



JOE SANFELIPPO

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April 6, 2017

Rep. Sanfelippo public testimony on the Victim Prevention Package

Chairman Spiros and committee members, thank you for holding a public hearing today on Assembly bill 91 and 92, which are part of our victim prevent package.

The Victim Prevention Package uses our two-pronged philosophy: ensuring dangerous, violent repeat offenders are unable to continue victimizing our communities by removing them from our streets and continuing to provide evidence-based alternatives to incarceration.

Over 39% of violent criminals return to prison following their release from prior conviction, and we cannot allow repeat offenders to continue terrorizing our communities. Action must be taken, and this package of bills is a good start to addressing these serious issues plaguing both urban and rural communities across our state.

Based on current practices, it seems as though the criminal justice system has become more focused on the offenders and less focused on the victims they prey upon. To effectively deal with crime in our state, we need to find more of a balance between rehabilitating offenders and preventing victims. This package of legislation begins that conversation.

According to Milwaukee Police Department data, in 2016 there were 102 unique offenders arrested for habitual criminality, as defined in Wisconsin State Statute 939.62. From January 1st, 2007 through December 31st, 2016 these 102 offenders were arrested 945 times for a total of 2,628 crimes. The offender with the greatest number of arrests has been arrested 37 times in that ten year period.

According to the State Department of Justice, about 31% of offenders released from prison in 2011 were convicted of a new crime within 3 years of their release. The department also tells us that 35% of offenders released after 1 year or less of prison re-offend, 31.2% of offenders released after 2-3 years in prison re-offend and that 15.7% of offenders released after 5 or more years in prison re-offend. For some individuals prison time is the best deterrent to committing future crimes.

Assembly bill 91 allows the court to enter an undesignated judgment on a conviction of a person who is convicted of a Class I Felony, and upon successful completion of that person's sentence, the judge may designate the crime as a Class A Misdemeanor.

Assembly bill 92 increases the penalties for offenders who forcibly remove an individual from their vehicle and increases the penalties for repeat offenders.

The cost to families victimized by violent criminals is much higher than it is for taxpayers to keep our communities safe. I expect that you may here some of their stories here today.

I ask you that support Assembly bills 91 and 92.

Thank you again for listening to my testimony on the Victim Prevention Package. I'm happy to answer any questions you may have.

A handwritten signature in black ink that reads "Joe Sanfelippo".

STATE SENATOR
Leah Vukmir

Assembly Committee on Criminal Justice & Public Safety

Thursday, April 6, 2017

Victim Prevention Package

Assembly Bills 91 & 92

Chairman Spiros and committee members, I would like to express my sincere gratitude for giving Representative Sanfelippo's and my bills a hearing. This legislation is part of our Victim Prevention Package that addresses the rapidly growing problem of violence in our state.

Over the past five years, national crime rates as a whole have dropped, but sadly Wisconsin's has risen. According to the Uniform Crime Report compiled by the Department of Justice from 2011 to 2015, Wisconsin saw a 72.6% increase in murder, 2% increase of sexual assaults, 13% increase in robberies, 21.5% increase in aggravated assaults, and 50% jump in motor vehicle thefts from 2013.

Last week at Christ Church in Milwaukee, Ola Zyszkiewicz — and her children Bryan, Heather and Morgan — gathered together with friends and family to lay to rest her husband and the love of her life, Greg "Ziggy" Zyszkiewicz. Ziggy, a U.S. Army veteran became a victim while serving his community as a city building inspector, and he was found dead in his car after a carjacking by three habitual violent criminals.

As a result of system failures, we are allowing violent criminals who have victimized our communities in the most egregious manner the ability to continue to do so. At what point does community safety become a priority? Who is speaking up for victims?

We do not wish to imprison individuals for minor criminal infractions, and our package also includes incentives for low-level offenders. AB 91 before you today provides a low-level offender with the possibility to have a felony charge removed from their record if they complete their sentence successfully.

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However, individuals who repeatedly commit crimes that endanger the public should be held appropriately accountable. AB 92 before you today enhances the penalties for repeat carjacking offenders and motor vehicle thefts that threatens people's safety.

