

MEETING:	AD HOC SEX OFFENDER RESIDENCY REVIEW BOARD
DATE & TIME:	Tuesday, December 5, 2023 at 5:00 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

AGENDA

- I. **CALL TO ORDER, ROLL CALL:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ELECTION OF A CHAIR:**
- III. **HEARING ON REQUEST OF JOSHUA RESKE:** *Requesting an exemption to the residency restrictions under Sec. 9.50 of the Germantown Municipal Code that would allow them to reside at N114W16680 Crown Dr, Unit G5, in the Village of Germantown.*
 - A. **CLOSED SESSION NOTICE:**

For a portion of this public hearing, the Board may convene into closed session pursuant to Wis. Stat. § 19.85(1)(f), to consider medical history of alcohol, drug, and sex offender treatment, juvenile conviction records, and other health information. The Board will reconvene into open session to conclude the public hearing.

At the conclusion of the public hearing, the Board may convene in closed session pursuant to Wis. Stat. § 19.85(1)(a) to deliberate concerning the quasi-judicial hearing regarding the application for an exemption to the residency restrictions described above and then reconvene into open session to announce its decision.

IV. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Clerk at (262)250-4745 at least 2 days prior to the meeting.



Village of

Germantown
...Willkommen

VILLAGE ATTORNEY
N112 W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022-0337
Phone: 262-250-4700

TO: Ad Hoc Sex Offender Residency Review Board
FROM: Brian C. Sajdak, Village Attorney
DATE: December 1, 2023
RE: Hearing on request of Joshua Reske requesting an exemption to the residency restrictions under Sec. 9.50 of the Germantown Municipal Code that would allow them to reside at N114W16680 Crown Dr., Unit G5 in the Village of Germantown.

Following a U.S. District Court decision relating to a sex offender residency ordinance in Pleasant Prairie, the Common Council here in Mequon updated its ordinance because its ordinance was similar to the one at issue in the decision. In that decision, the Court ruled against Pleasant Prairie in part because the ordinance lacked an “individualized inquiry into [a sex offender’s] risk to the community.” Hoffman v. Village of Pleasant Prairie, 249 F.Supp.3d 951, 960 (2017). The response to this decision, as now codified in the Germantown Municipal Code, is to provide an appeal process through which that individualized assessment can take place. Under the code, it is your responsibility to make that assessment.

As part of the code, the Village Board identifies the following as the purpose of the restrictions:

(g) Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The Village also finds and declares that in addition to schools and day care centers, children and youth congregate or play without parental or adult supervision at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement.

(h) Accordingly, the Village Board has created this regulatory measure designed to protect the health and safety of the children in the Village against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and

mitigate risks. This section is also intended to demonstrate the Village's resolute goal of protecting children in areas of potential vulnerability and impart the community's necessary expectation that designated sex offenders released into the community must maintain the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the Village. It is the intent of the Village Board that this regulatory scheme is civil and non-punitive in order to serve the Village's compelling interest to promote, protect, and improve the health, safety and welfare of all citizens of the Village.

With that background in place, the Code also provides the appeal process for an individualized assessment. Under this process, which is discussed briefly below, you are sitting as a quasi-judicial body. In general, this means that you should base your opinion solely on the facts that are presented to you at the hearing, and you should not conduct any independent research regarding the applicant prior to, or during the hearing. It is important to protect the integrity of the process and to help you in your capacity to view all of the information in a neutral way at the time of hearing. The goal is for each of you to come to an independent determination as to the applicant, the application materials, and ultimately the final decision.

As part of the agenda packet, you have been provided information which you should review as it may give you a better understanding of the case ahead of time so that your questions can be more appropriately focused and the hearing can proceed expediently. You can then review this information but should not discuss this information with each other before the meeting, nor should you share any of the information with third-parties as some of it may be confidential. The code provides that as part of the hearing you "may review any pertinent information and may accept oral and written statements from any person." However, your decision should be based on the circumstances surrounding the Applicant and not based on generalities of all sex offenders.

Under the Code, the Board shall base their decision upon any factors related to the Village's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including but not limited to:

- a. The nature of the predicate offense causing the appellant to be a designated offender including the relationship of the offender to the victim, the presence or use of force, and the presence of enticement.
- b. Police reports related to the predicate offense if available.
- c. Proximity of the requested residence to the victim or a child safety zone.
- d. The age of the offense, offender, and victim.
- e. Recommendation of the probation or parole officer, if one exists.
- f. Recommendation of the Police Department.
- g. Recommendation of any treatment practitioner.
- h. Proposals for safety measures and assurances by the Person.

