



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

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Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS

Title


[Handwritten Signature]

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Community Corrections DOC-1356 (Rev. 12/2009) Administrative Directive # 13-08 replaces 08-02</p>	EFFECTIVE DATE November 1, 2013	PAGE NUMBER 1 of 7
	MANUAL REFERENCE	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision
	ORIGINATED BY <i>Denise Symdon</i> Denise Symdon, Administrator	
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: Mandatory Lifetime GPS Tracking of Certain Sex Offenders		

REFERENCE(S): Administrative Directive # 13-07, GPS Supervision Reclassification

AUTHORITY: Wis. Stats. §301.48

2005 Wisconsin Act 431 and 2007 Wisconsin Act 20 created W.S. 301.48 and requires the Department to place certain sex offenders on lifetime GPS tracking upon their release from prison (parole, extended supervision, maximum discharge); or, upon being placed on probation for a serious child sex offense (Level 1 child sex offense or Level 2 child sex offense); or, upon being granted supervised release; or being discharged from a s. 971 or s. 980 commitment.

DEFINITIONS:

- “Exclusion Zone” means a zone in which a person who is tracked using a global positioning system tracking device is prohibited from entering except for purposes of traveling through it to get to another destination.
- “GPS” means global positioning system tracking that actively monitors and identifies a person’s location and timely reports or records the person’s presence in an exclusion zone or the person’s departure from an inclusion zone.
- “Inclusion Zone” means a zone in which a person who is tracked using a global positioning system tracking device is prohibited from leaving.
- “Level 1 child sex offense” means a violation of s. 948.02 or 948.025 in which any of the following occurs:
 1. The actor has sexual contact or sexual intercourse with an individual **who is not a relative of the actor** and who has not attained the age of 13 years and causes great bodily harm, as defined in s. 939.22(14), to the individual.
 2. The actor has sexual intercourse with an individual **who is not a relative of the actor** and who has not attained the age of 12 years.
- “Level 2 child sex offense” means a violation of s. 948.02 or 948.025 in which any of the following occurs:

1. The actor has sexual intercourse, by use or threat of force or violence, with an individual **who is not a relative of the actor** and who has not attained the age of 16 years.
 2. The actor has sexual contact, by use or threat of force or violence, with an individual who has not attained the age of 16 years and **who is not a relative of the actor**, and the actor is at least 18 years of age when the sexual contact occurs.
 - Use of threat of force or violence is defined by an additional conviction, enhancer or read-in count or case of a violent nature that occurred at the time of the Sexual Assault.
- “Relative” means a son, daughter, brother, sister, first cousin, 2nd cousin, nephew, niece, grandchild, or great grandchild, or any other person related by blood, marriage, or adoption.
 - “Serious child sex offense” means a Level 1 child sex offense or a Level 2 child sex offense.
 - “Sexual Intercourse” means vulvar penetration as well as cunnilingus, fellatio, or anal intercourse between persons or any intrusion of any inanimate object into the genital or anal opening either by the defendant or upon the defendant’s instruction. The emission of semen is not required.

POLICY:

The Department shall maintain lifetime tracking of a person if any of the following occurs with respect to the person **on or after January 1, 2008:**

