

CASE NO. 13-1369
IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

CITY OF ENGLEWOOD, :
Defendant – Appellant :
 :
v. :
 :
STEPHEN BRETT RYALS, :
Plaintiff – Appellee :
 :

On Appeal from the United States District Court for the District of Colorado
The Honorable Judge R. Brooke Jackson
D.C. No. 12-cv-02178-RBJ

***AMICI CURIAE* BRIEF OF**
THE ASSOCIATION FOR THE TREATMENT OF SEXUAL ABUSERS
AND COLORADO COALITION AGAINST SEXUAL ASSAULT
IN SUPPORT OF PLAINTIFF – APPELLEE
UPHOLDING THE DECISION OF THE LOWER COURT

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STATEMENT OF IDENTITY & INTERESTS OF THE AMICI CURIAE^{1, 2}

The **Association for the Treatment of Sexual Abusers (ATSA)** is an international, interdisciplinary non-profit organization for the advancement of professional standards and practices in the field of sex offender evaluation and treatment. ATSA is dedicated to preventing sexual abuse through effective treatment and management of individuals who sexually offend. Through research, professional education, and shared learning, ATSA promotes evidence-based policies that protect the public from sexual violence and lead to effective treatment and management of individuals who have sexually abused or are at risk to abuse. ATSA's members include the world's leading researchers in the study of sexual violence as well as professionals who conduct evaluations and treat sexual offenders and victims. Given its unique expertise and mission, ATSA has a significant interest in the proper resolution of this case, as well as a distinctive, important perspective for the court's evaluation of effective public safety policies, beyond what the parties' legal briefs provide. ATSA is concerned that the court

¹ Pursuant to Federal Rule of Appellate Procedure 29(c)(5), the amici state the following: 1) no party to the underlying suit authored this brief in whole or in part, and 2) with the exception of the amici's counsel, no one, including any party or party's counsel, contributed money that was intended to fund preparing or submitting the brief.

² Authority to file: Pursuant to Federal Rule of Appellate Procedure 29(b), amici have filed a motion for leave to file this brief of *Amici Curiae* contemporaneously with the filing of this Brief.

understand the accurate medical and scientific evidence that is relevant to the court's decision.

The **Colorado Coalition Against Sexual Assault (CCASA)** is an organization that promotes safety, justice, healing for survivors of sexual abuse, and elimination of sexual violence. It works to ensure that Colorado communities support survivors and hold perpetrators accountable. CCASA is devoted to listening to the stories of survivors and keeping their needs paramount in all aspects of our organizational work. In order to protect community and victim safety, as well as prevent future victimization, CCASA is committed to managing offenders in Colorado communities according to policies that reflect current, comprehensive research regarding effectiveness. CCASA holds membership in, and engages in collaborative efforts with, multiple statewide government agencies, including: Colorado's Sex Offender Management Board, Commission on Criminal and Juvenile Justice Sex Offender/Offense Task Force, and DCJ Crime Victim Services Advisory Board.³ Since CCASA serves survivors of sex offenses in Colorado, it has a particular interest in adding its distinctive perspective to this

³ CCASA also works with Colorado Sexual Assault Response Project (SARP) Advisory Committee, SANE (Sexual Assault Nurse Examiner) Advisory Board, Healthy Colorado Youth Alliance, Colorado Network to End Human Trafficking (CoNEHT), Ending Violence Against Women Project Advisory Board, Sexual Violence Prevention Program Advisory Committee (Colorado Department of Public Health & Environment), Denver Anti-Trafficking Alliance, Teen Dating Violence Policy Working Group, DVP Funding Recommendation Committee, Colorado COSA Steering Committee, Sexual Assault Interagency Committee (SAIC), Governor-appointed Task Forces, and Legislative Rulemaking Committees

case. CCASA is uniquely familiar with the state of Colorado's sex offender residency scheme and offers a unique perspective on whether residency restrictions promote public safety goals.

