

Tougher sex predator law may be risky, experts say Hillsborough residency buffer extension could backfire, they contend - Hillsborough residency buffer extension could backfire, they contend

Tampa Tribune, The (FL) - February 27, 2016

- Author/Byline: BY ELAINE SILVESTRINI Tribune staff
- Edition: Tribune first
- Section: Metro
- Page: 1
- Readability: >12 grade level (Lexile: 1580)

TAMPA — Keeping sex offenders far away from children is a popular idea for obvious reasons.

And the Hillsborough County Commission is considering a measure that would force sexual predators to live even farther from places where children gather than current law requires.

But experts say the proposal — modeled on restrictions enacted in Pasco County and across the country — is likely to make offenders more dangerous, not less.

The ordinance suggested by Commissioner Sandy Murman would prohibit sexual predators — with victims younger than 16 — from living within 2,500 feet of places where children congregate, including schools, playgrounds and libraries.

The ordinance would make living restrictions tougher than under state law mandating a 1,000-foot buffer.

“I want the community to be safe,” said Leo Cotter, a therapist who has treated sex offend

ers in Hillsborough and Pinellas Counties for more than 30 years. “I have three kids. I don’t like to see kids sexually abused, but the residency restrictions are not the way.”

Cotter and other experts say research resoundingly has shown that residency restrictions don’t reduce recidivism.

But they do make it difficult, sometimes impossible, for the offenders to find stable homes and maintain connections with support systems such as family, friends, mental health services and jobs. Without those supports, the offenders are more likely to commit crimes.

The U.S. Department of Justice, for example, published a report last year that says research has concluded that residence restrictions do not decrease and are not a deterrent to sexual offenders committing new crimes. The Justice Department report also says research shows the restrictive laws meant many sexual offenders had to move despite limited housing options, particularly in urban areas.

This led to increased homelessness, loss of family support, and financial hardship.

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This is not the first time the Hillsborough County Commission has considered tightening residence restrictions for sex offenders. In 2007, commissioners brought in the sheriff’s office to help formulate a plan.

The sheriff’s office opposed increasing the buffer zones because deputies effectively had been monitoring the predators under the state statute. Deputies feared that if the distances grew, the predators would go underground, making monitoring harder.

Cotter said close monitoring of sex offenders is what makes the community safe.

“Residence restrictions doesn’t mean the guy can’t live next door to a family with six kids,” he said. “That’s the crazy thing about this. The idea appealed to people in the beginning, but the reality is it is not effective policy.”

Murman told The Tampa Tribune she is working with the sheriff’s office, too. Her proposal, she said, is merely a starting point and may wind up being different after all information is gathered.

Hillsborough Sheriff David Gee was not available to comment on the issue, said spokesman Larry McKinnon. Tampa Police Department spokesman Stephen Hegarty said officials at the department had questions, including whether TPD would be expected to enforce the ordinance and whether sex offenders’ current residences would be grandfathered into the ordinance. “If they’re not, there’s going to be a lot of movement, which will make enforcement more difficult,” Hegarty said.

“Anything that helps protect the children I think is a good idea,” Murman said. “I want to make a good ordinance. I don’t want to make an ordinance that’s going to cause further problems.”

Murman said she has heard from sheriff's office officials that sex offenders who work in Polk and Pasco counties are living in Hillsborough County because the residence restrictions here aren't as strict. She didn't have statistics to support that but said she doesn't want the county to stand out negatively, considering 40 other counties in the state have more stringent restrictions.

She said Miami-Dade County limited its restrictions to distances from schools, which Murman said might be something to examine. "That's where our kids go to spend a big chunk of their day. That could be where we start, but we're going to have to look at our maps to make sure we have enough space for people to live."

Asked to provide data in support of her residence restriction proposal, Murman sent the Tribune a research report about Florida transients that concluded sex offender residency restrictions are bad public policy that contribute to the risk that sex offenders will commit more crimes.

Murman noted in an email that the report cites "one survey that found that 71% of respondents would support such laws even if there was no scientific evidence that they reduced sexual abuse and also the fact that the numbers of sexual predators and offenders are increasing annually."

