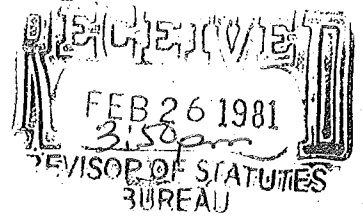


HSS 325

CERTIFICATE



STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

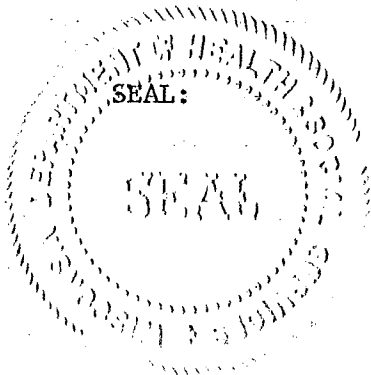
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to the temporary release of correctional inmates under supervision were duly approved and adopted by this department on February 25, 1981.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 25th day of February, A.D. 1981

Donald E. Percy, Secretary  
Department of Health and Social Services



5-6

ORDER OF THE DEPARTMENT OF  
HEALTH AND SOCIAL SERVICES ADOPTING RULES

Relating to rules concerning the temporary release of correctional inmates under supervision.

Analysis prepared by the Department of Health and Social Services.

This rule interprets sections 53.15 and 57.115, Wis. Stats., regarding off grounds activities and emergency removal.

Inmates at times must be permitted to leave correctional institutions under escort for off grounds activities or when an emergency exists. Temporary release under supervision, the subject of this proposed chapter, is a useful and necessary tool for correctional officials. It allows use of community resources valuable for reintegration. Temporary release also gives corrections officials an effective way to respond to emergencies. HSS 325.01 and the note to that section provide an explanation of the purpose of temporary release and examples of its use.

Pursuant to the authority vested in the Department of Health and Social Services by section 227.014(2), Wis. Stats., the department hereby adopts rules interpreting sections 53.15 and 57.115, Wis. Stats., as follows:

Chapter HSS 325 of the Wisconsin Administrative Code is adopted to read:

HSS 325

TEMPORARY RELEASE UNDER SUPERVISION  
FROM ADULT CORRECTIONAL INSTITUTIONS

HSS 325.01	Purpose	HSS 325.08	Criteria for release
HSS 325.02	Applicability	HSS 325.09	Release order
HSS 325.03	Definitions	HSS 325.10	Inmate conduct on temporary release
HSS 325.04	Supervision	HSS 325.11	Authority of escort
HSS 325.05	Custody	HSS 325.12	Cancellation of release
HSS 325.06	Approval by superintendent	HSS 325.13	Cost of release
HSS 325.07	Conditions for release	HSS 325.14	Procedure for requesting temporary release

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the division could not develop and that are valuable for reintegration. Temporary release is used for the Jaycee program at Waupun and other educational, religious, and athletic programs. Release for job interviews for work or study release placements will also aid later reintegration.

An inmate may be temporarily released under supervision to visit a seriously ill close family member or to attend the funeral of a close family member. Experience has shown that this opportunity is desirable for an inmate. It maintains family ties; the inmate is with family during a difficult period; and feelings of pain and sorrow are more easily handled. Being with the family also assists in adjustment at the institution.

An inmate may be temporarily released to facilitate handling emergency situations. For example, this chapter gives correctional authorities flexibility to respond to requests from law enforcement agencies and courts or to temporarily release an inmate for medical treatment. Temporary release under supervision provides a means of releasing an inmate who either is ineligible for unescorted leave under ch. HSS 326 or is eligible but because of time limitations cannot be approved in time.

Temporary release must be consistent with the preservation of institutional order and public protection. Experience shows that at certain times release can foster institutional adjustment. However, if a superintendent finds that release would threaten institutional order or public safety, denying the release may be necessary although the objective of the request is proper.

HSS 325.02 Applicability.

Pursuant to the authority vested in the department of health and social services under s. 227.014(2), Stats., the department hereby adopts this chapter that applies to the department, the division of corrections and all adult inmates under its legal custody. It implements ss. 53.15 and 57.115, Stats.

NOTE: The statutory authority for temporary release applies only to the state of Wisconsin. If it becomes necessary to transport an inmate outside the state, it must be done under some other authority; for example, a court order or an extradition order.

HSS 325.04 Supervision.

Temporary release under this chapter shall be under the direct supervision of staff or an approved sponsor designated by the superintendent. The level of supervision shall be specified by the superintendent.

NOTE: Inmates released under the authority of ch. HSS 324 (work and study release) and ch. HSS 326 (leave for qualified inmates) need not be directly supervised. When inmates are released under the authority of this chapter, however, direct supervision is required.

Because any inmate, regardless of custody rating, can be released temporarily consistent with the purposes under HSS 325.01, different levels of supervision may be necessary, and HSS 325.07 requires the superintendent to specify the conditions of supervision.

