

Chapter DOC 398

INTENSIVE SUPERVISION PROGRAM

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Note: Chapter HSS 348 as it existed on June 30, 2000 was repealed and a new Chapter DOC 398 was created, Register, June, 2000, No. 534, effective July 1, 2000.

DOC 398.01 Authority and purpose. (1) This chapter is promulgated under the authority of ss. 227.11 (2) and 938.534 (2), Stats., to provide rules specifying the requirements for an intensive supervision program for youth who have been ordered by a court under s. 938.34 (2r), Stats., to participate in an intensive supervision program.

(2) Through this chapter the department seeks to achieve the following goals:

(a) Provide a community-based option for youth who have been adjudicated delinquent.

(b) Maintain public safety and youth accountability through supervision and sanctions appropriate to the needs and requirements of youth in the program.

(c) Provide the necessary treatment, services, discipline and supervision to help youth and family make meaningful, positive changes in their lives.

(d) Encourage a crime-free lifestyle for youth in the program.

(e) Involve every youth in education or vocational training or employment.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 398.02 Applicability. This chapter applies to the department, county departments under s. 46.215, 46.22 or 46.23, Stats., and youth who have been adjudicated delinquent and ordered under s. 938.34 (2r), Stats., to participate in an intensive supervision program.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 398.03 Definitions. In this chapter:

(1) "Assigned caseworker" means a county department staff member or designee responsible for the case plan, case management and decision making.

(2) "Caretaker" means another person besides a parent who is providing care to a youth.

(3) "County department" means the county department under s. 46.215, 46.22 or 46.23, Stats.

(4) "Department" means the department of corrections.

(5) "Electronic monitoring device" means an electronic device used to monitor the youth's location.

(6) "Intensive supervision" means a community based comprehensive program providing a youth and the youth's family with the treatment and services necessary for holding the youth accountable and preventing institutional placement.

(7) "Intensive surveillance" means monitoring a youth's activities through frequent face-to-face contacts, electronic monitoring and collateral contacts which include contacts with school personnel, employers, therapists and relatives.

(8) "ISP" or "intensive supervision program" means the program under s. 938.534, Stats., that provides intensive surveillance and community-based treatment services for youth and their families.

(9) "Parent" has the meaning given in s. 938.02 (13), Stats.

(10) "Secure detention facility" means a locked facility approved by the department under s. 301.37, Stats., for the secure, temporary confinement of a youth.

(11) "Youth" means a person who has been adjudicated delinquent and ordered by a court under s. 938.34 (2r), Stats., to participate in the intensive supervision program.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 398.04 Program requirements. (1) **GENERAL.** A county department electing to provide or purchase ISP services shall meet the requirements in this section.

(2) **REFERRAL AND SCREENING PROCESS.** (a) A county department shall develop a written referral and screening process for youth for whom the ISP may be recommended to the court under s. 938.33 (1), Stats. Criteria for participation include:

1. The likelihood that a youth would present a physical danger to self or to others if living in the community.

2. The availability of a suitable living arrangement for the youth within the community.

3. The willingness of the youth and the youth's family or other adult with whom the youth will reside to participate in the ISP and comply with the rules and conditions of the program.

4. The ability of the community to provide treatment and other needs of the youth.

(b) Referral and screening shall take place before the report under s. 938.33 (1), Stats., is submitted to the court.

(3) **PARTICIPANT RIGHTS.** A county department shall make reasonable efforts to ensure that a youth, while participating in the program:

(a) Is free from discrimination based on race or ethnicity, color, religion, sex, national origin or any other category protected by federal or state law while receiving program services.

(b) Is provided with accessible and usable services, and any reasonable accommodations or auxiliary aids and services needed to benefit from treatment and other programs.

(c) Is provided with translators if the youth's ability to speak, understand, read or write English is limited.

(d) Is protected from abuse or neglect by program service providers.

(e) Is involved in planning for his or her treatment.

(f) Has access to the courts.

(g) May visit, use the mail and communicate with family members and an attorney within reasonable guidelines while in secure detention or other out-of-home placement.

(h) Has access to county department and community programs and services consistent with the protection of the public.

(i) Has his or her educational, vocational, drug or alcohol abuse, mental health and other treatment needs addressed by the ISP case plan.

(j) May participate in authorized recreational, leisure time and religious activities.

