

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: March 30, 2022

FROM: Mike Elder

RE: 980 Sexual Offender Residential Facility

General Description:

Winnebago County is required by State Statute to find adequate housing for violent sexual predators who are released under intense supervision in accordance with the provisions of Act 980. This project is to provide County owned residential units located on County Property on County Highway Y.

Action Requested:

Approval of a capital project and funding to build the residential units.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction _ Facilities_	Meeting date: 5/11/2022
Action taken: __Approved_____	Vote: _5/0__
Other Committee: _____	Meeting date: _____
Action taken: _____	Vote: _____
County Board	Meeting date: _____

Background:

Chapter 980 applies only to those offenders convicted of a qualifying offense (e.g. a sexually violent offense). A sexually violent offense is generally a sexual assault of an adult or child, or one of a specified list of crimes that qualify if they are sexually motivated such as homicide, kidnapping and/or burglary.

The Chapter 980 process begins after the offender is sentenced to prison. A Department of Corrections (DOC) employee tracks all eligible offenders. That employee begins the review process about 12-18 months before the offender is scheduled for release. The offender is either screened out or referred to the End of Confinement Review Board (ECRB). The ECRB conducts a more thorough review of the individual, looking at his entire history. The ECRB either screens out the offender or refers the offender for a Special Purpose Evaluation (SPE). The SPE is done by a psychologist who is trained in the assessment of sex offenders. The SPE is a full psychological evaluation that reviews everything in the offender's history (juvenile offense history, adult history, mental health history, medical history). The psychologist then prepares a report, known as an SPE, and either concludes the offender meets or does not meet criteria for commitment. To meet criteria, the offender must have a qualifying offense and must suffer from a mental disorder that makes the person likely to commit future sexually violent offenses.

The DOC then makes a referral to the Department of Justice (DOJ), which can either file or decline to file a 980 petition. If a decision is made to file, the case is filed generally within 3 days of the person's scheduled release from prison. A Probable Cause hearing is held within 10 days unless the time limit is waived. If probable cause for commitment is found, the case proceeds to trial. Generally, the trial is 12-18 months after the initial filing. If the state is able to prove the 3 elements beyond a reasonable doubt, the person is committed under Chapter 980. If not, the person is released.

Commitments are indefinite. A person, once committed, remains committed until such time as the court determines the person no longer meets criteria for continued commitment, or finds that the person is eligible for supervised release. An evaluation is done yearly, and the offender has the right to request either discharge (outright release) or supervised release. Supervised release is strict community supervision. For the first year, the offender cannot leave the residence without a chaperone. The chaperone must be within sight and sound at all times. The offender can only leave for designated activities: work, treatment, religion, daily living needs, medical appointments. The offender cannot have visitors unless approved by the supervision staff. There are also 20-30 random stop-ins per week by DOC and/or the contract agencies. There are 72 standard rules that must be followed. After the first year, the supervision team determines what level of freedom the offender may acquire. The offender may remain on chaperone only status. The offender may be allowed to travel on his own (using public transportation) or may be allowed to use family members as chaperones.

Act 184 was signed into law by Governor Walker and became effective on March 30, 2018. The act made changes related to the entity responsible for finding housing for sexually violent persons, specifically obligating the county of the offender's residence as opposed to the state to find housing. The act also required the offender's county of residence to form a temporary committee to identify a residential option. By statute, the committee consists of:

- a County Human Services Representative
- a State Department of Human Services Representative
- a local Probation Officer
- County Corporation Counsel or designee
- Land use planning representative

There are strict parameters as to where an offender can be placed; 1500 feet from a school, child care facility, public park, house of worship, youth center. If the victim was an adult at risk, 1500 feet from a nursing home or assisted living facility. If the victim was under 13 years of age, placement cannot be into a residence adjacent to a property where a child permanently resides and living quarters are less than 1500 feet apart. The statute directs the committee to prepare a report identifying an appropriate residential option within 120 days. If that option is not identified, the county can face fines of up to \$1100 per day. Fines are governed by Chapter 51 Mental Health Act.

