California Sex Offender Management Board

Homelessness among Registered Sex Offenders in California: The Numbers, the Risks and the Response

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THE CALIFORNIA SEX OFFENDER MANAGEMENT BOARD

In 2006, the California Sex Offender Management Board (CASOMB) was created when Assembly Bill (AB) 1015 was passed by the California State Legislature and signed by Governor Arnold Schwarzenegger. CASOMB is comprised of 17 appointed members representing various agencies that play a critical role in sex offender management. Five of the appointees come from state agencies, eight from local government (county or city) and four from the non-government sector.

Under AB 1015, CASOMB has been charged with providing the Governor and the California State Legislature with an assessment of current sex offender management practices, a progress report on the Board's work and a final report with recommendations. To accomplish these tasks, CASOMB meets monthly as a full Board and has broken up into Committees that meet during the interim period between Board meetings. The work by CASOMB connects with its mission and vision.

> Vision
> *The vision of the CASOMB is to decrease sexual victimization and increase community safety.*
>
> Mission
> *This vision will be accomplished by addressing issues, concerns, and problems related to community management of adult sexual offenders by identifying and developing recommendations to improve policies and practices.*

CASOMB's role in state government is to make recommendations, using evidence based practices as examples, to those who do have the authority to set policies and determine practices for the systems that manage sex offenders. CASOMB also serves as a resource for state legislators and other policymakers.

WANT MORE INFORMATION?

Monthly CASOMB meetings are open to the public and time is made available for public comment. CASOMB's web site (www.casomb.org) is the best source for meeting dates, agendas, minutes, and other resources including Board publications as well as national research.

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HOMELESSNESS AMONG REGISTERED SEX OFFENDERS IN CALIFORNIA: THE NUMBERS, THE RISKS AND THE RESPONSE

NOVEMBER 2008
SACRAMENTO, CALIFORNIA

EXECUTIVE SUMMARY

Why should our community care about issues related to homelessness among registered sex offenders? In the wake of the passage of state law and local ordinances restricting the residency of sex offenders, the number of sex offenders who registered as transient has risen significantly. Among all registered sex offenders (parolees, probationers and unsupervised), the number of sex offenders registering as transient has increased from 2050 in June 2007 to 3,267 by August 2008 – an increase of 60%. The only population of sex offenders where the residency restrictions of Proposition 83 has been consistently enforced has been parolees. Among parolees (parolees constitute approximately 15% of all registered sex offenders), the number of sex offenders registering as transient increased from 88 in November 2006 (prior to the passage of Proposition 83) to 1,056 by June 29, 2008 – an increase of over 800%. Currently, only the Department of Corrections and Rehabilitation, U.S. Probation and a few counties are enforcing Proposition 83. The Board anticipates that the number of sex offenders registering as transient will increase to a greater extent should other entities decide to enforce residency restriction laws. To better understand the significance of this rise in sex offenders registering as transient, the Board examined the events surrounding the increase in homelessness among sex offenders and how that increase may impact community safety.

Among all registered sex offenders (parolees, probationers and unsupervised), the number of sex offenders registering as transient has increased from 2050 in June 2007 to 3,267 by August 2008 – an increase of 60%. The only population of sex offenders where the residency restrictions of Proposition 83 has been consistently enforced has been parolees. Among parolees (parolees constitute approximately 15% of all registered sex offenders), the number of sex offenders registering as transient increased from 88 in November 2006 (prior to the passage of Proposition 83) to 1,056 by June 29, 2008 – an increase of over 800%.

It can be no coincidence that the rise in homelessness among registered sex offenders corresponds with recent changes regarding residency restrictions

imposed on registered sex offenders. California imposes various limitations on where a registered sex offender may live depending on whether the offender is a High Risk Sex Offender (HRSO), a sexually violent predator (SVP) or a person required to register under Penal Code section 290 as the consequence of a conviction for any specified sexual crime. Local governments have also imposed their own residency restrictions, usually directed toward all Penal Code section 290 registrants. In addition, this state's registration and notification laws have provided communities with the ability to locate sex offenders within their neighborhoods. An unintended and collateral effect of this state's registration and community notification laws was the mobilization of neighborhoods to oust sex offenders. As a result, the housing options for sex offenders have diminished significantly. With fewer options available, the number of sex offenders registering as transient has increased.

Common sense leads to the conclusion that a community cannot be safer when sex offenders are homeless. In this case, the empirical evidence supports common sense. Lack of stability is a primary contributing factor to an increased risk of reoffending, including sexual reoffending. Residential instability leads to unstable employment and lower levels of social support. Unstable employment and lack of social support lead to emotional and mental instability. Emotional and mental instability breaks down the ability to conform and leads to a greater risk of committing another sex crime.

The Board believes that the rise in homelessness among sex offenders needs attention because it is so closely associated with an increased level of threat to community safety. Based on its examination of the available evidence, the Board makes the following findings:

- The evidence shows an unmistakable correlation between the implementation of residency restrictions and the increase in homelessness among registered sex offenders.
- The evidence shows that homelessness increases the risk that a sex offender may reoffend.
- Partnerships between different levels of governments and between government and the public to make stable and appropriate housing available to sex offenders provide the strongest hope for reducing the transient sex offender population and the associated risk of future sexual victimization.

The following report will examine more closely each of the elements noted in this summary and will provide information about the research which supports each of the statements made and conclusions drawn by the Board.

OVERVIEW

To understand the events leading to the increase in sex offenders registering as transient and the impact this increase may have on community safety, the Board explored the numbers, the risks and the response to this increase.

Part I of this report looks at the number of sex offenders registering as transient. The data is viewed by examining the increase in homelessness among all registered sex offenders and sex offenders who are on parole. It also sets out the historical events correlating with the rise in sex offenders registering as transient. More importantly, this part identifies the numerous federal, state and local laws limiting where sex offenders may live.

Part II examines the risk that transient sex offenders may pose to community safety. It begins with an exploration of the factors affecting the risk of reoffending, looks at the destabililizing affects of homelessness and reaches the conclusion that transiency increase the risk of reoffending.

Part III looks at the response and lack of response to the increase in transiency among sex offenders. It begins with a look at the methods used by other states to provide housing for sex offenders and concludes with a summary of Governor Schwarzenegger's "California Summit for Safe Communities."

Part IV gives the conclusions of the Board. The Conclusions section identifies factors that may increase or decrease the level of homelessness among sex offenders. It concludes with specific findings as supported by available evidence.

OUTLINE OF CONTENTS

Part I. SINCE THE IMPLEMENTATION OF RESIDENCY RESTRICTIONS, THE NUMBER OF SEX OFFENDERS REGISTERING AS TRANSIENT HAS SIGNIFICANTLY INCREASED.

a. Among all registered sex offenders, the number of sex offenders registering as transient has increased by sixty percent.
b. Registration and notification laws have impacted where sex offenders may live.
c. The housing options for sex offenders are limited by federal, state and local laws.

Part II. HOMELESSNESS INCREASES THE RISK THAT SOMEONE WHO HAS OFFENDED SEXUALLY MAY COMMIT ANOTHER SEX CRIME.

a. What are the factors that increase a sex offender's risk of committing another sex crime?

b. Homelessness, a dynamic risk factor, destabilizes the sex offender and increases the risk of committing another sex crime.
c. Housing helps the sex offender to stabilize and reduces the risk of re-offending.
d. Housing leads to stable employment and social support, which are factors reducing the risk of re-offending.

