

## CITIZENS FOR A SAFE FRANKLIN

June 20, 2005  
3926 Maplecrest Dr.  
Franklin, WI 53132

The Honorable Mary Lazich  
State of Wisconsin Senate  
Room 18 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

The Honorable Jeffrey Stone  
State of Wisconsin Assembly  
Room 304 East  
State Capitol  
P.O. Box 8953  
Madison, WI 53708

Dear Madam and Sir:

Citizens for a Safe Franklin, a community-based organization representing thousands of residents in Franklin, Wisconsin who are opposed to the building of an unsecured transitional facility for sexually violent predators, hereby requests the Wisconsin Legislature to: (1) immediately repeal 2003 Wisconsin Act 187, Sec. 7m; (2) amend Chapter 980 to require, among other things, that all sexually violent predators not incarcerated or civilly committed be monitored using global positioning system (“GPS”) devices for life; and (3) enhance the Wisconsin Sex Offender Registry. These sweeping changes will result in Wisconsin leading the nation to protect its children from becoming a sex predator recidivism statistic.

1. An unsecured facility to house 60 sexually violent predators over the next five years in Milwaukee County is dangerous and an inappropriate use of taxpayer dollars.

As you are well aware, 2003 Wisconsin Act 187 Sec. 7m (“Sec. 7m”) was enacted by the Wisconsin Legislature solely in response to the State’s inability to find suitable, transitional housing for sexually violent predators in densely populated Milwaukee County. Under Sec. 7m, the Legislature commissioned a blue-ribbon committee to recommend at least three possible locations where such a facility could be built in Milwaukee County. This committee was unable to carry out its statutory mandate despite the committee having the unilateral authority to create the rules by which it would determine which sites satisfied the broad statutory considerations listed in Sec. 7m. As a

result, Milwaukee County (and the State of Wisconsin) is no closer to a meaningful resolution on how to address the Wisconsin Supreme Court's decision requiring that certain civilly-committed predators be released.

Though perceived initially as a viable solution to the supreme court's mandate, public testimony during the siting committee's public hearings underscores that the population density of Milwaukee County simply does not lend itself to a facility of this kind. Moreover, this unsecured facility is intended only as temporary housing for some of Wisconsin's worst sex offenders. Within just months of their arrival, these predators will be released into the community at-large with only rudimentary monitoring procedures. Citizens for a Safe Franklin does not believe this facility is a prudent use of the \$1.3 million taxpayer dollars presently allocated to its construction. It simply serves as a "quick-fix" to satisfy the supreme court's mandate not to commit double jeopardy, not to protect Wisconsin families in any regard.

Recidivism and real estate statistics suggest, however, that this "quick-fix" will have devastating human and financial consequences for the city that will forever be forced to wear the badge of having the "Sex Predator Fraternity" as its neighbor. The benefits of this facility simply do not outweigh the detriment to an entire community. Nor do the benefits of this facility outweigh the detriments to ANY Wisconsin resident, because the monitoring of these incurable predators is ad-hoc after they walk out the front door - - whether just for the day or permanently after several months.

2. Wisconsin trails other states in implementing a state-wide Global Positioning System ("GPS") to monitor the real-time whereabouts of sexually violent predators.

Presently, 30 states have instituted global positioning systems to monitor criminals, including sex predators. Massachusetts, which adopted a pilot global positioning system in 2004 for its Level 3 sex offenders, alerts probation officers when a predator violates conditions of his release by entering an "exclusion zone," such as a school, playground, or the home of a prior victim. Using the cellular technology, the system records and sends a record of the exact date, time, and location of the violation via text message or e-mail to the officer handling the case. The parole officer is able to locate the predator within 10 yards.

Some GPS systems also provide for two-way communications, and most enable law enforcement to review a predator's movement history to determine presence at a crime scene. In turn, GPS provides a benefit to sexually violent predators by enabling them to prove that they were not in a location in violation of the terms of their release.

According to reports, the cost of the Massachusetts system is a mere \$10 per person per day. That \$10 represents approximately 1/5 of the cost to house one of these individuals. Most importantly, studies have shown that GPS monitoring makes a tremendous difference in recidivism rates. One state - - Tennessee - - reported that the recidivism rate

of released sex predators plummeted to 3% since GPS was instituted. In Florida, offenders released from prison without GPS monitoring re-offend about 33% of the time compared with 1.5% of those tracked by GPS (and none of the sex offenders who re-offended did so with respect to sex-related crimes). And, when a GPS-monitored sex predator in Florida cut his bracelet, authorities were able to apprehend him within an hour.