- i. Conditions to be placed on any exception or variance from the requirements of this section.
- j. Support systems in place for the Person.
- k. Who the Person will be or is living with at the prohibited location.
- l. Statements of the surrounding community or victim.
- m. Treatment, sobriety, or rehabilitative measures taken by the Person.
- n. The Person's current employment or social activities.
- o. The Person's criminal history.
- p. The Person's level of credibility and remorse.
- q. Alternative options for housing.
- r. The need to protect the victim or similarly situated individuals.

This list is not exhaustive as there may be other factors that become apparent for each of the individual situation. Moreover, it may be that not all of the factors above will be addressed at the hearing, or even be particularly relevant to this specific request.

Finally, when it comes to making your determination, remember that this is the applicant's request and that the applicant has the burden of establishing their suitability for an exemption to the residency requirement. While representatives of the police department may be present at the hearing, they do not need to prove that this applicant is a danger. The Board shall issue a decision by a majority vote. The Board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A conditional exemption may include, but is not limited to, the following terms: Curfew restrictions; Cohabitant restrictions or requirements; Sobriety restrictions; Conduct restrictions; and/or Residency restrictions. Conditional exemptions should be based upon any unique factors applicable to the applicant. Remember that you do not have to make a decision on the first date of the hearing. If the Board, as a whole, feels it needs more time to deliberate or make a decision, you can table the application and call an additional meeting. The decision will be reduced to writing and mailed to the Applicant.

I will be in attendance at the hearings for the purpose of providing legal counsel to the Board. I will not be representing the Village proper in this hearing nor will I be advocating for any one position. My role is to advise the Board and to help ensure that the record is clear and complete. At the hearing, I will ask the applicant to state his name for the record and his current address. I will note for the record all of the documents that the Board received and reviewed for the hearings. And then the applicant should be provided with the opportunity to explain why an exemption to the residency restrictions should be granted. Anyone in attendance should also be given the opportunity to address the Board on the application. Thereafter, questions will likely flow naturally from the information that is provided verbally and from the materials in your packet. Please address your questions to the relevant factors for the applicant's situation. The Board can ask whatever questions they deem appropriate and I will be there to help ask questions if I believe something is unclear on the record or if it should be expanded to make sure complete information is in the record.

9.50 RESIDENCY RESTRICTIONS FOR SEX OFFENDERS. (Cr. Ord. #21-07; Am. Ord. #12-2021)

(1) FINDINGS, INTENT AND PURPOSE.

