

SENATOR WITEK: Senator Pedersen, I wonder if you could answer just a few questions about this section.

SENATOR PEDERSEN: Senator Witek.

SENATOR WITEK: On page 6, line 7, it says the document...they're talking about the document...maybe I should go back in case people haven't read this. Within 60 days after commitment of any offender to the department, all available information regarding such committed offender shall be reviewed and a committed offender department approved personalized program plan document shall be drawn up. The document shall specifically describe the department approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion. That's where my question is. Who decides then what the realistic schedule is?

SENATOR PEDERSEN: This is done by D & E, the Diagnostic and Evaluation Center when an inmate first enters the system.

SENATOR WITEK: Do they do that in conjunction with the prisoner, or is it just up to them to decide the schedule?

SENATOR PEDERSEN: It's all part of the whole beginning of their stay in the correctional facility with the prisoner as far as where they're going to be placed, whether they be placed in...it's done through a point system. And then they...this will now be included after... I mean some of this is already done, as I mentioned before, Senator Witek.

SENATOR WITEK: So all those decisions are made by individuals other than the incarcerated individuals.

SENATOR PEDERSEN: Qualified individuals who are working in the D & E.

SENATOR WITEK: Okay. And on line 10 through 14, some of the language talks about the committed offender shall comply with the department approved personalized program plan, and the department shall provide programs to allow compliance. My concern there is with this kind of mandatory...this mandated language, could...in your opinion could a prisoner come back and say that the department was not providing the program that was