

Effective Date:  
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CHAPTER 5

INVESTIGATIONS

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**.01 AUTHORITY**

Wisconsin Statutes 972.15, 973, 980  
Wisconsin Administrative Code 328, 301.48, 302

**.02 PURPOSE**

The purpose of any investigation is to furnish meaningful information and analysis for use in the correctional process.

The investigation is a careful study of how the individual's personal characteristics, environmental factors, and behavioral patterns have interacted to produce the present situation.

The agent must comply with confidentiality laws when securing and disclosing medical, psychiatric, psychological, and educational information. HIV/AIDS information may be communicated in a PSI. HIV/AIDS information may not be included in any other social investigation.

**.03 PRESENTENCE INVESTIGATION**

After a conviction for a felony, a Court may order the Department to prepare a Presentence Investigation. Investigation due dates are usually set by the court. A Court may order a Presentence Investigation when there has been no felony conviction, but the Court may not order the Department to conduct the investigation.

On rare occasions, a Court may order a Presentence Investigation prior to conviction. In this situation, agents should verify that the investigation is agreed to by the offender, the defense attorney, and the district attorney before proceeding.

Wisconsin Statute and Code provide that the Court will disclose the contents of the report to the defense attorney and to the district attorney prior to sentencing. The district attorney and defense attorney are entitled to have and keep a copy of the presentence investigation. If the defendant is not represented by counsel, the contents will be disclosed to the defendant by the Court. Although the defendant may view the report, he/she is not entitled to keep a copy of the report. All of these persons must keep the report and its contents confidential.

Although confidentiality of the Presentence report is governed by statute, the agent cannot guarantee confidentiality to any source of information. The agent should tell potential informants how their information will be used. The potential informant's concerns about confidentiality should be discussed before information is obtained, and the informant should be informed of agent's limitations in controlling the confidentiality of sources, as well as the information itself. The agent may ask the Court to protect the identity of certain sources of information. Procedural details for protecting identity should be negotiated with the Court. After the

investigation is delivered to the Court, it is the responsibility of the Court to control access to the report in accordance with the statute and its own wishes.

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**.03 PRESENTENCE INVESTIGATION (continued)**

Truth in Sentencing encompasses both TIS I and TIS II. TIS I applies to all felons sentenced for crimes that occurred on or after December 31, 1999, and before February 1, 2003. TIS II applies to all felons sentenced for crimes that occurred on or after February 1, 2003. The provisions of this law impact directly on the scope and nature of Presentence recommendations made to the Court by the Department. Truth in Sentencing:

1. Abolishes parole;
2. Eliminates Intensive Sanctions as a sentencing option;
3. For prison sentences, requires a Judge to impose a bifurcated sentence with an initial term of confinement in prison of not less than 1 year, followed by a term of extended supervision in the community;
4. Mandates that the extended supervision portion of the bifurcated sentence be at least 25% of the length of the confinement term imposed by the Judge for classified felonies. For unclassified felonies (TIS I) and enhanced misdemeanors (TIS II), the term of confinement may not exceed 75% of the total length of the bifurcated sentence;
5. Authorizes the Judge to impose conditions on the extended supervision term;
6. Does not change current practice for probation sentences.

The following provisions apply to all Presentence Investigations prepared on any offender, including those crimes committed both before and after December 31, 1999:

1. All Presentence Investigations must be reviewed prior to being sent to the Court. Review may be done by the supervisor or through a case staffing involving other division staff, including the supervisor. Both the investigating agent's and reviewing supervisor's signatures will appear on the last page of the investigation report;
2. Requires that the agent review the offender's criminal history record. If the agent identifies a sex offense conviction on the offender's criminal record, in Wisconsin or any other state, the agent will call the Sex Offender Registration Program within the state of conviction. If the offender is required to register in another state other than Wisconsin, the agent will provide information as to the whereabouts of the offender to the other state's registry. The agent should note, within the Presentence Investigation document, that the offender is required to register as a sex offender and the originating state;
3. Requires consideration and citing of any aggravating or mitigating circumstances that have affected the recommended sentence. (For TIS sentences, refer to the TIS training booklet for examples);

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**.03 PRESENTENCE INVESTIGATION (continued)**

4. Requires that the goals of sentencing (protection of the public, gravity of the offense, rehabilitative needs of the defendant, and any applicable mitigating or aggravating factors) be considered and addressed as part of the recommendation;
5. Unless excused by the Court, requires the appearance at the time of sentencing of the agent of record who prepared the Presentence Investigation. The cover agent or a liaison agent may appear for the agent of record if there has been a comprehensive review of the Presentence Investigation and the liaison is confident that he/she can properly represent the agent of record and the recommendations made. Supervisory staff should review with the Court the protocol to be followed by agents when making appearances and ensure that perception of neutrality is maintained. This would include the directive that agents not sit next to the District Attorney during the sentencing process;
6. Presentence Investigations shall be completed in the county of conviction, unless the offender is already on supervision in another county. In these cases, the Presentence Investigation shall be completed by the agent of record. The county of conviction shall supply the agent with relevant Court data, arrest reports, or other information requested. By mutual agreement, PSIs on offenders not already on supervision may be completed by the county where the offender resides rather than the county of conviction;
7. The agent in the county of conviction, who has responsibility for the Presentence, may request assistance from an agent in another county to gather information. Partial points will then be awarded to the assisting agent;
8. As part of the recommendation, the agent must provide the Court with:
  - A recommended range of years of imprisonment, extended supervision where applicable, or probation. For felony offenses committed prior to February 1, 2003, the original term of probation shall not be less than 1 year, nor more than 3 yrs or the maximum term of imprisonment for the offense, whichever is greater. For offenses committed on or after February 1, 2003, the original term of probation for a felony is not less than 1 yr, nor more than 3 yrs or the maximum term of confinement in prison, whichever is greater.
  - Conditions of supervision to always include supervision fees and submission of a DNA sample, if not previously obtained, payment of Court obligations, reasonable restrictions, and treatment recommendations. The type of treatment should be specified (i.e. AODA) but not the site or the provider.
  - A comprehensive anticipated supervision plan with projected time frames by which court-ordered treatment conditions will be accomplished. This should be based on current knowledge of community treatment resources and the timelines to access

them.

