



COUNTY BOARD OF SUPERVISORS

NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

NOTICE IS HEREBY GIVEN the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on **Wednesday**, the **21st day of February** at **7:30PM.**, in the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

- A. Call To Order By Chairwoman Breunig
- B. Pledge Of Allegiance
- C. Roll Call Of Supervisors
- D. Presentation By Dan Bahr, Wisconsin Counties Association - Legislative Issues
- E. Citizen Comments
- F. Announcements Of The Chairwoman
- G. Supervisor Reports
- H. COUNTY EXECUTIVE APPOINTMENTS

22. Everett Butler To Serve On The Kenosha County Commission On Aging And Disability Services

Documents:

BUTLER - AGING AND DISABILITY 2018.PDF

I. NEW BUSINESS

Ordinance - One Reading

22. From The Planning, Development & Extension Educations Committee An Ordinance Regarding Mika Brands LLC (Owner), Kenosha County Planning, Development & Extension Education Committee (Sponsor) Requests A Rezoning From C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. To C-2 Upland Resource Conservancy Dist. & C-1 Lowland

Resource Conservancy Dist., Town Of Brighton

Documents:

ORD MIKA BRANDS REZO.PDF

Resolution - One Reading

J. COMMUNICATIONS

8. Communications From Andy M. Buehler Regarding Future Items Scheduled Before The Planning, Development & Extension Education Committee

Documents:

03-14-2018 COMMUNICATIONS SIGNED.PDF

K. CLAIMS

13. Seondae Stewart - Lost Property

Documents:

SEONDAE STEWART.PDF

L. SUMMONS & COMPLAINT

14. Katie A. Irving - Violation Of Civil Rights

Documents:

KATIE A. IRVING.PDF

M. SUPERVISOR COMMENTS

Supervisor Grady - Dark Store Legislation

N. Approval Of The January 16, 2018 Minutes By Supervisor Retzlaff

O. Adjourn



COUNTY OF KENOSHA

OFFICE OF THE COUNTY EXECUTIVE

Jim Kreuser, County Executive

1010 – 56th Street, Third Floor

Kenosha, Wisconsin 53140

(262) 653-2600

Fax: (262) 653-2817

APPOINTMENT 2017/18-22

RE: KENOSHA COUNTY COMMISSION ON AGING AND DISABILITY SERVICES

TO THE HONORABLE KENOSHA COUNTY BOARD OF SUPERVISORS:

Placing special trust in his judgment and based upon his qualifications, I hereby submit to the Honorable Kenosha County Board of Supervisors for its review and approval the name of

Mr. Everett Butler
4127 32nd Avenue
Kenosha, WI 53144

to serve on the Kenosha County Commission on Aging and Disability Services beginning immediately upon confirmation of the County Board and continuing until the 31st day of December, 2020 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Mr. Butler will serve without pay.

Mr. Butler will be succeeding Herschel Ryales.

Respectfully submitted this 1st day of February, 2018.

Jim Kreuser
Kenosha County Executive

COUNTY OF KENOSHA
OFFICE OF THE COUNTY EXECUTIVE
JIM KREUSER

APPOINTMENT PROFILE
KENOSHA COUNTY COMMISSIONS, COMMITTEES, & BOARDS

(Please type or print)

Name: EVERETT C. BUTLER
First Middle Last

Residence Address: 4127 32nd Ave.

Previous Address if above less than 5 years: _____

Occupation: KENOSHA Unified Schools Teacher/Guidance Counselor
Company Title

Business Address: _____

Telephone Number: Residence (262) 652-6063 Business _____

Daytime Telephone Number: 262-652-6063

Mailing Address Preference: Business () Residence (✓)

Email Address: cbutler2@wi.rr.com

Do you or have you done business with any part of Kenosha County Government in the past 5 years? Yes () No (X)

If yes, please attach a detailed document.

Affiliations: List affiliations in all service groups, public service organizations, social or charitable groups, labor, business or professional organization, and indicate if it was a board or staff affiliation.

NONE ANYMORE EXCEPT my Church.

Special Interests: Indicate organizations or activities in which you have a special interest but may not have been actively involved.

