

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Corporation Counsel

DATE: June 4, 2010

RE: **Minutes of the Public Safety Committee Meeting held on
May 11, 2010**

Councilor Skolnik called the meeting to order at 5:30, with Councilor Donoghue in attendance.

1. Approval of Minutes of March 9th, 2010 Public Safety Meeting

Councilor Donoghue moved approval of the minutes of the March 9th Public Safety meeting. Councilor Skolnik seconded the motion. It passed 2-0.

The Committee then took up the following items:

2. Proposed Sex Offender Residency Restriction Ordinance

Councilor Skolnik summarized the meetings to date and noted that during the last meeting, the Committee had discussed amending the proposed ordinance to include the police department risk assessment that would trigger the ordinance.

Councilor Waxman said she was working with the police department to implement some education programs as part of the public outreach regarding the proposed ordinance. She said the information would be age appropriate, with several different pieces for varying age groups. Her hope was that the risk assessment aspect of the ordinance would be worked out at this meeting, and she would ask to have a final education presentation on the June agenda.

Assistant Police Chief Michael Sauschuck described how the police department created the risk assessment. He said the department's focus was to pinpoint the highest risk offenders, and used the material on page 257 of the meeting packet to explain the department's rationale. He said that the main concern was trying to prevent those at high risk of reoffending from doing so.

The Committee then took public comment at 5:40 p.m.

Carleton Winslow, from the Southern Maine Landlords Association, speaking for himself, asked for a complete list of properties affected in §110, rather than property

owners trying to determine the 750' level for themselves. He was also concerned with the amount of time provided for the notice under §111.

Mr. Winslow noted several issues of concern regarding the eviction provision. He thought that there was a problem with the constitutionality of the eviction process under the proposed ordinance. Additionally, the court-mandated eviction process is expensive and lengthy. He said that if a property owner was an LLC, as many are, the company would require a lawyer for the process, which would be expensive. He said that landlords aren't equipped to deal with the ills of society, and admitted that this was a difficult issue. He said that protecting kids should be first and foremost.

Councilor Skolnik said that a list of properties would be available if the ordinance passed.

Roseanne Gray noted that in §109 preschools were not included in the list of protected properties.

Mary Costigan noted that the ordinance language is based on state law and the state law does not include preschools specifically.

Jim Hermon, who owns rental properties in Portland, said he does a screening before he rents to people, but was unclear as to how he would know that a prospective renter would fall under this ordinance. He said he didn't know of any state law that would allow eviction for being a sex offender. He also requested a list of properties that would be affected by the 750' radius.

Steve Hirshon suggested that the City takes care to have a sensitive public information process.

Councilor Skolnik then closed the public comment section and asked Asst. Chief Sauschuck about the process used by the police department in handling sex offenders. He responded that one detective deals with sex offenders. She will forward information up the chain of command to recommend which ones the ordinance applies to. He said that the department ran the proposed risk assessment on the current list of sex offenders in the City and came up with 27 people this ordinance would apply to. He noted that all sex offenders that register in the City go on a City database on-line, and suggested that if an offender was at a high risk of reoffending it should be on the website.

Councilor Skolnik asked if there should be some accommodation for landlords when a renter fails to register as a sex offender. Asst. Chief Sauschuck said there should be some fair timeline for landlords to take action.

Councilor Skolnik asked if there was an incentive for someone to work their way off the high risk registry. Asst. Chief Sauschuck noted that the department had looked into that, but couldn't come up with a foolproof way to guarantee that the offender was

no longer high risk. He said a certificate from a class wasn't particularly helpful in assuring an offender could be moved to a lower-risk category.

Councilor Waxman said she hoped that if landlords have enough information up front, then there will be no need for the eviction process.

Councilor Skolnik said that the eviction piece rests on the landlords, and noted that the ordinance should account for the obligations it is putting on them. He also suggested that more time should be built into the ordinance regarding notice to landlords. He asked Asst. Chief Sauschuck whether the police department had a preference regarding the ordinance's structure. He answered that the more information that was given to the public and landlords, the better.

Councilor Skolnik suggested two amendments to the proposed ordinance for discussion: providing an incentive to remove one's self from the high risk category, with a re-evaluation by the police department every five years; or keeping the ordinance as is, without an incentive program.

Councilor Waxman asked Mr. Winslow what the best way to notify landlords who could be impacted by the ordinance. He said that the SMLA would highly publicize the ordinance if it passed.

Councilor Skolnik asked Asst. Chief Sauschuck whether inspections or the police department would be responsible for enforcement of the ordinance. He responded that it would be the police department.

Mr. Winslow asked if he could have a question on his rental application form regarding whether a renter is a registered sex offender. Mary Costigan answered that he could. Mr. Winslow then said that he would need prompt replies from the police department in a situation when the ordinance would apply, and noted that the ordinance should have very specific notice provisions.

Councilor Skolnik said that the amended ordinance would be considered by the Committee at its meeting in June.

MEC:mep