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July 15, 2014

BPC #14-0261

The Honorable Public Safety Committee
City of Los Angeles
c/o City Clerk's Office
City Hall, Room 395
Los Angeles, CA 90012

Attention John White:

RE: RESPONSE TO PUBLIC SAFETY COMMITTEE RELATIVE TO SEX OFFENDER
RESIDENCY RESTRICTIONS, COUNCIL FILE 13-0134-S1

At the regular meeting of the Board of Police Commissioners held July 15, 2014, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Maria Silva".

MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

RECEIVED

JUN 20 2014

POLICE COMMISSION

June 20, 2014
8.6

REVIEWED

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

Richard M. Tefank
 RICHARD M. TEFANK
 POLICE DIRECTOR
 6/24/14
 DATE

SUBJECT: RESPONSE TO PUBLIC SAFETY COMMITTEE RELATIVE TO SEX OFFENDER RESIDENCY RESTRICTIONS, COUNCIL FILE 13-0134-S1

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the attached Fact Sheet pertaining to sex offender residency restrictions.
2. That the Board TRANSMIT this report to the Los Angeles City Council Public Safety Committee.

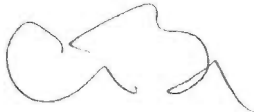
DISCUSSION

On November 8, 2013, Captain William P. Hayes, Commanding Officer, Robbery-Homicide Division, provided testimony to the Los Angeles City Council Public Safety Committee regarding the State mandated sex offender registration program and how the program is implemented within the Los Angeles Police Department.

In response to that testimony, Councilman Joe Buciano, 15th District, requested the Los Angeles Police Department to report on the status of sex offender residency restrictions. The attached fact sheet has been prepared in response to that request.

If you should have any questions, please contact Captain William P. Hayes, Commanding Officer, Robbery-Homicide Division, at (213) 486-6850.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

BOARD OF
 POLICE COMMISSIONERS
 Approved July 15, 2014
 Secretary Maria Silva

FACT SHEET

RESPONSE TO PUBLIC SAFETY COMMITTEE REQUEST REGARDING RESIDENCY RESTRICTIONS

April 2, 2014

Background. On November 8, 2013, members of the Los Angeles City Council Public Safety Committee requested a report on the status of sex offender residency restrictions and what community members can do to protect themselves from sex offenders (Council File: 13-0134-S1).

Detective Diane Webb, Serial No. 24834, Robbery-Homicide Division, Registration Enforcement and Compliance Team (REACT) Coordinator, was requested to provide the information. The REACT is responsible for the registration of sex offenders and enforcement of registration laws.

Findings. Jessica's Law, an initiative passed in 2006, allowed local jurisdictions to pass more stringent residency restrictions than the ban on sex registrants living within 2000 feet of a school or park where children regularly gather. Since implementation of Jessica's Law in 2007, many cities have passed additional restrictions limiting where sex registrants may live. Per the California Sex Offender Management Board¹ September 2011 report, "*Homelessness among California Sex Registrants: An Update*," there were at least 87 separate city or county ordinances across the state, each with different definitions, distances, and exclusion targets. The Los Angeles County Public Defender's Office identified 37 different local ordinances within Los Angeles County, all with varying requirements.

The effectiveness of residency restrictions has been called into question in several research studies. Proximity to schools has not been linked to recurrence of sexual assaults (Colorado Department of Public Safety 2004). In a Minnesota study, researchers concluded that residence restrictions would not have prevented any of the 224 recidivistic sexual offenses reviewed (Duwe et al. 2008). The Minnesota repeat offenders tended to victimize children who were well known to them, but of the 16 minor victims who were strangers, none of the incidents took place near a school, park, or playground. (Cited studies were compiled from the Abstract: Collateral Damage: Family Members of Registered Sex Offenders, authors Jill Levenson (Lynn University) & Richard Tewksbury (University of Louisville), Southern Criminal Justice Association 2009, Published online: 15 January 2009).

There is no study or evidence that shows that residency restrictions prevent sex crimes from occurring. What does occur are "self-defensive" responses in the form of similar ordinances from adjacent communities, and a substantial increase in homelessness among registrants.

The Los Angeles Police Department's Registration Enforcement and Compliance Team tracks transient rates of registrants. Before implementation of Jessica's Law residency restrictions (2007), there were a total of 191 transient registrants; currently there are 530, a 177% increase. Prior to implementation of these restrictions, transient registrants had accounted for only 4% of total Los Angeles registrants - currently 11% of registrants in Los Angeles are transient. Just after implementation of Jessica's Law, transient rates for registrants **on parole** peaked at 30%. The current rate for registrants **on parole** is 15%. The increase in transient registrants can be directly attributed to residency restrictions in neighboring jurisdictions.