*If more space is needed, please attach another sheet.

Kenosha County Commissions, Committees, & Boards
Appointment Profile - Page 2

Governmental Services: List services with any governmental unit.

ALDERMAN 1992 - 2008

Additional Information: List any qualifications or expertise you possess that would benefit the Board, Committee, Commission, etc.

Conflict Of Interest: It would be inappropriate for you, as a current or prospective appointee, to have a member of your immediate family directly involved with any action that may come under the inquiry or advice of the appointed board, commission, or committee. A committee member declared in conflict would be prohibited from voting on any motion where "direct involvement" had been declared and may result in embarrassment to you and/or Kenosha County.


Signature of Nominee

1-23-18
Date

Please Return To: Kenosha County Executive
1010 - 56th Street
Kenosha, WI 53140

(For Office Use Only)

Appointed To: _____
Commission/Committee/Board

Term: Beginning _____ Ending _____

Confirmed by the Kenosha County Board on: _____

New Appointment _____

Reappointment _____

Previous Terms: _____

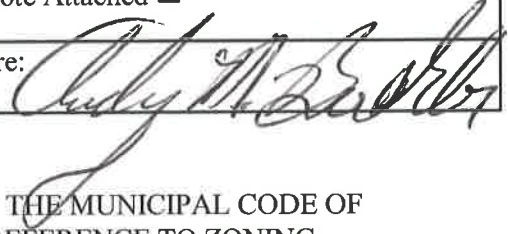
Kenosha



County

BOARD OF SUPERVISORS

ORDINANCE NO. _____

Subject: Mika Brands LLC, 8601 200th Ave, Bristol, WI 53104 (Owner), Kenosha County Planning Development & Extension Education Committee, 19600 75th Street, Suite 185-3, Bristol, WI 53104 (Sponsor), requesting a rezoning from C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #30-4-220-134-0150 located in the SE ¼ of Section 13, T2N, R20E, Town of Brighton.			
Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: February 21, 2018		Date Resubmitted:	
Submitted By: Planning Development & Extension Education Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Andy M. Buehler, Director Division of Planning & Development		Signature: 	

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02-10 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That the zoning of Tax Parcel #30-4-220-134-0150 located in the SE ¼ of Section 13, T2N, R20E, Town of Brighton, be changed as follows:

From C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist.
to C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist.



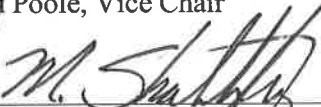
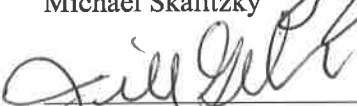

Mika Brands LLC (Owner)

Description: See Exhibit #1 (attached).

This description is intended to extend to the center of all roads.

Approved by:

PLANNING, DEVELOPMENT
& EXTENSION EDUCATION
COMMITTEE

	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Erin Decker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Poole, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael Skaltzky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jill Gillmore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Steve Bostrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REZONING SITE MAP

PETITIONER(S):

Mika Brands LLC (Owner),
Kenosha County Planning, Development &
Extension Education Committee (Sponsor)

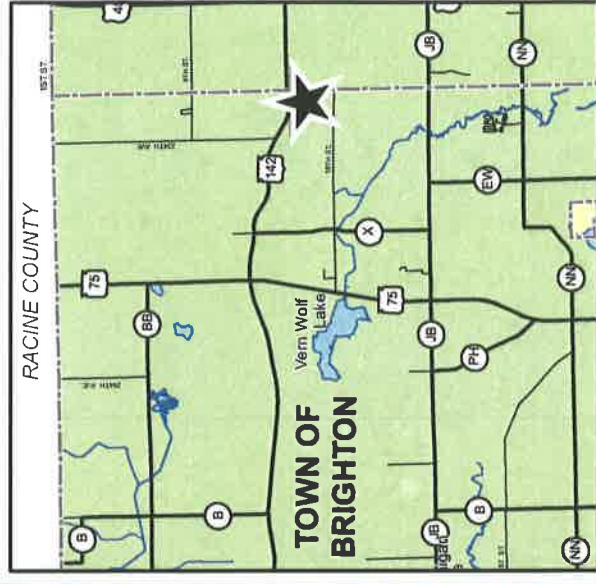
LOCATION:

SE 1/4 of Section 13,
Town of Brighton

TAX PARCEL(S): #30-4-220-134-0150

REQUEST:

Requesting a rezoning from C-2 Upland Resource
Conservancy District and C-1 Lowland Resource
Conservancy District to C-2 Upland Resource Con-
servancy District and C-1 Lowland Resource Con-
servancy District.





COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104-9772
(262) 857-1895

MEMORANDUM

Communication to Kenosha County Board of Supervisors
(For Informational Purposes Only)

As required by Section 59.69(2)(e), the following report is being made on the petitions to the **March 14, 2018** Planning, Development & Extension Education Committee meeting that have been filed in the Kenosha County Clerk & Kenosha County Planning & Development Offices for future consideration by the County Board.

1. **Comprehensive Plan Amendment – Planning, Development & Extension Education Committee**, Public Hearing on Proposed Comprehensive Plan Amendment, Planning, Development & Extension Education Committee, 19600 75th Street, Suite 185-3, Bristol, WI 53104 (Sponsor), requests approval of Draft Annual Report, "A Multi-Jurisdictional Plan for Kenosha County: 2035, 2017 Annual Report"
2. **Irving One, LLC**, 6999 E Business I-20 Suite #1, Odessa, TX 79762; **Richard & Sandra Diedrich**, 2000 Richmond Road, Twin Lakes, WI 53181; **Russell Brothers, LLC**, 11909 Richmond Road, Twin Lakes, WI 53181 (Owners), **Country Thunder East, LLC**, 730 Gallatin Pike N, Madison, TN 37115 (Agent), requesting a **Conditional Use Permit** for a country music festival (July 19-22, 2018) with an assembly over 5,000 people on the following Tax Parcels: #60-4-119-304-0405 (Irving One, LLC), #60-4-119-304-0100 (Diedrich) & part of #60-4-119-311-0200 (Russell) located in the SE & SW 1/4 of Section 30 & the NW 1/4 of Section 31, T1N, R19E, Town of **Randall**
3. **Lafarge Aggregates**, 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Herbert J. & Lillian A. Robers Revocable Trust, 233 Origen Street, Burlington, WI 53105 (Lessor), Roland and Bonnie Lou Denko, 3710 392nd Avenue, Burlington, WI 53105 (Lessor) & Raymond J. & Gloria M. Tenhagen, 3910 376th Avenue, Burlington, WI 53105 (Lessor), requesting a 2-year renewal of a **Conditional Use Permit** (originally approved on March 13, 1996) for a gravel pit in the M-3 Mineral Extraction and Landfill Dist. on the following Tax Parcels: #95-4-219-291-0100 (Robers), #95-4-219-291-0300 (Robers), #95-4-219-291-0400 (Robers), #95-4-219-292-0300 (Robers), #95-4-219-292-0200 (Denko), #95-4-219-293-0100 (Denko), #95-4-219-293-0200 (Denko), #95-4-219-293-0300 (Denko), #95-4-219-293-0400 (Denko) & #95-4-219-294-0100 (Tenhagen). Said parcels are located in the NE, NW, SE, and SW quarters of Section 29, T2N, R19E, Town of **Wheatland**
4. **Tabled Request – Resolution to Accept Donation of a Parcel in the Fox River Floodplain**
5. **Review and Possible Approval - Resolution to Accept Donation of a Parcel in the Camp/Center Lake Floodplain/Wetland Area**
6. **Tabled Request of Alice L. Daly/Green Hill Swiss Farm LLC**, 2503 176th Ave, Kenosha, WI 53144-7615 (Owner), Charles Terry, 21202 15th St., Union Grove, WI 53182 (Agent), requests an **amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan)** from "Farmland Protection" to "Farmland Protection" & "Suburban-Density Residential" on Tax Parcel #45-4-221-214-0400 located in the SE ¼ of Section 21, T2N, R21E, Town of **Paris**

