

Iowa County Attorneys Association

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STATEMENT ON SEX OFFENDER RESIDENCY RESTRICTIONS IN IOWA

JANUARY, 2006

The Iowa County Attorneys Association believes that the 2,000 foot residency restriction for persons who have been convicted of sex offenses involving minors does not provide the protection that was originally intended and that the cost of enforcing the requirement and the unintended effects on families of offenders warrant replacing the restriction with more effective protective measures.

The ICAA has the following observations concerning the current restriction:

1. Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children.
2. Research does not support the belief that children are more likely to be victimized by strangers at the covered locations than at other places.
3. Residency restrictions were intended to reduce sex crimes against children by strangers who seek access to children at the covered locations. Those crimes are tragic, but very rare. In fact, 80 to 90 percent of sex crimes against children are committed by a relative or acquaintance who has some prior relationship with the child and access to the child that is not impeded by residency restrictions. Only parents can effectively impede that kind of access.

4. Law enforcement has observed that the residency restriction is causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses or to simply disappear. If they do not register, law enforcement and the public do not know where they are living. The resulting damage to the reliability of the sex offender registry does not serve the interests of public safety.
5. 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.
6. The categories of crimes included in the restriction are too broad, imposing the restriction on many offenders who present no known risk to children in the covered locations.
7. A significant number of offenders have married or have been reunited with their victims; and, in those cases, the residency restriction is imposed on the victims as well as the offenders.
8. Many offenders have families whose lives are unfairly and unnecessarily disrupted by the restriction, causing children to be pulled out of school and away from friends, and causing spouses to lose jobs and community connections.
9. Many offenders are physically or mentally disabled but are prohibited from living with family members or others on whom they rely for assistance with daily needs.
10. The geographic areas included in the prohibited 2,000 foot zones are so extensive that realistic opportunities to find affordable housing are virtually eliminated in most communities. The lack of transportation in areas not covered by the restriction limits employment opportunities. The adoption of even more restrictive ordinances by cities and counties exacerbates the shortage of housing possibilities.

11. The residency restriction has no time limit; and, for many offenders, the restriction lasts beyond the requirement that they be listed on the sex offender registry. For this reason, there are many offenders who are subject to the residency restriction but who are not required to inform law enforcement of their place of residence, making enforcement nearly impossible.
12. There is no accommodation in the current statute for persons on parole or probation supervision. These offenders are already monitored and their living arrangements approved. The restriction causes many supervised residential placements to be unavailable even though they may be the most appropriate and safest locations for offenders to live.
13. Many prosecutors have observed that the numerous negative consequences of the lifetime residency restriction has caused a reduction in the number of confessions made by offenders in cases where defendants usually confess after disclosure of the offense by the child. In addition, there are more refusals by defendants charged with sex offenses to enter into plea agreements. Plea agreements are necessary in many cases involving child victims in order to protect the children from the trauma of the trial process. This unforeseen result seriously jeopardizes the welfare of child victims and decreases the number of convictions of sex offenders to accurate charges. Consequently, many offenders will not be made fully accountable for their acts and will not be required to complete appropriate treatment or other rehabilitative measures that would enhance the safety of children. Similar unintended negative effects often accompany well-intended efforts to increase prison sentences with mandatory provisions.

14. The drastic reduction in the availability of appropriate housing, along with the forced removal of many offenders from established residences, is contrary to well-established principles of treatment and rehabilitation of sex offenders. Efforts to rehabilitate offenders and to minimize the rate of reoffending are much more successful when offenders are employed, have family and community connections, and have a stable residence. These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best known corrections practices.

For these reasons, the Iowa County Attorneys Association supports the replacement of the residency restriction with more effective measures that do not produce the negative consequences that have attended the current statute. For example, the ICAA would support a measure that includes the following:

- A statute creating defined protected areas that sex offenders would be prohibited from entering except in limited and safe circumstances. Such areas might include schools, parks, libraries, and childcare facilities.
- Entrance into the protected areas would be allowed for activities involving an offender's own child with advance notice and approval from those in charge of the location.
- The restriction should cover offenses against "children" (under age 14), rather than "minors" (under 18).
- The statute should specifically preempt local ordinances that attempt to create additional restrictions on sex offenders. Such ordinances result in a variety of inconsistent rules and promote apprehension among local authorities that they

must act to defend themselves from the perceived effects of the actions of other communities.

- Most important, any restriction that carries the expectation that it can be effectively enforced must be applied to a more limited group of offenders than is covered by the current residency restriction. This group should be identified by a competent assessment performed by trained persons acting on behalf of the state. The assessment should be directed at applying the statutory restriction only to those offenders that present an actual risk in public areas to children with whom the offender has no prior relationship

Other measures that might be considered would include educational programs for young children aimed at keeping them safe from all offenders. Illinois has begun such a program.

The observations of Iowa prosecutors are not motivated by sympathy for those committing sex offenses against children, but by our concern that legislative proposals designed to protect children must be both effective and enforceable. Anything else lets our children down.

The Iowa County Attorneys Association strongly urges the General Assembly and the Governor to act promptly to address the problems created by the 2,000 foot residency restriction by replacing the restriction with measures that more effectively protect children, that reduce the unintended unfairness to innocent persons and that make more prudent use of law enforcement resources. The ICAA stands ready to assist in any way with this effort.

Date: Thu, 3 Nov 2005 20:24:50 -0500
From: "Jill Levenson, Ph.D." <jsljwm@BELLSOUTH.NET>
Subject: sex offender residence restrictions

Dear ATSA members:

Much discussion has occurred on this list recently regarding residence restrictions, or "sex offender zoning laws" which prohibit sex offenders from living in close proximity to schools, parks, playgrounds, and other places where children congregate. As some of you are aware, two major cases have been heard in Iowa courts, both of which ultimately upheld the constitutionality of these laws. In the first case, *Seering v. Iowa*, a district court declared Iowa's restrictions unconstitutional in 2003, resulting in an injunction preventing the enforcement of Iowa's 2,000 foot buffer zone. However, in July of 2005, the Iowa Supreme Court overturned the lower court's ruling, opining that the infringement on sex offenders' freedom of residency was superseded by the state's compelling interest in protecting its citizens. In a separate but related Iowa case, the Eighth Circuit Court of Appeals also upheld the constitutionality of the law in a class action suit against the state by sex offenders ("*Doe v. Miller and White*," 2004).

Such laws are gaining momentum across the nation. For instance, scores of Florida cities have passed local ordinances, and Florida is proposing a 2,500 foot buffer zone statewide. These laws essentially ban sex offenders from living in most major metropolitan areas, where overlapping restriction zones make it nearly impossible for sex offenders to find housing.

The American Civil Liberties Union has asked the U.S. Supreme Court to rule on the issue, and ATSA has submitted an Amicus brief requesting that the Supreme Court hear the case of *Doe v. Miller*.

The brief, and an accompanying press release, can be found on ATSA's website at

<http://www.atsa.com/pubPPapers.html>

No. 05-428

In The
Supreme Court of the United States

JOHN DOE I, JOHN DOE II, JOHN DOE III,
on their own behalf and on behalf of the class,

Petitioners,

v.

THOMAS J. MILLER,

Respondent.

**On Petition For Writ Of Certiorari
To The Eighth Circuit Court Of Appeals**

**BRIEF AMICUS CURIAE OF ASSOCIATION
FOR THE TREATMENT OF SEXUAL
ABUSERS IN SUPPORT OF PETITION
FOR WRIT OF CERTIORARI**

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INTEREST OF AMICUS

The Association for the Treatment of Sexual Abusers (“ATSA”) is an international, multi-disciplinary professional association dedicated to the research, treatment, and prevention of sexual assault. ATSA’s members include the world’s leading researchers in the study of sexual violence. Membership is also made up of professionals who evaluate and treat sexual offenders, sexually violent predators, and victims. Members work closely with public and private organizations such as prisons, probation departments, law enforcement agencies, child protection services, State Attorney’s Offices, Public Defender’s Offices, victim advocacy groups, and state legislatures in an effort to protect citizens from sexual assault. ATSA advocates for evidence-based practices and policies that are most likely to protect the public from sexual violence, while allowing for the rehabilitation of sexual offenders.¹

SUMMARY OF THE ARGUMENT

The Court should grant the petition for writ of certiorari because of the national significance of the Eighth Circuit’s decision in *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005).

A crisis is looming in Iowa and nationally as a result of the Eighth Circuit’s decision. Although the protection of

¹ No counsel for any party authored any part of this brief. The Ohio Justice & Policy Center paid the printing costs of this brief. No other persons or entities made any monetary contribution to the preparation or submission of this brief. Letters from the parties consenting to the filing of this brief have been submitted to the Clerk of the Court.

children from sexual abuse is indisputably a compelling government interest – one that ATSA works hard to promote – sex offender residency laws actually harm the innocent children they are intended to protect.

Research has shown that sex offenders with stable housing and social support are much less likely to commit new sex offenses compared to those offenders who lack stability. Residency restrictions deprive sex offenders of stable housing and social support, and thus significantly increase the risk of recidivism. Moreover, sex offenders who become homeless as a result of these restrictions will be more difficult to supervise and monitor in the community, thereby increasing the risk to children. Furthermore, sex offender residency statutes create a false sense of security that may leave children more vulnerable to sexual abuse.

There is no evidence that these laws actually protect children. To the contrary, those states that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregate.

In reality, sex offender residency laws are driven by fear, not facts. Despite widespread belief that sex offender recidivism rates are high, recent studies have shown that such recidivism is the exception, rather than the rule, particularly if the offender has received treatment. *

The current situation in Iowa and surrounding states illustrates precisely why this case has national significance. Housing in large Iowa cities, with numerous schools and daycares, is already off limits to sex offenders subject to the statute. In the wake of the Eighth Circuit's ruling, "unprotected" smaller towns (i.e., those that do not have a

school or daycare) have rushed to pass ordinances prohibiting sex offenders from living within 2000 feet of parks or other places where children might be expected to congregate. Worried that Iowa sex offenders will try to move there, numerous towns in nearby Nebraska and South Dakota have passed, or are considering enacting, ordinances prohibiting sex offenders from relocating there. **There is no end in sight to this domino effect.** Ultimately, our nation's children will suffer from laws that destabilize sex offenders and increase the risk of recidivism.

◆

ARGUMENT

I. THE SUPREME COURT SHOULD GRANT CERTIORARI BECAUSE OF THE NATIONAL SIGNIFICANCE OF THE EIGHTH CIRCUIT'S RULING AND BECAUSE SEX OFFENDER RESIDENCY STATUTES ULTIMATELY HARM, RATHER THAN PROTECT, CHILDREN.

In *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005), the Eighth Circuit upheld Iowa Code Section 692A.2A, which prohibits sex offenders² from living within 2000 feet of schools and daycares. **Though well intentioned, sex offender residency statutes like Iowa's make children less, not more, safe.**

² The statute applies to sex offenders whose offenses involved minors. For convenience's sake, this brief will refer to such individuals as "sex offenders."

A. Sex Offender Residency Statutes Increase the Risk of Harm to Children.

Research demonstrates that stability and support increase the likelihood of successful reintegration for former offenders, and that public policies that make it more difficult for them to succeed undermine public safety. *See, e.g.*, JOAN PETERSILIA, WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY (2003). **With respect to sex offenders in particular, research has shown that isolation, unemployment, depression, and instability – conditions known as dynamic risk factors – correlate with increased recidivism.** *See* R. KARL HANSON & ANDREW J.R. HARRIS, DYNAMIC PREDICTORS OF SEXUAL RECIDIVISM (1998); R. KARL HANSON & KELLY MORTON-BOURGON, PREDICTORS OF SEXUAL RECIDIVISM: AN UPDATED META-ANALYSIS (2004); COLO. DEP'T OF PUBLIC SAFETY, REPORT ON SAFETY ISSUES RAISED BY LIVING ARRANGEMENTS FOR AND LOCATION OF SEX OFFENDERS IN THE COMMUNITY (2004); Candace Kruttschnitt, Christopher Uggen & Kelly Shelton, *Predictors of Desistance Among Sex Offenders: The Interaction of Formal and Informal Social Controls*, 17 JUST. Q., 61-88 (2000).

The Iowa statute significantly increases the danger that sex offenders will recidivate by **depriving them of housing.** The District Court found: “In larger cities such as Des Moines and Iowa City, the maps [detailing the exclusion zones] show that the two thousand foot circles cover virtually the entire city area,” and that in “smaller towns that have a school or child care facility, the entire town is often engulfed by an excluded area.” *Doe v. Miller*, 298 F.Supp.2d 844, 851 (S.D. Iowa 2004). The Court also found that although “[u]nincorporated areas and towns too small to have a school or child care facility remain available, as

does the country, . . . available housing in these areas is not necessarily available." *Id.*

Additionally, the Iowa statute increases the risk of recidivism by forcing many sex offenders to move from supportive environments that reduce the offenders' re-offense risk. For example, John Doe XVIII sought to live with his adult son upon release from prison but was prohibited from doing so because of the 2000-foot restriction. *Doe v. Miller*, 298 F.Supp.2d 858. Instead, he moved to the countryside, where his access to services and support were limited. *Id.* See also Jill Levenson & Leo Cotter, *The Impact of Sex Offender Residency Restrictions: 1,000 Feet From Danger or One Step From Absurd?*, 49 Int'l J. of Offender Therapy and Comp. Criminology, 168 (2005) (reporting that almost half of the sex offenders surveyed in Florida were prevented from living with supportive family members because of the state's residency restriction).

1/2 of As prevented from living w/ family, "supportive" environment.

Uprooting offenders, like John Doe XVIII, from housing, social support and services, and employment opportunities, will only increase, rather than reduce, the risk that they will recidivate and sexually abuse children.

This is precisely one of the reasons why the State of Minnesota rejected a proposal to prohibit sex offenders from living within 1500 feet of schools and parks. A study commissioned by the Minnesota Legislature recommended against passing the proposed restrictions in part because they would "pose . . . problems, such as a high concentration of offenders [in rural areas] with no ties to community; isolation; lack of work, education and treatment options; and an increase in the distance traveled by agents who supervise offenders." MINN. DEPT OF CORRECTIONS, LEVEL THREE SEX OFFENDERS RESIDENTIAL PLACEMENT ISSUES, 2003 REPORT TO THE LEGISLATURE, 9 (2003). The

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study also concluded, as will be addressed in more detail below, that the proposed residency restrictions would not reduce sex offender recidivism. *Id.*³

B. There Is No Evidence That Sex Offender Residency Restrictions Protect Children from Sexual Abuse.

Proponents of sex offender residency restrictions argue that such measures are necessary to diminish the likelihood that sex offenders will come in contact with children whom they might potentially victimize. However, there is no basis for such claims. To the contrary, states that have examined the question closely have concluded that such restrictions do not protect children.

The Minnesota study discussed above specifically analyzed whether proximity to schools or parks increased the recidivism rates for sexually violent predators ("level three offenders"). The Study reached the following conclusions:

Based on the examination of level three re-offenders, there were no examples that residential proximity to a park or school was a contributing factor in any of the sexual re-offenses [observed in the study]. **Enhanced safety due**

Minnesota found that not only did restricting S.O. from residing near schools/day not reduce recidivism; when S.O. did live near them it did not increase reoffense.

³ Furthermore, sex offender residency statutes create a false sense of security that may leave children more vulnerable to sexual abuse. See Robert F. Worth, *Exiling Sex Offenders From Town: Questions About Legality and Effectiveness*, THE NEW YORK TIMES, Oct. 3, 2005 ("The restrictions could create a false sense of security, since many convicted sex offenders did not live or work near their victims") (quoting Ernie Allen, president of the National Center for Missing and Exploited Children).

to proximity restrictions may be a comfort factor for the general public, but it does not have any basis in fact.

The two level three offenders [in the study] whose re-offenses took place near parks both drove from their residences to park areas that were several miles away. . . . Based on these cases, it appears that a sex offender attracted to such locations for purposes of committing a crime is more likely to travel to another neighborhood in order to act in secret rather than in a neighborhood where his or her picture is well known.

examples
of re-offense
dynamics

Id. (emphasis added).

In 2004, the Colorado Department of Public Safety conducted a similar study. The Colorado researchers concluded: "Placing restrictions on the location of . . . supervised sex offender residences may not deter the sex offender from re-offending and should not be considered as a method to control sexual offending recidivism" COLO. DEP'T OF PUBLIC SAFETY, *supra* at 5.

The Minnesota and Colorado studies demonstrate that while sex offender residency restrictions might be a "comfort factor" to the public, they do not protect children from sexual abuse.

C. Sex Offender Residency Statutes Are Driven by Fear, Not Facts.

Sex offender residency laws are growing in number across the country. The proliferation of these measures, however, is driven by fear, not facts.

Tragic cases of child abduction and sexually motivated murder receive extraordinary media attention, and the

publicity of such events creates a sense of alarm and urgency among citizens. These high profile cases are partly responsible for the increase in sex offender residency restrictions in recent years. In reality, however, such cases are extremely rare. Approximately 100 stranger abductions occur in the United States each year. See Center for Missing and Exploited Children, at <http://www.missingkids.com> (last visited Nov. 1, 2005). Less than 1% of all murders involve sexual assault, and in fact, the prevalence of sexual murders declined by about half between the late 1970's and the mid-1990's. BUREAU OF JUSTICE STATISTICS, SEX OFFENSES AND OFFENDERS: AN ANALYSIS OF DATA ON RAPE AND SEXUAL ASSAULT, 27 (1997).

Moreover, a 2000 Department of Justice study found that 93% of child sexual abuse victims knew their abuser, 34.2% were family members, and 58.7% were acquaintances. BUREAU OF JUSTICE STATISTICS, SEXUAL ASSAULT OF YOUNG CHILDREN AS REPORTED TO LAW ENFORCEMENT: VICTIM, INCIDENT, AND OFFENDER CHARACTERISTICS, 10 (2000). Only 7% of child victims reported that they were abused by strangers. *Id.*⁴

⁴ A consequence of the Iowa statute is that all sex offenders must live at least 2000 feet from schools and childcare centers. Thus, the impact of these laws would be to either permanently separate offenders from their families and children who depend on them, or to force entire families to relocate, creating psychological and financial hardship to innocent family members. This includes the forced relocation of children away from their schools and their friends. Consequently, this may create a strong incentive for children not to report sexual abuse committed upon them by members of their household. Of course, that is counterproductive to the goal of keeping children safe from sexual abuse.

