

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 302.00.11	Page 1 of 12
	Original Effective Date: 10/01/09	New Effective Date: 10/15/24
	Supersedes: 302.00.11	Dated: 11/20/22
	Administrator's Approval: Sarah Cooper, Administrator – 09/27/24	
	Required Posting or Restricted: <input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted	
Chapter: 302 Inmate Classification, Sentence and Release Provisions		
Subject: Risk Reduction Sentence		

POLICY

The Wisconsin Department of Corrections shall process risk reduction sentences imposed under s. 973.031, 2009 stats. in accordance with 2009 WI Act 28 and 2011 WI Act 38, for PIOC sentenced to a risk reduction sentence between October 1, 2009 and August 2, 2011.

REFERENCES

2009 WI Act 28 – Relating to state finances and appropriations, constituting the executive budget act of the 2009 legislature
2011 WI Act 38 – An act to repeal and amend portions of 2009 WI Act 28 and certain WI statutes; an act to create new statutes related to corrections and sentencing.
Wisconsin Administrative Code s. DOC 302.40 – Risk Reduction Sentence
Wisconsin Statutes s. 973.01 – Bifurcated sentence of imprisonment and extended supervision
Wisconsin Statutes s. 973.031 2009 stats Repealed by Act 28 Risk Reduction Sentence
Wisconsin Statutes s. 302.042 2009 stats Repealed by Act 28 Risk Reduction Program
Wisconsin Statutes s. 302.043 – Release of Inmates Serving Risk Reduction Sentences.
Wisconsin Statutes s. 302.045 – Challenge Incarceration Program
Wisconsin Statutes s. 302.05 – Wisconsin Substance Abuse Program
Wisconsin Administrative Code s. DOC 303.71(2) – Major offenses
DAI Policy 300.00.25 – Primary Program Status

DEFINITIONS, ACRONYMS AND FORMS

BOCM – Bureau of Offender Classification and Movement

CIP – Challenge Incarceration Program

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-7E – Pre-Release Investigation

DOC-173 – Inmate Conduct Record

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DOC-745 – Release Plan Information

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

DOC-1163L – Authorization for Disclosure of Department of Corrections Action

DOC-2574 – Judicial Notification of Risk Reduction Sentence Plan Completion

DOC-2575 – Risk Reduction Sentence - Inmate Notification of CIP/ERP Impact on RRS

DOC-2576 – Risk Reduction Sentence – Release Eligibility Date Referral and Action

DOC-2607 – Risk Reduction Sentence (RRS) Computation

DOC-2607A - Risk Reduction Sentence Reconfinement (RRS Viol) Computation

DOC-2626 – Amendment to Judgment of Conviction and Order - RRS

ERP – Earned Release Program

ES – Extended Supervision

ICCR201 – Inmate Classification Report - Initial

ICCR205 – Inmate Classification Report – Re-Classification

JOC – Judgment of Conviction

OCS – Offender Classification Specialist

OVSP – Office of Victim Services and Programs

PIOC – Persons in Our Care

RED – Release Eligibility Date (calculated at 75%)

RED Max – The date PIOC is no longer eligible to release under RRS. This is either the ES date on a first incarceration or the date PIOC complete service of the remaining original confinement period on a subsequent incarceration.

RRS – Risk Reduction Sentence

RRSP – Risk Reduction Sentence Plan

SUD – Substance Use Disorder

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Virtual Folder – Shared storage medium