Finally, it is worth noting that some counties in Wisconsin, such as Manitowoc and Rock Counties, already utilize a global positioning system. Milwaukee County, the state's largest county from where most sex predators come, does not.

Citizens for a Safe Franklin has been in contact with GPS providers, and is happy to provide you with the information it has learned to date.

3. Even with GPS, sexually violent predators are incurable and remain a serious danger to society. Therefore, the public is entitled to know not only which sexually violent predators have been released, but other information concerning the circumstances of their release.

Federal law requires that each state maintain a sex offender registry. However, when Citizens for a Safe Franklin compared Wisconsin's Sex Offender Registry with those of other states, it simply didn't measure up. For example, the Illinois Sex Offender Registry requires:

1. A notation in red identifying which sex offenders are classified as "sex predators";
2. A clear, large photograph of the sex offender, along with a physical description;
3. Name, house address, city, zip code, and compliance status;
4. A statement regarding whether the sex offender is on parole or in the House of Corrections; and
5. Nature of the crime leading to the classification as a sex predator, along with the number of convictions.

Enhancing Wisconsin's Sex Offender Registry will go a long way to improve public notification of who in their community may present a danger. However, Citizens for a Safe Franklin believes that the public is entitled to even more information concerning the release of sexually violent predators from their civil commitment or incarceration.

Specifically, the Wisconsin Sex Offender Registry should be enhanced to include the date, time, and location of all hearings involving a petition to release a sexually violent predator from civil commitment. In addition, the Registry should reflect other publicly available information such as the name and court of the judge who authorizes a sex predators' release from civil commitment. Finally, the Registry should identify all of the conditions of the sex predators' supervised release, so that those in regular contact with the sex predator can inform law enforcement if those conditions are being violated.

**NOW, THEREFORE,** Citizens for a Safe Franklin, hereby respectfully requests the following:

**A. Sexually Violent Predator Transitional Facility for Milwaukee County**

- Repeal of 2003 Wisconsin Act 187, Sec. 7m in its entirety.

**B. Release of Sexually Violent Predators from Civil Commitment**

- Amend Wisconsin Statute Chapter 980 to:

1. Require that, in the case of a County of the First Class, a sexually violent predator approved for release must be returned to the city, town, or village in which he/she resided at the time of his/her arrest or, in the alternative, to a county that has agreed with the County of the First Class to accept sexually violent predators.
2. Require that the sexually violent predator filing a petition for release under Chapter 980.08 (5) must include in his/her petition a statement informing the court of a suggested placement location that satisfies the placement criteria set forth in the statute (see item 3 below). The suitability of the suggested placement location must be independently verified by the Department of Corrections prior to the court's development of a supervised release plan.
3. Clarify that the court, in determining a Chapter 980.08 (5) placement for a person classified as a sexually violent predator, may not consider a location that is within 3,000 feet of a school, playground, daycare, children's shelter, school bus stop, or place where children congregate.
4. Clarify that the court may authorize placement in a state other than Wisconsin if authorized and coordinated with that state and provided that the state requires global positioning system device monitoring of its sexually violent predators.
5. Permit specified payments in lieu of taxes for each placement of a sexually violent predator within a community and provide increased funding for counties, municipalities, and neighboring property owners for accepting these sexually violent predators.
6. Require that all persons classified as a sexually violent predator, in addition to other requirements imposed by the court in its supervised release plan, be subject to a two-phased transition plan.

**Phase 1** of this plan must require that the sexually violent predator be permitted to leave his/her home only for the purpose of finding employment and/or going to work, attending a house of worship, or caring for basic living needs, such as buying groceries; that the sexually violent predator must be accompanied by a State of Wisconsin Department of Corrections officer when leaving his/her home; and that at all times the sexually violent predator must wear a global positioning system device to inform his/her probation officer when the person has entered an “exclusion zone.” Phase 1 of the transition plan must be in place for a minimum of one year, and may be extended at the discretion of the court based on evidence provided by the State of Wisconsin Department of Corrections officer assigned to accompany the sexually violent predator.

