

RESOLUTION NO. 2022-96

RESOLUTION BY THE EXECUTIVE COMMITTEE IN SUPPORT OF MODIFICATIONS TO CHAPTER 980 TO ADDRESS THE NEGATIVE IMPACTS OF 2017 WISCONSIN ACT 184

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, Wisconsin’s sexually violent persons (“SVP”) law, known as Chapter 980, underwent significant modifications through enactment of 2017 Wisconsin Act 184 that continue to reverberate within and negatively impact counties and the communities they serve; and

WHEREAS, Act 184 eliminated the ability of a court to place an SVP outside his or her home county and shifted the responsibility of locating and identifying an appropriate residence to the SVP’s county of residence; and

WHEREAS, under prior law, it was the state’s responsibility to find a residence and, even though a court was not limited to placing an SVP within his or her home county (*i.e.*, the entire state could be, and often was, utilized), it took the state an average of 521 days to find a residence in the year prior to Act 184’s enactment; and

WHEREAS, it is axiomatic then that the challenge would become even more insurmountable for counties to locate suitable residential options within the county alone; and

WHEREAS, yet, Act 184 imposes a draconian requirement that counties identify a suitable residence under those strict parameters within only 120 days or potentially face significant financial penalties (\$500-\$1000 each day); and

WHEREAS, meanwhile, the risk of SVPs being released back to the community *without* supervision and reoffending increases if there are prolonged delays in placements and indefinite detention is deemed unconstitutional; and

WHEREAS, Racine County appreciates the legislature’s intent to provide treatment to offenders and protect the public: Act 184 resulted in placement restrictions such as prohibiting placement of an SVP less than 1,500 feet from any school premises, childcare facility, public park, place of worship, or youth center; moreover, if the person is a serious child sex offender, the placement cannot be adjacent to a property where a child’s primary residence exists; and

WHEREAS, mindful of these and other restrictions and community safety concerns, county staff work tirelessly to vet potential properties for SVPs deemed to meet the criteria for release within those noted restrictions and limitations; and

WHEREAS, that arduous task is further complicated by housing market conditions that reflect persistent buyer demand, low inventory, and higher prices; and

WHEREAS, Racine County respectfully requests that the state legislature address the following shortcomings of Act 184:

First, the burden to locate and secure residential placement for SVPs should return to the state. Despite the best efforts of counties, they are hard-pressed to attain the levels of experience and expertise that the state amassed over decades in securing placements with its greater resources. The state remains best positioned to understand

4 and navigate the needs, requirements, and rights afforded to SVPs and continuing to
5 divert that responsibility to counties only further threatens community safety.
6

7 *Second*, the legislature should explore and identify suitable alternative community
8 placement options (e.g., state-run facilities) other than residential alone. Existing
9 facilities such as Sand Ridge Secure Treatment Center could be utilized through a pilot
10 program and then expanded to other regional facilities throughout the state. Such a
11 model would simultaneously mitigate the concerns of those communities regarding the
12 irregular distribution of SVPs that precipitated Act 184, while also addressing the
13 understandable concern and backlash from communities that counties face every time a
14 new location is considered.
15

16 *Third*, if a regional community placement plan proves unworkable, the legislature should
17 also revisit the existing statutory restrictions that apply to a residential option and keep
18 only those that are truly necessary to keep the public safe. Existing restrictions
19 effectively preclude residential placements within more urban communities, and the
20 legislature should therefore explore alternatives that strike a more appropriate balance
21 between the intent to treat offenders while also protecting the public.
22

23 *Fourth*, if the legislature deems residential placements as necessary, then the
24 procedural and penalty provisions should be modified to reflect the enormity of the
25 challenge facing counties. The legislature should eliminate or, at a minimum,
26 significantly extend the 120-day deadline. And the legislature should eliminate the
27 penalty provisions or reserve it only for instances where it is demonstrated that a county
28 has been dilatory in exercising its responsibility and acted in bad faith. Failure to do so
29 only serves to punish counties and increases the likelihood that – in the face of a
30 statutorily created Catch-22 – poor decisions that sacrifice community safety will be
31 made to avoid imposition of penalties and uphold the constitutional rights of SVPs.
32

33 **NOW, THEREFORE, BE IT RESOLVED** that the Racine County Board of Supervisors
34 respectfully requests that the state legislature consider the modifications set forth herein to
35 Chapter 980 to address the negative impacts of 2017 Wisconsin Act 184 to counties and the
36 communities they serve.
37

38 **IT IS FURTHER RESOLVED** that a copy of this resolution be forwarded by the County
39 Clerk to the Governor of the State of Wisconsin, State Senators and State Representatives
40 representing Racine County, the Secretary of the Wisconsin Department of Administration, and
41 the Wisconsin Counties Association for consideration.
42

43 Respectfully submitted,
44

45 **EXECUTIVE COMMITTEE**

46 1st Reading _____
47 2nd Reading _____
48

Thomas E. Roanhouse, Chairman

1 Res No. 2022-96

2 Page Three

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4 BOARD ACTION

5 Adopted _____

Tom Kramer, Vice-Chairman

6 For _____

7 Against _____

8 Absent _____

Robert N. Miller, Secretary

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11 VOTE REQUIRED: majority

Jason Eckman

12

13 Prepared by:
14 Corporation Counsel

Robert D. Grove

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Tom Hincz

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Donald J. Trottier

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Melissa Kaprelian

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Scott Maier

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Fabi Maldonado

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32 **The foregoing legislation adopted by the County Board of Supervisors of**
33 **Racine County, Wisconsin, is hereby:**

34 **Approved:** _____

35 **Vetoed:** _____

36

37 **Date:** _____,

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40 _____
Jonathan Delagrave, County Executive