

Racine County Ch 980 Committee

WebEx Meeting

Monday, May 4, 2020 – 10:00 a.m.

Meeting attended by: Assistant Corporation Counsel Erika Frank Motsch, Principal Assistant Corporation Counsel John Serketich, Legal Coordinator for the Office of the Corporation Counsel Nicole Jurgens, Racine County Real Property Lister/GIS Manager Kim Christman, Aging and Disability Services Administrator Michelle Goggins, Public Works and Development Services Department Director Julie Anderson, DOC Corrections Field Supervisor Nancy Ahler

1. Convene meeting

The meeting of the Ch. 980 Committee was called to order at 10:05 a.m. by Assistant Corporation Counsel Erika Frank Motsch. Attorney Motsch gave a brief statement on the status of the committee.

2. Public Comments

There were no members of the public present; therefore, no comments.

3. Approve Agenda & Minutes

Agenda for May 4, 2020 meeting and Minutes from February 24, 2020 meeting reviewed.

Motion: Michelle Goggins moved to approve both the agenda and minutes. Seconded by Nancy Ahler.

Action: All Ayes, No Nays. Unanimous. **Motion passed.**

4. Legal updates (Office of Corporation Counsel)

Legal Updates: 10:07 a.m.

Michael Fink: Motion hearing was held March 16, 2020. Three motions filed by Fink were scheduled to be heard: (1) to declare that the 1,500-ft statutory restrictions is unconstitutional (defended by the Wisconsin Department of Justice), (2) to compel Racine County (defended by Office of Corporation Counsel), and (3) to impose sanctions (damages) on Racine County (defended by Office of Corporation Counsel). At the motion hearing, Fink withdrew his motion to declare that the 1,500-ft statutory restrictions is unconstitutional. The hearing proceeded and ultimately Court only addressed the Fink's motion to compel. The Court held over Fink's motion for sanctions until a review hearing, which was scheduled for May 22, 2020. As to the motion to compel, the Court ordered Racine County to continue to search for a suitable residential option and to find an option within 60 days. The Court did order that Racine County was required to build or buy a residential option. At the review hearing scheduled on May 22, 2020, the Office of Corporation Counsel intends to call two Committee members to testify (Kim Christman and Michelle Goggins) to support the County's arguments against the motion to impose sanctions.

James Hinkle & Daniel Williams: Continued motion hearing regarding Hinkle's and William's motion to compel scheduled on April 24, 2020 was rescheduled to June 30, 2020 due to the COVID-19 pandemic. The Office of Corporation Counsel intends to call two Committee members to testify (Kim Christman and Michelle Goggins) to support the County's arguments against their motions to compel.

Preston Rintamaki: Status Conference was held on April 27, 2020. The Office of Corporation Counsel did not attend. From Wisconsin Court Circuit Court Access (CCAP), it appears that Rintamaki has pending appellate litigation pending with the Wisconsin Supreme Court. Additionally, Rintamaki filed a Petition for Discharge

with the circuit court in March of 2020. At the April 27, 2020 status conference, the Court ruled that the Petition for Discharge would be held in abeyance until the appellate matter was resolved. The matter was scheduled for a review hearing on June 2, 2020. Proposed residence for Rintamaki located at 9437 W 3 Mile Road, Raymond, WI discussed at the Committee meeting on February 24, 2020 was evaluated; that residence was found inappropriate as the property did not meet the statutory restrictions regarding children.

Hung Tran: Order for Supervised Release was entered on February 14, 2020. Racine County's deadline to file a report identifying a residential option is June 13, 2020.

5. Residential option updates (Racine County Human Services Department (HSD))

Michelle Goggins reported the following:

Between January 1, 2020 through May 1, 2020, HSD reviewed 345 properties, identified 51 properties as potential, and had 15 vendor contacts, however some of those 15 vendors are no longer active. All 51 potential properties were forwarded to vendors, only one (1) property generated a bid by a vendor, however the vendor was outbid by another party.

The majority of vendors have expressed that to better secure their investment, they want a house that will remain suitable for Chapter 980 placement for a long period of time, and, therefore, prefer a property that is more isolated/rural so that the property remains compliant with statutory restrictions like the 1,500-foot distance requirement.

Between the end of February through May 1, 2020, HSD reviewed 177 rental properties, of which 27 appeared to meet the criteria. Additionally, HSD contacted 115 landlords of rental property, of which 30 indicated they would consider renting to an offender if they have property that is appropriate.

HSD recently identified a property at 904 Belmont within the City of Racine which is adjacent to a cemetery, and that HSD has contacted homeowner and that homeowner's contact information has been forwarded to DHS. Angie Serwa intends to review the property before the committee asks law enforcement to perform their review and report. This property could potentially house up to two offenders.

Most landlords have expressed an unwillingness to house petitioners or are requesting double the standard rental amount for the circumstances.

At least one property (located on Highway V) that is privately owned and believed to be suitable was identified, and HSD is awaiting to hear from the property owner as to decision on whether property owner will use that property for offender placement.

6. Discuss/consider process for making recommendation to DHS and Court for Chapter 980 sex offender placement

Michelle Goggins reported that HSD has found that there are often new and/or unidentified churches near potential properties that do not appear on the GIS mapping tool. Kim Christman reported that as churches are not recorded with a separate tax ID that is easily identifiable, this information is hard to obtain as there no alternative official distribution lists or other efficient ways to identify those properties. Christman can update the tool manually if necessary. Goggins plans to e-mail Christman with a list to update the map. Goggins stated that as HSD is aware of this issue, they know to evaluate the properties for this information each time they identify a potential property.

Discussion held regarding COVID-19 pandemic limitations to the Committee.

The Office of Corporation Counsel continues to engage with other counties regarding Chapter 980 placement and litigation.

Michelle Goggins shared that DHS/Angie Serwa reported to her that DHS would not consider townhomes for placement. As townhomes are not a statutory restriction, Michelle requested that Angie's/DHS's refusal to consider townhomes be provided to the Committee in writing. Committee discussed that if a townhome was found appropriate, that the property should still be evaluated and provided to DHS for consideration.

Next meeting scheduled for **Monday June 1, 2020 at 9:00 am.**

Action Items:

- DHS to provide the committee in writing their opinion on townhomes and duplexes and whether they should be considered by the Committee as potential housing.
- Goggins/HSD to work with Christman on updating GIS with new churches and restricted properties.

7. Adjournment

Motion: Michelle Goggins moved to adjourn meeting at 10:38 a.m. Seconded by Kim Christman.

Action: All Ayes, No Nays. Unanimous. **Motion passed.**

Recorded May 4, 2020
Nicole Jurgens
Office of the Corporation Counsel