

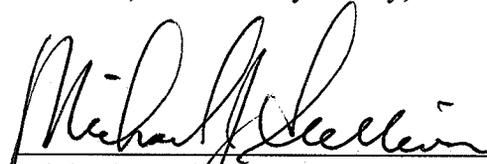
STATE OF WISCONSIN)
) SS
DEPARTMENT OF CORRECTIONS)

I, Michael J. Sullivan, Secretary, Department of Corrections, and custodian of the official records, certify that the annexed rules, relating to the inmates released under the work and study program, were duly approved and adopted by the Department on July 24, 1997.

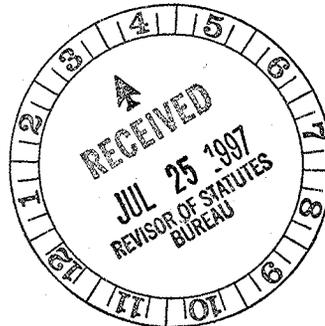
I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

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 24th day of July, 1997.

SEAL



Michael J. Sullivan
Secretary



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

The Wisconsin department of corrections proposes an order to repeal DOC 324.03 (2), 324.03 (4), 324.03 (10), 324.035, 324.05 (6), 324.05 (7), 324.05 (8), 324.06 (3), 324.06 (7), 324.06 (8), 324.07 (3), 324.08 (3), 324.10 (2), 324.10 (3) (d), 324.14, and 324.15; to renumber DOC 324.03 (6), 324.07 (5), 324.08 (4), and 324.10 (3) (intro.); to renumber and amend DOC 324.03 (5), 324.03 (7), 324.03 (11), 324.06 (4), 324.07 (4), 324.09 (4) (d), 324.09 (4) (e), 324.09 (4) (f), 324.09 (4) (g) 324.10 (3) (a), 324.10 (3) (b), 324.10 (3) (c), and 324.10 (4); to amend DOC 324.01 (intro.), 324.01 (1) to (4), 324.02, 324.03 (intro.), 324.03 (7), 324.05 (1), 324.05 (2), 324.05 (3), 324.06 (1), 324.06 (2), 324.07 (1), 324.08 (2), 324.09 (2) (a), 324.09 (2) (b), 324.09 (2) (c), 324.09 (2) (d), 324.09 (2) (e), 324.09 (4) (a), 324.09 (4) (b), 324.09 (4) (c), 324.09 (5), 324.10 (1), 324.11, 324.12 (1) (e), 324.12 (1) (f), 324.12 (1) (g), 324.12 (1) (i), 324.12 (2) (a), 324.12 (2) (b), 324.12 (2) (c), and 324.12 (2) (d); to repeal and recreate DOC 324.03 (1), 324.03 (2), 324.03 (8), 324.04, 324.05 (4), 324.05 (5), 324.06 (5), 324.12 (1) (j), and 324.13; and to create DOC 324.03 (8) and 324.09 (4) (d), relating to the inmate work and study release program.

Statutory authority: ss. 303.065 (2) and 227.11 (2) (a), Stats.
Statutes interpreted: s. 303.065, Stats.

Analysis Prepared by the Department of Corrections

Some provisions of the department of corrections administrative rule relating to work and study release for inmates 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.

Several cross references in the proposed rule are to other rules which are in the process of being revised. Thus, the cross references in this rule to sections in Wis. Adm. Code 302 and 303 are the cross references to the proposed rules and not the current rules. There may be a gap in time where these cross references

will be incorrect. This should be resolved when the new Wis. Adm. Code 302 and 303 are promulgated.

Work and study release improve the inmate's chances for successful reassimilation in the community. The inmate is gradually exposed to the responsibilities and experiences of life outside an institution, so the adverse effects of abrupt release from the structured prison environment are avoided.

Work and study release not only offer a period of gradual psychological adjustment, but also may directly remedy some educational or training deficiencies contributing to criminal conduct. Many offenders lack job skills, making it difficult to obtain employment and, consequently, to meet financial obligations. Studies have shown that in many cases, lack of financial resources contributes to a return to criminal activity after release. Work release provides a job, enabling the inmate to develop skills and accumulate savings. Study release increases the inmate's skills through educational or training programs.

