

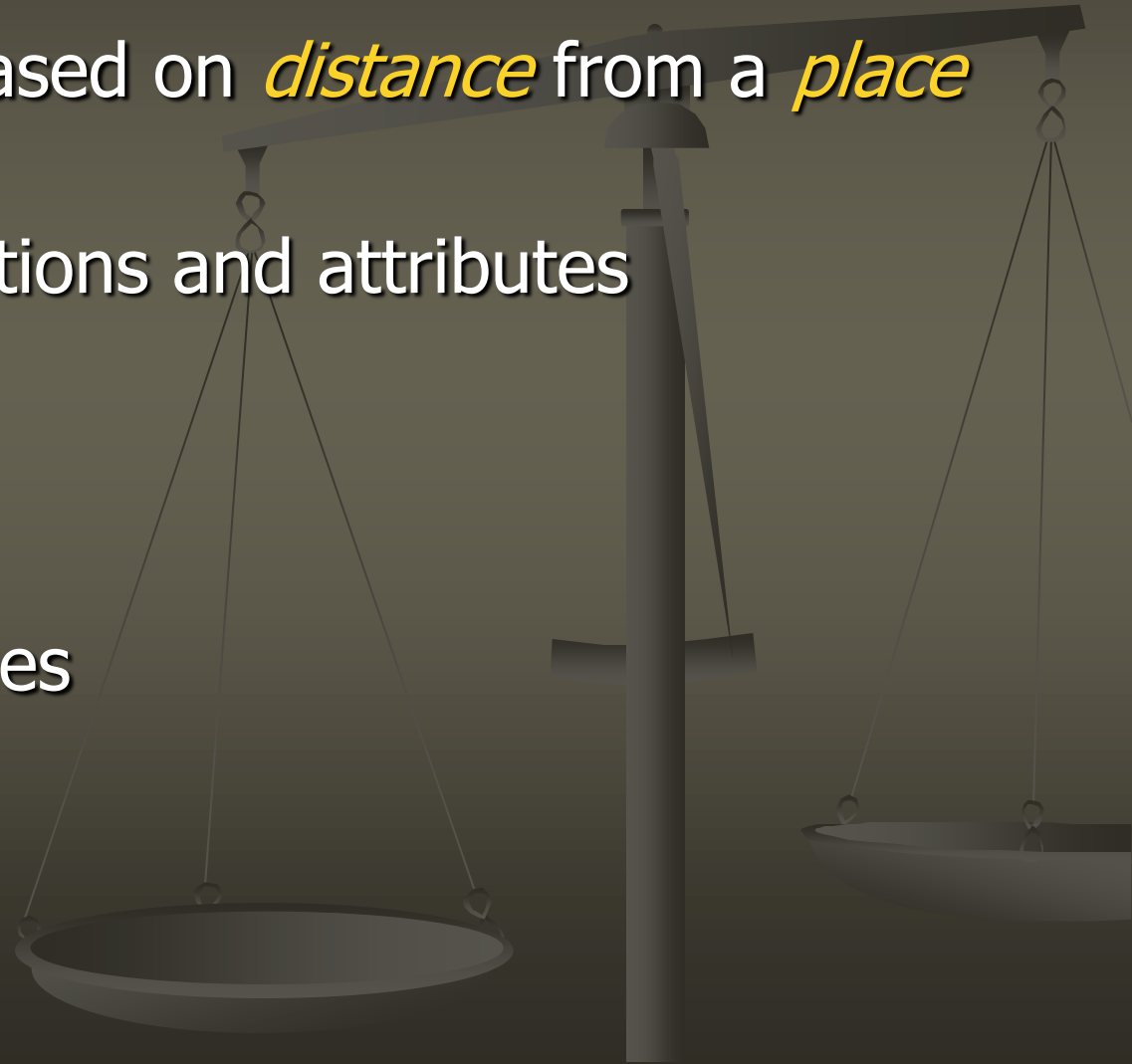


# Sex Offender Residency Restrictions: The Laws, the Research, the Reality

SDRGC Quarterly Meeting  
January 2012

# Why is Geography Important in Jessica's Law?

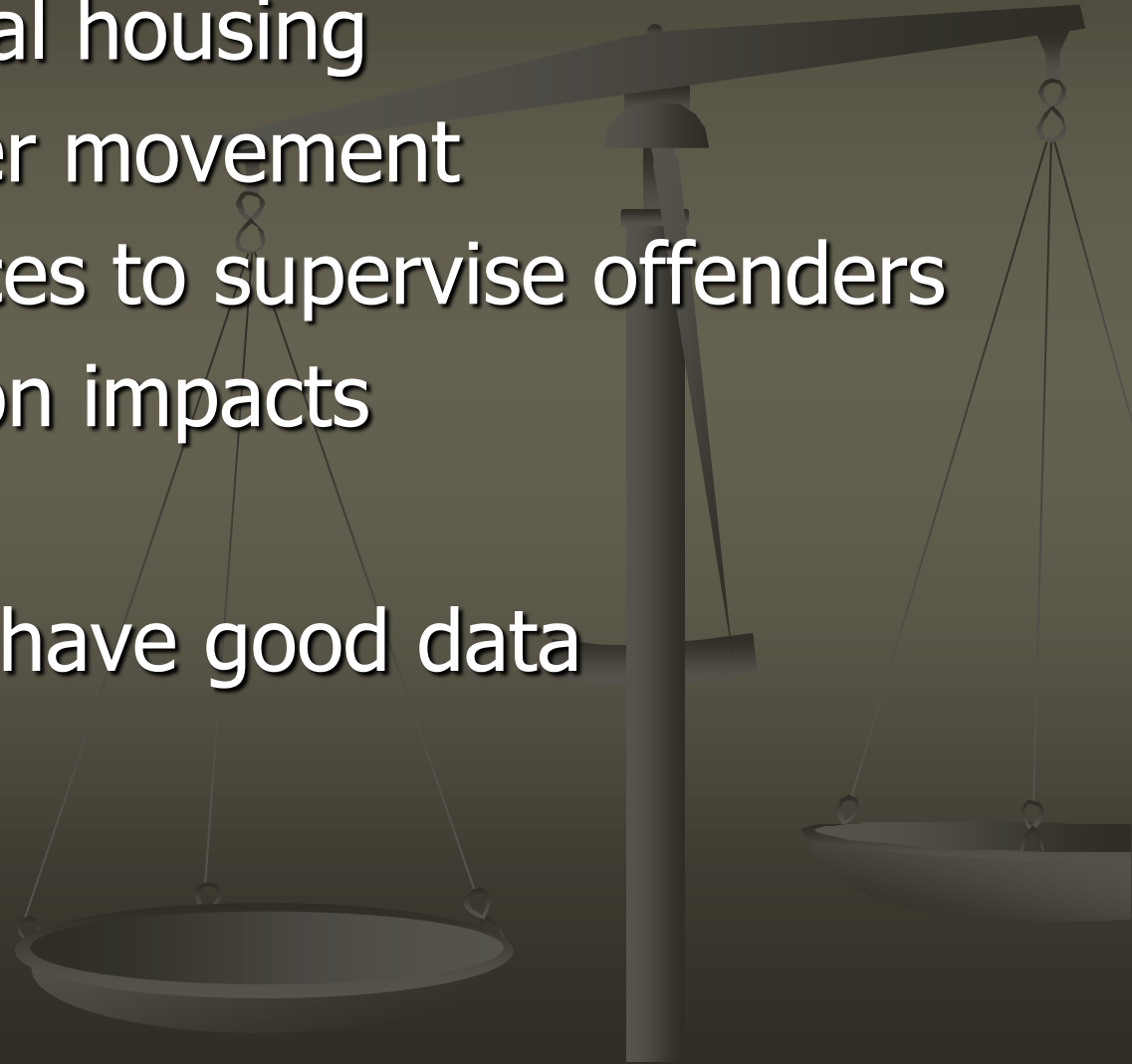
- Restrictions are based on *distance* from a *place* to a *place*
- Places have definitions and attributes
  - Data accuracy
- Geocoding issues
  - Parcel v. address
- Measurement issues
  - i.e. across a river



