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Do Residency Bans Drive Sex Offenders Underground?

July 7, 2014 08:03:46 am

By Steven Yoder

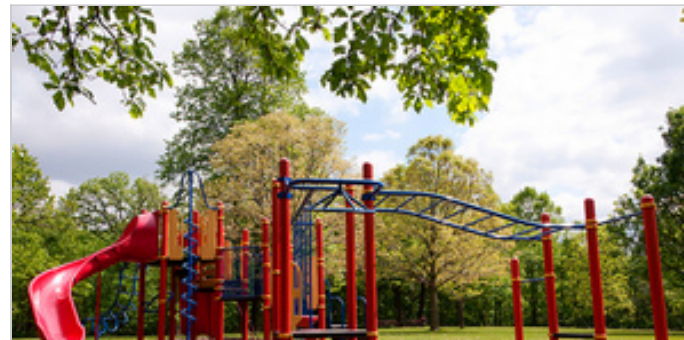
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Early last year, Los Angeles set aside a sliver of land in its Harbor Gateway neighborhood for the city's newest and smallest park: two jungle gyms on a fifth of an acre.

The project was more than just an effort to increase the city's green space. City Council members [made clear](#) that one of the park's



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principal reasons for existence was to force 33 people on the California sex offender registry who were living in a nearby apartment building to move out. State law bars those on its registry from living within 2,000 feet of a park or school.



Many states bar sex offenders from living near parks and schools. (Photo by cwwycoff1, via Flickr)

“We came together, working with the police department, to problem-solve, to send a message that Harbor Gateway cannot be dumped upon with a high number of registered sex offenders,” councilman Joe Buscaino [said](#) at the park’s opening.

But the state ban itself already clusters registrants into a limited number of areas, according to a September 2011 report by the [California Sex Offender Management Board](#), which was created by the state legislature to advise it on [sex offender policies](#) 🏠.

California hasn’t been alone in its tough approach to ensuring that formerly incarcerated sex offenders pose no danger after they are released. As part of a wave of new sex offender laws starting in the mid-1990s, about 30 states and thousands of cities and towns passed such residency restrictions—prompting in turn a pushback from civil liberties advocates, state legislators and registrants themselves who argued the restrictions were not only unduly harsh but counterproductive.

But a court decision in Colorado last year could mark a shift in momentum.

In the Colorado case, Stephen Ryals, a high school soccer coach convicted in 2001 for a consensual sexual relationship with a 17-year-old student, was sentenced to seven years’ probation and put on the state sex offender registry.

Eleven years later, in 2012, he and his wife bought a house in the city of Englewood. But the police department told him he couldn’t live there because of a city ordinance prohibiting sex offenders from living within 2,000 feet of schools, parks and playgrounds—a law that effectively made 99 percent of its homes and rentals off limits to offenders.

Englewood police also warned offenders that even in the open one percent, if they contacted a homeowner whose property wasn’t for rent or for sale, they could be charged with [trespassing](#) 🏠.

Ryals sued, and last August a federal court concluded that the city’s ban went too far.

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The judge ruled that it conflicted with the state's existing system for managing and reintegrating sex offenders and could encourage other towns and cities to do the same, effectively barring offenders from the entire state. Englewood has appealed, but two of the state's five other cities that have residence bans have softened their restrictions since the decision.

The other three are awaiting the outcome of the appeal, according to John Krieger of the American Civil Liberties Union (ACLU) of Colorado, which represented Ryals.

Rolling Back Restrictions

In California, scores of cities are rolling back their restrictions after an Orange County court [ruled](#)  last April in favor of registrant Hugo Godinez, who challenged the county over its ordinance barring sex offenders from entering parks.

Godinez, convicted for a misdemeanor sex offense in 2010, was arrested the following year for what he said was mandatory attendance at a company picnic in a county park. In that case too, a state appeals court [decided](#) that the county's ordinance usurped the state's authority. The appeals court ruling was [upheld](#) by the state's highest court.

