



WISCONSIN LEGISLATIVE COUNCIL

SEXUALLY VIOLENT PERSON COMMITMENTS

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

November 16, 2004
1:00 p.m. – 3:30 p.m.

[The following is a summary of the November 16, 2004 meeting of the Special Committee on Sexually Violent Person Commitments. 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/2004studies.htm>.]

Call to Order and Roll Call

Chair Lazich called the meeting to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Sen. Mary Lazich, Chair; Sen. Jeff Plale; Reps. Mark Gundrum, Jeff Stone, and Tony Staskunas; and Public Members Rebecca Dallet, Mike Nofzinger, Richard Sankovitz, and Sally Tess.

COMMITTEE MEMBERS EXCUSED: Sen. Alberta Darling.

COUNCIL STAFF PRESENT: Ron Sklansky and Don Salm, Senior Staff Attorneys.

APPEARANCES: Steven Watters, Director of the Sand Ridge Secure Treatment Center (SRSTC); Dennis Doren, Director of the SRSTC Evaluation Unit; and Lloyd Sinclair, Associate Treatment Director of the SRSTC.

Approval of the Minutes of the September 28, 2004 Meeting

The minutes of the Special Committee's September 28, 2004 meeting were approved by unanimous consent.

Description of Materials Distributed

Ron Sklansky described WLC: 0041/1, relating to battery to staff providing institutional care for sexually violent persons. He stated that the draft provides that whoever intentionally causes bodily harm

to a staff member acting in an official capacity, who knows or has reason to know that the victim is a staff member, and who causes bodily harm without the consent of the staff member is guilty of a Class H felony. Mr. Sklansky noted that the committee could consider, at a later point in the meeting, whether the class of potential victims should be expanded in the draft. He also stated that the Department of Corrections had submitted comments regarding Assembly Substitute Amendment 2 to 2003 Assembly Bill 861 and that staff had requested comments from the State Public Defender, but that the comments had not yet been received.

Ms. Tess discussed the contents of a letter from the Department of Corrections to the Special Committee; the comments generally were in favor of the provisions of the substitute amendment.

Invited Speakers

Steven Watters, Director, Sand Ridge Secure Treatment Center (SRSTC)

Mr. Watters described the general philosophy of the SRSTC's ch. 980 program relative to assessment and evaluation of patients. He noted that the program is committed to the use of the best tools and techniques available to fulfill its role in providing an objective, professional assessment and evaluation of the patient so that the courts and the institutional system have the best available information to guide their actions.

Dennis Doren, Director, SRSTC Evaluation Unit

Mr. Doren described the statutory evaluation and court testimony requirements, the evaluation process for determining "mental disorder" and the patient's recidivism risk, and considerations that enter into a typical risk assessment and risk management determination. Mr. Doren described and illustrated the rapid risk assessment for sex offender recidivism (known as "RRASOR") tool and described other risk management considerations in conducting evaluations. Generally, he noted that current statutory procedural timelines are unrealistic, especially the 45-day time limit between the probable cause hearing and the ch. 980 trial. He added that the 45-day limit is always waived, leaving no time limit.

Lloyd Sinclair, Associate Treatment Director, SRSTC

Mr. Sinclair discussed the concept of "significant progress in treatment," described treatment progress reports and the effect of treatment on recidivism, and reviewed four treatment targets to reduce recidivism (deviant sexual interests, distorted attitudes, socio-affective functioning, and self-management). He also discussed methods of assessing a patient's treatment progress. He stated that in order to show significant progress in treatment, a patient must engage in treatment and demonstrate that progress has been made through all of the following:

1. Meaningful participation in the ch. 980 treatment program.
2. Sufficient treatment participation to allow individual treatment needs to be identified.
3. Willingness to work diligently on addressing treatment needs.
4. Understanding of thoughts, attitudes, emotions, behaviors, and sexual arousal linked to sex offenses and identifying when these occur.

5. Sufficient change in thoughts, attitudes, emotions, behaviors, and management of arousal, so that it is reasonable to assume change can be maintained and continued through treatment in the community.

Mr. Sinclair indicated that comprehensive sex offender treatment reduces sexual recidivism, although it does not eliminate it. He discussed the four targets that treatment is directed at to reduce recidivism: (1) deviant sexual interests, such as preference for children and sadistic interest; (2) distorted attitudes; (3) socio-affective functioning, such as having callous and shallow emotions; and (4) self-management, such as poor impulse control. He concluded by stating that treatment is a lengthy process that poses multiple challenges for the treatment staff.

In response to questions from members of the committee, the speakers made the following comments:

1. The court sometimes is made aware of differences of opinion between the evaluation staff and the treatment staff.
2. With respect to juveniles, the SRSTC staff sometimes does not have complete information. However, even with more information, it is not clear from the research that the evaluation tools used with adults are as successful when used with juveniles.
3. The RRASOR tool is gaining greater acceptance around the country. Additional tools are being studied in Canada. However, these tools by themselves cannot replace clinical assessment.
4. With respect to the developmentally disabled, a number of different treatment paths have been modified.

Discussion of Committee Assignment

The committee directed staff to amend WLC: 0041/1 so that it will apply to any battery perpetrated by a patient on any person at an institution, not just on a staff member.

With respect to the issue of dealing with a person who is incompetent to stand trial, Ms. Dallet stated that the ch. 51, Stats., commitment process is not a reliable process for accommodating the needs of a sexually violent person or the needs of the surrounding society. Judge Sankovitz noted that counties would prefer that these individuals be processed under a ch. 980, Stats., commitment in order to avoid the costs of a local commitment procedure. Warren Weinstein, representing the Department of Justice, testified that a bridge is needed from the ch. 980, Stats., process to the process under s. 971.17, Stats., relating to the commitment of persons found not guilty by reason of mental disease or mental defect. Mr. Watters stated that SRSTC will work with the Department of Justice to provide some resolution to this issue; however, he noted that the issue is not significant enough to impede the committee's consideration of Assembly Substitute Amendment 2 to 2003 Assembly Bill 861.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be held at the call of the Chair.

Adjournment

The meeting was adjourned at 3:30 p.m.

RS:jal;tlu