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**.03 PRESENTENCE INVESTIGATION (continued)**

For TIS I and TIS II Presentence Investigations prepared on offenders, the following additional requirements must be met:

- As part of the recommendation, a statement that indicates whether the offender is or is not eligible for the Challenge Incarceration Program and the justification for the recommendation. Eligibility criteria includes:
  - The court determines that the offender is eligible;
  - Offender volunteers;
  - Offender will be under 40 years of age at the time of admission to the program;
  - No current convictions for crimes identified in 940 or 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, and 948.095;
  - Offender has an identified AODA treatment need;
  - Offender does not have any psychological or physical limitations.
- For all felons sentenced on or after July 26, 2003, as part of the recommendation, agents must state whether or not the offender is appropriate for the Earned Release Program and provide justification for the recommendation. Although the offender may be statutorily eligible, DOC eligibility criteria includes:
  - No current convictions for crimes identified in 940 or 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, and 948.095;
  - Offenders must be deemed eligible by the sentencing court;
  - Offenders must have an identified substance abuse treatment need and have a nexus of criminal behaviors and substance abuse;
  - Offender cannot have previously served prison time for crimes specified in Chapter 940 and specific sections of 948. This includes read-ins and comparable crimes in other states where the offender was incarcerated. (If a person placed on probation for a 940 or 948 conviction is subsequently revoked and sent to prison, they will remain eligible for the Earned Release Program);
  - Offender may not have a sentence pending for any offense involving a weapon, including read-ins.
- Specific conditions of extended supervision to include submission of a DNA sample, payment of supervision fees, and treatment recommendations. The type of treatment should be specified (i.e. AODA) but not the site or the provider.

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**.03 PRESENTENCE INVESTIGATION (continued)**

- The agent should avoid recommending consecutive prison sentences unless the aggravating circumstances and goals of sentencing dictate the need for long-term restraint and punishment.
- The agent should use the range conversion tables as a guide to sentencing recommendations. Range conversion tables listed below are for both classified and unclassified felonies.
- Requires completion of a Risk Assessment (DOC-2244). Agents should avoid making specific reference to the PSI Risk Assessment since it is only one of several instruments and processes used by the agent to develop the final recommendation.
- After determining the maximum imprisonment, including confinement time and extended supervision time, the agent shall, using the sentencing grid:
  - Determine the felony classification;
  - Complete the Risk Assessment Instrument contained in the DOC-2244;
  - Classify the offense as Mitigated, Neutral, or Aggravated. Consider both Statutory Aggravating Factor and Aggravating/Mitigating Factor identified in the Operations Manual;
  - Locate the appropriate yellow, blue, or red cell on the grid. This is the recommended range of confinement time;
  - Locate the corresponding green cell on the grid. This is the recommended range of Extended Supervision.

TRUTH IN SENTENCING RECOMMENDATION GRID  
FOR CLASSIFIED OFFENSES COMMITTED BETWEEN 12/31/99 AND 01/31/03

FELONY CLASS	MAXIMUM TERM OF CONFINEMENT	MAXIMUM EXTENDED SUPERVISION (if max. confin. time given)	MAXIMUM TERM OF IMPRISONMENT
	Life		Life
A	40 years	20 years	60 years
BC	20 years	10 years	30 years
C	10 years	5 years	15 years
D	5 years	5 years	10 years
E	2 years	3 years	5 years

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**.03 PRESENTENCE INVESTIGATION (continued)**

TRUTH IN SENTENCING GRID FOR OFFENSES  
COMMITTED ON OR AFTER 02/01/03

FELONY CLASS	MAXIMUM TERM OF CONFINEMENT	MAXIMUM EXTENDED SUPERVISION	MAXIMUM TERM OF IMPRISONMENT
	Life		Life
A			
B	40 years	20 years	60 years
C	25 years	15 years	40 years
D	15 years	10 years	25 years
E	10 years	5 years	15 years
F	7.5 years	5 years	12.5 years
G	5 years	5 years	10 years
H	3 years	3 years	6 years
I	1.5 years	2 years	3.5 years

TRUTH IN SENTENCING RECOMMENDATION GRID  
FOR UNCLASSIFIED OFFENSES

MAXIMUM IMPRISONMENT	MAXIMUM CONFINEMENT TIME	RECOMMENDED CONFINEMENT GRID RANGES	MAXIMUM EXTENDED SUPERVISION (if max confin. time given)	RECOMMENDED EXTENDED SUPERVISION GRID RANGES
45 YEARS	33 YRS 9 MOS	<ul style="list-style-type: none"> <li>1-11 YRS (1-33%)</li> <li>11-22 YRS (33-66%)</li> <li>22-33 YRS 9 MOS (66-100%)</li> </ul>	11 YRS. 3 MOS	<ul style="list-style-type: none"> <li>5-8 YRS</li> <li>5 YRS-11 YRS. 3 MOS.</li> <li>5 YRS. 6 MOS.-11 YRS.3 MOS</li> </ul>
30 YEARS	22 YRS 6 MOS	<ul style="list-style-type: none"> <li>1-7 YRS (1-33%)</li> <li>7-15 YRS (33-66%)</li> <li>15-22 YRS 6 MOS (66-100%)</li> </ul>	7 YRS 6 MOS.	<ul style="list-style-type: none"> <li>10-15 YRS</li> <li>5-11 YRS</li> <li>3 YRS 9 MOS - 7 YRS 6 MOS</li> </ul>
22 YRS 6 MOS	16 YRS 10.5 MOS	<ul style="list-style-type: none"> <li>1 YR - 5 YRS 6 MOS (1-33%)</li> <li>5 YRS 6 MOS - 11 YRS (33-66%)</li> <li>11 YRS - 16 YRS 10.5 MOS (66-100%)</li> </ul>	5 YRS 6 MOS	<ul style="list-style-type: none"> <li>7-11 YRS</li> <li>4-8 YRS</li> <li>2 YRS 9 MOS - 5 YRS 6 MOS</li> </ul>
15 YEARS	11 YRS 3 MOS	<ul style="list-style-type: none"> <li>1-4 YRS (1-33%)</li> <li>4-7 YRS (33-66%)</li> <li>7 YRS - 11 YRS 3 MOS (66-100%)</li> </ul>	3 YRS 9 MOS	<ul style="list-style-type: none"> <li>5-8 YRS</li> <li>3-5 YRS</li> <li>1 YR 9 MOS - 4 YRS</li> </ul>
7 YRS 6 MOS	5 YRS 7.5 MOS	<ul style="list-style-type: none"> <li>1 YR 3.6 MOS (OR)</li> <li>2 YRS - 5 YRS 7.5 MOS</li> </ul>	1 YR 10.5 MOS	<ul style="list-style-type: none"> <li>2 YRS - 5 YRS 7.5 MOS (OR)</li> <li>1-3 YRS</li> </ul>
6 YEARS	4 YRS 6 MOS	<ul style="list-style-type: none"> <li>1-3 YRS (OR)</li> <li>2 - 4 YRS 6 MOS</li> </ul>	1 YR 6 MOS	<ul style="list-style-type: none"> <li>2 YRS - 4 YRS 7.5 MOS (OR)</li> <li>1-3 YRS</li> </ul>
4 YRS 6 MOS	3 YRS 4.5 MOS	1-3 YRS 4.5 MOS	1 YR 1.5 MOS	3 MONTHS - 1 YR 1.5 MOS
36 MONTHS	27 MONTHS	12-27 MONTHS	9 MONTHS	3-9 MONTHS
27 MONTHS	20 MOS 8 DAYS	12-20 MONTHS	6 MOS 23 DAYS	3-7 MONTHS
24 MONTHS	18 MONTHS	12-18 MONTHS	6 MONTHS	3-6 MONTHS

