

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: February 3, 2021

HISTORY: November 7, 2018
November 6, 1999

SUBJECT: Sex Offender and Community Notification

POLICY NUMBER: 99-037

I. Purpose

The purpose of this policy is to provide a method for a sex offender registration and community notification to address the concerns of the public regarding the location of convicted sex offenders who may be a risk for committing further offenses. In addition, this directive establishes guidelines for the effective operation of the department's sex offender enforcement.

II. Policy

It is the policy of the City of Oconomowoc Police Department to ensure that upon notification from the Wisconsin Department of Corrections (DOC) of the release of a sex offender into the community, or any other notification of a sex offender residing in the City of Oconomowoc, an evaluation of the sex offender's records will take place. The evaluation will determine the level of proper notification on a case-by-case basis in the interest of the public safety. The evaluation will balance the public's need to be informed with the offender's need to be reintegrated into the community.

III. Definitions

- A. Special Bulletin Notifications: Written notification process giving law enforcement detailed information from the DOC on a specific offender who is about to be released from confinement to their geographical area and who may pose significant risk to the community.
- B. Relevant Offender Information: Information that is deemed necessary to protect the public concerning a specific person required to register under the law. This excludes victim identity and juvenile offender information, which can only be released to law enforcement and corrections officials.
- C. Sex Offender: A person convicted, adjudicated or committed under any felony sexual assault or convicted of an offense where the court has determined that the offense was "sexually motivated". (City of Oconomowoc Ordinance 9.28(2))
 - 1. Any person required to register under §301.45, Wis Stats., for any offense against a child or other person who is required under state statute and who is subject to the *Special Bulletin Notification* process set forth under state statute.
 - 2. Any person subject to the sex crimes commitment provisions of §975.06, Wis Stats.
 - 3. Any person found guilty by reason of disease or mental defect and placed on lifetime supervision under §971.17(1j), Wis Stats.
- D. SORP: Sex Offender Registry Program.
- E. Child: Means any person under 18 years of age.

- F. Child Safety Zone: Shall mean any real property that supports or upon which there exists any facility used for or that supports a facility such as the facilities listed in 9.28(3)(a) and (b) of the municipal code.
- G. Permanent Residence: Shall mean a place where a person abides, lodges or resides for 14 or more days.
- H. Temporary Residence: Shall mean a place where a person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or place where the person routinely abides, lodges or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent address.

IV. Procedure

A. Sex Offender Registry

1. Released sex offenders on supervision are required to report to a local law enforcement official (by appointment) for a face to face registration within ten (10) days of their release or placement to community supervision and whenever they move to another law enforcement jurisdiction. Offenders not on supervision are required to update information on an annual basis with DOC, but are not required to meet face -to-face with local law enforcement. If the offender is on field supervision and declared a "sexually violent person," updated information must be immediately upon any change and every ninety (90) days.

B. Special Bulletin Notification

1. Special Bulletin Notification will be provided by DOC to all law enforcement agencies within one (1) month of an inmate's release from prison, mental health or juvenile confinement. The Captain of Police for City of Oconomowoc Police Department will review the special bulletin notification upon receipt to see if any further follow up should be conducted as to the residency restrictions and notification arraignments have been made.

C. Sex Offender Registry Inquiry and Access

1. DOC's Sex Offender Registration Program creates an informational database that is available to law enforcement through the CIB/TIME system inquiry. Investigatory inquiries on "offender profiling" and "offense pattern" information is available for every registered sex offender for investigatory purposes only.
2. Request from Law Enforcement must be made in writing on official department letterhead, by administrative message on TIME system or by telephone to DOC's Sex Offender Registration Program (SORP), [REDACTED].
3. Public inquiries concerning sex offender registrants shall be referred to the Wisconsin Department of Corrections toll free access number [REDACTED], or their website at <https://doc.wi.gov/Pages/Home.aspx>.
4. Public inquiry representing a Neighborhood Watch Program will be directly provided a copy or referred to the DOC SORP to obtain a copy of the *Neighborhood Watch Program* Inquiry form. Once completed, an Administrator will need to verify that the requester is representing an approved and recognized neighborhood watch program. The request will not be processed by the DOC SORP without verification.

D. Sex Offender Intelligence Management

1. It will be the responsibility of the Captain of Police to maintain individual files of all known sex offenders who reside in the City of Oconomowoc.
2. Each sex offender file will contain RMS activity printout with latest photo, notes of any face to face contact, the *Special Bulletin Notification* (if issued) and any other special or relevant reports or information. The Captain of Police or his designee will periodically check with DOC/SORP to obtain current list of registrants reporting residences in the City of Oconomowoc. The Captain of Police or his designee will also sign up for the community notifications for the City of Oconomowoc.
3. Sex offenders subject to the sex offender ordinance that are not on supervision and not required to meet face to face with law enforcement will be inquired through the online CIB/TIME database for current information on a semi-annual basis. When an unsupervised sex offender moves from the city, the Captain or his designee should attempt to determine the new jurisdiction and forward all relevant documents to the jurisdiction.
4. Upon notification of a sex offender moving into the City of Oconomowoc, the Captain or his designee will contact the last known jurisdiction of residence and obtain any relevant information from that jurisdiction. This information will be added to the sex offender file located at the City of Oconomowoc Police Department.

