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## State of Wisconsin Department of Corrections

June 10, 2011

Dear Sir/Madam;

Recently, the Wisconsin Sex Offender Registry (SOR) had discussions with the Division of Juvenile Corrections County Technical Advisory Committee (DJC TAC) regarding record retention for juvenile sex offenders and the need for the documentation should an individual become noncompliant with the Sex Offender Registry.

The Department of Corrections is responsible for carrying out the Sex Offender Registry law, Wisconsin State Statute 301.45, and to notify District Attorneys for violations of registrant requirements. Currently, county departments of social/human services destroy juvenile records after seven years or some other identified timeframe established by county ordinance. Those records include the juvenile court information that District Attorneys need for the purposes of registration noncompliance prosecution and include the petition(s), court report(s), and dispositional order(s).

Wisconsin State Statute 938.34(15m)(e) requires the Clerk of Court to promptly forward a copy of the sex offender registration order to the Department of Corrections Sex Offender Registry Office. Furthermore, Wisconsin State Statute 301.45 (9) states, "...all circuit courts shall cooperate with the department of corrections in obtaining information under this section" regarding all information in the Sex Offender Registry, and Wisconsin State Statute 938.396 (2g) (em) states, "the court shall open for inspection by authorized representatives of the department, the records of the court releasing to any juveniles who has been adjudicated delinquent...for any offense specified in s. 301.45(1g)(a)."

Since 1998, the original petition, court report, or other supporting documentation has not been required to be submitted to DOC SOR, as records were still retained at the county level and if needed, could be obtained. However, there have been instances when an offender is not complying with the sex offender registry but the juvenile dispositional order has expired. The county juvenile justice staff is no longer supervising the juvenile sex offender but he/she has to comply with the sex offender registry. After seven years, the file is destroyed. Violation of the sex offender registry is a Class H Felony. The SOR has to notify the District Attorneys of violations and District Attorneys have had difficulty pursuing noncompliance prosecution without paperwork to support the original order requiring registration. If the county has destroyed the records, then the registrant remains in noncompliance and the ability to pursue prosecution is impossible. In this situation, with the registrant's whereabouts unknown and no warrant issued, safety is jeopardized, particularly for a victim or victims that may be enrolled in victim notification.

The DJC TAC recommended that DOC pursue legislation to expand the requirements of the Clerk of Courts under WI ss. 938.34(15m)(e) to include submitting the original petition, court report, dispositional order, and potentially other identified information to the Sex Offender Registry.

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In the interim, counties at the DJC TAC recommended incorporating language into Juvenile Court Policies to assist SOR in obtaining the information needed. It is expected that DOC SOR will pursue legislation as soon as possible and that this interim solution would be adjusted.

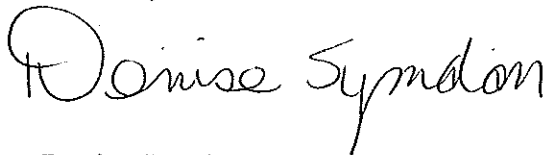
The interim language in the current policies may be expanded to include a variety of responsible parties identified by individual agencies, but should include (1) providing DOC SOR with the original petition, court report, and the dispositional order, and (2) that the Human/Social Services Department staff (juvenile justice staff or support staff or other identified person) will confirm with the Clerk of Court that one of the two agencies (Clerk of Court or DHS) has promptly submitted the paperwork.

Pursuant to Wisconsin State Statute 938.06(1) and (2), written general policies are established by the circuit judges for the county and subject to the approval of the chief judge of the judicial administrative district. Therefore, all proposed language changes should be discussed with the judge in each county and specific language may be proposed by the judge and ultimately must be approved by the Court.

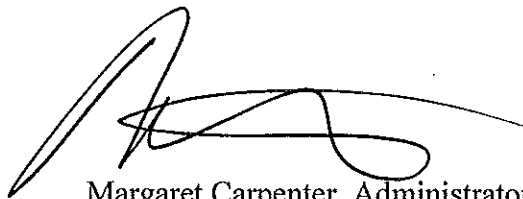
The DJC TAC encourages all to work with your courts to establish policy in this area as soon as possible to assist the Sex Offender Registry. Should you have further questions, please contact Sex Offender Registry Supervisor Grace Roberts at 608-240-5822 or [grace.roberts@wi.gov](mailto:grace.roberts@wi.gov).

Thank you for your work regarding this matter and your consideration.

Sincerely,



Denise Symdon, Administrator  
Division of Community Corrections



Margaret Carpenter, Administrator  
Division of Juvenile Corrections