



## WISCONSIN LEGISLATIVE COUNCIL

### PLACEMENT OF SEX OFFENDERS

Legislative Council Conference Room  
One East Main Street, Suite 401  
Madison, Wisconsin

February 15, 2007  
10:00 a.m. – 3:45 p.m.

[The following is a summary of the February 15, 2007 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 Suder called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Scott Suder, Co-Chair; Rep. Garey Bies, 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: Dr. Anna Salter, Department of Corrections.

**\*ATTENTION:** This was the final meeting of the Special Committee on Placement of Sex Offenders. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

## **Approval of the Special Committee's January 4, 2007 Meeting Minutes**

*Mr. Marshall moved, seconded by Ms. Stephens, that the minutes of the January 4, 2007 meeting be approved. The motion passed by unanimous consent.*

### **Presentations by Invited Speaker**

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

#### **Dr. Anna Salter, Department of Corrections (DOC)**

Dr. Salter, a psychologist employed by DOC, described the three main types of child sex offenders. She said the first group, which has the highest risk of recidivism, is offenders who have a deviant arousal pattern and are attracted to young children. The second group has an antisocial motivation, and the third group is motivated by loneliness.

She said that not all child sex offenders fit into one of the main categories. She also noted that one of the worst types of child sex offenders is an offender who is both antisocial and sexually attracted to children.

For offenders who offend against adults, the main categories are: (a) opportunistic, which is an offender who, for example, is robbing a house and sexually assaults a woman who happens to be there; (b) pervasively angry, which is an offender who is generally likely to fight with or assault other individuals; (c) vindictive offenders, who do not like women; and (d) sexual offenders who may be sadistic or non-sadistic.

Dr. Salter said that data from several studies shows that 51 to 62% of sex offenders have a low risk of reoffending and 10 to 12% have a high risk of reoffending. She described how an offender's risk is assessed using various assessment tools. She described the Rapid Risk Assessment of Sexual Offense Recidivism (RRASOR) risk assessment tool, which is commonly used. Under this assessment tool, a young offender who had male victims, had more than one conviction or incident of sexually assaultive behavior, and who molested a stranger are identified as the highest risk for re-offending.

Dr. Salter also discussed sex offender treatment and stated that effective treatment appears to reduce recidivism rates by 40%. She said that the only group for whom treatment is ineffective is psychopaths. She also stated that incarceration without treatment has been shown to increase recidivism.

In response to a question from Co-Chair Bies, Dr. Salter said that there are accurate assessment tools to determine if an offender is a psychopath but that the assessment is very lengthy. She said that it is likely that a sex offender who is a psychopath will be committed as a sexually violent person (SVP) under ch. 980, Stats.

Ms. Maher-Johnson asked about sex offender treatment in Wisconsin prisons. Dr. Salter said that she is not an expert on that topic but knows that DOC has worked hard to institute graduated treatment options because different offenders benefit from different levels of treatment. She said that no state has available enough treatment for all of the sex offenders who want treatment.

In response to a question from Senator Taylor, Dr. Salter said that research has shown that treatment programs that work to increase self-esteem or treat depression do not decrease the risk of recidivism in sex offenders. She said that effective treatment is cognitive behavioral therapy that works on antisocial behavior or deviant arousal patterns.

Co-Chair Suder said that the public wants 100% assurance that treatment works. Dr. Salter said that there is no guarantee of success for any particular offender.

### **Discussion of Committee Assignment**

Staff described the following materials distributed to the Special Committee.

#### **WLC: 0071/1, relating to the sex offender website**

Ms. Sappenfield described WLC:0071/1.

*Mr. Marshall moved, seconded by Ms. Eberhard, that WLC: 0071/1 be approved. The motion passed by a vote of Ayes, 11 (Reps. Bies and Suder; Sen. Taylor; and Public Members Eberhard, Flanagan, Kirn, Maher-Johnson, Marshall, Rickard, Skwierawski, and Stephens); Noes, 0; and Absent, 0.*

There was also consensus to have the co-chairs send a letter to the Children's Trust Fund to request that they provide such links on their Stop It Now! website.

#### **WLC: 0072/1, relating to requiring persons registered as sex offenders to register every 6 months in person and have a photograph taken**

Ms. Sappenfield described WLC: 0072/1. Ms. Flanagan asked whether staff knew the fiscal effect of the bill draft. Ms. Sappenfield responded that information on the fiscal impact had not been prepared. Ms. Skwierawski said that the sexual assault unit in the Milwaukee District Attorney's Office is at a breaking point and that changes to the registry laws have consistently increased that office's workload without providing additional resources. Ms. Stephens said that she could not support the bill draft unless additional resources are provided.

