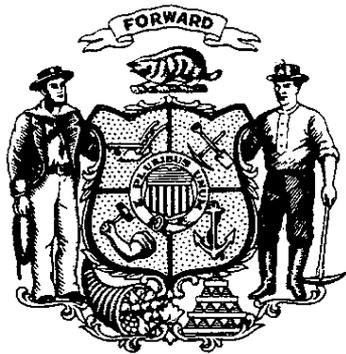


**State of Wisconsin
Department of Corrections
Division of Community Corrections
Offender Handbook**



POC-4 (Rev. 8/2014)

Offender Handbook

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INTRODUCTION

This handbook is for your use as a person placed on Probation by the Court, or released from prison on parole or extended supervision. The handbook will help you to understand what your Probation/Parole Agent will expect from you and why.



WHAT DOES PROBATION, PAROLE OR EXTENDED SUPERVISION MEAN?

Being placed on probation by a Circuit Court Judge or released from prison on parole or extended supervision, means that you may complete your sentence outside of prison or jail. You will be supervised by the Department of Corrections in your community.

Probation means your supervision is community-based. Usually, as part of probation, the court orders you to do certain things that relate to the history of your crime, such as: spending time in jail, paying restitution, attending treatment or education groups, or doing community service. Your agent has a copy of the court order and you should ask him/her about the court-ordered conditions of your probation because these conditions are ordered by the court, your agent cannot change them.

Following is a description of the court orders for probation:

Sentence Withheld, Placed On Probation:

The court has not imposed a sentence and has ordered you to be placed in the custody of the Department of Corrections through community-based supervision. You will be subject to the control of the department under conditions set by the court and rules and regulations established by the Department of Corrections for your supervision. If you violate the conditions of your supervision and your probation is revoked, you will be returned to court for sentencing.

Sentence Imposed And Stayed, Placed On Probation:

The court has sentenced you to a specific term, but has ordered that sentence not be carried out and has placed you in the custody of the Department of Corrections for a stated period. If you violate rules or conditions of probation and your supervision is revoked, you will then be required to serve the sentence imposed by the court. You will not return to court.

Parole means that the Parole Commission has released you from prison and has set your conditions of parole or that you have been released from prison after having reached your mandatory release date. Extended supervision means that you have completed your prison sentence under the Truth in Sentencing law and now have a period of community supervision to complete. The judge determined the length of the extended supervision at the time of sentencing.

WHEN WILL I SEE MY AGENT?

When your agent meets with you for the first time, he/she will let you know how often you must see him/her. These meetings may occur at your home, job, school, or in the agent's office. These meetings are an opportunity for you to discuss any problems or concerns you have. At least once every six to twelve months, your agent will review this reporting schedule and may make changes in the schedule if necessary.

Remember, it is very important that you keep all appointments with your agent.

If you have a problem you need to discuss with your agent and it is not a regular meeting, call your agent and ask if he/she can see you sooner.

If you reach your agent's voice mail during normal business hours, or if he/she is not available and it is an **emergency**, contact the receptionist and inform him/her of the urgency of the matter. He/she will then obtain assistance for you.

You will be required to follow the rules of your supervision as set forth by your agent. Violations of the rules of your supervision may lead to revocation of your supervision and return to court to be sentenced, or return to prison.

WHAT WILL MY PROBATION AND PAROLE AGENT DO?

When your agent meets with you, he/she may do required paperwork, collect restitution, verify that your supervision fee account is up to date, verify your employment and attendance at treatment or education groups, obtain a urine sample, collect a DNA sample, and discuss your progress on supervision. This is also a chance for you to ask questions and request help in obtaining needed services.

Your agent will ask you many questions. The information you provide will help your agent to get to know you, and will help you and your agent to set goals for your time on supervision. Your agent will provide you with a copy of your case plan so that you know which goals and activities you should work on between your appointments. You should bring your case plan with you when you visit your agent.

During meetings with your agent, your agent may give you homework to do as part of your case plan. These assignments are designed to help you look more closely at your thoughts and behaviors and how they relate to both past situations and situations you will likely face in the future. Completing the homework and discussing it with your agent will assist you in making the changes you identified on your case plan.

