12) The inmate's conduct and adjustment in the general population of the institution;
- (13) The inmate's performance in programs;
- (14) A detainer filed with respect to the inmate, except that if a detainer is to be considered in giving an inmate a security classification, the detainer shall be evaluated on the basis of the potential penalties which may be imposed upon disposition of whatever underlies the detainer. The procedure for evaluating the detainer shall include the following:

(a) The registrar shall inform the inmate and the inmate's social worker of the detainer;

(b) The inmate's social worker shall make reasonable efforts to find out from the authority which has filed the detainer the reasons for filing the detainer, the underlying facts upon which the detainer is based, evidence of those facts and the potential penalties for whatever underlies the detainer;

(c) The inmate's social worker shall make available, with the inmate's permission, to the authority which filed the detainer any information useful in determining whether the detainer should be maintained;

(d) The inmate's social worker shall inform the inmate of all information acquired and given pursuant to pars. (b), (c), and (d);

(e) The inmate shall be given the opportunity to place on file and before anyone considering the detainer additional facts or facts contrary to those acquired and placed on file; and

(f) The extent to which the detainer is relied on and the reasons for relying on it shall be given to the inmate in writing; and

(15) The inmate's risk rating as high risk, moderate risk or low risk, determined by employing the department's risk rating system. Under the risk rating system, if one or more factors are rated high risk, the risk rating is high risk. If one or more factors are rated moderate risk and no factors are rated high risk, the risk rating is moderate risk. If all factors are rated low risk, the risk rating is low risk. In this subsection, "risk rating system" means the interpretive guidelines, procedures and forms used to assess the risk that an inmate presents to public safety and to the security and management of the correctional institution.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; emerg. r. and recr. eff. 12-7-88; r. and recr. Register, August, 1989, No. 404, eff. 9-1-89.

HSS 302.145 Requirements for assigning a security classification to an inmate serving a life sentence. (1) DEFINITIONS. In this section:

(a) "Bureau director" means the director of the bureau of adult institutions in the Wisconsin department of health and social services.

(b) "Life sentence" means a sentence of life imprisonment imposed following a conviction for a Class A felony. An inmate sentenced to life imprisonment who is released on parole, violates a condition of parole and is returned to a state correctional institution with or without a new sentence is serving a life sentence. If the governor pardons or commutes a life sentence, it is no longer a life sentence. In this paragraph, "Class A felony" means a crime specified as a Class A felony in chs. 939 to 951 of the Wisconsin Statutes or a crime from another jurisdiction that is punishable by a sentence of life imprisonment under that jurisdiction's laws.

(c) "Parole violator" means an inmate sentenced to life imprisonment who is released on parole, violates parole, has parole revoked under ch. HSS 31 and is returned to a state correctional institution with or without a new sentence.

(2) **CATEGORIES OF LIFERS.** (a) Each inmate serving a life sentence shall be designated as a category I, II, III or IV lifer. If the designation as to category of lifer is made at A&E, the A&E director or designee shall make the designation. At other times the PRC shall make the designation. A PRC designation as to category of lifer requires a unanimous vote. If a vote of the PRC is not unanimous, the case shall be referred to the classification chief to make designation as to category of lifer. Categories of lifers shall be designated in accordance with the following criteria:

1. A category I lifer is an inmate serving a life sentence who does not meet the criteria for a category IV lifer and who either committed a particularly vicious murder or other class A felony, including a murder or other class A felony involving torture, sexual abuse, body dismemberment, mutilation or sacrificial rituals, or multiple murders, or whose prior criminal record includes one or more felony or misdemeanor convictions or, within 10 years before commission of the current offense, one or more juvenile delinquency adjudications, for behaviors which reflect an intent to inflict great bodily harm, as defined in s. 939.22, Stats., on the victim.

2. A category II lifer is an inmate serving a life sentence who does not meet the criteria of a category I, III or IV lifer.

