

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 302.00.09	Page 1 of 9
	Original Effective Date: 10/01/09	New Effective Date: 11/20/22
	Supersedes: 302.00.09	Dated: 08/09/21
	Administrator's Approval: Sarah Cooper, Administrator – 11/7/22	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 302 Inmate Classification, Sentence and Release Provisions		
Subject: Certain Earned Releases		

POLICY

The Department of Corrections may release to extended supervision certain persons serving the confinement portion of a bifurcated sentence.

REFERENCES

Wisconsin Act 28 – Relating to state finances and appropriations, constituting the executive budget act of the 2009 legislature
Wisconsin Statutes s. 16.964(12)(a), 2009 Stats – Definition of “violent offender”
Wisconsin Statutes s. 301.45 – Sex Offender Registration
Wisconsin Statutes s. 301.46 – Access to Information Regarding Sex Offenders
Wisconsin Statutes s. 301.048(2)(bm)1 – Definition of “violent offense”
Wisconsin Statutes s. 302.113(9h), 2009 Stats – Certain Earned Release Criteria
Wisconsin Administrative Code s. DOC 302.35 – Certain Earned Releases
Wisconsin Statutes Ch. 940 – Crimes Against Life and Bodily Security
Wisconsin Statutes Ch. 975 – Sex Crimes Law
Wisconsin Supreme Court – State ex rel. Aman Singh v. Paul Kemper, 2016 WI 67
Wisconsin Court of Appeals – State ex rel. Aman Singh v. Paul Kemper, 2014 WI App 43, 353 Wis. 2d 520, 846 N.W.2d 820
ROP I-01 – Ensuring Proper Release
ROP I-02 – Release From Facility

DEFINITIONS, ACRONYMS AND FORMS

A&E – Assessment and Evaluation

A&E Status – Wisconsin Integrated Corrections System (WICS) status of either A&E Intake or A&E Reception

Certain Earned Releases (CER) Coordinator – Records Office staff assigned to assist with CER reviews.

COMPAS – Correctional Offender Management Profiling for Alternative Sanctions

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

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DOC-7E – Pre-Release Investigation

DOC-745 – Release Plan Information

DOC-1121 – Notice of Release

DOC-1950 – Revocation Summary

DOC-2070B – Records Office Release Information – B

DOC-2070C – Records Office Release Information – C

DOC-2288C – OVSP Confidential Coversheet

DOC-2491 – Certain Earned Release (CER) Review

DOC-2499 – Order for Earned Release Pursuant to § 302.113(9h) (DOC Secretary's Office)

DOC-2500 – SORP Review for Certain Earned Release

DOC-2505 – Court Notification of Certain Earned Release (CER)

DOC-2518 – Certain Earned Release – Notice of Denial (DOC Secretary's Office)

DOC-2519 – Certain Earned Release Inmate Ineligibility Notification (Institution Warden/Superintendent)

DOC-2520 – Order to Rescind Previously Granted Earned Release (DOC Secretary's Office)

ES – Extended Supervision

ICCR200 – Initial Classification Decision Report

ICCR204 – Reclassification Decision Report

OVSP – Office of Victim Services and Programs

PSI – Pre-Sentence Investigation

ROP – Records Office Procedure

SORP – Sex Offender Registry Program

Virtual folder – Shared storage medium for CER materials found in Locator/Document tab/Release Planning.

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PROCEDURE

I. Eligibility

To be eligible for CER, an inmate must meet all of the following:

- A. The inmate is serving the confinement portion of a bifurcated sentence for a misdemeanor or a Class F to I felony for a crime that was committed or convicted or sentenced after 9/30/2009 but before 8/3/2011 that is not a violent offense as defined in Wisconsin Statutes s. 301.048(2)(bm)1. An inmate who has an active detainer is eligible for CER consideration without meeting the criteria under this paragraph when the detainer is for a sentence imposed in another jurisdiction and the remainder of that sentence is equal to or longer than the remainder of the Wisconsin sentence.
- B. The facility Social Worker or DCC agent of record has reason to believe the inmate will be able to maintain himself/herself while not confined/on ES without engaging in assaultive activity.
- C. The release to ES date is not more than 12 months before the inmate's calculated release date.

II. Exclusions

- A. The inmate is the subject of a bulletin issued under Wisconsin Statutes s. 301.46(2m).
- B. The inmate has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in Wisconsin Statutes s. 301.45(1d)(b).
- C. The inmate has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in Wisconsin Statutes s. 301.45(1d)(am).
- D. The inmate is required to register under Wisconsin Statutes s. 301.45.
- E. The inmate, in his or her lifetime, has been committed under Wisconsin Statutes Ch. 975.
- F. The Secretary is exercising discretion to exclude the following inmates from consideration for CER:
 - 1. An inmate who, during the inmate's current incarceration period, is serving, has served, or will serve a sentence for a Class A or B felony.
 - 2. An ES violator who has been revoked and has a release date one year or less from the date of admission to prison.
 - 3. An inmate in A&E status at an intake facility.
 - 4. An inmate who, during his/her current incarceration is serving, has served or will serve a sentence defined in Wisconsin Statutes Ch. 940.