Murman added, "You can't put a price on a child's life — it is way too precious but if we can help keep our communities safer it will be worth it."

The lead author of the transient report cited by Murman said it should not be used to support residency restrictions.

"This commissioner's use of the FL transience report to support her position is a mischaracterization," Jill Levenson, professor of social work at Barry University in South Florida, said in an email. "There is no statement at all in that report that she could be citing in support of SORR (sex offender residency restriction) laws and the report clearly demonstrates the association between SORR laws and transience.

"The figure she cites, that 71% of citizens would support these laws even in the absence of evidence of their effectiveness, is used out of context. In the report, that figure demonstrates that the public is largely misinformed about these kinds of laws. While I understand that policy makers want to support legislation that their constituents favor, they also have a responsibility to their constituents to utilize taxpayer money efficiently through passage of evidence-based policies."

Murman also provided the Tribune a report from the state Legislature's Office of Program Policy Analysis and Government Accountability that dealt with sex offender registration and monitoring but not residency restrictions.

Levenson said that report "states in several places that transient sex offenders are a major problem in Florida and that monitoring them is difficult. There is no doubt in the research literature that residence restrictions are the primary contributor to transience."

Levenson said the county commission should consider a recent Justice Department agency report "advising against passing residence restrictions, and declaring that there is no evidence to support their effectiveness and that they undermine offender reintegration and law enforcement monitoring." Moreover, Levenson said, "the reason that the numbers of offenders and predators are increasing is not because sex crimes are increasing, but because the registration statutes nationwide are requiring more people convicted of various crimes to register."

Murman says there are 1,835 sex offenders living in the county, including 261 classified as sexual predators. Murman said she is focused on the predators, "the most serious" offenders.

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In spite of the overwhelming research, some residency restrictions have withstood court scrutiny. The American Civil Liberties Union last year lost a case it filed against Miami-Dade County over its restrictions. But ACLU lawyer Adam Tebrugge said courts lately have given the restrictions closer scrutiny. State and federal courts have overturned such laws in California and Michigan.

At the same time, he said, some local governments, including Palm Beach County, are scaling back their laws because they are causing more problems than they solve.

Tebrugge said the ACLU is closely monitoring the Hillsborough County situation and "contemplating legal action" if the restrictions are implemented.

Robert Parham, a therapist who treats sex offenders, is on the board of the Florida Association for the Treatment of Sexual Abusers. "We also want to protect children," he said. "The issue is the residency restrictions don't do that."

Parham noted that residency restrictions relate to where the offender can sleep at night, but children aren't present in schools at night.

Parham cited a case in which an offender's parents lived 970 feet from a licensed day care center.

Children are present in the center during the day, and the offender is free to stay in his parents' home all day long. At night he has to

sleep at the home of a neighbor, who is a friend of the family, because the neighbor is just over 1,000 feet from the empty day care center.

Another offender sleeps in a tent and spends the day at his brother's home, which is within 1,000 feet of a restricted location.

Parham said the restrictions also disproportionately affect juvenile offenders and their families. Thirty-three percent of sex crimes against children are committed by juveniles, said Parham, with siblings being common targets.

At the same time, the recidivism rate for juvenile offenders is extremely low, about 6 percent, Parham said.

"Now you're talking about an ordinance that will basically force families into having to move because the juvenile can't just go move out on their own," Parham said. "This has a huge impact not just on the juveniles themselves, but also the victims."

Experts say the restrictions focus on the relatively rare incidence of abductions by strangers when the overwhelming majority of sex offenses against children involve people they know — family members, family friends, teachers, coaches and neighbors.

"I think people are in denial," said forensic psychologist Laura Umfer. "At the end of the day, it doesn't matter if you know where they live, because anywhere from 93 (percent) to 97 percent of the cases involve the victim knowing the offender, so it's usually under your nose. At the end of the day, you have to look inside your house, and people don't want to do that because it's terrifying."

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• *Record: 485594*

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