

# ***SEX OFFENDER REGISTRATION PROGRAM***

## **BACKGROUND**

Sex offender registration in the State of California has been in effect since 1945. The State of California has been at the forefront of sex registration of convicted sex offenders since that period. Real enforcement did not begin until the 1990's. In 1996, President Bill Clinton signed into effect the National Megan's Law that required all states to implement some form of registration program or risk losing critical federal funds. In 2006, citizens of California passed Prop83 (Jessica's Law). Prop83 seeks to toughen up the law on sex registrants. However, the full implementation of this law is being challenged in the court system (more on this later).

California was the first state in the nation to enact a sex offender registration law. Many states did not enact sex offender registration laws until the 1990's. Due to its lifetime sex offender registration requirement and a population exceeding an estimated 35 million residents, California today has the largest number of registered sex offenders of any state.

### Megan's Law

On the evening of July 29, 1994, seven-year-old Megan Kanka was tricked into a neighbor's home in Hamilton Township, New Jersey. The neighbor was a twice-convicted child molester who had told Megan he wanted to show her a puppy. The neighbor ended up sexually molesting and murdering her.

In response to the sexual assault and murder of Megan Kanka by a convicted sex offender, the federal government passed legislation making it mandatory for all sex offenders to register with local law enforcement, and for the information to be available to the public. All states now have a form of Megan's Law.

For more than 50 years, California has required sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of these sex offenders was not available to the public until the implementation of the Child Molester Identification Line in July 1995. The information available was further expanded by California's Megan's Law in 1996 (Chapter 908, Stats. of 1996).

A new California law, Assembly Bill 488 (Nicole Parra), sponsored by the Attorney General now provides the public with Internet access to detailed information on registered sex offenders.

This expanded access allows the public for the first time to use their personal computers to view information on sex offenders required to register with local law enforcement under California's Megan's Law. Previously, the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll-

number. The new law was given final passage by the Legislature on August 24, 2004 and signed by the Governor on September 24, 2004.

California's Megan's Law provides the public with certain information on the whereabouts of sex offenders so that members of our local communities may protect themselves and their children.

The law is not intended to punish the offender and specifically prohibits using the information to harass or commit any crime against an offender.

### Jessica's Law (Proposition 83)

Jessica's Law, Prop. 83 proposes sweeping changes to state policies on sex offenders.

- Increases penalties for violent and habitual sex offenders and child molesters.
- Prohibits registered sex offenders from residing within 2,000 feet of any school or park.
- Requires lifetime Global Positioning System monitoring of felony registered sex offenders.
- Expands definition of a sexually violent predator.
- Changes current two-year involuntary civil commitment for a sexually violent predator to an indeterminate commitment, subject to annual review by the Director of Mental Health and subsequent ability of sexually violent predator to petition court for sexually violent predator's conditional release or unconditional discharge.

## **SEX OFFENDER REGISTRATION PROGRAM**

It is the responsibility of the Hawthorne Police Department to maintain a record and enforce the laws regarding sex registrants living within the city boundaries. This assignment currently falls under the responsibility of the Detective Bureau, Juvenile Division.

As part of the follow-up and enforcement, Detectives conduct field follow-up's to ascertain and verify if a sex registrant is living in the City of Hawthorne. Field follow-up's can be done immediately after registration, before registration and at random dates and times.

The Hawthorne Police also belongs to a regional Child Protection Task Force. This taskforce gathers once every several months and includes all South Bay Police Agencies including El Segundo, Torrance, Manhattan Beach, Gardena, Hawthorne, Hermosa Beach, Redondo Beach, Inglewood, Palos Verdes, LAPD Harbor Division, and LASD Carson, Lawndale, Lennox, and Lomita stations. This group discusses and disseminates up-to-date information regarding sexual predators in the South Bay.

## **REGISTRATION PROCEDURES AND ENFORCEMENT**

The following is the current protocol for registration with the Hawthorne Police Department:

- A sex registrant is required to call the Hawthorne Police department and set up an appointment with the Detective assigned to that unit.
- An appointment date is set where he/she is interviewed and any changes to his registration are updated. That includes any change in address, name, employment, vehicles, etc.
- After the interview, the Administrative Technician updates the information in the California Department of Justice Database.
- First time registrants will be photographed, fingerprinted and an SS-8047 form (notification of legal requirements) will be completed. Additionally, the SS-8102 form (official registration form) will be completed.
- All related registration documents and originals will be maintained in the detective bureau and a copy forwarded to the records bureau. A case number is assigned to each registration.
- Home checks are conducted periodically by the Juvenile Detectives. We strive to average at least one registrant compliance sweep a month.
- Sex registrants found not to be in compliance will require follow-up by the Detective that includes notification to the department of justice, notification to the new agency holding jurisdiction, or arrests.

