

# **Getting Past the Pandemonium: Public Policy and Current Sex Offender Treatment and Management**

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Welcome newcomers!



# Additional handouts

- Related to policy...
- [www.atsa.com/pubPArticles.html](http://www.atsa.com/pubPArticles.html)
  - Click on first two articles
- [www.motivationalinterview.org/mint/MINT13.3.pdf](http://www.motivationalinterview.org/mint/MINT13.3.pdf)
  - Article on group treatment using motivational interviewing techniques
    - Starts on page 3

# Take-Home message

- Punitive approaches don't work
- Treatment can work; with supervision is better
- Change is most possible when people are engaged in the process
- Empirically proven best provider style involves warmth, empathy, rewardingness and directiveness (WERD).
  - *Note: with training, professionals can be very directive while displaying W,E, and R*

# Take-Home Message

- Beyond carrying out the orders of the court, supervising agents are typically responsible for ensuring success
- Professionals no longer need to be harsh and confrontational; we have the structure of the laws to do that
- Professionals can now be at their best when gaining voluntary compliance

# From a recent presentation

- *My job today is to discuss what we do with these fine examples after they get out of prison; we get them at the tail end of their incarceration. As you know, nothing good comes out of the tail end of anything... Of all parolees, I've come to believe that the perverts are the ones that comply with appointments and UA's, and so on, but are the least likely to be where they're supposed to be at night.*

# Continued...

- *What do you call a parolee with no girlfriend or mother? Homeless.*
- *At notification meetings I typically hear ideas like secure transitional housing and having a device around their neck that would pop off their head if they got too close to a school... I'd be happy to have my staff do any of these if that is what the law says to do.*



# Editorial: Concerns

- If we want to assist victims of crimes, we must remember that the offenders are often fathers, stepfathers, uncles, boyfriends, etc.
- We will always be most professional when we use professional language and behave as professionals.
- This approach likely to be counterproductive in reducing recidivism (e.g., Marshall, 2005)

# Smith, Goggin, & Gendreau, 2002

- Meta-analyzed 117 studies since 1958 (n = 442,471 criminal offenders)
- No sanction studied reduced recidivism (including juveniles)
- “Prisons and intermediate sanctions should not be used with the expectation of reducing criminal behaviour.”
  - Includes intensive surveillance, electronic monitoring, DARE, Scared Straight, etc.
  - Some indication of increased risk for low-risk criminals
  - [http://ww2.ps-sp.gc.ca/publications/corrections/200201\\_Gendreau\\_e.pdf](http://ww2.ps-sp.gc.ca/publications/corrections/200201_Gendreau_e.pdf)

# A Treatment Plan for the Field

- Problem: Coercive measures rarely work
  - Smith, Goggin, & Gendreau, 2002
  - Andrews & Bonta, 2003
- Goal: Efforts at change work best from within
  - Bem, 1972
  - Ryan & Deci, 2000; Deci, 1980
  - Miller & Rollnick, 2002
  - Jenkins, 1990; 1994; 2006
  - Cialdini, 2001

A man convinced against  
his will is of the same  
opinion still.

German Proverb

# 2 vignettes

- The ex-patient who calls to say he's doing OK
- A visit to the doctor's office

# The problem of sexual violence

- Approximately 90,000 cases of child sexual abuse are confirmed in the U.S. each year (Administration on Children Youth and Families, 2004).
- Self-report victimization surveys have found that 23% of adults were sexually abused before the age of 18 (Finkelhor, Moore, Hamby, & Straus, 1997).
- Because many cases of sexual abuse go unreported due to victim fear, shame, or loyalty to the abuser (Salter, 1995), documented reports of sexual assault underestimate the extent of the problem.
- Some sexual offenders admit to committing many more sexual assaults than those for which they have been caught (English, Jones, Pasini-Hill, Patrick, & Cooley-Towell, 2000; Heil, Ahlmeyer, & Simons, 2003).

# Sexual Aggression in College Men

- Abbey, McAuslan, et al (JIV, 2001) surveyed 343 college men. 33% reported having engaged in some form of sexual assault. 8% reported an act that met standard legal definitions of rape or attempted rape (p. 799).
- Koss, Gidycz, & Wisniewski (1987) found that 24.4% of college men reported “sexual aggression” since age 14, and that 7.8% admitted to acts that met standard legal definitions of rape or attempted rape (cited in White & Smith, 2004, CJB, p. 183)

# Sexual Aggression in College Men

- Antonia Abbey & Pam McAuslan (2004, JCCP, p. 752):
- *In this sample of male college students, 14% reported that they had committed a sexual assault within a 1-year time interval. This is quite close to the rate presented in the only other study to our knowledge that examines sexual assault perpetration among adults longitudinally, which found a perpetration rate of 12.5% between the 1st and 2nd year of college (White & Smith, in press). These results further demonstrate the critical need for effective prevention programs for men in college.*
- Caution: "sexual assault" not clearly defined



# White & Smith (2004)

- Also found that exposure to violence and abuse predicted adolescent sexual assault, but not college sexual assault.
- The type of violence did not matter, sexual abuse, physical abuse, witnessing violence, all the same.
- Adolescent rape predicted new rape behaviors in the 1st year of college, but the connection got steadily weaker with later years.

# Premises on which sex offender policies are based:

- All sex offenders reoffend
- All sex offenders equally dangerous
- Sex offenders are more dangerous than other criminals
- Treatment doesn't work
- Stranger Danger

# Myth: All sex offenders reoffend

Fact: recidivism rates are much lower than commonly believed

- 5.3% over 3 years (Bureau of Justice Statistics, 2003)
- 14% over 4-6 years (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004; Hanson & Morton-Bourgon, 2005)
- Harris & Hanson (2004)
  - N = 4,724; 15 year follow up period:
  - "Most sexual offenders do not re-offend sexually over time....this finding is contrary to some strongly held beliefs. After 15 years, 73% of sexual offenders had not been charged with, or convicted of, another sexual offence. The sample was sufficiently large that very strong contradictory evidence is necessary to substantially change these recidivism estimates" (p. 17).

