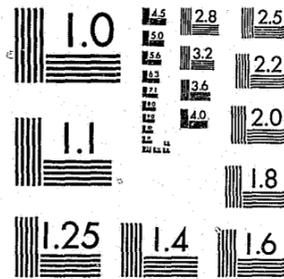


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THE ADULT CORRECTIONAL SYSTEM IN WISCONSIN

STAFF BRIEF 80-2

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Wisconsin Legislative Council Staff

June 12, 1980

State Capitol

Madison, Wisconsin

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STAFF BRIEF 80-2*

THE ADULT CORRECTIONAL SYSTEM IN WISCONSIN

INTRODUCTION

This Staff Brief is prepared as background information for the Legislative Council's Special Committee on Community Correctional Programs. The Committee was established by the Legislative Council pursuant to SEC. 2033 (2) (a) of the 1980 Budget Review Act [Ch. 221, Laws of 1979]. That provision directs the Legislative Council to "...conduct a study of innovative correctional programs, including, but not limited to studying the development of community based correctional facilities in Wisconsin and other states and the provision of parole and probation supervision services." The Legislative Council is directed to report its findings and recommendations for potential modifications in the State's community corrections programs to the Governor, the Joint Committee on Finance and appropriate standing committees of the Legislature no later than December 31, 1980, in a form appropriate for inclusion in the 1981-83 Biennial Budget Bill. The Legislative Council has directed the Special Committee on Community Correctional Programs to report to the Legislative Council by December 15, 1980.

This Staff Brief discusses the Wisconsin prison system for adults and the use of probation and parole for adults. Both the prison system and the probation and parole system are operated under the auspices of the Division of Corrections (Elmer Cady, Administrator) of the Department of Health and Social Services (DHSS) (Donald Percy, Secretary). Within the Division of Corrections, the Bureau of Institutions (Robert Ellsworth, Director) is responsible for the operation of the prison system. Also within that Division, the Bureau of Community Corrections (Edward Buehler, Director) is responsible for community correctional residential centers, correctional halfway houses and supervision of persons on probation and parole.

*This Staff Brief was prepared by Richard Sweet, Senior Staff Attorney, Legislative Council Staff.

PART I

SENTENCING

A court is responsible for imposing a sentence on an adult after he or she is convicted of a crime. The word "crime" is defined statutorily [s. 939.12, Wis. Stats.] as follows:

939.12 CRIME DEFINED. A crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

After conviction and prior to sentencing, the court has the discretion to order a presentence investigation [s. 972.15, Wis. Stats.]. A presentence investigation, if ordered by a court, is conducted by a probation and parole agent in the Bureau of Community Corrections within the Division of Corrections of DHSS. That Bureau's Probation and Parole Operations Manual describes the contents of investigations conducted by agents as follows:

Generally, the investigation is a careful study and report of how the individual's personal endowments, environmental factors and behavior patterns have inter-played during his life span to produce the situation that resulted in conviction or commitment. It is an objective account of both positive and negative factors and concludes with an evaluation along with a realistic recommendation and tentative plan.

The court is required to disclose the contents of the presentence investigation 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 presentence investigation report. Following sentencing, unless otherwise ordered by the court, the presentence investigation report remains confidential and may not be made available to any person except upon specific authorization of the court [s. 972.15, Wis. Stats.].

In sentencing an adult convicted of a crime, the court is given the discretion, depending on the crime, to require incarceration, probation, a fine or some combination of these. [Probation is discussed in Part III of this Staff Brief.] If a statute authorizes imprisonment for violation of a law but does not prescribe the place of imprisonment, that place shall be as follows:

1. A sentence of less than one year shall be to the county jail;
2. A sentence of more than one year shall be to the Wisconsin state prisons and the minimum under the indeterminate sentence law shall be one year; and

3. A sentence of one year may be to either the Wisconsin state prisons or the county jail [s. 973.02, Wis. Stats.].

If a court orders imprisonment in the Wisconsin state prisons, the court may fix a term which is less than the statutorily prescribed maximum term, except for those crimes which carry a mandatory life sentence. The term set by the court is indeterminate in that the prisoner may be released on parole earlier than the date for release set by the court. [Parole is discussed in Part III of this Staff Brief.] The statute which provides for indeterminate sentencing by a court states as follows:

973.01 INDETERMINATE SENTENCE; WISCONSIN STATE PRISONS. (1)

(a) If imprisonment in the Wisconsin state prisons for a term of years is imposed, the court may fix a term less than the prescribed maximum. The form of such sentence shall be substantially as follows: "You are hereby sentenced to the Wisconsin state prisons for an indeterminate term of not more than... (the maximum as fixed by the court) years". [Section 973.01 (1) (a), Wis. Stats.]

If a person was under the age of 21 at the time of the commission of a crime, and if the maximum penalty is imprisonment for one year or less in the county jail, a court is given the discretion to order at the time of sentencing that the record be expunged upon successful completion of the sentence "...if the court determines the person will benefit and society will not be harmed by this disposition." A person successfully completes a sentence if the person is not convicted of a subsequent offense and if, on probation, the probation has not been revoked. [Section 973.015, Wis. Stats.]

PART II

THE PRISON SYSTEM

A. Classification and Prison Assignment

If a person is sentenced to imprisonment in the Wisconsin prison system, the person, if a male, will be sent to either the Waupun Correctional Institution or the Green Bay Correctional Institution. If the person is a female, she will be sent to the Taycheedah Correctional Institution.

Administrative rules of DHS require that every person sentenced to a prison shall participate in an orientation program, receive a security classification and an assignment to an institution and be offered a vocational, job, school or program assignment, consistent with existing resources [Wis. Adm. Code s. HSS 302.01]. This process is known as assessment and evaluation (A & E). Administrative rules set forth the components and purposes of the assessment and evaluation process as follows:

1. A comprehensive assessment of a resident's social background, sentence structure, academic and vocational achievements;
2. A long-term and short-term evaluation of the academic, vocational, medical, social, treatment and security needs of a resident;
3. An orientation to the program resources of the division of corrections;
4. The motivation of the offender to become constructively involved in the correctional process;
5. 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 division to make efficient use of available resources; and
6. The protection of the public through planning for appropriate correctional treatment and supervision [HSS 302.02].

The assessment and evaluation process is to be completed within six weeks after the arrival of the person at the prison.

Following the assessment and evaluation process, the offender is assigned a security classification. After receiving a security classification, the offender will either be kept at Waupun, Green Bay or Taycheedah Correctional Institutions or transferred to another

correctional institution, correctional camp or community correctional residential center. An offender may be assigned to a prison 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 may contain persons at all security levels, but a minimum security prison may only contain persons classified at a minimum security level.

