



As a statewide coalition of eighty-four rape crisis centers and sexual assault prevention programs throughout California, the California Coalition Against Sexual Assault (CALCASA) works to end sexual violence. CALCASA is both a State and National leader advocating for victims and survivors of sexual assault, sexual violence prevention initiatives, and effective sex offender management. CALCASA's membership provided direct services to more than 26,000 victims and survivors of sexual violence in the last year, and worked with nearly 300,000 community members across California in rape prevention programs. CALCASA is California's oldest, largest, advocacy organization dedicated to the elimination of sexual assault.

Sexual assault victim advocates from throughout California have consistently encouraged the legislature to develop public safety strategies that focus on the prevention of sexual violence, including victimization by known sexual offenders. CALCASA believes that effective policies must hold sex offenders accountable for their crimes, while providing support and safety for victims, their families and the community. CALCASA supports policy proposals that are grounded in research, include collaborative approaches that are multi-disciplinary and multi-agency based, and are, most importantly, effective in keeping our communities safe.

CALCASA strongly encourages and supports sound prevention policies and practices, which we believe will ultimately reduce sexual victimization by perpetrators.

The Jessica's Law Initiative

CALCASA strongly opposes the Jessica's Law Initiative (Proposition 83).

While we respect the intent behind Prop. 83, it is a shortsighted approach to sex offender management that will place California communities in greater danger. Experienced policy experts have warned that many of the 399 statutory changes proposed will have dangerous unintended consequences. The State of California will be unable to rescue itself from any one of these mistakes without more legislation and a 2/3 vote of the entire state legislature. Though some elements of Prop 83 might be helpful, the negative consequences would be too costly and damaging to public safety to risk.

Proposition 83 will put California communities at greater risk from sex offenders, while simultaneously creating a false sense of security. Californians are justifiably concerned about the management of sex offenders in their community. Prop. 83 fails, however, to address those concerns in meaningful ways. The initiative contradicts sound, evidence-based management strategies that have been demonstrated to make communities safer. Simply put, Prop. 83 may feel good, but is not grounded in what will actually keep our communities safe.

The authors of Prop. 83 have stated that the requirements of the Initiative are prospective, meaning that only offenders convicted after the bill is passed will be affected by its requirements. If this is true, Prop. 83 will not affect any of California's existing 105,000 registered sex offenders living in California communities. Either the bill addresses sex offenders *currently in our communities* or it does not. Proponents cannot continue to claim that the initiative will be cost-effective because it only effects *future offenders* and at the same time argue that it will protect the community from the threat of offenders currently in our community.

The Facts:

- ✓ Research shows that the vast majority of sex offenders are never reported, let alone tried and convicted. Proponents ignore that Prop 83, while costing more than half a billion dollars annually, will fail to address as many as 86% of sex offenders in our communitiesⁱ.
- ✓ Contrary to the popular misconception that children are most at risk of assault from strangers, children and youth are far more at risk of sexual abuse from adults they know, often love and trust. Research shows that 90% of child victims knew their perpetratorⁱⁱ, yet this initiative is generally designed to address situations in which the sex offender is presumed to be a stranger to the victim.

Public resources are limited, and it is important that resources allocated for the management of convicted sex offenders should primarily be directed to those at highest risk of re-offense. Instead, this initiative paints all sex-offenders with the same brush, wasting valuable resources on sex offenders who are unlikely to re-offend, while leaving a deficit of treatment, supervision, and focus on offenders who *we know* should be receiving more intense scrutiny.

Why Oppose Prop. 83?

CALCASA has worked diligently with legislators to create effective and thoughtful policies related to the management of sex offenders. The legislative process is one in which policy proposals can be amended when oversights and improvements can be made. Through such a process, legislators can fix, or eliminate problematic policy *before unintended consequences harm California communities*.

“We went from knowing where about 90 percent of them were. We’re lucky if we know where 50-55 percent of them are now.”

Linn County, Iowa Sheriff Don Zeller,
on the effects of residency restrictions.