INTRODUCTION

Protecting the public from sex offending is a compelling state interest for Colorado, and it is also the core mission of each of the amici. Toward this goal, the state of Colorado has established a statewide scheme in which residence restrictions are applied based on an offender's assessed risk rather than on a one-size-fits-all policy. The Sex Offender Management Board, a legislatively created board mandated to develop standards for the treatment and supervision of sex offenders in Colorado, has recommended against broad residence restrictions because such restrictions would undermine the State's public safety goals.

It is well established that stable housing reduces the likelihood of recidivism for people with criminal records. This is also true for sex offenders. There is no evidence that residence restrictions, imposed without considering an individual offender's risk and circumstances, reduce sexual recidivism. In fact, research shows that residence restrictions may result in *higher* levels of recidivism and pose an increased danger to the community by destabilizing an offender. To enforce these sweeping, counterproductive restrictions, law enforcement must expend its

limited time and resources, which could be better used for victims' services and for more-thoroughly monitoring the higher risk offenders.

ARGUMENT

The amici adopt the arguments of the Plaintiff, and further submits the following:

I. Municipal residence restrictions like Ordinance 34 frustrate Colorado's goal of protecting the public from sex offender recidivism.

1) There is no evidence that residence restrictions like Ordinance 34 reduce sex offending.

Broad, offense-based residence restrictions do not reduce sex offense recidivism. *See e.g.*, Jill Levenson & A. Hern, *Sex offender residence restrictions: Unintended consequences and community re-entry*, 9 Justice Research and Policy 59–73 (2007). In some cases, effective reentry plans, based on individual clinical risk assessment, may include specific housing-restrictions. Thus, in Colorado, probation and parole officers have the final authority to approve offenders' residence. Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders, § 5.620(K) ("Any change of residence must receive prior approval by the supervising officer and those with whom the offender resides must know that they are a sex offender. The offender must secure advanced approval from the supervising officer if anyone moves into their residence or stays at their residence."); COLO. REV. STAT. § 17-22.5-403(6),

(8) (2013) (“the division of adult parole shall provide parole supervision and assistance in securing employment, housing [...] as may effect the successful reintegration of such offender into the community while recognizing the need for public safety.”) The supervising agency ultimately decides where the offender lives, taking into consideration potential contact with victims, as well as the offender’s finances, travel needs, and recommendations from treatment providers. Colorado Department of Public Safety, Sex Offender Management Board, *Report on Safety Issues Raised by Living Arrangements For and Location Of Sex Offenders in the Community, as prepared for the Colorado State Judiciary Committees, Senate and House of Representatives (Pursuant to Colo. Rev. Stat. § 16.11.7-103(4)(j))* (2004) (hereinafter Colorado Department of Public Safety, *Report on Safety*). Individualized case management and monitoring is more likely to protect the public than broad residence restriction policies, which are unsupported by empirical recidivism studies.

An abundance of empirical research has established that reoffending is not deterred by residence restrictions.⁴ In 2012, researchers found that implementing residence restrictions did not decrease sex crime arrests or sex offender recidivism, “suggesting that the residence restriction did not achieve its intended goal of

⁴Research data on “recidivism” and “re-offending” relies on records of re-arrest and/or re-conviction to measure the commission of a new crime. Arrest data, regardless of the residence policy, underestimates true reoffense rates because some sexual crimes are never detected or reported to law enforcement.

reducing recidivism.” Matt Nobles, Jill Levenson, & Tasha Youstin, *Effectiveness of Residence Restrictions in Preventing Sex Offense Recidivism*, 58 *Crime & Delinquency* 612-642 (2012). This confirmed a Florida study establishing that there is no difference between the distances that recidivists and non-recidivists lived from schools and daycares, and there is no significant relationship between reoffending and proximity to schools or daycare centers. Paul Zandbergen, Jill Levenson, & Timothy C. Hart, *Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism*, 37 *Criminal Justice and Behavior* 482-502 (2010). A 2007 study by the Minnesota Department of Corrections also found that boundary or buffer zones around schools, parks, or similar areas do not prevent sex offenses. Minn. Dep’t of Corr., *Residential Proximity & Sex Offense Recidivism in Minnesota* (2007), at 2 (“Not one of the 224 [recidivist] sex offenses [studied] would likely have been deterred by residency restrictions”). For high risk sex offenders, just like all other sex offenders, there is no evidence that proximity to parks or schools played a role in any known re-offenses. Minn. Dep’t of Corr., *Level Three Sex Offenders Residential Placement Issues* (2003). Moreover, interviews with sex offenders revealed that they were more likely to travel to other neighborhoods to find potential victims because of a reduced chance of being recognized. *Id.*

