

WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Doug Percy

Name of Individual Certifying this Document/Proposed Document

DAI Assistant Administrator

Title


Doug Percy

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 325.00.05	Page 1 of 12
	Original Effective Date: 11/15/10	New Effective Date: 08/20/18
	Supersedes: 325.00.05	Dated: 04/21/14
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 325 Temporary Release Under Supervision		
Subject: Temporary Release – Writ of Habeas Corpus/Order to Produce		

POLICY

The Division of Adult Institutions shall ensure a Writ of Habeas Corpus/Order to Produce received from a Wisconsin Court or Federal Court to produce an inmate for a scheduled legal hearing is verified.

REFERENCES

Wisconsin Statutes Ch. 782 – Habeas Corpus
Wisconsin Statutes s. 782.45 – Witness Fees, Inmates of State Institutions
Wisconsin Statutes s. 976.07 – Agreements on Extradition; Indian tribes
Wisconsin Administrative Code Ch. DOC 325 – Temporary Release Under Supervision
DAI Policy 500.30.06 – Transfer of Inmate Patient
Records Office Procedures 011 – Intrastate Writs – Orders to Produce (Court Pick-Ups)
WICS External Movement User Guides
Institution Entrance Approval List

DEFINITIONS, ACRONYMS, AND FORMS

BOCM – Bureau of Offender Classification and Movement

CCAP – Consolidated Court Automation Program

Contract Transport Agency – A private company that provides transport services for inmates.

DOC – Department of Corrections

DOC-120 – Security Office and SS ID Card

DOC-195 – Offender Custody Receipt – In

DOC-196 – Offender Custody Receipt – Out

DOC-2077 – Health Transfer Summary

DOC-2466 – Incident Report (WICS)

DOC-2549 – Offender Security Precaution Information

DOC Locator – Offender Basic Information Sheet

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OCO – Out Court Order

OWO – Out Warden’s Order

RH – Restrictive Housing

TRO – Temporary Release Order

WCCS – Wisconsin Correctional Center System

WICS – Wisconsin Integrated Corrections System

Writ – A written order of a judge requiring specific action.

WWCS – Wisconsin Women’s Correctional System

FACILITY PROCEDURE

I. General

- A. When the County Sheriff or federal agency responsible for transporting an inmate to/from the county jail and DOC facilities contracts with another entity, the DOC facility shall allow the transport to occur if the County Sheriff or agency responsible for the transport has provided prior written confirmation stating it has authorized the other entity to perform the transport on its behalf.
- B. A DOC-2077 shall accompany all inmates released on a writ to a county jail or other correctional holding facility. Health services staff shall be contacted when an unscheduled release occurs to ensure health care information is provided.
- C. A Writ of Habeas Corpus/Order to Produce that is addressed to another DOC facility shall be honored.
- D. Out-of-state releases shall be approved by the Records Office and authorized by the Warden.

II. Writ of Habeas Corpus/Order to Produce Facilities

- A. Staff must be confident the inmate being released has been positively identified and there is appropriate legal documentation and authorization for a release to occur. When in doubt, do not release the inmate and follow up with the Records Office, Clerk of Courts, US Marshals and/or the Sheriff’s Department to confirm.
- B. Upon notification that an inmate is to be released to court from the facility on a writ, the following procedure shall be followed by Records Office staff:
 1. The Sheriff’s Department or Federal Marshal’s Office, or appropriate designated representative of the Law Enforcement agency (e.g., District Attorney’s Office or Contract Transport Agency) shall contact the facility

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Records Office regarding a Writ of Habeas Corpus/Order to Produce to verify the inmate is housed in the facility and schedule the transport of the inmate on a specific date.

2. Faxed or emailed documents may be accepted but must be verified. If Writ of Habeas Corpus/Order to Produce is received via email from a trusted law enforcement email address, a comment shall be entered into the WICS Temporary Release Order screen in the Destination field "Verified eWrit Received."
 3. Verify inmate is not scheduled for off-site medical appointments.
 4. Alert Health Services to ensure completion of DOC-2077.
 5. Enter the court pickup information into WICS per the WICS External Movement User Guide.
 6. Place a hold on the inmate when a scheduled transfer is known.
 7. Writs should be scheduled a minimum of 48 hours in advance of the scheduled pickup.
 8. Emergency pickups with less than a 48 hour notice shall be honored provided there is appropriate documentation to support.
 9. Review questionable Writ of Habeas Corpus/Order to Produce for legitimacy and accuracy.
- C. Security Documentation/Identification/TRO During Business Hours
1. Review WICS Temporary Release Order screen/Destination field to determine if a verified electronic writ was sent to the Records Office during the scheduling process.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers which contains no stamps or seals.
 - b. If no:
 - i. Receive the original signed and sealed copy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 2. Transport Officers shall be required to produce their agency photo identification.
 - a. Staff shall check the credentials and confirm they are law enforcement officers or authorized contract agency transportation staff.
 - b. If credentials cannot be verified, contact shall be made with the transporting Officer's agency to verify identification and confirm transport of inmate requested.
 3. When transport is done by a contracted entity such as Wisconsin Lock and Load or Wackenhut G4S, the Supervising Officer shall confirm the transport officers are approved by verifying contractor provided employee information which can be accessed on the DAI Institution Entrance Approval List.