An inmate earning wages must pay room and board costs, thereby reducing confinement costs paid by the public.

This proposed rule:

1. Makes technical changes.
2. Repeals some definitions.
3. Creates some definitions.
4. Requires the inmate to have a community custody classification and to reside in a minimum security facility to be eligible for work or study release status.
5. Requires an inmate whose prior work or study release was terminated for misconduct to wait, if required, before regaining eligibility.
6. Provides that an inmate with a record of escape or attempted escape is ineligible for one year from the date the judgment is entered or finding of guilt under ch. DOC 303 is entered.

7. Repeals the requirements that an inmate may be observed in minimum security for 30 days to determine the inmate's adjustment to minimal security or minimum security/community residential confinement before the inmate becomes eligible for work or study release.

8. Permits an inmate who meets eligibility requirements to apply for work or study release.

9. Requires the warden or superintendent, instead of the program review committee, to approve work or study release for an inmate.

10. Requires the warden or superintendent to consider certain criteria in making a work or study release decision.

11. Requires the work release coordinator to advise employers or school administrators of their responsibilities to the inmates and the program.

12. Prohibits placing an inmate where a potential conflict exists, in addition to prohibiting placing an inmate with a relative or in a private home.

13. Requires the warden or superintendent, or their designees, instead of the program review committee, to determine the length of time of the placement in work or study release.

14. Requires all transportation arrangements between a state correctional facility and a work or study placement to be approved by the warden or superintendent, or their designees.

15. Repeals the provision permitting the use of an inmate's personal car for travel.

16. Requires the approval of the warden or superintendent, instead of the appropriate correctional authority, before an inmate may enter into contracts.

17. Requires the approval of the warden or superintendent to terminate work or study release instead of terminating work or study release at the request of an inmate.

18. Requires the warden or superintendent to conduct a preliminary review and permits any action necessary to protect the public pending a hearing.

19. Deletes language related to inmate use of work or study release funds following release to field supervision.

SECTION 1. DOC 324.01 (intro.) and 324.01 (1) to (4) are amended to read:

DOC 324.01 (intro.) The purposes of work and study release privileges are the following:

DOC 324.01(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_{7.}

DOC 324.01(2) To complement institution education, training, and work programs with community resources not available in an institution_{7.}

DOC 324.01(3) To provide inmates with a program activity in which they may demonstrate, through responsible behavior, their readiness for parole_{7.}

DOC 324.01 (4) To provide an opportunity for inmates to accumulate funds to meet financial obligations that might otherwise inhibit adjustment following release or parole, ~~and~~.

SECTION 2. DOC 324.02 is amended to read:

DOC 324.02 This chapter applies to the department of ~~health and social services, division of corrections,~~ corrections and adult 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.

SECTION 3. DOC 324.03 (intro.) is amended to read:

DOC 324.03 (intro.) ~~(1)~~ In this chapter :

SECTION 4. DOC 324.03 (1) is repealed and recreated to read:

DOC 324.03 (1) "Community custody" means the custody classification which permits inmates to participate in off-grounds activities.

SECTION 5. DOC 324.03 (2) is repealed and recreated to read:

DOC 324.03 (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.

SECTION 6. DOC 324.03 (4) is repealed.

SECTION 7. DOC 324.03 (5) is renumbered DOC 324.03 (4) and amended to read:

DOC 324.03 (4) "PRC" means the program review committee, whose primary duties and composition are set forth under ~~s. ss. DOC 302.18~~ 302.15 and 302.16.

SECTION 8. DOC 324.03 (6) is renumbered DOC 324.03 (5).

SECTION 9. DOC 324.03 (7) is renumbered DOC 324.03 (6) and amended to read:

DOC 324.03 (6) "Superintendent" means the superintendent ~~of~~ at a correctional institution center, or ~~that person's~~ designee.

SECTION 10. DOC 324.03 (8) is repealed and recreated to read:

DOC 324.03 (7) "Warden" means the warden at a correctional institution, or designee.