Ms. Maher-Johnson said that she likes that the bill draft requires photographs of sex offender registrants to be updated more frequently because it provides more information to the public. Ms. Eberhard agreed and said that it was a worthwhile use of resources.

*Co-Chair Suder moved, seconded by Co-Chair Bies, that WLC: 0072/1 be approved. The motion passed by a vote of Ayes, 8 (Reps. Bies and Suder; and Public Members Eberhard, Kirn, Maher-Johnson, Marshall, Rickard, and Skwierawski); Noes, 1 (Public Member Stephens); and Absent, 2 (Sen. Taylor; and Public Member Flanagan).*

#### **WLC: 0077/1, relating to placement of sexually violent person in municipality of residence**

Mr. Salm described WLC: 0077/1. Co-Chair Suder said that he was uncomfortable with the bill draft and felt that it would potentially pit urban areas against rural areas. Ms. Maher-Johnson said that she would support the bill draft if it applied only to Milwaukee County, and that it is reasonable to single out Milwaukee County.

Ms. Stephens said that the committee should make a statement about local ordinances that create

zones in municipalities where sex offenders are prohibited from living. Co-Chair Bies said that the U.S. Supreme Court will be reviewing the legality of those types of laws and that their decision may provide the state with guidance.

There was consensus to withdraw the draft from consideration.

**WLC: 0079/1, relating to placement in Huber facility**

Mr. Salm described WLC: 0079/1. Co-Chair Suder said that he did not support the draft. Ms. Maher-Johnson said that it is not wise to house SVPs with other offenders. She also said that any facility used to house sex offenders will become a sex offender facility in a particular community.

There was consensus to withdraw the draft from consideration.

**WLC: 0080/1, relating to release of additional information to law enforcement under ch. 51**

Mr. Salm described WLC: 0080/1.

*Co-Chair Bies moved, seconded by Mr. Marshall, that WLC: 0080/1 be approved. The motion passed by a vote of Ayes, 10 (Reps. Bies and Suder; and Public Members Eberhard, Flanagan, Kirn, Maher-Johnson, Marshall, Rickard, Skwierawski, and Stephens); Noes, 0; and Absent, 1 (Sen. Taylor).*

**WLC: 0082/1, relating to child safety zones**

Ms. Sappenfield described WLC: 0082/1.

*Co-Chair Suder moved, seconded by Mr. Rickard, that WLC: 0082/1 be approved. The motion passed by a vote of Ayes, 9 (Reps. Bies and Suder; and Public Members Eberhard, Kirn, Maher-Johnson, Marshall, Rickard, Skwierawski, and Stephens); Noes, 0; and Absent, 2 (Sen. Taylor; and Public Member Flanagan).*

**WLC: 0083/1, relating to providing sex offender registry information to the director of security of a postsecondary educational institution in a community where a sex offender is residing, is employed, or is attending school**

Ms. Sappenfield described WLC: 0083/1.

*Mr. Rickard moved, seconded by Ms. Stephens, that WLC: 0083/1 be approved. The motion passed by a vote of Ayes, 10 (Reps. Bies and Suder; and Public Members Eberhard, Flanagan, Kirn, Maher-Johnson, Marshall, Rickard, Skwierawski, and Stephens); Noes, 0; and Absent, 1 (Sen. Taylor).*

**WLC: 0084/1, relating to creating definitions of “high-risk sex offender” and “predatory”**

Ms. Sappenfield described WLC: 0084/1. She suggested adding language on page 1, line 6 to specify that DOC must determine the person meets one of the conditions to be classified as a high-risk sex offender. There was consensus to make this change.

Ms. Skwierawski and Ms. Flanagan raised concerns about the criterion that the person received a score on a risk assessment instrument indicating that the person is at high or moderately high risk of reoffending. After further discussion, there was consensus to remove this from the bill draft.

Ms. Flanagan and Ms. Stephens said that it was unfair, and perhaps unconstitutional, to classify a person as a high-risk sex offender based upon the filing of an SVP petition if the person was not ultimately committed as an SVP. Co-Chair Suder said that he has faith in the process of evaluating persons before such a petition is filed, and that he believes that a decision to file an SVP petition does indicate that a person is high risk. After further discussion, there was consensus to remove this provision from the bill draft.

Ms. Flanagan and Ms. Stephens also raised concerns about classifying someone as high risk who is charged with, but not convicted of, a serious sex offense. After further discussion, there was consensus to remove this provision from the bill draft.