- (a) The Village Board has the power, pursuant to § 61.34, Wis. Stats., to enact legislation promoting the health, safety, and welfare of the public.
- (b) The Village Board has reviewed the holdings and findings of the following court cases: *McKune v. Lile*, 122 S. Ct. 2017 (2002); *Smith v. Doe*, 123 S. Ct. 1140 (2003); *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005); *Vill. of Menomonee Falls v. Ferguson*, 334 Wis. 2d 131 (Wis. Ct. App. 2011); *City of S. Milwaukee v. Kester*, 347 Wis. 2d 334 (Wis. Ct. App. 2013); *Hoffman v. Vill. of Pleasant Prairie*, 249 F. Supp. 3d 951 (E.D. Wis. 2017); *Evenstad v. City of West St. Paul*, 306 F. Supp. 3d 1086 (D. Minn. 2018); *Vasquez v. Foxx*, 895 F.3d 515 (7th Cir. 2018); and *City of Werner v. City of Green Bay*, 743 Fed. Appx. 10 (7th Cir. 2018).
- (c) Based upon a 2003 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from Prison in 1994*, sex offenders released from prison were four times more likely to be rearrested for a sex crime as compared to non-sex offenders released from prison. Of those individuals included in the study, 40 percent of new sex crimes committed by those sex offenders released from prison had occurred within the first 12 months of release. Further, child molesters who were released from prison were at least six times more likely to be rearrested for another sex crime against a child as compared to a non-sex offender released from prison. Based upon a 2019 study by the United States Department of Justice, Bureau of Justice Statistics, titled *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)*, released sex offenders were more than three times as likely as other released prisoners to be arrested for rape or sexual assault, and released sex offenders accounted for 5% of releases in 2005 and 16% of arrests for rape or sexual assault during the nine-year follow-up period.
- (d) The Village Board has conducted a review of other reports and studies related to creating and implementing specific desistance factors to reduce recidivism of sex offenders. The studies and reports that have been reviewed include the following: *Recidivism After Release from Prison*, State of Wisconsin Department of Corrections, Tatar, J. & Jones, M. (August 2016); *Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism*, Crime and Delinquency 61(3), 375-401, Steiner, B., Makarios, M. D., & Travis, L. F. (2015); *Examining Sexual Offenses through a Sociological Lens: A Socio-Cultural Exploration of Causal and Desistance Theories*, European Journal of Probation, 8(3), 170-184, Kyle, D. (2016); *Criminal Careers in the Short-Term: Intra-Individual Variability in Crime and Its Relation to Local Life Circumstances*, American Sociological Review, 60(5), 655-673, Horney, J., Osgood, W., & Marshall I.H., (1995); and *An Exploration of Protective Factors Supporting Desistance from Sexual Offending*, Sexual Abuse: A Journal of Research and Treatment, 27(1), 16-33, Mann, R.E., de Vries Robbe, M., Maruna, S., & Thornton, D. (2015).
- (e) While acknowledging that literature on sex offender recidivism, sex offender desistance, and sex offender residency restrictions contain studies which report varying effectiveness of certain strategies, the Village Board intends to use these strategies and studies to best create a regulatory framework which protects the children of the Village of Germantown, yet allows for a constructive and safe assimilation of designated sex offenders into the community.
- (f) The Village Board finds that the risk of recidivism decreases over time from the date of the last conviction, especially in circumstances where offenders have community connections, goals, and employment. The Village Board is also aware that absent a domicile clause, the Village would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, thereby increasing potential negative impacts on the health, safety, welfare, and additional cost to the Village and its residents. Studies show increased recidivism rates for offenders who frequently move or do not have established community networks. These studies support maintaining a domicile clause thereby limiting designated offenders with no ties to the community and increasing the likelihood that a designated offender implements appropriate and existing community support while

allowing the community to remain intelligently attentive, aware, and provide adequate and appropriate intervention if needed.

- (g) Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children and youth where they congregate or play in public places in addition to the protections afforded by state law near schools, day care centers and other places children and youth frequent. The Village also finds and declares that in addition to schools and day care centers, children and youth congregate or play without parental or adult supervision at public parks, pools and other public and private places of enrichment activities, recreation, entertainment and amusement.
 - (h) Accordingly, the Village Board has created this regulatory measure designed to protect the health and safety of the children in the Village against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and mitigate risks. This section is also intended to demonstrate the Village's resolute goal of protecting children in areas of potential vulnerability and impart the community's necessary expectation that designated sex offenders released into the community must maintain the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the Village. It is the intent of the Village Board that this regulatory scheme is civil and non-punitive in order to serve the Village's compelling interest to promote, protect, and improve the health, safety and welfare of all citizens of the Village.
- (2) **DEFINITIONS.** As used in this Chapter and unless the context otherwise requires:
- (a) Sexually Violent Offense. A "sexually violent offense" shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.
 - (b) Crime Against Children. A "crime against children" shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, and which offense was perpetrated against a victim under the age of majority, respectively:

§940.225(1)	First Degree Sexual Assault
§940.225(2)	Second Degree Sexual Assault
§940.125(3)	Third Degree Sexual Assault
§940.22(2)	Sexual Exploitation by Therapist
§940.30	False Imprisonment—Victim was minor and not the offender's child
§940.31	Kidnapping—Victim was minor and not the offender's child
§944.01	Rape (prior Statute)
§944.06	Incest
§944.10	Sexual Intercourse with a Child (prior Statute)
§944.11	Indecent Behavior with a Child (prior Statute)
§944.12	Enticing Child for Immoral Purposes (prior Statute)
§948.02(1)	First Degree Sexual Assault of a Child
§948.02(2)	Second Degree Sexual Assault of a Child
§948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
§948.05	Sexual Exploitation of a Child
§948.055	Causing a Child to View or Listen to Sexual Activity
§948.06	Incest with a Child
§948.07	Child Enticement
§948.075	Use of a Computer to Facilitate a Child Sex Crime