SECTION 11. DOC 324.03 (9) is renumbered DOC 324.03 (8).

SECTION 12. DOC 324.03 (10) is repealed.

SECTION 13. DOC 324.03 (11) is renumbered DOC 324.03 (9) amended to read:

DOC 324.03 (9) "Work release coordinator" ~~or "coordinator"~~ means the person designated ~~at each institution~~ to perform the duties enumerated in this chapter for work release or study release, or ~~that person's~~ designee.

SECTION 14. DOC 324.035 is repealed.

SECTION 15. DOC 324.04 is repealed and recreated to read:

DOC 324.04 ELIGIBILITY TO APPLY FOR WORK OR STUDY RELEASE STATUS.

(1) ELIGIBILITY. To be eligible to apply for work or study release status an inmate shall meet the following criteria:

DOC 324.04 (a) Reside in a minimum security facility and have a community custody classification as described in s. DOC 302.05 (6).

DOC 324.04 (b) Have reached parole eligibility as defined in s. 304.06 (1), Stats., if serving a life sentence.

DOC 324.04 (c) Wait, if required, before regaining eligibility, if prior work or study release has been terminated under s. DOC 324.13 for misconduct.

DOC 324.04 (d) 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.

SECTION 16. DOC 324.05 (1) is amended to read:

DOC 324.05 (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.

SECTION 17. DOC 324.05 (2) is amended to read:

DOC 324.05 (2) The social worker or designated staff member shall review the inmate's application and shall report on the inmate's eligibility to the PRC of the state correctional facility warden or superintendent where the inmate is assigned.

SECTION 18. DOC 324.05 (3) is amended to read:

DOC 324.05 (3) The inmate shall be approved for work or study release status by the PRC warden or superintendent before any further placement efforts can be undertaken.

SECTION 19. DOC 324.05 (4) is repealed and recreated to read:

DOC 324.05 (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.

SECTION 20. DOC 324.05 (5) is repealed and recreated to read:

DOC 324.05 (5) The warden or superintendent shall notify the work release coordinator of the approval of the application for work or study release.

SECTION 21. DOC 324.05 (6) is repealed.

SECTION 22. DOC 324.05 (7) is repealed.

SECTION 23. DOC 324.05 (8) is repealed.

SECTION 24. DOC 324.06 (1) is amended to read:

DOC 324.06 (1) Upon PRC 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).

SECTION 25. DOC 324.06 (2) is amended to read:

DOC 324.06 (2) Upon receiving PRC notification, the ~~institution~~ 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.

SECTION 26. DOC 324.06 (3) is repealed.

SECTION 27. DOC 324.06 (4) is renumbered DOC 324.06 (3) and amended to read:

DOC 324.06 (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 ~~county jail or halfway house~~ contract facility, the ~~sheriff or director of the halfway house~~ 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.

SECTION 28. DOC 324.06 (5) is repealed and recreated to read:

DOC 324.06 (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.

SECTION 29. DOC 324.06 (6) is renumbered DOC 324.06 (5) and DOC 324.06 (5) (a) to (e), as renumbered, are amended to read:

DOC 324.06 (5) (a) Date placement is to begin~~_.~~

(b) Site of placement ~~and alternate housing 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 ~~and~~.

SECTION 30. DOC 324.06 (7) is repealed.

SECTION 31. DOC 324.06 (8) is repealed.

SECTION 32. DOC 324.07 (1) is amended to read:

DOC 324.07 (1) The inmate shall have a confirmed job offer, ~~or the parole agent shall indicate that employment is imminent in cases where an alternate housing facility is utilized.~~

SECTION 33. DOC 324.07 (3) is repealed.

SECTION 34. DOC 324.07 (4) is renumbered DOC 324.07 (3) and amended to read:

DOC 324.07 (3) No inmate may be placed with a relative or in a private home or any place where a potential conflict exists.

SECTION 35. DOC 324.07 (5) is renumbered DOC 324.07 (4).

SECTION 36. DOC 324.08 (2) is amended to read:

DOC 324.08 (2) The ~~PRC~~ 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.