3. A category III lifer is an inmate serving a life sentence who does not meet the criteria for a category I or category IV lifer and who has had no prior felony convictions and no prior juvenile delinquency adjudications within 10 years before the current offense for a felony offense and fewer than 5 prior misdemeanor convictions and juvenile delinquency adjudications within 10 years before the current offense for a misdemeanor offense, with none of the misdemeanor convictions or adjudications reflecting an intent to inflict great bodily harm on the victim, and no previous incarcerations in any state or federal correctional institution. The category III lifer had a close or long-term relationship with the victim. The murder or other class A felony was not committed for material gain and did not involve planning and preparation. The murder or other class A felony was a spontaneous emotional response to specific circumstances occurring at the time of the murder.

4. A category IV lifer is an inmate serving a life sentence who has a parole eligibility date set by the court under s. 973.014, Stats., later than the date provided in s. 57.06 (1), Stats.

(b) An inmate may appeal the designation as to category of lifer to the classification chief within 10 days after receipt of the designation.

(c) The PRC may review a designation as to category of lifer at any time on its own direction or at the request of the classification chief.

(3) **NEW LIFERS AND LIFERS WHO HAD A MAXIMUM SECURITY CLASSIFICATION ON DECEMBER 7, 1988.** (a) *Applicability.* The factors listed under s. HSS 302.14 may be taken into consideration in assigning a security classification to an inmate serving a life sentence who is received at a correctional institution following sentencing or revocation on or after December 7, 1988, and to an inmate serving a life sentence who had a maximum security classification on December 7, 1988. In addition, the requirements in this subsection shall apply to those inmates.

(b) *Time to be served in a maximum security institution.* Requirements for service of time in a maximum security institution by category of lifer are set out in this paragraph. A lifer shall serve in a maximum security institution at least the number of years that apply to his or her category, unless the PRC recommends placement in a medium security institution at an earlier date and the PRC recommendation is approved by the classification chief, or unless the lifer is in need of individualized care in which case he or she may be transferred to the Wisconsin Resource Center (WRC) under s. 53.055, Stats., with the time served in WRC deducted from the requirement for service of time in a maximum security

institution. The following are the requirements for service of service of time in a maximum security institution:

1. Unless the classification chief approves placement in a medium security institution at an earlier date, a category I lifer shall serve a minimum of 15 years in a maximum security institution, reduced by any sentence credit granted pursuant to s. 973.155, Stats. If a category I lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wisconsin Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wisconsin Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

2. Unless the classification chief approves placement in a medium security institution at an earlier date, a category II lifer shall serve a minimum of 8 years in a maximum security institution, reduced by any sentence credit granted pursuant to s. 973.155, Stats. If a category II lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wisconsin Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wisconsin Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

3. Unless the classification chief approves placement in a medium security institution at an earlier date, a category III lifer shall serve a minimum of 6 years in a maximum security institution, reduced by any sentence credit granted pursuant to s. 973.155, Stats. If a category III lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wisconsin Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wisconsin Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

4. Unless the classification chief approves placement in a medium security institution at an earlier date, a category IV lifer shall serve his or her sentence in a maximum security institution at least up to the date 3 years prior to his or her parole eligibility date or for a minimum of 15 years, reduced by any sentence credit granted pursuant to s. 973.155, Stats., whichever is longer. If a category IV lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wisconsin Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wisconsin Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

5. Following revocation, a parole violator with an underlying life sentence but without the imposition of a new sentence or sentences shall

serve a minimum of 12 months in a maximum security institution starting from the date of return to a state correctional institution, unless the classification chief approves placement in a medium security institution at an earlier date; and

6. Unless the classification chief approves placement in a medium security institution at an earlier date, following revocation, a parole violator with an underlying life sentence and with the imposition of a new sentence or sentences shall serve in a maximum security institution a minimum of 12 months or 50% of the time from the date of custody for the violation to a projected mandatory release date, calculated using the formula under s. 53.11 (1), Stats., on the new sentence or sentences imposed, whichever is greater.

