



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

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MINUTES

Sex Offenses and Sex Offender Registration Task Force

May 3, 2017

1:00 – 5:00 p.m.

I. Call to Order and Roll Call

The Sex Offenses and Sex Offender Registration Task Force met on Wednesday, May 3, 2017, via Video-conference:

- Chicago - Thompson Center, 100 W Randolph St, Room 16-504
- Springfield – Capitol City Training Center, 130 W Mason St., Room 104
- Marion - HFS, 3419 Professional Park Drive

Task Force Chair Elgie Sims called the meeting to order at 1:05 p.m. Roll call was taken and the following members were present:

- John Amdor, on behalf of State Representative Elaine Nekritz
- Kathleen Boehmer, Deputy Chief, Chicago Police Department (teleconference)
- Mary Boland, Cook County Assistant State's Attorney (Chicago)
- Jacqueline Bullard, Deputy Defender, 4th Judicial Circuit (Springfield)
- Jason Chambers, State's Attorney, McLean County (teleconference)
- Mike Fogel, Associate Professor, Chicago School of Professional Psychology (Chicago)
- Jennifer Gonzalez, Cook County Assistant State's Attorney, Supervisor of the Sexual Assault and Domestic Violence Division (teleconference)
- Lisa Jacobs, Vice Chair, Illinois Juvenile Justice Commission (Chicago)
- Beth Johnson, Director of Legal Problems at Cabrini Legal Aid (Chicago)
- Lynne Johnson, Policy Director at Chicago Alliance Against Sexual Exploitation (teleconference)
- Director John Maki, Illinois Criminal Justice Information Authority (Chicago)
- Tracie Newton, Offender Registration Unit, Illinois State Police (Springfield)
- Becky Palmer, Training, Consultation and Treatment (Chicago)
- Co-chair Representative Elgie Sims, Jr., 34th District (Chicago and later via teleconference)
- Beth Tarzia, Cook County Public Defender's Office for Amy Campanelli (Chicago)
- Alyssa Williams Schafer Services Administrator, Illinois Department of Corrections for John Baldwin (Springfield)

- Danielle Young, Administrative Offices of the Illinois Courts (for Mike Tardy) (teleconference)

Also in attendance were:

- Megan Alderdan, Director of Research and Analysis, Illinois Criminal Justice Authority (Chicago)
- Caitlin DeLong, Illinois Criminal Justice Information Authority (Chicago)
- Tina Estapare, member of the public
- Pat Harris, Advocates for Change
- Chris Lobanov-Rostovsky, Program Manager, Colorado Sex Offender Management Board (teleconference)
- Will Mingus, Illinois Voices for Reform, Inc. (Chicago)
- Mary Ratliff, Illinois Criminal Justice Information Authority (Springfield)
- Erin Sheridan, Illinois Criminal Justice Information Authority (Chicago)
- Angie Weis, Illinois Criminal Justice Information Authority (Chicago)

II. Welcome, Introductions, and Opening Remarks

Director Maki welcomed everyone. Attendees in Chicago, Springfield and on the phone introduced themselves.

III. Residence Restriction and Sex Offender Registration & Notification

Director Maki introduced Chris Lobanov-Rostovsky, Program Manager, Colorado Sex Offender Management Board. As an expert on sex offender registries, he presented the attached PowerPoint presentation on residence restriction and sex offender registration and notification via teleconference.

Director Maki thanked Chris for the presentation asked the group for any specific questions about the information he presented. A member asked for information about the research on the value of SORNAs to law enforcement. Chris stated that he would forward information to Mary Ratliff to forward to task force members.

A question was asked whether there was any research done on the property values of neighbors of sex offenders. Chris stated that he knew of no research that focused on property values and sex offender residency. Another member asked if there were any studies that show an increase in risk of sexual offending or general offending with registry requirements and residency restriction. Chris replied that these requirements and restrictions could aggravate risk factors or undermine protective factors, specifically the public notification requirements.

A member asked if there was any research on cost effectiveness of SORNAs. Chris said that he knows of no studies on cost benefit of SORNA. He stated that the costs to be compliant and implement SORNA has been evaluated and the results have been mixed. Some states, such as California, have determined that it is not cost effective to take steps to be compliant with the SMART office. He maintained that much of the cost burden is on local law enforcement agencies, therefore the state does not have significant financial burden. Local law enforcement are often not properly resourced for SORNA implementation, however they see the registry as valuable.

A member asked if we were to start with a blank slate with research on the registry today, where would it take us? Chris replied by saying that his opinion based on current research and information from law enforcement is in support of the registry. He stated that any notification should be based on risk, using risk assessment, and notification should be limited in scope. There needs to be a pathway off the registry for people who have shown themselves to be compliant. It is important for law enforcement to have registry information.

