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Sex Offender Policy Board

Review of Policies Relating to the Release and Housing of Sex Offenders in the Community

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Sex Offender Policy Board

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EXECUTIVE SUMMARY

The Washington State Sex Offender Policy Board (SOPB) was created to advise the Governor and the Legislature as necessary on issues relating to sex offender management. RCW 9.94A.8673 authorizes the Governor or a legislative committee to request the SOPB be convened to "undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy."

On March, 10, 2014, the Sex Offender Policy Board (SOPB) was requested by Washington State Senators Jim Hargrove and Jeannie Darneille to convene a workgroup to review policies relating to the release and housing of sex offenders in the community, including but not limited to:

(a) The process of identifying and approving housing providers for participation in the housing voucher program with the Department of Corrections (DOC);

(b) Guidelines and restrictions on the placement or residence of sex offenders depending on the offender's crime of conviction or risk level; and

(c) The impact of city and county ordinances on sex offender housing.

The SOPB was requested in conducting its review to develop recommendations that balance the need to find housing for offenders, the need to maintain public safety, and the general public's need to feel safe in their communities. The SOPB was also advised to invite representatives from the Washington State Association of Counties and the Association of Washington Cities to participate (see Appendix A for meeting dates and participants). Both of these groups were consulted and participated in the development of the following recommendations.

Recommendation 1)
No expansion of residency restrictions for sex offenders in Washington State. The SOPB's review of the literature in this area found no research evidence to support the effectiveness of residence restrictions in terms of deterring or preventing future crimes.

Recommendation 2)
Stakeholders continue to expand public awareness of and access to available information regarding registered sex offenders in the community. It is important that any education and/or awareness efforts are clear and factual regarding sexual victimization and sex offenders.

Recommendation 3)
Continued development and standardization of notification to law enforcement and processes to ensure information is shared with city, county, and municipal officials. This recommendation emphasizes the need and expectation of clear, transparent and timely communication between DOC and law enforcement.

Recommendation 4)
DOC is responsible to educate communities through sharing of information on processes, practices and laws related to the release and transition of sex offenders from prison to communities, including housing voucher program and release planning. Updated legislation specific to the release of offenders must be shared with multiple stakeholders.

INTRODUCTION

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To frame the following discussion, it is important to keep in mind the scope of registered sex offender in our communities. In Offender Watch, the number of sex offenders in the community today is **18,576**. Of those:

- 5,467 (29%) are identified by local law enforcement as notification level II or III
- 1,041 (6%) are defined as transient
- 455 (2%) are under the age of 18
- 2,825 (15%) are on supervision with DOC

This is to say, of those sex offenders registered and in our community today, a small percentage is under the jurisdiction of DOC. The research, empirical evidence, facts, perceptions and feelings around transition of offenders into our communities and registered offenders living amongst our communities continues to be a highly charged and difficult discussion.

Issue (a): The process of identifying and approving housing providers for participation in the housing voucher program with the Department of Corrections.

Approximately half of all offenders in confinement under the DOC require an approved Offender Release Plan (ORP) to release from custody on their Earned Release Dates (ERD). ORPs require investigation and approval by department staff based on the offender's known risk factors and need areas. By law, without an approved ORP DOC can hold an offender in custody for an extended period until their maximum prison sentence has been served. The ERD Housing Voucher Program is mandated by state law, is targeted to save taxpayer money by reducing the number of offenders in confinement past their expected release date. The program provides up to $500 per month in rental assistance for up to three months to qualified applicants - if the assistance will result in an approved release plan. To prevent offenders from having direct access to the funds, payments go directly to transitional housing providers on behalf of offenders.

Department staff visit transitional housing facilities regularly and work with providers to mitigate concerns if they occur. Transitional housing is legally-operated, safe, affordable housing that has been investigated by DOC staff for general community, staff and offender safety considerations. DOC expects all companies or organizations which conduct business with the Department to maintain legal compliance with all local, state and federal regulations; transitional housing providers are no exception. In an effort to encourage best practices and sound transitional program development, the Department has worked with government and non-government stakeholders to develop guidelines and standards for prospective and existing transitional housing providers. While the Department is not a regulatory agency or responsible for conducting building or safety inspections, licensing or permitting activities for businesses in Washington State, DOC does expect the companies or organizations that provide services to their clients to obtain and maintain all required business licenses, use permits and building or health code standards required in the local municipality.

ESB 5105 (2009) established a process to define the identification and approval of transitional housing business locations which intend to receive state funding on behalf of more than two ERD Housing Voucher Program participants simultaneously. A prospective transitional housing provider may request DOC list their business location to receive ERD Housing vouchers through the following process:

I. A *Request Notice* has been generated and sent to the local law and justice council, county sheriff or city's chief law enforcement officer that a housing provider has requested to be listed by the Department as eligible to receive rental vouchers.

