



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

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MINUTES

Sex Offenses and Sex Offender Registration Task Force

April 19, 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, April 19, 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

Task Force Chair Elgie Sims called the meeting to order at 9:05 a.m. Roll call was taken and the following members were present:

- Steve Baker, Cook County Public Defender's Office (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 (Chicago)
- Mike Fogel, Associate Professor, Chicago School of Professional Psychology (teleconference)
- 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)
- Gary Lemmon, License Clinical Social Worker (teleconference)
- Director John Maki, Illinois Criminal Justice Information Authority (Chicago)
- Elaine Nekritz, Illinois State Representative of 57th District (Chicago)
- Becky Palmer, Training, Consultation and Treatment (Chicago)
- Polly Poskin, Illinois Coalition Against Sexual Assault (Springfield)
- 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)
- Hon. George Timberlake, Illinois Juvenile Justice Commission (Chicago)
- Darla Wexstten, Clinical Social Worker (teleconference)

- Alyssa Williams Schafer, Public Services Administrator, Illinois Department of Corrections for John Baldwin (teleconference)
- Danielle Young, Administrative Offices of the Illinois Courts (for Mike Tardy) (Chicago)

Also in attendance were:

- Thomas Adams, Illinois Voices for Reform, Inc. (Chicago)
- Mary Claire Birmingham, public (Chicago)
- Caitlin DeLong, Illinois Criminal Justice Information Authority (Chicago)
- Karl Hanson, Public Safety Canada (teleconference)
- Erin Johnson, Associate General Counsel, Office of Governor Bruce Rauner (teleconference)
- Sherlyn McBride, public (Springfield)
- Will Mingus, Illinois Voices for Reform, Inc. (Chicago)
- Scott Morgan, Illinois Voices for Reform, Inc. (Chicago)
- Mary Ratliff, Illinois Criminal Justice Information Authority (Springfield)
- 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. Risk assessments for individuals with a history of sexual crime – Karl Hanson

Rep. Sims and Director Maki introduced Karl Hanson, Senior Research Officer with Public Safety Canada. Karl has published more than 100 articles. He presented the attached PowerPoint presentation on Risk assessments for individuals with a history of sexual crime via teleconference.

Director Maki thanked Dr. Hanson for the presentation and asked the group for any specific questions about the information he presented. Director Maki asked about incarceration and desistance. Dr. Hanson answered by saying that the primary function of incarceration is punishment. Incarceration could be used for public protection if a high risk is assessed, such as levels 4a, 4b and 5. He stated that incarceration can also be effective if used as a criminal justice sanction to get people's attention. He asserted that treatment is easier to run in an institution, however more effective to run in the community.

A member asked if the term recidivism refers to those individuals who have been arrested, charged and convicted. Dr. Hanson answered by saying that we can only study what we see and undetected recidivism rates will be a lot higher. Undetected offenses would be much higher than undetected offenders, because offenders tend to offend more than once. Undetected rates are unknown. He stated that level 1 is the equivalent to young males. One to two percent will get arrested for a sex offense which is a tolerable risk. He asserted that resources could be spent more wisely in other areas because the risk is low. Recidivism rates are based on re-arrest, re-charged and subsequent convictions of sex offenses as recorded in the criminal justice system. The rate of non-sexual

recidivism is much higher. He stated that studies have been done on detected and undetected offenses through use of polygraph exams.

A question was asked about assessments with individuals with developmental and/or cognitive disabilities. Dr. Hanson stated that this population is usually treated as a subpopulation and there are some specialized assessments that can be used, such as the Armadillo. Overall, people with developmental disabilities are at a slightly higher risk on average. The Static 99 assessment can be used with people with developmental and cognitive disabilities as long as they do not have a severe disability.

A member asked about information presented by Dr. Hanson on reasons to desist and rewards for prosocial activity. Do those reasons looked at in terms of registry restrictions? Dr. Hanson answered by saying that the information wasn't specific to registry restrictions, but more based on general observations. He stated that having a sensible release plan with prosocial factors considered.