Another member asked about the recidivism rates of states that have been substantially compliant. Chris stated that he knows of no studies of states that have implemented SORNA versus states that have not implemented SORNA, but he does not believe there is that big of a difference. Studies are focusing on how registration is being managed and shared and is it changing and improving.

Director Maki asked about how Illinois should bring in research to direct policy and practice. Chris stated that research should be a part of policy development and bring in a provision to study the policy and practice as they implement. He asserted that often times victim stories wins out over research, therefore you have to change the dialogue to research informed policy rather than making decisions based on emotions. Policies should be focused on what keeps the community safe and is in the best interest of victims. Having broad-based coalitions helps direct policy also. Director Maki also asked if there are any places in the country that have tried “sunsetting”, practice of shutting down redundant or obsolete policies and practices while retaining access to the historical data. Chris said that he didn’t know of any entities doing this related to sex offender laws. He stated that this idea came from an article he read about “evidence-generating policies” and ideas that go along with that practice. Director Maki followed up asking if there are any states or jurisdictions that are best to review in terms of “evidence-generating policies”. Chris replied by saying that states that have Sex Offender Management Board (SOMB) models are best to review in terms of driving policy. Colorado and California have strong SOMBs with multidisciplinary groups to inform legislation. Director Maki also asked about the generalizability of policies and practices within a state. Chris said that most studies have been high level studies, but most research will not generalize to all jurisdictions.

A member asked how often Colorado does risk assessments and how long do other states do risk assessments. Chris stated that looking at long-term recidivism studies makes sense. Colorado is an Adam Walsh substantially implemented state that has a scheme based on offensive conviction. Colorado adds on a sexually violent predator (SVP) status for those at the highest risk. They are doing static risk assessments at the time of sentencing on certain qualifying crime types, not all offenders. The SVP does not change over time, therefore once an SVP, always an SVP. Parole and probation departments are doing both static and dynamic risk assessments every 6 months and adjusting treatment and supervision based on those assessments. However, risk assessments are not connected in any way to registry status. Chris asserted that they want to go to a risk tiering system to layer on top of criminal offense system to judge what the level of risk is and how much to notify the public. This system would allow offenders to petition the court to change their risk designation. This has not yet been passed through Colorado legislation. He suggested having dynamic risk assessment up front and use dynamic risk assessment over time, however you need to be aware of how it is going to be done, who is going to do it and who is going to pay for it.

Another member inquired about research on the use of the registry by the public. Chris said that the public is in favor of the registry, but only approximately 31% look at it. Those who did look at the registry tended to be

female, affluent and have children. Of those people who look at the registry, only 38% said they take preventative behavior as a result. Law enforcement does get tips from the public as a result of the registry. Sometimes the tips are helpful, but other times they are very off point, therefore the public needs to be educated on how to use the registry.

A member asked how often law enforcement uses the registry to inform and assist in investigations and how often is it useful. Chris stated that research shows that 95% of people coming into the system have no prior sex crime. Law enforcement has been able to use the registry to identify suspects, detain them and make an arrest. Often times the registry is used to rule out people. He maintained that there is not a lot of quantitative data out there to say that the registry is effective in informing and assisting investigations, however law enforcement does feel like registry information is critical.

Director Maki thanked Chris for his time and expertise.

IV. Policy Discussion

Director Maki and Megan Alderdan, Director of Research and Analysis at ICJIA, presented a PowerPoint on a policy discussion including the task force charge, guiding principles, research previously presented and possible policy recommendations – see attached. A memo was sent to task force members regarding the information presented.

Megan stated that the purpose of the presentation was to provide the task force with an overview of the policy questions, research findings and potential policy that have been suggested by experts and research. The Research and Analysis Department at ICJIA intends to poll task force members for feedback on the findings and potential policies. Director Maki added that the following policy discussion is meant to be more of a snapshot or a preview of the overall issues and hear initial concerns and questions from the group. The expectation is that the task force will dive deeper into this discussion at the June meeting. ICJIA staff will work on a draft report over the summer months and make it open for public comment in late September or early October. ICJIA will draft the report for final review and reconvene in December. Additionally, in the June meeting, the task force will decide how to finalize recommendation either by consensus or voting, etc. Megan stated that the policy recommendations have been taken word for word from the research and experts.

