



WISCONSIN LEGISLATIVE COUNCIL

PLACEMENT OF SEX OFFENDERS

Room 225 Northwest
Madison, Wisconsin

November 30, 2006
10:00 a.m. - 2:05 p.m.

[The following is a summary of the November 30, 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 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; and Public Members Susan Eberhard, Mel Flanagan, Kerry Kirn, Sandy Maher-Johnson, Terry Marshall, Larry Rickard, Audrey Skwierawski, and Marla Stephens.

COMMITTEE MEMBER EXCUSED: Sen. Lena Taylor.

COUNCIL STAFF PRESENT: Anne Sappenfield, Senior Staff Attorney.

APPEARANCES: Sandy Maher-Johnson, Citizens for a Safe Wisconsin; William Kruzicki, U.S. Marshall for the Eastern District of Wisconsin and member of the Adam Walsh Steering Committee, and Melissa Roberts, Director of Sex Offender Programs, Department of Corrections (DOC); Steve Watters, Director, and Dr. David Thornton, Sand Ridge Secure Treatment Center, Department of Health and Family Services; Diane Murphy, Mayor of Neillsville, Wisconsin; and Kathy Walter, Field Supervisor, Division of Community Corrections, DOC.

Approval of the Special Committee's September 14, 2006 Meeting

Marla Stephens moved, seconded by Mel Flanagan, that the minutes of the September 14, 2006 meeting be approved. The motion passed by unanimous consent.

Presentations by Invited Speakers

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

Sandy Maher-Johnson, Citizens for a Safe Wisconsin.

Ms. Maher-Johnson said that Citizens for a Safe Wisconsin is a grass-roots organization that advocates for tougher sex offender legislation and enhancements to Wisconsin's comprehensive sex offender management program. Ms. Maher-Johnson said that her group supports 2005 Wisconsin Acts 430 and 431 providing for mandatory minimum prison terms and GPS tracking of certain child sex offenders. Ms. Maher-Johnson said that Citizens for a Safe Wisconsin is concerned with the placement of sexually violent persons who have been placed in the community on supervised release under ch. 980, Stats. She noted that this has been a problem mainly in Milwaukee County.

Ms. Maher-Johnson said that issues in Milwaukee must be addressed or ch. 980, Stats., is in danger of being ruled unconstitutional. She suggested having sexually violent persons propose their residence instead of having the Department of Health Family Services (DHFS) find the residence. The residence would be subject to DHFS approval. She said neighbors in a half-mile radius should be notified of the placement and that the residence should have a marking to indicate a sexually violent person resides there.

Ms. Maher-Johnson also proposed legislation to require that sexually violent persons who are placed in Milwaukee County be placed in their city, town, or village of residence. This provision was originally included in 2005 Wisconsin Act 431. She also advocated for supporting a more collaborative community approach to sex offender placement and supervision.

Ms. Maher-Johnson suggested changes to the sex offender registry website so that it would include an offender's risk assessment status, his or her employment and school information, more photographs, and a description of distinguishing marks. She also suggested in-person, semi-annual registration for high-risk offenders.

Finally, Ms. Maher-Johnson recommended increased penalties for failing to register as a sex offender, aiding in falsifying registry information, and tampering with GPS equipment.

Ms. Stephens said she was unsure as to how requiring placement of Milwaukee sexually violent persons in their city, town, or village of residence would help with difficulties in placing these persons. Ms. Maher-Johnson responded that she believes it would force communities to accept the fact that an offender would be placed there and work toward an appropriate solution. Mr. Marshall asked Ms. Maher-Johnson if her group supports a proposed ordinance in Franklin that would prohibit placing sex offenders in most of the city. She said the group is neutral.

William Kruzicki, U.S. Marshall for the Eastern District of Wisconsin and member of the Adam Walsh Steering Committee, and Melissa Roberts, Director of Sex Offender Programs, Department of Corrections (DOC),

Mr. Kruzicki said that the federal Adam Walsh Child Protection and Safety Act of 2006 provides funding for states for registration and supervision of sex offenders and that states on the forefront are more likely to receive funding. He noted that funding has not yet been appropriated because the guidelines for the act are not yet complete. He said that the U.S. Department of Justice is currently working with all of the states to determine concerns they have with their registries and the federal legislation so that DOJ can develop the guidelines for the act. The act will be fully implemented in five years.

Ms. Roberts said that it appears that Wisconsin will not have to make major changes to be in compliance with the federal act. She said that act will require more face-to-face contact with offenders and will treat registry of employment and school information the same way as residency information is treated. In response to a question from Co-Chair Suder, Ms. Roberts said that she is not sure at this point whether Wisconsin will need to enact legislation to comply with the federal law.

Steve Watters, Director, and Dr. David Thornton, Sand Ridge Secure Treatment Center, Department of Health and Family Services,

Mr. Watters discussed the importance of assessment of sexually violent persons and said that the role of DHFS is to provide an objective and professional assessment of each offender so that courts have the information they need to guide them. Mr. Watters discussed the legal framework for releasing a sexually violent person to supervised release and the statutory definition of “significant progress in treatment” as used in the supervised release criteria.

Dr. Thornton said that sex offenders vary greatly in their risk of re-offending. He said that something that makes good policy sense for a high-risk sex offender may very well not make good policy sense for a low-risk offender.