By utilizing the initiative processes for Prop. 83 instead of the legislative process, voters are being forced to accept—without amendment or debate—an entire package of provisions that will have more impact than anything California has seen since the “*three strikes*” initiative of 1994. Additionally, the process required to overturn even one provision of a ballot initiative is more onerous than the vast majority of laws that are passed. It is highly unlikely that the legislature can fix every unintended consequence of an initiative that has nearly 400 statutory changes before it costs Californians hundreds of millions of dollars, personal safety, confidence in law enforcement and ultimately people’s lives.

CALCASA’s opposition to this initiative is based on two primary concerns:

1. Residency restrictions for sex offenders don’t make communities safer. Residency restrictions don’t reduce recidivism, don’t improve supervision of offenders, and ultimately do not protect children from sex offenders.
2. GPS monitoring of all sex offenders will not prevent sexual assault. To the contrary, the significant drain on limited state resources, coupled with the overwhelming magnitude of data on offenders who are unlikely to re-offend, will hamper law enforcement and community organizations’ ability to prevent sexual assaults.

“What they’re probably going to do is move into a community and not register.”

“It’s better to know where these ‘lost offenders’ are than where they aren’t.”

Carolyn Atwell-Davis, Legislative Director for the National Center for Missing and Exploited Children
Sex Offender Laws: Loopholes in Current State Programs

Residency Restrictions

The Facts:

- √ There is **no evidence that residency restrictions that prohibit sex offenders from residing within a certain radius of schools or parks will protect children**. In fact, those states that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregateⁱⁱⁱ. Instead, research has shown us that juvenile victims are 77% more likely to be assaulted in their own home^{iv}, an issue that is totally unaffected by Prop. 83.
- √ Moreover, residency restrictions are having unintended consequences that decrease public safety. For example, Iowa Department of Public Safety statistics show that the number of **sex offenders who are unaccounted for has doubled** since a residency restriction law went into effect in June 2005^v.
- √ Sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense^{vi}.
- √ Research has also shown that sex offenders in a stable environment (stable housing and social support) are less likely to commit new sex offenses compared to those offenders who lack such stability^{vii}. Residency requirements drastically reduce this stability, which increases the risk of re-offense.
- √ Residency restrictions do not answer the fundamental question of “where should offenders live?”
- √ Residency restrictions will push offenders out of urban areas and into rural unincorporated areas where there are less resources to monitor and supervise offenders.

“Such laws will create a false sense of security. Since most children are molested by someone they know, opponents fear that these buffer zones will fail to protect the majority of children who are in danger of being sexually abused.”

“Researchers found that these offenders will circumvent restrictions if they are determined to re-offend, and noted that many sex offenders are more likely to travel to another neighborhood where they could seek victims without being recognized.”

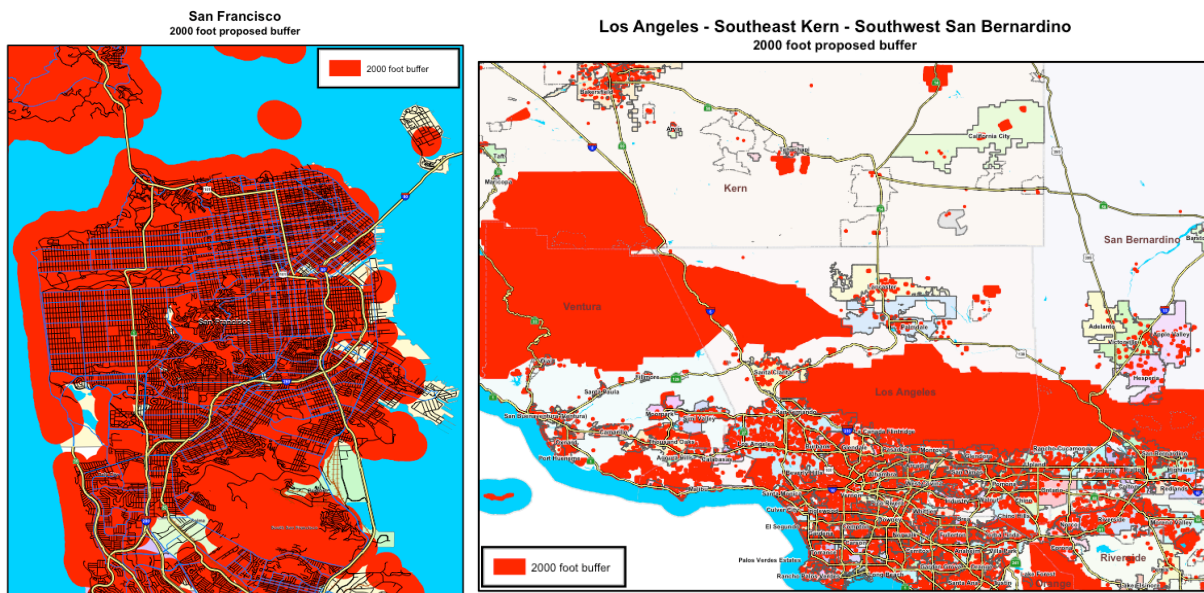
Susan Broderick, Senior Attorney, National Center for Prosecution of Child Abuse