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.04 PRESENTENCE INVESTIGATION OUTLINE

The Investigation Worksheet (DOC-180) is a guide for the preparation of a Pre-Sentence investigation. All topical areas contained in the outline should be discussed with the offender and/or collateral resources. If a particular topic heading is not relevant to the case, the topic heading must still be included. A brief statement of explanation should follow indicating that this particular heading is not applicable. The only exception to this is the Religion topic heading. Please see 05.01.05 for further direction. Agents are to integrate information into an objective and concise report.

While complex cases require a thorough presentation of the factors involved, less complex cases can be explained through a brief report that summarizes relevant information.

If significant inaccuracies are revealed after the investigation has been distributed, the preparer shall be responsible for ensuring that all copies are corrected.

The first page will be the standard Face Sheet (DOC-3). The following will begin on Page Two:

PRESENT OFFENSE

Description of Offense	Victim's Statement
Offender's Version	

PRIOR RECORD

Juvenile Record	Correctional Experience
Adult Record	Offender's Explanation
Pending Charges	of Record

FAMILY BACKGROUND

Identifying Information	Family Attitudes
Stability and Values	

PERSONAL HISTORY

Academic/Vocational Skills	Mental Ability
Employment	Chemical Usage
Financial Management	Marital Relationships
Sexual Behavior	Military
Companions	Religion
Emotional Health	Leisure Activities
Physical Health	Residential History

SUMMARY AND CONCLUSIONS FOR ALL OFFENSES

Agent's Impressions  
Restitution Information  
Recommendation for Sentencing  
Anticipated Supervision Plan  
Sources of Information

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.04 PRESENTENCE INVESTIGATION OUTLINE (Continued)

FOR OFFENSES COMMITTED ON OR AFTER 12/31/99

Include all of the above plus the following:

- Eligibility for Challenge Incarceration
- Recommendation & Conditions of Probation or Extended Supervision
- Eligibility for Earned Release Program

.05 PRESENTENCE INVESTIGATION FORMAT

PRESENT OFFENSE

Description of Offense: This is a journalistic, nonlegal description of what happened (who, what, where, when). It should include extent of damage, injury to the victim, use of threats, and the extent to which the offender profited from the crime. "Read-ins" should be included. The description should not be a restatement or paraphrasing of the police report or Court documents. Reduction in charges due to plea-bargaining should be included.

Offender's Version: This section contains a summary of the offender's account of the offense. Word for word repetition of written statements is not appropriate in the body of the report. The agent should include information such as explanatory statements concerning drugs, alcohol, companions, economic necessity, emotional factors, remorse, and attitudes toward victim and toward the offense.

Victim's Statement: Include full name, date of birth, and gender. This section contains a summary of the victim's account of the offense. Word for word repetition of written statements is not appropriate in the body of the report. Include the victim's description of the offender's behavior at the time of the offense, and any residual effects of the crime on the victim such as physical injury, psychological problems, or losses incurred. Include indicators of premeditation, use of threats, degree of sophistication of the crime, and victim's relationship to the defendant, if any. Personal interviews with victims are required in assaultive offenses when the victim is available, and in other cases when the crime has resulted in a change in the lifestyle of the victim and/or the family of the victim. All victims, including victims of read-in offenses, shall be given an opportunity to provide a victim statement.

When interviewing any victim, agents should exercise professional judgment. In some sensitive cases, agents may want to obtain parental consent prior to interviewing a juvenile victim. The particular circumstances of the case should dictate an agent's approach to the interview.

PRIOR RECORD

Juvenile Record: List juvenile criminal matters when counsel represented the defendant and there was an

adjudication of delinquency.

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**.05 PRESENTENCE INVESTIGATION FORMAT (continued)**

Adult Record: All criminal convictions (including read-ins) and dispositions must be listed (not to include the present offense). Only criminal traffic convictions are to be listed. Numerous misdemeanors may be summarized rather than listed individually. Municipal ordinance violations and/or non-criminal traffic records should be summarized.

Pending Charges: This section is to include pending criminal matters, i.e., warrants, current revocations, detainers, etc.

Correctional Experience: This section should include a summary of the offender's adjustment to prior incarcerations, community supervision, and diversion programs. Dates, places and significant events should be noted, i.e., absconding, discharges, prior revocations, periods of formal and informal juvenile supervision, juvenile placements, etc.