Part III. THE RESPONSE TO HOMELESSNESS AMONG SEX OFFENDERS REQUIRES A CREATIVE AND COLLABORATIVE EFFORT TO CREATE STABLE AND SUITABLE HOUSING.

a. Efforts to reduce homelessness among sex offenders have led to innovative approaches to housing.
    i. Shared Living Arrangements
    ii. Secure Community Transition Facility for sexually violent predators
    iii. Mobile trailers as transition housing
    iv. Leased Unit Model
    v. Private landlords with informal agreements with the government
    vi. Funding for construction of homes for the homeless
b. The solution to the problem of housing sex offenders begins with examining and developing a state-wide housing policy.

Part IV. CONCLUSIONS

Part I. SINCE THE IMPLEMENTATION OF RESIDENCY RESTRICTIONS, THE NUMBER OF SEX OFFENDERS REGISTERING AS TRANSIENT HAS SIGNIFICANTLY INCREASED.

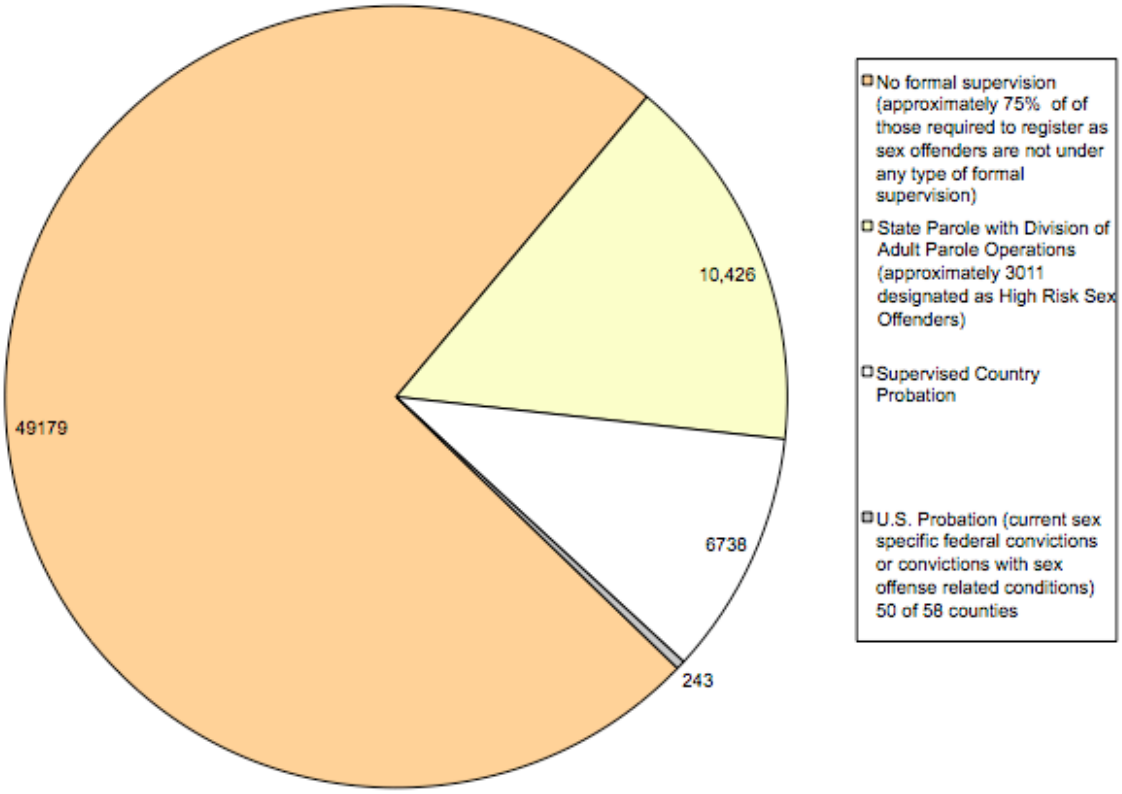
a. Among all registered sex offenders, the number of sex offenders registering as transient has increased by sixty percent.

Since the implementation of Proposition 83, there has been a surge in the number of sex offenders who register as transient. The most notable increase has been among paroled sex offenders. Paroled sex offenders are under close supervision and the California Department of Corrections and Rehabilitation (hereafter CDCR) has been the primary agency that has enforced Proposition 83.[1] The Board anticipates that, if residency restrictions were enforced against all registered sex offenders, including those on probation and those who are unsupervised, the number of sex offenders registering as transient would further increase.

The majority of registered sex offenders are not supervised. The California data base that contains information on those individuals who are required to register as sex offenders under Penal Code 290 is managed and maintained by the California Department of Justice (DOJ) under the State Attorney General. Data is submitted to DOJ by the various law enforcement agencies throughout the state who receive such information directly from the registrants. Approximately 70 - 80% of all sex offenders living in the community are not under the direct authority of the criminal justice system and are, therefore, under no formal supervision. Selected individuals may be kept under some level of observation by local law enforcement, particularly with regard to registration residency information. The other 25% are under the authority of either state parole or county probation. The distribution of supervised and unsupervised registered sex offenders is represented below in Chart 1-1.

[1] U.S. Probation and a few counties in California have also enforced Proposition 83.

Chart 1-1: Sex Offender Registrants in the Community
(Source: CASOMB Initial Report 2008)



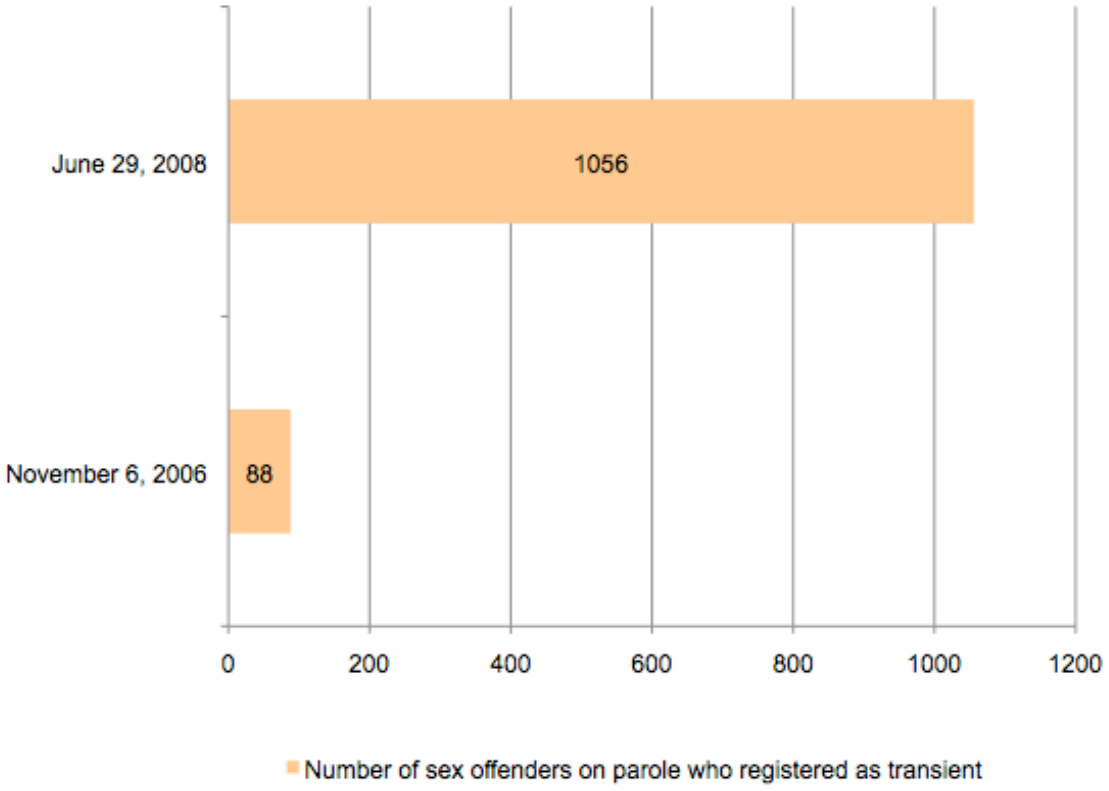
California voters passed Proposition 83 on November 6, 2006. In August 2007, CDCR established a procedure for implementing Proposition 83 (CDCR Policy No. 07-36, Aug. 17, 2007). The Memorandum directed unit supervisors to locate the current listing of all public and private schools and parks within their communities. Parole agents were then instructed to serve all affected parolees with a “Modified Condition(s) of Parole Addendum” (MCOPA) and/or a Notice to Comply instructional letter. The MCOPA and Notice to Comply advised the affected parolees of Proposition 83. Parolees were given 45 days after service to comply. Parole agents were to advise affected parolees that non-compliance will result in arrest and referral to the Board of Parole Hearings. Parole agents were to utilize a Global Positioning System (GPS) device to measure the proximity of the primary entrance of the affected parolee’s residence from the exterior boundary of the prohibited school or park. Parole agents were to consider any parolee who absconds from parole supervision to avoid compliance with Proposition 83 as a Parolee-At-Large (PAL) and to request a warrant.

