

Dickey Drafts Administrative Rules for Division of Corrections

Professor Walter Dickey (Class of 1971) is spending 75% of his time this year (and probably next year) as draftsman of the Administrative Rules for the Division of Corrections, Wisconsin Department of Health and Social Services.

By statute, the Wisconsin Legislature has placed the rule-making authority and responsibility on the various state agencies. The Division of Corrections and the State Parole Board were specifically exempt from the rule-making requirement until 1978, when the exemption was repealed. Wisconsin's is one of the nation's first efforts to prepare and administer an entire administrative code in Corrections. The proposed rules, after review by the Legislature, will have the full force and effect of law.

The first challenge to the ruledrafters was to identify the broad objectives of the Division of Corrections and relate those objectives to the substantive programs and policies of the Division. This provided the Division with the opportunity to rethink what it is doing in a variety of correctional matters. Then, an outline of all the rules was prepared and the drafting process began.

Assisting Professor Dickey is another lawyer, Terry Sousek (Class of 1977), two part-time law students and one member of the staff of the Division of Corrections. The first segments of the rules have been drafted and were published in mid-January for

public hearings, discussion and comments. They have been forwarded to the standing committees in the Legislature for review. Those dealing with a variety of adult and juvenile institutional matters such as discipline and treatment, as well as probation and parole, are still being prepared.



Professor Dickey

The procedure for constructing rules is deliberate and painstaking, including informal consultations, observation of the system in action, library research and advisory committees, followed by public informational hearings, which are given proper notice. Completed drafts of rules or changes in rules are reviewed by the Legislature's Joint Committee to Review Administrative Rules, which also can hold public hearings.

The Rules begin with Admissions Classification, Sentence Computation and Transfers, rules of conduct and discipline, access to legal services, mail, visitation, searches, media access to institutions, parole and discharge. There are rules for administrators and rules for residents.

The responsibility for drafting these rules carries with it the responsibility for providing training in their administration and enforcement.

Professor Dickey's expertise in the fields of Corrections has been acquired during his tenure as Director of the Legal Assistance to Institutionalized Persons Program which combines needed legal assistance to people in correctional and mental health institutions with an opportunity for many law students to receive highly valued clinical experiences. The Program provides a full-time summer internship during which up to 40 students visit the correctional institutions regularly, and become conversant with the administrative problems created by involuntary confinement of individuals while providing legal services under the supervision of lawyers. The Division of Corrections sought the Legal Assistance Program's assistance with the rules and provided the law school with a welcome opportunity to continue the Wisconsin Idea in action.