# GIS is a Valuable Tool

- Identify potential housing
- Analyze offender movement
- Allocate resources to supervise offenders
- Assess legislation impacts

... as long as you have good data



# What does the research say?

**“There is no evidence to support that residence restrictions are effective in reducing sexual offending [or] making communities safer.”**

*CA Sex Offender Mgt Board, Homelessness Among California’s Registered Sex Offenders, 2011*

**“Numerous studies show that a parolee who finds and maintains a steady job – and who also has stable housing and avoids substance abuse – is less likely to re-offend.”**

*Governor’s Rehabilitation Strike Team, Meeting the Challenges of Rehabilitation in Calif.’s Prison and Parole System, 2007*

STATE	YEAR	TYPE OF RESTRICTION	REVISIONS/CHALLENGES
AL	2005	can't work or live w/in 2K ft of schools, child care facilities	2008-added colleges/univ & bus stops
AZ	2007	level 3 (dangerous crimes against children) can't live w/in 700ft of school or child care facility	
AR	2003	Serious offenders can't live w/in 2K ft of schools, day care centers	can't live near Vs; also limited existing law to serious level 3 & 4 offenders
CA	2006	can't live w/in 2K ft of schools, parks, other places where kids gather	
FL	2005	Offenders who've hurt minors can't live w/in 1K ft of where kids gather	
GA	2006	can't live, work or loiter w/in 1K ft of where kids gather (bus stop, skating rink, church, pool, etc.)	In Nov 07, state supreme court struck down law
ID	2006	can't live or loiter w/in 500 ft of school w/kids under age 18	
IL	2006	Offenders of children can't live or loiter w/in 500 ft of a school, public park, playground, child care facility or facility providing services to people <18	
IN	2006	Violent off. of children can't live w/in 1K ft of school, public park or youth program center nor can live w/in 1 mile of V	
IA	2002; 2009	can't live w/in 2K ft of school or child care facility REVISED LAW: class C felony offenders can't live w/in 2K ft, all others can live wherever but not work	In 2006, Iowa County Attys Assoc publicly opposed
KY	2006	can't live w/in 1K ft of school, child care facility, ball fields and playgrounds	
LA	2006	Serious offenders can't live w/in 1K ft of schools or related activities, including school buses	
ME	2007	off. w/Vs under 14 no contact w/child under 14 on properties: elem/middle school, child care facility, day care, nursery school, park, playground, rec facility, youth camp	
MD	2006	can't live or loiter near places used mostly by kids where feasible	
MI	2006	can't live w/in 1,000 feet of school	