The criteria used in determining the security classification for an offender are set forth in the administrative rules [HSS 302.14]. A copy of those criteria is contained in Appendix A to this Staff Brief.

With the advice of an Assessment and Evaluation Committee which operates at the correctional institutions at Waupun, Green Bay and Taycheedah, the director of assessment and evaluation at those institutions is required to recommend a security classification, assignment to a job, school, vocational or other program and an institution assignment. The recommendation is made to the classification chief (in the Madison office of the Division of Corrections) at the end of the assessment and evaluation process. The classification chief then decides the security classification, program assignment and institution assignment for each offender [HSS 302.17].

The assessment and evaluation directors are required to set the time for a review of the security classification, program assignment and institution assignment for each resident. 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 in each correctional institution and correctional camp. The PRC consists of four members at a correctional institution and three members at a correctional camp. Membership qualifications for the Program Review Committee are set forth by administrative rule [HSS 302.18]. The criteria to be used by the PRC in determining security classification or program assignment changes are those criteria which were used by the Assessment and Evaluation Committee in initially determining security classification and program assignment.

The transfer of a resident from one prison to another always requires the approval of the classification chief. If a transfer is made as part of the initial assessment and evaluation process, for a medical emergency or for a security emergency, prior approval of the PRC is not required. However, if a resident is transferred for a medical emergency or a security emergency, the PRC of the institution from which the resident was transferred must complete the normal procedure for review and transfer within seven calendar days after the transfer.

B. Prisons in Wisconsin

The facilities in Wisconsin which are considered prisons are listed statutorily [s. 53.01, Wis. Stats., as repealed and recreated by Ch. 221, Laws of 1979]. They fall into the following three categories: correctional institutions, correctional camps and community correctional residential centers.

Prisons offer a variety of programs and services to offenders which may include any or all of the following types: educational, vocational, recreational, religious, prison industry, work release, study release and counseling.

This Part of the Staff Brief contains Table 1, Correctional Institutions for Adults; Table 2, Correctional Camp for Adults; and Table 3, Community Correctional Residential Centers for Adults. The Tables show the location, rated bed capacity and population, on May 2, 1980, for each category. Also listed are security levels of correctional institutions. In addition to these facilities, there are two programs at Winnebago Mental Health Institute which serve only offenders who are transferred from prisons.

TABLE 1
CORRECTIONAL INSTITUTIONS FOR ADULTS

<u>Name</u>	<u>Location</u>	<u>Security Level</u>	<u>Rated Bed Capacity</u>	<u>Population on May 2, 1980</u>
Waupun	Waupun	Max.	810	1097
Waupun (Bunkhouse)	Waupun	Min.	82	82
Green Bay	Green Bay	Max.	584	679
Green Bay (Onieda Farm)	Green Bay	Min.	35	28
Fox Lake	Fox Lake	Med.	576	574
Kettle Moraine	Plymouth	Med.	375	374
Taycheedah	Taycheedah	Max.	110	132
Oakhill	Oregon	Min.	200	198
Dodge*	Waupun	Max.	102	101

*Dodge Correctional Institution is currently in the process of being changed from Central State Hospital, a hospital for the criminally insane, into a correctional institution.

SOURCE: Wisconsin Division of Corrections by the Division of Corrections, DHSS (undated) and Adult Correctional Institution Populations by the Bureau of Institutions, Division of Corrections, DHSS (May 2, 1980).

The correctional institutions listed in Table 1 have only male offenders except Taycheedah Correctional Institution which has only female offenders.

In addition to the adult correctional institutions, DHSS is required to construct or establish an adult medium/maximum security institution or an adult medium security institution or both [s. 46.05, Wis. Stats., as created by Ch. 221, Laws of 1979]. This requirement was contained in the 1980 Budget Review Act. During the week of May 26, 1980, the State Building Commission and the Joint Committee on Finance approved expenditure of planning funds for a 450-bed prison for males in Portage.

TABLE 2

CORRECTIONAL CAMPS FOR ADULTS

<u>Name</u>	<u>Location</u>	<u>Rated Bed Capacity</u>	<u>Population on May 2, 1980</u>
Black River Camp	Black River Falls	50	47
Camp Gordon	Gordon	52	55
Camp McNaughton	Lake Tomahawk	55	42
Oregon Camp	Oregon	50	50
Thompson Camp	Deerfield	32	29
Winnebago Camp	Winnebago	60	60
Camp Flambeau*	Hawkins	10	10

*Camp Flambeau serves primarily juvenile offenders, but 10 beds are used by adult offenders.

SOURCE: Wisconsin Division of Corrections by the Division of Corrections, DHSS (undated) and Adult Correctional Institution Populations by the Bureau of Institutions, Division of Corrections, DHSS (May 2, 1980).

All of the correctional camps listed in Table 2 are considered minimum security prisons and all serve only male offenders.

TABLE 3

COMMUNITY CORRECTIONAL RESIDENTIAL CENTERS FOR ADULTS

<u>Name</u>	<u>Location</u>	<u>Rated Bed Capacity</u>	<u>Population on May 2, 1980</u>
Abode Community Correctional Center	Milwaukee	30	25
Baker House	Milwaukee	24	22
Community Correctional Center (also known as Men's Metro Center)	Milwaukee	29	24
Women's Community Center	Milwaukee	25	5
Shalom Center	Green Bay	8	5
St. Croix Center*	New Richmond	12	3
St. John's Correctional Center	Milwaukee	30	31

*St. Croix Center began operation in early 1980.

SOURCE: Wisconsin Division of Corrections by the Division of Corrections, DHSS (undated) and Adult Correctional Institution Populations by the Bureau of Institutions, Division of Corrections, DHSS (May 2, 1980).

All of the community correctional residential centers are minimum security prisons. All serve only males, except Women's Community Center in Milwaukee. All are operated directly by the Bureau of Community Corrections, with the exception of Baker House and Shalom Center. Those latter two centers are operated by private organizations under contract with the Bureau of Community Corrections.

Correctional camps differ from community correctional residential centers in the following respects:

1. Correctional camps are located primarily in rural areas, while centers are located primarily in urban areas.
2. Correctional camps are operated under the auspices of the Bureau of Institutions, while centers are operated under the auspices of the Bureau of Community Corrections.
3. Centers serve offenders only in the last six months of their sentence, while this is not necessarily the case with correctional camps.

In addition to the correctional institutions, correctional camps and community correctional residential centers, there are two programs at Winnebago Mental Health Institute which serve only offenders. These programs are the Alcohol Education and Treatment Program (AETP) and the Substance Abuse Treatment Program (SATP). Both programs serve only those offenders who have a minimum security classification.

The AETP is operated by the Bureau of Program Resources within the Division of Corrections. It is primarily an educational program for offenders with alcohol problems and is used immediately prior to release of the offender to the community. Its capacity is 30 males and it is a six-week program.