Governmental entities have analyzed the efficacy of residence restrictions, concluding that they do not reduce sex offender recidivism and actually frustrate efforts to treat, track, and reintegrate offenders. For example, a 2003 study commissioned by the Minnesota Legislature recommended against passing proposed residence restrictions because they would “pose...problems, such as a high concentration of [displaced] offenders with no ties to community; isolation; lack of work, education and treatment options; and an increase in the distance traveled by agents who supervise.” Minn. Dep’t of Corr., *Level Three Sex Offenders*, supra. The study concluded that residence restrictions would not reduce reoffending, and the state did not implement residence restrictions. Similarly, the Iowa County Attorneys Association campaigned to repeal sex offender residence restrictions, arguing that they were ineffective and counter-productive. Iowa County Attorneys Association, *Statement On Sex Offender Residency Restrictions In Iowa*, December 11, 2006. (“Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children.”) They found that residence restrictions do “not provide the protection that was originally intended” and are unjustified by “the cost of enforcing the requirement.” *Id.* They concluded that residence restrictions should only apply to a “limited group of offenders ... that present actual risk ... identified by a competent assessment performed by trained persons.” *Id.*

Similarly, after conducting Colorado-based research and thoroughly reviewing nationwide research, Colorado confirmed that residence restrictions are unproductive and potentially damaging to the state's public safety plan. The Colorado Division of Criminal Justice evaluated the impact of residence restrictions implemented in some Colorado cities. It found no evidence that residence restrictions prevent repeat sex crimes and that residence was not linked to the location of the crime. Colorado Department of Public Safety, *Report on Safety*. In Colorado, child molesters who reoffended while under supervision did not live closer than non-recidivists to schools or child care centers. *Id.* In fact, if registered sex offenders recidivated, they were highly unlikely to commit a sex offense near their place of residence. *Id.*

The Colorado Sex Offender Management Board (SOMB), the body charged by the legislature to develop standards for the treatment and supervision of sex offenders in Colorado, has recommended against broad residence restrictions because such restrictions would undermine the State's public safety goals. In 2004, the SOMB recognized that residence restrictions for community supervised sex offenders may not deter re-offense and should not be used as a universal sex offense management strategy. Sex Offender Management Board, *White Paper on Use of Residence Restrictions as a Sex Offender Management Strategy* (2009) (hereinafter SOMB, *White Paper on Use of Residence Restrictions*). Such

decisions should be made on an individualized basis by the sex offender's Community Supervision Team. *Id.* In 2008, the SOMB's statewide survey found that the enactment of residence restrictions in a jurisdiction appeared to create no significant change in the number of registered sex offenders or number of sex crimes; however, the number of registered sex offenders who failed to register, perhaps going underground, seemed to increase after the ordinances were enacted. *Id.* Recently, in 2009, the SOMB published a white paper recommending against residence restrictions in Colorado, concluding that: "It appears counterproductive to endorse and/or institute policy and law based on fear, ignorance, and politics when it causes more problems than it solves. Community safety is paramount and should be the common goal when considering any policy or law regarding sex offenders. Residence restrictions and zoning laws as a whole are clearly counterproductive to this goal." *Id.* In 2011, the SOMB passed a resolution that states: "The Board does not support sex offender residency restrictions or zoning restrictions that are counter-productive to the effective supervision of sex offenders." Colorado Commission on Criminal and Juvenile Justice, "FY2012 recommendation/FY12-SO15 child safety zones in lieu of residency restrictions" (2012), <http://www.colorado.gov/ccjdir/Resources/PM/FY12-SO15.pdf>.