# *Myth: All sex offenders are the same*

<u>Source</u>	<u>Recidivism Rate</u>	<u>Definition of recidivism</u>	<u>Follow-up period</u>	<u>Sample size</u>
<b><i>Hanson &amp; Bussiere (1998)</i></b>		<i>Charges or convictions</i>	<i>4-5 years</i>	<i>29,450</i>
All sex offenders	14%			
Child molesters	13%			
Rapists	20%			
<b><i>Hanson &amp; Morton-Bourgon (2005)</i></b>		<i>Charges or convictions</i>	<i>5-6 years</i>	<i>19,267</i>
All sex offenders	14%			
<b><i>Harris &amp; Hanson (2004)</i></b>		<i>Charges or convictions</i>	<i>15 years</i>	<i>4,724</i>
All sex offenders	24%			
Incestuous molesters	13%			
Child molesters / girl victims	16%			
Child molesters / boy victims	35%			
Rapists	24%			
<b><i>Bureau of Justice Statistics (2003)</i></b>		<i>arrests</i>	<i>3 years</i>	<i>9,691</i>
All sex offenders	5.3%			

# Myth: All sex offenders are the same

## Facts: (Harris & Hanson, 2004)

Table 2  
Sexual Recidivism (%) across Time and Samples.

Sub-Group		5 Years	10 Years	15 Years	Shown in Figure #
All sexual offenders		14	20	24	1
Rapists		14	21	24	2
Extended Incest Child Molesters		6	9	13	3
"Girl Victim" Child Molesters		9	13	16	3
"Boy Victim" Child Molesters		23	28	35	3
Offenders without a previous sexual conviction versus those with a previous sexual conviction	Without	10	15	19	4
	With (2 or more convictions)	25	32	37	4
Offenders over age 50 at release versus offenders less than age 50 at release	Over 50	7	11	12	5
	Less than 50	15	21	26	5
Sex Offenders - offence free in the community for Five, Ten, and Fifteen years	5 years	7	12	15	6
	10 years	5	9	‡	6
	15 years	4	‡	‡	6

‡ = Insufficient data to compute reliable estimates

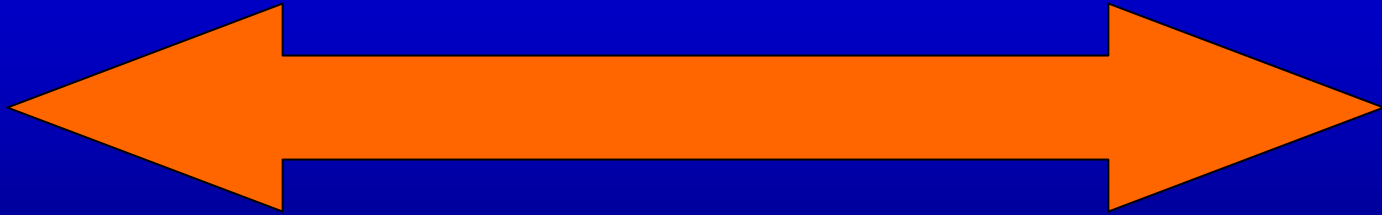
# Fact: Re-offense rates for juveniles are lower than most think

- Reitzel & Carbonell (2006) summarized published and unpublished data from 33 studies on JSA recidivism
- Average 56-month follow-up period
- 9 studies contained a no treatment control group ( $n = 4$ ) or a comparison treatment group ( $n = 5$ )
- Treated adolescents recidivated sexually at a lower rate (7.37%) than untreated adolescents (18.93%; Total  $N = 2986$ )

# Vandiver, 2006

- 300 registered male offenders; <18 at the time of their arrest (avg. was 15)
- 3-6 year follow-up
- $N = 13$  arrested for a sex offense
  - Of those, 4 arrested 2x & 1 arrested 3x
- More than 50% arrested for non-sexual crime

- Sex offender is a legal term.
- All sex offenders are not the same.
- Sex offenders are a heterogeneous group.
- Sexual deviance and dangerousness exist on a continuum.



**20 year old with 15  
year old girlfriend**

**Predatory repeat  
pedophile with 20  
child victims**



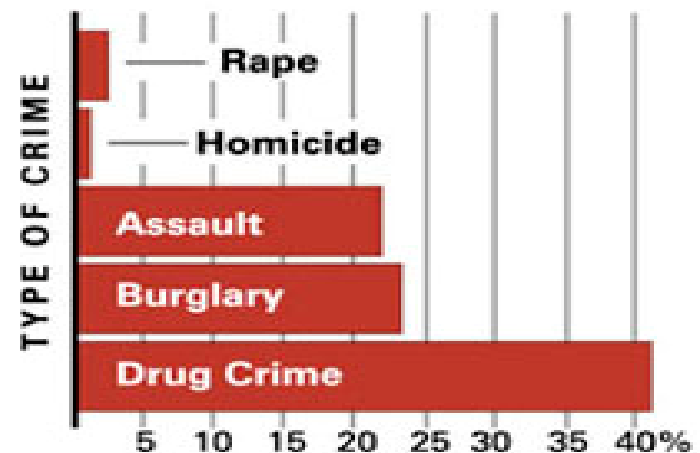
Myth: Sex offenders are more dangerous than other criminals.

Fact:

- Sex offenders have lower reoffense rates than other criminals.
  - BJS (2002)
  - Sample & Bray (2003; 2006)

### Re-offense Rates Lower for Rapists

After being released from prison, convicted rapists were re-arrested at a lower rate than many other offenders over a three-year period, according to a 2002 U.S. Department of Justice report. Of more than 272,100 inmates released in 15 states in 1994, the following percentages were re-arrested on a similar charge:

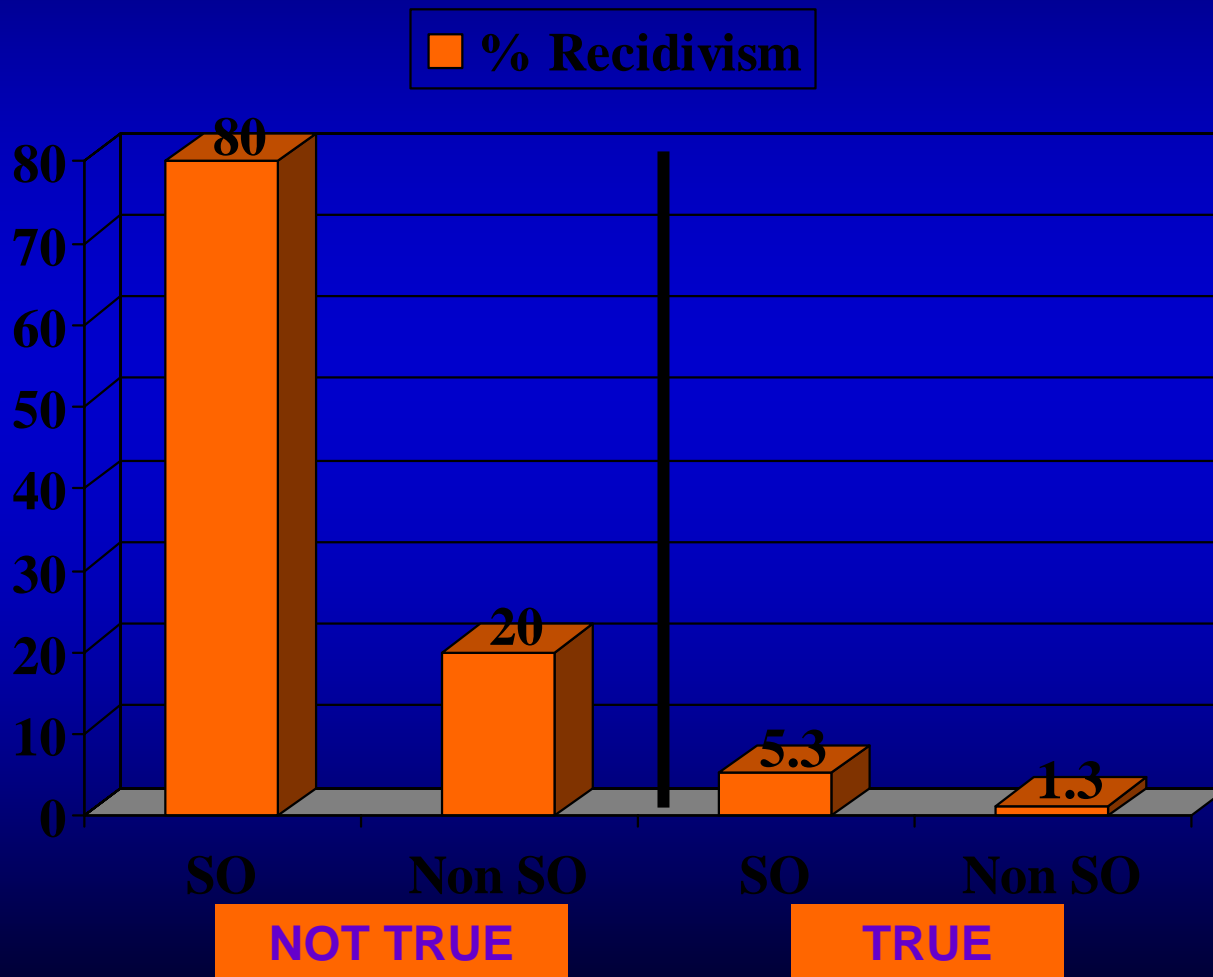


# Myth: Sex offenders are more dangerous than other criminals.

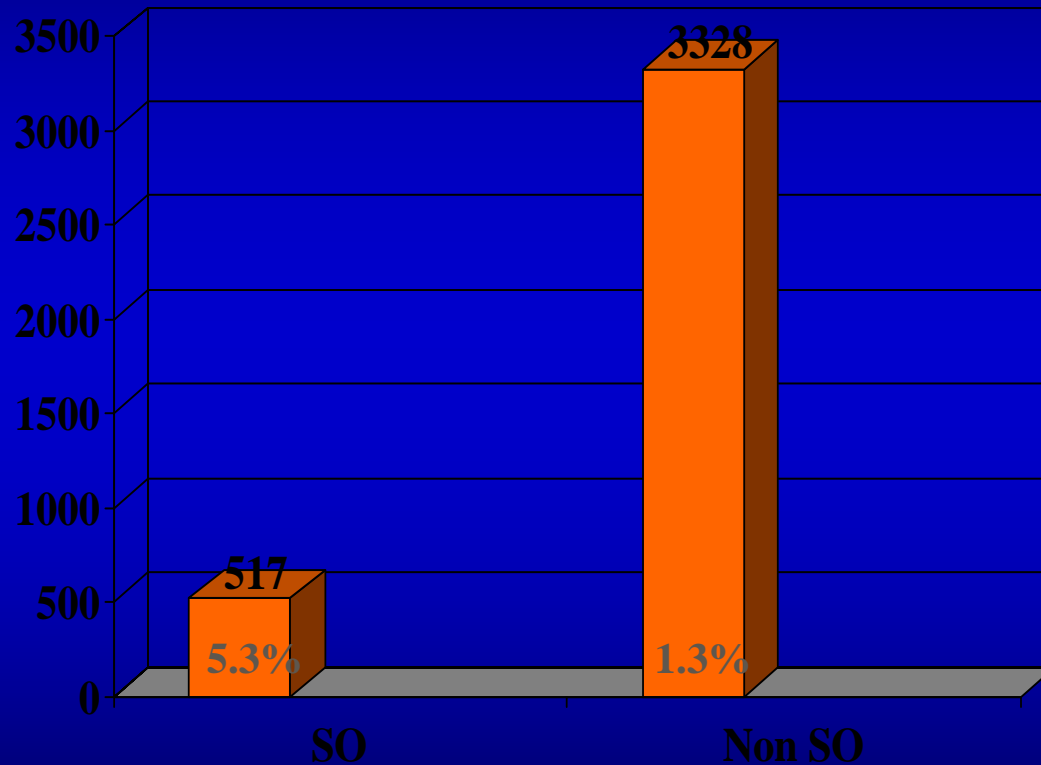
- Bureau of Justice Statistics, 2003:

“Compared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime.”

Not true that sex offenders are re-arrested at rates four times those of other criminals.



Within the first 3 years following their release from prison in 1994, 5.3% (517 of the 9,691) of released sex offenders were rearrested for a sex crime. Out of 262,420 released non-sex offenders, 1.3% (3,328) were rearrested for a sex crime.



