

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 300.00.19	<b>Page</b> 1 of 3
	<b>Original Effective Date:</b> 08/20/18	<b>New Effective Date:</b> 08/17/23
	<b>Supersedes:</b> 300.00.19	<b>Dated:</b> 06/07/21
	<b>Administrator's Approval:</b> Sarah Cooper, Administration – 07/28/23	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>PIOC</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 300 Administration		
<b>Subject:</b> Expungement of PIOC, Juvenile or Offender Records by Court Order		

**POLICY**

The Division of Adult Institutions shall review Court Orders which require the Department of Corrections to vacate its action, finding, or require the record holder to expunge a record(s) or information from a PIOC record.

**REFERENCES**

Wisconsin Statutes s. 19.32 (2) – Records

Wisconsin Administrative Code § DOC 303.86 (4) – Recordkeeping

**DEFINITIONS, ACRONYMS AND FORMS**

Adult Institution Case File - Records consisting of information for each PIOC placed in an adult correctional facility under the authority of the DOC. The contents of each PIOC case file include four separate folders consisting of social service, legal, visitor and education files.

Court Order – A direction issued by a court or a judge requiring a person to do or not to do something.

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-2668 – Notice of Expungement

Expunge – Remove from a record

Expungement – A court-ordered process in which the legal record of an arrest or criminal conviction is “sealed” or erased in the eyes of the law.

ICRS – Inmate Complaint Review System

Litigation Coordinator – Staff assigned at the facility to oversee, coordinate and review with OLC pending legal matters.

OLC – Office of Legal Counsel

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Original Record - Record which is subject to the Court Order for expungement before any action has been taken to expunge the record or redact information contained in the record.

PIOC – Persons in Our Care

Record Holder – Entity who maintains or possesses the record.

Vacate – To nullify, cancel, make void or invalidate.

## **PROCEDURE**

### **I. General Guidelines**

- A. Court Orders shall be received or forwarded to the Litigation Coordinator at the facility in which the Adult Institution Case File is located.
- B. The Litigation Coordinator shall do the following:
  1. Verify the authenticity of the Court Order.
  2. Identify, notify and establish a timeframe for completion to all record holders who may be impacted by the Court Order on the DOC-2668.
  3. Identify all records, including electronic records which pertain to the order.
  4. Remove original record to comply with the Court Order, if applicable.
  5. Replace an original record with a redacted copy to comply with the Court Order, if applicable.
  6. Identify any procedural requirements associated with the order, including modification of appropriate records, conducting a new classification hearing, restoration of time or earnings and parole commission actions.
  7. Inform the Department of Justice or the Court when the DOC has complied with the order as well as OLC.
  8. Contact OLC if there are any questions.
- C. The Litigation Coordinator shall contact the facility Records Office or appropriate record holder to ensure the Adult Institution Case File has been reviewed pursuant to the Court Order.
- D. Facility Records Office shall:
  1. Forward to the Litigation Coordinator the original records, including electronic records, which have been identified as being subject to the Court Order.
  2. After consultation with the Litigation Coordinator or OLC, document there has been a redaction or removal of information pursuant to Court Order by referencing the court name and case number, if applicable.
  3. Inform the Litigation Coordinator in writing by updating and returning DOC-2668 once all procedural requirements have been completed.
- E. The Litigation Coordinator shall contact the Secretary's Office Corrections Complaint Examiner to ensure PIOC ICRS documents are processed in compliance with the Court Order.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b>		
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<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES**

**DEFINITIONS, ACRONYMS AND FORMS**

**FACILITY PROCEDURE**

- I.
  - A.
  - B.
    - 1.
    - 2.
      - a.
      - b.
      - c.
    - 3.
  - C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. PIOC

III. Other