1. A court places the person on probation for committing a Level 1 child sex offense [W.S. 301.48(2)(a)(1)].
2. The person is **convicted** for committing a Level 2 child sex offense *and* the court places the person on probation for committing the Level 2 child sex offense [W.S. 301.48(2)(a)(1m)].
3. The department releases the person to extended supervision or parole while the person is serving a sentence for committing a Level 1 child sex offense [W.S. 301.48(2)(a)(2)].
4. The person is **convicted** for committing a Level 2 child sex offense *and* the department releases the person to extended supervision or parole while the person is serving the sentence for committing the Level 2 child sex offense [W.S. 301.48(2)(a)(2m)].
5. The department releases the person from prison upon the completion of a sentence (i.e., Maximum Discharge) imposed for a Level 1 child sex offense [W.S. 301.48(2)(a)(3)].
6. The person is **convicted** for committing a Level 2 child sex offense *and* the department releases the person from prison upon the completion of the sentence imposed for the Level 2 child sex offense [301.48(2)(a)(3m)].
7. The court places a person on lifetime supervision under W.S. 939.615 for committing a serious child sex offense *and* the person is released from prison [301.48(2)(a)(6)].
8. A police chief or sheriff receives a notification under 301.46(2m)(am) (i.e., Mandatory 2-strike Special Bulletin Notification) regarding the person [W.S. 301.48(2)(a)(7)].
9. The court finds a person not guilty of a serious child sex offense by reason of mental disease or mental defect and is placed on conditional release or discharged under W.S. 971.17(6).
10. The court places a person on supervised release under W.S. 980.08(6m).

11. The court discharges a person under W.S. 980.09(4).
12. The department makes a determination utilizing a risk assessment instrument that GPS is appropriate for the person [W.S. 301.48(2)(a)(2g)]. If a person who committed a serious child sex offense or a person under supervision under the interstate corrections compact for a serious child sex offense, is not subject to lifetime tracking under sub. (2), the department shall assess the person's risk using a standard risk assessment instrument to determine if global positioning system tracking is appropriate for the person.

For each person who is subject to GPS tracking under W.S. 301.48, the Department of Corrections must create individualized exclusion zones and inclusion zones for that person as is necessary to protect the public.

In creating exclusion zones, the department shall focus on areas where children congregate, with perimeters of 100 to 250 feet. More information regarding the creation of these zones is available through GPS training offered by the Monitoring Center and GPS vendor.

1. Identifying Individuals Who Require Mandatory Lifetime GPS Tracking:

For any offender placed on probation, accepted under interstate compact or released from the institution on or after January 1, 2008 with a conviction for First or Second Degree Sexual Assault of a Child (W.S. 948.02) or Repeated Acts of Sexual Assault of a Child (W.S. 948.025), the agent of record must complete a **DOC-2435 GPS Tracking Screening Sheet**. For probation and interstate compact cases, the agent will have **14 calendar days** from the date the offender was placed on probation or accepted under the interstate compact to complete this form. For offenders being released from the institution, the agent must complete this form **30 calendar days** prior to the offenders' release. Once the form is completed, the agent must email the form to the Director of Sex Offender Programs who will determine if this offender meets the statutory definition of a Level 1 and/or a Level 2 child sex offender and therefore required to be on GPS tracking.

- As it relates to interstate compact cases, the Wisconsin Interstate Compact office will email GPS Specialist incoming cases for review. They will provide the name of the offender as well as the offender compact number. The GPS Specialist will need to enter ICOTS and gather needed information to complete the DOC-2435. If there is not sufficient information to do an accurate screening, the GPS Specialist will notify the Wisconsin Interstate Compact office and request additional information. Once the screening is completed, the GPS Specialist will notify the Wisconsin Compact Office and the field office of the results.

2. Penalty:

Whoever intentionally tampers with a GPS tracking device or comparable technology provided under W.S. 946.465 is guilty of a Class I Felony punishable by up to 3 ½ years in prison and/or a \$10,000.00 fine; however, for a repeat offender, the term of imprisonment may increase by up to 2 years with prior misdemeanor convictions, and up to 6 years with a prior felony conviction. Tamper alerts will be received at the Monitoring Center and will be addressed as outlined the GPS Monitoring Procedures.

3. Termination of Individuals Who Move Out of State:

According to W.S. 301.48(7m), if a person who is subject to GPS tracking moves out of state, the department shall terminate the person's tracking. Prior to the individual leaving the state, staff are to retrieve the GPS equipment and return the equipment to the Monitoring Center. If the person returns to the state, the department shall reinstate the person's tracking.

