Where the Tide Has Carried Us
Overview:

• International review
• Research Summary
• Residence restrictions
• Adam Walsh Act
• Next steps
Dangerous Offender Laws

- Netherlands 1925
- Australia Early 1900s, 1990 (Victoria)
- Belgium 1930, 1964
- New Zealand 1992
- Switzerland 1937, 1971, 1993
- Denmark 1925, 1930
- Scotland 1984
- Sweden 1925, 1935
- Germany 1933, 2001 (Bavaria) 2004
- United States 1930s, 1970s, 1990s
- Israel 2006
International comparison (cont)

• Registration with law enforcement: UK, France, Canada, Australia, Canada, Austria (2008)
• Canada: two provinces notification
• Differences: notification, residence restrictions
• Underneath policy topics, differences in how victims are treated, evidence collection etc.
Decline in Rape

Adjusted victimization rate per 1,000 persons age 12 and over
Decline in Child Sexual Abuse

51% Decline
Residence Restrictions Policies
“But he has nothing on!” cried a little child. And the Emperor, hearing what the child said, shivered, for he knew that the words were true. But it would never do to stop the procession; and so behind him, his officers held their heads higher than ever, and took even greater pains to pretend to carry the Emperor’s train, which was not there at all.

---Hans Christian Anderson

*The Emperor’s New Clothes*
Registration and Notification

- 1994: Jacob Wetterling Act
  - Required sex offenders to register with local law enforcement so that such criminals could be tracked and their whereabouts known.

- 1996: Megan’s Law
  - Amended the Wetterling Act, requiring all states to implement community notification.

- PROTECT amendment required all states to develop Internet registries by 2006.

- Adam Walsh Act (2006)
  - Creates more stringent registration and notification requirements, includes juveniles.
Forces pushing increased residence restrictions

- Increased awareness of SOs in community

- Common belief that laws prohibiting sex offenders from living within close proximity to schools, parks, playgrounds, daycare centers and bus stops will make the community safer.

- Common feeling that punitive efforts towards all sex offenders are justified after hearing highly publicized single cases of child abduction, abuse and death. “Zero tolerance”

- 22 states, hundreds of local municipalities have passed zoning laws.
Domino effect
“Other cities already have them and if we fail to act, then we put a big target on ourselves as being a desirable place for sex offenders to reside.”

Hollywood to weigh sex offender law

BY IHOSVANI RODRIGUEZ
STAFF WRITER

HOLLYWOOD — Finding a place to live in this city could get more difficult for registered sex predators and offenders.

Hollywood city commissioners are scheduled today to consider an ordinance that would create residential limitations for those on the registered list. If it is adopted, Fort Lauderdale will be the last remaining major Broward County city that does not have such restrictions.

Under Hollywood’s proposal, convicted sex offenders and predators will not be allowed to live within 1,000 feet of any school, public bus stop, day care center, park, playground or other private or public recreational facility where children regularly meet. The ordinance will also make it illegal for owners of properties within 1,000 feet of the prohibited locations to rent to offenders or predators.

Homeowners currently living within the off-limit areas will be allowed to stay, but renters must move out when leases expire, according to the ordinance. Penalties include daily fines of up to $500 and jail time. The proposed ordinance is scheduled for a public hearing at 5:30 p.m. today.

The sponsor, Commissioner Peter Bober, said such restrictions are overdue in Hollywood.

“Other cities already have them and if we fail to act, then we put a big target on ourselves as being a desirable place for sex offenders to reside,” he said.
Do you think the following strategies are effective in reducing sexual offenses?

