

2017 Wisconsin Act 184 Webinar



June 7, 2018

Webinar Goals

- Explain supervised release.
- Provide information on 2017 Wisconsin Act 184.
- Identify Department of Health Services (DHS) response to the law to date.
- List resources.

What is supervised release?

Overview of Wis. Stat. ch. 980

Wis. Stat. ch. 980

State law allows for the involuntary (civil) commitment of individuals with a history of sexual offenses upon completion of their prison sentence.

Wis. Stat. ch. 980

Petition

County district attorney or Department of Justice files a petition alleging a person completing their prison sentence is a sexually violent person.

Probable Cause Hearing

Court holds a hearing to determine whether there is probable cause to believe that the person named in the petition is a sexually violent person.

Trial

Court or jury determines the person who is subject to the petition is a sexually violent person.

Commitment

Person is committed to DHS for care and treatment.

Commitment Criteria

- Person has been convicted of a sexually violent offense.
- Person has a mental disorder that predisposes the person to acts of sexual violence.
- Person is more likely than not to commit another violent sexual offense.

Wis. Stat. ch. 980

- Committed individuals are housed at Sand Ridge Secure Treatment Center.
- When an individual reaches the point in their treatment and rehabilitation that a court determines it is appropriate for them to reside in the community, state law provides two options:
 - Supervised release
 - Direct discharge from the facility with no supervision

Supervised Release vs. Direct Discharge

Research suggests release with conditions and supervision is a safer way for patients to reintegrate into the community.

Responsibility of DHS

- Provide care and treatment until the person no longer meets the criteria for involuntary (civil) commitment.
- Prepare supervised release plan when ordered by a court.
- Manage all individuals on supervised release in a manner that upholds the court order and maintains community safety.

Aspects of Supervised Release

- Community Reintegration Team
- GPS monitoring bracelet
- Supervised release rules
- Monitors
- Announced and unannounced visits to the residence
- Adjustments to treatment
- Revocation

Change in state law

2017 Wisconsin Act 184

2017 Wisconsin Act 184

Overview

- Requires the client return to his county of residence
- Gives county of residence control over the residence search and location process

DHS Responsibilities

- Determine county of residence.
- Determine city, village, or town of residence, if required.
- Serve on temporary committee.
- Determine the identity and location of known and registered victims within 30 days of the court order.
- Consult with county while county prepares the report.

County Report

- Court orders the county of residence to prepare a report.
- This report:
 - Is submitted to DHS.
 - Must identify a residence for the client.
 - Must demonstrate:
 - ◆ The landlord has been contacted.
 - ◆ The landlord has committed to enter into a lease.
 - Must contain the law enforcement report if one was created.

County Report

- County must consult with law enforcement agency with jurisdiction over residential option.
- The law enforcement agency may submit a written report that provides information relating to the residential option.

Temporary Committee

- County department under Wis. Stat. § 51.42
- County corporation counsel (or designee)
- Land use planning or land information representative
- Local probation and parole officer
- DHS representative

Residence Restrictions

- Not less than 1,500 feet from:
 - Schools
 - Child care facilities
 - Public parks
 - Place of worships
 - Youth centers
- Not in violation if these places are established after placement

Residence Restrictions

If individual committed offense against adult at risk or elder adult at risk, his residence must be not less than 1,500 feet from nursing home or assisted living facility. There is no violation if a nursing home is established in the area after placement.

Residence Restrictions

If individual is a serious child sex offender, a child's primary residence may not be adjacent.

- Adjacent properties share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart.
- There is no violation if a child moves in after the placement is established.

Timeline to Submit Report

- Now until March 30, 2019, counties have 180 days to submit their report to DHS.
- After March 30, 2019, counties have 120 days to submit their report to DHS.

After Submission of Report

- DHS prepares supervised release plan with residential option identified by the county.
 - Filed within 30 days of county report
 - Up to 30-day extension for good cause
- Court reviews plan and approves or denies.
- If residential option is inadequate, the court will order the county to identify and arrange to lease another residential option.