Proponents of sex offender residency statutes also point to allegedly high sex offender recidivism rates as a justification for such laws. Recent research, however, contradicts the myth that most sex offenders will re-offend. For example, the Department of Justice found that 5.3% of sex offenders were rearrested for a new sex crime within three years after release from prison. BUREAU OF JUSTICE STATISTICS, RECIDIVISM OF SEX OFFENDERS RELEASED FROM PRISON IN 1994, 24 (2003). Moreover, studies by Canadian researchers, who examined recidivism statistics for 29,000 sex offenders in North America and Europe, found a 14% recidivism rate among all sex offenders, though child molesters were re-arrested at a slightly higher rate of about 20%. See R. Karl Hanson & Monique T. Bussiere, *Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies*, 66 J. OF CONSULTING & CLINICAL PSYCHOL. 348-362 (1998); R. KARL HANSON & KELLY MORTON-BOURGON, PREDICTORS OF SEXUAL RECIDIVISM: AN UPDATED META-ANALYSIS (2004). See also OHIO DEPT OF REHAB. & CORR., TEN-YEAR RECIDIVISM FOLLOW-UP OF 1989 SEX OFFENDER RELEASES 12, 24 (2001) (reporting total sex offense related recidivism rate of 11% over ten-year period, and characterizing such recidivism as a "fairly unusual" occurrence in Ohio).

Recidivism Rates

While it is true that official recidivism data – for any offense type – always underestimates actual re-offense rates, it is clear, based on the research discussed above, that the majority of sexual offenders are unlikely to commit new sex offenses.⁵

⁵ Some studies, based on older data, have suggested higher recidivism rates. See e.g., Robert A. Prentky, Austin F.S. Lee, Raymond A. Knight & David Cerce, *Recidivism Rates Among Child Molesters* (Continued on following page)

D. The Current Chaos in Iowa and Nearby States Illustrates the National Significance of the *Doe* Decision.

The existing situation in Iowa and surrounding states demonstrates the national significance of this case.

As discussed above, housing in large Iowa cities, with numerous schools and daycares, is already off limits to sex offenders subject to the statute. *See Doe v. Miller*, 298 F.Supp.2d at 851. In the wake of the Eighth Circuit's ruling, "unprotected" smaller towns (i.e., those that do not have a school or daycare) have rushed to pass ordinances prohibiting sex offenders from living within 2000 feet of parks or other places where children might be expected to congregate.⁶ Moreover, fearful that Iowa sex offenders will

and Rapists: A Methodological Analysis, 21 LAW & HUM. BEHAV. 635, 643 (1997) (reporting an estimated recidivism rate of 52%). Drawing conclusions about current recidivism rates based upon old data is unwarranted, however. For example, the subjects of the Prentky study were sex offenders released from prison during the period 1959-1985, before treatment became widespread and state-of-the-art. Additionally, the subjects were the proverbial "worst of the worst," men who were civilly committed for repeat and/or aggressive sex offenses. Because the subjects of the Prentky study were not necessarily representative of sex offenders generally, the authors issued two caveats: (1) "[t]he obvious heterogeneity of sexual offenders precludes automatic generalization of the rates reported here to other samples," and (2) "these findings should not be construed as evidence of the inefficacy of treatment," since "the treatment services [available to the subjects of the study] were not provided uniformly or systematically and did not conform to a state-of-the-art mode." *Id.* at 656-57 (emphasis in original).

⁶ *See, e.g.*, Jaime Copley, *Kanawha Passes Sex Offender Ordinance*, KIMT - NEWSCHANNEL 3, Oct. 18, 2005, available at http://www.kimt.com/servlet/Satellite?pagename=KIMT/MGArticle/LMT_BasicArticle&c=MGArticle&cid=1128767621404&path; Thomas Geyer, *Scott Co. Board unveils sex offender law*, QUAD-CITY TIMES, Nov. 1, 2005, available at <http://www.qctimes.net/articles/2005/10/21/news/local/doc43587d34464b1561452000.txt>; Elizabeth Owens, *Council passes sex offender ordinance*, DES MOINES

(Continued on following page)

try to move there, numerous towns in nearby Nebraska and South Dakota have passed, or are considering enacting, ordinances prohibiting sex offenders from relocating there.⁷

Moreover, numerous municipalities across the country have recently passed, or are considering enacting, sex offender residency statutes,⁸ and will likely point to the Eighth Circuit's decision as proof that these statutes pass constitutional muster.

Sex offender residency statutes ultimately harm the nation's children. As sex offenders are denied housing and forced to move from their social support, recidivism rates

REGISTER, Oct. 21, 2005, available at <http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20051021/NEWS05/510210328/1001/NEWS>.

⁷ See, e.g., Katie Backman, *Sex offenders may be subject to housing restrictions*, DAILY NEBRASKAN, Oct. 27, 2005, available at <http://www.dailynebraskan.com/vnews/display.v/ART/2005/10/27/43606f5094b33>; *Omaha Councilman Wants Sex Offender Law*, KETV, Oct. 18, 2005, available at <http://www.ketv.com/news/5120178/detail.html>; *Papillion Looks At Sex Offender Ordinance: Iowa's Law Prompts Nebraska Communities to Consider Limits*, KETV, Oct. 17, 2005, available at <http://www.ketv.com/news/5109357/detail.html>; Christian Richardson, *Area towns follow Iowa's lead on sex offenders*, SIOUX CITY JOURNAL, Oct. 19, 2005, available at <http://www.siouxcityjournal.com/articles/2005/10/19/news/local/3951e43b3d21d4278625709f000d5062.txt>; Frank Santiago, *Nebraska city aims to thwart Iowa sex offenders*, DES MOINES REGISTER, Sept. 21, 2005, available at <http://www.dmregister.com/apps/pbcs.dll/article?AID=/20050921/NEWS01/509210345/1001>.

⁸ See, e.g., Rebecca Dellagloria, *Law restricting sex offenders passes*, MIAMI HERALD, Aug. 28, 2005, available at http://www.miami.com/mld/miamiherald/news/local/states/florida/counties/miami-dade/cities_neighborhoods/northwest/12481301.htm; TOWNSHIP OF MANALAPAN, N.J., MUN. CODE § 187-01 (2005), available at http://www.twp.manalapan.nj.us/agenda/ords/5_29_0824.pdf; Kirk Beldon Jackson, *Whitehall adopts sex offender law: Restrictions bar them from living in all but small part of township*, THE MORNING CALL, Oct. 18, 2005, available at <http://www.mcall.com/news/local/all-b1-5whitehalloct18,0,6114534.story?coll=all-newslocal-hed>.

will likely increase. If this happens, the innocent people whom these statutes are designed to protect – children – will be injured.

CONCLUSION

For the foregoing reasons, Petitioners' writ of certiorari should be granted.

Respectfully submitted,

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EXECUTIVE SUMMARY

In an effort to curb the incidence of sexual recidivism, state and local governments across the country have passed residency restriction laws. Designed to enhance public safety by protecting children, residency restrictions prohibit sex offenders and, in particular, child molesters from living within a certain distance (500 to 2,500 feet) of a school, park, playground or other location where children are known to congregate. Given that existing research has yet to fully investigate whether housing restrictions reduce sexual recidivism, the present study examines the potential deterrent effect of residency restrictions by analyzing the sexual reoffense patterns of the 224 recidivists released between 1990 and 2002 who were reincarcerated for a sex crime prior to 2006.

In order to determine whether the 224 cases might have been affected by residency restrictions, four basic criteria were used.

1. Because housing restrictions are geared primarily towards deterring sex offenders—namely, child molesters—from initiating contact with potential victims, offenders had to establish direct contact with the victims, as opposed to gaining access to their victims through another person they know such as a significant other (e.g. wife, fiancée, girlfriend, etc.), friend, co-worker, or acquaintance.
2. The contact had to have occurred within at least one mile of the offender's residence at the time of the offense.
3. The first contact location had to have been near a school, park, daycare center, or other prohibited area.
4. The victim had to have been under the age of 18 at the time of the offense.

Data on the most recent sex offense for the 224 recidivists were derived from the criminal complaint, the pre-sentence investigation (PSI) report, the Statewide Supervision (SSS) database, and the Minnesota Department of Corrections' (DOC) Correctional Operations Management System (COMS) database.

Results

Not one of the 224 sex offenses would likely have been deterred by a residency restrictions law. Only 79 (35 percent) of the cases involved offenders who established direct contact with their victims. Of these, 28 initiated victim contact within one mile of their own residence, 21 within 0.5 miles (2,500 feet), and 16 within 0.2 miles (1,000 feet). A juvenile was the victim in 16 of the 28 cases. But none of the 16 cases involved offenders who established victim contact near a school, park, or other prohibited area. Instead, the 16 offenders typically used a ruse to gain access to their victims, who were most often their neighbors.

Residential proximity had very little impact on the 224 sex offenses examined here for several reasons. First, the results clearly indicated that what matters with respect to sexual recidivism is not residential proximity, but rather social or relationship proximity. A little more than half ($N = 113$) of the 224 cases were “collateral contact” offenses in that they involved offenders who gained access to their victims through another person, typically an adult. For example, one of the most common victim-offender relationships found in this study was that of a male offender developing a romantic relationship with a woman who has children. The sex offender recidivists examined here used their relationships with these women to gain access to their victims—the women’s children. Likewise, it was relatively common for offenders to gain access to victims through babysitting for an acquaintance or co-worker, or living with friends who had children.

Second, even when offenders established direct contact with victims, they were unlikely to do so close to where they lived. This may be due mostly to the fact that offenders are more likely to be recognized within their own neighborhoods. As a result, when direct contact offenders look for a victim, they are more likely to go to an area relatively close to home (i.e. within 20 miles of their residence), but still far enough away (i.e. more than one mile) to decrease the chances of being recognized.

Additional Key Findings

- Of the 224 sex offenses, 85 percent occurred in a residential location such as the offender's home, while the remaining 15 percent took place in a public location.
- The vast majority (79 percent) of the 224 offenders victimized someone they knew.
- When the offender victimized a stranger, 28 percent committed the offense in their own residence, 23 percent within one mile of their home, and 49 percent committed the crime more than one mile from their residence.
- Whereas only 35 percent established contact directly with their victims, half (50 percent) of the sex offender recidivists gained access to their victims through a form of collateral contact such as a girlfriend, wife, co-worker, friend, or acquaintance. For the remaining 14 percent, the offenders were biologically related to their victims.
- Compared to the other 145 recidivists, the 79 direct contact offenders were more likely to use alcohol and/or drugs prior to the offense, to use physical force during the offense, and to have a history of victimizing adult strangers. These offenders were the least likely to victimize children in either their previous or current offense.
- The 113 collateral contact offenders were more likely to have longer criminal histories and a history of victimizing female acquaintances under the age of 18. In their reoffense, more than half (53 percent) victimized a female acquaintance under the age of 18.
- The 32 recidivists who offended against a biological family member were more likely to be older white males who had a history of victimizing family members and children under the age of 13.

Policy Implications

A statewide residency restrictions law would likely have, at best, only a marginal effect on sexual recidivism. Although it is possible that a residency restrictions law could avert a sex offender from recidivating sexually, the chances that it would have a deterrent effect are slim because the types of offenses it is designed to prevent are exceptionally

rare and, in the case of Minnesota, virtually non-existent over the last 16 years. Rather than lowering sexual recidivism, housing restrictions may work against this goal by fostering conditions that exacerbate sex offenders' reintegration into society.

INTRODUCTION

In light of the perception that sex offenders pose a major threat to their communities because they are highly incorrigible, local and state governments have recently enacted policies that restrict where sex offenders are allowed to live. For example, at least 18 states have passed legislation that bars sex offenders from living near schools, daycare centers, parks and other areas where potential vulnerable victims may be present (Nieto and Jung, 2006).¹ And in Minnesota, local governments in Taylors Falls and Wyoming have passed ordinances restricting the placement of sex offenders.

Designed to enhance the safety of children, residency restrictions are targeted mainly towards child molesters, who often gain access to their victims through (1) marriage, (2) occupation, or (3) the neighborhood in which they live. Because residency restrictions are intended to prevent child molesters from making direct contact with children, they are primarily applicable with the third type of access—neighborhood (Walker, Golden, and VanHouten, 2001). But are such policy measures consistent with the reality of sexual recidivism? That is, are sex offenders highly likely to recidivate? And when they do reoffend, are they likely to directly establish contact with victims in close proximity to their own residence?

Existing research clearly indicates that sex offenders are, compared to other offenders, among the least likely to reoffend (Langan and Levin, 2002). Moreover, when sex offenders recidivate, they are much more likely to do so with a non-sexual offense. Examining recidivism among 9,691 sex offenders released from prison in 1994, Langan and colleagues (2003) found that only 12 percent of the rearrests in the three-year post-release period

¹ Nieto and Jung (2006) identified 22 states (Alabama, Arkansas, California, Florida, Georgia, Illinois, Iowa, Kentucky, Indiana, Louisiana, Missouri, Minnesota, New Mexico, Michigan, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Washington, and West Virginia) with sex offender residency restriction laws. Of these, however, four (Minnesota, New Mexico, Oregon, and Texas) do not have statutory language specifically prohibiting sex offenders from living within a certain distance of a child congregation location. In New Mexico, for example, schools must be notified of sex offenders living within a one-mile radius, but the law does not restrict where they can live. In the other three states, a government body (e.g. Department of Corrections or the Parole Board) is responsible for determining where and how close a sex offender can live to a child congregation location. As a result, there are 18 states with legislation that automatically restricts where sex offenders can live.

involved a sex offense. When sex offenders recidivate sexually, at least 75 percent victimize individuals (both adults and children) they already know (Greenfield, 1997; Snyder, 2000).

Prior research has had relatively little to say, however, about **where** sex offenders recidivate. In 2001, Walker, Golden, and VanHouten examined the geographical relationship between sex offenders' residences and areas likely to contain potential victims in one Arkansas county. They found that child molesters were more likely to live in close proximity to schools, daycare centers or parks compared to offenders convicted of sex crimes involving adult victims. In 2004, however, the Colorado Division of Criminal Justice examined 130 sex offenders under probation supervision and found that those who reoffended sexually were no more likely than non-recidivists to live closer to schools and childcare centers (Colorado Department of Public Safety, 2004). Instead, the recidivists were randomly scattered throughout the Denver metropolitan area. Moreover, in a report to the legislature on residential placement for Level 3 offenders, the DOC found that residential proximity to a park, school, or daycare center did not appear to be a factor contributing to sexual recidivism (Minnesota Department of Corrections, 2003). These results are not necessarily generalizable to all sex offenders, however, since the sample was very small (N = 13) and limited only to Level 3 recidivist offenders (i.e., those considered highest risk to reoffend sexually) who were released between 1997 and 1999.

The Impact of Residency Restrictions on Sex Offenders

While these studies explored the potential effects of housing restrictions on recidivism, other research has examined the impact on the offenders themselves. As Mustaine, Tewksbury and Stengel (2006) point out, sex offenders are frequently relegated to neighborhoods and communities marked by social disorganization. Furthermore, residency restrictions often force offenders to move from their residences. For example, Levenson and Cotter (2005) surveyed 135 sex offenders in Florida who were subject to residency restrictions that prohibited them from living within 1,000 feet of a school, daycare center, park, playground, or other place where children regularly congregate. Levenson and Cotter found that 50 percent of the 135 offenders, of whom 97 percent were child molesters, reported being forced to move on account of the 1,000 foot rule. In addition, the results indicated that the housing

restrictions also led to increased isolation, decreased stability, and greater emotional and financial stress.

The Present Report

Because Minnesota has not enacted a residency restrictions law, it is not possible to precisely determine the actual impact of such a law on sexual recidivism. It is possible, however, to identify the cases that might have been affected by residency restrictions. Of the 3,166 sex offenders released between 1990 and 2002, there were 224, all of whom were male, who were reincarcerated for a sex offense following their initial release from prison. This study examines the reoffense patterns for these 224 offenders in an effort to determine whether any might have been affected by residency restrictions. In doing so, this study focuses on several key questions. First, where did offenders initially establish contact with their victims, and where did they commit the offense? Second, what were the physical distances between an offender's residence and both the offense and first contact locations? Finally, were other factors such as victim-offender relationship, supervision status, use of alcohol/drugs, and use of force associated with both residential proximity and the sexual reoffense?

DATA AND METHODS

To address these questions, data were gathered on the 224 sex offender recidivists released from a MCF between 1990 and 2002; all sample members were reincarcerated in a MCF for a sex offense prior to January 1, 2006. The measure of recidivism used—reincarceration—is employed due to the greater availability of data on the offenders who returned to prison for a new sex crime.

Measures

Several different sources of data were used to examine proximity: the criminal complaint for the sexual reoffense, the pre-sentence investigation (PSI) report, the Statewide Supervision System (SSS), the Minnesota Bureau of Criminal Apprehension (BCA) offender registry, and the Correctional Operations Management System (COMS)—the database maintained by the Minnesota Department of Corrections. These sources were reviewed for each of the 224 recidivists, and data were recorded for each of the following items: (the sources used for each item are included in parentheses):

- Offender's address at the time of the re-offense (criminal complaint, PSI report, SSS, and BCA offender registry)
- The address of the location where the new offense occurred (criminal complaint)
- The location/address where the offender first established contact with the victim (criminal complaint and PSI report)
- The type of location where the offense took place; e.g. offender's residence, victim's residence, public building, etc. (criminal complaint)
- The type of location where the offender first established contact with the victim; e.g. offender's residence, victim's residence, bar/nightclub, etc. (criminal complaint)
- The relationship between the offender and victim; e.g. stranger, girlfriend's daughter, babysitter, etc. (criminal complaint)
- The amount of force used; e.g. no force, force with injury, etc. (criminal complaint)
- The presence of alcohol and/or drug use by the offender and/or the victim around the time of the offense (criminal complaint and PSI report)

Additional offender and victim data were also collected from COMS. The variables derived from COMS include supervision status at the time of the offense, prison-based treatment outcome, prior criminal history, age at release, sentencing county, institutional discipline history during the 12 months prior to release, length of stay, length of supervision, supervision type, number of supervised release violations, and victim characteristics of their prior sex offense.

Analysis

Once all data were collected, the physical distances between the offender's residence and both the offense and first contact locations were calculated, using Google Earth. For example, using the "Directions" feature, the offender's address was entered in the first address location (i.e. "From"), whereas the offense or first contact location was entered in the second address location (i.e. "To"). The "Ruler" feature in Google Earth was then used to determine the straight-line distance (in both feet and miles) between the first and second address locations.

Four criteria were used to determine whether residency restrictions might have prevented a sex crime from occurring. As noted above, housing restrictions are geared primarily towards deterring sex offenders—namely, child molesters—from initiating contact with potential victims by prohibiting them from living within a certain distance of a school, park, daycare center or other area where children might be present. The first criterion, then, concerns the means by which the offenders established contact with their victims. Therefore, the analyses focus on direct contact offenders, who typically initiated contact with their victims by approaching them on the street, meeting them in a bar, or breaking into the victim's home. Additionally, the analyses also assess offenders who gained access through indirect means (e.g. girlfriend's daughter, babysitter, friend's son or daughter, etc.) in order to provide a more complete picture of the patterns of sexual reoffending.

