

**BACKGROUND ON WISCONSIN'S PRISON  
AND COMMUNITY CORRECTIONS SYSTEM**

139001

**Staff Brief 92-6**

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*Staff Brief 92-6\**

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**BACKGROUND ON WISCONSIN'S  
PRISON AND COMMUNITY CORRECTIONS SYSTEM**

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**INTRODUCTION**

This Staff Brief was prepared for the Legislative Council's Special Committee on Women Offenders in the Correctional System. The Special Committee was based on 1991 Assembly Joint Resolution 20 and an April 9, 1992 letter from Representatives Mary Panzer and Rebecca Young and directed to study:

[T]he corrections system as it applies to women offenders, including a review of: (1) the demographics of women offenders, the nature of their offenses and the reasons for imprisonment of nonassaultive women offenders; (2) the availability of effective community-based corrections programs for women offenders; (3) the access of women offenders to intensive sanctions and other alternative corrections programs; (4) the extent to which women offenders are the full or primary caretakers of minor children and the need for a family visitation program; (5) issues related to special conditions of confinement for women offenders; and (6) the provision of training and employment opportunities for women offenders.

This Staff Brief provides background information on the Wisconsin prison and community corrections system for adults.

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\* This Staff Brief was prepared by Don Salm, Senior Staff Attorney, Legislative Council Staff.



## PART I

### BACKGROUND INFORMATION ON THE DEPARTMENT OF CORRECTIONS

#### A. ORGANIZATION OF THE DEPARTMENT

Effective January 1, 1990, funding, positions and responsibility for adult correctional services were transferred from the Department of Health and Social Services (DHSS) to a separate Department of Corrections (DOC) (the DOC was established by 1989 Wisconsin Act 31, the Biennial Budget Act). Both the prison system and the community corrections system are operated by the DOC. Within the DOC:

1. The Division of Adult Institutions is responsible for the operation of the adult correctional institutions and centers;
2. The Division of Probation and Parole is responsible for correctional halfway houses and supervision of persons on probation and parole;
3. The Division of Intensive Sanctions is responsible for the operation of the newly created Intensive Sanctions Program.
4. The Division of Program Services provides offenders opportunities for education, job skills training, work experience, living skills and drug treatment and provides for their medical, dental and mental health needs;
5. The Division of Management Services provides the analytical and operational services for DOC, such as staffing, purchasing and procurement, fiscal services and information systems; and
6. The DOC Secretary supervises the Office of the Secretary and the Parole Commission.

Five unclassified civil service positions are authorized for DOC. The Secretary of the DOC and the Chair of the Parole Commission are appointed by the Governor with the consent of the Senate. The Deputy Secretary, the Secretary's Executive Assistant and Prison Industries Director are appointed by the Secretary. The four division administrators in DOC are in the classified civil service.

#### B. BRIEF HISTORY OF THE ADULT CORRECTIONAL SYSTEM IN WISCONSIN

Attached as Appendix A to this Staff Brief is a brief history of the adult correctional system in Wisconsin, as set forth in the December 1990 State of Wisconsin Correctional System Development Plan, prepared by the Zimmerman Design Group for the DOC and the Wisconsin Department of Administration (DOA) (hereafter, "the 1990 Development Plan").





**PART II**  
**THE PRISON SYSTEM**

**A. ADMINISTRATION OF THE PRISON SYSTEM**

In general, the facilities within the prison system are administered by the DOC's Division of Adult Institutions (DAI). [See the organizational chart of DOC in Appendix B to this Staff Brief.] There are a very limited number of inmates at some of the facilities who are under the administration of the newly created Division of Intensive Sanctions (DIS) in DOC. There is also one prison, the Wisconsin Resource Center, which provides specialized programs for inmates with mental needs that cannot be adequately met in the DOC institutions. The Resource Center is administered by the DHSS's Division of Care and Treatment Facilities.

The prison facilities fall into three categories: (1) correctional institutions; (2) correctional centers; and (3) state-local shared correctional facilities. Correctional institutions provide secure detention for inmates at a range of security levels (minimum, medium and maximum). Correctional centers include only minimum security facilities. State-local shared facilities are authorized in s. 46.053, Stats., but no such facilities have been built. Maps indicating the location and security level of Wisconsin adult correctional institutions and centers are attached as Appendices C and D.

Within the prison system, there are presently in operation: (1) 11 correctional institutions, 10 for males and one for females (Taycheedah) (the total figure includes the Wisconsin Resource Center for inmates with mental needs); and (2) 18 correctional centers, 15 for males and three for females (the Ellsworth Correctional Center, the Ferris Center and the Milwaukee Women's Community Correctional Center).

Table 1, below, Department of Corrections: Offenders Under Control on August 7, 1992 (a weekly population report issued by DOC and referred to as "the Friday Report," since it is published each Friday), sets forth the name, security level, operating capacity and population for the facilities in each category on that date. The 1990 Development Plan defines "operating capacity" to mean:

...the number of inmates a Correctional Facility can program and house effectively, based on an analysis of two components--Housing Capacity and Core Capacity. Operating Capacity is equal to the smaller of Housing Capacity or Core Capacity. Operating Capacity assumes the physical condition of available space is good and that routine maintenance and repair programs exist to correct deficiencies.

Housing Capacity [means] the number of inmates a Correctional Facility can house based on Wisconsin's occupancy guidelines as to the desirable size and equipping of cells, dormitories, and sleeping rooms.

Core Capacity [means] the capacity to provide non-housing functions in a Correctional Facility, such as food service, medical care, recreation, visiting, inmate programs, segregation housing, and facility administration (emphasis added).

With reference to this table, a July 17, 1992 letter from Patrick J. Fiedler, Secretary of DOC, notes the following key points about the general format of the "Friday Report" (which was revised effective that date):

- (1) Separate totals for the numbers of Division of Intensive Sanctions and Division of Adult Institutions inmates and probationers and parolees appear at the top of the report, representing all offenders currently under the [DOC's] custody and control.
- (2) Population counts for the individual adult institutions reflect separate counts for the Division of Adult Institutions (DAI) and the Division of Intensive Sanctions (DIS) inmates currently at each facility. The figure for the incarcerated DIS inmates also appears in the DIS section.
- (3) Individual operating capacity figures are included separately for the institutions, contract facilities, and intensive sanctions. There are two specific changes that have been made to these capacities. The operating capacity for contract beds includes potential jail beds for which there are no existing contracts in place but for which funds are available if the beds become available. The intensive sanctions operating capacity reflects the number of slots that are budgeted for at this point in time. The fact that DIS only recently became a sentencing option to the court (7/1/92) means that achieving this population level will occur over time during this fiscal year. The total budgeted operating capacity is expected to be 1,920 by the end of the current biennium.
- (4) The total probation and parole population reflects the count at the beginning of the present month. This figure will be updated on a monthly, not weekly basis. It distinguishes between adults and juveniles and probationers and parolees.

Department of Corrections  
Offenders Under Control on August 7, 1992

	Operating Capacity	Total Popu- lation	DAI	DIS
<b><u>TOTAL OFFENDER POPULATION</u></b>	<b><u>55134</u></b>			
<b><u>TOTAL PROBATION/PAROLE POPULATION</u></b>	<b><u>48848</u></b>			
<b><u>TOTAL INMATE POPULATION (DAI)</u></b>	<b><u>7992</u></b>			
<b><u>TOTAL INMATE POPULATION (DIS)</u></b>	<b><u>294</u></b>			
<b><u>DIVISION OF ADULT INSTITUTIONS</u></b>	<b><u>6342</u></b>	<b><u>8041</u></b>	<b><u>7992</u></b>	<b><u>49</u></b>
<b><u>SUBTOTAL-MALES (ALL LOCATIONS)</u></b>	<b><u>6005</u></b>	<b><u>7706</u></b>	<b><u>7658</u></b>	<b><u>48</u></b>
<b><u>MAXIMUM SECURITY INST.</u></b>	<b><u>2190</u></b>	<b><u>3130</u></b>	<b><u>3116</u></b>	<b><u>14</u></b>
Dodge	350	804	592	12
(Reception)	(239)	(476)	(464)	(12)
(Institution)	(111)	(128)	(128)	(-)
Waupun	825	1132	1131	1
Green Bay	574	838	837	1
Columbia	441	556	556	-
<b><u>MAXIMUM-MEDIUM SECURITY INST.</u></b>	<b><u>750</u></b>	<b><u>739</u></b>	<b><u>711</u></b>	<b><u>28</u></b>
Racine-Maximum	150	83	83	-
Racine-Medium	600	656	628	28
<b><u>MEDIUM SECURITY INST.</u></b>	<b><u>1521</u></b>	<b><u>1975</u></b>	<b><u>1975</u></b>	<b><u>=</u></b>
Fox Lake	691	836	836	-
Kettle Moraine	386	597	597	-
Oshkosh	444	542	542	-
<b><u>MINIMUM SECURITY INST.</u></b>	<b><u>1199</u></b>	<b><u>1627</u></b>	<b><u>1621</u></b>	<b><u>6</u></b>
Oakhill	300	453	452	1
Center System	899	1174	1169	5
<b><u>Northern Sector</u></b>	<b><u>476</u></b>	<b><u>654</u></b>	<b><u>651</u></b>	<b><u>3</u></b>
Black River	50	73	72	1
Drug Abuse Center	125	141	141	-
Flambeau	50	66	66	-
Gordon	52	69	69	-
McNaughton	55	72	72	-
St. Croix	24	38	38	-
Sanger B. Powers	60	101	100	1
Winnebago	60	94	93	1
<b><u>Southern Sector</u></b>	<b><u>423</u></b>	<b><u>520</u></b>	<b><u>518</u></b>	<b><u>2</u></b>
Abode	30	48	48	-
John C. Burke	161	199	199	-
Kenosha	60	103	103	-
Marshall E. Sherrer	32	57	55	2
Oregon	78	37	37	-
St. John's	30	42	42	-
Thompson	32	34	34	-

	<u>Operating Capacity</u>	<u>Total Population</u>	<u>DAI</u>	<u>DIS</u>
<b><u>CONTRACT BEDS</u></b>	<b><u>185</u></b>	<b><u>88</u></b>	<b><u>88</u></b>	<b><u>=</u></b>
Federal Facilities	10	8	8	=
Dodge County /a	24	-	-	=
Green Lake County /b	15	9	9	=
Eau Claire County	28	26	26	=
Jackson County	10	14	14	=
Rock County	40	20	20	=
Washburn County /c	14	8	8	=
Wood County	15	3	3	=
No existing contracts	29	-	-	=
<b><u>WRC (DCTF FACILITY)</u></b>	<b><u>160</u></b>	<b><u>147</u></b>	<b><u>147</u></b>	<b><u>=</u></b>

	<u>Operating Capacity</u>	<u>Total Population</u>	<u>DAI</u>	<u>DIS</u>
<b><u>SUBTOTAL-FEMALES (ALL LOCATIONS)</u></b>	<b><u>337</u></b>	<b><u>335</u></b>	<b><u>334</u></b>	<b><u>1</u></b>
<b><u>TAYCHEEDAH</u></b>	<b><u>180</u></b>	<b><u>192</u></b>	<b><u>191</u></b>	<b><u>1</u></b>
<b><u>MINIMUM SECURITY INST.</u></b>	<b><u>142</u></b>	<b><u>128</u></b>	<b><u>128</u></b>	<b><u>=</u></b>
Milwaukee Women's Center	42	41	41	=
Robert E. Ellsworth Center	100	87	87	=
<b><u>CONTRACT BEDS</u></b>	<b><u>15</u></b>	<b><u>15</u></b>	<b><u>15</u></b>	<b><u>=</u></b>
Ferris Center	15	15	15	=

/a Contingent on availability of beds.

/b Ten beds guaranteed, 5 beds contingent on availability of beds.

/c Eight beds guaranteed, 6 beds contingent on availability of beds.

Occupied Beds per s. 301.055 7932

	<u>Operating Capacity</u>	<u>Total Population</u>
<b><u>DIVISION OF INTENSIVE SANCTIONS</u></b>	<b><u>910</u></b>	<b><u>294</u></b>
<b><u>SUBTOTAL-MALES</u></b>	<b><u>835</u></b>	<b><u>269</u></b>
Community Cases	835	221
Institution Cases /d	-	48
<b><u>SUBTOTAL-FEMALES</u></b>	<b><u>75</u></b>	<b><u>25</u></b>
Community Cases	75	24
Institution Cases /d	-	1

/d included in institution totals.

**DIVISION OF PROBATION AND PAROLE**  
(Population on August 1, 1992)

	<u>Total</u>	<u>Probation</u>	<u>Parole</u>
<b><u>TOTAL</u></b>	<b><u>46848</u></b>	<b><u>40772</u></b>	<b><u>6076</u></b>
Adults	46334	40772	5562
Juveniles	514	-	514

Based on the population data for August 7, 1992, shown in Table 1, above:

1. The only correctional institution for adult females (Taycheedah) was operating, on that date, with a resident population 7% over its operating capacity of 180 residents. The two minimum security centers for adult females (Ellsworth Center and Milwaukee Women's Center) were, on that date, operating with a resident population 10% under their combined operating capacity of 142. Overall, including residents in all female facilities [Taycheedah, the centers and additional beds for inmates contracted for by the DOC ("contract beds")], the correctional facilities for adult females are operating with resident populations of 1% under their combined operating capacity of 337 residents.

2. The minimum security correctional institutions for adult males were operating, on that date, with resident populations 36% over their combined operating capacity of 1,199 residents. However, the medium and maximum security correctional institutions for adult males were operating, on that date, with resident populations 21% over and 37% over, respectively, their combined operating capacity of 2,121 residents and 2,340 residents, respectively. Overall, the correctional institutions for male adults were operating, on that date, with resident populations 27% over their combined operating capacity of 6,342 residents.

3. The correctional centers for adults in the Northern Sector were operating, on that date, with resident populations 37% over their combined operating capacity of 476 residents. Those in the Southern Sector were operating, on that date, with resident populations 23% over their combined operating capacity of 423 residents. Overall, the correctional centers (Northern and Southern Sectors) for adults were operating with resident populations 31% over their combined operating capacity of 899 residents.

Appendix E to this Staff Brief is a letter from Pamela J. Brandon, Administrator of DOC's Division of Management Services, to DOC Secretary Patrick J. Fiedler (dated September 19, 1991), setting forth the number of additional beds approved, at a September 4, 1991 meeting, by the State Building Commission under the Wisconsin Prison Expansion Program. Note that: (1) "Atherton" was renamed "Ellsworth"; and (2) the total figures include the cost of a new fence for Taycheedah (\$1.5 million).

## **B. SENTENCING PROCESS**

This section of the Staff Brief describes the process by which offenders are sentenced to serve time in the prison system. This section covers: (1) an overview of the sentencing process in Wisconsin; (2) presentence investigations; (3) sentencing guidelines and scoring; (4) incarceration; (5) community residential confinement (e.g., electronic monitoring of offenders at home); (6) intensive sanctions; and (7) probation. Because the Intensive Sanctions Program is new (created by 1991 Wisconsin Act 39 and effective July 1, 1992), the program is described in detail.

## 1. Overview of Sentencing in Wisconsin

Under the current Wisconsin system, in sentencing an adult convicted of a crime, the court has the discretion, depending on the crime, to require an indeterminate term of incarceration, intensive sanctions, state-supervised probation, a fine or, in certain cases, some combination of these. Some of the key points about the system are:

- a. In general, a court may impose a sentence for each charge resulting in a conviction and sentences may run concurrently or consecutively.
- b. A court may not order imprisonment followed by probation as the sentence for a single crime.
- c. The length of sentence may be increased for persons considered to be repeat offenders.
- d. There are five classes of felonies (i.e., crimes punishable by imprisonment in a state prison) established under the Wisconsin Criminal Code [chs. 939 to 951, Stats.]. The penalties for each felony classification are as follows:

- Class A Felony Life imprisonment.
- Class B Felony Imprisonment not to exceed 20 years.
- Class C Felony Fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.
- Class D Felony Fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.
- Class E Felony Fine not to exceed \$10,000 or imprisonment not to exceed two years, or both.

As further discussed below, the current sentencing system is referred to as “indeterminate” because offenders may be paroled from prison prior to serving the maximum sentence imposed by the court. However, inmates must serve, at a minimum, the greater of six months or 25% of the court-imposed sentence.

## 2. Presentence Investigations

After conviction and prior to sentencing, the court has the discretion to order a presentence investigation (PSI), except that the court may order an employee of the DOC to conduct a PSI only after conviction of a felony. A PSI, if ordered by a court, is conducted by a probation and parole agent in the Division of Probation and Parole (DPP) within the DOC. The DPP’s Probation and Parole Operations Manual (hereafter, the “DPP Manual”) describes the contents of investigations conducted by agents as follows: “The investigation is a careful study of how the individual’s personal endowments, environmental factors and behavior patterns have interacted to produce the present situation (that resulted in conviction or commitment).”

The court is required to disclose the contents of the PSI report to the defendant's attorney. When the defendant is not represented by an attorney, the contents are disclosed to the defendant. However, the judge is given the authority to conceal the identity of any person who provided information in the PSI report. Following sentencing, unless used by the DOC or another agency or person for purposes related to correctional programming, parole consideration, care and treatment of the inmate or research or unless otherwise ordered by the court, the PSI report remains confidential and may not be made available to any person except upon specific authorization of the court [s. 972.15, Stats., as affected by 1991 Wisconsin Act 39].

### **3. Sentencing Guidelines and Scoring**

Where applicable, the court, in making its sentencing determination, is required to take sentencing guidelines into consideration [s. 973.012, Stats.]. Sentencing guidelines and scoring sheets (discussed below) are developed for felony offenses by the Sentencing Commission which is attached to the DOA. The Sentencing Commission consists of 17 members, including the Secretary of DOC, circuit court judges, attorneys and felony victims [ss. 15.101 (18), 15.105 (17) and 973.01, Stats., as affected by 1991 Wisconsin Act 39].