**“Compared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime.”**

# Myth: Treatment Doesn't Work

## Facts: Treatment can help

- Furby, Weinrott, & Bradshaw (1989).
  - Combined analysis of numerous studies that was unable to detect a significant treatment effect due to methodology variability.
- Hanson, R. K., Gordon, A., Harris, A. J. R., Marques, J. K., Murphy, W., Quinsey, V. L., & Seto, M. C. (2002).
  - 17% untreated
  - 10% treated
  - Equivalent to a 40% reduction
- Losel, F., & Schmucker, M. (2005).
  - Recidivism reduced by nearly 40%
- SOTEP:
  - No overall differences between treated and untreated groups, but:
  - Sex offenders who successfully completed the SOTEP treatment program reoffended at lower rates than those who did not demonstrate that they "got it" (Marques, Wiederanders, Day, Nelson, & van Ommeren, 2005).

# Reitzel & Carbonell (2006)

- Average weighted effect size of **0.43**  
( $N = 2986$ , 9 studies,  $CI = 0.33-0.55$ )
- *Translated into practical terms, this result indicates that for every 43 sexual offenders receiving the primary/experimental treatment who recidivated, 100 of the sexual offenders in the comparison group (i.e., those receiving comparison/alternative treatment or no treatment) recidivated.*

# Reitzel & Carbonell (2006)

- Average weighted effect size for studies with a cognitive-behaviorally-based treatment was 0.59 ( $n = 819$ , 5 studies,  $CI = 0.13 - 2.71$ )
- Average weighted effect size for other studies was 0.41 ( $n = 2167$ , 4 studies,  $CI = 0.23 - 0.70$ )

# Reitzel & Carbonell (2006)

- Recidivism rates ( $N = 5335, 4805$  male)
- 11.87% sexual recidivism
- 22.59% non-sexual violent
- 28.99% non-sexual non-violent
- 22.30% unspecified
- (R = arrests, convictions)



# Walker, McGovern, Poey, & Otis (2004)

- Meta-analysis of 10 studies (N=644)
- “Results were surprisingly encouraging”
- Effect size –  **$r=.37$**
- Cognitive-Behavioral approaches most effective

# Digression: Other effect sizes

- Marshall & McGuire (2003) observe:
  - Bypass surgery for artery blockage = .15
  - Chemotherapy for breast cancer = .08
  - Aspirin for heart problems = .03

# Digression: other effect sizes

- Meyer, Finn, Eyde, Kay, Moreland, Dies, Eisman, Kubiszyn, & Reed (2001)
  - Antihypertensive medication and reduced risk of stroke has been found to be .03
  - Relapse prevention on improvement in substance abusers is cited as .14
  - Anti-inflammatory drugs have only a .14 correlation with pain reduction.
  - Nicotine patches demonstrate a correlation of .18 with smoking cessation

# Digression: other effect sizes

- Clozapine and its relationship to improvement in schizophrenia = .20
  - General knowledge is that only two thirds of patients with Schizophrenia respond to meds.
- Even Viagra, commonly thought of as a miracle drug, demonstrated only a moderate correlation with improved male sexual functioning ( $r = .38$ ). Illustratively, the  $r$  squared (.14) indicates that Viagra accounts for only 14% of the variance in improvement in sexual functioning. Thus, statistical significance does not imply substantive significance.

# Can they be cured?

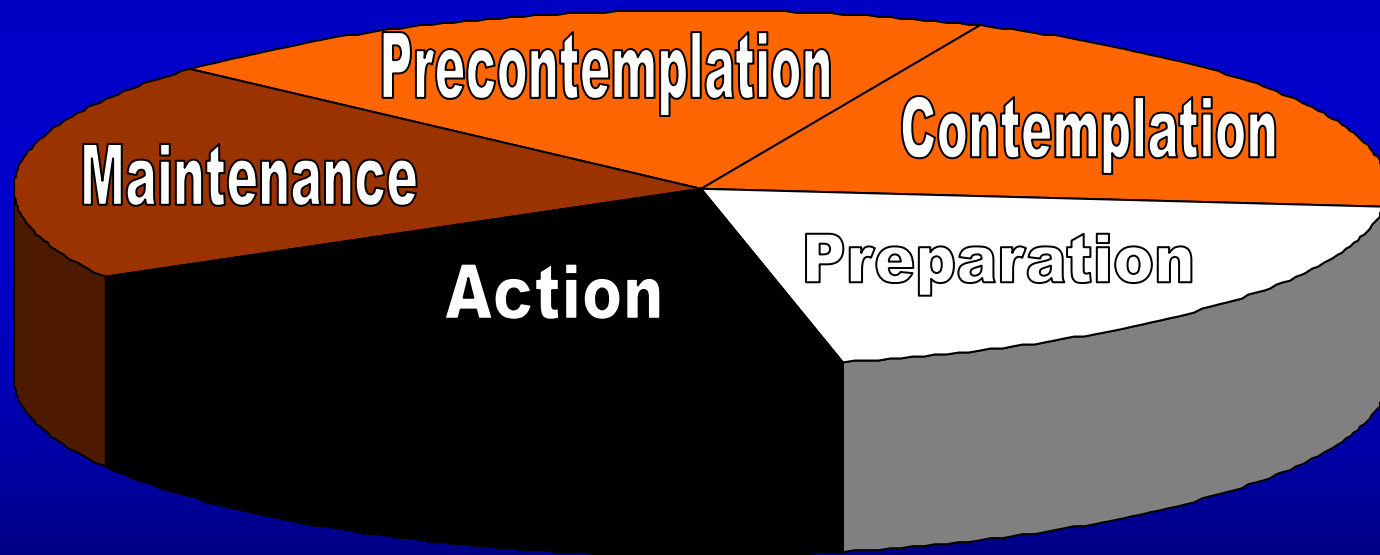
- Treatment won't work equally well for everyone, and 100% success should not be expected.
- Sex offender treatments, like many other types of medical and mental health interventions, don't focus on a cure but on a reduction of symptoms.
- Treatment for diabetes doesn't cure the disease, it manages the disease. Likewise, entering weight watchers with the expectation that simply being in the program will create weight reduction won't work. It takes collaboration and commitment.
- Auto Mechanic versus Home Depot manager  
(from Kevin Creeden)

# Can they be cured?

- Treatment for schizophrenia doesn't cure psychosis, it reduces symptoms and allows people to function more adequately.
- Chemotherapies may not ultimately prevent all cancer fatalities but may increase life expectancy and quality of life for many patients.
- Sex offender treatment teaches clients how to change their thinking and their behavior, and many are able and willing to do so and avoid reoffense.
- Treatment is just the road map; meaningful personal change is the goal (-- Sand Ridge patient)