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. Sentencing Court

- A. When a court imposed a sentence on/after 10-01-2009 and on/before 8-2-2011 for a felony under Wisconsin Statutes s. 973.01, the court may order the person it sentenced to serve a RRS if all of the following are true:
1. The court determines the RRS is appropriate.
 2. The person being sentenced agrees to cooperate in an assessment of their criminogenic factors and risk of reoffending.
 3. The person being sentenced agrees to participate in programming or treatment the DOC deems appropriate.
- B. Excluded offenses:
1. Wisconsin Statutes s. 940.03 – Felony murder.
 2. Wisconsin Statutes s. 940.06 – 2nd Degree reckless homicide.
 3. Wisconsin Statutes s. 940.11 (1) – Mutilating or hiding a corpse.
 4. Wisconsin Statutes s. 940.235 – Strangulation and suffocation.
 5. Wisconsin Statutes s. 940.302 – Human trafficking.
 6. Wisconsin Statutes s. 940.31 (1) – Kidnapping.
 7. Wisconsin Statutes s. 940.32 (3) – Stalking.
 8. Wisconsin Statutes s. 941.21 – Disarming a peace officer.
 9. Wisconsin Statutes s. 946.465 – Tampering with a global positioning system tracking device.
 10. Wisconsin Statutes s. 948.03 (2)(a) – Intentional causation of bodily harm to a child.
 11. Wisconsin Statutes s. 948.40 (4)(a) – Contributing to the delinquency of a child.
 12. Wisconsin Statutes s. 939.22 (20d) – Offense against an elderly or vulnerable person.
 13. Wisconsin Statutes s. 939.22 (20m) – Offense related to ethical government.
 14. Wisconsin Statutes s. 939.22 (20s) – Offense related to school safety.
- C. Upon receipt of notice from the DOC PIOC have successfully completed the requirements of their RRS, the court shall release PIOC to ES.

II. Facility Records Office Shall:

- A. When calculating release dates for sentences imposed on/after 10-01-2009 and on/before 8-2-2011, review the JOC to determine if the court imposed a RRS. When the court imposed a RRS for an excluded offense, Records staff shall send a letter to the court requesting clarification and copy BOCM OCS staff.
- B. Complete a RRS calculation using a DOC-2607/2607A.

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- C. Enter RRS track(s) into WICS as outlined in the WICS User Guide Adding RRS Track.
- D. DOC DAI BOCM RRS Notifications mailbox shall receive an autogenerated email alert notifying of the RRS track creation.
- E. Run WICS RRS Tracking Report monthly to monitor for consecutive RRS cases/counts to calculate RED on subsequent RRS.
 - 1. Update WICS as outlined in the WICS User Guide Updating RRS Track.
 - 2. DOC DAI BOCM RRS Notifications mailbox shall receive an autogenerated email alert notifying of the changes in the RRS status.
- F. Receive email from the RRS Review Team with the following attachments and upload to the sentencing court:
 - 1. A PDF that may contain the following:
 - a. DOC-2574.
 - b. DOC-2576.
 - c. ICCR201 or ICCR205
 - d. DOC-7E.
 - 2. An unsigned DOC-2626 in Word format.
- G. Upon receiving notice of a change in PIOC status; e.g., conduct report, notify the RRS Review Team by emailing DOC DL RRS Review Team, of PIOC status change within five working days.
- H. Upon receiving an approved DOC-2626, the DOC shall release PIOC within six working days, as defined in s. 227.01(14) and as computed in s. 990.001(4).
 - 1. When PIOC are released from a period of confinement under a risk reduction sentence, the remaining confinement portion of their sentence is not converted to increase the period of extended supervision.
 - 2. Update WICS RRS Tracking.
- I. Upon receiving a court order rescinding the release of PIOC, stop the release process.
- J. When PIOC serving a RRS imposed sentence releases and subsequently returns to prison while still serving that sentence, the following shall apply based upon the status the PIOC were released on:
 - 1. When a RRS release:
 - a. Not suitable for further RRS consideration on this sentence.
 - b. No RED is established.
 - 2. When released on another early release mechanism other than RRS:
 - a. May be eligible for RRS release.
 - b. A new RED is to be calculated to determine eligibility.

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3. When released on ES, not suitable for RRS as PIOC have already served their original full confinement time and have now returned to serve a reconfinement of their ES time.