Innovative Legislative Strategies for Dealing with Sexual Offenders, American Prosecutors Research Institute Update, Volume 18, Number 10, 2006

A brief look at the proposed residency restrictions for Los Angeles and San Francisco shows that sex offenders will be forced from urban areas (where the vast majority of sex offenders currently reside) where law enforcement and monitoring resources are concentrated, into rural areas where law enforcement will be burdened with more sex offenders than they are capable of monitoring.

“What you’re doing is pushing people more underground, pushing them away from treatment and pushing them away from monitoring, you’re really not improving the safety, but you’re giving people a false sense of safety.”

John Gruber, Executive Director of the Association for the Treatment of Sexual Abusers (ATSA) on residency restrictions



Experience tells us that not all sex offenders will comply with the residency restrictions. Although there will be a general migration of sex offenders to rural areas, another common outcome is that those offenders who are unwilling to uproot are likely to change residences

“Sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense.”

National Alliance to End Sexual Violence
*Community Management of Convicted Sex Offenders:
 Registration, Electronic Monitoring, Civil Commitment,
 Mandatory Minimums, and Residency Restrictions*

without notifying authorities of their new locations, to register false addresses or to simply disappear. As seen in Iowa, the rampant growth of unregistered sex offenders leaves law enforcement and the public unaware of the location of sex offenders, which not only damages the reliability of the entire sex offender registry, but also fails to serve the interests of public safety.

Electronic Monitoring, GPS (Global Positioning Satellite) Tracking

Electronic monitoring can be an effective tool in very limited application such as High Risk Sex Offenders (HRSO). Prop. 83 will place GPS units on *all sex offenders* for life regardless of their crime or victim. By using this tool on a population 50 times greater than is suggested by experts we can be certain of several outcomes:

- ✓ The truly important data—such as high-risk sex offender location—will be virtually lost in a sea of other less useful information.
- ✓ Law enforcement will be stifled with unrelenting false alarms forcing them to decide when to respond, and when to ignore alarms.
- ✓ Costs will be passed directly to local law enforcement agencies when offenders leave probation/parole.

GPS is *not prevention*. At best, GPS units show the precise location of an individual but say nothing about what they are doing or whom they are near. This means that a sex offender wearing a GPS unit could easily commit an offense knowing full-well that they are unlikely to be reported thus making the GPS data worthless. There is virtually no evidence that shows GPS can help in deterring recidivism^{viii}.

“What’s wrong with this picture?”

“Forget the pious rhetoric, forget the talk about murdered children, forget the GPS gadgets and the zoning ordinances.”

National Association to Protect Children, 8/8/06
Commentary: Governor Schwarzenegger’s Choice

Fiscal analysis of the costs of GPS monitoring suggests that the state could not bear the enormous drain on the state and local economies for such an ineffective tool. There are many direct and indirect costs associated with such monitoring.

Direct Costs		Indirect Costs	
Hardware Cost: \$3500 ^{ix} X sex offenders X replacement frequency \$300-700 Million Annually.	Units cost approximately \$3500 each and have a total lifespan of 6-9 months. Therefore each unit would have to be replaced 1-2 times per year. ^x	Erroneous Reports Average false alarms: 6-14/unit/day ^{xi} = up to 630,000 per day!	GPS units lose reception like cell phones. They must be recharged every 6-12 hours. Each loss of reception or low-battery failure sends a false alarm to dispatchers who must alert law enforcement and decide whether or not to respond to the call.
Monitoring Cost: Final tallies are as high as \$300-450 Million annually.	At \$23/person/day ^x , GPS monitoring is the most expensive monitoring tool with the least effective outcomes. With such high spending on monitoring standard practices will be unaffordable.	Parole/Probation Turnover Cost: Turnover cost to state and local communities is incalculable.	Monitoring GPS data is an intense and stressful job. Law enforcement agencies have seen significant turnover due to incredibly high caseloads.

