

**CITY OF GLENDALE**  
**5909 North Milwaukee River Parkway**  
**Glendale, Wisconsin 53209**

**Due to rising cases of COVID-19 this meeting will be conducted via Zoom**

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**PUBLIC SAFETY/PUBLIC WORKS COMMITTEE**

**MEETING AGENDA**

Wednesday, February 17, 2021  
6:00 p.m.

1. Call to order / Roll Call
2. Presentation of Applicant for request of Residency Restriction Exceptions for Sex Offenders – Phillip Z. Moeckler requesting to reside at 2470 W. Good Hope Road Unit 171
3. Police Chief Response to Applicant request.
4. Reply of Applicant.
5. Committee Deliberation on Request and Potential Action.
6. Adjournment.

NOTICE: Although this is NOT a meeting of the Glendale Common Council, a majority of Council members may be in attendance. No action or deliberation by the Council will take place.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities.

## **5.8 Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof**

- 5.8.1** PURPOSE.
- 5.8.2** DEFINITIONS.
- 5.8.3** RESIDENCY RESTRICTIONS.
- 5.8.4** RESIDENCY RESTRICTION EXCEPTIONS.
- 5.8.5** ORIGINAL DOMICILE RESTRICTION.
- 5.8.6** CHILD SAFETY ZONES.
- 5.8.7** CHILD SAFETY ZONE EXCEPTIONS.
- 5.8.8** VIOLATIONS.
- 5.8.9** EXCEPTIONS TO RESIDENCY REQUIREMENTS UPON APPEAL

The Mayor and Common Council of the City of Glendale, Milwaukee County, Wisconsin, do hereby find as follows, and adopt such findings as their legislative history for the provisions hereinafter enacted.

The Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community.

Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, in Wis. Stats. §980.08, following such commitment, under certain conditions, provides for the supervised release of such persons into the community.

The City of Glendale places a high priority on maintaining public safety through highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior.

Sex offenders have very high recidivism rates, and according to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most innocent members of our society. In addition, more than two-thirds of the victims of rape and sexual assault are under the age of 18, and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

The Common Council has been advised by staff counsel of the findings of a number of the Legislatures of these United States, including Wisconsin, and including, but not limited to Pennsylvania, Alabama, Iowa, Florida, Maine, and Louisiana, as they pertain to laws adopted which relate to and in part impose restrictions upon sex offenders with respect to residency; and

The Common Council having also been advised of the decision of the United States Court of Appeals for the 8th Circuit, in Doe v. Miller, 405 F.3d 700, 716 (8th Cir. 2005), providing in part: "The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. [Citation omitted]. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of re-offense.

Even experts in the field could not predict with confidence whether a particular sex offender will re-offend, whether an offender convicted of an offense against a teenager will be among those who “crossover” to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of re-offense against children. One expert in the district court opined that it is just “common sense” that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted]. The policymakers of Iowa are entitled to employ such “common sense,” and we are not persuaded that the means selected to pursue the States legitimate interest are without rational basis.”

The Common Council desires to codify in the Municipal Code in furtherance of the protection of the safety of its citizens, and to be responsible to their own citizens, the declaration by the Secretary of the Wisconsin Department of Health and Family Services and the Secretary of the Wisconsin Department of Corrections dated October 27, 2006, that Wisconsin law is now explicit, no sexually violent person may be placed on supervised release in a residence in the City unless that individual is from the City.

The Common Council having considered a proposed amendment to the Municipal Code to provide residency restrictions for sex offenders and child safety zones to further protect children, and upon all of the records and files and reports and proceedings pertaining to the subject matter, and all of the prior actions and experience of the City of Glendale in protecting the Community from sexually violent persons, finds the proposed amendments will serve to protect the health, safety and welfare of the Community.

### **5.8.1 PURPOSE.**

This Chapter is a regulatory measure aimed at protecting the health and safety of children in Glendale from the risk that convicted sex offenders may re-offend in locations close to their residences. The City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. 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 where they congregate or play in public places in addition to the protections afforded by state law near schools, daycare centers and other places children frequent. The City finds and declares that in addition to schools and daycare centers, children congregate or play at public parks.

### **5.8.2 DEFINITIONS.**

As used in this Chapter and unless the context otherwise requires:

- (a) A “sexually violent offense” shall have the meaning as set forth in Wis. Stat. Wis. Stats. §980.01(6), as amended from time to time.