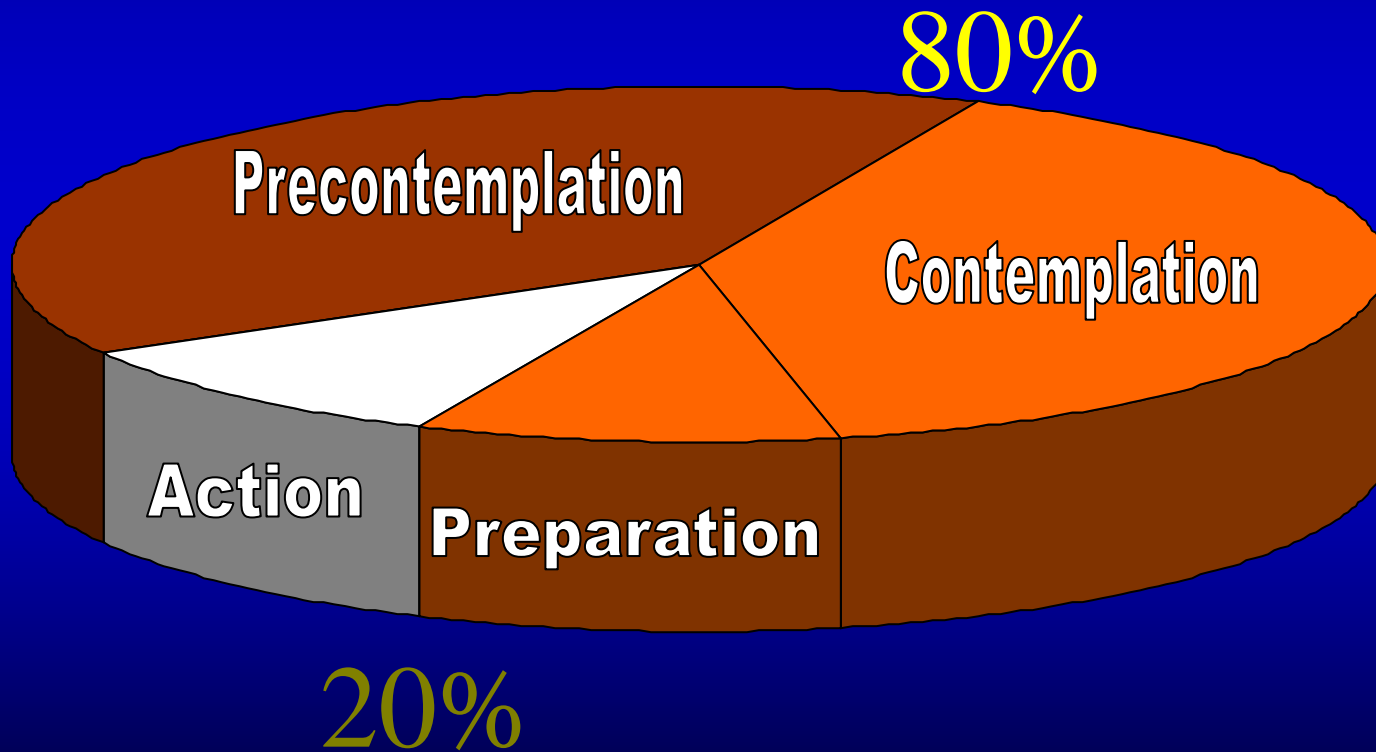
# Stages of Change

Prochaska & DiClemente



# Stages of Change

Prochaska & DiClemente





# The Big Question

- *Do we want them to re-offend or not?*
  - What works?
  - What're the key ingredients?
  - One thing in common for all patients:
    - Punishment didn't work

# How Dolphins Learn



# The bottom line

- Punitive approaches are not an option
- Behave at Sand Ridge as you would in church!
  - Be courteous even when the patients aren't
  - Use your best manners, and never swear!
- Matter of fact approach
  - Airline pilot

# The bottom line...

- Disposition is more important than position
  - Chain of command, but all PCT's are in a leadership position
  - "Life is 10% what happens and 90% how we handle it"
  - *Responding* to patients is much easier than *reacting* to them
- Easier said than done?
  - Collect simple techniques
  - Remember the mission
  - Verbal Judo

# Our Goals

- Safety
- Keeping daily routines on track
  - If you can get them to grunt, you can get them to talk; If you can get them to talk, you can get them to follow routines
- If you can tell the truth and be respectful when you're scared to death, you can reach these goals

# The Problem

- It's easy to lose focus
- It's easy to lose patience
- It's easy to return to bad habits

# Dialogue

- Check in with all your patients first
  - “Hi-how-do-ya-do”
  - Small talk is great
- Smile and then keep smiling
- Humor is great, but keep it light
- Stall for time, provide timeframes, but **ALWAYS** follow through

## Gaining Voluntary Compliance

- Put your spotlight on the goal, because everybody already knows the problem:
  - “Please” versus “You need to”
  - “We expect” versus “you will”
  - “Three strikes means you’re closer to the ball”
- Always discuss the values behind the rules
  - People challenging the rules are teaching us about values



# When you come to work...

- Prepare
  - Use drive time; set things up the night before
- Bring your manners with you: It's Showtime!
- Expect resistance ("bring me the puck")
- Roll with resistance

# Manners

- 4 basic skills:
  - Please
  - Thank you
  - Excuse me
  - I'm sorry
- Addressing patients respectfully:
  - "*David*" or "*Mr. Prescott*", but never "*Prescott*"

# What it means

- Annoying behavior means *"I'm getting upset and need help"*
- Disruptive behavior means *"listen to me"*
- Dangerous behavior means *"I'm losing control"*
- Possibly lethal behavior means *"Stop me"*

## Myth: Stranger Danger

Fact: 7% of child sexual abuse cases are perpetrated by strangers.

- Perpetrators reported that their victims were strangers in less than 30% of rapes and 15% of sexual abuse (Bureau of Justice Statistics, 1997).
- A study reviewing sex crimes as reported to police revealed that
  - 93% of child sexual abuse victims knew their abuser;
  - 34.2% were family members and
  - 58.7% were acquaintances (BJS, 2000).
- About 40% of sexual assaults take place in the victim's own home, and 20% take place in the home of a friend, neighbor or relative (BJS, 1997).
- About .7% of all murders involve sexual assault.
- The prevalence of sexual murders declined by about half between the late 1970's and the mid 1990's (BJS, 1997).
- About 75% of sexual murder victims are over the age of 18 (BJS, 1997).

