

SUPERVISION\DCC\SUPERVISION PROCESS\VIOLATIONS\SHORT TERM SANCTIONS

.01 AUTHORITY

Wis. Stat. s. [302.113\(8m\)\(b\)](#)

.02 GENERAL STATEMENT

A Short-Term Sanction shall be considered as a disposition to any violation by a client on extended supervision, parole, or probation as recommended for a medium or higher response level in the Evidence Based Response to Violation matrix. A Short-Term Sanction shall be utilized in every case where the client is eligible for revocation and the recommendation would otherwise be forfeiture of one year or less of reincarceration time in the Wisconsin State Prison System. Please see the Revocations section for exceptions to this requirement.

.03. ELIGIBILITY

- All clients are statutorily eligible to be placed on a Short-Term Sanction. However, priority should be given as follows:
- Extended Supervision/Parole clients
- Felony Probationers
- Misdemeanants with penalty enhancers
- Misdemeanants (limited to special circumstances)
- If a probation client has conditional time available, the first consideration is to request imposition of conditional jail time through the sentencing court if it is timely and viable, prior to requesting a Short-Term Sanction.
- Clients must sign a statement admitting to a violation.
- Short-Term Sanctions may not exceed 90 days, per sanction. Short-Term Sanctions may be used more than once during the client's term of probation, extended supervision, or parole. The length should be the amount of time needed to achieve correctional purposes and according to the recommended time frames established in the Evidence Based Response to Violation matrix. However, the maximum exposure of a client's sentence may not be exceeded by the Short-Term Sanction time.
- When imposed, the Short-Term Sanction is the disposition/accountability response for the violation(s).

- It is not necessary that the client be served with a Notice of Violation, Recommended Action and Statement of Hearing Rights ([DOC-414](#)) or Alternative to Revocation Agreement ([DOC-250](#)).
- Clients with pending criminal charges may be considered for Short-Term Sanction on a case-by-case basis.
- Clients who are being supervised in Wisconsin for another state via Interstate Compact are eligible for short-term sanctions.

.04 PROCESS

The agent shall investigate an alleged violation in a timely manner and complete an Evidenced-Based Response to Violation (EBRV). The agent and supervisor shall staff the violation and determine an appropriate response. If the recommendation is for a Short-Term Sanction:

- The agent will complete a packet consisting of the following three (3) documents:
 1. The signed client statement including an admission to at least one violation.
 2. The COMPAS Evidence-Based Response to Violations (EBRV) report
 3. Order for Sanctions for Extended Supervision, Parole, and Probation Violation and Notification to Offender ([DOC-2419](#))
- The agent will inform the client of the recommendation for a Short-Term Sanction as a disposition to the violation.
- The supervisor has five (5) working days to review and approve or deny a request for 30 days or less. A copy of the DOC-2419 shall be forwarded to the Regional Office for tracking and billing purposes. A Corrections Field Supervisor may approve a sanction up to 30 days, even if the client had already been served the DOC-414.
- The Regional Chief or designee has five (5) working days to review and approve or deny a request for 31 days or more.
- If approved, the [DOC-2419](#) will be completed indicating the beginning and end date of the sanction. Regardless of the date of decision to pursue a sanction, the sanction begins on the client's first day of custody or date of arrival at the facility where the client is going to serve the sanction. Consideration should be given for time already served.
- Eligibility for work release privileges will be indicated on the [DOC-2419](#):
 1. Milwaukee Secure Detention Facility (MSDF) beds may only be used for clients who will not have work release privileges.
 2. The county jail may not utilize EMP for clients serving a Short-Term Sanction.

- The agent is responsible for ensuring that the client receives a copy of the [DOC-2419](#) in a timely manner.
- A Cancellation of Order to Detain ([DOC- 213](#)) is required to cancel the original hold upon the effective date of the Short-Term Sanction.
- Clients shall be classified at medium during the short-term sanction and agents should shall be having contact with them at least one time per month.

If the client does not admit to any violations in a signed statement, and it had been determined that a short-term sanction would have been the appropriate response, the agent should staff with their supervisor to consider other appropriate accountability responses. If revocation is determined to be the only viable response, the client should be informed that the sanction is no longer viable due to their decision to not admit to any alleged violations. The Office of State Public Defender or Defense Attorney may also be contacted to determine if a consultation with the client is desired.

When revocation has been initiated, the Corrections Field Supervisor may order a Short-Term Sanction in lieu of revocation for up to 30 days. The Regional Chief or Assistant Regional Chief may order a Short-Term Sanction in lieu of the revocation for up to 90 days. This action may occur any time prior to the issuance of the revocation order and warrant. The implementation date of the sanction is the client's first day of custody or date of arrival at the facility where the client is going to serve the sanction. Consideration should be given for time already served.

If a [DOC-44A](#) recommending revocation has already been processed, a second [DOC-44A](#) stating "Withdraw Revocation Request" must be submitted. If time has been stopped, check "Start Time." The effective date of the Start Time is the implementation date of the sanction.

.05 PLACE OF CONFINEMENT

The sanction can only be served in a regional detention facility or with the approval of the sheriff of a county jail. The only detention facility operated by the State DOC is the Milwaukee Secure Detention Facility (MSDF). Short-Term Sanctions may not be served in a county jail unless that county sheriff has completed a Memorandum of Understanding (MOU) with the DOC to provide beds for Short-Term Sanctions. If a county jail contracts

with another county jail to house an individual serving a Short-Term Sanction, the sheriff is responsible for transporting the client to and from the contracted holding facility.

The Department will pay the county jail the daily rate specified in the MOU's for clients serving time on a Short-Term Sanction. If work release privileges are approved and exercised by the client, the daily rate paid by the Department will be reduced by any work release fees paid to the jail by the client for those privileges.

If the local jail does not have an MOU for short-term sanctions or refuses the short-term sanction due to space or other issues, the agent and supervisor should pursue other locations that may be willing to take the client for the sanction. If no appropriate location is identified, staff with Regional Office to determine next steps.

.06 NEW VIOLATIONS WHILE SERVING A SANCTION

If new violations are discovered while a client is serving a Short-Term Sanction, an Order to Detain ([DOC-212](#)) may be placed on the client. The sanction end date shall be amended to the effective date of the Order to Detain. In determining whether or not to issue an order to detain, consideration should be given to the level of violation and anticipated response level based on the results of the EBRV matrix. A violation investigation and EBRV are completed for the new allegations.

.07 COMPLETION OF SANCTION

There is no earned good time credit associated with Short-Term Sanctions. All time served while serving a short term sanction is credited if revoked.

The agent of record shall communicate with the jail or the regional detention facility to assure clients who successfully complete sanctions are released from custody during normal business hours on the last day of the sanctions. Clients who are not housed in the county where they are supervised shall be transported back to the supervising county by DOC staff or a reliable person who the agent has pre-approved.

.08 AMENDMENT OF A SANCTION

If the agent and supervisor believe there is reason to amend the length or terms of a sanction. The supervisor can amend sanctions they originally approved and forward a copy to Regional Office for tracking and billing. Any amendments for sanctions originally approved by Regional Office, must be forwarded for their review. If approved, the Supervisor, Regional Chief or designee shall mark "Amended" on the top of the original [DOC- 2419](#), then initial and date the area of the document which has been changed. The amended document must then be distributed to all of the parties noted in the routing section.