About the Earned Release Program

The Earned Release Program (ERP) is an early release mechanism meant to incentivize justice-involved individuals with substance abuse disorders to engage in programming and treatment.

Overview

Some form of ERP has existed in Wisconsin since the 1980s, and the current statue was written in 2003. The law indicates that a person is eligible for consideration for early release under ERP if they meet the following criteria:

- The conviction and associated incarceration is for non-violent, non-assaultive offense
- The person is serving a bifurcated sentence (portion in confinement, portion on supervision)
- The person has identified substance abuse issues and treatment needs

Given the historical lack of resources in programming and treatment, DOC developed internal suitability criteria to prioritize when ERP eligible individuals may enroll in the program. The current criteria is as follows:

- The person must be within 36 months of their release date
- The person must be classified as minimum custody status
- Each ERP eligible person may only enroll in the ERP program one time for the same case.

Reform and Desired Changes

DOC is recommending changes to current Substance Use Disorders (SUD) and ERP programs to open avenues for enrollment in ERP to individuals who are typically prevented from participating and to allow for expansion in the program. DOC created the ERP Expansion Committee, which was tasked with reviewing ERP and SUD programs to develop recommendations to allow increased enrollment in ERP.

The following proposed policy and operational recommendations were developed:

- Consolidate all ERP/SUD programs to allow current SUD-only programs to be ERP qualified by adding the behavior modification treatment components – this increases ERP locations in our system
    - NOTE: Behavior Modification Systems are not yet in place at all SUD/ERP sites
- Allow medium custody individuals to enroll in ERP. This will reduce the number of individuals on the wait list and allows persons in our care to enroll in ERP sooner in their incarceration
- Assist in reduction the prison population by allowing individuals to enroll in ERP within 48 months of their release date versus the current requirement of 36 months
- Allow for multiple enrollments in ERP for the same sentence

The Division of Adult Institutions (DAI) has a long term plan to complete the implementation of Behavior Modification Systems at all ERP/SUD sites. This process has already been completed at Chippewa Valley

Correctional Treatment Facility (CVCTF), Drug Abuse Correctional Center (DACC), Prairie du Chien Correctional Institution (PDCI) and Stanley Correctional Institution (SCI). This process has recently started at New Lisbon Correctional Institution (NLCI) as they work towards implementing SUD/ERP programming at their site. Once fully expanded, DOC estimates that an additional 1,000 individuals will be able to complete ERP programs annually.

Historical ERP release data is as follows:

- 2017: 1,734
- 2018: 1,831
- 2019: 1,917

With the successful expansion of four additional ERP sites under this project, DOC already realized a significant increase in ERP releases for 2020 compared to the historical averages. DOC graduated 1,720 ERP persons as of July 2020, and projects a total of 2,862 graduates for 2020. An additional 897 individuals are enrolled to begin ERP in late 2020 who will complete the program in early 2021.