The second criterion concerns the distance between an offender's residence and where he (all 224 offenders were male) first established contact with the victim. There is no clear consensus on the distance requirement across jurisdictions that have implemented housing

restrictions; statutes range from 500 to 2,500 feet. The distances in most states, however, are often between 1,000 to 2,500 feet (Levenson and Cotter, 2005). This study therefore determines residential proximity on the basis of a 1,000 foot zone (0.2 miles) as well as a 2,500 foot zone (0.5 miles). To ensure that neither distance is overly restrictive, residential proximity is also determined on the basis of a one mile zone (5,280 feet). As a result, three distances are used in this study to determine residential proximity: 1,000 feet, 2,500 feet, and 5,280 feet (one mile).

The third criterion concerns the type of location where the offender established contact with the victim. In order for a case to be considered one that might have been prevented by a residency restrictions law, the offender had to have established victim contact in or near one of the prohibited areas: a school, park, playground, daycare center, or other location where children are known to congregate.

The fourth criterion concerns the age of the victim. Because housing restrictions focus on the protection of children, the victim(s) had to have been under the age of 18 at the time of the offense in order for it to be considered a case where a residency restriction law might have made a difference.

All four of the criteria outlined above had to be met in order for an offense to be classified as one that might have been prevented by housing restrictions. If, for example, an offender established direct contact with a juvenile victim 0.3 miles (1,584 feet) away from his residence at a park and committed the offense in the same location, residential proximity would be relevant for both the 0.5 mile (2,500 feet) and 1.0 mile distances, but not for the 0.2 mile (1,000 feet) distance. Similarly, if an offender broke into a neighbor's home 0.1 miles (500 feet) away from his own residence and victimized a juvenile female victim, the case would not meet the criteria for classification because the first contact location was the victim's home.

Other criteria could also be included such as the offender's sexual criminal history. The objective here, however, is to identify whether residency restrictions might have deterred any

of the 224 cases from occurring, regardless of whether the offender had a history of victimizing children. Nevertheless, offender's sexual criminal history is included in the analyses presented later.

RESULTS

The results show that 85 percent of the offenses occurred in a residential location (see Table 1). The other 15 percent took place in a public location, of which most were an exterior location such as a street, alley, or park. A little more than half (53 percent) of the recidivists committed the offense in their own residence. Of these 118 reoffenses, the offender shared the residence with the victim in 34 percent of the cases. A little more than 41 percent of the offenses took place in the victim's home. In 57 percent of these cases, the victim did not share the residence with the offender.

Table 1. Location of Sex Reoffenses

<i>Location of Offense</i>	<i>Number</i>	<i>Percent</i>
Offender's Residence	78	34.8
Victim's Residence	53	23.7
Shared Residence	40	17.9
Residence of Acquaintance/Family Member	14	6.3
Other Residence (e.g. hotel room)	5	2.2
Exterior Public Location	28	12.5
Interior Public Location	6	2.6
Total	224	100.0

For 27 of the 224 cases, it was not possible to estimate the distance between the offender's residence and the location where the offense took place due to the absence of specific address information for either one. This was especially true for the older cases, primarily those that took place in the early to mid-1990s.

Offender Residence-Offense Location Distance

Of the 197 cases where specific address information was available, nearly two-thirds (63 percent) took place inside the offender's residence (see Table 2). Of that 63 percent, the victim shared the residence with the offender in 36 percent of the offenses. These results suggest that offenders were most likely to commit offenses in or near their place of residence. More specifically, as the distance between the offender's residence and the offense location increased, the number of offenses decreased. For example, 18 percent of the offenses took place within five miles of the offender's residence, 7 percent from 6-10 miles, 4 percent from

11-15 miles, and 2 percent for 16-20 miles and 21-25 miles, respectively. However, relatively few of the offenses (9 percent) took place within one mile of the offender's residence.

Table 2. Distance between Offender's Residence and Offense Location

<i>Distance</i>	<i>Number</i>	<i>Percent</i>
Offender's Residence	79	40.5
Offender/Victim Shared Residence	45	22.8
Less than 1 mile	17	8.6
1-5 miles	19	9.6
6-10 miles	14	7.1
11-15 miles	8	4.2
16-20 miles	4	2.1
21-25 miles	3	1.5
26-50 miles	5	2.5
Over 50 miles	3	1.5
Total	197	100.0

Compared to the offender residence-offense location distance, estimating the distance between the offender's residence and the first contact location was more difficult for several reasons. First, the address information regarding the specific location where offenders first established contact with their victims was frequently unavailable in the criminal complaint. Second, for some cases, geographic distance was irrelevant in that several offenders first established contact over the telephone or the internet (i.e. dating personals). Finally, and perhaps most important, the majority of the offenders knew their victims at the time of the offense, often for some time before the crime took place. For example, determining the specific location where an offender first met his stepdaughter (his victim) is largely irrelevant to the issue of residential proximity. Consequently, the findings regarding the offender residence-first contact distance will focus only on the direct contact offenders, and will be presented later in this report.

Victim-Offender Relationship

As shown below in Table 3, 21 percent of the offenders victimized someone they did not know. This percentage is higher than that normally seen in sex offender populations because

Table 3. Victim-Offender Relationship of Sex Reoffenses

<i>Victim-Offender Relationship</i>	<i>Number</i>	<i>Percent</i>
Stranger	48	21.4
Acquaintance/Other Known	51	22.8
Babysitter	13	5.8
Neighbor	8	3.6
“Romantic/Dating”	13	5.8
Friend of Family	20	8.9
Significant Other’s Son/Daughter	39	17.4
Family/Biological	32	14.3
Total	224	100.0

this is a sample of recidivists, who are more likely to victimize strangers. Consistent with research on sex offenders in general, the vast majority (79 percent) of offenders, however, victimized someone they knew. Acquaintance/Other Known was the most common victim-offender relationship (23 percent), followed closely by offenders who victimized the daughter or son of the woman with whom they had developed a romantic relationship (17 percent). This category includes men who molested their stepdaughters or stepsons. In 14 percent of the cases, offenders victimized family members such as their own daughter, niece, or granddaughter.

When the offenders victimized a stranger, 28 percent committed the offense in their own residence (see Table 4). When they committed the offense outside their residence, however, most did so more than one mile away from their home; fully 49 percent of the stranger-on-stranger reoffenses took place more than one mile from the offender’s residence. In contrast,

Table 4. Offense Location-Offender Residence Distance by Victim-Offender Relationship

<i>Distance</i>	<i>Stranger</i>	<i>Acquaintance/ Other Known</i>	<i>Babysitter</i>	<i>Neighbor</i>	<i>Romantic</i>	<i>Friend of Family</i>	<i>Significant Other’s Son/ Daughter</i>	<i>Other Family</i>	<i>Total</i>
Offender’s Residence	27.9	73.8	76.9	37.5	41.7	58.8	88.8	80.8	62.9
< 1 mile	23.3	0.0	7.7	62.5	8.3	0.0	0.0	0.0	8.6
1-5 miles	18.6	7.1	0.0	0.0	16.7	23.5	2.8	3.8	9.6
6-10 miles	11.6	2.4	15.4	0.0	16.7	0.0	5.6	7.7	7.1
11-20 miles	14.0	7.1	0.0	0.0	8.3	5.9	2.8	0.0	6.1
21-50 miles	2.3	9.5	0.0	0.0	8.3	5.9	0.0	3.8	4.1
> 50 miles	2.3	0.0	0.0	0.0	0.0	5.9	0.0	3.8	1.5
N	43	42	13	8	12	17	36	26	197

23 percent occurred within one mile of the offender's residence. Of the 17 offenses that took place within one mile of the offender's residence, ten involved strangers, five involved neighbors, one involved a babysitter, and one involved a "consensual," romantic relationship.

Alcohol/Drug Use

Of the 224 reoffenses, the available evidence indicated that 69 percent did not involve the use of either alcohol or drugs on the part of the victim or the offender. The use of alcohol was

Table 5. Reoffense Characteristics by Use of Alcohol and/or Drugs

<i>Characteristics</i>	<i>None</i>	<i>Alcohol</i>	<i>Drugs</i>	<i>Both</i>	<i>Total</i>
<u>Distance</u>					
Offender's Residence	65.1	65.1	77.8	37.5	62.9
Less than 1 mile	8.8	11.6	0.0	0.0	8.6
1-5 miles	10.9	4.7	0.0	25.0	9.6
6-10 miles	5.4	9.3	22.2	0.0	6.9
11-20 miles	5.4	7.0	0.0	25.0	6.3
21-50 miles	4.7	2.3	0.0	12.5	4.2
Over 50 miles	2.3	0.0	0.0	0.0	1.5
N	137	43	9	8	197
<u>Victim-Offender Relationship</u>					
Stranger	21.3	18.4	40.0	20.0	21.4
Acquaintance/Other Known	15.5	40.8	20.0	50.0	22.8
Babysitter	5.8	6.1	0.0	10.0	5.8
Neighbor	3.2	6.1	0.0	0.0	3.6
"Romantic/Dating"	6.5	6.1	0.0	0.0	5.8
Friend of Family	11.0	4.1	0.0	10.0	8.9
Significant Other's Son/Daughter	20.0	12.2	20.0	0.0	17.4
Family/Biological	16.8	6.1	20.0	10.0	14.3
N	155	49	10	10	224
<u>Force</u>					
None	65.8	44.9	40.0	50.0	59.4
Physical Force	20.6	40.8	20.0	20.0	25.0
Force w/Weapon	1.9	6.1	10.0	10.0	3.6
Force w/Injury	8.4	6.1	10.0	0.0	7.6
Force w/Weapon & Injury	3.2	2.0	20.0	20.0	4.5
N (percent)	155 (69.2)	49 (21.8)	10 (4.5)	10 (4.5)	224

present in 22 percent of the offenses, while the remaining nine percent were evenly split between the use of drugs and both alcohol and drugs (see Table 5). Although the use of alcohol and/or drugs appears to be unrelated to distance, the findings suggest that offenses in which the offender was an acquaintance to the victim were more likely to involve the use of substances, particularly alcohol. In addition, offenses in which the offender used physical force against the victim were slightly more likely to involve the use of alcohol and/or drugs.

Physical Force

The data show that 91 offenders (41 percent) used physical force in their reoffense (see Table 6). More specifically, 17 offenders inflicted injury to the victim without a weapon, 10 caused

Table 6. Reoffense Characteristics by Use of Physical Force

<i>Characteristics</i>	<i>None</i>	<i>Force</i>	<i>Force w/ Weapon</i>	<i>Force w/ Injury</i>	<i>Force w/ Weapon & Injury</i>	<i>Total</i>
<u>Distance</u>						
Offender's Residence	73.5	51.1	25.0	53.3	40.0	62.9
Less than 1 mile	4.3	14.9	12.5	6.7	30.0	8.6
1-5 miles	6.8	10.6	12.5	20.0	20.0	9.6
6-10 miles	7.7	6.4	12.5	6.7	0.0	7.1
11-20 miles	2.6	12.8	0.0	13.3	10.0	6.1
21-50 miles	4.3	0.0	37.5	0.0	0.0	4.1
Over 50 miles	0.9	4.3	0.0	0.0	0.0	1.6
N	117	47	8	15	10	197
<u>Victim-Offender Relationship</u>						
Stranger	9.0	35.7	37.5	41.2	60.0	21.4
Acquaintance/Other Known	21.1	21.4	50.0	29.4	20.0	22.8
Babysitter	6.8	7.1	0.0	0.0	0.0	5.8
Neighbor	3.8	3.6	12.5	0.0	0.0	3.6
"Romantic/Dating"	6.0	3.6	0.0	11.8	10.0	5.8
Friend of Family	9.8	12.5	0.0	0.0	0.0	8.9
Significant Other's Son/Daughter	25.6	7.1	0.0	5.9	0.0	17.4
Family/Biological	18.0	8.9	0.0	11.8	10.0	14.3
N	133	56	8	17	10	224
<u>Alcohol/Drug</u>						
None	76.7	57.1	37.5	76.5	50.0	69.2
Alcohol	16.5	35.7	37.5	17.6	10.0	21.9
Drugs	3.0	3.6	12.5	5.9	20.0	4.5
Both	3.8	3.6	12.5	0.0	20.0	4.5
N (percent)	133 (59.4)	56 (25.0)	8 (3.6)	17 (7.6)	10 (4.4)	224

injuries with a weapon, and eight used force with a weapon but did not inflict injuries. The remaining 56 offenders used physical force that involved neither weapons nor injuries. Stranger-on-stranger offenses were more likely to involve the use of physical force than all other types of offender-victim relationships. Conversely, offenders who victimized the daughter or son of their significant other (e.g. girlfriend, fiancée, etc.) were less likely to use physical force. Regarding distance, offenses occurring outside the offender's home were more likely to involve the use of physical force. In particular, offenses taking place within 20 miles of the offender's residence (except for those between 6-10 miles) were most likely to involve the use of physical force.

Type of Victim Contact

As noted above, determining the location where offenders first established contact with their victims was often difficult, particularly for offenders who had known their victims for some time. More important, however, the data show that residential proximity had only modest relevance in a majority of the 224 reoffenses. More specifically, 79 offenders (35 percent) directly established contact with the victim. For these "direct contact" offenders, they met their victims by approaching them on the street, meeting them in a bar, or breaking into the victim's home. For the remaining 65 percent, however, the offenders were biologically related to their victims (14 percent), or they gained access to their victims through a form of collateral contact such as a girlfriend, wife, co-worker, friend, or acquaintance (50 percent). Thus, for the "biological contact" and "collateral contact" offenders, residential proximity was not nearly as important as social or relationship proximity.

As shown in Table 7, direct contact offenders were, compared to the other recidivists (i.e. collateral and biological contact offenders), more likely to be minorities from the Minneapolis/St. Paul Metro area. Although they were less likely to have a felony conviction prior to their initial prison commitment, they had, on average, more than twice as many institutional disciplinary convictions as the other recidivists. In their sex reoffense, where they established direct contact with their victims, all of the offenders victimized acquaintances and strangers. In particular, it was almost evenly split between the two, although nearly one-third assaulted a stranger adult female victim. Consistent with earlier

findings, which showed a connection between stranger victims, physical force, and the use of alcohol/drugs, direct contact offenders were more likely to use physical force and alcohol/drugs.

Table 7. Recidivist Characteristics by Type of Victim Contact

<i>Characteristics</i>	<i>Direct Contact</i>	<i>Collateral Contact</i>	<i>Biological Contact</i>	<i>Total</i>
<u>Demographics</u>				
White Offenders (percent)	60.8	66.4	78.1	66.1
Average Age at Release (years)	32.8	32.3	36.7	33.1
Metro (percent)	57.7	54.5	46.9	54.5
<u>Criminal History</u>				
Prior Sex Crime (percent)	30.4	38.1	21.9	33.0
Prior Felony (percent)	53.2	64.6	56.3	59.4
<u>Institutional</u>				
Recent Discipline Convictions	5.6	2.5	2.4	3.5
Length of Stay (months)	29.8	26.2	27.5	27.6
Completed Treatment (percent)	9.0	8.9	12.5	9.5
Treatment Dropout (percent)	6.4	9.8	6.3	8.1
<u>Post-Release</u>				
Length of Supervision (months)	25.2	20.9	17.2	21.9
ISR (percent)	21.5	8.0	6.3	12.5
SRVs (number)	0.56	0.46	0.66	0.53
<u>Reoffense</u>				
Alcohol/Drugs (percent)	36.7	30.1	18.7	30.8
Physical Force (percent)	59.5	31.9	25.0	40.6
Supervised at Time of Offense (percent)	34.2	24.8	31.3	29.0
Time Unsupervised (months)	34.8	42.5	32.9	38.7
<u>Prior Victim Characteristics</u>				
Female (percent)	82.7	85.0	90.3	85.0
Child (percent)	24.1	49.6	59.4	42.0
Adolescent (percent)	33.6	40.5	31.3	35.7
Adult (percent)	35.4	16.8	9.4	22.3
Family (percent)	8.9	22.1	50.0	21.4
Acquaintance (percent)	57.0	72.6	40.6	62.5
Stranger (percent)	34.2	5.3	9.4	16.1
<u>Reoffense Victim Characteristics</u>				
Female (percent)	83.5	88.5	87.5	86.6
Child (percent)	19.0	52.2	62.5	42.0
Adolescent (percent)	27.8	33.6	28.1	30.8
Adult (percent)	53.5	14.2	9.4	27.2
Family (percent)	0.0	18.6	100.0	23.7
Acquaintance (percent)	45.6	74.3	0.0	53.6
Stranger (percent)	54.4	7.1	0.0	22.8
N (percent)	79 (35.3)	113 (50.4)	32 (14.3)	224

Unlike collateral and biological contact offenders, direct contact offenders were much less likely to victimize those under the age of 13 (i.e. “Child”) in either their previous or current offense. Instead, they were much more likely to victimize adults. Indeed, adults were the victims in 54 percent of their reoffenses, which is more than four times greater than for the other recidivists. Further, these offenders were more likely to have a history of victimizing adult strangers. For example, in their previous sex offense, 35 percent had victimized adults, whereas 34 percent had victimized strangers.

Compared to the other recidivists, collateral contact offenders had more significant criminal histories, as they were most likely to have both a prior felony conviction and a previous sex crime conviction. However, they had, on average, the fewest number of supervised release violations (SRVs). In their reoffense, 74 percent victimized acquaintances, 19 percent family members (e.g. stepdaughter), and 7 percent strangers (see Table 7). Approximately 53 percent of the acquaintance victims were females under the age of 18. Collateral contact offenders were more likely to have a prior history of offending against female acquaintances under the age of 18—the same group that comprised 53 percent of their reoffense victims; thus, they had a relatively high rate of specialization. At 75 percent, collateral contact offenders were least likely to be under supervision at the time of the offense. Moreover, the average amount of time between the end of their post-release supervision and the offense date (43 months) was nearly a year longer than the other recidivists.

The 32 recidivists who offended against a biological family member were more likely to be older (by an average of about four years) white males who had, on average, the most supervised release violations (SRVs) compared to the other recidivists. In their reoffenses, which were least likely to involve alcohol and/or drugs, females under the age of 18 were the victims in 78 percent of the cases. Half (N = 16) of the 32 offenders had a history of victimizing family members. Moreover, these offenders were most likely to have previously victimized children under the age of 13.