A member asked what the definition of "true reoffending rate" is. Dr. Hanson stated that the true reoffending rate refers to the rates determined by polygraph studies. He maintained that we studying recidivism rates, the frequency is unknown. For instance we don't know if a few offenders are victimizing many victims or if many offenders are victimizing many victims. The chance of being caught for one offense is small, but the chance of being caught for several offenses is higher.

A question was asked about the studies presented showing that there is an incremental change every 5 years in recidivism rates. Should a reassessment be done every 5 years that includes a polygraph component based on that information? Dr. Hanson replied by stating that a substantial evaluation including polygraph verification could be effective. He maintained that studies on community supervision should that there are lower rates of reoffending and higher rates of supervised individuals with negative behavior.

Director Maki asked for Dr. Hanson's recommendations on implementation of risk assessment. Dr. Hanson stated that

1. Senior management buy-in and real decisions on risk assessment is essential. The risk assessment has to be linked into an overall correctional practice. You need policy development that decides what happens at all risk levels as well as determine an effective risk tool to be used.
2. Establish a system of certified trainers or content experts of the risk assessment.
3. Start small. Choose a district that is innovative and motivated. Do not try to implement all at once. A pilot area can test the assessment policies and work out the "bugs".
4. Build in quality control. Studies show that it takes about 20 cases using the assessment until the reliability is up to good standards. Do a supervised or peer review of the first 20 cases. Retraining and continuing education is essential. Keep the number of trainers to a minimum. Don't expect everybody to do it well.

A member asked if the assessment should occur at the entrance of a department of corrections sentence or exiting department of corrections. Dr. Hanson stated that it depends on what you are assessing them. If you use the Static 99 it doesn't matter. It was asked if the changes/modifications to the Static 99 change the scoring.

Dr. Hanson asserted that the difference and changes over time get the same results. The number of cases that the changes affect is small. He said that internet only sex offenders are exempt from Static 99.

Director Maki thanked Dr. Hanson for his presentation and expertise.

Rep. Sims distributed a list of sex offense related legislation that was introduced in the current legislative session.

IV. Sex Offenses & Sex Offender Registration – Director, John Makie and Christine Devitt, Research Case Manager, ICJIA

Director Maki presented a PowerPoint on a policy discussion about recidivism and risk assessment measurement – see attached. A memo was sent to task force members regarding the information presented.

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.

Currently in Illinois: Probation departments use the LSI-R to assess general risk for individuals on probation. The Illinois Department of Corrections is in the process of implementing a general risk/needs/assets assessment. Less information is available about the extent to which risk assessments specific to sexual offending are being used, who is administering those instruments, and whether those individuals have been properly trained.

What the research says: Individuals should be assessed for general risk because persons convicted of sex offenses typically have a higher risk of general offending than of reoffending sexually. Assessment of risk for reoffending sexually is also needed to identify those persons at greatest risk for reoffending and to guide management and treatment plans. This ensures that the management and treatment plans correspond to the risk and treatment needs of individuals (Przybylski, 2017).

Empirical evidence also suggests that intervention and management practices need to differentiate between female and male sex offenders, and that procedures for assessing risk developed for male sex offenders are unlikely to be accurate when applied to female sex offenders (Przybylski, 2017). Thus, policies that advocate for the use of risk assessment should consider the appropriateness of those instruments for the populations assessed.

Structured risk assessment tools should be used when determining risk because they are more accurate than those that are unstructured. However, merely implementing structured risk assessments is not enough. Consideration should be given to whether those conducting assessment can override the results. Overrides decrease predictive accuracy and can negatively impact quality of treatment (Hanson, 2017).

