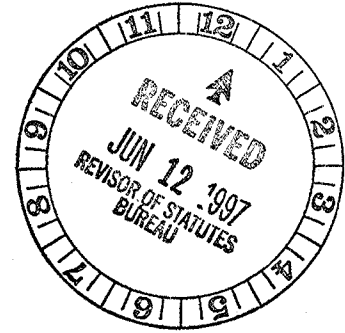


STATE OF WISCONSIN)
) SS
DEPARTMENT OF CORRECTIONS)

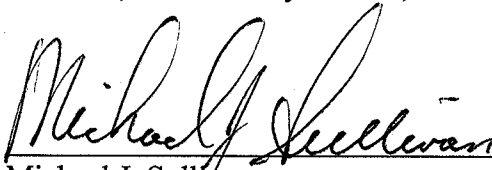


I, Michael J. Sullivan, Secretary, Department of Corrections, and custodian of the official records, certify that the annexed rules, relating to the temporary release of an inmate under supervision, were duly approved and adopted by the Department on June 11, 1997.

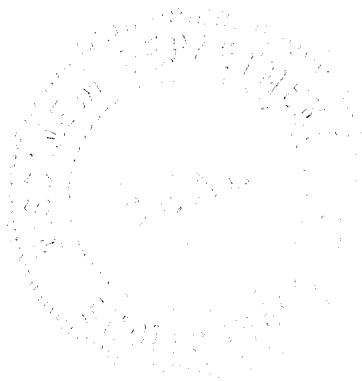
I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Corrections 149 E. Wilson Street in the City of Madison, this 11th day of June, 1997.

SEAL



Michael J. Sullivan
Secretary



ORDER OF THE
DEPARTMENT OF CORRECTIONS
REPEALING, AMENDING, REPEALING AND CREATING,
AND CREATING RULES

The Wisconsin department of corrections proposes an order to repeal DOC 325.03 (3); to amend DOC 325.01 (1) (intro.), 325.01 (1) (a), 325.01 (1) (b), 325.01 (1) (c), 325.01 (2), 325.04, 325.06 (title), 325.06 (intro.), 325.07, 325.09 (1) (intro.), 325.09 (1) (a) to (d), 325.09 (2), 325.11, 325.12, 325.13 (2) and 325.14; to repeal and create DOC 325.03 (1) and 325.08; and to create DOC 325.01 (1) (d), 325.01 (1) (e), 325.03 (3) and 325.03 (4) relating to the temporary release under supervision of an inmate.

Statutory authority: s. 227.11 (2) (a), Stats.

Statutes interpreted: ss. 302.15 and 304.115, Stats.

Analysis Prepared by the Department of Corrections

Some provisions of the department of corrections administrative rule relating to the temporary release of an inmate have not been updated since the rule was created. With over 10 years of experience working with the rule, the department proposes to update the rule.

This rule provides for the temporary release of an inmate under direct supervision. Temporary release recognizes that: the use of community resources may be beneficial for inmates; the opportunity to visit a seriously ill close family member or to attend a service following the death of a close family member may be desirable; the need to release an inmate to facilitate handling an emergency; and, the assignment of an inmate as an inmate driver. Temporary release must be consistent with the preservation of institutional order and public protection.

This proposed rule:

1. Makes technical changes.
2. Permits an inmate in any security level to:
 - 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 DOC 325.

3. Permits an inmate in a minimum security facility to:

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.

4. Permits an inmate to be assigned to special projects in the community.

5. Requires the title in addition to the name of the person accompanying the inmate to be included on the authorization for temporary release.

6. Requires the destination in addition to the date and time of departure and return to the institution on the authorization for temporary release.

SECTION 1. DOC 325.01 (1) (intro.), (1) (a), (1) (b), and (1) (c), are amended to read:

DOC 325.01 (1) (title) PURPOSE. (intro.) The purposes of temporary release under ~~escort~~ supervision are the following:

DOC 325.01 (1) (a) To use resources outside the institution for educational and rehabilitative purposes~~7.~~

DOC 325.01 (1) (b) To permit an inmate in a minimum security facility to visit a seriously ill close family member or attend the funeral a service following the death of a close family member or both~~7 and.~~

DOC 325.01 (1) (c) To permit ~~the superintendent to temporarily remove the temporary removal of~~ an inmate from an institution when an emergency exists.