A county that fails to submit its report by the statutory deadline faces monetary penalties. A county that does not submit a report within the specified time period violates the SVP's patient rights under s. 51.61, Stats. Each day that a county fails to submit a report beyond the deadline constitutes a separate violation and may subject the county to separate damages orders. [s.980.08(4) (dm)4., Stats.]

An SVP who brings a court action based on a violation of his patient rights may be awarded actual damages he is able to prove, as well as exemplary damages of up to \$1,000 for each violation. An SVP who receives an award for damages may also be awarded costs and reasonable actual attorney fees, which cover legal fees and expenses related to bringing the litigation. [ss. 51.61(7)(a) and (b) and 980.08(4) (dm)4., Stats.]

Mike Elder, Jeff Mann and Mary Ann Mueller have been exploring possible housing options for Chapter 980 Winnebago County residents who are eligible for supervised release in the upcoming months.

Based on our research including reaching out to other counties the following options are available:

1. Utilizing a state vendor who serves as a landlord.
2. Creating a county owned residential option (e.g. purchasing housing or purchasing a manufactured home to be placed on county owned property or constructing county owned housing).

To date, the County has been unable to find a vendor able to provide the necessary housing or existing housing units that meet the placement requirements and that are also within rapid response range for the Sheriff's Office.

Policy Discussion:

The requirement exists that the County is responsible for finding adequate housing for released VSPs. There is an extremely short timeframe in order to find the housing. This project would build multiple single resident housing units on County property in close proximity to the Jail and Sheriff's Office which would expedite any law enforcement response. Multiple single resident units are being built to avoid any incompatibility of the VSPs as roommates. To build these housing units will take time that exceeds the statute allowable timeframe. The proposed location on County Highway Y will require the parcel to be surveyed and then subdivided. City of Oshkosh Zoning approval and conditional use approval will be needed. The facility construction would be able to start after the approvals. This process is estimated to take between 9 to 12 months.