The SATP is a program serving correctional offenders with drug problems, but is not operated by the Division of Corrections. It is operated by the Division of Community Services, which is the division within DHSS which has responsibility for operating the other programs at Winnebago Mental Health Institute. Like AETP, SATP is used immediately prior to release of the offender to the community. Its capacity is 20 males and it is a 32-week program.

C. Population Trends in Prisons

Table 4, Average Daily Population in Adult Prisons, shows data for five fiscal years ended June 30, 1975 to June 30, 1979. Also shown are population projections for 1980 to 1983.

TABLE 4
AVERAGE DAILY POPULATION IN ADULT PRISONS

Period Ended June 30*	Male	Female	Total
1975	2,486	91	2,577
1976	2,379	127	3,006
1977	3,119	144	3,263
1978	3,113	144	3,257
1979	3,182	131	3,313
1980 (projected)	3,364	136	3,500
1981 (projected)	3,425	137	3,562
1982 (projected)	3,486	137	3,623
1983 (projected)	3,547	137	3,684

*The period used in computing the average daily population from 1975 through 1979 is one year, while the period used for computing projected average daily population from 1980 through 1983 is a calendar quarter.

SOURCE: Fiscal Year Summary Report of Population Movement (for years 1975 to 1979) and Population Projections: Quarter Ending March 1980 (1980), both by the Division of Corrections, DHSS.

D. Types of Offenses Committed by Persons in Prison

Appendix B to this Staff Brief is a reprint of two tables from Residents in Wisconsin Adult Correctional Institutions and Community Correctional Residential Centers on December 31, 1978. That report was prepared by the Division of Corrections, DHSS. The two tables show the types of offenses committed by the persons in prison on December 31, 1978.

The first table in Appendix B shows this information for offenders in correctional institutions and correctional camps. Among males, the highest percentage of offenses committed by offenders were burglary (25.7%) and armed robbery (17.7%). Among females, the highest percentage of offenses committed by offenders were forgery or worthless checks (22.2%) and armed robbery (11.9%).

The second table in Appendix B shows this information for offenders in community correctional residential centers. Among males, the highest percentage of offenses committed by offenders were burglary (21.8%) and armed robbery (20.6%). Among females, the highest percentage of offenses committed by offenders were forgery or worthless checks (19.1%), assault (14.3%) and second and third degree murder (14.3%).

E. Temporary Release from Prison or Jail

Temporary release of adult residents from prison or jail can be authorized under the following:

- "Huber Law" release from jails.
- Work or study release from prison.
- Furlough release from prison.
- Release from prisons or jails with staff escorts.

1. "Huber Law" Release

Under the Wisconsin statutes [s. 56.08 (1), Wis. Stats.] any person sentenced to a county jail for a crime, nonpayment of a fine or forfeiture or contempt of court may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

- (a) Seeking employment.
- (b) Working at employment.
- (c) Conducting any self-employed occupation including housekeeping and attending the needs of the person's family.
- (d) Attendance at an educational institution.
- (e) Medical treatment.

This release law is statutorily known as the "Huber Law." [The original law was Ch. 625, Laws of 1913. That Act resulted from 1913 Senate Bill 590, which was introduced by Senator Henry A. Huber.] The release privilege may only be granted by a court. The offender may petition the court for the privilege at the time of sentencing or thereafter. The court may withdraw the release privilege at any time by an order entered with or without notice [s. 56.08 (2), Wis. Stats.]. Additionally, the sheriff may refuse to permit the offender to exercise his "Huber Law" release privilege for up to five days for any breach of discipline or other violation of jail regulations.

Any wages or salary earned by the offender on release are retained by the sheriff. The sheriff deposits the wages or salary in an account and keeps a ledger showing the status of the account for each offender.

Every offender who is gainfully employed under "Huber Law" release is liable to the sheriff "...for charges not to exceed the full per capita maintenance and cost of his board in the jail as fixed by the county board after passage of an appropriate county ordinance." [Section 56.08 (4), Wis. Stats.]

2. Work and Study Release

The Wisconsin statutes authorize the DHSS to grant work release privileges to any person incarcerated within the state prisons (except persons serving life sentences, until their parole eligibility date). The DHSS is also authorized to approve release privileges for placements in universities, colleges, technical, vocational or trade schools, sheltered workshops or training programs designed to improve the skills and ability of the offender [s. 56.065 (1) and (2), Wis. Stats.].

If any offender violates the conditions of work or study release prescribed by the institution, his or her privileges may be withdrawn. Failure to report to or return from employment or school is considered an escape under the Wisconsin statutes.

The DHSS is required to designate and adopt facilities of the state prisons for quartering offenders with work or study release privileges. The DHSS may contract for other facilities, including portions of county jails, for offenders employed in the area.

Every offender gainfully employed under a work release program is liable for the cost of his or her board and clothing, a reasonable room charge and any expenses which in the judgment of DHSS are incident to the employment or are additional living expenses. The wages of offenders gainfully employed are collected by the prison [s. 56.065 (4), Wis. Stats.].

The statutes require DHSS to establish rules for the administration of the work and study release program and to determine those offenders who may participate in the program. Those administrative rules are in the process of being promulgated. Proposed Wis. Adm. Code Ch. HSS 324 has been reviewed by the Legislative Council Rules Clearinghouse, has received an administrative hearing and has been revised by DHSS. It is anticipated that the final version of the rule will be sent to the required legislative committees for review in early summer, 1980. Under the proposed rules, an offender is eligible for work or study release only if the offender has a minimum security classification [proposed HSS 324.04 (1)].

In order to be eligible for work release under the proposed rules, either the offender must have a confirmed job offer or the parole agent must indicate that employment is "imminent" [proposed HSS 324.07 (1)]. In order to be eligible for study release, the proposed rules state that the offender must be accepted for enrollment at the school and all financial arrangements must be agreed on by the offender and the institution prior to placement [proposed HSS 324.08 (1)].

According to figures provided by the Division of Corrections, DHSS, (Work Release Program--Annual Report 1979), there were 937 persons on work release and 231 persons on study release in calendar year 1979.

3. Furlough Release

Under the Wisconsin statutes [s. 56.068, Wis. Stats.], an offender eligible for confinement in a minimum security institution may be allowed by DHSS to leave confinement for one of the following purposes:

- (a) To visit a parent, child, spouse, brother or sister who is seriously ill.
- (b) To attend the funeral of a parent, child, spouse, brother or sister.
- (c) To contact a prospective employer who has requested an interview.

This type of leave is commonly referred to as a furlough. Administrative rules governing furloughs under the above section are in the process of being promulgated. Proposed Wis. Adm. Code Ch. HSS 326 has been reviewed by the Legislative Council Rules Clearinghouse, has received an administrative hearing and has been revised by DHSS. It is anticipated that the final version of the rule be sent to the required legislative committees for review in early summer, 1980.