SECTION 2. DOC 325.01 (1) (d) and (1) (e) are created to read:

DOC 325.01 (1) (d) To permit an inmate to be assigned as an inmate driver.

DOC 325.01 (1) (e) To permit an inmate to be assigned to special projects in the community.

SECTION 3. DOC 325.01 (2) is amended to read:

DOC 325.01 (2) Temporary release under ~~escort supervision~~ should shall be consistent with preserving order in the institution and protecting the public.

SECTION 4. DOC 325.03 (1) is repealed and recreated to read:

DOC 325.03 (title) DEFINITIONS. (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.

SECTION 5. DOC 325.03 (3) is repealed.

SECTION 6. DOC 325.03 (2) is renumbered DOC 325.03 (3).

SECTION 7. DOC 325.03 (2), (4), and (5) are created to read:

DOC 325.03 (2) "Designee" means a person designated by the warden. The designee shall have the same authority as the warden for purposes of this chapter.

DOC 325.03 (4) "Minimum custody" means the custody level given to an inmate who resides in minimum security facilities as defined in DOC 302.

DOC 325.03 (5) "Warden" means the warden at an institution or center, or designee.

SECTION 8. DOC 325.04 is amended to read:

DOC 325.04 (title) SUPERVISION. Temporary release under this chapter shall be under the direct supervision of staff or an approved sponsor designated by the ~~superintendent~~ warden. The level of supervision shall be specified by the ~~superintendent~~ warden.

SECTION 9. DOC 325.06 is amended to read:

DOC 325.06 (title) APPROVAL BY WARDEN. Only a ~~superintendent warden~~ may order the temporary release of an inmate. The warden has the authority to delegate this responsibility in writing to a designee.

SECTION 10. DOC 325.07 is amended to read:

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

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

(a) The staff member or other person to accompany the inmate on release~~7.~~

(b) The level of supervision required~~7.~~

(c) The cost, if any, that is to be assumed by the inmate~~7~~ and~~.~~

(d) Any other conditions that shall be complied with by the inmate on temporary release. The conditions imposed ~~are to~~ shall comply with s. DOC ~~302.12~~ 302.05.

SECTION 11. DOC 325.08 is repealed and recreated to read:

DOC 325.08 (title) 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.

SECTION 12. DOC 325.09 (1) (intro.), 325.09 (1) (a) to (d), and 325.09 (2) are amended to read:

DOC 325.09 (title) 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~~7.~~

(b) The name and the title of the person accompanying the inmate~~7.~~

(c) The destination, date and time of departure and return to the institution~~7.~~

(d) The criteria under s. DOC 325.08 upon which the release was ordered and the underlying facts upon which the order was made~~7 and.~~

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

SECTION 13. DOC 325.11 is amended to read:

DOC 325.11 (title) AUTHORITY OF ESCORT. An inmate shall obey all lawful directives made by the staff member or other designated person accompanying ~~him or her~~ the inmate on release.

SECTION 14. DOC 325.12 is amended to read:

DOC 325.12 (title) CANCELLATIONS. (1) The ~~superintendent~~ warden may cancel the release order at any time ~~he or she~~ 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 ~~and the facts upon which the decision was based.~~

SECTION 15. DOC 325.13 (2) is amended to read:

DOC 325.13 (2) In deciding how much the inmate must pay, the ~~superintendent~~ warden shall consider the purpose of the release, the inmate's ability to pay, and the requirements of ss. DOC ~~309.45 309.27~~ to ~~309.52~~ 309.37. Mileage costs ~~should~~ shall be computed at the ~~current~~ rates in effect at the time of the release for state travel set by the department of administration.