# The role of the media

## Sample and Kadleck (2006)

- Themes of high recidivism rates were consistently apparent throughout news articles.
- Sex offenders were commonly portrayed as persistent in their behavior despite punishment and rehabilitation.
- An “increase in news accounts of sexually-motivated homicide [which] could well support public perceptions that sex offending is often synonymous with murder” (p. 20).
- The media can “affect public perception regarding the prevalence of sex crimes by over-reporting single incidents of behavior” (p. 8).

# The role of the media (Sample & Kadleck, 2006)

- Interviewed 25 politicians in Illinois, who agreed that sex offenders were a “growing” problem.
- Most politicians described sex offenders as “sick,” commonly characterizing them as compulsive, persistent, and irredeemable, and none thought that rehabilitation was possible.
- When asked how they customarily obtained knowledge regarding sex offenders, the politicians cited the media as – by far – their primary source.
- Thus, the media appears to play a leading role in shaping opinion both among politicians and their constituents. As a result, public policies are proposed which are designed ostensibly to protect the public but which are more likely to promote only an illusion of safety.

# CNN web site, 5/13/07

- **DAYTONA, Florida** (AP) -- A 10-year-old boy was convicted Thursday in the beating of a homeless Army veteran that left the man so severely injured he required reconstructive surgery.
- Prosecutors say the boy, another 10-year-old and JW, 17, ganged up on JD, 58, as he and a friend walked through a Daytona Beach neighborhood on March 27. The older man was beaten and stoned with a concrete block.
- Circuit Judge John Watson found the boy guilty of aggravated battery and set sentencing for May 24. (Watch the boy stand in an oversize jumpsuit and shackles; video hyperlink)

# Legislative History of Residence Restrictions

- In 2004, 14 states had residence restrictions, most commonly 500 – 1000 feet.
- By 2006, 21 states had residence restrictions
- Hundreds of local jurisdictions (cities, towns, and counties) nationwide have passed zoning laws, often 2500 feet (about one-half mile).



# Does proximity to schools increase recidivism?

- In Colorado, 130 sex offenders on probation were tracked for 15 months (Colorado Department of Public Safety, 2004).
- Fifteen (12%) were rearrested for new sex crimes, and all were “hands off” offenses (peeping, voyeurism, or indecent exposure).
- Recidivists were randomly scattered throughout the study area, and did not seem to live closer than non-recidivists to schools or child care centers.
- Researchers concluded that residence restrictions are unlikely to deter sex offenders from committing new sex crimes, and that such policies should not be considered viable strategies for protecting communities.

# Does proximity to schools increase recidivism?

- Minnesota: 329 “level three” sex offenders (those considered to be at highest risk for reoffense) tracked for 3 to 6 years (Minnesota department of corrections, 2003).
- 4% recidivism (13 cases)
- None of the offenses occurred in or near schools.
- Two of the offenses did take place near parks, but the park areas were several miles from the offenders’ homes and the offender used a car to drive to the crime scene.
- Researchers concluded that sex offenders’ residential proximity to schools or parks was not a factor in recidivism, nor did it impact community safety.
- They advised that blanket policies restricting where sex offenders can live are unlikely to benefit community safety.
- They did suggest that case-by-case restrictions may be an appropriate supervision strategy when based on the risks and needs of each individual offender.

# Does proximity to schools increase recidivism?

- Minnesota DOC, April 2007
- Studied the 224 sexual recidivists released between 1990 and 2002
- Used 4 criteria to examine whether residence restrictions could have prevented re-offense
- Results: *"Not one of the 224 sex offenses would likely have been deterred by a residency restrictions law."*

# 4 criteria in MN 07 study

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.

# Does proximity to schools increase recidivism?

- Arizona -- study of 170 sex offenders (Walker, Golden, & VanHouten, 2001).
- 48% of child molesters lived in close proximity to schools, day care centers, or parks, compared with 26% of perpetrators convicted of sex crimes against adult victims.
- The authors speculated that some child molesters might be motivated to purposely live within close access to potential victims.
- But, various factors contributing to residential placement choices were not investigated and could not be clearly identified.
- The study did not examine recidivism.
- No relationship between recidivism and residential proximity to schools or parks could be drawn.

There is no research indicating that sex offenders' proximity to schools increases their likelihood of recidivism, or that residence restrictions are successful in preventing sexual abuse or protecting children.

# Prioritization

- Public health issues:
  - BBC report of gun-related deaths, 2002:
    - **UK:** 81
    - **Canada:** 816
    - **US:** 30,242
  - According to data from the National Highway Traffic Safety Administration (NHTSA), in 2005, 16,885 people were killed in alcohol-related crashes - an average of one almost every half-hour. These deaths constituted approximately 39 percent of the 43,443 total traffic fatalities.
- How much are we working on prevention?

# Unanticipated Consequences

- Residence restrictions isolate offenders by pushing them out of metropolitan areas and into rural communities where they have less access to employment opportunities, social support, social services, mental health treatment, and other services such as public transportation.
- They prevent living with supportive family members.
- Overlapping restriction zones make it essentially impossible for sex offenders in some cities to find housing.
- Restrictions can lead to homelessness and transience, which interfere with effective tracking , monitoring, and close probationary supervision.
- May increase risk by aggravating the psychosocial stressors that can trigger some sex offenders to relapse.



