

Chapter DOC 381

FURLOUGHS, OFFGROUNDS LEAVE AND TRIAL VISITS FOR YOUTH IN TYPE 1 SECURED CORRECTIONAL FACILITIES

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Note: Chapter HSS 341 as it existed on June 30, 2000 was repealed and a new Chapter DOC 381 was created, Register, June, 2000, No. 534, effective July 1, 2000.

DOC 381.01 Authority. This chapter is promulgated under the authority of ss. 227.11 (2), 301.03 (10) and 938.48 (16), Stats.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 381.02 Applicability. This chapter applies to the department and all youth who are under its supervision in a type 1 secured correctional facility consistent with the requirements of law.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 381.03 Definitions. (1) "Administrator" means the administrator of the division of juvenile corrections or that person's designee.

(2) "Alternate care placement" means the placement of a youth in an alternate placement, including placement in a child caring institution, group home, foster home or treatment foster home.

(3) "Close family member" means the youth's natural, adoptive, step or foster parents, spouse, children, grandparents or siblings. A parent surrogate is within the definition of parent if it can be substantiated that a claimed surrogate did in fact act as a parent to the youth although the parent surrogate was not an adoptive, foster or stepparent.

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

(5) "Escorted" means accompanied by one or more staff.

(6) "Furlough" means an approved, supervised leave for a youth from an institution, not exceeding 7 days.

(7) "Institution" means a type 1 secured correctional facility within the meaning of s. 938.02 (19), Stats.

(8) "OJOR" means the department's office of juvenile offender review.

(9) "Offgrounds leave" means an approved escorted or supervised leave for a youth from an institution, not exceeding 24 hours.

(10) "Staff" means an employee of the department.

(11) "Superintendent" means the superintendent of an institution or that person's designee.

(12) "Supervision" means close and continuous oversight and physical control of a youth with the responsibility to notify department staff if the youth does not comply with department conditions of the furlough, offgrounds leave or trial visit.

(13) "Trial visit" means an approved leave for a youth from an institution in a trial placement, not exceeding 30 days.

(14) "Youth" means a person or persons under the supervision of the department in an institution consistent with the requirements of law and regardless of age.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 381.04 Purpose. (1) Furlough, offgrounds leave, and trial visit programs are intended to promote the treatment and program needs and community reintegration of youth by permit-

ting qualified youth to experience an authorized absence from an institution.

(2) A furlough or offgrounds leave may be granted for any of the following purposes:

(a) To attend the funeral of a close family member.

(b) To visit a terminally ill close family member.

(c) To respond to a request from law enforcement officials or to make a court appearance.

(d) To attend educational, social, therapeutic, athletic or recreational events.

(e) To participate in a structured work program.

(f) To be interviewed by a prospective employer or educational official who requests the interview to determine an appropriate work release or study release placement.

(g) For medical purposes.

(h) To participate in activities deemed appropriate by the superintendent.

(i) To participate in community and family reintegration.

(3) The department uses a trial visit to evaluate a placement in the community, either at the youth's home or in an alternate care placement, and to provide a period of time for a youth to adjust to a placement.

(4) A superintendent shall make institution policies and procedures regarding furloughs, offgrounds leave and trial visits available to youth.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 381.05 Furlough and offgrounds leave. (1) (a) A youth may submit a written request for a furlough or offgrounds leave to the superintendent who may authorize the absence from the institution under s. DOC 381.04 (2).

(b) The superintendent shall identify the persons who will provide supervision of the youth and shall provide the aftercare agent with the information referred to in sub. (5).

(c) The institution social worker shall provide appropriate victim and witness notification.

Note: It is the intent of the department that other staff may provide notification.

(d) The superintendent may impose any conditions of conduct or other conditions on a furlough or offgrounds leave.

(e) The superintendent shall provide a copy of a decision to grant or deny a furlough or offgrounds leave to the youth prior to the proposed furlough or offgrounds leave. The decision shall state the reasons for a denial.

(2) A superintendent may cancel a furlough or offgrounds leave at any time. The cancellation order shall be in writing, shall state the reasons for the cancellation and a copy shall be provided to the youth.

(3) Youth on a leave from the institution under sub. (1) are under the supervision of the department. A youth who violates any condition under sub. (1) (d) or any lawful directive of institution staff, aftercare agent or other person providing supervision may be disciplined under ch. DOC 373.

(4) A youth who intentionally fails to return or who intentionally leaves the area designated as the limits of confinement in the

conditions under sub. (1) (d) may be treated as an escapee under s. 946.42 (3) (c) and (d), Stats.

(5) A record of a furlough or offgrounds leave shall be maintained and include all of the following:

(a) The name of the youth.

(b) The name of the institution staff, aftercare agent or other person providing supervision of the youth.

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

(d) The purpose for the furlough or offgrounds leave under s. DOC 381.04 and the facts considered by the superintendent when the furlough or offgrounds leave was authorized.

(e) The conditions imposed under sub. (1) (d).

(6) The superintendent shall advise the institution staff, aftercare agent or other person providing supervision of a youth in writing of the conditions of the furlough or offgrounds leave. The person providing supervision shall sign an agreement to abide by the conditions of the furlough or offgrounds leave.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 381.06 Trial visit. (1) OJOR may authorize a trial visit and shall impose conditions for the trial visit.

(2) OJOR shall provide appropriate victim and witness notification if requested.

(3) A youth is under the supervision of the department while on a trial visit and is subject to discipline under ch. DOC 373 for violation of any conditions of conduct or other conditions which OJOR imposed on a trial visit.

(4) A youth who intentionally fails to return or who intentionally leaves the area designated as the limits of confinement under sub. (1) may be treated as an escapee under s. 946.42 (3) (c) and (d), Stats.

(5) The administrator may cancel a trial visit at any time. A copy of the decision to cancel, together with the reasons for the cancellation shall be provided to the youth.

(6) At the end of the trial visit, OJOR may approve the placement, require a different placement, or release the youth to aftercare under s. DOC 371.15.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.