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5. An inmate who has been determined to be a violent offender, as defined in s. 16.964(12)(a), 2009 Stats.

III. General Guidelines

- A. The Records Office staff shall not begin the review process for CER consideration when an inmate's release date is less than 90 days from the date he/she is identified as eligible for CER consideration. The Records Office staff shall complete a DOC-2518 based on insufficient time to complete the review process prior to release and forward along with the DOC-2491 to the DOC DAI CER Coordinator mailbox for the Secretary's signature.
- B. If an inmate transfers to another facility after the CER process is initiated, the Social Worker shall notify the receiving facility Social Worker, agent and agent supervisor of the inmate's transfer and status of the CER review within one working day of the transfer.
- C. If only the supervisory review remains to be completed at the time an inmate transfers to another facility, the supervisory review shall be completed at the sending facility by the Social Worker supervisor.
- D. Inmates may not waive consideration for CER. During the review process, if staff is aware an inmate does not wish to be considered for CER, they shall document the inmate's negative response on the DOC-2491, to include why the inmate does not wish to be considered.
- E. If new information becomes available or the inmate indicates he/she does not wish to be released on CER after the CER packet has been forwarded or after the Secretary has ordered an inmate's release, the Warden/designee shall immediately contact the DOC Secretary, Deputy Secretary and Executive Assistant via email.
- F. When the CER Coordinator receives notice of a completed CER packet to be forwarded to the Secretary's Office and the inmate's release date is less than 60 days from the date of receipt, the packet shall not be forwarded to the Secretary's Office for review. The CER Coordinator shall complete a DOC-2518 based on insufficient time to review prior to release date for the Secretary's signature.
- G. CER releases shall occur only on Wednesdays. An inmate whose release contingencies are met after Wednesday, but prior to the next Wednesday may not be released until the next Wednesday.

IV. Records Office Initial and Secondary Review

Upon generation of the list of potentially eligible inmates, Records Office staff have up to five working days to complete the following and, in addition to the steps noted below, shall follow the applicable section of the DOC-2491.

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A. Initial Review:

1. Utilizing a list of potentially eligible inmates posted monthly within the CER tracking system, Records Office staff shall initiate the DOC-2491 to confirm eligibility for continued review.
2. Records Office staff shall forward the DOC-2500 to SORP for sex offender screening, when appropriate.

B. Secondary Review:

1. Upon determination and notification from SORP, complete the Records Office Review section of the DOC-2491.
2. If the inmate is eligible for consideration after the SORP review, save the DOC-2491 in the virtual folder in the inmate's Release Planning folder.
3. If the inmate is ineligible after the SORP review, print the DOC-2491 and file in the Legal file.
4. Update the CER Tracking System.
5. Notify the Social Worker and Social Worker supervisor the material in the virtual folder is ready for the Social Worker's initial review.

V. Social Worker and Social Worker Supervisor Review

Social Workers and supervisors have up to a total of ten working days to complete the following:

- A. Review the DOC-2491 in the virtual folder.
- B. Notify the inmate of his/her eligibility to be considered for CER.
- C. Complete a COMPAS Reentry Risk Assessment if most recent assessment is older than two years.
- D. Coordinate and review the inmate's completion of the DOC-745 then complete the Social Worker portion of the form.
- E. Scan and save the completed DOC-745 and COMPAS bar chart into the virtual folder.
- F. Discuss any questions related to his/her review with his/her supervisor prior to completion of the review.
- G. Retrieve the DOC-2491 from the virtual folder, update the Social Worker Review section and save the updates.
- H. Notify supervisor the materials in the virtual folder are ready for supervisory review.
- I. Supervisor shall:
 1. Review materials in the virtual folder.
 2. Complete the Social Worker Supervisor Review section of the DOC-2491.
 3. Save the updated DOC-2491 into the virtual folder.

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4. Email the respective Regional mailbox, carbon copying the current Social Worker, indicating the DOC-2491 and the supporting documents for the specified inmate are ready for agent review in the virtual folder.
 - a. Region 1 DOCDCCRegion1Office@wisconsin.gov
 - b. Region 2 DOCDCCReg2DOC44@wisconsin.gov
 - c. Region 3 DOCDCCReg3EFormsApproval@wisconsin.gov
 - d. Region 4 DOCDCCReg4@wisconsin.gov
 - e. Region 5 DOCReg5WorkFolder@wisconsin.gov
 - f. Region 6 DOCDCCReg6@wisconsin.gov
 - g. Region 7 DOCDCCREG7@wisconsin.gov
 - h. Region 8 DOCDCCReg8WorkFolder@wisconsin.gov
5. Subject line should read CER REVIEW – INMATE LAST NAME, First Name, DOC #.

VI. DCC Review

- A. The DCC agent, field supervisor, and regional chief/designee have up to 30 days to complete their reviews and follow the steps outlined on the DOC-2491.
- B. Upon completion of the DCC review process, the DCC Regional Chief/designee notifies the current Social Worker that the materials in the virtual folder are ready for Social Worker final review.