When we focus on converting crime statistics into numbers and dollars, we often lose sight of the victims and the brutality they have endured, the anguish their families have gone through. It is with those people in mind that I bring these bills before you.

In closing, I will read excerpts from a letter submitted to Mayor Barrett and Milwaukee Common Council members from a Milwaukee resident and parent:

"Another homicide occurred in my neighborhood two days ago. I am saddened by this event and more frightened than ever because of it. Things like this had not happened so close to my home for many years but now are a common occurrence. I have seen a steep decline in my community over the past five years.

"I am wondering where my city leaders are as crime is soaring in my neighborhood. We are prisoners in our own homes yet the ones who should be in prison have freedom! Let that sink in. You are rolling the dice with those of us who have a vested interest in the community. I have attempted to get someone's attention, anyone who would listen."

Representative Sanfelippo and I are listening. We hope that the committee is listening, as well. This package of bills before you is simply the beginning of our effort to combat our rising crime issues and make law abiding residents our first priority.

Thank you again for allowing me to testify on our victim prevention package. I would now be happy to answer any questions.



N E W B E R L I N P O L I C E D E P A R T M E N T

Joseph Rieder
Chief of Police

Phone: 262.782.6640
FAX: 262.782.9033

April 5, 2017

Representative Joe Sanfelippo
Room 306 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Re; Support for 2017 Assembly Bill 91

Dear Representative Sanfelippo,

I am writing to express my support for Assembly Bill 91 which would permit the Courts latitude when sentencing persons charged with a non-violent crime classified as a Class I felony. This Bill would allow the courts the ability to identify those persons who respond to rehabilitation efforts and reduce the classification upon conviction to a Class A misdemeanor.

Please do not hesitate to contact me if I can be of further assistance. Thank you for your representation of the 15th Assembly District.

Sincerely,

A handwritten signature in black ink that reads "Joseph Rieder". The signature is written in a cursive style with a large, sweeping initial "J".

Joseph Rieder
Chief of Police



NEW BERLIN POLICE DEPARTMENT

Joseph Rieder
Chief of Police

Phone: 262.782.6640
FAX: 262.782.9033

April 5, 2017

Representative Joe Sanfelippo
Room 306 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Re; Support for 2017 Assembly Bill 92

Dear Representative Sanfelippo,

I am writing to express my support for Assembly Bill 92 which creates a penalty classification for the crime commonly referred to as 'carjacking' as a Class E Felony. These crimes have resulted in loss of property, injury, and in some cases death to persons whose right to be safe in their vehicles is violently shattered. Ensuing pursuits of stolen vehicles, even when terminated by law enforcement, increases the jeopardy to our citizenry.

Please do not hesitate to contact me if I can be of further assistance. Thank you for your representation of the 15th Assembly District.

Sincerely,

A handwritten signature in black ink that reads "Joseph Rieder". The signature is written in a cursive style.

Joseph Rieder
Chief of Police

Good morning, Chairman Spiros and members of the Assembly Committee on Criminal Justice and Public Safety.

I am honored to speak to you today in support of the proposed Victim Prevention legislation. Although there are victims of much more violent crimes than my experience, one thing we more than likely have in common is that these crimes were committed by persons who are or may become familiar faces in Wisconsin's criminal justice system.

This is the chronicle of one such familiar face.

Prior to moving to Johnson Creek in 2014, my family resided in the Village of Rochester. At approximately 12:30 a.m. on December 9, 2013, while home alone, I was awakened by my dog. Thinking that he just needed to go outside, imagine my surprise to find the service door to the garage and the overhead garage door wide open, lights on in the garage and lower level, and fresh snow on the steps leading to the lower level. A quick survey revealed the laundry room window and patio door wide open. It was through the laundry room window that 20-year-old Joshua Casper told his smaller, younger brother, who was 15 years old at the time, to enter into my home with the intent to burglarize. (Exhibit 1: Racine County Sheriff's Office Incident Report #13-071321)

Other than my sense of security, nothing was taken, and I was not physically injured. I shudder to think what might have happened should the dog not have scared them off, had they gained access to the entire house, had they panicked if they found themselves unable to quickly escape. They were armed with a sharp object, evident by 4 of the 5 lower level window screens being sliced open and the other completely removed. (Exhibit 2: photos)

Due to the persistence of the Racine County Sheriff's Department following additional break-ins in the area, the boys were apprehended shortly thereafter and charged with burglary.