III. **BOCM Shall:**

- A. Review WICS RRS Tracking to verify if PIOC have a RRS and a RED.
- B. Review applicable JOC to determine whether the RRS is concurrent or consecutive.
- C. Complete a validated Risk Assessment.
 1. Intake sites: Complete a validated Risk Assessment for all RRS sentence admissions.
 2. Post intake sites: contact assigned social worker/designee for completion of the validated Risk Assessment if:
 - a. There is a receipt of a new RRS sentence; or
 - b. The RRSP is determined to be met thus far, and is being considered for referral to the RRS Review Team (a Risk Assessment for reentry purposes).
- D. Identify program and treatment needs that address criminogenic factors and document case plan. All RRSP shall include the following standard and individualized requisites, determination statement and notification to PIOC regarding the potential for modification of the original plan:
 1. Standard:
 - a. Attain custody classification assignment to minimum or community pursuant to Wisconsin Administrative Code Ch. DOC 302 prior to release pursuant to Wisconsin Statutes s. 302.043(4).
 - b. Maintain good conduct record during term of confinement.
 - c. No violation of any rules under Wisconsin Administrative Code s. DOC 303.71(2) in the six months prior to release.
 - d. For a RRS PIOC releasing to the community, complete reentry release plan in coordination with DCC agent, which includes a completed DOC-7E.
 2. Individualized:
 - a. Determined, specific DAI primary programs related to the criminogenic factors.
 - b. Determined, specific non-primary programs or treatment related to the criminogenic factors.
 3. Determination:
 - a. DAI programs or treatment shall address criminogenic factors of PIOC to reduce risk of reoffending, to be included within the RRSP, or,
 - b. There are no formal DAI primary programs to address the identified criminogenic factor(s). PIOC may seek individual counseling or other approved resources to address this area or,
 - c. Time to ES is insufficient to complete a case plan that shall address criminogenic factors to adequately reduce risk of reoffending.

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4. Notification Statement

The classification document shall include a statement that the plan may be modified at subsequent classification hearings based on new information, behavior displayed or other factors relative to the case.

- E. PIOC meeting the following conditions shall have a RRSP developed with additional precautions. Clearly label as a “Non-Conditional RRSP” or “Conditional RRSP”.
 1. Conditions, which includes current and past convictions, read-ins or juvenile adjudications:
 - a. Registered sex offenders.
 - b. Sexual assault.
 - c. Crimes that included a sexual dynamic.
 - d. Crimes involving serious injury or death.
 - e. Crimes involving a weapon other than possession or simple display of the weapon.
 - f. Dynamics involving arson or serious damage to property.
 - g. Convictions in which mental functioning or health may have been a factor in the crime; or a program/treatment issue for a RRSP.
 - h. No DAI treatment or program that satisfactorily reduces risk to reoffend relative to identified criminogenic factors.
 - i. Any PIOC serving a RRS sentence who is released under another Act 28 track and returned as a violator.
 2. Initial Classification:
 - a. The OCS shall work with the assigned DCC agent to develop the Conditional RRSP.
 - b. Consultation with other professionals may occur as pertinent for inclusion in the Conditional RRSP.
 - c. Conditional RRS staffing shall include the names/titles of the agent and consultants within the Inmate Classification Report.
 3. Reclassification:
 - a. During the Reclassification pre-hearing preparation, should it appear that a Conditional RRSP needs modification, the site OCS shall contact the assigned DCC agent and their BOCM supervisor for input.
 - b. This shall be documented within the Inmate Classification Report, with the names/titles of the agent and consultants.

- F. PIOC sentenced to a RRS and determined to be eligible for CIP and/or ERP shall have the CIP/ERP track selected unless PIOC object. When PIOC choose CIP and/or ERP:
 1. Complete and distribute the DOC-2575.
 2. No RRSP shall be written.
 3. Release via successful completion of CIP or ERP shall be pursuant to Wisconsin Statutes s. 302.045 or 302.05.
 4. Upon completion of CIP or ERP, the unserved portion of PIOC confinement time shall be added to the period of Extended Supervision. The overall sentence remains the same.