(c) *Eligibility for minimum security classification.* To be eligible for a minimum security classification, an inmate serving a life sentence, including a parole violator with an underlying life sentence, shall have:

1. Reached parole eligibility as defined in ss. 57.06 (1) and 973.014, Stats.;

2. Served the required time in a maximum security institution under par. (b), unless the classification chief approved placement in a medium security institution at an earlier date;

3. Had a request by the parole board for a preparole plan;

4. Had a recommendation for minimum security classification made by the PRC under s. HSS 302.19 (4), using the factors listed under s. HSS 302.14, or, if the vote of the PRC for the change was not unanimous, had a recommendation for minimum security classification made by the A&E director and superintendent or designee, but if they could not agree, had the case referred to the classification chief;

5. Had a recommendation for minimum security classification made by the classification chief and referred to the bureau director for a final decision; and

6. Had a final decision by the bureau director approving the inmate's minimum security classification.

(4) **LIFERS WHO HAD A MINIMUM SECURITY OR MEDIUM SECURITY CLASSIFICATION ON DECEMBER 7, 1988.** (a) *Applicability.* The factors listed under s. HSS 302.14 may be taken into consideration in assigning a security classification to an inmate serving a life sentence who had a minimum security or medium security classification on December 7, 1988. In addition, the requirements in this subsection shall apply to those inmates.

(b) *Minimum security classification.* Prior to December 7, 1988, the parole board shall have provided a parole consideration file review for each inmate serving a life sentence who had a minimum security classification and who was parole eligible on December 7, 1988. If the parole board requested a preparole plan for an inmate, that inmate shall remain in minimum security classification until the inmate is found guilty of a major disciplinary violation under ch. HSS 303 or is released on parole under ch. HSS 30, except that an inmate in need of individualized care may be transferred to the Wisconsin Resource Center under s. 53.055, Stats. If the inmate was not parole eligible on December 7, 1988, or the

parole board did not request a preparole plan, the PRC shall have reviewed the inmate's security classification. The criteria for this review and all subsequent reviews shall be the criteria under sub. (3) (c) 1 and 3 to 6 and s. HSS 302.14.

(c) *Medium security classification.* An inmate serving a life sentence who had a medium security classification on December 7, 1988, shall remain classified medium security until the inmate is found guilty of a major disciplinary violation under ch. HSS 303, meets the eligibility requirements for minimum security classification under sub. (3) (c) 1 and 3 to 6 or is released on parole under ch. HSS 30. An inmate serving a life sentence who was classified medium security on December 7, 1988, may be eligible for a minimum security classification without meeting the requirements of sub. (3) (c) 2.

(d) *Major disciplinary violations.* If an inmate serving a life sentence who had a minimum or medium security classification on December 7, 1988, is found guilty of a major disciplinary violation, the PRC shall review the inmate's security classification using the criteria under sub. (3) (c) 1 and 3 to 6 and s. HSS 302.14.

History: Emerg. cr. eff. 12-7-88; cr. Register, August, 1989, No. 404, eff. 9-1-89.

HSS 302.15 Program assignment. (1) Unless otherwise specified in the rules of the division, every resident is eligible for every job, school, vocational or other program within the Wisconsin correctional system, provided the resident has the security classification which permits transfer to the institution where the job, school vocational or other program is available and may otherwise be transferred to that institution or commute to the institution where the program is available.

(2) Each resident shall be offered a program assignment, consistent with available resources and security needs.

(3) Consistent with available resources, any resident may participate in any program at the institution at which the resident resides or at any other institution, provided the resident is otherwise eligible for the program and is assigned to it in accordance with the rules of the division.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.16 Criteria for program assignment. The criteria for assigning a resident to a job, school, vocational or other program shall include only the following:

(1) The medical needs of the residents, including any physical or mental disabilities or behavioral disorders the resident may suffer;

(2) The resident's:

(a) Aptitude;

(b) Motivation;

(c) Present and potential vocational and educational needs, interests and ability;

(d) Institutional adjustment;

(e) Past performance in programs;

(3) The physical vulnerability of the resident;

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- (4) Limitations on program participation due to population pressure;
- (5) The needs of the institution; and
- (6) The resident's security classification.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.17 Procedure for program assignment and security classification at conclusion of A&E process at WCI-Waupun, WCI-Green Bay, and WCI-Taycheedah. (1) With the advice of the A&E committee, the director shall recommend a security classification, assignment to a job, school, vocational or other program and an assignment to an institution to the classification chief at the end of the A&E process. The classification chief shall decide the security, program assignment and assignment to an institution for each resident.

