

## Chapter HSS 302

**ASSESSMENT AND EVALUATION, SECURITY  
CLASSIFICATION AND SENTENCE COMPUTATION  
IN ADULT CORRECTIONAL INSTITUTIONS**

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## NOTE

Each section in this chapter has explanatory material which can be found in the appendix following HSS 302.26

**HSS 302.01 Applicability of A & E process.** (1) Every convicted offender sentenced or committed to a correctional institution shall participate in an orientation program, receive a security classification and assignment to an institution and be offered a vocational, job, school or program assignment (hereinafter "program assignment"), consistent with existing resources, as specified in this chapter.

(2) This initial process for orientation, security classification and program assignment shall be called "the assessment and evaluation process" (hereinafter "A & E"). In this chapter the term "convicted offender" includes a person sentenced to a correctional institution, a person committed to the department under ch. 975, Stat., and transferred to a correctional institution and a person assigned to a correctional institution after the revocation of probation, discretionary parole or mandatory release.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.02 Purposes of A & E.** The purposes of A & E shall be the following:

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(1) A comprehensive assessment of a resident's social background, sentence structure, academic and vocational achievements;

(2) A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of a resident;

(3) An orientation to the program resources of the division of corrections;

(4) The motivation of the offender to become constructively involved in the correctional process;

(5) The social reintegration of the offender through the formulation of an individualized plan to aid the newly confined resident to utilize resources effectively, to develop socially acceptable life goals and to permit the division to make efficient use of available resources; and

(6) The protection of the public through planning for appropriate correctional treatment and supervision.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.03 Duration of A & E process.** (1) A & E shall be completed not more than 6 weeks after the arrival of the offender at the institution to which the offender has been sentenced or assigned.

(2) In unusual circumstances, the director of A & E (hereinafter "director") may delay the starting time of the A & E Process.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.04 Restricted movement during A & E process.** (1) During A & E, a resident may be separated from the general resident population until the institution physician is satisfied that the resident is not suffering from a communicable disease or the director is satisfied that the person need not be separated for the resident's safety.

(2) The director and the security director or their designees may evaluate residents upon their arrival at the institution and recommend to the superintendent that individuals be separated from the general population and each other and have their movement restricted for the duration of A & E. The superintendent may order such residents separated and their movement restricted if he or she believes that it is necessary for the safety and security of the individual resident or of the institution.

(3) If a resident is separated from the general resident population pursuant to this section, he or she shall be notified of the reasons in writing.

**HSS 302.05 Orientation during A & E process.** (1) The purposes of orientation are:

(a) To initiate the correctional process in a constructive and positive manner;

(b) To communicate to residents the objectives of the correctional process, the successful reintegration of the offender into the community, and the protection of the public;

(c) To communicate to residents the commitment of the whole correctional staff to the achievement of these correctional objectives and of

their desire to help residents achieve them and other appropriate life goals; and

(d) To motivate residents to involve themselves in the correctional process constructively.

(2) Orientation shall include oral information communicated to the resident which:

(a) Describes all institutional programs available to the resident in the correctional system;

(b) Describes all available institutions within the correctional system;

(c) Identifies the criteria used in assigning a security classification to a resident and the criteria and eligibility requirements for offering a program assignment to a resident;

(d) Explains the parole eligibility date, projected mandatory release date and projected discharge date for a person sentenced to a correctional institution in Wisconsin;

(e) Explains the procedure and criteria for parole release;

(f) Explains the procedure and criteria for entering the mutual agreement program;

(g) Explains the procedure or review of assignment to an institution and program, and of the security classification;

(h) Describes the resources and activities available to residents;

(i) Describes the legal services available to residents;

(j) Informs the resident of the right to have a court review of the propriety of their confinement and how the right can be exercised; and

(k) Explains rules of resident conduct and procedures and other rules the resident is required to observe in the institution to which he or she has been sentenced.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.06 Orientation in writing during A & E process.** (1) Each resident shall receive a copy of the rules of resident conduct that the resident is required to observe at the institution to which the person has been sentenced.