§948.08	Soliciting a Child for Prostitution
§948.095	Sexual Assault of a Student by School Instructional Staff
§948.11(2)(a) or (am)	Exposing Child to Harmful Material (felony sections)
§948.12	Possession of Child Pornography
§948.13	Convicted Child Sex Offender Working with Children
§948.30	Abduction of Another's Child
§971.17	Not Guilty by Reason of Mental Disease (of an included offense)
§975.06	Sex Crimes Law Commitment

- (c) Person. "Person" shall mean an individual who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- (d) Residence or Reside. "Residence" or "reside" shall mean the place where a person sleeps, or which qualifies as a residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.
- (3) **RESIDENCY RESTRICTIONS.** A person shall not reside within 1,500 feet of the real property comprising any of the following:
- (a) Any facility for children, which means a public or private school, a group home, as defined in § 48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in § 48.02(15d), Wis. Stats.; a shelter care facility, as defined in § 48.02(17), Wis. Stats.; a foster home, as defined in § 48.02(6), Wis. Stats.; a treatment foster home, as defined in § 48.02(17q), Wis. Stats.; a day care center licensed under § 48.65, Wis. Stats.; a day care program established under § 120.13(14), Wis. Stats.; a day care provider certified under § 48.651, Wis. Stats.; or a youth center, as defined in § 961.01(22), Wis. Stats.; and/or
- (b) Any facility used for:
1. A public park, parkway, parkland, park facility;
 2. A swimming pool, beach, or other aquatic facility open to the public;
 3. A public library;
 4. A recreational trail, but not an on-street bike path or a sidewalk;
 5. A public playground;
 6. A public or private school for children in grades pre-K through 12, but not including homeschool locations;
 7. Athletic fields used by children;
 8. A movie theatre; or
 9. Any specialized school for children, including, but not limited to a gymnastics academy, dance academy, swimming school or music school, excluding any facility that is located within a residence for which a home occupation approval has not been granted by the Village;

The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above enumerated use(s). A map depicting the above enumerated uses and the resulting residency restriction distances, as amended from time to time, shall be kept on file in the office of the Village Clerk and the Germantown Police Department for public inspection.

-
- (4) **RESIDENCY RESTRICTION EXCEPTIONS.** A person residing within 1,500 feet of the real property comprising any of the uses enumerated in subsection (3) above, does not commit a violation of this chapter if any of the following apply:
- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
 - (b) The person has established a residence prior to the effective date of this section [October 11, 2007] which is within 1,500 feet of any of the uses enumerated in subsection (3) above, or such enumerated use is newly established after such effective date and it is located within such 1,500 feet of a residence of a person which was established prior to the establishment of such use.
 - (c) The person is a minor residing with a parent or legal guardian or is a ward residing with their guardian under guardianship.
- (5) **ORIGINAL DOMICILE RESTRICTION.** In addition to and notwithstanding the foregoing, but subject to subsection (4) above, no person and no individual who has been convicted of, or adjudicated delinquent for, or been found guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children, shall be permitted to reside in the Village of Germantown, unless such person was domiciled in the Village of Germantown at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.
- (6) **CHILD SAFETY ZONES.** No person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:
- (a) A public park, parkway, parkland, park facility;
 - (b) A public swimming pool, beach, or other aquatic facility open to the public;
 - (c) A public library;
 - (d) A recreational trail, but not an on-street bike path or a sidewalk;
 - (e) A public playground;
 - (f) A public or private school for children in grades pre-K through 12, but not including homeschool locations;
 - (g) Athletic fields used by children;
 - (h) A movie theatre;
 - (i) Any specialized school for children, including, but not limited to a gymnastics academy, dance academy, swimming school or music school, excluding any such facility that is located within a residence for which a home occupation approval has not been granted by the Village; or
 - (j) Any facility for children, which means a public or private school, a group home, as defined in § 48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in § 48.02(15d), Wis. Stats.; a shelter care facility, as defined in § 48.02(17), Wis. Stats.; a foster home, as defined in § 48.02(6), Wis. Stats.; a treatment foster home, as defined in § 48.02(17q), Wis. Stats.; a day care center licensed under § 48.65, Wis. Stats.; a day care program established under § 120.13(14), Wis. Stats.; a day care provider certified under § 48.651, Wis. Stats.; or a youth center, as defined in § 96.01(22), Wis. Stats.