Offender's Explanation of Record: As with the offender's version of the present offense, the offender is given an opportunity to account for their criminal record; i.e., explain circumstances, correct what is believed to be erroneous, explain motivations and problems related to the criminal history.

**FAMILY BACKGROUND**

Identifying Information: This section should contain information about the offender's natural, adoptive and/or foster family, including the names, dates of birth, occupations, marital status, divorces, remarriages, and address. Significant dates of these events should be included if available. The names, date of birth, and whereabouts of the offender's siblings should also be listed.

Stability and Values: This section should contain relevant family history that contributed in a significant manner to the offender's personality and criminal behavior. Key elements are the family's achievements or under-achievements, areas of conflict or destructive patterns, i.e., alcohol abuse, drug abuse, violence, cohesiveness, alienation, criminal patterns, involvement with social agencies, methods of discipline, economic problems, history of employment, mental or physical health problems, and emotional stability.

Family Attitudes: This section should include how the defendant was viewed by family members before the offense and after, how they explain the defendant's involvement in crime, family opinions as to when the trouble began, contributing factors, whether or not the family accepts any responsibility for the course of the defendant's life, and the family's ideas on what is necessary for the defendant to avoid further criminal involvement. The agent will also report the defendant's feelings and

attitudes about his/her family.

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.05 PRESENTENCE INVESTIGATION FORMAT (continued)

PERSONAL HISTORY

Academic/Vocational Skills: The defendant's level of educational/training history is reported along with behavior patterns while at school. Key elements are attendance records, response to authority, achievement, ability, special education, test scores, "M" team results, participating in school activities, attitude toward school, reason for termination and plans for future education/training.

Employment: Summarize prior employment, amount of time employed, length at current job, job classification (skilled, unskilled, clerical, etc.). Key elements are reasons for leaving, how long employed and why, handicaps to employment (cultural, physical, etc.), relationships with fellow workers and supervisors, and attendance record.

Financial Management: Summarize the level of income, public assistance, debts, assets, expenses, ability to manage finances, and significant problems such as bankruptcy or garnishments.

Marital/Alternate Family Relationships: Summarize factual data listing the name, date of birth, address, date and place of marriage, for the present spouse/significant others. Previous marriages should be reported as well as divorce information. Significant cohabiting relationships should also be discussed. Discuss the stability of the marriage, the nature of the interpersonal relationships, the spouse's attitude toward the defendant, the marriage, the offense, and the effect of the offense on the marriage. Include: names and date of birth of the children, and a presentation of the facts indicative of how the defendant performs the role of a parent; i.e., time spent in activities with children or evidence of child abuse.

Companions: Summarize the influence of significant persons in the defendant's life, with focus on the nature of the peer group, gang affiliations, their common interests, values, and activities.

Emotional Health: Discuss behavior that enhances or limits the ability to function in society. Summarize current and past mental evaluations and treatment history including medications and whether or not the defendant or others believe treatment is needed. Discuss early developmental history if relevant.

Physical Health: Report all significant health problems and/or disabilities. Consider current medications, somatic complaints, nutritional practices, and personal hygiene. Information concerning HIV/AIDS may be communicated in a Presentence Investigation.

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**.05 PRESENTENCE INVESTIGATION FORMAT (continued)**

Mental Ability: Summarize the individual's ability to function independently in society. Discuss observations and information regarding ability to comprehend verbal/written communications, developmental disabilities, and involvement in sheltered workshops or use of SSI benefits.

Chemical Usage: Discuss the level of involvement with alcohol and other drugs. Usage should be reported to the extent that the defendant's personality and behavior have been affected. If there is abuse, consider extent of the problem, duration, involvement in treatment programs, and the defendant's statement regarding the problem.

Sexual Behavior: Summarize sexual attitudes and preferences. Discuss sexual aberrations, assaultive sexual behavior, sexual victimization or sexual development problems.

Military: Summarize military experience to include date(s) of entry, type and date of discharge, attitude toward service, highest rank achieved, combat experience, disciplinary action, duties and training, AWOLs, service related disabilities, hospitalizations, and eligibility for Veteran's Benefits.

Religion: If an offender's religious beliefs are not relevant to the case, the topical heading should not be used. Discuss church affiliation, religious experience, influence of religion, and conflicts in faith between family members. If there is no history of church affiliation, it might be helpful to know what guides the defendant follows for moral and spiritual values, if any. Agents must use caution when including information regarding religion in the presentence. If an offender's religious beliefs or practices are tied to the offense, specificity is allowed. In all other cases, references to religion must be content-neutral and not stigmatizing.

Leisure Activities: Consider how the defendant spends nonworking/nonsleeping hours, i.e., interest in hobbies, sports, creative work, organizations, TV watching, sitting in taverns.

Residential History: Describe the current living situation, noting physical conditions of the home and the neighborhood, frequency of moves, types of housing, reasons for moving, relationship with landlords, and with whom the offender has lived.

SUMMARY AND CONCLUSIONS

For all Offenses:

Agent's Impressions: This section includes the agent's professional analysis of the offender. It is designed to present a capsulized picture of the offender and

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**.05 PRESENTENCE INVESTIGATION FORMAT (continued)**

circumstances leading to the offense. The agent should report what factors have interacted and resulted in the offender being involved in criminal activity. The prior record should be related to the present offense in order to determine whether or not a pattern of behavior can be seen. The agent should assess the potential risk the offender poses to the community, the aggravating and mitigating circumstances of the offense, and the goals of sentencing. The agent should also assess how unmet needs have affected the present behavior. Community attitudes, including the victim's, should be considered.

Restitution Information: If facts and figures concerning restitution are available, they should be noted. Some comment should be included as to the defendant's ability to pay financial obligations. The agent should recommend that court-ordered restitution be paid during the period of incarceration.

Recommendation: Sentencing recommendations may include probation, payment of a fine, county jail time, probation with jail time, or imprisonment. Specific recommendations are to be made regarding a range of time for imprisonment or probation. This recommendation is to include a justification based on the assessment instruments, aggravating and mitigating circumstances of the offense, and the goals of sentencing. Any recommendations should be consistent with the primary factors the court considers at sentencing:

1. The gravity of the offense;
2. The rehabilitative needs of the defendant;
3. The protection of the public.
4. Any applicable aggravating or mitigating factors.

