

NOTICE OF SUBMITTAL TO THE WISCONSIN LEGISLATIVE COUNCIL OF PROPOSED RULE OF THE DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that pursuant to § 227.15, Wis. Stats., the Department of Corrections proposes an order to repeal and recreate DOC 328, relating to offender field supervision.

SUBJECT MATTER OF THE PROPOSED RULE:

The Rule:

1. Retitles the chapter to Community Supervision of Offenders to recognize that the division may have responsibility for supervising any person regardless of age, who is in the adult correctional system.
2. Reorganizes and renumbers the rule.
3. Updates terminology to include references to extended supervision.
4. Recognizes the department's initiatives towards reentry of inmates into the community in its purpose statement.
5. Eliminates the following definitions: absconding, administrative supervision, client, compact administrator, compact coordinator, compact specialist, field staff or staff, field supervision, high risk supervision, minimum supervision, monitoring, physical custody, referral, TIME system, and transfer.
6. Modifies the following definitions: collateral, conditions, discharge, division, extension, intoxicating substance, offender, region, regional chief, reporting, rules, supervisor, and working day.
7. Creates the following definitions: abscond, advocate, alternative to revocation, bodily harm, body contents search, commitment term or term, community supervision or supervision, contraband, deadly force, extended supervision, financial resources, force, great bodily harm, hearing examiner, incapacitating agent, nondeadly force, pat-down, personal search, school, standard business hours, supervision fees, and tolled time.
8. Updates the recitation of responsibilities of the agent and the offender during the course of community supervision.
9. Removes the rule provision which set forth the minimum contact requirements for maximum, medium, and minimum offenders and the provision for reassessment.
10. Removes the provision in this chapter which stated the possible consequences for a violation of the rules or conditions of supervision.
11. Removes the rule provisions which addressed administrative or minimum supervision of an offender by a vendor. (Section 304.073, Stats., which provided for vendor supervision, was repealed by 2003 Wis. Act 33.)

12. Consolidates the rule provisions concerning payment of supervision fees by an offender.
13. Clarifies the provision concerning an offender's failure to pay his or her financial obligations, whether they are court ordered or a consequence of supervision.
14. Clarifies the provision governing temporary travel out of the state of WI.
15. Removes the provision which addresses intrastate transfer.
16. Simplifies the provision which addresses interstate transfer.
17. Simplifies the provision concerning the department's authority to purchase goods or services for an offender.
18. Renames the complaint process to an administrative review process. Removes the timeframes for offenders filing requests for review and the timeframes for responding to the requests for review.
19. Clarifies the provision which addresses an offender's voluntary return to an institution.
20. Removes the provision which addresses ethics, fraternization, gifts and gratuities.
21. Clarifies the provision addressing contraband.
22. Removes the provision which addresses use of non-prescription controlled substances (medication and alcohol).
23. Simplifies the provision which addresses discharge from supervision.
24. Creates a new provision to address early discharge.
25. Clarifies the provisions which address use of force, mechanical restraints, and incapacitating agents.
26. Creates a new section on the use of firearms or other weapons.
27. Clarifies the provision which addresses search and seizure.
28. Creates a provision to address tolled time.
29. Creates a provision to address reinstatement of supervision.
30. Removes the provision of transporting offenders in custody.
31. Removes the provisions which address presentence investigation reports and recordkeeping.
32. Creates a provision which permits the department to conduct an administrative hearing to determine if an offender should be required to comply with prescribed psychotropic medications as part of his or her supervision. The provision provides for an annual review of the decision.

WHETHER PUBLIC HEARING IS REQUIRED:

Public hearing is required under s. 227.16(1), Wis. Stats., and will be scheduled at a later date.

ORGANIZATIONAL UNIT THAT IS PRIMARILY RESPONSIBLE FOR
PROMULGATION OF THE RULE:

Department of Corrections, Division of Community Corrections

DATE SUBMITTED TO THE WISCONSIN LEGISLATIVE COUNCIL:

October 29, 2010

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APPROVAL BY SECRETARY OF THE DEPARTMENT OF CORRECTIONS:

October 29, 2010

Rick Raemisch, Secretary