



ROBB KAHL
STATE REPRESENTATIVE

February 20, 2014

Representative Joel Kleefisch, Chair
Assembly Committee on Criminal Justice
Testimony on AB 764

Dear Chair Kleefisch and Committee members,

I want to thank you for holding a public hearing and executive session on Assembly Bill 764 today. I also want to thank the members of both political parties in each house who joined with me in authoring this bill. While written in response to a situation in the Village of McFarland which I believe to be relatively rare, this bill will help local law enforcement and the Department of Corrections in the future if sex offenders are placed under similar circumstances.

I also want to thank Village of McFarland Police Chief Sherven for his assistance in drafting this legislation and the Department of Corrections – both for working with Chief Sherven to address community concerns in McFarland last year and for reviewing the bill that you have before you today. Prior to introducing the bill, the Department was given the opportunity to review the bill and I was told there were not any additions or modifications they would recommend.

Last year, a sex offender was placed in the Village of McFarland. I attached a flyer the McFarland Police provided to members of the community.

Had the offender committed his crimes in Wisconsin and been released from a Wisconsin correctional facility, a Special Bulletin Notice would have been issued to law enforcement given the significant risk this particular offender posed to the community. However, because he committed his crimes in Illinois, was released from a correctional facility in that state and placed in Wisconsin under the terms of a compact, the statutory criteria for issuing the Special Bulletin Notice was not met.

As Chief Sherven notes in his testimony that has been provided to you, there was a delay in community notification which left citizens with questions and concerns. Resources of the Police Department and the Department of Corrections had to then be used to address community questions and concerns over the notification process in addition to addressing the questions and concerns that normally arise when a sex offender of this nature is placed.

This bill only makes Wisconsin law uniform when it comes to the issuance of Special Bulletin Notices – treating offenders released into communities under the terms of a compact no differently than offenders released into a community from a Wisconsin facility.

Chief Sherven has emphasized the Department of Corrections worked very well with him and his staff last year to address community concerns. When I met with Department staff regarding the situation and current statutory requirements, they also pointed out the problems the Department would be hard put to overcome if asked to provide notification for every offender who came to Wisconsin – often they simply

do not have that information. However, while I recognize the Department does not have the means to notify local authorities every time an offender moves to Wisconsin, the Department does receive information about offenders placed in Wisconsin under the terms of a compact.

Having the same requirements in place for Wisconsin offenders and those here under a compact will help law enforcement by making the issuance of Special Bulletin Notices more uniform, is something that is within our means to do, and is simply necessary to better enable law enforcement to do their jobs.

I want to thank you for your consideration and support of this bill.

Sincerely,



Robb Kahl
State Representative
47th Assembly District



Village of McFarland Police Department

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Craig J. Sherven • Chief of Police

February 18, 2014

Representative Joel Kleefisch, Chair
Assembly Committee on Criminal Justice
Testimony in favor of Assembly Bill 764

Chair Kleefisch and Committee Members,

The Department of Corrections and local law enforcement enjoy a strong working relationship in regards to community notification of sex offenders. While there are very good procedures in place to handle this process, several months ago the Village of McFarland encountered a somewhat uncommon and unusual situation in which an offender was released into the community from a correctional facility outside of the state of Wisconsin. An SBN (special bulletin notice) was not issued to local law enforcement because of current law that according to the Department of Corrections does not require the same notification to law enforcement as an offender released from an in-state facility. This particular offender would have qualified for an SBN had he been released from a Wisconsin facility. This resulted in a delay in community notification and left citizens with questions and concerns, and made the task of notification more difficult for law enforcement and the DOC.

Typically, an SBN is issued to local law enforcement when an offender is released that has either been convicted of two or more included sex offenses or has been committed under chapter 980 as a violent offender. The SBN serves as a triggering mechanism for community notification, helps make law enforcement aware that notification may be necessary, and initiates a decision making process. Lacking the issuance of an SBN, many law enforcement agencies do not conduct a community notification, as they may not be aware that the offender is present in their community.

A uniformed approach in the issuance of SBN's will assist law enforcement in determining when community notification is necessary, regardless of what state the offender originated from.

