

CITY OF SAN ANTONIO
Office of the Police Chief
INTERDEPARTMENTAL CORRESPONDENCE

TO: Sheryl Sculley, City Manager

FROM: William P. McManus, Chief of Police

COPIES: Councilman Carlton Soules; Councilwoman Rebecca Viagran; Councilwoman Shirley Gonzales; Councilman Cris Medina; Erik J. Walsh, Deputy City Manager

SUBJECT: Council Consideration Request for the Creation of Child Safety Zones around the City's Park System

DATE: November 1, 2013

SUMMARY:

The Council Consideration Request of October 2, 2013, sponsored by Councilman Carlton Soules, directs the San Antonio Police Department to establish Child Safety Zones around the City's park system. The following memo outlines the San Antonio Police Department's recommendations regarding the proposed Child Safety Zone ordinance.

BACKGROUND:

On October 6, 2013, the Governance Committee was briefed on the proposed ordinance. The Committee recommended that the item be referred to the Public Safety Committee for further discussion and possible action.

Currently, Texas law allows parole boards and judges to impose restrictions of this nature on parolees or individuals on probation but does not grant them the same authority once the individual has completed the term of their parole/probation.

If an officer encounters an individual violating a City Ordinance or other criminal laws, the officer conducts a background check on that individual. If the person is a registered offender but not on probation/parole there is no violation (with respect to being in the park). If the individual is on probation/parole, the officer will contact their parole/probation officer and if the individual is in violation of the terms of their probation, the officer must release the individual and file against them at large. The applicable judge will then determine if the terms were indeed violated, and if so, instruct the probation/parole officer to bring the individual in to face the charges.

The proposed ordinance, based on other Texas cities, will prohibit all registered sex offenders from a) entering any City park (excepting the River Walk), b) loitering within 300 feet of a City park, or c) establishing a residence within 1,000 feet of a City park. These areas are called "Child Safety Zones."

The ordinance would apply to all registered sex offenders. However, it does exempt offenders who live within the Child Safety Zone prior to enactment of the ordinance. The ordinance may also be superseded if a parole board permits the person to be within the child

safety zone. Violations of this ordinance are classified as Class C Misdemeanors and carry a penalty of \$500 for each offense. The ordinance would also allow law enforcement officers to arrest individuals for this offense and/or escort them from City parks with a citation, regardless of their parole/probation status.

Enacting an ordinance of this nature would extend the prohibition of certain sex offenders in City parks after their probation and parole restrictions have expired. This will give law enforcement officers in San Antonio another tool to help keep all residents, and particularly children, safe from registered sex offenders.

If City Council passes this ordinance, the San Antonio Police Department will send out notification to all registered sex offenders in the city. Notices will also be given to sex offenders when they first register in San Antonio. Once they are put on notice, a violation of the ordinance will be elevated to a Class B Misdemeanor – criminal trespass. Also, as a way to inform the public, the SAPD Public Information Office will work with local television stations to send out notification of the new ordinance. This will ensure that the public is aware of the new ordinance and SAPD's efforts to keep the parks safe.

MUNICIPAL COURT EXEMPTIONS:

The proposed ordinance does not include a provision that San Antonio Municipal court may grant exemptions (as originally requested) because it would create a conflict of interest for the court (which determines violations) to also grant exemptions. Most other cities do not have provisions for this type of exemption. If such an exemption is desired, at least one city gives the discretion to City Council.

ALTERNATIVES:

There are several alternatives to the proposed ordinance. These alternatives include reducing or increasing the width of the buffer zone, limiting the ordinance to sex offenders who were adults when they were convicted, or sex offenders who committed sex crimes against minors.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATIONS:

Staff recommends that the Public Safety Council Committee approve the proposed ordinance for City Council consideration.



William P. McManus
Chief of Police