Before an offender is released on furlough, DHSS must notify the police chief of any community and the sheriff and district attorney of any county involved [s. 56.068 (2), Wis. Stats.]. The statutes provide that no offender may be granted more than three furloughs per calendar year and no furlough may exceed three days unless an extension, not to exceed three days, is granted by DHSS for cause. An offender granted a furlough must stay in Wisconsin [s. 56.068 (3) and (4), Wis. Stats.].

4. Escorted Release

The Wisconsin statutes provide for release of offenders in prisons and other correctional facilities under limited circumstances with a staff escort. Section 53.15, Wis. Stats., provides as follows:

53.15 ACTIVITIES OFF GROUNDS. The wardens and superintendents of the state prisons, and all wardens and superintendents of county prisons, jails, camps and houses of correction enumerated in ch. 56, may take inmates away from the institution grounds for rehabilitative and educational activities approved by the department and under such supervision as the superintendent or warden deems necessary. While away from the institution grounds an inmate is deemed to be under the care and control of the institution in which he is an inmate and subject to its rules and discipline. [Emphasis added.]

Administrative rules regarding these escorted leaves are in the process of being promulgated by DHSS. Proposed Wis. Adm. Code Ch. HSS 325 has been reviewed by the Legislative Council Rules Clearinghouse, has received an administrative hearing and has been revised by DHSS. It is anticipated that the final version of the rule will be sent to the required legislative committees for review in early summer, 1980.

PART III
PROBATION AND PAROLE

A. Granting of Probation

As stated in Part I of this Staff Brief, in sentencing a convicted adult, a court may impose probation. Under s. 973.09 (1), Wis. Stats., as affected by Chs. 119 and 238, Laws of 1979 [Ch. 238, Laws of 1979, takes effect on July 1, 1980], probation may be used for any crime except first degree murder or where otherwise specifically prohibited.

Probation is granted by a court by either withholding a sentence or imposing a sentence and staying its execution. The person is then placed on probation under the supervision of DHSS 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 trial judge following revocation of probation. Revocation will be discussed in a later portion of this Staff Brief.

If a court orders probation, it is required to order the probationer to pay restitution "to compensate the victim's pecuniary loss resulting from the crime to the extent possible," unless the court finds that there is "substantial reason" not to order restitution as a condition of probation [s. 973.09 (1), as affected by Chs. 119 and 238, Laws of 1979]. This requirement applies if the crime occurs on or after July 1, 1980 (the effective date of Ch. 238, Laws of 1979). If restitution is not required, the court must state its reason on the record. In determining the amount and method of payment of restitution, the court is required to consider "the financial resources and future ability of the probationer to pay" [s. 973.09 (1m), Wis. Stats., as created by Ch. 238, Laws of 1979)].

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, a 1972 Wisconsin Supreme Court decision specifically adopted a standard of the American Bar Association regarding criteria for granting probation. In Bastian v. State, 54 Wis. 2d 240 (1972), the defendant was convicted of indecent behavior with a child. Following a 60-day observation, DHSS recommended that he receive probation, citing the fact that this was his first offense and that he was married and had a job. However, the judge imposed an indeterminate sentence of up to seven years, citing the seriousness of the offense and the need to protect society. In upholding the judge's determination, the Supreme Court held that there was no abuse of judicial discretion and that the judge had applied legitimate criteria in not granting probation. The Court went on to specifically adopt Standard 1.3 of the American Bar Association's Standards Relating to Probation (approved draft, 1970, p. 30). That standard states as follows:

1.3 CRITERIA FOR GRANTING PROBATION.

- (a) The probation decision should not turn upon generalizations about types of offenses or the existence of

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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:

(i) confinement is necessary to protect the public from further criminal activity by the offender; or

(ii) the offender is in need of correctional treatment which can most effectively be provided if he is confined; or

(iii) it would unduly depreciate the seriousness of the offense if a sentence of probation were imposed.

(b) 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)].

The term of probation in misdemeanor cases is not less than six months nor more than two years. The term of probation in felony cases is not less than one year nor more than the statutory maximum term of imprisonment for the crime or three years, whichever is greater [s. 973.09 (2), Wis. Stats.].

B. Granting of Parole

An offender in the Wisconsin prison system may be released prior to the expiration of the maximum sentence imposed by the court either by the Parole Board or by mandatory release. Both discretionary parole and mandatory release are discussed in this portion of the Staff Brief. In either case, the person is considered to be on parole and is under the supervision of a probation and parole agent.

1. Discretionary Parole (by the Parole Board)

Unlike the probation decision which is made by a court at the time of sentencing, the decision to grant parole is made by the Parole Board and only after the person has been incarcerated in the Wisconsin prison system.

The Parole Board is an administrative board which is attached to the Office of the Secretary in DHSS. It consists of eight members in the classified civil service system and one chairperson, appointed by the Secretary of DHSS, outside the classified civil service system. It is a body which makes recommendations to the Secretary of DHSS as to whether an offender should be paroled from the Wisconsin prison system.

The time at which an offender is eligible for parole is set forth in the Wisconsin statutes [s. 57.06 (1) (a), Wis. Stats.]. An offender serving at least one year is eligible for parole after having served one-half of the minimum term prescribed by statute for the offense or after having served 20 years of a life term less the credit for good conduct. Where there is no minimum sentence required by statute, the Wisconsin Supreme Court has held that the minimum sentence is one year and the offender is therefore eligible for parole after six months [Edelman v. State, 62 Wis. 2d 613 (1974)].

First degree murder, taking hostages and treason carry mandatory life sentences [ss. 940.01, 940.305 and 946.01, Wis. Stats., respectively]. A person convicted of any of these crimes is eligible for parole after 20 years less good time credit (discussed later in this Staff Brief); i.e., after 11 years and three months if all possible good time credit is earned. No other felony specifies a minimum sentence. Therefore, for all other crimes for which a sentence of at least one year is imposed by the court, parole eligibility occurs after six months.

Approximately two months prior to the offender's date of eligibility for parole, a three-member panel of the Parole Board will interview the offender. The interview takes place at the prison and is an informal proceeding. The Parole Board Manual of Policies and Procedures (hereinafter referred to as "the Manual") states that no attorney or other person will be permitted to appear in person at a parole interview in support of or in opposition to any application for parole. However, interested citizens and attorneys may present their views regarding the parole application either by letter or in person at the Parole Board offices. Each parole interview is tape recorded. Following the interview, the panel makes a recommendation regarding the offender.