Anticipated Supervision Plan: A separate section should address the anticipated supervision plan and time frames for accessing recommended treatment programs if probation is being recommended.

Agent signature, followed by the Supervisor's signature, is required on all Presentence Investigations.

Sources of Information is required for all Presentence Investigations.

For offenses committed on or after 12/31/99

Include all of the above plus the following:

Eligibility for Challenge Incarceration: A statement must be made regarding the defendant's eligibility for Challenge Incarceration (refer to 05.01.03).

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**.05 PRESENTENCE INVESTIGATION FORMAT (continued)**

Eligibility for Earned Release Program: A statement must be made regarding the defendant's eligibility for Earned Release as well as the justification (refer to 05.01.03).

Recommended Conditions of Extended Supervision (for prison recommendations only): The Agent should provide the court with specific recommended conditions of extended supervision.

**.06 PROBATION SOCIAL INVESTIGATION**

A probation social investigation is completed on any offender received on probation, on which a Presentence Investigation has not been conducted. It is due within 30 days from the time it is assigned to the agent. There are two basic formats:

-Initial Intake Assessment: This format consists of the scored CMC (DOC-175), Probation Social Investigation (DOC-179), and Agent's Assessment and Impressions (DOC-179A). It is used on all felony probation cases and assaultive Class A misdemeanor or misdemeanor repeater cases. Information on the DOC-179 must be verified and agent comments included. These three documents, when combined with the Face Sheet (DOC-3), Rules of Community Supervision (DOC-10), Admission to Adult Field Caseload (DOC-502), and Case Plan (DOC-1260), form the completed Initial Intake Assessment.

-Probation Social Investigation: This format is identical to the Initial Intake Assessment but does not include the CMC. It is used in cases in which the Initial Intake Assessment is not mandatory (Refer to Chapt 03.01.13).

-Partial Probation Social-Intake: This format is to be used for specific cases at intake and consists of a completed Face Sheet (DOC-3), an offender completed Probation Social Investigation (DOC-179), description of offense, and prior record. These documents, when combined with the Rules of Community Supervision (DOC-10), Admission to Adult Field Caseload (DOC-502 or DOC-506), and Case Plan (DOC-1260), form the completed Partial Probation Social.

-Partial Probation Social-Subsequent Cases: This format is to be completed on offenders who are currently on supervision and receive a new probation case. This format consists of a completed Face Sheet (DOC-3) attached to the Criminal Complaint. Updated Rules of Community Supervision (DOC-10) and Case Plan (DOC-1260) should be completed.

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#### .07 PRE-PAROLE INVESTIGATION

The Parole Commission, via e-mail, will authorize a request for a pre-parole. A request for a pre-parole normally is initiated from a correctional institution on a Parole Planning Information form (DOC-11). The agent should address pertinent information concerning the inmate's family and community as they relate to the proposed parole plan.

Agents should contact Judges, District Attorneys, and victims. Since pre-parole investigations are not confidential documents, specific victim information that is relevant and confidential should be included on a separate sheet of paper with an attached cover, noting its confidentiality.

Agents should check for outstanding warrants. In the event the proposed plan is rejected, the agent should address an alternative plan. The agent may contact the inmate and the inmate's social worker by phone to review a possible alternate plan if one is not readily known. The report is due within 30 days of a request and should be submitted on a Pre-Parole Investigation (DOC-7E). Agents may voluntarily submit pre-parole information as appropriate. In the event new information becomes available after the Parole Commission has taken action, the agent may communicate this new information to the institution by memo.

Pre-paroles should also be submitted in response to a Community Reintegration Offender Questionnaire (DOC-2266), which is generated by the inmate and sent to the agent by the institution social worker.

If placement in another area in Wisconsin is proposed on the DOC-11 or the DOC-2266, the agent will initiate transfer via the Intrastate Transfer Process (See Chapter 11.04). The sending agent will retain responsibility for completing and submitting the pre-parole investigation if the receiving agent rejects the case. If the case is accepted, the receiving agent becomes responsible for the pre-parole.

#### .08 TRANSFER INVESTIGATION

Whenever a request for transfer of a case is made, the receiving agent will investigate the proposed plan prior to accepting the case. The investigation and acceptance or rejection shall occur within 30 days of the assignment of the case. Reasons for acceptance or rejection shall be documented in the Chronological History (DOC-24) or Chronological Log (DOC-90). An entry can also be made in the Client Log section of the OATS program. (See Chapter 11 on Intrastate Transfer).

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**.08 TRANSFER INVESTIGATION (continued)**

Any intrastate transfer of sex offenders or high-risk cases should first include a detailed consultation between the areas involved with the transfer before it is implemented.

Courtesy supervision of any other cases is allowed up to 30 days if agreed upon by the agents/supervisors. If it is anticipated the offender will remain in an area longer than 30 days, regular transfer procedures should be followed.

When transfer disputes cannot be resolved, the Regional Chiefs will make a decision regarding placement. If the Chiefs cannot agree, the Assistant Administrator will make the final placement decision.

**.09 OUT-OF-STATE INVESTIGATION**

Out-of-state investigations are generally initiated by a request for acceptance of an out-of-state case in Wisconsin, under terms of the Interstate Compact. The agent will investigate the proposed plan and submit findings and recommendations within a 30-day period. (See Chapter 12 on Interstate Compact.)

**.10 SPECIAL BULLETIN NOTIFICATION INVESTIGATION**

When a sex offender has been identified in the institution as a two strike case, 980 case, or ECRB (End of Confinement Review Board)-YES case, the Bureau of Offender Programs (BOP) will issue a NOTICE OF SPECIAL BULLETIN prior to the offender's mandatory release date. The notice is routed through the ledgerkeeper to the agent. Upon receipt of the Notice, the agent shall prepare the SBN RELEASE PLAN ([DOC-1356](#)) within the timelines indicated on the Notice.

Because of the nature of Special Bulletins, all information in the plan must be verified and specific. A confirmed, approved residence with exact address must be provided. In the event that an offender is to be temporarily placed in a WCCS facility as a last resort, ALL efforts made to obtain other housing must be documented and included with the plan.