To date, sentencing guidelines and scoring sheets have been established for the following 18 felony offenses:

- a. Burglary [s. 943.10 (1) (a) to (f), Stats.].
- b. Felony theft (\$500 to \$2,500) [s. 943.20 (1) (a), (c) and (e) and (3) (b), Stats.].
- c. Felony theft (over \$2,500) [s. 943.20 (1) (a), (c) and (e) and (3) (c), Stats.].
- d. Felony theft (special circumstances) [s. 943.20 (1) (a), (c) and (e) and (3) (d), Stats.].
- e. Felony theft (fraud over \$500) [s. 943.20 (1) (d) and (3) (b), Stats.].
- f. Felony theft (fraud over \$2,500) [s. 943.20 (1) (d) and (3) (c), Stats.].
- g. Felony theft (fraud special circumstances) [s. 943.20 (1) (d) and (3) (d), Stats.].
- h. Felony theft (fraud innkeeper) [s. 943.21 (1) and (3) (b), Stats.].
- i. Robbery [s. 943.32 (1), Stats.].
- j. Armed robbery [s. 943.32 (2), Stats.].
- k. Forgery [s. 943.38 (1) or (2), Stats.].
- l. First degree sexual assault [s. 940.225 (1), Stats.].



- m. Second degree sexual assault [s. 940.225 (2), Stats.].
- n. Third degree sexual assault [s. 940.225 (3), Stats.].
- o. First degree sexual assault of child [s. 948.02 (1), Stats.].
- p. Second degree sexual assault of child [s. 948.02 (2), Stats.].
- q. False imprisonment [s. 940.30, Stats.].
- r. Worthless checks (\$500 or more) [s. 943.24, (2), Stats.].

In determining the sentence for a given offender, the court uses a scoring sheet (referred to as a "matrix") prepared by the Sentencing Commission. There is a different scoring sheet for each of the offenses. Each scoring sheet contains a procedure for assigning points related to the offender's prior record and the severity of the offense. The points are used to calculate a recommended range (in months) in the length and type of sentence (i.e., incarceration, intensive sanctions or probation) for the offender. Use of this scoring system permits recommended sentences to be individualized within the sentencing guidelines.

The scoring sheets are prepared as follows:

- a. If the court orders a PSI, the probation and parole agent prepares the scoring sheet when he or she prepares the PSI and submits it, with the PSI, to the sentencing judge.
- b. If the court does not order a PSI, the prosecutor and defense counsel each complete a scoring sheet and submit the sheets to the sentencing judge at the beginning of the sentencing hearing. The sentencing judge reviews the scoring sheets for accuracy and resolves any dispute between the prosecutor and the defense counsel.

In sentencing an offender convicted of any of the felony offenses for which sentencing guidelines and scoring sheets have been established, the court is required to take the sentencing guidelines "into consideration." The court is not obligated to impose a sentence in accordance with the guidelines, but the court is required to state on the record its reasons for any deviation from the guidelines. There is no right to appeal on the basis of a sentencing court's decision to render a sentence that does not fall within the sentencing guidelines [s. 973.012, Stats.].

Administrative rules of the Sentencing Commission, as required by s. 973.011 (3), Stats., set forth mitigating and aggravating circumstances, as well as circumstances not to be considered as mitigating or aggravating, which must be considered by the court in sentencing:

- a. Mitigating circumstances. Mitigating circumstances which may require that the guideline sentence not be imposed include, among others, the fact that: (1) the offender's involvement in the actual offense is minimal or due to coercion, duress or ignorance that the offense constituted a crime; (2) the offender cooperated with authorities in apprehending or prosecuting other offenders; (3) the offender has maintained a substantial crime-free period before this offense occurred; (4) the

offender will participate in drug, alcohol or mental health treatment which will likely deter further criminal activity; and (5) the victim desires no prosecution or desires lenient treatment of the offender.

b. Aggravating circumstances. Aggravating circumstances which may require that the guideline sentence not be imposed include, among others: (1) special vulnerability of the victim (e.g., young, handicapped or visibly pregnant); (2) wanton or extreme cruelty or depravity toward the victim; (3) premeditation or extensive planning in the offense; (4) the offender's lack of remorse; and (5) the victim's desire for full prosecution of the offense.

c. Circumstances not to be considered as mitigating or aggravating. Certain circumstances which may not be used as aggravating or mitigating include the race, religious beliefs or gender of the offender or the exercise of constitutional rights by the offender [ch. SC 6, Wis. Adm. Code].

#### 4. Incarceration

##### a. Place of Imprisonment

In sentencing an adult convicted of a crime, the court may require incarceration. Except for a sentence to the Intensive Sanctions Program (ISP), described in item 6, below, if a statute authorizes imprisonment for violation of a law, but does not prescribe the place of imprisonment, the place of imprisonment is as follows:

- (1) A sentence of less than one year must be to the county jail;
- (2) With one exception, a sentence of more than one year must be to the Wisconsin state prisons. The Milwaukee County House of Corrections is permitted to hold offenders sentenced up to two years; and
- (3) A sentence of one year may be to either the Wisconsin state prisons or the county jail [s. 973.02, Stats.; emphasis added].

It should be noted that DOC, and not the court, decides whether an inmate can be confined under the Community Residential Confinement Program, described in item 5, below.

##### b. Indeterminate Sentencing

Under s. 973.013 (1) (a), Stats., if a court orders imprisonment in the Wisconsin state prisons for a term of years, the "court may fix a term less than the (statutorily) prescribed maximum," except for those crimes which carry a mandatory life sentence. The term set by the court is indeterminate, since the inmate may be released on parole earlier than the date for release set by the court. However, subject to the court's imposition of a later parole eligibility date under

item c, below, inmates must serve, at a minimum, the greater of six months or 25% of the court-imposed sentence.

**c. Parole Eligibility Determination for Class A Felonies ("Life Means Life")**

Under s. 973.014, Stats., when a court sentences a person to life imprisonment for a crime committed on or after July 1, 1988, the court must make a parole eligibility determination regarding the person and choose one of the following options:

- (1) The person is eligible for parole under the general parole provisions in s. 304.06 (1), Stats. (i.e., for a life sentence, generally after 13 years and four months).
- (2) The person is eligible for parole on a date set by the court (sometimes referred to as the "Life Means Life" provision). Under this provision, the court may set any later date than that provided in the general parole provisions in s. 304.06 (1), but may not set a date that occurs before the earliest possible parole eligibility date as calculated under s. 304.06 (1). For example, an offender could be sentenced to life imprisonment with no possibility of parole for 30 years.

The crimes for which a person must be sentenced to life imprisonment (Class A felonies under the Criminal Code) are: (1) first degree intentional homicide [s. 940.01 (1), Stats.]; (2) kidnapping with intent to cause another to transfer property in order to obtain release of the victim [s. 940.31 (2), Stats.]; (3) tampering with "household products" (e.g., food, drugs or cosmetics) resulting in the death of another person [s. 941.327 (2) (b) 4, Stats.]; and (4) treason [s. 946.01, Stats.].

In a recent Wisconsin Supreme Court case, State v. Borrell, 482 N.W. 2d 883 (1992), the Court held that the "Life Means Life" statutory provision does not violate the constitutional doctrine of separation of powers or a defendant's constitutional right to due process, including the right to counsel at sentencing.

**d. Challenge Incarceration Program for Youthful Offenders**

Under current law, the DOC is required to provide a challenge incarceration program for selected inmates. The program must provide participants with strenuous physical exercise, manual labor, personal development counseling, substance abuse treatment and education, military drill and ceremony and counseling in preparation for release on parole. The DOC must design the program: (1) to include not less than 50 participants at a time; and (2) so that a participant may complete the program in not more than 180 days. The DOC may restrict participant privileges as necessary to maintain discipline.

Except for ISP participants (as described in item 6, below), the DOC may place any inmate in the Challenge Incarceration Program if the inmate meets all of the following criteria:

- (1) The inmate volunteers to participate in the program.

(2) The inmate has not attained the age of 30, as of the date the inmate will begin participating in the program.

(3) The inmate is incarcerated regarding a violation other than a crime specified in ch. 940 (i.e., homicide and other crimes against bodily security) or s. 948.02, 948.03, 948.05, 948.06, 948.07 or 948.08 (i.e., the most serious of the crimes against children, including sexual assault and physical abuse of a child), Stats.

(4) The DOC determines, during assessment and evaluation, that the inmate has a substance abuse problem.

(5) The DOC determines that the inmate has no psychological, physical or medical limitations that would preclude participation in the program.

Except for ISP participants (as described below), if the DOC determines that an inmate has successfully completed the Challenge Incarceration Program, the Parole Commission must parole the inmate under s. 304.06, Stats., regardless of the time the inmate has served. When the Parole Commission grants such a parole, it must require the parolee to participate in an intensive supervision program for drug abusers as a condition of parole.

The DOC may place any ISP participant in the Challenge Incarceration Program. The participant is not subject to the program and parole eligibility requirements described above [s. 302.045, Stats., as affected by 1991 Wisconsin Act 39].

#### **e. Wisconsin Substance Abuse Program**

Under current law, the DOC and the DHSS may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse of inmates transferred from Wisconsin state prisons. This must be administered by DOC and must be known as the Wisconsin Substance Abuse Program. The DOC and the DHSS must ensure that residents at the institution and the residents in the Wisconsin Substance Abuse Program:

(1) Have access to all those facilities which are available at the institution and are necessary for the treatment programs designed by the departments.

(2) Are housed on separate wards [s. 302.05, Stats.].

### **5. Community Residential Confinement**

#### **a. Institution Status**

Under current law, the DOC is required to establish and operate a Community Residential Confinement Program (CRCP) as a correctional institution under the charge of a superintendent.

Under the CRCP, the DOC must confine prisoners in their places of residence or other places designated by the DOC. The institution is a state prison (i.e., a state correctional institution).

**b. Inmate, Officer and Employee Status**

Inmates confined under CRCP are under the care and control of the institution, subject to its rules and discipline and subject to all laws pertaining to inmates of other correctional institutions. Courts may not directly commit persons to the CRCP institution. Officers and employees of the institution are subject to the same laws pertaining to other correctional institutions.

**c. Eligibility**

The DOC determines those prisoners who are confined under the CRCP. Except for ISP participants (see item 6, below), a prisoner is eligible for this confinement only under all of the following conditions:

- (1) The prisoner is not serving a life sentence.
- (2) The prisoner is eligible for discretionary parole or is serving a sentence that is not longer than three years.

With reference to ISP participants, the DOC may confine any ISP participant in CRCP.

**d. Notification**

Before a prisoner is confined under CRCP, the DOC must notify the police chief of any community and the sheriff and district attorney of any county where the prisoner will be confined.

**e. Electronic Surveillance**

The DOC must monitor any CRCP prisoner's confinement by: (1) the use of an electronic device worn continuously on the prisoner's person; or (2) the confinement of the prisoner in supervised places designated by the DOC. The DOC may permit the prisoner to leave confinement for employment, education or other rehabilitative activities.

**f. Fee**

The prisoner under CRCP must pay any fee charged by the DOC to cover the costs associated with electronic monitoring services.

**g. Escape**

Any intentional failure of a prisoner to remain within the extended limits of his or her confinement or to return within the time prescribed by the superintendent is considered a criminal escape under s. 946.42 (3) (a), Stats. [s. 301.046, Stats., as affected by 1991 Wisconsin Act 39].

## **6. Intensive Sanctions Program**

### **a. General Description of Program Design and Administration**

The ISP in the DIS in DOC was created by 1991 Wisconsin Act 39 and took effect on July 1, 1992. According to the DOC publication Intensive Sanctions: Manual for the Wisconsin Criminal Justice System (April 1992) (hereafter, the "DOC DIS Manual"), the intent of the ISP is that it be utilized as a sentence for certain felons who, in the past, would have received a sentence to a state prison and is not supposed to be utilized as a sentence for offenders who, in the past, would have been placed on probation.

Under the new law, the DOC is required to design the program to provide all of the following:

- (1) Punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision.
- (2) Component phases that are intensive and highly structured.
- (3) A series of component phases for each participant that is based on public safety considerations and the participant's needs for punishment and treatment.

Current law specifies that DIS is a correctional institution. It is defined as a Type 2 prison, with all other correctional institutions being Type 1 prisons [s. 301.01, Stats.]. All offenders in the program are in the custody and under the control of the DOC [s. 301.048 (4), Stats.].

### **b. Eligibility**

Current law specifies that an offender enters ISP only if he or she has been convicted of a felony and only under one of the following circumstances:

- (1) A court sentences him or her to the ISP.
- (2) He or she is a prisoner serving a felony sentence not punishable by life imprisonment and the DOC directs him or her to participate in the program.
- (3) The Parole Commission grants him or her parole and requires his or her participation in the program as a condition of parole.
- (4) The DOC and the person agree to his or her participation in the program as an alternative to revocation of probation or parole.

The program sanctions permitted under the ISP consist of one or more of the following:

(1) Confinement, which may include placement in a Type 1 prison or a jail, county reforestation camp, residential treatment facility or community-based residential facility. The court must provide a maximum period for such placements which may not exceed one year unless the defendant waives this requirement [s. 973.032 (3) (b), Stats.]. The DOC may request that the court extend the maximum period of confinement which may not exceed a total of two years or 2/3rds of the maximum term of imprisonment that could have been imposed on the person, whichever is less [ss. 301.048 (3) (a) 1 and 973.032 (4) (b), Stats.].

(2) Intensive or other field supervision.

(3) Electronic monitoring (e.g., home detention).

(4) Alcohol or other drug abuse outpatient treatment and services.

(5) Mental health treatment and services.

(6) Community service.

(7) Restitution.

(8) Other programs as prescribed by the DOC [s. 301.048 (3), Stats.].

**c. Comparison with Division of Probation and Parole**

According to the DOC DIS Manual, although the DPP and DIS are both community-based programs, there are some key differences:

(1) The DPP has caseloads that average 1:72; DIS has caseloads that average 1:25.

(2) DPP has agents responsible for all supervision; in DIS, supervision is done by a team of agents and correctional officers.

(3) In DPP, revocation is necessary to place an offender in prison; in DIS, an inmate may be moved to a prison without a hearing [s. 301.048 (3) (b), Stats.].

(4) DIS is a correctional institution and DPP is a community-based program. The purchase of service dollars within the community are greater for DIS and allow for greater flexibility in its use.

**d. Statutory Requirements for Sentence to Intensive Sanctions**

Beginning July 1, 1992, a court may sentence a person who is convicted of a felony occurring on or after August 15, 1991 to participate in the ISP. The court must request that the DPP complete a presentence investigation (PSI) when considering an offender for a sentence to DIS. The court may sentence the offender to DIS if the DOC provides a PSI recommending that the person be sentenced to the program. If the DOC does not make the recommendation to DIS, the

court may order the DOC to assess and evaluate the offender. After the assessment and evaluation, the court may sentence the person to the program unless the DOC objects on the grounds that the sentence under the sentencing guideline matrices is probation [s. 973.032 (1) and (2) (a), Stats.].

Attached as Appendix F is a list of offenses which the DOC will use as a guideline when considering a recommendation of a sentence to ISP.

In using the ISP alternative, the court:

- (1) Must provide a maximum period for the sentence, which may not exceed the maximum term of imprisonment that could be imposed on the offender, including imprisonment authorized by any penalty enhancement statute [s. 973.032 (3) (a), Stats.].
- (2) Must provide a maximum period of confinement time which may not exceed one year, unless the defendant waives this requirement. The DOC may request that the court extend the maximum period of confinement time, which may not exceed two years or 2/3rds of the maximum term of imprisonment, whichever is less [ss. 301.048 (3) (a) 1 and 973.032 (4) (b), Stats.].
- (3) May prescribe reasonable and necessary conditions of the sentence (i.e., restitution; alcohol or other drug treatment). The court may not designate the place of confinement [s. 973.032 (3) (c) 2, Stats.].

With reference to the types of sentences available to the court, the court:

- (1) May impose a sentence to ISP, stay it and place the defendant on probation. Participation in ISP may not be a condition of probation [s. 973.09 (1) (e), Stats.].
- (2) May not impose a sentence to ISP consecutive to any other sentence.
- (3) May not impose a sentence to ISP concurrent with a sentence imposing imprisonment.
- (4) May impose concurrent ISP sentences.
- (5) May impose an ISP sentence concurrent to probation or concurrent to any non-ISP sentence that does not include imprisonment.
- (6) May not impose a sentence to ISP for a misdemeanor who receives a sentence enhancement under s. 939.62, Stats., for "habitual criminality," because enhancement does not convert a misdemeanor to a felony [State v. Denter, 121 Wis. 2d 118, 357 N.W. 2d 555 (1984)] [ss. 973.09 (1) (e) and 973.15 (2) (b), Stats.].

Pursuant to s. 973.032 (4) (b), Stats., a participant may not serve more than two years of confinement time or 2/3rds of the maximum term of imprisonment, whichever is less, when sentenced to ISP.



**e. Factors in Recommending ISP as a Sentence**

According to the DOC DIS Manual, the following are factors which the DOC will consider when making a determination as to whether ISP should be the recommended sentence:

(1) ISP should be considered whenever:

- (a) The recommended sentence would otherwise be a prison term up to three to four years.
- (b) The risk of assaultive behavior is low.
- (c) The offender is being sentenced for a nonviolent offense which is also a nondrug trafficking offense.

(2) ISP may be especially appropriate when:

- (a) The primary purpose of the sentence is moderate punishment.
- (b) The offender has identifiable treatment needs related to criminal behavior which can be met within the requirements of time restrictions or be augmented by intensive supervision and surveillance, or both.
- (c) The offender has positive community ties that are desirable to maintain.
- (d) Restitution obligations require the offender to maintain employment.