Your agent will also visit you at your home. The agent must be familiar with your living situation, and with whom you are living. Home visits help an agent understand your living situation.

If you quit reporting to your agent, and your agent cannot locate you, a warrant will be issued for your arrest.

In addition, the time that passes until you are apprehended will not count toward your time on supervision. In other words, your supervision will be extended for the amount of time that passed while you quit reporting to your agent. It is also possible that your supervision may be revoked for not reporting.

WHAT ARE CONDITIONS OF SUPERVISION?

During your first meeting, your agent will discuss the rules and conditions of supervision. The court, as well as your agent, may require that you do certain things while you are on supervision. For instance, you may have to take part in drug or alcohol counseling, family counseling, a school program, a job program, as well as a number of other programs. The court may also order that you pay a fine, court costs, and attorney fees, perform community service work, pay restitution to the victim, and pay supervision fees. Payment of supervision fees is an important condition of your supervision as well as it is the law. Your agent will explain exactly what money you owe and assist you in setting up a monthly payment plan, based on your financial situation. If you are not able to pay, your agent may ask the court to give you more time to pay or change the financial condition of your supervision in some way.

Your payments should be made with money orders made payable to the Department of Corrections. **At no time should you make cash payments to your agent or write a personal check payable to your agent.**

WHAT IS RESTITUTION

The purpose of restitution is to make you aware of, and responsible for, the damage caused to your victim(s) and society as a result of the crime you committed. Restitution is your chance to make amends to the victim(s) of your crime for the economic loss they've suffered as a result of your crime. You will submit restitution payments to your agent. If the end of your probation, parole or extended supervision sentence nears, and you haven't paid the restitution you owe, you may have to explain, to a judge, why you have not paid your restitution.

It is possible that your probation will be extended until you pay all of the restitution you owe. In some cases, community service can be performed in lieu of some of your restitution, if agreed to by the Court. A civil judgment may also be entered against you if you fail to pay restitution.

WHAT ARE SUPERVISION FEES: WISCONSIN STATUTE 304.07 4(2)

The legislature has determined that all offenders on community supervision must pay for a portion of the cost of their supervision. (1995 WI Act 27) In order to successfully complete community supervision, you must pay supervision fees. Supervision fees are to be paid in addition to court-ordered obligations, and have the same legal priority as restitution. The supervision fee charge is to be paid monthly, and is based on the monthly gross income of the offender and his/her spouse.

If you fail to make your Supervision Fee payments, you could be subject to the following actions:

- Extension of your supervision
- Tax intercept
- Wage assignment
- Revocation
- Placement on electronic monitoring
- Disciplinary detention for up to five days
- Increased level of supervision

<u>Category</u>	<u>Gross Monthly Income</u>	<u>Monthly Supervision Fee</u>
I	\$0 - \$799.99	\$20.00
II	\$800.00 to \$1,499.99	\$40.00
II	\$1500.00 or above	\$60.00

Your agent may adjust the supervision fee when there is a change in your gross monthly income. Your agent can assist and observe you in preparing your payment and coupon prior to mailing the payment or putting it in designated drop box. To be credited for your supervision fee payment, you must send both your supervision fee payment and your personally assigned coupon to P.O. Box 93353, Milwaukee, WI 53293-0353. A Cashier's Check or Money Order are the **ONLY** acceptable forms of payment for Supervision Fees. Acceptance of cash or personal checks is **expressly prohibited** by the State's contract bank.

The Department of Corrections (DOC) will let the Department of Revenue (DOR) know that you owe for unpaid supervision fees. Future earnings you receive from any income tax refund or lottery winnings may be intercepted by the DOC and forwarded to DOC for any unpaid supervision fees.

CAN I GET AN EARLY DISCHARGE?

Early discharges from probation are granted by the court. Your agent may petition the court for an early discharge if you do the following:

- Abide by all court-ordered conditions of your supervision.
- Abide by the Rules of your Supervision.
- Successfully complete ALL treatment programs you were ordered to attend.
- Pay ALL financial obligations in full including court ordered obligations and supervision fees.
- Have no outstanding warrants.