A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, shall be kept on file in the office of the Village Clerk or the Germantown Police Department for public inspection.

-
- (7) **CHILD SAFETY ZONE EXCEPTIONS.** A person does not commit a violation of subsection (6) above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:
- (a) The property supporting an enumerated use under subsection (6) also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
 - 1. Entrance and presence upon the property occurs only during hours of worship or other religious program/service open to the public; and
 - 2. Written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
 - 3. The person shall not participate in any religious education programs which include individuals under the age of 18.
 - (b) The property supporting an enumerated use under subsection (6) also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
 - 1. Entrance and presence upon the property occurs only during hours of activity related to the use open to the public; and
 - 2. Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.
 - (c) The property supporting an enumerated use under subsection (6) also supports a polling location in a local, state or federal election, subject to the following conditions:
 - 1. The person is eligible to vote;
 - 2. The designated polling place for the person is an enumerated use; and
 - 3. The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the person vacates the property immediately after voting.
 - (d) The property supporting an enumerated use under subsection (6) also supports an elementary or secondary school lawfully attended by a person as a student under which circumstances the person who is a student may enter upon that property for the purpose of attendance at the school at which the person is enrolled, as is reasonably required for the educational purposes of the school and the person.
- (8) **VIOLATIONS.** If a person violates any provision of this section, by establishing a residence or occupying residential premises within 1,500 feet of those premises as described therein, without any exception(s) as also set forth above, the Village Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the purpose of this chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the Village in the Circuit Court for Washington County to permanently enjoin such residency as a public nuisance. If a person violates any provision of this chapter, in addition to the aforesaid injunctive relief, such person shall be subject to the general penalty provisions set forth under section 25.04 of the Germantown Code. Each day a violation continues shall constitute a separate offense.
- (9) **APPEAL.** A person may request an exemption from this section.

-
- (a) Procedure. A person may request an exemption from this section by submitting a written request for exemption, including any pertinent rationale for an exemption, to the Germantown Police Department prior to establishing a residence that would be in violation of this section or within 15 days after notification that the person is in violation of this section. If the exemption requested is to the Original Domicile provisions of subsection (5), a person may make a generalized request to reside anywhere outside of the 1,500 foot residency restricted zone without a specific address. All requests within the 1,500-foot residency restriction zone shall include the specific address at which the person intends to reside. The Chief of Police or their designee shall conduct a review of the request for an exemption using any pertinent information and the criteria set forth in subsection (c) below. The Chief of Police or their designee shall approve, approve an exemption subject to necessary conditions (hereafter "conditional exemption"), or deny the request. The Chief of Police or their designee shall issue the decision within 30 days of receiving the request for exemption and shall provide a written copy of that decision to the person, the Village Clerk, and the Village Attorney. Any request for an exemption which has not been approved, approved for a conditional exemption, or denied by the Chief or their designee within 30 days of the request shall be deemed to be denied for the purposes of this section.
- (b) The decision by the Chief of Police or their designee may be appealed by the person within 30 days by submitting a written appeal to the with the Village Clerk's office. Upon receipt of an appeal, the Village President shall establish an ad hoc committee of three members to hear such appeal (hereafter "the Board"). The chair of each of the Village's three standing committees (General Government and Finance, Public Safety, and Public Works and Highways) shall each, within 14 days of receipt of the appeal, appoint one resident of the Village to the board. Such appointments shall not require confirmation by the Village Board. In the event that no appointment is made, the official who does not make an appointment shall serve on the board. The board shall hold a hearing on each appeal, during which the board may review any pertinent information and may accept oral and written statements from any person.
- (c) The Chief of Police or their designee and/or the board shall base their decision upon any factors related to the Village's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including, but not limited to:
1. The nature of the predicate offense causing the appellant to be a designated offender including the relationship of the offender to the victim, the presence or use of force, and the presence of enticement.
 2. Police reports related to the predicate offense if available.
 3. Proximity of the requested residence to the victim or a child safety zone.
 4. The age of the offense, offender, and victim.
 5. Recommendation of the probation or parole officer, if one exists.
 6. Recommendation of the police department.
 7. Recommendation of any treatment practitioner.
 8. Proposals for safety measures and assurances by the person.
 9. Conditions to be placed on any exception or variance from the requirements of this section.
 10. Support systems in place for the person.
 11. Who the person will be or is living with at the prohibited location.
 12. Statements of the surrounding community or victim.
 13. Treatment, sobriety, or rehabilitative measures taken by the person.