7. **Tabled request of Alice L. Daly/Green Hill Swiss Farm LLC**, 2503 176th Ave, Kenosha, WI 53144-7615 (Owner), Charles Terry, 21202 15th St., Union Grove, WI 53182 (Agent), requesting a **rezoning** from A-1 Agricultural Preservation Dist. to A-1 Agricultural Preservation Dist. & R-2 Suburban Single-Family Residential Dist. on Tax Parcel #45-4-221-214-0400 located in the SE ¼ of Section 21, T2N, R21E, Town of **Paris**
8. **Tabled Request of New Life Bible Church**, 112 W Main St, Twin Lakes, WI 53181 (Owner), Tracy B. McConnell, 112 W Main St, Twin Lakes, WI 53181 (Agent), requests an **amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan)** from “Medium-Density Residential” to “Medium-Density Residential” and “Governmental and Institutional” on Tax Parcel #60-4-119-172-1000 located in the NW ¼ of Section 17, T1N, R19E, Town of **Randall**
9. **Tabled Request of New Life Bible Church**, 112 W Main St, Twin Lakes, WI 53181 (Owner), Tracy B. McConnell, 112 W Main St, Twin Lakes, WI 53181 (Agent), requesting a **rezoning** from A-2 General Agricultural Dist. & B-3 Highway Business Dist. to I-1 Institutional Dist. & B-3 Highway Business Dist. on Tax Parcel #60-4-119-172-1000 located in the NW ¼ of Section 17, T1N, R19E, Town of **Randall**
10. **New Life Bible Church**, 112 W Main St, Twin Lakes, WI 53181 (Owner), Tracy B. McConnell, 112 W Main St, Twin Lakes, WI 53181 (Agent), requests an **amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan)** from “Medium-Density Residential” to “Governmental and Institutional” on Tax Parcel #60-4-119-172-1000 located in the NW ¼ of Section 17, T1N, R19E, Town of **Randall**
11. **New Life Bible Church**, 112 W Main St, Twin Lakes, WI 53181 (Owner), Tracy B. McConnell, 112 W Main St, Twin Lakes, WI 53181 (Agent), requesting a **rezoning** from A-2 General Agricultural Dist. & B-3 Highway Business Dist. to I-1 Institutional Dist. on Tax Parcel #60-4-119-172-1000 located in the NW ¼ of Section 17, T1N, R19E, Town of **Randall**
12. Certified Surveys
13. Approval of Minutes
14. Citizens Comments
15. Any Other Business Allowed by Law
16. Adjournment

Sincerely,



ANDY M. BUEHLER, Director
Division of Planning & Development

GL-2-18



COUNTY OF KENOSHA

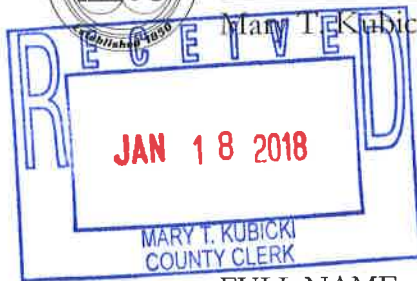
COUNTY CLERK

Mary T. Kubicki

1010 - 56th Street
Kenosha WI 53140
(262) 653-2552
Fax: (262) 653-2564

CLAIM AGAINST KENOSHA COUNTY

(Shamar)



FULL NAME

Seondae Stewart DATE January 18

ADDRESS

2615 33rd St

Kenosha WI 53140

TELEPHONE NUMBER:

Home:

(262)-237-3475

Work:

DATE & TIME OF ACCIDENT OR LOSS

Saturday 13, Jan

LOCATION OF ACCIDENT

22nd Street

DESCRIPTION OF ACCIDENT OR LOSS

officer Shesky
had arrested me & had taken
my phone to the county jail
from what he had told
me. the day of my release
I was shown a ~~receipt~~ list of
my items and my phone was
on the list but not in my
bag and i had told officer Samantha

WITNESS:

Name

GOP Car cameras!!

Address

phone recording from talking
to officer Shesky

Phone

AMOUNT OF CLAIM (damages)

\$ 270.00

CLAIMANT'S SIGNATURE

Please attach receipts, estimates, and/or other supporting data to this form.