(2) There shall be available for inspection by each resident during A & E and thereafter written materials containing all the information required to be communicated to the resident during orientation, as specified in section HSS 302.05, the rules of the division of corrections, and any available institutional handbooks.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.07 Orientation for handicapped individuals during A & E process.** Handicapped residents shall be provided with an orientation program that communicates the information specified in HSS 302.05, in accordance with their particular needs.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.08 Orientation upon transfer.** (1) When a resident is transferred from one institution to another, the resident shall receive orientation at the institution to which transfer is made. This orientation shall include:

(a) An oral or written description of all programs available at the institution; and

(b) A copy of the rules of conduct the resident is required to observe.

(2) There shall be available for inspection by each resident a written description of the programs available at the institution.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.09 Recorded information.** Each institution shall have available for listening by residents a recording of all rules of conduct which the resident is required to observe in the institution. These recordings shall be in English and Spanish.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.10 Orientation by residents during A & E process.** Orientation sessions may be conducted by residents, with the approval of the director and the superintendent.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.11 Security classifications.** The purposes of security classification program assignment and assignment to an institution are:

(1) The treatment of the resident in accordance with individual needs, and the resources of the division of corrections;

(2) The placement of the resident in a secure setting that provides supervision in accordance with the resident's needs; and

(3) The social reintegration of the resident and the protection of the public through appropriate treatment and supervision.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.12 Security classifications.** (1) There shall be 5 security classifications in the Wisconsin correctional system which are:

(a) *Maximum security close.* 1. Supervision. Residents in this classification require the direct supervision of one or more correctional officers while outside their cell, or they must be locked in a cell. They may be required to reside in a segregated building or area.

2. Movement within institution. Residents in this classification must be accompanied by a correctional officer when they move outside their cell. They may be required to wear restraining devices while outside their cell.

3. Movement outside institution. Residents in this classification must be accompanied by correctional officers and must wear restraining devices when they are in transit outside the institution, except that the superintendent may permit travel outside without restraining devices for medical reasons, upon the recommendation of the institution physician.

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4. Programs. Residents in this classification may participate in any program which does not require them to leave their cell, may participate in limited exercise and in therapy and may keep in their cells legal, educational, religious and reading material. Residents in this classification may keep in their cells personal items as specified in the rules of the division.

(b) *Maximum security-general*. 1. Supervision. Residents in this classification require the general supervision of correctional staff while inside the institution.

2. Movement within institution. Movement of residents in this classification within the institution is controlled either by a pass system or by escort. They may move individually or in groups.

3. Movement outside institution. Residents in this classification must be accompanied by correctional employes and must wear restraining devices when they are in transit outside the institution, except that the superintendent may permit travel without restraining devices for medical reasons, upon the recommendation of the institution physician, or if the superintendent believes that the resident does not pose a danger to himself or others or a risk of escape in the situation.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells personal items as specified in the rules of the division of corrections.

(c) *Medium security*. 1. Supervision. Residents in this classification require the general supervision of a corrections employe and shall be assigned only within the main security enclosure of a maximum or medium security institution.

2. Movement within institution. Residents in this classification may move within the main security enclosure without an escort or pass.

3. Movement outside institution. Residents in this classification must be accompanied by correctional employes and must wear restraining devices when in transit outside an institution, but the requirement of restraining devices may be waived by the superintendent for medical reasons upon the recommendation of the institution physician or if the superintendent believes that the resident does not pose a danger to self or others or a risk of escape in the situation.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells or rooms personal items as specified in the rules of the division of corrections.

(d) *Medium outside security with supervision*. 1. Supervision. Residents in this classification may be assigned work outside of the main security enclosure of a maximum or medium security institution. When assigned to an outside area, the resident must be under the general supervision of a corrections employe.

2. Movement within institution. Residents in this classification may move within the security enclosure without an escort or pass.

3. Movement outside institution. Residents in this classification must be accompanied by a corrections employe when in transit outside the institution. Restraining devices need not be required when in transit.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells or rooms personal items as specified in the rules of the division of corrections.