Offender Residence-First Contact Distance for Direct Contact Offenders

In assessing the extent to which residential proximity had an impact on sexual reoffending, it is, as noted earlier, necessary to focus on the 79 direct-contact cases. As shown in Table 8, it was not possible to estimate the offender residence-first contact distance for 13 of the cases due to unavailable address information for either the offender's residence or the first contact location. However, even if it was possible to estimate the first contact distance, none of the cases would have likely been affected by residency restrictions according to the criteria outlined above. For example, in 10 of the 13 cases, the victim was an adult. In the three cases involving juvenile victims, one offender met the victim through his occupation. In the other two cases, the offenders established romantic, "consensual" relationships with the victims, both of whom were 14-years-old. One of the offenders, who was 24 at the time, met the victim at a party attended by mutual friends, while the other offender, who was 19-years-old, "picked up" the victim as she was taking a walk from her home.

Table 8. Offender Residence-First Contact Distances for Direct Contact Offenders

<i>Distance</i>	<i>Number</i>	<i>Percent</i>
Less than 1,000 ft. (0.19 miles)	18	22.8
1,000-2,500 ft. (0.20-0.47 miles)	5	6.3
2,501-5,280 ft. (0.48-0.99 miles)	7	8.8
1-2 miles	6	7.6
3-5 miles	10	12.7
6-10 miles	4	5.1
11-20 miles	4	5.1
Greater than 20 miles	7	8.8
Telephone	4	5.1
Internet	1	1.2
Unknown	13	16.5
Total	79	100.0

Given that four offenders established contact over the telephone and one offender initiated contact via the internet, there were 61 direct-contact cases in which address information was available. Of the 61 cases, more than half (N = 31) contacted their victims beyond a mile from where they were residing at the time of the offense. In 30 cases, the offenders met their victims less than a mile away from their home. However, one of these offenders victimized an inmate while he was incarcerated at a county jail, whereas another offender molested his roommate at a halfway house following his release from prison. Because residency

restrictions would not apply in either situation, both cases were excluded, lowering the total to 28. Of the 28 cases, 21 would qualify under a 2,500 foot (less than 0.5 miles) zone, whereas this number would drop to 16 for a 1,000 foot (less than 0.2 miles) zone.

Residential Proximity for Direct Contact Offenders

The 28 offenders who established direct victim contact within a mile of their residence were, compared to the other recidivists, more likely to be minorities who were slightly older at the time of release (see Table 9). They had lengthier institutional discipline histories and were much less likely to have completed prison-based sex offender treatment (in fact, no direct contact offenders successfully completed treatment). In their reoffense, they were most likely to target an adult female stranger. Indeed, 43 percent of the victims were adults, 79 percent were females, and 68 percent were strangers. Not surprisingly, these offenders were, compared to other recidivists, much more likely to have a history of victimizing strangers and, to a lesser extent, adults. In addition, they were more likely to have been under supervision at the time of the offense and to have used physical force during the sex crime.

But how many of the 28 cases might have been prevented by a law barring sex offenders from living near prohibited areas such as schools, daycare centers, or parks? Twelve cases would be eliminated from consideration because they involved adult victims. Of the remaining 16 cases with juvenile victims, 12 involved offenders who established direct contact within 1,000 feet while two additional cases involved an offender who initiated contact within 2,500 feet. Not one of the 16 cases, however, was facilitated by close proximity to a school, daycare, or park. Instead, the offenders in these 16 cases victimized neighbors, or they made contact with victims near their own property. For example, in eight of the cases, the victim was a neighbor to the offender in that they lived in the same residential block, trailer park, or apartment building. In four of the cases, the offenders made contact with the victims just outside their own property. In one incident, the offender met the victim, a 17-year-old male runaway, at a nearby fast food restaurant. One of the offenders molested a child who lived in the same apartment building of an acquaintance he was visiting. In another incident, the offender lived near a shopping mall, which is where he initiated contact with a juvenile victim. And in the final case, the offender gained entrance

Table 9. A Comparison of Residential Proximity Offenders

<i>Characteristics</i>	<i>Residential Proximity</i>	<i>Non-Residential Proximity</i>	<i>Total</i>
<u>Demographic</u>			
White Offenders (percent)	57.1	67.3	66.1
Average Age at Release (years)	35.2	32.9	33.1
Metro (percent)	50.0	55.2	54.5
<u>Criminal History</u>			
Prior Sex Crime (percent)	28.6	33.7	33.0
Prior Felony (percent)	57.1	60.0	59.4
<u>Institutional</u>			
Recent Discipline Convictions	5.50	3.26	3.55
Length of Stay (months)	32.2	27.0	27.6
Completed Treatment (percent)	0.0	10.8	9.5
Treatment Dropout (percent)	7.1	8.3	8.1
<u>Post-Release</u>			
ISR (percent)	17.9	11.7	12.5
Length of Supervision (months)	28.1	21.0	21.9
Supervised at Time of Offense (percent)	42.9	27.0	29.0
Time Unsupervised (months)	40.9	38.4	38.7
SRVs (number)	0.46	0.54	0.53
<u>Reoffense</u>			
Alcohol/Drugs (percent)	32.1	30.6	30.8
Physical Force (percent)	60.7	37.8	40.6
<u>Prior Victim</u>			
Female (percent)	75.0	86.8	85.3
Child (percent)	32.1	43.4	42.0
Adolescent (percent)	39.3	35.2	35.7
Adult (percent)	28.6	21.4	22.3
Family (percent)	10.7	23.0	21.4
Acquaintance (percent)	46.4	64.8	62.5
Stranger (percent)	42.9	12.2	16.1
<u>Reoffense Victim</u>			
Female (percent)	78.6	87.8	86.6
Child (percent)	28.6	43.9	42.0
Adolescent (percent)	28.6	31.1	30.8
Adult (percent)	42.8	25.0	27.2
Family (percent)	0.0	27.0	23.7
Acquaintance (percent)	32.1	56.6	54.0
Stranger (percent)	67.9	16.4	22.3
N	28	196	224

by breaking into the victim's home. In general, though, the offenders typically gained access to the victims by enticing them with a ruse; e.g. an offer to use the offender's phone or paying the victim money to clean the offender's residence.

Of the 224 cases, there were only three in which the offender established contact with the victim at a possible prohibited area where children are known to be present. The location was a park in two of the incidents, and a school in the other incident. In two of the cases, however, the offender lived more than 10 miles away from the first contact location, whereas the victim in the other case was an adult. Therefore, none of the 224 incidents of sex offender recidivism fit the criteria of a known offender making contact with a child victim at a location within any of the distances typically covered by residential restriction laws.

CONCLUSION

Only a minority of the 224 sex offender recidivists directly established contact with their victims. For those that did, they were much more likely to initiate contact with an adult. But even when offenders contacted juvenile victims directly, it was often more than a mile away from where they lived. Of the few offenders who directly contacted a juvenile victim within close proximity of their residence, none did so near a school, park, playground or other location where children are normally present. Thus, not one of the 224 offenses would likely have been affected by residency restrictions.

It is important to emphasize, however, that this study did not encompass every sex reoffense committed by the sex offenders released from an MCF between 1990 and 2002. For example, there were 80 additional offenders (N = 304) who were reconvicted of a sex offense, and 70 more (N = 374) on top of that who were rearrested. Still, regardless of the way in which recidivism is measured, the total number of sexual reoffenses committed by the offenders examined here constituted a very small fraction of the total number of sex crimes committed in Minnesota between 1990 and 2005. Indeed, given there were a little more than 10,600 criminal sexual conduct sentences during the 1990-2005 period, the sex offender recidivists in this study were responsible for approximately two percent (224 sex crime reconvictions) of the sex offenses in Minnesota that resulted in a conviction. Furthermore, recent data reveal that recidivists account for a relatively small portion of the total number of sex offenses. Of the 591 criminal sexual conduct sentences during 2004, only 10 percent (N = 58) involved offenders who had a previous sex crime conviction.

In general, the results presented here provide very little support for the notion that residency restriction laws would lower the incidence of sexual recidivism, particularly among child molesters. Why, then, does residential proximity appear to matter so little with regard to sexual reoffending? Much of it has to do with the patterns of sexual offending in general. Sex offenders are much more likely to victimize someone they know. For example, one of the most common victim-offender relationships found in this study was that of a male offender developing a romantic relationship with a woman who has children. The sex offender recidivists examined here used their relationships with these women to gain access

to their victims—the women’s children. Similarly, it was relatively common for offenders to gain access to victims through babysitting for an acquaintance or co-worker, or living with friends who had children. Thus, in half the cases, the offenders established contact with their victims through their relationship or acquaintance with another person, almost invariably an adult.

Even when offenders established direct contact with victims, they were unlikely to do so close to where they lived. This may be largely due to the fact that offenders are more likely to be recognized within their own neighborhoods. Indeed, many of the child molesters Levenson and Cotter (2005) interviewed for their study indicated that they were careful not to reoffend close to their own home. As a result, when direct contact offenders look for a victim, they are more likely to go to an area relatively close to home (i.e. less than 20 miles), but still far enough away (i.e. greater than one mile) to decrease the chances of being recognized.

A residency restrictions law would likely offer, at best, a marginal impact on the incidence of sexual recidivism. This is not to say, however, that housing restrictions would never prevent a sex offender from reoffending sexually. Based on the results presented here, however, the chances that it would have a deterrent effect are slim. Indeed, over the last 16 years, not one sex offender released from a MCF has been reincarcerated for a sex offense in which he made contact with a juvenile victim near a school, park, or daycare center close to his home. In short, it is unlikely that residency restrictions would have a deterrent effect because the types of offenses such a law are designed to prevent are exceptionally rare and, in the case of Minnesota, virtually non-existent over the last 16 years.

It is still possible, however, that a housing restrictions law could have an impact because laws sometimes have unintended consequences. It is debatable, though, whether the impact would be a positive one. In 2002, Iowa passed a residency restrictions law, prohibiting sex offenders from living within 2,000 feet of a child congregation location. Although there are no hard data on the impact of the law, anecdotal evidence suggests that residency restrictions have limited offender employment prospects, reduced suitable housing opportunities, and

threatened the reliability of the sex offender registry by causing more offenders to become homeless, change residences without notifying the authorities, or register false addresses. Moreover, the forced removal of offenders from established residences also appears to have had an adverse impact on family members, causing children to be pulled out of school and away from friends, and resulting in the loss of jobs and community connections for spouses. Finally, prosecutors have claimed the prospect of lifetime residency restrictions has reduced the number of offender confessions and led to more plea agreement refusals (Iowa County Attorneys Association, 2006). Therefore, by making it more difficult for sex offenders to successfully re-enter society, housing restrictions might promote conditions that work against the goal of reducing the extent to which they recidivate sexually.

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TO: Joint Legislative Council's Special Committee on Placement of Sex Offenders
FROM: Mike Murray, Policy Specialist, WCASA
DATE: September 14, 2006
RE: Victim Concerns Regarding the Placement of Sex Offenders

My name is Mike Murray and I am the Policy Specialist for the Wisconsin Coalition Against Sexual Assault, Inc. (WCASA). WCASA is a membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the 43 agencies throughout the state that offer support, advocacy and information to victims of sexual assault and their families.

I would like to thank Chairmen Suder and Bies and the members of the committee for the opportunity to present testimony to this committee. One viewpoint that is often neglected in discussions about sex offender management issues is the concerns of victims of sexual assault. My testimony will discuss how sex offender placement issues affect victims. In addition, I will discuss some broader considerations regarding sex offender placement issues.

Victim Concerns Regarding Sex Offender Placement

Sexual assault is a terrifying event. Many victims experience intense fears of re-victimization—frequently having traumatic memories of the event. Sexual assault is also most frequently perpetrated by someone known to the victim. As a result, victims often come in to contact with the offender after an offender is released from incarceration, which places the victim in intense fear and possible additional danger.

Sexual assault also robs victims of control over their lives. In order to begin the healing process, victims must be provided with opportunities to regain some of the control that was taken from them during the assault. The reintegration of offenders back into the community should be done in a manner that interferes with the victim's healing process as little as possible. The prospect of having to worry about an offender moving back into the victim's neighborhood or encountering an offender while running errands or going to dinner with one's family is both terrifying and disempowering for many victims.

In order to properly address these victim concerns, it is important that victims receive adequate notice about an offender's release and a meaningful opportunity to provide input about an offender's placement. Careful consideration and weight should be given to victim concerns and wishes regarding residency. The Department of Corrections (DOC) currently does have systems in place to help address these concerns. The VOICE/VINE

informational systems allow victims of any crime to receive electronic or written updates about an offender's upcoming parole hearing or mandatory release date. This system also allows victims to receive written notification of upcoming parole and mandatory release interviews and provides them with the opportunity to submit a statement to the Parole Commission or to participate further in the process if they wish.

It is important that the correctional systems response to victims remain individualized. Different victims will have different concerns and wishes regarding the placement of offenders. For instance, a victim of incest may desire to reconcile with the offender once the offender successfully completes a treatment program. On the other hand, a victim who was assaulted by her neighbor may not want the offender to be allowed to return to his previous residence because she does not want to live in fear of him on daily basis. Because the dynamics of each sexual assault are different, blanket rules regarding the placement of offenders in relation to victims are unlikely to adequately address the needs of each victim.

Possibly the most important issue for victims and victim advocates regarding community responses to sex offenders is how our state decides to expend our very limited financial resources when responding to sexual assault. Many of the community responses to sex offenders require an extraordinary amount of money and time to implement and divert much needed resources from programs that provide invaluable supportive services to victims and provide community education about sexual assault. WCASA believes that it is extremely important that any analysis of new sex offender management programs include a serious discussion about whether such efforts will in the long run take resources away from victim services and community education programs.

Sex Offenders—Reality vs. Myths

WCASA believes that it is imperative to understand the dynamics of sexual assault and the data that exists about offenders in order to implement effective public policy responses to offenders.

Most victim and community measures to manage sex offenders ordinarily only address convicted sex offenders. However, research shows that the vast majority of sex offenders are never reported, let alone tried and convicted.

Contrary to the popular myth of "stranger danger," children and youth are far more at risk of sexual abuse from adults they know. The same holds true for adult victims of sexual assault. Research shows that the vast majority of sex offenders know their victims, yet measures are generally designed to address situations in which the sex offender is presumed to be a stranger to the victim.

Community members need to understand the limitations of current measures to manage convicted sex offenders, because without this critical knowledge, the enactment of measures can lead to a false sense of security, thereby putting children and our communities at even greater risk.

Community education should be an essential element of any community response to sex offenders. In order for our communities to adequately protect their citizens from the dangers of sexual assault, community education should consist of:

- Information regarding sexual assault (myths and facts, incidence and prevalence data, victim information)
- Information regarding sex offenders and sex offending behavior
- Information regarding prevention and risk reduction measures
- Information regarding resources for victims, offenders, and families
- Social messaging campaigns on respectful interaction

Finally, because any community response to sex offenders must be implemented within a framework of limited public resources, those resources allocated for the management of convicted sex offenders should primarily be directed to those at highest risk of re-offense. Which offenders pose the highest risk can most accurately be assessed through the application of evidence-based, actuarial risk-assessment tools.

Residency Restrictions

Wisconsin, along with many other states, have considered residency restrictions in which sex offenders may not reside within a certain radius of schools, parks, or certain neighborhoods, etc. WCASA has serious concerns about whether such restrictions actually protect public safety. In fact, there is even some evidence that such restrictions diminish public safety.

There is no evidence that these residency restriction laws protect children. In fact, those states that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregate (see for example, Minnesota Department of Corrections, Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature; Colorado Department of Public Safety, Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community, 2004).

Moreover, residency restrictions in other states are having unintended consequences that decrease public safety. For example, Iowa Department of Public Safety statistics show that the number of sex offenders who are unaccounted for has doubled since a residency restriction law went into effect in June 2005 (Iowa Sex Offender Registry, data as of February 15, 2006). Sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense. In addition, the establishment of sex offender residency laws is creating a domino effect, in that once a law is established in a community or state, the neighboring communities and states are considering similar laws so as to keep sex offenders from moving to their jurisdictions.

Research has shown that sex offenders with domestic stability (stable housing and social support) are less likely to commit new sex offenses compared to those offenders who lack

such stability (Managing Sex Offenders in the Community: A National Overview, Lane Council of Governments, Eugene, Oregon, 2003). Because residency requirements cause instability, which may increase the risk of re-offense, WCASA has serious concerns about residency restrictions and their ability to protect public safety.

Conclusion

WCASA greatly appreciates the invitation to testify in front of this important committee. I am happy to answer any questions committee members have regarding my testimony. I have submitted numerous other documents to the committee regarding these topics that supplement my testimony. I would also be happy to answer any questions this committee has regarding victim issues as the committee continues its work in the future. Thank you again for your time.



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Florida housing sex offenders under bridge

- Sex offenders can't live within 2,500 feet of places children might gather
- In an urban area like Miami, this leaves few options for the convicted criminals
- A handful of sex offenders are now living under a bridge

By John Zarrella and Patrick Oppmann
CNN

MIAMI, Florida (CNN) -- The sparkling blue waters off Miami's Julia Tuttle Causeway look as if they were taken from a postcard. But the causeway's only inhabitants see little paradise in their surroundings.

Five men -- all registered sex offenders convicted of abusing children -- live along the causeway because there is a housing shortage for Miami's least welcome residents.

"I got nowhere I can go!" says sex offender Rene Matamoros, who lives with his dog on the shore where Biscayne Bay meets the causeway.

The Florida Department of Corrections says there are fewer and fewer places in Miami-Dade County where sex offenders can live because the county has some of the strongest restrictions against this kind of criminal in the country.

Florida's solution: house the convicted felons under a bridge that forms one part of the causeway.

The Julia Tuttle Causeway, which links Miami to Miami Beach, offers no running water, no electricity and little protection from nasty weather. It's not an ideal solution, Department of Corrections Officials told CNN, but at least the state knows where the sex offenders are.

Nearly every day a state probation officer makes a predawn visit to the causeway. Those visits are part of the terms of the offenders' probation which mandates that they occupy a residence from 10 p.m. to 6 a.m.

But what if a sex offender can't find a place to live?

That is increasingly the case, say state officials, after several Florida cities enacted laws that prohibit convicted sexual offenders from living within 2,500 feet of schools, parks and other places where children might gather. ([Watch one sex offender describe how he was forced to give up an apartment](#))

Bruce Grant of the Florida Department of Corrections said the laws have not only kept sex offenders away from children but forced several to live on the street.

"Because of those restrictions, because there are many places that children congregate, because of 2,500 feet, that's almost half a mile, that's a pretty long way when you are talking about an urban area like Miami, so it isn't surprising that we say we are trying but we don't have a place for these people to live in," Grant said.

For several of the offenders, the causeway is their second experience at homelessness. Some of them lived for months in a lot near downtown Miami until officials learned that the lot bordered a center for sexually abused children.