- (b) 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, respectively:

Wis. Stats. §940.225(l) First Degree Sexual Assault;  
 Wis. Stats. §940.225(2) Second Degree Sexual Assault;  
 Wis. Stats. §940.125(3) Third Degree Sexual Assault;  
 Wis. Stats. §940.22(2) Sexual Exploitation by Therapist;  
 Wis. Stats. §940.30 False Imprisonment-victim was minor and not the offender’s child;  
 Wis. Stats. §940.3l Kidnapping victim was minor and not the offender’s child;  
 Wis. Stats. §944.0l Rape (prior statute);  
 Wis. Stats. §944.06 Incest;  
 Wis. Stats. §944 10 Sexual Intercourse with a Child (prior statute);  
 Wis. Stats. §944.11 Indecent Behavior with a Child (prior statute);  
 Wis. Stats. §944.12 Enticing Child for Immoral Purposes (prior statute);  
 Wis. Stats. §948.02(1) First Degree Sexual Assault of a Child;  
 Wis. Stats. §948.02(2) Second Degree Sexual Assault of a Child;  
 Wis. Stats. §948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;  
 Wis. Stats. §948.05 Sexual Exploitation of a Child;  
 Wis. Stats. §948.055 Causing a Child to View or Listen to Sexual Activity;  
 Wis. Stats. §948.06 Incest with a Child;  
 Wis. Stats. §948.07 Child Enticement;  
 Wis. Stats. §948.075 Use of a Computer to Facilitate a Child Sex Crime;  
 Wis. Stats. § 948.08 Soliciting a Child for Prostitution;  
 Wis. Stats. §948.095 Sexual Assault of a Student by School Instructional Staff;  
 Wis. Stats. §948.11(2)(a) or (am) Exposing Child to Harmful Material felony sections;  
 Wis. Stats. §948.12 Possession of Child Pornography;  
 Wis. Stats. §948.13 Convicted Child Sex Offender Working with Children;  
 Wis. Stats. §948.30 Abduction of Another’s Child;  
 Wis. Stats. §971.17 Not Guilty by Reason of Mental Disease of an included offense; and  
 Wis. Stats. §975.06 Sex Crimes Law Commitment.

- (c) “Person” means a person 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” (“reside”) means 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.

### **5.8.3 RESIDENCY RESTRICTIONS.**

A person shall not reside within two thousand 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 Wis. Stats. §48.02(7)., a residential care center for children and youth, as defined in Wis. Stats. §48.02(15d), a shelter care facility, as defined in Wis. Stats. §48.02(17), a foster home, as defined in Wis. Stats. §48.02(6), a treatment foster home, as defined in Wis. Stats. §48.02(17q), a day care center licensed under Wis. Stats. §48.65, a day care program established under Wis. Stats. §120.13(14), a day care provider certified under Wis. Stats. §48.651, or a youth center, as defined in Wis. Stats. §961.01(22)); and/or
- (b) Any facility used for:
  - (1) a public park, parkway, parkland, park facility;
  - (2) a public swimming pool;
  - (3) a public library;
  - (4) a recreational trail;
  - (5) a public playground;
  - (6) a school for children;
  - (7) athletic fields used by children;
  - (8) a movie theatre;
  - (9) a daycare center;
  - (10) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
  - (11) a public or private golf course or range; and
  - (12) aquatic facilities open to the public;

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).

### **5.8.4 RESIDENCY RESTRICTION EXCEPTIONS.**

A person residing within two thousand feet of the real property comprising any of the uses enumerated in 5.8.3 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 Ordinance which is within two thousand feet of any of the uses enumerated in 5.8.3 above, or such enumerated use is newly established after such effective date and it is located within such two thousand feet of a residence of a person which was established prior to the effective date of this Chapter.
- (c) The person is a minor or ward under guardianship.

### **5.8.5 ORIGINAL DOMICILE RESTRICTION.**

In addition to and notwithstanding the foregoing, but subject to 5.8.4 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 City of Glendale, unless such person was domiciled in the City of Glendale 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.

### **5.8.6 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:

- (1) a public park, parkway, parkland, park facility;
- (2) a public swimming pool;
- (3) a public library;
- (4) a recreational trail;
- (5) a public playground;
- (6) a school for children;
- (7) athletic fields used by children;
- (8) a movie theatre;
- (9) a daycare center;
- (10) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
- (11) a public or private golf course or range;
- (12) aquatic facilities open to the public; and
- (13) any facility for children (which means a public or private school, a group home, as defined in Wis. Stats. §48.02(7), a residential care center for children and youth, as defined in Wis. Stats. §48.02(15d), a shelter care facility, as defined in Wis. Stats. §48.02(17), a foster home, as defined in Wis. Stats. §48.02(6), a treatment foster home, as defined in Wis. Stats. §48.02(17q), a day care center licensed under Wis. Stats. §48.65, a day care program established under Wis. Stats. §120.13(14), a day care provider certified under Wis. Stats. §48.65I, or a youth center, as defined in Wis. Stats. §96.01(22)).