(e) *Minimum security.* 1. Supervision. Residents in this classification may be assigned outside the security enclosure of a maximum or medium institution or outside a minimum security institution in the community under the general supervision of a corrections employe.

2. Movement within institution. Residents in this classification may be permitted to move within designated areas within the security enclosure or within a minimum security institution without an escort or pass.

3. Movement outside institution. Residents in this classification who are also in the work and study release program may move in transit under the general supervision of a corrections employe. Other residents may move in transit only under escort. Restraining devices may be used only if the resident poses an immediate threat of escape or threat to self or others or to the safety and security of the institution.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells or rooms personal items as specified in the rules of the division of corrections.

(2) Residents must be held at the level of custody at which they are classified or at a more secure level. Residents may be held at a level of custody more secure than the one at which they are classified because of space or program limitations, or with their consent.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.13 Institutional security classifications.** No resident may be transferred to an institution unless the resident has the security classification required for residence in that institution as indicated below:

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Correctional Institution	Resident Security Classification			
	Maximum (Close and General)	Medium	Medium/ Outside	Minimum
WISCONSIN STATE PRISON	X	X	X	X
WISCONSIN STATE REFORMATORY	X	X	X	X
WISCONSIN CORRECTIONAL INSTITUTION		X	X	X
KETTLE MORAINE CORRECTIONAL INSTITUTION		X	X	X
TAYCHEEDAH CORRECTIONAL INSTITUTION (FEMALE)	X	X	X	X
WISCONSIN CORRECTIONAL CAMP SYSTEM				X
WISCONSIN CORRECTIONAL INSTITUTION- OAKHILL				X
WISCONSIN CORRECTIONAL INSTITUTION- DODGE	X	X	X	X
COMMUNITY CORRECTIONS CENTERS				X
AETP				X

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

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**HSS 302.14 Criteria for security classification.** The criteria for assigning a security classification shall include only the following:

(1) The nature of the offense of which the resident was convicted. Evaluation of the seriousness of the offense may include consideration of the following:

- (a) Physical danger to another by the offense;
  - (b) Harm done to another in the commission of the offense;
  - (c) Whether the offender exhibited physical aggressiveness that exposed another to harm;
  - (d) Whether the crime was a crime against property;
  - (e) Mitigating factors.
- (2) The criminal record of the resident;
- (3) The length of sentence being served;
- (4) The motivation for the crime of which the resident was convicted;
- (5) The resident's attitude toward the offense and sentence;
- (6) The resident's vulnerability to physical assault by other residents;
- (7) The resident's prior record of adjustment in a correctional setting, including any record of escape;
- (8) The length of time the resident has been in a particular security classification and institution;
- (9) The medical needs of the resident, including the need for physical or psychological treatment;
- (10) Time already served for the offense;
- (11) The reaction to the resident in the community where the offense was committed, and where the institution is located;
- (12) The resident's conduct and adjustment in the general population;
- (13) The resident's performance in programs; and
- (14) Detainers filed with respect to the resident. A detainer shall not by itself bar a resident from receiving a medium or minimum security classification. If a detainer is to be considered in giving a resident a security classification:

(a) The registrar shall inform the resident and the resident's social worker of the detainer;

(b) The registrar shall inform the authority which has filed the detainer of the offense for which the resident is confined and the resident's sentence;

(c) The resident's social worker shall make reasonable efforts to find out from the authority which has filed the detainer the reasons for filing the detainer, the underlying facts upon which the detainer is based, and the evidence of those facts;



(d) The resident's social worker shall make available, with the resident's permission, to the authority which filed the detainer any information useful in determining whether the detainer should be maintained;

(e) The resident's social worker shall inform the resident of all information acquired and given pursuant to paragraphs (b), (c), and (d);

(f) The resident shall be given the opportunity to place on file and before anyone considering the detainer additional facts or facts contrary to those acquired and placed on file;

(g) The extent to which the detainer is relied on and the reasons for relying on it shall be given to the resident in writing.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.15 Program assignment.** (1) Unless otherwise specified in the rules of the division, every resident is eligible for every job, school, vocational or other program within the Wisconsin correctional system, provided the resident has the security classification which permits transfer to the institution where the job, school vocational or other program is available and may otherwise be transferred to that institution or commute to the institution where the program is available.