SECTION 37. DOC 324.08 (3) is repealed.

SECTION 38. DOC 324.08 (4) is renumbered DOC 324.08 (3).

SECTION 39. DOC 324.09 (2) (a) is amended to read:

DOC 324.09 (2) (a) Cost of the inmate's food and clothing in the placement assigned~~+~~.

SECTION 40. DOC 324.09 (2) (b) is amended to read:

DOC 324.09 (2) (b) Cost of an educational placement, including but not limited to tuition and books~~+~~.

SECTION 41. DOC 324.09 (2) (c) is amended to read:

DOC 324.09 (2) (c) Necessary travel expenses to and from the placement and other incidental expenses~~+~~.

SECTION 42. DOC 324.09 (2) (d) is amended to read:

DOC 324.09 (2) (d) Support obligations for the inmate's dependents~~s~~.

SECTION 43. DOC 324.09 (2) (e) is amended to read:

DOC 324.09 (2) (e) Reasonable room charges as determined by the department ~~and~~.

SECTION 44. DOC 324.09 (4) (a) is amended to read:

DOC 324.09 (4) (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~~s~~.

SECTION 45. DOC 324.09 (4) (b) is amended to read:

DOC 324.09 (4) (b) Necessary travel expense to and from the placement and other incidental expenses of the inmate~~s~~.

SECTION 46. DOC 324.09 (4) (c) is amended to read:

DOC 324.09 (4) (c) Payment of the crime victim and witness assistance surcharge under s. 973.045 (4), Stats.~~s~~.

SECTION 47. DOC 324.09 (4) (d) is renumbered DOC 324.09 (4) (e) amended to read:

DOC 324.09 (4) (e) Support of the inmate's dependents, if any~~s~~.

SECTION 48. DOC 324.09 (4) (d) is created to read:

DOC 324.09 (4) (d) Payment of the deoxyribonucleic acid analysis surcharge under s. 973.046 (4), Stats.

SECTION 49. DOC 324.09 (4) (e) is renumbered DOC 324.09 (9) (f) and amended to read:

DOC 324.09 (4) (f) A reasonable room charge as determined by the department~~s~~.

SECTION 50. DOC 324.09 (4) (f) is renumbered DOC 324.09 (4) (g) and amended to read:

DOC 324.09 (4) (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~~7.1~~

SECTION 51. DOC 324.09 (4) (g) is renumbered DOC 324.09 (4) (h) amended to read:

DOC 324.09 (4) (h) Wages to the inmates on work or study release until the current canteen limit under s. DOC ~~309.52~~ 309.37 (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 ~~309.55~~ 309.38, release account under s. DOC ~~309.466~~ 309.30 and segregated account under s. DOC ~~309.50~~ 309.35. 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. ~~Following release, the inmate may use funds formerly held in general, release and segregated accounts with the approval of the agent. When the client is discharged from field supervision, any remaining funds from these accounts shall be paid to the client. Only inmates who are on work or study release may receive wages from the segregated account under s. DOC 309.50.~~

SECTION 52. DOC 324.09 (5) is amended to read:

DOC 324.09 (5) Books, tools, supplies, and other items necessary for study release purchased with the inmate's funds remain the inmate's property. ~~If these items are purchased with state funds, they are the state's property.~~

SECTION 53. DOC 324.10 (1) is amended to read:

DOC 324.10 (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.

SECTION 54. DOC 324.10 (2) is repealed.

SECTION 55. DOC 324.10 (3) (intro.) is renumbered DOC 324.10 (2) (intro.).

SECTION 56. DOC 324.10 (3) (a) is renumbered DOC 324.10 (2) (a) and amended to read:

DOC 324.10 (2) (a) Institution vehicles~~+~~.

SECTION 57. DOC 324.10 (3) (b) is renumbered DOC 324.10 (2) (b) and amended to read:

DOC 324.10 (2) (b) Public carriers~~+~~.