I was very disappointed when informed that Joshua Casper's "Burglary of a Building or Dwelling" charge was "read in" in exchange for a plea agreement on a manufacture & delivery of narcotics charge. On June 9, 2014, he received a withheld sentence and 18 months' probation. My reward? A paltry \$98.92 in restitution for screen replacement along with months of sleepless nights, lights on in virtually every room of the house and a family having to deal with my anxiety. Although we were already considering a move to the Johnson Creek area, the events of December 2013 expedited our search, and we moved to Johnson Creek in May 2014. Even now the lights remain on late into the night & early morning, and I sleep very little when home alone. Even the dog still seems affected by the incident; he appears to "stand guard" at the doorway when I am in a room alone.

According to court records (CCAP: 2013CF001720 & 2014CF000206), conditions of Joshua Casper's probation state he was not to consume or possess controlled substances. Jump ahead one year to June 2015, and, while on probation, he is charged with...possession of a controlled substance. (CCAP: 2015CM001535) In January 2016, he received a withheld sentence and 12 months' probation for that charge, but, thankfully, his probation was later revoked in August 2016.

Interestingly, just over 30-days *prior* to the break-in at my house, Joshua had been placed on 1-years' probation for criminal damage to property and threatening injury or harm by computer message. (CCAP: 2013CM001617 & 2013CM001779) Had his probation been revoked, perhaps he would have received a stiffer penalty for my break-in and the concurrent narcotics charge, and perhaps he would not have had the opportunities to commit the crimes he has since then. Instead, the now-23-year-old can be found in the Racine County Jail awaiting court appearances for charges of taking and driving a vehicle without the owner's consent (CCAP: 2016CF000863), 2 counts of bail jumping, the manufacture & delivery of non-narcotics, and delivery of illegal articles to an inmate (CCAP: 2016CF001765).

It is apparent Joshua Casper's previous sentences, be they probation or jail time, have provided no deterrent to his criminal behavior. Unfortunately, he is not alone. He and other habitual criminals committing even more horrendous, violent crimes deserve their just punishment, not just another slap on the wrist - one more round of probation - allowing them to walk on our streets where they commit additional crimes without conscience or fear of consequences. Refer to your statistics, talk about rehabilitation programs and the presumption of innocence all you want. Shouldn't there come a time when the rights and safety of law-abiding citizens take priority over those of the evil, *habitual* criminals who exhibit *repeated complete disregard for the law*? What about MY rights...OUR rights? We law-abiding citizens, our families, our neighbors...don't we deserve and have the right to sleep in our own homes, walk our streets, drive our cars...just work our jobs without fear of our home being burglarized, of being assaulted, raped, carjacked...or murdered?

Thank you for listening.



Racine County Sheriffs Office

Incident Report

Date: 12/10/2013

CFS Code: 051302

Incident Report Number:

13-071321

Incident: Burglary Dwelling House

Incident Report Number: 13-071321 Between: Date - Time And/At: Date-Time 12/9/13 00:52

Incident Location: 705 Fox Knoll Dr;VR, Rochester, WI, 53167

CFS Code-1: 051302 CFS Code-2: TRES CFS Code-3: CFS Code-4: CFS Code-5: CFS Code-6: CFS Code-7: CFS Code-8:

COM Name (Last, First, Middle) Hanson, Diana L DOB: 02/21/1960 Race/Sex

Address: (Address, City, State, Zip) 705 Fox Knoll Dr;VR, Rochester, WI, 53167 Home Phone Number (262) 332-7056

Employer Employer Address Work Phone Number Cell Phone Number

Name (Last, First, Middle) DOB: Race/Sex

Address: (Address, City, State, Zip) Home Phone Number

Employer Employer Address Work Phone Number Cell Phone Number

NARRATIVE

This is a report of a Burglary and Criminal Trespassing. This incident took place on the 9th of December 2013 at 0052hrs. While at the address of 705 Fox Knoll Dr. In the Village of Rochester, Racine County.

