

Chapter DOC 324

WORK AND STUDY RELEASE

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Note: Chapter HSS 324 was renumbered Chapter DOC 324 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412.

Note: Several sections in this chapter have explanatory notes. This information is located in the appendix following the last section of the chapter.

DOC 324.01 Purpose. The purposes of work and study release privileges are the following:

(1) To provide an opportunity for inmates to assume responsibility in employment or educational settings to prepare them for a productive life in free society after release.

(2) To complement institution education, training, and work programs with community resources not available in an institution.

(3) To provide inmates with a program activity in which they may demonstrate, through responsible behavior, their readiness for parole.

(4) To provide an opportunity for inmates to accumulate funds to meet financial obligations that might otherwise inhibit adjustment following release or parole.

(5) To fulfill the correctional goals of public protection and reintegration of the inmate into society.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. (intro.), Register, February, 1987, No. 374, eff. 3-1-81; am. (intro.) and (1) to (4), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.02 Applicability. This chapter applies to the department of corrections and inmates in its custody, whether housed in a department facility or housed in a contract facility. It interprets s. 303.065, Stats. This chapter is adopted pursuant to the authority of s. 303.065 (2), Stats.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.03 Definitions. In this chapter:

(1) "Community custody" means the custody classification which permits inmates to participate in off-grounds activities.

(2) "Contract facility" includes a county jail, halfway house, or any other facility or agency that has an agreement with the department to provide housing for inmates in the custody of the department.

(3) "Department" means the department of corrections.

(4) "PRC" means the program review committee, whose primary duties and composition are set forth under ss. DOC 302.15 and 302.16.

(5) "Study release" means a work release program authorized under s. 303.065 (2), Stats., for educational purposes in a technical, vocational, or trade school, university, a college, a sheltered workshop or a training program designed to improve an inmate's skills and ability.

(6) "Superintendent" means the superintendent at a correctional center or designee.

(7) "Warden" means the warden at a correctional institution, or designee.

(8) "Work release" means a program authorized under s. 303.065, Stats., that grants to selected inmates the privilege of

leaving the confines of state correctional facilities to participate in employment programs. The term "work release" applies only to placements for employment.

(9) "Work release coordinator" means the person designated to perform the duties enumerated in this chapter for work release or study release, or designee.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; r. and recr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), r. and recr. (1) and (2), r. (4) and (10), renum. (5) to (9) and (11) to be (4) to (9) and am. (4), (6) and (11) and r. and recr. (7), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.04 Eligibility to apply for work or study release status. To be eligible to apply for work or study release status an inmate shall meet the following criteria:

(1) Reside in a minimum security facility and have a community custody classification as described in s. DOC 326.03 (4).

(2) Have reached parole eligibility as defined in s. 304.06 (1), Stats., if serving a life sentence.

(3) Wait, if required, before regaining eligibility, if prior work or study release has been terminated under s. DOC 324.13 for misconduct.

(4) Not have a record of escape or attempted escape for one year from the date the judgment is entered or a finding of guilt under ch. DOC 303 is entered.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; r. and recr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1), Register, September, 1990, No. 417, eff. 10-1-90; r. and recr., Register, September, 1997, No. 501, eff. 10-1-97; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 2001, No. 545.

DOC 324.05 Procedure for application and approval. (1) An inmate meeting eligibility criteria under s. DOC 324.04 may apply for work or study release status to the institution social worker or any designated staff member.

(2) The social worker or designated staff member shall review the inmate's application and shall report on the inmate's eligibility to the warden or superintendent where the inmate is assigned.

(3) The inmate shall be approved for work or study release status by the warden or superintendent before any further placement efforts can be undertaken.

(4) The criteria set forth under ss. DOC 302.07 and 302.09 shall be considered in making the decision to approve or deny the inmate's application for work or study release.