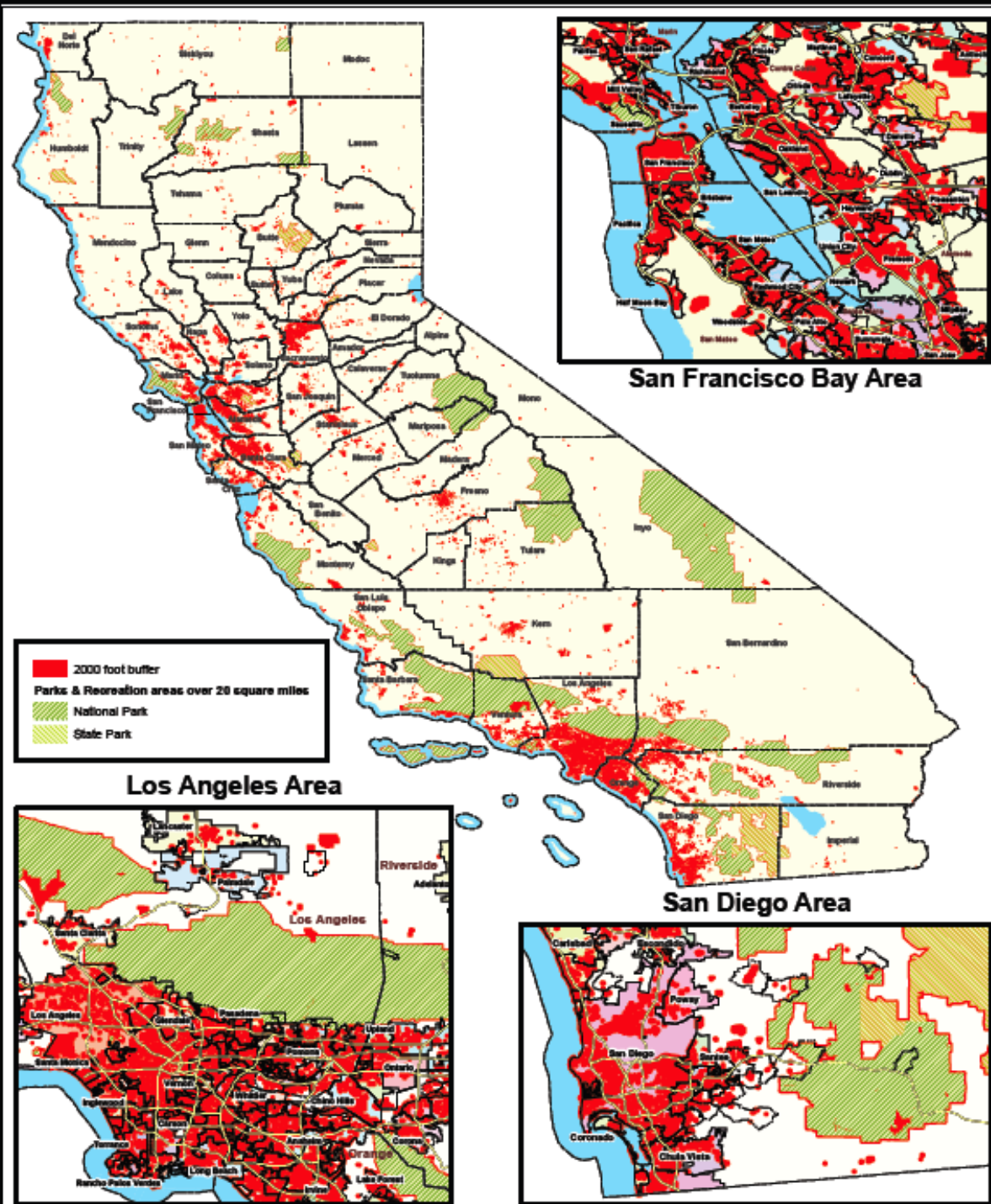
STATE	YEAR	TYPE OF RESTRICTION	REVISIONS/CHALLENGES
MN	2002	Parole commissioner decides if serious offenders may live w/in 1,500 ft of school zones	2007 study by Dept of Corr found proximity was not a contributing factor to reoffense
MS	2006	can't live w/in 1,500 feet of school or child care facility	
MO	2006	can't live w/in 1,000 feet of school or child care facility	
MT	2001	Judges can impose on level 3 offenders w/victim minors can't live w/in a certain proximity of a school, preschool, licensed day-care center, church, or public park	
NE	2006	can't live w/in 500 feet of schools or child care facilities	
NV	2007	high-risk can't live or be in places that are frequently visited by children	
OH	2003	can't live w/in 1K ft of schools, child care facilities, places kids gather	2007 fed court found OH res restriction law unconst
OK	2006	can't live w/in 2K ft of schools, day care centers or parks	
OR	2001	Dept of Corrections decides where offenders may live	
SC	2008	offenders w/offense against a minor can't live w/in 1K ft of school, day care center, child's rec facility, park/playgrd	
SD	2006	can't live or loiter w/in 500 feet of community safety zones	
TN	2004	can't live w/in 1K ft of schools, child care facilities or Vs	
TX	1997	Parole Board decides where off. may live/go; judges may prohibit certain off. on probation/parole from going w/in 1K ft of schools, day care, playgrounds, youth ctrs, swim pools, arcades	
VA	2000	Some off. can't loiter w/in 100 ft of schools or child care ctrs	
WA	2006	High-risk off. can't live w/in 880 ft of schools or day care ctrs	
WV	2006	can't live w/in 1,000 feet of schools or child care facilities	

