



Budget Briefs

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EARNED RELEASE PROGRAM

The biennial state budget act, 2003 Wisconsin Act 33, passed by the legislature and signed by Governor Jim Doyle on July 24, 2003, created an Earned Release Program (ERP) for eligible inmates who successfully complete an alcohol and drug abuse treatment program. The treatment program began operation in March 2004.

In general, the sentencing court determines at sentencing whether an inmate will be eligible for the ERP. Those who complete the program may be released to extended supervision. This additional sentencing option is designed to rehabilitate inmates and to reduce the incidence of future criminal behavior while emphasizing public safety and personal accountability.

DRUG ABUSE CORRECTIONAL CENTER

The Department of Corrections (DOC) operates the Drug Abuse Correctional Center (DACC) as a minimum security facility on the grounds of the Winnebago Mental Health Institute, near Oshkosh. When in full operation, the facility will accommodate approximately 400 offenders in the ERP annually.

ELIGIBLE PRISONERS

Admission Standards. The ERP is open to nonviolent male and female inmates of any age who have an identified substance abuse treatment need. Evidence of need may include a history of prior alcohol or other drug abuse treatment (AODA) in the community or significant demonstrated substance abuse. The person's criminal behavior must be substantially related to his or her substance abuse.

Before being admitted to the ERP, an inmate must demonstrate good behavior within the prison. Only inmates classified as minimum security risks and who have served a minimum of 25% or six months of their confinement time, whichever is greater, are eligible. Inmates serving a confinement term of five years or less will receive priority. Those terminated or refused by the Challenge Incarceration Program, or who dropped out, are not eligible. ERP is open only to volunteers, and participants must sign an agreement to fully take part in all aspects of the program. The department will consider inmates who have physical, psychological, dental, or literacy limitations, or those who take prescribed psychotropic medications on a case-by-case basis.

Disqualifying Crimes. An inmate is not eligible for the ERP if convicted, at any time, of any of the following crimes:

- Crimes listed in Chapter 940, Wisconsin Statutes, including homicide; causing injury by intoxicated use of a vehicle or negligent handling of a dangerous weapon, explosives or fire; battery; sexual assault; and other crimes of violence against life and bodily security.
- Certain crimes against children listed in Chapter 948, including sexual assault of a child, physical abuse or sexual exploitation of a child, incest with a child, child enticement, soliciting a child for prostitution, and sexual assault of a student by a school instructional staff person.

Program Completion Requirements. The Secretary of Corrections appointed an Earned Release Working Group that has established procedures for operation of the ERP,

including criteria to determine what constitutes successful completion of the treatment program. The program will consist of high intensity, evidence-based residential alcohol and drug treatment, for at least six months. Residents will spend 35 hours a week in structured activity (seven hours per day, Monday through Friday), including a minimum of 30 hours in intensive AODA treatment. The department will return participants who do not meet treatment program standards to the prison population to serve the remainder of their sentences.

PROCEDURES

The “Truth-in-Sentencing” law eliminated parole for persons convicted of crimes committed on or after December 31, 1999. Under that law, they are subject to a bifurcated (two-part) sentencing structure under which a specified period of confinement is followed by a specified period of extended supervision. Procedures for entry into the Earned Release Program depend upon the date on which the person committed the crime for which he or she was convicted.

Crimes Committed Before December 31, 1999. Those convicted of crimes committed before this date are generally eligible for release from prison on parole. If the DOC admits an inmate to the ERP and he or she successfully completes the treatment program, then the Wisconsin Parole Commission must parole the inmate regardless of the time the inmate has served.

Crimes Committed On or After December 31, 1999, but Before July 26, 2003. Inmates convicted of crimes committed during this period may, with the DOC’s approval, petition the sentencing court to determine whether the prisoner is eligible to participate in the ERP. The inmate must also serve a copy of the petition to the district attorney’s (DA) office that prosecuted the individual, and the DA may file a written response for the court’s consider-

ation. The court must grant or deny the inmate’s petition within 90 days of receiving it.

Crimes Committed On or After July 26, 2003. The person who prepares the presentence investigation report on an individual convicted of a crime committed on or after July 26, 2003, will include a recommendation as to whether the individual should be eligible to participate in the ERP. The court then decides whether the person is eligible to participate.

If the DOC admits an eligible candidate into the program and the inmate successfully completes the treatment program, the DOC informs the sentencing court and the court modifies the inmate’s bifurcated sentence by:

- Reducing the confinement in prison portion of the inmate’s sentence in a manner that provides for the release of the inmate to extended supervision within 30 days of the date on which the court receives notification that the inmate graduated from DACC.
- Lengthening the term of extended supervision so that the total length of the sentence originally imposed does not change.

This sentence adjustment procedure applies to any participants who were convicted under the “Truth-in-Sentencing” laws since December 31, 1999. However, according to DOC rules, only inmates convicted for crimes committed after July 26, 2003, the effective date of Act 33, will receive initial priority for placement in the ERP.

FOR MORE INFORMATION

For information about administration of the Earned Release Program, contact Sheryl Graeber, Superintendent, Drug Abuse Correctional Center, 1305 North Drive, P.O. Box 36, Winnebago, WI 54985-0036; telephone (920) 236-2701.

Copies of the relevant Sections of the Wisconsin Statutes [302.05, 972.15 (2b), 973.01 (3g), and 973.01 (8) (ag)] are available from the Legislature’s Website at www.legis.state.wi.us or by calling the Legislative Reference Bureau at (608) 266-0341.