(4) **STATEMENT DESCRIBING GOALS, SERVICES AND CASE PLAN COMPONENTS.** (a) *Required written description.* A county department shall develop a written description of its ISP that shall

include identification of goals, assurances of service availability and specification of case plan components.

(b) *Program goals.* Goals shall be identified based on assessed strengths and needs of youth in the program and their families and may include reduction of recidivism, increased participation in educational or vocational programming, participation in treatment and avoidance of a more restrictive placement.

(c) *Services.* 1. A written description shall include assurances that an individual youth and the youth's family will receive the following services, if needed:

- a. School tutoring and other educational services.
- b. Vocational training and counseling.
- c. Alcohol and other drug abuse outpatient treatment and education. Programs used to treat alcohol or drug abuse by youth shall be certified by the department of health services under ch. DHS 61.
- d. Family-focused services and family counseling.
- e. Employment services.
- f. Recreational opportunities.
- g. Assistance with independent living skills and arrangements.

2. A written description shall address the availability and accessibility of other community services that a youth and the youth's family may need, such as:

- a. Day treatment or alternative school programs.
- b. Restitution programs.
- c. Interpersonal skills training.
- d. Discipline training including anger and impulse control.
- e. Problem-solving and decision-making skills training for youth.
- f. Training for parents, including discipline management skills, communication skills and interpersonal skills.
- g. Health-related care.

3. A written description shall identify the manner in which a youth and the youth's family will obtain or have access to needed services.

(d) *Case plan.* A written description shall provide assurances that a case plan under sub. (5) shall be developed for each youth and his or her family, and will be filed with the court within 30 days of the dispositional order.

(5) **CASE PLAN REQUIREMENTS.** A youth in an ISP shall have a case plan that specifies the following:

(a) The goals for the youth and family for the time the youth is in the ISP.

(b) The community-based treatment services and educational, vocational, employment and other programs that are expected to be used to meet the needs of the youth and family.

(c) The number and frequency of supervisory contacts that the youth shall receive.

(d) The estimated time the youth and his or her family will participate in the program.

(e) The rules and conditions of the youth's participation in the program, including the following:

1. Avoiding of any conduct that violates a federal, state or municipal law.
2. Reporting any contact with the police to ISP staff within 12 hours.
3. Reporting any arrest or citation to ISP staff immediately.
4. Cooperating with ISP staff and fully participating in all aspects of the case plan.
5. Following all curfews established by ISP staff.
6. Attending all scheduled educational and vocational programs.

7. Following his or her daily appointment schedule with ISP staff.

8. Obtaining advance permission from the lead caseworker to travel outside the state.

9. Cooperating with electronic monitoring procedures and refraining from altering, damaging or interfering in any way with the operation of the electronic monitoring equipment.

10. Refraining from using or possessing any drug, item or substance which is illegal to possess, or any prescription drugs except as prescribed for the youth by a licensed health care provider.

11. Refraining from purchasing, owning, carrying or possessing a firearm, knife or other weapon, or ammunition, without the advance written permission of an ISP caseworker. The ISP caseworker may not grant a youth permission to possess a firearm if the youth is prohibited from possessing a firearm under state or federal law.

12. Agreeing to submit to any test ordered by the ISP caseworker that is permitted under law, including but not limited to, urinalysis, breathalyzer and blood tests.

13. Complying with any special rules issued by ISP staff including, but not limited to, rules relating to companions, medical and dental appointments, counseling, therapy or other mental health appointments, family responsibilities, court-ordered restitution, participation in community service, educational and vocational programs, job seeking and job attendance, purchasing, trading, selling or operating a motor vehicle, and borrowing money or making a purchase on credit.

(f) The consequences for violation of a rule or condition, may include, but are not limited to:

1. Counseling and a warning.
2. Changing one or more of the rules or provisions of the youth's case plan.
3. Placing the youth in a secure detention facility for not more than 72 hours.
4. Placing the youth in non-secure custody under s. 938.534, Stats., for not more than 30 days as a crisis intervention if the youth is in need of crisis intervention.
5. Requesting revision of the dispositional order under s. 938.363 or 938.357, Stats.
6. Imposing a sanction permitted by law.

(6) **DISCUSSION WITH PARENTS.** A case plan shall include a statement signed by a youth and the youth's parent, if the youth is under 18 years old, that the plan has been discussed with the youth and the parent and that they understand the content, conditions, consequences and sanctions delineated in the plan.