Consistently with this recommendation, the Colorado Commission on Criminal and Juvenile Justice (CCJJ) recommended to the state legislature the use

of child safety zones in lieu of residence restrictions and zoning ordinances regarding sex offender housing. *Id.* CCJJ was created by the Colorado legislature to research and recommend evidence-based strategies to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. In its recommendation to the legislature, CCJJ reasoned that “Colorado municipalities and counties continue to implement sex offender housing restrictions and zoning ordinances which reduce the options for housing that promotes public safety. These actions tend to result in a domino effect causing adjacent municipalities and counties to also implement restrictions . . . These restrictions result in negative consequences that impede better public safety options for managing sex offenders.”*Id.*

Ultimately, Colorado has not implemented any broad, one-size-fits-all, or offense-based residence restriction policies. As the District Court in this case notes, the “Colorado General Assembly has made clear its desire to promulgate a comprehensive system for regulating sex offenders that is based on individualized, evidence-based assessments Despite the state’s desire that reintegration be accomplished in a manner that addresses the needs of the offender and the community, ordinances like the Englewood ordinance pose a potentially substantial obstruction to the realization of the reintegration goals.”

2) Residence restrictions like Ordinance 34 may result in increased recidivism and undermine the state's efforts to supervise and treat offenders.

Housing stability is among the most important factors known to reduce the likelihood of sex offender recidivism and to promote successful reintegration. *See e.g.*, Colorado Department of Public Safety, *Report on Safety*; SOMB, *White Paper on Use of Residence Restrictions*. In Colorado, sex offenders who received positive support through stable housing, family, friends, and employment had significantly fewer probation violations and re-offenses than those with no support or negative support. Colorado Department of Public Safety, *Report on Safety*. (This finding has been reproduced by numerous other studies on residence restrictions, recidivism rates, and the reintegration of sex offenders. *See e.g.*, Minn. Dep't of Corr., *Residential Proximity*, *supra*; Minn. Dep't of Corr., *Level Three Sex Offenders*, *supra*; Zandbergen et al., *Residential Proximity to Schools and Daycares*, *supra*.) Public policies that impede these goals for "positive support" can undermine public safety. *See e.g.*, Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* (2003). For sex offenders, risk factors such as unemployment, isolation, depression, and housing instability are actually factors that are associated with increased recidivism. *See e.g.*, Jill Levenson & Leo Cotter, *The Impact of Sex Offender Residency Restrictions: 1000 Feet from Danger or One Step from the Absurd?* 49 Int'l J. of Offender Therapy and Comp Criminology 168 (2005);

Colorado Department of Public Safety, *Report on Safety*; R. Karl Hanson and Kelly Morton-Bourgon, *Predictors of Sexual Recidivism: An Updated Meta-Analysis* (2004); Candace Kruttschnitt, et al., *Predictions of Desistance Among Sex Offenders: The Interactions of Formal and Informal Social Controls*, 17 *Just. Quarter.*, No. 1, 67-87 (2000). Empirical studies of residence restrictions in Iowa, California, Florida, and Ohio showed that the laws have actually proven counterproductive, because they often destabilize sex offenders; thus, these ordinances may inadvertently exacerbate the factors correlated with recidivism. SOMB, *White Paper on Use of Residence Restrictions*. “One of the most concerning aspects of the implementation of [sex offender] residence restrictions, locally or nationally, is the passing of policy and law without consideration for research, best practice, and effective methodology. This often results in unintended, counterproductive consequences which negatively impact community safety.” *Id.*

Residence restrictions increase the likelihood of recidivism because they create housing instability and homelessness, as well as decrease access to employment, treatment providers, social services, and support networks. Offenders have been required to leave established jobs, therapists, and family to comply with these laws. Moreover, residence restrictions often result in sex offenders clustering in areas with many risk and instability factors, including higher unemployment

rates, fewer residents with high school or college educations, greater proportions of families living below poverty line, and lower household incomes and home values.