On the above date and time, I Deputy Koellner responded to the mentioned address. Dispatch advised that someone had entered the home, through a window. Prior to arrival

Vehicle Information: (Year, Make, Model, Style, Color)

License Number: State: Expiration Year: Vin: Insurance Company:

Other Vehicle Information: NCIC#

Reporting Officer(s): Koellner, Jeffrey A. Payroll Number: 7481 Payroll Number: Report Date:

Time Received: 00:52:12 Time Cleared: 03:43:42 Unit(s) Assigned: 5062, 5065, 5090 Pages: 1 Of 3

Reviewed by: Schmidt, Aaron Payroll Number: 7688 Copy To:

Incident Report Number 13-071321	Incident Location: 705 Fox Knoll Dr;VR, Rochester, WI, 53167	Incident Date: 12/09/2013
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dispatch advised that the person had exited through the garage door.

Upon arrival, I spoke with the home owner Diana Hanson. Hanson stated that she had gone to bed about 2100hrs, and was awoken at 0030hrs, by her dog barking. Hanson stated she then got up to see what the dog was barking at and observed the garage door to the home open. When she looked out the door she then observed that the overhead door was also open. Hanson stated that she then observed what appeared to be snow on the steps leading down to the basement. As she went into the basement and observed that the window in the laundry room was also opened, and that the sliding door to the rear patio was open. Hanson then called RASO to report an intruder. Hanson stated that her home owner's insurance is with American Family. She also stated that as far as she can tell nothing is missing from the home.

A search of the home was then conducted by myself and Deputy Burke, with negative results of locating anyone in the home.

A search of the outside area was then conducted by Deputy Ruffalo and his K-9 partner with negative results of locating anyone.

ET work was then conducted by Deputy Embrey, see his report for more information.

After speaking with Hanson it was revealed that she and her husband have a business in Wisconsin Dells. She and her husband travel back and forth from the Dells and they stay in the Dells 3-4 days a week. Hanson went on to say that she was in the Dells Saturday and Sunday morning and returned home Sunday afternoon. During the time she was gone, a family friend Addie Haupert, (262-9891327) came

Reporting Officer(s): Koellner, Jeffrey A.	ID Number 7481	ID Number	Pages:: 2 Of 3
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Incident Report Number
13-071321Incident Location:
705 Fox Knoll Dr;VR, Rochester, WI, 53167Incident Date:
12/09/2013

over to the home, to check on the home and care for the dog. Hanson went on to say that when she returned home Sunday afternoon, everything seemed normal and appeared to be in order.

After checking the outside of the home, it appeared that someone attempted to gain entry by cutting the window screens on the lower far north window and the lower middle window, with negative results. The person was then able to gain entry on his third attempt, and entered threw the laundry room window. It appeared that the person then unlocked the patio door to let a second person in. It then appeared that both people were frightened off by the barking dog, or that fact that Hanson had gotten up to check. One person the exited by the patio door, while the second exited by the garage door.

Hanson was provided the complaint number and is going to conduct an inventory of the property when her husband returns home.

Her son Kevin Hanson and daughter Andrea Hanson were going to spend the rest of the evening with there mother.

A copy of this report was sent to the Investigative Bureau for any further follow-up that may be necessary.

J.Koellner 7481

Reporting Officer(s):
Koellner, Jeffrey A.ID Number
7481

ID Number

Pages::
3 Of 3

Racine County Sheriffs Office

Supplementary Report

Incident Report Number 13-071321	Incident Location: 705 Fox Knoll Dr;VR, Rochester, WI, 53167	Incident Date: 12/09/2013
New Incident: Burglary Attempt	Original CFS Code - 1: 051302	New CFS Code - 1 : BURATT
		New CFS Code - 2:

NARRATIVE

On the above listed date, at approximately 01:30 am, I, Dep. Embrey, was dispatched to 705 Fox Knoll Dr. in the Town of Rochester, for an Attempted Burglary call. Dep. Koellner requested that I process the scene for evidence and take photographs.