Parolees who declare themselves as transient had to comply with additional requirements. Penal Code section 290.011 provides that “’transient’ means a person who has no residence. ‘Residence’ means one or more

addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles." Transient parolees are required to contact their parole agent daily via telephone or in person. Once each week, they must report in person to the Parole Unit.

The rise in the number of sex offender parolees registering as transient rose significantly after enforcement of Proposition 83. On November 6, 2006 (prior to the passage of Proposition 83), 88 sex offenders on parole registered as transient. By June 29, 2008, the number had increased to 1056 – an increase of over 800 percent.

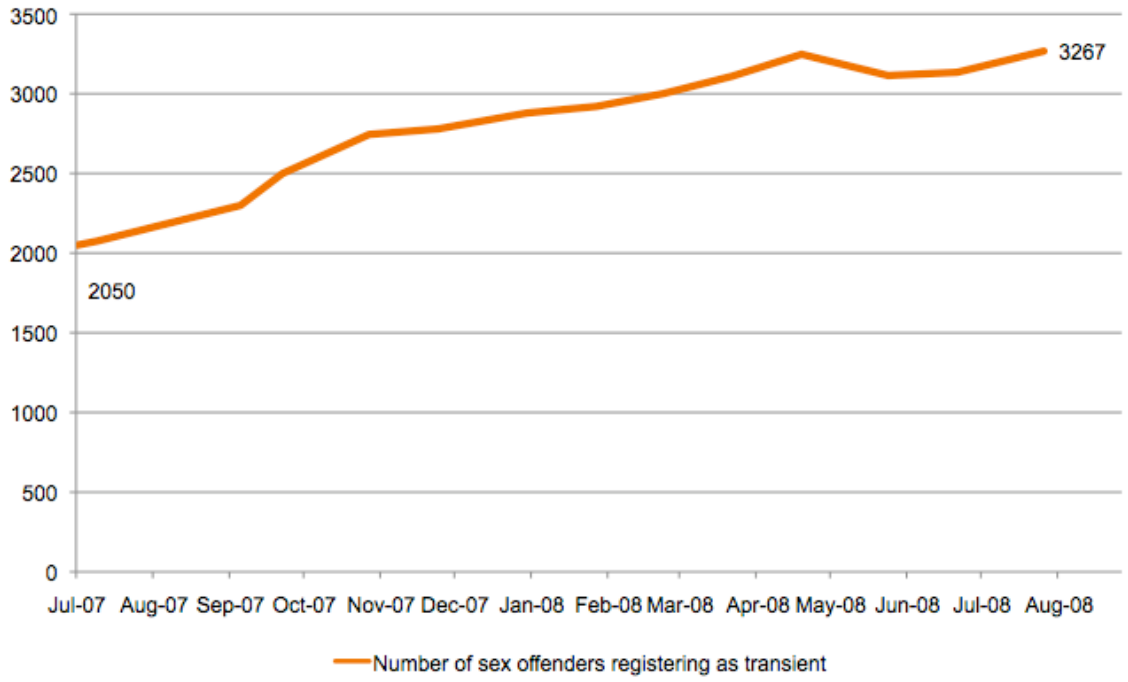
Chart 1-2: Changes in Homelessness among Paroled Sex Offenders
Data provided by the California Department of Corrections and Rehabilitation



When looking at all registered sex offenders (those on parole, those on probation, and those who are unsupervised), a similar pattern of a notable increase can be found. In June 2007, 2050 sex offenders registered as transient. By August 2008, the number had risen to 3,267 – an increase of sixty percent. (See Appendix A for the distribution by county of all registered sex offenders and

sex offenders registering as transient.) As noted above, the Board anticipates that, if residency restrictions were enforced against sex offenders on probation and unsupervised sex offenders, the number of sex offenders registering as transient would further increase.

Chart 1-3: Changes in Homelessness among All Registered Sex Offenders
Data provided by the California Department of Justice



b. Registration and notification laws have impacted where sex offenders may live.

Sex offender registration is not new. In 1947, California implemented the nation's first sex offender registry. However, the public's attention focused on sex offending when the media publicized particular incidents of sex attacks on children. Responding to public outcry, other states enacted sex offender laws.

The incentive for all states to pass registration and notification laws came when the federal government passed three laws: the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (1994), Megan's Law (1996) and the Pam Lynchner Sexual Offender Tracking and Identification Act (1996). Collectively, these federal laws required all states to establish registration and notification programs. For example, the Jacob Wetterling Act prohibits states from receiving ten percent of the funds allocated to a state under the Omnibus Crime Control and Safe Streets Act of 1968 should the state fail to

implement a notification program. Congress continued to draw attention to sex offenders when, in 2006, it passed the Adam Walsh Child Protection and Safety Act of 2006. Among other provisions, the Act establishes a national database of sex offenders and allows public access to information regarding sex offenders released from prison.

In response to public outcry concern as well as federal mandate, California enacted the Child Protection Act of 1994. The Act created a Child Molester Identification Line 900 Number, which provided the public with the ability to call and inquire whether an individual was registered as a sex offender. In support of the Act, the California Legislature declared that sex offenders posed a high risk of re-offending, that there was a "necessary and compelling public interest" for the public to have access to information regarding sex offenders, and that convicted sex offenders had a reduced expectation of privacy. The system which provides such information to those citizens who take the initiative to inquire is sometimes called "passive notification."

Two years later, California amended the Child Protection Act of 1994 to include the means for "active" community notification. Commonly known as "Megan's Law," the amendments authorized local law enforcement to take the initiative to disclose offender information when deemed necessary for public safety. The amendments also provided for registration information to be made available to the public through CD-ROM and other electronic media. Members of the public would need to go in person to a special "kiosk" computer at a local police station to obtain the information.

The current version of California's registration and notification laws is found in the Sex Offender Punishment, Control, and Containment Act of 2006. The Department of Justice is required to make available to the public "via an Internet Web site" certain identifying information regarding persons required to register pursuant to Penal Code section 290 (Cal. Penal Code, § 290.46). Megan's Law continues to permit local law enforcement agencies to notify their communities about the presence of designated registered sex offenders who pose a risk in their area. Local law enforcement may use "whatever means the entity deems appropriate, when necessary to ensure the public safety" (Cal. Penal Code, § 290.45).