- NJ – over 100 municipalities have ordinances
- CO, KS, NM – conducted studies and subsequently did not create laws

# A look at the State of California

## Scale Matters

Produced by the  
California State Senate  
Demographic  
Office, 2006



# The San Diego Experience

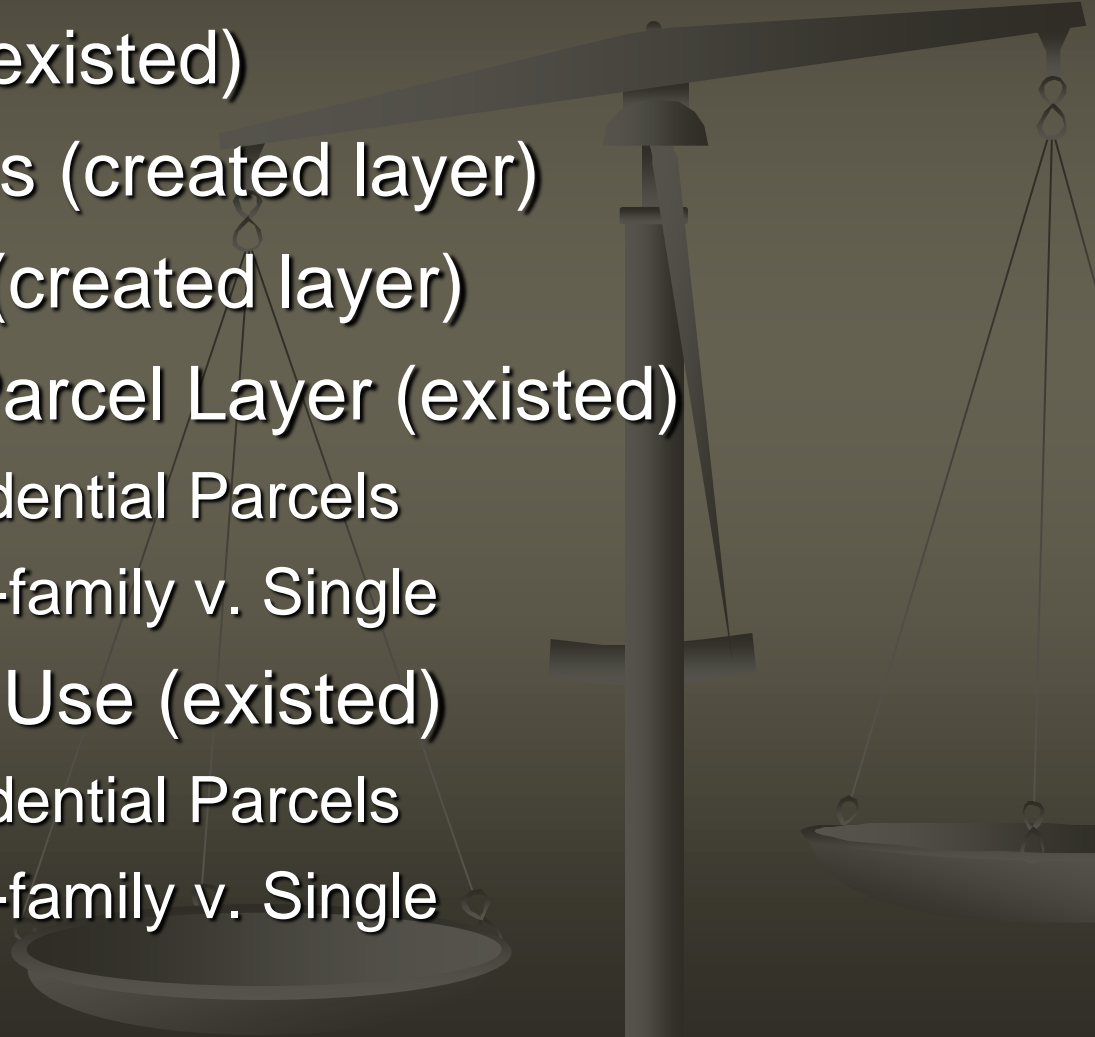


- Initial maps and analysis in 2006
  - Where do the sex offenders live?
  - Where are the schools and parks?
  - Where will sex offenders be allowed to live?
- Issue re-surfaces with court case in 2010
  - Parolee Sex Offenders (represented by the San Diego County Public Defender) v. State of California, Department of Corrections/Parole
    - Is it legal to have these restrictions on everyone regardless of circumstances
    - Where CAN they live?

