



WISCONSIN LEGISLATIVE COUNCIL

PLACEMENT OF SEX OFFENDERS

Legislative Council Conference Room
Madison, Wisconsin

September 14, 2006

10:00 a.m. - 2:00 p.m.

[The following is a summary of the September 14, 2006 meeting of the Special Committee on Placement of Sex Offenders. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Co-Chair Bies called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Garey Bies, Co-Chair; Rep. Scott Suder, Co-Chair; Sen. Lena Taylor; and Public Members Susan Eberhard, Mel Flanagan, Kerry Kirn, Sandy Maher-Johnson, Terry Marshall, Larry Rickard, Audrey Skwierawski, and Marla Stephens.

COUNCIL STAFF PRESENT: Anne Sappenfield and Don Salm, Senior Staff Attorneys.

APPEARANCES: Laura Rose, Deputy Director, Legislative Council Staff; Steven Watters, Director, Sand Ridge Secure Treatment Center, Department of Health and Family Services (DHFS); Bill Grosshans, Assistant Administrator, Division of Community Corrections, and Melissa Roberts, Director of Sex Offender Programs, Department of Corrections (DOC); and Mike Murray, Policy Specialist, Wisconsin Coalition Against Sexual Assault, Inc.

Opening Remarks

Laura Rose, Deputy Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. She discussed rules for voting and described the process of reimbursement of expenses. She noted that the committee's meetings will be recorded and available on the Internet.

Introduction of Committee Members

Co-Chairs Bies and Suder welcomed all members to the committee and thanked them for their commitment to serve on the committee. The committee members then briefly introduced themselves.

Description of Materials Distributed

Anne Sappenfield, Legislative Council Senior Staff Attorney, noted the distribution of Memo No. 1, *Current Statutes Relating to Placement of Sex Offenders and Persons Committed Under ch. 980, Stats., in Residential Settings* (September 5, 2006).

Presentations by Invited Speakers

[Note: PowerPoint presentations and other documents referred to by the speakers are posted on the committee's Internet site.]

Steven Watters, Director, Sand Ridge Secure Treatment Center (SRSTC), DHFS, provided the committee with a general overview of ch. 980 of the Wisconsin Statutes, relating to the civil commitment of sexually violent persons, and the provisions of that chapter relating to supervised release and placement in the community of these persons. He noted that of the 295 people in the current ch. 980 population, only 17 are on supervised release (SR). With Wisconsin having approximately 13,300 sex offenders living in the community, these 17 SR persons represent slightly more than 0.1% of this total. He then explained that:

1. Chapter 980 is a civil commitment process, the purpose of which is not punishment, but rather the protection of society from the individual's potential dangerousness. Because it is a civil commitment and cannot be a criminal punishment, significant constitutional issues need to be considered if any legislative changes are made.
2. There is a sound, evidence-based policy rationale for SR, with studies indicating that the long-term success (i.e., non-offending lifestyle) of these offenders is positively influenced by the completion of a comprehensive sex offender treatment program and the placement of the individual in a closely monitored community setting that gradually becomes less restrictive prior to unrestricted release.
3. 2005 Wisconsin Act 434 made substantial changes in the process and criteria for SR, including a bifurcated review process for SR requests. The changes in the process in the new law were specifically designed to address concerns that local governments were not being given the opportunity to participate in the placement process.

4. Under current law, DHFS must work to minimize to the greatest extent possible, the residential population density of sex offenders. DHFS works to rule out placements that are in close proximity to certain types of facilities, such as schools, licensed day care centers, and parks. If a potential residence does not provide reasonable physical distance away from vulnerable potential victims, the residence will be eliminated from consideration.
5. The state uses a “containment model” for management of individuals placed on SR, emphasizing community safety and providing intensive supervision and monitoring, multi-agency cooperation, individualized case management, ongoing sex offender treatment, use of polygraph exams, and holding individuals responsible for their behavior.

In response to questions from Co-chair Suder, Mr. Watters noted that: (1) the global position satellite (GPS) monitoring of SR individuals is active monitoring, not passive; and (2) the security at SRTC is based on a maximum security prison model (e.g., double fence, background checks on visitors, restrictions on children coming to SRTC). Sen. Taylor indicated her frustration that certain persons had been discharged from supervision. Mr. Watters responded that the discharge is made by the court based on testimony, including testimony on actuarial statistics as to whether the person would be a re-offense risk, but that the issue of “when does a person stop being a risk” is a very difficult one. He added that even if discharged, the individual is on the Sex Offender Registry and may be on GPS for a lifetime.

Bill Grosshans, Assistant Administrator, Division of Community Corrections, and Melissa Roberts, Director of Sex Offender Programs, Department of Corrections (DOC), described the placement of sex offenders released to probation, parole, or extended supervision, noting that of the approximate 22,000 offenders in state prisons, 5,928 are sex offenders, and of the approximate 71,000 offenders on adult community supervision (probation, parole, or extended supervision), 7,380 are sex offenders. They noted that elements of supervision included special bulletin notification (SBN), varying levels of community notification, the sex offender registry, electronic monitoring, and GPS monitoring. They added that of the 18,715 Wisconsin sex offender registrants, 5,440 are in state prisons, 4,987 are on active community supervision, and 8,228 have been terminated from active supervision (e.g., parole). They then briefly described the Sex Offender Registry program, including the information collected about the offender, the length of the registration, and the procedures related to noncompliance with the registration requirements. They then noted that:

1. As to supervision strategies for sex offenders, field staff, when developing the offender’s case plan, address the risks and needs with reference to placement in the community by identifying: (a) the offender’s specific offense patterns; and (b) the triggers of those offense patterns. To assess the risks and needs, DOC considers the nature of the offense, the offender’s criminal record, and his or her previous adjustment to community supervision (and, if previously confined, his or her institutional adjustment). Active case supervision involves an initial phase (intake period), with progression on supervision determined using the containment approach, involving treatment providers, polygraphists, probation or parole agents, and monitoring (electronic and GPS). Initial rules of supervision are established using the Standard Rules of Community Supervision and Standard Sex Offender Rules as set forth in DOC manuals. The intake period

includes a residence assessment, employment evaluation, and the use of risk assessment tools. There is an intensive level of supervision for the first 60 days.

2. As to general policies and procedures on release: (a) DOC must, by law, work to minimize, to the greatest extent possible, the residential population density of sex offenders who are under supervision for serious sex offenses; (b) all SBN sex offenders are to return to the county of conviction (DOC policy); (c) a sex offender residence assessment form must be completed; and (d) GPS monitoring is required for all ch. 980 individuals on SR.

Ms. Maher-Johnson asked whether there is any information that local law enforcement can access that is the same as the GPS information. Mr. Grosshans responded that DOC has an internal group looking at all aspects of 2005 Wisconsin Act 431 (GPS monitoring) and that the Secretary of DOC has indicated that DOC will cooperate with local officials in developing the RFP for the Act's GPS requirements.

Sen. Taylor commented on the expense of Act 431 and suggested that there might be cheaper ways to accomplish the monitoring. Mr. Grosshans responded that the DOC is still very much in a "learning curve" on which technologies work the best and at what cost.

In response to a question from Co-Chair Bies, Mr. Grosshans noted that in Milwaukee and Madison there are special agents who have caseloads specific to these sex offenders (one agent to 20 or 25 offenders), but that in rural areas, agents have to blend these sex offender cases into their other caseload. He added that, in general, DOC has met the need for agents with a few occasional gaps.

In response to a question by Co-Chair Suder about these offenders changing their appearance to avoid being recognized by people in the community (noting that some states require offenders to periodically have a new photo taken), Mr. Grosshans noted that, with active supervision, agents will require updated photos on a regular basis. With reference to giving neighborhoods notice of sex offenders moving into their area, he explained that local law enforcement does this on a case-by-case basis.

Mike Murray, Policy Specialist, Wisconsin Coalition Against Sexual Assault, Inc., noted that the viewpoint of victims is often neglected in discussions about sex offender management issues. Since sexual assault is most frequently perpetrated by someone known to the victim, victims often come into contact with their offenders after they are released from prison, causing the victims intense fear and putting the victims in possible additional danger. The reintegration of offenders back into the community must be done in a manner that interferes with the victims' healing process as little as possible. A victim must receive adequate notice about an offender's release and a meaningful opportunity to provide input about placement. An important point for victims and their advocates regarding community responses to sex offenders is that the limited dollars be directed at those at the highest risk of offense.

He then commented on the ineffectiveness of residency restrictions (sex offenders not being permitted to reside within a certain radius of schools, parks, and other designated places) as indicated by recent studies (e.g., recent study in Minnesota) and other states experiences (e.g., State of Iowa).

Ms. Maher-Johnson noted that she has some reports and studies relating to the use of exclusion zones for sex offenders and will provide that information to the committee. Mr. Grosshans added that although DOC has testified in the past that distance restrictions do not work, there may be something that can be done with reference to exclusionary zones.

Discussion of Committee Assignment

Co-Chair Bies indicated that he would like the committee to hear from someone from SRTC with more specifics about the treatment and assessment programs there.

Sen. Taylor stated that she would like to find out more about the types of monitoring systems that are in use in other states or are in development, with the idea of finding monitoring that achieves a higher level of supervision. Mr. Grosshans indicated that DOC would be attending a GPS vendor fair and would report back to the committee on current or new technologies presented there. Sen. Taylor indicated that she would like the committee to consider whether a legislator or other selected persons (e.g., public safety directors at universities and colleges) not now receiving notice should receive notification of sex offenders living or placed in their areas.

Judge Flanagan asked whether there was anything the committee could do with reference to the lack of coordination between DOC and the courts regarding name changes by sex offenders in the community. She suggested that perhaps there be a link on CCAP for name changes. With reference to placement, she suggested that perhaps the law should allow counties to use Huber centers for 24-hour release, keeping the ch. 980's separate from the other sex offenders.

Ms. Stephens asked whether any other states had more effective restrictions or treatment methods or placement methods (e.g., a particular type of housing arrangement that is effective) related to sex offenders in the community. She also noted that the committee must emphasize the public education component relating to current or new laws relating to these sex offenders.

Ms. Skwierawski commented that many of the changes the committee has discussed will have dramatic effects on prosecutors' workloads (e.g., suggestions relating to failure to register, name changes, changing appearance/aliases). She noted that the failure to register cases have doubled the number of her office's cases. She noted that she was interested in increased notification of communities and educating victims and the public on ch. 980 releases (namely, that there are these serious sex offenders being released and how information about them can be accessed through the registry). She added that victims should also know when their released offenders are on GPS.

Mr. Rickard noted that the concept of GPS tracking knowledge for victims is important.

Ms. Maher-Johnson indicated that the committee should look at the Act 431 language inadvertently repealed by Act 434.

Co-Chair Suder noted that there has to be more community input in the process to provide community members with greater confidence that the system is working. He suggested that the committee focus on the higher risk offenders. Both he and Sen. Taylor suggested that the committee hear more about what is being done at the federal level with reference to notification and other related matters.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be *Thursday, November 30, 2006, at 10:00 a.m., in Room 225 Northwest, State Capitol.*

Adjournment

The meeting was adjourned at 2:00 p.m.

DLS:ksm