### **HIGH RISK OFFENDERS**

High Risk Parolees cannot be placed or reside within ½ Mile of a School K-12

*Any inmate who is released on parole for any violation of Penal Code Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-half mile of any public or private school including any or all kindergarten and grades 1 to 12, inclusive (this should be charged as a parole violation). Note: This law was in effect before enactment of Proposition 83 (Jessica's Law).*

The Department of Corrections makes the determination if a sex offender is classified as a High Risk offender.

## **REGISTRANTS LIVING NEAR SCHOOLS**

One of the questions commonly raised is why registrants are living near schools. The concern of course is that children walk near the residences of sex registrants without knowledge of their existence. The common misconception is that all sex offenders are prohibited from living near a school. This is not the case. The below criteria must be met along with a confirmation from Corrections classifying the person as High Risk (This is prior to the passage of Prop83).

- Anyone on Parole who has a prior crime conviction for a sex crime against children cannot live within the above listed limits and the parole agent is to be contacted. The parole agent will then force him to move out of the area and assist in getting him alternative living.
- Anyone on Probation who has been convicted of a sex related offense against children. However, the Probation Officer has to have the court impose the living restriction. It will be part of the conditions of probation.
- Upon registration, SS-8102, the registrant must disclose if he/she is involved in any activity where they are in constant contact with children, (i.e. park, school, etc.). Upon that disclosure, the Detective can determine if public notification is necessary.

### Proposition 83

Since the passing of proposition 83, the Department of Corrections, Parole, is now required to monitor sexually violent or habitual or mental sexual predators. These are high-risk offenders who have a high risk of re-offending. In most cases, they are identified and if they fall out of compliance, they will be exposed to longer sentences or potential 3 strikes laws. That is why this population is prohibited from living within 2000 feet of a school or a public park.

There is controversy regarding the implementation of this law. The proposition is currently being challenged in the court system. As recently as January 2008, the Department of Justice has issued a memo stating that they will be taking a “wait and see” approach. Because of the current status of Prop83, the Hawthorne Police Department is still working under the previous guidelines.

To summarize, sex registrants do not have a living restriction near schools unless they fall in the above listed category and are classified as a High Risk offender. Again, we currently do not have any High Risk offenders registered in the city.

## **PUBLIC NOTIFICATIONS**

The Hawthorne Police Department does not have a sex offender database available for public viewing. However, the general public is encouraged to visit the official State of California Sex Offender Database- [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

In an event where a high-risk sex offender is deemed too dangerous for the community and public notification is necessary, the Detective will conduct notification to areas, groups, organizations, or schools at risk. This notification will be conducted in conjunction with the Hawthorne Police Department's Detective Bureau Commander and Media Relations Officer and only with the approval from the Chief of Police. (Penal Code section 290.45)

## **CONCLUSION**

Although not all topics were covered in detail, hopefully this information has shed some light on the history, current status, and future of the sex registration program in California. This area of the law is high in visibility and a high priority for the state and local police departments.

One of the most important factors not discussed is the parent/adult involvement with their children. The information we gather only goes so far. Parents must be aware and involved in their children's growth and welfare. Parents must take the initiative to be proactive in their children's safety. Education is a big part of preventing children from being a victim in a crime. Parents are encouraged to seek out information and be aware of their children's whereabouts.

The Hawthorne Police Department is always available for concerned parents if they have any questions pertaining to the safety of their children.

### Facts about Sex Offenders (from Megan's Law Website)

<http://meganslaw.ca.gov/facts.aspx?lang=ENGLISH>

#### **Most men who commit sexual offenses do not know their victim.**

*False. 90% of child victims know their offender, with almost half of the offenders being a family member. Of sexual assaults against people age 12 and up, approximately 80% of the victims know the offender.*

#### **Most sexual assaults are committed by someone of the same race as the victim.**

True. Most sexual assaults are committed by someone of the same race as the victim. An exception to this is that people who commit sexual assault against Native Americans are usually not Native American (American Indians and Crime, 1999).