### **5.8.7 CHILD SAFETY ZONE EXCEPTIONS.**

A person does not commit a violation of 5.8.6 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 5.8.6 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 as posted 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 5.8.6 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 as posted 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 5.8.6 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 5.8.6 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 supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

### **5.8.8 VIOLATIONS.**

If a person violates any provision of this Chapter, by establishing a residence or occupying residential premises within two thousand feet of those premises as described therein, without any exception(s) as also set forth above, the City 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 City in the Circuit Court for Milwaukee 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 1.1.7 of the Glendale Code. Each day a violation continues shall constitute a separate offense.

# (1/17/21)

To the city of Glendale Public Safety/Public Works Committee:

My name is Phillip Z Moeckler and I am writing to request a hearing from the residency exception committee regarding residency in the city of Glendale.

DOB: 11-12-1984.

DL: M246-6798-4412-03.

My current mailing address is:

Phillip Z Moeckler # 665890  
Marshall E Sherrer Center  
1318 N. 14th St  
Milwaukee, WI. 53205

My contact phone number is: 414-343-5000. Ms. Hill is my social worker and she is the person you would need to contact to get in touch with me or to make arrangements for a Zoom meeting.

I grew up and attended grade school and high school in Glendale.

My father James D Moeckler and mother Joan G Moeckler (my mom passed away in 2005) and my 93 year old Grandparents Howard and Beverly Moeckler have been Glendale residents since 1967. My Aunt Laurie (who is a social worker and a great support person) and Uncle Rick Rittberg have also been long time Glendale residents close to where I'd like to reside.

I am very close to my family and love them very much. My family and my religious faith are both a very important part of my life. My family along with my Rabbis, Akiva Frielich, and Rabbi Benjamin Rechavel (both from Glendale at Temple Ohr Ha Torah) are very supportive of me. Both rabbis have offered to counsel and mentor me. My brother Alex Moeckler who is a United States Army Veteran and who now works as a Dane County Deputy Sheriff also supports my efforts to do all the right things.

I am asking to be able to reside close to my family and to my synogouge. My Jewish faith forbids me to drive or ride in a car on the Sabbath or Jewish holidays. In order to attend my religious service, I must be able to walk to my synogouge. The city of West Allis has no synagogues anywhere for me to attend.

My elderly grandparents truly need my help with their daily living needs. I would very much like be a part of their lives and to do this for them.

I can assure the committee that I am not a threat to anybody. I made a terrible mistake in judgement when I was charged with having 3 images of under aged girls on my computer. I promise you that this type of behavior will never ever happen again. I have learned my lesson.

On February 23rd, I will be released after completing the mandatory minimum three years of

imprisonment. I am praying for your understanding to please grant me this heart felt request so I can prove to everyone that I will seceed and be a contributing member to the city of Glendale. Please allow me to do this. Please give me a chance as my entire support system is here to help guide me.

I am enclosing my mental health reports and my past work review papers to show I am not a threat.

I would like to reside at 2470 W Good Hope Road unit 171. This is a condominium that my father owns and who I would rent from. It is located in the same complex where my grandparents live and is in walking distance to my synagogue.

I welcome the opportunity to meet and speak with committee members regarding my situation. Thank you so very much for your consideration. I promise not to let you down.

Regards,

Phillip Moeckler

A handwritten signature in black ink, appearing to read 'Phillip Moeckler', with a long horizontal flourish extending to the right.

## 5.8.9

**EXCEPTIONS TO RESIDENCY REQUIREMENTS UPON APPEAL.**

Any registered offender aggrieved by the provisions of this chapter, for the sole purpose of establishing residency within the city limits, but which residence would otherwise be prohibited by the provisions of this chapter, may appeal the denial of a particular residency location to the Public Safety/Public Works Committee. The Chief of Police, or his designate, shall provide a recommendation to the Committee, and provide a copy of that recommendation to the person taken such an appeal. The Chief of Police, his designate, or any other person having an interest in the outcome of the proceedings may appear and be heard by the Committee. The person seeking the exception to the foregoing residency requirement shall be given notice of the hearing, and shall have the opportunity to appear and present any reasons, facts, evidence, or arguments in support of such appeal. Upon the close of the hearing testimony, the Committee shall consider the following:

The nature of the offence that put the person on the registry.

State statute 948.12 Down-loaded and possessed 3 images of naked under-aged girls on my computer

The age of the offense.

This occurred on 9-14-2017

Recommendation of probation officer or parole officer.

This would be okay with Parole officer if granted residency in Glendale. Carmen Ramirez is my Parole Officer #33009. 414-238-1432. 819 N 6<sup>th</sup> St, Milwaukee, WI 53203

Recommendation of police department.