Upon arrival at the scene, I met with Dep. Koellner. Dep. Koellner advised me that an intruder made entrance into the house via a window located in the basement and left through the car garage door.

I started taking photographs inside the residence at the point of entry. The complainant, Diana L. Hanson, advised that when she came home that night, she found her garage door open. She further advised that the car garage door was also open. I found dirt from outside the window on the top of the washing machine and dryer. No shoe or finger prints were located on the appliances. I then located two distinct sets of shoe prints outside the house both leading to the house and then away almost in the same direction as they had come from, the north east. Photos were taken of the shoe prints, the direction of travel, both to and away from the residence, and at the point of entrance at the laundry room window, both inside and outside. The window had appeared to have been opened without breaking the lock or window. It was pushed up. I did find a broken window lock inside the house on the ledge of the window. Hanson advised me that the lock had been broken previously.

Copies of the photos where down loaded to disc and provide to Dep. Koellner.

Reporting Officer(s): Embrey, William R.	Payroll Number: 7777	Payroll Number:	Report Date: 12/10/2013
Reviewed by: Schmidt, Aaron	Payroll Number: 7688	Copy To:	1 Of 1

Racine County Sheriffs Office

Supplementary Report

Incident Report Number 13-071321	Incident Location: 705 Fox Knoll Dr;VR, Rochester, WI, 53167	Incident Date: 12/09/2013
New Incident:	Original CFS Code - 1: 051302	New CFS Code - 1 : New CFS Code - 2:

NAMES

Suspect-1

Casper, Jeremy Dean W/M-16
of 649 Aber Dr;VW
V Waterford,WI,53185
DOB: 01/05/1997
HT: 504 WT: 160 Hair: Brown
Eyes: Blue Complexion: Fair
Home Phone:(262) 534-5664 Cell Phone:(262) 880-7093

Booking#: 13-001846

Case#	Charge	Description	Ct
13-071321	943.01	Crim.damage Property	1
13-071321	943.10	Bur W/int To Com Fel	1
13-071321	943.13	Crim.trespassing	1

Suspect-2

Casper, Joshua D W/M-20
of 649 Aber Dr;VW
V Waterford,WI,53185
DOB: 10/02/1993 DL: C216-4249-3362-03
HT: 508 WT: 160 Hair: Brown
Eyes: Brown Complexion: Fair
Cell Phone:(262) 716-8963 Work Phone:(262) 716-8963

NARRATIVE

On 12/15/13, Inv. Dani and I interviewed Joshua Casper regarding some vehicle enteries in the Village of Rochester area. Casper subsequently admitted to burglarizing the residence of 705 Fox Knoll Dr. in the Village of Rochester on 12/09/13.

Casper advised that on 12/09/13, he stood outside the residence of 705 Fox Knoll Rd in the Village of Rochester while Jeremy entered in through the laundry room window. Casper advised that he told his brother to go

Reporting Officer(s): Vanscyoc, Brian D.	Payroll Number: 7720	Report Date: 12/16/2013
Reviewed by: Adams, Daniel J.	Payroll Number: 7255	Copy To: 1 Of 2

Racine County Sheriffs Office

Continuation

Incident Report Number
13-071321

Incident Location:
705 Fox Knoll Dr;VR, Rochester, WI, 53167

Incident Date:
12/09/2013

inside with the intent to burglarize the home and stated that he could run out the front door if he ran into trouble. He advised that almost immediately upon Jeremy entering the residence, they heard dogs barking from within and Jeremy exited the residence through the same window. Casper advised that he told his brother to go in through window because he is smaller in stature and could more easily fit through. He advised that nothing was taken from inside as they were scared off by the barking dogs. A charge of Burlary was submitted to the DA's office on Casper. Follow up to be done with Jeremy. Nothing further at this time.