(2) Each resident shall be offered a program assignment, consistent with available resources and security needs.

(3) Consistent with available resources, any resident may participate in any program at the institution at which the resident resides or at any other institution, provided the resident is otherwise eligible for the program and is assigned to it in accordance with the rules of the division.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.16 Criteria for program assignment.** The criteria for assigning a resident to a job, school, vocational or other program shall include only the following:

(1) The medical needs of the residents, including any physical or mental disabilities or behavioral disorders the resident may suffer;

(2) The resident's:

(a) Aptitude;

(b) Motivation;

(c) Present and potential vocational and educational needs, interests and ability;

(d) Institutional adjustment;

(e) Past performance in programs;

(3) The physical vulnerability of the resident;

(4) Limitations on program participation due to population pressure;

(5) The needs of the institution; and

(6) The resident's security classification.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.17 Procedure for program assignment and security classification at conclusion of A & E process at WCI-Waupun, WCI-Green Bay, and WCI-Taycheedah.** (1) With the advice of the A & E committee, the director shall recommend a security classification, assignment to a job, school, vocational or other program and an assignment to an institution to the classification chief at the end of the A & E process. The classification chief shall decide the security, program assignment and assignment to an institution for each resident.

(2) The director shall set the time for a review of the security classification, program assignment and assignment to an institution for each resident, but the date shall be not more than 6 months from the date of the initial classification and program assignment.

(3) Except at WCI-Taycheedah, the A & E committee shall be made up of not less than 3 permanent members who shall include:

- (a) The director or designee;
- (b) A member of the parole board; and
- (c) A member of the A & E staff designated by the director.

(4) At WCI-Taycheedah, the A & E Committee shall be made up of not less than 3 permanent members who shall include:

- (a) The superintendent or a member of the treatment staff designated by the superintendent;
- (b) A director designated by the classification chief; and
- (c) A member of the parole board.

(5) Before the director recommends a security classification, assignment to an institution, and program assignment for a resident to the classification chief, the committee shall interview the resident. At the interview, the committee shall explain to the resident the criteria for the recommendations and decisions and the specific facts under consideration. The resident shall be afforded the opportunity to dispute these facts and to indicate what the resident believes to be the appropriate classification and assignment. The resident's views, to the extent they differ from the director's, shall be forwarded to the classification chief.

(6) The recommendation of the director and the reasons for it shall be explained to the resident orally and in writing and shall include the specific facts and criteria on which the recommendations are made.

(7) The director and the resident shall be informed in writing to the extent that the decision of the classification chief differs from the recommendation of the director and the specific facts and reasons for the classification chief's decision.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.18 Program review.** (1) The security classification, assignment to an institution and program assignment of each resident shall be reviewed by the program review committee (hereinafter "PRC") not more than 6 months from the last review of classification and assignment.

(2) The purposes of such review are:

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(a) To provide systematic review of the resident's academic, vocational, medical, social, treatment, and security needs and progress;

(b) To monitor the implementation and revision of plans developed during A&E and previous PRC meetings;

(c) To provide supplemental or alternative program recommendations;

(d) To provide supplemental recommendations regarding security needs; and

(e) To aid the resident's reintegration into society.

(3) Such review may occur before the time designated for the review:

(a) At the designation of the PRC or at its own direction, upon the recommendation of a staff member; or

(b) At the request of the resident or a staff member, provided there is a significant change of circumstances relevant to the classification or program assignment of the resident. A request for early review by the resident shall be made to the resident's social worker who shall forward it to the PRC.