-
14. The person's current employment or social activities.
 15. The person's criminal history.
 16. The person's level of credibility and remorse.
 17. Alternative options for housing.
 18. The need to protect the victim or similarly situated individuals.
- (d) The board shall issue a decision by a majority vote. The board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A written copy of the decision shall be provided to the person. The person must consent to the terms of the conditional exemption for the conditional exemption to be valid, and must demonstrate acceptance of the terms of the conditional exemption by signing and dating a copy of the board's decision and conditions. The person must provide a copy of the signed conditional exemption to the Village Clerk's Office and the Germantown Police Department. The person will have 14 days from the date the written conditional exemption is issued to accept and return a signed copy to the appropriate locations or the conditional exemption will be deemed as void and the appeal denied by the board. The person need not sign an exemption that has been denied by the board or an exemption approved without any necessary conditions by the board.
- (e) A conditional exemption may include, but is not limited to, the following terms:
1. Curfew restrictions.
 2. Cohabitant restrictions or requirements.
 3. Sobriety restrictions.
 4. Conduct restrictions.
 5. Residency restrictions.
- (f) If an exemption or conditional exemption is granted by the Chief or their designee or the board, that exemption will only apply to the specific person who had applied for the exemption at the requested residence and shall not be transferable to any other person or to any other location.
- (g) An exemption expires when the person who was granted said exemption changes their domicile and/or changes their residence, whether within the Village or outside the Village.
- (h) An exemption or conditional exemption issued by the chief or their designee or the board may be revoked by the chief or their designee if the person is found to have violated the conditions or there is probable cause to believe the person has committed (an) additional act(s), which had occurred either before or after the exemption or conditional exemption was issued, that would cause a person to be classified as a designated offender. The chief or their designee shall provide written notice to the person that the exemption or conditional exemption has been revoked. This notice shall be deemed properly delivered if sent by either first class mail or hand delivered to the person's last known address. If the person cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the person's address which had been exempted in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there. The revocation of an exemption may be appealed to the board pursuant to the above procedure.
- (i) For the purposes of this section, pursuant to § 68.16, Wis. Stats., the Village of Germantown is specifically electing not to be governed by Ch. 68, Wis. Stats.
- (j) If the board denies the request for exemption or upholds a revocation of exemption or conditional exemption, the person may appeal the decision within 30 days to the Washington County Circuit Court.

-
- (10) Exception for placements under Ch. 980, Wis. Stats. To the extent required by § 980.135, Wis. Stats., a person who is subject to supervised release under § 980.08, Wis. Stats., shall not be governed by the foregoing provisions of this section restricting or prohibiting a person from residing in certain locations, but shall instead be subject to all of the following:
- (a) A person who is on supervised release under § 980.08, Wis. Stats., shall not reside within 1,500 feet of the real property comprising any school premises, child care facility, public park, place of worship, or youth center. A person is not in violation of this provision if any school premises, child care facility, public park, place of worship, or youth center is established within 1,500 feet from the person's residence after they are placed in the residence under this section;
 - (b) In addition, if the person who is on supervised release under § 980.08, Wis. Stats., is also a serious child sex offender, as defined in § 980.01(4m), Wis. Stats., such person is further prohibited from residing on a property adjacent to a property where a child's primary residence exists. For the purpose of this subsection, adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart. A person is not in violation of this provision if a child establishes primary residence in a property adjacent to the person's residence after the person is placed in the residence under this section; and
 - (c) This subsection (10) shall apply only so long as the person is subject to supervised release under Ch. 980, Wis. Stats., is residing where they are ordered to reside under § 980.08, Wis. Stats., and the person is in compliance with all court orders issued under Ch. 980, Wis. Stats.

9-14-23



Village of

Germantown
Willkommen

Department of Police
N112 W16877 Mequon Road P.O. Box 96
Germantown, Wisconsin 53022
Phone: (262) 253-7780 Fax: (262) 253-7787
E-mail: gtpd@germantownpolice.org

Michael S. Snow
Chief of Police

Joshua Reske
W168N11370 Stone Way 6
Germantown, WI 53022

Mr. Reske,

I have reviewed your request to move from your current address on Stone Way, to N114W16680 Crown Dr., G5, in the Village of Germantown.