# Florida's Experience

- 1,000 foot restriction since 1995
  - Probation condition
- 2005: Miami Beach passed 2,500 zone
- Nearly all independent cities Miami-Dade and Broward counties have 2,500-ft zones
  - Registered sex offenders with minor victims
- Palm Beach County – 2,500-ft county wide
- Virtually all of South Florida is off-limits
- State legislature declined to pass a 2,500 statewide zone in 2006

**Levenson, J.S. & Cotter, L.P. (2005).**

**Data collected Spring 2004 in Fort Lauderdale & Tampa.**

**Statewide 1,000-foot condition of probation in effect.**

	(n=135)
I have had to move out of a home that I owned	22%
I have had to move out of an apartment that I rented	28%
When released from prison, I was unable to return to my home.	25%
I have been unable to live with supportive family members	44%
I find it difficult to find affordable housing	57%

*Levenson (2006), in progress.*

*Fort Lauderdale, Florida, 2006, n = 109*

*Post-passage of local 2,500-foot zoning laws.*

		Live farther away from employment	57%
Family members have been forced to move	21%	Live farther away from social services and mental health treatment	40%
I have become homeless	21%	Live farther away from public transportation, no car	19%
Landlord refused to rent to me	48%	Live farther away from family support	62%
Landlord refused to renew existing lease	26%	Average number of days spent homeless or staying with someone	62
Considered in violation of residence restriction	31%	Average number of moves 12 subjects (20%) reported 3 or more moves	2
Spent time in jail due to residence violation	14%	5 reported 3 moves 2 reported 4 moves 5 reported 7 or more moves.	

# Which places create most difficulty finding housing? (Levenson, 2006)

Bus stops	28%
Schools	22%
Swimming pools	20%
Daycare centers	15%
Parks & Playgrounds	15%
Other: Churches, fast food playgrounds	

# Orange County, FL GIS mapping

Zandbergen, P. A., & Hart, T. C. (in press).

- The most dominant zoning category in Orange County is low-density residential with 137,944 occupied properties, or 51.2% of all 269,428 occupied residential and combined use properties.
- 22.5% of 137,944 potentially available residential properties fall within a 1,000 feet of schools and 63.7% fall within 2,500 feet, reducing the number of available properties to 106,888 and 50,108, respectively.
- When considering all 5 restrictions combined, the number drops to 4,233 properties for the 1,000-foot buffer zones and to 37 properties for the 2,500-foot buffer zones.
- In addition, these numbers represent all existing properties and only a very small portion of these are likely to be available for rent or purchase at any particular point in time.
  - 5 restrictions: schools, parks, daycare centers, bus stops, theme attractions

## Zandbergen, P. A., & Hart, T. C. (in press).

- When considering the residency restriction categories individually, bus stops were the most restrictive (93.0% of potential properties fall within 1,000 of a bus stop and 99.6% within 2,500),
- followed by daycares (24.2% and 55.4%),
- schools (19.7% and 55.8%),
- parks (15.9% and 38.2%)
- and attractions (0.2% and 1.0%).
- These results clearly highlight the dominance of bus stops as a restrictive factor, and that daycares and schools result in roughly similar restrictions on the residency choices.

# IMPACT OF RESIDENCE RESTRICTIONS IN INDIANA

Levenson & Hern (2006), submitted for publication.

Total N = 148	% agree or strongly agree
Housing restrictions have led to financial hardship.	40%
Housing restrictions make me feel hopeless, angry and/or depressed.	45%
Because of housing restrictions, I live farther away from employment opportunities.	37%
Because of housing restrictions, I live farther away from social services and/or mental health treatment.	25%
Because of housing restrictions, I live farther away from supportive family or friends.	45%
I worry that if I have to move, I will be unable to find a place to live.	64%

The majority of sex offenders emphatically proclaimed that residence restrictions have little effect on their risk of reoffense

	FL (2006)	IN (2006)
I am more able to manage my risk factors because I cannot live near a school, park or playground.	16%	26%
Residence restrictions are successful in limiting my access to children.	7%	26%
Residence restrictions help me to prevent offending.	4%	19%
If I wanted to reoffend, I would be able to do so despite residence restrictions.	82%	74%
I believe that residence restrictions protect children	7%	n/a



Many pointed out the need for internal motivation to prevent reoffense and said that if a sex abuser wanted to reoffend, zoning laws would not stop him.

- "Has no effect at all on offending,"
- "Does not make an impact on my life,"
- "I follow the rule but it has had little impact,"
- "You can walk as far as you want if that [child abuse] is what you're after,"
- "Living 1,000 feet away compared to 900 feet doesn't prevent anything,"
- "It doesn't matter where a sex offender lives if he sets his mind on reoffending... he can just get closer by walking or driving."

# Limitations

- Self reported data is limited by inability to independently corroborate responses.
- Relatively small samples (about 300 total)
- Similar results in different regions of the country

# So what?

- Decades of criminological research have identified social support and employment as important factors in successful community re-entry and decreased recidivism.
- Residence restrictions decrease stability and increase the psychosocial stressors that challenge coping skills (dynamic risk factors) – potentially increasing the risk for recidivism.
- Laws that disrupt stability and push sex offenders into rural communities where they are more difficult to track and supervise are unlikely to be in the best interest of public safety.

# So what?

- Social stability enhances the probability of successful reintegration for criminal offenders, and public policies that generate obstacles to community re-entry may therefore undermine public safety (Petersilia, 2003).
- In Colorado, sex offenders with positive support systems reoffended and violated the rules of their probation less often than those who had negative or no support (Colorado Department of Public Safety, 2004).
- Sex offenders with stable employment and social relationships have lower recidivism rates than those without jobs or significant others (Kruttschnitt et al., 2000).
- Zevitz and Farkas (2000b) noted that employment and housing were especially critical in facilitating a smooth transition to the community for sex offenders after incarceration.
- Poor social supports, negative social influences, poor self-management strategies, and negative moods have been identified as dynamic risk factors associated with sex offense recidivism (Hanson & Harris, 1998;2001).

# Iowa's experience

- 2000-foot exclusion zone passed in 2002.
- Challenged and overturned in "Doe v. Miller and White," 2004.
- Upheld by Iowa Supreme Court and 8<sup>th</sup> Circuit Court of Appeals (2005)
- Within six months, the number of sex offenders across the state whose whereabouts were unknown nearly tripled (Davey, 2006; Rood, 2006).
- Approximately 6,000 sex offenders and their families were displaced by the law, and many reported becoming homeless (Rood, 2006).

# Iowa County Attorneys Assn (2006)

- Called to rescind the law, asserting that as more sex offenders become homeless and transient, law enforcement authorities are less able to monitor their day-to-day activities (Iowa County Attorneys Association, 2006).
- “damage to the reliability of the sex offender registry does not serve the interest of public safety” (p. 2)
- “there is no demonstrated protective effect...that justifies the drainage of...resources” (p. 2).
- Unsuccessful to date...

