

**MINUTES OF THE JOINT MEETING OF JUDICIARY & LAW ENFORCEMENT AND
HUMAN SERVICES COMMITTEES**

August 14, 2007

KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Judith Rossow, William Grady, Joseph Clark, Ruth Booth, David Arrington

Others Present: Anita Faraone, Judge Mary K. Wagner, Lt. Rich Heyden, Lorette Pionke, Jim Kennedy, Emily Ayshford

Meeting Called to Order: 7:03 p.m. by Chairperson Judith Rossow

Citizen Comments: None

Supervisor Comments: None

Chairman Comments: None

Discussion on Ordinance Regarding “Sexual Offender Residency Restrictions”:

Supr. Rossow explained that Supr. Rose requested that our committees discuss this ordinance from the City of Kenosha. Judge Mary K. Wagner, Supr. Anita Faraone, Jim Kennedy, Lt. Heyden, and Corporation Counsel Assistant Lorette Pionke attended the meeting to answer questions.

Supr. Grady stated that a comment he heard was fear that in general this type of general document could be used to locate offenders into areas outside the City of Kenosha with no regard to their disposition; the specific area of concern being motels on north Sheridan Rd. Through the Chairperson, he asked if representatives attending the meeting could be asked their positions individually. He first asked Jim Kennedy for his thoughts and impressions. Kennedy said he hadn't seen the ordinance itself, however, saw the packet distributed at the meeting. He found the document from the Attorneys Association in Iowa most interesting. Attorneys in that state are now changing their minds about intentional value; that this is driving sex offenders underground. Non-reporting is causing greater problems for law enforcement. Housing was found to be virtually impossible to attain causing an increase in homelessness and resulting criminal activity. There is also the issue of constitutionality. There have not been a large number of studies of the effectiveness of this type of resolution on recidivism. The few studies that have been done have found no correlation to reducing recidivism. If this doesn't help, it only creates negative aspects. Grady referenced the ordinance language that property owners would be limited as to whom they may rent to. He asked Kennedy if he was for or against this type of resolution. Kennedy responded that these types of resolutions have been found neither to be effective nor accomplish what is intended. Evidence needs to be researched to find what is effective. He believes motivation for this ordinance may be fear for children related rather than based on evidence. Other articles were found to be in sync with no evidence that these kinds of ordinances are effective.

Grady asked Lorette Pionke her opinion. Pionke explained that she was sent to this meeting to observe and be directed as to what the County Board would like. She read through the ordinance, however, did not have the packet. She sees problems that stem from effectiveness the same as Jim Kennedy does. Language would attempt to control where offenders live, however, can not control

where they go. She believes this is a reactionary response. Goals for the community have to be kept in mind. Safety of children has to come first but it is questionable that an ordinance such as this will accomplish this. As long as you know where a sex offender is you can watch them. We need to have offenders out in the open. This tends to result in them hiding. Thinking that imposing this would locate offenders to a specific area is speculative. We don't want laws just on the books and that cause extra problems for people. Pionke said Mary Beier expressed concerns of what impact this would have on the families of offenders. Grady asked about the legality/constitutionality of not renting to sex offenders. Pionke said she would have to look into this. The effort to limit civil liberties for law enforcement purposes affects rights. We must think of what is best for all concerned. Clark commented that with the references to rights he thinks of smoking, which has similar restraints. In perusing the information he supports the contention Supr. Molinaro has that this would move offenders from urban to rural. Pionke said that this language limits residency anywhere. Clark asked if Corporation Counsel is aware of any counties in the state having similar ordinances. Pionke said she has not had the chance to research anything like this, she came to the meeting to see what research is wanted. Clark said this should be looked into to see what is on the books including definitive recommendations as to parks, schools, etc. Pionke asked if she should also research other states. Clark said this would be helpful. He doesn't know where this is going but he would like a countywide ordinance. Research needs to be done by individuals including Judges, Human Services, and Board Members.

Clark asked about current requirements for sex offenders. Lt. Heyden said they must report every time they move and where they live, work and go to school. Special Bulletin offenders are monitored to a higher degree. Clark said there could be an automatic requirement for a yearly review. If this is not completed follow-up should occur. Heyden said it would be advantageous for someone from Dept. of Corrections (DOC) to attend a meeting to explain what they do. Clark would like the County Executive to appoint a countywide task force.

Rossow asked how offenders are originally placed in the community. Heyden explained that they are returned to the community of their offense. The DOC places them. Special Bulletin offenders are placed on north Sheridan Road. Depending on the support of family a decision is then made for placement. Heyden also commented that Sheriff Beth does not believe this type of ordinance is effective.

Supr. Arrington commented that this has to be looked at from inception of the crime. Controls must be in place for safety. These offenders are potentially dangerous to children and adults. A clear message needs to be sent that we do intend to take some kind of position. Offenders do not always register timely. Specific timelines/deadlines must be set and strictly enforced. There has to be some kind of motivation for this ordinance. If this is not effective, it must be made effective. We have to think about the victims and how this can mentally ruin them. We need to insure as much as we can in our positions that we do help keep children safe. Arrington asked if an offender needs to report this to an employer and if an employer is required to report. Lt. Heyden replied no. Arrington said we need this, we would not want a sex offender to be driving a school bus. He would like information from other states. This is very serious and needs top priority.

Supr. Faraone commented that she does not think this community has as serious a problem as perceived. Offenders have to file. Some are young people that just made a mistake and got a young girl in trouble. She would not like families and people ruined for a mistake and punished for the rest of their lives. She said it looks like this will go back to committee. What happens when someone is continually punished for something they paid for? She would not like to see people have to go underground, they can be good members of society. People do not want group homes in their areas, however, these can not be discriminated against. We must be fair and equitable to everyone.

Judge Mary K. Wagner said she is not permitted to discuss legislation.

Clark recommended sending this to the County Executive to create a task force. He made the following motion:

Recommend to the County Executive to Create a Task Force with Representatives from Various Jurisdictions to Evaluate and Make Recommendations Regarding Sexual Offender Residency Restrictions

Motion by: Clark

Seconded by: Arrington

Approved: unanimously

Motion by: Grady

Seconded by: Arrington

Approved: unanimously

Grady asked Pionke if the County Executive should appoint a task force. What type of legal stand do we have with other entities such as City of Kenosha, Pleasant Prairie, etc.? What is our legal responsibility? He would like a report at a subsequent meeting. Rossow said she would like to be part of the task force. Grady said that if we can't legislate from the county level this would be superfluous. Pionke said she would see if it is OK for this to go to the County Executive.

Arrington said he wants everyone to understand that he is passionate about this. He doesn't want to take away rights but utilize resources to make good decisions that result in positive outcome. He understands that someone can make a mistake and be rehabilitated. The point is for more potentially dangerous predators.

Rossow asked everyone to check online for Assembly Bill AB132 as an alternative to residency restrictions.

Grady said he sees where the City has good intent and supports the intent but has reservations about this document.

Pionke asked for a timeline and/or date of next meeting to have information ready by. Clark said he would first like to see if a task force is appropriate and they could then take charge. He recommended Pionke attending their meeting to get from them information wanted. Pionke asked then if she should hold off until a task force is created. Clark responded yes.

Any Other Business Allowed by Law: None

Meeting Adjourned: 7:55 p.m. on motion by Clark, seconded by Arrington.

Respectfully Submitted,

Donna L. DeBree