Response to law change

What has been done so far

Pending Petitions

- DHS interprets 2017 Wisconsin Act 184 to apply to all pending petitions as of March 30, 2018.
- There were 30 pending petitions without an approved supervised release plan as of March 30, 2018.
- In April 2018, DHS sent a letter to judges with pending petitions in their court.

Residence Search

- Supervised release orders on or after March 30, 2018: County is responsible for residence search.
- Supervised release orders prior to March 30, 2018: DHS contacted the judge.

Varied Decisions

In cases with supervised release orders but no approved supervised release plan, prior to March 30, 2018, county judges have:

- Issued no ruling.
- Issued a ruling that 2017 Wisconsin Act 184 applies.
- Issued a ruling that 2017 Wisconsin Act 184 does not apply.

Other Actions

- Letter to counties that includes a map of DHS Supervised Release Program regional contacts
- Letter to current vendors
- Presentations at county association meetings
- Meetings with county committees
- Discussions with counties, as requested
- Creation of FAQ document

Housing Search Process

It is up to each county to determine the best process.

Housing Search

- Be mindful of the location of registered victims.
- Be aware DHS does not allow for more than two clients on supervised release in one leased residence.

Resources

For further information

DHS Contacts

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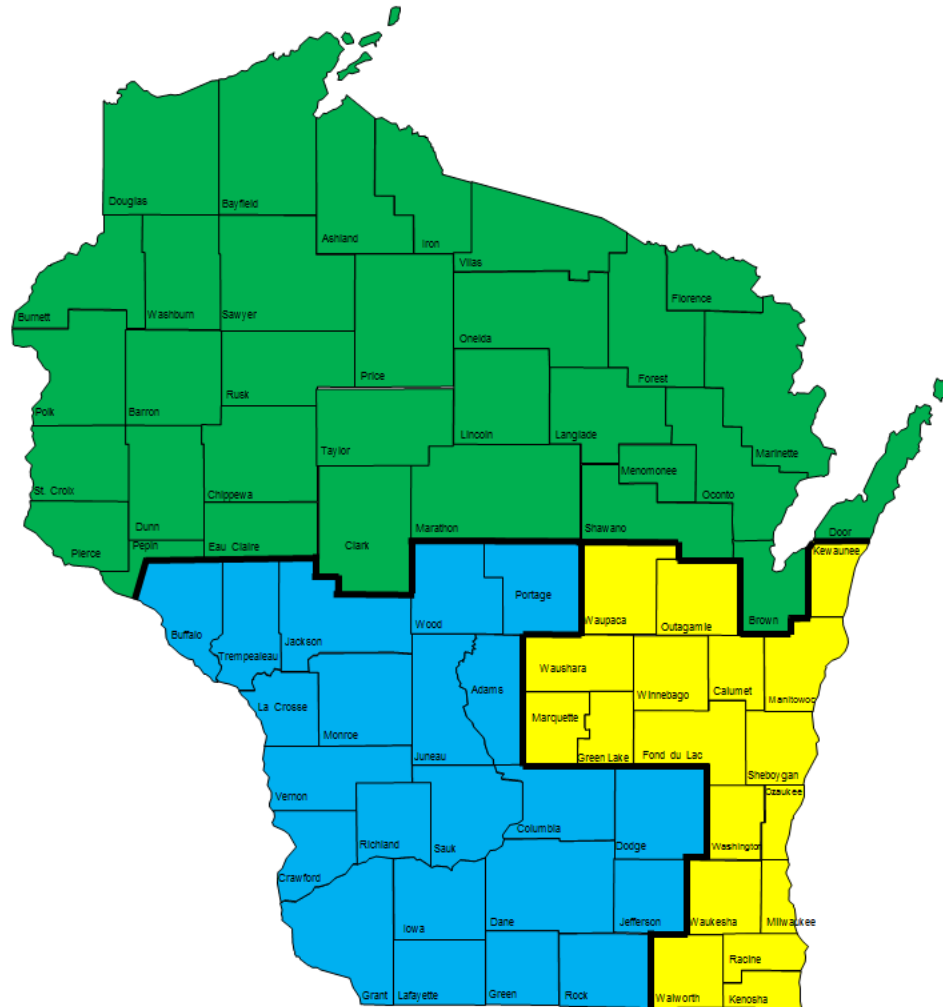
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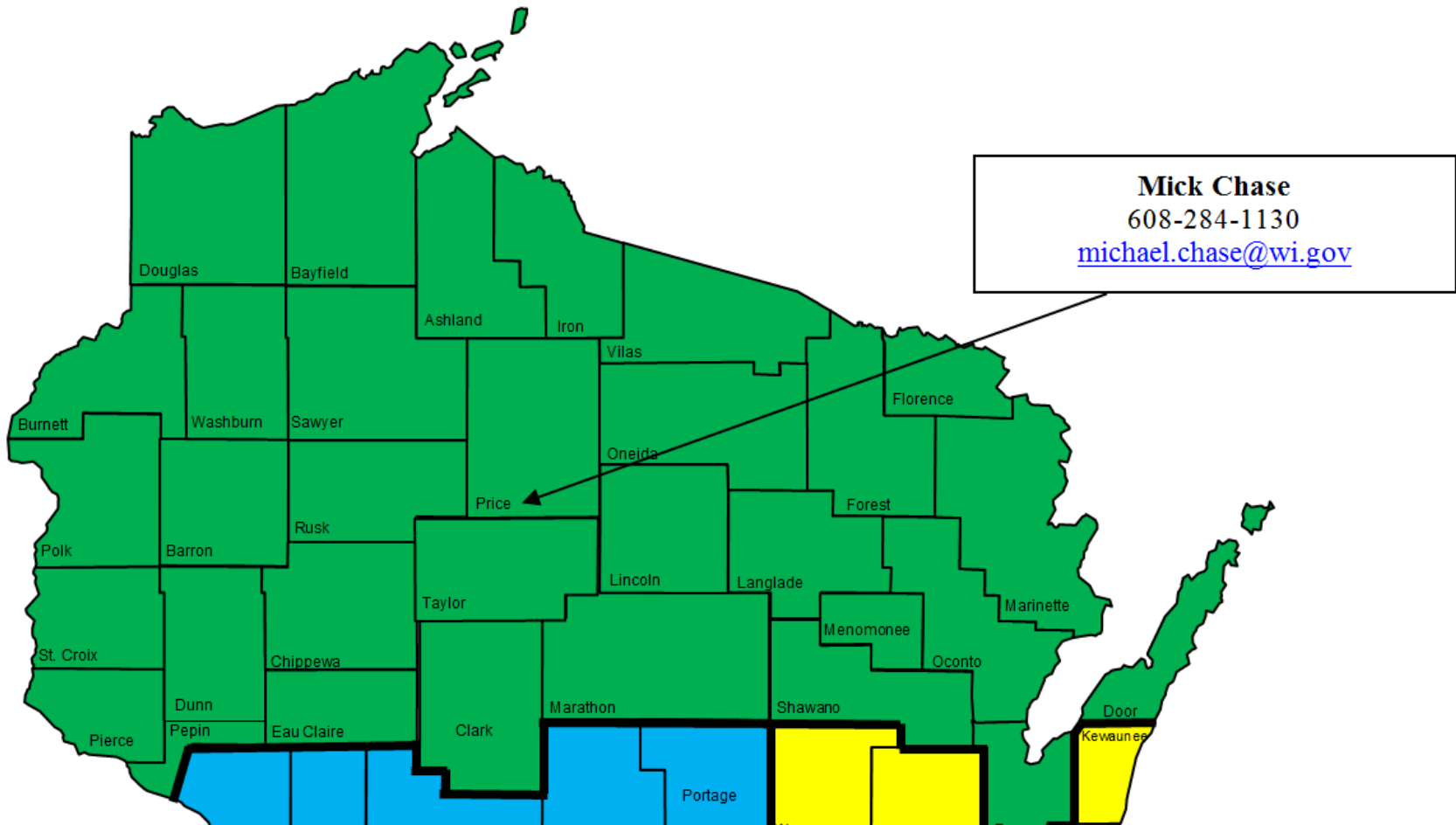
krista.rick@dhs.wisconsin.gov

