

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Manila Shaver, Chief of Police
DATE: November 28, 2016
SUBJECT: Predatory Offender Ordinance, First Reading



City of West St. Paul

BACKGROUND INFORMATION:

There are many forces at work changing the demographics and character of our community. Some of these forces are intentional such as the Council's desire to establish a business and residential growth direction. Others are more subtle to include the fluidity of businesses and retailers at any one time within the City, as well as families deciding to move to the city because of what it has to offer. Most changes occur gradually and people barely notice. However, there are other forces which occur more rapidly and tend to change neighborhood character overnight. Some of these forces include Group Residential Housing (GRH) and predatory offenders.

The Council and staff have been hard at work dealing with the growing number of GRH units within the City and the adverse impact some of these units have. However, repeat predatory offenders, predatory offenders who use physical violence and predatory offenders who prey on children and vulnerable individuals pose a very real threat to public safety.

Large and rapid influxes of predatory offenders create a unique challenge for a police department and can quickly degrade a community's sense of safety. Predatory offenders are likely to use physical violence or force and to repeat their offenses. Most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. Moreover, predatory offenders often learn and evolve as they commit additional offenses, thereby making detection of their unlawfulness more difficult for authorities.

Our sister city, South St. Paul, is going through a rapid influx of predatory offenders which continues to adversely impact their community and will be consuming valuable police resources in the foreseeable future in order to monitor these offenders and counter the lost sense of safety their residents once felt.

Many other communities, including West St. Paul, are beginning to experience a similar trend. I am very concerned about what is on the horizon when the state begins to deinstitutionalize those offenders currently being held in confinement at St. Peter and other similar state institutions.

One method to minimize the potential adverse impact of predatory offenders is to adopt an ordinance regulating where they may reside in the City. Regulating use is a common and standard method for cities to control and guide growth. More

importantly, we have a responsibility to safeguard our citizens, especially those most vulnerable to being victimized.

Attached is a draft ordinance for the Council’s consideration. In sum, the draft ordinance is rather straightforward in that it simply establishes a safe-zone around those institutions where potential victims are likely to congregate and restricts predatory offenders from living close by. There are three types of institutions articulated in the ordinance are:

1. Public or private schools;
2. Licensed child care facilities; and
3. State Licensed Residential Care Facilities or Registered Housing with Services Establishments.

I considered varying distances including 1,000, 1,500 and 2,000 feet and found 1,200 feet to be a good balance in protecting the public’s interest while still allowing areas where predatory offenders may reside. An overly restrictive ordinance would invite scrutiny and possibly be struck down in a court challenge.

FISCAL IMPACT:

		Amount
Fund:		
Department:		
Account:		\$0

STAFF RECOMMENDATION:

With this being the first reading of the draft ordinance, offering any suggestions or comments to staff. If the ordinance is acceptable to the Council, request staff to place the ordinance on the Council’s December 12th agenda for a second reading (public hearing).