SECTION 58. DOC 324.10 (3) (c) is renumbered DOC 324.10 (2) (c) and amended to read:

DOC 324.10 (2) (c) Approved vehicles driven by members of the public~~;~~~~or~~.

SECTION 59. DOC 324.10 (3) (d) is repealed.

SECTION 60. DOC 324.10 (4) is renumbered DOC 324.10 (3) and amended to read:

DOC 324.10 (3) Inmates on work release shall pay the cost of transportation to and from the work site ~~as provided under s. 56.065 (5), Stats.~~ If the department provides transportation, it may assess a reasonable charge.

SECTION 61. DOC 324.11 is amended to read:

DOC 324.11 Inmates placed in work or study release remain in the legal custody of the department ~~of health and social services.~~

SECTION 62. DOC 324.12 (1) (b) is amended to read:

DOC 324.12 (1) (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.

SECTION 63. DOC 324.12 (1) (d) is amended to read:

DOC 324.12 (1) (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 ~~department~~ warden or superintendent. Personal visits are not permitted at the placement site.

SECTION 64. DOC 324.12 (1) (e) is amended to read:

DOC 324.12 (1) (e) Inmates shall not enter into contracts or agreements without prior approval by the ~~appropriate correctional authority~~ warden or superintendent. Prohibited contracts include but are not limited to: purchases of property, time payments, and marriage. ~~Inmates may, however, hire an attorney.~~

SECTION 65. DOC 324.12 (1) (f) is amended to read:

DOC 324.12 (1) (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 ~~superintendent's~~ prior approval of the warden or superintendent.

SECTION 66. DOC 324.12 (1) (g) is amended to read:

DOC 324.12 (1) (g) Money shall be considered contraband unless authorized in advance by the warden or superintendent for incidental expenses. ~~Unexpended funds shall be returned daily.~~

SECTION 67. DOC 324.12 (1) (i) is amended to read:

DOC 324.12 (1) (i) Inmates shall abide by these administrative rules, the specific policies and procedures of the institution to which they are assigned, ~~and the rules of the facility in which they are housed.~~

SECTION 68. DOC 324.12 (1) (j) is repealed and recreated to read:

DOC 324.12 (1) (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.

SECTION 69. DOC 324.12 (2) (a) is amended to read:

DOC 324.12 (2) (a) Inmates shall attend all regularly scheduled classes even if the instructor does not require attendance. The ~~coordinator~~ warden or superintendent must approve all schedules and schedule changes.

SECTION 70. DOC 324.12 (2) (b) is amended to read:

DOC 324.12 (2) (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 ~~at the PRC's discretion.~~

SECTION 71. DOC 324.12 (2) (c) is amended to read:

DOC 324.12 (2) (c) Unless approved in advance by the warden or superintendent ~~of the state correctional facility,~~ inmates may not enroll in or attend evening courses, courses requiring attendance at events away from the placement site, theater activities, field trips, athletic functions, or social events. ~~The superintendent may require staff escort.~~

SECTION 72. DOC 324.12 (2) (d) is amended to read:

DOC 324.12 (2) (d) Unless ~~the inmate has received advance approval from~~ 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.

SECTION 73. DOC 324.13 is repealed and recreated to read:

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:

DOC 324.13 (1) A termination at the inmate's request is subject to the approval of the warden or superintendent.

DOC 324.13 (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.

DOC 324.13 (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.

DOC 324.13 (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.

DOC 324.13 (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.

DOC 324.13 (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

DOC 324.13 (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.

DOC 324.13 (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.

DOC 324.13 (9) A work or study placement may be terminated by the warden or superintendent in response to documented adverse community reaction to the placement.

SECTION 74. DOC 324.14 and 324.15 are repealed.

SECTION 75. Appendix DOC 324.01 (Note) is amended as follows:

Delete paragraph #4.

SECTION 76. Appendix DOC 324.02 (Note) is amended as follows:

Amend sentence #2 paragraph #1 to read:

...~~PRC warden or superintendent~~...

Amend sentence #1 paragraph #2 to read:

...~~PRC warden or superintendent~~...

