

## Cities restrict sex offenders | Ordinances raise questions of public safety, civil rights

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### Document Text

For chart see end of text.

A man stands on the edge of a playground, his eyes tracing the movements of laughing children. A mother notices him and is nervous enough to call police.

They find the man on the state's registry of convicted sex offenders. He is arrested for being where he shouldn't.

This is the scenario local politicians had in mind when they passed ordinances restricting where registered sex offenders can hang out. Without the laws, an arrest isn't possible.

In National City, La Mesa and Santee, registered sex offenders no longer can linger within 300 feet of schools, amusement parks and other places children gather. San Diego and Chula Vista are researching similar restrictions.

Police and politicians say the laws help protect children. But the laws come with a host of complications, others caution, because they are difficult to enforce and don't distinguish between people who prey on children and those who haven't been in trouble with the law for years.

"As a matter of public policy, I think these laws are unwise, unenforceable and will not prevent sex crimes," said law professor John La Fond, author of "Preventing Sexual Violence: How Society Should Cope with Sex Offenders."

State statistics show that the vast majority of child victims know their abusers, but the headline-grabbing cases often involve strangers.

Just this month, a longtime employee of Children's Hospital convalescent center was arrested, accused of young patients. A prosecutor called it one of the worst cases of molestation imaginable. The man, Wayne Albert Bleytle, had no known criminal record.

Weighing public safety against the civil rights of registered sex offenders long has been a divisive issue, especially in the years since Megan's Law made available their names, faces, crimes and whereabouts.

In a growing number of cities, knowing where the offenders are has evolved into controlling where they can go.

Kathy Wiskur of Santee, the mother of an 11-year-old boy, said she is torn over the idea of such laws. Wiskur thinks they may help protect the community, but acknowledges that sex offenders are part of that community as well.

"I do have mixed feelings because, even though in my mind that is the most vile of any criminal, they do have their

rights," Wiskur said.

#### Jessica's law

In November, California voters will consider establishing a state law that would impose mandatory sentencing, increase parole terms for the most horrific offenses and keep paroled sex offenders on a tracking device for life.

The ballot measure, known as Jessica's Law, would prevent all sex offenders from residing within 2,000 feet of a school or park and allow local jurisdictions to restrict additional sites.

The city ordinances are an effort at local control. National City was the first in the county in November, followed by La Mesa and Santee. Sheriff's deputies hand-delivered letters to offenders in Santee yesterday notifying them of the new law there.

Three of the city's 66 registered offenders were not living at the address they gave authorities. Sheriff's Sgt. Dave Myers said the department is investigating the whereabouts of those three.

The laws are not as tough as some would like, but supporters say they go further than state law, which prohibits convicted sex offenders on parole from living within a quarter-mile of a school. The state doesn't regulate loitering, and still wouldn't under Jessica's Law.

"We are thumbing our nose at the state and personally, I am OK with that," La Mesa Councilman Barry Jantz said. "Part of this for me is sending a clear message to the state that we are sick and tired of laws that allow sexual predators back on our streets."

But the local ordinances shift the public's focus to strangers when the reality is that children usually know their abusers, said La Fond, who retired from the University of Missouri-Kansas City School of Law last year.

Ninety percent of child victims know their abusers, and almost half the offenders are a family member, according to the state Attorney General's Office.

Still, the local laws help prevent abusers from starting those relationships, said Ernie Limon, special agent supervisor with the state Department of Justice.

"It keeps them from having the opportunity to groom that child," Limon said. "Most of the time they're not going to do an outright abduction from a park."

Limon is commander of the San Diego Sexual Assault Felony Enforcement Task Force, or SAFE, a multiagency group that keeps tabs on the county's approximately 4,166 registered sex offenders. Police can't say how many of those offenders committed crimes against children.

Santee and La Mesa have made exceptions for sex offenders who are near children for legitimate reasons, such as taking their own child to school. La Mesa adopted a blanket restriction in December, then reconsidered and added the exception late last month.

In an anonymous letter to elected officials in that city, a sex offender wondered how he would attend parent-teacher conferences or classroom events for his two children.

"I am respectful of the desire for public safety of our children, but this whole area regarding sex offenders is moving hastily and is typically based upon misinformation and hysteria," he wrote.

"I have children, I am a good father -- must I be condemned forever? Must my children be punished?"

Law enforcement officials have little sympathy.

"I would say the safety of children in this city far outweighs the concerns (sex offenders) may have," said Detective Dennis Leach of the National City Police Department, who pushed for the law there.

Leach said the laws help because sex offenders move around and are hard to monitor.

"Anything giving us more teeth to keep track of them (is) in my opinion beneficial," he said.