5. When PIOC do not complete CIP or ERP, a Reclassification hearing shall occur and a RRSP developed.

- G. Determine custody and site pursuant to Wisconsin Administrative Code Ch. DOC 302, RRS program needs and RED.

- H. The following classification staffing/hearing recommendations require a decision by a BOCM Supervisor:
 1. An initial RRSP.
 2. A modified RRSP.
 3. Completed RRSP being considered for referral to the RRS Review Team.

- I. Ensure transfer priority to facilitate RRSP timelines as necessary.

- J. Establish classification recall dates to address transfers or status reviews relative to the RRSP and RED.

- K. When the Reclassification Committee determines the case plan has thus far been met:
 1. Review the risk assessment completed by the social worker/designee for reentry purposes.
 2. Complete the DOC-1163L.
 3. Complete one DOC-1163A that includes each employee who will review the RRSP including but not limited to:
 - a. OCS.
 - b. Reclassification Committee.
 - c. BOCM Sector Chief.
 - d. RRS Review Team.
 4. At the Reclassification hearing, the following documents shall be reviewed to provide the committee with sufficient information about PIOC progress on the RRSP:
 - a. Completed DOC-1163L.
 - b. Completed DOC-1163A.
 - c. Program discharge summaries.
 - d. DOC-173.
 - e. DOC-7E (if release to ES).
 - f. DOC-745 (if release to ES).
 - g. Risk Assessment (completed for reentry purposes).
 5. BOCM site staff shall:
 - a. Document in the Inmate Classification Report the classification committee's analysis of PIOC progress on the RRSP and state an opinion as to whether the plan's factors have thus far been met.
 - b. Place the following documents in the virtual folder:
 - i. Completed DOC-1163L.
 - ii. Completed DOC-1163A.
 - iii. Program discharge summaries.

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1. A copy of the SUD discharge summary will be distributed by the social worker/designee via e-mail to the OCS and BOCM Sector Chief.
 2. If the RRSP is referred to the RRS Review Team for review, the BOCM Sector Chief shall forward the SUD discharge summary the RRS Review Team Chair via e-mail.
 - iv. DOC-173.
 - v. DOC-7E (if release to ES).
 - vi. DOC-745 (if release to ES).
 - vii. JOC (on respective RRS).
 - viii. Risk Assessment (completed for reentry purposes).
 - c. Notify the BOCM supervisor of the need to complete the decision on the classification hearing action.
 6. BOCM supervisor shall complete the classification decision, including an analysis of PIOC progress on the RRSP and state an opinion as to whether the plan's factors have thus far been met.
 - a. If met:
 - i. Complete the DOC-2576.
 - ii. Notify the RRS Review Team chair via email box and the referring site's Records Office via the designated facility Records Office email i.e. DOCWCCSRecordsStaff@wisconsin.gov, the RRSP is ready for review.
 - iii. The RRS completion shall not be referred to the RRS Review Team prior to meeting the RED.
 - b. If not met:
 - i. Document in the classification decision what PIOC need to accomplish in order to complete the RRSP or if time to ES is insufficient to complete.
 - ii. Notify the referring site of the decision.
 - L. When the Reclassification Committee determines PIOC have not successfully completed the RRSP, but may complete prior to their ES, establish a Reclassification recall date to coincide with the anticipated RRSP completion provided the recall date occurs before PIOC reach the ES date on that sentence.
 - M. When the Reclassification Committee determines PIOC have not successfully completed the RRSP, and the plan shall not be completed prior to the ES date on that sentence, do not schedule an early recall.
 - N. As applicable, receive DOC-2576 from the RRS Review Team ordering modification of the RRSP and take appropriate action.
- IV. Facility Social Workers/Designee**
- A. Review the RRSP and notify the site program provider(s) of PIOC RRSP and program or treatment needs to ensure compliance with the case plan timeline.