Examples of structured risk assessments commonly used include:

- Static factors: Static-99R, Static-2002R
- Identifying treatment targets: STABLE-2007, SOTIPS, SRA-FV, SVR-20, RSVP

- For general recidivism: LS/CMI, COMPAS

During the discussion of this policy statement, a member asked why a recommendation would be for 1-2 years, when the research is lumped in 5 year increments. Chris Devitt answered that probation sentences are typically in 1-2 year increments. Members discussed how risk assessment would be used for instance - at what point in the criminal justice process would risk assessment be conducted. The frequency of how often risk assessment should be reassessed depends on how and at what part of the criminal justice process and registration process should it be used. A member suggested that having the risk assessment done early in process allows for the risk to modify effectively. The frequency of reassessment may differ depending on risk.

A member asked what is it that we would like to see change to make the risk assessment more useful to the offender and the public. Is the goal to reduce the number of people on the sex offender registry? Is the goal to reduce recidivism? Is the goal to reduce the number of people on the registry for life? A member suggested that the risk assessment will allow resources to be focused on highest risk offenders and triage our resources appropriately. This would hopefully result in less victimization and encouraging desistance. A member asked on what type or category of offenders should resources be focused? A member expressed concern that, on a practical level, getting risk assessments completed with limited resources may be challenging to implement. Assessments are hard to get done in a timely manner. Another member commented that the registry's purpose should be for public safety.

Director Maki suggested that we start off small and start with the Static Risk Assessment. He stated that the Static 99 is effective at eliminating low risk offenders. He added that the implementation of risk assessment should start small at a county or other local community level as a pilot site. A member stated that there is a limited number of providers to perform risk assessments. It was discussed that risk assessments should be used to guide other decisions in the process. Director Maki suggested that the recommendation should be that risk assessments should be used to make decisions throughout the process. A member suggested that we should concentrate on whether sex offenders reoffend with a sex crime and not a general crime.

Director Maki discussed the content of the task force's final report including recommendations for legislative change, policy, research and practice. Members discussed the conflict between the current laws of the offense/conviction requiring registration and using risk assessment to make registry decisions.

Create a tier system to identify persons convicted of a sex offense that reflects their actual risk-to-reoffend.

Currently in Illinois: Currently the state has two statute-based "tiers": lifetime registrants (also called "sexual predators") and 10-year registrants.

What the research says: Policies and practices that take into account the differential reoffending risks posed by different types of sex offenders are likely to be more effective and cost-beneficial than those that treat sex offenders as a largely homogenous group (Przybylski, 2017). The Association for the Treatment of Sexual Abusers (ATSA) recommends using a structured, validated risk assessment to separate individuals into different tiers that reflect their actual risk-to-reoffend.

Members discussed the conflict between the current laws of offense classification and using risk assessment to make registry decisions. They suggested that decisions about recommendations cannot be made until we review research on the efficacy of the registry. The group generally agreed to recommend the registry have some kind of a tiered system.

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

Currently in Illinois: The registry contains everyone convicted of a sex-offense listed in the registration statute, and does not differentiate by risk. Persons stay on the sex offender registry for either 10-years or their lifetime, depending on the offense for which they were convicted. Additionally, certain persons convicted of murder are listed as sex offenders on the registry if their victim was under a certain age, regardless to whether the crime was sexually motivated.

What the research says: Public notification and protection policies should focus only on those who are at risk for sexual recidivism (Hanson, 2017). Reprieve from longer-term registration should be available for persons who have not sexually recidivated. ATSA suggests that individuals who are low risk, complete treatment, and have been living in the community offense free for at least 5 years should have the ability to request removal from the registry. This policy position is supported by research that shows, in general, that sexual recidivism risk is cut in half for every 5 years offense free in the community (Hanson, 2017). Research further suggests that although no one has a zero risk, after 10 years of being offense-free in the community, most individuals cross the desistance threshold.

Member discussed the need to specifically define “higher risk”. A member suggested that there be more discussion about having a public registry/notification and having a private registry where only law certain people could have access.

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

Currently in Illinois: In Illinois, all lifetime registrants, which equates to almost 70 percent of those on the registry, are considered “sexual predators.” The term is conviction-based (statute), not based on risk-to-reoffend, and covers a wide range of offenses.