(3) ISP is not appropriate when:

- (a) Probation would otherwise be recommended [s. 973.032 (2) (a), Stats.].
- (b) The offender needs long-term residential or institution treatment (e.g., the Sex Offender Program at Oshkosh Correctional Institution).
- (c) The offender poses a risk of assaultive or violent behavior or an unreasonable risk to the community or the offense was for drug trafficking.
- (d) The sentencing guidelines suggest a prison term greater than three to four years.

**f. Discharge from ISP**

The DOC may discharge an ISP participant from participation in the program and from DOC custody and control at any time [s. 301.048 (6), Stats.].

**g. Post-Sentencing Components of ISP**

(1) **Modifications/Extensions.** The DOC may request that the court extend the maximum period of the sentence provided by the court or extend the period of confinement, or both. The court may not extend beyond the maximum sentence for the offense and may not extend beyond the maximum period for confinement which is a total of two years or 2/3rds of the maximum term of imprisonment, whichever is less. Unless a hearing is voluntarily waived by the offender, the court must hold a hearing on the matter [s. 973.032 (4), Stats.].

(2) **Escape.** An intentional failure of a DIS participant to remain within the extended limits of his or her placement of confinement or to return within the time prescribed by the administrator of the DIS, is considered a criminal escape under s. 946.42 (3) (a), Stats. [s. 301.048 (5), Stats.].

(3) **Discharge.** The DOC may discharge a participant from the program and from DOC custody and control at any time [s. 301.048 (6), Stats.].

(4) **Revocation.** Offenders sentenced to ISP are statutorily assigned to a prison and may not be revoked from the program. Those offenders that enter the program as an alternative to revocation of probation or parole or as a parole to DIS are the only inmates that may be revoked and returned to a Type 1 prison.

(5) **Parole/Mandatory Release.** An inmate serving a sentence to ISP is entitled to mandatory release. The mandatory release date is established at 2/3rds of the sentence. Any inmate released on parole is subject to all conditions and rules of parole until the expiration of his or her sentence or until discharged from the program by the DOC. Any inmate sentenced to ISP who is released on mandatory release remains in the program unless discharged by the DOC.

(6) **Notification to Courts.** The sentencing court must be notified in writing every six months by the DIS staff of the sentenced offender's adjustment and progress in ISP.

**h. State Not Responsible for Provision of Medical or Dental Services**

Current law specifies that the state is not required to provide medical or dental services to participants in ISP unless he or she is imprisoned in a Type 1 prison (e.g., Taycheedah or Ellsworth) other than a CRCP institution under s. 301.046 (1), Stats. [s. 302.386 (5), Stats., as created by 1991 Wisconsin Act 39]. The same statutory provision specifies that the state is not required to provide these services to CRCP prisoners either.

**i. DOC Rules Relating to ISP**

Current law requires the DOC to promulgate administrative rules relating to ISP. Although the DOC has promulgated emergency rules for the ISP, the DOC is, as of the date of this Staff Brief, still in the process of promulgating the final ISP rules.

### *j. Program Resources*

The DIS budget provides \$15.5 million for the development and implementation of the program during fiscal years 1991-93. For fiscal year 1992-93, there is \$2.5 million available for purchase of services for clients. According to the DOC, this money provides DIS with \$2,400 per DIS slot each year [s. 20.410 (1) (ai), Stats.].

## *7. Probation*

### *a. When Permissible to Impose; Term*

In sentencing a convicted adult, a court may impose probation for any crime except: (1) a crime punishable by life imprisonment (e.g., first degree intentional homicide); or (2) if probation is prohibited for a particular offense by statute (e.g., criminal drunk driving) or, for certain offenses, because a mandatory or presumptive minimum period of imprisonment is imposed. If a person is convicted of an offense that provides a mandatory or presumptive minimum period of one year or less of imprisonment, a court may place the person on probation if the court requires, as a condition of probation, that the person be confined for at least that mandatory or presumptive minimum period [s. 973.09 (1) (a) and (d), Stats., as affected by 1991 Wisconsin Act 39].

The term of probation for misdemeanor convictions varies. The term of probation for less than two misdemeanor convictions at the same time is not less than six months nor more than two years. If the probationer is convicted of not less than two nor more than four misdemeanors at the same time, the maximum original term of probation may be increased by one year. For five or more misdemeanor convictions at the same time, the maximum original term of probation may be increased by two years [s. 973.09 (2) (a), Stats.].

The term of probation for felony convictions is not less than one year nor more than the statutory maximum term of imprisonment for the crime or three years, whichever is greater. However, if the probationer is simultaneously convicted of two or more crimes, including at least one felony, the maximum original term of probation may be increased by one year for each felony conviction [s. 973.09 (2) (b), Stats.].

### *b. Procedure for Imposing Probation*

Probation is granted by a court by either withholding a sentence or imposing a sentence and staying its execution [s. 973.09 (1) (a), Stats.]. The person is then placed on probation under the supervision of DOC and is subject to any "reasonable and appropriate" conditions imposed by the court. Whether a sentence is withheld, or imposed and stayed, has an effect on the role of the court following revocation of probation. [Revocation is discussed in Part II, Section E, of this Staff Brief.]

**c. Requirements and Options if Probation Ordered**

If a court orders probation:

(1) **Restitution.** The court is **required** to order the probationer to make full or partial restitution to any victim of the crime (or, if the victim is deceased, to his or her estate) unless the court finds that there is "substantial reason" not to order restitution as a condition of probation. If restitution is not required, the court must state its reasons on the record. In determining whether to order restitution, the court is required to consider, among other factors, the financial resources and the present and future earning ability of the probationer [ss. 973.09 (1) (b) and 973.20, Stats.].

(2) **Confinement.** The court **may** require as a condition of probation that the probationer be confined during such period of the term of probation as the court prescribes, but **not to exceed one year.** The court may grant the privilege of leaving the county jail or Huber facility during the hours or periods of employment or other activity permitted under the Huber Law while so confined [s. 303.08 (1) (a) to (e), Stats.]. The court may specify the necessary and reasonable hours or periods during which the probationer may leave the jail or Huber facility or the court may delegate that authority to the sheriff [s. 973.09 (4), Stats.].

(3) **Intensive Sanctions Program.** As noted in item 6, above, the court **may** sentence a person to participate in the ISP under s. 973.032, Stats., stay its execution and place the person on probation. **A court may not provide that a condition of any probation involves participation in the ISP** [s. 973.09 (1) (e), Stats.].

(4) **Reimbursement of costs to county or state.** The court may require, upon consideration of the factors specified in s. 973.20 (13) (a) 2 to 5, Stats., that the probationer reimburse the county or the state, as applicable, for any costs for legal representation to the county or the state for the defense of the case [s. 973.09 (1g), Stats.].

(5) **Contribution to crime prevention organization.** If the court places a person on probation, the court may require the probationer to make a contribution to a crime prevention organization if the court determines that the probationer has the financial ability to make the contribution [s. 973.09 (1x), Stats.].

(6) **Community service work.** The court may require as a condition of probation that the probationer perform community service work for a public agency or a nonprofit charitable organization. The number of hours of work must be "reasonable" considering the seriousness of the offense and any other offense which is read into the record at the time of conviction. Both the probationer and the organization or agency must agree to the order. If the court requires community service work and confinement in a Huber facility or county jail, the period of confinement is reduced at the rate of one day for each three days of work performed [s. 973.09 (7m), Stats.].

**d. Criteria Used to Determine When Probation Is Appropriate**

The statutes give the court the option of imposing probation, but do not list criteria to be used in determining when probation is appropriate. However, in Bastian v. State, 54 Wis. 2d 240 (1972), the Wisconsin Supreme Court specifically adopted Standard 1.3 of the American Bar Association's Standards Relating to Probation (approved draft, 1970, page 30). Under those standards, the criteria for granting probation are as follows:

- (1) The probation decision should not turn upon generalizations about types of offenses or the existence of a prior criminal record, but should be rooted in the facts and circumstances of each case. The court should consider the nature and circumstances of the crime, the history and character of the offender, and available institutional and community resources. Probation should be the sentence unless the sentencing court finds that:
  - (a) Confinement is necessary to protect the public from further criminal activity by the offender; or
  - (b) The offender is in need of correctional treatment which can most effectively be provided if he is confined; or
  - (c) It would unduly depreciate the seriousness of the offense if a sentence of probation were imposed.
- (2) Whether the defendant pleads guilty, pleads not guilty or intends to appeal is not relevant to the issue of whether probation is an appropriate sentence.

In determining whether to impose probation, the weight given to the various factors (the gravity of the offense, the character of the offender and the need to protect the public) is up to the discretion of the sentencing court [Anderson v. State, 76 Wis. 2d 361 (1977)].

**e. Extension of Probation**

Any of the following may constitute cause for the extension of probation:

- (1) The probationer has not made a good faith effort to discharge court-ordered payment obligations.
- (2) The probationer is not presently able to make required payments and the probationer and the person to whom restitution is owned consent to the performance of community service work in satisfaction of restitution ordered for that person, for which an extended period of probation is required.

(3) The probationer stipulates to the extension of supervision and the court finds that extension would serve the purposes for which probation was imposed [s. 973.09 (3) (c), Stats.].

## **C. INMATE ASSESSMENT AND EVALUATION**

### **1. General Requirement**

Administrative rules of DOC require that every person sentenced to a prison must participate in the Assessment and Evaluation (A&E) process [ch. DOC 302, Wis. Adm. Code]. For offenders sentenced to imprisonment in the prison system, males are sent to the Dodge Correctional Institution and females are sent to the Taycheedah Correctional Institution. Each of these institutions has a section chief of A&E and an A&E committee which advises the section chief of the A&E process. Members of the A&E committee include representatives of A&E, the prison staff, the Parole Commission and other staff as deemed necessary.

### **2. Duration and Components of Process**

In general, the A&E process must be completed within six weeks after the arrival of the person at the prison. The A&E process consists of an orientation program, an assessment of needs based on various testing procedures, a security classification, an assignment to an institution and the recommendation of a vocational, job, school or program assignment, consistent with existing resources.

Institution staff at Dodge and Taycheedah are responsible for the inmate orientation and assessment. The A&E section chief is responsible for the security classification, institutional assignment and vocational, job, school or program recommendation. The administrative rules set forth the components and purposes of the A&E process as follows:

- a. A comprehensive assessment of the offender's social background, sentence structure, academic and vocational achievements;
- b. A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of the offender;
- c. An orientation to the program resources of the DOC;
- d. The motivation of the offender to become constructively involved in the correctional process;
- e. The social reintegration of the offender through the formulation of an individualized plan to aid the newly confined resident to utilize resources effectively, to develop socially acceptable life goals and to permit the DOC to make efficient use of available resources; and

f. The protection of the public through planning for appropriate correctional treatment and supervision [s. DOC 302.02, Wis. Adm. Code].

### **3. Recommendations; Assignments**

With the advice of the A&E committee, the section chief of A&E recommends for each offender: (a) a security classification; (b) an institution assignment; and (c) programs the inmate should be involved in. The recommendations are made to the Director of the Office of Offender Classification (OCC) in the Madison office of the DOC at the end of the A&E process. The Director of the OCC then determines the security classification, program assignment and institution assignment for each offender.

### **4. Security Classifications**

#### **a. Types**

There are six security classifications in the Wisconsin correctional system:

- (1) Maximum Security Close.
- (2) Maximum Security--General.
- (3) Medium Security.
- (4) Medium Outside Security with Supervision.
- (5) Minimum Security.
- (6) Minimum Security--Community Residential Confinement.

These security classifications are described in ss. DOC 302.12 and 302.13, Wis. Adm. Code, copies of which are attached as Appendix G to this Staff Brief.

#### **b. Factors for Consideration in Security Classification**

The factors which may be taken into consideration in determining the security classification for an offender are set forth in s. DOC 302.14, Wis. Adm. Code, a copy of which is attached as Appendix H to this Staff Brief. After receiving a security classification, the offender is either kept at Dodge or Taycheedah Correctional Institution or transferred to another correctional institution or center. For example, adult female offenders classified as maximum or medium security risk remain at Taycheedah; minimum security female offenders remain at Taycheedah or are transferred to the Women's Community Correctional Center in Milwaukee, the Ellsworth Correctional Center in Union Grove, the Ferris Center (a 15-bed contracted facility) in Madison or the ARC House in Madison.

An offender may be assigned to an institution with a higher security classification than his or her own classification, but may not be assigned to one with a lower security classification. For example, a maximum security prison contains persons at all security levels, but a minimum security prison only contains persons classified as minimum security.

**c. Review of Security Classification by Program Review Committee**

The A&E section chief is required to set the time for a review of the security classification, program assignment and institution assignment for each offender. This date may not be more than six months from the date of the initial classification and assignment. The review is to be conducted by a Program Review Committee (PRC), of which there is one for each correctional institution and correctional center.

At a correctional institution such as Taycheedah, the PRC consists of not less than four members, including: a high-ranking member of the institution's security staff, a member of the institution's social services staff, a program review coordinator and a guidance counselor. At a correctional center, such as Ellsworth, the PRC consists of three members from among the following: the social services specialist or supervisor, a member of the security staff, a social worker who shall serve as program review coordinator or the correctional center's superintendent (or his or her designee).

The criteria to be used by the PRC in determining security classification or program assignment changes are those criteria which were used by the A&E committee in initially determining security classification and program assignment [ss. DOC 302.18 and 302.19, Wis. Adm. Code].

**D. PAROLE DETERMINATION**

**1. Types of Release on Parole**

An inmate in the Wisconsin prison system may be released on parole prior to the expiration of the maximum sentence imposed by the court by:

a. The Parole Commission. The Parole Commission is the final authority for granting discretionary paroles, except for the Special Action Parole Release Program under item c, below. The Commission conducts regularly scheduled interviews to consider the parole of eligible inmates from state correctional institutions, inmates transferred to mental health institutions and eligible inmates in any county house of corrections. The Commission consists of five members (a chairperson appointed for a two-year term by the Governor with the advice and consent of the Senate and four members in the classified service). The present Commission was created by 1989 Wisconsin Act 107 and its duties are prescribed in s. 304.01, Stats.;

b. Mandatory release; or

c. The Secretary of DOC under the Special Action Release (SAR) Program. [According to the DOC, the SAR Program is currently not used because of the large number of inmates being released on discretionary parole.]

Offenders are released on parole under the supervision of a DOC probation and parole agent.



## 2. Discretionary Parole

### a. Definition and Purposes

“Discretionary parole” is the release of an inmate from a prison, or any felon or any person serving one year or more, to supervision prior to the completion of the maximum sentence imposed by the court and prior to release mandated by statute. Its function is threefold: (1) to assure, in light of the nature and severity of the crime, that early release will not depreciate the seriousness of the offense; (2) to determine that optimum benefit has been derived from programs of education, training and therapy; and (3) to assess the risk to the community of early release and to determine, in each individual case, that there is a reasonable certainty of a crime-free reintegration of the inmate into society [s. DOC 330.02 (1), Wis. Adm. Code].

### b. Eligibility for Discretionary Parole

An inmate becomes eligible for discretionary parole after serving 25% of the sentence imposed for the offense or after six months, whichever is greater, or after serving 20 years of a life term, as modified by the formulas (e.g., credit for good time), except when the court has set a parole eligibility date under the “Life Means Life” statute (see Section C, 3, c, above). The Parole Commission may waive the 25% service of sentence requirement if: (1) it determines that extraordinary circumstances warrant an early release and the sentencing court has been notified and permitted to comment upon the proposed recommendation; or (2) the DOC recommends that the person be placed on parole that includes placement in the ISP [s. 304.06 (1) (b) and (1m), Stats., as affected by 1991 Wisconsin Act 39].

Current law specifies that:

- (1) The Parole Commission may not provide any convicted offender or other persons sentenced to the DOC's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.
- (2) When incarceration follows revocation of probation or parole and involves the imposition of a new sentence or sentences, parole eligibility is established by the new sentence alone, whether concurrent or consecutive. If the new sentence or aggregate of new sentences is imposed following first consideration of the inmate for parole following revocation, the parole eligibility date is that date established by the Parole Commission following the first consideration, unless the new sentence or aggregate of new sentences requires a later parole eligibility date.
- (3) When an inmate is committed with consecutive sentences, the inmate's parole eligibility date is calculated by treating the consecutive sentences as one continuous sentence [s. 304.06 (1) (b), Stats., and s. DOC 330.04, Wis. Adm. Code].

**c. Parole Consideration**

Unless waived in writing by the inmate, the initial parole consideration must be scheduled for each inmate during the month prior to the date of his or her first statutory eligibility for parole. Parole consideration for persons previously denied parole must occur no later than the last day of the calendar month prior to the date established by the Parole Commission for consideration. Reconsideration may not be deferred for longer than 12 months except with the written approval of the DOC Secretary, the Secretary's designee or the Commission's chairperson.

Parole consideration must be based on information available to the assigned Commission member or members. When the inmate is available at the scheduled time, an interview must be conducted at the inmate's place of incarceration or by telephone conference; the interview must be recorded. When the inmate is temporarily unavailable for the interview, the interview must be rescheduled. When the inmate is incarcerated in a federal facility or in a facility in another state, parole consideration may occur in the inmate's absence, but the inmate must receive notice, must be given access to documentary information and must have an opportunity to correct errors of fact in the record.

Representation by legal counsel during the parole interview is not allowed. Correspondence from legal counsel may be received, however, and made a part of the record [s. DOC 330.05, Wis. Adm. Code].

**d. Grant of Parole**

Under current law, the Parole Commission must grant release on parole, unless there are overriding considerations not to do so, to any inmate who is eligible for parole under item b, above, and meets either of the following conditions:

- (1) The inmate had a reading test score below the sixth grade level at the time of his or her admission to state prison, the inmate thereafter participated in a DOC literacy program and, upon completion of the program, had a reading test score at or above the sixth grade level.
- (2) The inmate did not have a high school diploma, a high school equivalency diploma or a certificate of general educational development at the time of his or her admission to state prison and the inmate thereafter obtained a high school equivalency diploma or a certificate of general educational development while incarcerated in state prison.