Erin Sheridan, Research Analyst at ICJIA, presented the following Sex Offender Risk, Treatment, and Registration Research and Policy information:

Research:

- Residence restrictions do not decrease sexual reoffending rates
- Most offenders do not victimize strangers, but rather people they know
- Collateral consequences include increased homelessness and loss of support

Illinois:

- Persons convicted of certain sex offenses are restricted from living within 500 feet of a school, playground, or any facility providing programs or services exclusively directed towards people under the age of 18
- While the statute lists certain offenses, in practice many more registrants have these restrictions placed on them
- Some municipalities have extended the 500 feet to upwards of 2,000 feet

Remove residence restrictions for persons convicted of a sex offense.

A member stated that residency restrictions should be based on the person's risk of reoffending. He stated that it would be appropriate for some offenders to have restricted living situations. It was suggested that the recommendation may say, "Tailoring residency restrictions to be appropriate for the offender."

A member suggested that the policy doesn't inadvertently build in an assumption of residency restriction. There would not be residency restrictions unless risk assessment shows that it is appropriate and needed. Another member agreed that residency restrictions should be imposed on a spectrum, however she expressed concern about how risk assessment would be done as many sex offenders are not on parole and probation.

A member suggested that instead of having residency restriction offense based, the judge determines restrictions at sentencing based on a static risk assessment along with the ability for the offender to petition the court to reevaluate risk and restrictions. Concern was expressed that judges can be political and are not always neutral.

Members came to some consensus that a one-size-fits-all approach to residency restrictions is not effective and in the public's best interest and we need to move toward individualized restrictions.

Members discussed that residency restrictions create unintended consequences such as limited resources for law enforcement and gate violators.

Research:

- As persons remain offense free, their risk levels decrease.
- There is not a population of people who remain at the highest risk for their entire lives without committing a new offense, so lifetime parole is targeting a population of persons that do not exist.

Illinois:

- For individuals convicted of certain sex offenses (i.e. predatory criminal sexual assault, aggravated criminal sexual assault, and aggravated child pornography), Illinois statute lists their MSR term shall range from 3 years to life.
- The parole agents complete progress reports every 180 days.

Remove the option of lifetime Mandatory Supervised Release (MSR) for persons convicted of sex offenses.

Members suggested that some offenders may need lifetime supervision. A representative from the Department of Corrections (DOC) stated that this statute causes a complicated process and is difficult for the department to implement. The process is only costly with limited resources to pay for it. Department of Human Services has a sexually dangerous person program for offenders with a diagnosis of a mental disorder that make it substantially probable that they would reoffend again. This is an indeterminate sentence that approximately 1% of the population that are reviewed by DOC each year. One of the predominant problems with MSR is residency restrictions.

A member expressed concern that parole and the Prisoner Review Board has the responsibility of deciding who gets off MSR and when. There needs to be a way of bringing offender behavior, dynamic factors and community adjustments into that decision making process. This is the basis of Risk Need and Responsivity (RNR) concept as presented in a previous meeting.

Research:

- Higher risk for re-offending generally than for sexually motivated offenses.
- Risk assessment should be specific to risk of sex offending as well as general offending.
- Consideration of gender differences important.
- Overrides undermine predictive accuracy of instruments.
- Information from risk assessment should guide management and treatment.

Illinois:

- General risk assessment instruments- LSI-R; SPIN
- Sex offending risk assessment instruments- less clear

Use validated, structured risk assessments to identify risk to sexually reoffend and general offending risk. Overrides of the risk assessments should not be allowed, and the assessments should be used to guide management and treatment plans, not just identify risk. Risk level should be reassessed ideally once a year, but minimally every two years.

A member asked why risk level should be reassessed once or year or every two years when the research shows that risk level generally changes every 5 year. Megan stated that the 1-2 year reassessment is based on needs during treatment which could affect registry requirements, especially is there is a pathway to get off the registry. This recommendation came directly from Dr. Hanson's recommendation.

Concerns were discussed about the cost of risk assessments. People with less financial means cannot get risk assessments done if they are expensive. An additional concern was expressed about risk assessment providers have adequate, consistent and continual training.

A member disagreed with the wording of "general offending risk". The likelihood of general offending is often higher. The focus of reoffending should be on sexual reoffending. He also expressed concern with overrides not being allowed as there are circumstances where an override would be appropriate.

A member stated that federal offenders need to be taken into account, because they do not come from the same pathway.

A member asked when the risk assessment would be completed. At what point are those offenders that are not incarcerated and coming out of an institution evaluated? The largest number of sex offender are on probation.

Research:

- Treatment can work.
- Adhere to the RNR principles.
- Treatment should be tailored to the individual.
- CBT/relapse prevention can produce modest reductions.

Illinois:

- Treatment generally required, but quality is unknown.

Treatment should be utilized and should be informed by risk-assessment.

