

How they did it: Steve wrote a story a couple weeks before this about the fact that the city council was considering a proposal limiting where sex offenders could live. MaryJo suggested to Steve and his editor that it might be possible to map all the locations of daycare facilities, schools and other places that would be part of the restrictions, with boundaries around each one showing the areas that would be off limits. Getting the addresses of those facilities proved easier than expected: the state department that licenses daycares posts an Excel file on their web site with all the facilities and their addresses. Schools were included in another dataset that MaryJo had previously obtained. To get churches, MaryJo scoured online church and community directories to find as many as possible.

Pioneer Press Archived Article

SEX OFFENDER RESIDENCY DEBATED//MAPLEWOOD CITY COUNCIL CONSIDERS RESTRICTING WHERE CONVICTED MOLESTERS CAN LIVE

Published on 04/07/2006

Tag:

Section: Main

Page: A7

Byline: BY STEVE SCOTT and MARYJO SYLWESTER, Pioneer Press

A get-tough sex offender policy in Maplewood would virtually blanket the city with restricted zones where predators could not live, which would either help protect children or force convicted molesters to go underground, according to two sides of a growing debate.

Preliminary City Council discussions -- and a Pioneer Press analysis of the draft of a proposed ordinance -- show how complicated it can be to implement even the most well-intentioned of policies. A map compiled by the newspaper (see Page 1A) shows the toughest restrictions being considered by Maplewood would effectively make the entire city off limits to convicted offenders.

Backers of a proposed ordinance, which will come before the City Council for the third time in six weeks Monday night, say a step to protect even one child is worth taking. Those supporters include the city's legal staff, the Maplewood police chief and, with reservations, at least a couple of council members. Its opponents, including the mayor and some county and state-level sex-offender experts, say residence restrictions would make ex-offenders' lives less stable, increasing the chances they'll again commit crimes or simply elude the sex-offender registries designed to track them.

"Studies will show this won't prevent all sex offenses," said Trevor Oliver, one of the city's legal counsel who wrote Maplewood's draft ordinance. "We can't come up with an ordinance to prevent first offenses. You can't write an ordinance that bars offenders from living on a block where children live.

"But you can write an ordinance that protects places where children congregate." That is the intent of the proposed policy, which arose not from public outcry but conversations between the city's legal staff and police, in part over a highly publicized ordinance adopted last year by Miami Beach, Fla. The Miami Beach ordinance created a 2,500-foot buffer zone barring predators from living near places where children typically gather.

The toughest policy being considered in Maplewood would set 2,000-foot limits for most such places. However, the boundaries are still up for debate, as is the type of offender who would be regulated and, in fact, whether the city will adopt an ordinance at all.

"The information given to me indicates this doesn't work and interferes with other laws for registering sex offenders," Mayor Diana Longrie said. "I believe if we tell people where they can or can't live, they will still set out in their car to do what they do, because that's what they have the predisposition to do."

Council Member Will Rossbach favors a scaled-back version of the draft ordinance.

"I don't believe the correct thing to do is to have huge boundaries, essentially making it so there is no place to live in Maplewood," Rossbach said. "But my

belief is that it's still appropriate to have some residence requirements, and I'm thinking about a 500-foot circle. ... It seems to make sense to me we wouldn't want sexual predators living across the street from a school."

Rosbach and some others say a more effective policy would be preventing predators from actually visiting the sites in question, such as school grounds or day-care centers.

Minnesota's sex-offender policy coordinator, Eric Lipman, said the state prefers approaches other than residence limitations.

"The restrictions tend to undermine, although inadvertently, the quality of supervisory control," Lipman said. "Iowa has found (convicted offenders) are moving from locations within the community to less stable addresses. They go from '123 Main Street' to 'living in a van down by the river.'

"If they're still in the community but not reporting their addresses, that's worse from a law enforcement perspective."

Maplewood's legal staff -- who also represent Taylors Falls, Minnesota's first city to enact an offender-residency ordinance -- stress the policy's intent isn't to drive out offenders.

"We've always been aggressive about being progressive in Maplewood," City Attorney Patrick Kelly said, alluding to earlier city codes addressing methamphetamine houses "before anyone was talking about that."

"The intent was to increase awareness and the protection of children," Kelly said of the offender ordinance. "You really don't want to force people out of the city."

Detractors say it does just that.

"It just drives the problem across the borders into another city, which happened with group homes years ago," said Council Member Kathy Juenemann, who said she would likely vote for the proposal, but reluctantly. She would favor state legislation rather than a city-by-city piecemeal approach.

"If I choose to vote for this, it's to send a message to higher levels of government to say, 'Get your act together and discuss this.' "

It's unclear whether a Maplewood ordinance would affect only sex offenders who have molested juveniles and whether it would limit restrictions to Level 3 offenders -- those classified by the state as most likely to re-offend.

Even restrictions on just Level 3 offenders would be impractical, said an east metro probation supervisor, who declined to be identified because he didn't want his personal views taken as government policy.

"I understand why people want these restrictions," he said. "Nobody wants to live near anybody who's done such a thing. But any distance restriction would make it virtually impossible for any Level 3 offender to find a place to live in any part of Hennepin or Ramsey counties, for all practical purposes. They probably could find a place out in a cornfield somewhere. That isn't real workable."

Lipman instead favors indeterminate, rather than predetermined, sentences for sex offenders. That would allow law enforcement authorities to re-evaluate an offender's risk to the community before being released from incarceration. He also encourages greater vigilance by local authorities to check in on registered offenders living in their communities.

Currently, 55 known sex offenders live in Maplewood, 48 of whom have not received a classification of their likelihood to re-offend -- such as Level 1, 2 or 3. Risk levels for sexual predators have been assigned in Minnesota only since 1997 to adult offenders who have been released from a state prison. No Level 3 offenders live in the city.

"Has this been an issue in the past? No, but we don't know what the future holds," Police Chief Dave Thomalla said. "Our concern is the safety of the children in our community. One of my concerns is that if this is going to be the trend with other communities and if we're not out in front of this, suddenly every other community will have an ordinance like this, which will force predatory offenders to migrate to Maplewood."

Tracking sexual predators

-- If Maplewood were to adopt limits on where convicted sex offenders could live, it would become the third city in the state to do so, following Taylors Falls and

Wyoming. Officials in other cities, including St. Paul and Minneapolis, have contemplated similar ordinances.

-- The Taylors Falls ordinance, adopted last month, and Wyoming's, adopted Tuesday night, ban certain offenders from living within 2,000 feet of schools, parks and day care centers, and within 1,000 feet of other places children gather. The policies affect those who have molested victims under age 16 and are classified as Level 3 sex offenders -- those deemed by the state as most likely to re-offend. Both City Councils adopted the measures unanimously.

-- An Iowa state law enacting similar 2,000-foot boundaries was upheld by the U.S. 8th Circuit Court of Appeals. Critics of the Iowa law say it has forced ex-offenders to live in clusters in remote locations throughout the state or elude authorities' attempts to track them.

-- For information on Level 3 sex offenders in Minnesota, go online to www.corr.state.mn.us/level3/Search.asp.

Steve Scott may be reached at 651-228-5526 or sscott@pioneerpress.com.

All content ©ST. PAUL PIONEER PRESS and may not be republished without permission.
Send comments or questions to webmaster@pioneerpress.com

All archives are stored on a SAVE (tm) newspaper library system from MediaStream Inc., a
>KnightRidder> Inc. company.