What the research says: The term sexual predator is controversial, with many researchers recommending refraining from using the term entirely (Hanson, 2017). Overuse of the term can reduce public safety because it removes the ability to accurately differentiate between high-risk and low-risk individuals and it can produce significant collateral consequences for lower-risk individuals. If the term is used, ATSA recommends that it “should be reserved for sex offenders who have engaged in a long-term pattern of sexually deviant behavior, who are assessed to be at high risk to reoffend, who have assaulted strangers or non-relatives, who have used violence, weapons, or caused injuries to victims, who have had multiple victims and/or arrests, or who have committed abduction, kidnapping, false imprisonment, or sexually motivated murder or attempted murder” (p. 5, ATSA, 2005).

Members discussed that the term “sexual predator” has become too broadly defined and has lost its significance. It is not effective in providing public safety or helping law enforcement identify high risk offender.

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

Currently in Illinois: Use of treatment and the process by which referrals are made varies across the state and across agencies. IDOC mandates (per statute) treatment for persons on parole who were convicted of sex offenses, and it seems probation agencies try to get any persons convicted of a sex offense on their probation caseload into some sort of treatment. However, treatment providers are not readily available in all areas and the providers do not necessarily administer a risk-assessment. Additionally, it is unclear whether treatment quality is assessed in a meaningful manner.

What the research says: Research indicates that implementing a combination of treatment and supervision is more effective than only applying sanctions, restrictions, and surveillance (Center for Effective Public Policy, 2010). Treatment can and does work, particularly when adhering to the Risk-Needs-Responsivity principles of effective intervention and is tailored to the risks, needs and offense dynamics of individual sex offenders. Research also indicates that cognitive-behavioral/relapse prevention approaches can achieve at least modest reductions in both sexual and nonsexual recidivism (Przybylski, 2017).

There was some discussion around recommending funding to support implementation, specifically for those entities that provide risk assessment services. A member commented that the Static 99 risk assessment does not address treatment components and dynamics.

Director Maki summarized the issues that were discussed. He stated that ICJIA staff will summarize the research findings and recommendations considered by the task force for the next meeting.

VI. Public Comment

A member of the public recommended that the task force review research on internet only crimes as it related to risk assessment. She also commented that sex offenders are often singled out in other types of legislation, therefore risk assessment should also be applied to evaluating whether they ought to be singled out in other laws.

A member of the public introduced himself as a person convicted of a non-contact sex offense and is now on the registry. He discussed the risk assessment process he experienced. He was assessed twice and both times he was determined to be minimal risk. The judge in his case told him that he would not have to register. Department of Correction ordered him to register for 10 years. After time, the laws changed and he was ordered to register for 15 years. After 15 years he was told he had to register for life as a sexual predator. His ability to earn a decent wage has been negatively affected by the registry. He has experienced challenges in securing a job. He receives public aid. He stated that there are companies that use services that maintain databases that include information about past registry information. He claimed that once you are on the registry, you are always on the registry for this reason.

A member of the public spoke about her husband, a registered sex offender. She claimed that in the past 8 years, the legislature has overloaded the state with sex offender laws, most of which cannot be properly

implemented because there is no way to monitor all offenders. Her husband was originally a 10 year registrant, however the laws changed and he was required to register for life. She stated that there are only 4 sex offense charges that do not require a sexual predator label. She stated that she is concerned with the consequences of the registry to her family such as out of state travel issues, the inability for her husband to attend their child's school activities and park restrictions.

VII. Future Meetings

Rep. Sims shared information about 24 bills that were introduced to the general assembly this session that are related to sex offenses and sex offender registry. He stated that this information would be helpful to the task force to see what issues are being considered to be law. He suggested that the task force consider looking at research on trauma that victims of sex offenses experience.

ICJIA staff will post meeting agendas and minutes to a website as well as resources and materials for future meetings. The next meeting is May 3, 2017 from 1:00 – 5:00 p.m. The subject matter of the next meeting is sex offender registration and notification and residence restrictions.

VIII. Adjourn

Rep. Sims thanked everyone for their participation and adjourned the meeting.