Given your status as a sex offender, and the need to comply with the sex offender registry, the request must be reviewed under Village Ordinance 9.50 -Residency Restrictions for Sex Offenders.

I do not feel that any of the exemptions apply under this ordinance, so I am not able to approve this request. You do have the opportunity to appeal and request an exemption from the restrictions provided in the ordinance.

I have attached a copy of the ordinance, which explains the process for an appeal under 9.50(9)(b).

Let me know if you have any questions.

Chief Mike Snow

Dear Village Board of Germantown,

Included in this envelope are all the documents I provided to Chief Snow from key individuals in my life whom I believe to have the best judgment of my character. I would like to preface all these letters by stating I am getting married in a couple weeks on October 6, and to be able to live with my fiance together in her apartment would be a Godsend. It would help us enormously to not have to hunt for apartments in more expensive areas. I can promise that you will never have a complaint against me, I plan on living normally and you can ask anyone that knows me can tell you I'm no threat. I ask that you take these into consideration when you make your decision.

God Bless,

Joshua Reske

To The Village of Germantown,

My name is Joshua Reske. I am currently 22 years old, and I'm on the sex offender registry. I made mistakes in the past, and I have worked diligently to rebound from them. I have a job as an automotive technician at Heiser Chevrolet and Cadillac of West Bend, and I have worked there for over two years while also graduating from Waukesha County Technical College. In May 2022 I received my associates degree, graduating from the GM ASEP program. I currently reside primarily with my father in Germantown, and also sometimes live with my mother, at W160 N10599 Fieldstone Pass, also in Germantown. I have just completed my 5 years on probation, with no issues at all. I did whatever I could to be a good person and make these last 5 years go as smoothly as possible. During those 5 years I worked at Industries for the Blind and Visually Impaired (IBVI) in Menomonee Falls where I met an amazing woman and the love of my life, Jaime Kons. We are both members of the St. Anthony and St. Mary's Church in Menomonee Falls and attend mass weekly. We are currently in our 4th year together, and got engaged in October 2022. We are now working through the intensive Catholic marriage preparation process and look forward to our wedding on October 6, 2023.

Once we are married, I am looking to join Jaime in her current residence at N114 W16680 Crown Drive Unit G5 starting the week following the wedding. She has been there for 4 years now, I don't want to force her out of there when she's been there for a while now. Her father owns this apartment, and thus we are able to have more affordable rent than anywhere else we would live in Germantown. I have no desire to leave the village, as I love it here and have spent my whole life here. Being newlyweds this young means we don't make a whole lot of money so we are really hoping to live there together. I understand that residency rules are in place for a reason, but I assure you that I am the farthest from being a threat to any child, or person for that matter. I go out of my way to be kind to everyone, and I am so happy to build a life together with Jaime, which will hopefully eventually include our own kids. I have completed all therapy treatment required, and as mentioned earlier, I completed my probation with no violations. I actually resided at W168 N11370 Stone Way for the first 3 years of my probation, just across the street from where I hope to join my fiance, and again, never caused any problems. I have enclosed letters from my therapist office, my probation officer Jessica Latzl, and my fiance Jaime Kons. These letters outline my success in treatment and in life, and how I have completely turned my life around. I can promise you that if allowed to live here, there will be no issues from me at all, and that there is no risk with me living there.

God Bless,
Joshua Reske

Joshua Robert Reske is the most kind, gentle, and loving man I have ever dated. I am so lucky to have him as my future husband.

My name is Jaime Kons, and I have known Josh since 2019! We first met at work as coworkers! I didn't think much of him then, but little did I know how much our lives would change.

He had already piqued my interest; he was someone I thought was cute! I didn't know how reserved and cautious he was until I tried to see him outside of work! At first we were just friends. The thought of spending time with him outside of work sounded so nice, but was almost impossible. He was always "busy" or "unable to go". It wasn't until a few months in that I started thinking "okay, there's something more that he's not telling me!"

Our first time we finally got to hang out is when he told me about his past, even though he was incredibly scared to tell me. He shared that he had done something wrong in the past, but I could also tell he was in deep sorrow for his mistakes. I chose to hear him out. I chose to hear his family, word for word. Not just him, but her too. And his siblings, and his parents.