4. *Division of Community Corrections (DCC) Field and Monitoring Center Staff Protocol for Mandatory Lifetime GPS:*

- Agent to take current GPS vendor software training if they do not have access to the software that is currently being used.
- Agent to fax Enrollment Packet to the Monitoring Center (MC) at (608) 240-3360 a minimum of **5 days prior to hookup**. The Enrollment Packet includes the following forms:
 - GPS Enrollment (DOC-1362B)
 - Apprehension Request (DOC-58)
- For GPS and EM Enrollment, Agent to list the estimated time of hookup in the "Effective Date and Time" field. (Please do not put in an End Date)
- When the MC receives a GPS Enrollment, MC Staff will enter the current GPS Vendor web-based application and confirm that all information has been entered and is correct. This includes Client Profile, Device Assignment, Mandatory State of Wisconsin Zone, Contacts and the Apprehension Request information. If there is a discrepancy or missing information, MC Staff will notify Agent by phone or voice mail.
- MC Staff will then send an e-mail notification to the Agent informing them that the client is enrolled and they are now able to go in and enter schedules, inclusion zones and exclusion zones.
- Field Staff will enter Schedules, inclusion zones and mandatory exclusion zones.
- Prior to traveling to a site for hookup, Agent is to call the MC to confirm all information has been received and is correct for GPS. (And EM if applicable). Agent is to call the MC after the hookup, while still at the site, to see if the MC is receiving points and if the hookup is valid. For all offenders on GPS and for GPS related issues.
- Agent will contact MC Staff if the estimated hookup time has been delayed.

5. *Mandatory GPS Offenders transitioning to Maximum Discharge:*

1. As the GPS offender approaches discharge, the agent of record will go over the DOC-2562 Maximum Discharge Lifetime GPS Requirements with offender. The agent will secure the offender's signature when possible and provide a copy to the offender. The DOC-2562 is then sent to the GPS Specialist.
2. The agent of record will notify the MC that the offender is transitioning to Maximum Discharge and a service request should be made to make any changes to equipment as necessary, to ET-1 with no beacon/ no downloader.

6. *Mandatory GPS Offenders Being Released on MAXIMUM DISCHARGE:*

Wisconsin Statute 301.48 requires certain serious sex offenders to be placed on GPS tracking for the remainder of their life. Some of these individuals will be released from the institution on their

Maximum Discharge date with no subsequent period of community supervision. According to the statutes, these individuals are still required to be placed on GPS tracking on their day of release.

The law also requires the Department to contract with a vendor for GPS tracking who will be responsible for installation and removal of the equipment. The Department is currently is under contract with BI, Inc. BI, Inc. is responsible for the initial installation of the GPS equipment and will address any equipment problems throughout the offender's time on GPS. **The process for implementing GPS tracking on Mandatory GPS Offenders Being Released on MAXIMUM DISCHARGE ONLY is outlined below:**

For Field Agents and For The Monitoring Center:

1. The agent of record will submit a DOC-1362B to the Monitoring Center.
2. The MC Staff will enroll the offender into the current GPS vendor system. The MC will enter the Mandatory State of Wisconsin Zone and any Exclusion zones provided by the GPS Specialist.
3. The MC Staff will have the agent or DCC designee coordinate with the installer of the GPS vendor to arrange the hook up to equipment.
4. The agent of record will be responsible for all arrangements to complete the initial GPS hook-up.
5. The agent of record or institution social worker will go over the DOC-2562, Maximum Discharge Lifetime GPS Requirements, with offender. The agent will secure the offender's signature when possible and provide a copy to this offender. The DOC-2562 is then sent to the GPS Specialist.
6. The agent of record (or DCC designee) will be responsible for transporting the individual from the institution to the offender's residence or the agent's office on the day of release.
7. The agent of record may meet with local law enforcement agencies where the individual is planning to reside to staff the case.
8. No inclusion zones will be created for these individuals as they are no longer on supervision and the Department has no statutory authority to restrict their movement.
9. Exclusion Zone: Upon request of a victim, exclusion zones may be imposed. The GPS Specialist shall determine if exclusion zones are appropriate based on information provided by the victim, the Victim Services Program, and/or other relevant information. The GPS Specialist shall draw the exclusion zones within the GPS electronic system. The GPS Specialist shall contact the Monitoring Center to inform them of the exclusion zone. If a Registrant enters an exclusion zone, custody is not applicable. MC staff shall contact the GPS Specialist if during working hours. If unable to contact the GPS Specialist, MC staff will contact local law enforcement and read the following policy:

"The Department of Corrections has been made aware that a MD Lifetime GPS Registrant has entered an exclusion zone where a victim may be present or is in an area that may be of concern for local law enforcement. The Department has no legal authority over this Registrant but a welfare check may be warranted on the victim or contact with the registrant may be deemed necessary by local law enforcement.

The victim information is:

Name:

Address:

Phone Number(s):

Other Family/Friend Contact Information:

Any questions, concerns or requests for follow-up information should be directed to the Monitoring Center at 800-978-0078.”

Exclusion zones may also be imposed if deemed appropriate by the GPS Specialist and approved by the Sex Offender Programs Director, i.e. school zones, parks, daycares, etc.

10. All GPS MD Registrants shall be placed on an ET-1, no beacon/no downloader. A landline telephone is not necessary.
 11. If the individual refuses to allow the GPS unit to be installed, the agent or supervisor shall contact the GPS Specialist and/or the Director of Sex Offender Programs for further instruction, to include possible referral to the District Attorney's office.
7. Maximum Discharge Offenders and Contact with Law Enforcement: Monitoring Center and GPS Specialist.
- 1.) MC Staff will perform a welfare check on maximum discharge offenders when they receive a tamper alert, Tracker Missed Callback after 24 hours and not charging their equipment and unmonitored for 24 hours.
 - MC staff will send Welfare Check to local Law Enforcement citing Wisconsin Statute 946.465: *Whoever, without the authorization of the Department of Corrections, intentionally tampers with, or blocks, diffuses, or prevents the clear reception of, a signal transmitted by, a global positioning system tracking device or comparable technology that is provided under s. 301.48 or 301.49 is guilty of a Class I felony.*
 - Law Enforcement will Contact MC staff providing them information on if client has tampered with unit.
 - If tamper has been detected MC staff will again cite statute 946.465; it is then law enforcement's decision whether to press charges.
 - MC Staff will have LE take offenders transmitter if being taken into custody for tampering as evidence
 - MC Staff will submit a service request and have installer pick up unit for Failure Analysis on equipment and to put new equipment on offender if released or being released.
 - MC Staff will send a notification e-mail to GPS Specialist, DOC GPS Mailbox and MC Supervisors of the incident.
 - When a Failure Analysis has been completed the MC Supervisors will forward this to the GPS Specialist and the GPS specialist will submit to DA for charges.
 - If no tamper has been seen by Law Enforcement, MC Staff will submit a service request to have the strap or unit replaced.
 - 2.) If Service was submitted and current vendor installer is with client prior to law enforcement reviewing unit.
 - MC Staff will ask installer to step outside and confirm if they see tampering with the unit.
 - If tampering is seen MC Staff will ask the installer to switch out the unit with a new one and the MC Staff will submit a Failure Analysis to have it checked.
 - Once the Failure Analysis is completed all documents will be sent to GPS Specialist for further charges to be determined.

- If the installer sees no sign of tampering they will continue with service on the unit.

If the person who is subject to lifetime GPS tracking completes his or her sentence, including any probation, parole or extended supervision, the department may use passive positioning system tracking. Approval to utilize passive GPS tracking in lieu of active GPS tracking must be obtained from the DCC Administrator or designee.

Cc: - Administrative Directives Distribution List