

Just the Facts:

A City and Law Enforcement Quick Guide to Sex Registrant Residence Restrictions:

Evidence-based vs. Emotion-based public policy making

Or “Just because you can do something, doesn’t mean you should”

The California Sex Offender Management Board (CASOMB) was established in 2006 with the vision of decreasing sexual victimization and increasing community safety. CASOMB seeks to accomplish its mission by addressing issues, concerns and problems related to community management of adult sex offenders by identifying and developing recommendations to improve policies and practices.

Because California is the most populated state in the Union and has had lifetime registration for sex offenders since 1947, California has more registered sex offenders than any other state.

While it is commonly believed that most sexual assaults are committed by strangers, the research shows that the overwhelming majority of sex offenders victimize people known to them; approximately 90 percent of child victims know their offenders, as do 80 percent of adult victims [per Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.K. (1992) Rape in America: A Report to the Nation. Arlington, VA: National Victim Center].

A 2009 report prepared by CASOMB, recommends “Community sex offender management strategies should promote proven public safety strategies. Residency restrictions that preclude or eliminate appropriate offender housing can threaten public safety instead of enhancing it.”

Background: Jessica’s Law, an initiative passed in 2006, allowed local jurisdictions to pass more stringent residence restrictions than the ban on sex registrants living within 2000 feet of a school or park where children regularly gather.

Jessica’s Law was named after Jessica Lunsford, a 9-year-old girl who was the victim of a convicted sex offender who failed to report his whereabouts, in spite of laws requiring him to do so.

Fact: Residence restrictions would not have protected Jessica.

Action: Use resources to enforce registration laws and prosecute those who are non-compliant. California registration law violations largely are felonies, and are mandated state prison sentences, exempt from realignment local custody only sentences.

Action: Use resources for sex offender treatment, to influence what the offender does, not where he/she lives. Note: In the 2010 Legislative Session, AB 1844, known as the Chelsea King Child Predator Prevention Act, passed both houses of the Legislature with bipartisan support. It was signed into law by the Governor on September 17, 2010. The Law made many changes to the California Penal Code. Of particular importance was the requirement that after July 1, 2012, the terms of probation or parole for all registered sex offenders under probation or parole supervision in the community must include the requirement to participate in and complete an approved sex offender management program, including sex offender-specific treatment and polygraph examinations.

Fact: Residence restrictions dramatically increase the number of transient registrants. Since the passage of Jessica's Law, the number of California transient registrants increased 217%: (approximately 6,500 statewide).

Fact: Transient registrants are next to impossible for law enforcement to track, as they must only register every 30 days and may be anywhere in the state in the interim.

Action: Support registrants living in stable housing. A Colorado study documented that "sex offenders who received positive support (i.e. family, friends, treatment, Shared Living Arrangements and employers who were aware of the sex offender's issues and held the offender accountable in a supportive fashion) had significantly lower numbers of probation violations and reoffenses than those with no support or negative experiences)¹

Fact: Other states have implemented, and then abandoned, residency restrictions.

Action: Learn from past mistakes. Iowa, Georgia and Oklahoma either rescinded or curtailed residency restrictions, oftentimes tailoring restrictions to the particular registrant. The Jacob Wetterling Resource Center (JWRC), founded after the kidnapping of the 11-year-old in 1998, states: "Because residency restrictions have been shown to be ineffective at preventing harm to children, and may indeed actually increase the risks to kids, JWRC does not support residency

¹ Colorado Department of Public Safety, 2004

restriction laws. Such laws can give a false sense of security while sapping resources that could produce better results used elsewhere.”²

Fact: It is not “soft on crime” to oppose residency restrictions.

Action: City leaders who consider the evidence enhance public safety. In 2010, a New Mexico city was considering—and subsequently rejected—a residency restriction ordinance. After withdrawing his own proposal, Town Council member Simon Wheaton-Smith stated, "I'm never going to be ashamed of bringing up an idea. I'm only going to be ashamed if I continue down a direction where it doesn't need to go."³

Fact: Residency restrictions promote a false sense of security for the community. A Minnesota Department of Corrections study stated “over the last 16 years, not one sex offender released from a Minnesota Correctional Facility has been reincarcerated for a sex offense in which he made contact with a juvenile victim near a school, park, or daycare center close to his home.”⁴

Action: Educate your communities regarding the information available to protect them and their families from sex offenders, available on the Megan’s Law website www.meganslaw.ca.gov. Members of the California Sex Offender Management Board and local law enforcement agencies can provide additional information, as well as a presentation entitled “Community Education on Sex Offenders.” Carefully review proposed ordinances to ensure that restrictions contribute to community safety rather than compromise it.

² Jacob Wetterling Resource Center, “Residency Restrictions”, www.jwrc.org

³ Terrance Vestal, New Mexico Sun-News “Sex offender proposal withdrawn” October 14, 2010

⁴ Minnesota Department of Corrections, Level Three Offenders Residential Placement Issues: 2003 report to the Legislature (2003)