

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 300.00.12	Page 1 of 12
	Original Effective Date: 01/13/04	New Effective Date: 08/01/17
	Supersedes: 300.00.12	Dated: 11/28/16
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 300 Administrative		
Subject: Earned Release Programs		

POLICY

The Division of Adult Institutions shall develop, administer and establish enrollment suitability for earned release programs.

REFERENCES

Wisconsin Statutes s. 302.045 – Challenge Incarceration Program
Wisconsin Statutes s. 302.05 – Wisconsin Substance Abuse Program
Wisconsin Statutes s. 973.01 – Bifurcated Sentence of Imprisonment and Extended Supervision
DAI Policy 309.55.01 – Inmate Compensation Plan
DAI Policy 500.30.40 – Medical Clearance for the Challenge Incarceration Program
DAI Policy 500.70.23 – Dual Diagnosis
Records Office Procedure (ROP) I-01 – Ensuring Proper Release
Records Office Procedure (ROP) I-02 – Release From Facility
Attachment A – CIP and ERP WICS Program Tracking Status Definitions
Attachment B – CIP and ERP Dosage and Supporting Program Availability

DEFINITIONS, ACRONYMS, AND FORMS

AODA – Alcohol and Other Drug Abuse

ATR – Alternative to Revocation

BOCM – Bureau of Offender Classification and Movement

DCI – Dodge Correctional Institution

Challenge Incarceration Program (CIP) – An earned release program that includes manual labor, military drill and ceremony, strenuous physical exercise and treatment directly related to the participant's criminal behavior.

COMPAS – Correctional Offender Management Profiling for Alternative Sanctions

CR-263 – Petition for Determination of Eligibility for the Earned Release Program

CR-264/DOC-2251 – Department of Corrections Approval to File Petition for Determination of Eligibility for the Earned Release Program

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CR-265 – Order on Petition for Determination of Eligibility for the Earned Release Program

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-10 – Rules of Community Supervision

DOC-15 – Offender Release Authorization

DOC-173 – Offender Conduct Record

DOC-1163A – Authorization for Use and Disclosure of Protected Health Information (PHI)

DOC-1374 – Challenge Incarceration Program Memo of Agreement

DOC-1479 – Referral for Mental Health Placement

DOC-1479A – Referral for Mental Health Placement – Addendum

DOC-1883 – Discharge Summary – CIP

DOC-2070A – Records Office Release Information CIP/ERP

DOC-2156 – Amendment to Judgment of Conviction & Order – CIP

DOC-2259 – ERP Amendment to Judgment of Conviction

DOC-2271 – Earned Release Program Memo of Agreement

DOC-2439 – Primary Program Status

DOC-2742 – ERP Termination Removal Summary

DOC-3474 – Psychologist Minimum Security Placement Recommendation

DOC-3741 – Program Behavior Contract

DOC-3742 – Earned Release Program Discharge Summary – Short

DOC-3743 – Earned Release Program Discharge Summary – Long

DOC-3745 – Programming Client Evaluation

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DOC-3552 – Challenge Incarceration Program (CIP) Candidate Health Pre-Screening Dual Diagnosis – Program designated by PSU, based on MH2A designation and AODA treatment need.

Earned Release Program (ERP) – Also known as the Wisconsin Substance Abuse Program. An earned release program that provides substance abuse treatment to inmates.

Earned Release Programs – Programs that afford inmates the opportunity to earn a reduction in their term(s) of confinement. This includes CIP and ERP.

HSU – Health Services Unit

IC – Initial Classification, previously known as Assessment and Evaluation (A&E)

JOC – Judgment of Conviction

MICA – Mental Illness and Chemical Abuse (Dual Diagnosis treatment program OSCI)

MSMU – Monarch Special Management Unit (TCI)

OCS – Offender Classification Specialist

OSCI – Oshkosh Correctional Institution

Program Supervisor (ERP/CIP) – Staff possessing a clinical supervisor license.

PSU – Psychological Services Unit

RC – Reclassification (previously known as the Program Review Committee (PRC))

Strength – Dual Diagnosis treatment program at TCI

TCI – Taycheedah Correctional Institution

Treatment Team – AODA Social Worker/Treatment Specialist, Program Supervisor, Security Staff

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. Eligibility and Suitability

- A. Eligibility is determined by statutory eligibility and judicial recommendation. Statutory eligibility is based on the following criteria established in Wisconsin Statutes s. 302.045 and s. 302.05:
 1. Is not serving time for a statutorily excluded offense:

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- a. Chapter 940 Crimes Against life or bodily security.
 - b. Chapter 948 Crimes Against Children include only: 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, 948.095.
 2. Has a substance abuse treatment need.
 3. Has a court determination of eligibility on one of the following:
 - a. JOC, if sentenced to a bifurcated sentence.
 - b. CR-265.
 4. Has completed court imposed mandatory time to serve.
 - a. The date sentence began is obtained from the inmate's legal file. When determining time served, DOC includes jail credit, unless otherwise specified by the court.
 - b. When an inmate has consecutive sentences and mandatory time to serve, the time served begins when the confinement time starts on the eligible case.
 - c. Inmates shall be eligible on all cases they are confined for at the time of enrollment. Release to the community is anticipated upon completion.
 5. CIP Only:
 - a. Has not attained the maximum age at time of enrollment.
 - i. Inmates sentenced on or after July 26, 2003 must be under age 40 on the date of enrollment.
 - ii. Inmates sentenced prior to July 26, 2003 must be under the age of 30 on the date of enrollment.
 - b. No physical or psychological contraindications.
 - c. Is serving a bifurcated sentence or an appropriate indeterminate sentence per Wisconsin Statutes s. 302.045(2)(e).
- B. Suitability for program enrollment is discretionary and determined by the DOC. Inmates suitable for enrollment shall meet the following criteria:
1. Are statutorily eligible on all active cases.
 - a. Cases are defined as active until the end of confinement time for each count/case separately. When the inmate reaches the end of confinement on a non-eligible case, the inmate may be eligible and suitable on the subsequent case(s).
 - b. Inmates with a non-bifurcated (New Law) sentence of one year or less, running consecutive/concurrent to a bi-furcated (TIS) sentence, are not excluded from CIP/ERP. The non-bifurcated sentence may not be for a statutorily excluded offense.
 - c. Dismissed and read in cases for excluded offenses do not prohibit enrollment.
 2. Are classified as minimum or community custody.
 3. Have a minimum time to adjusted release:
 - a. Eight months for the high/med program
 - b. Six months the low program
 - c. 18 months for MICA program
 - d. Nine months for Strength program

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4. Have a maximum of 36 months to adjusted release date. Exceptions to enrollment for inmates greater than 36 months to release shall be referred to a BOCM Sector Chief and program providers.
 5. Have a COMPAS assessment completed.
 - a. An inmate may enroll in ERP or CIP regardless of his/her COMPAS Risk Level recommendation.
 - b. Program and site placement shall consider the inmate's COMPAS Risk Level and mental health needs. Recommendation per Attachment B.
 6. Have not completed CIP/ERP during a prior incarceration on the same sentence he or she is currently serving time for. Inmates who have completed CIP as an ATR are not excluded from enrollment.
 7. Have a 5th grade reading level for CIP. Inmates shall not be excluded based upon reading level for ERP.
 8. Have resolved legal matters impacting program involvement
 - a. IC/RC shall review legal issues such as appeals, custody disputes, civil cases or paternity matters to ensure they will not impact the inmate's availability for the program and/or interfere with the inmate's ability to accept treatment for criminal convictions and behaviors.
 - b. All pending felony charges shall be resolved prior to enrollment as the case may impact eligibility and/or suitability for CIP/ERP. Resolution can include a Deferred Prosecution Agreement.
 - c. Misdemeanor cases shall be reviewed on an individual basis.
 - d. Detainers shall be reviewed on an individual basis.
- C. IC or RC shall review court determined eligibility and assess suitability per Section I. A and B. at every classification staffing/hearing.
- D. WICS is the primary data system for tracking, monitoring and documenting an inmate's CIP/ERP status and participation. The OCS shall apply the WICS tracking statuses according to Attachment A.
- E. Inmates eligible and suitable for CIP/ERP shall meet their assigned AODA need through successful completion of CIP/ERP unless mitigating circumstances or resources determine an alternative program is more appropriate. Inmates eligible and suitable for CIP/ERP are low priority for enrollment into non-earned release AODA programs.
- F. The totality of an inmate's needs shall be considered when reviewing eligibility and suitability. Inmates with a moderate or high COMPAS Risk Level Recommendation may address more than one primary program need through CIP/ERP.

II. Recommendation for Enrollment into CIP/ERP

- A. The OCS shall ensure PSU clearance occurs prior to a recommendation for program enrollment when applicable. When mental health needs exist, BOCM staff shall request completion of the DOC-3474 by PSU.

