



WISCONSIN
DEPARTMENT OF CORRECTIONS
Division of Community Corrections

DOC-1356 (Rev. 11/2019)

EFFECTIVE DATE January 24, 2022	PAGE NUMBER 1 of 3
ORIGINATED BY Administrator's Office Lance Wiersma	

Administrative Directive # 22-01 replaces # 15-08 <input type="checkbox"/> New <input checked="" type="checkbox"/> Revision	Guidance Document Per § 227.01(3m) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post
SUBJECT: Sex Offender Residences Upon Release from Incarceration	

Reference(s):

- Wisconsin State Statute 301.03 (19)
- Wisconsin State Statute 301.03 (20)
- Wisconsin State Statute 301.45 (1d) (b)
- Wisconsin State Statute 304.06 (2m) (b) (c) and (d)

Policy Statement:

This policy is intended to provide direction regarding the residences of each person who has been convicted of a sex offense.

This policy does not override Wisconsin Statutes 304.06 (2m)(b)-(c) which bars parole of a person serving a sentence for a serious sex offense to a county where there is a correctional institution which has a specialized sex offender treatment program, unless the county is also the person's county of residence.

Definitions, Acronyms:

Serious sex offense - Defined in 304.06 (2m)(a). A violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 or a solicitation, conspiracy or attempt to commit a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07.

Residence - As defined in Wisconsin Statute 304.06(2m) (d), means, "...the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation [on the date that the sex offender committed the offense that resulted in the current sentence]." Physical presence constitutes prima facie evidence of sex offender's intent to remain in a place of fixed habitation.

Procedure:

I. No Special Bulletin Notice (SBN) Required:

A. Sex Offenders who are released without a SBN and are required to register under Wisconsin Statute 301.45 are subject to the limitations of Wisconsin Statutes 304.06 (2m)(b) and (c), and must reside in one of the following locations:

1. The county in which the person resided on the date of the sex offense; or
2. The county in which the person was convicted of the sex offense; or
3. A sex offender treatment facility.

- a. The Department must initially place (301.03 (20)(b)) the individuals in one of the above listed locations. After initial placement, the client may be authorized to reside in a location other than those listed above if the client has a viable release plan in the county of desired placement/residence, with approval of the agent and the supervisor in that county. In the event initial placement in one of the above listed locations may adversely impact the health or safety of the offender, consultation with Regional Office and the Administrator's Office may be necessary.

II. Special Bulletin Notice (SBN) Required:

- A. A client released from a correctional institution or center who is subject to SBN procedures must release to the county of conviction.
- B. After initial placement in the county of conviction, in the event a sex offender who is subject to SBN procedures requests to reside in a county other than the county of conviction, and has the approval of the agent, supervisor and Regional Chief, the region requesting the transfer will compile a briefing document with the following information: Date, To, From, Reference, Offenders Name, DOC #, Sex Offense History, Current Institution Location, Residence History, Date and Outcome of the Core Team Meeting, Recommendation, and Community Stakeholders.
- C. The briefing document is due at the same time as the DOC-2143 Special Bulletin Notification Release Plan.
- D. The briefing document should be submitted by the Regional Chief to the Director of Sex Offender Programs for review. The Director of Sex Offender Programs will review and if approved, will submit to the Office of the Administrator. If the Office of the Administrator concurs with the recommendation for transfer of county, the request will be forwarded to the Secretary's Office. If the Secretary's Office approves the request, the Office of the Administrator will notify the respective Regional Chiefs and the Director of Sex Offender Programs.
- E. For as long as they are on supervision, offenders who require an SBN must have the approval of the Secretary's Office before being allowed to relocate to another county.

III. Parole of Serious Sex Offenders

- A. No person serving a sentence for a serious sex offense may be paroled to any county where there is a correctional institution that has a specialized sex offender treatment program unless it is the person's county of residence.
- B. The parole commission or DOC shall determine county of residence by:
 1. Identifying the residence as the voluntary concurrence of physical presence with intent to remain in place of fixed habitation and shall consider physical presence as prima facie evidence of intent to remain.
 2. Applying the criteria for the consideration of residence and physical presence under (1) above to the facts that existed on the date that the client committed the serious sex offense that resulted in the current sentence.

Frequently Asked Questions:

- Q. If an offender who is required to register has been approved to transfer out of state upon release to parole/ES, does the offender still need to reside in Wisconsin? And if so, how long must he/she remain in Wisconsin prior to transfer out of state?**
- A. No. He/she can go to the other state directly from the release from the institution.
- Q. If an offender who is required to register has more than one sexual assault conviction, to which case should we be applying this Administrative Directive?**
- A. The offender should go to the county of where there is a demonstrated release plan.
- Q. Are there any community-based sex offender treatment facilities?**
- A. Not any known in Wisconsin. However, there could be some in other states. If this is the case, then the offender must be approved by the receiving state for IC transfer to such a facility.
- Q. Please describe "sex offense requiring registration" and residence upon release from incarceration.**
- A1. Offender who is required to register pursuant to W.S. 301.45 committed the offense in county "A" and resided in county "A" at the time the crime was committed. The offender must reside in county "A."
- A2. Offender who is required to register pursuant to W.S. 301.45 committed the offense in county "A," but lived in county "B" at the time the crime was committed. The offender may reside in either county "A" or county "B."
- A3. Offender has a prior conviction for a sex offense requiring registration in county "A," but is now convicted and in prison for a non-registerable crime (e.g., forgery). The offender resided in county "A" at the time of the prior registerable sex offense but lived in county "B" at the time of the current conviction. Offender must reside in county "A."
- A4. Same scenario above, but the offender's sex offense conviction occurred before 1993. As Wisconsin did not have a statutory sex offender registry requirement before 1993, the offender in the above scenario would not be affected by the law and may reside in county "B."
- A5. In the scenarios above, if the offender has a release plan in a county other than the county of residence that has sound correctional support, client may reside in the county, after first reporting to the field office in the appropriate county as described above.
- A6. In the event neither county "A" nor county "B" allow for placement of the client without adversely affecting the client's health or safety (i.e., client has a nursing home placement in county "C" upon release from prison but no applicable admitting facilities in counties "A" or "B"), consult with Regional Office who will in turn consult with the Administrator's Office.
- Q. What is required to meet the criteria to release the client to the county of conviction or county of residence at the time of offense?**
- A. DOC staff should transport the client to a field office or other location in the county of conviction or county of residence at the time of offense. Activities that can be accomplished include installation of GPS equipment, review of the rules of supervision, and any additional intake tasks included on the intake checklist that would be appropriate to complete at that time. The agent of record should be present or available through virtual technology for these activities. After the client completes the initial release processing, they can be transported to their approved residence.
- Q. Does this law apply to juveniles?**
- A. If the juvenile is required to register based on a juvenile adjudication, this law would not apply to that individual as the statute refers to individuals who were "convicted."
- Q. Can these clients be placed in out-of-county RSPs?**
- A. Yes, the agent must complete the briefing document if the person is an SBN described above and receive Secretary's Office approval.