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State of Wisconsin Department of Corrections

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Sheriff

As you know, the Wisconsin DNA Task Force issued its' report and recommendations to improve the system of collection, tracking, and submission of DNA to the Wisconsin State Crime Laboratory in May of 2010. Since that time, there have been a series of significant developments that we would like to share with you.

As of November 5, 2010, we have collected nearly 8,000 DNA samples from the identified offender population that is required to provide a DNA specimen to the Wisconsin State Crime Laboratory, and is or was under DOC custody or supervision. The work of the Sex Offender Apprehension and Felony Enforcement Initiative (SAFE) will continue in support of that effort. The SAFE Task Force provides identified offenders with written notice of their requirement to provide a DNA sample under Wisconsin law. This offender population is directed to report to their local Sheriff's Office to provide a DNA sample within 30 days of receipt of that notice. These individuals are provided with a document to present to the Sheriff's Office to facilitate the DNA collection process. Sheriff's Offices are reminded to fax this completed form to the SAFE Task Force office at 608-266-6676 once a sample has been collected. We are also asking that each Sheriff's Office designate one staff member to serve as a DNA liaison with the SAFE Task Force to both facilitate collection efforts and address any DNA related issues or concerns. Please e-mail SAFE Task Force Director Rich Cowan at Rich.Cowan@Wisconsin.gov with that information.

This year, the SAFE Task Force will also begin to send out written notices to obligated offenders who are residing out of state. Those individuals are being directed to report to any county Sheriff's Office within the State of Wisconsin within 120 days of receipt of the notice to provide a DNA sample.

In May of 2010, Act 261 was signed into law and clarified that the requirement to provide DNA does not expire. It also closed the loophole for situations where persons had already provided a DNA sample, but DOJ did not have an acceptable profile in their databank. Those offenders are still obligated to provide an acceptable sample. Finally, the law authorizes District Attorney's to petition the court to compel a person to provide a DNA sample if the person is required and refuses. In the coming weeks, the SAFE Task Force will be hiring a paralegal to assist with the process of assembling information and referring DNA cases to District Attorney's offices for action and prosecution. More information will be forthcoming in the near future.

In recent months, the Training and Standards Bureau in the Division of Law Enforcement Services of the Wisconsin Department of Justice worked with staff in the Wisconsin Department of Corrections, and Sheriff's department representatives, to develop a training program and video on DNA for use by law enforcement and corrections personnel. The training video and corresponding training material is available through the Training and Standards Bureau in the Department of Justice.

Under current law, Sheriff's Offices across Wisconsin continue to have an important role and responsibility in DNA collection. All offenders who are required by state statute or court order to submit a DNA specimen to the Wisconsin State Crime Laboratory and who have been sentenced to a term in the county jail or House of Correction, or are confined

in a county jail as a condition of probation at the time of sentencing, will have DNA samples collected at the county jail that has jurisdiction. Additionally, county Sheriff's Offices will continue to collect DNA specimens from offenders that are directed to them by the SAFE Task Force.

On March 1, 2011, the Division of Community Corrections (Probation & Parole) in the Wisconsin Department of Corrections will assume primary responsibility for DNA collection from offenders that are placed on supervision during their initial contact with DOC staff during the intake process. Division of Community Corrections staff will collect DNA specimens from offenders convicted in Wisconsin who meet all of the following criteria:

- Are required by state statute or court order to submit a DNA specimen to the Wisconsin State Crime Laboratory.
- Have been placed on probation as adults.
- Have not been sentenced to a county jail or House of Correction, nor confined as a condition of probation, at the time of sentencing.

Finally, the Department of Justice will provide the means to verify that DNA samples that have been sent to the Wisconsin State Crime Laboratory have, in fact, been received and processed at the Wisconsin State Crime Laboratory. The laboratory will notify the submitting agency if a sample that has been submitted is defective.

The importance of DNA collection in Wisconsin cannot be overstated. It remains an important public safety issue for all us and your support and ongoing assistance is most appreciated. Law enforcement will continue to solve serious crime through this important effort.

Respectfully,

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