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4. Contracted transportation staff not identified in the database shall be confirmed with the contracting Sheriff's Department or Contract Transport Agency prior to release.
 5. When the Writ of Habeas Corpus/Order to Produce has not been pre-scheduled, a check of CCAP shall occur to verify a court appearance is scheduled and a contact made with the clerk of courts of the county to confirm.
 6. Security shall take the requesting Officer's documents and compare them to the prepared TRO and verify against the DOC-120 or WICS Personal Characteristics Screen (ORPS010B) to determine if there are any discrepancies in date, name, DOC number or date of birth and advise the Supervisor who shall authorize the release.
 - a. Receive the original signed and sealed copy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 7. Upon confirmation of the Writ of Habeas Corpus/Order to Produce, a TRO shall be completed in WICS authorizing the release.
 8. Complete DOC-196.
 9. Forward the Writ of Habeas Corpus/Order to Produce and the DOC-196 to the Records Office.
- D. Security Documentation/Identification/TRO after Business Hours
1. Review WICS Temporary Release Order screen/Destination field to determine if a verified electronic writ was sent to the Records Office during the scheduling process.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If no:
 - i. Receive the original signed and sealed copy of a Writ of Habeas Corpus/Order to Produce from Sheriffs Deputies, US Marshals or Contract Transport Officers.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 2. Staff shall require transport officers to produce their agency photo identification and check the credentials to confirm they are law enforcement officers or authorized contract transportation agents. If credentials cannot be verified, contact shall be made with the transporting Officers agency to verify identification and confirm transport of inmate requested.
 3. When transport is being done by a contracted entity such as Wisconsin Lock and Load or Wackenhut G4S, the Supervising Officer shall confirm the transport officers are approved by verifying contractor provided employee

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information which can be accessed in the DAI Institution Entrance Approval List group folder.

4. When transport officers arrive during non-business hours for an unscheduled pickup of an inmate with a Writ of Habeas Corpus/Order to Produce and no TRO is established in WICS, Security staff shall check in CCAP to verify a court appearance is required. Contact the Sheriff's Department or Contract Transport Agency to confirm the Officers have been dispatched to transport the inmate.
 - a. Receive the original signed and sealed copy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 5. Upon confirmation of the Writ of Habeas Corpus/Order to Produce, a TRO shall be completed in WICS authorizing the release.
 6. Complete DOC-196.
 7. Security shall take the requesting Officer's documents and compare them to the prepared TRO and verify against the DOC-120 or WICS Personal Characteristics Screen (ORPS010B) to see if there are any discrepancies in date, name, DOC number or date of birth and advise the Supervisor who shall authorize the release.
 8. Forward the Writ of Habeas Corpus/Order to Produce and the DOC-196 to the Records Office.
- E. Security Supervisor Verification and Release Authorization
1. Review transporting staff photo identification.
 2. Examine and verify the Writ of Habeas Corpus/Order to Produce.
 3. Confirm if verified electronic writ was received by the Records Office during the scheduling process via the WICS TRO screen/Destination field.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If no:
 - i. Receive the original signed and sealed copy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 4. Confirm TRO is entered in WICS.
 5. Verify against the TRO and verify against the DOC-120 or WICS Personal Characteristics Screen (ORPS010B) to see if there are any discrepancies in date, name, DOC number or date of birth.
 6. The Security Supervisor shall confirm photo, ask the inmate his/her name, DOC number and date of birth and compare this information to the DOC-120 or DOC Locator Offender Basic Information Sheet for verification.