A member suggested that the RNR principles be included in the policy recommendation. If providers are following standards for treatment, they would be using RNR principles. The Illinois Department of Financial and Professional Regulation (IDFPR) certifies providers, however they do not go beyond looking at their credentials and continuing education.

Research:

- Overuse of controversial terminology can dilute public safety and negatively impact low-risk individuals.
- Identification of specific subsets of offenders should be based on clinical assessment.

Illinois:

- All lifetime registrants are defined as “sexual predators” in the Sex Offender Registration Act

Revise or remove the current usage of the term “sexual predator” for lifetime registrants.

Members agreed on this policy.

Research:

- Risk is cut in half for every 5 years offense free in the community.
- Cross the desistance threshold 10 years offense free.
- Registration should be limited to those at risk for sexual recidivism.

Illinois:

- Two “tiers”: 10-year registrants and lifetime registrants.
- Some convicted of murder are on the registry, even if not sexually motivated.

The public registry should only contain persons who are at high risk for sexual recidivism, should only contain persons convicted of a sex offense, and should allow for the potential to be removed from the registry.

A member stated that the resources and costs for getting off the registry needs to be evaluated as it is currently expensive for juvenile offenders to be removed.

Research:

- Registration reflecting actual risk is more effective.
- Tiers should be based on structured risk-assessment.

Illinois:

- Statute-based registration periods.
- Two “tiers”: 10-year registrants and lifetime registrants.

Use a registry “tier system” that reflects actual risk of sexual re-offending.

Members discussed the possible ability to “shift through tiers” and eventually “fall off” the registry.

Erin said that if anyone has ideas for additional policies, they should contact ICJIA. Staff will work to put the recommendations in a logical order.

A member asked if the task force should consider a public versus private registry. Megan stated that there is no real research on this topic, but could be considered. Law enforcement already has access to the LEADS system with similar information.

V. Future Meetings

ICJIA staff will post meeting agendas and minutes to a website as well as resources and materials for future meetings. The next meeting is June 14 from 1:00 – 5:00 p.m.

VI. Public Comment

Director Maki stated that public comment must be limited to 5 minutes, germane to the topic, and respectful.

A member of the public discussed her son who is a 30 year old man with intellectual and development disabilities. He is on the sex offender registry. He was coerced by a neighbor to participate in a sexual act with a minor. The neighbor had also molested her son. He was arrested and plead to exploitation of a minor. Because of residency restriction requirements, her son had to move out of the home. He could not live alone and her husband moved with him. She discussed how her family suffered emotionally and financially because her son is on the registry. His IQ was tested and is falling due to no stimulation and isolation.

A member of the public discussed a proposed law, Stephanie's Law, that requires a person who is convicted of battery that is determined to be sexually motivated to register as a sex offender. Her daughter was sexually abused by a neighbor and charged with misdemeanor battery. Because he was not convicted of a sex offense, he was not required to register as a sex offender.

A member of the public talked about her 25 year old son who is on the registry. He has developmental age of 10 to 11 years old. He was found unfit to stand trial by doctors. She discussed the emotional and financial stresses and struggles her family suffers from her son's registry requirement and restrictions.

A member of the public talked about his experience on the sex offender registry. He discussed the rigorous treatment he has completed and how he has turned his life around. He discussed the stigma of being a sexual predator and the emotional, social and financial struggles associated with being on the registry.

A member of the public spoke about her experience as both a victim of sexual assault and as a sex offender. While in the military she was sexually assaulted and treated inappropriately by the authorities. As a teacher, she engaged in inappropriate and illegal conduct with a student. She discussed the emotional, social and financial struggles associated with being on the registry.

A member of the public discussed his experience of being on the sex offender registry. He discussed the emotional, social and financial struggles that he and his family experience associated with being on the registry, including vandalism and harassment.

A member of the public talked about his experience of being on the registry. He is 52 years old and he spent 34 years in prison. He discussed the emotional, social and financial struggles that he experiences associated with being on the registry.

A member of the public suggested that repeat offenders and offenders with multiple victims should be required to register for life. She supports public notification. She stated that she believes there needs to be reform in sex offender laws.

A member of the public commended the task force for focusing on the research and not on the politics of sex offender policies. She stated that there is no supporting evidence that residency restrictions are effective.

A member of the public discussed the serious challenges and negative experiences of people on the sex offender registry. He has created a website to assist registered sex offenders with resources and information. He maintained that too much money is spent on people who are at little risk to reoffend.

VII. Adjourn

Rep. Sims emphasized the need to focus on the research to inform policy. He thanked everyone for their participation and adjourned the meeting.