<table>
<thead>
<tr>
<th>Strategy</th>
<th>% answering “yes”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community notification</td>
<td>83%</td>
</tr>
<tr>
<td>Restricting where sex offenders can live</td>
<td>58%</td>
</tr>
<tr>
<td>Treatment in prison</td>
<td>71%</td>
</tr>
<tr>
<td>Treatment in the community</td>
<td>65%</td>
</tr>
<tr>
<td>Community education</td>
<td>55%</td>
</tr>
<tr>
<td>Chemical castration</td>
<td>51%</td>
</tr>
<tr>
<td>Restitution</td>
<td>38%</td>
</tr>
<tr>
<td>Prison</td>
<td>67%</td>
</tr>
<tr>
<td>Electronic monitoring</td>
<td>62%</td>
</tr>
</tbody>
</table>

I would support these policies even if there is no scientific evidence showing that they reduce sexual abuse. (73%)

<table>
<thead>
<tr>
<th>Agreement Level</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partially true</td>
<td>24%</td>
</tr>
<tr>
<td>Completely true</td>
<td>49%</td>
</tr>
</tbody>
</table>

CNN public opinion poll

- Created: Thursday, April 05, 2007
- **Is it okay to have laws that mean child sex offenders cannot live anywhere legally?**
- Total: 68,986 votes

- This QuickVote is not scientific and reflects the opinions of only those Internet users who have chosen to participate. The results cannot be assumed to represent the opinions of Internet users in general, nor the public as a whole. The QuickVote sponsor is not responsible for content, functionality or the opinions expressed therein.
Does proximity to schools increase recidivism?

- Recidivists were randomly scattered throughout the geographical area, and did not seem to live closer than non-recidivists to schools or child care centers (Colorado Department of Public Safety, 2004).

- Sex offenders’ residential proximity to schools or parks was not a factor in recidivism, nor did it impact community safety (Minnesota department of corrections, 2003).

- “not one of the 224 sex offenses would likely have been deterred by a residency restriction law” (Minnesota department of corrections, 2007 p. 2).
Almost all (99%) of potentially available residential properties (over 137,000) fall within 2,500 feet, virtually eliminating available dwellings for sex offenders to live.

When considering schools, parks, daycare centers, and bus stops combined, there were 4,233 properties available within 1,000-feet buffer zones and 37 properties for the 2,500-feet buffer zones.

These numbers represent all existing properties and only a very small portion of these are likely to be available for rent or purchase at any particular point in time.
Sex offenders housed under bridge.

Julia Tuttle Causeway
Miami, FL

Miami has a 2500 foot county wide restriction
The only legal residence available for sex offenders in South Florida
Unanticipated Consequences

• Push offenders out of metropolitan areas and into rural and poor communities with few resources.

• Isolate offenders and limit access to employment opportunities, public transportation, social support, social services, and mental health treatment.

• Prevent living with supportive and dependent family members.

• Require the re-location of family members.

• Restrictions can lead to homelessness and transience, which interfere with effective tracking, monitoring, and close probationary supervision.

• May increase risk by aggravating the stressors (ex. Isolation, disempowerment, shame, depression, substance abuse, lack of social supports) that can trigger some sex offenders to relapse.
Indiana

<table>
<thead>
<tr>
<th>Reason</th>
<th>Offender age</th>
<th>Years of education</th>
<th>Income</th>
<th>Most recent victim age</th>
<th>Months on probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had to move out of a house that I owned</td>
<td>.05</td>
<td>-.03</td>
<td>-.02</td>
<td>-.11</td>
<td>.16</td>
</tr>
<tr>
<td>Had to move out of a rental</td>
<td>-.08</td>
<td>-.15</td>
<td>-.08</td>
<td>-.10</td>
<td>.17</td>
</tr>
<tr>
<td>When released from prison, unable to return home</td>
<td>-.01</td>
<td>-.08</td>
<td>-.15</td>
<td>-.15</td>
<td>.03</td>
</tr>
<tr>
<td>Unable to live with supportive family</td>
<td>-.21*</td>
<td>-.12</td>
<td>-.15</td>
<td>-.08</td>
<td>.00</td>
</tr>
<tr>
<td>Landlord refused to rent to me</td>
<td>-.14</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
<td>.15</td>
</tr>
<tr>
<td>Landlord refused to renew lease</td>
<td>-.08</td>
<td>.00</td>
<td>.03</td>
<td>.01</td>
<td>-.08</td>
</tr>
<tr>
<td>Have found it difficult to find an affordable place to live</td>
<td>-.31**</td>
<td>.00</td>
<td>.00</td>
<td>.04</td>
<td>-.04</td>
</tr>
</tbody>
</table>