Notification laws provide communities with the ability to protect themselves by informing them where sex offenders live. However, one of the unintended and collateral effects of registration and community notification is that neighborhoods may attempt to oust the offender.

For example, earlier this year when they learned from the DOJ website about a "concentration" of 290 registrants in their neighborhood, residents of Long Beach mobilized to move out sex offenders living at a halfway house in

Alamitos Beach (Long Beach, 2008). Similarly, the Riverside Press-Enterprise reported that an angry mob picketed the home of a sex offender (as cited in Fry-Bowers, 2004). The mob's intimidating actions forced the offender to move away. In Hayward, CDCR had placed seven sex offenders at the Island Motel. However, the manager had all seven leave after area residents called and said they were outraged that sex offenders were living in their neighborhood (Graham, 2006). Last year in Lake County, the Megan's Law website may have led to the killing of a sex offender (Megan's Law, 2007). When a resident of a trailer park learned that a sex offender had moved in, the resident allegedly killed the sex offender because the resident was concerned that a child molester had moved into the neighborhood. The resident was wrong. The sex offender had raped an adult. Thus, though not intended to limit where registered sex offenders may live, registration and community notifications laws have impacted the availability of housing for registered sex offenders.

c. The housing options for sex offenders are limited by federal, state and local laws.

Housing of known sex offenders is closely regulated. The fundamental statutory requirement for all parolees is that a parolee shall be returned to the county that was the parolee's last legal residence (Cal. Pen. Code, § 3003, subd. (a)). On rare occasions, the parolee may be returned to another county if returning to another county is "in the best interest of the public" (Cal. Pen. Code, § 3003, subd. (b)). When making such a decision, the paroling authority must give the greatest weight to the protection of the victim and the safety of the community.

A second restriction is imposed on parolees who committed certain enumerated violent crimes (Cal. Pen. Code, § 3003, subd. (f)). The parolee may not reside within 35 miles of the actual residence of the victim or witness to the crime. The enumerated sex crimes are:

- Rape (Cal. Pen. Code, §§ 261, subd. (a)(2) & (a)(6) & 262, subd. (a)(1) & (a)(4));
- Sodomy (Cal. Pen. Code, § 286, subd. (c) & (d));
- Oral copulation (Cal. Pen. Code, § 288a, subd. (c) & (d)); and
- Lewd or lascivious act (Cal. Pen. Code, § 288, subd. (a) & (b))

State residency restrictions directed specifically to sex offenders fall under two broad categories: (1) Offenders who were released from prison and would be subject to parole supervision, and (2) offenders who were required to register under Penal Code section 290. Regarding the second category, whether the offender is, or is not, under supervision as a parolee or probationer does not matter. Chart 1-4 lists the state statutes that restrict where sex offenders may live.

Chart 1-4: State statutes restricting the residency of sex offenders

Statute	Pen. Code, § 3003.5, subd. (b)	Pen. Code, § 3003.5, subd. (a)	Pen. Code, § 3003, subd. (g)	Welf & Inst. Code, § 6608.5, subd. (f)
Restriction	2000 feet of any public or private school, or park where children regularly gather	With another registered sex offender in a single family dwelling*	¼ mile from any public/private school, grades K-12	¼ mile from any public/private school, grades K-12
All registered sex offenders	Yes			
Registered sex offenders who are on parole	Yes	Yes		
High Risk Sex Offenders who *(1) Are on parole and* *(2) were convicted of violating either Pen. Code, §§ 288 (Lewd and Lascivious Acts) or 288.5 (Continuous Sexual Abuse of a Child)*	Yes	Yes	Yes	
Sexually Violent Predators who *(1) are on parole and* *(2) either have had* *(a) a previous conviction for violating Pen. Code, § 288.5, subd. (a) & (b) or Pen. Code, § 288, subd. (c)(1) or* *(b) a finding by a court that the parolee has a history of improper sexual conduct with children.*	Yes	Yes		Yes

* Penal Code section 3003.5 provides an exception for persons legally related by blood, marriage or adoption to the parolee. This section also states that a "'single family dwelling' shall not include a residential facility which serves six or fewer persons."

Proposition 83 also permits local jurisdictions to enact ordinances restricting sex offender residency (Cal. Pen. Code, 3003.5, subd. (b)). As of October 2008, seventeen cities and three counties had enacted ordinances limiting where sex offenders may live. (See Appendix B for a list of the local jurisdiction imposing its own residency restrictions.) To the knowledge of the Board, no local jurisdiction is enforcing its ordinances limiting where sex offenders may live.

Federal law further limits where sex offenders may live. 42 U.S.C. §13663 prohibits federally assisted housing from admitting any person who is subjected to lifetime registration under a state sex offender registration program. Penal Code section 290 provides that sex offenders must register for life. As such, registered sex offenders in California cannot live in low-income subsidized housing.

To determine the impact of Proposition 83's 2,000 foot residency restriction, the San Diego District Attorney's Office used Geographic Information Systems (GIS) to assess the law's impact on San Diego County (Wartell, 2007). The researchers extracted out the residential parcels in San Diego County and overlaid the 2,000 foot buffers extending from schools and parks. The analysis revealed that fewer than 28 percent of the residential parcels were available for housing sex offenders. The analysis did not consider whether any of the housing in the available parcels was affordable to sex offenders.

The combined effects of federal, state and local residency restrictions, state registration and notifications laws, and public sentiment have significantly reduced the housing options for sex offenders. One result of these limitations is an increase in the number of sex offenders registering as transient.

Part II. HOMELESSNESS INCREASES THE RISK THAT SOMEONE WHO OFFENDED SEXUALLY MAY COMMIT ANOTHER SEX CRIME.

a. What are the factors that increase a sex offender's risk of committing another sex crime?

There are several empirical risk factors that raise the risk that an offender will re-offend sexually. These include deviant sexual preference (such as a desire for young children); an antisocial lifestyle (such as a propensity to violate rules); employment instability; and reckless, impulsive behavior (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004, 2005). Other important factors include young age at time of offense, number of prior offenses, single marital status, failure in treatment, a preoccupation with sexual fantasy and poor interpersonal relationships (Hanson & Morton-Bourgon, 2004, 2005).

Dynamic risk factors are extremely important to assess because they are changeable over time. Static factors (such as age at time of offense and number of prior offenses), while easier to assess empirically, do not change from month to month or day to day. Therefore, monitoring them does not yield any helpful information in assessing current risk for re-offending (Harris, 2006). There are empirically-derived questions that can be used. Systems—such as the STABLE 2000 and the ACUTE 2000, which are used for evaluating changes in dynamic risk factors (Craig, Browne, & Beech, 2008)—can be assessed via a structured dynamic interview by a well-trained practitioner (Cauley, 2007; Harris, 2006).

Stable dynamic risk factors may change over time, usually months or years (Harris, 2006). Key dimensions are significant negative social influences; intimacy deficit feelings of rejection or loneliness; attitudes supportive of sexual assault or of hostility towards women; lack of cooperation with supervision; poor regulation of deviant sexual interests and general self-regulation, such as managing impulsive behaviors (Craig, Browne, & Beech, 2008; Hanson, Harris, Scott & Helmus, 2007).

Acute dynamic risk factors may change over more limited periods of time, such as weeks, days or hours (Harris, 2006). Key dimensions include sexual interests/ frequency of sexual fantasies; cooperation with treatment; clinical symptoms such as negative mood and substance use; and contextual factors such as isolation, unemployment, poor social influences, low levels of social support, relationship problems and access to potential victims (Craig et al., 2008).