II. A 10 day waiting period has been completed following the *Request Notice* to allow the local government to:

- Develop and provide a community impact statement to the Department.
- Determine if a current Certificate of Inspection for the proposed location is on file and complete an inspection if needed.

III. A selection process has been completed during which the Department has considered and affirmed no conflicts with:

- The compatibility of the proposed housing with the surrounding neighborhood and underlying zoning.
- Any provided community impact statement(s).
- If intended to provide housing to sex offenders, the Department has evaluated and determined the proposed housing is not located in a single neighborhood or area with an existing concentration of housing providers who make housing available to sex offenders.
- If situated in a living environment between four and eight beds, or more if permitted by local code, that the Department will be able to provide transition support that verifies an offender is participating in programming or services including, but not limited to, substance abuse treatment, mental health treatment,

sex offender treatment, educational programming, development of positive living skills, or employment programming.

IV. The Department has determined or affirmed that the proposed provider or location meets the concerns or requirements identified and is acceptable for use by the Department to consider as a potential address for offenders hoping to be released from prison.

V. A *Listing Notice* (incorporating any provided community impact statement(s)) has been generated and sent to the local law and justice council, county sheriff or city's chief law enforcement officer to inform the parties that the Department has found the proposed provider or individual location appropriate through the selection process and intends to list the new housing provider or new location as eligible to receive rental vouchers.

VI. A second 10 day waiting period has been completed following the *Listing Notice* to allow the local government:

- To determine whether the proposed location falls within a neighborhood with an existing concentration of special needs housing.
- To determine whether the proposed location is known or appears to be in violation of any state or local fire, building, zoning or development codes or regulations.
- To determine whether the housing provider is not complying with any of the provisions of this law at the location in question or any other location the provider owns or operates.
- To generate a Response Notification requesting the Department remove or exclude the new provider or location from the Department's list of providers eligible to receive rental vouchers if one of these factors is present.

DOC has identified over 500 individual transitional housing locations in Washington that provide services to the public, including individuals returning to the community following periods of incarceration. In most cases, transitional housing providers are privately owned and operated businesses such as boarding houses, and apartments which have existed for years or even decades. These businesses are present in nearly every county in Washington State and exist independently from DOC programs. As the majority of these housing locations pre-date the ERD Housing Voucher Program, specific impacts on communities resulting from the provision of ERD housing vouchers can be difficult to assign specifically to the existence of housing vouchers.

Encouraging and facilitating re-entry in safe and responsibly run community-based transitional housing impacts communities in several positive ways. A study conducted by Washington State University found that offenders who receive housing vouchers commit fewer and less–violent crimes than offenders who do not, and the cost savings to the community, the Department of Corrections and the entire criminal justice system are substantial at $9.77 to every $1.00 spent. Transitional housing is not intended to be permanent but rather to serve as a stable place to live while an offender reestablishes his/herself in the community with their own resources. Program

participation increases an offender's opportunity for change and reduces the likelihood of recidivism, contributing to greater public safety.

Issue (b): Guidelines and restrictions on the placement or residence of sex offenders depending on the offender's crime of conviction or risk level.

Restrictions where sex offenders can live are imposed in many jurisdictions around the country, including Washington. Currently, 30 states and many more municipalities have residence restriction laws, some in accordance with Jessica's Law (Meloy, Miller & Curtis, 2008). These restrictions vary from 500 to 2,500 feet, and restrict offenders from residing in places where children might congregate including schools, parks, daycares and recreation centers. The restrictions sometimes apply only to high-risk offenders and sometimes apply to all offenders.

Washington law imposes residency restrictions on registered sex offenders in a few ways:

Department of Corrections Policy Limiting the Placement of Certain Offenders Near Places Where Children Congregate (RCW 9.94A.728 & RCW 72.09.340)

DOC policy dictated by the legislature limits the placement of offenders in residences which might place them at risk to reoffend. Specifically, sex offenders are explicitly prevented from living in a residence that is proximate to a school, child care center, playground or other facility where children of a similar age or circumstances as a previous victim is present and would be put at substantial risk of harm. The relevant statutes read:

> RCW 9.94A.728 - When an offender is transferred to community custody in lieu of earned release time, DOC must approve the residence and living arrangement of the offender prior to release. DOC may deny transfer to community custody in lieu of earned release time if the offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety.
>
> RCW 72.09.340 - For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the DOC must reject a residence for the offender that includes a minor victim or child of similar age or circumstances as a previous victim who may be put at substantial risk of harm or is within a close proximity to the current residence of a minor victim.

