

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

DOC 373

3. Date Rule promulgated and/or revised; Date of most recent Evaluation

June 2020; June 2020

4. Plain Language Analysis of the Rule, its Impact on the Policy Problem that Justified its Creation and Changes in Technology, Economic Conditions or Other Factors Since Promulgation that alter the need for or effectiveness of the Rule.

This rulemaking order updated DOC 373 to reflect changes in the operations and practices of the department as they affect youth conduct in Type 1 secured correctional facilities. This rulemaking order also updates the language in DOC 373 to reflect current best practices for managing youth behavior and system upgrades. In addition, the rulemaking order updates DOC 373 to adhere to the court order issued in J.J. et al vs. Litscher et al.

The rulemaking order updates the definitions of contraband, disturbance, facility, mechanical restraint and staff to align with the definitions in CR 24-003. The rulemaking order repeals the definitions of close confinement, conduct report, major conduct rule violation, major penalty, minor conduct rule violation, minor penalty and modified confinement and creates definitions for group disturbance, security threat group and treatment-based response.

Additionally, this rulemaking order removes the provisions relating to major and minor penalties and conduct rule violations and prehearing security. The rulemaking order also removes the conduct rule relating to order for talking when prohibited, the conduct rules relating to movement for loitering and the conduct rule relating to safety and health for self-harm and disfigurement. Other conduct rules for violating conditions of leave and failing to perform assignments are repealed in this rulemaking order. This rulemaking order creates another conduct rule relating to bodily security for bullying, creates a conduct rule relating to order for violating boundaries and creates a conduct rule relating to contraband for misuse of state or federal property.

Lastly, this rulemaking order updates the conduct rules relating to facility security for participating in a disturbance and for group resistance, updates the conduct rules relating to order from disobeying orders to refusal to comply and updates the conduct rule relating to order for lying and unauthorized forms of communication. This rulemaking order also updates several provisions relating to the disposition of conduct rule violations by removing major conduct rule violations and dispositions for major conduct rule violations, conduct reports and disciplinary hearings.

5. Describe the Rule's Enforcement Provisions and Mechanisms

The department has responsibilities imposed by statute to establish and enforce standards for services for youth under the supervision of the department. Additionally, the department has responsibilities imposed by statute to provide for rules governing the conduct of youth in type 1 secured correctional facilities operated by the department, and for the discipline of youth who violate those conduct rules.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the Impacts, including Compliance Costs, identifying any Unnecessary Burdens the Rule places on the ability of Small Business to conduct their Affairs.

Not Applicable.

8. List of Small Businesses, Organizations and Members of the Public that commented on the Rule and its Enforcement and a Summary of their Comments.

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Not Applicable

9. Did the Agency consider any of the following Rule Modifications to reduce the Impact of the Rule on Small Businesses in lieu of repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

10. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

11. Chapter 20, Stats. Appropriations Affected

Not Applicable

12. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

13. Summary of Costs and Benefits of Repealing or Modifying the Rule

Not Applicable

14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No

15. Long Range Implications of Repealing or Modifying the Rule

Not Applicable

16. Compare With Approaches Being Used by Federal Government

There are no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

The adjacent states have similar rules to the proposed Wisconsin rule. All adjacent states have requirements that juvenile correctional facilities must have written policies regarding unacceptable youth behavior and the potential consequences if a youth violates the rules of conduct. Additionally, most adjacent states have rules that provide for or require review of any alleged misconduct and allow for youth to appeal any allegations of misconduct.

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