VII. Social Worker Final Review

The current Social Worker has up to five working days to complete the following:

- A. Review the contents of the virtual folder and verify that all required documents (identified on DOC-2491) are present and complete for the process to continue.
- B. Retrieve the DOC-2491 from the virtual folder, update the Social Worker Final Review section and save the updates.
- C. During the Social Worker final review:
 1. If either the agent or Social Worker believes the inmate shall be able to maintain himself/herself while not confined/on extended supervision, the Social Worker notifies the Records Office staff that the materials in the virtual folder are ready for the Records Office Tertiary Review.
 2. If both the Social Worker and agent indicate they believe the inmate is not able to maintain himself/herself while not confined/on ES without engaging in assaultive activity, a DOC-7E is not completed.
 3. The Social Worker prepares and submits the DOC-2519 to the Warden/Superintendent for signature and distribution.

VIII. Records Office Tertiary Review and CER Coordinator Review

The Records Office staff have four working days to complete the tertiary review and the CER Coordinator has up to 30 calendar days to complete the CER Coordinator review.

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- A. The Records Office staff shall complete the DOC-2070B & DOC-2070C in accordance with ROP I-01.
- B. The Records Office staff shall retrieve the DOC-2491 from the virtual folder, update the Records Office Tertiary Review section and save, then update the CER Tracking System.
- C. The Records Office staff shall email the name, DOC#, facility and current release date to the DOC OVSP Admin mailbox and carbon copy the DOC DAI CER Coordinator mailbox to notify them the inmate requires review for registered victims and is ready for the Secretary's Office Review.
 1. OVSP shall email the DOC DAI CER Coordinator mailbox on the presence of registered victims.
 2. OVSP shall notify any registered victims that the inmate is being considered for an earned release and of their opportunity to provide victim impact statement(s).
 3. When the inmate has a registered victim who has been notified, the process takes up to an additional 30 days to allow the victim(s) time to submit a victim impact statement.
 4. OVSP shall forward the victim impact statement(s) with a DOC-2288C to the DOC DAI CER Coordinator mailbox for inclusion in the CER Review packet provided to the Secretary/designee.
- D. The CER Coordinator reviews the CER Review packet to include:
 1. DOC-2491.
 2. DOC-745
 3. COMPAS bar chart.
 4. DOC-7E.
 5. DOC-2288C, if applicable.
 6. Victim Impact Statement(s), if applicable.
- E. The CER Coordinator shall notify the DOC Secretary/designee via email the CER Review packets are available for review and final release decision.

IX. DOC Secretary/Designee Review and Decision

The DOC Secretary/designee shall complete the following as soon as possible:

- A. Review the CER Review packet along with the following to complete a summary:
 1. PSI, if available.
 2. DOC-950, if available.
 3. Inmate Conduct Record in WICS.
 4. ICCR200 or ICCR204 in WICS.
- B. Render a recommendation/decision.
 1. Upon review of the final recommendation/decision, complete the Secretary's Office Review and Decision section of the DOC-2491 and save it in the virtual folder.

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2. Define contingencies for the inmate's release, if applicable.
 - C. When release is authorized, complete and distribute the DOC-2499 to the DOC DAI CER Coordinator mailbox.
 - D. When release is denied, complete and distribute the DOC-2518 to the DOC DAI CER Coordinator mailbox.
 - E. When release is rescinded, complete and distribute the DOC-2520 to the DOC DAI CER Coordinator mailbox.
 - F. CER Coordinator shall update the CER Tracking System with the final decision then copy and route corresponding forms.
- X. Records Office Final Review**
- A. When the Secretary's Office authorizes release of an inmate, the Records Office shall:
 1. Review to confirm inmate is still eligible for release under CER. When inmate is no longer eligible, email the DOC DAI CER Coordinator mailbox of the change in status.
 2. Request the final warrant check within five working days prior to the inmate's scheduled CER release date.
 - a. Email any change in the outcome of the warrant check to the DOC DAI CER Coordinator mailbox for communication to the Secretary's Office.
 - b. After review by the Secretary's Office, the CER Coordinator shall advise the facility of any impact on release.
 3. By 4:30 PM each Monday, report CER releases for the current week to the DOC DAI CER Coordinator mailbox. By 10:00 AM each Tuesday, the CER Coordinator shall provide the DOC Secretary's Office/designee(s) with the list of inmates who are scheduled for release on Wednesday.
 4. Release inmate in accordance with ROP I-02.
 5. Update the CER Tracking System upon notification of the inmate's release.
 6. Complete the DOC-2505 notifying the Court and District Attorney of the inmate's release within five working days after the release of the inmate.
 - B. When the Secretary's Office does not authorize release, the Records Office staff shall route the completed DOC-2518 to the inmate and Legal file.
 - C. Update the Final Records Office Review section of the DOC-2491 and save the updated DOC-2491 into the virtual folder.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 302.00.09	Page 9 of 9
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Chapter: 302 Inmate Classification, Sentence and Release Provisions		
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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.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other