(5) The warden or superintendent shall notify the work release coordinator of the approval of the application for work or study release.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) to (3), r. and recr. (4) and (5), r. (6), (7) and (8), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.06 Placement procedure. (1) Upon approval for the program, the inmate shall meet with the work release coordinator to complete the application process. The application process shall include, in accordance with s. DOC 324.09, information about the inmate's financial obligations. If the application is for study release, the inmate shall apply for benefits as required under s. DOC 324.09 (1).

(2) Upon receiving notification, the work release coordinator and appropriate staff shall, under s. DOC 324.09 (2), investigate the inmate's financial obligations and attempt to place the inmate in accordance with the requirements of s. DOC 324.07 or 324.08.

(3) Before placement, the work release coordinator shall advise the employers or appropriate school administrators of their responsibilities to the inmates and the program. For placement in a contract facility, the director of the contract facility must consent in advance to accept the inmate. Withdrawal of the consent terminates the placement. Determination of the costs and method of payment for room and board must be arranged prior to placement at the location.

(4) When a suitable placement is available for an inmate, the work release coordinator shall explain to the inmate the rules of work or study release and complete the forms necessary to implement the placement.

(5) Before an inmate begins a work or study release placement, the work release coordinator shall give the department's division of program services and the state correctional facility social worker the following information:

- (a) Date placement is to begin.
- (b) Site of placement or contract facility, if any.
- (c) Hours the inmate will be on the placement site.
- (d) Type of work or study program.
- (e) Rate of pay or amount of financial aid.
- (f) Other information that may be required to prepare for the placement.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. (6) and (7), (8) renum. from HSS 324.15 and am., Register, February, 1987, No. 374, eff. 3-1-87; am. (1), (2), r. (3), (7) and (8), renum. (4) and (6) to be (3) and (5) and am. (3) and (5) (a) to (e) and r. and recr. (4), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.07 Placement in work release. The following requirements apply to all placements in work release:

(1) The inmate shall have a confirmed job offer.

(2) Financial compensation shall be comparable to that of other workers employed in similar positions by the same employer.

(3) No inmate may be placed with a relative or in a private home or any place where a potential conflict exists.

(4) The placement is not effective until the inmate actually begins working on the job.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. (1), r. (2), renum. (3) to (6) to be (2) to (5), Register, February, 1987, No. 374, eff. 3-1-87; am. (1), r. (3), renum. (4) and (5) to be (3) and (4) and am. (3), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.08 Placement in study release. The following requirements apply to all study release placements:

(1) Before placement, the inmate shall be accepted for enrollment at the school. All financial arrangements shall be agreed upon by the inmate and the state correctional facility.

(2) The warden or superintendent shall determine the length of time of the placement and may extend that time period. Study release placements shall be for the same length of time as the educational program unless there is good cause for a different length of time.

(3) The placement is not effective until the first day of scheduled class attendance.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register, February, 1987, No. 374, eff. 3-1-87; am. (2), r. (3), renum. (4) to be (3), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.09 Inmate funds. (1) Under s. DOC 324.06 (1), during the application process for work or study release, each inmate shall list all financial obligations. Inmates approved for study release shall apply for all benefits to which they are entitled as a result of placement in an educational or training program.

(2) Appropriate department personnel shall investigate and determine the following:

(a) Cost of the inmate's food and clothing in the placement assigned.

(b) Cost of an educational placement, including but not limited to tuition and books.

(c) Necessary travel expenses to and from the placement and other incidental expenses.

(d) Support obligations for the inmate's dependents.

(e) Reasonable room charges as determined by the department.

(f) Financial obligations set by a court judgment and debts acknowledged in writing by the inmate.

(3) The inmate shall sign an agreement acknowledging the department's authority to disburse funds earned while on work release or funds received for study release in accordance with s. 303.065 (5), Stats. Refusal to sign shall make an inmate ineligible for participation.