If an inmate is eligible for parole and is participating in a literacy or other education program but does not meet the conditions of item (1) or (2), above, the Parole Commission must consider the possibility of granting the inmate release on parole with continued education as one of the conditions of parole.

In addition to the above, no inmate may be paroled until the Parole Commission is satisfied that the inmate has adequate plans for suitable employment or to otherwise sustain himself or

herself. The paroled prisoner must report to the DOC in such manner and at such times as it requires.

Every paroled prisoner remains in the legal custody of the DOC unless otherwise provided by the DOC. If the DOC alleges that any condition or rule of parole has been violated by the prisoner, the DOC may take physical custody of the prisoner for the investigation of the alleged violation. If the DOC is satisfied that any condition or rule of parole has been violated it shall afford the prisoner such administrative hearings as are required by law [s. 304.06 (1r), (2) and (3), Stats.]. [See Part III, E, below, relating to revocation of parole or probation.]

### **3. Mandatory Release**

Except for inmates serving a life term and for parole violators, inmates are entitled to mandatory release on parole without Parole Commission or SAR action. Under s. 302.11, Stats., the mandatory release date (referred to as the inmate's "MR date") is established at 2/3rds of the original sentence. The MR date incorporates the concept of "good time credit" into the inmate's sentence. Under this concept, an inmate receives credit against the time he or she is sentenced to serve based on the inmate's performance in the areas of prison duties, labor and educational studies.

The MR date may be extended for prison misconduct, as follows: 10 days for the first offense, 20 days for the second offense and 40 days for the third or each subsequent offense. In addition to these sanctions, any inmate who is placed in "adjustment, program or controlled segregation status" (as defined in DOC rules) must have his or her mandatory release date extended by a number of days equal to 50% of the number of days spent in segregation status. No extension under either of these provisions may require the inmate to serve more days in prison than provided for under the sentence [s. 302.11 (2), Stats.].

An inmate released on mandatory release is on parole and under the supervision of a probation and parole agent for: (a) the remainder of his or her sentence; or (b) until the DOC has discharged a parolee on or after his or her mandatory release date or after two years of supervision. Any inmate sentenced to the ISP who is released on parole under mandatory release remains in the program unless discharged by the DOC under s. 301.048 (6), Stats. [s. 302.11 (6), Stats., and s. DOC 330.05, Wis. Adm. Code].

### **4. Special Action Release**

Under current law, the DOC is required to use a SAR to relieve overcrowding in state prisons by releasing certain prisoners to parole supervision using a procedure other than mandatory release under s. 302.11, Stats., or discretionary release under s. 304.06 (1) (b), Stats. The DOC is required to promulgate rules for the SAR Program, including eligibility criteria, procedures for the Secretary to decide whether to grant a prisoner a SAR to parole supervision, procedures for notifying persons, offices or agencies of releases and conditions of release. The rules are located in s. DOC 302.02, Wis. Adm. Code.

Notwithstanding any eligibility criteria prescribed by DOC rule, a prisoner is eligible for SAR to parole supervision without meeting the eligibility criteria if all of the following conditions are met:

- a. The prisoner population equals or exceeds the prisoner population limit under s. 301.055 (1), Stats.
- b. The prisoner is not currently incarcerated regarding a felony conviction for an assaultive crime.
- c. The institution social worker or the probation and parole agent of record has reason to believe the prisoner will be able to maintain himself or herself in society without engaging in assaultive activity.
- d. The inmate is not granted a SAR more than 18 months before his or her expected release date under s. 302.11, Stats.
- e. The prisoner is eligible for discretionary release [s. 304.02, Stats.].

As noted above, according to the DOC, the SAR has not been used since the first quarter of 1990 because of the large percentage of inmates being released on discretionary parole.



### **PART III**

## **THE PROBATION AND PAROLE SYSTEM**

### **A. ADMINISTRATION OF THE COMMUNITY CORRECTIONS SYSTEM**

Within the DOC, the DPP is responsible for the supervision of offenders on probation and parole and for the oversight of correctional halfway houses in which a number of probationers and parolees reside. [See the organizational chart of DOC in Appendix B.] The functions and objectives of DPP are summarized in the following statement of purpose from the DPP's Statement of Mission and Goals (July 1990):

The Division of Probation and Parole protects the public through community-based supervision of probationers and parolees. Probation and Parole provides offenders opportunities to live, work and receive treatment and training in the community thus helping them to become productive, gain self-esteem, strengthen their family unit and reduce their likelihood of further criminal behavior.

The DOC currently has responsibility for approximately 54,000 adult offenders. Of this number, approximately 46,000 adult offenders are in the community, under the supervision of the DPP, at a daily cost of about \$3 per offender. In contrast, approximately 8,150 adult offenders are incarcerated in prison under the management of the DAI at a daily cost of about \$56 per inmate.

For administrative purposes, the DPP has six regional headquarters around the state, each headed by a regional chief. The six regions, with their geographic designations and headquarter cities, are as follows:

Region I - Southern Region, Madison.

Region II - Southeastern Region, Waukesha.

Region III - Milwaukee Region, Milwaukee.

Region IV - Eastern Region, Green Bay.

Region V - Western Region, Eau Claire.

Region VI - Northern Region, Rhinelander.

There are approximately 586 probation and parole agents assigned to the various regional offices statewide.

## **B. PROBATION AND PAROLE CASE CLASSIFICATION**

### **1. Role of Probation and Parole**

After being placed on probation or released on parole, a probationer or parolee is placed under the supervision of an agent of the DPP. Chapter DOC 328, Wis. Adm. Code, governs the activities of probation and parole agents in providing field supervision to probationers and parolees. Section DOC 328.04 (1), Wis. Adm. Code, describes probation and parole supervision as "a mechanism of control and an attempt to guide offenders into socially appropriate ways of living." The rule directs field staff to "attempt to help the client be successfully reassimilated into the community, help the client adjust to and cope with community living, reduce crime and protect the public."

### **2. Case Classification: Risk Scale and Need Scale**

Within the first 30 days of field supervision, the probation and parole (P&P) agent undertakes a "case classification" of the offender to determine the level of supervision and assistance required by that offender. The level of supervision and assistance required by an offender in turn determines the minimum amount of time the agent will be required to spend supervising the offender.

The case classification of a probationer or parolee is based on the scoring on a risk scale and a need scale prepared by the DOC. The P&P agent completes the risk scale and the need scale for each probationer or parolee he or she supervises. The purpose of the risk scale is to assess the person's propensity for further criminal behavior. The purpose of the need scale is to assess services needs of the probationer or parolee. The two scales are set forth in Appendix I of this Staff Brief.

The categories used in the risk scale and the maximum number of points for each category are set forth below. [For parolees, the first four categories are applied to the period prior to incarceration.]

- a. Number of address changes in last 12 months (maximum points: 3).
- b. Percentage of time employed in last 12 months (maximum points: 2).
- c. Alcohol usage problems (maximum points: 4).
- d. Other drug usage problems (maximum points: 2).
- e. Attitude (maximum points: 5).
- f. Age at first conviction (maximum points: 4).
- g. Number of prior periods of probation/parole supervision (maximum points: 4).

- h. Number of prior probation/parole revocations (maximum points: 4).
- i. Number of prior felony convictions (maximum points: 4).
- j. Convictions or juvenile adjudications for burglary, theft, auto theft, robbery, worthless checks or forgery (maximum points for burglary, theft, auto theft or robbery: 2; maximum points for worthless checks or forgery: 3).
- k. Conviction or juvenile adjudication for assaultive offense within last five years (maximum points: 15).

Within each of the risk scale categories, different point values are established. For example, in the first category (number of address changes in last 12 months), if the offender did not move at all within that time period, the score is zero points; if the offender moved once, the score is 2 points; and for two or more moves, the score is 3 points.

The categories used in the need scale and the maximum number of points for each category are as follows:

- a. Academic/vocational skills (maximum points: 4).
- b. Employment (maximum points: 6)
- c. Financial management (maximum points: 5).
- d. Marital/family relationships (maximum points: 5).
- e. Companions (maximum points: 4).
- f. Emotional stability (maximum points: 7).
- g. Alcohol usage (maximum points: 6).
- h. Other drug involvement (maximum points: 5).
- i. Mental ability (maximum points: 6).
- j. Health (maximum points: 2).
- k. Sexual behavior (maximum points: 5).
- l. Agent's impression of client's needs (maximum points: 5).

As with the risk scale, within each category, different point values are established. The higher the number of points, the more severe the problem. For example, in the first category



(academic/vocational skills), a client with a skill level of high school or above will receive a score of -1 point; with adequate skills, a score of zero points; with a low skill level, a score of 2 points; and with minimal skill level, a score of 4 points.

The higher the point total on each scale, the higher the level of supervision will be. If an offender is assessed at a different supervision level on the risk scale than on the need scale, he or she will be placed at the supervision level which is the higher of the two. The level of supervision determines the minimum amount of time an agent will spend with a probationer or parolee, as set forth in item 3, below.

### **3. Case Classification: Levels of Supervision**

The administrative rules on case classification set forth three levels of supervision: minimum, medium and maximum. The Administrator of the DPP may modify these supervision levels [s. DOC 328.04 (4) (intro.), Wis. Adm. Code]. The DPP has created three additional levels of supervision (high risk, intensive and administrative). The administrative level, which is less than minimum supervision, is reserved for those persons who are on supervision only because they owe restitution or community service work, or both. The levels of supervision are described below:

- a. High risk: Requires at least one face-to-face contact with the client per week and two home visits per month.
- b. Intensive level of supervision: Requires at least one face-to-face contact with the client per week. Some of these weekly contacts may be home visits, at the agent's discretion.
- c. Maximum level of supervision: Requires at least one face-to-face contact with the client every two weeks and a home visit at least once a month.
- d. Medium level of supervision: Requires at least one face-to-face contact with the client every month and a home visit at least once every two months.
- e. Minimum level of supervision: Requires at least one face-to-face contact with the client every three months. Reports by mail are required for the other months and home visits are made if the agent considers them appropriate.
- f. Administrative level of supervision: Requires at least one face-to-face contact with the client every six months. Home visits are made at the discretion of the agent.

In addition to client contact standards, the DPP has specific expectations for other contacts, such as employment verification, in several of the supervision levels.

If, after completing the classification of a client according to the need and risk scales, the agent concludes that the resulting classification is improper, the agent may "override" the case classification and assign the client to a higher or lower supervision level, with the written approval of the agent's supervisor. The DPP's Manual sets forth guidelines an agent must use in overriding

a classification. Generally, the guidelines state that the classification assigned should be the lowest possible level consistent with protection of the community and treatment of the client. The guidelines also state that an override which increases the level of supervision should not be used strictly as punishment for rules violations or as an alternative to revocation.

One example of a situation where an agent might determine that an override is appropriate is where an important factor concerning the client, such as a history of spousal abuse which did not lead to a conviction, does not appear on the risk scale but is nonetheless relevant to the client's ability to adjust to life in the community without risk to others.

#### **4. Reclassification**

According to the DPP Manual, maximum security cases are reclassified to medium security cases after one year and medium security cases are reclassified to minimum security cases after six months. Agents apply reassessment need and risk scales to validate the reclassifications. The reassessment need scale is the same as the intake need scale, but the reassessment risk scale is different from the intake risk scale. The risk scale used at intake is based in large part on the criminal history of the offender. The risk scale on reassessment includes categories which reflect the offender's overall adjustment while on probation or parole.

### **C. CLIENT MANAGEMENT CLASSIFICATION**

During the intake process, in addition to determining a client's case classification, the P&P agent may also undertake a client management classification (CMC) to determine the type of supervision which is likely to be most effective for that particular client.

The DPP Manual states that CMC will be performed for all new probation cases for which a PSI has not been conducted. The CMC is not required where a PSI has been conducted because similar information about a client's background can be derived from the PSI report. Also, the CMC is not required for certain categories of clients listed in the DPP Manual including, but not limited to, those who will be on probation for six months or less, clients with significant language problems or cultural differences and those suffering from acute psychosis. Where a CMC is required, the agent's supervisor may permit the agent not to conduct the assessment.

The CMC is conducted as an interview with the client and the agent assesses the client in the following four general categories: (1) the client's attitudes towards a variety of subjects including the current offense, employment, family and emotional issues; (2) the objective background data similar to that on the case classification risk scale, such as age at first offense; (3) the client's behavior during the interview; and (4) the agent's impression of reasons the client gets into trouble with the law.

The client's responses are scored and the total numerical score indicates the supervision strategy which is most likely to work for that client. For example, for some clients, the CMC will

predict that a highly confrontational, surveillance-oriented style of supervision will be most effective; for other clients, the CMC will indicate that a supportive, instructional style will be most appropriate.

The DPP is currently examining whether to require the use of CMC in more cases, both at the intake stage and in PSI report preparation.

#### **D. SUPERVISION OF PROBATIONERS AND PAROLEES**

##### **1. Responsibilities of Agent**

The supervision of probationers and parolees may take a number of forms. As stated above, part of the job of a P&P agent consists of direct, face-to-face contact with the probationer or parolee at certain intervals, depending on the supervision level. The agent may also require written reports from the probationer or parolee detailing his or her activities. Additionally, a major responsibility of the agent is to establish contact with a variety of people and agencies which have some relationship to the client or which may provide services to the client. These contacts may include employers, prospective employers, employment agencies, schools, mental health and social services agencies, relatives, friends, clergy, counselors or other persons or agencies.

##### **2. Number and Types of Nonresidential Services Available**

The number and types of services available to a probationer or parolee vary considerably among the six DPP regions in the state, depending on what resources are available in the various communities. In 1991-92, the DPP purchased services for adult probationers and parolees from a variety of providers.

In fiscal year 1991-92, the DPP administered \$1,803,700 in state funds for a wide range of services including counseling and assessments, day treatment, emergency housing, sex offender assessments and treatment and urinalysis screening for abusable drugs and narcotics. The balance of these funds were used for small, individual purchases of goods or services including clothing, tools, emergency medical care, physical examinations for employment or residential care and transportation. The DPP also administers \$744,000 in federal funds for obtaining special services for offenders with alcohol and drug abuse (AODA) problems. These services include AODA assessments, individual and group counseling, day treatment and urinalysis screening.

Table 2, below, identifies fiscal year 1991-92 expenditures of state and federal funds by service type and location.

**TABLE 2**

**1991-92 DIVISION OF PROBATION AND PAROLE EXPENDITURES  
FOR CLIENT SERVICES AND GOODS CONTRACTS AND MAJOR PURCHASES**

TYPE	LOCATION	SERVICE PROVIDED	TOTAL EXPENDED
Counseling and Assessments	Statewide.	Individual and group domestic abuse and AODA counseling, psychological and AODA assessments.	\$354,000
Day Treatment	Locations set forth in Table 3, immediately following this table.	Structured five day per week, five to seven hours per day, individual and group services including: AODA counseling; confronting criminal behavior, employment readiness; alternatives to aggression; and sexuality and health education.	\$1,134,500
Emergency Housing	Major programs in Milwaukee and Kenosha; balance of state, emergency rent with individual providers.	Supervised housing or 30-day rent when client has an emergency situation and is homeless.	\$79,500
Employment/Vocational	Major programs in Madison, Baraboo, Milwaukee, Green Bay and Wausau.	Employment counseling, job placement and on-the-job training.	\$209,500
Sex Offender Assessments and Treatment	Madison, Janesville, Beloit, Eau Claire and Milwaukee.	Individual and group counseling for sex offenders.	\$141,000
Urinalysis Screening for Drugs and Narcotics	Statewide.	Urine screens to monitor client's use of or abstinence from drugs. Primary purpose is for surveillance and treatment plan development.	\$287,500

Since 1988, DPP has focused on working with private providers to develop and implement AODA day treatment services. Day treatment is a structured five-day per week, five to seven hour per day service including: AODA group and individual counseling; confronting criminal behavior; employment preparation; communication skill building; teaching alternatives to aggression; health education and sexuality courses; and AODA education. The programs are located in the communities listed in Table 3, below. Ten of these programs are coeducational, two are for women and one for men.

**TABLE 3**

**1991-92 DAY TREATMENT CONTRACTS/GRANTS**

**DEPARTMENT OF CORRECTIONS,  
DIVISION OF PROBATION AND PAROLE**

PROVIDER NAME	CONTRACT AMOUNT	NUMBER OF SLOTS
Attic Correctional Services, Inc. (Baraboo and La Crosse)	\$102,300 (Baraboo) (coed) \$79,950 (La Crosse) (coed)	16 13
Children's Services Society Wausau	\$97,500 (coed)	[Not listed]
CASI Programs Appleton	\$80,000 (coed)	12
Family Services Association Green Bay	\$80,000 (coed)	12
Lutheran Social Services (Right Choices) Milwaukee	\$83,000 (female) \$81,849 (male)	12 20
Rock Valley Correctional Programs Beloit Substance Abuse Project	\$83,300 (coed)	16
Southeastern Wisconsin Medical and Social Services (Racine--two programs and Kenosha--one program)	\$83,300 (male--Racine) \$83,300 (female--Racine) \$87,000 (coed--Kenosha)	16 14 15
Tellurian Madison	\$93,840 (coed)	17
Triniteam, Inc. Eau Claire	\$85,050 (coed)	14

### 3. Correctional Halfway Houses

In addition to purchasing nonresidential services for probationers and parolees, the DPP has an appropriation for purchasing residential services in community-based residential facilities, commonly called correctional halfway houses. One of the conditions of probation or parole may be that the person reside in a halfway house. These halfway houses are licensed and regulated by the DHSS under ch. HSS 3, Wis. Adm. Code. Halfway houses are nonsecure facilities which house a relatively small number of persons who require some type of supervised living arrangement in addition to the field supervision provided by the P&P agent.