Offenders on probation must serve at least 50% of the probation before they can be considered for early discharge. You are not eligible for early discharge from probation if you are required to register under s. 301.45.

Persons on Extended Supervision and Parole are not eligible for early discharge.

IF I AM HAVING A DISAGREEMENT WITH MY AGENT, WHAT DO I DO?

If you are having difficulties with your agent, you should first discuss them with your agent. If you are not satisfied with your agent's response, you have the right to appeal to your agent's supervisor. Ask your agent for Form DOC-127 "Offender Request for Administrative Review." Your agent will explain the procedure to you. **All complaints/appeals must be submitted to your agent's supervisor in writing.**

The following cannot be appealed:

- Custody and detention
- Revocation
- Violation of criminal laws or municipal ordinances
- Firearms denial if you have ever been convicted of a felony
- Voting denial if you have been convicted of a felony
- Conditions of supervision ordered by the Court or the Parole Commission
- Mandatory detention

While you are in the process of appealing a decision, the initial decision made by your agent will remain in effect. You **MUST** comply with the agent's decision or directive during the appeal process. You will not be penalized for filing a complaint.

CAN I GO HUNTING OR HAVE A GUN WHILE I AM ON SUPERVISION?

(Federal Gun Control Act of 1968, 18 USC 921 to 928 & Wisconsin Statutes Sec. 941.29, 813.12, 813.122 and 813.125)

Both Federal and State law have a lifetime prohibition for possession of firearms and/or ammunition by convicted felons. Federal law also prohibits possession of firearms and/or ammunition by fugitives from justice, any person who is a user or addicted to any controlled substance, any person committed to a mental health institution, illegal aliens, any person discharged from the Armed Forces under dishonorable conditions, any person subject to a court order restraining the person from harassing or stalking an intimate partner or child, and any person who has been convicted of any misdemeanor crime which has as an element of the crime, domestic abuse behavior. In addition, Wisconsin law prohibits persons subject to domestic abuse or child abuse restraining orders from firearm possession. Wisconsin judges may prohibit firearm possession by persons subject to harassment restraining orders. In addition, Corrections policy prohibits you from possessing firearms or ammunition if you have a history of domestic violence-related behavior or have ever been convicted of any offense where the behavior is domestic violence in nature. You should check with your attorney and/or the District Attorney in the county where you live to determine if these prohibitions regarding firearms and ammunition apply to you when you are no longer on supervision.

Probation/Parole Agents, based on a case by case determination, may prohibit any person on supervision from possessing a firearm and any other weapon. You should not go bow hunting unless it is approved by your agent.

Finally, you and any visitors to the Probation and Parole office are prohibited from carrying any firearms or weapons into the office, regardless of whether the weapon is concealed or openly carried.

CAN I VOTE WHILE I AM ON SUPERVISION?

The Wisconsin constitution indicates that a person convicted of a felony cannot vote in any election unless that person is “restored to civil rights.” Restoration of civil rights occurs when an offender has discharged from supervision. Therefore, felony offenders cannot vote while they are under supervision to the Department of Corrections. Offenders who violate this law may be subject to revocation and/or criminal prosecution.

CAN I TRAVEL OUTSIDE THE STATE OF WISCONSIN

If you need to leave Wisconsin for ANY reason, you must get permission from your agent **and** a travel permit in advance. If your request to travel out of state is approved by your agent, you will be given a travel permit, which will allow you to leave Wisconsin for up to 15 days. Your agent cannot give you permission to leave the country. Travel abroad is prohibited.

In order for your agent to approve a travel permit, he/she will need to know exactly where you want to go, why you need to go there, how long you plan on being there, how you will be traveling and with whom you will be staying. Your agent will need the name(s) and exact address and phone number of the person(s) you will be staying with while you are out of state. Denial of a travel permit may occur for reasons associated with your supervision.

WHAT ABOUT MOTOR VEHICLES

You must get permission from your agent to buy, trade, sell or operate a motor vehicle. Your agent will ask you to complete a form to collect information about the vehicle and to record your driver license number. If you are required to have an Ignition Interlock Device (IID) on your vehicle as a result of an OWI-related conviction, you must report that information to your agent and comply with the requirements of the IID. You must also possess liability insurance on any vehicle you operate.