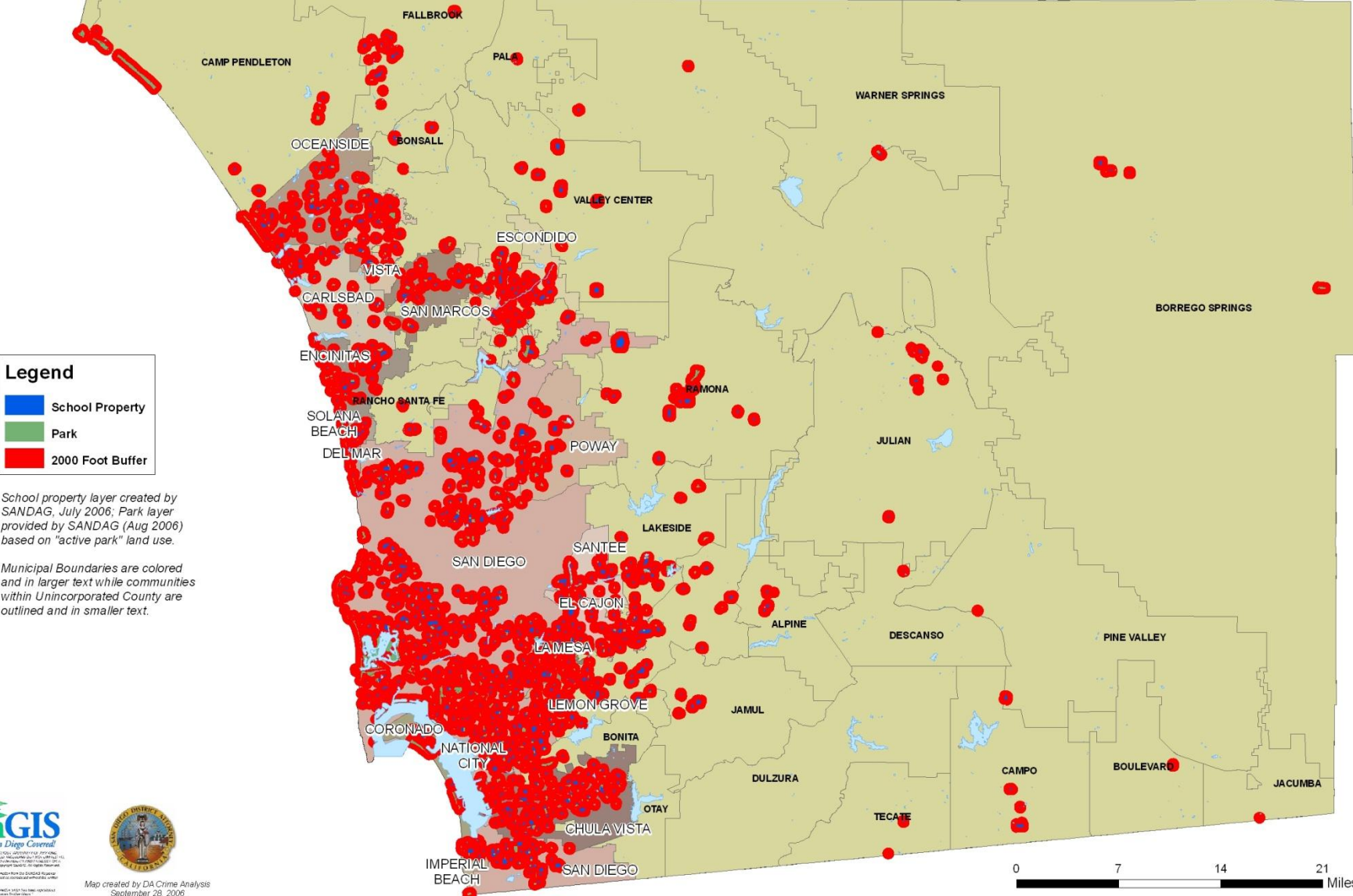


# San Diego Analysis & Maps

## *It's all about the data*

- School Points (existed)
  - School Polygons (created layer)
  - Park Polygons (created layer)
  - Tax Assessor Parcel Layer (existed)
    - Extracted Residential Parcels
    - Extracted Multi-family v. Single
  - SANDAG Land Use (existed)
    - Extracted Residential Parcels
    - Extracted Multi-family v. Single
- 