He said that most sex offenders fall into the low and low-moderate risk categories, but that sexually violent persons are generally high and moderate-high risk. He also said that sexually violent persons tend to be less responsive to treatment, as frequently demonstrated by their lack of progress in treatment in the prison system. He also said that sexually violent persons often have treatment barriers such as cognitive deficits, mental illness, or habits of secrecy.

Dr. Thornton said that research has indicated that well-structured and well-implemented treatment does not cure an offender or eliminate risk but may reduce an offender’s recidivism rate by as much as half. He said that effective treatment focuses on identifying an offender’s risk factors (e.g., being sexually interested in children or difficulty in relationships with adults) and specifically addressing them in treatment. Offenders are monitored during treatment at Sand Ridge to determine whether they are sustaining the change in any risk factors. Dr. Thornton said that treatment is a very long process and that he would expect a motivated offender with few barriers to need at least six years of treatment to make sustained change.

Dr. Thornton said that he views supervised release as very important and that offenders who gradually have more freedom are less likely to re-offend than those who go straight from a very structured, secure environment to the community without supervision.

Mr. Watters said that this issue presents a dilemma for policy makers because making the criteria to be placed on supervised release and the amount of supervision on supervised release may make it more likely that an offender will meet discharge criteria before meeting supervised release criteria and makes the offender's transition less gradual.

Diane Murphy, Mayor of Neillsville, Wisconsin

Ms. Murphy said that DOC has proposed to lease a house in Neillsville to establish a temporary living program for offenders from Clark County. She said that she was not properly noticed concerning the facility and said that the citizens of Neillsville are angry and frightened at the prospect of having such a facility in the city. Co-Chair Suder said that perhaps the notice should have been sent by certified mail.

Kathy Walter, Field Supervisor, Division of Community Corrections, DOC, and Melissa Roberts, Director of Sex Offender Programs, DOC

Ms. Walter said that she has worked for DOC for 33 years and has been a field supervisor for a sex offender specialty unit in a Milwaukee probation and parole office for 15 years.

She said that, as a practitioner, she tries very hard to use the most effective methods to prevent further offenses. She said that she and her agents keep up with current research on effective treatment and supervision. She said that she believes that the three parts to successful outcomes are: (a) strict and intensive supervision; (b) treatment or sex offender programming; and (c) polygraphs. Ms. Walter said that polygraphs sharpen the other tools because they inform agents as to what the offender is doing or thinking when the agent is not with him or her. She noted that in a recent round of polygraphs, she estimates that nine out of 10 offenders given a polygraph confessed to violations either before or after the test. She said she would like to have the resources to conduct more polygraphs.

In response to questions from Ms. Skwierawski, Ms. Roberts said that priority for polygraphs is given to high-risk offenders. She said the DOC budget allows for 600 polygraph examinations each year and that each test costs approximately \$370.

Ms. Skwierawski said that district attorneys in Milwaukee have had a large caseload increase since having to prosecute sex offenders for failure to register. She asked if DOC could distinguish offenders who knowingly use deception to avoid registration from offenders who do not register due to characteristics such as cognitive deficits. Ms. Roberts said that persons referred for prosecution have been afforded every opportunity to comply with registration requirements.

Ms. Stephens asked if Ms. Walter has difficulty finding housing for sex offenders. Ms. Walter said that she does and that location of housing is important but having stable housing that the probation and parole agent has access to is most important.

Judge Flanagan said that courts need more information about sex offenders. She said that persons convicted for failure to report may need prison time if they are willfully deceptive but may need a long term of probation if they cannot comply with requirements due to limitations.

Mr. Rickard said that the state should put more funding into polygraph examinations.

Mr. Marshall said that Wisconsin is very lucky to have such a good probation and parole system. He said that manpower is becoming an issue, and that technology cannot replace the importance of people and their interaction with offenders. He also said that risk assessment is important. Ms. Walter said that risk assessment is ongoing and dynamic and that sex offenders should not be placed on a waiting list for treatment and assessment programs.

Description of Materials Distributed

Judge Flanagan described the materials she distributed that she received at the 2006 National Symposium on Sex Offender Management and Accountability.

Ms. Eberhard discussed the materials she had distributed and said that she believes that there are better outcomes if a community is prepared for dealing with sex offenders.

Ms. Sappenfield described Memos No. 2 and 3.

Discussion of Committee Assignment

There was consensus to discuss the following issues at the next meeting:

- Creating a definition of “high-risk sex offenders.”
- Requiring sexually violent persons who are placed on supervised release in Milwaukee County to be placed in their city, town, or village of residence.
- Allowing sexually violent persons who are placed on supervised release to be placed in Huber facilities.
- Shared living arrangements for sex offenders.
- Sex offenders living near or on college or university campuses.
- Creating a single document or website for sex offender information and education.
- Requirements for information contained on the public website for the sex offender registry.
- Exclusion or child safety zones.

The committee also requested presentations on the supervised release program, on issues facing universities, on issues facing municipalities, and on community notification of sex offender placements.

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, January 4, 2007, at 10:00 a.m., in Room 225 Northwest, State Capitol.*

Adjournment

The meeting was adjourned at 2:05 p.m.

AS:ksm