

WISCONSIN SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION



A MANUAL FOR LAW ENFORCEMENT

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In cooperation with:
Wisconsin Chiefs of Police Association
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INTRODUCTION

PURPOSE

On June 1, 1997, Wisconsin's Sex Offender Registration and Community Notification laws (WI Stats. §301.45 and §301.46) became effective. Amendments to the statutes have been made since that time to further refine the law, and to bring Wisconsin into full compliance with federal standards and requirements. This document was developed in cooperation with the Wisconsin Chiefs of Police Association, the Badger State Sheriffs Association and the Wisconsin Department of Corrections. It is intended to offer basic information about Wisconsin's Sex Offender Registry Program, and to provide a set of guidelines that will assist law enforcement officials statewide in understanding when, how and under what circumstances registration is required, as well as providing information regarding community notification.

This document is divided into four major topic sections:

- Part 1:** **Community Notification - Information for Law Enforcement:** This section offers specific information for law enforcement officials regarding the law itself, access to information in the registry, and recommended guidelines for disseminating information to the community.
- Part 2:** **Model Policy for Law Enforcement:** This section offers a model policy statement that parallels the recommended procedures set forth in this document. This model is offered as a framework to assist law enforcement agencies in developing/adapting local policies and procedures unique to each jurisdiction.
- Part 3:** **Overview of Access to Information:** This section provides an overview of various methods/systems for access to and dissemination of registry information for law enforcement, victims, non-criminal justice agencies/groups (schools, etc.) and the public.
- Part 4:** **Forms and Reference Documents:** This section contains copies of forms and other relevant documents, including a sample Special Bulletin Notification and forms used for registration, information gathering and notification decision-making. Copies of any DOC forms may be obtained by contacting the DOC SORP.

Part 1

**Community Notification
Information for Law Enforcement**



COMMUNITY NOTIFICATION INFORMATION FOR LAW ENFORCEMENT

I. INTENT of LAW

Sex offenders pose a risk of engaging in criminal sexual activity in the community. Protection of the public from sex offenders is a governmental interest. Registration serves as a way to monitor and track the whereabouts of sex offenders in the community.

The release of *relevant offender information*¹ about sexual offenders to law enforcement, public/private entities and the general public furthers the interest of public safety and enhances crime detection and prevention. The central principles of Wisconsin's Sex Offender Registration and Community Notification laws include:

- **FLEXIBILITY**: The law attempts to provide flexibility and discretion to both the agency of jurisdiction and law enforcement authorities in making notification decisions and conducting notification activities.
- **BALANCE**: The law attempts to maintain balance between community protection, the public's need to be informed, and the need to create an environment that enhances the offender's likelihood for successful rehabilitation and reintegration into the community.
- **SENSITIVITY to VICTIMS**: The law seeks to be sensitive to the needs of victims, including the potential impact of their offender's release to the community, the effects on victims and their loved ones of community notification activities, and the presence of offenders in the community. The law contains specific safeguards to reduce the possibility of re-victimization.
- **ENHANCED PUBLIC PROTECTION**: The purpose of community notification is not to impose additional "punishment" on an offender, but to increase offender accountability through enhanced information sharing within and between the criminal justice system and the community.

¹ "Relevant Offender Information" is defined as any information that is deemed necessary to protect the public concerning a specific person required to register under the law, except: 1) the identity of the victim of the offense is withheld; and 2) the release of any information on juvenile offenders beyond law enforcement and corrections officials is prohibited.

II. OVERVIEW of LAW

Implementation of Wisconsin's Sex Offender Registration and Community Notification laws has been accomplished through development of complex systems for information collection, maintenance and dissemination. In general, Wisconsin's law:

- Assigns responsibility for administering the sex offender registration program to the Department of Corrections (DOC).
- Identifies those offenders required to register, including all persons (adult and juvenile) adjudicated, convicted, committed, incarcerated or on supervision for an included offense since December 25, 1993. Registration requirements apply to Wisconsin offenders, other states' offenders, military offenders, federal offenders, and tribal offenders.
- Establishes registration time frames and requirements for offenders on supervision, and for a period of 15 years or life following discharge from sentence or commitment.
- Establishes a statewide electronic database linkage/data transfer system between the sex offender registry and federal, state and local law enforcement agencies. This system provides immediate access to updated registry information for law enforcement.
- Mandates a "Special Bulletin Notification" (SBN) process to alert local law enforcement agencies about upcoming releases of certain sex offenders. SBN's are issued to law enforcement in the offender's planned area(s) of residence, school and employment. The process provides law enforcement with detailed relevant information about a specific offender before the offender's release from incarceration or confinement back into the local community.
- Establishes requirements for access to registry information by victims, non-criminal justice entities (e.g., schools, day care centers, etc.) and the general public.
- Includes a penalty provision for any misuse of registry information to deter vigilantism and/or harassment of any registrant or his/her family.
- Includes a provision providing immunity from liability to protect public officials from possible civil liability relating to their decisions about providing registry information to the public.
- Addresses the law's impact on "Open Records" law. WI Stat §301.45 and §301.46 establish a procedure to obtain information from the registry. It is not intended to conflict with, nor replace, any process related to access of public information through open records requests.