2-tailed bivariate correlations; * = p<.05; ** = p<.01

<table>
<thead>
<tr>
<th>FL Offender age</th>
<th>Years of education</th>
<th>Income</th>
<th>Most recent victim age</th>
<th>Proximity Zone (^a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had to move out of a house that I owned</td>
<td>-.16</td>
<td>.12</td>
<td>-.10</td>
<td>.23*</td>
</tr>
<tr>
<td>Had to move out of a rental</td>
<td>-.23*</td>
<td>-.12</td>
<td>-.10</td>
<td>.02</td>
</tr>
<tr>
<td>When released from prison, unable to return home</td>
<td>-.27**</td>
<td>.00</td>
<td>-.02</td>
<td>.11</td>
</tr>
<tr>
<td>Unable to live with supportive family</td>
<td>-.26**</td>
<td>.00</td>
<td>-.12</td>
<td>.00</td>
</tr>
<tr>
<td>Landlord refused to rent to me</td>
<td>-.32**</td>
<td>.19</td>
<td>-.06</td>
<td>.05</td>
</tr>
<tr>
<td>Landlord refused to renew lease</td>
<td>-.25*</td>
<td>.17</td>
<td>-.06</td>
<td>.05</td>
</tr>
<tr>
<td>Have found it difficult to find affordable place to live</td>
<td>-.29**</td>
<td>-.10</td>
<td>-.17</td>
<td>-.03</td>
</tr>
<tr>
<td>Spent time in jail due to residence violation</td>
<td>-.25*</td>
<td>-.03</td>
<td>-.20*</td>
<td>-.14</td>
</tr>
<tr>
<td>Number of days homeless</td>
<td>-.26*</td>
<td>.05</td>
<td>-.05</td>
<td>.02</td>
</tr>
<tr>
<td>Number of moves</td>
<td>-.24*</td>
<td>-.05</td>
<td>.08</td>
<td>-.15</td>
</tr>
<tr>
<td>Live farther away from employment</td>
<td>-.12</td>
<td>.02</td>
<td>-.04</td>
<td>.06</td>
</tr>
</tbody>
</table>

Impact on Juveniles

• “These findings bode ominously for the implementation of the Adam Walsh Act, which will require juveniles as young as 14 to register as sex offenders. Because residence restrictions are typically tied to sex offender registration status, we are likely to see a burgeoning housing crisis for a significant number of youth with sexual behavior problems who will be prohibited from living with their families” (Levenson, in press).

• Youth is a risk factor for sexual and general recidivism, and lifestyle instability also increases risk (Hanson & Bussiere, 1998; Hanson & Harris, 1998; Hanson & Thornton, 1999; Hanson & Harris, 2001; Hanson & Morton-Bourgon, 2004). Residence restrictions, therefore, might aggravate rather than mitigate the likelihood of recidivism for younger offenders.
<table>
<thead>
<tr>
<th>Statement</th>
<th>% Endorsing “agree” or “strongly agree”</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am more able to manage my risk factors</td>
<td>17%</td>
</tr>
<tr>
<td>Residence restrictions are successful in limiting access to children</td>
<td>9%</td>
</tr>
<tr>
<td>I believe that residence restrictions help me to prevent offending</td>
<td>7%</td>
</tr>
<tr>
<td>I believe that residence restrictions protect children from sex offenders</td>
<td>12%</td>
</tr>
<tr>
<td>If I wanted to reoffend I could do so despite residence restrictions</td>
<td>74%</td>
</tr>
</tbody>
</table>
So what?

- Decades of criminological research have identified social support, stability, and employment as important factors in successful community re-entry and decreased recidivism.

- Residence restrictions decrease stability and increase the psychosocial stressors that challenge coping skills (dynamic risk factors) – potentially increasing the risk for recidivism.

- Laws that disrupt stability and cause sex offenders to become more difficult to track and supervise are unlikely to be in the best interest of public safety.
Transience and recidivism

- In Georgia, residential instability was found to be a robust predictor of reoffending; the likelihood of re-arrest increased by 25% each time a parolee moved (Meredith, Speir, Johnson, & Hull, 2003).

