

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 7/20/22
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DOC 374 and 376	
4. Subject Repeal of DOC 374 (Administrative Confinement in Type 1 Secured Correctional Institutions) and revisions to DOC 376 (Security in Type 1 Secured Correctional Facilities)	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected None
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$N/A	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule DOC seeks to repeal DOC 374, DOC 376.03(2), (3), (6), (12), (13), (14), (15) and (20), to amend DOC 376.03(4), (7), (17), (19), (21), (22), (24), (25) and (29), 376.06, 376.10(1), (2)(e), (7) and (8), 376.11, 376.12(2) and (4), 376.14, 376.19, 376.20(1), (2), (3)(c), (3)(d), (5), (7) and (8)(c) and 376.21, to repeal and recreate DOC 376.03(10), (11), (16) and (28), 376.04, 376.05, 376.07, 376.08, 376.09, 376.13, 376.15, 376.17 and 376.18 and to create DOC 376.03(1m), (4m), (8m), (21g), (21r) and (22m) and 376.045. This rulemaking order updates DOC 374 and 376 to reflect changes in the law, operations, and best practices for security and managing youth behavior in Type 1 juvenile correctional facilities.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. N/A	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule does not regulate small businesses as that term is defined in s.227.114, Stats, and therefore DOC has determined the changes will not have a significant economic impact on a substantial number of small businesses.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule DOC's philosophy surrounding administrative confinement and uses of force has evolved significantly to align with current juvenile focused best practices and national standards, and implementation of these rulemaking updates to DOC 374 and 376 will bring them into alignment with these philosophies.	
16. Long Range Implications of Implementing the Rule	

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As above, these changes will be beneficial with respect to aligning these administrative rules with changes in the law, operations, and best practices for security and managing youth behavior in Type 1 juvenile correctional facilities.

17. Compare With Approaches Being Used by Federal Government

There are no existing or proposed federal regulations that address best practices for managing youth behavior in a secured correctional facility in Wisconsin.

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

All adjacent states have similar rules to the proposed Wisconsin rule. The adjacent states have limits on the punishments and type of force that may be used in juvenile correctional facilities. In most adjacent states the use of room confinement, mechanical restraints and chemical agents is limited to certain situations and each state has specific policies on the how and when searches of youth are allowed. Additionally, some of the adjacent states require counts of youth at certain time intervals and require that behavior expectations are communicated to youth within a certain timeframe upon admission to the facility. Some states require that educational opportunities and rehabilitation plans are provided for youth within the facility. Lastly, several of the adjacent states require certain training, including trauma informed care training, for staff.

19. Contact Name

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20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- 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:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

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

- Yes No
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