OFFENSES REQUIRING REGISTRATION:

940.225(1)	First Degree Sexual Assault**
940.225(2)	Second Degree Sexual Assault**
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment-victim was minor and not the offender's child
940.31	Kidnapping -victim was minor and not the offender's child
944.01	Rape (old statute)
944.06	Incest
944.10	Sexual Intercourse with a Child (old statute)
944.11	Indecent Behavior with a Child (old statute)
944.12	Enticing Child for Immoral Purposes (old statute)
948.02(1)	First Degree Sexual Assault of a Child**
948.02(2)	Second Degree Sexual Assault of a Child**
948.025	Repeated Acts of Sexual Assault of a Child**
948.05	Sexual Exploitation of a Child
948.055	Causing a Child to View or Listen to Sexual Activity
948.06	Incest with a Child
948.07	Child Enticement
948.075	Use of a Computer to Facilitate a Child Sex Crime
948.08	Soliciting a Child for Prostitution
948.095	Sexual Assault of a Student by School Instructional Staff
948.11(2)(a) or (am)	Exposing Child to Harmful Material-felony sections
948.12	Possession of Child Pornography
948.13	Convicted Child Sex Offender Working with Children
948.30	Abduction of Another's Child
971.17	Not Guilty by Reason of Mental Disease-of an included offense
975.06	Sex Crimes Law Commitment
980.01	Sexually Violent Person Commitment**

** Indicates Mandatory Life Registration

Discretionary Registration: Under Wisconsin law, the court has discretion to order a person to register for a violation of any section under the following statutes if the court determines that the underlying conduct was sexually motivated, and the court finds that registration is in the interest of public safety:

Chapter 940	Crimes Against Life and Bodily Security
942.08	Invasion of Privacy
Chapter 944	Crimes Against Sexual Morality
Chapter 948	Crimes Against Children
971.17	Not Guilty by Reason of Mental Disease or Defect
943.01-943.15	Certain Crimes Against Property
942.08	Invasion of Privacy (aka Peeping Tom)

Additionally, the following offenders are required to register in Wisconsin **unless** the person is not required to register as a sex offender in another jurisdiction, **AND** the

person was released from confinement or placed on supervision for the offense more than ten years before she/he enters Wisconsin:

- Any sex offender convicted of an offense comparable to a Wisconsin sex offense in any military, tribal, or federal court who resides, works, pursues a vocation or attends school in Wisconsin;
- Any person who is required to register in another state and who resides, works, pursues a vocation or attends school in Wisconsin.

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Penalties for Non-Compliance and/or Providing False Information

A registrant who knowingly fails to comply with any requirement of the Registry or provides false information is guilty of a Class H felony [§301.45(6)(a)1] and faces a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both. This differs for a person required to register for a misdemeanor sex offense and who knowingly fails to comply with any requirement of the Registry or provides false information. In this instance only, first offense noncompliance is a Class A misdemeanor and has a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both. Second or subsequent offenses in this situation is a Class H felony.

Additionally, for cases on active supervision, providing false information or otherwise failing to comply with registry requirements is a rule violation, and can result in various sanctions including custody and revocation of supervision.

If it is determined that there is probable cause to believe that a person has knowingly failed to comply with any registration requirement, the Sex Offender Registry Program will notify and provide the necessary information to the appropriate District Attorney for possible prosecution.

Exception for Registration Requirement:

To be subject to registration exemption, the person **must meet all** of the following criteria:

- Found guilty or adjudicated delinquent of 1st Degree Sexual Assault of a Child, 2nd Degree Sexual Assault of a Child, or Repeated Acts of Sexual Assault of a Child. Wisconsin Statutes: 948.02(1), 948.02(2), or 948.025.
- Offender did not obtain the age of 19 at the time of commission of the crime.
- At the time of the violation, the offender was not more than 4 years older or not more than 4 years younger than the child victim.
- There was no force or threat of force or violence.
- The victim was NOT UNDER THE AGE OF 12 at the time of the crime.