(2) The director shall set the time for a review of the security classification, program assignment and assignment to an institution for each resident, but the date shall be not more than 6 months from the date of the initial classification and program assignment.

(3) Except at WCI-Taycheedah, the A&E committee shall be made up of not less than 3 permanent members who shall include:

- (a) The director or designee;
- (b) A member of the parole board; and
- (c) A member of the A&E staff designated by the director.

(4) At WCI-Taycheedah, the A&E committee shall be made up of not less than 3 permanent members who shall include:

- (a) The superintendent or a member of the treatment staff designated by the superintendent;
- (b) A director designated by the classification chief; and
- (c) A member of the parole board.

(5) Before the director recommends a security classification, assignment to an institution, and program assignment for a resident to the classification chief, the committee shall interview the resident. At the interview, the committee shall explain to the resident the criteria for the recommendations and decisions and the specific facts under consideration. The resident shall be afforded the opportunity to dispute these facts and to indicate what the resident believes to be the appropriate classification and assignment. The resident's views, to the extent they differ from the director's, shall be forwarded to the classification chief.

(6) The recommendation of the director and the reasons for it shall be explained to the resident orally and in writing and shall include the specific facts and criteria on which the recommendations are made.

(7) The director and the resident shall be informed in writing to the extent that the decision of the classification chief differs from the recommendation of the director and the specific facts and reasons for the classification chief's decision.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.18 Program review. (1) The security classification, assignment to an institution and program assignment of each resident shall be reviewed by the program review committee (hereinafter "PRC") not more than 6 months from the last review of classification and assignment.

(2) The purposes of such review are:

(a) To provide systematic review of the resident's academic, vocational, medical, social, treatment, and security needs and progress;

(b) To monitor the implementation and revision of plans developed during A&E and previous PRC meetings;

(c) To provide supplemental or alternative program recommendations;

(d) To provide supplemental recommendations regarding security needs; and

(e) To aid the resident's reintegration into society.

(3) Such review may occur before the time designated for the review:

(a) At the designation of the PRC or at its own direction, upon the recommendation of a staff member; or

(b) At the request of the resident or a staff member, provided there is a significant change of circumstances relevant to the classification or program assignment of the resident. A request for early review by the resident shall be made to the resident's social worker who shall forward it to the PRC.

(4) Every correctional institution and camp shall have a PRC. Except at the camps, the PRC shall consist of not less than 4 permanent members which shall include:

(a) A member of the security staff holding the rank of lieutenant or higher, to be designated by the superintendent;

(b) The program review coordinator, to be designated by the classification chief;

(c) A member of the social services staff holding the rank of social services supervisor; and

(d) An educational representative in a supervisory class or a guidance counselor.

(5) The PRC in each camp shall consist of not less than 3 permanent members who shall include 3 of the following people:

(a) The social services specialist or supervisor;

(b) A social worker who shall serve as program review coordinator;

(c) A member of the security staff; or

(d) The camp superintendent or designee.

(6) A permanent member of the PRC may designate a single person to sit as an alternate, consistent with available staff. The designee need not hold the rank of the permanent member. In view of the importance of the

PRC, the alternate should replace the permanent member as infrequently as possible.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

HSS 302.19 Program review procedure. (1) Before an inmate's security classification, assignment to an institution or program assignment is reviewed by the PRC, a staff member shall interview the inmate and inform the inmate orally of the approximate date of the review, the criteria for the review, the facts to be considered at the review and the fact that the inmate has the option to appear before the PRC. The inmate shall also be informed that if he or she refuses to attend the review or disrupts the review, the review may be conducted without the inmate being present.