- National sample (n = 2,030): Probationers who moved more than once during probation were almost twice as likely to have had a disciplinary hearing (Schulenberg, 2007).

- Released prisoners living in temporary shelters in New York were more likely to use drugs and alcohol, to be unemployed, and to abscond from probation or parole (Nelson, Deess, & Allen, 1999).

- An unstable living arrangement was the strongest predictor (r = .29) of parole absconding in a sample of over 4,000 parolees in California (Williams, McShane, & Dolny, 2000).
Stability and crime desistance

- Employment and family relationships, particularly marriage, have consistently been linked to desistance from crime (Laub & Sampson, 2001).

- Sex offenders with stable employment and social relationships have lower recidivism rates than those without jobs or significant others (Kruttschnitt et al., 2000).

- Lifestyle instability is a risk factor for general and sexual recidivism (Andrews & Bonta, 2003; Hanson & Harris, 1998).

- Sex offenders with positive support systems are less likely to reoffend and violate probation than those who have negative or no support (Colorado Department of Public Safety, 2004).

- Thus, housing instability and subsequent disengagement from family and community may increase the risk for recidivism.
Every killer lives next door to someone

Sex offender

disturbia
Adam Walsh Child Protection and Safety Act of 2006

- HR 4815; S1086
- Judiciary Committees; conferencing
- 2 years in the making; passed July 2007
- 7 “titles”
- 707 sections
Adam Walsh Child Protection and Safety Act of 2006

- **Title I** – Sex Offender Registration and Notification Act (SORNA)
- **Title II** – Federal Criminal Law Enhancements Needed to Protect Children from Sexual Attacks and Other Violent Crimes
- **Title III** – Civil Commitment
- **Title IV** – Immigration Reforms to Prevent SOs from Abusing Children
- **Title V** – Child Pornography Prevention
- **Title VI** – Grants, Studies and Programs for Children and Community Safety
- **Title VII** – Internet Safety Act
SORNA “Substantial Compliance”

- Tiering – adults and juveniles
- Registration requirements
- Internet notification requirements
- Extends jurisdictionality beyond the 50 states: DC; U.S. territories; Indian tribes
- If not in compliance by July 2009
  - Loss of 10% of federal Omnibus Crime Control and Safe Streets Act (Byrne Grant) funding for each year not in compliance
SMART office established 12/06 (DOJ) to administer the SORNA standards
Provides technical assistance
Symposia
Laura Rogers, Director
Mission: To assure that convicted sex offenders are prohibited from preying on citizens through a system of appropriate restrictions, regulations and internment.
Questions to: getsmart@usdoj.gov
Registry Requirements

- Jurisdictions must add to their registries
  - Physical description of registrants
  - Legal definition of the offense requiring registration
  - Criminal history (the law is silent as to prior juvenile adjudications)
  - Photo
  - Fingerprint
  - DNA sample
  - Photocopy of driver’s license (if applicable)
  - Identity of the victim

- Timing
  - Before release from prison
  - For non-incarceration offense: within 3 business days after sentencing
Tiering According to SORNA

- Not risk-based; rather offense-based
- “AWA is a floor not a ceiling.” States:
  - can exceed minimum standards of SORNA
  - may not fall below minimum standards
  - are free to implement SORNA in any manner that meets the minimum requirements
Tiering According to SORNA

- **Adults**
  - **Tier I** - Required to register for 15 years; can reduce registration by 5 years if maintain clean record for 10 years.
  - **Tier II** - Required to register for 25 years; no possibility at all of reducing registration
  - **Tier III** - Required to register for life; no possibility at all of reducing registration
SORNA

• In-person “show-ups”:
  • Tier one – once annually
  • Tier two – 2X/year
  • Tier three – quarterly

• Expanded information required upon registering and at every “show-up”
  • DNA
  • Fingerprints
  • Photo
  • SSN
  • Addresses - residence, work, school
  • All telephone numbers including cell
  • License plate number and photocopy of driver’s license
Internet Notification

- Must be on public Internet site
  - SO name including aliases
  - Addresses of all residences
  - Address of place/s of employment
  - School address
  - License plate number and description vehicle owned or operated by SO
  - Physical description
  - Text of the sex offense for which SO is registered; info about any other sex offense for which the SO has been convicted
  - Current photograph
- DOJ to provide “reverse lookup” function on NSOR website
“The AWA has given us a strong law to prosecute SOs who are not compliant with registration.”