Trudy Novicki, executive director of Kristi House, said the offenders' presence put the center's children at risk. "It was very troublesome to learn that across the street there are people who are sex offenders that could be a danger to our children,"

she said.

Keeping the rats off

With nowhere to put these men, the Department of Corrections moved them under the Julia Tuttle Causeway. With the roar of cars passing overhead, convicted sex offender Kevin Morales sleeps in a chair to keep the rats off him.

"The rodents come up next to you, you could be sleeping the whole night and they could be nibbling on you," he said.

Morales has been homeless and living under the causeway for about three weeks. He works, has a car and had a rented apartment but was forced to move after the Department of Corrections said a swimming pool in his building put him too close to children.

The convicted felons may not be locked up anymore, but they say it's not much of an improvement.

"Jail is anytime much better than this, than the life than I'm living here now," Morales said. "[In jail] I can sleep better. I get fed three times a day. I can shower anytime that I want to."

Morales said that harsher laws and living conditions for sex offenders may have unintended consequences.

"The tougher they're making these laws unfortunately it's scaring offenders and they're saying, 'You know what, the best thing for me to do is run,'" Morales said.

A Miami Herald investigation two years ago found that 1,800 sex offenders in Florida were unaccounted for after violating probation.

Florida's system for monitoring them needs to be fixed, says state Senator Dave Aronberg, who proposed a bill to increase electronic monitoring and create a uniform statewide limit that would keep them 1,500 feet away from places where children go.

"We need to know where these people are at all times," Aronberg said after CNN invited him to tour the bridge where the sex offenders live. "We need residency restrictions, but just don't have this hodgepodge of every city having something different."

State officials say unless the law changes their hands are tied, and for now the sex offenders will stay where they are: under a bridge in the bay.

Find this article at:

<http://www.cnn.com/2007/LAW/04/05/bridge.sex.offenders/index.html>

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Most offenders would be unable to live within large part of city

By **Paul Srubas**

psrubas@greenbaypressgazette.com March 18, 2007

Despite possibly shaky legal grounds and a bundle of research saying it could be a mistake, Green Bay appears poised to ban certain sex offenders from most areas of the city.

The City Council on Tuesday will consider a measure to ban violent sex offenders and repeat sex offenders from living in any area of the city within 2,000 feet of schools, parks or other places where children gather.

For Green Bay, that means nearly anywhere.

"Our city planners did a great job on Green Bay," said Jed Neuman, a corrections field supervisor for parole agents in Brown County whose agency must help sex offenders find places to live and work. "Every area has a park, a neighborhood school — it's people-friendly."

Unless those people are sex offenders.

City planners mapped out the proposed restriction, marking areas red that would be forbidden to sex offenders and leaving unrestricted areas white. About 12 percent of the map is white — and that includes industrial zones, marshes and other uninhabitable areas. Slightly more than half of the white zone is zoned residential, and much of that is undeveloped.

The city's largest inhabitable "white zones" lie in the 1st Aldermanic District, on the city's far northeast corner.



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Nicolet Drive Neighborhood Association president Arthur Taylor looks over a city map of possible sex offender residence zones near his home and neighborhood last week. Corey Wilson/Press-Gazette

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Multimedia

[Map: Prohibited areas revised for registered sex offenders](#)

Adult sex offenders on the registry

- Green Bay — 322
- Ashwaubenon — 33
- Allouez — 14
- De Pere — 20
- Howard — 18

Noncompliant registrants

County Total Noncompliant
 Brown 488* 29
 Door 64 2
 Kewaunee 37 0
 Oconto 84 2
 Marinette 92 5
 Shawano 124 2
 State 19,265 1,873

This list, supplied by the state Department of

Alderman Jerry Wiezbiskie, who represents that district, knows that a lot of property there — waterfront and otherwise — likely is priced out of the market of most newly paroled sex offenders. But there are also plenty of apartments and affordable housing there.

If child molesting is an addiction, Wiezbiskie said, "How do you control that? Do you push them all to Nicolet Drive? I don't think so.

"It'll be just a matter of time when (offenders) become thoroughly aware of where these affordable areas are," he said. "I've had some constituents call me and say it'll drive down property values. That's a concern."

As a member of the city's Plan Commission that voted last week not to approve the draft ordinance, Wiezbiskie is the only member of City Council to speak publicly against the proposal so far.

But even he isn't opposed to restricting where sex offenders can live. He believes the plan is heading in a direction that is unfair to his district and that it is being rushed forward with too little study and consideration.

Council President Chad Fradette, one of the members championing the ban, disagrees at least about the lack of study.

A member of the Protection & Welfare Committee that originally drafted the plan, Fradette said he did his homework. However, even he admits that he could find a lot more research condemning such zoning restrictions than research supporting it.

The legality of such restrictions is hard to gauge, since different legal issues could arise from differing sets of restrictions.

Iowa's highest court has supported Iowa's statewide ban. Two courts in New Jersey, on the other hand, ruled against local versions of the ban.

Research into the usefulness of such restrictions seems similarly split.

A 2001 study in Arkansas suggests child predators often live near schools, day care centers and parks. But a 2004 Colorado study and a 2003 Minnesota study found little if any connection between sex offenses and where the offender lives.

A study of Florida offenders, done for the Center for Offender Rehabilitation and Education in that state, concluded that sex offenders who weren't related in some way to their victims were unlikely to commit their crimes in their own neighborhoods for fear of being

Corrections, shows the number of registered sex offenders and the number of offenders in violation of registry requirements. Not all of the noncompliant cases are regarded as serious or prosecutable. An offender can fall out of compliance by failing to respond to a contact letter, and many of those are cleared quickly. But if an offender becomes unreachable, it's a prosecutable offense that could land that offender back in prison if found.

*Numbers fluctuate daily, which is why Brown County's total differs slightly from the 492 that Green Bay public officials have been citing in discussions about a restriction ordinance.

What's next?

The Green Bay City Council will consider the sex offender zoning restriction when it meets at 7 p.m. Tuesday in Room 203, City Hall.

recognized.

If the idea of such bans is to prevent sexual assaults, there's no proof either way yet. But experts who oppose such restrictions believe those restrictions increase rather than decrease the risk.

In Iowa, which, like Wisconsin, maintains a database of registered sex offenders, the number of sex offenders unaccounted for doubled in the 20 months following the start of the state's residency restriction law.

The Wisconsin Coalition Against Sexual Assault, a victims advocacy group, sees such restrictions as potentially risky.

"If communities begin to impose restrictions, and offenders are forced into rural communities, you run into problems of how well can they be managed in those rural communities," said Linda Morrison, the Madison-based group's executive director. "You have children and women in rural communities that are as vulnerable as they are in urban communities. Moving offenders doesn't stop them from offending or keep them from a population where they're able to offend."

And driving offenders underground separates them from family, friends, work, religious institutions and many of the other factors that experts say are the best things for helping to keep offenders from re-offending, she said.

The trend has been that once a community passes such a restriction, it spreads like crabgrass: Neighboring communities see an influx of new sex offenders, pass their own zoning restriction and push the sex offenders farther and farther out.

Iowa's statewide ban, which, like Green Bay's proposal, is designed to prevent sex offenders from living within 2,000 feet of a school, park or other gathering place for children, has sent sex offenders scurrying to outlying hotels and trailer parks in that and neighboring states, according to a 2006 New York Times article. Some have been living in their cars, and others have simply disappeared, the article states.

The fallout was felt in Galena, Ill., which passed its own zoning restriction after noticing an influx of Iowa sex offenders.

Rep. Garey Bies, R-Sister Bay, who is working on a 250-foot restriction plan statewide, said Grant County authorities have been clamoring for help after seeing an influx of Iowa offenders. He said he was concerned about the legality of the larger-area restriction plans, such as Green Bay's, and thought such a restriction unnecessary.

"If someone decides to offend, 2,000 feet is not going to stop him from doing anything," Bies said.

Neither will a 250-foot barrier, Bies admitted, but, coupled with parole officers' efforts to keep track of their clients with GPS tracking devices, it'll at least provide police with the authority to stop child molesters "from standing there staring at the menu," Bies said.

But even with a state restriction in place, Green Bay would have the legal authority to impose a stricter restriction.

That's essentially what's happening in Iowa. With a statewide ban on sex offenders living within 2,000 feet of schools and parks, some communities are basically closed to all sex offenders, and their neighbors end up seeking more restrictive ordinances as a way to make sure they don't end up catching the run-off.

If that's what happens in Brown County, that's fine with Fradette. He said he and other supporters of Green Bay's plans fully expected that neighboring communities would follow suit. Bellevue and Howard appeared ready to develop restriction ordinances, and Allouez, Ashwaubenon and De Pere have all held or scheduled meetings on the subject, indicating they're watching Green Bay's moves closely.

Fradette said Green Bay had no success trying to work with those communities in an effort to spread the sex offenders more equitably throughout the county, nor did it succeed in persuading the state to offer any relief, so it was time for the city to take care of its own.

As long as Green Bay stops being a magnet for all of Brown County's sex offenders, it doesn't matter what its neighbors do to push the problem farther out, Fradette said. The net effect will be fewer registered sex offenders in Green Bay and, therefore, presumably a safer Green Bay, he said.

And if other communities follow suit, the state will realize it has nowhere to go to place sex offenders and will perhaps then consider longer prison terms, Fradette said.

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Wrightstown holds off on sex-offender ordinance

BY ED BYRNE

Gannett Wisconsin Newspapers June 20, 2007

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WRIGHTSTOWN — As Green Bay and other communities pursue restrictions that limit where registered sex offenders can live in their municipalities, the village of Wrightstown is taking a "wait-and-see" approach.

Village Administrator Ben Hughes said he and leaders of other local governments are concerned that the Green Bay initiative could result in pushing sex offenders into smaller communities like Wrightstown.

Hughes said he has had several meetings with administrators of other Brown County communities sharing the same concern. The meetings have been hosted by the village of Howard, but held at the Ashwaubenon Village Hall.

Hughes said none of the suburbs in Brown County have acted to pass any ordinances regulating where sex offenders can live, although several have proposals.

He noted that several communities in Outagamie County also are dealing with the same issue. The western portion of the village of Wrightstown is in Outagamie County.

"We don't know ourselves when we have (a sex offender) living in the community," village President Steve Johnson said.

Officer Ray Reimann, who heads the village police department, said the state Department of Corrections does not notify the village about sex offenders living here.

The department has a searchable sex offender database online, where all offenders living within a particular ZIP code are listed.

"There are some (offenders) who fail to report where they live," Reimann said. "There is also a lag time before a change of address (is listed on the Web site)."

Reimann said the lag time can be two weeks to a month.

Hughes said the state has rules that allow a local police agency to notify nearby residents when a sex offender moves into their neighborhood.

He said no one is allowed to harass a registered offender who moves into a community, or do anything that would violate his civil rights.

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"I don't want to see our village becoming a dumping ground" for sex offenders, Trustee Al Christensen said.

Christensen said he would like the village police department to check the registry Web site every couple of weeks to see if a registered offender has moved into the village.

Reimann said he would do that.

Roberts, Melissa B - DOC

From: Cowan, Rich - OJA
Sent: Tuesday, June 26, 2007 8:22 AM
To: Roberts, Melissa B - DOC; Roberts, Grace E - DOC
Subject: FW: A surprising vote

FYI

Rich Cowan
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From: Poe, Alison A - OJA
Sent: Tuesday, June 26, 2007 8:17 AM
To: Cowan, Rich - OJA
Subject: A surprising vote

Howard board votes down sex offender ordinance

Effectiveness of residency restrictions questioned

By **Malavika Jagannathan**
mjaganna@greenbaypressgazette.com

HOWARD — In a 6-to-3 vote, the Village Board rejected an ordinance that would prevent certain types of sex offenders from living or traveling within 2,500 feet of places where children gather.

It's unclear whether the board will resurrect the issue, which has been on the agenda of all area communities since Green Bay enacted a similar ordinance two months ago.

Trustees Kelly Crouch and David Steffen — two of the ordinance's authors — voted for the restrictions, as did trustee Cathy Hughes.

The remainder of the board echoed concerns brought forth by the Department of Corrections that a local ordinance would not prevent a sex offender from committing a crime and would perhaps have the opposite effect of pushing offenders underground.

But Steffen, who has been particularly vocal on the topic, said the proposed ordinance was limited in scope — excluding all previous Howard residents and only applying to what he called the "worst of the worst" such as child rapists.

"Most residency restrictions throw out everyone — this is narrowly tailored," Steffen said. "If we can prevent one child from being raped, it's worth it to pass this ordinance."

6/26/2007

Roger Neveau, a department of corrections field supervisor and a Howard resident, reiterated what he and his colleagues have been saying since Green Bay's ordinance passed.

"There's no evidence to support that residency restrictions provide additional safety to residents," Neveau said.

Although some worried that Green Bay's ordinance would push sex offenders to the surrounding communities, Neveau said in the last 10 weeks the number of registered offenders in the ZIP code that includes Howard had dropped.

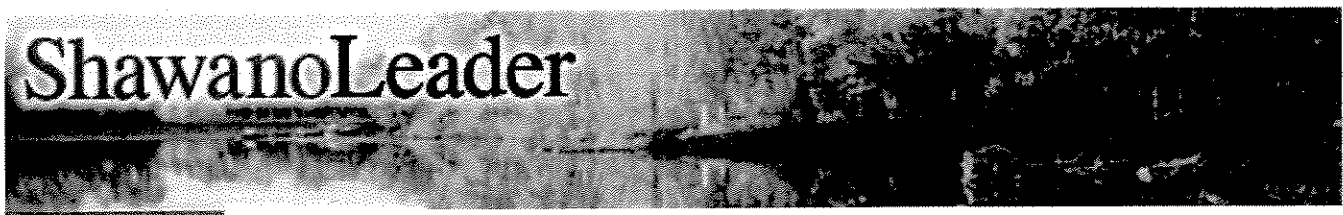
Meanwhile, a regional consortium of community leaders has met regularly to hash out a more uniform plan as well as study housing and economic issues.

At its last meeting two weeks ago, members favored a less stringent ordinance drafted by the village of Hobart that essentially creates zones where sex offenders cannot loiter such as schools and parks.

Meanwhile state legislators in the Joint Finance Committee passed a \$5 million measure in the budget for mandatory lifetime GPS tracking for certain types of sex offenders — a measure that has support from Gov. Jim Doyle. A similar proposal was approved last year but met its demise when it didn't receive funding.

On the local level, it's up to the various municipal boards to decide which path to choose — so far none of the Green Bay suburbs has passed any ordinances.

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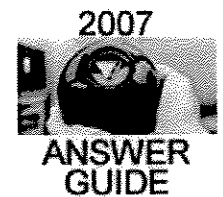
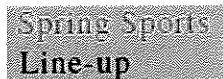
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Council discusses sex offender issues, enforcement

By Donna Hobscheid, Leader Reporter

A sex offender ordinance like one recently approved in Green Bay could do more dam good to a state tracking system, law enforcement officials told the Shawano Common surrounding municipal leaders Thursday.

Mayor Lorna Marquardt called a special council meeting to have a roundtable discussi Bay’s ordinance, the state’s sex offender registry system and how well local law enfor state Department of Corrections staff believe the registry works.

Aldersperson Brian Retzlaff had raised the matter with Mayor Lorna Marquardt after co contacted him. Retzlaff noted surveys of local school parents show almost half will no children walk or bike to school because of fears about crime and violence.

“People shouldn’t be afraid, especially in a city the size of ours,” Retzlaff said.

Police Chief Ed Whealon, Sheriff Randy Wright and Sgt. Terry Moede, who tracks lo offenders on the registry, said Green Bay’s ordinance has loopholes and would offer o sense of security.

Whealon noted that a similar law in Iowa has resulted in a significant drop in sex offer

registrants. With the current Wisconsin registry system, law enforcement officials know of the convicted sex offenders in Shawano County live and work. In Wisconsin, 93 percent of sex offenders register.

"Do we shove them underground, where we don't know where they live," Whealon said. He is more concerned about the sex offenders who have not been caught and convicted.

He also said that it would be a municipal ordinance that would be difficult to enforce.

"You can pass a law, but what kind of teeth are you going to have in it," Whealon said.

Wright echoed that, adding, "How can you put movement restrictions on them when they have their time. There's going to be a time when you just blow off the kettle and the lawsuit is coming down."

Another issue Whealon and others raised is that 90 percent or more of sex offenders live near the offender.

Sue Klemenn, sex offender registration specialist with the Corrections Department, said that sex offenders are registered in the state. It's her job to keep track of them in Shawano County and other areas. The registry has helped. When the registry started in 1997, it listed names, but not addresses.

On Dec. 1, 2005, the state opened a web site listing names of sex offenders, the charge they were convicted of and where they live. The site got 40,000 visits the first day and averages 10,000 visits a day, Klemenn said.

"People are going on there and finding out who's in their community," Klemenn said.

She noted, however, that 81 percent of sex crimes go unreported, so what people see on the web site is "a drop in the bucket."

That group is the one she is more worried about, she said. She talked about one offender who was convicted of two sex crimes, but admitted to 1,500.

"If somebody's paying more attention to your kids than you are, that should send up a red flag," Klemenn said.

She said one of the reasons the registry works so well here is Moede.

"He watches your offenders like a hawk, probably better than the people in my other 10 communities," Klemenn said.

To help law enforcement and community members further, the state will add maps to the registry, depending on state budget allowances, may add GPS monitoring.

Whealon said the city has a policy that every time a sex offender is going to move into a new community, they hold a meeting. The first meeting almost filled the Shawano Community School gym, but subsequent meetings have drawn few if any community members. Similar attendance scenarios have played out in other parts of the county, too.

Klemenn said that's too bad, since the majority of these meetings are spent educating members about sex offenders and how to keep themselves and their children safe.

"The key to this is education. It's more likely somebody your child knows (is going to them)," Klemenn said. "They're very good at bringing these children into their lives."

Julie Krause, the supervisor for the probation and parole office in Shawano County, said design strict rules for offenders to abide by while on probation, now called extended supervision and there is a less than 1 percent recidivism rate.

"We have the ability to put a lot of strings on these offenders," Krause said.

They are aided by tools such as electronic monitoring, GPS, and polygraphs.

Klemenn said offenders on supervision are more likely to commit violations of the rules governing them than committing a sex crime.

Rep. Gary Tauchen, who attended the meeting, said that since the Green Bay ordinance established, several related bills have been proposed in the Assembly from special driver licenses, colored license plates and more.

"There's a lot of legislation out there. It isn't necessarily good legislation. There are a lot of things out there to see if they will stick," Tauchen said, noting that common sense is needed in crafting any laws. "We don't want to confuse the issue or destroy what we have."

Moede also cautioned officials to go slowly.

"Don't be too quick to jump into anything because it might not be the right thing for the county," Moede said. "People focus too much on this and not on the whole notion of safety."