WHAT HAPPENS IF I VIOLATE THE LAW OR THE RULES OF SUPERVISION?

If you violate the law or the rules of your supervision, your agent will complete a violation investigation. You may be placed in jail by your agent while the violation is being investigated. Your agent will investigate the facts and will meet with you to discuss the violation. A serious violation may lead to the revocation of your supervision.

WHAT IS REVOCATION?

Depending on the violation and your overall adjustment on supervision, your agent may recommend revocation of your supervision. The process involves a hearing in front of an administrative law judge, with your attorney and your agent. If your supervision is revoked, you will either be returned to court for sentencing or transported to a correctional institution.

ARE THERE ANY PROGRAMS THAT I MAY BENEFIT FROM?

Your agent may refer you to programs sponsored by the Department of Corrections. These may include educational and therapeutic programs addressing the following concerns:

- Alcohol and Other Drug Abuse
- Cognitive Restructuring
- Domestic Violence
- Employment
- Sexual Assault
- Anger Management

You may also benefit from programs offered throughout the state. Some of them include:

COUNTY SOCIAL SERVICES AND HUMAN SERVICES:

Emergency assistance, food stamps, Wisconsin Works, medical assistance, energy assistance, home weatherization, WIC program, daycare services.

SOCIAL SECURITY OFFICES

Social Security, SSI, Medicare.

JOB SERVICE OFFICES, DEPT. OF WORKFORCE DEVELOPMENT

Worker's compensation, unemployment compensation preparation for employment, job referrals

U.S. VETERANS AFFAIRS OFFICES

Variety of veteran services

U.S. OFFICE OF EDUCATION

Educational aids through high school counselors or college financial aid offices

TRIBAL AGENCIES

Financial assistance for Menominee Tribal members or other tribal members living on tax-free Indian lands, Relief of Needy Indian Persons (RNIP).

Please check your local phone book for the location and phone numbers of agencies in your area.

STATE LAW AND WISCONSIN DEPARTMENT OF CORRECTIONS POLICY AGAINST STAFF AND OFFENDER SEXUAL ACTIVITY

Wisconsin Department of Corrections policy and state statutes 940.225 prohibit sexual contact between staff and offenders.

It is never appropriate for a staff member to make sexual advances, comments, or to engage in sexual contact with an offender. Although you may agree to the sexual activity, the Wisconsin Department of Corrections specifically does not allow sexual activity between offenders and DOC Staff. If you need to report inappropriate behavior, contact the supervisor, regional chief or call 608-240-5300 to locate the regional office address, or you can send a letter to the DCC Administrator or DOC Secretary to P.O. Box 7925, Madison, WI 53707-7925.

Confidentiality: Information concerning the identity of an offender reporting sexual advances, comments or sexual contact, and the facts of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the offender's welfare and for law enforcement and/or investigative purposes.

False Allegations: No disciplinary action shall be taken against the reporting offender unless, as a result of the investigation, it is determined that the allegations were false or the offender violated the law. False allegations could result in referral to local law enforcement authorities.

NOTICE OF FIREARM RESTRICTIONS

The Federal Gun Control Act (GCA) makes it unlawful to receive, possess, or transport firearms and/or ammunition for any person who meets any of the following criteria:

- (1) Is under indictment for or has been convicted in any court of a crime punishable by a term exceeding one year
- (2) Is a fugitive from justice
- (3) Is an unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802)

The term "*addict*" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted in the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

The term "*controlled substance*" means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV, or V of Part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in Subtitle E of the Internal Revenue Code of 1986.

- (4) Has been adjudicated as a mental defective or has been committed to a mental institution
- (5) Is an alien illegally or unlawfully in the United States
- (6) Has been discharged from the Armed Forces under dishonorable conditions
- (7) Having been a citizen of the United States, has renounced his citizenship

Furthermore, the GCA, as amended by the "Omnibus Consolidated Appropriations Act of 1997," makes it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. It also makes it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person, knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor.

As defined in the GCA, a "Misdemeanor Crime of Domestic Violence" means an offense that...

