

**MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
Wednesday, September 29, 2010**

CALL TO ORDER/ROLL CALL

Vice Mayor Detrick called the special City Council meeting of September 29, 2010 to order at 6:10 p.m.

Present: Mayor Scherman, Vice Mayor Detrick, Council Members Cooper and Davis

Absent: Council Member Hume

Eric Broussard led the Pledge of Allegiance.

Vice Mayor Detrick stated the purpose of the meeting was a continuation of the process of discussing group homes, expanding the scope to a regional perspective, and exploring dialogue with legislators to modify existing laws. He appreciated the attendance of individuals from government agencies, and believed that an increased level of protection could be provided by closing policy and communication gaps between agencies. Mr. Detrick provided a brief overview of the recent events that brought these issues forward, raised by residents of Cheer Court, and recounted Council actions creating an ad hoc committee, meetings with regional elected representatives and state agencies, and the culmination of work by the City of Elk Grove on September 8, 2010 with the introduction of Ordinance No. 21-2010 amending the Elk Grove Municipal Code to address sex offender's proximity to children's facilities.

Council Member Cooper noted the City ordinance only covered adult sex offenders, and state law directed policy on group homes and juvenile sex offenders. He did not believe current state laws adequately addressed group home regulation, nor how group homes could handle the increased crime trend of juvenile sex offenders. Mr. Cooper stated that reductions in funding prisons, probation, and the juvenile justice system placed sex offenders at a lower priority than violent offenders, often resulting in brief processing and release back out of the system of juvenile sex offenders.

Vice Mayor Detrick noted raising awareness of the existence of group homes was important as well to keep the community informed, and to know the channels to utilize to address issues with group home facilities.

Police Chief Robert Lehner thanked Carrie Wilmot who brought recent issues forth to the community. He noted common themes faced by communities relating to

group homes and juvenile sex offenders: 1) group homes generally were regulated by Federal Fair Housing Regulations and laws, 2) notification requirements were not always required for facilities or their residents, 3) all states had some form of registered sex offender regulation for adults, but typically those registration laws were not required for juveniles (with some exceptions). Chief Lehner noted actions of the Elk Grove Police Department to improve the police presence and neighborhood watch in the vicinity of the Cheer Court Facility. He appreciated the community bringing forth the proposed enhancement to the existing City ordinance to enhance City regulation to the strongest extent possible under existing law. He believed the situation at Cheer Court comes about from perceived (if not actual) holes in current regulations, and at this point an expansion of the view as to which jurisdiction could be improved with more stringent regulation on juveniles and group home regulation was required. Where regulations come under the purview of the State of California, the issues were in the jurisdiction of the legislature, and not in the power of City to change. Chief Lehner believed that an appropriate next step was to look at avenues to pursue as a community to make changes outside of the jurisdiction of the City.

Note: Council Member Davis left at 6:31 p.m.

Janet Neally, Deputy Attorney General, provided background information from the California Registered Sex Offender Management Board (the Board) and recommendations being discussed for changes in sex offender laws in California. The Board recommended focusing on exclusion zones over creating residency restrictions, such as current laws prohibiting parolees from being in parks. She noted that residency restrictions can create areas of over-concentration of offenders, and have created an increase in the transient / homeless sex offender population, which relates to difficulty in creating stable environments for rehabilitation. Ms. Neally stated juvenile sex offenders were treated differently than adults, with only those who go to highest authority facility being required to register. She agreed that juveniles should be registered like adults, but to use a tiered system relating to severity of risk of offender, as research indicates juveniles were more amenable to rehabilitation.

