

HSS 326.15 Good time credit on leave. Leave time is credited toward service of the sentence. The time credit includes statutory and extra good time for inmates not covered by 1983 Wisconsin Act 528.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84; am. Register, February, 1987, No. 374, eff. 3-1-87.

APPENDIX

Note: HSS 326.02. HSS 326.02 states the purposes of leave for qualified inmates. Selected inmates are allowed unescorted leave only for serious illness in the immediate family, death of a close family member, for employment interviews or medical purposes, or to facilitate family reintegration and stability as provided under s. 56.068, Stats. Leaves are considered a privilege, not a right. They provide an incentive for inmates to exhibit appropriate behavior in the institution. Leaves for the purpose of family reintegration provide a special incentive for inmates.

Allowing selected inmates unescorted leave is consistent with the correctional goal of eventual re-assimilation of the offender into the community. A conditional exposure to life outside an institution for an inmate who does not pose a threat to the public is beneficial as a means of preparing an inmate for life outside a structured prison environment.

Leave for qualified inmates has direct and immediate benefits. Permitting an inmate to visit a seriously ill relative or attend a funeral is important in maintaining family ties. The inmate can be with the family in these most difficult periods, can show his or her concern for the family, and can share the burden that frequently accompanies illness or death in a family. It strengthens family ties, helps the inmate work through feelings of pain and sorrow, and assists in the inmate's adjustment in the institution and after release. Leave is also granted to promote family stability and the reintegration of the inmate into the family. In some cases a person who is not the natural parent has actually raised the inmate.

Ch. HSS 326 and s. 56.068, Stats., allow leave for an inmate to contact a prospective employer. This contact away from the institution and staff enables an inmate to experience independent responsibility prior to release, thereby reducing the adjustment necessary after release. This independent responsibility can give the individual the self-confidence necessary for successful reintegration into society. The inmate has an opportunity to plan for life on the outside and to secure a position upon release by expanding the potential for employment. Employment opportunities are limited for someone with a criminal record. Many employers are unwilling to hire a person they have not seen or interviewed. Leaves for job-seeking remove this obstacle to obtaining employment.

Leaves granted for medical reasons, like other types of leaves, are granted only upon the superintendent's approval. The division of health's bureau of correctional health services should be consulted before deciding to grant a leave for this purpose. The chapter does not allow an inmate to select his or her own health care provider or type of treatment in lieu of the treatment already provided in the institution, except at the inmate's own expense.

Note: HSS 326.03 "Leave" is sometimes called "furlough" in the institutions.

Note: HSS 326.04. This section establishes the minimum requirements to be eligible for leaves. Simply meeting these requirements does not mean that an inmate is entitled to leave.

Subsection (2) (a) requires that if the purpose of leave is an employment interview to contact a prospective employer, the inmate must be within 6 months of release date or have a deferral of less than 6 months as defined in s. HSS 30.03 (2) from the state parole board or be living in a community correctional center. Inmates who are closest to release benefit most from the reintegration opportunities of an employment interview and job when released. Inmates with a long time to serve do not need an employment interview.

The proximity of parole eligibility is a prime restraint on escape. Subsection (2)(b) requires inmates serving a life sentence to be eligible for parole before application for leave is allowed.

Subsection (2)(c) requires any Wisconsin probation or parole revocation proceedings to be concluded before an inmate becomes eligible for leave. Again, this requirement is to prevent escape. By requiring the process to be complete, both the inmate and the reviewing authorities will have a clear picture of how these proceedings will affect time to be served.

The possibility of escape when an inmate has substantial time left to serve or is unsure of time because of pending proceedings was also identified in *Project: Temporary Release in New York State Correctional Facilities*, 38 Alb. L. Rev. 691, 733-736 (1974).

Subsection (3) requires inmates to agree to submit to certain tests upon return to the institution or during leave to determine whether the inmate has complied with the provisions of the leave agreement and related rules.

Subsection (4) requires the consent of the leave principals as a condition of eligibility. Thus leave will not be granted in cases where family conflict is likely to occur. Such family conflict would be detrimental to reintegration. Should a leave principal withdraw consent after leave is granted, HSS 326.13 (3) applies and the leave will be cancelled.