Pending

Treatment or rehabilitation status of defendant.

State did not require treatment or rehabilitation because of having a score of "2" on the CPORT. However, I would do any kind of counseling if asked to do so. Please see attached reports from the state's Psychologist

Character of surrounding area relative the character of defendant, treatment, or the prior offense or offenses. Mostly older people living at Manchester Village Condo

Recommendation of any treating practitioner.

No treatment suggested per CPORT. I am willing to do anything recommended by city.

Proposals for safety assurances of defendant.

Will comply with whatever is necessary

Conditions to be placed on any exception or variance from the requirements of the Ordinance.

Pending

Any other matter considered relevant to the determination of the committee. My Father and Step Mother, Aunt, and Grandparents all live in Glendale.

I would like to be within walking distance of my synagogue. Please see accompanying reports and letter from my Grandparents.

The decision of the Committee shall be final, and is subject to appeal directly to the Circuit Court of Milwaukee County. A transcript of the proceedings by a certified court reporter shall be maintained, and available to the appellant or any requesting party for the actual and direct costs of the transcript. The city clerk shall maintain the record of the proceedings, and make such transcript, and any other matters placed on file by the Committee, available as the record on appeal.

To Whom it may concern,

Let us introduce ourselves to you. We are Beverly and Howard Moeckler. We are both 93 1/2 years old and will have been married for 73 years in December of 2021. We live at Manchester Village at 2200 West Good Hope Road. We have lived here for 23 years. Previously, we have lived in Glendale since 1967.

Phillip is our grandson.

Now that we've become more dependent on family members, we need more help with daily chores, shopping for groceries, driving to doctors and dental appointments as well as religious services etc. Phillip has offered to help us as he has in the past. For this we are most appreciative.

Thank you for your consideration in this matter

Beverly Moeckler  
Howard Moeckler

Wisconsin Department of Corrections

Patient: MOECKLER, PHILLIP Z  
Location: Racine Correctional Institution  
Medical Records From:

MRN/DOC#: 000665890  
Admission Date: 3/8/2018  
to 12/4/2019 10:08 CST

DOB: 11/12/1984  
Discharge:  
Gender: Male

Behavioral Health Forms

PSU Sex Offender Treatment Evaluation Males w/Only Child Pornography Offenses Entered On: 11/20/2019 14:24 CST  
Performed On: 11/20/2019 13:51 CST by Todryk, Psy.D, Lawrence W

Sex Offender Treatment Evaluation Type

PSU Facility Location : RCi -- ...  
Report Type : Initial Report

Report Date : 11/20/2019 CST

Todryk, Psy.D, Lawrence W-11/20/2019 13:51 CST

Todryk, Psy.D, Lawrence W-11/20/2019 14:58 CST

Criminogenic Needs

COMPAS Overall Risk Potential and Crimogenic Needs bar charts : Reviewed  
if available, summarize needs below. If not available, explain why below. : General Recidivism Risk Low, Violent Recidivism Risk Low, Criminal Involvement low, Current Violence Low, History of Non-Compliance Low, History of Violence Medium, Family Criminality Unlikely, Socialization Failure Low, Anger Unlikely, Cognitive Behavioral Unlikely, Criminal Personality Unlikely, Criminal Thinking Self Report Unlikely, Criminal Associates/Peers, Criminal Opportunity  
Risk Level : Low

Todryk, Psy.D, Lawrence W-11/20/2019 13:51 CST

Sexual Offending History

List convictions, with dates of offenses, in chronological order (include court case number if available) : 09-18-2017 2017 CF 004295 two convictions Possession of Child Pornograph Statute 948.2

This list contains the following type of offenses : Adult

Describe for each offense, in the order listed above : Mr. Moeckler was convicted of two counts of Possession of Child Pornography. According to available record information between May 9,2017 and September 2017 Mr. Moeckler did possess photographs of naked girls engaging in sexually explicit conduct and did know the children in the photos were below the age of 18.