**Phase 2** of this plan must require the sexually violent predator to wear a global positioning device to inform his/her probation officer when the predator has entered an “exclusion zone” for more than 30 seconds to indicate that the predator may not simply be in transit and, therefore, may require immediate attention. The predator is required to wear the global positioning device for life.

An “exclusion zone” is any radius within 300 feet of a school, daycare, playground, children’s shelter, school bus stop, or place where children congregate, and any other location determined by a court to be a danger to a child or potential victim, including his/her victim’s(s’) residence. These zones shall be coordinated by the Department of Corrections using the State of Wisconsin’s data and notifications from the public through a registry on a the Wisconsin Sex Offender website (subject to verification).

- Reallocate the \$1,295,500 in 2001 Wisconsin Act 16 Sec. 9107 (a) (transitional half-way house) for the implementation of the two-phased plan for sexually violent predator transitions, and allocate additional funds as necessary, including to provide financial incentives for counties and other states to accept Wisconsin’s sexually violent predators.

### **C. Sex Offender Registry Website**

- Enhance Wisconsin’s Sex Offender Registry to include:
  1. A notation in red identifying which sex offenders are classified as “sexually violent predators”;
  2. A clear, large photograph of the sex offender, along with a physical description;
  3. Name, house address, city, zip code, and compliance status;

4. A statement regarding whether the sex offender is on parole or in a House of Corrections and/or on work release;
5. Nature of the crime leading to the classification as a sexually violent predator, along with the number of sex-related convictions;
6. The date, time, and location of all hearings involving a petition to release a sexually violent predator from civil commitment;
7. The name and court of the judge who authorizes a sexually violent predator's release from civil commitment; and
8. All conditions of all sex offenders'/sexually violent predators' supervised release (excluding the names of victims with whom they are to avoid contact).

Ultimately, the Wisconsin Legislature must strengthen the penal code to classify certain sex offenders as sexually violent predators at the time of sentencing (not at the time of release), and to prevent them from being released from prison in the first place.

However, with the possible release of the dozens upon dozens of sexually violent predators currently at Sand Ridge Treatment Center, it is abundantly obvious that the Legislature needs a responsible solution to the impending crisis. Building a temporary, unsecured transition house in densely populated Milwaukee County is short-sited, ineffective, and an unfair burden for taxpayers who should not have to become landlords for sexually violent predators who are not behind bars. A proven, viable alternative already utilized by other states, like meaningful monitoring and comprehensive public notification, is necessary.

To the extent that there must be a balance between the constitutional rights of sexually violent predators and the law-abiding citizens of Wisconsin, let's strike the fairest balance we can under the circumstances. Protection of its citizens is one of the primary functions of every branch of State government. We are counting on you.

If you wish to meet with representatives from Citizens for a Safe Franklin to discuss this request, please contact Sandy Maher-Johnson at 414-529-1142 ([smaherjohnson@wi.rr.com](mailto:smaherjohnson@wi.rr.com)) or me at 414-761-0663 ([Hanneman@wi.rr.com](mailto:Hanneman@wi.rr.com)).

Respectfully,

Shari Hanneman, President  
Citizens for a Safe Franklin

cc: Hon. James Doyle, Governor, State of Wisconsin  
Hon. Shirley Abrahamson, Chief Justice, Wisconsin Supreme Court  
Hon. Peggy Lautenschlager, Attorney General, State of Wisconsin

Sen. Tim Carpenter  
Sen. Spencer Coggs  
Sen. Alberta Darling  
Sen. Jeffrey Plale  
Sen. Tom Reynolds  
Sen. Lena Taylor

Rep. Pedro A. Colon  
Rep. David Cullen  
Rep. Jason Fields  
Rep. Curt Gielow  
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Rep. Tony Staskunas  
Rep. Barbara Toles  
Rep. Leah Vukmir  
Rep. Sheldon Wasserman  
Rep. Annette Williams  
Rep. Leon Young  
Rep. Josh Zepnick

Hon. Scott Walker, Milwaukee County Executive  
Hon. Michael P. Sullivan, Chief Justice, Milwaukee County  
Hon. Kitty Brennan, Incoming Chief Justice, Milwaukee County  
Dr. Stan Stojkovic, Chairperson, Site Selection Committee  
Mr. Doug Milsap, Department of Corrections