

Allegheny County Council

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Committee Meeting Minutes

Thursday, July 12, 2007

5:00 PM

Conference Room 1

Committee on Public Safety

*Jim Burn, Chair; John DeFazio, Matt Drozd, Vince Gastgeb, William E. Lestitian,
Chuck Martoni, and William Robinson - Members*

I. Call to Order

Summary: *The meeting was called to order at 4:09.*

Invited Guests:

Jim Flynn, County Manager or Designee

Charles Moffatt, Superintendent, County Police or Designee

Laura Ditka, Deputy District Attorney

James Rieland, Allegheny County Probation

Laura Randolph, PAAR

Summary: *Invited Guests Present: Superintendent Moffatt, Jim Rieland, Allison Hall (PAAR),
Laura Ditka*

Council Staff Present: Jared Barker

II. Roll Call

Roll Call: Present: Matt Drozd, Vince Gastgeb, Chuck Martoni, William Robinson, Jim Burn, Council Member Michael Finnerty, and Council Member Rich Fitzgerald
Absent: John DeFazio, and William Lestitian

III. Approval of Minutes

3342-07 Motion to approve the Minutes of the June 20, 2007 Public Safety Committee Meeting.

Action: **A motion was made by Martoni, seconded by Robinson, that this matter be Passed. The motion carried unanimously.**

IV. Agenda Items**Ordinance**

3281-07 An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," by the addition of a new Chapter 275, entitled "Residence Requirements; Registered Sex Offenders," in order to augment the provisions of Pennsylvania's Megan's Law and better provide for the safety of the County's residents.

Sponsors: Vince Gastgeb, Jim Burn, Joan Cleary, Matt Drozd, Michael Finnerty, Bob Macey, Chuck Martoni, Susan Caldwell, Jan Rea and William Russell Robinson

Summary: *The Chair read the title of the bill and deferred to Mr. Gastgeb.*

Mr. Gastgeb Offered a synopsis of the bill, and highlighted the residency focus of the bill. He noted that the last meeting was instructive, and led to ideas such as going by licensed daycares only, and using local police to help the County police check on

residency.

The Chair called Ms. Ditka to the table.

Ms. Ditka provided an overview of the child abuse unit within the DA's office. In response to questions from the Chair, she indicated that there are recidivism issues among offenders, particularly with regard to pornography offenders, but that new mandatory minimums in many cases do keep the office from seeing those offenders repeatedly at least as of now.

In response to a question from Council Member Gastgeb, Ms. Ditka indicated that the SVP designation can be misleading, in that you can commit fairly high end offenses without getting classified.

Ms. Ditka also noted that pedophiles in particular tend to commit fairly large numbers of offenses and generally do not recover on their own. She indicated that she is not sure what the effects of residency restrictions would be here, but some other states have found evidence that residency by itself does not effect recidivism, and that Minnesota found that recidivism episodes tend to occur further away from the offender's residence than the residence limit reaches. She expressed her sense that the most significant recidivism reduction effect appears to be with regard to offenders living in the same place, as in a group home type setting. She noted that she believes that the public feels safer with residence restrictions, but whether they actually are or not has yet to be proven.

Mr. Gastgeb noted that it would be very difficult to prove a protective effect.

Ms. Ditka also noted that it is not unusual for women who tend to be victims to repeatedly enter relationships with predatory men, and there is not really any way to prevent that. She feels that if part of the goal is prevention and aversion, educating the kids in schools is probably wise. She also noted that there has been a steady increase in the number of abuses committed by kids in school.

Mr. Gastgeb asked whether offenders have an affinity for living near schools and similar settings, or if there are just so many schools that offenders cannot live far away from them all, and Ms. Ditka suggested that offenders that live in those areas probably do so through a little planning and a little circumstance.

Mr. Drozd suggested that maybe it makes sense to totally exclude offenders from a certain radius, and indicated that he is not sure school boards and districts are aware of the offenses committed by children in schools.

Ms. Ditka noted that the Office of the District Attorney does conduct programs for school workers along with the County Police and the U.S. Attorney's office.

The Chair called Mr. Rieland to the table and asked for comments.

Mr. Rieland indicated that a residency restriction should make offender supervision easier for probation staff in that there will be limited areas in which they live. He also noted that federal legislation is broadening the scope of who must register, and will

ultimately create a 3 tiered retroactively applied registration system that includes juvenile offenders. He expressed his opinion that this will increase the number of registrants, perhaps doubling it within 5 years.

Mr. Gastgeb noted that, in meeting with parents, he has gotten the sense that they want to see the federal law moving forward, and he believes that it is important that offender reporting goes past probation or parole.

In response to a question from Mr. Drozd, Mr. Rieland indicated that there are slightly more people on supervision for these offenses than there have been in the past, but things like the internet make it a much easier offense to commit. He noted that the County currently has 300 or so sex offenders under supervision, and it is hard to concentrate on them aggressively; he opined that more staff is probably the best measure to take from a supervision standpoint.

The Chair asked whether the probation office would be able to do a residence check during the supervision process if this bill were to pass. Mr. Rieland answered that it could, but once supervision ends, the office's ability to do so would also end.

Mr. Burn asked about civil commitment for sex offenders, and Mr. Rieland noted that it does happen from time to time with juveniles who offend and then turn 21, but it is relatively rare (the County has only 2 or 3 of these types of cases currently). He noted that he is not sure about other jurisdictions' experiences.

The Chair called Ms. Hall to the table and asked for comments.

Ms. Hall indicated that PAAR applauds any efforts that are intended to prevent future offenses along these lines. She also expressed concerns about where offenders will live, and noted that it is important to remember that 70% of offenses against children are committed by people they know. She also suggested that because sex offenders are not all pedophiles, it may not make sense to bar all sex offenders from living near schools.

In response to a question from Dr. Martoni, Ms. Hall noted that there are not necessarily any unintended consequences for residency restrictions from a victim's perspective, but emphasized the need to remember that all instances of abuse do not necessarily occur in schoolyards.

Mr. Finnerty suggested that, regardless of the distance we would pick, it does not seem that this will change behavior. He suggested that a restriction may make people feel better, though, so it could ultimately lead to a false sense of security.

Ms. Hall indicated that distance is not the most important thing for PAAR, but it is encouraging to see Council taking an interest in the topic.

Mr. Drozd suggested that, while probation monitoring is important, there is also wisdom in proactively trying to identify the recidivist types.

Mr. Gastgeb expressed his sense that Council's charge is to do what it can do. He suggested that, while we all know distance it is not the only answer to recidivism among sex offenders, it may be a step or a partial answer. He also noted that we are at the

point of municipal governments creating residency restrictions on their own, which may lead to a chaotic landscape.

Ms. Hall indicated that any step is a positive for PAAR.

The Chair suggested that nobody necessarily felt that this bill would solve the whole problem, but taking it in the right direction has merit.

Ms. Hall indicated that the discussion has raised awareness at the least.

Mr. Finnerty indicated that he does agree that uniformity is necessary, and raising awareness is important.

Mr. Gastgeb suggested that in this case, precisely measuring the effect of a residency restriction is difficult, because it is impossible to measure a negative. This may prevent anyone from ever knowing if a residency restriction prevented anything. He indicated that he would like to continue the process of gathering information, and wants to hear what a cross section of the community thinks.

The Chair indicated that he would also like to work more in the committee process, maybe to continue in a couple of weeks.

Dr. Martoni suggested that there may be merit in having people in to talk about education.

The bill was held with the agreement of the sponsor.

Action: **Held in Committee**

V. Adjournment

Summary: *The meeting adjourned at 6:05.*