Hanson and Harris (2000) reported an increase in acute dynamic factors offenders in the month prior to a sexual re-offense, specifically:

- An increase in negative mood or anger
- A decrease in physical appearance
- A decrease in compliance with supervision.

Hanson and Harris (2000) also cite an emotional crisis; a collapse of previous social supports; contextual factors such as hostility, substance abuse, and sexual preoccupations; and a unique trigger for the offending behavior such as a date or anniversary, health problem or homelessness. Both stable and acute dynamic factors have been found to be reliable predictors of sexual recidivism (Hanson, 2005), although they are most accurately used in a predictive capacity when combined with static factors (Hanson, et al., 2007).

b. Homelessness, a dynamic risk factor, destabilizes the sex offender and increases the risk of committing another sex crime.

Levenson and Cotter (2005) surveyed sex offenders in Florida under 1000 foot residency restrictions and found that most sex offenders felt that decreased stability and increased financial hardship were the result of not being able to live with or near family members. Most felt an increased risk of re-offending due to the resultant isolation. Burchfield and Mingus (2008) interviewed sex offenders and found that sex offenders have limited housing options, and have difficulty finding landlords who are willing to rent to a registered sex offender. Although there is no known study that empirically examines the risk of homelessness on sexual re-offense, Willis and Grace (2008) examined a group of released sex offenders who had completed a 32-week prison-based treatment program between 1990 and 2000, and were convicted of a sexual re-offense since February 2001. In evaluating the sample of 81 ex-offenders, Willis and Grace found that accommodation was a significant predictor of sexual recidivism, even when controlling for dynamic risk factors such as anger and other deviant thinking.

Despite the lack of large empirical studies, many researchers and policy makers are of the strong opinion that lack of housing in a sex offender population will lead to higher levels of risk and will decrease public safety. The United Kingdom sees finding appropriate accommodations for registered sex offenders to be a very high priority in reducing risk, and questions the helpfulness of putting too many restrictions on sex offenders with the concern that it could “backfire and encourage sex offenders to hide their activities. The potential for reduction or withdrawal of restrictions on the other hand was seen as a motivator, enabling the sex offender to demonstrate change and achieve targets” (Managing Sex Offenders in the Community, 2005, p. 29).

Durling (2006) states: “Low income sex offenders face a severe housing problem when they are released from prison because residency restrictions can dramatically limit where an offender can live…and prevent offenders from living in the areas closest to jobs and public transit” (p.334). Durling (2006) also states that even though residency restrictions are meant to protect communities, they may instead “banish” the sex offender, which may lead to higher levels of risk (p. 335).

Unstable housing has been linked with a lack of social support and with difficulty finding employment, both dynamic risk factors for sexual re-offense (Hanson & Morton-Bourgon, 2004, 2005). Similarly, Levenson, Zgoba, and Tewksbury (2007) argue that helping sex offenders locate stable housing will increase not only their levels of social support but also their success at finding lasting employment, thereby reducing their risk of re-offending. Residency restrictions have the unintended consequence of increasing homelessness and creating more transient sex offenders, “making them difficult to track and monitor” (Levenson et al., 2007, p.4). Data from Iowa in 2006 is cited by Levenson and her colleagues, stating that once residency restrictions were passed, the number of registered sex offenders who could not be located doubled, putting the sex offender registry validity and reliability in doubt, and raising community risk.

Additionally, the creators of the COMPAS, a risk assessment instrument now being validated for the State of California, found that parolees who have a high score on residential instability are at higher risk of recidivism (Brennan, Dieterich, Ehret & Beate, 2007). Using the COMPAS Matrix-R, a secondary assessment for parolees once they have been out on parole, Brennan et al. found that California parolees with the highest levels of recidivism had higher scores on residential instability and also had vocational and educational problems.

c. Housing helps the sex offender to stabilize, and reduces the risk of re-offending.

Finding housing is a serious issue; in addition, helping returning offenders find housing can be a way of keeping communities safe (Rodriguez & Brown, 2003). Housing options for returning prisoners who do not stay with family members or friends are very limited (Clark, 2007; Returning Home, The Urban Institute, 2008). There are few housing options in general, but options are particularly limited for sex offenders who are unable to receive any federally subsidized housing assistance such as special needs housing through HUD, or to live in group situations, common re-entry housing plans for returning offenders (Returning Home, 2008).

Financial challenges may push sex offenders into poorer neighborhoods. Neighborhood characteristics can affect recidivism rates. Kubrin and Stewart

(2006) found that for 5,002 released offenders living in Oregon, living in a disadvantaged neighborhood was a risk factor for recidivism, while living in a resource rich neighborhood performed an important protective factor in reducing re-offending.

> "Stable housing is an essential component of safe reentry and is a key to success" for high-risk sex offenders.

Aylward (2006) stated that in the State of Washington, "Stable housing is an essential component of safe reentry and is a key to success" for high-risk sex offenders (p. 77). Aylward also saw finding stable employment with an adequate wage as a key to maintaining housing, and having a good relationship with a significant other as a pro-social influence in keeping sex offenders from re-offending.

Other countries see re-entry and homelessness as a growing problem. An Australian report issued by the Department of Family and Community Services (2004) found that housing is a key factor that influences re-offending. In their 2004 report the Department of Family and Community Services reported many specific housing recommendations to prevent ex-offenders from becoming homeless, stating, "Research suggests that the availability of housing with support post-release has a positive impact on successful reintegration" (p. 20). The report also cites the lack of housing options for ex-offenders as a problem, because surveys and a needs analysis of ex-offenders found that many offenders attribute repeat offending to unemployment, homelessness, and lack of family support upon release (Department of Family and Community Services, Australian Government, 2004). The United Kingdom is concerned with creating local strategies and protocols in providing housing for high-risk sex offenders, which is seen as an important strategy to decrease community risk (Managing Sex Offenders in the Community, 2005).

When examining research focused on offenders who are convicted of a variety of criminal offenses, there have been many studies demonstrating that homelessness and incarceration are factors that are intertwined. Individuals who have been incarcerated tend to be homeless for longer than those who have not been incarcerated (Phelan & Link, 1999). Metraux and Culhane (2004, 2006) found that a significant portion (about one fourth) of individuals staying at a New York City Shelter had been incarcerated at a New York State prison or New York City Jail in the previous two years. Shelter stays among recently released prisoners are more likely a transitional stage than a long-term pattern of homelessness, and this transition may cause an increase in recidivism (Metraux & Culhane, 2004). In a study by DeLisi (2000), jail inmates who came from one

year or more of chronic transiency were more violent and had longer criminal histories than jail inmates who were domiciled in the year prior to arrest.

In numerous interviews with 25 repeat offenders ages 15 to 24, a lack of stable housing and accommodation emerged as a key theme in their re-offending behaviors (Halsey, 2007). Halsey found that the lack of stable housing increased their stress levels, decreased the likelihood of a supportive family environment, and decreased their likelihood of remaining out of prison. Roman and Travis (2004) found that when prisoners have no place to go upon release they are more likely to violate their parole conditions or to be rearrested. Meredith, Speir, Johnson and Hull (2003) found that each time a parolee moved, his or her likelihood of re-arrest increased by 25%. In California, Williams, McShane, and Dolny (2000) found that having unstable living arrangements was the most important factor in determining whether a large sample of parolees absconded from supervision.

d. Housing leads to stable employment and social support, which are factors reducing the risk of re-offending.