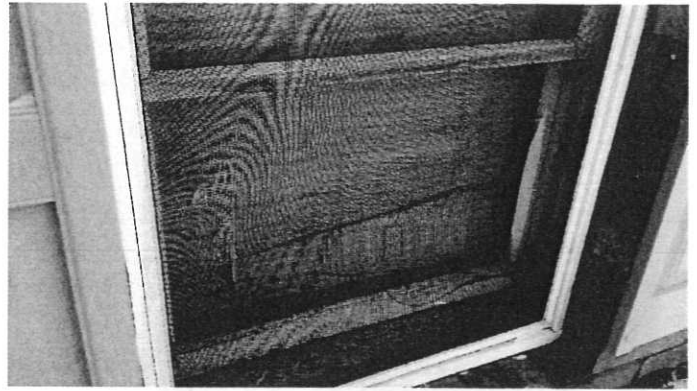
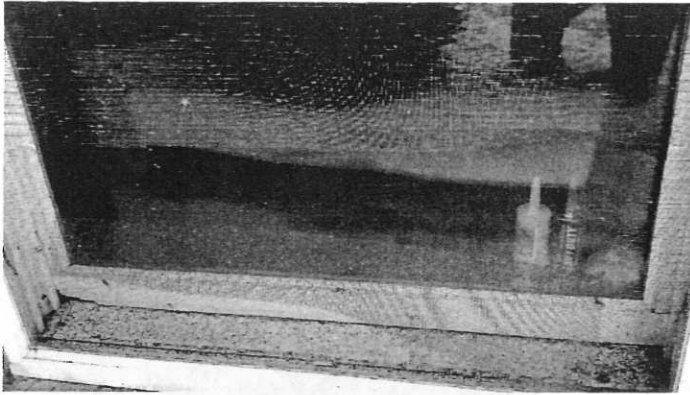
Inv. B. VanScyoc #7720

Reporting Officer(s):
Vanscyoc, Brian D.

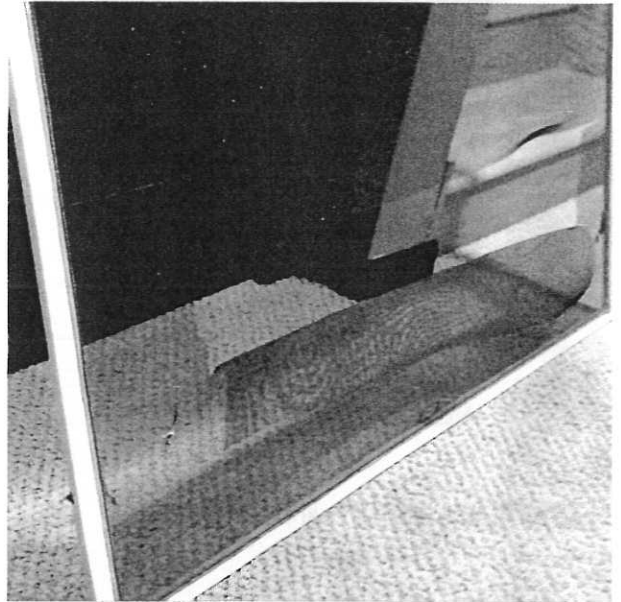
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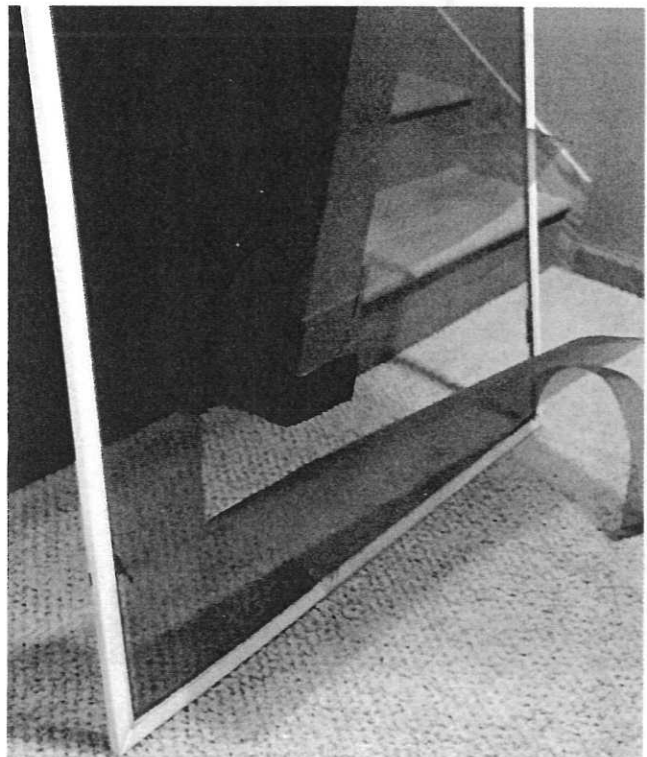
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2 Of 2