The panel recommendation is reviewed by the entire Parole Board if any person on the three-member panel requests such a review. This option might be used if the panel reaches a two to one decision either to grant or not grant parole. Regardless of whether the recommendation is made by the entire Parole Board or by a three-member panel, the recommendation will be to grant parole, to defer a decision or to take no action. By deferring action, the Parole Board is, in effect, recommending that the offender receive a new parole eligibility date. According to the Manual, deferral of parole consideration must be for a specific number of months, not to exceed 12 months.

The Manual sets forth the criteria to be used by the Parole Board or a panel in determining whether to recommend parole for an offender. A copy of these criteria is contained in Appendix C to this Staff Brief. The Manual also lists the reasons for denial of parole. It sets forth the portion of the "Notice of Parole Board Interview" which states to the offender that if he or she is not recommended for parole, denial will be made based on one or more of the following general categories:

A. Parole at this time would depreciate the seriousness of your criminal behavior.

B. There is a reasonable probability that you will not comply with the requirements of parole.

C. Continued confinement is considered necessary to protect the public from further criminal behavior.

D. Your particular needs require treatment that cannot adequately or safely be provided outside the setting of a correctional institution.

The decision of the Parole Board is a recommendation to the Secretary of DHSS. The Secretary of DHSS is responsible for making the final parole decision; but, in practice, this authority has been delegated to the chairperson of the Parole Board.

2. Mandatory Release

Even if an offender is not released by the Parole Board, he or she may nevertheless be released prior to the expiration of the maximum sentence imposed, if good time credit is accumulated under s. 53.11, Wis. Stats. That section provides that "(e)ach inmate who shall conduct himself in a proper manner and perform all the duties required of him" shall receive the following good time credit (also referred to as "state good time credit"):

<u>Year of Sentence</u>	<u>Good Time Credit</u>
First year	One month
Second year	Two months
Third year	Three months
Fourth year	Four months
Fifth year	Five months
Every year thereafter	Six months

Thus, a person sentenced by a court for up to five years imprisonment who earns all possible state good time credit must be released after three years and nine months. This is known as the offender's mandatory release date (M.R. date); i.e., the maximum sentence imposed by the court less all possible state good time credit.

All incarcerated offenders, except those serving life sentences, are also eligible to earn what is commonly referred to as industrial good time credit [s. 53.12, Wis. Stats.]. In addition to the credit earned for good conduct:

...every inmate whose diligence in labor or study surpasses the general average is entitled to a diminution of time at the rate of one day for each 6 days during which he shows such diligence.

An offender released mandatorily prior to the expiration of the maximum sentence imposed by the court is considered to be on parole and under the supervision of a probation and parole agent for the remainder of his or her sentence. Thus, in the example cited above, if an offender is sentenced to five years imprisonment and is released at his or her mandatory release date of three years and nine months, the person is under the supervision of a probation and parole agent for one year and three months.

C. Classification of Probationers and Parolees

After receiving a sentence of probation or after being released on parole, a probationer or parolee is placed under the supervision of an agent of the Bureau of Community Corrections, within the Division of Corrections, DHSS. There are approximately 400 probation and parole agents statewide. An agent supervises both probationers and parolees.

One of the first tasks performed by the agent is the classification of the offender as either maximum, medium or minimum supervision, depending on the level of supervision and assistance required by that offender. Until the classification process is completed, the offender is classified maximum.

The assessment by the agent is done for two purposes. First, it determines the level of supervision and assistance which the offender will be provided by the agent. Second, it determines the work load of the agent. The work load of an agent is determined on a point system with a maximum supervision case considered five points, a medium supervision case two points and a minimum supervision case one point. The supervision classification determines the number of contacts between the agent and the probationer or parolee. There will be face-to-face contact at least once every 14 days for a maximum supervision case, once every 30 days for a medium supervision case and once every 90 days for a minimum supervision case [Project Report No. 14 -- A Two-Year Follow Up Report, Case Classification/Staff Deployment Project, DHSS].

The classification of a probationer or parolee is done by the use of a risk scale and a need scale. The purpose of the risk scale is to assess the propensity for further criminal behavior. The purpose of the need scale is to assess categories of need most commonly evidenced in probationers and parolees. Copies of the two scales are included as Appendix D to this Staff Brief.

The categories used in the risk scale are as follows:

1. Number of address changes in last 12 months.
2. Percentage of time employed in last 12 months.
3. Alcohol usage problems.
4. Other drug usage problems.

5. Attitude.
6. Age at first conviction.
7. Number of prior periods of probation/parole supervision.
8. Number of prior probation/parole revocations.
9. Number of prior felony convictions.
10. Convictions or juvenile adjudications for burglary, theft, auto theft, robbery, worthless checks or forgery.
11. Conviction or juvenile adjudication for assaultive offense within last five years.

For parolees, the first four categories are applied to the period prior to incarceration.

Each of the above categories is assigned a certain weight. For example, if a person has been convicted or adjudicated a juvenile delinquent on the basis of an assaultive offense within the last five years, he or she will receive 15 points and will therefore automatically be assigned to maximum supervision. The other categories in the risk scale all have a lesser weight, with maximum possible points being two, three, four or five within each category, depending upon which category is involved.

The categories used in the need scale are as follows:

1. Academic/vocational skills.
2. Employment.
3. Financial management.
4. Marital/family relationships.
5. Companions.
6. Emotional stability.
7. Alcohol usage.
8. Other drug usage.
9. Mental ability.
10. Health.
11. Sexual behavior.
12. Agent's impression of client's needs.

Each of those categories is weighted, with the most weight given to emotional stability.

The agent will complete the risk scale and the need scale and determine the number of points on each scale. The agent will then determine whether the point value falls within the maximum, medium or minimum supervision range on each scale. If an offender is assessed at a different 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.

Each probationer or parolee is reassessed by the agent at six-month intervals. The reassessment need scale is the same as the intake need scale, but the risk scale will be a different scale. The risk scale used at intake will be 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 [Project Report No. 14 -- A Two-Year Follow-Up Report, Case Classification/Staff Deployment Project, DHSS].

D. Supervision of Probationers and Parolees

In addition to operating and contracting for the community correctional centers, the Bureau of Community Corrections also supervises probationers and parolees. As stated above, part of the job of a probation and parole agent consists of direct face-to-face contact with the probationer or parolee at given intervals, depending on the supervision level of the probationer or parolee. The agent may also receive written reports from the probationer or parolee. Additionally, the agent may have contact with a variety of people or agencies which have some relationship to the person. These may include employers, prospective employers, schools, relatives, friends, clergy, counselors or other persons or agencies.

One of the conditions of probation or parole may be that the person reside in a halfway house (halfway houses are statutorily referred to as "community-based residential facilities" or "CBRF's" under s. 50.01 (1), Wis. Stats.).

Although both halfway houses (CBRF's) and community correctional residential centers are under the auspices of the Bureau of Community Corrections, there are several differences between the two types of facilities. First, halfway houses typically have a smaller population than do community correctional residential centers. Second, whereas community correctional residential centers are considered prisons and serve persons prior to parole, halfway houses serve persons who have either been paroled or placed on probation. Third, whereas community correctional residential centers are rated minimum security, halfway houses are nonsecure facilities.

According to the Bureau of Community Corrections approximately \$1,144,000 will be spent by the Bureau under contracts with the following 11 halfway houses in fiscal year 1979-80:

- 1. Ananda Marga Resource Center, Inc., Madison
- 2. Attic/Vets House, Inc., Madison
- 3. Bjork Halfway House, Eau Claire
- 4. Bridge Halfway House (Wisconsin Correctional Service), Milwaukee
- 5. Cephas House (Lutheran Social Services), Waukesha
- 6. Fresh Start, Inc., Sheboygan
- 7. Horizon House, Milwaukee
- 8. Portage House, Stevens Point
- 9. Rock Valley Community Corrections, Beloit
- 10. Ryan Community, Inc., Appleton
- 11. Wazee House (Lutheran Social Services), La Crosse

Nine of the above 11 halfway houses serve men. The two which serve women are Ananda Marga Resource Center, Inc., in Madison and Horizon House in Milwaukee.

In addition to purchasing services from halfway houses and two of the state's community correctional residential centers, the Bureau of Community Corrections purchases services for probationers and parolees from a variety of providers for various purposes. The largest purchase of service contract in fiscal year 1979-80 was for \$109,299 with the Opportunities Industrialization Center of Greater Milwaukee to provide vocational training and counseling.

E. Revocation of Probation and Parole

If an agent feels that revocation of probation or parole is warranted, the Bureau of Community Corrections will serve a notice of revocation on the probationer or parolee. The revocation process for probationers is nearly identical to that for parolees. The notice sets in motion a two-stage administrative process.

The first stage of the revocation process is a hearing to determine whether there is probable cause to believe that the offender has violated the rules or conditions of probation or parole. This stage is presided over by a Bureau of Community Corrections supervisor who was not involved in the decision to seek revocation. In addition to determining whether or not there is probable cause to believe that there has been a violation, the supervisor decides whether the probationer or parolee should be released or incarcerated pending the final revocation hearing.

The second stage of the revocation process is the final revocation hearing. This hearing is presided over by a hearing examiner from the Office of Administrative Hearings and Rules, DHSS. That Office is administratively attached to the Office of the Secretary in DHSS and is

not a part of the Division of Corrections. The order issued by the hearing examiner stands, unless it is appealed to the Secretary of DHSS within 15 days after the decision is mailed to the offender. If it is appealed, the Secretary reviews the order of the hearing examiner. Judicial review of a decision to revoke probation or parole is possible through a writ of certiorari.

If a decision is made to revoke parole, the offender will be returned to the prison system. The process used following a revocation of probation depends on the method used by the court in imposing probation. If the court had initially imposed sentence and stayed its execution, the probationer is immediately incarcerated following revocation to begin serving the sentence which was stayed. If the court had initially withheld sentence, the probationer is returned to court for sentencing.

F. Population Trends on Probation and Parole

Table 5 shows the average daily population of adult probationers and parolees for five fiscal years, June 30, 1974-75 through June 30, 1978-79. Also shown are population projections.

TABLE 5
AVERAGE DAILY POPULATION ON
ADULT PROBATION AND PAROLE

Period Ended June 30*	Probation	Parole	Total
1975	12,397	1,948	14,345
1976	14,974	2,285	17,259
1977	13,549	2,157	15,706
1978	13,507	2,364	15,371
1979	13,656	2,405	16,061
1980 (projected)	16,048	2,511	18,559
1981 (projected)	16,682	2,637	19,319
1982 (projected)	17,316	2,763	20,079
1983 (projected)	17,950	2,888	20,338

*The period used in computing the average daily population from 1975 through 1979 is one year, while the period used for computing projected average daily population from 1980 through 1983 is a calendar quarter.

SOURCE: Fiscal Year Summary Report of Population Movement (for years 1975 to 1979) and Population Projections: Quarter Ending March 1980 (1980), both by the Division of Corrections, DHSS.

As can be seen from a comparison of Tables 4 and 5, the number of persons on probation and parole has been approximately five to six times the number of persons in prison.

APPENDIX A

WISCONSIN ADMINISTRATIVE CODE S. HSS 302.14
(CRITERIA FOR SECURITY CLASSIFICATION)

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WISCONSIN ADMINISTRATIVE CODE

HSS 302.14 Criteria for security classification. The criteria for assigning a security classification shall include only the following:

(1) The nature of the offense of which the resident was convicted. 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;
 - (e) Mitigating factors.
- (2) The criminal record of the resident;
- (3) The length of sentence being served;
- (4) The motivation for the crime of which the resident was convicted;
- (5) The resident's attitude toward the offense and sentence;
- (6) The resident's vulnerability to physical assault by other residents;
- (7) The resident's prior record of adjustment in a correctional setting, including any record of escape;
- (8) The length of time the resident has been in a particular security classification and institution;
- (9) The medical needs of the resident, including the need for physical or psychological treatment;
- (10) Time already served for the offense;
- (11) The reaction to the resident in the community where the offense was committed, and where the institution is located;
- (12) The resident's conduct and adjustment in the general population;
- (13) The resident's performance in programs; and
- (14) Detainers filed with respect to the resident. A detainer shall not by itself bar a resident from receiving a medium or minimum security classification. If a detainer is to be considered in giving a resident a security classification:
- (a) The registrar shall inform the resident and the resident's social worker of the detainer;
 - (b) The registrar shall inform the authority which has filed the detainer of the offense for which the resident is confined and the resident's sentence;
 - (c) The resident'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, and the evidence of those facts;
 - (d) The resident's social worker shall make available, with the resident's permission, to the authority which filed the detainer any information useful in determining whether the detainer should be maintained;
 - (e) The resident's social worker shall inform the resident of all information acquired and given pursuant to paragraphs (b), (c), and (d);
 - (f) The resident 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;
 - (g) The extent to which the detainer is relied on and the reasons for relying on it shall be given to the resident in writing.