E. Mustaine and Richard Tewksbury, *Register Sex offenders, Residence, and Influence of Race*, 5 J Ethnicity Crim. Just. (2007); E. Mustaine, R. Tewksbury, and K.M. Stengel, *Social Disorganization and Residential Locations of Register Sex Offenders: Is this a Collateral Consequence?*, 27 Deviant Behav. 329, 336 (2006). A survey of sex offenders in Florida indicated that housing restrictions increased isolation, created financial and emotional stress, and led to decreased stability. Levenson & Cotter, *The Impact of Sex Offender Residency Restrictions*, supra. Residence restrictions prevented over half of offenders surveyed from living with supportive family, which is an important stabilizing factor. *Id.* In Colorado, the SOMB has “suggested that the imposition of residence restrictions may increase the risk of re-offense by forcing sex offenders to live in communities where positive support systems may not exist, and they may be removed from accessible resources or live in remote areas providing them with high degrees of anonymity.” SOMB, *White Paper on Use of Residence Restrictions*.

The socially disorganized, economically depressed communities, where sex offenders often must move, lack the resources and social networks to protect residents and organize a unified response to crime – thus, potentially increasing public safety risk in these areas. *See e.g.*, E. Mustaine, R. Tewksbury, and K.M.

Stengel, *Residential Location and Mobility of Registered Sex Offenders*, 30 American Journal of Criminal Justice 177-192 (2006). As a result such restrictions not only have a detrimental impact on reintegration of sex offenders, but also may create a negative impact on certain communities by forcing offenders to cluster in the very areas that least are equipped to provide proper reentry or a response to re-offense. *Id.*

Municipal residence restrictions create considerable extraterritorial impact on public safety by forcing people to move. A study of registered sex offenders in Orange County, Florida found limited housing options force sex offenders to establish residence in low-density rural areas, supporting the argument that residence restrictions are a strong contributing factor to their social and economic isolation. Paul Zandbergen & Timothy C. Hart, *Reducing Housing Options for Convicted Sex Offenders: Investigating the Impact of Residency Restriction Laws Using GIS* (2006). According to a Minnesota study, sex offenders often move to rural areas where they are likely to become increasingly isolated with few employment opportunities, a lack of social support, and limited availability of social services and mental health treatment. Minn. Dep't of Corr., *Level Three Sex Offenders*, *supra*.

Residence restrictions can interfere with the state's public safety goals such as tracking, monitoring, supervision, and facilitating successful reintegration into

the community. These goals are undermined because overbroad residence restrictions lead to homelessness and transience. Jill Levenson, et al., *Where for Art Thou? Transient Sex Offenders and Residence Restrictions*, Abstract, Criminal Justice Policy Review (2013), <http://cjp.sagepub.com/content/early/2013/12/02/0887403413512326>. According to a 2013 study, significantly higher proportions of transient sex offenders were found in counties with a larger number of local-level restrictions, and transients were more likely than non-transients to have a history of registry violation. *Id.*

Offenders who are prompted to “disappear” or “go underground” present a serious obstacle for law enforcement. Marcus Nieto & David Jung, California Research Bureau, *The impact of residency restrictions on sex offenders and correctional management practices: A literature review 23-25* (2006). For example, an Iowa sheriff reported that before residence restrictions were enacted, he knew the location of about 90% of the 435 sex offenders in his county; after the residence law was enacted, nearly half went underground. “We’re lucky it we know where 50 to 55 percent of them are now . . . the law created an atmosphere that these individuals can’t find a place to live.” Nieto & Jung, *The impact of residency restrictions*, supra at 24 (citing Sea Stachura, “The Consequences of Zoning Sex Offenders,” Minnesota Public Radio broadcast, NPR, April 25, 2006). Similarly, in Miami-Dade County, residence restrictions left almost no possibilities

for affordable housing, creating the highly-publicized “colonies” living under bridges; state prison officials and probation officers warned that this situation led sex offenders to stop registering with the state and go underground. Greg Allen, *Sex Offenders Forced To Live Under Miami Bridge*, NPR, 20 May 2009, available at <http://www.npr.org/templates/story/story.php?storyId=104150499>. When law enforcement cannot locate offenders, they are not able to adequately monitor or supervise these offenders and the risk for reoffending increases. Seattle police detective Bob Shilling, a nationally recognized expert on sex offenders, explains that sex-offender-free zones chase offenders “from one jurisdiction to another . . . It creates a lot more homeless sex offenders, which makes it a lot harder for us to keep track of them. . . . They do not work. In fact, it exacerbates the problem.” Nieto & Jung, *The impact of residency restrictions*, supra at 24 (citing Channel 4 KOMO Staff and News Service, “Sex Offender Task Force Wants Tougher Registration Laws,” Seattle, Washington, December 27, 2005.)

