

Chapter DOC 325

TEMPORARY RELEASE UNDER SUPERVISION

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Note: Chapter HSS 325 was renumbered Chapter DOC 325 and revised under s. 13.93 (2m) (b) 1., 2., 6. and 7., Stats., Register, April, 1990, No. 412.

Note: Most sections in this chapter have explanatory material which can be found in the appendix following the last section in the chapter.

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

- (a) To use resources outside the institution for educational and rehabilitative purposes.
- (b) To permit an inmate in a minimum security facility to visit a seriously ill close family member or attend a service following the death of a close family member or both.
- (c) To permit the temporary removal of an inmate from an institution when an emergency exists.
- (d) To permit an inmate to be assigned as an inmate driver.
- (e) To permit an inmate to be assigned to special projects in the community.

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

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. (1) and (2), cr. (1) (d) and (e), Register, July, 1997, No. 499, eff. 8-1-97.

DOC 325.02 Applicability. Pursuant to the authority vested in the department of corrections under s. 227.11 (2), Stats., the department hereby adopts this chapter that applies to the department and all adult inmates under its legal custody. It implements ss. 302.15 and 304.115, Stats.

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

DOC 325.03 Definitions. In this chapter:

(1) "Close family member" means the inmate's natural, step, foster and surrogate parents; spouse, children, siblings, and children raised with the inmate by the parents, in the relationship of a sibling even though the person is not a blood sibling.

(2) "Designee" means a person designated by the warden. The designee shall have the same authority as the warden for purposes of this chapter.

(3) "Escape" is defined under ch. DOC 303.

(4) "Minimum custody" means the custody level given to an inmate who resides in minimum security facilities as defined in DOC 302.

(5) "Warden" means the warden at an institution or center, or designee.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; r. and recr. (1), r. (3), renum. (2) to be (3), cr. (2), (4) and (5), Register, July, 1997, No. 499, eff. 8-1-97.

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

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1997, No. 499, eff. 8-1-97.

DOC 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.

DOC 325.06 Approval by warden. Only a warden may order the temporary release of an inmate. The warden has the authority to delegate this responsibility in writing to a designee.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1997, No. 499, eff. 8-1-97.

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

(2) The warden shall specify in writing all of the following:

- (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.
- (d) Any other conditions that shall be complied with by the inmate on temporary release. The conditions imposed shall comply with s. DOC 302.05.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1997, No. 499, eff. 8-1-97.

DOC 325.08 Criteria. An inmate's temporary release may be authorized by the warden for any of the following reasons:

(1) To allow an inmate in any security level to do any of the following:

- (a) Respond to a request from law enforcement officials or make a court appearance.
- (b) Receive medical treatment.
- (c) Participate in any other activities consistent with the purposes of this chapter.

(2) To allow an inmate in a minimum security facility to do any of the following:

- (a) Attend a service following the death of a close family member.
- (b) Visit a terminally ill close family member.
- (c) Attend educational, social, therapeutic, or athletic events.
- (d) Participate in a structured work program.
- (e) Be interviewed by a prospective employer or educational official who requests the interview to determine a work release or study release placement.
- (f) Participate in release planning.
- (g) Perform duties as an inmate driver.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; r. and recr. Register, July, 1997, No. 499, eff. 8-1-97.

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

- (a) The inmate's name and institution number.

(b) The name and the title of the person accompanying the inmate.

(c) The destination, date and time of departure and return to the institution.

(d) The criteria under s. DOC 325.08 upon which the release was ordered and the underlying facts upon which the order was made.

(e) The conditions imposed under s. DOC 325.07.

(2) The accompanying staff member or person designated by the warden shall carry a copy of the release order. The institution shall retain a copy per department regulations. The inmate may be required to carry a copy.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. (1) (intro.) to (d) and (2), Register, July, 1997, No. 499, eff. 8-1-97.

DOC 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. DOC 303.

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

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

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1997, No. 499, eff. 8-1-97.

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

(2) The cancellation order shall contain the reasons for the cancellation.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1997, No. 499, eff. 8-1-97.

DOC 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 s. DOC 325.07.

(2) In deciding how much the inmate must pay, the warden shall consider the purpose of the release, the inmate's ability to pay, and the requirements of ss. DOC 309.45 to 309.52. Mileage costs shall be computed at the rates in effect at the time of the release for state travel set by the department of administration.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. (2), Register, July, 1997, No. 499, eff. 8-1-97; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 2001, No. 545.

DOC 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.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; am. Register, July, 1997, No. 499, eff. 8-1-97.