There are few scenarios that would lead to an arrest under the new rules. Police could happen upon a known sex offender violating the ordinance and make an arrest. Or someone could report a person, who then turns out to be on the registry, acting suspiciously near places children gather.

Recidivism rates

Law enforcement officials say odds are a convicted sex offender will commit another sex crime. Quantifying those odds is tough.

The recidivism rate among sex offenders ranges from 12 percent to 43 percent, depending on the study, Limon said.

Recidivism numbers aren't easy to pin down, he said, because sex crimes against children are underreported. Like rape victims, children are afraid of retribution, or that others might not believe them.

La Fond said that is not a fair comparison because all crimes are underreported. As a group, "sex offenders are less likely to commit another sex crime than, say, burglars are to commit another burglary."

The local ordinances unfairly treat all sex offenders as equally dangerous, La Fond and others said. They cast too wide a net and deplete resources that could be better used focusing on high-risk offenders and the most violent predators.

For example, a 25-year-old convicted of statutory rape for having sex with a 16-year-old girlfriend could be held to the same standard as someone who viciously assaults child after child. Convicted sex offenders are on the registry for life, barring the remote possibility of a pardon from the governor.

Limon said the statutory rape scenario represents a small fraction of registered offenders.

California has required sex offenders to register with law enforcement agencies in their area for more than 50 years, but their whereabouts were not made public until 1995. People could call a 900 number or visit their local law enforcement agencies to look up the information.

Megan's Law, passed in 1996, made more information available. The data went online in 2004.

Now the whereabouts of 63,500 sex offenders are available on the state attorney general's Web site. An additional 22,000, convicted of crimes such as incest, spousal rape, possession of child pornography and indecent exposure, are required to register but are not listed on the site, Limon said.

The second group will have to obey the new city ordinances.

Some say it's not right to punish people for the same crime over and over, and essentially that is what these ordinances do.

"I think anybody deserves the right for a second chance and to prove they've been rehabilitated," criminal defense

attorney Michael Crowley said. "We can argue about how long that takes and what you need to do to be rehabilitated but everyone should have the opportunity to prove it."

Wiskur said it's ultimately her responsibility to keep herself and her son informed. She started checking the Megan's Law Web site monthly after the Sheriff's Department told residents about a high- risk offender moving near her son's elementary school more than a year ago.

"I just want to be aware and that's the best we can do," Wiskur said.

#### New restrictions

State law requires convicted sex offenders to register with police every year and when they move. The law forbids offenders on parole from living within a quarter-mile of a school. More information about Megan's Law is available at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

Jessica's Law, which goes before voters in November, would impose tougher restrictions on registered sex offenders. More information is available from the Campaign for Child Safety at [www.jessicaslaw2006.com](http://www.jessicaslaw2006.com)

Here is what local cities have done:

National City prohibits sex offenders from "being on or within 300 feet of a public or private school for children, a center or facility that provides day care or children's services, a video arcade, a playground, park, or an amusement center." It does not apply to a sex offender's residence.

Violation of the law is punishable by a fine up to \$1,000 or imprisonment of up to one year or both. The city attorney may reduce the violation to an infraction, which is punishable by a fine not exceeding \$100 for the first violation, \$200 for the second, and \$500 for each additional violation.

Police have not yet enforced the law, but they have hand- delivered and mailed notices to the city's estimated 84 registered sex offenders.

La Mesa prohibits sex offenders from "being on or within 300 feet of a public or private school for children, a center or facility that provides day care or children's services, a video arcade, a playground, park, or an amusement center." It does not apply to a sex offender's residence.

The law recently was amended to allow exceptions for individuals who have a legitimate reason to be near those places, such as driving by or attending their child's school event.

Violation of the law is a misdemeanor punishable by a fine up to \$1,000 or imprisonment of up to one year or both. The city attorney may reduce the violation to an infraction, which is punishable by a fine not exceeding \$100 for the first violation, \$200 for the second and \$500 for each additional violation.

Police have not yet enforced the law. Notices will be mailed soon to the city's estimated 80 registered sex offenders.

Santee prohibits sex offenders "from loitering on or within 300 feet of a public or private school for children, a child care and development facility, a park or recreation facility, playground, or an arcade." It does not apply to a sex offender's place of residence.

The law allows exceptions for individuals who have a legitimate reason to be near those places, such as driving by or attending their child's school event. It also allows access to public parks for the purpose of exercising constitutional rights of free expression and assembly, as long as it does not amount to loitering.

Violation of the law is a misdemeanor punishable by a fine no less than \$25 and no more than \$1,000 or imprisonment for no more than six months or both.

The law took effect March 11. Notices were hand-delivered to the city's estimated 66 registered sex offenders yesterday.

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<b>Abstract</b> (Document Summary)
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