DHS Regional Contacts



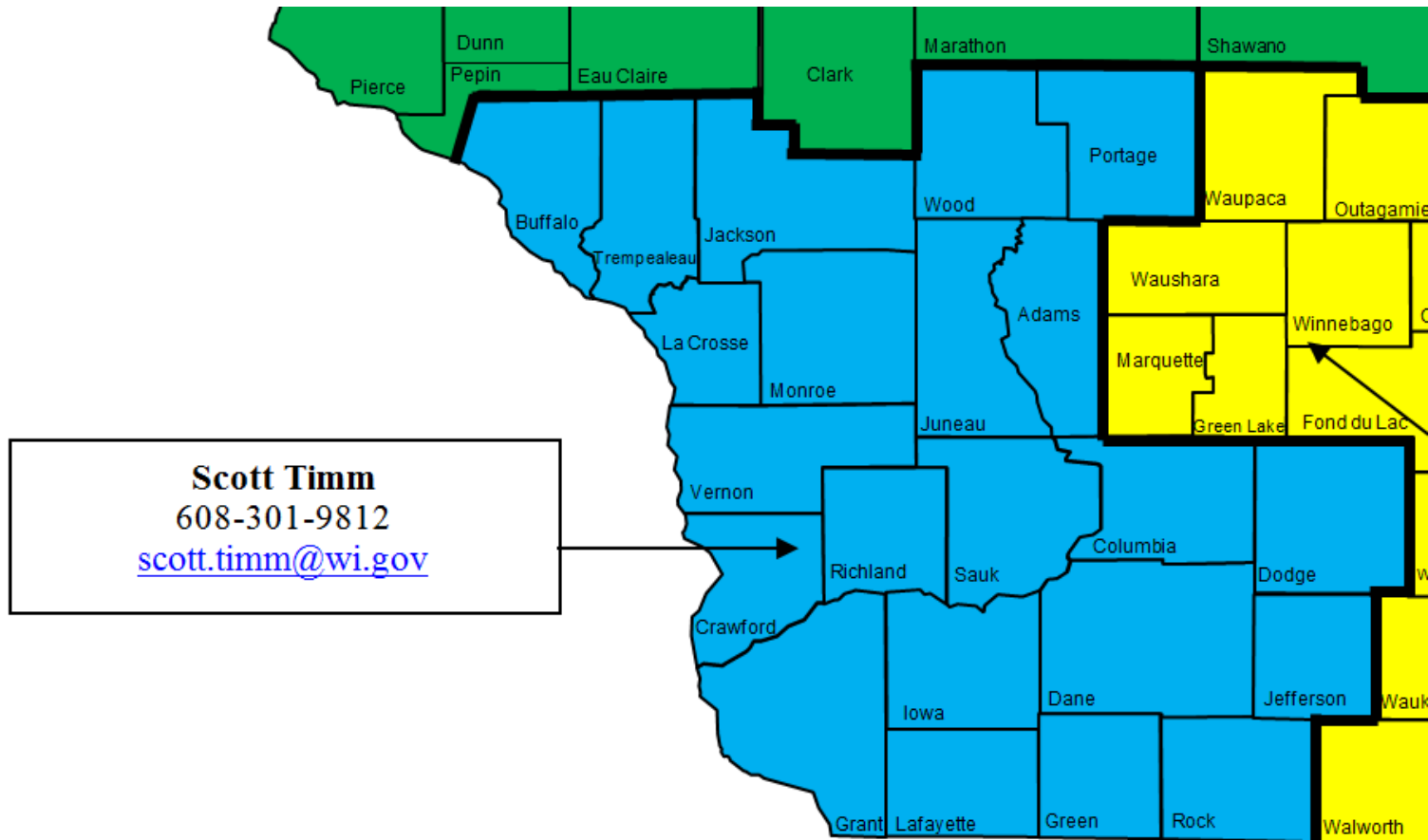
DHS Regional Contacts

Northern Wisconsin



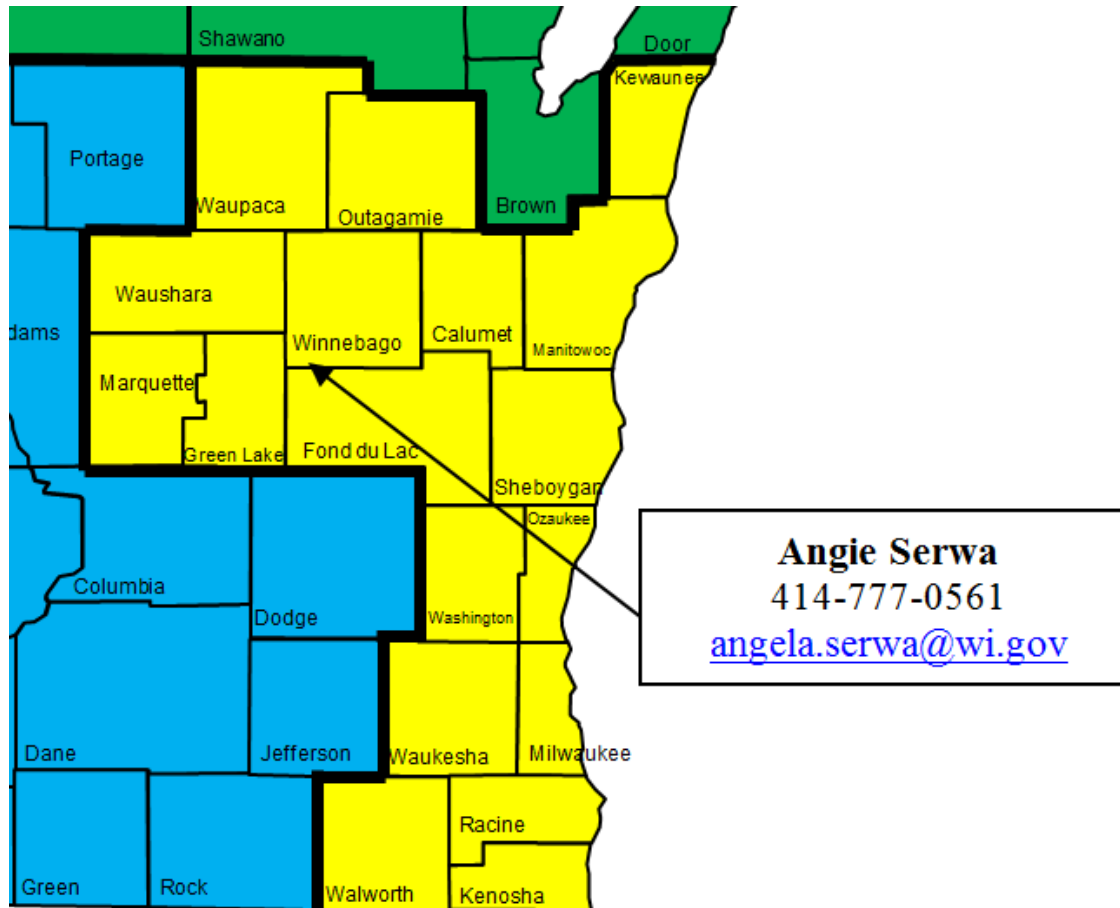
DHS Regional Contacts

South Central/Southwest Wisconsin



DHS Regional Contacts

East Central/Southeast Wisconsin



Resources

- Supervised Release Program website:
<https://dhs.wisconsin.gov/sr/index.htm>
- 2017 Wisconsin Act 184:
<https://docs.legis.wisconsin.gov/2017/related/acts/184>
- 2017 Wisconsin Act 184, Legislative Council Memo:
<https://docs.legis.wisconsin.gov/2017/related/lcactmemo/act184>
- Wis. Stat. ch. 980:
<https://docs.legis.wisconsin.gov/statutes/statutes/980.pdf>