Table 4, below, Halfway House Contracts for Fiscal Year 1992-93, lists the halfway houses contracted with by DPP in 1992-93 and gives information on the location, total number of beds, total contract amount and projected daily cost for each.

Halfway houses typically operate at about 85% to 90% of capacity.

In fiscal year 1992-93, the DPP has \$3,936,700 in state funds and \$504,600 in federal funds for halfway house services. Most of these funds will be used for care and treatment in the 22 halfway houses listed in Table 4, below. The DPP uses the balance of these funds to purchase individual beds in specialized programs or in rural areas. Since the Spring of 1988, the Division has funded 10 new halfway houses. Eight of the new halfway houses are designed for offenders with AODA problems (three female, five male). One of the programs is for American Indian male offenders.

**TABLE 4**  
**DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION AND PAROLE**  
**1992-93 HALFWAY HOUSE CONTRACTS**

STATE GENERAL PURPOSE REVENUE FUNDED PROGRAMS			
PROVIDER NAME	CONTRACT AMOUNT	NUMBER OF BEDS	PROJECTED AVERAGE DAILY COST <sup>1</sup>
ARC House ARC Community Corrections, Inc. Madison	\$264,178.76	12 Female	\$60.31
Bridge Halfway House Wisconsin Correctional Services Milwaukee	\$386,926.00	23 Male	\$46.09

STATE GENERAL PURPOSE REVENUE FUNDED PROGRAMS			
PROVIDER NAME	CONTRACT AMOUNT	NUMBER OF BEDS	PROJECTED AVERAGE DAILY COST <sup>1</sup>
Cephas House Lutheran Social Services Waukesha	\$222,704.00	12 Male	\$50.84
Columbus House Kenosha Youth Development Services, Inc. Kenosha	\$176,969.00	10 Male	\$48.48
Dwight Drive Program Attic Correctional Services, Inc. Madison	\$279,478.83	13.48 Male	\$56.80
Horizon House, Inc. Milwaukee	\$216,030.00	12 Female	\$49.32
Independence House (Racine) Lutheran Social Services Milwaukee	\$188,460.00	8 Female AODA	\$64.54
Thurgood Marshall House Wisconsin Correctional Services Milwaukee	\$306,360.00	18 Male AODA	\$46.63
Nexus House (Oshkosh) Lutheran Social Services Appleton	\$239,516.00	12 Male AODA	\$54.68
NuWay Lutheran Social Services Milwaukee	\$312,400.00	20 Male	\$42.79
Portage County Halfway House Stevens Point	\$168,000.00	10 Male	\$46.03
Recovery Center, Inc. Superior	\$43,080.00	2.60 Male	\$45.00
Rock Valley Correctional Programs Beloit	\$190,011.40	14 Male	\$37.18
Ryan Community, Inc. Appleton	\$176,456.70	10 Male	\$48.34

STATE GENERAL PURPOSE REVENUE FUNDED PROGRAMS			
PROVIDER NAME	CONTRACT AMOUNT	NUMBER OF BEDS	PROJECTED AVERAGE DAILY COST <sup>1</sup>
St. Francis Community Programs La Crosse	\$32,139.00	2-3 Male/Female AODA	\$45.00-\$48.00
Schwert House Attic Correctional Services, Inc. Madison	\$239,886.92	12 Male AODA	\$54.77
Shalom Center, Inc. Green Bay	\$106,736.30	8 Male	\$36.55
Triniteam, Inc. Eau Claire	\$153,500.00	10 Male	\$42.05
Wazee House Lutheran Social Services La Crosse	\$147,000.00	8 Male	\$50.34
FEDERALLY FUNDED PROGRAMS			
Affinity House Eau Claire	\$190,100.00 <sup>2</sup>	12 Female AODA	\$43.40
Noo-jii-moo-wii-ga-mieg Lac Courte Oreilles Tribal Governing Board Hayward	\$159,400.00 <sup>3</sup>	8 Male AODA	\$54.59
Nu-Start Halfway House Adult Residential Services Lutheran Social Services Milwaukee	\$197,247.00 <sup>4</sup>	12 Female AODA	\$45.03

<sup>1</sup> Assumes 100% occupancy.

<sup>2</sup> Includes \$14,000 in general purpose revenue (GPR) which provides funds for enhanced services.

<sup>3</sup> Includes \$7,000 in GPR.

<sup>4</sup> Includes \$12,500 in GPR.



## **E. REVOCATION OF PROBATION AND PAROLE**

### **1. "Intermediate Steps"**

Violation of a rule or condition of supervision may be grounds for revocation of probation or parole. However, where appropriate, DOC requires P&P agents to consider "intermediate steps" as an alternative to recommending revocation. These intermediate steps include:

- a. Reviewing the rules of supervision, followed by changes in the rules if necessary;
- b. Returning the probationer or parolee to court for sentence modification;
- c. Conducting a formal or informal counseling session with the client to re-emphasize the necessity of compliance with the rules or conditions of probation or parole; or
- d. A formal or informal warning that further violations may result in a recommendation for revocation [s. 10.01.04, DPP Manual].

### **2. Procedure if Revocation Warranted**

An agent is required to report all alleged client violations of the rules or conditions of supervision to the agent's supervisor. If the supervisor reasonably concludes, on the basis of the report, that revocation of probation or parole is warranted, the DPP serves a notice of revocation on the probationer or parolee. The notice sets in motion a two-step administrative procedure: (a) a preliminary probable cause hearing; and (b) a final revocation hearing. These procedures are described below [ss. DOC 331.03 (4) and 331.04 (1), Wis. Adm. Code].

### **3. Preliminary Hearing**

The purpose of the preliminary hearing is to determine: (a) whether there is probable cause to believe that the offender has violated the rules or conditions of probation or parole; and (b) whether the offender should be released or incarcerated pending the final revocation hearing. The preliminary hearing is presided over by a magistrate who was not involved in the decision to seek revocation; the magistrate makes a determination on probable cause.

A preliminary hearing is not required when:

- a. The offender is not being held in custody;
- b. The hearing is waived by the offender in writing;
- c. The offender has given and signed a written statement which admits the violation;

d. There has been a finding of probable cause in a felony matter and the offender is bound over for trial for the same or similar conduct; or

e. There has been an adjudication of guilt by a court for the same conduct that is alleged to be a violation of supervision [s. DOC 331.04, Wis. Adm. Code].

#### **4. Final Revocation Hearing**

The second stage of the revocation process is the final revocation hearing, unless the offender waives his or her right to the hearing in writing. This hearing is presided over by an administrative law judge from the Division of Hearing and Appeals (DHA) in the DOA. If the offender is detained in a county jail or other county facility pending disposition of the hearing, the DHA must begin a hearing within 50 calendar days after the person is detained by the DOC in the county jail or county facility. If not so detained, the hearing must begin within a reasonable time from the date the hearing request is received.

The administrative law judge must decide, among other things:

a. Whether the client committed the conduct underlying the alleged violation;

b. If the client committed the conduct, whether the conduct constitutes a violation of the rules or conditions of supervision;

c. If the client violated the rules or conditions of supervision, whether revocation should result or whether there are appropriate alternatives to revocation. Violation of a rule or condition is both a necessary and a sufficient ground for revocation of supervision. Revocation may not be the disposition, however, unless the administrative law judge finds on the basis of the original offense and the intervening conduct of the client that:

(1) Confinement is necessary to protect the public from further criminal activity by the client;

(2) The client is in need of correctional treatment which can most effectively be provided if confined; or

(3) It would unduly depreciate the seriousness of the violation if supervision were not revoked.

If the administrative law judge finds that the offender did not violate the rules or conditions of supervision, revocation does not result and the offender continues with supervision under the established rules and conditions. If the law judge decides to revoke the client's parole, the decision must include a determination of:

a. Good time forfeited, if any, under ss. DOC 302.23 and 302.24, Wis. Adm. Code, rules and, for mandatory release parolees, whether the client may earn additional good time; or

b. The period of reincarceration, if any, under s. DOC 302.25, Wis. Adm. Code.

The administrative law judge's decision takes effect and is final 10 days after the date it is issued unless the client or the client's attorney, if any, or the DOC's representative files an appeal with the Administrator of the DHA within 10 days of the date of the written decision. The Administrator may modify, sustain, reverse or remand the administrative law judge's decision based upon the evidence presented at the hearing and the materials submitted for review. The Administrator must forward a written appeal decision to the client, the client's attorney, if any, and the representative within 21 days after receipt of the appeal, unless the time is extended by the Administrator [ch. HA 2, Wis. Adm. Code].

The process used following a revocation of probation depends on the method used by the court in imposing probation. If the court initially imposed a sentence and stayed its execution, the probationer is immediately incarcerated following revocation to begin serving the sentence which was stayed. If the court initially withheld sentence, the probationer is returned to court for sentencing.

#### **5. Alternative to Revocation Program**

In 1980, the DPP [then Bureau of Community Corrections (BCC)] implemented the Alternative to Revocation (ATR) Program. The ATR Program offers violators of probation or parole, prior to the final revocation hearing, the option of taking a three- or four-month placement in an adult minimum security institution as a substitute for revocation. The objectives of the ATR Program are to reduce prison stays for parole and probation violators and to reduce demand for prison space. The P&P agents select the violators who are to be offered ATR placement. These violators must have no violent offense history and no new felony conviction related to the violation offense. The selection for ATR placement is subject to review by DPP supervisory personnel and the staff of the DOC institution to which the ATR placement is made. Participation in the ATR Program is voluntary. The violator must agree to the alternative placement and waive the final revocation hearing.

#### **F. USE OF COUNTY JAILS**

Offenders under DOC community supervision (i.e., on probation or parole) are likely to spend some period of time in county jails. The time served in a county jail may be for: (1) pretrial detention; (2) a condition of probation; or (3) pending revocation of parole or probation.

While in a county jail, a DOC client is under the supervision of the county sheriff. The county is responsible for the costs of maintaining and operating the county jail. The state provides limited reimbursement to counties for the retention of certain probation or parole violators. Under certain conditions, the DOC pays the county for the maintenance of probationers and parolees who

were placed on that status in connection with a felony conviction and are placed in county jails pending disposition of revocation proceedings [s. 302.33 (2) (a), Stats.]. The reimbursement rate is \$36 per person per day prior to January 1, 1993 and \$40 per person per day thereafter, subject to a limit of \$1,300,700 for fiscal year 1992-93 (\$1,475,400 for fiscal year 1993-94 and \$1,620,100 for fiscal years thereafter). If the annual appropriation is insufficient to provide complete reimbursement at that rate, the DOC must prorate the payments to counties for that fiscal year [s. 302.33, Stats., as affected by 1991 Wisconsin Act 269].

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**APPENDIX A**

**STATE OF WISCONSIN CORRECTIONAL SYSTEM  
DEVELOPMENT PLAN, DECEMBER 1990, CHAPTER 1,  
OVERVIEW OF THE WISCONSIN CORRECTIONAL SYSTEM**

## **A. Adult Corrections in Wisconsin -- A Brief History**

### **A. 1. Governance**

#### **19th Century**

In 1851, the Legislature selected Waupun as site of the Wisconsin State Prison, the state's first penal institution. A temporary facility was constructed and inmates were admitted in 1852. A contract to build the first permanent portion of the prison -- the south cell block -- was issued in 1853. The north cell block was completed about 25 years later.

Between 1852 and 1874, the prison at Waupun was managed by an elected Prison Commissioner. In 1874, the governing structure was changed to provide for management by three directors appointed by the Governor; the directors in turn designated the warden at Waupun.

Further changes in governance occurred in the 1880s and 1890s. These provided that penal institutions (and various charitable institutions) be governed by the State Board of Control of Wisconsin Reformatory, Charitable and Penal Institutions (the Board of Control).

In 1897, construction of the Wisconsin State Reformatory at Green Bay was authorized. It was opened in 1898 with temporary quarters for 24 inmates transferred from Waupun. A portion of the North cell wing was completed in 1899; the remainder of the facility opened early in the 1900s.

#### **Early 20th Century**

Waupun and Green Bay remained the state's only adult correctional institutions until 1921, when the Industrial Home for Women opened at Taycheedah with capacity for 67 inmates; until then, sentenced females were housed at the Women's Prison within the walls of Waupun. Initially, females sentenced to Taycheedah were between the ages of 18-30 and had been convicted of less serious crimes. By 1933, female inmates at Waupun were transferred to Taycheedah.

In addition to correctional facilities at Waupun, Green Bay, and Taycheedah, institutions under the Board of Control included:

- State Hospital for the Insane at Mendota
- Winnebago State Hospital
- Central State Hospital for the Criminally Insane at Waupun
- Northern Colony & Training School at Chippewa Falls
- Southern Colony & Training School at Union Grove
- Wisconsin Industrial School for Girls at Milwaukee
- Wisconsin Industrial School for Boys at Waukesha
- State Public School at Sparta
- Wisconsin Institution for Education of the Blind

#### **Governance Since the 1930s**

Corrections remained under the Board of Control until the late 1930s, when the Legislature created the new Public Welfare Department. At this time, reorganization studies recommended a separate Department of Corrections. This was approved, initially, but nullified in 1939. Instead, a Division of Corrections was created in the Public Welfare Department.

Corrections remained a division of the Public Welfare Department until 1967, when it became a division of the new Department of Health & Social Services (DHHS), under a new Board of Health & Social Services.

In 1975, DHSS became an agency in the Governor's cabinet. Later in the 1970s, the Administrator of the Division of Corrections became an appointive, non-civil service post, subject to direct hiring by the Governor and DHSS Secretary.

In 1983, a special Legislative Council study committee recommended a separate Department of Corrections. This proposal was not enacted.

In 1989, Governor Tommy Thompson recommended creation of a separate department. The Legislature approved. On January 1, 1990, the new Wisconsin Department of Corrections officially began operations, headed by a cabinet Secretary, Stephen Bablitch, appointed by Governor Thompson.

Major functions of the new Department include: (i) administration of adult institutions; (ii) provision of probation and parole functions; (iii) development and delivery of inmate and offender program services; and (iv) management services. Juvenile institutions and those for the criminally insane remain a responsibility of the Department of Health and Social Services.

## **A. 2. Construction of Facilities**

Development of corrections facilities for adult inmates in Wisconsin has occurred in four major periods.

- 1848 (Statehood) to 1920.
- 1920 - 1960.
- 1960 - 1976.
- 1976 - Present.

### **Statehood - 1920**

Until the 1920s, adult inmates were confined at two institutions: the Wisconsin State Prison at Waupun and the Wisconsin State Reformatory at Green Bay (today the Waupun and Green Bay Correctional Institutions).

### **1920 - 1960**

During the 1920s and 1930s female inmates were moved from Waupun to Taycheedah.

Also, during these decades forestry camps were established at such locations as McNaughton, Gordon, and Flambeau. Farms were expanded/established at Waupun, Oneida, Oregon, and other locations.

In the late 1950s, planning was initiated and legislative authority provided for significant expansion of facilities during the 1960s.

### **1960 - 1976**

A major expansion of the correctional system included:

- The Fox Lake Correctional Institution.
- The Kettle Moraine Correctional Institution (opened as a male juvenile facility; converted to adults in 1974).



- Initiation of the Adult Correctional Camp System, composed of farms and forestry camps, and establishment of the first community correctional center in Milwaukee. This led to creation in the 1980s of the current statewide system of Correctional Centers.
- The Oxford Correctional Institution (sold to the U.S. Bureau of Prisons; not used as a state institution)
- Conversion of the facility at Oakhill to an adult correctional institution.

**1976-1990.**

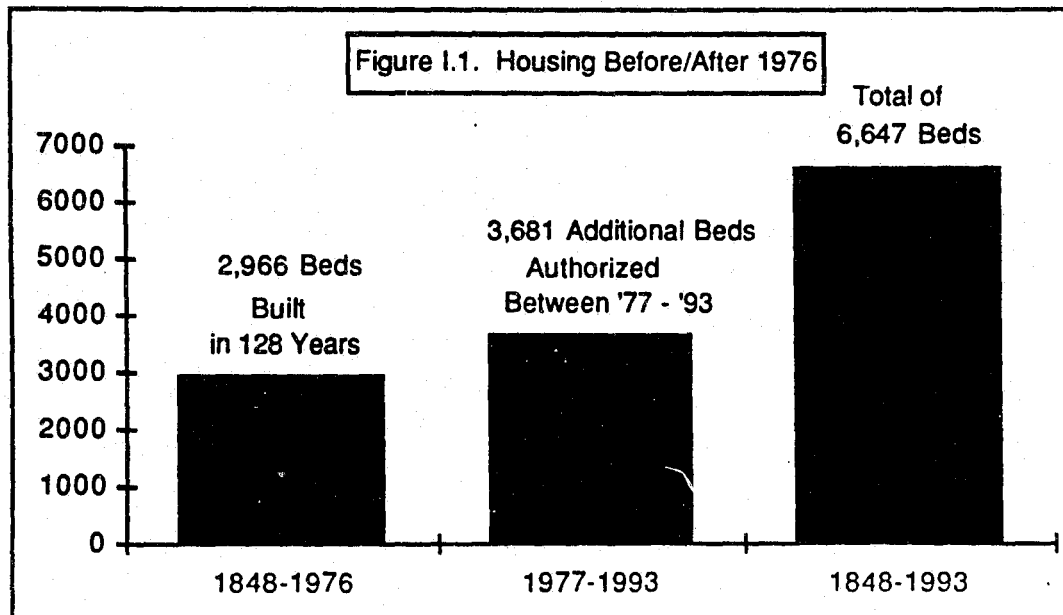
In 1976 the state commissioned an architectural and corrections consultant to prepare a Master Plan for correctional facilities to the year 1985. This preceded the fourth -- and most significant -- expansion period in the history of Wisconsin corrections.