(4) Every correctional institution and camp shall have a PRC. Except at the camps, the PRC shall consist of not less than 4 permanent members which shall include:

(a) A member of the security staff holding the rank of lieutenant or higher, to be designated by the superintendent;

(b) The program review coordinator, to be designated by the classification chief;

(c) A member of the social services staff holding the rank of social services supervisor; and

(d) An educational representative in a supervisory class or a guidance counselor.

(5) The PRC in each camp shall consist of not less than 3 permanent members who shall include 3 of the following people:

(a) The social services specialist or supervisor;

(b) A social worker who shall serve as program review coordinator;

(c) A member of the security staff; or

(d) The camp superintendent or designee.

(6) A permanent member of the PRC may designate a single person to sit as an alternate, consistent with available staff. The designee need not hold the rank of the permanent member. In view of the importance of the PRC, the alternate should replace the permanent member as infrequently as possible.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.19 Program review procedure.** (1) Before a resident's security classification, assignment to an institution and program assignment is reviewed by the PRC, the resident's social worker shall interview

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the resident and inform the resident orally of the approximate date of the review, the criteria for review, the facts to be considered at the review, the fact that the resident has the option to appear before the PRC and must appear before a change in security classification or a transfer may be made.

(2) Before the scheduled PRC review, the resident's social worker shall:

(a) Make known to the PRC in writing the resident's view of the appropriate security classification, program assignment and assignment to an institution; and

(b) Make a written recommendation to the PRC as to the appropriate security classification, program assignment and assignment to an institution.

(3) If the resident appears, the coordinator shall inform the resident of the facts being considered, the criteria for the decision, and the recommendation of the social worker. The resident shall be afforded the opportunity to present additional facts, dispute facts being considered and state an opinion of the appropriate security classification and program assignment.

(4) The classification chief shall approve or disapprove changes in a resident's security classification and transfer upon the recommendation of the PRC.

(5) Each member of the PRC shall have one vote. A recommendation of security classification change, transfer, or approval for work or study release requires a unanimous vote of the PRC. A change in program assignment requires a majority vote of the PRC.

(6) The criteria to be applied are those stated in HSS 302.14 and 302.16 [302.16].

(7) If a vote of the PRC as to security classification, transfer, or approval for work or study release is not unanimous or if a vote as to program assignment results in a tie, the case shall be referred to the director or designee with responsibility for such decisions at the institution and the superintendent or an assistant superintendent for a recommendation as to the security classification and transfer and a decision as to program assignment. If they are unable to agree, the case shall be referred to the classification chief with recommendations for a decision. The resident's views, to the extent that they differ from the PRC's, shall be forwarded to the classification chief.

(8) Reasons for the recommendations as to the security classification and the decision as to program assignment shall be given to the resident in writing and shall include the specific facts relied upon and the criteria to which the facts were applied.

(9) To the extent that the classification chief's decisions differ from the recommendations, reasons for the decision shall be provided to the PRC and the resident in writing and shall include the facts relied upon and the criteria to which the facts were applied.

**History:** Cr. Register, August, 1979, No. 284, eff. 9-1-79.

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**HSS 302.20 Inter-institution transfers.** (1) The transfer of a resident from the one institution to another requires the approval of the classification chief. Except for a transfer made as a part of the initial security classification, assignment to an institution, and program assignment during the A & E process or as otherwise provided under this section, transfers may be approved only upon the recommendation of the PRC at the institution at which the resident is residing. If the resident has been transferred pursuant to subsection (2) below, the PRC of the institution at which the resident resided before such transfer has responsibility for the recommendation. If the PRC is unable to make an unanimous recommendation as to transfer, the procedure set forth in HSS 302.19 (7) and (8) shall be followed. The criteria for the transfer decision and recommendation are those in HSS 302.14 and 302.16.

(2) The PRC may review the security classification and program assignment and consider a resident for transfer due to a disciplinary infraction, only after disposition of the disciplinary case is completed by the adjustment committee. Before the PRC review, the adjustment committee shall inform the resident that such review may occur, and that the results and findings of fact at the disciplinary hearing may be considered in the program review process.