Sergio Ramirez, Program Administrator of the California State Department of Social Services (DSS), provided background information on group homes. He noted the number of group homes had decreased over the past two years from 1,500 to now 1,200 group homes, and cited the high cost to house residents was a reason for the decline in operating group homes. DSS had oversight, in various counties, of children where parental rights had been severed and the children placed in a home or shelter. He noted that of the total youth group home population, sex offenders were a small percentage. For a group home to become licensed, a letter of support must be received from the individual County, and DSS reviews the proposed group home program. Juveniles over 14 years of age could be tried as adults, but adjudicated wards of the court could also be sentenced to treatment and placement

in a group home. Group homes were monitored by the State, and required by law to investigate any complaint within 10 days. Mr. Ramirez offered resources for group home regulations and means to contact himself and state regulatory offices. He noted that a group home license was a property right, and to change or revoke a license would require an operator to violate regulations. The state could enact a non-compliance conference with an operator if they do violate regulations, which would establish a revised plan of operation to bring the operator into compliance. Further violation of the revised plan could lead to an administrative hearing where the license could be revoked. He noted that an investigation of the Cheer Court facility, operated by the Mathiot Group, was conducted and a non-compliance conference was held, where a revised plan was created establishing new guidelines for operation of the facility. Mr. Ramirez had reviewed all client files under care at the facility since 2005 and reported all children currently at the facility were benefitting from the program. He noted the recent perpetrator was not rehabilitating and was relocated, with a request to the facility to not permit the perpetrator back into the home. DSS had the authority to revoke the license if violations occur, as well as to prosecute an operator in violation of the law. DSS was responsible for homes, and Mr. Ramirez asked the community to continue to report incidences related to the facility to DSS.

Council Member Cooper believed local law enforcement should be allowed to enter and address issues at facilities. He asked if the recent perpetrator was appropriately placed in the group home system. He believed current regulations did not mandate operators to provide a clear means to contact the facility nor to update records on a regular basis, such as a "good neighbor" policy, nor were communication channels clear to report incidents to DSS.

Mr. Ramirez noted that though "good neighbor" policies were not required by law, they could be implemented through revised operation plans, and going forward DSS planned to evaluate group home operational plans through the renewal of program statements of existing homes. In relation to the placement of residents, he stated placement was done by local probation and local social service, and included that external counties could make placements in other counties, and likely had inter-agency agreements to report such placements.

Police Chief Lehner clarified that Sacramento County had no such agreement, but in law when placing a probationer, regardless of the nature of offence, there was a requirement to notify the Chief Probation Officer of the County. He noted that though the County received notification, the County was not then able to give the information to local jurisdictions.

Carrie Wilmot believed the biggest loophole was in probation. She stated she had not received any communication back from any agency or the group home, nor did she receive any report from DSS after 90 days of the complaint. She challenged the need to transfer residents between counties if the state had found that residency

restrictions were not effective means of regulating sex offenders. In relation to the grievous nature of offences of some juvenile sex offenders she requested clarification as to what constituted becoming registered vs. convicted. She expressed frustration as to the reasoning for placing juvenile sex offender group home rehabilitation facilities in communities, potentially exposing others to risk. She believed the lack of communication and disclosure of the nature of group homes was hiding these operations from residents and local law enforcement, and with no knowledge of their operation she challenged how these facilities were actually regulated. She believed stricter regulations were needed to address particular operational practices for the varying compositions of group homes.

In reply to Ms. Wilmot, Police Chief Lehner noted that the Federal Fair Housing Code definition addresses "residence," and any home for treatment is considered a residence.

Jack Rose clarified distinctions for the steps that would lead to a juvenile sex offender becoming registered and what leads to a conviction.

Newton Ekpo believed under-trained operators was an issue at group homes, and regulation was needed to require a higher standard of training, better program plans, and increased access to information on the operation of facilities to the community.

Dallas Broussard voiced support to pursue laws to register juveniles. He was skeptical of recidivism rates, and cautioned to watch use of statistics as youth offenders were often transitioned into an adult category, creating difficulties in having accurate data as program registrants moved through the justice system. He believed DSS's response to date was non-existent, and believed a preponderance of evidence was available to show the license at Cheer Court was in violation. Mr. Broussard inquired who was investigating the incident, and agreed local law enforcement should be permitted to investigate facilities for compliance.