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APPENDIX B

TYPES OF OFFENSES COMMITTED BY PERSONS
IN PRISON

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Table 3
Residents in Adult Institutions, by Institution and Sex

OFFENSE
June 30, 1979

OFFENSE	Total	Total Males	Total Females	WCI	GCI	WTI (Dodge)	FCI	KCI	OCI	Adult Camp System (Males)	TCI (Females)
TOTAL RESIDENTS	3,283	3,150	133	1,060	620	83	565	343	204	275	133
Murder (1st degree)	203	195	8	129	18	5	23	7	5	8	8
Murder (2nd & 3rd degree)	136	127	9	52	23	2	18	11	6	15	9
Attempted murder	34	31	3	12	3	2	6	4	3	1	3
Manslaughter	22	16	6	5	4	-	2	2	2	1	6
Negligent homicide	18	18	-	9	1	-	5	2	-	1	-
Robbery (armed)	567	553	14	143	145	23	107	59	25	51	14
Robbery (unarmed)	272	269	3	127	38	4	38	31	22	9	3
Assault, battery	103	98	5	41	13	4	14	10	8	8	5
Injury by conduct regardless of life	46	43	3	14	6	-	5	11	3	4	3
Burglary	789	783	6	182	197	19	155	106	53	71	6
Theft, except auto	176	169	7	45	31	4	42	15	13	19	7
Auto theft	136	135	1	30	43	5	25	13	4	15	1
Fraud or embezzlement	21	11	10	3	1	-	-	2	2	3	10
Forgery or worthless checks	192	167	25	66	16	2	39	16	12	16	25
Sexual assault (1st degree)	48	48	-	14	13	3	3	6	3	6	-
Sexual assault (2nd degree)	30	30	-	12	5	-	8	4	1	-	-
Sexual assault (3rd degree)	7	7	-	3	2	-	2	-	-	-	-
Sexual assault (4th degree)	2	2	-	-	1	-	-	1	-	-	-
Rape (including attempt)	80	80	-	35	10	4	15	7	3	6	-
Indecent behavior with a child	16	16	-	10	1	-	1	1	2	1	-
Other sex offenses	21	21	-	10	2	-	5	2	1	1	-
Drug violations	163	150	13	43	19	3	24	19	20	22	13
Arson	28	26	2	11	4	1	7	1	1	1	2
All other	167	152	15	61	24	2	21	13	15	16	15
Not reported	6	3	3	3	-	-	-	-	-	-	3

Table 3 (Concluded)

OFFENSE	Total	Total Males	Total Females	WCI	GCI	WTI (Dodge)	FCI	KCI	OCI	Adult Camp System (Males)	TCI (Females)
<u>TOTAL PERCENT OF RESIDENTS</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
Murder (1st degree)	6.2	6.2	6.0	12.2	2.9	6.0	4.1	2.0	2.4	2.9	6.0
Murder (2nd & 3rd degree)	4.1	4.0	6.8	5.0	3.7	2.4	3.2	3.2	2.9	5.4	6.8
Attempted murder	1.0	1.0	2.3	1.1	0.5	2.4	1.1	1.2	1.5	0.4	2.3
Manslaughter	0.7	0.5	4.5	0.5	0.6	-	0.4	0.6	1.0	0.4	4.5
Negligent homicide	0.5	0.6	-	0.8	0.2	-	0.9	0.6	-	0.4	-
Robbery (armed)	17.3	17.6	10.5	13.5	23.4	27.7	18.9	17.2	12.2	18.5	10.5
Robbery (unarmed)	8.3	8.5	2.3	12.0	6.1	4.8	6.7	9.0	10.8	3.2	2.3
Assault, battery	3.1	3.1	3.7	3.9	2.1	4.8	2.5	2.9	3.9	2.9	3.7
Injury by conduct regardless of life	1.4	1.4	2.3	1.3	1.0	-	0.9	3.2	1.5	1.5	2.3
Burglary	24.0	24.8	4.5	17.2	31.7	22.9	27.4	30.9	26.0	25.8	4.5
Theft, except auto	5.4	5.4	5.2	4.2	5.0	4.8	7.4	4.4	6.4	6.9	5.3
Auto theft	4.1	4.3	0.8	2.8	6.9	6.0	4.4	3.8	1.9	5.4	0.8
Fraud or embezzlement	0.6	0.3	7.5	0.3	0.2	-	-	0.6	1.0	1.1	7.5
Forgery or worthless checks	5.8	5.3	18.8	6.2	2.6	2.4	6.9	4.7	5.9	5.8	18.8
Sexual assault (1st degree)	1.5	1.5	-	1.3	2.1	3.6	0.5	1.7	1.5	2.2	-
Sexual assault (2nd degree)	0.9	1.0	-	1.1	0.8	-	1.4	1.2	0.4	-	-
Sexual assault (3rd degree)	0.2	0.2	-	0.3	0.3	-	0.4	-	-	-	-
Sexual assault (4th degree)	0.1	0.1	-	-	0.2	-	-	0.3	-	-	-
Rape (including attempt)	2.4	2.5	-	3.3	1.6	4.8	2.7	2.0	1.5	2.2	-
Indecent behavior with a child	0.5	0.5	-	0.9	0.2	-	0.2	0.3	1.0	0.4	-
Other sex offenses	0.6	0.7	-	0.9	0.3	-	0.9	0.6	0.5	0.4	-
Drug violations	5.0	4.8	9.7	4.1	3.1	3.6	4.2	5.5	9.8	8.0	9.7
Arson	0.9	0.8	1.5	1.0	0.6	1.2	1.2	0.3	0.5	0.4	1.5
All other	5.1	4.8	11.3	5.8	3.9	2.4	3.7	3.8	7.3	5.8	11.3
Not reported	0.2	0.1	2.3	0.3	-	-	-	-	-	-	2.3

Table 11
Residents in Community Correctional Residential Centers

OFFENSE
June 30, 1979

OFFENSE	Total	Total Males	Total Females	CCC	Abode	Baker House	St. John's	WCC
<u>TOTAL RESIDENTS</u>	<u>129</u>	<u>104</u>	<u>25</u>	<u>26</u>	<u>28</u>	<u>24</u>	<u>26</u>	<u>25</u>
Murder (1st degree)	1	1	-	-	-	1	-	-
Murder (2nd & 3rd degree)	6	3	3	1	1	1	-	3
Attempted murder	1	1	-	-	-	-	1	-
Manslaughter	3	2	1	-	-	1	1	1
Negligent Homicide	1	1	-	-	-	-	1	-
Robbery (armed)	19	19	-	4	5	6	4	-
Robbery (unarmed)	13	10	3	-	4	1	5	3
Assault	5	3	2	2	1	-	-	2
Injury by conduct regardless of life	2	2	-	1	-	-	1	-
Burglary	23	21	2	5	3	7	6	2
Theft, except auto	8	6	2	-	5	1	-	2
Auto theft	3	3	-	1	-	2	-	-
Fraud or embezzlement	2	1	1	1	-	-	-	1
Forgery or worthless checks	12	6	6	3	1	1	1	6
Sexual assault (1st degree)	5	5	-	3	2	-	-	-
Sexual assault (2nd degree)	2	2	-	-	1	-	1	-
Sexual assault (3rd degree)	-	-	-	-	-	-	-	-
Sexual assault (4th degree)	-	-	-	-	-	-	-	-
Rape (including attempt)	5	5	-	1	1	1	2	-
Other sexual offenses	1	1	-	1	-	-	-	-
Drug violations	8	7	1	3	1	1	2	1
Arson	1	-	1	-	-	-	-	1
Kidnapping, abduction	2	2	-	-	1	-	1	-
All other	6	3	3	-	2	1	-	3
Not reported	-	-	-	-	-	-	-	-