If any changes in the plan occur prior to the dissemination of the SBN, they must be submitted in writing to BOP; however, no changes to the plan may occur once the bulletin has been issued.

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**.11 SPECIAL BULLETIN NOTIFICATION RELEASE PLAN FORMAT**

- Page One shall be the cover page and consist of the following topical headings:
  - OFFENDER NAME & DOC #
  - DATE OF BIRTH
  - CURRENT LOCATION
  - COUNTY OF RELEASE
  - COMMUNITY OF RELEASE
  - DATE OF PLAN
  - AGENT NAME & AREA #
  - AGENT TELEPHONE NUMBER

The following statement must also be included on the cover page: "The offender to whom this plan pertains may currently be the subject of commitment proceedings under Chapter 980 of the Wisconsin Statutes. This plan is being developed, as directed, as a contingency, in the event that this offender is released to the community. Development of this plan is neither an analysis of the offender's appropriateness for release, nor is it a recommendation for release to the community."

- Page Two shall consist of all active and consecutive cases, stating the offense, statute number, county of conviction, court case number, date of sentence, and sentence. A description of each offense must be included. Each case must be listed individually and numbered sequentially.
- Subsequent pages shall address the following topics:
  - Prior Record: Summarize felony convictions. Describe prior sexual assault convictions. Identify and summarize sexual offenses and read-ins.
  - Prior supervision Experience: Describe major violations, revocations, absconding, response to treatment, treatment terminations.
  - Institution treatment response: Level of participation, whether successfully completed, and other pertinent information.
  - AODA History: Include treatment participation in field and in institutional setting.

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**.11 SPECIAL BULLETIN NOTIFICATION RELEASE PLAN FORMAT (continued)**

- Supervision Plan:
  1. Verified residence and information on proximity to schools, victims, day care centers. Note others living in residence, gender and ages, if appropriate. (If a WCCS facility must be used, placement must be coordinated with the regional chief, and the plan must include documentation of all failed placement options. A definite plan for transition out of the Center System, including each individual's responsibilities must be addressed).
  2. Employment/School information including how the offender will pay living expenses and how the offender will get to the job/school shall be addressed.
  3. Use of High-Risk approaches, including SO-SSP, EMP, special rules, and other requirements shall be included.
  4. Victim input, victim notification plan, victim participation, and information shall be included.
  5. Plan for timely response to reported violations, including the role of law enforcement, supervisor backup, agent backup, Monitoring Center.
  6. Treatment requirements.
  7. Attach Rules of Supervision including special sex offender rules that apply to the offender.
- Transition from institution. Identify DOC staff who will transport offender from the institution upon release.
- Community stakeholders: Include name, address, and telephone number of:
  - Local legislators
  - District Attorney
  - Local Officials (Mayor, Alderpersons, etc.)
  - Local Victim/Witness Coordinator
  - Chief of Police and County Sheriff
  - Media and Department contact person who will deal with Media
- Attach copy of the Sex Offender Registration Form (DOC-1759).
- Distribution shall include Regional Chief, Bureau of Offender Programs, Field Supervisor, Central Office Corrections Services Supervisor, and file.

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#### .12 VISITOR INVESTIGATION

Upon receipt of an Offender Visitor's List (DOC-162) from an institution, the agent may respond to any name(s) that they believe are inappropriate. There may be occasions when a correctional institution requests assistance in determining visitor eligibility. The agent will investigate the situation and respond by memo to the institution within 30 days. The institution makes the final decision.

#### .13 SUPPLEMENTAL

Whenever additional significant information has been obtained, particularly the discovery of error in previous investigations, the agent will submit a memo to correct or update all copies of the investigation.

#### .14 PARTIAL INVESTIGATION

Partial investigations generally require a face sheet, but the format and material is dictated by the nature of the assignment. Partial investigations have the same due dates as other social investigations and are completed in the following situations:

- The Court requests specific information.
- A complete investigation is available and is less than two years old.
- Specific information requested from other areas.
- Specific information requested by the institution.
- Multiple cases (NOTE: An entry in the Chronological Log (DOC-90) is required, and can also be entered in the Client Log section of the OATS program).

#### .15 PRESUMPTIVE MANDATORY RELEASE (PMR) INVESTIGATION

The Presumptive Mandatory Release statute, rather than the Mandatory Release, governs offenders who have committed certain serious felonies between 4/21/94 and 12/31/99. The institution/center record office provides the Parole Commission the PMR offender's name, DOC number, and MR date. Upon receipt of this, the Parole Commission sends notice to the institution social worker, agent of record, and the agent's supervisor requesting specific information regarding the offender. That information should be e-mailed, faxed, or mailed to the Parole Commission within 10 working days. The Parole Commission Chair determines if the offender will be detained beyond their MR date. Notice of that decision is provided to the institution social worker, agent, and agent's supervisor.

#### .16 OVERDUE INVESTIGATION

If unusual circumstances arise that will not permit completion of an investigation on time, the agent must request an extension from the supervisor, giving reasons for extension and probable date of completion. If this is a report requested by the Court, the agent must also request an extension from the Court.



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**.01 SCHOOL RECORDS**

When requesting school records, the agent should submit a Confidential Information Release Authorization ([DOC-1163](#)) to the school. The agent may request transcripts, behavioral records, M-team reports, and/or any other pertinent information necessary.

**.02 FBI/NCIC AND CIB**

In the course of an investigation, an agent should request a record check from the Crime Information Bureau (CIB), National Crime Information Center (NCIC), and Federal Bureau of Investigation (FBI) to locate any warrants and to obtain a criminal history check. This may be done by one of the following methods:

- Prepare a TIME System Information Request/Log ([DOC-1410](#)) and send to the appropriate DCC office.
- Request your local Sheriff's Dept. to run a wants and warrants check as well as a criminal history check on their terminal. The agent must be prepared to provide customary descriptors, (i.e. full name, including middle initial, date of birth, gender, and race)
- Send a memo containing the offender's full name including middle initial, date of birth, gender, and race to:

Wisconsin Dept. of Justice  
Crime Information Bureau  
PO Box 2718  
Madison, WI 53701

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**.02 FBI/NCIC AND CIB (continued)**

When requesting checks by name and descriptors, the CIB can never guarantee that the record returned positively pertains to the individual. However, when fingerprints are supplied, the CIB can establish positive identification.