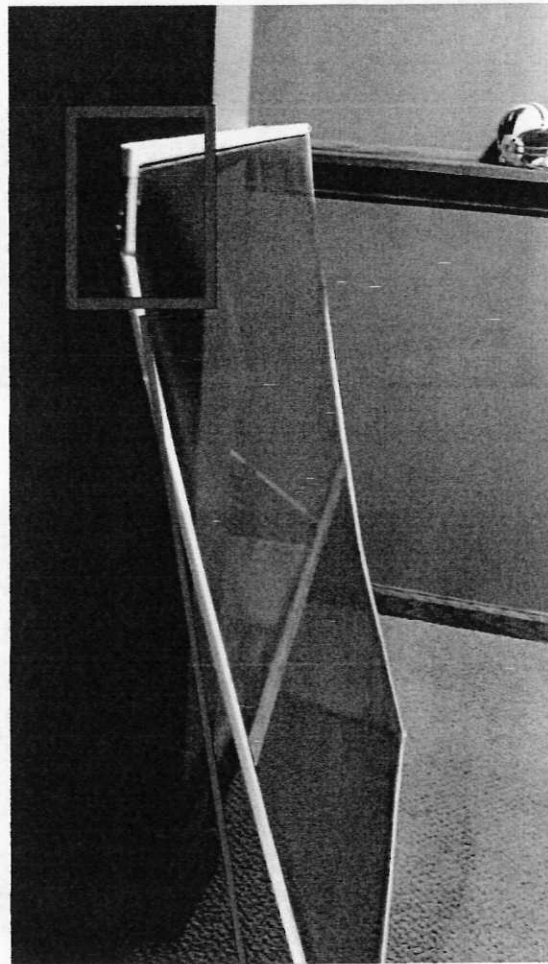
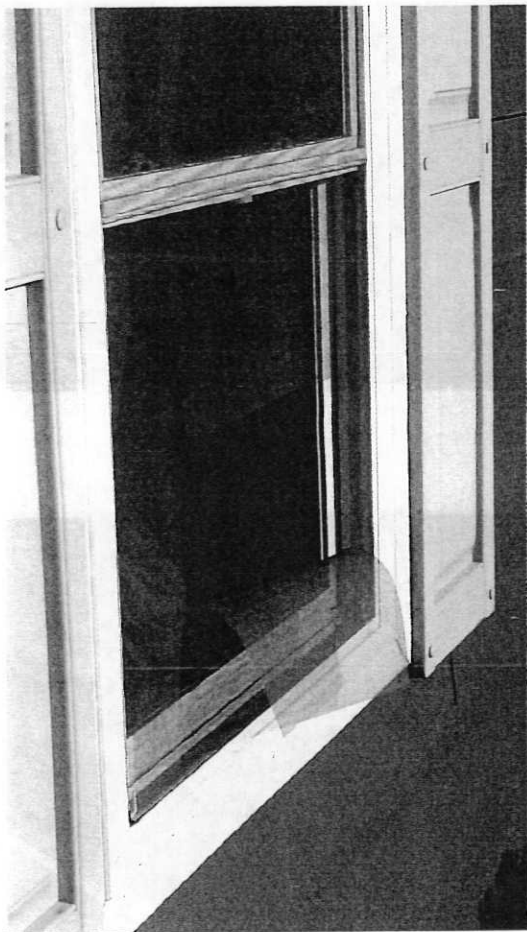


