



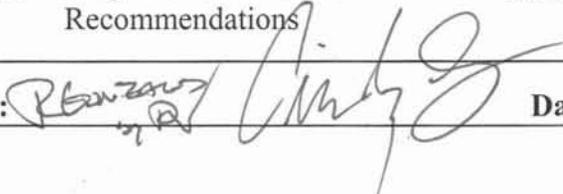
Memorandum

TO: City Council

FROM: Mayor Ron Gonzales, Vice Mayor Cindy Chavez, and Megan's Law Task Force

SUBJECT: Megan's Law Task Force Recommendations

DATE: January 20, 2005

Approved: 

Date: 1/20/05

RECOMMENDATIONS

Adopt the following recommendations related to Megan's Law, developed by the San José Megan's Law Task Force, in order to improve the monitoring of sex offenders in our community to keep San José families and neighborhoods safe:

- A. To expand and improve public notification and increase the tools of law enforcement to monitor sex offenders, we recommend the following:
1. Coordinate with the Neighborhood Development Center to train staff, residents, school administrators, and interested parties about Megan's Law and the San José Police Department Megan's Law Detail at the quarterly NDC leadership training seminars, and through the production of a brief training video or other support materials.
 2. Create public awareness about www.scanusa.com, a website that notifies interested parties if registered offenders move into their neighborhoods, and add a link to the SJPD website.
 3. Expand use of the remaining balance of the \$25,000 (FY2005-06) allocated to the Megan's Law Detail for "computer equipment and on-line database subscription services" to include communication and surveillance equipment that would include, but not limited to, the purchase and use of cellular phones and services, PDAs, GPS tracking, digital still and video cameras, and night vision equipment.
 4. Expand notification duties for the San José Megan's Law Detail to include the following:
 - a. Identify and make contact with a representative from affected neighborhood associations within the primary notification area.
 - b. Identify affected schools and school districts within the primary notification area and make personal contact with principals and superintendents.

- c. Identify businesses, schools, and neighborhood associations in a secondary notification area (outside the primary notification area, to be determined on a case-by-case basis), and include representatives of the identified businesses, schools, and neighborhood associations in the notification.
- d. Direct the Megan's Law Detail to employ strategies to inform residents who are not home during notification procedures.

B. To create a collaborative strategy for the housing and placement of offenders in our community, we recommend the following:

- 5. Direct relevant Parks, Recreation and Neighborhood Services, Redevelopment Agency, Police Department and other City staff to prepare a map of "sensitive sites" (similar to an asset map) that identifies the location of boys and girls clubs, preschool and childcare operations, and other appropriate sites, and share this map with state and county agencies to help with the development of strategies and suitable alternatives for the housing of registered offenders.
- 6. Direct City Housing staff to continue working on the Discharge Placement Program that addresses living situations of residents released from jail, hospitals, and other facilities, and to coordinate with the state and county agencies in the placement of registered offenders.
- 7. Direct Megan's Law Detail personnel to offer training to local sober living facilities related to Megan's Law and registered sex offenders in San José and Santa Clara County.

C. To increase the partnership among monitoring agencies, we recommend to:

- 8. Continue the practice of state, county and local law enforcement personnel of maintaining specific caseloads to identify and supervise sex offenders and high-risk sex offenders, as identified by state parole authorities.
- 9. Continue and strengthen the collaborative work already happening between the San José Police Department Megan's Law Detail and state and county agencies to disseminate information on sex offenders who have violated sex registration requirements or other terms of probation or parole.
- 10. Continue regular meetings with state and county agencies to discuss trends and issues related to the placement and monitoring of registered offenders.

D. To coordinate with state and federal legislative delegations on legislative priorities, we recommend:

11. To adopt legislative priorities to support Megan's Law related bills that include, but are not limited to the following:
 - a. Decrease the concentration of offenders in given areas.
 - b. Ease restrictions as they pertain to tracking offenders.
 - c. Amend Section 3003(g) of the Penal Code to include grades kindergarten through 12, preschools, and facilities with after-school programs for children under 18.
 - d. Improve the sharing of information and coordination among local, state, and county agencies to better manage the housing of offenders.