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7. Confirm DOC-196 is completed.
 8. Confirm DOC-2077 is provided to transporting staff.
 9. Ensure a DOC-2549 is completed when the inmate is in Restrictive Housing status or other security concerns exist.
 10. Positively identify that the inmate being released is the correct inmate.
- F. Official Writ of Habeas Corpus/Order to Produce
1. To ensure authenticity of a Writ of Habeas Corpus/Order to Produce, the document must either:
 - a. Have been received electronically via email by Records during the scheduling process and documented in the WICS TRO screen/Destination field.
 - b. Contain both an original signature of a Judge or Court Commissioner and a Court seal. A raised seal or ink stamp court seal is required.
 - c. Be a certified copy by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 2. Except for documents received as described in F.1.a. of this policy:
 - a. When the Writ of Habeas Corpus/Order to Produce does not display the Court seal or has an illegible Court seal, verification with the Clerk of Courts shall occur. If verification cannot be made, pickup shall be denied.
 - b. Documents without original signatures shall be reviewed closely. Court Commissioners are known to utilize stamped signatures. When a signature authenticity is in question confirmation should be sought from the Clerk of Courts or Sheriff's Department. If verification can not be made pickup should be denied and a DOC-2466 completed.
 - c. When a Writ of Habeas Corpus/Order to Produce authenticity is questionable, the supervisor shall contact the Records Office, the Clerk of Courts and/or the County Sheriff to review the documents for legitimacy and accuracy.
 - d. The Records Office shall make a decision based upon the legitimacy and accuracy, and/or possible court contact in order to approve or deny the pickup.
- G. Releases at a Time or Date Not Documented on the TRO
- On occasion, a Sheriff's Department or Contract Transportation Agency may arrive at off-hours to pick up an inmate for a court appearance at a time or on a date other than what is documented on an approved TRO. These may be approved by the Administrative On-Call, provided the following criteria are met:
1. The TRO is updated in WICS.
 3. Review WICS Temporary Release Order screen/Destination field to determine if a verified electronic writ was sent to the Records Office during the scheduling process.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If no:

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- i. Receive an original Writ of Habeas Corpus/Order to Produce with raised Court seal or ink seal and Judge's or Court Commissioner's original signature are complete and verified.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
4. The identification information on the Writ related to an inmate must be present and complete (i.e., full name, middle initial, and, ideally, date of birth).
5. Contact may be made to the Sheriff's Department to confirm the request and the escorting staff's authenticity. The telephone number should be obtained independently from a legal directory or other recognized source and not from the transporting staff.
6. If confirmed, authorization for release to transporting staff may be given.

H. Releases Without TRO

On occasion, a Sheriff's Department or Contract Transportation Agency may arrive during non-business hours to pick up an inmate for a court appearance and no TRO has been entered into WICS or approved. These may be approved provided the following criteria are met:

1. The Sheriff Deputy's or Contract Transport Agency photo identification is checked.
2. An original Writ of Habeas Corpus/Order to Produce with a raised court seal or ink seal and Judge's or Court Commissioner's original signature complete and verified.
3. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised Court seal or ink seal.
4. The identification information on the Writ related to an inmate must be present and complete (i.e., full name, middle initial, and, ideally, date of birth).
5. Contact shall be made to the Sheriff's Department to confirm the request and the escorting staff's authenticity. The telephone number should be obtained independently from a legal directory or other recognized source and not from the transporting staff.
6. Contact the facility administrative on-call for approval prior to release.

I. Receipt-In to Law Enforcement

A DOC-195 shall be completed and provided to the law enforcement officer when an inmate is returned.

III. Writ of Habeas Corpus/Order to Produce WCCS/WWCS Centers Only

- A. Staff must be confident the inmate being released has been positively identified and there is appropriate legal documentation and authorization for a release to occur. When in doubt, do not release the inmate and follow up with the Superintendent, Supervisor, Clerk of Courts, US Marshals and/or the Sheriff's Department to confirm.

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- B. Upon notification that an inmate is to be released to court from a correctional center on a Writ, the following procedure shall be followed for security documentation/identification/TRO during normal business hours:
1. Review WICS Temporary Release Order screen/Destination field to determine if a verified electronic writ was sent to the Records Office during the scheduling process.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If no:
 - i. Receive an original Writ of Habeas Corpus/Order to Produce with raised Court seal or ink seal and Judge's or Court Commissioner's original signature are complete and verified.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 2. Staff shall require Sheriff's Deputies or Contract Agency transportation staff to produce their agency photo identification.
 - a. Staff shall check the credentials and confirm they are law enforcement officers or authorized contract transportation agents.
 - b. If credentials can not be verified contact shall be made with the transporting officer's agency to verify identification and confirm transport of inmate requested.
 3. When transport is being done by a contracted entity such as Wisconsin Lock and Load, the Supervising Officer shall confirm the transport officers are approved by verifying contractor provided employee information which can be accessed in the DAI Institution Entrance Approval List group folder.
 4. Contracted transportation staff that is not identified in the database shall be confirmed with the contracting Sheriff's Department or Contract Transportation Agency prior to release.
 5. When Transport Officers arrive during regular business hours for an unscheduled pickup of an inmate and no TRO has been established, follow with the Social Worker, Supervisor or Superintendent.
 6. When the pickup on the Writ of Habeas Corpus/Order to Produce has not been prescheduled, a check of CCAP shall occur to verify a court appearance is scheduled and a contact made with the Clerk of Courts of the county to confirm.
 - a. Receive the original signed and sealed copy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 7. Upon confirmation of the Writ, a TRO shall be completed in WICS authorizing the release.
 8. Ensure DOC-2077 is provided to transporting staff.
 9. Complete DOC-196.