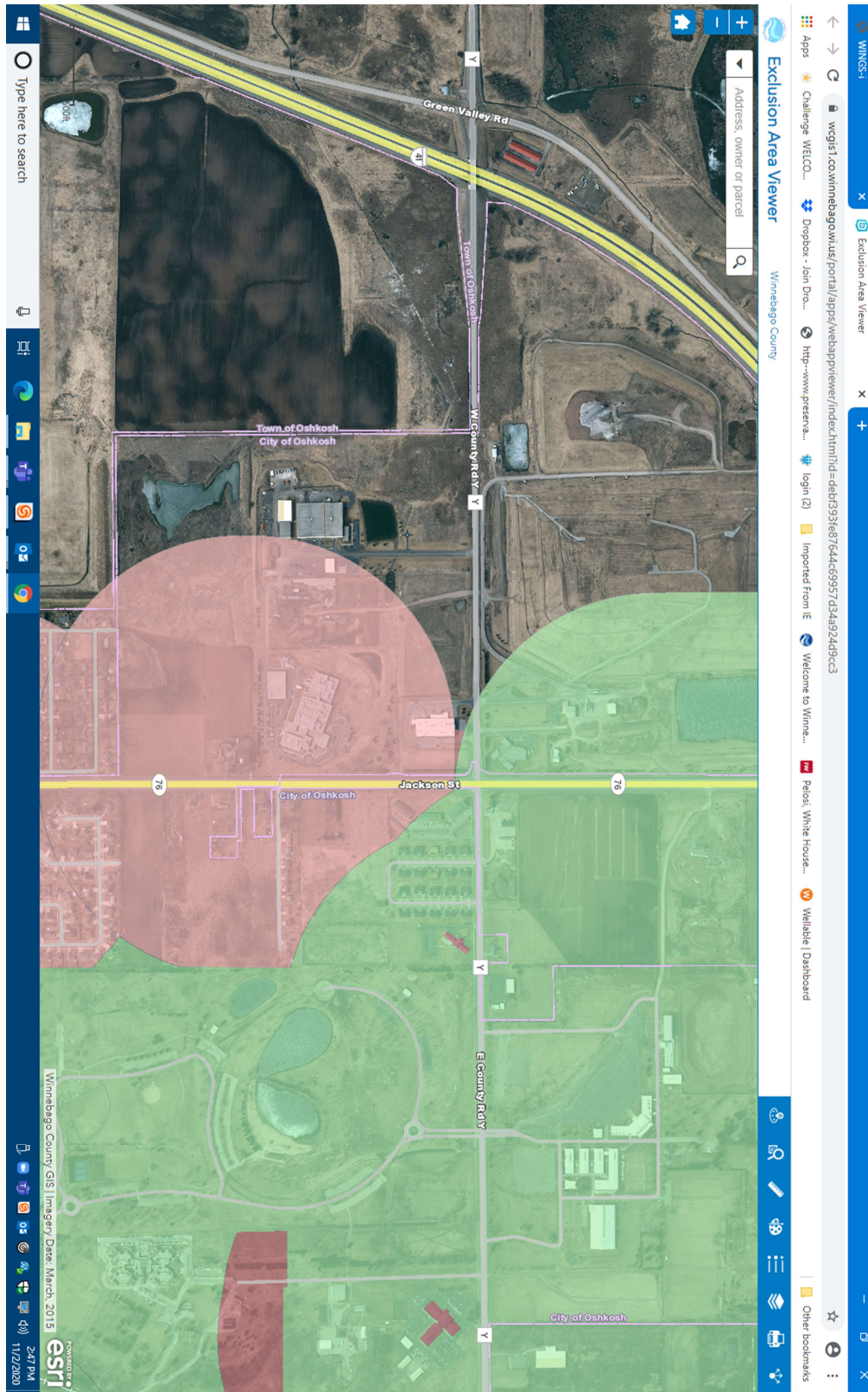
The Facilities amended the request for approval to include bringing the final design back to the Facilities Committee. The amendment passed 5/0. The Project was approved as amended 5/0.

Attachments:

- Attachment 1 – Exclusion Zones Jail Vicinity
- Attachment 2 – Propose Site Plan
- Attachment 3 – Adjacent Properties
- Attachment 4 – Proposed Site Plans with Structures