12. Work with state and federal legislators to develop legislation that:
 - a. Reduces the 30-day delay between the initial database entry of incarcerated offenders by the California Department of Corrections to the availability of that same information on the Department of Justice "Violent Crimes Information Network."
 - b. Amends section 3003(g) PC to further clarify that it includes grades kindergarten through 12, preschools, and facilities with programs serving children under 18.
 - c. Bases parolee housing subsidies on the cost of living in placement area.
 - d. Decreases the concentration of offenders living in apartment complexes and facilities in a neighborhood setting.
 - e. Requires the California Department of Corrections, Parole Division, to notify local jurisdictions with ample time before placing an offender in their jurisdiction.

13. Work with Congress to develop federal legislation that allows for basic sex offender identity and residential information be made available to all law enforcement agencies through amendment of the Federal Megan's Law or other relevant legislation.

BACKGROUND

In 1995, federal legislation known as Megan's Law was adopted that required all states to monitor registered sex offenders. California already had sex offender registration laws since the 1940s. According to the California Department of Justice, the state is currently monitoring 106,229 registered offenders throughout the state. San José is currently home to approximately 2,400 offenders, and three out of five registered sex offenders living in Santa Clara County are in San José.

In 1996 San José created a "Megan's Law Detail" in the San José Police Department to meet the monitoring and enforcement challenges posed by registered offenders living in our city.

Megan's Law and the unique San José Megan's Law Detail are vital in protecting families and vulnerable populations from sexual predators.

Based on the high numbers of offenders in San José and recent changes in state law regarding the monitoring of sex offenders, Council created the Megan's Law Task Force at the September 13 Council meeting. Charged with making recommendations to improve the ability of local law enforcement to monitor registered sex offenders, the Megan's Law Task force held four meetings in October and November.

Three priority issues were identified by the Task Force and assigned to working groups for further discussion:

- a. Expanding and improving public notification.
- b. Improving the strategy for the housing and placement of offenders.
- c. Improving communication between City, County, and State agencies responsible for monitoring registered sex offenders.

The composition of the Task Force, as directed by Council, included representatives from the San José Departments of Police, Intergovernmental Affairs, and Housing; Santa Clara County Departments of Affordable Housing and Probation; offices of State Senator Elaine Alquist and Santa Clara County Sheriff Laurie Smith; California Department of Corrections, Parole Division; the California Apartment Association Tri-County; InnVision and Salvation Army; and San José neighborhood leaders.

The following analysis further defines our recommendations, based on task force discussion.

ANALYSIS

Expand and improve public notification. Together, our recommendations will expand the Megan's Law Detail's reach by building on the current notification process. Coordinating with the Neighborhood Development Center to train residents and other interested parties, creating public awareness about www.scanusa.com, a website that alerts users when registered offenders move into their neighborhoods, and expanding the Megan's Law detail's notification duties to include a wider group of affected residents will increase and promote public awareness.

To increase the effectiveness of our Megan's Law detail, we also recommend the expansion of the use of the remaining balance of the \$25,000 (FY2005-06) allocated to the Megan's Law detail earlier this year. By increasing the scope of the funding to be used on surveillance and communication purposes, we will continue to be at the forefront of innovation in monitoring offenders and keep our children safe.

Create a collaborative strategy for the housing of offenders. While a strategy for housing offenders currently exists, we recommend that the strategy be improved in many ways. First, the

creation of a "sensitive sites" map that identifies the locations of vulnerable populations (e.g., preschools or Boys and Girls clubs) is critical to make well-informed decisions about where to place offenders in our community. Once the map is completed, we recommend that the City allow state and county agencies to use it to develop strategies for housing registered offenders in appropriate and safe locations in our community.