## Iowa County Attorneys Assn (2006)

- “the categories of crimes included are too broad, imposing the restrictions on many offenders who pose no known risk to children in the covered locations” (p. 2).
- Have caused a decline in confessions and plea agreements, overwhelming the criminal justice system with trials and leading to some sex offense charges being dropped. As a result, many sex offenders will go unpunished and without treatment.
- Recommended sex offender risk assessment so that housing restrictions could be applied only to those who pose a threat to unknown children in public places.

# Victims groups oppose residence restrictions

- National Alliance to End Sexual Violence
  - "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...."
  - "Because residency requirements cause instability, which may increase the risk of re-offense, NAESV opposes residency restrictions. "



# Victims groups oppose residence restrictions

- California Coalition Against Sexual Assault
  - The coalition of rape crisis centers and sexual assault prevention programs criticize residence restrictions as “a short-sighted approach to sex offender management that will place California communities in greater danger.”
  - “This combination of policies creates a variety of unintended consequences. One is that there will be a general migration of sex offenders to rural communities who simply cannot monitor them, while on the other hand, the remainder of offenders in urban areas will simply go underground, failing to register.”

# Court challenges pending

- Georgia
- California
- New Jersey

Recommendations  
for  
Evidence-based  
policy:

What can we do to  
combat sexual  
violence?

# Evidence-based policy

- Social policies designed to prevent sexual violence will be most effective when they are informed by scientific data about
  - recidivism
  - risk assessment
  - needs of criminal offenders
  - therapeutic interventions
  - community management strategies

# Risk-based classification systems

- Risk assessment allows screening offenders into relative risk categories and applying the most restrictive and intensive interventions to the most dangerous.
- Unintended consequences and obstacles to reintegration can be minimized for lower risk offenders.
- Broad policies or offense based classification systems are likely to be overly inclusive and dilute the public's ability to identify dangerous offenders.

# Risk-based classification systems

- Empirically derived and validated risk assessment instruments (e.g. Static-99)
- Risk Factors associated with recidivism
- Better definitions of predator (similar to criteria for civil commitment)
  - Paraphilia
  - Likely to reoffend

# Collaborative approach to treatment and community supervision

- Collaborative risk management approaches evaluate individual offender's risks and needs, reinforce their strengths, and facilitate support systems.
- Therapists and probation officers work together to assess risk and develop case management plans.
- Treatment and supervision plans are tailored to target the offender's specific offense patterns and risk factors.
- Polygraph examination
  - History disclosure
  - Monitoring / Maintenance

# GPS monitoring

- Can be a useful tracking tool for high risk or predatory offenders
- Not necessary or cost effective for all sex offenders
- May act as a deterrent in some cases but cannot prevent sex crimes.
- Can detect where someone is, but not what he is doing



# Tennessee, 2007

- *MTSU's statistical analysis concluded that when the treatment and control groups were statistically compared by their first year of supervision and by the same year of supervision, no statistically significant differences were found in the number of violations, new charges, or in the number of days before the first violations.*
- <http://www2.tennessee.gov/bopp/Press%20Releases/BOPP%20GPS%20Program%20Evaluation,%20April%202007.pdf>

# Tennessee, 2007

- *Although the empirical analysis did not yield definitive support for satellite-based monitoring, BOPP's pilot project indicates that GPS provides officers with a unique supervision tool and has potential in aiding officers greatly. GPS officers overwhelmingly reported that GPS is a positive supervision tool that provides them with greater information in offender supervision. Further, officers indicate that the project enables closer monitoring of sex offenders, and with additional staffing, changes to work assignments, and procedural improvements, GPS will be an even more effective tool in supervision.*

# Tennessee, 2007

- *Some individual incidents reveal the usefulness of satellite-based offender monitoring. Specifically, BOPP filed 133 violations reports on 99 offenders during the pilot project. 31 percent (41) of these reports were filed as a result of GPS information. Of these, officers issued 103 technical violation reports for instances where offenders violated their standards of supervision. GPS technology revealed the circumstances eliciting the violation in 20 percent (30) of the total number of technical violation reports filed during the pilot period.*
- *BOPP issued 12 violation reports for new charges. GPS technology revealed the circumstances eliciting the new charges in 17 percent (3) of the total number of new charges during the pilot period. Further, BOPP issued 13 violation reports for a combination of both technical and new charges. GPS revealed 62 percent (8) of these violation reports. In some cases, BOPP cannot prove that a crime was prevented, but GPS assisted in the detection of the offender's violation.*

# At the end of the day...

- People change
  - We have proof
- Punishment does not reduce recidivism
  - We have proof
- When all else fails, get back to the basics
  - Effective treatment gets young people to change the way they think and gets families to support those changes
  - **We will never change the way they think; they have to**

# Robben Island



# Hope Theory

- Agency Thinking
  - Awareness that a goal is attainable
- Pathways Thinking
  - Awareness of how to do it
    - See works by C.R. Snyder
- *“Therapists who are burned out or otherwise fail to convey hopefulness model low agency and pathways thinking.”* (in Hubble, Duncan, & Miller, 1999)

# Barriers to change/truth

- Confronting
- Persuading
- Nagging
- Interrupting
- Ordering
- Judging
- Pressuring
- Criticizing
- Directing
- Talking down to
- Shaming
- Scolding
- Holding on to reciprocity

# How to build resistance

- Q&A trap
- Taking sides trap
- Expert trap
- Labeling trap
- Blaming trap
- Pouncing trap
- Premature action plan
- (Miller & Rollnick, 2002)
- The “Righting Reflex”
  - Fix things
  - Set something right
  - Get someone to face up to reality
- Spotlight on problem only
- Impatience



# Housing (with gratitude to Barbara Schwartz)

- For a brief period the Intensive Parole for Sex Offenders (IPSO) program was able to arrange with a landlord to rent his apartments to sex offenders who were much more responsible than his previous tenants.



# Employment (with gratitude to Barbara Schwartz)



- Pioneer Industries in Washington State is a factory established specifically to hire ex-offenders including sex offenders.

# The Containment Approach

- Supervisory agents, therapists and polygraph examiners work together to supervise sexual offenders.
- IPSO Framingham has significantly reduced recidivism.



# Prosocial Support Network



- Circles of Support and Accountability
- Showed a 70% reduction in recidivism
- Combine probation/parole officers, therapists and community volunteers who befriend the SO.