Since the Godinez decision, 28 California cities that have similar "presence" restrictions, which ban offenders from entering places like libraries and parks, have repealed those rules. Another 24 say they are revising their ordinances, according to Janice Bellucci, a California attorney.

Since the April decision, Bellucci, who represents the advocacy group [California Reform Sex Offender Laws](#), has sent letters demanding repeal to cities with presence restrictions. She also has sued a dozen other cities that haven't changed their rules since the decision.

And this year, California's Supreme Court could make an even bigger ruling—whether to toss the state's 2,000-foot law itself.

A Los Angeles County Superior Court judge found it unconstitutional in 2010, but the city appealed. The judge cited an increase in homelessness among registrants as a key reason. Statewide, the number of homeless registrants has doubled since the law passed in 2006, according to the 2011 Sex Offender Management Board report.

At least two other states—Rhode Island and New York—have been sued since 2012 over their own residency laws.

One finding in the Ryals' case in Colorado case could resonate in other states.

The judge found compelling a 2009 [white paper](#) 🏠 by Colorado's Sex Offender Management Board concluding that residency bans don't lower recidivism and could actually increase the risk to the public. According to the paper, that's because they drive offenders underground or toward homelessness, making them harder for police and probation officers to track.





Often the most stable place for an offender to live is with family members. But if they have homes in prohibited areas, the offender might instead try to drop off the registry by failing to report their permanent address, says Sara Neel of the Colorado ACLU. The problem, which isn't specific to Colorado, could strengthen court challenges in other states, she says.

Those 2009 findings led the Colorado board to go further in a [report](#) this January, which recommended that state lawmakers consider legislation prohibiting cities and towns from enacting their own offender residency [rules](#).

Two other states have moved in that direction. The Kansas legislature banned local residency restrictions in 2010. And in New Hampshire, the state House of Representatives has twice approved a [bill](#) that would bar local ordinances, though it's died both times in the state Senate.

Bellucci argues that there's more to come in other states. The "pendulum of punishment," she claims, is starting to swing the other way.

"For a long time, ever-harsher sex offender laws were being passed and there was no one opposing them,"

she told The Crime Report. “After more than a few lawsuits, elected officials are realizing that there’s a downside to this.”

(A spokesperson for the National Center for Missing & Exploited Children, which has supported stronger sex offender laws like the federal [Adam Walsh Act](#), said it had no one available to comment on the center’s position on residency restrictions.)

Sponsors of the New Hampshire [bill](#) say they’ll keep trying, and it’s gained some unlikely allies.

“My first term, I was pretty much a hard-liner,” said Republican representative Larry Gagne during a January committee hearing.

“I said, ‘Put [sex offenders] in outer space; put them all on an island.’ But I changed my mind after a [police] sergeant came in and said, ‘If they go underground, we can’t find them.’”

Steven Yoder writes about criminal justice, immigration, and other domestic policy issues. His work has appeared in Salon, The Fiscal Times, The American Prospect, and elsewhere, and he’s working on a book about the impact of sex offender registries on registrants’ families. Online at [@syodertweets](#). He welcomes comments from readers.

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Olav · 2 days ago

A consensual relationship with a 17-year old and cannot, for the rest of his life, rescind is not madness I do not know what is.

Thank God for people who have the cajones to stand up to this.

15 ^ | v · Reply · Share ›



Valigator → Olav · a day ago

Oh for GOD"s sake quit falling that BS.. the majority of first time convicted s a victim under 12..yea your post makes alot of sence???? WTFU

^ | v · Reply · Share ›



Olav → Valigator · 9 hours ago

What are YOU talking about? What BS? I am referencing the article opinion that is linked.

With all your copy and paste cr@p you do not cite one official docum blather. Your shtick is getting quite tiresome, and your threats ('happ someone's life') the sort of comment in a public forum that warrants

4 ^ | v · Reply · Share ›



Valigator → Olav · 7 hours ago

yea let me know how that "investigation" works out for ya..if y

^ | v · Reply · Share ›



David → Valigator · 20 hours ago

Citations on that assertion?