Retzlaff said he had received questions about New Era House in Shawano. The facility is a halfway place for people returning to society after they get out of correctional facilities.

Whealon and Wright said that problems there have been less with sex offenders than with those who had been convicted of burglary, theft or drug charges.

Alderman Fred Ponschok said he didn't believe the city needs an ordinance because law enforcement was handling the issue.

Marlene Brown, a Town of Wescott supervisor, said the meeting had changed her perspective.

"I'm more concerned now with the people who have not been caught," Brown said.

Marquardt said the meeting had been meant to educate, "and I think we all learned a lot."

Center for Sex Offender Management

A Project of the U.S. Department of Justice, Office of Justice Programs

Managing the Challenges of Sex Offender Reentry

February 2007

Introduction

The release of individuals from prisons to communities is a practice that has long been fraught with systemic challenges and one which evokes considerable public concern. As a result, in recent years, prisoner reentry has become the focus of a number of problem-solving initiatives at the national, state, and local levels, and a body of promising research and professional literature to inform reentry efforts has begun to accumulate. Thus far, however, these strategies have primarily targeted general criminal offenders.

Facilitating successful reentry is always a challenging endeavor, but with sex offenders specifically, several unique dynamics and barriers make the transition even more difficult. For example, myths about sex offenders and victims, inflated recidivism rates, claims that sex offender treatment is ineffective, and highly publicized cases involving predatory offenders fuel negative public sentiment and exacerbate concerns by policymakers and the public alike about the return of sex offenders to local communities. Furthermore, the proliferation of legislation that specifically targets the sex offender population – including longer minimum mandatory sentences for certain sex crimes, expanded registration and community notification policies, and the creation of “sex offender free” zones that restrict residency, employment, or travel within prescribed areas in many communities – can inadvertently but significantly hamper reintegration efforts.

This policy and practice brief is designed to inform the efforts of correctional administrators and staff, parole boards and other releasing authorities, community supervision officials, treatment providers, and non-criminal justice partners as they work collaboratively to support

the successful transition of sex offenders from prison to the community while ensuring victim and community safety. Consistent with the research and professional literature on effective reentry efforts with general criminal offenders, and drawing upon the available research from the field of sex offender management, this document emphasizes a balanced and rehabilitation-oriented framework for facilitating the transition and reintegration of sex offenders.

Incarceration, Release, and Reincarceration Trends with Sex Offenders

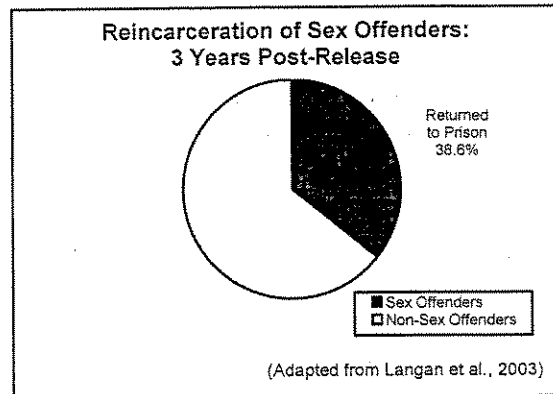
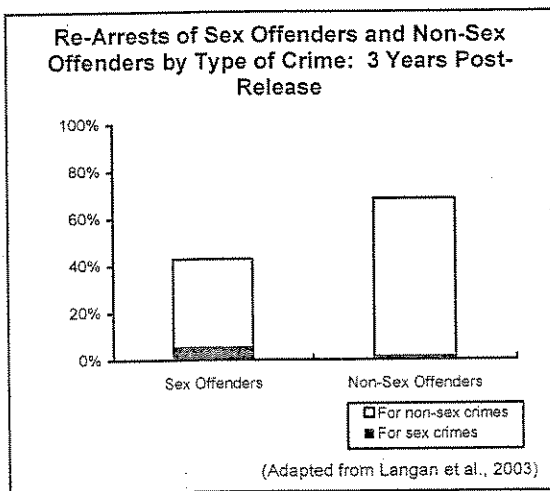
Of the roughly 1.5 million individuals incarcerated in state and federal prisons throughout the United States, it is estimated that approximately 150,000 are imprisoned for a sex offense conviction – 40% for rape, and 60% for other sexual assaults such as lewd acts with children, fondling, molestation, statutory rape, indecent practices, and other related offenses (Harrison & Beck, 2006). Recognizing the variations from state to state, convicted sex offenders represent between 10 and 30 percent of prison populations (see, e.g., Bynum, Huebner, & Burgess-Proctor, 2002; Greenfeld, 1997; Harrison & Beck, 2006).

These incarceration figures represent a marked increase in the proportion of imprisoned sex offenders relative to other types of offenders. Indeed, between 1980 and 1994, the number of convicted sex offenders in prisons increased more than 300%, largely a function of incarcerations for the broad category of sex crimes involving children and other offenses outside of forcible rape (Greenfeld, 1997). The dramatic growth of this specific subset of imprisoned sex offenders far outpaced the

expansion of the general prison population (Greenfeld, 1997).

Given what is known about general incarceration and release trends (Harrison & Beck, 2006; Hughes & Wilson, 2003), between 10,000 and 20,000 sex offenders are likely to exit prisons and return to communities annually. At the time of their release, individuals convicted of rape have served an average of 5 years in prison, and those with convictions for other sex offenses and sex crimes involving children have served roughly 3 years on the average (Greenfeld, 1997; Langan, Schmitt, & Durose, 2003). It should be noted that compared to all persons released from prisons, those with sex offense convictions tend to serve nearly twice as much time prior to release (Greenfeld, 1997; Langan & Levin, 2002), which has the potential to exacerbate reentry challenges with this population.

In terms of "staying out," a recent national study revealed that nearly half of released sex offenders (43%) were rearrested for at least one new crime – and well over one-third were returned to prison – within three years (Langan et al., 2003).



Returns to prisons were generally not, however, because of new sex crimes. In fact, only 5.1% of the released sex offenders were rearrested for another sex offense during that period of time, and only 3.5% were reconvicted of another sex crime. The clear majority of sex offenders (71%) were returned to prison for technical violations of release conditions or were rearrested, and the remaining reincarcerations (23.9%) were the result of new sentences for additional crimes.

Specifically relevant to the transition of sex offenders from prisons to the community, the study revealed that over one third of the new arrests for any new crimes took place within the first six months of release, and that by the end of that first year, well over half of all of the arrests recorded during the entire three year follow-up period had already occurred. Most of the remaining arrests were accounted for within year two. This clearly indicates that the months and years immediately following release from prison are a critical adjustment period for sex offenders. Such a pattern holds true to an even greater extent for non-sex offenders, who are rearrested at up to twice the rate of sex offenders at the same post-release intervals (Langan & Levin, 2002; Langan et al., 2003).

Although these data suggest that additional sex crimes may not be a significant contributing factor to the proverbial "revolving door" phenomenon, it is important to remember that the low rate of sexual recidivism identified in this study and others represents only re-offending that is *known* to the authorities. Because of the unique nature and dynamics of sex offending and its impact on disclosure and detection, the

ability to accurately and fully understand outcomes with released sex offenders is limited. This, in combination with the aforementioned barriers specific to this population (e.g., negative public sentiment, sex offense-specific legislation, increasing numbers of imprisoned and released sex offenders, comparatively longer periods of confinement, housing and employment challenges), highlight the need to consider a specific strategy to enhance reentry efforts with sex offenders (Bumby, Talbot, & Carter, in press; Spencer, 1999).

Key Elements of a Sex Offender Reentry Strategy

With the recent focus on enhancing prisoner reentry nationwide, criminal justice experts have emphasized a number of elements necessary for successful community reintegration, guided by an ever-growing body of correctional research with "general" criminal offenders (see, e.g., Petersilia, 2003; Reentry Policy Council, 2003; Travis, 2005). It is proposed that a tailored approach to reentry for sex offenders can be built upon the foundation of this broader correctional literature – while taking into account additional factors that are uniquely relevant to this population – as outlined within the following framework (Bumby et al., in press):

- Collaborate to Achieve an "In to Out" Approach
- Manage Sex Offenders in Prison with an Eye Toward Release
- Recognize the Value of Discretionary Release Decisionmaking
- "Reach Out" During the Transition and Release Process
- Ensure Victim-Centeredness in the Reentry Process
- Adopt a Success-Oriented Approach to Post-Release Supervision

Collaborate to Achieve an "In to Out" Approach

Although many of the elements critical to successful reentry tend to cluster around either

institutional or community domains, policymakers and practitioners should be mindful of the pitfalls of considering these two domains as mutually exclusive. In other words, when stakeholders only view themselves as being responsible for working with sex offenders either "in" or "out" of the prison, transition and reentry efforts are less likely to be effective because of the potential for fragmented and incompatible policies and practices. To maximize sex offender reentry efforts, operating within an "in to out" framework is important, whereby all professionals – regardless of the locations of their offices – share ownership for promoting successful outcomes as sex offenders exit prisons and enter communities (Bumby et al., in press; Spencer, 1999; Steele, 1995).

As will be highlighted throughout this brief, this is dependent upon an ongoing commitment to multidisciplinary and multiagency collaboration, both internal and external. Internal collaboration is required among the various professionals within the prison setting and among key individuals and organizations within the community; and external collaboration is required to bridge the institutional and community dimensions. Some forms of collaboration exist already in certain jurisdictions throughout the country, but in many instances, implementing an effective sex offender reentry strategy will require the forging of new alliances. At a minimum, it requires meaningful partnerships between correctional, community supervision, law enforcement, mental health, social services, victim advocacy, educational and vocational, employment, and housing entities, as well as the community at large.

Manage Sex Offenders in Prison with an Eye Toward Release

Although preparing offenders for a successful return to the community should begin early during the period of incarceration, this has not been a primary emphasis within prisons in recent decades, largely because of the perception that "nothing works" to rehabilitate offenders. Instead, in many correctional departments, the prevailing charge has been to assume the care, custody, and control of the

offenders remanded to them, rather than invest in rehabilitative programming.

More recently, a mounting body of evidence in the general correctional field has demonstrated that purely custodial or punishment-driven approaches are not effective in ensuring that offenders will return to communities as law-abiding and productive citizens – but that well-designed treatment, education, and other programs and services can have the desired effect of promoting positive outcomes for offenders and reducing recidivism (see, e.g., Andrews & Bonta, 2003; Aos, Phipps, Barnoski, & Lieb, 2006; Cullen & Gendreau, 2000; Gaes, Flanagan, Motiuk, & Stewart, 1999). As a result, experts have argued for a reaffirmation of rehabilitative ideals within corrections and supervision agencies (see, e.g., Petersilia, 2003; Travis, 2005). By taking full advantage of the evidence-based opportunities that exist within prisons specifically, reentry efforts are more likely to be successful. It is suggested that this, too, can apply to the way in which sex offenders are managed (Bumby et al., in press).

Just as prison administrators and staff must embrace the key role they play in facilitating community safety through reentry efforts with other offenders, they must also recognize the critical ways in which they can support the successful transition and reintegration of sex offenders from within the prison (Bumby et al., in press; Spencer, 1999). This can be realized in part through the use of specialized assessments to guide case management plans beginning at the point of entry into the correctional setting, providing prison-based programs and services that “work” to reduce recidivism with sex offenders, creating a prison environment that supports a rehabilitative philosophy and that establishes parallel expectations for sex offenders in the community, and engaging in release planning with offenders to assure individuals are released with the structures and tools to support a crime-free life, such as appropriate housing, employment, and community resources and supports.

Conduct Specialized and Comprehensive Assessments to Inform Case Management

An ideal time to begin to consider sex offender reentry is during the intake, reception, and

classification phase, as it provides the opportunity to identify critical intervention needs, unique risk factors, and potential barriers to reentry, and to begin formulating individually-tailored and comprehensive case management plans to address them. Certainly, when anticipated barriers to successful reentry are identified early, the prospects are better for addressing them well in advance of release. For example, this is an ideal time to consider which individuals are either eligible for or required to participate in specialized sex offender treatment services within the prison. In part, these determinations can be guided by specialized assessments.

Specialized assessments are important because although some of the potential targets of intervention associated with recidivism for sex offenders parallel risk factors for non-sex offenders, there are several additional factors unique to this population (see, e.g., Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004). As such, traditional risk and needs assessment instruments commonly used within correctional settings provide only part of the picture. Examples of validated risk assessment tools commonly used with sex offenders include the Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR; Hanson, 1997), STATIC-99 (Hanson & Thornton, 1999), Sex Offender Risk Appraisal Guide (SORAG; Quinsey et al., 1998), Minnesota Sex Offender Screening Tool-Revised (MnSOST-R; Epperson, Kaul, & Hesselton, 2000), and the Vermont Assessment of Sex Offender Risk (VASOR; McGrath & Hoke, 2002).

These and other research-supported assessment measures designed specifically for sex offenders are critical for ensuring the collection of more comprehensive and accurate information, thus better informing the intensity and types of interventions that will be most effective in reducing recidivism and enhancing reentry outcomes. Beyond their role in informing programming for sex offenders, specialized and comprehensive assessments early in the period of incarceration provide critical baseline data about each offender. Changes and progress can be objectively measured against that baseline data, both prior to and following release to the community. And when institutional and community-based partners agree to rely on the

same kinds of assessment instruments to assess risk and needs, they offer a common and consistent language by which stakeholders can communicate about case management decisions during the period of incarceration, through the transition process, and upon return to the community.

Provide Evidence-Based Interventions

Without question, an effective reentry strategy relies upon the use of evidence-based interventions, and there is a considerable amount of guiding literature about "what works" in the corrections arena (see, e.g., Andrews & Bonta, 2003; Aos et al., 2006; Gaes et al., 1999). Although the evidence is more limited within the sex offender management field, there is nonetheless a growing body of research about effective interventions with sex offenders (see, e.g., Aos et al., 2006; Hanson, 2006; Hanson, Gordon, Harris, Marques, Murphy, Quinsey, & Seto, 2002). Specifically, the current available evidence suggests that cognitive-behavioral sex offender treatment programs can reduce recidivism by 15 to 30 percent (Aos et al., 2006; Hanson et al., 2002; Losel & Schmucker, 2005).

Moreover, researchers have demonstrated that the tangible and intangible costs associated with sex offender recidivism (i.e., the considerable impact on victims and the financial ramifications for courts, criminal justice agencies, and taxpayers) far exceed the costs associated with providing treatment (Aos, Phipps, Barnoski, & Lieb, 2001; Donato & Shanahan, 2001; Prentky & Burgess, 1990; Shanahan & Donato, 2001). Thus, the question becomes not "if" sex offender treatment should be available within the prison as a means of facilitating successful reentry, but "how" to ensure that services are provided in the most beneficial manner to the greatest number of offenders.

- *Prioritize higher risk sex offenders.* Prison-based sex offender treatment is available in many states (McGrath, Cumming, & Burchard, 2003; Wenger, 2000), but program capacity is insufficient to serve the increasing number of sex offenders housed in the nation's prisons. Research suggests that limited and costly in-prison treatment programming can be maximized and better outcomes attained

by triaging offenders into programs and services based on risk level: higher risk offenders benefit more from higher intensity services than do lower risk offenders (Andrews & Bonta, 2003). The same appears to hold true for sex offenders (Hanson, 2006). This translates into the need for a range of sex offense-specific programming within the prison setting, including intensive treatment for higher risk sex offenders, and shorter-term services such as psychoeducational groups for those sex offenders at the lower end of the spectrum (Gordon & Hover, 1998; Marshall, Anderson, & Fernandez, 1999).

- *Consider the timing of prison-based sex offender treatment.* When prioritizing offenders' entrance into institutional sex offender programming, sentence length can be a useful guide. It has been suggested that treatment should be offered later in an offender's sentence – and as close as possible to the anticipated release date – such that newly developed skills and competencies can be more easily transferred to the community upon release (Mann & Thornton, 1998; Marshall et al., 1999; Spencer, 1999). If sex offenders complete prison-based treatment well in advance of release, maintenance interventions should be offered in order to ensure that treatment gains are not lost (Green, 1995; Mann & Thornton, 1998; Marques, Nelson, Alarcon, & Day, 2000; Marshall et al., 1999; Spencer, 1999).
- *Recognize that sex offenders are not simply "sex offenders."* Individuals who commit sex offenses, like other persons within the criminal justice system, have a range of needs (e.g., education, substance abuse, interpersonal skills) that warrant attention in order for community reintegration to be maximally successful. And as highlighted previously, most returns of sex offenders to prisons are not for new sex crimes; rather, non-compliance with treatment or supervision expectations or engaging in other non-sex offending criminal behavior is much more common for released sex offenders (Langan et al., 2003). An effective reentry

strategy for sex offenders, therefore, considers them holistically and ensures that – beyond sex-offense specific treatment – other psychosocial needs are addressed during the period of incarceration. The evidence-based literature in the general correctional field highlights numerous prison-based interventions that can promote wellness and stability for offenders while also reducing recidivism (see, e.g., Aos et al., 2006; Gaes et al., 1999; Petersilia, 2003; Seiter & Kadela, 2003).

Create a Safe Prison Environment that Supports Rehabilitation and Reentry

Even when rehabilitative programs and services are in place within prisons, the negative influences and the impact of extended incarceration have the potential to undermine the positive effects of these efforts (see, e.g., Petersilia, 2003; Travis, 2005). As such, reentry efforts can be enhanced by creating a culture within the prison that complements and supports existing treatment and educational interventions and that parallels some of the expectations that offenders will have upon returning to the community, including employment and treatment requirements (Petersilia, 2003). This is, of course, no simple task, and it is dependent upon leadership, policies and operating procedures, and staff buy-in to promote such a culture. With sex offenders in particular, a complementary environment requires consideration of the following issues (see, e.g., Bumby et al., in press; Spencer, 1999):

- *Specialized training for personnel.* Depending upon their role in the institutions, varied levels of training for personnel can be beneficial in promoting sex offender reentry. Training for correctional officers on what is known about sex offenders can counter myths and misperceptions about these offenders (Weekes, Pelletier, & Beaudette, 1995). It can also be used as an opportunity to clarify their roles in the therapeutic milieu and in reentry efforts overall. Because of their ongoing contact with offenders, correctional officers can assist them with practicing new skills learned in treatment. Without the investment of these key

prison staff, treatment efforts may be undermined or, at the very least, may fail to be reinforced appropriately (Fernandez & Marshall, 2000; Gordon & Hover, 1998; Spencer, 1999). Ongoing continuing education for treatment professionals, on the other hand, is important for refining their clinical skills and ensuring that they stay abreast of current research and professional literature in an ever-evolving field. For example, relatively new research demonstrates that the overly confrontational style used within many sex offender programs is associated with poorer outcomes with sex offenders, in contrast to an approach that creates a more therapeutic atmosphere (see, e.g., Fernandez, 2006; Marshall, Ward, Mann, Moulden, Fernandez, Serran, & Marshall, 2005). Finally, specialized training tailored specifically for prison administrators can be used as a means of highlighting the benefits of prison-based sex offense-specific treatment and other evidence-based rehabilitative programs and services, and for ensuring that internal policies and procedures support reentry in general (see, e.g., Bumby et al., in press; Gordon & Hover, 1998; Mann & Thornton, 1998; Spencer, 1999).

