

Interim Study on Residency Restrictions and the Adam Walsh Act

Presenters

Randy Lopp, Chair of Oklahoma Coalition for Sex Offender Management

Jennifer McLaughlin Coalition Against Domestic Violence and Sexual Assault

Shannon Hazen, Concerned Citizen, Parent Advocate

Sgt. John Adams, Tulsa Police Department, Sex Offender Registration

Trent Baggett, District Attorney's Council, Assistant Executive Director

Randy Lopp discussed the problems inherent in the current crime based tier system as well as other problems with AWA including juvenile registration. The offenses based system both over and under estimates risk and other factors should be considered in assigning levels. The current system confuses seriousness of the crime with risk to reoffend. AWA runs contrary to the confidentiality and rehabilitation central to the juvenile justice system by requiring juveniles as young as 14 to register for life. He noted that the government claim the tier system is not intended to prevent sex crimes.

He made the following recommendations to the committee.

1. Policy makers should commit to truly protect with a victim-centered approach that consists of research based assessment, treatment and supervision of offenders.
2. The legislature should undertake a detailed study of the economic impact of the current system of sex offender registration and management.
3. Oklahoma should create a sex offender management board to plan and implement a process for actuarial risk assessment for level assignment.

Jennifer McLaughlin was not in attendance; her recorded presentation was shown. She addressed the concerns of victims advocates with the current tier system. These included the need to help sex offenders successfully reenter society. She said the current offense based registration system places citizens at risk and causes confusion and anxiety for citizens by placing the majority of offenders in level 3. A major concern of victim advocates is that AWA says nothing about preventing recidivism. We need to keep the goal of no more victims and focus on how we can help offenders not reoffend.

Shannon Hayson began by telling the story of her daughter's rape and abduction. She is still missing. She then stated that we have lost common sense in our approach to preventing sex offenses. She noted that residency restrictions should not be a strategy because they impair treatment and rehabilitation and prevent employment and family support. She ended by encouraging the committee to listen to the professional advice they received from the others (experts in their fields) who testified.

John Adams focused on residence restrictions and their ineffectiveness. He used Texas and Florida as examples of other states with restrictions that limit them to people with offenses against children. In 2006 (prior to residence restrictions) Tulsa had 520 RSOs and 95 registration violations. In 2011, Tulsa had 324 RSOs and 314 violations. He talked about how the registry drains police department resources for compliance checks and monitoring and residency restrictions force him to spend too much time investigation violations. He made the following recommendations.

1. Decrease the residency restrictions from 2,000 ft to 1,000 ft.
2. Increase the maximum punishment for failure to register to 10 years.
3. Eliminate suspended sentences for failure to register.
4. Make failure to register a registerable offense that resets the registration period.

Adams talked about the false sense of security created by residence restrictions and that they force registrants to rural areas where there are fewer resources to monitor them. He also stated that 78.5% of offenders know the victim and that the boogymen is not a stranger. He said registrants don't want to congregate, but rather to be left alone, have a job, and try to reenter society.

Trent Baggett talked about Oklahoma's status in complying with AWA. He showed charts of what the Byrne funds are used for in the state and how much would be lost in 2012 (\$400,000). The state is in the process of implementing the NSORT (national sex offender registry tool) system for managing registration information.

Requirements that are not met but not in substantial deviation (wouldn't prevent compliance)

- some re-tiering of offenses from level 2 to level 3
- requirements to report travel if longer than 7 days
- retroactive registration prior to 1989 if a new offense is committed
- immediate in person reporting of a name change.

Requirements that are not met:

- registration of juveniles 14-17,
- 21 day notification of international travel,
- listing of employer address and vehicle description on public website,
- the ability for citizens to opt in to getting information on SOs in their neighborhood automatically.

He also touched on residency restrictions, stating that many DAs have serious concerns with the efficacy of residency restrictions and the fact that they are applied to crimes that may have nothing to do with a child. He mentioned that residency restrictions keep people from registering and are not a federal requirement.