FACT SHEET

RESPONSE TO PUBLIC SAFETY COMMITTEE REQUEST REGARDING RESIDENCY RESTRICTIONS

April 2, 2014

The subsequent reduction in transient numbers is due to a Los Angeles Superior Court order staying application of the restrictions, and, more recently, a reduction in overall parolee numbers due to realignment.

In addition, restrictions in neighboring cities can result in a migration of registrants from a more restrictive city to a less restrictive one. This was seen in 2009 in Harbor Area due to increased restrictions in neighboring cities and county areas. Harbor Area experienced an influx, made up largely by parolees who were placed in compliant housing in the Harbor Gateway and Wilmington areas.

A large number of the offenders registered in Los Angeles as transients, due to neighboring law enforcement agencies refusing to register them. This is contrary to the registration requirements placed on law enforcement agencies, and necessitated a bulletin by the California Department of Justice, Office of the Attorney General, to remind police entities that they must complete registrations. Concern over the increasing lack of compliant housing was also the catalyst for a 2009 Los Angeles Superior Court stay of restrictions enforcement.

A recent court case (People v. Godinez, People v. Nguyen) challenged an Orange County ordinance that restricted registrants from entering any type of park. The ruling established that while residence restrictions could be established by local ordinances (per provisions of Jessica's Law), any other regulation of a registrant's presence in a particular area could not be imposed. A challenge to residency restrictions based on the argument that they are punitive and not regulatory is currently pending in the California Supreme Court (People v. Mosley).

The LAPD Harbor Area commanding officer and registration personnel recognized the importance of housing versus increased transience and met with parole agents and administrators, as well as management at the various housing locations in order to successfully manage the population. As a result, it was agreed that parolees from out of the area would be returned to their original residence area and that the overall numbers within the locations would be reduced. Residence numbers in the specific area of Jessica's Law-compliant housing are now one quarter of the original numbers.

Intentional grouped housing is model transitional housing in other states. According to the report from the California Sex Offender Management Board, "*Homelessness among Registered Sex Offenders in California: The Numbers, the Risks and Response*, (December 2008)," some states formally utilize grouped living arrangements as a standard practice. For example, the Shared Living Arrangements (SLA) model is utilized in Colorado in order to house registered sex offenders. According to the Therapeutic Community Treatment Modality (Colorado Department of Public Safety, 2004), offenders live together and are financially responsible for housing cost. There is visiting treatment provided and offenders hold each other accountable for their actions including reporting behavior that would lead to re-offending.

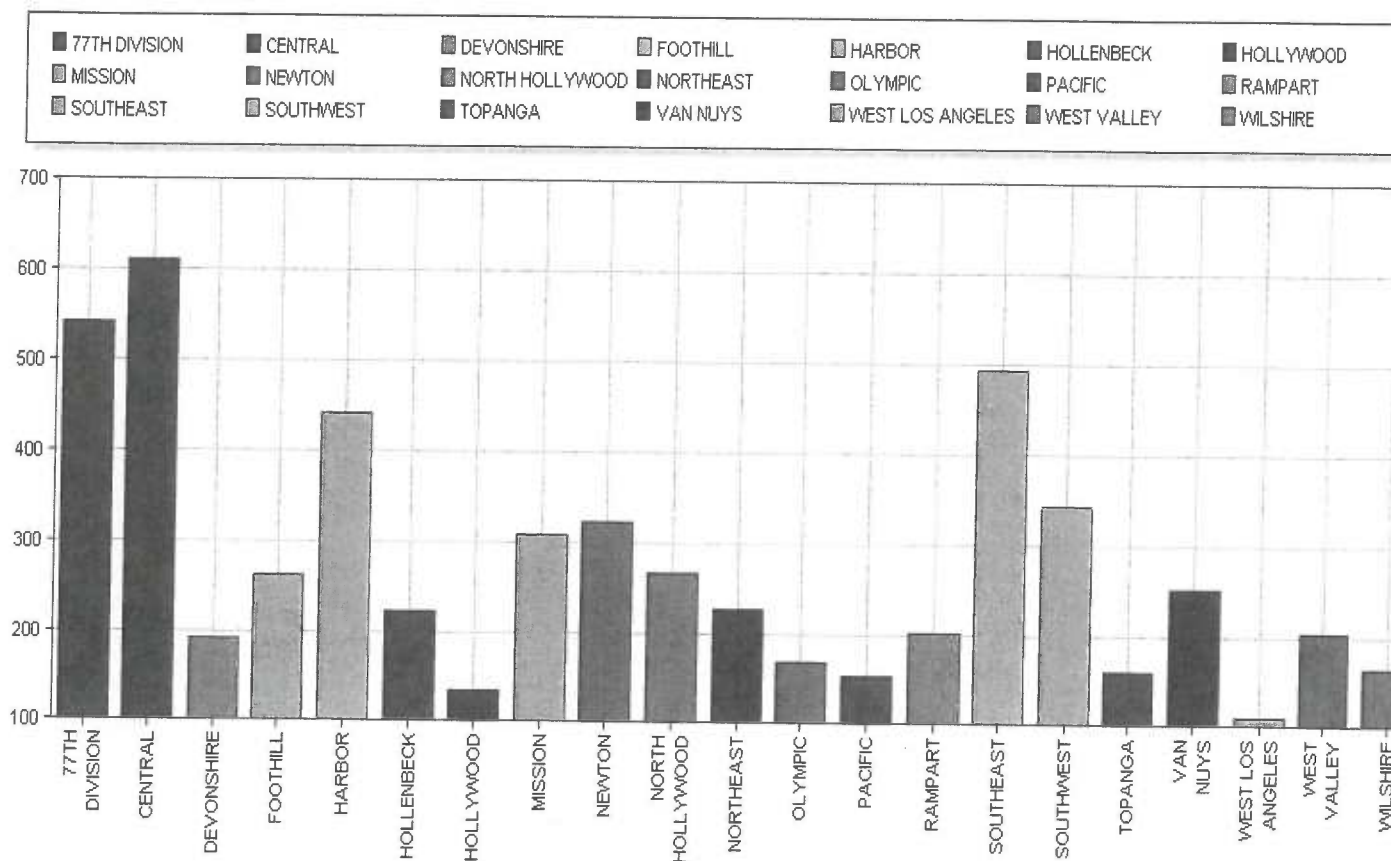
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April 2, 2014