- *Institutional visits and other contacts.* Because of the nature of their crimes, sex offenders' attempts to have contact with victims and other vulnerable individuals must be taken into account during the period of incarceration (Spencer, 1999). Corrections officials may need to work closely with institutional sex offense-specific treatment providers, community supervision agencies, and victim and family therapists to review no-contact orders, assess the appropriateness of visitors' lists, determine special monitoring needs or restrictions on certain visits,¹

¹ Generally speaking, correctional agencies have been afforded considerable latitude by the courts when establishing policies or restrictions relative to visitation privileges, provided that there exists a rational basis for these policies. To withstand challenges, it is often incumbent upon the correctional agency to demonstrate that any restrictions promote a legitimate penological interest (e.g., the protection of vulnerable parties), and that these policies are sufficiently clear and limited in scope such that the legitimate interest can be achieved without being overly broad.

and ensure that adequate safeguards are in place to protect visitors who may be vulnerable. However, this is also an opportunity to facilitate therapeutic contacts and visits with persons who can serve as members of community support networks (see, e.g., Bumby et al., in press; Cumming & McGrath, 2005; Spencer, 1999). During the transition and release phase, in-prison visitation provides an ideal forum for fostering or reestablishing these important relationships, to begin to identify and address any barriers or other needs that may impact reintegration at the family level, and to coordinate family interventions occurring either in the institution or in the community.

- *Restricting potential access to sexually exploitative materials.* An area of some controversy with sex offenders within the prison setting involves accessing materials that objectify or exploit individuals, such as some forms of sexually explicit or pornographic magazines and Internet Web sites or chat rooms (Bumby et al., in press; Spencer, 1999). Potentially, this can undermine the treatment process by exacerbating attitudes supportive of victimization and fueling deviant fantasies and sexual preoccupations for some offenders. Minimizing pro-offending attitudes and sexual preoccupations – while promoting sexual self-regulation skills – can reduce recidivism potential, as they are among the changeable risk factors identified for sex offenders (Hanson & Harris, 2000; Hanson & Morton-Bourgon, 2004). Therefore, it may be beneficial for prison administrators to collaborate with treatment and education personnel to develop policies and operating procedures that limit the potential for sex offenders to access these sources within the prison.² Moreover, because specialized conditions of supervision and

community-based treatment for many released sex offenders often restrict the use of pornography and limit Internet access, these restrictions within the prison setting can complement post-release expectations and outcomes.

- *Recognizing the risk of prison violence targeting sex offenders.* Within prisons, it is commonly recognized that sex offenders are stigmatized and ostracized by other inmates and are at increased risk for sexual and other violent victimization (Austin, Fabelo, Gunter & McGinnis, 2006; Human Rights Watch, 2001; Owen & Wells, 2006; Struckman-Johnson, Struckman-Johnson, Rucker, Bumby, & Donaldson, 1996). Indeed, researchers have found that persons convicted of sex crimes against children in particular are sexually assaulted by other inmates at a higher proportion than other types of offenders (Austin et al., 2006; Human Rights Watch, 2001; Struckman-Johnson et al., 1996). Prison officials must therefore take into account the potential safety concerns for these and other potentially vulnerable individuals while still affording them the necessary opportunities to participate in prison-based programs and services. Like other victims of violence, individuals who are sexually assaulted or otherwise victimized while incarcerated can experience a range of short and long term negative aftereffects which, if unaddressed, can impact adjustment and stability and may ultimately have a negative impact on reentry.

Recognize the Value of Discretionary Release Decisionmaking

Beyond the emphasis on prison-based programs and environment, an effective reentry strategy must also take into account the processes by which release decisions are made (see, e.g., Petersilia, 2003; Travis, 2005). Although release decisionmaking approaches vary widely throughout the country, they can be broadly categorized based on whether releases are mandatory or discretionary. Within mandatory

² Again, the correctional agency is often required to demonstrate that there exists a rational basis for the established restrictions and that these restrictions are specific and support a legitimate penological interest (e.g., certain materials may undermine the treatment process).

release structures, release dates are primarily dictated by prescribed amounts of time to be served on prison sentences, after which the offenders are "automatically" released. Releases within discretionary release frameworks, on the other hand, can be influenced by a range of factors, such as recidivism risk, participation in recommended interventions, and presumed "readiness" for release.

The key differences between these two types of release practices highlight the potential negative implications within a mandatory release structure with respect to sex offender reentry, in that:

- Sex offenders have little incentive to participate in specialized treatment or other risk-reducing programs and services while incarcerated;
- Releases of sex offenders occur regardless of risk level; and
- Some minimum mandatory sentences with sex offenders result in inadequate periods of post-release supervision or monitoring and aftercare treatment.

In contrast, the leverage of a discretionary release system provides paroling authorities the opportunity to facilitate successful sex offender reentry by encouraging or requiring offenders to participate in specialized services in order to be considered for early release (Bumby et al., in press). This is a particularly valuable tool, because the evidence indicates that sex offenders who receive well-designed and appropriate prison-based treatment recidivate at lower rates than those who do not receive treatment (see, e.g., Aos et al., 2006; Hanson et al., 2002), as do sex offenders who, once released from prison, participate in specialized community-based sex offender treatment while under supervision (McGrath, Cumming, Livingston, & Hoke, 2003; Wilson, Stewart, Stirpe, Barrett, & Cripps, 2000).

Discretionary release practices can also be used to require sex offenders to develop comprehensive and realistic release plans – including relapse prevention plans – in order to be considered for parole. And if a release is granted, it can be made conditional upon

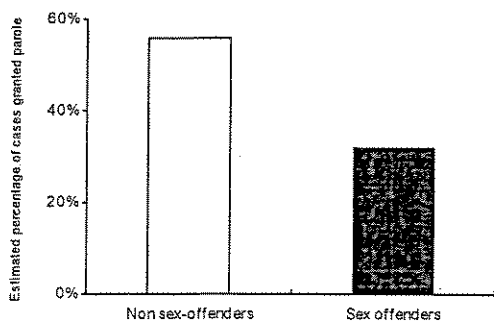
adherence to special conditions (e.g., participation in community-based treatment).

Within the discretionary framework, paroling authorities also have the added benefit of incorporating the results of validated sex offender risk assessment tools (e.g., Static-99, RRASOR, MnSOST-R) into their decisionmaking processes. As noted previously, these instruments provide better estimates of recidivism potential for sex offenders than do general risk assessment tools commonly used within corrections, as they consider various factors that are uniquely associated with reoffending among this population (see, e.g., Hanson & Bussiere, 1998, Hanson & Morton-Bourgon, 2004). Ultimately, this can reduce the considerable concerns experienced by paroling authorities – and can increase their confidence in making release decisions – when they review parole-eligible sex offenses (Bumby, 2005). This is particularly important, because when sex offenders are not released primarily because of the apprehension of paroling officials, they are more likely to serve their entire sentences and may be released without the added interventions and safeguards provided by supervision and aftercare treatment that could have been provided.

Taken together, these factors highlight the benefits of a discretionary release structure for promoting sex offender reentry, which can assure more controlled, informed, and objective releases of individuals who are more likely to be successful upon return to the community.

To Parole or Not To Parole Sex Offenders?

At the 2005 Conference of the Association of Paroling Authorities International, 80 parole board members responded to an informal survey regarding release decisionmaking with parole-eligible sex offenders. The overwhelming majority of the respondents indicated that they experience more difficulty weighing the various elements and release considerations with sex offenders than with other criminal offenders, and that they experience both personal/emotional impact and public scrutiny to a greater degree with sex offense cases than other criminal offenses. Lastly, as depicted below, when asked to estimate the percentage of sex offenders for whom they have granted release in comparison to other criminal offenders, the paroling officials self-reported a decreased likelihood of granting parole for sex offenders (Bumby, 2005).



“Reach Out” During the Transition and Release Process

Once a release decision has been made or a release date has been set, formal transition and release plans become the “roadmap for reintegration” for sex offenders. Ideally, the process is co-facilitated by a reentry case manager or caseworker within the prison and the designated supervision officer in the community, when they are able to be assigned prior to the sex offenders’ release. Because of their critical role in post-release management and their familiarity with the receiving community, supervision officers are uniquely positioned to assist the facility case manager with ensuring that all relevant stakeholders are included, special conditions of release are understood, sex offender registration requirements are fulfilled, appropriate housing and employment options are explored, and linkages to community resources are established.

As such, the transition and release process requires outreach to community partners who can provide needed programs, services, and resources in the community to which the individual will return, including:

- Sex offender treatment;
- Healthcare;
- Mental health services;
- Substance abuse treatment;
- Educational services;
- Vocational training;
- Employment assistance; and
- Housing assistance.

Promote Continuity of Care

Research clearly indicates that the effectiveness of prison-based programs and reentry efforts are maximized – both for general criminal offenders and sex offenders – when they are linked to parallel services in the community (Andrews & Bonta, 2003; McGrath et al., 2003; Petersilia, 2003; Wilson et al., 2000). Therefore, a primary goal of community outreach during the transition planning phase is to ensure that ongoing needs will be adequately and seamlessly met following release through appropriate programs and services in the community.

For those who received prison-based sex offender treatment, a seamless transition into community-based sex offender treatment should allow released individuals to build upon progress made, rather than requiring them to “start over.” This is contingent upon the use of a common, evidence-based model (i.e., cognitive-behavioral treatment), a commitment to collaboration and information-sharing, and the use of assessments of risk and needs to guide ongoing treatment planning (Association for the Treatment of Sexual Abusers [ATSA], 2005; Bumby et al., in press; Cumming & McGrath, 2000, 2005; Spencer, 1999). And recognizing that sex offenders are a diverse population with a wide range of potential needs, the notion of continuity of care extends far beyond the provision of sex offense-specific treatment in the community.

Snapshot: Sex Offender Reentry in Vermont

The Vermont Treatment Program for Sexual Abusers (VTPSA) is often cited as the first to formalize a collaborative and integrated system of in-prison and community-based treatment and supervision for sex offenders.

- Treatment services within the prison include an intensive program for higher risk offenders, moderate intensity program for moderate risk offenders, and a short term program for those who are assessed to be at low risk. In the community, 11 sites throughout the state provide varied levels of treatment for sex offenders released from prison. To ensure consistency and quality, the prison- and community-based programs share a common philosophy and approach and fall under a single, coordinated program.
- Upon admission to prison, validated assessment tools – the Vermont Assessment of Sex Offender Risk (VASOR), Rapid Risk Assessment of Sex Offender Recidivism (RRASOR), Static-99, Sex Offender Treatment Needs and Progress Scale (TPS), and Level of Service Inventory-Revised (LSI-R) – are used to identify risk and needs and to triage offenders into programming levels. Although treatment for incarcerated sex offenders is not mandatory, parole decisions are contingent upon program participation.
- At least 90 days prior to release from prison, sex offenders are assigned to a parole officer who meets with the institutional treatment team and offender to begin transition and release planning. They address issues such as housing, employment, and community support networks, and identify a community treatment provider prior to release. If the offender has no post-release support, correctional and treatment staff work to develop a team on the offender's behalf, composed of trained volunteers who are recruited and trained explicitly for this purpose.
- With respect to community supervision, specially trained officers balance surveillance and monitoring functions with strategies designed to assist offenders with developing a positive, goal-directed lifestyle.

Collaboration between treatment providers, supervision officers, polygraph examiners, and community support networks are the key to the program's ongoing success – these multidisciplinary teams meet monthly to coordinate management of these cases.

Establish Community Support Networks

During the transition and release planning process, outreach efforts should also include a focus on non-offending partners, family members, and other persons who can serve as part of a community support network (ATSA, 2005; Bumby et al., in press; Cumming & McGrath, 2000, 2005; Spencer, 1999). For example, family members, AA/NA sponsors, employers, and members of the faith community can provide the assistance and support necessary to overcome some of the identified barriers to reentry, monitor risk factors and intervene if necessary, communicate candidly with supervision officers and other professionals when concerns arise, and foster positive lifestyle changes.

Along this vein, a promising approach with reentering sex offenders involves recruiting and training volunteers to develop community support networks (Wilson & Picheca, 2005). This model, known as Circles of Support and Accountability (COSA), is particularly unique in that it is designed to target high risk sex offenders who are being released from prison following the expiration of their full sentence and who do not have existing natural supports or accountability structures in the communities to which they are returning. The COSA model uses both professional and citizen volunteers to work closely with sex offenders following release to the community, matching them to needed supports and resources, and holding them accountable for their behaviors. Outcomes are very positive, with program participants reoffending at lower rates than a matched group of sex offenders who did not participate in the program (Wilson & Picheca, 2005). Because of its success, the model has been instituted in all of the Canadian provinces, and similar programs based on the Canadian model are being implemented in the United States and other countries.

Snapshot: Using the Circles of Accountability and Support Model to Support Sex Offender Reentry in Colorado

The Circles of Accountability and Support volunteer program is a restorative justice initiative designed to safely reintegrate sex offenders into the community. The Circles program serves as an integral component of a coordinated interagency team and utilizes the Colorado Sex Offender Management Board (SOMB) model for supervising and monitoring sex offenders, and is a partnership with the Colorado Department of Corrections Sex Offender Treatment and Monitoring Program (SOTMP) and local communities. It was inspired by and has been adapted from the Circles of Support and Accountability Program in Ontario, Canada by the Mennonite Central Committee.

Volunteers for the Circles program undergo a thorough application process including a criminal background check and training with the Department of Corrections. They receive professional training focused on restorative justice principles, the dynamics of sex offending, and specialized treatment concepts, and are educated and supervised about creating and maintaining appropriate boundaries while providing support to sex offenders. After completing the training, they are matched with other volunteers and a participating sex offender – known as a Core Member – to create a Circle of Accountability and Support, which is comprised of five to seven volunteers and is supported by professional staff.

The Core Members have made a commitment to change their offending behaviors and are recommended to the Circles program by their treatment providers after they have made significant progress in treatment. They are identified because they lack appropriate supports in the community who can assist them during their transition and reintegration following release from incarceration – the Circle provides that much needed support. Core members are carefully screened to reduce risk to the community and the Circle volunteers. Volunteers are fully informed of the Core Member's pattern of thinking errors and offending behaviors that could lead to committing another offense. By using specific guidelines, Circle Volunteers seek to hold the Core Member accountable in an effort to prevent re-offense. The volunteers commit to one year of service for a few hours each month.

Appreciate the Unique Needs of Families

Beyond involving them as members of community support networks, offenders' partners and other family members must be considered during the transition and release planning phase because of the impact that the offender's departure from home and ultimate return can have on them (see, e.g., Solomon, Waul, Van Ness, & Travis, 2004; Travis, Concotta, & Solomon, 2003). Having an incarcerated partner or parent is challenging in and of itself, but the additional emotional, psychological, and social impact can be exceedingly difficult for the families of sex offenders. These issues can be worsened by some community notification practices, by

placing undue public scrutiny and stigma upon the family, and by sex offender residency restrictions, especially when the impending return of the sex offender forces a family to relocate from an established home.

To minimize some of these potential negative effects, it is essential that families are linked to supportive resources as early as possible, and particularly during the transition and release planning phase (Solomon et al., 2004; Travis et al., 2003). For example, healthy intimate relationships are an important protective factor that decreases the likelihood of recidivism for sex offenders (Hanson & Morton-Bourgon, 2004). Therefore, during the course of incarceration, and following an offender's return to the community, couples or family therapy offers an important opportunity to cultivate positive intimate relationships and address any interpersonal concerns and conflicts.

Approach Family Reunification Carefully

For cases in which a child within the family was victimized, sex offender reentry strategies must also take into account the appropriateness of reunification (see, e.g., ATSA, 2005; Center for Sex Offender Management [CSOM], 2005; Cumming & McGrath, 2005; Spencer, 1999). This is an extremely complex issue that, despite its potential benefits, also raises a number of concerns, such as:

- Interfering with the victim's healing;
- Negatively impacting other family members in the home;
- Disrupting the stability and security of the family;
- Inadvertently minimizing the seriousness or impact of the offender's behavior or shifting responsibility from the offender;
- Creating confusion about roles within the family; and
- Distracting the non-offending partner from providing necessary protection and support for victims and other vulnerable family members.

Because of these and other potential risks involved, family reunification cannot be entered

into lightly. It is an incremental process that demands careful consideration of multiple factors, and only through thorough assessments by qualified professionals – in terms of the victim, offender, non-offending parent, and other family members – can a determination be made about whether an offender's return to a home is appropriate or advisable (CSOM, 2005). Such a determination requires dedicated outreach to victim advocates, family therapists, and child welfare personnel during the transition and release phase to ensure that reunification plans are well-informed, well-timed, and well-planned.

Anticipate the Increased Potential for Housing and Employment Challenges

The inability of offenders to secure affordable and adequate housing and employment is among the most significant barriers to effective reentry, and this challenge becomes even more pronounced when sex offenders are involved (Bumby et al., in press; Petersilia, 2003; Spencer, 1999). As transition and reentry plans are developed for sex offenders, reaching out to community stakeholders becomes a critical step in addressing these challenges.

Housing. A significant factor that influences housing challenges for reentering sex offenders is negative public sentiment. In some instances, neighborhood groups – fueled in part by certain community notification practices – have mobilized to both block sex offenders from moving into particular neighborhoods or to drive them from existing residences. Other jurisdictions, fearing that sex offenders living together will pose greater risks to the community, have enacted local ordinances that prevent more than one sex offender from residing in a single dwelling, including halfway houses, group homes, and community shelters. Furthermore, some public housing entities and homeless shelters have established exclusionary rules pertaining specifically to sex offenders, thus eliminating these options for returning offenders. Lastly, a significant barrier involves the unprecedented level of activity by state legislatures and local governing bodies to create "sex offender free" zones that prohibit sex offenders from residing within a prescribed distance of schools, parks, daycare centers, or other areas where children may be present.

