

**Racine County Ch 980 Committee**  
WebEx Meeting  
Monday, December 14, 2020 – 9:00 a.m.

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

**1. Convene meeting**

The meeting of the Ch. 980 Committee was called to order at 9:04 a.m. by Assistant Corporation Counsel Erika Frank Motsch.

**2. Public Comments**

There were no comments made by the members of the public present.

**3. Approve Agenda & Minutes**

Agenda for November 16, 2020 meeting and Minutes from October 16, 2020 meeting reviewed. Discussion held regarding Angela Serwa's suggested changes regarding the 1,500-foot restriction measurement method. Ms. Serwa clarified the Department of Health Services' preference for measurements using the "as the crow flies" and that exceptions are rare. The November 16, 2020 draft minutes were edited for clarification as indicated by Ms. Serwa and agreed upon by the Committee.

**Motion:** Julie Anderson moved to approve both the agenda and minutes as corrected. Seconded by John Serketich.

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

**4. Legal updates (Office of Corporation Counsel)**

Legal Updates: 9:10 a.m.

**Daniel Williams:** Committee continues to search for suitable housing and Mr. Williams does not have the additional serious child sex offender limitation. On October 23, 2020, Judge Wynne P. Laufenberg issued a written decision granting Mr. Williams' Motion to Compel. In that decision, Judge Laufenberg ordered, in relevant part, the "County shall create a residential placement for the respondent and seek financial reimbursement from DHS. . . [and that] the court will schedule this matter in six months to review the 980 Committee's progress in implementing this order."

Corporation Counsel sought clarification of this order and received a letter from Judge Laufenberg dated December 1, 2020 confirming that the decision granting Mr. Williams' Motion to Compel is a final order. As a result, Racine County is considering its appeal options. Mr. Williams' Motion for Sanctions is still being held in abeyance and remains pending before the Court.

**Hung Tran:** Committee continues to search for suitable housing. No legal actions have occurred in Mr. Tran's case since the last Committee meeting, so there are no additional updates for the Committee.

**James Hinkle:** Hinkle was placed in Douglas Ave property, has been there for about six months. Hinkle was temporarily returned to Sandridge for treatment, but the Court ordered to hold his residence for his return. On December 4, 2020, a new CCAP entry noted that Hinkle would not consent to an interview. Angela Serwa explained that commitments must, per statute, be offered an annual psychological evaluation related to their commitment, but the participation is not mandatory. From her experience, the failure to participate does not impact the current order. The evaluation is an expert opinion for the Court's consideration for discharge or readiness for supervised release.

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

Kim Christman provided the following updates:

- MLS Listings
  - No changes to the search criteria.
  - Ms. Christman sends list to HSD every week on Tuesday for evaluation.
  - 11-17-2020: 27 single-family, 0 two-family, 0 multi-family, and 8 condos (total: 35)
  - 11-24-2020: 22 single-family, 0 two-family, 0 multi-family, and 4 condos (total: 26)
  - 12-01-2020: 25 single-family, 4 two-family, 0 multi-family, and 3 condos (total: 32)
  - 12-08-2020: 26 single-family, 3 two-family, 0 multi-family, and 5 condos (total: 34)
    - **Grand total: 127**
- Wihomes.com sales list
  - No change to the search criteria.
  - Ms. Christman sends listings to HSD every week on Wednesday for evaluation.
  - Note: "New" as provided in this section was defined by Kim as not on the previous week's list.
  - 11-18-2020: 322 single family (29 new), 49 duplex (4 new), 75 condo/townhouse (7 new), 9 Multi Family (0 new), 11 rental (1 new). Total: 463 (41 new)
  - 11-25-2020: 290 single family (23 new), 44 duplex (0 new), 73 condo/townhouse (6 new), 8 multi-family (2 new), 11 rental (1 new). Total: 426 (32 new)
  - 12-04-2020: 371 single family (29 new), 44 duplex (3 new), 74 condo/townhouse (3 new), 8 multi-family (0 new), 6 rental (0 new). Total: 403 (36 new)
  - 12-09-2020: 270 single family (30 new), 43 duplex (4 new), 78 condo/townhouse (6 new), 8 multi-family (0 new), 12 rental (6 new). Total: 411 (46 new)
    - **Grand total: 1703 (155 new)**
- GIS Mapping Tool
  - No updates/changes to Tool since last meeting.

Michelle Goggins provided the following updates on properties evaluated by HSD and their continued search to find suitable housing for Mr. Williams and Mr. Tran.

November was the last month using the radius measurement, December will be "as the crow flies." Therefore, the December data will include homes searched by both measurement methods. Two County owned in-rem properties being considered are not habitable at this time as they require substantial repairs.

### **Properties for sale:**

November: 1,854 properties were referred to HSD for evaluation, of which only 133 had not been previously evaluated by HSD for conformity with statutory criteria. Of those 133 properties, 35 met

statutory criteria after HSD's preliminary evaluation using the digital mapping tool. All 35 properties were sent to the vendors for consideration.