The 1976 Master Plan formally was submitted in March, 1977. Using 1976 as a base year, the plan projected an increase in inmate population of more than 2,000 by 1985, a projection which proved accurate (see Figure II.1, CHAPTER II). To accommodate this, and to address then-existing crowding, the Master Plan recommended additional capacity for 2,562 inmates, an 85% increase.

In response, successive Wisconsin Governors, Legislatures, and Building Commissions have authorized an unprecedented expansion of corrections facilities. A comparison of the period before and after 1976 illustrates:

•During Wisconsin's first 128 years of statehood (1848-1976), adult correctional capacity totalled about 3,000 cells.

•In the years since the 1976 Master Plan, a \$237 million investment (1990\$) has been authorized in new and existing facilities. The result, by 1993, will be an increase in single cell capacity of 124% from 1976 (Figure I.1).



Notwithstanding, inmate populations have grown even faster. For example, a comparison of the number of male inmates to Single Cell Capacity shows that population density in 1990 substantially exceeds 1976 levels (Table I.1).

<p>Table I.1  Wisconsin Male Populations &amp; Single Cell Capacity  1976 v. July, 1990</p>
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	<u>1976</u>	<u>1990</u>
Inmates	3,162	6,579
Single Cell Capacity	<u>2,826</u>	<u>5,169</u>
Inmates in Excess of Single Cell Capacity	336	1,410

### **B. Department of Corrections -- Mission Statement & Goals**

Historically, the state has used a correctional mission to describe the purpose of its institutions for sentenced offenders. Various editions of the Wisconsin Blue Book include the following examples:

•"The object of the Reformatory [at Green Bay] is to return to society, in the shortest time possible, such young men who through ignorance, bad environment, poor training, or naturally vicious habits, have committed some offense....The Reformatory is organized...to give every one within it a chance, by good conduct and his own efforts, to shorten his stay; to give proper schooling; to teach industrious and honest habits; and by all available means, to advance his material, mental, and moral interests....When, by good behavior, diligence in work and progress in school, he shall have reached [goals set for him], he is eligible for parole." (1901)

•"The object of the Home [at Taycheedah] is to help the offender[s] and return them to society a better person." (1925)

•"A chance for self-improvement through education is given the inmates [at Waupun] by a school held parttime during eight months of the year....Further educational opportunity is afforded through the University of Wisconsin Extension Division..." (1929)

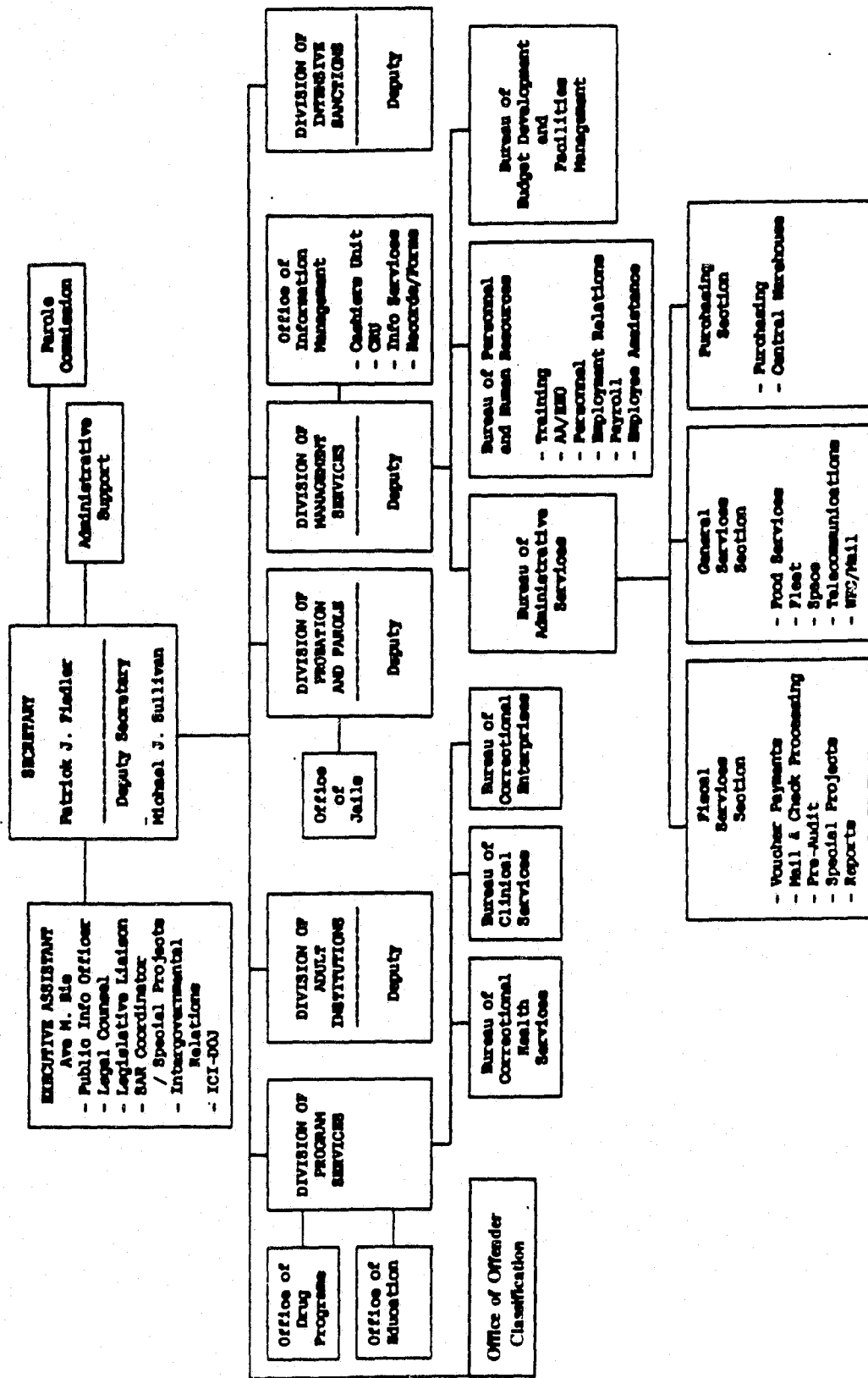
This Master Plan for facilities reflects the current mission, which the new Department of Corrections states as follows:

"...to ensure the safety and protection of the public by the safe, secure and humane treatment of offenders entrusted to the Department's custody and supervision and to strive to assure that all offenders receive the skills necessary to lead crime-free lives."

**APPENDIX B**

**DEPARTMENT OF CORRECTIONS CHART**

DEPARTMENT OF CORRECTIONS



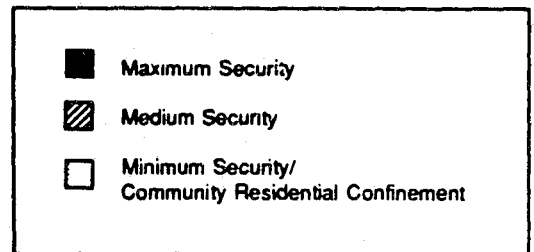
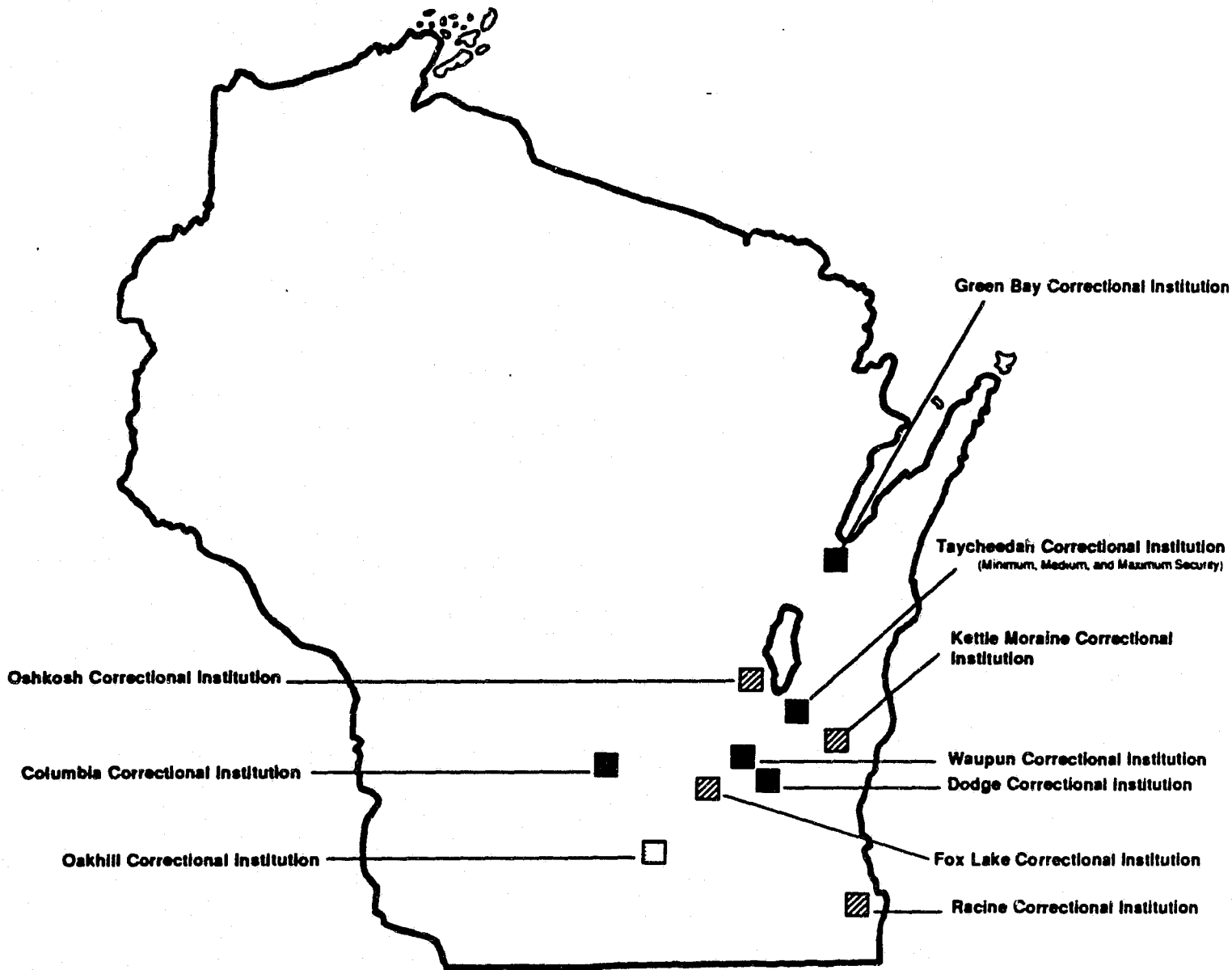


**APPENDIX C**

**WISCONSIN ADULT CORRECTIONAL INSTITUTIONS, 1991**

# Wisconsin Adult Correctional Institutions

1991



**APPENDIX D**

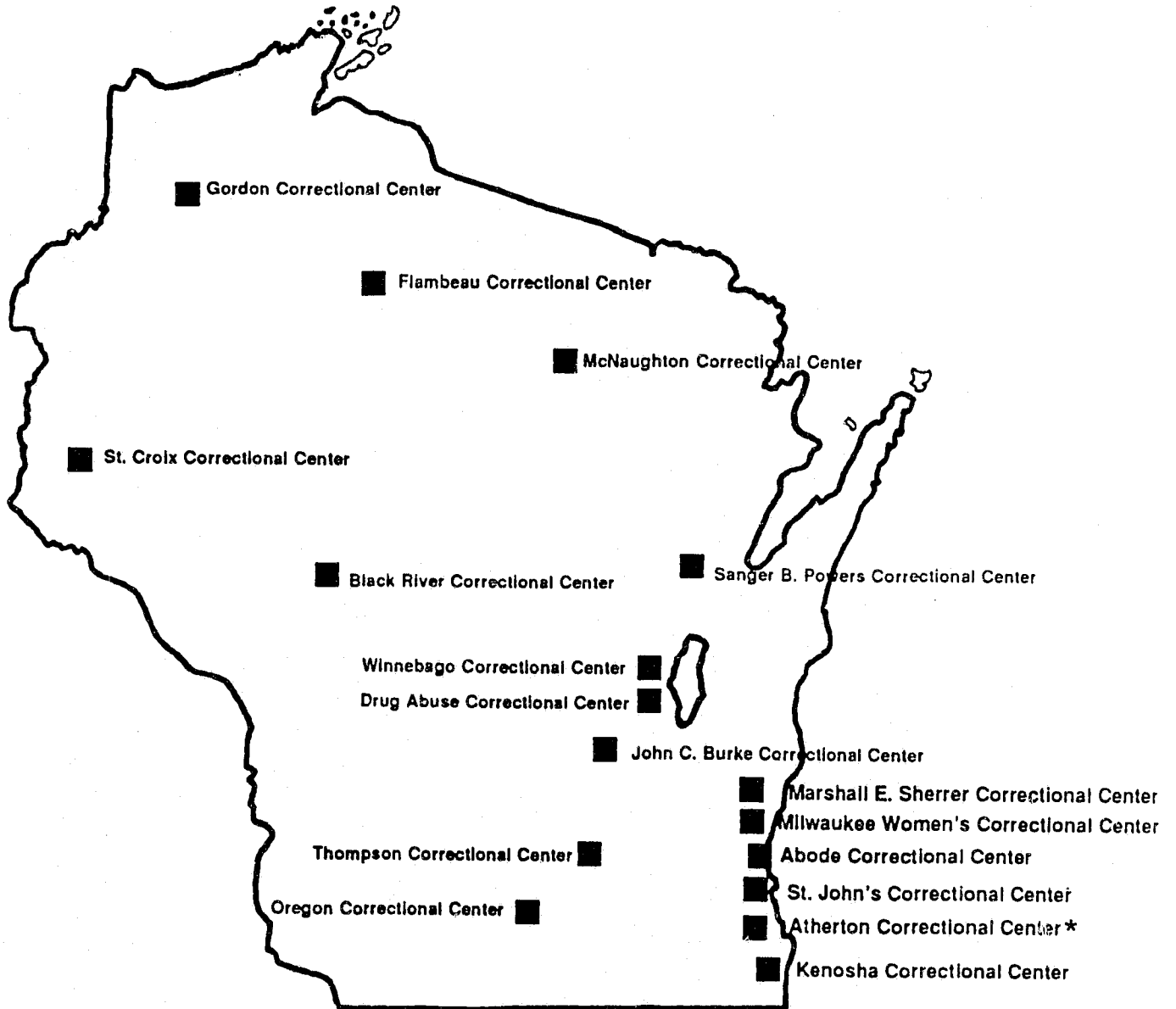
**WISCONSIN ADULT CORRECTIONAL CENTERS, 1991**





# Wisconsin Adult Correctional Centers

1991



\* Atherton Correctional Center (female offenders) is now called Ellsworth Correctional Center.



**APPENDIX E**

**STATE BUILDING COMMISSION ACTIONS, SEPTEMBER 1991**



## State of Wisconsin Department of Corrections

**Date:** September 19, 1991

**To:** Patrick J. Fiedler, Secretary  
 Department of Corrections

**From:** Pamela J. Brandon, Administrator  
 Division of Management Services *[Signature]*

**Subject:** State Building Commission Actions  
 September 1991

During the September, 1991, meeting of the Wisconsin State Building Commission the following actions were taken:

1. Wisconsin Prison Expansion Program: The Building Commission approved the request for authority to plan, bid and construct the Correctional System Expansion Plan as follows:

<u>Project</u>	<u>Beds</u>	<u>Total Cost</u>	<u>Planning Funds</u>
Atherton*	50	\$ 3,300,000	\$ (35,000)*
Dodge A&E	300	41,200,000	1,000,000
Dodge A&E (Females)	30	2,200,000	55,000
Dodge HSU	50	6,000,000	150,000
Oshkosh CI	450	40,000,000	1,000,000
Racine CI	200	8,000,000	200,000
Kettle Moraine CI	60	700,000	17,000
Challenge-Boot Camp	64	1,600,000	40,000
Thompson	30	900,000	20,000
Jackson County	450	40,000,000	1,000,000
Taycheedah Fence	0	1,500,000	(50,000)*
<b>Totals</b>	<b>1,684</b>	<b>\$145,400,000</b>	<b>\$ 3,482,000</b>

Source of funds to be \$142,600,000 1991-93 General Fund Supported Borrowing; \$2,800,000 - existing DOC projects and other Residual Bonding; \$3,482,000 - Planning Funds. Both the Subcommittee and the Full Commission unanimously approved this request.

\* Atherton Correctional Center is now Ellsworth Correctional Center.



**APPENDIX F**

**DOC GUIDELINES FOR RECOMMENDATION FOR SENTENCE,  
PAROLE OR TRANSFER TO THE DIVISION OF INTENSIVE SANCTIONS**

The following is a list of offenses to use as a guideline when considering offenders for sentence, parole or transfer to the Division of Intensive Sanctions. The list is advisory, not exhaustive. The intent is to place non-violent, non-drug dealing, property offenders in the program. Careful consideration needs to be given to the specific circumstances of the offense. Offenders whose crimes involved death, injury, or the threat of injury, are not recommended for participation in the program.

