

<p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS</p>  <p style="text-align: center;">EXECUTIVE DIRECTIVES</p> <p>3099 E. Washington Ave. P.O.Box 7925 Madison, WI 53707-7925 (608) 240-5000</p>	DOC Library # 600.500.0031	
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	By: <i>C.P. Wolf</i> Secretary <i>Scott A. ...</i> Parole Commission Chair Owner: Wisconsin Parole Commission Chairperson	

EXECUTIVE DIRECTIVE # 31

Subject: Extraordinary Circumstances for Parole Consideration

I. Authority

Wisconsin Statutes s. 15.145 (1)
 Wisconsin Statutes ss. 304.01, 304.02, 304.06 (1m)
 Wisconsin Administrative Code Chapter DOC 330
 Wisconsin Administrative Code Chapter PAC 1

II. Background

This directive formalizes the process by which the Parole Commission reviews inmates for parole consideration under extraordinary circumstances.

III. Definitions, Acronyms & References

"Chairperson" means the chairperson of the Commission. "Chairperson" includes a commissioner who is designated by the Chairperson to perform a specific assignment or duty.

"Commission" means the Parole Commission, including the Chairperson and the Commissioners.

"Commissioner" means a member of the Parole Commission, including the Chairperson.

"Extraordinary circumstances" means advanced age, infirmity or disability of the Inmate, need for treatment or services not available within the correctional institution, a sentence to a term of imprisonment that is substantially disparate from the sentence usually imposed for a particular offense, or other circumstances warranting an early release which are made known to the sentencing court pursuant to section PAC 1.05 (1) (a), Wis. Adm. Code.

"Inmate" means a person who is incarcerated in a DOC facility or a facility under contract with the DOC for a crime committed in the state of Wisconsin.

"Parole" means release from a prison of an inmate before the expiration of his or her sentence to the supervision of the Division of Community Corrections.

"Parole eligibility date" means the date whereby the inmate has served 25 percent of the sentence imposed or six months of the sentence, whichever is greater, or the date imposed by the sentencing court.

"Victim" means a person against whom a crime has been committed, or if the victim is deceased, an adult member of the victim's family or, if the victim is under 18 years old, the victim's parent or legal guardian. (See s. 304.06 (1) (c) 3., Stats.)

IV. Scope

This Executive Directive applies only to inmates who are statutorily eligible for parole consideration in accordance with Wisconsin Statutes s. 304.01. Inmates serving a sentence under s. 973.01, Stats., are not eligible for parole consideration for extraordinary circumstances for that sentence but may petition for release under the procedures set forth in s. 302.113 (9g), Wis. Stats.

V. Policy

Inmates who have not reached their parole eligibility date may be considered for extraordinary circumstances release under s. 304.06 (im), Stats. The sentencing court, district attorney and *victim*, if available, must be notified and permitted to comment upon the proposed recommendation for release.

Vi. **Procedure General Guidelines**

- A. The Chairperson, Warden, inmate or the inmate's guardian may request consideration for release due to extraordinary circumstances regardless of the parole **eligibility** date. If an inmate has previously waived parole eligibility, the inmate or the inmate's legal guardian must request reinstatement of parole eligibility prior to any action being taken in accordance with s. PAC 1.05 (6), Wis. Adm. Code.
- B. All requests will be forwarded to the Warden who will review the request to determine if the inmate is statutorily eligible for consideration and forward the request to the Chairperson with a recommendation.
- C. The Chairperson shall consider all of the following; eligibility for parole, sufficiency of time served, satisfactory adjustment to institution, satisfactory program participation, adequate release planning and risk to the public.
- D. The Department will provide the Chairperson with requested information, including release plans.
- E. The Chairperson will determine whether or not it is appropriate to waive the 25 percent of service sentence requirement under s 304.06 (1) (b), Stats. In accordance with S. PAC 1.05 (1) (a), notice of the determination to the court, district attorney and victim is required.
- F. The Chairperson will make a decision to approve, deny, or defer for continued monitoring of the extraordinary circumstances.