Because the Initiative requires life-long GPS monitoring but creates no meaningful funding mechanism, the cost for monitoring sex offenders who complete their time on probation and parole will fall to local communities. The magnitude of these sudden costs on local law enforcement without *any* state support will be a crushing weight on most budgets.

Given the limited research results and the limited availability of public funds, CALCASA believes electronic monitoring may be used most effectively in situations requiring intensive supervision and monitoring, such as for those offenders at highest risk of re-offense.

What we should be doing to protect California's children:

Proposition 83 doesn't focus on the current risk that some released offenders pose, but prioritizes future convictions when we know that there are tens of thousands of offenders in our communities right now!

- **Increasing post-incarceration supervision in meaningful ways**
 - Increase the number of parole and probation officers in order to decrease sex offender supervision caseloads.
 - Increase access to training for supervision and law enforcement staff
 - Utilize tools such as polygraphy as is considered best practice in other states
- **Designating where offenders should and can live safely**
 - Sadly, sex offenders come from our communities and as communities we need to decide the safest location for them to reside when they return to our communities. We can not simply list places where we don't want them to go, we need to identify where offenders can and should live to preserve community safety.
- **Providing services and support for current child and adult victims so they can report**
 - If California is serious about ending sexual assault, and identifying sexual predators then we need to be serious about supporting their victims. Child victims of abuse often need supportive services to assist them with attending trials, testifying, and assisting District Attorneys with putting their predators behind bars.
- **Provide sex offender management / treatment in institution and in the community**
- **Increase meaningful supervision of offenders beyond GPS to include more supervision personnel and the use of in-person supervision.**
- **Challenge the legislature to enact the elements of Prop 83 what can work such as increased supervision for offenders.**

Vote No on Proposition 83 Jessica's Law

There is simply no evidence to suggest that residency restrictions or GPS monitoring—the two largest and most costly components of Prop. 83—will lead to decreases in recidivism. Rather, the evidence suggests that California will face a mass-migration of sex offenders to rural areas, decreasing their social stability and increasing their risk of recidivism, coupled with a dramatic increase in the number of sex offenders who are driven underground where law enforcement will be unable to monitor them. At a cost of more than half a billion dollars annually, not to mention the millions of work-hours that will be added in monitoring and responding to false alarms, Prop. 83 is the largest drain on scarce law enforcement resources that the state will ever see, and the expected outcome is astonishing.

CALCASA strongly urges Californians to **VOTE NO** on Proposition 83 in November. With a strong track record of supporting the effective management of sex offenders, CALCASA stands ready to assist the state in developing public policy that truly enhances public safety.

ⁱ Kilpatrick, D.G., Saunders, B.E. et al. (2003)

ⁱⁱ Greenfield, Lawrence A., 1997. Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of

Justice.

ⁱⁱⁱ See for example, Minnesota Department of Corrections, Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature; Colorado Department of Public Safety, Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community, 2004.

^{iv} Snyder, H.N. 2000. Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident and Offender Characteristics. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice.

^v Iowa Sex Offender Registry, data as of February 15, 2006

^{vi} Community Management of Convicted Sex Offenders: Registration, Electronic Monitoring, Civil Commitment, Mandatory Minimums, and Residency Restrictions, National Alliance to End Sexual Violence

^{vii} Managing Sex Offenders in the Community: A National Overview, Lane Council of Governments, Eugene, Oregon, 2003

^{viii} See for example, Florida Office of Program Policy Analysis and Government Accountability, Report No. 05-19, April 2005

^{ix} California High Risk Sex Offender Taskforce hearing

^x High Risk Sex Offender Taskforce testimony July 14th 2006

^{xi} California Coalition on Sexual Offending (CCOSO) Board Meeting March 10, 2006

^{xii} Citations for un-annotated sidebar quotes can be found in *The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review*, California Research Bureau www.library.ca.gov/html/stateseg2a.cfm