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1. Inmates with certain mental health needs may not be suitable for CIP. Inmates shall be assigned MH-0 at the time of enrollment.
 2. Inmates may participate in ERP if found eligible for minimum security placement by PSU.
 3. If an inmate has been designated as a dual diagnosis inmate and it has been determined he/she cannot successfully complete a traditional AODA program and has been cleared for minimum, a referral shall be made to MICA (male) or Strength (female) per DAI Policy 500.70.23. PSU staff shall complete a DOC-1479 and DOC-1479A.
- B. The OCS shall ensure HSU clearance occurs prior to a recommendation for program enrollment when applicable.
1. BOCM staff at DCI/TCI Intake or Social Workers at all other facilities shall facilitate the inmate's completion of the DOC-3552 prior to a referral by BOCM to HSU for CIP.
 2. If the results of the DOC-3552 support a referral to HSU the OCS shall refer the inmate for medical clearance per DAI Policy 500.30.40.
- C. The OCS shall review the legal file to confirm CIP/ERP eligibility prior to a request for a program reservation and to ensure all court ordered conditions are met.
1. Consultation may occur with Records Office staff for interpretation of sentences as necessary.
 2. If found both eligible and suitable the OCS may request a tentative date/reservation for program enrollment from the designated BOCM staff.
- D. A recommendation for enrollment occurs at an IC staffing or a RC hearing. At the staffing/hearing the custody level and facility placement necessary to effect CIP/ERP enrollment shall be considered.
- E. If the inmate agrees to participation, the inmate shall review the applicable DOC-1374 or DOC-2271. The Inmate Classification Report shall include documentation regarding the inmate's review of the DOC-1374 or the DOC-2271 and the tentative CIP/ERP reservation/projected start date.
- F. IC or RC shall establish recall dates that coincide with bed management needs, reservation dates and/or eligibility dates for CIP/ERP. Recall dates must allow for sufficient time to complete the classification process and transfer.
- G. Designated BOCM staff shall monitor inmates requiring transfer for CIP/ERP and coordinate movement with the BOCM Transportation Coordinator.
- III. ERP Only – JOC Silent – Petition to Determine Eligibility**
- A. When the JOC is silent regarding ERP eligibility and the inmate is statutorily eligible, the inmate may, with DOC approval, petition the sentencing court to determine whether he/she is eligible to participate in ERP.

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1. BOCM IC staff shall advise the inmate if he/she may file a DOC-2251 upon arrival at their receiving site.
2. This section applies to sentences imposed before July 26, 2003. See Wisconsin Statutes s. 302.05(3)(e).
- B. The receiving site's BOCM office shall assist the inmate in submitting the CR-264/DOC-2551 and CR-263 when the:
 1. JOC does not make a determination regarding ERP.
 2. Inmate is statutorily eligible, other than the judicial determination.
 3. Inmate is serving a bifurcated sentence.
 4. Inmate is 12-60 months from release.
- C. Approved petitions shall be submitted to the Circuit Court in the county that entered the JOC. Include the following:
 1. Cover letter.
 2. CR-263.
 3. CR-264/DOC-2251.
 4. DOC-173.

IV. Refusal of CIP/ERP

- A. Inmates who are offered and refuse at IC shall remain on the waiting list and shall be reviewed for program enrollment in the future.
- B. After IC when an inmate is offered enrollment and refuses participation, either at the time of the RC review or subsequent to the review, the OCS shall refer the case to the inmate's assigned Social Worker and/or program provider for completion of the DOC-2439.
- C. The Social Worker or program provider shall update WICS to reflect rejected by program – inmate refused for the applicable CIP/ERP and AODA program. Use of comments section with an explanation is expected.
- D. If an inmate wishes to be considered for program enrollment after a refusal, a written request shall be submitted to the assigned BOCM office requesting placement back on the wait list.
- E. If program enrollment is being considered the inmate shall be placed on the waiting list in WICS with an explanation and factors considered in making the determination.

V. Enrollment/Participation In CIP/ERP

- A. At the time of enrollment, Records Office staff shall begin the release check process by completing the DOC 2070A to confirm the inmate:
 1. Is not serving time for a statutorily excluded offense listed in Section I.
 2. Has a court determination of eligibility.
 3. Has completed the conditions imposed by the court regarding mandatory time to serve.

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4. Any identified discrepancies related to enrollment shall be directed to the designated BOCM Sector Chief.
 - B. Treatment providers shall ensure the inmate reviews and signs the DOC-1374 or DOC-2271 and DOC-2439.
 - C. The inmate shall complete the DOC-1163A for the sentencing court, District Attorney, Defense Attorney and assigned DOC Agent to allow for disclosure of protected health information.
 - D. Records Office staff shall update WICS and the legal file if the inmate has waived parole consideration.
 - E. WICS program tracking and sub-statuses shall be updated to reflect program status changes per Attachment A.
 - F. Treatment providers shall complete standardized assessments for development of the treatment plan.
 - G. Program participation changes shall occur in accordance with inmate compensation requirements in DAI Policy 309.55.01.
 - H. Program evaluations shall occur at established points during the program utilizing DOC-3745.
 - I. A treatment team shall review progress and make treatment recommendations regarding inmate program participation with the inmate present.
 - J. When new legal issues arise, the Program Supervisor shall review the legal issues such as appeals, custody disputes, civil cases or paternity matters to ensure they will not impact the inmate's availability for the program and/or interfere with the inmate's ability to accept treatment for criminal convictions and behaviors.

