

Posted 11/30/07

THE TRAGEDY OF JESSICA'S LAW

By Julius Wachtel, (c) 2010

“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.”

These observations are lifted word-by-word from the official [voter information guide for Proposition 83](#), also known as Jessica's Law, which California voters overwhelmingly approved in 1996. It addresses the fiscal impact of a provision that requires certain sex offenders wear GPS tracking devices *for the rest of their natural lives*. Proposition 83 also expanded the definitions of sex crimes, increased punishment and restricted where sex offenders can live. Projected cost increases included “tens of millions of dollars annually” for State prisons, “low tens of millions of dollars annually” for referral and commitment, and “\$100 million annually within a decade” for hospitals.

Where would the money to electronically shadow as many as 3,000 or more *new* offenders each year come from? Ah...the law said nothing about funding. It was also silent about its, um, *practicality*. Just think, within ten years we could be tracking thirty-thousand offenders; within twenty, sixty-thousand! Here's what Richard Word, the president of the California Police Chief 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."

More likely, a platoon of them. California parole agents currently use GPS to watch 1,000 high-risk sex offenders. To increase that thirty-fold would cost untold millions for agents, support staff, offices and equipment. Facing a \$10 billion budget deficit, the state suggested that local governments bear the costs for ex-cons not on parole. Jerry Powers, chief probation officer for Stanislaus County, told the *Times* why that cow won't fly:

“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.”

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Jessica's Law was an initiative, meaning that a special-interest coalition bypassed the Legislature and went directly to the citizens. Seventy percent of those voting said "yes." Why? Because everyone -- the Governor, the police, the sheriffs, the prosecutors -- raved about its provisions. One would have to be a Commie (or a defense lawyer) to not see the light! Here's a snippet of the police chiefs' statement in the voter 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 boosters say now? Woodland PD Chief Carey Sullivan, the police chiefs' representative, 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. Stop whining and get to work!

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

It's not just about money. An especially Draconian provision of the law prohibits registered sex offenders from living within a third of a mile of a school or park. That has kept many from moving into supportive environments with family or friends. Instead they're caught up in a shell game, being hustled by weary parole agents from one sleazy motel to another. Many give up and wind up camping in cars and on sidewalks, making monitoring extremely difficult. How this enhances their chances at 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* know the truth.