Unstable employment or unemployment has been seen as an important risk factor for all types of offenders reentering the community. Finding and maintaining employment upon release from prison has been seen as a way of reducing recidivism (Returning Home, The Urban Institute, 2008). Employment and vocational programs both in and out of prison including job linkage and placement services are classified as “what works” in corrections (Aos, Miller & Drake, 2006; The Little Hoover Commission Report, 2003; MacKenzie & Hickman, 1998). Tarlow and Nelson (2007) found that released offenders who start work immediately upon leaving prison have lower recidivism rates. Released offenders who were unable to find work, and who returned to disadvantaged neighborhoods with low levels of social support and economic problems, were more likely to be rearrested (McBride et al., 2005).

Visher (2007) of the Urban Institute states that finding employment is the single largest concern reported by men and women before they are released from prison. Over 75% of soon-to-be-released prisoners said that finding a job would be an important factor in keeping them from returning to prison, and 88% reported that they needed job training or more education (Visher, 2007). Petersilia determined in her report on Governor Schwarzenegger’s Rehabilitation Strike Team (2007) that employment causally contributes to successful reentry outcomes, because it signals that an individual has embraced a pro-social lifestyle, has money, makes positive social connections, and has social controls that prevent criminal behavior. She estimates that between 60% and 80% of parolees are unemployed one year after release from parole. Petersilia (2007) cites the California Legislative Analyst’s 2007 report as stating that parolees who

have stable housing and who find and maintain a steady job are more likely to avoid re-offense and to successfully complete their parole.

Social stability and support is also seen as an important factor in reintegrating into society and enhancing public safety (Petersilia, 2003). The Urban Institute's Returning Home Project cited family support as the most important factor in ex-offenders keeping out of prison (McBride, Visher, & LaVigne, 2005). Since most returning prisoners live with a family member, close friend, or significant other, it is a major problem if the offender is unable to live with these supportive individuals due to some conflict or legal restriction (Roman & Travis, 2004).

In summary, sex offenders are more likely to be faced with legal restrictions, preventing them from returning to social supports and homes due to current residency restriction laws in many states, including California. Homelessness, unemployment, and lack of social support may end up being factors facing many sex offenders, both those who are re-entering California communities and those who are continuing registered sex offenders. These factors increase dynamic risk and therefore may increase re-offending behaviors.

Part III. THE RESPONSE TO HOMELESSNESS AMONG SEX OFFENDERS REQUIRES A CREATIVE AND COLLABORATIVE EFFORT TO CREATE STABLE AND SUITABLE HOUSING.

a. Efforts to reduce homelessness among sex offenders have led to innovative approaches to housing.

States such as Washington and Colorado have employed innovative housing methods such as (1) shared living arrangements, (2) secure community transition facilities, (3) mobile trailers as transition housing and (4) the leased unit model. Sex offender housing is also provided by private landlords in a special agreement with parole authorities in Washington State.

Of these innovative housing methods, only the shared living arrangement has been studied to determine its effects on the level of violations by paroled sex offenders. Based on a 2004 study, Colorado has determined that high-risk sex offenders living in shared living arrangements had significantly fewer violations than those in other living arrangements (living alone or with family or friends).

i. Shared Living Arrangements

Shared Living Arrangements ("SLA") are based on the Therapeutic Community Treatment modality (*Colorado Dept. of Public Safety*, 2004). Therapeutic Community Treatment differs from other treatment approaches principally in its use of a community, comprising of the treatment staff and the recipients of the treatment, as key agents of change. In other words, peer influence is used to help participants learn and assimilate social norms which include not re-offending sexually.

SLA is used exclusively by Colorado. SLA consists of two or three sex offenders living together. They rent or own the house. The offenders are financially responsible for the housing. The treatment provider incurs no housing costs.

The location of the residence must be approved by the supervising officer and the treatment provider. The supervising officer ensures that the residence is not located within sight of a "school, playground, or next-door to a residence that has 'child-type' items (for example, a swing set)."

The residents hold each other accountable for their actions. They also have a responsibility to report certain high risk behavior such as returning home late or having contact with children. There are no treatment providers or supervising officers living on the premises. Instead, both the treatment provider and supervising officer conduct frequent site checks.

A study of SLA revealed that:

- SLA was occupied by higher risk offenders than those not living in SLA.
- Those living in SLA had fewer violations (reoffended or technical) than those living alone or with family or friends
- Those living in SLA who violated their conditions of parole were caught more quickly than those living alone or with family or friends (because the roommates reported the violations).
- Proximity of sex offender residency to where children regularly congregate had no impact on recidivism.

Based on the study, the Colorado Sex Offender Management Board found that:

- SLA functions as an effective containment modality for high risk sex offenders.
- Policies restricting a sex offender from living with another sex offender did not enhance community safety.
- Restrictions prohibiting sex offenders from residing near where children regularly congregate did not enhance community safety.

ii. Secure Community Transition Facility for sexually violent predators

A "secure community transition facility" (“SCTF”) is the Washington State statutory name for a less restrictive alternative residential facility program operated or contracted by the Department of Social and Health Services. A “less restrictive alternative” placement is defined in the state law as a living arrangement that is less restrictive than total confinement.

The SCTF has on-site supervision and lock-down security. It also provides or ensures the provision of sex offender treatment services. The program offers 24-hour intensive staffing and line-of-sight supervision by trained escorts when residents leave the facility.

SCTF houses only court-approved, civilly committed sexually violent predators. The offender must first complete his prison term and then successfully complete a rigorous treatment program at the Washington State MacNeil Island’s Special Commitment Center. Only a civil court can decide whether to transfer the offender from the confinement of the Special Commitment Center to the less restrictive SCTF.

At the SCTF, the resident will continue with treatment and will learn how to reintegrate into society. The residents attend weekly individual and group therapy sessions. The focus of the sessions is to teach and reinforce positive behavior.

Residents are required to maintain a journal and share the journal with their treatment providers.

Residents may leave the SCTF for trips. However, a community corrections officer must first determine that the destination is safe before approving the trip. The resident may then leave the SCTF in the company of a trained escort.

To date, no study has been completed to show the effects of this housing arrangement on reducing re-offending and on increasing community safety. Of significance, SCTF serves a very small community – sexually violent predators transferred by a court. For example, the SCTF in the SODO neighborhood of Seattle is equipped for only six residents.

iii. Mobile trailers as transition housing

Officials in Suffolk County, New York are experimenting with mobile trailers as transitional housing for sex offenders (Suffolk County, 2007). Each trailer houses eight sex offenders. The trailers are parked on county lands away from residential areas. Under county law, the trailers cannot be placed within 1,000 feet of schools, churches, daycare centers or nursing homes. A curfew is imposed on the residents from 8 p.m. to 7:30 a.m.

These trailers are moved from one part of the county to another part every one to three weeks. The continuous movement “avoids having to burden any single neighborhood with a permanent shelter for [sex offenders]” (Suffolk County, 2007). The movement also prevents too many sex offenders from settling into the same area. By constantly moving the trailers, the county distributes the offenders throughout the county.

The trailers are not intended as permanent residences. Instead, they serve as transition housing for those sex offenders who have yet to find permanent housing. To motivate sex offenders to find housing, the trailers have minimum comforts.

During the daytime, a van transports the sex offenders to work or to agencies providing referrals for permanent housing and other services. The operating cost is approximately $85 per person per night.

To date, no study has been completed to show the effects of this housing arrangement on reducing re-offending and on increasing community safety. The literature suggests that its primary purpose is to reduce fear in the community and not to reduce recidivism.

iv. Leased Unit Model

In 2004, the Partnership of Community Safety in Washington State recommended a pilot project called the “Leased Unit Model” (Restricted Transition Housing, no date). The key concept of a Leased Unit Model (LUM) is that the government enters into a contract with private landlords to lease to sex offenders. The housing provided in the recommended model is structured with supervision by corrections officers; participation in treatment by the offenders; assistance for the offender to find employment, permanent housing and a supportive social network; and coordination with local law enforcement. The participant is expected to pay $400 for monthly rent and program costs. The remainder of the rent is subsidized by the state.