4 ^ | v · Reply · Share ›



Thoughtasweak → David · 4 hours ago



She won't give you citations..she just likes to give BS, like she can't give citations all day to back up everything we say, but she sticks to her claims.

^ | v · Reply · Share ›



Valigator → Thoughtasweak · 4 hours ago

and you still haven't defined "education and prevention" now h

^ | v · Reply · Share ›



Valigator → Olav · 7 hours ago

go ahead look in YOUR zip code and find one guy registered whose conviction haven't prosecuted for that in YEARS and YEARS and yet you pro-sex offenders are the grail of convictions..we KNOW BETTER..

^ | v · Reply · Share ›



Thoughtasweak → Valigator · 7 hours ago

CA prosecutes people for public urination, kids streaking, girls taking pictures for boys to see, teens having consensual sex....and each of them with a state where there has to be an age gap to prevent Romeo & Juliet type situations. Kids have sex and Daddy finds out, poor little Bobby gets arrested, a 'victim', even though they BOTH engaged in underage sex.

3 ^ | v · Reply · Share ›



anonQ → Thoughtasweak · 5 hours ago

Thoughtasweak

So true what you say; California and many other states now make it so normal; the way God made us a crime and the sickness that was exported to the rest of the country and now; sadly it's being exported. These wing-nuts even attack and prosecute babies! And now they're overseas. They are like hideous representations of human beings.

<http://www.telegraph.co.uk/new...>

Its a sad fact that many segments of societies thrive and gro politicians and victims rights groups, and have a vested inter many times this sickness infects much of the general public, twisted individual. He/she and many others is like miserable I mind and body.

1 ^ | v · Reply · Share ›



Valigator → anonQ · 3 hours ago

Maybe if you pervs had more control over your zippers then y expansion of harsher laws and tighter restrictions?? Justa th

^ | v · Reply · Share ›



anonQ · 2 days ago

I'm not understanding what all the hub bub is all about now that the truth is out. Peo less than 6% and the vast majority of other crimes re-offend at 70% or above. That' actually had to check it out for my self to verify if what I was hearing was true or not

I found this information at the California Department of Corrections and the Departn I'm asking myself; why are all these resources that could be spent on crimes in the on a group of people that are probably some of society's best behaved ex cons that integrate back into society and put their past behind them?

And why doesn't the main stream media report these truths to the public? I've been sensationalist comment (seemingly made up out of thin air) by some public official as though it's fact when it's the furthest thing from the truth. Yet, let an expert speak empirical research, studies and experience, and the truth is ignored.

I'm forced to conclude we are the victims of possibly on of the biggest lies in history If a murderer, violent felon, drug dealer or gang banger gets a second chance and c and isn't subject to the many over the top laws, statues and ordinances, then why is society subject to all this? I believe it's just plain wrong and the public registry needs

worse than the segregation laws that once existed.

13 ^ | v · Reply · Share ›



Valigator → anonQ · a day ago

all I can say is WTFU you spent alot of ink saying nothin

^ | v · Reply · Share ›



David → Valigator · 21 hours ago

AnonQ said a lot about what the facts are about repeat sex offenders: like the facts they presented. Again, if you can't debate with facts, do credibility.

2 ^ | v · Reply · Share ›



Valigator → David · 21 hours ago

Oh honey if there is one broad on this web who has credibility

^ | v · Reply · Share ›



Joe Smith → Valigator · 15 hours ago

you have NONE credibility! Your a DRUNK, Gun happy trigger come on,...

3 ^ | v · Reply · Share ›



David → Valigator · 20 hours ago

Yet, you can't offer any fact to support your position, only attack disagree with.

2 ^ | v · Reply · Share ›



Badw0lf · 2 days ago

Good! It's about time the courts started to see reality

11 ^ | v · Reply · Share ›



Valigator · 21 hours ago

and here we have Badwolf contributing his two cents..tell me? How clear the
with a 4 year old???