**Issue of Worthless Checks**

**Forgery**

**Perjury**

**Bribery**

**Theft - (i.e. Retail, From Person, Trade Secrets)**

**Operating a Motor Vehicle Without Owner Consent**

**Burglary**

**Criminal Damage to Property**

**Possession of Burglarious Tools**

**Fraud - (i.e. Welfare, Credit Card, Of Innkeeper, Securities,**

**Insurance Claims)**

**Receiving Stolen Property**

**Computer Crimes**

**False Swearing**

**Escape**

**Embezzlement**

**Racketeering**

**Bail Jumping**

**Pandering**

**Vandalism**

**Interference with Custody of Child**

**Failure to Support**

**Soliciting a Prostitute**

**Income Tax Laws**

**Conspiracy to Commit Crime**

**Concealing Identity**

**Contributing to the Delinquency of Minors (no sexual contact or pornography)**

**Illegal Possession of a Firearm (the weapon was not used in the commission of a crime)**

**Gambling**

**Misconduct in Public Office**

**Harboring/Aiding a Felon**

**Breaking and Entry**





**APPENDIX G**

**SECURITY CLASSIFICATIONS IN WISCONSIN CORRECTIONAL SYSTEM**

**DOC 302.11 Security classifications.** The purposes of security classification program assignment and assignment to an institution are:

- (1) The treatment of the resident in accordance with individual needs, and the resources of the department of corrections;
- (2) The placement of the resident in a secure setting that provides supervision in accordance with the resident's needs; and
- (3) The social reintegration of the resident and the protection of the public through appropriate treatment and supervision.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

**DOC 302.12 Security classifications.** (1) There shall be 6 security classifications in the Wisconsin correctional system which are:

(a) *Maximum security close.* 1. Supervision. Residents in this classification require the direct supervision of one or more correctional officers while outside their cell, or they must be locked in a cell. They may be required to reside in a segregated building or area.

2. Movement within institution. Residents in this classification must be accompanied by a correctional officer when they move outside their cell. They may be required to wear restraining devices while outside their cell.

3. Movement outside institution. Residents in this classification must be accompanied by correctional officers and must wear restraining devices when they are in transit outside the institution, except that the superintendent may permit travel outside without restraining devices for medical reasons, upon the recommendation of the institution physician.

4. Programs. Residents in this classification may participate in any program which does not require them to leave their cell, may participate in limited exercise and in therapy and may keep in their cells legal, educational, religious and reading material. Residents in this classification may keep in their cells personal items as specified in the rules of the department.

(b) *Maximum security-general.* 1. Supervision. Residents in this classification require the general supervision of correctional staff while inside the institution.

2. Movement within institution. Movement of residents in this classification within the institution is controlled either by a pass system or by escort. They may move individually or in groups.

3. Movement outside institution. Residents in this classification must be accompanied by correctional employees and must wear restraining devices when they are in transit outside the institution, except that the superintendent may permit travel without restraining devices for medical reasons, upon the recommendation of the institution physician, or if the superintendent believes that the resident does not pose a danger to himself or others or a risk of escape in the situation.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells personal items as specified in the rules of the department of corrections.

(c) *Medium security.* 1. Supervision. Residents in this classification require the general supervision of a corrections employee and shall be assigned only within the main security enclosure of a maximum or medium security institution.

2. Movement within institution. Residents in this classification may move within the main security enclosure without an escort or pass.

3. Movement outside institution. Residents in this classification must be accompanied by correctional employees and must wear restraining devices when in transit outside an institution, but the requirement of restraining devices may be waived by the superintendent for medical reasons upon the recommendation of the institution physician or if the superintendent believes that the resident does not pose a danger to self or others or a risk of escape in the situation.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells or rooms personal items as specified in the rules of the department of corrections.

(d) *Medium outside security with supervision.* 1. Supervision. Residents in this classification may be assigned work outside of the main security enclosure of a maximum or medium security institution. When assigned to an outside area, the resident must be under the general supervision of a corrections employe.

2. Movement within institution. Residents in this classification may move within the security enclosure without an escort or pass.

3. Movement outside institution. Residents in this classification must be accompanied by a corrections employe when in transit outside the institution. Restraining devices need not be required when in transit.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells or rooms personal items as specified in the rules of the department of corrections.

(e) *Minimum security.* 1. Supervision. Residents in this classification may be assigned outside the security enclosure of a maximum or medium institution or outside a minimum security institution in the community under the general supervision of a corrections employe.

2. Movement within institution. Residents in this classification may be permitted to move within designated areas within the security enclosure or within a minimum security institution without an escort or pass.

3. Movement outside institution. Residents in this classification who are also in the work and study release program may move in transit under the general supervision of a corrections employe. Other residents may move in transit only under escort. Restraining devices may be used only if the resident poses an immediate threat of escape or threat to self or others or to the safety and security of the institution.

4. Programs. Residents in this classification may participate in all general population activities and programs and may keep in their cells or rooms personal items as specified in the rules of the department of corrections.

(f) *Minimum security—community residential confinement.* In this paragraph, "CRC" means community residential confinement. Inmates in minimum security/community residential confinement classification may be assigned to their homes or to other places of residence in the community approved by CRC staff or they may be assigned to an institution at a more secure level. An inmate in this classification who is in a CRC placement shall be supervised by an electronic monitoring device worn continuously on the inmate's person. An inmate in this classification who is assigned to an institution at a more secure level other than a minimum security institution shall be supervised and have the same restrictions on movement within and outside the institution as an inmate with a minimum security classification at the assigned institution. An inmate in this classification who is assigned to a minimum security institution may move in transit outside the institution under the general supervision of a corrections employe without an escort and shall be supervised and have the same restrictions on movement within the institution as an inmate with a minimum security classification.

(2) Residents must be held at the level of custody at which they are classified or at a more secure level. Residents may be held at a level of custody more secure than the one at which they are classified because of space or program limitations, or with their consent.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; emerg. am. (intro.) and cr. (1) (f), eff. 1-1-90; am. (1) (intro.), cr. (1) (f), Register, September, 1990, No. 417, eff. 10-1-90.

DOC 302.13 Institutional security classifications. No resident may be transferred to an institution unless the resident has the security classification required for residence in that institution as indicated below:

Correctional Institution	Inmate Classification			
	Maximum (Close and General)	Medium (Regular and Outside)	Minimum	Minimum/ CRC
Taycheedah (TCI)	X	X	X	X
Dodge (DCI)	X	X	X	X
Waupun (WCI)	X	X	X	X
Columbia (CCI)	X	X	X	X
Green Bay (GBI)	X	X	X	X
Racine (RCI)	X	X	X	X
Oshkosh (OSCI)		X	X	X
Kettle Moraine (KMCI)		X	X	X
Fox Lake (FLCI)		X	X	X
Oakhill (OCI)			X	X
Wisconsin Correctional Center System (WCCS)			X	X
Community Residen- tial Confinement (CRC)				X
Wisconsin Resource Center (WRC)		X	X	X

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; emerg. r. and recr. eff. 1-1-90; r. and recr. Register, September, 1990, No. 417, eff. 10-1-90.



**APPENDIX H**

**FACTORS IN ASSIGNING A SECURITY CLASSIFICATION**

**DOC 302.14 Factors in assigning a security classification.** The following factors may be taken into consideration in assigning a security classification to an inmate:

(1) The nature of the offense of which the inmate was convicted, and its seriousness. Evaluation of the seriousness of the offense may include consideration of the following:

- (a) Physical danger to another by the offense;
  - (b) Harm done to another in the commission of the offense;
  - (c) Whether the offender exhibited physical aggressiveness that exposed another to harm;
  - (d) Whether the crime was a crime against property; and
  - (e) Mitigating factors;
- (2) The criminal record of the inmate;
- (3) The length of sentence being served;
- (4) The motivation for the crime of which the inmate was convicted;
- (5) The inmate's attitude toward the offense and sentence;
- (6) The inmate's vulnerability to physical assault by other inmates;
- (7) The inmate's prior record of adjustment in a correctional setting, including any record of escape;
- (8) The length of time the inmate has been in a particular security classification and institution;
- (9) The medical needs of the inmate, including the need for physical or psychological treatment;
- (10) Time already served for the offense;
- (11) The reaction to the inmate in the community where the offense was committed or in the community where the institution is located;
- (12) The inmate's conduct and adjustment in the general population of the institution;
- (13) The inmate's performance in programs;

(14) A detainer filed with respect to the inmate, except that if a detainer is to be considered in giving an inmate a security classification, the detainer shall be evaluated on the basis of the potential penalties which may be imposed upon disposition of whatever underlies the detainer. The procedure for evaluating the detainer shall include the following:

(a) The registrar shall inform the inmate and the inmate's social worker of the detainer;

(b) The inmate's social worker shall make reasonable efforts to find out from the authority which has filed the detainer the reasons for filing the detainer, the underlying facts upon which the detainer is based, evidence of those facts and the potential penalties for whatever underlies the detainer;



(c) The inmate's social worker shall make available, with the inmate's permission, to the authority which filed the detainer any information useful in determining whether the detainer should be maintained;

(d) The inmate's social worker shall inform the inmate of all information acquired and given pursuant to pars. (b), (c), and (d);

(e) The inmate shall be given the opportunity to place on file and before anyone considering the detainer additional facts or facts contrary to those acquired and placed on file; and

(f) The extent to which the detainer is relied on and the reasons for relying on it shall be given to the inmate in writing; and

(15) The inmate's risk rating as high risk, moderate risk or low risk, determined by employing the department's risk rating system. Under the risk rating system, if one or more factors are rated high risk, the risk rating is high risk. If one or more factors are rated moderate risk and no factors are rated high risk, the risk rating is moderate risk. If all factors are rated low risk, the risk rating is low risk. In this subsection, "risk rating system" means the interpretive guidelines, procedures and forms used to assess the risk that an inmate presents to public safety and to the security and management of the correctional institution.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; emerg. r. and recr. eff. 12-7-88; r. and recr. Register, August, 1989, No. 404, eff. 9-1-89.

**DOC 302.145 Requirements for assigning a security classification to an inmate serving a life sentence. (1) DEFINITIONS. In this section:**

(a) "Administrator" means the administrator of the division of adult institutions in the Wisconsin department of corrections.

(b) "Life sentence" means a sentence of life imprisonment imposed following a conviction for a Class A felony. An inmate sentenced to life imprisonment who is released on parole, violates a condition of parole and is returned to a state correctional institution with or without a new sentence is serving a life sentence. If the governor pardons or commutes a life sentence, it is no longer a life sentence. In this paragraph, "Class A felony" means a crime specified as a Class A felony in chs. 939 to 951, Stats. or a crime from another jurisdiction that is punishable by a sentence of life imprisonment under that jurisdiction's laws.

(c) "Parole violator" means an inmate sentenced to life imprisonment who is released on parole, violates parole, has parole revoked under ch. DOC 331 and is returned to a state correctional institution with or without a new sentence.

(2) **CATEGORIES OF LIFERS.** (a) Each inmate serving a life sentence shall be designated as a category I, II, III or IV lifer. If the designation as to category of lifer is made at A&E, the A&E director or designee shall make the designation. At other times the PRC shall make the designation. A PRC designation as to category of lifer requires a unanimous vote. If a vote of the PRC is not unanimous, the case shall be referred to the classification chief to make designation as to category of lifer. Categories of lifers shall be designated in accordance with the following criteria:

1. A category I lifer is an inmate serving a life sentence who does not meet the criteria for a category IV lifer and who either committed a par-

ticularly vicious murder or other class A felony, including a murder or other class A felony involving torture, sexual abuse, body dismemberment, mutilation or sacrificial rituals, or multiple murders, or whose prior criminal record includes one or more felony or misdemeanor convictions or, within 10 years before commission of the current offense, one or more juvenile delinquency adjudications, for behaviors which reflect an intent to inflict great bodily harm, as defined in s. 939.22, Stats., on the victim.

2. A category II lifer is an inmate serving a life sentence who does not meet the criteria of a category I, III or IV lifer.

3. A category III lifer is an inmate serving a life sentence who does not meet the criteria for a category I or category IV lifer and who has had no prior felony convictions and no prior juvenile delinquency adjudications within 10 years before the current offense for a felony offense and fewer than 5 prior misdemeanor convictions and juvenile delinquency adjudications within 10 years before the current offense for a misdemeanor offense, with none of the misdemeanor convictions or adjudications reflecting an intent to inflict great bodily harm on the victim, and no previous incarcerations in any state or federal correctional institution. The category III lifer had a close or long-term relationship with the victim. The murder or other class A felony was not committed for material gain and did not involve planning and preparation. The murder or other class A felony was a spontaneous emotional response to specific circumstances occurring at the time of the murder.

4. A category IV lifer is an inmate serving a life sentence who has a parole eligibility date set by the court under s. 973.014, Stats., later than the date provided in s. 304.06 (1), Stats.

(b) An inmate may appeal the designation as to category of lifer to the classification chief within 10 days after receipt of the designation.

(c) The PRC may review a designation as to category of lifer at any time on its own direction or at the request of the classification chief.

(3) **NEW LIFERS AND LIFERS WHO HAD A MAXIMUM SECURITY CLASSIFICATION ON DECEMBER 7, 1988.** (a) *Applicability.* The factors listed under s. DOC 302.14 may be taken into consideration in assigning a security classification to an inmate serving a life sentence who is received at a correctional institution following sentencing or revocation on or after December 7, 1988, and to an inmate serving a life sentence who had a maximum security classification on December 7, 1988. In addition, the requirements in this subsection shall apply to those inmates.

(b) *Time to be served in a maximum security institution.* Requirements for service of time in a maximum security institution by category of lifer are set out in this paragraph. A lifer shall serve in a maximum security institution at least the number of years that apply to his or her category, unless the PRC recommends placement in a medium security institution at an earlier date and the PRC recommendation is approved by the classification chief, or unless the lifer is in need of individualized care in which case he or she may be transferred to the Wisconsin Resource Center (WRC) under s. 302.055, Stats., with the time served in WRC deducted from the requirement for service of time in a maximum security institution. The following are the requirements for service of service of time in a maximum security institution:

1. Unless the classification chief approves placement in a medium security institution at an earlier date, a category I lifer shall serve a minimum of 15 years in a maximum security institution, reduced by any sentence credit granted pursuant to s. 973.155, Stats. If a category I lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wis. Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wis. Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

2. Unless the classification chief approves placement in a medium security institution at an earlier date, a category II lifer shall serve a minimum of 8 years in a maximum security institution, reduced by any sentence credit granted pursuant to s. 973.155, Stats. If a category II lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wis. Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wis. Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

3. Unless the classification chief approves placement in a medium security institution at an earlier date, a category III lifer shall serve a minimum of 6 years in a maximum security institution, reduced by any sentence credit granted pursuant to s. 973.155, Stats. If a category III lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wis. Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wis. Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

4. Unless the classification chief approves placement in a medium security institution at an earlier date, a category IV lifer shall serve his or her sentence in a maximum security institution at least up to the date 3 years prior to his or her parole eligibility date or for a minimum of 15 years, reduced by any sentence credit granted pursuant to s. 973.155, Stats., whichever is longer. If a category IV lifer has one or more consecutive sentences in addition to the life sentence, the inmate shall serve a minimum of an additional 25% of the consecutive sentence or sentences, or, in the case of a consecutive life sentence, an additional 13 years 4 months if the life sentence is covered by 1983 Wis. Act 528 or 11 years 3 months if the life sentence is not covered by 1983 Wis. Act 528, in a maximum security institution, unless the classification chief approves placement in a medium security institution at an earlier date.

5. Following revocation, a parole violator with an underlying life sentence but without the imposition of a new sentence or sentences shall serve a minimum of 12 months in a maximum security institution starting from the date of return to a state correctional institution, unless the

classification chief approves placement in a medium security institution at an earlier date; and

6. Unless the classification chief approves placement in a medium security institution at an earlier date, following revocation, a parole violator with an underlying life sentence and with the imposition of a new sentence or sentences shall serve in a maximum security institution a minimum of 12 months or 50% of the time from the date of custody for the violation to a projected mandatory release date, calculated using the formula under s. 53.11 (1), Stats., on the new sentence or sentences imposed, whichever is greater.

(c) *Eligibility for minimum security classification.* To be eligible for a minimum security classification, an inmate serving a life sentence, including a parole violator with an underlying life sentence, shall have:

1. Reached parole eligibility as defined in ss. 304.06 (1) and 973.014, Stats.;

2. Served the required time in a maximum security institution under par. (b), unless the classification chief approved placement in a medium security institution at an earlier date;

3. Had a request by the parole board for a preparole plan;

4. Had a recommendation for minimum security classification made by the PRC under s. DOC 302.19 (4), using the factors listed under s. DOC 302.14, or, if the vote of the PRC for the change was not unanimous, had a recommendation for minimum security classification made by the A&E director and superintendent or designee, but if they could not agree, had the case referred to the classification chief;

5. Had a recommendation for minimum security classification made by the classification chief and referred to the administrator for a final decision; and

6. Had a final decision by the administrator approving the inmate's minimum security classification.

(4) LIFERS WHO HAD A MINIMUM SECURITY OR MEDIUM SECURITY CLASSIFICATION ON DECEMBER 7, 1988. (a) *Applicability.* The factors listed under s. DOC 302.14 may be taken into consideration in assigning a security classification to an inmate serving a life sentence who had a minimum security or medium security classification on December 7, 1988. In addition, the requirements in this subsection shall apply to those inmates.

(b) *Minimum security classification.* Prior to December 7, 1988, the parole board shall have provided a parole consideration file review for each inmate serving a life sentence who had a minimum security classification and who was parole eligible on December 7, 1988. If the parole board requested a preparole plan for an inmate, that inmate shall remain in minimum security classification until the inmate is found guilty of a major disciplinary violation under ch. DOC 303 or is released on parole under ch. DOC 330, except that an inmate in need of individualized care may be transferred to the Wisconsin Resource Center under s. 302.055, Stats. If the inmate was not parole eligible on December 7, 1988, or the parole board did not request a preparole plan, the PRC shall have reviewed the inmate's security classification. The criteria for this review

and all subsequent reviews shall be the criteria under sub. (3) (c) 1 and 3 to 6 and s. DOC 302.14.

