

REVOCAATION HEARINGS

Dane County Criminal Justice Council

September 22, 2022 meeting

PRESENTED BY Rachel Pings

Assistant Administrator, Administrative Law Judge

State of Wisconsin, Division of Hearings and Appeals

2021 HEARINGS AND TIMELINES (STATEWIDE)



5828

HEARINGS REQUESTED

DOC sends requests to DHA, who schedules the first hearing date within 50 calendar days.

50 days

HEARINGS SCHEDULED

The 50-day time limit in Wis. Stats. § 302.335 is directory, not mandatory, and does not deprive DHA of jurisdiction. *State ex rel. Jones v. DHA*, 195 Wis. 2d 669 (Ct. App. 1995).

60%

HEARINGS CANCEL

60% of the hearing requests end up canceling because of waiver, ATR, or DOC withdrawal.

75%

HEARINGS RESCHEDULE

On average, the first hearing date is rescheduled 75% of the time. Reschedules are granted by ALJ for good cause. Wis. Admin. Code § HA 2.05(4)(b).

2500

HEARINGS HELD

The hearings are conducted by 14 ALJs split between DHA's Madison and Milwaukee offices.

10 days

ALJ DECISION

ALJ decision due 10 business days after hearing is held.

10 days

ADMINISTRATIVE APPEAL

Either party can appeal the ALJ decision within 10 business days.

70%

NO APPEAL - ROW

DHA issues Revocation Order and Warrant (ROW) based on ALJ decision. Hold ends.

762

APPEALS TO ADMINISTRATOR

DHA's Administrator conducts a *de novo* review and issues the appeal decision within 21 business days after receipt of appeal. The administrator can extend the 21 days but rarely does. Wis. Admin. Code § HA 2.05(9)(b).

21 days

APPEAL - ROW

DHA issues Revocation Order and Warrant (ROW) based on appeal decision. Hold ends.

RESCHEDULING REVOCATION HEARINGS

A DHA ALJ may reschedule a hearing for good cause taking into consideration the following factors:

1. The timeliness of the request;
2. The reason for the change;
3. Whether the client is detained;
4. Where the client is detained;
5. Why the client is detained;
6. How long the client has been detained;
7. Whether any party objects;
8. The length of any resulting delay;
9. The convenience or inconvenience to the parties, witnesses and the division; and
10. Whether the client and the client's attorney, if any, have had adequate notice and time to prepare for the hearing.

REVOCAATION HEARINGS HIGHEST VOLUME COUNTIES 2021

	2021	
County	Hearings requested	Hearings held
Milwaukee	1012	511
Dane	456	199
Racine	272	131
Rock	240	118
Brown	224	97
Marathon	211	82

DANE COUNTY REVOCATION HEARINGS 2018 - SEPT/2022

	2018		2019		2020		2021		1/1/22 - 9/20/22	
County	Requests	Hearings	Requests	Hearings	Requests	Hearings	Requests	Hearings	Requests	Hearings
Dane	918	224	838	249	615	231	456	199	427	93