(4) The state correctional facility business manager shall disburse money received as wages or educational benefits in the following order:

(a) For board including food and clothing for the inmate, any fee charged under s. 301.135, Stats., plus, if the inmate is on study release, tuition, books, fees, tools, and other supplies or, if the inmate is on work release, work related expenses.

(b) Necessary travel expense to and from the placement and other incidental expenses of the inmate.

(c) Payment of the crime victim and witness assistance surcharge under s. 973.045 (4), Stats.

(d) Payment of the deoxyribonucleic acid analysis surcharge under s. 973.046 (4), Stats.

(e) Support of the inmate's dependents, if any.

(f) A reasonable room charge as determined by the department.

(g) After investigation under sub. (2), payment, either in full or proportionately, of the inmate's obligations that were acknowledged by the inmate in writing or that have been reduced to judgment.

(h) Wages to the inmates on work or study release until the current canteen limit under s. DOC 309.52 (1) (b) is reached. Unspent money shall be deposited in the inmate's general account. Before releasing an inmate to field supervision, the releasing institution shall inform the parole agent of the balances in the inmate's general account under s. DOC 309.49, release account under s. DOC 309.466 and segregated account under s. DOC 309.50. The agent shall instruct the institution business manager as to where these balances shall be transferred and as to disbursement of work or study release funds from general and segregated accounts.

(5) Books, tools, supplies, and other items necessary for study release purchased with the inmate's funds remain the inmate's property.

(6) The institution business manager shall establish a separate account for each inmate and make disbursements under sub. (4) and s. 303.065 (5), Stats. All paychecks from work release and funds received for study release shall be sent to the institution business manager unless the work release coordinator approves other arrangements.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. (4), Register, February, 1987, No. 374, eff. 3-1-87; am. (2) (a) to (e), (4) (a) to (c), (5) renum. to be (4) (d) to (g) to be (4) (e) to (h) and am., cr. (4) (d), Register, September, 1997, No. 501, eff. 10-1-97; corrections in (4) (h) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 2001, No. 545.

DOC 324.10 Transportation. (1) All transportation arrangements between a state correctional facility and a work or study placement require approval by the warden or superintendent, of the state correctional facility to which the inmate is assigned. All vehicles transporting inmates shall be insured.

(2) The following means of transportation may be used:

(a) Institution vehicles.

(b) Public carriers.

(c) Approved vehicles driven by members of the public.

(3) Inmates on work release shall pay the cost of transportation to and from the work site. If the department provides transportation, it may assess a reasonable charge.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register February, 1987, No. 374, eff. 3-1-87; am. (1), r. (2) and (3) (d), renum. (3) (intro.), (a) to (c) to be (2) (intro.) (a) to (c), (4) to be (3) and am., Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.11 Custody. Inmates placed in work or study release remain in the legal custody of the department.

Note: Since inmates are in the custody of the department at all times, a failure to report to or return from the placement site is an escape under s. 946.42 (3), Stats.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am., Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.12 Inmate conduct on work and study release. **(1)** The following provisions apply to inmate conduct on work and study release and shall be included as part of the work release and study release agreements:

(a) Inmates shall not leave the immediate confines of the placement site or the assigned designated area.

(b) Inmates shall not possess weapons or possess or use any form of alcohol, marijuana, narcotics, or drugs except as authorized and directed by a physician.

(c) Inmates shall abide by all the rules of the employer or the educational or training facility to which they are assigned.

(d) Inmates shall not send or receive personal letters or property and shall not make or receive personal telephone calls at the placement site unless authorized by the warden or superintendent. Personal visits are not permitted at the placement site.

(e) Inmates shall not enter into contracts or agreements without prior approval by the warden or superintendent. Prohibited contracts include but are not limited to: purchases of property, time payments, and marriage.

(f) The inmate may not remove any tools, equipment, or shop-built items from the state correctional facility or bring any such item into the state correctional facility without the prior approval of the warden or superintendent.