All records obtained from CIB will be used for official purposes only. All documents received from CIB, NCIC, or FBI are confidential and may not be photocopied or further distributed. The information may be transcribed and disseminated for official purposes only. The agreement by the Department of Justice to provide the Division of Community Corrections access to these reports mandates that the information contained in the printout is copied into some other format and that the CIB/NCIC printouts (records checks) are then to be destroyed.

If a Federal Bureau of Investigation (FBI) record check is desired, an agent may contact local law enforcement, access the information through the TIME System Information Request /Log ([DOC-1410](#)), or write to:

FBI-CJIS  
1000 Custer Hollow Rd.  
Clarksburg, W.Va. 26306  
Att: Expedite Services Unit  
Module C-2

In requesting criminal history information from the FBI, the FBI number and FBI fingerprints code should be included along with the customary identifiers. A request to the FBI for criminal history information results in approximately a two-week turnaround time.

In cases where an expedited request is necessary, the agent may call (304) 625-2222. Phone requests must include customary identifiers and should include social security number and FBI number if known. An agent may also want to check with local law enforcement or the District Attorney's office, as an FBI inquiry may already be available.

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**.03 MILITARY**

Agents should utilize their local Veteran's Service Office whenever possible. Requests for information on offenders from Military Personnel Records for members and former members of the Armed Forces should include all items listed below. If all of the items are not known, your request should include the first five items that will aid the identification of any individual record. All periods of military services should be shown even though information is desired on only one period.

1. Full name under which service was performed.
2. List all service numbers.
3. Date of service (show all periods, but specify period for which information is desired).
4. Date and place of birth.
5. Residence of service member at time of entry into service.

Military departments have restrictions regarding the release of information from records. However, a service person can obtain almost any information contained in his/her own record. Agents must obtain written release consent from the service person. Records will not be given without a release of information authorization. Agents having access to local veteran's offices may obtain form SF 180 to accomplish this. Otherwise, the following statement signed by the service person should accompany the request for records:

I authorize the National Personnel Records Center, St. Louis, Missouri, or other custodian of my military record, to release to (name and address, agency) information or photocopies of my military personnel and related medical records, or only the following information/records (specify). This could include a photocopy of my DD Form 214, Report of Separation.

All authorizations must be dated and signed by the veteran. The authorization will remain in effect for one year from the time the veteran signs and dates the authorization.

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**.03 MILITARY (continued)**

If the individual is in a reserve status or completely separated from active duty, the following information in addition to the five previous items should be included in the request.

6. Branch of service (Air Force, Army, Coast Guard, Marine Corps, Navy).
7. Reserve status--give full information; branch of service, dates (indicate type, such as Ready, Standby, etc.).
8. Last known address.
9. Grade or rank.
10. Name and address of service person's parents.

Personnel records of individuals currently in the military service, in the reserves, and those separated from service are located in different offices. If the individual has two or more periods of service within the same branch, write to the office having the records for the latest period. Major categories of records may be obtained from the following offices:

NPRC-National Personnel Records Center PERS-Personnel Records  
 TDRL-Temporary Disability Retirement List MED-Medical Records

<b>Service: COAST GUARD (USCG)</b>		
<b>Note</b>	<b>Category of Records – Where to Write Address</b>	<b>Code</b>
Coast Guard officer enlisted records are transferred to NPRC 3-6 months after separation	Active, Reserve, and TDRL members	3
	Discharged, deceased, and retired members (See next item)	14
	Officers separated before 1/1/29 and enlisted personnel separated before 1/1/15	6
<b>Service: MARINE CORPS (USMC)</b>		
<b>Note</b>	<b>Category of Records – Where to Write Address</b>	<b>Code</b>
Marine Corps records are transferred to NPRC 4 months after separation	Active and TDRL members, reserve officers, and Class II enlisted reserve	4
	Class III reservists and Fleet Marine Corps Reserve members	5
	Discharged, deceased and retired members (See next item)	14
	Officers & enlisted personnel separated before 1/1/1896	6

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**.03 MILITARY (continued)**

<b>Service: AIR FORCE (USAF)</b>			
Note	Category of Records – Where to Write Address	Code	
Air Force records are transferred to NPRC from Code 1, 90 days after separation and from Code 2, 30 days after separation	Active Members (includes National Guard on active duty in the Air Force), TDRL, and general officers retired with pay.	1	
	Reserve, retired reservist in nonpay status, current National Guard officers not on active duty in Air Force and National Guard released from Active Duty in Air Force.	2	
	Current National Guard enlisted not on active duty in Air Force.	13	
	Discharged, deceased, and retired with pay (except general officers retired with pay).	14	
<b>Service: Army</b>			
Note	Category of Records – Where to Write Address	Code	
Army records are transferred to NPRC as soon as processed (about 30 days after separation)	Reserve, living retired members, retired general officers, and active duty records of current National Guard members who performed service in the U.S. Army before 7/1/72.*	7	
	Active officers (including National Guard on active duty in the U.S. Army).	8	
	Active enlisted (including National Guard on active duty in the U.S. Army) and enlisted TDRL.	9	
	Current National Guard officers not on active duty in the U.S. Army.	12	
	Current National Guard enlisted not on active duty in the U.S. Army.	13	
	Discharged and deceased members (see next item).	14	
<b>Service: Navy (USN)</b>			
Note	Category of Records – Where to Write Address	Code	
Navy records are transferred to NPRC 6 months after retirement or complete separation	Active members (including reservists on active duty) – PERS and MED	10	
	Discharged, deceased, retired (with and without pay) less than six months, TDRL, drilling and nondrilling reservists.	PERS only	10
		MED only	11
	Discharged, deceased, retired (with and without pay) more than six months (See next item) – PERS and MED	14	
Officers separated before 1/1/03 and enlisted separated before 1/1/1886 – PERS and MED	6		

\* Code 12 applies to active duty records of current National Guard officers who performed service in the U.S. Army after 6/30/72.  
Code 13 applies to active duty records of current National Guard enlisted members who performed service in the U.S. Army after 6/30/72.

