

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 302.00.18	Page 1 of 5
	Original Effective Date: 04/23/12	New Effective Date: 06/17/19
	Supersedes: 302.00.18	Dated: 07/01/18
	Administrator's Approval: Makda Fessahaye, Administrator	
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: Positive Adjustment Time – Petition of Sentence Adjustment to Court		

POLICY

The Division of Adult Institutions shall ensure that inmates serving a sentence imposed under Wisconsin Statutes s. 973.01 who have earned positive adjustment time may petition the court for modifications of bifurcated sentence.

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 Statutes s. 16.964(12)(a), 2009 stats – Violent Offender definition

Wisconsin Statutes s. 301.46(2m), 2009 stats – Bulletins to Law Enforcement Agencies

Wisconsin Statutes s. 302.113(2)(b), 2009 stats – Release to Extended Supervision for felony offenders not serving life sentences

Wisconsin Statutes s. 304.06(1)(bg), 2009 stats – Release to parole or extended supervision from state prisons and house of correction

Wisconsin Statutes s. 973.01 – Bifurcated sentence of imprisonment and extended supervision

Wisconsin Statutes s. 973.195 – Sentence Adjustment, 75 and 85%

Wisconsin Statutes s. 973.198 – Sentence Adjustment; Positive Adjustment Time

Wisconsin Administrative Code s. DOC 302.36 – Positive Adjustment Time

Wisconsin Administrative Code s. DOC 303 – Discipline

Records Office Procedure B-05 – Amended – Modified Sentence

DEFINITIONS, ACRONYMS, AND FORMS

BOCM – Bureau of Offender Classification and Movement

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) – Validated risk, needs and case management system.

CR-281 – Petition for Positive Adjustment Time §973.198

CR-282 – Verification of Eligibility for Positive Adjustment Time §973.198

CR-283 – Order Concerning Positive Adjustment Time §973.198

DAI – Division of Adult Institutions

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DOC – Department of Corrections

DOC-173 – Offender Conduct Record

DOC-184 – Disbursement Request

DOC-2522 – Determination of Eligibility for Positive Adjustment Time Under Section 302.113(2)(b) 6., 2009 WI STATS

DOC-2638 – Positive Adjustment Time Computation (s. 973.198)

JOC – Judgment of Conviction

PAT – Positive Adjustment Time

SORP – Sex Offender Registry Program

Preliminary Verification – If completing #1 through #6 on the CR-282 indicates the inmate may not be eligible for positive adjustment time, the form will be submitted to the court without completing #7 through #12, unless otherwise ordered by the court.

Full Verification – If completing #1 through #6 on the CR-282 indicates that the inmate may be eligible for positive adjustment time, the form will be submitted to the court after completing #7 through #12.

Violent Offender – Wisconsin Statutes s. 16.964 (12) (a) In this subsection “violent offender” means a person to whom one of the following applies: (1) The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm. (2) The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

PROCEDURE

I. Wisconsin Statutes s. 973.198 Requirements

- A. Eligible inmates may file a petition to the sentencing court under this section 90 days prior to the completion of the confinement portion less PAT earned.
- B. Eligibility for PAT is determined on when a crime was committed or an offender was convicted or sentenced as follows:
 1. An inmate serving a sentence imposed prior to October 1, 2009, for a crime committed after December 30, 1999, who has earned PAT under s. 302.113, 2009 stats., or under s. 304.06, 2009 stats., may earn PAT, based on the number of days of PAT earned between October 1, 2009 and August 3, 2011.

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2. An inmate serving a sentence for a crime committed, conviction entered, or sentence imposed between October 1, 2009 and August 3, 2011, who has earned PAT under s. 302.113, 2009 stats., or under s. 304.06, 2009 stats. may earn PAT, abased on the number of days of PAT earned between October 1, 2009 and discharge from the sentence.
- C. If an inmate is subject to more than one sentence, the sentences shall be treated individually for purpose of sentence adjustment.
- D. An inmate who submits a petition under Wisconsin Statutes s. 973.198 may not apply for adjustment of the same sentence under Wisconsin Statutes s. 973.195 for a period of one year from the date of the petition.

II. **General Information**

- A. Petition for PAT shall be submitted on CR-281 and is available in the Library.
- B. Inmate shall complete and submit a CR-281 for each count or each case if there is more than one that is being petitioned.
- C. Submitting the petition:
 1. The completed petition is forwarded to the Records Office along with
 - a. A sufficiently stamped envelope addressed to the Court.
 - b. A DOC-184 for copies of the DOC-173 and copies of JOC(s) for all sentence(s) served during this incarceration period to be mailed to the Court. CR-282 requires these be attached to the petition.
 - c. A notarized DOC-173 is required by the Court. A blank DOC-173 shall be submitted even if there is no conduct history.
 2. A separate DOC-184 shall be submitted for any additional postage costs.
 3. Inmate may attach supporting documentation to the petition such as prison programs, education, treatment certificates or other justification documentation but none of this will be returned to the inmate. Copies shall be made prior to being submitted as part of the final packet.
 4. Records Office shall complete a CR-282 or a letter indicating reason for non-submission.
- D. For Milwaukee County Cases only, the petitions shall be addressed to:
(Insert Name), Milwaukee County Staff Attorney
Room 117, Safety Building
821 W. State Street
Milwaukee, WI 53233
- E. Records Office shall determine if verification shall be preliminary or full.
- F. If full verification is appropriate, forward inmate's name via email to the Social Worker and request the completion of the following within 10 days:

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1. COMPAS Reentry Risk Assessment. If the most recent COMPAS assessment is less than two years old, a COMPAS Reentry Risk Assessment is not required and the most current assessment is utilized.
 2. DOC-2522.
- G. Records shall submit inmate name and DOC # to SORP (DOC BOPADMIN mailbox) for screening for review to be completed within three working days. Response shall separately indicate yes or no to address each of the following:
1. Inmate has/has not been convicted or found guilty by reason of mental disease or defect of a sex offense or found to have committed a sex offense in another jurisdiction or been committed under Chapter 975.
 2. Inmate is/is not the subject of a bulletin issued under 301.46(2m), stat. (Special Bulletin Notice).
- H. Mail all documents to the sentencing court in the envelope provided by the inmate, to include:
1. CR-281 (with any supporting documents submitted by inmate).
 2. CR-282 (notarized) or letter indicating reason for non-submission.
 3. DOC-173 (notarized), if a CR-282 is submitted.
 4. Copies of JOC(s).
 5. COMPAS Risk Assessment Supervision Recommendation page, if full verification.
- I. Upon receipt of the CR-283 from the Court:
1. If a full verification is requested, Records Office shall forward completed CR-282 to Court.
 2. If the petition has been granted, refer to Records Office Procedure B-05.
 3. If the petition has been denied, file the CR-283 on the left side of the Legal file with the JOCs in reverse chronological order.

Administrator's Approval: _____ **Date Signed:** _____
Makda Fessahaye, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date: 00/00/00	DAI Policy Number: 302.00.18	Page 5 of 5
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 302 Inmate Classification, Sentence and Release Provisions		
Subject: Positive Adjustment Time – Petition of Sentence Adjustment to Court		
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