(2) Before the scheduled PRC review, the staff member who contacted the inmate under sub. (1) shall:

(a) Make known to the PRC in writing the inmate's view of the appropriate security classification, program assignment or assignment to an institution; and

(b) Make a written recommendation to the PRC as to the appropriate security classification, program assignment or assignment to an institution.

(3) If the inmate appears, the coordinator shall inform the inmate of the facts being considered, the criteria for the decision and the recommendation of the staff member under sub. (2). The inmate shall be afforded the opportunity to present additional facts, dispute facts being considered and state an opinion about the appropriate security classification or program assignment.

(4) The classification chief shall approve or deny changes in an inmate's security classification or transfer upon the recommendation of the PRC. If the inmate is serving a life sentence and the PRC recommends a minimum security classification, the classification chief shall make a recommendation to the bureau director to approve or deny the minimum security classification and refer the case to the bureau director for a final decision.

(5) Each member of the PRC shall have one vote. A recommendation for a security classification change, transfer or approval for work or study release requires a unanimous vote of the PRC. A change in program assignment requires a majority vote of the PRC.

(6) The factors to be considered may include those stated in ss. HSS 302.14 and 302.16. In addition, the criteria under s. HSS 302.145 shall apply to the security classification of inmates serving a life sentence.

(7) For a change in security classification, transfer or approval for work or study release status, if a vote of the PRC is not unanimous, the case shall be referred to the A&E director and superintendent or designee for a recommendation as to security classification change, transfer or approval for work or study release status. If the A&E director and superintendent or designee are unable to agree, the case shall be referred with comments but without a formal recommendation to the classification chief. The classification chief shall decide whether to approve or deny a transfer, approval for work or study release status or a change in security

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classification except that if the inmate is serving a life sentence the decision to approve a minimum security classification shall be made by the director of the bureau of adult institutions upon the recommendation of the classification chief. The inmate's views, to the extent they differ from the PRC's, shall be forwarded to the classification chief.

(8) For a change in program assignment, if the PRC vote results in a tie, the case shall be referred to the superintendent or designee for a decision.

(9) An inmate may appeal the PRC's decision concerning a program assignment to the superintendent within 10 days after receipt of the decision.

(10) Reasons for the recommendation as to the change in security classification, transfer or work or study release status and the decision about a program assignment shall be given to the inmate in writing and shall include the specific facts relied upon and criteria to which the facts were applied.

(11) To the extent that the classification chief's decision or, in relevant cases, the decision of the director of the bureau of adult institutions, differs from the recommendations, reasons for the decision shall be provided to the PRC and the inmate in writing and shall include the facts relied upon and the criteria to which the facts were applied.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; am. (7), renum. (9) to be (10), cr. (9), Register, February, 1987, No. 374, eff. 3-1-87; emerg. r. and recr., eff. 12-7-88; r. and recr. Register, August, 1989, No. 404, eff. 9-1-89.

HSS 302.20 Inter-institution transfers. (1) The transfer of an inmate from one institution to another requires the approval of the classification chief. Except for a transfer made as a part of the initial security classification, assignment to an institution, and program assignment during the A&E process or as otherwise provided under this section, a transfer may be approved only upon the recommendation of the PRC at the institution at which the inmate is residing. If the inmate has been transferred pursuant to sub. (2), the PRC of the institution at which the inmate resided before the transfer has responsibility for the recommendation. If the PRC is unable to make a unanimous recommendation as to transfer, the procedure established under s. HSS 302.19 (7) shall be followed. The criteria for the transfer decision and recommendation are those in ss. HSS 302.14, 302.145 and 302.16.

(2) The PRC may review the security classification and program assignment and consider a resident for transfer due to a disciplinary infraction, only after disposition of the disciplinary case is completed by the adjustment committee. Before the PRC review, the adjustment committee shall inform the resident that such review may occur, and that the results and findings of fact at the disciplinary hearing may be considered in the program review process.

