

California Sex Offender Management Board
November 20, 2008, 9:00 AM
California State University at Sacramento

Minutes:

Board Member Check-in

- Present (Quorum present)
 - Robert Ambroselli
 - Suzanne Brown-McBride (Chair)
 - Gerry Blasingame
 - Judge Peter Espinoza
 - Michael Johnson
 - Pamela King
 - Janet Neeley
 - Nancy O'Malley
- Angela Thompson
- Absent
 - Catherine Duggan
 - Dave Gerard (sent a representative)
 - Sophia McBeth-Childs
 - Jerry Powers
 - Tom Tobin (Vice-chair)
 - Diane Webb

Minutes

- Motion to approve minutes as amended made by Gerry Blasingame, seconded by Nancy O'Malley, and approved by Board.

State Updates

- The Office of Assembly member Warren T. Furutani held a stakeholders' meeting on sex-offender housing issues in the City of Carson and Long Beach.

Housing For Sex Offenders –Testimony and Discussion

- Various stakeholders from different cities testified in person or via teleconference.
 - Crystal Myers, Long Beach City Attorneys' Office:
 - Parole agents are not adhering to state law in placements. Long Beach considers beaches to be parks, but parolees are being placed there. They are also being clustered in apartments and hotels.
 - There appear to be a core of property owners who have an affiliation with parole offices and are receiving stipends for clustering sex offenders, sometimes having evicted other tenants in order to do so. Long Beach drafted a related city ordinance that was recently challenged.
 - Sheri Repp Loadsman, Carson City attorney:
 - Half of the rooms in the Carson Plaza hotel used to house 290 registrants because the location complied with Jessica's law, but the city was receiving bad press as a haven for sex offenders and this has had an economic impact on local businesses.
 - Also, similarly to Long Beach, there are problems with property owners trying to set up business by housing large clusters of sex offenders into tiny areas at inflated rental rates.
 - The city has tried to address clustering problem by looking into land use restrictions, through the Planning Commission, and with an ordinance restricting sex offender residency to one per dwelling unless they are related, and no more than six per hotel or motel. Landlords will be sued if anyone is out of compliance within six months, but the ordinance is not retroactive.
 - Long Beach and Carson City representatives wanted clarification on what constitutes a school or park. Large areas of their communities are being affected by Jessica's Law. They report that Pomona prosecuted someone successfully under their local ordinance and have had no legal challenges.
 - Laura West, Deputy District Attorney's Office from Sacramento county, Community Prosecutor:

- Because her office works to deal with chronic quality of life issues, such as public nuisances, it partners routinely with code enforcement, the EPA, and similar agencies. She has discovered residences used to house sex offenders that contain numerous and serious housing code violations.
 - There is widespread concern over high numbers of PC 290's in single locations, usually family dwellings. However, there is very little land that is compliant with Jessica's law restrictions.
 - Many PC 290's are packed into tiny properties in downtown Sacramento. Unlicensed property owners are making lots of money by packing sex offenders into tiny spaces and charging inflated rents.
- Drew Bessinger, Clovis:
 - CDCR knowingly places 290 registrants in violation of state law, and it is difficult to prosecute parolees for living in areas in which they were placed.
- Daniel Yourist, Yourist Law Corporation, Los Angeles:
 - His group oversees the operation of two facilities (one in Carson and one in Los Angeles) housing registered sex offenders: one in Carson, one in Los Angeles.
 - The facilities represent an attempt to balance the needs of protecting the public while providing the opportunity for sex offenders to reintegrate into society.
 - Believes their facilities are models. Many safety features exist, such as 24-hour video surveillance, privacy fence, access to parole agents, and strict rules. It is a "secure" and shared environment which helps stabilize the offenders. They hope to open more facilities; however, the facility in Carson is currently being targeted by the media as a residence that is contributing to clustering of sex offenders. Carson has a retroactive ordinance seeking to ban it via zoning. The ordinance will be challenged using PC 3003.5, which authorizes these facilities and supersedes local ordinances.
 - The transient population increases, yet the Carson facility has two vacancies.
- Dan Stone, Steve Oules, Region 1 Parole Administrators, CDCR:
 - There are currently 6900 sex offenders on parole in California. 6100 on GPS. 1700 are in region I.
 - As places for sex offenders to live are removed by laws/ordinances, you are left with pockets of compliance, which inevitably lead to clustering. There are currently 45 local ordinances which further restrict housing.
 - There are parolees who are now unable to live near family or work; many have become transient and/or have absconded, which puts the public at risk. It has made the field agents' jobs much more difficult and puts the public at greater risk. If CDCR stopped paying for any housing, there would be even more transient sex offenders.
 - Rural areas have fewer schools and parks, but also less housing, so it is still difficult to find compliant housing.

Adam Walsh Act Testimony

- Laura Rogers, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART):
 - Rogers gives background on the Sex Offender Registration and Notification Act (SORNA) guidelines. It attempts to fill holes in sex offender legislation, which has been a "patchwork of restrictions," by establishing new minimum standards and incorporating Indian Tribes into the rules.
 - It uses a three-tier system for sex offender classification, which dictates guidelines for such things as registration requirements and community notification standards.
 - It requires the collection of sex offenders' DNA within three days of sentencing or before going back into the population.
- The Board is uniformly against the Adam Walsh Act but cannot vote because there is not a quorum present.

- Sherril Scott, California Office of Emergency Services (OES):
 - Discussed SORNA, and its role as a funding source for law enforcement in California.
- Janet Neeley, Attorney General's Office and CASOMB Board member:
 - Discussed some of the legal issues regarding the Adam Walsh Act.
 - The Act clearly demands full, not substantial, compliance. No one has thus far managed to reach the "substantial compliance" standard.
 - It "completely ties hands for future legislation pertaining to risk assessment" and its constitutionality is currently pending in the 9th Circuit Court Of Appeal.

Housing paper

- Members should send further edits to the California State University, Sacramento research team.
- The Board approved the principles of the paper, given that any minor edits will be fixed.

Dashboard Paper

- Has been substantially revised.
- Members agree to let CSUS incorporate requested data into dashboard, then complete it for final approval.

Next Month's Agenda:

- Adam Walsh position paper.
- Finalizing the January Progress Report
- Completion and approval of the Recidivism paper

The next meeting will take place Thursday, December 18, 2008.