Residence restrictions are also driven by – and promulgate – the erroneous presumption that children are at great risk from strangers near schoolyards, playgrounds, daycares, and recreational areas. In reality, the Department of Justice found that 93% of child sexual abuse victims were abused by a family member or well-known acquaintance. Bureau of Justice Statistics, *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender*

Characteristics, 10 (2000). A multitude of studies have also shown that most sexual offenses are committed in the offender's or the victim's home. SOMB, *White Paper on Use of Residence Restrictions*. In a Wisconsin study, researchers found that none of the recidivistic offenses in the study sample were for predatory sex crimes involving strangers. R. Zevitz, *Sex offender community notification: Its role in recidivism and offender reintegration*, 19 *Criminal Justice Studies* 193–208 (2006). Laws based on the “stranger danger” myth lead the public to “protect” their children based on anomalous cases rather than the statistical probabilities reported by researchers. This may shift focus away from protecting children from individuals they know and trust, who are far more likely to offend against a child.

The American Correctional Association – the world's largest professional organization of corrections practitioners – has taken a stance that “there is no evidence to support the efficacy of broadly-applied residential restrictions on sex offenders [...and these policies] may cause [sex offenders] to become lost to the supervision and surveillance of responsible authorities.” Am. Corr. Ass'n, *Resolution on Neighborhood Exclusion of Predatory Sex Offenders* (Jan. 24, 2007). Residence restrictions are also “contrary to good public policy” because they “create disincentives for predatory sex offenders to cooperate with responsible community corrections agencies” and create “unintended consequences” that undermine public safety. *Id.*

Finally, unproductive and counter-productive residence restrictions are a misuse of limited law enforcement resources, time, and funds which could, instead, be used to benefit public safety and victims. “There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.” Iowa County Attorneys Association, *Statement*, supra. According to the National Alliance to End Sexual Violence, resources allocated for the management of convicted sex offenders should primarily be directed to those at highest risk of re-offense. National Alliance to End Sexual Violence, “Community Management of Sex Offenders,” <http://endsexualviolence.org/where-we-stand/community-management-of-sex-offenders>. Offenders identified as high risk can most accurately be assessed through the application of evidence-based actuarial risk-assessment tools, not by the seriousness of the charge for which a sex offender was convicted. *Id.* The State of Colorado has an interest in appropriate and effective use of public safety resources, which are funded in part from the state level.

CONCLUSION

The state of Colorado has not enacted broad, offense-based residence restriction, which are unsupported by social science research and empirical data. Recommendations from the SOMB and CCJJ to the state legislature, as well as studies in Colorado and nationwide, indicate that residence restrictions do not

reduce offending. In fact, these restrictions may cause *higher* levels of recidivism and misuse state resources. Rather than using ineffective policies, the state of Colorado created a scheme in which residence restrictions are applied based on individual offender assessment. Municipal ordinances, like Ordinance 34, undermine the state's ability to protect the public from sex offending and to effectively manage offenders in the community. Accordingly, amici respectfully urge this Court to affirm the district court's ruling.

Respectfully submitted,

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REQUIRED CERTIFICATIONS

I hereby certify that this brief complies with the requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in 14-point Times New Roman, a proportionally spaced font. I further certify that this brief complies with Rule 32(a)(7) because it contains 4,135 words, excluding the parts of the brief exempted under Rule 32(a)(7)(B)(iii), according to the count of Microsoft Word.

I also certify that the text of the electronic brief is identical to the text in the paper copies; that all required privacy redactions have been made; and that the electronic brief has been scanned for viruses using Avast! Antivirus (version 2014.9.0.2013) and found to be virus free.

s/ Megan Frankenstein

Megan Frankenstein

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014, I electronically filed the foregoing Motion Of The Association For The Treatment Of Sexual Abusers And Colorado Coalition Against Sexual Assault For Leave To File Brief As Amici Curiae with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit by using the CM/ECF system. The following participants in the case who are registered CM/ECF users will be served by the CM/ECF system:

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