^ | v · Reply · Share ›



David → Valigator · 21 hours ago

Do you have proof of your allegations against Badw()lf? I don't think y
name, and only assume they are male and assuming they abused a

Again, I will repeat myself VERY SLOWLY - don't make accusations
without facts! It only makes you look incompetence and doesn't help

3 ^ | v · Reply · Share ›



Valigator → David · 21 hours ago

well numbnut ask him??

^ | v · Reply · Share ›



David → Valigator · 20 hours ago

S/He doesn't have to prove anything, it's those who make the
ME that BadW()lf is a sex offender and against a 4 year old!

3 ^ | v · Reply · Share ›



Badw0lf → Valigator · 20 hours ago

Lol, not a male, or a registrant...thanks for assuming

2 ^ | v · Reply · Share ›



Joe Smith → Valigator · 15 hours ago

the court said he can get out of jail..

Thanks God YOU aren't the JUDGE

I think GOD made sure you didn't become a judge in the 1st place

1 ^ | v · Reply · Share ›



ShellyStow · a day ago

Excellent, well-researched and documented piece. Our mantras remain: evidence-enforcement registry only.

7 ^ | v · Reply · Share ›



Valigator → ShellyStow · a day ago

You do amuse me Shelly? Evidence based?? Evidence by who? bottom fee many professional sanctions against them they are reduced to "sex offende

^ | v · Reply · Share ›



David → Valigator · 21 hours ago

So you don't like doctors who specialize in their field who report facts: your position?

It's obvious that you don't have an education as you don't have proper punctuation, so why would you want to believe those who spent years that have completed study after study (which have been collaborated independent researchers)?

I would not believe a study that was performed by an agency that has Corrections) that contradicts what other studies have proven.

You are in denial of the facts! You will continue to deny, and attack a view with facts and statistics reported by those independent agencies

3 ^ | v · Reply · Share ›



ShellyStow → David · 11 hours ago

The thing is, though, David, that even most governmental studies, sex offender management boards--support the facts damaging and counter-productive nature of the public registry restrictions. And thankfully even courts are starting to recognize public registry as it has evolved to be and the unconstitutional application.

I felt these two pearls of truth and wisdom go well together and fit the subject of this thread.

4 ^ | v · Reply · Share ›



Valigator → anonQ · 6 hours ago

Convenient --must have missed where Canada gives a "conservative" but that would dampen the " " after all else fails to convince throw a bill

^ | v · Reply · Share ›



Valigator → oncefalldotcom · a day ago

ahh and my favorite sexual predator level three contributes his two cents?? "The other error some people make is forgetting the fact that the legal definition details of the case. If a 19 year old bangs a 7 year old in a state where the A committed "rape," no matter what actually happened. Because the "victim" is "violent." So even if the 19 year old's "victim" is a willing participant, even if s pursued the act, the 19 year old is a "violent rapist." (pretty much says it all

^ | v · Reply · Share ›



anonQ → Valigator · 20 hours ago

Valligator

It's clear and obvious you have your facts skewered, and thus your conclusion what is happening is wrong. I take offense to your use of the word "pedophile" that view of people on the registry because tomorrow you too could be on the registry and all the accompanying unconstitutional laws facilitated by

If you don't believe me perhaps you should consider these questions

(1)

Have you ever gone pee anywhere other a bathroom with the door closed

(2) Have you ever flashed or streaked at a sporting event,

...or anywhere.

(3) Have you ever tried to instigate intimate relations with someone v advances?

(4) Have you ever accidentally clicked on a link you did not intend to click on?

(5) Have you ever placed your arm around a minor (including your own children) or otherwise touched someone v

[see more](#)

3 ^ | v · Reply · Share ›



Valigator → anonQ · 7 hours ago

Your another one who didnt get the memo..the bigwigs (RSC using urinating on a bush as the poster child for sex offender and everyone knows its bullshit- keep up will ya..