RETURN THIS FORM TO: KENOSHA COUNTY CLERK

1010 - 56TH STREET

KENOSHA WI 53140

I know i am being lied to just so my
phone can be looked through. I was never
given my phone ~~as~~ it's bad to see an officer lie
to your face!

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KATIE A. IRVING,

Plaintiff,

v.

COUNTY OF KENOSHA, DAVID G.
BETH, individually and in his
Official capacity;
JONATHAN M. KWIATKOWSKI;
WISCONSIN MUNICIPAL MUTUAL
INSURANCE COMPANY; and
JOHN and JANE DOE, Unknown Kenosha
County correctional Employees and Sheriff's
Department Officers,

Defendants.

COMPLAINT

Civil Action No. 18-CV-162
[Trial by Jury Demanded]

NOW COMES Plaintiff, KATIE A. IRVING, and complaining of Defendants, COUNTY OF KENOSHA, DAVID G. BETH, JONATHAN M. KWIATKOWSKI, WISCONSIN MUNICIPAL MUTUAL INSURANCE COMPANY, and JOHN and JANE DOE, unknown Kenosha County Sheriff's Department employees and officers, and Kenosha County correctional employees and officers ("Defendant Officers"), states as follows:

I. INTRODUCTION

1. This is a civil rights action under 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Fourth, Eighth and Fourteenth Amendments of the United States Constitution.

II. JURISDICTION AND VENUE

2. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331

(federal question) and 28 U.S.C. § 1343 (civil rights).

3. Venue in this district is proper under 28 U.S.C. § 1391(b)(2) because the events and conduct giving rise to the Plaintiff's claims asserted herein occurred within this judicial district.

III. PARTIES

4. Plaintiff, Katie A. Irving, is 31 years old and is an adult resident of the State of Wisconsin, now residing at W1446 Autumn Wood Lane, Marinette, WI 54143. At all relevant times, she was a Huber inmate at Kenosha County Detention Center as part of their electronic monitoring program. Defendant, Officer Jonathan Kwiatkowski, in a "change-over" room while in the scope of his employment during the course of visits to the Huber offices at the Kenosha County Detention Center for the purposes of supervising and monitoring the Plaintiff, including having her electronic monitoring bracelet switched from one leg to the other, restrained her against her will and forcefully thrust his fingers in plaintiff's vagina sexually assaulting her and violating her constitutional rights.

5. Defendant, Jonathan M. Kwiatkowski, DOC #660635, is a citizen of the State of Wisconsin, now residing at Dodge Correctional Institution, One West Lincoln Street, P.O. Box 700, Waupun, WI 53963. Defendant Kwiatkowski was a Kenosha County Detention Center direct supervision officer (DSO) at all times relevant to this action and was acting under color of law and within the scope of his employment with the Kenosha County Sheriff's Department at all times relevant hereto.

6. Defendant Wisconsin Municipal Mutual Insurance Company (WMMIC) is an insurance company operating under the law of and licensed to sell insurance in the State of Wisconsin, with its Registered Agent, Dean Boes, located at Wisconsin Municipal Mutual Ins. Co., 4785 Hayes Rd., Madison, WI 53704. Defendant WMMIC had in full force and effect, at all

material times, a policy of insurance covering Defendants, including Officer Johnathan M. Kwiatkowski, for all alleged conduct which is the subject of this complaint, and is therefore directly liable to plaintiff, Katie A. Irving, for all the below enumerated damages.

7. Defendant David G. Beth is the Sheriff of Kenosha County. In that capacity he is in charge of the Kenosha County Detention Center ("KCDC"). By law, custom, and/or delegation, he has policymaking authority over the detention center for the actions at issue in this case. He is responsible for ensuring that the policies and practices of the KCDC comply with federal and state requirements for the treatment of detainees or inmates like the Plaintiff. Upon information and belief, he has had personal knowledge that the unlawful conduct at issue in this case was occurring at the detention center. He is sued in his official and individual capacities for the constitutional claims arising out of Plaintiff's sexual assault.