#### **Most child sexual abusers use physical force or threat to gain compliance from their victims.**

False. In the majority of cases, abusers gain access to their victims through deception and enticement, seldom using force. Abuse typically occurs within a long-term, ongoing relationship between the offender and victim and escalates over time.

**Most child sexual abusers find their victims by frequenting such places as schoolyards and playgrounds.**

False. Most child sexual abusers offend against children whom they know and with whom they have established a relationship. Many sexual assaults of adult women are considered "confidence rapes," in that the offender knows the victim and has used that familiarity to gain access to her.

**Only men commit sexual assault.**

False. While most sex offenders are male, sometimes sex offenses are committed by female offenders.

**Child sexual abusers are only attracted to children and are not capable of appropriate sexual relationships.**

False. While there is a small subset of child sexual abusers who are exclusively attracted to children, the majority of the individuals who sexually abuse children are (or have previously been) attracted to adults.

**Victims of sexual assault are harmed only when offenders use force.**

False. More than any physical injuries the victim sustains, the violation of trust that accompanies most sexual assaults has been shown to dramatically increase the level of trauma the victim suffers. Emotional and psychological injuries cause harm that can last much longer than physical wounds.

**If a child does not tell anyone about the abuse, it is because he or she must have consented to it.**

False. Children often do not tell for a variety of reasons including the offender's threats to hurt or kill someone the victim loves, as well as shame, embarrassment, wanting to protect the offender, feelings for the offender, fear of being held responsible or being punished, fear of being disbelieved, and fear of losing the offender who may be very important to the child or the child's family.

**It is common for both child and adult victims of sexual assault to wait some time before telling someone about the abuse.**

True. It is common for victims of sexual assault to wait some time before telling someone. When the person was assaulted as a child, he or she may wait years or decades. The reasons for this are numerous: victims may want to deny the fact that someone they trusted could do this to them; they may want to just put it behind them; they may believe the myth that they caused the assault by their behavior; or they may fear how other people will react to the truth.

**If someone sexually assaults an adult, he will not target children as victims, and if someone sexually assaults a child, he will not target adults.**

False. Research and anecdotal evidence indicate that while some sex offenders choose only one type of victim (e.g., prepubescent girls, post-pubescent boys, adult women, etc.), others prey on different types of victims. Therefore, no assumptions should be made about an offender's victim preference and precautions should be taken regardless of his crime of conviction.

**It helps the victim to talk about the abuse.**

True. The victim's recovery will be enhanced if she or he feels believed, supported, protected, and receives counseling following the disclosure that s/he was assaulted. However, sexual assault victims should always have the choice about when, with whom, and under what conditions they wish to discuss their experiences.

**Sexual gratification is often not a primary motivation for a rape offender.**

True. While some offenders do seek sexual gratification from the act, sexual gratification is often not a primary motivation for a rape offender. Power, control, and anger are more likely to be the primary motivators

**Offenders could stop their sexually violent behavior on their own if they wanted to.**

False. Wanting to change is usually not enough to be able to change the patterns that lead to sexual offenses. To create the motivation to change, some offenders need a variety of treatment and corrective interventions, and for others learning how to make the change in their own behavioral cycle of abuse is more effective.

**Men who rape do so because they cannot find a consenting sexual partner.**

False. Studies suggest that most rape offenders are married or in consenting relationships.

**Drugs and alcohol cause sexual offenses to occur.**

False. While drugs and alcohol are often involved in sexual assaults, drugs and alcohol do not cause sexual offenses to occur. Rather, drug and alcohol use may be a disinhibitor for the offender, while being under the influence may increase a potential victim's vulnerability.

**Victims of sexual assault often share some blame for the assault.**

False. Adult and child victims of sexual abuse are never to blame for the assault,

regardless of their behavior. Because of the age difference, children are unable to legally consent to sexual acts. They are often made to feel like willing participants, which further contributes to their shame and guilt.

**If a victim does not say "no" or does not "fight back," it is not sexual assault.**

False. Sexual assault victims may not say "no" or not fight back for a variety of reasons including fear and confusion. Rape victims often report being "frozen" by fear during the assault, making them unable to fight back; other victims may not actively resist for fear of angering the assailant and causing him to use more force in the assault. Pressure to be liked and not be talked about negatively by a peer will sometimes cause adolescents or children to avoid fighting back or actively resisting.