(3) Before a review as provided in subsection (2), the resident shall be afforded a disciplinary hearing. After such hearing, the adjustment committee shall forward to the PRC the results and specific findings of facts relating to the alleged disciplinary violations. The PRC may consider this information and shall consider all the criteria provided to HSS 302.14 and 302.16 before making a recommendation as to security classification and transfer and a decision as to program assignment. The procedure provided for in HSS 302.19 shall be followed in such review.

(4) Pending such review by the PRC, the resident may be segregated from the general resident population. If an institution or camp is without the facilities necessary to do so, the resident may be transferred to a county jail pending the results of the disciplinary hearing and review of the resident's security classification and program assignment. If the sheriff's department is unable or unwilling to retain a resident, the resident may be transferred to another institution pending the disposition of the disciplinary infraction with the approval of the classification chief. Residents should be confined in county jails pursuant to this rule for as short a time as possible.

(5) If the resident is transferred to a county jail as provided in subsection (4), the disciplinary hearing and program and security review shall be held 3 less than 2 days of service of the report of the disciplinary infraction, with the consent of the resident. However, if the resident wishes additional time to prepare for the hearing and it is not possible for him or her to remain in the county jail or camp, the resident shall be transferred to a more secure institution for the hearing. In no event shall the disciplinary hearing occur more than 10 calendar days from the date of the disciplinary report.

**Note:** In sub. (5) "3 less than 2 days" is an error. The department's intent was to state "not more than 3 days." See the explanatory note for this section in the appendix.

(6) A resident may be transferred without following the procedures set forth in this rule and in HSS 302.19 only for the following reasons:

- (a) A medical emergency; or

(b) A security emergency.

(7) If a resident is transferred pursuant to subsection (6), the resident's program assignment, assignment to an institution and security classification shall be reviewed within 7 calendar days of such transfer by a PRC from the institution from which the resident was transferred and the procedure for review and transfer as set forth in HSS 302.19 shall be followed.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.21 Sentence computation.** (1) Upon arrival at a correctional institution after sentencing or return from escape, the registrar shall compute the parole eligibility date, the projected mandatory release date and the projected discharge date for each resident. The registrar shall inform the resident in writing of these dates, within 10 working days of the resident's arrival at the institution.

(2) Upon arrival at a correctional institution after the revocation of probation, parole or mandatory release parole, the registrar shall inform the resident of the parole eligibility date, the projected mandatory release date and the projected discharge date for each resident. The registrar shall inform the resident in writing of these dates within a reasonable time.

(3) The registrar shall inform the resident in writing of any change in the parole eligibility, projected mandatory release date and the projected discharge date within 10 working days of becoming aware of such change. The projected mandatory release date may be changed due to the loss of good time or the failure to earn extra good time.

(4) Except as otherwise specified in the rules of the division, a resident shall be eligible for parole when one-half of the minimum for the crime for which the person was convicted less all credit for which the resident is entitled pursuant to s. 973.155 Stats., has been served. However, in no case shall a resident be eligible for parole before 60 days from the date of arrival at the institution. If a resident was sentenced for more than one crime, he or she must be eligible for parole on each sentence in order to be considered for parole. If a resident has received a consecutive sentence, the resident shall not begin serving the consecutive sentence for purposes of parole eligibility until the person has become eligible for parole on the first sentence.

(5) A resident serving a life sentence shall not be eligible for parole until 20 years less statutory good time has been served.

(6) The projected mandatory release date is the date upon which the resident must be released from the institution, if not granted parole, if the resident earns all the state and extra good time for which the resident is eligible, unless good time is waived in accordance with these rules.

(7) A resident's projected mandatory release date shall be the maximum term to which the resident was sentenced, reduced by credit as provided in s. 973.155, Stats., and by the statutory and extra good time the resident may earn during the sentence. State good time shall be credited from the "beginning date" of the resident's sentence. Extra good time shall be credited commencing on the date following the resident's arrival at the institution.

