

mation in the past and whether the informant has reason to supply inaccurate information;

(e) The activity of the client that relates to whether the client might possess contraband;

(f) Information provided by the client that is relevant to whether the client possesses contraband;

(g) The experience of a staff member with that client or in a similar circumstance;

(h) Prior seizures of contraband from the client; and

(i) The need to verify compliance with rules of supervision and state and federal law.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82; r. and recr. Register, April, 1986, No. 364, eff. 5-1-86.

**HSS 328.22 Custody and detention.** Whenever feasible, staff shall rely on law enforcement authorities to take a client into custody. When such assistance is not practical, field staff shall take clients into custody in accordance with this section.

(1) A client shall be taken into custody and detained if the client is alleged to have been involved in assaultive or dangerous conduct. A regional chief may permit exceptions to this subsection.

(2) A client may be taken into custody and detained:

(a) For investigation of an alleged violation by the client;

(b) After an alleged violation by the client to determine whether to commence revocation proceedings;

(c) For disciplinary purposes; or

(d) To prevent a possible violation by the client.

(3) An agent may authorize the detention of a client under sub. (1) or (2) (a) (b) and (d) for a maximum of 5 working days. A supervisor may approve of subsequent detention for a maximum of 5 working days and the regional chief may approve of detention for an additional 5 working days. Detention beyond the foregoing time limits shall be authorized by the director. A client detained under sub. (2) (c) may only be detained with supervisory approval for a maximum of 5 working days for disciplinary purposes. This subsection does not apply to detentions pending final revocation which are authorized by an agent's immediate supervisor under s. HSS 31.04 (5) when a preliminary hearing is not held pursuant to s. HSS 31.04 (2).

(4) Custody decisions during revocation proceedings shall be made pursuant to s. HSS 31.04 (5).

(5) A client on parole from a state correctional institution or on felony probation with an imposed and stayed sentence may be detained in an institution pending revocation proceedings.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82; r. (4) and (5), Register, August, 1985, No. 356, eff. 9-1-85; emerg. am. (1), eff. 10-18-85; am. (1) and (3), cr. (4), Register, April, 1986, No. 364, eff. 5-1-86; renum. (6) to be (5) under s. 13.93 (2m) (b) 1, Stats., Register, April, 1986, No. 364.

## HSS 328

**HSS 328.23 Transporting clients in custody.** (1) A field staff member may transport a client to jail, institution, court, or other detention facility.

(2) A client may be handcuffed or otherwise appropriately restrained when being transported by field staff. When a client is being taken into custody, it is usually desirable to restrain the client.

(3) Two field staff members shall transport a client whenever feasible, and the client shall be informed of the reasons why he or she is being transported prior to such transport.

(4) If a client is to be transported to Wisconsin from another state, an agent and the agent's supervisor shall determine:

- (a) Whether the client is available for transport;
- (b) Whether an on-site hearing should be held prior to transport;
- (c) Whether extradition matters are resolved;
- (d) Which staff members shall transport the client.

(5) Relevant records relating to transport of a client shall be maintained in the client's record.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82.

**HSS 328.24 Good time forfeiture hearings.** History: Cr. Register, December, 1981, No. 312, eff. 1-1-82; am. (1) (a), Register, April, 1986, No. 364, eff. 5-1-86; r. and recr. eff. 9-10-86; r. Register, February, 1987, No. 374, eff. 3-1-87.

**HSS 328.25 Tolted time.** History: Cr. Register, December, 1981, No. 312, eff. 1-1-82; r. Register, February, 1987, No. 374, eff. 3-1-87.

**HSS 328.26 Reinstatement.** History: Cr. Register, December, 1981, No. 312, eff. 1-1-82; r. Register, February, 1987, No. 374, eff. 3-1-87.

Note: The subject matter of sections HSS 328.24, 328.25 and 328.26 can now be found in ss. HSS 31.13, 31.15 and 31.16.

#### Subchapter IV—Records and Reports

**HSS 328.27 Presentence investigation report.** (1) **PURPOSE.** The primary purpose of the presentence investigation report is to provide the sentencing court with accurate and relevant information upon which to base its sentencing decision. The report is also important in the correctional process. It is used for such things as determining levels of supervision, classification, program assignment, parole planning and decision making and in the overall correctional treatment of offenders.

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