Craig Sherven
Chief of Police

Sex Offender Community Information Meeting

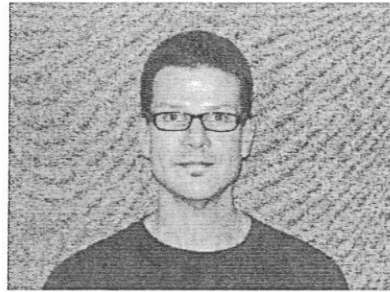
DATE OF MEETING: Wednesday, November 6th

TIME OF MEETING: 6:00 pm

PLACE OF MEETING: McFarland Community Room, 5915 Milwaukee St. McFarland WI

PURPOSE OF THE MEETING: To provide information to the citizens of McFarland regarding community notification practices as well as the return of a convicted sex offender to the McFarland area. In the event you are unable to or opt not to attend the meeting, information regarding this offender along with answers to frequently asked questions are included in this mailing. Below is information related to a sex offender recently placed in McFarland:

Name: Michael Tufano
Age: 45 years old
Race: White
Sex: Male
Height: 6' 2"
Weight: 215 lbs.
Hair: Brown
Eyes: Blue
Residence: 5502 Valley Dr. McFarland
Photo Date: 10/17/2013



Mr. Tufano's criminal record indicates the sexual assault of four victims between the years 1998 and 2000, ranging in age from 12-15 years of age. Additionally:

- All four victims were male
- All four victims were known to Mr. Tufano, meaning that they were acquaintances of his. Information indicates that the victims were children of family friends.

Restrictions:

- Is on GPS monitoring
- Numerous rules of conduct governing the behavior of sex offenders
- On Department of Corrections supervision until October 2016.
- Excluded from:
 - Daycares
 - Schools / School grounds
 - Public Library
 - Youth Center

Frequently Asked Questions

1. **Under what circumstances is the public notified of the release of a sex offender into the community and how is the community notified?**

The most common means of notification to the public is the Wisconsin Sex Offender Website. It was created expressly for the purpose of providing the public with access to information regarding the release of offenders into the community.

In instances in which an offender poses a significant risk to a community, the Department of Corrections may issue a Special Bulletin Notice (SBN) to law enforcement. A law enforcement agency's receipt of an SBN serves as a mechanism to initiate a local decision-making process to determine the level, scope and method of community notification, if determined necessary. In instances in which an SBN is not issued, local law enforcement generally does not issue a community notification.

Two statutory criteria exist for the issuance of an SBN by the Department of Corrections:

- All individuals committed under Chapter 980 (Sexually Violent Persons Law)
- All cases where the offender has been convicted of a sex offense, as defined by crimes requiring registration, on two (2) or more separate occasions, if released from a Wisconsin correctional facility.

2. Why was there not a notification of Mr. Tufano's placement?

In Mr. Tufano's case, an SBN was not issued to local law enforcement because his case did not meet the statutory criteria for issuance.

3. How will Mr. Tufano be monitored?

As previously indicated, Mr. Tufano is currently on GPS monitoring. In the event that he should venture into a restricted area, local law enforcement is immediately notified and officers would respond. He is also under community supervision by the Department of Corrections until October of 2016.

Additionally, the McFarland Police Department conducts its own sex offender compliance checks throughout the year, and also monitors the Sex Offender Website for any changes in location or status.

4. Why is this offender being released into my neighborhood?

When offenders are released from prison, they usually return to live in the same area of the state where they lived when they committed their crime. For many offenders, this is also the county where they were convicted. Sometimes, though, offenders are released to another area because they have family support there, or there is treatment available there that is not available elsewhere, or they have found a job in the area that will lead to a productive lifestyle. For offenders who are on supervision, decisions about where the offender lives are made on a case-by-case basis. Local law enforcement has no say in this decision making process.

5. What should parents tell their children about sex offenders?

Avoid scary details. Parents may know more than their children need to know. Keep information general, as it may protect them from others who would try to harm them as well. Explain the importance of avoiding dangerous situations in general, rather than trying to teach them how to be safe from just the one person they know about. Almost 90 percent of all sex crimes are committed by someone known to the victim; family members commit many of those incidents. Some basic points to tell children about a particular offender:

- Don't accept a ride from the offender.
- Don't go into the home or yard of the offender.
- Tell your parents if this person offers you toys, money or gifts.
- Try to use the buddy system when children play outdoors.
- Call 911 if your parents aren't home and this offender approaches you.

6. What is GPS?

Global Positioning System (GPS) is used to establish offender location and to track offender movement. GPS will serve as a supervision tool to provide risk control and surveillance of offenders who meet specific selection criteria. Offenders who are placed on GPS will adhere to a mandated curfew schedule and will be monitored electronically by the use of equipment designed specifically for that purpose.