CaliforniaCivilLiberties.org

California Civil Liberties Advocacy
1242 Bridge Street, #65
Yuba City, CA 95991
(916) 741-2560

Monday, March 6, 2017

Senator Scott Wiener
State Capitol
Room 4066
Sacramento, CA 95814-4900

RE: Senate Bill 421

Dear Senator Wiener,

The California Civil Liberties Advocacy (CCLA) is writing to express its **SUPPORT** for Senate Bill 421. SB 421 serves as a long-overdue modernization of California's archaic, draconian, lifetime sex offender registry — a registry which has proven to be counterintuitive to public safety, obstructive to rehabilitation, harmful to families of registered persons, and a drain on state and local law enforcement personnel. Obstinately maintaining this status quo does nothing to enhance public safety and costs taxpayer dollars to fund a largely inadequate false sense of security. SB 421 will bring California's sex offender registry up to date with the other 92% of the United States that already enacted similar reforms decades ago.

Thus, the CCLA strongly supports SB 421 for the following reasons:

I. California's lifetime sex offender registry has become bloated with low-risk and first-time offenders, many for whose offenses were never committed against strangers, thus making California's archaic registry nothing more than a public wall of shame for a majority of registrants, and a misdirection of law enforcement resources.

In their 2014 report, the California Sex Offender Management Board stated that "[e]ffective policy must be based on . . . scientific evidence. Research on sex offender risk and recidivism now has created a body of evidence which offers little justification for continuing the current registration system since it does not effectively serve public safety interests." (Cal. Sex Offender Management Board (CASOMB), A Better Path to Community Safety – Sex Offender

Registration in California, "Tiering Background Paper," (2014), p. 4. (hereinafter, "Tiering Paper".) That same report also stated that "[a]bout 95% of solved sex crimes are committed by individuals never previously identified as sex offenders and so not registered." (Tiering Paper, supra, p. 2.) Not all persons required to register pursuant to Penal Code section 290 are high-risk. In fact, the overwhelming majority of "crimes against children (about 93%) are committed not by a stranger but by a person known to the child and his or her family, usually an acquaintance or family member." (Tiering Paper, supra, p. 2.) Thus a substantial portion—perhaps even a majority—of California's growing registry (with over 100,000 people registered so far) are people who do not pose an imminent threat to the public at large. As an aside, registrants who were released from community supervision were concurrently required to successfully complete a sex offender counseling and rehabilitation program prior to release. (Tiering Paper, supra, p. 4.) Those who failed to successfully complete such a program necessarily failed to meet the requirements imposed upon them by their parole or probation terms. But many of those who do successfully complete such programs go on to become productive members of society with families and children of their own, children who are vicariously victimized by the shame and humiliation brought on by association with a parent or sibling who is listed on the public registry.

II. California's lifetime sex offender registry is counterintuitive to public safety because it adversely affects the ability of people who register to maintain gainful employment and find adequate housing, both factors which have been associated with elevated risk.

It has been demonstrated that California's lifetime registry creates unintended, yet very adverse effects on housing and employment, further promoting indigence, homelessness, and a concentration of such registrants in low-income communities. All of these are factors which have been associated with higher levels of risk. CASOMB stated in their 2015 year-end report to the legislature that "[h]aving an alarmingly large number of transient sex offenders in California does not make communities safer," and that "the promulgation of conditions which actually create homelessness and transience among registered sex offenders while producing no discernible benefit to community safety is counterproductive and continues to be the single most problematic aspect of sex offender management policy in California." (Cal. Sex Offender Management Board, The State of California Sex Offender Management Board Year End Report, (February 3, 2015), p.11. (hereinafter, "Year End Report".)

III. California's public registry was ostensibly presumed to protect potential victims, particularly children, from sexual predators. Yet there is little to no evidence that supports maintaining the status quo.

According to a report published by Fox News in 2012, only about 0.19% of cases are " 'stereotypical' kidnappings carried out by strangers . . . [a]nd 16[%] of those were taken from home." (Associated Press, Experts: Child abductions at home relatively rare, (April 23, 2012), Web, FoxNews.com.) In other words, about 1 out of every 1,200 (0.083%) registrants committed the type of offense that the public registry was purported to protect children from. In a 2011 report by the California State Auditor, less than 1% of defendants are deemed sexually violent predators, or "SVP's." (California State Auditor, Sex Offender Commitment Program – Streamlining the Process for Identifying Potential Sexually Violent Predators Would Reduce Unnecessary or Duplicative Work, (July, 2011), p. 13.) Additionally, a more recent 2014 report by the State Auditor reveals that only 97 sexually violent predators were released from the Department of State Hospitals between 2009 and 2014, which constitutes only about 0.082% of the state's estimated 100,000-plus registered sex offenders. (California State Auditor, California Department of State Hospitals – It Could Increase the Consistency of Its Evaluations of Sex Offenders by Improving Its Assessment Protocol and Training, Report 2014-125, (2014), pp. 13-14.) Horrific and heart-rending as such cases may be, perpetuation of California's lifetime registry ignores the fact that such cases are extremely rare – the severity and sensationalism which often surround such high-profile cases simply do not translate into frequency or prevalence.

IV. The latest and most definitive research dictates that public policy must focus on applying resources to the monitoring and counseling of registered persons in the first few years, since the likelihood of re-offending drops significantly after the first 10 years.

According to a study published in 2014 by Doctors Karl R. Hanson, Andrew J.R. Harris, Leslie Helmus, and David Thornton— considered by many to be North America's foremost experts on sex offender treatment, recidivism, and public policy—the longer a registered person stays offense-free, the less likely they are to re-offend with each passing year. Interestingly, this was found to be especially true for individuals deemed high-risk. The researchers concluded that "sexual offenders' risk of serious and persistent sexual crime decreased the longer they had been sex offence-free in the community. This pattern was particularly evident for high risk sexual offenders, whose yearly recidivism rates declined from approximately 7% during the first calendar year, to less than 1% per year when they have been offence-free for 10 years or more. Consequently, intervention and monitoring resources should be concentrated in the first few years after release, with diminishing attention and concern for individuals who remain offence-free for substantial periods of time." (Hanson, R. Karl, et. al., *High Risk Sex Offender May Not Be High Risk Forever*, (Oct. 2014) 29 J. of Interpersonal Violence, no. 15, at 2792-2813.) With such evidence, it is clear that stretching law enforcement to monitor individuals for the rest of their lives is nothing more than a drain on state and local resources — resources that could be

diverted to detection of actual sexual predators who have yet to be identified, and for treatment and prevention programs, and victim assistance.

Due to all of the foregoing reasons, the CCLA strongly **SUPPORTS** AB 412.

Respectfully,

Matty Hyatt
Legislative Advocate for CCLA
(916) 741-2565
m.hyatt@caliberty.net

Cc:

Senate Appropriations Committee
Attn: Shaun Naidu
State Capitol, Room 2206
Sacramento, CA 95814

Senator Ricardo Lara (Chair)
Senator Patricia Bates (Vice Chair)
Senator Jim Beall
Senator Steven Bradford
Senator Jerry Hill
Senator Jim Nielsen