



## Press Release

For Immediate Release  
February 13, 2014

Contact: Dan Cohen, 510-465-8294 / 510-282-7621

### **Attorney General Kamala Harris refuses to appeal sex offender online registration case to US Supreme Court**

*MORE Law enforcement officials call on Attorney General to help stop sex offenders by standing up for Prop. 35*

San Francisco, CA – Recently, the Ninth Circuit Court of Appeals upheld a decision by the District Court that ruled a provision in Prop. 35 requiring sex offenders to provide internet identifiers to law enforcement in a timely manner was unconstitutional. The office of the Attorney General of California must decide this week whether to appeal (or seek extension to do so) the court's decision to the U.S. Supreme Court and has indicated an unwillingness to do so – all while actively pursuing a case to overturn the state ban on foie gras.

More law enforcement officials are weighing in today, as proponents and supporters of Prop 35 released the following statements urging the California Attorney General to file an appeal to the U.S. Supreme Court in the landmark case *Doe vs. Harris*.

"The requirement that sex offenders report their name, aliases, addresses, and other identifying information to law enforcement has been longstanding established law. Prop. 35 extended those provisions to include online identifiers, giving law enforcement the necessary 21st century tools to protect the public from convicted sex offenders. It's important that the Supreme Court gets this right and protects victims from further danger," said **Brian Moriguchi, President, Los Angeles County Professional Police Officers Association.**

"Human traffickers and sex offenders are using online tools to help them commit their crimes. Prop. 35 gave law enforcement the ability to fight them on their own turf. We cannot afford to move backwards and allow convicted sex criminals to endanger more potential victims through the internet," said **Roger Mayberry, President of the California Fraternal Order of Police.**

"Law enforcement needs every available tool to fight human trafficking –and we need the highest court in the land to back us up. Internet predators are hiding out on-line and using anonymous profiles to recruit, groom, and traffic young women and boys," said **Brian Marvel, President of the San Diego Police Officers Association.**

"We are disappointed that the Attorney General is ignoring the will of 81% of California voters who supported Proposition 35. We want her to fight for this in the Supreme Court, not just rely on a naïve belief that the legislature will do the right thing," Marvel added.

All other provisions of Prop 35 are in effect. The injunction applies only to the one provision that convicted sex offenders provide internet identifiers to law enforcement.

"81% of voters wanted this law and the Attorney General is refusing to represent them. We urge her to reconsider and file an appeal to the Supreme Court. Someone needs to explain to the voters how this Attorney General can appeal the foie gras ban to save the lives of geese, but won't appeal this case to save the lives of children who are preyed upon on the internet," said **Chris Kelly of the Safer California Foundation**.

"By refusing to appeal, Attorney General Harris is surrendering to sex offenders and their demands, at the expense of victims and those at-risk of being victimized. Activists in the anti-human trafficking community worked hard to pass every provision of Prop 35 to stop exploitation of women and children online and offline. We need our Attorney General to work just as hard to defend it," said **Daphne Phung, Founder of California Against Slavery Research and Education**.

Given the prior rulings of the Supreme Court upholding sex offender registration laws against constitutional challenges and this ruling's conflict with a Tenth Circuit opinion upholding similar requirements in Utah, there is good reason to believe the Supreme Court will take the case and overturn the erroneous ruling.

"In November, after a District Court ruling inventing new anonymity rights for convicted sex offenders, the Ninth Circuit narrowly upheld the ruling, contradicting a Tenth Circuit ruling on a statute similar to Proposition 35. We, the proponents of the initiative, seek to appeal this ruling to the U.S. Supreme Court, as it is inconsistent with the Court's prior decisions on sex offender registries," Kelly added.

In 2003, the U.S. Supreme Court overturned a similarly flawed Ninth Circuit ruling on Alaska's sex offender statute. As part of that ruling, it stated:

"The fact that Alaska posts the information on the Internet does not alter our conclusion. It must be acknowledged that notice of a criminal conviction subjects the offender to public shame, the humiliation increasing in proportion to the extent of the publicity. And the geographic reach of the Internet is greater than anything which could have been designed in colonial times. These facts do not render Internet notification punitive. The purpose and the principal effect of notification are to inform the public for its own safety, not to humiliate the offender. Widespread public access is necessary for the efficacy of the scheme, and the attendant humiliation is but a collateral consequence of a valid regulation."

“The provision of Prop 35 that requires registered sex offenders to provide Internet identifiers to law enforcement is narrowly tailored and is no different than the requirement in existing law – upheld by the both the U.S. and California Supreme Courts – that offenders report their name, aliases, addresses, and other identifying information to law enforcement,” said Kelly.

###

#### **About California Against Slavery Research and Education**

California Against Slavery Research and Education (CASRE) is a non-partisan human rights organization dedicated to ending human trafficking, starting where we live. The organization’s mission is to defend the freedom of every child, woman and man by empowering the people of California to fulfill our obligation to stop human trafficking. For more information, visit [www.casre.org](http://www.casre.org). Selected updates on the implementation of Prop 35 can be found at: <http://www.casre.org/prop-35/news/>

#### **About the Safer California Foundation**

The Safer California Foundation is dedicated to supporting efforts to protect Californians from all forms of criminal exploitation. Created by Chris Kelly, former Facebook Chief Privacy Officer and a Silicon Valley attorney and philanthropist, the Safer California Foundation looks forward to the day when every neighborhood in California is as safe as our most secure neighborhoods today.

An announcement of the AG’s actions to **appeal the foie gras** ban can be found here: <http://www.bloomberg.com/politics/articles/2015-02-05/kamala-harris-will-fight-to-restore-california-foie-gras-ban>