As of this report, it is unknown if the LUM has been adopted by Washington State. As such, its impact on recidivism and on community safety is unknown.

v. Private landlords with informal agreements with the government

In Washington State, approximately one dozen landlords have agreed to house sex offenders (Homes, 2003.) The landlords feel safe since corrections officers are constantly visiting the premises. Washington officials believe that housing sex offenders together increases community safety because “They can pick up on signs and behavior” and “are the first ones to tell on each other” (pg. 11). The state does not compensate the landlords. Instead, the offenders pay the entire rent.

As an example of private landlords providing housing to sex offenders, Linda A. Wolfe-Dawidjan owns and manages the New Washington Apartments. She rents to 39 sex offenders and 15 other tenants with criminal backgrounds. Because of her reputation, she has a waiting list of sex offenders desiring to live at her apartment. Four of her tenants work as her office managers in exchange for rent. She describes her tenants as timely with rent, quiet in demeanor and stable as renters.

vi. Funding for construction of homes for the homeless

Funding to build new homes for the homeless can come from the community. In Minnesota, the McKnight and Blandin Foundations provided $32.5 million to help construct 3,000 units of affordable housing for the homeless (Safe Homes, 2001).

b. The solution to the problem of housing sex offenders begins with examining and developing a state-wide housing policy.

States are beginning to look at their policies regarding the housing of sex offenders. From 2000 until 2004, a Washington State multidisciplinary group entitled "The Partnership for Community Safety" met to identify the barriers and solutions to housing high risk sex offenders. This partnership was composed of the Washington State Department of Corrections, the Washington Coalition of Sexual Assault Programs, the Washington Association of Sheriffs and police Chiefs, state legislators, victim advocacy organizations and others.

On March 19, 2007, Governor Schwarzenegger hosted the "California Summit for Safe Communities." The summit was "a gathering of state and local stakeholders to discuss the challenges that communities face regarding the release and placement of high risk sex offenders and sexually violent predators" (California Summit). The report from the summit may be found at www.casomb.org/docs/SUMMIT%20FINAL%20REPORT.pdf. During the brainstorming session, the participants were asked to identify both gaps and solutions related to the housing of HRSOs and SVPs. The result of the summit was an extensive list of suggestions on how to provide housing to sex offenders while maintaining community safety.

One of the gaps identified was "finding appropriate housing" (p. 39). The commonality among the many suggested solutions is the need for a collaborative partnership between each level of government (state, county and city), between government and private businesses (landlords, treatment facilities), and between government and the public. One focus was to improve communication between the partners.

Some of the suggestions are to:

(1) "meet and confer (six months prior to anticipated release) between state and local agency," (pg. 39)
(2) "educate the community about housing and plan proactively," (pg. 40) and
(3) "create private-public partnerships to include city and county input on location" (pg. 39).

Another focus was to provide sex offenders with transitional housing. Some of the suggestions related to transitional housing are to:

(1) "review [the] halfway house model of the 1970's and 1980's and connect them to day reporting programs," (pg. 39)
(2) change the "transitional housing setting to include work furlough program," (pg. 40) and

(3) “establish licensed board and care/group home facilities that provide 24 hour supervision, treatment and vocational training” (pg. 39).

The suggested solutions also focus on providing incentives to local governments and private entities to participate in housing sex offenders. “Liability protection for private landlords and possible incentives such as tax break,” “incentives for local government to develop long term/short term housing for sex offenders,” and “state mandate coupled with state funding for housing in each county” were suggested (pg. 39).

Part IV. CONCLUSIONS

The substantial rise in numbers of transient sex offenders cannot be ignored. Among paroled sex offenders and all registered sex offenders, the number of sex offenders registering as transient has significantly increased.

Though it is difficult to predict whether the current increase will continue, the factors affecting the number of sex offenders registering as transient can be identified:

- The number of landlords willing to rent to sex offenders
- Enactment of more local ordinances restricting residency
- High media coverage of sex crimes
- Passage of more state statutes restricting residency
- Lack of funding for low-income housing open to sex offenders
- Low availability of stable employment
- Mobilization of neighborhoods to exclude sex offenders

(For a list of additional factors that may affect the number of sex offenders registering as transient, see Appendix C.)

Based on its examination of the available evidence, the Board makes the following findings:

- *The evidence shows an unmistakable correlation between the implementation of residency restrictions and the increase in homelessness among sex offenders.*
    - The number of sex offenders registering as transient has increased 60% among all registered sex offenders since the implementation of Proposition 83.
    - The combined effects of federal, state and local residency restriction, and neighborhoods mobilizing to exclude sex offenders, have severely limited the housing options for sex offenders.
- *The evidence shows that homelessness increases the risk that a sex offender may re-offend*.
    - Lack of stability is a primary contributing factor to an increased risk of re-offending. Residential instability leads to unstable employment and lower levels of social support. Unstable employment and low levels of social support lead to emotional and mental instability. Emotional and mental instability breaks down the ability to conform and leads to a greater risk of committing another sex crime.
    - Stable housing fosters stable employment and social support. Stable employment and social support lead to

emotional and mental stability and a reduced risk that the sex offender will commit another sex crime.

- *Partnerships between different levels of governments and between government and the public to make stable and appropriate housing available to sex offenders provide the strongest hope for reducing the transient sex offender population and the associated risk of future sexual victimization.*
    - As identified during the 2007 California Summit for Safe Communities, improved communications between partners, incentives for local governments and private parties, and innovative thinking on creating stable housing for sex offenders are necessary for an effective housing policy.

Partnerships between different levels of governments and between government and the public to make stable and appropriate housing available to sex offenders provide the strongest hope for reducing the transient sex offender population and the associated risk of future sexual victimization.

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APPENDIX A: CALIFORNIA TRANSIENT SEX OFFENDER DISTRIBUTION BY COUNTY
Prepared by the California Coalition on Sex Offending
June 2008

COUNTY	SEX REGISTRANTS IN THE COMMUNITY	REGISTERED TRANSIENTS
ALAMEDA	2,453	147
ALPINE	1	0
AMADOR	70	1
BUTTE	697	33
CALAVERAS	88	0
COLUSA	52	1
CONTRA COSTA	1,362	97
DEL NORTE	151	0
EL DORADO	335	8
FRESNO	2,338	31
GLENN	70	3
HUMBOLDT	454	38
IMPERIAL	221	3
INYO	50	3
KERN	2,128	50
KINGS	353	1
LAKE	269	0
LASSEN	81	0
LOS ANGELES	15,249	620
MADERA	378	4
MARIN	151	0
MARIPOSA	63	1
MENDOCINO	265	24
MERCED	703	30
MODOC	41	0
MONO	12	1
MONTEREY	692	36
NAPA	189	12
NEVADA	167	8
ORANGE	2,878	177
PLACER	558	19

PLUMAS	42	2
RIVERSIDE	3,159	127
SACRAMENTO	5,173	164
SAN BENITO	103	2
SAN BERNARDINO	3,787	166
SAN DIEGO	3,941	354
SAN FRANCISCO	1,144	193
SAN JOAQUIN	1,775	59
SAN LUIS OBISPO	461	55
SAN MATEO	779	57
SANTA BARBARA	715	64
SANTA CLARA	3,475	261
SANTA CRUZ	408	36
SHASTA	777	25
SIERRA	8	0
SISKIYOU	185	6
SOLANO	863	62
SONOMA	803	56
STANISLAUS	1,280	59
SUTTER	225	2
TEHAMA	275	6
TRINITY	64	0
TULARE	1,009	22
TUOLUMNE	167	5
VENTURA	1,110	70
YOLO	404	22
YUBA	281	6
Totals	64,932	3,229