<p>Unintended Consequences Associated with Community Notification and Residency Restrictions</p> <ul style="list-style-type: none"> • Inability to find suitable housing • Inability to return to an established residence post-release • Forced relocation of residence and family • Difficulty finding employment/loss of employment • Loss of positive social supports • Excessive negative community sentiment • Harassment, vigilantism • Increased fear and concern among citizens <p style="text-align: right;">(Levenson & Cotter, 2005a, 2005b; Phillips, 1998; Tewksbury, 2005; Zevitz & Farkas, 2000)</p>

Although the fears and concerns of local citizens are often understandable, and the enactment of these types of restrictions is well intended, some of the effects can actually compromise public safety – rather than increase it – by exacerbating known risk factors for sex offenders (e.g., housing and employment instability, loss of community supports, and increased hostility and resentment). In reality, shared residency options for sex offenders and the proximity of sex offenders' residences to schools and parks do not appear to be linked to incidents of new sex crimes in communities (see, e.g., Colorado Department of Public Safety, 2004; Minnesota Department of Corrections, 2003). Furthermore, sex offenders who are unable to find housing may be more likely to report false addresses on sex offender registries or they may be driven "underground," thus making supervision and monitoring efforts futile. Significant concerns about these and other collateral consequences have already been reported by supervision officers, treatment professionals, law enforcement officials, community members, and sex offenders themselves (Levenson & Cotter, 2005b; Malesky & Keim, 2001; Phillips, 1998; Tewksbury, 2005; Zevits & Farkas, 2000).

To begin to address barriers to housing, community outreach is vital (see, e.g., Cowan, Gilroy, & Pantazis, 1999; Cowan, Gilroy, Pantazis, & Bevan, 1999; Scottish Executive, 2001). For example, when housing representatives are invited to participate as members of multidisciplinary sex offender

management teams, the benefits are numerous, including the following (Cowan et al., 1999b):

- Housing officials are more willing to make housing available to reentering sex offenders;
- Specific attempts are made to minimize negative sentiment and unnecessary fear among local tenants because of the presence of sex offenders;
- Supervision agencies and law enforcement officials make commitments to provide ongoing support and increased monitoring in those areas where sex offenders are housed; and
- Greater confidence is instilled with respect to the sex offender management practices in place within the community.

Other promising approaches include the investment of state agencies' resources to expand the range of housing options for sex offenders during the transition and reentry process, including rent subsidies, transitional placements, and shared housing for sex offenders (Bumby et al., in press).

Employment. Because employment instability is a risk factor that predicts both sexual and violent recidivism among sex offenders (Hanson & Morton-Bourgon, 2004), it is important for professionals managing the reentry process to be mindful of this early in the offender's incarceration, and especially during the transition and release phase. For general offenders with identified needs in this area, educational and vocational services within the prison are among the evidence-based interventions that reduce recidivism and can enhance job readiness following release (Aos et al., 2006; Gaes et al., 1999; Lawrence, Mears, Dubin, & Travis, 2002; Seiter & Kadela, 2003). Also found to be promising for general criminal offenders are job linkage and placement services designed to match the specific skills of offenders with complementary job opportunities in the community (Aos et al., 2006; Solomon et al., 2004).

Unfortunately, identifying suitable employment can be more of a significant challenge for released sex offenders than for other offenders.

In part, this is because of the need to minimize access to victims and exposure to other potential risk factors that may not be an issue for non-sex offenders. Additionally, some of the same barriers to housing for sex offenders (e.g., negative public sentiment, sex offender-specific legislation such as community notification that alerts community to the identity of sex offenders, and "sex offender free" zones) can exacerbate employment barriers for sex offenders (Levenson & Cotter, 2005a; Phillips, 1998; Tewksbury, 2005).

Collaboration with key community partners offers the potential to creatively build employment capacity for reentering sex offenders (Bumby et al., in press). For example, supervision officers, workforce development boards, and employment agencies in local communities can collaborate to establish networks of employers who are willing to hire released sex offenders. Alternatively, through interagency agreements, corrections, parole, and employment agencies can pool resources to "sponsor" or subsidize an offender's placement with a specific employer for a prescribed period of time. This initially limits the financial risk for employers, as a portion of the wages and benefits are covered temporarily by these interagency funds. When the agreed upon probationary period is completed successfully, the employer – now confident in the investment – agrees to fully maintain the offender.

As has been suggested with general offenders (Solomon et al., 2004), ongoing case management with released sex offenders can ensure that they receive continued support and assistance with the resolution of common employment challenges, such as transportation difficulties and scheduling conflicts that may arise as a result of post-release supervision conditions. Specialized supervision officers are well positioned to adopt this type of case management approach to support sex offender reentry and to ensure that the type of employment does not expose the offender or others unnecessarily to high risk situations (CSOM, 2002).

Ensure Victim-Centeredness in the Reentry Process

Thus far, this brief has emphasized the needs and challenges faced by sex offenders during their transition from prison to the community, as well as strategies designed to assist professionals responsible for maximizing reentry efforts. However, an effective sex offender reentry strategy – consistent with a broader approach to sex offender management – also values the needs and interests of victims (see, e.g., Carter, Bumby, & Talbot, 2004; D'Amora & Burns-Smith, 1999; English, Pullen, & Jones, 1996; Spencer, 1999). Indeed, perhaps more than during any other phase in the criminal justice process, concerns about personal safety are likely to be heightened for victims when sex offenders are released from prison.

The victims of sex offenses must, therefore, be recognized as key stakeholders with an important role in reentry efforts and whose needs and interests must be considered (ATSA, 2005; Office for Victims of Crime, 2004; Petersilia, 2003; Seymour, 2001). This involves ensuring that appropriate safety plans, services, and supports are in place for victims, that they understand the various management strategies that are designed to protect them, and that they are provided opportunities to be involved in the processes pertaining to sex offender management and reentry if they are interested.

Increase Awareness of Victim Rights

An important step toward assuring that victims are not overlooked within sex offender reentry efforts is to increase awareness of victims' rights. Indeed, a range of rights are afforded to victims of sex offenses and other crimes that are in effect once an offense occurs, continue through the period of incarceration, and remain during the release process. These rights are typically detailed in each state's victim rights statute and pertain to issues such as victim compensation and restitution, public information about offenders, notification prior to the release of offenders, information when offenders are released, and notice of parole or conditional release violations, including revocation hearing dates and decisions. Unfortunately, victim notification of these various rights does not

always occur in a timely manner, if at all (Seymour, 2001).

Therefore, promoting awareness of and education about the rights of victims and points of notification is vital for the various professionals involved in reentry. This can ensure that victims understand their rights fully, and that victim considerations can be taken into account when developing and adjusting sex offender management strategies – both in the prison and in the community. For example, with respect to post-release supervision planning, information from involved victims can be particularly useful for providing a unique perspective on the offense patterns, modus operandi, and warning signs of individual sex offenders.

Allow Victims to be Heard During Release Decisionmaking Processes

Victim-centeredness is also important when sex offenders are being considered for release. Although most states have established policies and procedures for soliciting victim impact statements at release hearings and notifying victims of offenders' releases, not all jurisdictions are steadfast in their attempts to obtain victim impact statements; for this and other reasons, the actual involvement of victims in these proceedings remains low (Fine, 2000; Petersilia, 2003; Seymour, 1997). For example, the times and locations of the proceedings may not be conducive to victim attendance, for travel, time, and financial reasons. In addition, few alternatives are available for victims to present information unless they attend the proceedings in person, although videoconferencing has become a relatively new option in some instances. Furthermore, reliving the victimization experience and facing the assailant may be traumatic for victims, and concerns about retaliation may exist. It should also be noted that the elimination of discretionary release or parole options removes the opportunity for victims to provide input about their crimes at parole hearings, and to ensure that victim impact is considered in the establishment of special release conditions (Fine, 2000; Office for Victims of Crime, 2004; Petersilia, 2003; Seymour, 1997, 2001).

Regardless of whether individual victims opt to participate actively during the release decisionmaking process, it is important that paroling authorities receive relevant information about the specific impact of the offense committed by the individual under release consideration. And once release decisions have been made, it is essential that interested victims receive timely notification about whether and when an offender will be released.

Adopt a Success-Oriented Approach to Post-Release Supervision

Following release, community supervision is critical to the reentry process. Specialized supervision has been a mainstay of sex offender management, based on the recognition that sex offenders pose and encounter unique risks (see, e.g., ATSA, 2005; CSOM, 2000; Cumming & McGrath, 2000, 2005; English et al., 1996). Because of the differences between sex offenders and more general criminal offenders, the supervision of sex offenders commonly emphasizes the following:

- Specialized training and knowledge about sex offenders and victims;
- The establishment of specialized caseloads or units;
- Application of specialized supervision conditions and restrictions;
- The use of technology such as electronic monitoring, global positioning systems (GPS), and the polygraph; and
- Close monitoring of risk factors unique to sex offenders.

Indeed, researchers have found that several specific risk factors are associated with recidivism for sex offenders, and that through close supervision and monitoring, supervision officers and others will be better equipped to intervene effectively and prevent the occurrence of new sex offenses (see, e.g., Hanson & Harris, 2000; Hanson & Morton-Bourgon, 2004).

Examples of Dynamic Risk Factors Relevant to Post-Release Supervision and Treatment of Sex Offenders

- Non-compliance with treatment or supervision
- Sexual preoccupation
- Emotional identification with children
- Intimacy deficits, conflicts in intimate relationships
- Substance abuse
- Pervasive anger, hostility
- Antisocial values, pro-offending attitudes
- Negative social influences
- Self-regulation deficits, impulsivity
- Employment instability

An effective reentry strategy cannot, however, rely solely upon the use of risk management strategies, such as surveillance and intensive supervision, as the sole means of reducing recidivism (see, e.g., Petersilia, 2003; Travis, 2005). In fact, research with general criminal offenders reveals that such an approach may actually have the opposite of the desired effect (Aos et al., 2006). To illustrate, traditional surveillance and punishment-oriented approaches to supervision are often based on the underlying expectation that sex offenders and other criminals will recidivate and that surveillance will help to lower recidivism. Consequently, multiple restrictions and conditions are imposed, and the role of supervision officers is to closely monitor offenders and sanction them when they violate these conditions.

Research consistently reveals, however, that this approach has little to no impact on reducing recidivism – at least with general criminal offenders (see, e.g., Aos et al., 2006; Cullen & Gendreau, 2000; Smith, Goggin, & Gendreau, 2002). When intensive supervision occurs within a treatment-oriented or rehabilitation-focused framework, however – in which a key goal is to ensure that offenders develop the necessary skills and competencies to become prosocial and successful individuals – recidivism rates are reduced considerably (see, e.g., Aos et al., 2006). There is preliminary evidence that the same holds true for sex offenders – lower recidivism rates have been found among sex offenders when supervision is paired with

specialized treatment, in contrast to using supervision alone (McGrath et al., 2003).

These findings have clear implications for the post-release supervision of sex offenders, particularly in light of the increasingly punitive and restrictive trends toward sex offenders that have emerged within the criminal justice arena, some of which have occurred at the expense of treatment (see, e.g., Pratt, 2000; Winick & LaFond, 2003). For example, despite the absence of data to support their independent effectiveness in reducing recidivism, the use of electronic surveillance, global position system (GPS) tracking, and polygraph examinations to monitor sex offenders in the community have become an emphasis of many supervision and reentry strategies. The research does indicate, however, that strategies involving intensive supervision, surveillance, and monitoring, combined with rehabilitative programs, results in the most significant recidivism reduction impact (see, e.g., Aos et al., 2001, 2006).

Also required is an explicit philosophy that public safety can be enhanced by promoting successful outcomes for sex offenders (Bumby et al., in press). A success-oriented approach to supervision parallels a similar movement within the treatment field, in which there has been an emphasis on balancing risk management techniques with positive approach goals as a means of maximizing successful outcomes and reducing recidivism with sex offenders (see, e.g., Mann, 2000; Mann, Webster, Schofield, & Marshall, 2004; Ward & Stewart, 2003). Supervision officers can incorporate a success-oriented approach into their practices, and thereby promote reentry, in the following ways (see, e.g., Bumby et al., in press; Cumming & McGrath, 2000, 2005; Spencer, 1999; Wilson et al., 2000):

- Become active partners in the transition and release planning process;
- Identify community resources and link sex offenders and their families with these resources pre- and post-release;
- Assist with efforts to identify suitable housing during the transition and release phase;

- Assist with employment searches, and work closely with offenders and employers to foster on-the-job success;
- Collaborate with community-based sex offender treatment providers to support offenders' participation in these services and practice and reinforce the skills they are learning in treatment;
- Communicate routinely with members of community support networks;
- Convene multidisciplinary case management staffings to ensure that all involved parties remain abreast of progress, identify any changes or needs, and modify case management plans accordingly; and
- Use incentives and rewards to promote and reinforce positive changes, including reductions in supervision intensity or contacts.

For some supervision officers and agencies, these and other practices are already in place, but for others, it may require a more significant shift in philosophy and practice. Regardless of where supervision agencies currently stand on this type of approach, it is unlikely that agencies differ in terms of the ultimate goal: public safety. And the current available research evidence provides clear direction for the most effective ways to achieve that goal.

Respond Wisely to Violations

Inevitably, and despite the best efforts of professionals, some released sex offenders will demonstrate problems with non-compliance relative to release conditions, such as having unsupervised contact with minors, failing to attend treatment, being terminated from employment, or using alcohol or drugs. As noted previously, some of these problems are among the dynamic risk factors that are associated with sexual recidivism by sex offenders under supervision (see, e.g., Hanson & Harris, 2000). Effective responses to violations and non-compliance are, therefore, critical considerations for successful post-release supervision and overall reentry strategies.

Not all violations require revocation of conditional release and subsequent return to incarceration. Some may be addressed through increased structure, intermediate sanctions, and/or various treatment interventions. The following considerations can be useful for determining the most appropriate level of response (Cumming & McGrath, 2000, 2005):

- Nature and seriousness of the behavior;
- Impact on victims or communities;
- Degree to which community safety was compromised;
- Relationship of the behavior to sex offending;
- Risk level of the offender;
- Ability to develop and follow a realistic plan to address the behavior; and
- Presence of assets or services that may assist the offender in maintaining compliance.

Furthermore, as is the case with decisionmaking throughout the sex offender management and reentry process, well-informed responses to violation behaviors are most likely to be identified when supervision officers, treatment providers, and other community supports work together to consider potential interventions within the context of community safety and offender needs.

Snapshot: Sex Offender Reentry in Texas

In recent years, the Texas Department of Criminal Justice (TDCJ) and the Texas Board of Pardons and Paroles have taken great strides toward developing and implementing a number of promising practices with respect to sex offender reentry, including the following:

- The Rehabilitation and Reentry Programs Division of TDCJ oversees specialized sex offender treatment programming within the prison system. Separate program tracks are in place: a longer-term and more intensive treatment program for higher risk sex offenders, and a short-term psychoeducational program for lower risk sex offenders. Entrance is prioritized based on assessed level of risk using the Static-99 and anticipated release date. Consistent with contemporary models of treatment, the institutional treatment program is based on a cognitive-behavioral and relapse prevention framework. The final phase of treatment emphasizes community reintegration, including the establishment of community supports and understanding of post-release supervision expectations.
- With respect to release decisionmaking, the Texas Board of Pardons and Paroles has adopted a research-based set of parole guidelines that take into account offense severity and risk assessment data. Included are both static factors (e.g., prior criminal history), dynamic factors (e.g., completion of prison-based rehabilitative programs and services), and the results of sex offender-specific risk scores from the Static-99. In addition, the release decisionmaking process takes into account victim impact statements. For those sex offenders who are paroled, the Board can impose a number of specialized conditions, including community-based sex offender treatment requirements, employment and travel restrictions, prohibitions involving sexually explicit materials, polygraph examination requirements, and allowances for parole officers to conduct computer searches, to name a few.

The Parole Division of TDCJ is responsible for the critical post-release supervision and monitoring component. Specialized caseloads with reduced offender to officer ratios have been implemented, and all parole officers are specially trained to understand the unique dynamics, risk factors, and supervision approaches for this population. Risk levels as assessed by the Static-99 are used as the baseline for establishing the level and intensity of parole supervision, informing scheduled and unscheduled field contacts, and determining the use of electronic monitoring or GPS. Over time, supervision approaches are modified based on stability, adjustment and progress – or lack thereof – in the community. Close collaboration between the parole officers, treatment providers; and polygraph examiners have become a mainstay of the post-release management of sex offenders.

Inform and Engage the Public

Given the number and nature of barriers to sex offender reentry, engaging community members and developing community partnerships are essential to successful reintegration strategies. As noted above, negative public sentiment can fuel resistance to sex offender reentry, particularly with respect to housing options and employment opportunities for sex offenders. And although designed as a means of increasing awareness within the public, sex offender registration and community notification practices have the unintended potential to heighten fears, resentment, and hostility – as well as increase the potential for vigilantism – within local communities (Levenson & Cotter, 2005a; Malesky & Keim, 2001; Phillips, 1998; Tewksbury, 2005; Zevitz & Farkas, 2000). Public education, however, can allay some of these concerns. For example, including accurate information about sex offenders and contemporary sex offender management strategies as part of community notification meetings can enhance citizens' perceptions of their safety, ameliorate or minimize negative reactions to sex offenders, and enhance community surveillance (Matson & Lieb, 1997; Phillips, 1998; Zevitz & Farkas, 2000; CSOM, 2001).

Assuming that the general public is solely interested in punishment and incapacitation is inaccurate; rather, there is evidence of growing support for more balanced approaches to offender management that include rehabilitation and treatment, alternatives to mandatory sentences, and strategies to support successful community reintegration (see, e.g., Peter D. Hart Research Associates, Inc., 2002; Petersilia, 2003). Without dedicated attempts to educate local citizens and other stakeholders in the community, as well as policymakers at the state and national levels, myths and misperceptions about sex offenders and their management may create further impediments to effective sex offender reentry and management efforts.

Beyond the use of community meetings as a means of public education, multidisciplinary reentry initiatives can dedicate resources toward developing educational materials that can be accessed through a variety of venues (e.g., Web sites, public service announcements,

newspapers, and television). In so doing, public education has the potential to foster effective offender management efforts through the ability to inform, guide, and influence community leaders and policymakers (Office for Victims of Crime, 2004; Petersilia, 2003; Travis, 2005; Travis et al., 2003).

Conclusion

Each year, large numbers of sex offenders are released from prisons and will return to local communities, and this transition is uniquely challenging. Not only does sex offender reentry pose difficulties for the offenders themselves, but it can also be a challenge for victims, communities, and professionals who have a role and stake in the process. Nonetheless, building upon promising approaches to reentry within the general correctional field, and considering research and literature with sex offenders specifically, effective strategies can be implemented. Such strategies are contingent upon enhancing traditional partnerships within the criminal justice system and forging new alliances both within and outside of the criminal justice system. By collaborating with all stakeholders who have the ability to impact – or are impacted by – sex offender management and reentry, complementary policies and practices can be developed, limited resources can be maximized, successful outcomes for sex offenders can be supported, and ultimately, public safety can be enhanced.

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