Attachment 5 – Potential Floor Plan
Attachment 6 – Opinion of Probable Cost

Attachment 1 - Exclusion Zones Jail Vicinity



Attachment 2 – Proposed Site Plan



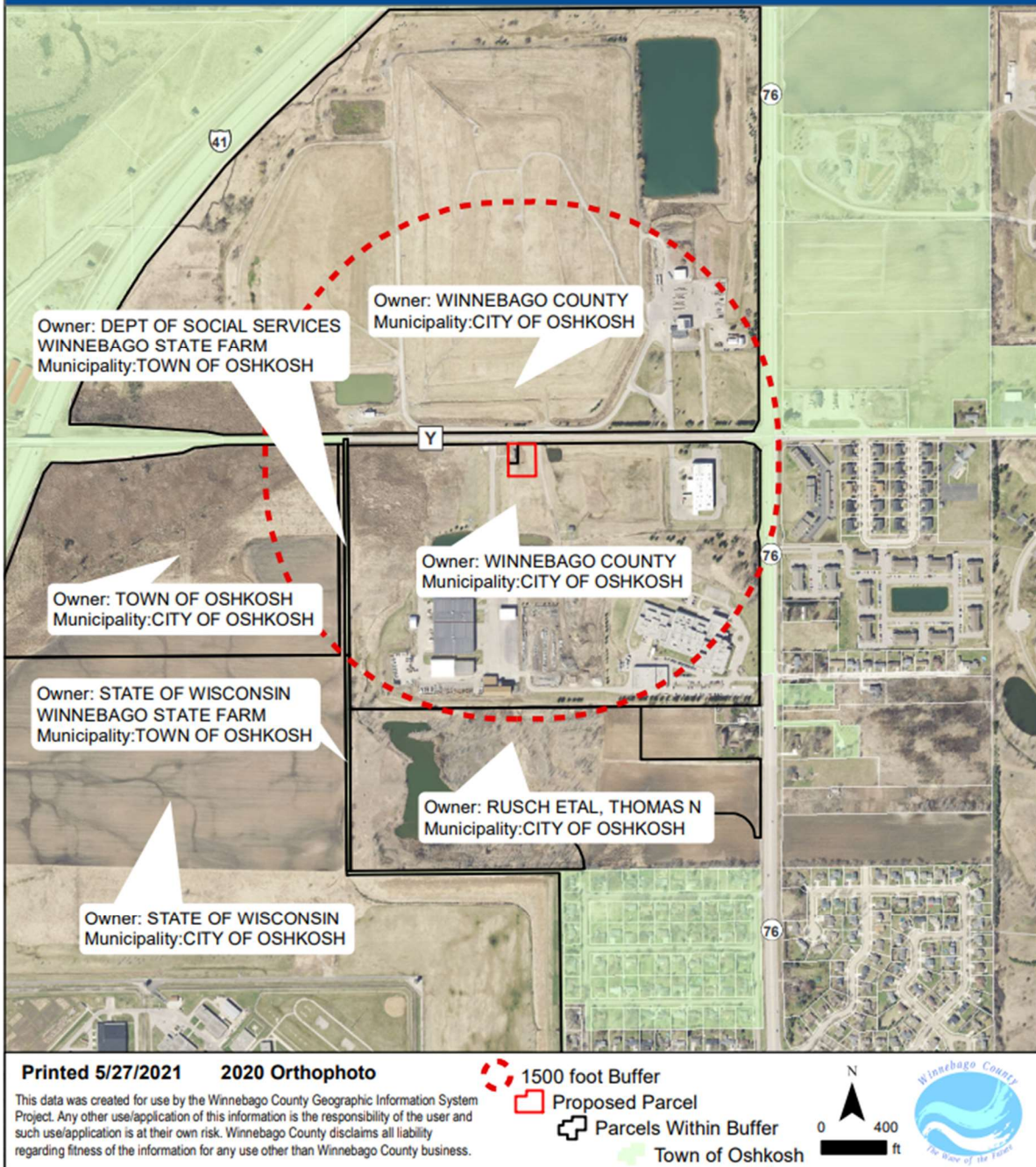
CONTEXT SITE PLAN

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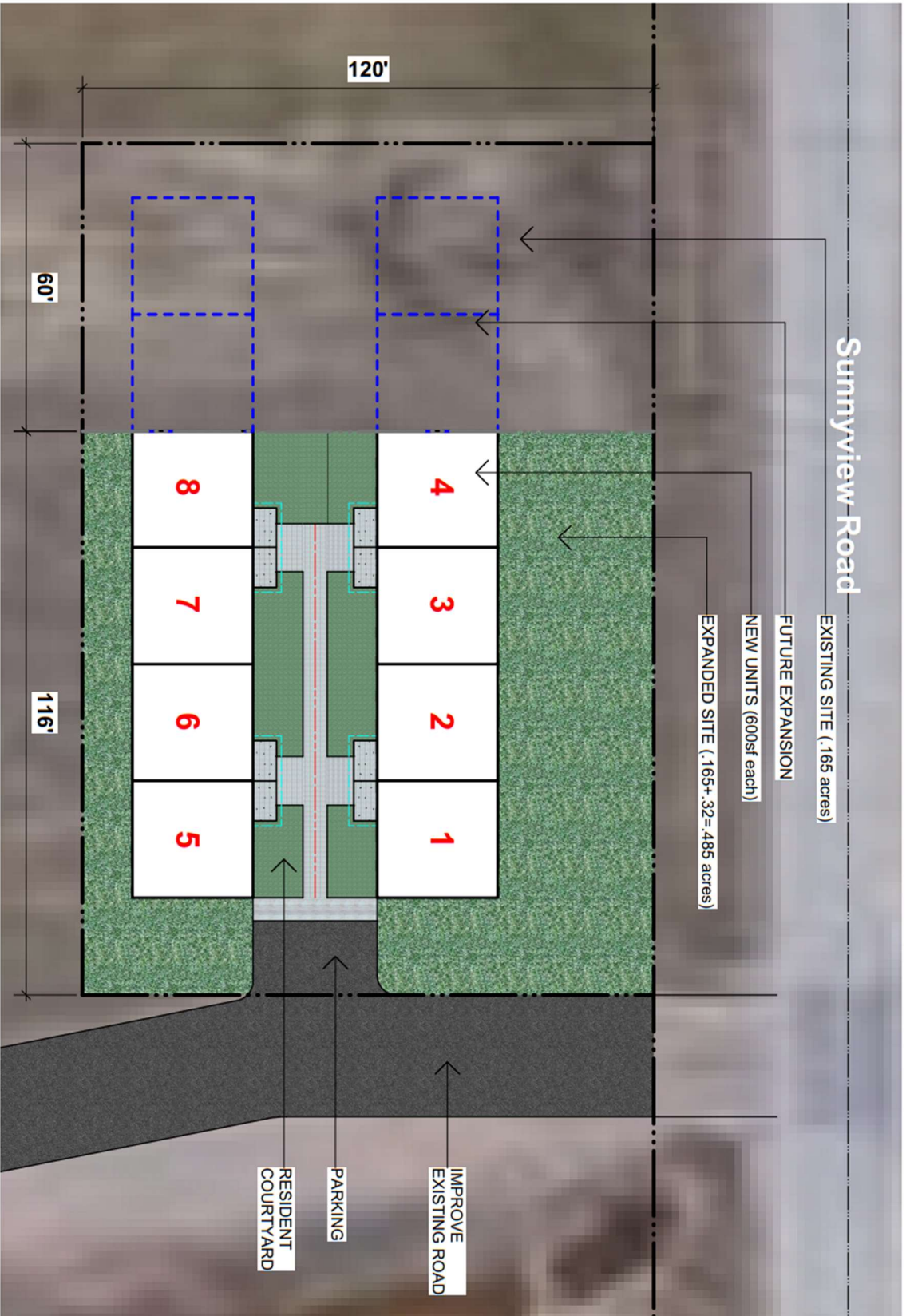
901 County Rd Y

Parcels within 1500 feet of proposed parcel



Attachment 4 – Proposed Site Plan, Option 1, All Units Connected





CONCEPT SITE PLAN

Attachment 5 – Potential Floor Plan

PROJECT OPINION OF PROBABLE COST WORKSHEET

Winnebago County - Multi Tenant Housing

Commission No: O21061



DESCRIPTION	%	COST / GSF	TOTAL
Base Bid Items			
Building	69.54%	\$156.18	\$535,817.24
Building Sitework	8.63%	\$19.37	\$66,468.33
Sanitary System	21.83%	\$49.03	\$168,200.00
Sub-total (Building, Sitework, Sanitary)	100.00%	\$224.58	\$770,485.57
Contractor Fees (General Conditions, Overhead, Profit)	15.00%	\$43.89	\$115,572.84
Contractor Fees (Payment & Performance Bonds)	1.50%	\$4.03	\$13,290.88
Design Contingency	10.00%	\$27.25	\$89,934.93
Architectural Fees	8.00%	\$23.98	\$79,142.74
Total Building Cost		\$323.73	\$1,068,426.96