(3) Before a review as provided in sub. (2), the inmate shall be afforded a disciplinary hearing. After the hearing, the adjustment committee shall forward to the PRC the results and specific findings of facts relating to the alleged disciplinary violations. The PRC may consider this information and the criteria under ss. HSS 302.14, 302.145 and 302.16 before making a recommendation as to a change in security classification or a

transfer, or a decision about a program assignment. The procedure provided for in s. HSS 302.19 shall be followed in the review.

(4) Pending such review by the PRC, the resident may be segregated from the general resident population. If an institution or camp is without the facilities necessary to do so, the resident may be transferred to a county jail pending the results of the disciplinary hearing and review of the resident's security classification and program assignment. If the sheriff's department is unable or unwilling to retain a resident, the resident may be transferred to another institution pending the disposition of the disciplinary infraction with the approval of the classification chief. Residents should be confined in county jails pursuant to this rule for as short a time as possible.

(5) If the resident is transferred to a county jail as provided in sub. (4), the disciplinary hearing and program and security review shall be held 3 less than 2 days of service of the report of the disciplinary infraction, with the consent of the resident. However, if the resident wishes additional time to prepare for the hearing and it is not possible for him or her to remain in the county jail or camp, the resident shall be transferred to a more secure institution for the hearing. In no event shall the disciplinary hearing occur more than 10 calendar days from the date of the disciplinary report.

Note: In sub. (5) "3 less than 2 days" is an error. The department's intent was to state "not more than 3 days." See the explanatory note for this section in the appendix.

(6) A resident may be transferred without following the procedures set forth in this rule and in HSS 302.19 only for the following reasons:

- (a) A medical emergency; or
- (b) A security emergency.

(7) If a resident is transferred pursuant to sub. (6), the resident's program assignment, assignment to an institution and security classification shall be reviewed within 7 calendar days of such transfer by a PRC from the institution from which the resident was transferred and the procedure for review and transfer as set forth in HSS 302.19 shall be followed.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; emerg. r. and recr. (1) and (3), eff. 12-7-88; r. and recr. (1) and (3), Register, August, 1989, No. 404, eff. 9-1-89.

HSS 302.21 Sentence computation. (1) TIMELINESS IN COMPUTING DATES AND INFORMING INMATES. (a) Within 10 working days after a person arrives at a correctional institution following sentencing or after an inmate returns from escape, the registrar shall compute the inmate's parole eligibility date, projected mandatory release date and projected discharge date, and shall inform the inmate in writing of these dates.

(b) Within a reasonable time after an inmate arrives at a correctional institution following revocation of probation, discretionary parole or mandatory release parole, the registrar shall inform the inmate in writing of the inmate's parole eligibility date, projected mandatory release date and projected discharge date.

(c) Within a reasonable time after the registrar becomes aware of any change in an inmate's parole eligibility date, projected mandatory release date or projected discharge date, the registrar shall inform the inmate in writing of that change. For an inmate not covered by 1983 Wis-Register, August, 1989, No. 404

consin Act 528, the projected mandatory release date may change due to loss of good time or failure to earn extra good time. For an inmate who, on or after June 1, 1984, committed the crime for which he or she was sentenced and for other inmates who chose to have 1983 Wisconsin Act 528 apply to them, the mandatory release date may be extended as a penalty for misconduct under ch. HSS 303.

(2) *Determination of parole eligibility date.* (a) Except for an inmate serving a life sentence and as otherwise specified in chs. HSS 302 to 326, an inmate who committed a crime before November 3, 1983, shall be eligible for parole when one-half of the minimum sentence for the crime for which the person was convicted less all credit to which the inmate is entitled pursuant to s. 973.155, Stats., has been served. An inmate who committed a crime on or after November 3, 1983, shall be eligible for parole when 25% of the sentence imposed, or 6 months, whichever is greater, less all credit to which the inmate is entitled pursuant to s. 973.155, Stats., has been served. However, in no case may any inmate be eligible for parole before 60 days has elapsed from the date of the inmate's arrival at the institution. If an inmate was sentenced for more than one crime, he or she shall be eligible for parole on each sentence in order to be considered for parole. If an inmate has received a consecutive sentence, the inmate may not begin serving the consecutive sentence for

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