Carrie Wilmot reported that group home inspections were only conducted every five years, which she believed made any monitoring ineffective as an inspector would have no knowledge of actual residents occupying a home, or actual policies or plan steps implemented, over such a period.

Mr. Ramirez noted DSS does prioritize once a year inspections on facilities under investigation, quarterly reviews for facilities identified as a problem or on a compliance plan, and in addition to the five year reviews there was an annual 30% random sampling. Generally group homes receive additional inspections because they receive more complaints for investigation.

In reply to Lynn Wheat, Mr. Ramirez stated that funding for group homes had basis on how often credentialed staff were on-site, and all credentials and certifications,

as well as staffing assignments, were contained in the program plan of operation statement. Ms. Wheat did not believe clients' needs were being met with current listed staffing at facilities.

Constance Conley inquired if a group home registry could be maintained by the Elk Grove Police Department.

Police Chief Lehner responded that the City did not have lawful authority to require a registry, but options could be pursued to petition other agencies and legislators to address juvenile sex offender registration, and to improve licensing regulation.

Mr. Ramirez noted DSS had information on facilities and their administration, but not on the clients, to which numerous participants favored DSS posting what information they did have on a publicly accessible website.

Sacramento County Board Supervisor Don Nottoli believed there were needed law changes for inter-county transfers, and group homes should provide better communication and notice to the community and local agencies. He voiced support for increased notice and notification.

Steve Lee inquired who regularly monitors clients in the group home, as he noted operation of a group home incurred costs upwards of \$700,000 annually.

Mr. Ramirez noted a Facility Manager had several high requirements, but that day-to-day operations were often handled by line level staff with few to minimal requirements.

Mimi DeVille countered that for the annual price, to not have well trained staff constantly on-site, costs to conduct regulation were likely increased to address site issues due to under-trained staffing.

Frank Maita received clarification that the recent City of Elk Grove ordinance did not address juvenile sex offenders. Mr. Maita was of an understanding that neighbors couldn't know about residents or group home facilities, and inquired as to what access to information was currently available to educate the community as to the nature of homes in the region.

Police Chief Lehner clarified that registrants were categorized by a tier system, and not all registrants triggered public notification requirements. The Chief of a jurisdiction had discretion under law if notice was not triggered to provide notice to neighbors. In regards to group home operations, "good neighbor" policies could be put in place, but had no legal binding requirement to continue. To date, actions by the City initiated the meeting with the Mathiot Goup.

City Manager Laura Gill noted the City was exploring the means to link resources to identify homes in the area. To date she had identified 86 facilities in the Sacramento region, all of different varieties. A difficulty was that all of the information was dispersed, and would require cross verification. Ms. Gill believed that a beneficial step would be for DSS to consolidate such information and provide increased access to files online.

Carrie Wilmot believed current regulation created barriers to communication between agencies, the community, and operators of group homes. She expressed her commitment to see change in laws on: placement of offenders, restricting placement of group homes in residential areas, establishing increased registration requirements, and creating stricter regulation to increase the number of convictions. From her experience communicating with numerous agencies, she believed change was needed in the law, as numerous agencies had responded to her that they were acting to the fullest extent within their authority, but that her needs still were not met.

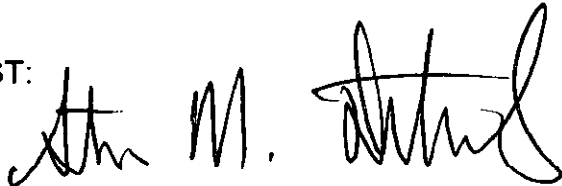
ADJOURNMENT

With no additional business to conduct, the September 29, 2010 special City Council meeting was adjourned 8:00 p.m.



JASON LINDGREN,
INTERIM CITY CLERK

ATTEST:



STEVEN M. DETRICK, VICE MAYOR