Utility room window screens



Laundry room window screen through which Jeremy Casper entered my house

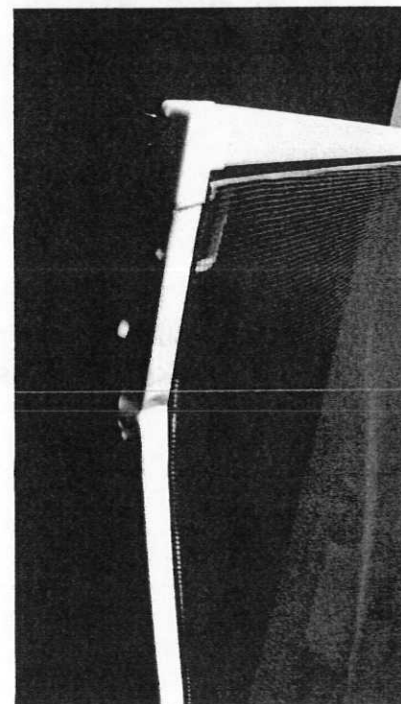
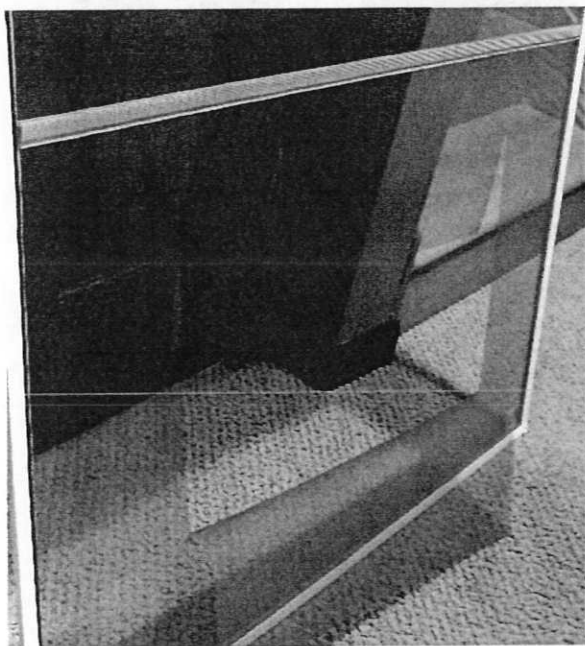




Lower-level bedroom window screen



Family room window screen. Removed from window and left on bank of drainage canal behind my home





**Assembly Committee on Criminal Justice and Public Safety
Testimony on Assembly Bill 91
April 6, 2017**

Thank you Representative Spiros and members of the Criminal Justice and Public Safety Committee for giving me the opportunity to testify in favor of Assembly Bill 91. My name is Tom Lyons. I am the Wisconsin State Director for Right on Crime. Right on Crime is a national campaign of the Texas Public Policy Foundation, in partnership with the American Conservative Union Foundation and Justice Fellowship that supports fighting crime, prioritizing victims, and protecting taxpayers.

AB 91 provides an incentive for people convicted for the first time of a non-violent, low-level felony at avoiding the lifetime collateral consequences of being a felon.

Felony convictions carry significant consequences beyond the potential for prison. Some restrictions only apply while the person is on serving his sentence or under supervision like voting. However, many are much longer lasting. The right to possess a firearm is taken away forever.

In addition, a felony conviction can lead to a denial of certain professional licenses including licenses needed to become a bingo caller, real estate appraiser, installer of burglar alarms, mortgage loan originator, and private investigator. To those granted relief under AB 91, this bill creates economic opportunities barred by current state law.

AB 91 is tailored towards a small segment of convicted felons. The incentive created by this bill provides courts a useful tool to motivate against recidivism. It allows courts to exercise discretion and use their judgment based on their personal knowledge of the case rather than cramming those convicted of low-level felonies into pre-designated, unchangeable categories.

One addition to the bill that could be useful is providing the same opportunity to juveniles adjudicated of what would be a felony if the juvenile were tried as an adult. Many of the same lifetime consequences attached to a felony conviction apply to juveniles.