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## THE TRAGEDY OF JESSICA'S LAW

### *Sex offender hysteria drains resources*

“These costs are likely to be in the several tens of millions of dollars annually within a few years [and] would grow to about \$100 million annually after ten years, with costs continuing to increase significantly in subsequent years.”

By *Julius (Jay) Wachtel*. That paragraph was lifted from the official voter information guide for Proposition 83, also known as Jessica's Law, overwhelmingly approved by California voters in 1996. It addresses the fiscal impact of just one of the law's provisions, requiring that certain sex offenders wear GPS tracking devices not just while on parole but for the rest of their natural lives. Proposition 83 also expanded the definition of sex crimes, increased punishment and limited where sex offenders can live. These requirements were expected to raise state prison costs “tens of millions of dollars annually once fully implemented,” referral and commitment costs “low tens of millions of dollars annually” and state hospital costs “\$100 million annually within a decade.”

Where is the money coming from? How do we pay to track as many as 3,000 or more new offenders per year, ad infinitum? Ah...the law was silent on funding. It was also silent about its, um, *practicality*. Just think, within ten years we'll be tracking thirty-thousand offenders; within twenty, sixty-thousand. Here's what Richard Word, the president of the California Police Chief's association recently told the Los Angeles Times:

"I don't know of any agency that has the resources to track and monitor [so many people] in real time... You'll need an air traffic controller to track these folks."

California parole agents currently monitor 1,000 high-risk sex offenders with GPS. To increase that thirty-fold would require spending untold millions on brigades of agents and untold millions more on support staff, offices and equipment. Facing a \$10 billion budget deficit, the state suggested that local governments bear the costs of tracking ex-cons not on parole. Jerry Powers, chief probation officer for Stanislaus County, told the Times that will never happen:

“Powers told his colleagues that it would be ‘ludicrous’ to think that local agencies would voluntarily monitor all sex offenders by satellite. ‘It would bankrupt any of our systems very quickly,’ he said.”

Jessica's Law was an initiative, meaning that a special-interest coalition bypassed the Legislature and asked citizens to vote it in. Seventy percent said "yes." Why? Because the Governor, the police, the sheriffs, the prosecutors -- everyone said it was a great thing. Here's a snippet from the state police chiefs' arguments, as printed in the official ballot information guide:

"Don't be fooled by the false arguments the group of lawyers against Proposition 83 is making. They represent criminal defense attorneys who make their living defending criminals. Of course they don't want tougher laws!...EVERY major POLICE, SHERIFF, and DISTRICT ATTORNEY organization in California strongly supports Jessica's Law...Your YES vote on Proposition 83—Jessica's Law—will give law enforcement the tools they need to stop sexual predators before they strike again."

What do the law's boosters say now? A representative of the state police chiefs, Woodland PD Chief Carey Sullivan, admits that "we would have been far better off with lifetime parole or probation than...with lifetime GPS."

Too late! Jessica's Law is on the books. Go enforce it!

Legal crusades inevitably distort the system. Are we O.K. that parole agents can't watch gang members because they're too busy chasing perverts? In a zero-sum economy like California's ramping up the fight in one area requires that we pull resources from another. How can we even choose if police executives -- those who should know better -- are too cowardly to sound the alarms before it's too late?

And it's not only about money. Another aspect of Jessica's Law prohibits registered sex offenders from residing within a third of a mile of a school or park. That has kept many ex-cons from moving into supportive environments with family or friends. Instead they're in a shell game, with parole agents hustling them from one temporary lodging to the next. Some wind up camping in cars or public land, making their monitoring all the more difficult. How this enhances their prospects for rehabilitation -- and our prospects for living in a safe society -- is hard to say.

The sheriffs, police chiefs and politicians who jumped on the Jessica's Law bandwagon can brag all they want about being on the side of angels. At least we now know the truth.