8. Defendants John and Jane Doe are current and/or former employees, officers, and/or supervisors of the Kenosha County Detention Center and/or the Kenosha County Sheriff's Department who at all relevant times were acting under color of law and within the scope of their employment.

9. Defendant County of Kenosha is a Wisconsin municipal corporation with its principal place of business in Kenosha, Wisconsin. County of Kenosha is a "person" for purposes of 42 U.S.C. § 1983. County of Kenosha owns and operates the Kenosha County Detention Center (KCDC). Acting through the Kenosha County Sheriff's Office, the County is responsible for training, supervising and disciplining its KCDC employees; adopting, implementing, and enforcing KCDC policies and practices; and ensuring KCDC conditions and the treatment of Huber inmates complies with the United States Constitution and other federal, state and local laws. The County and its Sheriff are liable for KCDC policies, practices, and customs that caused the

harm alleged below. Under Wis. Stat. § 895.46(1)(a), the County is required to pay or indemnify all judgments, including for compensatory and punitive damages, attorneys' fees and costs that may be incurred against its officials and employees.

**IV. FACTUAL ALLEGATIONS - THE SEXUAL ASSAULTS
UNDER COLOR OF LAW AND WITHIN THE SCOPE OF EMPLOYMENT**

10. On February 26, 2015, Plaintiff was sentenced to a one year jail sentence stemming from a criminal conviction in Kenosha County case 14-CF-253.

11. Plaintiff was Huber-approved for the electronic monitoring program and fitted with an electronic monitoring ankle bracelet. The Huber electronic monitoring program for Kenosha County is located in the Kenosha County Detention Center, 4777 88th Avenue, Kenosha, WI 53144 and run and controlled by the Kenosha County Sheriff's Department and its Sheriff.

12. Defendant Jonathan Kwiatkowski, at the time of the conduct at issue, including the sexual assaults, was employed as a Direct Supervision Officer (DSO) with the Huber electronic monitoring program as an employee of the Kenosha County Sheriff's Department under the direction and control of Defendant Beth.

13. Plaintiff did not know Defendant Kwiatkowski and had never interacted with him prior to being sentenced to the Huber electronic monitoring program.

14. In June 2015, Defendant Kwiatkowski began texting Plaintiff personal and inappropriate messages.

15. Defendant Kwiatkowski sent numerous text messages to Plaintiff as part of his Huber electronic monitoring program, asking Plaintiff sexually suggestive questions such as "what are you wearing?" via text messages.

16. Defendant Kwiatkowski made no attempts to conceal his identity within the texts and Plaintiff was able to easily tell that Defendant Kwiatkowski was the person sending her the text messages.

17. Defendant Kwiatkowski sent the text messages in attempts at arranging an encounter with Plaintiff, who did not reciprocate or encourage these unwanted sexual advances from Defendant Kwiatkowski in her text responses but was afraid he may retaliate.

18. Neither Defendant Beth nor Defendants John and Jane Doe took any action to evaluate and/or discipline Defendant Kwiatkowski to stop him from engaging inappropriately while in the scope of his employment.

19. On July 11, 2015 Plaintiff reported to the KCDC to be supervised, including having her ankle monitor switched to her other leg. Direct Supervision Officer (DSO) Jared Reinersman was also in the Huber room but left the room. No female correctional officer was required to be present when Defendant Kwiatkowski was alone with the Plaintiff or other female inmates. Defendant Kwiatkowski approached her as if he was going to proceed with the supervision and attention to the ankle monitor. Defendant Kwiatkowski forced his hand down inside the front of her buttoned jeans and forcefully inserted his fingers into her vagina. Defendant Kwiatkowski did not remove his fingers all while the Plaintiff pointed out to him the cameras were on and then noted that DSO Reinersman would soon return.

20. The County Defendants recklessly failed to monitor the camera.

21. Defendant Kwiatkowski has now admitted to sexually assaulting the Plaintiff during her mandatory appointment with the electronic monitoring program to have her ankle "bracelet" switched from one ankle to another while in the course of his employment with the County.