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C. Supervisor Verification

The on-duty Sergeant shall review the information with the Supervisor when they are on site, then shall positively identify the inmate before releasing to the transporting agency.

D. Official Documentation

1. Officers must arrive with a Writ of Habeas Corpus/Order to Produce.
2. The Control Center Sergeant shall take the requesting Officer's documents and compare with them to the prepared TRO against the DOC-120 or WICS Personal Characteristics Screen (ORSP010B) to see if there are any discrepancies in the date, the name, DOC number or date of birth.
3. If information on all three documents is not consistent, contact the Supervisor and do not release.
4. Complete a DOC-2549 when the inmate is in Restrictive Housing status or other security concerns exist.
5. Review WICS Temporary Release Order screen/Destination field to determine if a verified electronic writ was sent to the Records Office during the scheduling process.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If no:
 - i. Receive an original Writ of Habeas Corpus/Order to Produce with raised Court seal or ink seal and verify Judge's or Court Commissioner's original signature are complete and verified.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
6. When the Writ of Habeas Corpus/Order to Produce does not display the Court seal or has an illegible Court seal, verification with the Clerk of Courts shall occur. If verification cannot be made, pickup shall be denied.
7. Documents without original signatures should be reviewed closely. Court Commissioners are known to utilize stamped signatures. When a signature is in question confirmation should be sought from the Clerk of Courts or Sheriff's Department. If verification cannot be made, pickup may be denied.
8. When documents are questionable contact the Records Office or a Security Supervisor who shall review the documents. The Records Office shall make a decision based upon document quality and/or possible court contact in order to approve or deny the pickup.

E. Releases at a Time or Date Not Documented on the TRO

On occasion, a Sheriff's Department or Contract Transportation Agency may arrive at off-hours to pick up an inmate for a court appearance at a time or on a date other than what is documented on an approved TRO. These may be

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approved by the Supervisor or Administrative on-call, provided the following criteria are met:

1. The TRO is updated in WICS.
 2. Review WICS Temporary Release Order screen/Destination field to determine if a verified electronic writ was sent to the Records Office during the scheduling process.
 - a. If yes, receive a photocopy of a Writ of Habeas Corpus/Order to Produce from Sheriff's Deputies, US Marshals or Contract Transport Officers.
 - b. If no:
 - i. Receive an original Writ of Habeas Corpus/Order to Produce with raised Court seal or ink seal and verify Judge's or Court Commissioner's original signature are complete and verified.
 - ii. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the Clerk's original signature and a raised court seal or ink seal.
 3. The identification information on the Writ related to an inmate must be present and complete (i.e., full name, middle initial, and, ideally, date of birth).
 4. Contact shall be made to the Sheriff's Department or Contract Transportation Agency to confirm the request and the escorting staff's authenticity. The telephone number should be obtained independently from a legal directory or other recognized source and not from the transporting staff.
 5. If confirmed, approval may be given.
- F. Releases Without a prepared TRO after Business Hours
- On occasion, a Sheriff's Department or Contract Transportation agency may arrive at to pick up an inmate for a court appearance and no TRO has been issued or approved. These may be approved provided the following criteria are met.
1. The Transporting staff agency photo identification shall be checked.
 2. An original Writ of Habeas Corpus/Order to Produce with a raised court seal or ink seal and the Judge's or Court Commissioner's original signature must be complete and verified. If a photocopy is provided, this copy must be certified by the Clerk of Courts as an exact duplicate and bear the clerk's original signature and a raised seal or ink seal.
 3. The identification information on the Writ related to an inmate must be present and complete (i.e., full name, middle initial, and, ideally, date of birth).
 4. Contact shall be made to the Sheriff's Department or Contracted Transportation Agency to confirm the request and the escorting staff's authenticity. The telephone number should be obtained independently from a legal directory or other recognized source and not from the transporting staff.
 5. Check for any special escort requirements and advise officers accordingly.
 6. Contact the administrative on-call for approval prior to release.

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- 7. Out-of-state releases shall be approved by the Records Office and authorized by the Warden.
 - 8. Upon approval from the administrative on-call, the Control Center Sergeant shall create and approve a TRO in WICS.
- G. Return of Documents to Record Office
Immediately turn in the Writ or Order to Produce and the signed DOC-196 to the Social Worker for forwarding to the Records Office. It is not necessary to return the TRO as WICS retains the original TRO.
- H. Receipt-In to Law Enforcement
A DOC-195 shall be completed and provided to the law enforcement officer when an inmate is returned.

Administrator's Approval: _____ **Date Signed:** _____
Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 325.00.05	Page 12 of 12
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

II.

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

III.

IV.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other