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**.03 MILITARY (continued)**

ADDRESS LIST OF CUSTODIANS (BY CODE NUMBERS SHOWN ON CHART on page 4-6) --  
Where to write/send this form for each category of records.

<u>Code</u>	<u>Address</u>	<u>Code</u>	<u>Address</u>
1	USAF Military Personnel Center Military Personnel Records Division Randolph AFB, TX 78148	8	USA MILPERCEN Attn: DAPC-PSR-R 200 Stovall Street Alexandria, VA 22332
2	Air Reserve Personnel Center 7300 East 1st Avenue Denver, CO 80280	9	Commander U.S. Army Enlisted Records and Evaluation Center Ft. Benjamin Harrison, IN 46249
3	Commandant U.S. Coast Guard Washington, DC 20590	10	Chief of Naval Personnel 5720 Integrity Dr. Millington, TN 38055
4	Commandant of the Marine Corps Headquarters, U.S. Marine Corps Washington, DC 20380	11	Naval Reserve Personnel Center New Orleans, LA 70146
5	Marine Corps Reserve Forces Administration Center 1500 E. Bannister Road Kansas City, MO 64131	12	Army National Guard Personnel Center Columbia Pike Office Building 5600 Columbia Pike Boulevard Falls Church, VA 22041
6	Military Archives Division National Archives & Records Service General Services Administration Washington, DC 20408	13	The Adjutant General (of appropriate state, DC, or Puerto Rico)
7	Commander U.S. Army Reserve Components Personnel & Administration Center 9700 Page Boulevard St. Louis, MO 63132	14	National Personnel Records Center (Military Personnel Records) 9700 Page Boulevard St. Louis, MO 63132

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**.04 DRIVING RECORD CHECKS**

To obtain records from the Dept. Of Transportation, the agent may request the local Sheriff's Dept. to run a Driver's Query through the TIME system. The agent should be prepared to provide the offender's full name, including middle initial, date of birth, gender, and race.

The agent may prepare and submit a Time System Information Request/Log ([DOC-1410](#)) to the appropriate DCC office.

Agents may also obtain a driving record and vehicle information by submitting a memo containing the above descriptors and driver's license number if available to:

WI Dept. of Transportation  
Driver's Record Files Section  
Rm. 301, Hill Farms State Office Bldg.  
PO Box 7918  
Madison, WI 53707-7918

**.05 WISCONSIN INCOME TAX INFORMATION**

To obtain information on an offender's Wisconsin income tax returns, the following procedure should be followed:

Have the offender sign a statement authorizing the release of the return to the State Dept. of Corrections. The Confidential Information Release Authorization ([DOC-1163](#)) may be used, providing the following information is included:

Offender's name, date of birth, & Social Security Number  
If married - spouse's name, date of birth, & Social Security Number  
Taxpayer's address  
Year(s) requested  
Specific information required

This request and statement must be accompanied by a \$5.00 money order, payable to Dept. of Revenue, and should be sent to:

Wisconsin Dept. of Revenue  
Custodian of Files  
PO Box 8903  
Madison, WI 53708-8903

This fee is reimbursable on the agent's State Employee Travel Reimbursement Request (DMS-190A)

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**.06 FEDERAL INCOME TAX INFORMATION**

If it becomes necessary to obtain income/financial information available only on federal income tax returns, the following procedure should be followed:

Have the offender sign a statement authorizing the release of "transcripts disclosing line by line return information" to the State Department of Corrections. (Agents should not request the actual return, as this will cause considerable delay because the request will have to be forwarded to Kansas City, MO). This authorization must have been signed within 60 days of the request. Include the following:

Offender's Name and Social Security Number  
If married - Name of Spouse and Social Security Number.  
Year(s) Requested  
Information Required:  
Specify particular item(s), problem(s), or activity of concern.

Send the above authorization, with a cover letter, prepared by the agent, requesting the desired information to:

Disclosure Officer  
Internal Revenue Service  
310 W. Wisconsin Ave., STOP 7000 MIL  
Milwaukee, WI 53203-2221

**.07 SOCIAL SECURITY RECORDS**

To obtain information from social security files, including benefit amounts, nature of disability, or other confidential information, the agent should prepare a Confidential Information Release Authorization (DOC-1163), requesting the desired information. This should be faxed or mailed to the local Social Security Administration office. Be sure to include the offender's Social Security Number on the request.

**.08 UNDOCUMENTED PERSONS**

During the presentence investigation process, if the offender admits that he/she is undocumented or if other credible information is received indicating this, the agent should send a request for verification of the offender's identity and immigration status to the Immigration and Custom Enforcement (ICE) office in Milwaukee. This request should contain, if available, the offender's name, date of birth, social security number, NCIC number, state identification number, as well as the name and telephone number of the requesting agent. The investigating agent should attempt to obtain as much specific information as possible regarding the offender's ties to the United States and his country of origin.

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.08 UNDOCUMENTED PERSONS (continued)

If the agent learns the offender's Immigration A#, it should be documented in the presentence investigation. If the offender is confirmed to be in the United States illegally, the agent should determine whether ICE intends to place an immigration detainer on the offender.

Offender is to be Deported:

If ICE reveals the offender to be an undocumented person and has confirmed the intent to deport the offender immediately or upon completion of local or state incarceration, the detainer should be documented in the Pending Charges Section.

When a term of supervision is being recommended by the agent, the following court-ordered conditions should also be recommended:

- 1) Not enter or be in the United States without proper documentation of lawful presence;
- 2) Report to probation/parole agent within 72 hours of entry, legal or illegal, into the United States;
- 3) Report any changes in immigration status to probation/parole agent within 72 hours;
- 4) Contact probation/parole agent within 24 hours of release from ICE custody within the United States.

Offender is not to be Deported:

If ICE determines that the offender is undocumented, but does not plan to deport either immediately or upon completion of a term in local custody, document this information in the Residence Section.