This section authorizes the superintendent to designate persons other than staff members to supervise inmates released under this chapter. Often the institution will approve for inmate participation a program run by noninstitution staff. The supervisor of such a program may be designated as the escort for an inmate who participates. This section is not intended to authorize appointment of inmates' attorneys or friends as escorts.

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HSS 325.06 Approval by superintendent.

Only a superintendent may order the temporary release of an inmate.

NOTE: S. 53.15, Stats., specifically grants the superintendent power to order release for off grounds activities approved by the department. S. 57.115, Stats., specifically grants emergency removal power to the secretary and authorizes its delegation to the superintendent. This section makes it clear that authority has been delegated to the superintendent.

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HSS 325.08 Criteria.

An inmate's temporary release may be authorized for the following reasons:

- (1) To attend the funeral of a close family member;
- (2) To visit a terminally ill close family member;
- (3) To respond to a request from law enforcement officials or to make a court appearance;
- (4) To attend educational, social, therapeutic, or athletic events;
- (5) To participate in a structured work program;
- (6) To be interviewed by a prospective employer or educational official who requests the interview to determine a work release or study release placement;
- (7) For medical purposes; and
- (8) For any other purpose consistent with the purposes of this chapter.

NOTE: The first seven subsections were adopted to inform inmates, the public, and correctional personnel of the more routine reasons for ordering



HSS 325.09 Release order.

- (1) Every authorization for temporary release shall be in writing and shall contain the following information:
  - (a) The inmate's name and institution number;
  - (b) The name of the person accompanying the inmate;
  - (c) The date and time of departure and return to the institution;
  - (d) The criteria under HSS 325.08 upon which the release was ordered and the underlying facts upon which the order was made; and
  - (e) The conditions imposed under HSS 325.07.
  
- (2) The accompanying staff member or person designated by the superintendent shall carry a copy of the release order. The institution shall retain a copy in the inmate's record. The inmate may be required to carry a copy.

NOTE: HSS 325.09 requires that the specific conditions of the release be in writing. If the reason for a temporary release order is not one listed under HSS 325.08 (1)-(7), the specific reason under subsection (8) should be given. The reasons for this are obvious and numerous, ranging from information for the inmate to protection of the public.

HSS 325.11 Authority of escort.

An inmate shall obey all lawful directives made by the staff member or other designated person accompanying him or her on release.

NOTE: This section gives the person escorting the inmate authority to issue lawful directives to the inmate, because the varying circumstances of releases make it impossible to specify all conduct an inmate may engage in as a condition of the leave.

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HSS 325.13 Cost.

- (1) An inmate may be required to pay all, part, or none of the cost of a release requested under this chapter. Any cost the inmate must assume shall be specified as a condition under HSS 325.07.
  
- (2) In deciding how much the inmate must pay, the superintendent shall consider the purpose of the release, the inmate's ability to pay, and the requirements of HSS 309.45-309.52. Mileage costs should be computed at the current rates for state travel set by the Department of Administration.

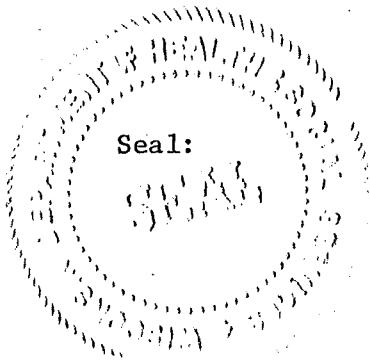
NOTE: Since release requires an escort and transportation, a superintendent may require the inmate to pay. This subsection should be applied with fairness and in a manner consistent with the requirements of HSS 309.45-309.52.

If an inmate with very little money would like to attend the funeral of a parent, the superintendent may require the inmate to pay a very minimal cost or none because the superintendent believes the inmate's attendance at the funeral would benefit the inmate. If that same inmate were to attend an athletic event with other inmates, however, the superintendent might decide that the benefit to the inmate is not significant enough to relieve him or her from the obligation of paying the cost.

The rules contained in this order shall take effect as provided in section 227.026(1), Wis. Stats.

Dated: 2-25-81

Department of Health and Social Services



Donald E. Percy, Secretary

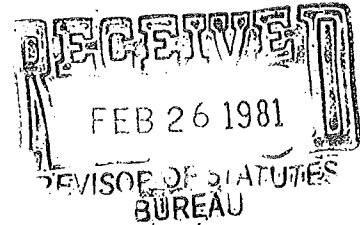


State of Wisconsin \

DEPARTMENT OF HEALTH & SOCIAL SERVICES

OFFICE OF THE SECRETARY  
1 WEST WILSON STREET  
MADISON, WISCONSIN 53702

February 25, 1981



Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of HSS 325 relating to the temporary release of correctional inmates under supervision.

This rule is being submitted to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D.E. Percy'.

Donald E. Percy  
SECRETARY

Enclosure