

**AUTHORITY**

Wisconsin State Statutes § 973.25

**GENERAL STATEMENT**

Wisconsin State Statutes § 973.25 creates a procedure for granting Certificates of Qualification for Employment (COE) for certain persons convicted of a crime. A certificate issued by the Council on Offender Employment (Council) provides a client with relief from a collateral sanction that is a result of the client's criminal record. The Council is comprised of the attorney general (or designee); the state public defender (or designee); and the chairperson of the parole commission (or designee).

**ELIGIBILITY**

A client who has been released from confinement may apply if the following applies:

- 1) They have served at least 24 consecutive months of a term of confinement in prison;
- 2) Served at least 12 consecutive months of a term of confinement in prison and at least 12 consecutive months of a term of extended supervision.

If an applicant was convicted of a violent crime, as defined by Wis. Stat. §165.84(7)(ab), they are ineligible for a COE.

Eligibility will be determined by the council upon receipt of the application.

**APPLICATION PROCEDURE**

The state courts shall provide the CS-300 Application for Certificate of Qualification for Employment along with the DOC-1163 and DOC-1163A on the Wisconsin State Public Defender's Office website.

The Council on Offender Employment shall review applications for Certificates of Qualification for Employment. The application shall include the DOC-1163 Authorization for Disclosure of Non-Health Confidential Information and the DOC-1163A Authorization for Use and Disclosure of Protected Health Information (PHI).

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Applications and the signed DOC releases shall be submitted by the applicant to the State Public Defender's Office Attention: Council on Offender Employment P.O. Box 7923 Madison, WI 53707.

Agents are encouraged to educate clients about this opportunity and provide copies of the application, DOC-1163 and DOC-1163A to the applicant if needed. When completing the 1163 and the 1163A, the name of the individual/agency that is being authorized to disclose PHI shall be "Wisconsin Department of Corrections" and the recipient of the information shall be "Division of Community Corrections and the Council on Offender Employment". This allows DCC to release DAI records in addition to DCC case file records. The Agent may assist the client in completing the documents for the application process if needed.

### **APPLICATION FEE**

A \$20 application fee will be required of the applicant and must accompany the application. The payment of this fee can be in the form of a check or money order and shall be payable to the Director of State Courts Office. Fees may be waived if the individual submits an affidavit swearing or affirming they are unable to pay the fee. To apply for a waiver, the applicant must complete SECTION 1 of the application and sign in front of a notary public officer. The applicant should include any information regarding their finances that will assist the Council in deciding whether to waive the application fee.

### **COUNCIL AND DOC RESPONSIBILITY**

Upon review of the application and the signed releases to ensure they are sufficient, the Council shall email all documents to the DOC Reentry email box at DOCReentry@Wisconsin.gov with the subject line "COE Application". The Reentry Employment Coordinator shall request the required information in statute from the DCC Agent of Record.

The Reentry Employment Coordinator shall send a DOC-2955 Certificates of Qualification for Employment (COE) DOC Information Request and the DOC-1163 and DOC-1163A to the Agent via email to locate the following information from the existing case file:

- Highest level of education
- Any treatment completed

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- Risk and needs assessment reports
- Any work performance evaluations
- Any other reports of information gathered during the normal course of business, as requested by the council

The Reentry Employment Coordinator shall also include the Corrections Field Supervisor and the Regional Status Keeper in the email to the Agent. A task titled "DOC-2955 COE Information Request" shall be entered into the COMPAS Workload Manager by the Regional Status Keeper.

The Agent has 14 calendar days to provide the information back to the Reentry Employment Coordinator based on what is available in the client's existing case file and what is included to be released on the DOC-1163 and DOC-1163A. In regards to the Council's request on risk and needs assessment reports, the Agent shall only submit the most recent COMPAS risk and needs assessment bar chart and narrative. The applicant's SID number and FBI number must be redacted from the COMPAS narrative and bar chart. The agent shall also utilize the guide on the DOC-2955 to exhaust all DOC resources to locate the other requested information. The agent shall contact Dodge Correctional Institution or Taycheedah Correctional Institution if the applicant is on active Extended Supervision or Parole to request a DOC-780 Inmate Performance Evaluation and/or DOC780A Work Assignment Evaluation.

