

Submitted by Susan Eberhard (September 27, 2006)

Re: Response to initial committee meeting

Here are my comments in lieu of November 9<sup>th</sup> meeting attendance. I propose the committee take action on communication with the public. As I said in our first meeting, the issues I consider most pressing are effective policy, wise use of resources and communication with people around the state who experience the general anxiety that emerges when anyone mentions sex offenders. I will explain my own background as a way to provide rationale, and will summarize with a specific communication proposal.

### **Background**

I am from UW-Stout and teach in the BS & MS Vocational Rehabilitation as well as the MS Mental Health programs. Sex offenders have been an increasing concern for our trained practitioners who work in all localities throughout the state. I joined the committee to give something back to WI taxpayers who will never get access to a U education or receive services from program graduates. I thought our Stout network of alumni, employer and consumer experiences throughout the state could be useful in committee considerations. Now that I have attended the first meeting and understand the committee focus a bit better, I recognize that other areas of my experience may be more useful to the committee.

I am also the parent of a child who was targeted by a pedophile, and I think the committee may be able to respond to the needs that I had, as our family went through that experience. It is bad to be personally violated, but I can tell you that there is nothing worse than to be a parent and have your child violated. The fear of harm that could come at any time and from any source, as well as the experience of being unable to make your child safe, is horrific. I will explain what happened to us, to show when, where and how communication changes may help.

### **Our Experience as Evidence of Need**

I teach at UW-Stout (Menomonie) during the week. My husband and children remain in Stevens Point. The first year I taught at Stout, was the year that a math and computer expert was discovered videotaping boys in the locker room at the Stevens Point YMCA. He fixated on my 10 year old son. In the man's treasure trove were many sizes and poses of printed pictures of my naked son with identifying information including name and address. This computer expert had all kinds of computers hooked together into a network in his basement. He also had a large supply of video/CD mailers. We were petrified. The committee must recognize that in the digital world we are no longer dealing with home grown sex offenders. We could be dealing with sex offenders from anywhere in the world.

In our case, as parents, we had to be very cautious about information disclosure to our son because of his age and developmental stage. It was important that he got enough information to stay safe, but not so much information that he started to think the world or people were unsafe, or that this man's behavior was anything other than an aberration.

Our family was privileged. We could move our son to Menomonie. I also have sisters in different states so we could have moved him far away from the address printed on the nude photos. Lots of people cannot get out of their communities. In the end, we decided a move would cause disruption and the loss of people who knew and could help track and protect our son. We chose to keep our son home, but our family had choices as below.

### **Our Family Advantages**

Everyone we dealt with at the time and as the case was prosecuted was great. The local police spent lots of time with us, explaining what they found, answering questions and discussing steps we should take to keep our son safe. The police notified our son's school. School staff were great about monitoring our son's location. They informed everyone at school in a non-frightening way to observe all strangers that came near the school. The staff also kept track of everyone who came near my son. We had a 2 parent family as well as lots of friends, neighbors and other people helping. Our son thus engaged in most of his previous activities under the constant presence of an adult while we awaited the outcome of charges. In Portage County we also have an outstanding DA. He was very responsive in following up with our concerns. The Victim/Witness Program was a lifesaver because we received notification of legal action and offender status throughout the process. The DA was available for specific follow up questions. As our committee discussed, constitutional protections created prosecution problems. Ultimately, the man could not be prosecuted for child pornography, etc. because of a co-occurring high court decision that cited videotaping without permission as important for freedom of the press and a ban on restriction of nudity to safeguard artistic expression. The DA kept working on ways to keep our community safe. Ultimately the man was found guilty of a federal offense (intercepting oral communication). The DA also found some minor state charges so that supervision after prison could be extended.

Our son was never accosted by a stranger from in or out of state. The videotape offender was in prison. Our family eventually felt fairly safe. We received notification when the offender was released under supervision. We still felt safe since our son had aged so much that we assumed he would no longer be as attractive to the offender and because supervision was in place. I did show the man's picture to my son and reminded him to be alert. One day as we walked down the street, the man was outside a coffee-shop and talked to my son. I noticed because of the seductive tone in the man's voice. I closely looked at and recognized the man. I called the DA the following Monday. As it turned out, the man had violated conditions of his parole and was back in custody.

### **What Does Our Family Experience Mean Statewide?**

I think there are some important things that can and should be done to address concerns I expressed at the meeting. First on my agenda is education and communication. I am glad my family was in a small/medium community with good staff. I wonder if everyone around the state affected by sexual offenders is so lucky. In some areas of the state where my students work, the local officials have seldom if ever had experience with a sex offender. In those communities will people know the steps that must be taken to keep another parent's child safe? Our community was small so we had the advantage of people

recognizing 'strangers.' In urban areas like Milwaukee, Racine or Madison, will a parent be on their own trying to track and protect their child?

I am glad that local responses are emphasized by current legislation and our committee. I think the local community should handle disclosure of sensitive information about a specific case. The local community can best determine how to share specific case information and how to keep the public safe, just as my community had to do when we were trying to keep my son and all of the other children in Stevens Point safe. As an aside, I want to echo support for including University Police notification as part of local authority notification. Traditional students come to the University at age 18, are on their own for the first time and are in unfamiliar territory. During my time at UW-Stout we have had several sex related incidents. In each case, the U Police did a good job of informing faculty and students. The full resources of the U and of the city were mobilized to protect students. As Program Director, I got the information that I needed to work with faculty on departmental steps to keep our students safe. When those offenders are eventually released, I would feel lots safer if the U Police were aware and could inform me and others as necessary.

