

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT: Briefing on Park Safety Zone Ordinance

SUMMARY:

Follow-up discussion to April 20, 2021 Public Safety Committee briefing to discuss legal issues related to proposed ordinance amendment to create residency restrictions for registered sex offenders within school zones.

BACKGROUND:

Below is a summary highlighting the current ordinance and the Police Department enforcement and outreach efforts.

Park Safety Zone Ordinance

The Park Safety Zone ordinance, enacted in December 2013 (2013-12-05-0855) provides:

- It is a Class C misdemeanor for a person required to register as a sex offender to have a temporary residence (reside 14 or more total days in a calendar year) or a permanent residence (reside 14 or more consecutive days) within 1,000 feet of a park, or to enter or come within 300 feet of a city park.
- The residence and park proximity restriction does not include most of the Riverwalk on the street level.
- There are exceptions for attending official meetings and voting.
- Affirmative defenses include that the person lived at the location prior to enactment of the ordinance.
- The police chief can grant an exemption.

The city could adopt the additional restrictions for those on probation and parole, with the caveat that the city may not limit places where sex offenders may live as to effectively prohibit sex offenders from living within the city limits.

SAPD Enforcement

The Sex Offender Registration Detail (SORD) is responsible for monitoring the approximately 2,900 registered sex offenders that reside within San Antonio. In addition to conducting monthly,

quarterly and annual compliance checks as determined by the State, the Detail also proactively identifies and contacts individuals who fail to register.

Registration Requirements

Individuals with a reportable conviction or adjudication after September 1, 1970 are required to register as sex offenders to include those that are convicted out of state, under federal law, military law or under the law of other countries. Ultimately, the type of offense will determine the duration of registration:

- Adults must either register for 10 years or lifetime
- Juveniles must register for 10 years after date of supervision or discharge

As part of the registration process, individuals must do the following:

- Conduct verification of registered information either monthly, quarterly or annually based on the number of offense convictions
- Provide notification within 7 days of:
 - Change of residence to include the homeless
 - Change in name, health or job status
 - Employment or enrollment at an institution of higher education
 - Establishment or change of an email account, online identifier

Public Access to Information

The SORD submits information on registered sex offenders to the Department of Public Safety (DPS) for inclusion on its Sex Offender Database. The database, which is accessible to the public, offers a variety of information on registered sex offenders within the state of Texas. Information provided in the database includes:

- Photo of the offender
- Physical description (weight, height, tattoos, etc.)
- Date of last verification
- Address of residence
- Offense information

SAPD Outreach

The SORD participates in sex offender compliance checks throughout the year in coordination with the Bexar County Sheriff's Office, the Department of Public Safety and the United States Marshal Service to ensure compliance during certain times of the year such as Halloween.

The Detail also responds to questions from the public regarding the sex offender program and will present information on the role of the Detail and the sex offender registration process at various community meetings.

RECOMMENDATION:

This briefing is for informational purposes only