The Agent shall review the accompanying DOC-1163 and DOC-1163A to verify it is completed accurately to release the requested information. If the DOC-1163 and DOC-1163A need to be revised, the Agent shall contact the applicant and assist them in completing the form in order for the information to be released to the Council. The DOC-2955 shall be signed and dated by the Agent. The Agent shall email the completed DOC-2955, COMPAS Bar Chart and Narrative to the DOC Reentry email box [DOCReentry@wisconsin.gov](mailto:DOCReentry@wisconsin.gov). The Agent shall include the Regional Status Keeper email box and field supervisor when returning the completed request to the Reentry Employment Coordinator so the task can be removed from COMPAS workload manager.

The Reentry Employment Coordinator shall provide the DOC-2955 to the Council and communicate with the Agent if any further information is requested by the Council.

If the applicant is no longer on DOC supervision, the Reentry Employment Coordinator shall be responsible for providing any available records to the Council. At submission of the applicant's information, the Council shall be notified that WI DOC will only be able to provide information that is reflected in the applicant's official DOC records.

The agent shall keep a copy of the DOC-1163 and DOC-1163A and retain them in the applicant's case file. A copy of the DOC-2955 can be kept for reference if needed. The Reentry Employment Coordinator shall keep a copy of the DOC-1163, DOC-1163A and DOC-2955 as an official record in the DOC Reentry Unit Virtual Folder.

### **GRANTING CONSIDERATIONS**

Within 60 days after receiving the information requested, the Council will issue an order granting or denying the applicant's request for a CQE. The DOC has no participation in the granting consideration of the CQE. The Council will grant an application if the individual:

- Is not likely to pose a risk to public safety;
- Certificate will substantially assist the individual in obtaining employment or occupational licensing or certification; and
- Is less likely to commit an additional criminal offense if they obtain a certificate.

The Council shall notify the Reentry Employment Coordinator if a Certificate is granted. Notices shall be emailed to the DOC Reentry email box at [DOCReentry@Wisconsin.gov](mailto:DOCReentry@Wisconsin.gov) with the subject line "CQE Application Granted". The Reentry Employment Coordinator shall forward a copy of the CQE to the Agent.

### **REVOCAION OF CERTIFICATE**

The Certificate may be revoked by the court if the individual:

- Is convicted of a felony or Class A or Class B misdemeanor; or
- Probation, parole, or extended supervision is revoked as a result of a criminal act.

The DOC has no participation in the revocation of the CQE.

### **ANNUAL REPORT AND DATA COLLECTION REQUIRED BY DOC**

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The Director of state courts shall ensure the Wisconsin Circuit Court Access Internet site provides the DOC access to the information required to complete the report under s. 973.25(8). DOC shall issue an annual report using the Wisconsin Circuit Court Access Internet site and shall be submitted to the chief clerk of each house of the legislature, which includes the following:

- Number of applicants received;
- Number of certificates of qualification for employment issued;
- Number of certificates of qualification for employment that are revoked;
- Reason for revocation (if applicable).

The Reentry Employment Coordinator will be responsible for preparing the annual report. The time frame for the annual report will be the State fiscal year.

### **DISSEMINATION OF INFORMATION TO PERSONS IN OUR CARE (PIOC) AND CLIENTS**

#### Division of Adult Institutions

- Information about the application and process shall be posted in facility libraries.
- Social Work staff may be available to assist the applicant with completing the DOC-1163, DOC-1163A, Petition for Waiver of Fees and Costs and Affidavit of Indigency if needed.

#### Division of Community Corrections

- Information regarding the CQE process and application should be made available in each DCC field office. Printed copies of the CQE application, DOC-1163 and DOC-1163A shall be available in each DCC field office waiting room or in other common areas.
- Regional Employment Programs Coordinators (EPC's) shall be knowledgeable of the CQE process and application. The EPC shall assist clients in completing the application if needed. The EPC shall also assist in educating PIOCs, clients, staff, and employers on this opportunity.