



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **SEX OFFENDER REGISTRATION
AND COMMUNITY NOTIFICATION**

SCOPE: All Sworn Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: Wis Stat 301.45, Ord 46-45, 46-43

NUMBER: 6.43

ISSUED: 04/15/1999

EFFECTIVE: 05/07/2025

RESCINDS

AMENDS

WILEAG 6TH EDITION

STANDARDS: N/A

PURPOSE: The purpose of this section of policy is to provide a method for sex offender registration and community notification for offenders who are presently under the supervision of the Wisconsin Department of Corrections Probation/Parole, and provide information on the city ordinance. A section of this policy titled "Sex Offender Accountability Program" shall also deal with offenders who are registered as sex offenders, but are no longer under the direct supervision of Probation/Parole. This policy is to address the concerns of the public regarding the location of convicted sex offenders who may be a risk of committing further offenses. Further, the intent of the policy is to enhance the distribution of information between law enforcement and non-criminal justice agencies. By sharing relevant information about sex offenders, law enforcement can develop strategies for the detection and prevention of crime.

This Policy & Procedure consists of the following numbered sections:

- I. Introduction
- II. Policy
- III. Definitions
- IV. Procedure

I. INTRODUCTION

- A. Sex offenders pose a high risk of recidivism. Protection of the public from sex offenders is a paramount community interest. Persons found to have committed a sexual offense have a reduced expectation of privacy because of the public's interest in safety. Release of relevant information about sex offenders to law enforcement agencies, public and private entities and the general public will further

the governmental interests of public safety and enhance strategies for crime detection and prevention. The Portage Police Department is part of a team effort along with the Department of Corrections. We assist the DOC with efforts to enhance public awareness of the presence of sex offenders.

II. POLICY

- A. It is the policy of the Portage P.D. to ensure that upon notification from the Wisconsin Department of Corrections (DOC) of the anticipated release of a sex offender into the community, proper notification of the offender's release be made available to public and private organizations and law enforcement agencies in the interest of public protection. The Portage P.D. will participate as a member of a multi-jurisdictional team in determining which agencies/organizations should be notified of the release. The intent of the team is to balance the public's need to be informed with the offender's need to be successfully integrated into the community.

III. DEFINITIONS

- A. Sex Offense - "Sex offense" means a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 944.18, 948.02 (1) or (2), 948.025, 948.05, 948.051, 948.055, 948.06, 948.07 (1) to (4), 948.075, 948.08, 948.085, 948.095, 948.11 (2) (a) or (am), 948.12, 948.125, 948.13, or 948.30, of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, or of s. 940.30 or 940.31 if the victim was a minor and the person who committed the violation was not the victim's parent.
- B. "Sex offender" means a person who is subject to s. 301.45 (1g) but does not include a person who, as a result of a proceeding under s. 301.45 (1m), is not required to comply with the reporting requirements of s. 301.45.
- C. "Victim" means a person against whom a crime has been committed.

IV. PROCEDURE

A. SEX OFFENDER REGISTRY

1. Released sex offenders under the supervision of D.O.C. are required to report to local law enforcement officials for face-to-face registration upon their release or placement to community supervision and whenever they move to another law enforcement jurisdiction. This meeting will be held with chief of police or designee between 8:00 a.m. 4:00 p.m., Monday thru Friday.

B. SPECIAL BULLETIN NOTIFICATION (SBN)

1. Special Bulletin Notification will be provided by DOC to all law enforcement agencies prior to or upon an inmate's release from prison, mental health or juvenile confinement. Bulletin notification will be distributed to all law enforcement jurisdictions in the county and surrounding areas of the offender's planned residence, employment or school enrollment. The DOC will send an

administrative message to involved law enforcement agencies immediately prior to the offender's release to provide verification of the offender's exact residence address.

C. SEC OFFENDER REGISTRY INQUIRY AND ACCESS

1. DOC's Sex Offender Registration Program creates a formal informational database that is available to law enforcement through the CIB/TIME system inquiry. Investigatory inquiries on "offender profiling" and "offense pattern" information are available for every registered sex offender for investigatory purposes only. When making an investigatory inquiry, requests must be made in writing, on official letterhead, or administrative message teletype, or by telephone to the DOC Sex Offender Registration Program (SORP), 608-261-6780 or 6781. All inquiries must include agency ORI#, specific information requested on Investigatory Inquiry Worksheet and agency contact person.

For immediate informational purposes, law enforcement officers may log into the Wilenet web site for the Department of Corrections Sex Offender Registry. This registry also contains information on sex offenders who had committed an offense or offenses while a juvenile. These offenders are shown as "juvenile". These entries are for law enforcement only. Sex crimes committed while the offender was a juvenile may not be released to the public by the Portage Police Department.

2. All telephone formal DOC inquiries will be followed up with a return phone call by SORP staff to verify the law enforcement request.
3. Release of information will be in the form of official letter, fax or teletype to the requesting law enforcement agency.
4. Formal public inquiry may also be made to DOC in writing or by calling 1-800-398-2403. Members of the public may be best served by obtaining immediate information, photographs and history of a sex offender by logging onto the DOC Sex Offender Registry web site. This site lists offenders both by name and by community.

