Chapter DOC 324

APPENDIX

Note: DOC 324.01. Work and study release improve the inmate’s chances for suc-
cessful 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 adjust-
ment, but also may directly remedy some educational or training deficiencies contrib-
ting 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 ac-
tivity after release. Work release provides a job, enabling the inmate to develop skills
and accumulate savings. Study release increases the inmate’s skills through educa-
tional or training programs.

Work release has other direct benefits. An inmate earning wages must pay room
and board costs, thereby reducing confinement costs paid by the public. And s.
303.065, Stats., provides a priority schedule for payment of private debts when work
release earnings are sufficient.

Note: DOC 324.04. DOC 324.04 sets the minimum requirements for eligibility
for work and study release. While meeting these requirements does not entitle an
inmate to participate in the program, it does entitle an inmate to participate in the war-
den or superintendent approval procedure described s. DOC 324.05.

Placement in work release is subject to the requirements of s. 303.065, and
study release is subject to the requirements of s. DOC 324.07.

The financial obligations of the inmate must be investigated (sub. (2)) and a plan
for disbursement made. This is required under s. 303.065, Stats., which gives the
department the power and responsibility to control and disburse money. Sub. (4)
requires the inmate to sign a financial agreement to ensure that the inmate is informed
of the disbursement plan. See DOC 324.09.

Note: DOC 324.07. Section DOC 324.07 states the requirements for work release
placement. Subsection (1) requires that a job be available for the inmate. Having a
job will help the inmate following release, making recidivism less likely.

Subsection (2) requires that financial compensation paid to inmates be comparable
to that of non-inmate workers, which is consistent with the purposes discussed in s.
DOC 324.01. Inmates are not to be a source of inexpensive labor, though employers
may save some money by employing them.

Note: DOC 324.08. Placement of an inmate in the study release program under
s. DOC 324.06 shall be in accordance with the requirements of s. DOC 324.08.

Subsection (2) allows the facility staff to grant approval for any length of time.
The approval time period should coincide with school terms and the duration of the
program in which the inmate is enrolled whenever possible.

Note: DOC 324.09. Subsection (4) (g) provides that the inmate be paid only the
current set canteen limit out of work release wages or study release funds. This gives
the inmate the same spending rights as other inmates. Unspent funds up to the limit
can be saved for expensive purchases. The disbursement priority is set by s. 303.065
(5), Stats., and wages and any leftover balance are paid only when the obligations in
sub. (4) (a) through (g) have been satisfied. The requirement that the inmate be paid
the maximum allowed for canteen was adopted so inmates have funds to use for their
personal needs while in a state correctional facility. Since they are not receiving insti-
tutional pay, this is desirable. Any amount above that is to be kept segregated. Upon
release, the inmate’s parole agent is required to supervise the disbursement of funds
from all institution accounts including release, general and segregated accounts.

Note: DOC 324.12. DOC 324.12 regulates inmate conduct while on work or study
release and will be incorporated into any work release agreement or study release
agreement the inmate must sign.

Subsection (1) applies to both work and study release, and sub. (2) applies only
to study release.

Subsection (1) (a) restricts the inmate to an area designated for the placement
under DOC 324.06 (4). This area will be described on a form, and the inmate will
receive a copy so that the restrictions are clear.

All the provisions of sub. (1) are intended to encourage the inmate to concentrate
on the duties related to the placement. Because opportunities for diversion in the com-
munity may be numerous, and because the potential for abuse of work or study privi-
leges may be great, this provision limits the diversions that may lead to misconduct.

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 irrita-
tional or training programs.

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.

Subsection (2) contains additional rules that apply only to study release. The
requirement that inmates maintain a passing grade and a cumulative average grade
point of 2.0 on a 4.0 scale is higher than that required by many educational institutions
for continued enrollment. It is intended to ensure that the study release program does
not pay for inmates whose performance is marginal. Since placements are in demand,
they should be filled by inmates who will most benefit from them.

Incomplete in courses may indicate problems for some inmates, but may be
acceptable in other cases.

The approval requirements of sub. (2) (c) are necessary because evening activi-
ties, field trips, social events, and athletic events present additional supervision prob-
lems. To ensure adequate protection of the public against escape or other misconduct,
participation in these functions require approval and may require a staff escort.

Note: DOC 324.13. DOC 324.13 is the procedure by which work and study
release can be terminated for the reasons listed in sub. (3). If the inmate requests the
termination, it is subject to the approval of the warden or superintendent.

When termination is not initiated by the department, a due process hearing is not
required.

If the placement is terminated for one of the reasons listed in s. 324.13 (3), the
inmate has the right to a hearing unless he or she waives that right. The procedure
is essentially identical to the major hearing process under the discipline rule, ch. DOC
303, except as noted in sub. (6). This procedure is in accord with Perrette v. Percy
465 F. Supp. 2d 12 (W.D. Wis. 1979) and the amended judgment of May 13, 1980, number
78–C–27W.

Because a placement may be lost if the inmate is not available for an extended
period, it is important that the decision to terminate the placement or return the inmate
to the placement be made in a timely fashion.