Todryk, Psy.D, Lawrence W-11/20/2019 13:51 CST

Sexual Offending History

List offenses, with dates, in chronological order (include court case number if available) : 09-18-2017 2017 CF004295 Possession of Child Pornography Statute 948.2

This list contains the following type of offenses : Adult

Todryk, Psy.D, Lawrence W - 11/20/2019 14:58 CST

Todryk, Psy.D, Lawrence W-11/20/2019 13:51 CST

Offender Account

Offender's account of offenses (detected and undetected) and amenability for sex offender treatment: : In response to questions by this psychologist Mr. Moeckler reported: Being raised in a functional family with a positive and caring mother and father. He reported developing age appropriate dating relationships with female teenagers and women. He reported that in 2005 his mother died unexpectedly passed away. This was traumatic for him and he fell into a major depression. He stated his depression resolved with medication and therapy. He described a five year relationship with an adult female Marquette University student. He stated he loved her and had consensual sex with her. He reported in 2017 she decided to move to Ireland and ended the relationship. This was very difficult and he fell into a significant depression. He stated he started taking

**Behavioral Health Forms**

meditation, the medication were not working. He acknowledged being depressed and lonely. He noted he started going to dating websites which lead him to chat rooms. He noted the chat rooms sent him pictures of naked underage girls. He noted he also downloaded adult pornography. He did report masturbating to teen child pornography. He denied masturbating to child pornography. He stated that he knows what he did was wrong. He reported that he is not now attracted to or interested in child or teen pornography. He noted that he is not interested in having contact prepubescent girls or adolescent girls.

He reported one of his goals is to date, get married, and have a family.

Todayk, Psy.D, Lawrence W - 11/20/2019 14:58 CST

**Prior Sex Offender Treatment History**

*Prior Sex Offender Treatment History:* None

*Prior Sex Offender Treatment History, specify :* None

Todayk, Psy.D, Lawrence W-11/20/2019 14:58 CST

**CPORT - Child Pornography-Offense Risk Tool**

- 1. Offender age at time of index investigation: 35 or younger: Yes (1 point)
- 2. Any prior criminal history? : No (0 points)
- 3. Any failure on conditional release, including charge at index? : No (0 points)
- 4. Any contact sexual offending, including a charge at index?: No (0 points)
- 5. Indication of pedophilic or hebephilic interests : Yes (1 point)  
*CASE Details for indication of interest :* Two convictions for Possession of Child Pornography
- 6. More boy than girl content in the child pornography material (> 51%): No (0 points)
- 7. More boy than girl content in the nude/other child material (> 51%): Unknown

TOTAL CPORT SCORE: 2

Todayk, Psy.D, Lawrence W-11/20/2019 13:51 CST

**Summary And Recommendations**

*Rationale:* Based on available information, Mr. Moeckler scored 2 on the CPORT. According to SOT-CPO Subcommittee a score of 2 indicates no treatment. Mr. Moeckler presents as highly motivated to comply with DOC requirements upon release. He is interested in participating in counseling upon release to community to support him maintaining his stability and functioning in society. He stated one of his long term goals is to date, get married, and have children.

Todayk, Psy.D, Lawrence W-11/20/2019 14:58 CST

# INMATE PERFORMANCE EVALUATION

HOUSING UNIT    WORK    SCHOOL

INMATE NAME Moeckler, Phillip	DOC NUMBER 665890	EVALUATION DATE 2/28/2020	PROBATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
HOUSING UNIT Walworth	ASSIGNMENT Electronic Tech		
<input checked="" type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME	HOURS 8 A.M. 3 P.M.	START DATE 6/26/2020	

**INSTRUCTION:** Each aspect of this inmate's performance is to be rated. Completion of this form should be done in accordance with institution policy, but is required by division policy every 6 months.  
 Use the following scale to rate each item.

Always - 3	Usually - 2	Infrequently - 1	Never - 0
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**ATTITUDE AND PERFORMANCE**

1. Works in a cooperative manner with staff and other inmates.	3
2. Follows verbal and written directions given by staff.	3
3. Work / school assignments are satisfactorily completed.	3
4. Accepts supervision when needed.	3
5. Is reliable and ready for work / school on time.	3
6. Displays responsible behavior at work or school.	3

**INITIATIVE**

1. Willing to learn and apply new skills.	3
2. Performs with minimal supervision.	3
3. Shows an interest in work and offers relevant suggestions in order to improve job quality. / Takes initiative to set own academic goals.	3
4. Completes assignments in a timely manner.	3
5. Uses down / study time constructively.	3

**SUBTOTAL 33**

Less number of work/school-related conduct reports (disposition results) since last evaluation.	# Minor _____ x 3			
	+ # Major _____ x 5 =	-	0	

Scores: Above Average - 27 to 33;   Satisfactory - 19 to 26;   Unsatisfactory - 0 to 18	<b>TOTAL SCORE</b>	<b>33</b>
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**STAFF COMMENTS**  
 Mr. Phillip Moeckler is always on time and very reliable, he is an excellent worker and works well with others. Always willing to help anyone and everyone that needs help. He always has a positive and pleasant attitude, and does his work very well, I will hate when his time is up here in the Maintenance Dept.  
 Sgt. Davis

**STAFF RECOMMENDATION: (Unsatisfactory Only)**  
 (Per Policy and Procedure)

TERMINATE FROM JOB ASSIGNMENT

EXTEND OR PLACE ON PROBATION

**INMATE COMMENTS**

INMATE SIGNATURE 	DATE SIGNED 2-28-20
INSTRUCTOR/SUPERVISOR SIGNATURE 	DATE SIGNED 2/28/2020

# INMATE WORK/PROGRAM ASSIGNMENT/PLACEMENT

**INSTRUCTIONS: WORK/PROGRAM SUPERVISOR** - submit promptly for all new inmate work/program placement, removals, transfers and refusals. The work/program supervisor shall assign the effective date.