(g) Money shall be considered contraband unless authorized in advance by the warden or superintendent for incidental expenses.

(h) Inmates shall use only the transportation authorized under s. DOC 324.10.

(i) Inmates shall abide by these administrative rules, the specific policies and procedures of the institution to which they are assigned.

(j) Failure to report or return from a work or study placement may be referred for prosecution as an escape under s. 946.42 (3), Stats., and may be administratively charged with an escape under s. DOC 303.22.

(k) An inmate may not remain on work or study release if a medical or psychological problem of the inmate would go untreated.

(2) The following additional requirements apply only to study release and shall be included in the study release agreement:

(a) Inmates shall attend all regularly scheduled classes even if the instructor does not require attendance. The warden or superintendent must approve all schedules and schedule changes.

(b) Inmates shall maintain passing grades in all courses and a cumulative 2 point (2.0) grade point average (C average) or better on a 4 point (4.0) scale. Incompletes may result in termination.

(c) Unless approved in advance by the warden or superintendent, inmates may not enroll in or attend evening courses, courses requiring attendance at events away from the placement site, after activities, field trips, athletic functions, or social events.

(d) Unless approved in advance by the warden or superintendent, the inmate shall not sign up for additional projects that require fees or the purchase of additional books and materials.

(e) Books and nonexpendable items shall be used appropriately and not sold or exchanged during placement without approval.

(3) Violation of this section may result in termination of work or study release under s. DOC 324.13.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. (1) (f), (h), (j) and (2) (c), Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (b), (d) to (g), (i) and (j), (2) (a) to (d), Register, September, 1997, No. 501, eff. 10-1-97.

DOC 324.13 Process for termination of work and study release. The procedure for termination of an inmate's work release or study release program is as follows:

(1) A termination at the inmate's request is subject to the approval of the warden or superintendent.

(2) A termination due to withdrawal of consent to the placement by a person outside of the department whose consent is prerequisite of the placement shall occur upon receipt of oral or written notification by an appropriate authority that the authority no longer consents to the placement. If the notification is given orally, the staff member receiving the oral notification shall document the information and forward it to the warden or superintendent.

(3) If the placement is terminated as a result of any of the violations listed below by the inmate, the inmate shall be afforded a hearing for the purpose of determining whether the alleged violation occurred. A termination by the department may occur after determining that the inmate has committed any of the following:

(a) Violation of a statute.

(b) Violation of the rules of the placement site.

(c) Violation of the administrative rules of the department.

(d) Violation of the work or study release agreement.

(e) Violation of any special conditions imposed on the placement.

(4) The warden or superintendent shall conduct a preliminary review and may take any action with reference to the inmate considered necessary for protection of the public consistent with administrative rules, including temporary removal or suspension from the placement pending the hearing.

(5) When an inmate's work or study release privileges have been suspended the department has no liability for loss of wages or consequences of missed classes.

(6) A hearing shall be conducted in accordance with the procedures under ss. DOC 303.75 to 303.84, modified as follows:

(a) In accordance with s. DOC 303.81, with the permission of the hearing officer, the work release coordinator shall interview employers or school officials who have relevant evidence and report to the hearing officer.

(b) A penalty listed in s. DOC 303.84 need not be imposed as a result of a finding of guilt.

(7) If the inmate is found to have committed the violation alleged, the warden or superintendent may terminate the inmate's work or study release placement. The inmate may be referred to the PRC for a review of custody level in accordance with s. DOC 302.18.

(8) An inmate whose work or study release placement has been suspended pending a hearing and who is found not guilty of the alleged violation may be returned to the placement as soon as practicable following the finding.

(9) A work or study placement may be terminated by the warden or superintendent in response to documented adverse community reaction to the placement.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. (2) and (3) (b), Register, February, 1987, No. 374, eff. 3-1-87; r. and recr., Register, September, 1997, No. 501, eff. 10-1-97.