

SAND RIDGE SECURE TREATMENT CENTER

DHFS/DDE-5958 (05/03)

Department of Health and Family Services

Division of Disability and Elder Services

DATE: January 4, 2007

TO: Joint Legislative Council's Special Committee on Placement of Sex Offenders

FROM: Steve Watters, SRSTC Director

RE: Response to Committee's Questions

At the November 30, 2006 meeting, the Committee asked DHFS to respond to several questions/issues: (1) What is DHFS's reaction to the possibility of requiring individuals committed under Chapter 980 who have been granted Supervised Release (SR) to locate their own residences? (2) Are there any changes that could be made to the community supervision of persons granted Supervised Release that could make the system more efficient and/or effective?

Residence Location

The Chapter 980 Program has several comments on the possibility of requiring individuals granted SR to locate their own residences:

- 2005 WI Act 434 - - which was largely developed by a Legislative Council Study Committee on Chapter 980 - - made a considerable number of changes in the residence search and approval process. The clear intent of this legislation was to establish a process that facilitated local input into the residence selection process. Specifically, the new law includes the following provisions:
 1. It authorizes the individual patient, his attorney, the District Attorney, any law enforcement agency in the county of placement, and any local government in the county of placement to submit prospective residential options to DHFS.
 2. It requires the county 51.42 department to prepare a report (either independently or with DHFS) identifying prospective residential options.
 3. DHFS is then required to use any submission from #1 and #2 or other residential options identified by the Department to prepare a SR plan that identifies the proposed residence.
 4. The Court then reviews the plan and either approves or disapproves it.
- As a general rule, persons committed under Chapter 980 have been isolated away from their home counties for a considerable period of time - - i.e., they have been in prison and then held in the 980 facility. Most of the patients have only minimal contacts back in these communities. Accordingly, it is very unlikely that these individuals will have any reasonable residential options readily available to them. Further, individuals being housed at SRSTC do not have access to resources (e.g., internet, local newspapers, etc.) that would typically be used by persons in the community to locate housing.
- These new provisions became effective on August 1, 2006, and they have not been used in any case to date. Accordingly, the Department believes that it would be premature to initiate further changes in the process. In particular, since such a change might diminish the role that the recent legislation created for local input.

Other Potential Changes

Because of the many changes to the Chapter 980 program during the '06-'07 legislative session, it is difficult to assess what if any changes are necessary. In fact, some of the changes will not go into effect until July 1, 2007. As we gain experience under these new provisions, we will be better able to assess any unintended consequences or enhancements that need to be addressed. Anytime the Legislature is considering changes to the Chapter 980 program, it is important to keep in mind the safety of the public, the sensitivity of the constitutionality of the law and ensuring adequate resources to manage the program.

There is one statutory change that the Department would like this Committee to consider to clarify the Department's authority to disclose information to law enforcement agencies on the whereabouts of persons committed under Chapter 980. There is a provision in Chapter 51 (the State's Mental Health Act) that treats the disclosure of information related to 980 patients differently than other high-risk mental health patients (i.e., those patients who are committed in part because of their commission of a crime). By amending 51.30(4)(b)16. to include a reference to Chapter 980, the Department will be able to disclose to law enforcement (upon request) the whereabouts of individuals on Supervised Release beyond the three circumstances currently allowed in law (residence, employment and school). The Department is already working with the LRB on preparing draft language, and will provide this committee with a copy of the draft once it becomes available.

If DHFS can be of any further assistance to the Committee, please let us know.