Senator Taylor said that the definition of “predatory” is too narrow and sends a message to the public that a sex offender with whom a victim does have a relationship is not a predator. Ms. Skwierawski said that she was not sure that the definition would cover a case she had worked on where the offender was a pastor and would likely argue that that was the primary purpose of his relationship with the children against whom he offended. After further discussion, there was consensus to delete the definition of “predatory” and on page 2, lines 2 and 5, replace both instances of “predatory in nature” with “directed toward a person with whom a relationship has been established or exploited for the purpose of victimization, a person of casual acquaintance with whom no substantial relationship existed, or a stranger.” Ms. Stephens, however, raised concerns that every sex offender would fall under the amended definition.

*Co-Chair Suder moved, seconded by Ms. Maher-Johnson, that WLC: 0084/1, as amended, be approved. The motion passed by a vote of Ayes, 9 (Reps. Bies and Suder; Sen. Taylor; and Public Members Eberhard, Kirn, Maher-Johnson, Marshall, Rickard, and Skwierawski); Noes, 1 (Public Member Stephens); and Absent, 1 (Public Member Flanagan).*

**WLC: 0085/1, relating to providing information obtained through the global positioning tracking system to the director of security for a postsecondary educational institution**

Ms. Sappenfield described WLC: 0085/1.

*Co-Chair Suder moved, seconded by Ms. Skwierawski, that WLC: 0085/1 be approved. The motion passed by a vote of Ayes, 10 (Reps. Bies and Suder; and Public Members Eberhard, Flanagan, Kirn, Maher-Johnson, Marshall, Rickard, Skwierawski, and Stephens); Noes, 0; and Absent, 1 (Sen. Taylor).*

**WLC: 0086/1, relating to information provided by a person required to register as a sex offender**

Ms. Sappenfield described WLC:0086/1.

*Co-Chair Bies moved, seconded by Co-Chair Suder, that WLC: 0086/1 be approved. The motion passed by a vote of Ayes, 9 (Reps. Bies and Suder; and Public Members Flanagan, Kirn, Maher-Johnson, Marshall, Rickard, Skwierawski, and Stephens); Noes, 1 (Public Member Eberhard); and Absent, 1 (Sen. Taylor).*

**WLC: 0076/1, relating to additional information on department of corrections Internet site regarding sex offenders**

Mr. Salm described WLC: 0076/1. Ms. Stephens asked what the purpose of including an offender's employer's name and address on the Internet site is. She questioned whether there might be retaliation against the employer listed. Ms. Eberhard said that it is dangerous for offenders not to be employed. She said that offenders usually do not commit crimes at work, so she can see disadvantages to the proposal but no advantages. Ms. Maher-Johnson said that offenders may not live and work in the same community, so the community where the offender works should be aware of that. Mr. Marshall said that committee members should recognize the increased level of risk to the community if an offender loses a job because the employer is identified on the website. Mr. Rickard said that it would be hard to defend not disclosing where an offender works if he or she does reoffend at the worksite.

Ms. Skwierawski said that perhaps including the intersection where the employer is located would be enough information.

*Ms. Stephens moved, seconded by Ms. Flanagan, to amend WLC: 0076/1 to delete lines 4-10 on page 3. The motion failed by a vote of Ayes, 4 (Public Members Eberhard, Flanagan, Marshall, and Stephens); Noes, 5 (Reps. Bies and Suder; and Public Members Kirn, Maher-Johnson, and Rickard); and Absent, 2 (Sen. Taylor; and Public Member Skwierawski).*

*Ms. Eberhard moved, seconded by Ms. Stephens, to amend WLC: 0076/1 to replace both instances of "name and address" on page 3, lines 5 and 6 with "geographic area." The motion passed by a vote of Ayes, 5 (Public Members Eberhard, Flanagan, Kirn, Maher-Johnson, Marshall, and Stephens); Noes, 4 (Reps. Bies and Suder; and Public Members Kirn and Rickard); and Absent, 2 (Sen. Taylor; and Public Member Skwierawski).*

*Mr. Marshall moved, seconded by Ms. Stephens, that WLC: 0076/1, as amended, be approved. The motion passed by a vote of Ayes, 7 (Public Members Eberhard, Flanagan, Maher-Johnson, Marshall, Rickard, and Stephens); Noes, 2 (Reps. Bies and Suder); and Absent, 2 (Sen. Taylor; and Public Member Skwierawski).*

### **Other Business**

This was the final meeting of the Special Committee on Placement of Sex Offenders.

### **Adjournment**

The meeting was adjourned at 3:45 p.m.

AS:ksm