

Detention Procedures

.01 AUTHORITY

[Wisconsin Administrative Code DOC 328.27](#)

[Wisconsin Administrative Code DOC 331](#)

.02 GENERAL STATEMENT

Clients suspected of violating rules of supervision, federal, state, county, and municipal laws and ordinances, or who are likely to abscond, may be detained in jail or correctional facilities in accordance with EBRV guidelines. Whenever feasible, staff will rely on law enforcement authorities to take a client into custody. Clients must be detained if they are alleged to have been involved in assaultive or dangerous conduct. The Order to Detain ([DOC-212](#)) will be completed and provided to the detaining authority and status keeper. The status keeper will also get all copies of supervisor, regional, and administrative extensions.

During non-standard hours (from 4:30PM-7:45AM and on weekends and holidays), the DOC Monitoring Center is available for all law enforcement agencies to contact regarding the potential detention of clients. The telephone number dedicated to this purpose is 1- 888-222-4362. The monitoring center is able to place holds on clients and consult with an on-call Supervisor.

A client may be taken into custody and detained following timelines established by the Department policies and procedures, for one of the following purposes:

- Investigation of an alleged violation by the client of a rule or condition of supervision;
- After an alleged violation to determine whether to commence revocation proceedings after an alleged violation;
- Disciplinary purposes;
- To prevent a possible violation by the client; or
- Pending placement in a program as an alternative to revocation.

.03 AGENT ACTIVITIES

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If it has been determined through an evidenced-based response to violations process that it is necessary to detain the client, the agent has the authority to hold the client in detention for up to three working days in order to conduct an investigation. As soon as possible, the agent should obtain the available and relevant information to make an initial determination regarding whether the client should remain in custody. The agent should complete the following activities that are applicable to the violation investigation:

- View police report
- Interview client, victim, and witnesses
- Present a summary of facts and recommendations to the supervisor

.04 COMPUTING "DAYS"

In counting detention days, Administrative Code defines working days as Monday through Friday, with the exception of legal holidays. There is no authority to exclude time that is outside of work hours (i.e., if a client is placed in custody any time before midnight on a Tuesday, providing it is not a legal holiday, Tuesday is considered the first day of detention).

.05 MANDATORY DETENTION

[Wisconsin Administrative Code 328.27\(1\)](#) requires that a client be taken into custody and detained if:

- The client is alleged to have physically or sexually assaulted another person, or participated in said assaults, or;
- The client is alleged to have been involved in dangerous conduct, i.e., threat or use of weapon or act that has the potential of physical harm to person or persons. This includes verbal threats to do physical harm, if there is a history of carrying out such threats, or a credible reason to believe the client may carry out the threat.

This may include credible verbal threats as noted below. Detention by the agent is mandatory under such circumstances.

While it is advisable to rely on law enforcement authorities' expertise in taking persons into custody, this is not always practical, and staff may exercise their authority at these times. There are times when an agent may be incapable of obtaining custody of a client without risk of harm to the agent, another person, or property. In these difficult cases, staff must exercise good judgment in attempting to take custody of the client where no

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assistance from law enforcement is feasible. Staff must strike a balance between the need for immediate custody, the danger posed, and the likelihood of success of obtaining custody without harm to anyone. Whenever feasible, supervisory staff should be consulted and/or be present when clients are taken into custody.

Any exception to this mandatory detention requirement shall be made only by the Regional Chief or the Chief's designee. Supervisory approval is required to release a mandatory detention client from custody.

.06 DISCIPLINARY DETENTION

Supervisory approval must be obtained prior to placing a client in detention for disciplinary purposes. Utilizing a disciplinary detention in jail, including the imposition of a short-term sanction, for an accountability response to the violation shall be consistent with evidence-based response to violations policy and procedures.

.07 DETENTION EXTENSION

An agent has the authority to detain a client for up to three working days, however, every attempt should be made to respond to violations as quickly as possible. Completing a Detention Extension Request ([DOC-212](#)) can extend the original detention order as follows:

Extension of:	Granted by:
An additional 3 working days	Supervisor
An additional 5 working days	Regional Chief
Any additional time authorized in five day increments	Division Administrator or Designee

Requests for extensions must be staffed or approved prior to the date the extension is due.

Extension is no longer necessary once the Notice of Violation, Recommended Action, and Statement of Hearing Rights ([DOC-414](#)) is served.

.08 RELEASE FROM CUSTODY

The decision to release a client from custody should be based on the investigation information in addition to the evidence-based response to violation determination. Upon completion of the investigation, the agent must secure advance approval from the supervisor to release a mandatory detention client from custody. The agent may release all

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other detainees. The agent prepares the Cancellation of Order to Detain ([DOC-213](#)) and delivers it to the detaining authority with copies to the supervisor, status keeper and case file.

.09 RELEASE FROM CUSTODY - SPECIAL CIRCUMSTANCES

There may be occasion where a client detained by the department needs hospitalization or other special circumstances. The supervisor and the jail administrator should discuss the specific circumstances prior to the supervisor making a decision regarding release. High profile or unusual circumstances require consultation with the regional office. An apprehension request must be issued if the jail declines to provide supervision while the client on a detention order is hospitalized.