(8) In determining the projected mandatory release date of a resident serving concurrent sentences imposed at the same time, the greater sentence shall control. Each sentence shall commence on the date imposed, less any credit granted pursuant to s. 973.155, Stats.

(9) In determining the projected mandatory release date of a resident serving concurrent sentences imposed at different times, the sentences shall be treated as commencing on the date each was imposed, less any credit granted pursuant to s. 973.155, Stats.

(10) In determining the projected mandatory release date of a resident serving consecutive sentences imposed at the same time, the sentences shall be treated as one continuous sentence for purposes of good time credit.

(11) In determining the projected mandatory release date of a resident serving consecutive sentences imposed at different times, the sentences shall be treated as separate sentences. Accordingly, state good time shall be credited on the second sentence as though the sentence has just commenced.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.22 Ambiguity in sentence.** If a registrar is uncertain as to the terms of a sentence imposed on a resident, the registrar shall notify the court of the uncertainty in writing. The registrar shall also inform the resident in writing of the uncertainty and inform the resident of the legal services available at the institution to assist the resident.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.23 Violation of discretionary parole.** When a resident is returned to an institution after the revocation of discretionary parole, the resident shall receive credit toward the satisfaction of the sentence according to the following:

(1) The resident shall receive credit from the beginning date of sentence until the date of the violation of parole. State and extra good time earned from the beginning date of sentence until the date of violation may be subject to forfeiture. The date of violation shall be determined by the hearing examiner, and if the resident waived the revocation hearing it shall be determined by the resident's parole agent.

(2) The resident shall receive credit for all time from the date of placement in custody to the date of return to the institution including state good time for the period during which the resident was in custody. A person is "in custody" under the terms of this section if freedom of movement is limited in whole or in part pursuant to a departmental parole hold or in connection with the course of conduct for which parole is revoked.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**HSS 302.24 Violation of mandatory release.** When a resident who has been released on mandatory release or has reached mandatory release while on discretionary parole is returned to an institution after the revocation of release, the resident shall receive credit toward the satisfaction of this sentence according to the following:

(1) The resident shall receive credit from the beginning date of the sentence to the mandatory release date.

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(2) The resident shall receive credit for all time from the date placed in custody until returned to the institution. A person is in custody as defined in HSS 302.23 (2).

(3) The resident shall receive credit for good time and street time, i.e. the time from mandatory release until the projected discharge date in accordance with the decision of the hearing examiner.

*History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.*

**HSS 302.245 Revocation of probation.** When the probation is revoked, the probationer shall receive credit toward the satisfaction of sentence according to the following:

(1) If the probationer has already been sentenced, the term of the sentence shall begin on the date the probationer enters the prison.

(2) If the probationer has not been sentenced, he or she shall be returned to court for sentencing and unless the sentence is consecutive, the term of the sentence shall begin on the date of sentencing.

(3) All probationers whose probation is revoked shall receive credit toward the satisfaction of the sentence including state good time for all periods during which the probationer was in custody, which in whole or in part was the result of a probation-hold placed upon the person for the course of conduct which resulted in revocation.

**HSS 302.25 Effect of escape on sentence.** A resident who escapes from custody shall receive no credit toward the service of the sentence during the period the person is unlawfully absent from custody. A resident shall be regarded as unlawfully absent unless he or she is in the custody of law enforcement officials of any state or the United States in connection with the escape, except that the person shall be treated as unlawfully absent while in custody serving a sentence other than a sentence to a Wisconsin correctional institution.

*History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.*

**HSS 302.26 Waiver of good time.** A resident and a parolee may waive good time pursuant to the following conditions:

(1) Except in an emergency, good time may be waived not less than 30 days before and not more than 90 days before the projected mandatory release date;

(2) Not less than 30 days and not more than 180 days of good time may be waived at one time, except that a parolee or person on mandatory release may waive 360 days of good time at one time;

(3) Good time waived shall not be reinstated, except for good cause;

(4) Waiver of good time must be by the resident or parolee in writing; and

(5) The resident must consult with his or her social worker and the parolee must consult with his or her parole agent before waiving good time.

*History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.*