# San Diego County Jessica's Law 2000 Foot Buffers



**Legend**

- School Property
- Park
- 2000 Foot Buffer

School property layer created by SANDAG, July 2006; Park layer provided by SANDAG (Aug 2006) based on "active park" land use.

Municipal Boundaries are colored and in larger text while communities within Unincorporated County are outlined and in smaller text.



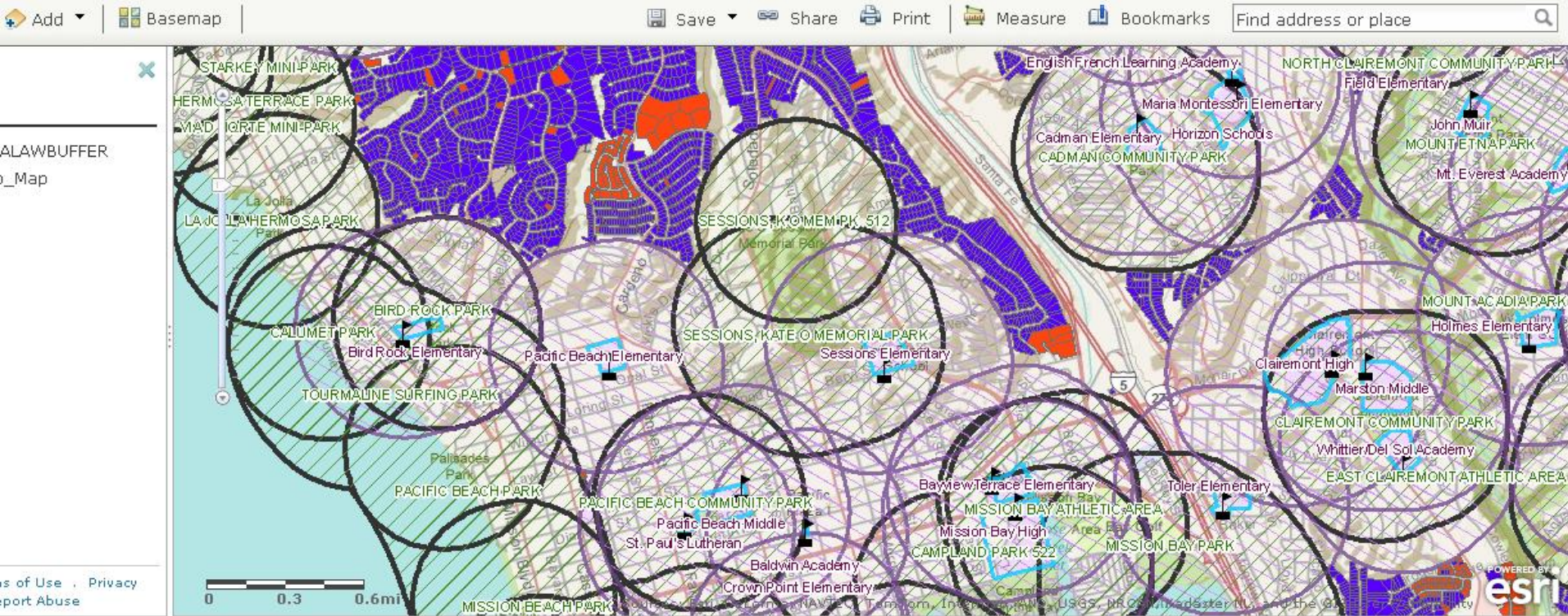
Map created by DA Crime Analysis  
September 28, 2006