V. CLAIMS FOR RELIEF –
CLAIM I - 42 U.S.C. § 1983
Unlawful Search – 4th Amendment
Due Process – 14th Amendment

22. Each Paragraph of this Complaint is incorporated herein.

23. As described above, Defendants denied Plaintiff due process of law in that they allowed an unlawful cavity search and deprived her of her liberty, violated her right to bodily integrity and privacy, and were so malfeasant as to shock the conscience. In addition, Defendant Kwiatkowski's conduct was objectively undertaken with deliberate indifference or reckless disregard to Plaintiff's constitutional rights, health, and safety, all while acting in the scope of his employment.

24. Upon information and belief, Defendants Kenosha County and Sheriff Beth and/or John and Jane Doe violated Plaintiff's liberty interest in her bodily integrity through their condoning of an unconstitutional policy of inappropriate conduct, including sexual, between Defendant Kwiatkowski and female inmates such as Plaintiff. These Defendants were deliberately indifferent to Plaintiff's liberty interests, and were deliberately indifferent to her right to bodily integrity by, among others, disregarding the monitoring cameras or Defendant Kwiatkowski's texts.

25. The misconduct described in this Claim was undertaken with willfulness, and reckless indifference to the rights of others, and was objectively unreasonable.

26. The misconduct described in this Claim was undertaken by Defendants within the scope of their employment and under color of law such that their employer, the County of Kenosha, is liable for their actions.

27. The misconduct described in this Claim was undertaken pursuant to the policy and practice or custom of the Kenosha County Detention Center

28. As a result of the misconduct described in this Claim, Plaintiff has suffered damages, including but not limited to severe emotional distress, anguish, pain, suffering, and loss of enjoyment of life.

CLAIM II - 42 U.S.C. § 1983
Failure to Intervene

29. Each Paragraph of this Complaint is incorporated herein.

30. As noted above, Defendant Beth and/or one or more of the John and Jane Doe Defendants had a reasonable opportunity to prevent the violation of Plaintiff's constitutional rights as set forth above had they been so inclined, but failed to do so.

31. The misconduct described in this Claim was undertaken with willfulness and reckless indifference to the rights of others.

32. The misconduct described in this Claim was undertaken by Defendants within the scope of their employment and under color of law such that their employer, County of Kenosha, is liable for their actions.

33. The misconduct described in this Claim was undertaken pursuant to the policy and practice of the Kenosha County Detention Center in the manner described above.

34. As a result of the misconduct described in this Claim, Plaintiff has suffered damages, including but not limited to severe emotional distress, anguish, pain, suffering and loss of enjoyment of life.

CLAIM III - Indemnification

35. Each of the foregoing paragraphs is incorporated as if fully stated herein.

36. Wisconsin law, Wis. Stat. §895.46, requires public entities to pay any judgment such as one in this case for damages for which employees are liable within the scope of their employment activities.

37. The Defendants are or were employees of the County of Kenosha, who acted within the scope of their employment in committing the misconduct described herein and the County is therefore liable.

WHEREFORE, Plaintiff, Katie A. Irving, respectfully requests that this Court enter judgment in her favor and against Defendants, COUNTY OF KENOSHA, DAVID G. BETH, JONATHAN KWIATKOWSKI, JOHN and JANE DOE, unknown Kenosha County Sheriff's Department employees and officers, and WISCONSIN MUNICIPAL MUTUAL INSURANCE COMPANY awarding compensatory damages and attorneys' fees, as well as punitive damages against the Defendants, including in their individual capacities, as well as any other relief this Court deems just and appropriate.

VI. JURY DEMAND

Plaintiff, KATIE A. IRVING, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

VII. REQUEST FOR RELIEF

Plaintiff asks the Court to award the following relief:

- A. All available compensatory damages, including, but not limited to, damages for Plaintiff, Katie A. Irving's mental and emotional distress and physical pain and suffering and loss of enjoyment of life;
- B. Punitive damages against all individual defendants;
- C. Attorneys' fees and litigation costs; and
- D. Any other relief that the Court deems just and equitable.

Dated this 30th day of January, 2018.

Respectfully Submitted:

GINGRAS, CATES & WACHS

s/ Mark L. Thomsen

Mark L. Thomsen

State Bar No.: 1018839

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