INMATE NAME Moeckler, Phillip	DOC NUMBER 665890	HOUSING UNIT Walworth	FACILITY RCI
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**ACTION TYPE**

ASSIGNED     REMOVED     TRANSFERRED     REFUSED     REMOVED – 2 YEAR LIMIT     VOLUNTARY QUIT

**TWO YEAR LIMIT EXEMPTION REQUEST**

Explain Justification for Exemption Request: Inmate Moeckler is currently assigned to maintenance as an Elec-tech 2 and works with Kelly McGill. Due to the heavy workload of Kelly McGill, inmate Moeckler's experience has been valuable in helping make minor repairs and keeping Kelly able to do the more of the important and timely needs of RCI. Inmate Moeckler will be going to STF in the very near future.

Warden/ Designee Decision on Exemption (sign below):  Approve, Length of Extension: 6 Months     Deny

**OLD ASSIGNMENT**

DATE REMOVED FROM OLD ASSIGNMENT 06/26/20	JOB PROGRAM CODE (ex: JAA03)	TITLE (ex: Involuntary Unassigned) Electronic Tech 2	SECTION (ex: 001)
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**NEW ASSIGNMENT**

DATE ASSIGNED TO NEW ASSIGNMENT 06/29/2020	JOB PROGRAM CODE (ex: JAA03)	TITLE (ex: Involuntary Unassigned) Electronic Tech 2	SECTION (ex: 001)
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COMMENTS:

INMATE SIGNATURE (Inmate signature ONLY for agreement of removal from or refusal of placement)  <input type="checkbox"/> Inmate Refused to Sign	DATE SIGNED
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**AUTHORIZING NAME(S) / SIGNATURE(S)**

AUTHORIZING SIGNATURE: (Inmate Supervisor – Required) Kelly McGill	DATE SIGNED 06/15/20
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As needed for each signature below –  
 Select appropriate signatory role from the drop-down box, and sign as required, per your facility's policy.

AUTHORIZING SIGNATURE: Superintendent Jack Chiovatero	DATE SIGNED 06/15/2020
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AUTHORIZING SIGNATURE: Select Signatory Role 	DATE SIGNED 6/19/2020
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AUTHORIZING SIGNATURE: Select Signatory Role	DATE SIGNED
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Jim Moeckler <jim@barandshieldinsurance.com>

**Fwd: Phillip Moeckler-Glendale Residency**

4 messages

**Ben Rechavel** <ben@aleph-institute.org>  
To: Jim Moeckler <jim@barandshieldinsurance.com>

Tue, Dec 22, 2020 at 2:36 PM

see what the city administrator wrote me

----- Forwarded message -----

**From:** Rachel Safstrom <R.Safstrom@glendalewi.gov>  
**Date:** Tue, Dec 22, 2020 at 2:08 PM  
**Subject:** RE: Phillip Moeckler-Glendale Residency  
**To:** Ben Rechavel <benrechavel@aleph-institute.org>  
**Cc:** Ben Rechavel <ben@aleph-institute.org>, Bryan Kennedy <Bryan.Kennedy@glendalewi.gov>, Richard Wiese <Richard.Wiese@glendalewi.gov>, Carmen Ramirezcarrillo <carmen.ramirezcarrillo@wisconsin.gov>, Rhett Fugman <r.fugman@glendalewi.gov>, Mark Ferguson <m.ferguson@glendalewi.gov>, Megan Humitz <M.Humitz@glendalewi.gov>, Steve Schmelzling <Steve.Schmelzling@glendalewi.gov>, fuchs <fuchs@fdblaw.com>

Good afternoon,

Attached is the Glendale Ordinance 5.8 Residency Restrictions for Sex Offenders and Direction Action for Injunctive Relief for Violation Thereof.

Please review the ordinance. An exception to residency restrictions can be requested by Mr. Moeckler in writing to the City Clerk. The request must include the proposed address of residency. The request must also address the concerns identified in the ordinance.

