

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 300.00.12	<b>Page</b> 1 of 14
	<b>Original Effective Date:</b> 01/13/04	<b>New Effective Date:</b> 04/12/21
	<b>Supersedes:</b> 300.00.12	<b>Dated:</b> 08/01/17
	<b>Administrator's Approval:</b> Sarah Cooper, Administrator	
	<b>Required Posting or Restricted:</b>	
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Challenge Incarceration Program		

## POLICY

The Division of Adult Institutions shall develop, administer and establish enrollment suitability for the Challenge Incarceration Program.

## 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 300.00.11- Substance Use Disorder/Earned Release Program

DAI Policy 309.55.01 – Inmate Compensation Plan

DAI Policy 500.30.40 – Medical Clearance for the Challenge Incarceration Program

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

BOCM – Bureau of Offender Classification and Movement

CQI- Continuous Quality Improvement

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

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

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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-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-2439 – Primary Program Status

DOC-2742 – ERP Termination Removal Summary

DOC-3021E- Substance Use Disorder Treatment Progress Notes

DOC-3474 – Psychologist Minimum Security Placement Recommendation

DOC-3500 – Medical Clearance Assessment for CIP

DOC-3740 - PSU AODA Substance Use Disorder SUD Envelope

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

DOC-3746- Programming Participant Evaluation Security

DOC-3750 - AODA Substance Use Disorder Treatment Plan

DOC-3552 – Challenge Incarceration Program (CIP) Candidate Health Pre-Screening

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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.

Federal Guidelines 42 CFR Part 2- Applies to all records relating to the identity, diagnosis, prognosis, or treatment of any patient in a substance abuse program that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States.

HIPAA – Health Insurance Portability and Accountability Act is a federal law that sets a national standard to protect medical records and other personal health information.

HSU – Health Services Unit

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

JOC – Judgment of Conviction

OCS – Offender Classification Specialist

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

PSU – Psychological Services Unit

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

Special Placement Need (SPN) - A special placement concern that has been investigated, evaluated and documented as supporting certain needs.

STRENGTH – Dual Diagnosis treatment program at TCI

SUD – Substance Use Disorder

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

Truth in Sentencing (TIS) – Bifurcated sentence to imprisonment in the Wisconsin state prisons for a felony committed on or after December 31, 1999; or a misdemeanor committed on or after February 1, 2003.

WICS – Wisconsin Integrated Corrections System

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## 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:
1. Is not serving time for a statutorily excluded offense:
    - 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 assigned in accordance with DAI Policy 300.00.11.
  3. Shall have completed service of the mandatory minimum upon program completion.
  4. Has a court determination of eligibility on one of the following:
    - a. JOC, if sentenced to a bifurcated sentence.
    - b. CR-265.
  5. Has completed court imposed conditional time to serve per the JOC.
    - 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.
  6. Has not attained the maximum age at time of enrollment.
    - a. Inmates sentenced on or after July 26, 2003 must be under the age 40 on the date of enrollment.
    - b. Inmate sentenced prior to July 26, 2003 must be under the age of 30 on the date of enrollment.
    - c. No physical or psychological contraindications.
    - d. 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 and have served any mandatory minimum term of initial confinement or conditional time.
    - 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).

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- 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. 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 minimum community custody.
  - 3. Have a minimum time of seven months to adjusted release.
  - 4. Have a maximum of 48 months to adjusted release date.
  - 5. Have a COMPAS assessment completed.
    - a. An inmate may enroll in CIP regardless of their COMPAS Risk Level recommendation.
    - b. Low risk inmates who have eligibility for both CIP and ERP shall participate in ERP.
  - 6. 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 Wisconsin pending felony charges shall be resolved prior to enrollment as the case may impact eligibility and/or suitability for ERP. Resolution can include a Deferred Prosecution Agreement.
    - c. Pending misdemeanor cases shall be reviewed on a case by case basis.
    - d. An active detainer, out of state pending legal matters and/or cost commitment may not exclude an inmate for enrollment and continued placement in ERP. Under circumstances where a detainer may prevent enrollment, the BOCM Sector Chief shall be consulted.
    - e. Release from DAI is expected upon completion.
      - i. Release to a detainer, County jail or other jurisdiction does not automatically exclude ERP participation.
      - ii. Participation shall be reviewed on a case by case basis.
- C. IC or RC shall review court determined eligibility and assess suitability at every classification staffing/hearing.
- D. WICS is the primary data system for tracking, monitoring and documenting an inmate's CIP 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 SUD need through successful completion of CIP/ERP unless mitigating circumstances or resources determine an alternative program is more appropriate.