APPENDIX B: LOCAL ORDINANCES REGULATING RESIDENCE AND PRESENCE OF SEX OFFENDERS AS OF OCTOBER, 2008

Prepared by the California Department of Corrections and Rehabilitation

Type of Restriction	In which County	Residence	Loitering or Being	School for Children	Bus Stop	Child/ Day Care	Swimming Pool	Play Ground or Park	Sports Facility	Arcade or Amusement Center	Library or Museum	Skate Park	Church or Place of Worship	Children's Facility	From Another Sex Offender	Single Family Dwelling	Multi-family Dwelling	Other	Being Locally Enfoced by Local Jurisdiction
CITY																			
Apple Valley	San Bernardino	NONE	500 ft.	Y		Y				Y	Y								No
Baldwin Park		2000 ft.	300 ft.											Y					No
Canyon Lake	Riverside	NONE	500 ft.																No
Cerritos	Los Angeles															Y	Y		No
Chula Vista	San Diego	500 ft.	NONE	Y[1]				Y											No
El Centro	Imperial		300 ft.	Y		Y		Y		Y				Y					No
El Monte	Los Angeles		300 ft.	Y		Y		Y		Y									No
Folsom	Sacramento	NONE	300 ft.	Y		Y	Y	Y		Y		Y							No
Galt	Sacramento	NONE	300 ft.	Y	Y	Y	Y	Y	Y	Y	Y	Y							No
Grover Beach	San Luis Obispo	1000 ft.	NONE	Y		Y		Y											No
Hesperia	San Bernardino	4000 ft.	500 ft.																No
La Mesa	San Diego	NONE	300 ft.	Y		Y		Y		Y									No
Long Beach	Los Angeles	2000 ft.	300 ft.	Y[2]	Y[3]	Y	Y	Y			Y								No
Loomis	Placer	NONE	300 ft.		Y	Y	Y	Y		Y		Y							No
National City	San Diego	NONE	300 ft.	Y		Y		Y		Y									No
Palmdale	Los Angeles	3000 ft.	300 ft.	Y	Y*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				No
Paso Robles	San Luis Obispo	1320 ft.	NONE	Y[4]		Y		Y	Y		Y		Y						No
Placerville	El Dorado	NONE	300 ft.	Y	Y	Y	Y	Y	Y	Y		Y							No
Pomona	Los Angeles	s																	No
Porterville	Tulare	NONE	300 ft.	Y		Y		Y		Y									No
San Diego	San Diego	2000 ft.	300 ft.	Y		Y		Y			Y								No
San Marcos	San Diego	300 ft.	300 ft.	Y		Y		Y	Y	Y									No
Santa Ana	Orange	NONE	300 ft.											Y					No
Santee	San Diego	NONE	300 ft.	Y		Y		Y	Y	Y									No
Shafter	Kern	2000 ft.	300 ft.	Y	Y	Y		Y											No
South Lake Tahoe	El Dorado	2000 ft.	300 ft.	Y	Y	Y	Y	Y	Y	Y		Y							No

Type of Restriction	In which County	Residence	Loitering or Being	School for Children	Bus Stop	Child/ Day Care	Swimming Pool	Play Ground or Park	Sports Facility	Arcade or Amusement Center	Library or Museum	Skate Park	Church or Place of Worship	Children's Facility	From Another Sex Offender	Single Family Dwelling	Multi-family Dwelling	Other	Being Locally Enfoced
CITY																			
Stockton	San Joaquin	None	300 ft.	Y	Y	Y	Y	Y	Y	Y		Y							No
Suisun City	Solano	NONE	1000 ft.	Y		Y	Y	Y	Y	Y		Y							No
Taft	Kern	2000 ft.	300 ft.			Y													No
Victorville	San Bernardino	2000 ft.	300 ft.																No
Wasco	Kern	2000 ft.	300 ft.	Y	Y	Y		Y											No
Weed	Siskiyou	NONE	300 ft.	Y	Y	Y	Y	Y	Y	Y		Y							No
West Covina	Los Angeles	2000 ft.	300 ft.	Y										Y					No
Fresno County		3000 ft.		Y	Y	Y		Y			Y								No
Kern County		2000 ft.	Yes			Y													No
Sacramento County		NONE	300 ft.	Y	Y	Y	Y	Y	Y	Y	Y	Y							No
San Bernardino County *		2640/ 2000	300 ft	Y				Y											No
San Diego County			300 ft.	Y		Y		Y		Y									No

[1] K-8
[1] K-12
[1] School bus stop
[1] K-1
Y = YES

APPENDIX C: RESIDENCE RESTRICTIONS: WHAT DOES THE FUTURE HOLD?

Even though it is not possible to predict future turns of events, it would be remiss not to not at least take note of a number of factors which could have an impact on the situation related to sex offender residence restrictions and their consequences. It should not be assumed that the following list is exhaustive, nor that the descriptions apply equally to every area of the state: opinions differ considerably about some of the issues noted.

- The California Supreme Court appears likely to hear a case in the Fall of 2008 which centers on residence restrictions. The court could view the matter broadly and render a decision which could range from overturning the entire set of restrictions on constitutional grounds to declaring that no elements of the law violate constitutional rights. Observers, however, anticipate a more narrowly focused ruling that addresses only the specific situations of the petitioners. Depending upon the decision, appeals or other court challenges could follow.
- County authorities and county probation departments may move forward with decisions about whether and how to interpret and enforce residence restrictions as they apply to individuals on probation. Since there is approximately the same number of sex offenders on county probation as there is on state parole, the number of affected sex offenders could approximately double if counties decide to take an approach similar to that taken by state parole officials. Counties appear to vary, at present, with regard to their interpretation and application of the law and some appear to be waiting for legal clarification.
- Law enforcement agencies may clarify their policies and strategies with respect to enforcement of the residence restrictions as they apply to sex offenders who are no longer on parole or probation. At this time there does not appear to be uniformity around the state in the way this population is responded to. Since the restrictions are not being viewed as retroactive, they will only be applied to those who are completing their parole term and, possibly, those completing probation. This population is relatively small at present but will only continue to grow.
- CDCR's Division of Adult Parole Operations may modify the level of assistance they are able to provide--both financial assistance and assistance in locating suitable housing—to paroled sex offenders who are at risk of being homeless. Such assistance may increase or may decrease and so may result in either more or fewer transient sex offenders.
- Local jurisdictions appear likely to continue to enact their own residence restrictions, in many cases imposing even more stringent requirements which will reduce even further the current pool of potential housing options.
- The number of parolees and—depending on county decisions as noted previously—probationers who are technically "subject to" housing restrictions can be expected to continue to increase as new offenders are released from prison or jail, or move through the court system. Since the residence restrictions will apply for the duration of the offender's life, the numbers will continue to swell for many years until all registered sex offenders are covered under the restrictions.
- The amount of housing actually available to sex offenders will continue to shrink as the limited supply of legal available units is absorbed through being occupied

by “new” sex offenders emerging from prison or jail or—again depending on local interpretation—placed on local probation supervision.

- Legislation which would allow landlords to freely exercise their own discretion in refusing to rent to anyone listed as a registered sex offender may be reintroduced and could become law. The impact on the pool of housing realistically available to sex offenders could only be expected to be reduced by such a policy. (Currently the information on the Megan’s Law website may not be used to discriminate against registrants.)