Once a request is received, the Police Chief or designee reviews the request and makes a recommendation to the Public Safety/Public Works Committee for a hearing. This review can take up to 30 days. Once the Chief's recommendation is ready, the Clerk's office will schedule the hearing. It is anticipated the hearing will expect to be able to speak with Mr. Moeckler regarding the request.

In addition to normal public notice posting, the hearing is notified by letter to residents within 500 feet of the property. The hearing is open to the public. Due to the pandemic, it is anticipated that any hearing will be held via Zoom.

Please let me know if you have any questions.

Rachel A. Safstrom  
City Administrator  
City of Glendale

Correspondence  
between Mayor Kennedy  
and Rachel Safstrom  
and Rabbi Rechavel

**From:** Benrechavel <benrechavel@aleph-institute.org>  
**Sent:** Monday, December 21, 2020 6:27 PM  
**To:** Rachel Safstrom <R.Safstrom@glendalewi.gov>  
**Cc:** Ben Rechavel <ben@aleph-institute.org>; Bryan Kennedy <Bryan.Kennedy@glendalewi.gov>; Richard Wiese <Richard.Wiese@glendalewi.gov>; Carmen Ramirezcarrillo <carmen.ramirezcarrillo@wisconsin.gov>  
**Subject:** Re: Phillip Moeckler-Glendale Residency

Great. Thank you so much

---

Rabbi Ben Rechavel  
Advocacy Department | The Aleph Institute

*No One Alone. No One Forgotten.*

C: 414-828-9833

E: ben@aleph-institute.org

W: www.aleph-institute.org

On Dec 21, 2020 at 6:10 PM, <Rachel Safstrom> wrote:

Thank you for your email. I will be researching the process is and get back to you as soon as I know more.

Rachel Safstrom  
City Administrator  
City of Glendale

Get Outlook for iOS

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**From:** Ben Rechavel <ben@aleph-institute.org>  
**Sent:** Monday, December 21, 2020 4:23:04 PM  
**To:** Bryan Kennedy <Bryan.Kennedy@glendalewi.gov>  
**Cc:** Richard Wiese <Richard.Wiese@glendalewi.gov>; carmen.ramirezcarrillo@wisconsin.gov <carmen.ramirezcarrillo@wisconsin.gov>; Rachel Safstrom <R.Safstrom@glendalewi.gov>  
**Subject:** Re: Phillip Moeckler-Glendale Residency

Hi Ms. Safstrom,

Hope you are well. It is my understanding that you have returned today and I am following up with you about the above email regarding Phillip Moeckler.

wisconsin.gov" <carmen.ramirezcarillo@wisconsin.gov>

**Subject: Phillip Moeckler-Glendale Residency**

Mayor Kennedy,

I pray this email reaches you well. Thank you for all of your hard work and devotion to Glendale!

By way of introduction, I am Rabbi Rechavel of the Aleph Institute, a 36-year old national, U.S. DOJ-recognized NGO in the correctional area. Aleph Institute is affiliated with Chabad-Lubavitch, which has over 5,000 centers throughout the world, including one right here in Glendale, where I also live with my family. I am in the fourth district and have CC'd Mr. Weise in this email.

I am reaching out to you with the intent that you may be able to help with a most important and heartfelt request.

You see, Mr. Phillip Moeckler grew up in Glendale, and a few years ago was living in West Allis. He was arrested and is now almost done serving a mandatory minimum 3-year sentence for possessing pictures of underage women. This is his only offense of any kind on record.

Phillip has a release date of February 23rd, 2021, coming up very soon. My understanding, as per Phillip's Probation Officer (CC'd), is that he must live in West Allis where he was arrested.

The issue: Phillip is Jewish and must observe the Sabbath. It is true that a Jew is forbidden under Jewish religious law to drive/ride in a car and use electricity on the Sabbath and major Jewish Holidays. Therefore, like other observant Jews, Phillip must live within walking distance to a place of prayer and observant community (which only helps in his reentry and gives him so much needed support). There are no Synagogues or observant community at all in West Allis.

In accordance with Wisconsin State Law, "*Probation conditions may impinge on religious rights as long as the conditions are not overly broad and are reasonably related to rehabilitation.*" {Von Arx v. Schwarz, 185 Wis. 2d 645, 517 N.W.2d 540 (Ct. App. 1994)}

The conditions set for Phillip's release to West Allis (instead of Glendale) do pose **an overly broad infringement** of his right to religious freedom and his sincere religious beliefs. The accommodation he is asking for is **reasonable**, namely, that he be permitted to reside in Glendale instead of West Allis. Mainly, Phillip's request is **related to his rehabilitation**, in that the support of his family and community are in Glendale, which he does not have in West Allis. It is in Phillip's best interest that he be allowed to live in Glendale with his family and community.