(c) *Medium security classification.* An inmate serving a life sentence who had a medium security classification on December 7, 1988, shall remain classified medium security until the inmate is found guilty of a major disciplinary violation under ch. DOC 303, meets the eligibility requirements for minimum security classification under sub. (3) (c) 1 and 3 to 6 or is released on parole under ch. DOC 330. An inmate serving a life sentence who was classified medium security on December 7, 1988, may be eligible for a minimum security classification without meeting the requirements of sub. (3) (c) 2.

(d) *Major disciplinary violations.* If an inmate serving a life sentence who had a minimum or medium security classification on December 7, 1988, is found guilty of a major disciplinary violation, the PRC shall review the inmate's security classification using the criteria under sub. (3) (c) 1 and 3 to 6 and s. DOC 302.14.

History: Emerg. cr. eff. 12-7-88; cr. Register, August, 1989, No. 404, eff. 9-1-89.

**APPENDIX I**

**PROBATION AND PAROLE: RISK AND NEEDS SCALES USED  
BY DOC UPON ADMISSION TO ADULT FIELD SUPERVISION**

ADMISSION TO ADULT FIELD CASELOAD  
 ASSESSMENT OF CLIENT RISK

Client Name	Last	First	MI	Client Number	<b>A</b>
Date Placed on Probation or Released on Parole in WI (MM/DD/YY)			Agent Last Name		Area Number
Facility of Release			Code	Date Completed (MM/DD/YY)	

(Select the appropriate answer and enter the associated weight in the score column.)

			<b>SCORE</b>
Number of Address Changes in last 12 Months: (Prior to incarceration for parolees)	----- 0	None	_____
	2	One	
	3	Two or more	
Percentage of Time Employed in Last 12 Months: (Prior to incarceration for parolees)	----- 0	60% or more	_____
	1	40% - 59%	
	2	Under 40%	
	0	Not applicable	
Alcohol Usage Problems: (Prior to incarceration for parolees)	----- 0	No interference with functioning	_____
	2	Occasional abuse; some disruption of functioning	
	4	Frequent abuse; serious disruption; needs treatment	
Other drug Problems: (Prior to incarceration for parolees)	----- 0	No interference with functioning	_____
	1	Occasional abuse; some disruption of functioning	
	2	Frequent abuse; serious disruption; needs treatment	
Attitude: -----	0	Motivated to change; receptive to assistance	_____
	3	Dependent or unwilling to accept responsibility	
	5	Rationalizes behavior; negative; not motivated to change	
Age at First Conviction: (or Juvenile Adjudication)	----- 0	24 or older	_____
	2	20 - 23	
	4	19 or younger	
Number of Prior Periods of Probation/Parole Supervision: (Adult or Juvenile)	----- 0	None	_____
	4	One or more	
Number of Prior Probation/Parole Revocations: (Adult or Juvenile)	----- 0	None	_____
	4	One or more	
Number of Prior Felony Convictions: (or Juvenile Adjudications)	----- 0	None	_____
	2	One	
	4	Two or more	
Convictions or Juvenile Adjudications for: (Include current offense. Score must be either 0, 2, 3, or 5.)	----- 0	None of the Offense(s) stated below	_____
	2	Burglary, theft, auto theft, or robbery	
	3	Worthless checks or forgery	
	5	One or more from the above categories	
Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or the threat of force)	----- 15	Yes	_____
	0	No	

Client Name	Last	First	MI	Client Number	<b>A</b>
Date Placed on Probation or Released on Parole in WI (MM/DD/YY)		Agent Last Name		Area Number	
Facility of Release			Code	Date Completed (MM/DD/YY)	

Select the appropriate answer and enter the associated weight in the score column. Higher numbers indicate more severe problems. If client is to be referred to a community resource or to clinical services, check appropriate referral box.

					REFERRAL				
<b>ACADEMIC/VOCATIONAL SKILLS</b>									
-1	High school or above skill level	0	Adequate skills; able to handle every-day requirements	+2	Low skill level causing minor adjustment problems	+4	Minimal skill level causing serious adjustment problems	<input type="checkbox"/>	_____
-1	Satisfactory employment for one year or longer	0	Secure employment; no difficulties reported; or homemaker, student or retired	+3	Unsatisfactory employment; or unemployed but has adequate job skills	+6	Unemployed and virtually unemployable; needs training	<input type="checkbox"/>	_____
-1	Long-standing pattern of self-sufficiency; e.g., good credit rating	0	No current difficulties	+3	Situational or minor difficulties	+5	Severe difficulties; may include garnishment, bad checks or bankruptcy	<input type="checkbox"/>	_____
<b>MARITAL/FAMILY RELATIONSHIPS</b>									
-1	Relationships and support exceptionally strong	0	Relatively stable relationships	+3	Some disorganization or stress but potential for improvement	+5	Major disorganization or stress	<input type="checkbox"/>	_____
-1	Good support and influence	0	No adverse relationships	+2	Associations with occasional negative results	+4	Associations almost completely negative	<input type="checkbox"/>	_____
<b>EMOTIONAL STABILITY</b>									
-2	Exceptionally well adjusted; accepts responsibility for actions	0	No symptoms of emotional instability; appropriate emotional responses	+4	Symptoms limit but do not prohibit adequate functioning; e.g., excessive anxiety	+7	Symptoms prohibit adequate functioning; e.g., lashes out or retreats into self	<input type="checkbox"/>	_____
<b>ALCOHOL USAGE</b>									
		0	No interference with functioning	+3	Occasional abuse; some disruption of functioning	+6	Frequent abuse; serious disruption; needs treatment	<input type="checkbox"/>	_____
<b>OTHER DRUG INVOLVEMENT</b>									
		0	No interference with functioning	+3	Occasional substance abuse; some disruption of functioning	+5	Frequent substance abuse; serious disruptions; needs treatment	<input type="checkbox"/>	_____
<b>MENTAL ABILITY</b>									
		0	Able to function independently	+3	Some need for assistance; potential for adequate adjustment; mild retardation	+6	Deficiencies severely limit independent functioning; moderate retardation	<input type="checkbox"/>	_____
<b>HEALTH</b>									
		0	Sound physical health; seldom ill	+1	Physical condition or handicap interferes with functioning on a recurring basis	+2	Serious handicap or chronic illness; needs frequent medical care	<input type="checkbox"/>	_____
<b>SEXUAL BEHAVIOR</b>									
		0	No apparent dysfunction	+3	Real or perceived situational or minor problems	+5	Real or perceived chronic or severe problems	<input type="checkbox"/>	_____
<b>AGENT'S IMPRESSION OF CLIENT'S NEEDS</b>									
-1	Minimum	0	Low	+3	Medium	+5	Maximum		_____



Client Name	Last	First	MI	Client Number
Date Placed on Probation or Released on Parole (MM/DD/YY)		Agent Last Name		Area Number
Facility of Release			Code	Date Completed (MM/DD/YY)

A

**MENTAL HEALTH PROBLEMS**

- A. Check any of the following items which apply to the client:
1. Self-concept problems:
    - a) low self-esteem \_\_\_\_\_
    - b) grandiosity \_\_\_\_\_
  2. Interpersonal problems with:
    - a) peers \_\_\_\_\_
    - b) authority \_\_\_\_\_
    - c) family \_\_\_\_\_
  3. Emotional Problems:
    - a) depression \_\_\_\_\_
    - b) history of psychotic episodes \_\_\_\_\_
    - c) anxiety \_\_\_\_\_
  4. Mental Health Treatment History:
    - a) inpatient \_\_\_\_\_
    - b) outpatient \_\_\_\_\_
  5. Destructive behavior:
    - a) self \_\_\_\_\_
    - b) property \_\_\_\_\_
    - c) persons/assaultive \_\_\_\_\_
  6. Unusual behavior/thought disorder \_\_\_\_\_
  7. Learning disability/mental retardation \_\_\_\_\_
  8. Criminal/antisocial value system \_\_\_\_\_
  9. Other (if referring, specify on back of form) \_\_\_\_\_
- B. Will client be referred to Clinical Services or a Community Mental Health Agency?  
 (For Drug, Alcohol, MH, or DD Problems.)
- a) Yes \_\_\_\_\_
  - b) No \_\_\_\_\_
- If no, why not?
- a) Referral not needed \_\_\_\_\_
  - b) Client currently in treatment \_\_\_\_\_
  - c) Client unmotivated/resistive \_\_\_\_\_
  - d) Adequate services unavailable \_\_\_\_\_

**REFERRAL INFORMATION**

A. Select service(s) requested or currently received and enter appropriate agency code\* in the space(s) provided:

	REFERRAL AGENCY CODE		
	#1	#2	#3
1. Consultation for Case Planning Assistance:	_____	_____	_____
2. Formal Evaluation (Clinical, Vocational, etc.):	_____	_____	_____
3. Vocational Training or Job Assistance:	_____	_____	_____
4. Mental Health Treatment:	_____	_____	_____
5. Alcohol Treatment:	_____	_____	_____
6. Drug Treatment:	_____	_____	_____
7. Developmental Disability Treatment:	_____	_____	_____
8. Educational Training:	_____	_____	_____
9. Special Services (Living Arrangement, Money, Food, etc.):	_____	_____	_____

- \*AGENCY CODES**
- A = Clincial Services (BPR)
  - B = 51.42 Agency (Mental Health, Drug, Alcohol)
  - C = 51.437 Agency (Developmental Disabilities)
  - D = DVR
  - E = State Mental Health Centers
  - F = Job Service(s)
  - G = Volunteers in Probation
  - H = County Welfare Agency
  - I = District Vocational School
  - J = Halfway House
  - Other (Specify Below)

K. \_\_\_\_\_ M. \_\_\_\_\_  
 L. \_\_\_\_\_ N. \_\_\_\_\_

Client Name (1-20)	Last	First	MI	Client Number (21-27)	A
Date Placed on Probation or Released on Parole (28-33) (MM/DD/YY)		Agent Last Name (34-37)		Area Number (38-42)	
Facility of Release (Use code from list on back or if Other or Out-of-State, Specify)			Code (43-44)	Date Completed (MM/DD/YY) (45-50)	

Select the appropriate answer and enter the associated code in the adjacent blank.

**ASSIGNED LEVEL OF SUPERVISION:\***

- 0 Administrative \_\_\_\_\_
- 1 Minimum \_\_\_\_\_ (51)
- 2 Medium \_\_\_\_\_
- 3 Maximum \_\_\_\_\_
- 4 Intensive \_\_\_\_\_

**PRIMARY CLIENT MANAGEMENT CLASSIFICATION:**

- 1 Selective Intervention \_\_\_\_\_
- 2 Casework/Control \_\_\_\_\_
- 3 Environmental Structuring \_\_\_\_\_ (52)
- 4 Limit Setting \_\_\_\_\_
- 9 Not Classified \_\_\_\_\_

**LIVING ARRANGEMENT:**

- 1 Alone \_\_\_\_\_
- 2 With Spouse \_\_\_\_\_
- 3 With Parent(s) \_\_\_\_\_
- 4 With Child(ren) \_\_\_\_\_ (53)
- 5 With Sibling(s) \_\_\_\_\_
- 6 With Friend(s) \_\_\_\_\_
- 7 Other \_\_\_\_\_
- 9 Not Reported \_\_\_\_\_

**NUMBER OF DEPENDENTS:**

(Enter 99 if Not Reported) \_\_\_\_\_ (54-55)

**MAKING SUPPORT PAYMENTS:**

- 1 Yes \_\_\_\_\_
- 2 No \_\_\_\_\_
- 9 Not Reported \_\_\_\_\_ (56)

**NEED CHILD CARE:**

- 1 Yes \_\_\_\_\_
- 2 No \_\_\_\_\_
- 9 Not Reported \_\_\_\_\_ (57)

**VETERAN:**

- 2 Not A Veteran \_\_\_\_\_ (58)
- 3 Yes - Honorable Discharge \_\_\_\_\_
- 4 Yes - Other than Honorable Discharge \_\_\_\_\_
- 9 Not Reported \_\_\_\_\_

**AMOUNT OF TIME EMPLOYED:**

- 0 Unemployed and Not Looking \_\_\_\_\_
- 1 Unemployed and Looking \_\_\_\_\_
- 2 Full-time (35-40 hrs/wk) \_\_\_\_\_ (59)
- 3 Full-time But Seasonal \_\_\_\_\_
- 4 Part-time (20-34 hrs/wk) \_\_\_\_\_
- 5 Part-time (less than 20 hrs/wk) \_\_\_\_\_
- 6 Student \_\_\_\_\_
- 7 Homemaker \_\_\_\_\_
- 8 Not Applicable \_\_\_\_\_
- 9 Not Reported \_\_\_\_\_

**MONTHS AT CURRENT JOB:**

(Enter 999 if Not Reported) \_\_\_\_\_ (60-62)

**JOB CLASSIFICATION:**

- 1 Professional, Technical or Managerial \_\_\_\_\_ (100)
- 2 Clerical, Sales, or Service \_\_\_\_\_ (103)
- 3 Farming \_\_\_\_\_ (63)
- 4 Skilled Trade \_\_\_\_\_ (106)
- 5 Semi-skilled Labor \_\_\_\_\_ (107)
- 6 Unskilled Labor \_\_\_\_\_ (109)
- 7 Other \_\_\_\_\_ (110)
- 9 Not Reported \_\_\_\_\_ (112)

**CURRENT GROSS MONTHLY INCOME: (Wage Only)**

- 1 None \_\_\_\_\_ (115)
- 2 \$1 - \$199 \_\_\_\_\_
- 3 \$200 - \$399 \_\_\_\_\_
- 4 \$400 - \$599 \_\_\_\_\_ (64)
- 5 \$600 - \$799 \_\_\_\_\_
- 6 \$800 - \$999 \_\_\_\_\_ (121)
- 7 \$1000 or more \_\_\_\_\_ (122)
- 9 Not Reported \_\_\_\_\_ (123)

**JOB TRAINING WANTED BY CLIENT:**

- 1 Yes \_\_\_\_\_ (129)
- 2 No \_\_\_\_\_ (65) \_\_\_\_\_ (166) \_\_\_\_\_ (177)
- 9 Not Reported \_\_\_\_\_ (130)

**LAST GRADE COMPLETED:**

- 00 None \_\_\_\_\_ (131)
- 01-12 (enter specific #) \_\_\_\_\_ (132)
- 13 High School Graduate \_\_\_\_\_ (153)
- 14 Some College \_\_\_\_\_ (66-67) \_\_\_\_\_ (133)
- 15 College Graduate \_\_\_\_\_ (167) \_\_\_\_\_ (178)
- 16 Some Graduate Work \_\_\_\_\_ (134)
- 17 Graduate Degree \_\_\_\_\_
- 18 Ungraded \_\_\_\_\_
- 19 Special Education \_\_\_\_\_
- 20 GED or HED \_\_\_\_\_
- 21 Tech. or Voc. School \_\_\_\_\_
- 99 Not Reported \_\_\_\_\_ (135)

**NUMBER OF PRIOR MISDEMEANOR CONVICTIONS: (Adult Only)**

(Enter 99 if Not Reported) \_\_\_\_\_ (60-69) \_\_\_\_\_ (136)

**NUMBER OF PREVIOUS MISDEMEANOR PROBATIONS: (Adult Only)**

(Enter 99 if Not Reported) \_\_\_\_\_ (70-71) \_\_\_\_\_ (137) \_\_\_\_\_ (154) \_\_\_\_\_ (168) \_\_\_\_\_ (179)

**NUMBER OF PREVIOUS FELONY PROBATIONS: (Adult Only)**

(Enter 99 if Not Reported) \_\_\_\_\_ (72-73) \_\_\_\_\_ (138)

**NUMBER OF TIMES PREVIOUSLY RELEASED ON PAROLE:**

(Enter 99 if Not Reported) \_\_\_\_\_ (74-75) \_\_\_\_\_ (139) \_\_\_\_\_ (140) \_\_\_\_\_ (141)

**NUMBER OF PRIOR INCARCERATIONS FOR ONE YEAR OR LONGER IN A FEDERAL OR STATE INSTITUTION:**

(Enter 99 if Not Reported) \_\_\_\_\_ (76-77) \_\_\_\_\_ (142) \_\_\_\_\_ (155) \_\_\_\_\_ (143) \_\_\_\_\_ (144)

**COMMUNITY SERVICE ORDERED:**

- Hours Ordered in Lieu of Financial Obligations \_\_\_\_\_ (78-81) \_\_\_\_\_ (145) \_\_\_\_\_ (170) \_\_\_\_\_ (181)
- Hours Ordered **Not** in Lieu of Financial Obligations \_\_\_\_\_ (82-85) \_\_\_\_\_ (146) \_\_\_\_\_ (156) \_\_\_\_\_
- Total Hours Ordered \_\_\_\_\_ (86-89) \_\_\_\_\_ (147) \_\_\_\_\_ (171) \_\_\_\_\_ (182)

**PAYMENTS RECEIVED:** Yes No Not Reported

- Disabled Aid/Worker's Comp. 1 2 9 \_\_\_\_\_ (90) \_\_\_\_\_ (150)
- Social Security (SSI) 1 2 9 \_\_\_\_\_ (91) \_\_\_\_\_ (151)
- VA Benefits 1 2 9 \_\_\_\_\_ (92) \_\_\_\_\_ (157) \_\_\_\_\_ (172) \_\_\_\_\_ (183)
- Unemployment Comp. 1 2 9 \_\_\_\_\_ (93) \_\_\_\_\_
- AFDC 1 2 9 \_\_\_\_\_ (94) \_\_\_\_\_ (158) \_\_\_\_\_ (173) \_\_\_\_\_ (184)
- General Relief 1 2 9 \_\_\_\_\_ (95) \_\_\_\_\_
- Other 1 2 9 \_\_\_\_\_ (96) \_\_\_\_\_

K. \_\_\_\_\_ M. \_\_\_\_\_

L. \_\_\_\_\_ N. \_\_\_\_\_

\* Indicate level at which client will be Supervised Document any override decision on reverse side