SECTION 16. DOC 325.14 is amended to read:

DOC 325.14 (title) 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. ~~Forms for requests shall be available at the institutions.~~

SECTION 17. Appendix DOC 325.01 (Note) is amended as follows:

Amend sentence 2 paragraph 1 to read:

...~~superintendent~~ warden...

Amend sentence 3 paragraph 5 to read:

...~~superintendent~~ warden...

Delete paragraph 6.

SECTION 18. Appendix DOC 325.04 (Note) is amended as follows:

Amend paragraph 2 to read:

...~~superintendent~~ warden...

Amend sentence 1 paragraph 3 to read:

...~~superintendent~~ warden...

SECTION 19. Appendix DOC 325.06 (Note) is amended as follows:

Amend sentence 1 to read:

...~~superintendent~~ warden...

Amend sentence 2 to read:

...~~superintendent~~ warden...

Amend sentence 3 to read:

...~~superintendent~~ warden...

SECTION 20. Appendix DOC 325.07 (Note) is amended as follows:

Amend sentence 1 to read:

...~~superintendent~~ warden...

Amend sentence 2 to read:

...DOC ~~302.12~~ 302.05

SECTION 21. Appendix DOC 325.08 (Note) is amended as follows:

Amend sentence 1 paragraph 1 to read:

Subs. (1) ~~to (7)~~ and (2)....

Amend sentence 2 paragraph 1 to read:

...~~first 7~~ the 2...

Amend sentence 3 paragraph 1 to read:

The ~~superintendent~~ warden...~~seven~~ 2 subsections.

Amend sentence 4 paragraph 1 to read:

The ~~superintendent~~ warden...

Amend sentence 5 paragraph 1 to read:

...~~superintendent~~ warden...

Delete paragraph 2.

SECTION 22. Appendix DOC 325.09 (Note) is amended as follows:

Delete sentences 2 and 3.

SECTION 23. Appendix DOC 325.12 (Note) is amended as follows:

Amend sentence 1 paragraph 1 to read:

...~~superintendent~~ warden...

Amend sentence 2 paragraph 1 to read:

...~~superintendent~~ warden...and

...~~he or she~~ the warden

Amend sentence 1 paragraph 2 to read:

...~~superintendent~~ warden...

SECTION 24. Appendix DOC 325.13 (Note) is amended as follows:

Amend sentence 1 paragraph 1 to read:

...~~superintendent~~ warden...

Amend sentence 2 paragraph 1 to read:

...DOC ~~309.45-309.52~~ 309.27-309.37.

Amend sentence 1 paragraph 2 to read:

...~~superintendent~~ warden...~~superintendent~~ warden...

Amend sentence 2 paragraph 2 to read:

...~~superintendent~~ warden...

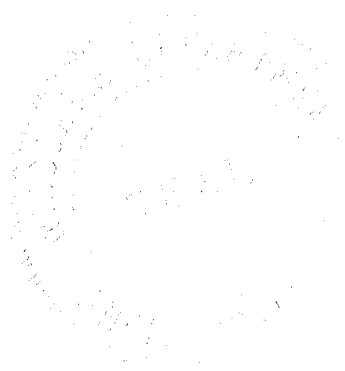
This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated: 6/9/97

Wisconsin Department of Corrections

By: Michael J. Sullivan
Michael J. Sullivan
Secretary

Seal:



Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary

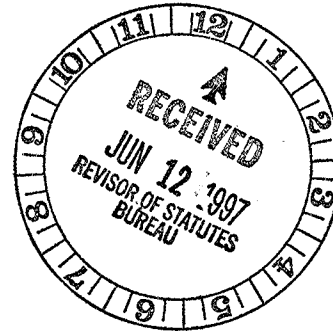


Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

June 12, 1997

Bruce Munson
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, Wisconsin 53703-3222



Dear Mr. Munson:

Pursuant to s. 227.20 Stats., the Department of Corrections submits a certified and uncertified copy of DOC 325, relating to the temporary release of inmates under supervision.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".
Michael J. Sullivan

Attachment