D. SEX OFFENDER INTELLIGENCE MANAGEMENT

1. SEX OFFENDER LIAISON - The department shall appoint one sworn law enforcement officer who is assigned as the Sex Offender Liaison. The officer shall monitor registered sex offenders who are no longer under the direct supervision of the department of Corrections. The Sex Offender Liaison Officer shall monitor those sex offenders who presently reside in the City of Portage and note all registered offenders who have recently moved into the community.
2. It will be the responsibility of the department's Sex Offender Liaison Officer to maintain individual files on all known sex offenders who reside in Portage.

E. INITIAL CONTACT WITH THE REGISTERED SEX OFFENDER:

1. Upon initial contact with the registered sex offender, the Liaison Officer should provide the offender with relevant Information for the Registered Sex Offender and ordinance guidelines. (Initial contact only)
2. The Liaison Officer shall explain the purpose of the local initiative to the offender and verify the offender's residential status, place of employment or school information.
3. Advise the offender that on a semi-annual basis a police officer may be verifying their address through personal visits to the residence.
4. Each sex offender file will have a copy of the Special Bulletin Notification (if issued), current photograph and any other relevant report or information source pertinent to the offender.
5. The location/movement of sex offenders not on supervision and not required to meet face-to-face with law enforcement will be inquired upon occasionally through the Wisconsin DOC Sex Offender web site.

F. RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

1. City Ordinance 18-006, Chapter 46-43 and Chapter 46-45 places restrictions on where sex offenders can live in relation to identified protected places to minimize immediate proximity to children thereby reducing opportunity and temptation for recidivism. The ordinance does not allow an offender to establish residency with the City limits unless the person was domiciled in the city at the time of the offense resulting in the person's most recent conviction for committing the offense that is within the definition of a designated offender.
2. The chief or designee shall be responsible for taking the initial information of any violations of residency restrictions for sex offenders. Reports of violations will be forwarded to the sex offender liaison for further follow up, notification, and possible punitive action.

G. REPORTING NON-COMPLIANT SEX OFFENDERS:

1. If the Sex Offender Liaison Officer has made several attempts to make initial contact with the registered sex offender, or it is evident that the offender has moved, or it becomes evident by repeated contact attempts, leaving a message, etc., that the offender refuses to cooperate, the officer shall generate a report. Any leads as to the actual location or new residence of the sex offender should be investigated and documented in the report. A copy of this report shall be forwarded to the Chief or designee and to the Wisconsin Sex Offender Registry. A sex offender found not to be compliant shall not be taken into custody based entirely on the non-compliance violation unless exigent circumstances exist.

2. Reports documenting non-compliant sex offenders shall be investigated. All leads pertaining to the possible location of the sex offender should be followed up. Completed reports/investigative supplement(s) shall then be referred to the D.O.C. Regional Sex Offender Specialist requesting that the process be initiated for the offense to be referred to the Columbia County District Attorney for prosecution. Documentation of such reports will be maintained in the department's records management system.

a. The State of Wisconsin, Department of Corrections Sex Offender Registration Office is located at 3099 E. Washington Avenue, Madison, Wisconsin 53707. Phone (608) 240-5878.

H. COMMUNITY NOTIFICATION (refer to the Guideline for Law Enforcement details)

1. The Portage P.D. will participate and serve as membership on a regional decision-making team for a coordinated community notification plan. The team will ideally consist of representatives from local law enforcement, probation and parole, victim-witness, district attorney, a DOC supervising agent and agents who handle sex offender cases as well as the regional sex offender specialist.

2. Optional team representatives may be utilized on a case-by-case basis from local agencies and organizations that are likely to receive notification.

3. The lead law enforcement agency in a particular case may be determined by the jurisdiction where the offender plans to reside.

4. The decision-making process for determining the level of community notification should involve a review and discussion of the information contained in the sex offender's D.O.C. file and/or Special Bulletin Notification. Information discussed is to include any additional release planning information provided by the supervising DOC agent.

5. Following a case review and discussion by the notification team, a decision will be made regarding the need for notification beyond law enforcement. The prevailing interest in the community notification is not to impose additional punishment or harassment onto the offender, but to provide information to those individuals, agencies and organizations that need to know the potential risks involved with this release.

The following levels of notifications are provided:

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| a. | Level I | Limited to Law Enforcement |
| b. | Level II | Targeted Notification |
| c. | Level III | Expanded Notification |

F. COMMUNITY MEETINGS

1. If in special risk cases when expanded notification (Level III) is decided, the option of a community meeting may be arranged to inform the community of pertinent information and to provide a forum for answering questions. (Refer to Guideline for Law Enforcement, Conducting Community Meetings).

G. OPEN RECORDS

1. Act 440 establishes a procedure to obtain information from the registry. It is not intended to conflict with or replace any process related to open record requests.

H. IMMUNITY

1. Act 440 specifies that a person acting under this “access to information” Wisconsin Statute 301.46 is immune from civil liability for any good faith act or omission regarding the release of information authorized under this statute. This immunity does not extend to a person whose act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct, Wisconsin Statute 301.46(7).

Keith Klafke
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to all subject matter contained herein.

05/07/2025