I am interested in communication actions beyond just the local community though. I think the state has some responsibility for informing the public about sex offenders. Absolutely local officials should share specific information about a case but the state could provide general background information so the public can better understand the system and processes that are in place to keep them safe. In our committee meeting we heard just that 'experts' determine offender status, evaluate risk, etc. Reliance on experts is insufficient to meet the needs of the public. I think recently the general public has developed a distrust of 'experts.' As a parent directly affected by a sex offender, I can tell you that hearing that experts were making decisions potentially affecting my son and family did little to reassure me about my son's day-to-day safety.

Sex offenders affect everyone. This applies to all sex offenses. As I said in my opening, sex offenses tap into universal fears. Sex offenses are a threat that has no specific target and could arise at anytime, in any place and from anywhere. For parents, even those parents who have never been personally affected by sexual offenses, this issue threatens the most basic parental instinct of child protection and security. For adult women or for vulnerable populations, sexual assault also is a primal fear because it rattles all confidence in oneself and the world. Whether a woman or a vulnerable adult is personally affected by assault, the possibility of such violation is always part of consciousness. It is no wonder then that there is uproar in the community over sex-offender placement.

### **Practical Action by the Committee**

The committee can do something to address all stakeholder needs. As I said in the meeting, I am worried about cost as well. The steps taken should allow for maximum benefit, while costing taxpayers as little as possible. It seems to me that the committee has some pretty concentrated expertise. I think this expertise could easily be applied to putting together educational materials as a resource for all state citizens. I believe such education and information would have helped me tremendously as our family went

through the experiences I described. Even though this may appear to be beyond the purview of a committee looking at offender placement after release, I assure you it is not. Everything that happens from the time of the crime affects how people will respond when the offender returns to the community. Also, the climate of the community and the level of generalized fear in the community will affect the success of that placement. The success of placement has a huge impact on whether there will be a re-offense. Community members who are informed may still have specific worries or concerns, but they are much less likely to be in a panic.

As a parent in this situation, I got my information piecemeal as we went through the process. My fear would have been greatly reduced if I knew what to expect and what would happen along the way. I could have then better anticipated what steps I needed to take as far as my primary responsibility for keeping my child safe. This would have also helped all of the community members who offered assistance to make sure nothing bad happened to my son. Good information would also have helped all others in our community who were indirectly but very strongly affected by what happened to these boys. One of the greatest tools we have for dispersing information is the same tool that the sex offender I described used to threaten the boys in Stevens Point, the Internet! Material can be put online at little to no cost. This has the advantage of instant and statewide dispersal. I will discuss practicalities below.

**Where to put information:** Sex Offender Registry banners and links, DOC website, others?

**What information:** There should be a note on Sex Offender website that photos are current within last 2 years. Also links to additional information should be provided. This could include some of the background information heard by the committee showing the rarity of the most serious and dangerous sex offenders to help set boundaries on fear. Much other information would be helpful too. I have included possible content and in parenthesis suggestions for who might create these materials. Explain sex offender treatment (treatment staff), explain how person is evaluated for sentencing and for release (DOC/Judge/Treatment/Attic), explain what actually goes into supervision after community release (P&P/Attic?). Also general information should be provided to the public: supports available (Victim/Witness, etc.), who is involved in offering community protection (police and others), steps individuals can take to stay safe (police/advocacy groups/others?), steps to take if sexually assaulted (Advocacy group), steps to take if a person has concerns after offender is returned to the community. There may be lots of other things that committee members can identify as information needs.

### **How to Disseminate**

Online information is an easy and automatic solution. Links within documents can lead people to lots of additional resources. As a rehabilitation professional, I have to say that online information is necessary but not sufficient. There are many people who do not have Internet Access or who would not think to go to a library to get such access. There are also people who cannot read printed type or who do not read English. In addition to online print materials, audio links could provide the information via voice output. Tapes,

CDs or DVDs could be made and distributed pretty cheaply. Additionally, print copies could be distributed to key community contacts (e.g. police, schools, etc.). Complying with federal law to ensure that all people have access to information does have some additional cost, but good planning could minimize such expense.

It is possible that all of this information is already available and I am just too naïve to be aware of it. I will tell you that I did not find this information as I went through the experience with my son. If this type of information and education already exists, I think current dissemination is not working. My assumption is that with my training, area of expertise and professional experience, I should have been able to find all of this information when I was so frantically searching. I know that there are lots of people who do not have the advantages that I had. In our first committee meeting I was very saddened to think that there are people so desperate for information that the only recourse they can think of is to contact a legislator when they need information about sex offenders/safety. Something should and can be done. I think there are a couple of different ways to proceed. I am unfamiliar with the workings of a committee like ours, so have listed several ideas for ways that the committee could address this need.

### **Possible Steps**

Proposal 1: A subgroup of the committee could start to work on: (1) pulling together specific information item ideas, (2) examine who best would provide the information, (3) determine what information is already shared so the new information materials could be integrated into efforts already made to educate and inform the public, (4) determine the specifics of where and how to disseminate the information. Once all of this was done, the subcommittee could then either prepare a report for action by another group or the subcommittee itself could coordinate the material preparation process.

Proposal 2: Since there is so much expertise in our group, members could use contacts in their own areas to prepare draft information. The full group could then review and approve. Information could then go to state government departments and other entities working in the area of sexual offenders to determine how information would be configured and disseminated. Our group could still decide to have some information go out right away via the most obvious channels (e.g. Registry links).

Proposal 3: The group could simply decide that public education and information was important enough to put into a bill to be considered by the legislature.

### **Summary**

I recognize that you have had to read a lengthy document. I wanted to be certain that you had my perspectives. If the committee decides to take action on public information efforts, I would be willing to work on educational efforts.