

**ALLIANCE FOR CONSTITUTIONAL SEX OFFENSE LAWS, INC.**  
**2110 K Street**  
**Sacramento, CA 95816**  
**(805) 896-7854 || jmbellucci@aol.com**

October 26, 2022

**Tim Ryals, Sheriff**

(Tim.Ryals@fcsso.ar.gov)

**Chelsea McDaniel, Sex Offender Coordinator**

(chelsea.mcdaniel@fcsso.ar.gov)

**Brian Tyner, Reserve Commander**

(brian.tyner@fcsso.ar.gov)

Faulkner County Sheriff's Office

801 Locust Street

Conway, AR 72034

**Re:    "Halloween Sex Offender Community Safety Operations"**

Dear Sheriff Ryals and Staff:

The purpose of this letter is to address the Faulkner County Sheriff Office's "Halloween Sex Offender Community Safety Operations" initiative, in general, and in particular the office's plan to "plac[e] door hangers on the doors of sex offenders warning 'No Trick-or-Treat at this Address,'" as disclosed on the website of the Faulkner County Sheriff's Office.

Forcing registrants to post such signage on Halloween is a clear violation of the First Amendment because it is compelled speech. Earlier this year, the Eleventh Circuit Court of Appeals ruled in a similar situation that the Sheriff of Butts County, Georgia violated the First Amendment by posting virtually identical signs on the lawns in front of registrants' houses on and before Halloween. The Court's opinion in *McClendon v. Long*, 22 F.4th 1330 (11th Cir. 2022) is enclosed for your reference.

The fact that the Butts County signs, like yours, were nominally designated a "community safety message" from law enforcement intensified, rather than resolved, their illegality. The Court ruled in that case that "the Sheriff's yard signs are compelled government speech, and their placement in a homeowner's yard is unconstitutional unless the signs are a narrowly tailored means of serving a compelling government interest." The Court further ruled that the signs were not narrowly tailored, and thus "unconstitutional," because the Sheriff "has not offered evidence that any of the yard signs would accomplish the compelling purpose of protecting children from sexual abuse."

Indeed, no such evidence could be offered, because the notion of a threat posted by registrants on Halloween is an “urban myth similar to past myths warning of tainted treats.”<sup>1</sup> Academic studies in criminology confirm “there is no research that sex offenses increase on Halloween, no evidence that sex offenders target children on Halloween, and, in fact, no evidence that a child has ever been a victim of sexual abuse by a stranger while out trick-or-treating.”<sup>2</sup>

In fact, compelling registrants to post a sign on their homes that warn others away on Halloween – particularly signs known to be associated with registrants, and which purport to be from a “major crime unit” – is an invitation to vigilante violence against registrants, their families, and their property. This exact concern was noted by a federal judge in the United States District Court for the Central District of California when he enjoined a local police department from posting similar signs in the city of Simi Valley. The Court ruled:

[T]he sign requirement, heavily publicized in the Simi Valley area, poses a danger to sex offenders, their families and their property. Although the sign employs innocuous language, its function and effect is likely to approximate that of Hawthorne's *Scarlet Letter* — drawing immediate public attention to Plaintiffs and potentially subjecting them to the dangerous mischief common on Halloween night and to community harassment in the weeks and months following . . . .

*Doe v. City of Simi Valley*, 2012 U.S. Dist. LEXIS 191137, at \*25 (C.D. Cal. Oct. 29, 2012).

Please be advised that we intend to hold the Faulkner County Sheriff's Office as well as Faulkner County responsible for any and all damages incurred by registrants as a result of the sign-posting mandate, resulting vigilante violence, and the clear First Amendment violation they represent. My organization, the Alliance for Constitutional Sex Offense Laws, Inc., brings and supports lawsuits throughout the nation, including the *McClendon* and *Doe* cases cited above. We will not hesitate to pursue all available legal remedies against the Faulkner County Sheriff's Office and Faulkner County should you persist in posting, or requiring registrants to post, any signage related to Halloween. It is particularly disturbing that the Faulkner County Sheriff's Office has admittedly imposed this mandate in prior years upon registrants subject to supervision, and is now expanding that mandate to all registrants, including those not on supervision. This expansion will increase the potential liability of the Faulkner County Sheriff's Office and Faulkner County if legal action becomes necessary.

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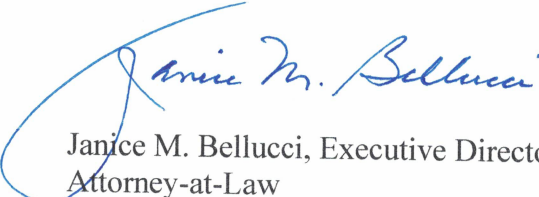
<sup>1</sup> Mark Chaffin, Jill Levenson, et al., *How Safe are Trick-or-Treaters? An Analysis of Child Sex Crime Rates on Halloween*, Vol. 21:3 *Sexual Abuse: A Journal of Research and Treatment* 363, 363-374 (2009), <http://sax.sagepub.com/content/21/3/363.abstract>.

<sup>2</sup> EMILY HOROWITZ, *PROTECTING OUR KIDS? HOW SEX OFFENDER LAWS ARE FAILING US*, p. 71 (2015).

*Letter to Sheriff Tim Ryals, et al.*  
*October 26, 2022*

Please confirm immediately whether or not your office intends to go forward with its signposting mandate. Thank you.

Sincerely,



Janice M. Bellucci, Executive Director  
Attorney-at-Law

cc: Phil Murphy, Faulkner County Civil Attorney  
(phil.murphy@faulknercounty.org)