- (1) Is a misdemeanor under federal or state law; and
- (2) Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim.

Additionally, 1995 Wisconsin Act 71 prohibits possession of firearms and/or ammunition by persons under domestic abuse or child abuse injunctions and restraining orders.

Prohibition is **automatic** for domestic abuse and child abuse orders. Prohibition for harassment orders **may** be ordered by a judge or family court commissioner.

I understand that, if subject to these laws, I must immediately relinquish all firearms and ammunition in my possession to a third party such as my attorney, local police agency, or a firearms' dealer. I understand that if I do not comply with the law, I am subject to criminal penalties and/or revocation of my supervision. I further understand that, if I am subject to any of these laws, my agent cannot grant me permission to possess a firearm and that any permission granted is thereby null and void.

NOTICE OF RIGHT TO REASONABLE ACCOMMODATIONS

I have a disability and I am having trouble accessing the office, program, service, or activity, what do I do?

The Division of Community Corrections (DCC) is committed to assuring fair and equitable treatment of individuals with disabilities who are under our supervision and who seek access to our programs, services and activities. Under the American with Disabilities Act (ADA), discrimination against offenders with disabilities is prohibited. It is the policy of DCC that all programs, services and activities shall be readily accessible to qualified individuals with disabilities. DCC requires its employees to follow policies and procedures to make the division's programs, services and activities accessible to individuals with disabilities unless to do so would fundamentally alter the nature of the program, service or activity or create an undue administrative burden or direct threat. DCC may seek alternative means of achieving accessibility for qualified individuals with disabilities. Such means may include the provision of auxiliary aids by offenders with disabilities who are under community supervision to ensure accessibility.

To request an accommodation, please complete a Reasonable Modification/Accommodation Request For Probation, Parole & Extended Supervision, DOC 4051, and attach relevant medical documentation. These forms are available in the lobby of the DCC offices, or can be obtained from a staff member.

I have a disability and my accommodation request was denied. Can I appeal?

If the ADA reasonable accommodation request is denied, you have the right to appeal the denial using the DOC 4052, Offender Request for Administrative Review of Reasonable Modification/Accommodation Request. The forms are available at your local community corrections office. These appeals shall be submitted to the supervisor within 5 working days of receipt of the decision, with a copy to the DCC ADA Coordinator. The supervisor shall investigate within 10 working days of receipt of the complaint obtaining information from the agent and then interviewing the offender. Within 5 working days after the supervisor's investigation is complete, the supervisor shall issue a decision. If the decision is to overturn the agent's decision and grant the accommodation, then the decision shall be documented and communicated to the agent, the offender and the ADA Coordinator. If the decision is to deny the complaint, then prior to issuing the decision the field supervisor is to consult the Regional Chief and the DCC ADA Coordinator to assure the denial decision is in keeping with division policy and ADA law.

Offenders under community supervision have the right to appeal a denial of a reasonable accommodation to the DCC ADA Coordinator who shall discuss these appeals with the DOC ADA Advisory Committee for final action. The appeal should include copies of the Reasonable Modification/Accommodation Request For Probation, Parole & Extended Supervision, DOC 4051; The Offender Request For Administrative Review of Reasonable Accommodation/Modification Request, DOC 4052; the supervisor's written decision, and any medical documentation. Appeals may be sent to the DCC ADA Coordinator at: Wisconsin Department of Corrections. Attn: DCC ADA

Coordinator, 3099 E. Washington Ave, Madison, WI 73707-7925. A written decision shall be issued within 10 days of receipt of the appeal. The written decision shall be provided to the individual requesting the accommodation(s).

If the DCC ADA Coordinator denies the appeal, the offender always retains the option to appeal the denial of the ADA accommodation to the DCC Administrator for a final review of all relevant written information including the offender's appeal and previous decisions issued by the agent, supervisor, and the DCC ADA Coordinator. The Administrator shall issue a written decision stating the reasons for the decision within 10 working days of receipt of the appeal. The offender, agent, field supervisor and DCC ADA coordinator shall receive copies of the administrator's decision. The administrator's decision regarding the appeal shall be final.