Table 11 (Concluded)

OFFENSE	Total	Total Males	Total Females	CCC	Abode	Baker House	St. John's	WCC
<u>TOTAL PERCENT OF RESIDENTS</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
Murder (1st degree)	0.8	1.0	-	-	-	4.2	-	-
Murder (2nd & 3rd degree)	4.7	2.9	12.0	3.8	3.6	4.2	-	12.0
Attempted murder	0.8	1.0	-	-	-	-	3.8	-
Manslaughter	2.3	1.9	4.0	-	-	4.2	3.8	4.0
Negligent homicide	0.8	1.0	-	-	-	-	3.8	-
Robbery (armed)	14.7	18.2	-	15.4	17.8	25.0	15.4	-
Robbery (unarmed)	10.1	9.6	12.0	-	14.3	4.2	19.3	12.0
Assault	3.9	2.9	8.0	7.7	3.6	-	-	8.0
Injury by conduct regardless of life	1.5	1.9	-	3.8	-	-	3.8	-
Burglary	17.8	20.1	8.0	19.3	10.7	29.1	23.1	8.0
Theft, except auto	6.2	5.8	8.0	-	17.8	4.2	-	8.0
Auto theft	2.3	2.9	-	3.8	-	8.3	-	-
Fraud or embezzlement	1.5	1.0	4.0	3.8	-	-	-	4.0
Forgery or worthless checks	9.3	5.8	24.0	11.6	3.6	4.2	3.8	24.0
Sexual assault (1st degree)	3.9	4.8	-	11.6	7.1	-	-	-
Sexual assault (2nd degree)	1.5	1.9	-	-	3.6	-	3.8	-
Sexual assault (3rd degree)	-	-	-	-	-	-	-	-
Sexual assault (4th degree)	-	-	-	-	-	-	-	-
Rape (including attempt)	3.9	4.8	-	3.8	3.6	4.2	7.7	-
Other sexual offenses	0.8	1.0	-	3.8	-	-	-	-
Drug violations	6.2	6.7	4.0	11.6	3.6	4.2	7.7	4.0
Arson	0.8	-	4.0	-	-	-	-	4.0
Kidnapping, abduction	1.5	1.9	-	-	3.6	-	3.8	-
All other	4.7	2.9	12.0	-	7.1	4.2	-	12.0
Not reported	-	-	-	-	-	-	-	-

APPENDIX C

PAROLE CRITERIA (PAROLE BOARD
MANUAL OF POLICIES AND PROCEDURES, SECTION 4.1)

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SECTION 4: PAROLE CRITERIA

4.1. The Nature of Parole Board Interview
(PB-4) served upon a parole applicant states in Section 3 as follows:

" The Parole Board generally considers some or all of the following factors and such others as it may deem necessary in your particular case:

A. Sentence data

- (1) Type of sentence
- (2) Length of sentence
- (3) Recommendation of judge and district attorney

B. Present offense

- (1) Nature and severity of the offense
- (2) Mitigating factors
- (3) Aggravating factors
- (4) Activities following arrest and prior to confinement, including adjustment on bail or probation, if any

C. Prior criminal record

- (1) Nature and pattern of offenses
- (2) Adjustment to previous probation, parole and/or confinement
- (3) Detainers, if any

D. Changes in motivation and behavior

- (1) Changes in attitude toward self and others
- (2) Probable reasons underlying changes
- (3) Personal goals

E. Personal and social history

- (1) Family and marital factors
- (2) Intelligence and educational background
- (3) Employment and military experience
- (4) Physical and emotional health

F. Institutional experience

- (1) Program goals and accomplishments (academic or vocational education, training or work assignments, therapy)
- (2) General adjustment (relationships with staff and inmates, behavior)

G. Community resources, including release plans

- (1) Residence (live alone, with family or others)
- (2) Employment, training or academic education
- (3) Special needs and resources to meet them "

APPENDIX D

RISK SCALE AND NEED SCALE FOR CLASSIFYING PROBATIONERS AND PAROLEES

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Client Name	Last	First	MI	Client Number
Probation Control Date or Institution Release Date (Month, Day, Year)			Agent Last Name	Number

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

		SCORE
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 Usage 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: (Select applicable and add for score. Do not exceed a total of 5. Include current offense.)	2 Burglary, theft, auto theft, or robbery 3 Worthless checks or forgery	_____
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	_____

TOTAL _____

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Client Name	Last	First	MI	Client Number
Probation Control Date or Institution Release Date (Month, Day, Year)	Agent Last-Name		Number	

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

ACADEMIC/VOCATIONAL SKILLS				REFERRAL	SCORE
-1 High school or above skill level	0 Adequate skills; able to handle everyday requirements	+2 Low skill level causing minor adjustment problems	+4 Minimal skill level causing serious adjustment problems	<input type="checkbox"/>	42
EMPLOYMENT					
-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"/>	—
FINANCIAL MANAGEMENT					
-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"/>	—
MARITAL/FAMILY RELATIONSHIPS					
-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"/>	—
COMPANIONS					
-1 Good support and influence	0 No adverse relationships	+2 Associations with occasional negative results	+4 Associations almost completely negative	<input type="checkbox"/>	—
EMOTIONAL STABILITY					
-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"/>	—
ALCOHOL USAGE					
0 No interference with functioning	+3 Occasional abuse; some disruption of functioning	+6 Frequent abuse; serious disruption; needs treatment		<input type="checkbox"/>	—
OTHER DRUG USAGE					
0 No interference with functioning	+3 Occasional substance abuse; some disruption of functioning	+5 Frequent substance abuse; serious disruption; needs treatment		<input type="checkbox"/>	—
MENTAL ABILITY					
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"/>	—
HEALTH					
0 Sound physical health; seldom ill	+1 Handicap of illness interferes with functioning on a recurring basis	+2 Serious handicap or chronic illness; needs frequent medical care		<input type="checkbox"/>	—
SEXUAL BEHAVIOR					
0 No apparent dysfunction	+3 Real or perceived situational or minor problems	+5 Real or perceived chronic or severe problems		<input type="checkbox"/>	—
AGENT'S IMPRESSION OF CLIENT'S NEEDS					
-1 Minimum	0 Low	+3 Medium	+5 Maximum		—
TOTAL					—

END