E. Sex offender Residence Verification

1. Verification will only be conducted between the hours of 0700 and 2200 unless prior approval has been obtained by a supervisor to perform the verification outside of this time restriction.
2. Before proceeding to an offender's address, the assigned officer shall perform a computer check of the wanted status of the offender through dispatch. If there is an active warrant for the subject, the assigned officer should proceed as directed by a supervisor. The officer will make sure that dispatch enters a call for service in the call log for documentation purposes, along with the officer clearing the call with notes.
3. Upon notification of a possible sex offender residing in the City of Oconomowoc, the Captain or his designee will contact the sex offender and confirm that they are a registered sex offender, verify his/her permanent address, issue a copy of the city ordinance pertaining to sex offenders and ensure compliance with the City of Oconomowoc sex offender ordinance.

F. Initial Contact with Registered Sex Offender

1. Upon initial contact with a Registered Sex offender for the first time (notification or chance encounter), the officer will:
 - a) Provide the offender with the Information for Registered Sex Offender tri-fold published by the Wisconsin Department of Corrections.
 - b) The officer will explain the purpose of the local initiative to the offender and verify the offender's address, place of employment and school information with the information listed on the *Sex Offender Registrant Information Sheet*. The officer will also attempt to obtain any vehicle information (offender is not required to provide vehicle information).
 - c) Advise the offender that on a periodical basis a police officer will be verifying his or her address through personal visits to the residence.
 - d) Upon completion of the residence verification, the assigned officer shall complete an Address Verification Report and submit it to the Captain of Police or his designee. The residence verification shall be documented in the sex offenders file.

G. Reporting Noncompliant Sex Offenders

1. If, after numerous attempts have been made, and an officer is unable to make Initial contact with the registered sex offender, or the officer determines that the offender has moved, or the offender refuses to cooperate, the officer shall document the specific occurrences by completing an incident report. This report shall be forwarded to the Captain of Police.
2. Upon notification of a registered sex offender that is not in compliance with City of Oconomowoc Municipal Residence Restrictions, the offender shall be issued a fourteen (14) day compliance order and a copy of the municipal ordinance (9.28) with the appropriate violation sections highlighted. A copy of these notifications will also be placed in the sex offender file located at the police department.
3. Upon determination of the home owner, the owner will be also issued a fourteen (14) day notice for the tenant to be removed from the property.
4. If the sex offender continues to be in violation, the Captain or his designee will take appropriate action.

H. Participation in Halloween Activities Involving Children

1. The police department will send in writing a letter to all known registered sex offender residing in the City of Oconomowoc at least one week prior to the date selected by the City Council for Trick or Treat. The letter will remind all registered sex offenders that the participation in Halloween events, trick-or-treat is prohibited by ordinance.
2. The police department will check all registered sex offender residences on the date and time of trick-or-treat to verify that they are not in violation of the City of Oconomowoc sex offender ordinance related to participation in Halloween activities scheduled by the city.
3. If found to be in violation of the Halloween activities, the officer will issue a citation under the City of Oconomowoc Municipal Ordinance (9.28(5)). That officer will then ensure that the participation will cease immediately to be in compliance with the ordinance.

I. Community Notification

1. Reports documenting sex offender registrants will be forwarded to the Captain of Police. Upon review of the report and any related Special Bulletin Notifications, the Captain of Police may recommend to the Chief of Police that a Community Notification be made.
2. The Department of Corrections has developed form DOC-2342 and a list of associated definitions to be used as guidelines to assist law enforcement in deciding whether the release of sex offender registry information about an adjudicated or minor sex offender is necessary to protect public safety. The guidelines are advisory only and should not be relied upon as an accurate gauge of an individual's propensity to re-offend. When determining whether to release juvenile information under this order, it is advisable to include staff from the Waukesha County Department of Health and Human Services or the Division of Juvenile Corrections.
3. After review by the Chief of Police, a decision on notification beyond law enforcement will be made. The prevailing interest in notification to the public is to provide information to those individuals, agencies and organizations that need to know the potential risks involved with the release. The following levels of notification are provided:
 - a) Level I - Limited to Law Enforcement
 - b) Level II – Targeted to Notification

c) Level III – Expanded Notification

4. The Captain of Police shall maintain a list of agencies, organizations and neighborhood watch programs for the notification purposes.
5. If expanded notification (Level III) is decided, a community meeting will be arranged to inform the community of the pertinent information and to provide a forum for answering questions. This community meeting will be coordinated by the Captain of Police.

J. Sex Offender Appeal to Residency Board

1. A sex offender may seek an exemption from subsection 9.28(7)(a) Original Domicile Restriction by petition to the Residence Board
2. The Residence Board shall be the Common Council
3. Registered Sex offenders seeking an exemption should be advised that they need to complete the official petition form and submit such form to the City Clerk, who will forward it to the Residency Board. The Residency Board will hold a hearing to review any pertinent information, oral or written statements from any person. The Residency board will decide based on factors related to the City's interest in promoting, protecting and improving the health, safety and welfare of the community.
4. The Residency Board shall decide by majority vote whether to grant or to deny an exemption. The Residency Board's decision shall be provided to the sex offender and the City of Oconomowoc Police Department. The decision shall be considered final for purposes of an appeal.

V. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict