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California State Senate



**SENATOR
JIM NIELSEN**

FOURTH SENATE DISTRICT

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July 11, 2019

The Honorable John T. Feeney
Humboldt County Superior Court
825 Fifth Street
Eureka, CA 95501

Dear Judge Feeney,

I am writing to you on behalf of the residents of Tehama County regarding the proposed placement of convicted child molester and sexually violent predator, Joshua Cooley, to strongly oppose his placement in Red Bluff.

You must decide whether Mr. Cooley is to be conditionally released in Tehama County rather than in his county of domicile – Humboldt.

The seriousness of this individual's behavior is indicated by his commitment offense and the fact that he was then evaluated and retained in custody and treatment under the SVP statute. In a related policy, I worked on the legislation in the 1980s that changed parole placement from county of conviction to county of last residence to ensure more equity and fairness of parole placements of criminals.

Over the years, I have represented 19 counties including Tehama in both the State Senate and the Assembly. In addition, I served many years as Chairman of the California Board of Prison Terms, and was one of the authors of the Sexually Violent Predators Act (SVP) and subsequent strengthening legislation. In 2017, I was principal coauthor of Assembly Bill 255 with Assemblyman James Gallagher, which sought to limit the circumstances under which a Sexually Violent Predator may be placed in a county other than his county of domicile. The Senate floor analysis distributed prior to passage of AB 255 reflects the intent behind the bill, explaining that "unfortunately, SVP's are disproportionately placed in rural counties which already face their own unique public safety challenges."

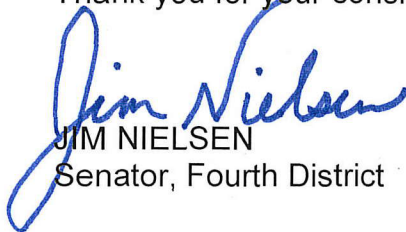
As you know, an SVP can be placed in a county other than his county of domicile only under "extraordinary circumstances." The fact that Humboldt County does not wish to embrace Mr. Cooley is hardly an extraordinary circumstance. Indeed a representative of Liberty Healthcare advised the Tehama County Board of Supervisors that efforts to place Mr. Cooley in three Humboldt County locations (Freshwater, Garberville and Eureka) had each been rejected substantially because of public and law enforcement opposition. It is self-evident that given an equal opportunity and access, the residents of Tehama County would object to the gratuitous burden of housing Mr. Cooley with at least as much vigor as that expressed in Humboldt County.

On behalf of local families, I ask that you direct the Department of State Hospitals (DSH) to exert more vigilance to find placement for SVP Joshua Cooley in his county of last legal residence, and in the county where his crimes were committed.

The burden and responsibility of reintegrating this individual should not be placed on the people of Red Bluff. It smacks of simply dumping the problems of one county on another county less able to object. This is a circumstance AB 255 sought to eliminate.

Your honor, I respectfully request you insist that Mr. Cooley be placed in his county of last legal residence under the most stringent conditions allowed.

Thank you for your consideration.


JIM NIELSEN
Senator, Fourth District