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- F. The totality of an inmate's needs shall be considered when reviewing eligibility and suitability. Those with a moderate or high COMPAS Risk Level the recommendation may address more than one primary program need through CIP.

**II. Recommendation for Enrollment into CIP**

- A. BOCM shall ensure PSU clearance occurs prior to a recommendation for program enrollment when applicable. Inmates shall be assigned MH-0 at the time of enrollment.
- B. BOCM shall ensure HSU clearance occurs prior to a recommendation for program enrollment when applicable.
  - a. 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.
  - b. 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. BOCM shall review the legal file to confirm CIP eligibility prior to a request for a program reservation and to ensure all court ordered conditions are met.
  - a. Consultation may occur with Records Office staff for interpretation of sentences as necessary.
  - b. If found both eligible and suitable, BOCM may request a tentative date/reservation for program enrollment from the designated BOCM staff.
  - c. When requesting a bed date to the designated BOCM staff, the following information shall be provided:
    - 1. Name.
    - 2. DOC Number.
    - 3. Eligibility Date.
    - 4. COMPAS Risk Level Recommendation.
    - 5. SUD Level.
    - 6. Anticipated custody at time of enrollment.
    - 7. PSU/HSU restrictions if applicable.
    - 8. Adjusted release date.
    - 9. Any other pertinent information (i.e. SPN).
    - 10. Dental code.
    - 11. Date of physical.
    - 12. Date approved by HSU per DOC-3500.
- 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 allow CIP enrollment shall be considered.

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- E. If the inmate agrees to participation, the inmate shall review the DOC-1374. The Inmate Classification Report shall include documentation regarding the inmate's review of the DOC-1374 and the tentative CIP 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. 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 and coordinate movement with the BOCM Transportation Coordinator.
- H. Enrollment in CIP does not exclude the inmate from pursuing other early release mechanisms.

### **III. Refusal of CIP**

- 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 that the inmate refused the program. Use of comments section with an explanation is expected.

### **IV. Enrollment In CIP**

- 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.
  - 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 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.

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- 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 within 3 days of the status change.
- 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 Superintendent/designee 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.

**V. Participation in CIP**

- A. All CIP program documentation shall adhere to HIPAA & federal guidelines (42 CFR Part 2). Within one week of the initial entry into the program, a battery of assessments shall be proctored by a staff member for each inmate enrolled. A SUD professional shall interpret the results.
- B. Assessment results shall be documented on the DOC-3021E.
- C. CIP SUD professional shall create a treatment plan utilizing the DOC-3750 within the first 2 weeks of programming.
- D. Program participation shall be documented at least weekly on the DOC-3021E.
- E. Midway through the program the client shall be evaluated utilizing the DOC-3745 and DOC-3746 by the CIP SUD professional and security representative. Results shall be documented on the DOC-3021E.



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- F. If an individual presents with responsivity factors or barriers that need to be addressed in order to successfully complete the program, a Program Behavior Contract (DOC-3741) or an updated treatment plan (DOC-3750) shall be considered.
- G. Two weeks prior to the end of program, a final battery of assessments and client evaluation shall be administered by the CIP SUD professional for each inmate. Results shall be documented on the DOC-3021E.
- H. At the end of programming, a summary of the inmate's program participation and progress shall be documented on a DOC-3742 and DOC-3743.
- I. All CIP documentation shall be stored in the DOC-3740/3740A envelope and filed in the PSU record.
- J. DOC-1163A is required for the release of any CIP treatment documentation outside of the treatment program.

**VI. Completion of CIP**

- A. Completion of CIP is determined by program evaluations and program provider evaluation of inmate's progress. All completions are reviewed by the Program/Clinical Supervisor and forwarded to the Warden/designee.
- B. WICS program tracking and sub-statuses shall be updated to reflect program status changes per Attachment A within three working days of completion.
- C. Program staff shall complete the applicable DOC-3742 and DOC-3743 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 shall be submitted to the Sentencing Court, District Attorney and 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 effective date in order.
- G. Upon receipt of amended JOC, release shall occur per ROP I-01 and ROP I-02.