I had the clear choice to leave if I wanted to. I had the choice to walk away and keep my distance. But I chose to stay. I chose to get to know him for who he is, not what he had done. And I'm forever grateful I did.

Joshua is passionate about the things he loves. He works hard. He pays attention to small details. He holds me when I'm scared and makes me feel safe in his arms. He kindly reminds me of how amazing I am when I feel low, and I've learned to do the very same for him. His personality matches my own and we give each other what we both need out of our relationship— love, encouragement, support, stability, energy, rationality, compassion and patience!

He's had many limits as he matured and a very different lifestyle than other teenage boys. But I think what he's experienced has made him the best version of himself that he can be. He knows how impossible things can seem at times, but he always finds a positive— a bright side. He knows how difficult some scenarios had been in the past, but he worked with what he was allowed, and he followed every single rule given to him.

I believe he is harmless to Germantown, and harmless to living at my apartment. He lives his life like any typical adult would. Wakes up early, goes to work full time, goes to the gym and/or plays volleyball. He runs errands like grocery shopping, dropping off mail at the post office, takes care of his parents' pets, and sometimes even the neighbors' pets. He cooks dinner from time to time, and he's usually in bed by 10pm to be ready to start a new day. Josh takes the time to visit his grandparents and make sure they're doing well, and he checks in with my own dad ever since my dad's recent stroke. He attends church and confession with me every Sunday, something we never miss. He's not a bad guy - he's wonderful. He's a good person. I feel that people who only look at his past mistakes and judge him only on errors made when he was young, rather than who he is now, miss out on knowing this kind man.

I know for a fact he is not who he was back then. He grew up, and he changed. He changed for the better of his life and his future, and I'm so lucky to have him. Now that his probation has ended, we know he starts a new path. But to me, he's been on this path for a long time. Now I get the opportunity to stand next to him throughout the rest of the journey of our lives. It is with your permission that I would like my future husband whom I love for better and worse, for rich and poor, for sickness and in health— to live with me once we are married. I've had my own place for years, and I don't have any intention of moving out at this time. We're not able to afford a home, but one day, when we start a family, we will. But for now, I would love for him to join me in my apartment— so that we can grow together, love together, and live together. As a marriage binds two people together for a lifetime, I want him to be with me every step of the way.

Sincerely,

Jaime Kons

Chief Michael S. Snow,

I write to support Joshua Reske's application to live with his fiancée Jaime Kons. It is my understanding that he desires to move in with her sometime after Friday, October 6th, when they celebrate their wedding on at which I will be the principal witness. I have been meeting regularly with Joshua since May of 2022 to prepare him and Jaime for their wedding and for the Sacrament of Confirmation.

In the year that I have known Joshua, I have seen him grow in virtue and in his practice of the Catholic Faith. He attends Sunday Mass weekly, participates in a formation and fellowship group for young couples, and is diligently working to grow in his understanding and practice of the Catholic Faith. He is dedicated to living a virtuous life, and I would feel confident trusting him to live as a good neighbor who shares in responsibility for public safety and protecting the innocent from sexual crimes.

I would be happy to speak on the phone or in person if you need further information from me.

God bless you,

Fr. Andrew Linn
Associate Pastor
St. Anthony and St. Mary parishes
Menomonee Falls, WI
262-251-0220



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

05/24/23

Re: Joshua Reske
DOB 07/22/00
DOC #668812

To Whom it May Concern;

This letter is written to the request of Mr. Reske. He was placed on five years probation on 05/22/18 for Third Degree Sexual Assault (17CF541) and two years probation for Bail Jumping (18CF194) on 06/28/18.

Mr. Reske has successfully completed his term of probation with no violations or custodies. He reported on time for all appointments and was respectful to all Department of Corrections staff. Mr. Reske completed all court ordered conditions and supervision requirements, including a successful discharge from sex offender treatment. He has maintained compliance with the sex offender registry since his placement in the program. He has been a resident of Germantown for his entire period of supervision. His future wife, Jaime Kons, was an approved chaperone for Mr. Reske while he was on supervision.

If you have any further questions, please feel free to contact me.

Thank you,

A handwritten signature in black ink that reads "Jessica Latzl".

Jessica Latzl
Probation and Parole Agent #71311
273 S. 17th Ave
West Bend, WI 53095
(262) 388-8359
Jessica.Latzl@wisconsin.gov