III. ACCESS to INFORMATION

There are six (6) points of information access and notification between the Sex Offender Registry Program (SORP) and law enforcement:

- CIB/TIME Access through Department of Justice
- Investigatory Inquiry
- Direct Information Request
- Offender Face-to-Face Contact
- Special Bulletin Notification
- Web site

1. CIB/TIME Access

The law provides for complete access by law enforcement to all information contained in the registry through direct linkage with the Department of Justice's CIB/TIME system. This information is updated nightly between the Department of Justice and the Department of Corrections.

A. What Information is Available?

Basic information contained in the registry on all registrants includes:

DESCRIPTIVE DATA:

- Registrant Name and alias(es)
- Date of Birth
- Gender
- Race
- Height, Weight
- Hair and Eye Color
- Markings (scars, tattoos...)

OFFENSE DATA (related to crime(s) requiring registration):

- Conviction Statute(s)
- Date of Conviction or Commitment
- State of Conviction (if not Wisconsin)
- Date Placed on Supervision
- Date Released from Confinement
- Date Ordered to Comply with Registry
- Date of Discharge from Sentence or Commitment

LOCATING DATA

- Registrant Home Address
- Name and Address of Employer
- Name and Address of School (if applicable)
- Supervising Agency and Phone Number (if applicable)
- Date Information Last Updated

B. How is This Information Accessed?

- Individual Case Inquiry (CIB/TIME): Law enforcement officials have direct, 24 hour on-line inquiry access to information contained in the registry through the Crime Information Bureau/Transaction Information for Management of Enforcement (CIB/TIME) computer access system. This information is accessible through local and mobile terminals.
- Individual and Group Inquiry: A police chief, sheriff or designee may request that SORP provide information about a particular registrant or a group of registrants.
- Inquiry Process: A police chief, sheriff or other law enforcement official who wants to request information from the registry must follow these procedures:
 - Requests may be made in writing or by telephone to the DOC SORP (see *Contact Information* at the beginning of this document).

All written inquiries must be on official agency letterhead.
 - All inquiries must include:
 - The agency ORI #
 - The specific information requested
 - A contact person and phone number
 - All telephone inquiries will be followed up by a return telephone call by SORP staff to the requesting agency in order to verify the request.
 - Information will be provided in written format by letter or fax to the requesting law enforcement agency.

2. Investigatory Inquiry - Offender Profile

In addition to the descriptive, offense-related and location information contained in the registry, law enforcement officials have inquiry access to the "*Offender Profile*" data included in the registry. This information is collected and maintained on each registrant in order to provide law enforcement with a means to identify possible suspects in criminal cases. Known factors/identifiers/elements/patterns can be cross-referenced with similar information contained in the registry that is associated with particular registrants and their offense patterns. This information is available only to law enforcement personnel for law enforcement investigation purposes only.

A. What Information is Available?

OFFENDER PROFILE DATA:

- Target Age and Sex of Victim(s)
- Relationship to Victim(s)
- Type of Sexual Contact
- Method/Use of Force

OFFENSE PATTERN INFORMATION:

- Committed Sexual Crime with Accomplice
- Targeted Disabled, Aged, Vulnerable Individuals
- Targeted Prostitutes
- Engaged in Stalking-type Behavior
- Engaged in Personal and/or Home Intrusion Crimes
- Engaged in Impersonating a Police Officer
- Used Disguises in Commission of Sex Crime
- Used Photo Equipment in Commission of Sex Crime
- Used Computer in Commission of Sex Crime
- Used Vehicle in Commission of Sex Crime

B. How is this Information Accessed?

- Investigatory Inquiry: A police chief, sheriff or designee may initiate an inquiry by contacting SORP and requesting a search of the registry database to obtain a list of potential suspects who may possess some of the same basic physical descriptors and/or offense pattern elements of an unidentified sexual offense perpetrator.
- Inquiry Process:

- Prior to making a request, the law enforcement official should complete an Investigatory Inquiry Worksheet in order to organize the information in a format consistent with the questions that will be asked by SORP staff (see Part 5 - *Forms and Reference Documents for Worksheet*).
- Requests may be made in writing or by telephone inquiry to the DOC SORP.
 - All written inquiries must be on official agency letterhead.
- All inquiries must include:
 - The identification of agency ORI#
 - The information on the Investigatory Worksheet
 - An agency contact person and phone number
- All phone inquiries will be followed up with a telephone call by SORP staff to the requesting law enforcement agency in order to verify the request.
- Information, which may involve a number of registrants, will be provided to the requesting law enforcement agency either by letter, fax or email. SORP will provide all registry information on each offender meeting the criteria specified in the request (registry and profile information).
- Inquiries that generate a significant list of registrants who meet the specified criteria will require further discussion and refinement between SORP and the requesting law enforcement agency contact person before a list is printed and delivered.

3. Direct Information Request

Law enforcement may contact SORP, Monday through Friday, during business hours to request information on any registrant. The phone number is (608) 240-5830.