(7) **CASELOAD REQUIREMENTS.** (a) *Caseworker.* A caseworker shall be assigned to each youth participating in the ISP. The assigned caseworker is responsible for developing and monitoring the case plan under sub. (5), any decision to take the youth into custody under s. DOC 398.05 and the majority, more than 50%, of the face-to-face contacts.

(b) *Limited caseload.* A caseworker assigned to the ISP full time shall have a caseload of no more than 10 youth. A caseworker assigned to the program part time shall have a pro-rata partial caseload.

(c) *Face-to-face contacts.* 1. Each participant in the program shall receive at least one face-to-face contact per day with the assigned caseworker and the participant's activities shall be monitored through the use of intensive surveillance.

2. Face-to-face contacts shall be of a planned and purposeful nature to include monitoring behavior and compliance with rules, problem solving or skills training.

(d) *Contacts with others.* An assigned caseworker shall have at least one contact every week with a youth's parent or caretaker and supervision and one contact every week with the educational

or vocational service provider for each youth participating in the ISP.

(e) *Multiple caseworkers.* Caseworkers other than an assigned caseworker may be designated by the case plan to make face-to-face contacts with a youth, in addition to those required by par. (c), if the following conditions are met:

1. The case plan for a youth identifies the caseworker(s) and the frequency of contacts.

2. Any contract or written working agreement with agencies providing related services delineates the responsibilities and requirements for supervision of a youth.

3. The assigned caseworker communicates weekly with other caseworkers supervising the youth regarding pertinent information relating to contacts with a youth and other people involved with the youth during the past week. A daily log shall be maintained for each youth. The information from the log shall be summarized in the case record every 30 days.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00; corrections in (4) (c) 1. c. made under s. 13.92 (4) (b) 6. and 7., Stats.

DOC 398.05 Placement in non-secure or secure detention. (1) **AUTHORITY.** (a) Notwithstanding ss. 938.19 to 938.21, Stats., but subject to any written policies adopted by the court or the county board, a youth's assigned caseworker may, without a hearing, take the youth into custody and place the youth in a place of non-secure custody for not more than 30 days as crisis intervention, if the youth is in need of crisis intervention. The placement may be made only if the court at the dispositional hearing informed the youth of the possibility of that placement or if before the violation the youth has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and that possible placement.

(b) Notwithstanding ss. 938.19 to 938.21, Stats., but subject to any written policies adopted by the court or the county board, if a youth violates a rule or condition of the youth's participation in the ISP, the youth's assigned caseworker may, without a hearing, take the youth into custody and place the youth in a secure detention facility for not more than 72 hours as a consequence of that violation or while the alleged violation and the appropriateness of a sanction are being investigated, if at the dispositional hearing the court explained those conditions to the youth and informed the youth of the possibility of that placement or if before the violation the youth has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible

placement and that he or she understands those conditions and that possible placement. Investigation of the violation includes inquiry into the facts of the violation and the appropriateness or availability of a proposed response to the violation.

(2) **INFORMING AND TRANSPORTING THE YOUTH.** (a) An assigned caseworker making the decision to place a youth in a non-secure or secure facility shall promptly inform the youth, the youth's parent(s) or caretaker of the decision to place the youth, the condition or rule the youth violated, when the youth violated the rule, and the reason for the placement decision.

(b) An assigned caseworker shall make arrangements for transporting and admitting a youth to the facility pursuant to county department policy.

(c) A youth may request to speak with the caseworker's supervisor if the youth disagrees with the placement. That request shall be granted within 24 hours, exclusive of Saturdays, Sundays and legal holidays. A youth's request to speak with a supervisor does not stay the decision to proceed with the placement. During the conversation with the assigned caseworker's supervisor, the youth shall be allowed to make a statement as to why the youth believes the placement to be inappropriate.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 398.06 Right to hearing in secure detention. A youth held in a secure detention facility for more than 72 hours, regardless of whether the continued detention is for a new or additional violation, is entitled to a hearing under s. 938.21, Stats. as provided in s. 938.534 (1), Stats.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

DOC 398.07 Duration of program. A youth ordered to participate in an ISP may be released from the program in any of the following ways:

(1) The original dispositional order specifies that participation in the program is time-limited in duration, and the time period has expired.

(2) The original dispositional order is revised pursuant to s. 938.363 or 938.357, Stats.

(3) The original dispositional order expires.

(4) A subsequent dispositional order is entered which would preclude the youth from participating in the program, such as placement in another county or transfer of supervision to the department for placement in a secured correctional facility.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.