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- 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 within six working days.

**VII. Extension of CIP**

- A. The treatment team may recommend extension of the treatment program for an inmate and shall submit a behavior contract on DOC-3741.
- B. Superintendent/designee 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:
  - a. They have missed the program for an approved reason (e.g., hospitalization).
  - b. To allow for increased skill practice when an inmate is struggling with program concepts.
  - c. He/she has demonstrated behaviors contrary to the mission and purpose of the program.

**VIII. Withdrawal from CIP**

- 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. The inmate's request to withdraw from shall not be honored for at least a 24 hour period
- C. If an inmate chooses to continue with the program, the program provider shall meet with the inmate to assess motivation and the willingness to continue participation.
- D. After the 24 hour time period, if the inmate withdraws from the program, the inmate shall sign the DOC-2439. If the inmate refuses to sign the DOC-2439, the program provider shall document the refusal.
- E. Program staff shall place the original DOC-2439 in the confidential folder of the Social Services folder.

**IX. Termination from CIP**

- A. When the SUD professional determines termination is necessary, a recommendation shall be made to the Program/Clinical Supervisor.

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- B. The Program/Clinical Supervisor shall schedule a meeting with the SUD professional to discuss treatment interventions and the SUD professional's recommendation.
- C. The Program/Clinical Supervisor shall make a final decision regarding termination. If termination is not approved, a behavior contract shall be created by the SUD professional in collaboration with the inmate and clinical supervisor.
- D. When the termination is approved by the clinical supervisor, the clinical supervisor shall meet with the inmate to provide the reasons for the decision.
- E. A DOC-2742 or DOC-3743 shall be completed within 10 working days from the date of termination.
- F. The applicable program status shall be documented in WICS and COMPAS.
- G. 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 the DOC-3743.
- H. The DOC-2742 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.
- I. The program status and brief description of the reason for termination shall be documented in WICS.

**XI. Reconsideration for Program Enrollment**

- A. If an inmate would like to be reconsidered for program enrollment after they have refused, withdrawn or terminated, a written request shall be submitted to the Assigned Social Worker requesting to be considered for program enrollment. If the inmate is ERP/CIP eligible, the Assigned Social Worker shall consult with BOCM.
- B. Program/Clinical Supervisor shall review DOC-2439 and available discharge information for comments made regarding inmate's refusal, withdrawal or termination.
- C. The Program/Clinical Supervisor may reconsider an inmate for program enrollment taking into consideration:

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1. COMPAS Risk Level Recommendation; priority given to high and moderate risk inmates.
  2. Program resources.
  3. Case dynamics.
  4. Adjusted release date.
  5. Amenability and motivation to programming.
  6. Professional judgment.
  7. Aggravating/mitigating factors.
  8. Parole eligibility and/or endorsements.
  9. ERP/CIP eligibility and suitability.
- D. If program enrollment is being reconsidered the inmate shall be placed on the waiting list in WICS with an explanation or special circumstances considered in making the determination.

## **XII. Quality Assurance Standards**

- A. All SUD treatment programs shall maintain an approved, standardized curriculum manual.
- B. Program/Clinical Supervisors shall be trained in the use of the CQI Group Facilitator Evaluation Form.
- C. Program/Clinical Supervisors shall ensure a process of regular observation and documentation of the quality of service delivery by using the CQI Group Facilitator Evaluation Form.
- D. Program/Clinical Supervisors shall observe and evaluate group facilitation a minimum of twice per year for each program provider. At least one of these observations shall be by the direct supervisor.
- E. All copies of the CQI Group Facilitator Evaluation Form will be maintained by the Office of Program Services for data retention and collection. Staff names shall not be disclosed on the form when being sent to the Office of Program Services. Forms shall be sent to DOC DL DAI CQI Evaluations.
- F. Program/Clinical Supervisors may opt to implement peer observation using the CQI Group Facilitator Evaluation Form.
- G. Program/Clinical Supervisors shall regularly review documentation for quality and timeliness.

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Administrator's Approval: *Sarah Cooper* Date Signed: 03/29/2021  
Sarah Cooper, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES**

**DEFINITIONS, ACRONYMS AND FORMS**

**FACILITY PROCEDURE**

- I.
  - A.
  - B.
    - 1.
    - 2.
      - a.
      - b.
      - c.
    - 3.
  - C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. Inmate