Second, we recommend that the San José Department of Housing continue its work on the Discharge Placement Program. This service would assist in the housing of individuals released from prison, jail, rehab centers, and other facilities by identifying housing opportunities prior to their release.

Finally, we recommend that the Megan's Law Detail offer training to local sober-living facilities related to Megan's Law and registered sex offenders in San José and Santa Clara County. This recommendation addresses the challenges raised by the Megan's Law Detail with tracking offenders who reside at these facilities. By training employees at sober-living and rehabilitation facilities, the Megan's Law Detail will foster positive working relationships with employees while simultaneously educating them about assisting the Megan's Law Detail in monitoring offenders. In conjunction with changes in federal information law discussed below, this approach will greatly improve the monitoring of offenders residing at these facilities.

Tighten teamwork among monitoring agencies. The Task Force was a successful process that enabled local and state agencies and community leadership to address this important issue in our community in constructive collaboration. Our recommendations attempt to continue this coordination and communication. One product of the Task Force coordination was identifying the need to reinstitute sex offender specific caseload within County Probation. This was implemented as part of the Task Force discussion, and it provides for even more intensive supervision of offenders.

To continue the good work already started through the Task Force process, we recommend that regular meetings continued to be scheduled among these agencies to discuss registered offenders, trends, and related topics, and that all agencies should continue to work in coordination to share information about sex offenders who have violated their sex registration requirements, or other terms of probation or parole.

Coordinate legislation with state and federal legislative delegations to strengthen monitoring ability. Many of the issues the Task Force discussed can only be addressed through legislation at the State and Federal levels. To that end, the Task Force created a list of legislative priorities for the City to adopt. These priorities would aim at reducing the concentration of offenders living in a single area; easing restrictions that hinder the tracking of offenders; expanding the definition of "sensitive sites"; and improving the ability of local, state, and county agencies to coordinate their efforts to locate offenders in appropriate housing in the community.

We recommend that the City work with state and federal lawmakers to develop legislation that:

- Provides local law enforcement with better ability to monitor offenders in a timely and effective fashion. An example would be to reduce the 30-day delay between the initial database entry of incarcerated offenders by the California Department of Corrections and the time that information is available on the Department of Justice "Violent Crimes Information Network."
- Amends section 3003(g) of the Penal Code to include grades kindergarten through 12, preschools, and facilities with after-school programs for children under 18. This expansion would increase local law enforcement's responsibility to notify a larger area of potentially affected individuals, thus increasing public awareness.
- Bases parolee housing subsidies on the cost of living in placement area. The high concentration of offenders living in and around Downtown San José, as well as other parts of San José, can be addressed by providing more funding for offenders to live in areas with a higher cost of living, thus decreasing the over-concentration in low-cost areas.
- Decreases the concentration of offenders living in apartment complexes and other facilities in a neighborhood setting. This recommendation reflects the community's unease with the high concentration of offenders in specific areas of San José. This recommendation needs to recognize the importance of striking a balance between decreasing concentrations of offenders in a given area and ensuring the ease with which they can be monitored.
- Requires the California Department of Corrections, Parole Division to augment notification to local jurisdictions and provide information before placing an offender in a community. There have been many cases recently when local law enforcement has not been given adequate time to prepare for the arrival of a sex offender in the community. This "pre-notification" would allow local law enforcement more time to prepare for the offenders arrival and to work with State Parole on placing the offender in the best possible location.
- Amends the federal Megan's Law, Health Insurance Portability and Accountability Act, or other relevant laws to allow for basic sex offender identity and residential information to be made available to local law enforcement agencies. As noted earlier, this recommendation addresses challenges that the Megan's Law Detail has when attempting to get residential information that is vital in tracking offenders, such as from sober living facilities.

CONCLUSION

Council approval of these recommendations will greatly improve the ability of our Megan's Law detail to monitor registered sex offenders and keep San José's families safe.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, the Police Department, and the Megan's Law Task Force.