VI. Completion of CIP/ERP

- A. Completion of CIP/ERP is determined by program evaluations and program provider evaluation of inmate's progress. All completions are reviewed by the Program Supervisor and forwarded to Warden/designee.
- B. WICS program tracking and sub-statuses shall be updated to reflect program status changes per Attachment A.
- C. Program staff shall complete the applicable DOC-3742, DOC-3743, or DOC-1883 within 10 working days of the inmate's completion of the program.
- D. A letter signed by the Warden/designee and the applicable DOC-2156 or DOC-2259 shall be submitted to the Sentencing Court, District Attorney and

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Defense Attorney for inmates serving a bifurcated sentence that will not reach extended supervision prior to program completion.

- E. A letter shall be submitted to the Parole Commission for inmates serving a non-bifurcated sentence which will not reach mandatory release prior to program completion.
- F. Records Office staff shall monitor and ensure receipt of parole grant, if applicable. If no DOC-2156 or DOC-2259 is requested, release on parole grant no later than 30 days after executive date in order.
- G. Upon receipt of an amended JOC, release shall occur per ROP I-01 and ROP I-02.
- H. DAI shall receive release documents including, but not limited to, the DOC-15 from DCC Agent.
- I. All releases shall be expedited upon receipt of the court order modifying the inmate's bifurcated sentence and shall occur no later than six working days.

VII. Extension of CIP/ERP

- A. The treatment team may recommend extension of the treatment program for an inmate and shall submit a behavior contract on DOC -3741.
- B. A Program Supervisor shall make the decision regarding approval of a treatment extension based upon the referral from the treatment team. An inmate may be extended for the following reasons:
 - 1. He/she missed the program for an approved reason (e.g., hospitalization).
 - 2. To allow for increased skill practice when an inmate is struggling with program concepts.
 - 3. He/she has demonstrated behaviors contrary to the mission and purpose of the program.

VIII. Withdrawal From CIP/ERP

- A. When an inmate requests to withdraw from the program, the program provider shall meet with the inmate to discuss the reason for the request.
- B. If the inmate chooses to withdraw from the program, the inmate shall sign the DOC-2439. If inmate refuses to sign the DOC-2439, the program provider shall document the refusal.
- C. Status and reason for withdrawal shall be entered into WICS. A brief description of the reason for the withdrawal shall be entered into the comments section.
- D. Program staff shall advise the assigned Social Worker and OCS of the need for a RC hearing when appropriate.

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IX. Termination From CIP/ERP

- A. The treatment team may recommend termination from treatment. This recommendation is documented on the DOC-2742 or DOC-1883 and forwarded to a Program Supervisor for approval.
- B. When the decision is made to terminate an inmate, the treatment team shall notify the inmate of the termination. The inmate shall be provided a copy of the DOC-2742 or DOC-1883.
- C. The DOC-2742 or DOC-1883 shall be:
 - 1. Submitted to the Warden/designee for determination of a referral to BOCM as necessary for review of custody and placement.
 - 2. Forwarded to the BOCM OCS for use in determining custody, program and placement.
- D. The program status and brief description of the reason for termination shall be documented in WICS.

X. Removal From an ERP/CIP Site

- A. The Warden/designee may recommend an inmate be removed from the site without a treatment termination.
- B. Removal may be necessary when an inmate's behavior is contrary to a therapeutic environment and/or in conflict with DOC rules, regulations and custody level. Removal shall be documented on DOC-2742.
- C. Warden/designee shall determine referral to BOCM as necessary for review of custody and placement.
- D. The DOC-2742 shall be forwarded to the BOCM OCS for use in determining custody, program and placement.

XI. Re-enrollment CIP/ERP

- A. Re-enrollment is at the discretion of the Program Supervisor and RC and considers available resources and the reason for termination/removal.
- B. When an inmate is being considered for re-enrollment, RC shall review available program discharge information and adjustment since termination from the program. The Inmate Classification Report shall include the date, location and reason for termination when an inmate is being considered for re-enrollment.
- C. If re-enrollment is found to be appropriate, the OCS shall contact the designated BOCM staff to request a tentative bed date/reservation.

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- D. Inmates eligible and suitable for CIP/ERP may be considered for enrollment into a non-earned release AODA program when:
1. The inmate has not refused or been terminated from CIP/ERP during the current incarceration and;
 2. Resources do not allow enrollment into CIP/ERP.

Administrator's Approval: _____ **Date Signed:** _____
Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 300.00.12	Page 12 of 12
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 300 Administrative		
Subject: Earned Release Programs		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - 1.
 - a.
 - B.
 - C.
- II.
 - A.
 - B.
 - C.