Additionally, in accordance with the Wisconsin State Legislature, "*every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment*" {304.078(2)}

Therefore, I would be so grateful if you would please consider helping Phillip to switch his release location from West Allis to Glendale. In these times of expressing overwhelming compassion for those in limited environments, I trust that we can conserve Phillip's constitutional and civil right to freely observe his religion.

I understand that we need to work on an appeal with Glendale's Public Safety and Public Works Committee. I would greatly appreciate your help in arranging for this process.

Thanks so much!

Rabbi Rechavel

On Wed, Dec 16, 2020 at 2:04 PM Ben Rechavel <ben@aleph-institute.org> wrote:

Mayor Kennedy,

Thank you kindly for your quick reply! I look forward to discussing this further with Ms. Safstrom next week.

G-d bless you!

Ben

On Tue, Dec 15, 2020 at 4:30 PM Bryan Kennedy <Bryan.Kennedy@glendalewi.gov> wrote:

Rabbi Rechavel

Hello and Chag Sameach. Thank you for reaching out with questions about a registered offender being able to reside in Glendale in proximity to the Lubavitch synagogue after release. The City of Glendale has an ordinance that addresses this issue. There is an appeal process before the City's Public Safety and Public Works Committee, which is comprised of three alderpersons from the Common Council.

The relevant ordinance is attached and addresses the materials required for such an appeal. I have copied the City Administrator Rachel Safstrom on this message. She is out of the office until Monday but can assist you upon her return with more details about how to file the appeal.

Bryan Kennedy, Ph.D.

Mayor, City of Glendale

Chair, Milwaukee County Intergovernmental Cooperation Council

Commissioner, Milwaukee Metropolitan Sewerage District

*Reply from Mayor Kennedy*

**From:** Ben Rechavel <ben@aleph-institute.org>

**Date:** Tuesday, December 15, 2020 at 3:33 PM

**To:** Bryan Kennedy <Bryan.Kennedy@glendalewi.gov>

**Cc:** Richard Wiese <Richard.Wiese@glendalewi.gov>, "carmen.ramirezcarillo@



**Bar & Shield Insurance Agency, LLC**

Motorcycle, Auto, Home, Business, Life Insurance

**Jim Moeckler**

Owner and licensed agent

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(website) [www.barandshieldinsurance.com](http://www.barandshieldinsurance.com)



CITY OF GLENDALE  
POLICE DEPARTMENT

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5909 North Milwaukee River Parkway  
Glendale, Wisconsin 53209-3815  
(414) 228-1753  
Fax (414) 228-1707  
Email: [police@glendale-wi.org](mailto:police@glendale-wi.org)

January 21, 2021

To: Glendale Public Safety / Public Works Committee

From: Chief Mark Ferguson

Re: Residency Restriction for Sex Offenders, Glendale Ordinance 5.8

Dear Public Safety / Public Works Committee members,

Mr. Phillip Z. Moeckler was convicted of Possession of Child Pornography, Wisconsin Statute 948.12. He will be released from custody on February 23, 2021 and has requested to be allowed to live at 2470 W. Good Hope Road, Unit 171, in the City of Glendale. This condominium is owned by his father. Mr. Moeckler is submitting his request pursuant to ordinance 5.8.9, Exceptions to Residency Requirements upon appeal.

Glendale Municipal Ordinance 5.8, Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof, establishes residency restrictions for convicted sex offenders.

Ordinance 5.8.2(b), Definitions, includes a conviction of WI. Stat. 948.12, Possession of Child Pornography, as being a crime against children and subject to residency restrictions.

Ordinance 5.8.3, Residency Restrictions, requires that a person shall not reside within two thousand feet of real properties as identified in the ordinance. 2470 W. Good Hope Road is located within two thousand feet of a public park, a school for children, a daycare center, and a public or private golf course or range. There are other real properties identified in the ordinance that may also be within this restricted zone, depending on actual use and interpretation.

Ordinance 5.8.5, Original Domicile Restriction, requires that no person who has been convicted of a crime against children shall be permitted to reside in the City of Glendale unless such person was domiciled in the City of Glendale at the time of the offense. The offense occurred on September 14, 2017 when Mr. Moeckler was a resident of the City of West Allis, Wisconsin.

Based on the above information, Mr. Moeckler's request does not comply with Glendale Ordinance 5.8 regarding residency restrictions for sex offenders and I recommend that his request to reside at 2470 W. Good Hope be denied.

Respectfully,



Mark Ferguson  
Chief of Police

Cc: City Administrator Rachel Safstrom

Phillip Z. Moeckler # 665890  
Marshall E. Sherrer Center  
1318 N. 14<sup>th</sup> Street  
Milwaukee, WI 53205