

Village cautious on offenders

By KAY NOLAN
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Village of Pewaukee — Advised that the legality of sex offender residency limitations is far from certain, village officials are taking a cautious approach toward drafting a local ordinance.

Trustees on Tuesday discussed joining several other communities across southeast Wisconsin that have enacted ordinances restricting where sex offenders, especially those just released from prison, can live. Those municipalities have created prohibited zones within a certain distance from schools, parks, playgrounds and other places where children congregate.

But Village Attorney Mark Blum advised trustees to research the matter first, and offered to share a thick binder of information he has col-

Pewaukee going slowly with effort to limit residency

lected on the topic.

"It's important to make a threshold determination that having an ordinance like this would provide reasonable protection for children," said Blum. "I wouldn't necessarily believe the conclusion that that's the case."

Blum said that some communities' ordinances already have been challenged in court, and that the new restrictions might very well be ruled unconstitutional. He predicted that the subject will continue to be challenged by both sides until it reaches the U.S. Supreme Court.

Until a final decision is handed down from the nation's high court, individual municipalities could face ex-

pensive litigation, he said.

The attorney's wary approach was echoed by Pewaukee police Capt. Tim Otto, who said law enforcement officials are concerned that if all communities pass ordinances restricting sex offender residences, or if a state law passes, it will drive offenders "underground where we don't know where they are."

Otto said his department closely monitors registries of offenders and their whereabouts. About five registered sex offenders live in the village, he said.

Otto said most people who are registered here are not the type of individuals likely to commit a crime involving strangers or children they

don't know, he said. Most cases involved family members or boyfriend-girlfriend situations in which one was underage, he said.

Trustees said little on the topic, instead voting to have Blum draft an ordinance while they reviewed information.

Only one trustee, John Laimon, said he was ready to enact restrictions immediately.

Village President Chuck Nichols said he has not heard from any residents who are calling for sex offender residency restrictions. He said he has been watching other municipalities' actions on the matter.

In Waukesha County, the Town of Brookfield and villages of Elm Grove, Butler and Menomonee Falls have already set limits. Waukesha and Brookfield are exploring similar ordinances.

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Offender rules no sure thing

Some in Waukesha raise concerns over proposed ordinance

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Waukesha — Despite preliminary approval Monday by the Common Council's Ordinance & Licensing Committee to restrict sex offenders from living within 1,000 feet of schools or parks, and the recent enactment of similar ordinances in other communities, passage of such an ordinance in Waukesha is far from certain.

The matter will be taken up tonight by the full council, but it became clear Monday night that at least six aldermen are not in favor of the ordinance.

The city attorney and Police Department also expressed strong concerns that it would backfire, sending sex offenders "underground."

Other aldermen, however,

said they strongly support the ordinance and that they believe the city is getting more than its share of sex offenders compared with other communities in Waukesha County. Ald. Randy Radish, who sponsored the ordinance, said such residents are bringing down property values, adding an economic burden to the city.

With 17 elementary schools, three middle and three high schools in the city's public school district, along with a dozen or more parochial, private or charter schools and numerous city parks, pools and playgrounds, the 1,000-foot prohibited zones encompass nearly all of the city, leaving only tiny pockets available where sex offenders can live.

"Waukesha is very concentrated. It's a real city, a microcosm of Milwaukee," said City Attorney Curt Meitz, who drafted an ordinance at the request of aldermen. "If you have only very small

areas, you're going to create real small enclosed areas where you could have a density of sexual offenders."

Worries it may backfire

Deputy Police Chief Wayne Dussault said experience has shown that overly restrictive ordinances backfire. "Now, Wisconsin enjoys a more than 90 percent compliancy rate with registering, whether they are Level 1, 2 or 3 offenders," but Dussault said that when Iowa and Minnesota enacted restrictions similar to those considered in Wisconsin, registering fell to less than 50%. "If they go underground, we lose that level of scrutiny."

Ald. Paul Furrer said he has concerns about the ordinance. "Only one reason I can see to have a local ordinance — it's not to protect children — it's because Franklin's doing it. It's monkey see, monkey do," he said.

Residents who attended the Ordinance & License Com-

mittee meeting were also mixed on the issue.

Lori Howe, who supports the ordinance, said she checked online registry records and noted 17 sex offenders living within 1,000 feet of White Rock Elementary School in Waukesha. "If people knew how many there are, they would fill this room," she said.

Resident Kris Riedel, who said she lives next door to a recently released sex offender on Buena Vista Ave., said that even though "It's been real quiet... in fact, he's in prison in his house," she believes, "We need an ordinance to protect this community because a lot of surrounding communities have ordinances, and hopefully that would reduce the number that we have."

But resident Bruce Fleischmann called for tolerance, saying the city shouldn't pass an ordinance "just because everyone seems to think we have to have this."