

## **Early Discharge**

### **AUTHORITY**

[Wisconsin Statutes 973.09\(3\)\(d\)](#)

[Wisconsin Statutes 302.11\(6\)](#)

Providing incentives and reinforcement for positive behavior has been identified as an important factor in promoting behavior change for clients and should be utilized as part of the case planning process. Early discharge is one incentive that can encourage compliance with supervision as well as sustained behavioral change when used appropriately.

Only clients on probation or parole are eligible for early discharge, including those supervised in another state under Interstate Compact. Eligible petitions for early discharge from probation must be submitted only by the Department (DOC) by statute. Clients on Extended Supervision are not eligible for early discharge. A client placed on lifetime supervision as a sex offender under s. 939.615 may petition the court for termination.

The agent will inform the client of the early discharge criteria and identify the goals and objectives that need to be completed in order to be considered. This discussion should take place during the intake process and must be documented in the COMPAS notes.

### **EARLY DISCHARGE REVIEW**

Early discharge reviews for probationers and parolees shall take place during the client's regular report sessions as follows:

- Non-assaultive misdemeanors: Ninety days prior to initial eligibility.
- All other clients: Upon initial eligibility and every six months thereafter.

This review shall include a discussion of the client's progress on meeting the goals and objectives of supervision and be documented in COMPAS notes.

### **ELIGIBILITY FOR EARLY DISCHARGE**

#### **PROBATIONER**

973.09(3)(d) The court may modify a person's period of probation and discharge the person from probation if all of the following apply:

1. The department petitions the court to discharge the person from probation.
2. The probationer has completed 50 percent of his or her period of probation.
3. The probationer has satisfied all conditions of probation that were set by the sentencing court.
4. The probationer has satisfied all rules and conditions of probation that were set by the department.
5. The probationer has fulfilled all financial obligations to his or her victims, the court, and the department, including the payment of any fine, forfeiture, fee or surcharge, or order of restitution.
6. The probationer is not required to register under s. [301.45](#).
7. The probationer has not been convicted of any of the following crimes specified in §941.29 (1g) (a), Wis. Stats.; a crime specified in §941.29 (1g) (b), Wis. Stats., not including §951.02, 951.08, 951.08, or 951.095, Wis. Stats.; or a crime under §948.02 (3), 948.055, 948.075, or 948.095, Wis. Stats.

### **PAROLEE**

- Reached mandatory release date or has been under supervision for two years
- Minimum or Administrative supervision for a reasonable period of time
- Satisfied all conditions that were set by the sentencing court
- Satisfied all rules and conditions that were set by the Department
- Fulfilled all financial obligations to his or her victims, the court, and the department, including the payment of any fine, forfeiture, fee or surcharge, or order of restitution
- No outstanding warrants

### **VICTIM NOTIFICATION**

Agents should contact victims of convictions and read-ins by sending them a Victim Request for Notification ([DOC-2623](#)) during the offender's intake process. The [DOC-2623](#) will explain the goals and objectives of supervision, including revocation and early discharge. The [DOC-2623](#) provides the victim with the opportunity to enroll for notification should a change in status occur.

The notification system does not automatically generate notification concerning early discharge consideration. The agent shall contact the victim prior to an early discharge request being submitted, and any comments shall be documented on the Early Discharge Victim Statement ([DOC-2566](#)). Prior to submitting the early discharge petition ([CR-284](#)) to the court, the agent shall notify the victim. If the victim is enrolled with the Office of Victim Services and Programs (OVSP), the victim button in WICS will be checked and the agent can call OVSP to obtain a current address. If victim contact is not made, the contact efforts shall be entered in the case notes.

Other available resources to obtain victim information include CCAP, PSI, local victim/witness coordinator or other collateral sources.

#### **PROCEDURE FOR PROBATION EARLY DISCHARGE RECOMMENDATIONS**

1. All recommendations for early discharge must be staffed with a supervisor. Prior to the staffing, the agent shall complete the Early Discharge Recommendation for Probation ([DOC-2528](#)). The staffing discussion will include the information on the [DOC 2528](#) and any other relevant information.
2. Upon supervisory approval, the agent shall submit the [CR-284](#) Petition for Early Discharge from Probation, and the CR 285-Order on Petition for Early Discharge from Probation. The [CR-284](#) should be sent in a PDF format; the [CR-285](#) in a Word (.docx) document format. Additional information may be provided to the court as a memorandum. The memorandum may include summary of adjustment to supervision (residential stability, employment, completion of treatment, violations) and victim input considerations.
3. Upon approval by the Court, the Court will complete the [CR-285](#) (Order on Petition for Early Discharge from Probation) and return to the DOC. Upon receipt, procedures outlined in the Case Closing section of ECRM and the [DOC 2877](#) Discharge Checklist shall be completed.

#### **PROCEDURE FOR PAROLE EARLY DISCHARGE**

1. The agent will complete a Parole Early Discharge Investigation ([DOC-2528A](#)) for eligible individuals as assigned. A status of "Parole Early Discharge Investigation" will be assigned for 30 days.
2. The agent shall staff the offender under consideration with the supervisor. The [DOC-2528A](#) shall be completed by the agent within 20 days of assignment. The supervisor review shall be completed within 5 days. The [2528A](#) shall be forwarded to the regional

office for review. Within five days, the Regional Office will review the [DOC 2528A](#) and submit it to the DCC Administrator's Office. Recommendations shall not be included on the [DOC-2528A](#).

3. The Administrator's Office will notify the Regional Office and status keepers concerning approvals and denials. Notification will also be provided from the Administrator's Office to Central Records Unit in the event of approvals for issuance of a termination number and discharge certificate, as needed.
4. Regional Office shall notify the agent. Upon notification the individual has been approved or denied for early discharge, the agent shall document the decision with a COMPAS Note and discuss the outcome with the offender. Complete procedures in the [Case Closing](#) section of ECRM and the [DOC 2877](#) Discharge Checklist.