One property was identified, and a vendor was willing to put in an offer, but DHS provided feedback indicating this residence does not adhere to statutory criteria because the residence is within the 1,500-foot (as the crow flies) restriction. For this property, HSD explored an alternative to "as the crow flies" method, and instead, calculated the 1,500-foot measurement by measuring the distance of the most direct route of travel via the roads from structure to structure. However, DHS shared that "as the crow flies" was the only way DHS had ever measured the 1,500-foot restriction when DHS is responsible for identifying a residence, and DHS was aware of only one circumstance in Milwaukee County in which a court granted an exception to the 1,500-foot restriction. In that circumstance in Milwaukee County, a pre-Act 184 committed person was already living at a property that was located 1,223' a public park "as the crow flies", but when measured by walking / driving distance, it was over 1,500' from the public park. Discussion of this issue for the property located in Racine County led the Committee to reconsider how HSD should measure the statutory restriction that requires any identified residence be located 1,500-feet from certain statutorily identified points of interest.

The year-to-date totals for 2020 are as follows: 16,267 properties were referred to HSD for evaluation, and only 2,058 had not been previously evaluated by HSD for conformity with statutory criteria. Of the 2,058 properties, 469 met statutory criteria after HSD's preliminary evaluation using the digital mapping tool, and all 469 properties were sent to the vendors for consideration.

#### **Rentals:**

November: 21 rental units were identified by HSD and evaluated for conformity with statutory criteria, three (3) met statutory criteria after HSD's preliminary evaluation using the digital mapping tool, but all landlords reported to HSD that they were not interested in entering a lease with the Department for housing Mr. Williams and Mr. Tran.

The year-to-date totals for 2020 are as follows: 370 rental units were identified by HSD and evaluated for conformity with statutory criteria, 40 met statutory criteria after HSD's preliminary evaluation using the digital mapping tool. Additionally, 138 landlords have been contacted (total number of landlords includes both landlords that had property available that met statutory criteria, and landlords that did not have any properties available that met statutory criteria but were contacted to determine whether they had interest in housing subjects committed under Ch. 980).

#### **In-rem:**

In-rem properties have been secured by the Treasurer's Office. Of the properties subject to in-rem actions discussed at previous meetings, two residences are being evaluated by the Committee; each requires significant repairs to become habitable. HSD and the Office of Corporation Counsel to work with the Treasurer's Office to continue the evaluation of these properties and to further assess the damage. As shared at previous meetings, although these properties are not available for purchase yet, these two (2) properties were sent to vendors for consideration. HSD/Michelle Goggins has been working with vendors who may be interested in the in-rem properties.

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

Discussion held regarding how HSD should measure the statutory restriction that requires any identified residence be located 1,500-feet from certain statutorily identified points of interest. Other counties have

sought prior approval from a court before pursuing a particular residential property that appeared to be located close to the 1,500-foot requirement. Other counties also measure the 1,500-foot requirement with parameters that define an encroachment zone to permit consideration residences on the edge of the 1,500-foot buffer. The Committee has agreed that properties shall be measured using the “as the crow flies” method and has been searching using that method.

Assistant Corporation Counsel Erika Frank Motsch contacted Milwaukee County regarding their committee’s decision to consider properties within the encroachment zone. Attorney Motsch indicated that Milwaukee County found that searching within an encroachment zone between 1,450-1,500 feet did identify additional potential residences but most of those properties were not viable options due to various restrictions. Milwaukee County’s Ch. 980 Committee’s January 2021 agenda will include discussion to change their limit to 1,475 feet; Attorney Motsch will follow up with Milwaukee County after their next meeting.

Principal Assistant Corporation Counsel indicated his preference to follow the statutory limit of 1,500 feet rather than shorten the distance to attempt to find additional properties that may be on the edge of the allowable distances for residences. The Committee discussed and agreed that reducing the distance restrictions is not necessary at this time as potential properties are consistently being identified within the current limits.

## 7. Closed Session

9:37am Principal Assistant Corporation Counsel motioned to move to closed session pursuant to section 19.8(1)(d), (e), and (f) of the Wisconsin State Statutes to discuss confidential offender information under Wis. Stats 980.06. Julie Anderson Seconded. Roll call vote, approved.

9:55 Principal Assistant Corporation Counsel John Serketich motioned to return to open session pursuant to section 19.8(1)(d), (e), and (f) of the Wisconsin State Statutes moved to reopen, Angela Serwa seconded.

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

Returned to regular session at 9:54 am.

## 8. Adjournment

Next meeting scheduled for: **Monday January 11, 2021 at 9:00 am.**

**Motion:** Nancy Ahler moved to adjourn meeting at 9:59 a.m. Seconded by John Serketich.

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

Recorded December 14, 2020

Nicole Jurgens - Office of the Corporation Counsel