Registration and Enforcement Efforts in Los Angeles. The LAPD Registration Enforcement and Compliance Team (REACT) concept was established in Operations-Valley Bureau in 1997 and is currently comprised of 40 investigators and supervisors in seven units throughout the City. In 2013, REACT officers completed over 12,000 registration documents, over 1,300 compliance checks, and filed 301 criminal cases against offenders who failed to register.

Total number of registrants increases by 2-4 percent each year. Current number (5,787) and location of registrants is as follows:



The REACT places emphasis on the monitoring of high risk offenders, a designation established by score levels in the state mandated risk assessment tool. At any given time, approximately Twenty-five percent of registrants in Los Angeles are under formal supervision by parole or probation officers. Of those, approximately 8 percent (131) of offenders recently released on parole or probation have been assessed as high risk.

FACT SHEET

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April 2, 2014

The REACT works with the following entities in monitoring registered sex offenders through investigation of compliance status, residential checks, and task forces:

- Local, state, federal and international law enforcement agencies
- The California Department of Corrections and Rehabilitation/Department of Parole Operations (CDCR/DAPO) agents and the CDCR Office of Correctional Safety Fugitive Apprehension Team
- Los Angeles County probation officers, with emphasis on Post Release Community Supervision (PRCS) Post Supervised Persons (PSP) who are also registered sex offenders
- United States Courts Federal Probation
- The United States Marshals Service, Los Angeles Regional Fugitive Task Force
- Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE)
- The Los Angeles City Attorney, Los Angeles Strategy against Violent Environments near Schools (LA SAVES), a collaborative task force involving Los Angeles County Probation, CDCR/DAPO, Los Angeles School Police Department (LASPD) and the Department of Children and Family Services (DCFS)
- The federally funded Internet Crimes against Children (ICAC) Task Force
- United States Department of Housing and Urban Development (HUD)
- California Department of State Hospitals (regarding release of Sexually Violent Predators (SVP)).

Recommendations for Community Safety. The continued operation of REACT provides for monitoring of registered sex offenders. The REACT is available for community meetings and presentation of “What You Need to Know about Sex Offenders,” a program developed by the California Department of Justice. Community members are encouraged to view the Megan’s Law website www.meganslaw.ca.gov information “Facts about Sex Offenders” and “How to Protect You and Your Family.” On the website, community members can send tips to law enforcement through the “Report Information” link.

In addition, The National Center for Missing and Exploited Children has launched a campaign focusing on the importance of opening dialogues with children. This program, “Make time to Talk About Child Safety,” is available at www.Take25.org. The REACT Coordinator, Detective Lauren Rauch, is also available for questions and inquiries at (213) 486-6918, email 26594@lapd.lacity.org.

Prepared by:
Detective Diane Webb
Robbery-Homicide Division

ⁱ The California Sex Offender Management board was created by legislation in 2006 to address evidence based strategies for successful sex offender management. The 16 members represent district attorneys, law enforcement, victim advocates, parole, probation, and the court, public defenders, the Department of State Hospitals, treatment providers and city managers.

INTRADEPARTMENTAL CORRESPONDENCE

April 28, 2014
8.6

TO: Chief of Police

FROM: Chief of Detectives

SUBJECT: RESPONSE TO PUBLIC SAFETY COMMITTEE RELATIVE TO SEX
OFFENDER RESIDENCY RESTRICTIONS, COUNCIL FILE 13-0134-S1

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KIRK J. ALBANESE, Deputy Chief
Chief of Detectives

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