- State and federal SOs must register
  - Even if just passing through Indian country
  - Crossing state borders on the way somewhere
  - Conducting international travel
- When SO changes registry information, states required to immediately provide info to all other jurisdictions in which SO required to register
- Failure to register - maximum term of imprisonment greater than one year and up to 10 years
Unlike adult Tier III SOs, juveniles can be removed from the registry if they:

1. Have maintained a clean record for 25 years by not committing any new sex or felony offenses.
2. Have successfully completed a supervised release.
3. Have successfully completed a sex offender treatment program.
US Code's definition of aggravated sexual abuse includes:

- Offenders who engage in a sexual act by using force
- Offenders who threaten the use of force
- Offenders who render the victim unconscious or administer an intoxicant without the person's knowledge to impair the victim's ability to control conduct and then engages in a sexual act with the person.
SORNA - Retroactivity

- Public comment successful
- SORNA includes “those whose convictions predate the enactment of SORNA”
- Yet, “substantial implementation of SORNA does not require a jurisdiction to locate and register sex offenders who have entirely left the justice system”
- Though, a re-arrest, even if not for a sex offense, requires placement on the NSOR
State Responses

- State legislation to match and even exceed compliance
- Decision of non-compliance; willing forfeiture 10% Byrne Grant funds
- Enacting laws that challenge the SORNA’s provisions
- Constitutional challenges
- Unfunded mandate
Organizational Responses

- ATSA and Patty Wetterling Adam Walsh Act Working Group
- SOMB Listserv
- Juvenile justice advocates
- Funders
HB 217 - Sex offender license plates shall have a distinctive pink background color and carry a special serial number that is readily identified by law enforcement officers. The registrar of motor vehicles shall designate the distinctive pink color and serial number to be used on sex offender license plates, which shall remain the same from year to year and shall not be displayed on any other motor vehicles.
Ohio, 2007

HB 83 - to create a SORN Law license plate
SB 56 - “ “ “ “
Where We Need To Go

Policy Related Activities and Accomplishments
A Brief Timeline

• From 2000 to 2006 - from 5mph to 30mph
• 2006 - 2007 - to 50mph
• Goal for beyond 2008 - to get to full speed!
Actual Activities

- Legal
- Legislative
- Informational
- Educational
- Media Related
- Networking and Collaboration
A few examples of collaborative policy work among our members

• MnATSA / ATSA / and Patty Wetterling
• Florida
• California
• Connecticut
As We Move Forward:

• We will need to continue to build policy capacity
  • We are committed to increasing our alliances and collaborative relationships with sister organizations
  • We will continue to build our communications and contacts with policy makers in Washington.
As We Move Forward:

- To better facilitate our Policy Goals, we are encouraging the organization to develop a broad-based, collaborative, multi-disciplinary Community Education plan and curriculum.
Goals for this next year

• Reactivated State Public Policy Representatives
• Continue to educate ATSA members in conducting local policy advocacy.
• National Adam Walsh Act Working Group
• Increased work with Legislators at the Federal Level
• Pursuing a National Research Symposium with Child Exploitation Prevention, Victim Advocacy, and Public Health partners.
• Continued Service to Membership w/ Policy Concerns
• Expand our Ability to be a Resource to Media
Hope for the Future

- We must not despair
- 40 years ago - little was done in this area and sexual violence was a largely ignored phenomenon.
- 20-10 years ago - big movement toward rational responses - though not always based on much evidence
- Today - much more evidence available, but some backsliding
- Courses correct - from nothing to too much to a balanced approach …..and all around again!