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- B. Within ten working days of receiving a request from BOCM staff for a Risk Assessment, complete and notify BOCM staff of this action.
 - C. Notify the BOCM OCS of any case management developments affecting PIOC RRSP completion, such as major conduct reports, new program assignments or time elements, when these events suggest the need for an early recall.
 - D. Provide a summary in the WICS Inmate Classification Action (Pre-hearing) regarding PIOC progress on the RRSP. The summary is to include any suggested modifications.
 - E. Request an early Reclassification hearing upon completion of a program assigned within the RRSP, if PIOC need a transfer to another site to complete a RRS assignment not available at the current location or if custody reduction appears appropriate.
 - F. For a RRS PIOC that releases to the community:
 - 1. Request a DOC-7E.
 - 2. Develop a release plan with PIOC and agent.
 - G. At the reclassification pre-hearing, when the social worker/designee determines the case plan has been met, they shall review the following documents and provide a written opinion within the WICS Inmate Classification Action (Pre-hearing) regarding progress on the RRSP:
 - 1. Program discharge summaries.
 - 2. DOC-173.
 - 3. DOC-7E (if released to ES).
 - 4. DOC-745 (if released to ES).
 - 5. Risk Assessment (completed for reentry purposes).
 - H. Ensure the DOC-745 is completed and placed in the Virtual Folder.
- V. DCC Agent**
- A. On conditional RRS PIOC only, work in coordination with the BOCM OCS in the development of, and any subsequent modification to, the RRSP.
 - B. Upon request from the social worker/designee, complete DOC-7E within 30 days.
- VI. Facility Program Providers**
- A. Comply with DAI Policy 300.00.25.
 - B. Complete a discharge summary with notification to the OCS and the social worker/designee when PIOC serving a RRS is discharged from programming or treatment.

VII. RSS Review Team

- A. The Secretary shall appoint members to comprise a RRS Review Team, minimally comprised of supervisory level representatives from DAI, DCC and OVSP.
- B. At any point during the RRS Review Team process, the team may receive additional information from DOC staff that may impact the RRS review and decision-making process.
- C. Within 30 working days of receipt of email notification and the DOC-2576, a review shall be conducted to determine whether PIOC have completed the RRSP. Retrieve corresponding materials from the Virtual Folder.
- D. Factors considered by the RRS Review Team shall include, but are not limited to:
 1. Facility adjustment.
 2. RRSP.
 3. Treatment and program participation.
 4. Appropriateness of release plan.
 5. Risk to the community.
- E. When the RRS Review Team determines PIOC have not met all criteria, they shall complete and distribute the DOC-2576 and return the case to BOCM for plan modification.
- F. When the RRS Review Team determines PIOC have met all criteria, they shall:
 1. Complete and distribute the following to the site's Records Staff mailbox for uploading to the sentencing court:
 - a. A PDF containing:
 - a. DOC-2574.
 - b. DOC-2576.
 - c. ICCR201 or ICCR205.
 - d. DOC-7E.
 - b. An unsigned DOC-2626 in Word format.
 2. Update WICS RRS Tracking as outlined in the WICS User Guide Updating RRS Track.
- G. Following the notification to the court, but prior to receiving the signed DOC-2626, it is determined PIOC have not met all criteria, the RRS Review Team shall issue an amended DOC-2576 rescinding the court notification, distribute, and return the case to BOCM for plan modification.
- H. The OVSP representative shall ensure timely notification to victims in accordance to their policies.

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VIII. PIOC Responsibilities

- A. Comply with rules and regulations of the facility.
- B. Successfully complete the RRSP.
- C. Actively engage in release planning.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility:		
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New Effective Date: 00/00/00	Supersedes:	Dated:
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.
 - 1.
 - a.
 - B.
 - C.
- II.
 - A.
 - B.
 - C.