^ | v · Reply · Share ›



anonQ → Valigator · 2 hours ago

what about the times you peed behind the bar in the alley; yo

^ | v · Reply · Share ›



Valigator → Valigator · a day ago

Tell us oh so enlightened one? what excuse is there for a 25 year olk

^ | v · Reply · Share ›



Valigator → Valigator · a day ago

Actually I am rather curious how long and how many years w caught..wasnt your relationship 4 years before arrest??? So

^ | v · Reply · Share ›



David → Valigator · 20 hours ago

The charge against Mr. Louge was for KISSING a girl undera

multiple charges, like you assert.

3 ^ | v · Reply · Share ›



Badw0lf → David · 19 hours ago

Val is known for making things up out of whole cloth when the

3 ^ | v · Reply · Share ›



Valigator → Badw0lf · 7 hours ago

Get the truth from His victim, she broke her silence and layed
did to her after reading HIS description of the crime all over th
are actually falling for his version..no wonder you allow guys l
kids up and spit them out. Another example of NEVER believ

^ | v · Reply · Share ›



Thoughtasweak → Valigator · 7 hours ago

And YOU have spoken to the girl? Hahaha

1 ^ | v · Reply · Share ›



Valigator → Thoughtasweak · 4 hours ago

Your beyond redemption "thought as weak" when you can ac
sentence when responding about a child's sexual abuse whe
Derek Logue, . Your more of a simpleton than I gave you cre
your devotion to Child sexual predators is more of an addicti
aware.

^ | v · Reply · Share ›



Thoughtasweak → Valigator · 4 hours ago

No, I'm just calling your BS! You know Derek, you used to fol
credit....then you what, saw the light? Yeah, and I'm the tooth
he turned your advanced towards away.

never left your swamp water redneck state to do any investig
If you make claims, you better back them up, because we wi
single time!

1 ^ | v · Reply · Share ›



Valigator → David · 7 hours ago

..Jesus David do You feed your children to these guys for sp
scenario of his own conviction and perpetrating it as fact. Ho
are? Read the Court records not what some level three trys 1
might be another one Child Protective services should look a
predators synopsis of his own crimes.Would you Have him b

^ | v · Reply · Share ›



Thoughtasweak → Valigator · 4 hours ago

What? I'm no longer your favorite???? I thought you saw me
standing by hubby, now you go and attack this man? Ah....

^ | v · Reply · Share ›



Joe Smith → Valigator · 15 hours ago

what your excuse?

^ | v · Reply · Share ›



Joe Smith → Valigator · 15 hours ago

you disappointed me. I thought I WAS your favorite.. :(

^ | v · Reply · Share ›



Valigator → oncefalldotcom · 6 hours ago

we are watching, Canada has officially legislated for a public registry, I forgc
implemented..they have determined the public should be forewarned due to
They had LE only and determined it was REACTIVE only and difficult to justi
Canadian streets Derek..just like it is here right?

On and the reason the Canadians are going public? They have determined
to the anonimity of the offenders...keep up

^ | v · Reply · Share ›




Bankercat · 2 days ago


In 2010 the Department of Justice issued a report indicating that they had specific k
addresses that contained child pornography. Why won't law enforcement arrest the
sex offenders? They cannot because the scale of the problem is too large. It turns c
the biggest producers of child porn by far! It is also a fact that after serving their ser
only re-offend at a rate of 2% after six years. With the exception of murder, child po
has the lowest recidivism rate among all crimes. No one is advocating in favor of cl
laws are all based on irrational fear and moral outrage. 20,000,000 people in this cc
their computer. Think about that.

The 2010 DOJ report is titled "The National Strategy For Child Exploitation Preventi
search will find it. Please refer to bottom of page 12.

9 ^ | v · Reply · Share ›

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 Путина. Это ПОРАЗИЛО всех! ...

 exactly prostitution is
...

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