Amend paragraph #3 to read:

Subsection (1) requires an inmate to have a ~~minimum security community custody~~ ...~~Under s. DOC 302.12, minimum security Community custody~~ is the...For a discussion of ...~~DOC 302.14 and note 302.~~

Delete paragraphs #4, 5, 6, 7, and 8.

SECTION 77. Appendix DOC 324.05 (Note) is amended as follows:

Amend paragraph #1 to read:

~~Since approval Approval for...is made by the -PRC warden or superintendent , ch. 302 must be followed in addition to this chapter. Any inconsistencies are to be resolved in favor of ch. DOC 324 for decisions about work and study release.~~

Delete paragraphs #2, 3, and 4.

Amend paragraph #5 to read:

If the PRC warden or superintendent approves...PRC warden or superintendent...

SECTION 78. Appendix DOC 324.06 (Note) is amended as follows:

Amend paragraph #1 to read:

DOC 324.06 is the procedure...PRC warden or supervisor approval. Once...~~er alternate housing facility; explains~~ advises the ~~duties~~ of employers and school authorities of their responsibilities;... ~~and forwards required information to the division of program services and the state correctional facility social worker.~~

SECTION 79. Appendix DOC 324.07 (Note) is amended as follows:

Delete sentences #3 and #4 paragraph #1.

Delete sentences #3 and #4 paragraph #2.

SECTION 80. Appendix DOC 324.08 (Note) is amended as follows:

Amend sentence #1 paragraph #3 to read:

...PRC facility staff...

SECTION 81. Appendix DOC 324.09 (Note) is amended as follows:

Amend sentence #5 to read:

...state correctional facility ~~er alternate housing facility~~...

SECTION 82. Appendix DOC 324.10 (Note) is amended as follows:

Delete sentence #2 paragraph #6.

SECTION 83. Appendix DOC 324.12 (Note) is amended as follows:

Add paragraph 5 to 7 to read:

In sub. (1) (b) because many items which an inmate may legitimately possess could also be used as weapons, in the case of such items an intent to use the item as a weapon must be shown.

Intent will usually be inferred from the circumstances. For example, possession of a razor blade which is located in a razor or in a box of blades and with other toiletry items would not, in itself, be an offense. But carrying around a single razor blade, especially outside the cell, would probably be considered carrying a weapon.

An item in its original form may have both a legitimate use and a use as a weapon. Examples are knives, kitchen utensils, matches, cigarettes, tools, and heavy objects. Items which have been altered from their original form may be considered to be weapons. Examples include a spoon or table knife which has been sharpened and a razor blade which has been taped or fitted to a handle. If an inmate makes or alters such an item, in most cases the intent to use the item as a weapon can be inferred from the mere fact of making the item.

Some items have no other purpose than to be used as weapons. Examples include guns, explosives and switchblade knives.

SECTION 84. Appendix DOC 324.14 (Note) is renumbered 324.13 and amended as follows:

Amend sentence #1 paragraph #1 to read:

~~DOC 324.14 324.13 is the procedure...DOC 324.13 sub. (3). If the inmate requests the termination, or if a person at the placement whose consent is necessary for the placement makes the request, the inmate will be transported to the state correctional facility to which the inmate is assigned. This should be done as soon as possible to prevent an escape or some other conduct which could result in a more serious conduct charge or violation of the law it is subject to the approval of the warden or superintendent.~~

Amend paragraph #2 to read:

~~When termination is not initiated by the department, a due process hearing is not required, but since the PRC will review the status, any oral requests or notification to terminate the status must be documented for use by the committee.~~

Amend sentence 2 paragraph 3 to read:

~~...the inmate has a right to a due process fact finding~~

...

Amend sentence #2 paragraph #3 to read:

...except as noted in sub. (5 6)

Delete sentences #1 and #3 paragraph #4.

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.

Wisconsin Department of Corrections

Dated: 7/27/97

By: Michael J. Sullivan

Michael J. Sullivan
Secretary

Seal:

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



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State of Wisconsin Department of Corrections

July 24, 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 324, relating to inmates released under the work and study program.

Sincerely,

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

Michael J. Sullivan

Attachment