# Interactive Mapping App made for the Public Defender

Jessica's Law Compliant Residential Parcels in San Diego County, CA.

New Map ArcGIS Home Help Sign Out



*\*Thanks to Roy Pickering's group.*

# Residential Parcel Analysis

- Started with all parcels countywide
- Extracted out residential parcels and multi-family
- Overlaid school and park buffers
- Analyzed parcels that were not within the buffer

	TOTAL	RESID.	RES OUTSIDE SCHOOL &PARK	% PARCELS COMPLIAN T	% RESID COMPLIAN T	MULT-FAM** OUTSIDE SCHOOL& PARK	% PARCELS MULT-FAM COMPLIAN T	% RESID PARCELS MULT- FAM COMPLIANT
CARLSBAD	34,104	27,434	17,507	51.3%	63.8%	902	2.6%	3.3%
CHULA VISTA	54,536	44,957	15,149	27.8%	33.7%	641	1.2%	1.4%
UNINC. COUNTY	183,333	148,610	117,699	64.2%	79.2%	3,417	1.9%	2.3%
VISTA	21,223	17,038	8,685	40.9%	51.0%	389	1.8%	2.3%
<b>COUNTYWIDE</b>	<b>830,013</b>	<b>664,472</b>	<b>361,324</b>	<b>43.5%</b>	<b>54.4%</b>	<b>18,679</b>	<b>2.3%</b>	<b>2.8%</b>

# Court Case

These petitioners are four of well over a hundred who have filed petitions for writs of habeas corpus in this court in the wake of the California Supreme Court's decision in *In re E.J.* (2010) 47 C4th 1258. That case featured a broad-based attack on Penal Code section 3003.5(b),<sup>1</sup> one of several statutory changes enacted November 8, 2006, by Proposition 83, otherwise known as Jessica's Law.

As applied, the 2000 foot restriction invites anomalies that smack of arbitrariness. For example, testimony established that the restriction zones bar parolees from indoor accommodations in virtually all of downtown San Diego, but they are allowed, as "transients," to sleep in alleys and doorways in that same area. Also, situations will inevitably arise where the parolee has an opportunity to live in a supportive family or rehabilitation environment but is prohibited because the front door is a few feet inside the 2000 foot exclusion zone.<sup>17</sup> This would be even more anomalous given that the

**Law ruled illegal and a "stay" was put on enforcement (Feb. 2011)**

# Where are we now?



“Collateral consequence statutes and policies impose additional burdens on people who have served their sentences, including denial of employment and housing opportunities, without increasing public safety in essential ways.

However, [...] research reveals that gainful employment and stable housing are key factors that enable people with criminal convictions to avoid future arrests and incarceration. I encourage you to evaluate the collateral consequences in your state - and to determine whether those that impose burdens on individuals convicted of crimes without increasing public safety should be eliminated.

Public safety requires us to carefully tailor laws and policies to genuine risks while reducing or eliminating those that impede successful reentry without community benefit.

Failed reentry policies impose high social and economic costs including increased crime, increased victimization, increased family distress, and increased pressure on already-strained state and municipal budgets.”

*U.S. Attorney General Eric Holder*

*Letter to all state Governors and Attorney Generals, April 18, 2011*

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