

REVOCATION

POST-PRELIMINARY HEARING

.02 SENTENCING CREDIT

The agent must document in the Violation Report/Revocation Summary (DOC-1950) the exact dates the client was detained by the agent. Utilize the Revocation and Custody Credit Guidelines to ensure sentence and custody credit is granted. This information will be entered on the Revocation Order and Warrant (DOC-1221). On sentences where return to court is not necessary, the Department credits the jail time. On withheld sentences, the court credits the jail time at the time of sentencing.

Credit will be granted to sentences for:

- Time spent in detention in the county jail as a condition of probation;
- Time spent in a county jail or correctional facility as an alternative to revocation, DOC hold, or extended supervision sanction.
- Time spent on a home monitoring program as authorized by the sheriff in lieu of confinement in the jail as a condition of probation (time spent on the Department of Corrections' Electronic Monitoring Program is not creditable time);
- Pretrial credit as specified on the Judgment of Conviction;
- Time spent under commitment for the determination of competency to stand trial under s971.14(2), or commitment as not competent to stand trial under s971.14(5);
- Detention in jail or correctional facility in another state when that detention is in connection with a course of conduct for which sentence is imposed in Wisconsin;
- Any time spent on Intensive Sanctions.
- Any time spent by the client in confinement as an Act 33 Jail Term

Credit will not be granted to sentences for:

- Holds served on consecutive parole or ES cases that have officially discharged from supervision and a discharge slip has been issued. Credit may be granted if jurisdiction has been preserved by a stop time, or if a violation warrant has been issued.
- The center box on the Revocation Information Request (DOC-416) will list any consecutive cases which have discharged. If there is a case number in that center box, any custody credit prior to the date listed in that box cannot be used. Doing so will result in duplicate credit, and will result in the reopening of discharged case(s).

Applying Custody Credit for Clients Arrested/Convicted and in Custody in another State:

- Clients arrested on a WI Apprehension Request, without new charges, get custody credit from the date of arrest until they enter the WI prison system.

- Clients arrested on a WI Apprehension Request, with new charges that result in prison, get custody credit from the date of arrest until they are sentenced to prison, if the sentence in the foreign jurisdiction is deemed concurrent. If the sentence in the foreign jurisdiction specifically states that it is consecutive and the client is given presentence credit in the foreign jurisdiction, then no custody credit is due. (Agents should include the JOC from the foreign jurisdiction in the hearing packet so this can be accurately determined).
- Clients arrested on a WI Apprehension Request, with new charges that result in probation, get custody credit from the date of arrest until they enter the WI prison system.
- Clients arrested on a WI Apprehension Request, with new charges that result in a jail sentence, get custody credit from the date of arrest until they are sentenced to jail. They do not get custody credit during the time they are actually serving the jail sentence. They would again begin to get custody credit from the date they finish serving the sentence and are made available to WI until they enter the WI prison system.
- Clients arrested on a WI Apprehension Request, with new charges that result in time served, get custody credit from the date of arrest until they enter the WI prison system.
- Clients get custody credit from the date they are released in the foreign jurisdiction and made available to WI until they enter the WI prison system.
- Clients arrested, convicted, and sentenced on new charges in a foreign jurisdiction, for which WI never had an apprehension request, nor placed a violation warrant, are not entitled to pre-sentence credit on the WI case (Be careful that the client was not detained by the agent in the other state at our request).
- Clients are not entitled to credit for time spent in prison serving a sentence in a foreign jurisdiction.

(In the rare circumstance that the judge in the foreign jurisdiction orders the new sentence of any kind to run concurrent with the WI sentence, consult with the institution records office about how the credit will be applied).

Federal Prison Sentences:

- Clients who are revoked after being sentenced on federal charges will be returned to the Wisconsin Prison System (WPS) to serve that time after being made available to Wisconsin.
- Clients who are revoked before being convicted on federal charges will serve the WI sentence concurrent to the federal prison term, and will only be returned to the WSP if the WI sentence is longer than the federal prison term.