DOC is authorized, but not required, to reject a residence of an offender convicted of a felony sex offense against a minor victim who is on community custody if the proposed residence is within close proximity to a school, child care center, playground, or other grounds or facilities where children of similar age or circumstances as a previous victim are present and who would be put at substantial risk of harm.

State Community Protection Zones (RCW 9.94A.703 & 9.94A.030)

The legislature created the Community Protection Zone in order to prevent offenders who committed certain serious sexual offenses against minors from living within 880 feet of the facilities or grounds of a public or private school. The restriction applies only to offenders who committed a first "two strike" offense after July 2005 against a minor victim. DOC must reject a residence if it is located within a community protection zone for these offenders.

Certain Local Ordinances

The community protection zone was established in statute in 2005 (SHB 1147). In 2006 the legislature preempted any regulation or ordinance of local government pertaining to the same subject matter, but grandfathered in those ordinances already in existence on March 1, 2006 (SSB 6325). SSB 6325 further directed the Association of Washington Cities (AWC) to develop statewide standards for cities and towns to use when determining whether to impose residency restrictions on sex offenders within their jurisdiction. If the AWC submitted statewide standards, the preemption provision would expire. The AWC chose not to submit statewide standards and instead keep the preemption and grandfathering provisions in place.

Two strike offenses restricted by community protection zones:

Rape 1 and 2	Murder 1 and 2*
Rape of a Child 1	Homicide by Abuse*
Child Molestation 1	Kidnapping 1 and 2*
Indecent Liberties w/ Force	Assault 1 and 2*
Attempt at any of these offenses	Assault of a Child 1 and 2*

* If committed with sexual motivation.

The following three cities have grandfathered ordinance provisions as follows:

Monroe
Monroe's ordinance was adopted in 2005 and applies to both adult and juvenile Level II and III offenders. It restricts those offenders from residing within seven hundred fifty feet of any public or private school, or any city licensed day care, a public or private park or open space.

Issaquah
Issaquah's ordinance was adopted in 2005 and applies to both adult and juvenile Level II or III offenders. It requires those offenders to reside within a zoning district that permits both residential uses and siting of secure community transition facilities, but not within 1,000 feet of any public or private school or day care operation within those zones.

Steilacoom
Steilacoom's ordinance was adopted prior to 2005 and also applies to both adult and juvenile Level II or III offenders. It restricts those offenders from residing within 1,000 feet of any public or private school or day care operation.

The following two cities amended or are using existing ordinances to restrict housing.

Kent
The ordinance specifically addresses group homes in general, including Class 3 Group Homes which includes sex offender group homes. It requires dispersion from other Class 3 group home (600 ft.) and a one thousand foot buffer from certain sensitive land uses including schools, churches, parks and playgrounds. Class 3 group homes are only allowable by conditional use permit, in certain zones. There was discussion whether this ordinance has its roots in legislation around the placement of sexually violent predators and the availability of less restrictive alternatives in the community.

Puyallup
Puyallup amended its code in 2013 to prohibit two or more sex offenders or violent felons from living in a single dwelling unit within any residential zone in Puyallup. It also requires property owners to obtain a conditional use permit before allowing two or more sex offenders or violent felons to reside together.

Further, there are additional safe guards for registered sex offenders in the community. One such safeguard is **Criminal Trespass Against Children (RCW 9A.44.190 - .196)** This law states, a person who works for a public or private facility that provides for the education, care, or recreation of children, may order certain classes of registered sex offenders from the premises of the facility.

The class of persons subject to ejection is limited to persons who have been convicted of a sex offense involving a minor, are not currently under Juvenile Justice and Rehabilitation Administration supervision or serving a Special Sex Offender Disposition Alternative suspended sentence, and who are Level II and Level III offenders.

The person who works at the facility must give the person ordered to leave a written notice, informing him or her that he or she must leave and may not return without the written permission of the facility.

If the person who has been ordered to leave refuses to leave or comes back another time, that person may be charged and prosecuted for the crime of criminal trespass against children, a class C felony, ranked at seriousness level IV for sentencing purposes.

Issue (c): The impact of city and county ordinances on sex offender housing.

We have included the impact of DOC policy, state community protection zones and city and county ordinances in the discussion below since they are all a component of residency restrictions in Washington State. In addition, research related to residency restrictions and declining house values has been included.

The Impact of DOC Policy on Sex Offender Housing

The SOPB heard anecdotal evidence that the restrictions and impact of DOC policy does affect the successful reintegration of at least some offenders into the community. Offenders talk about family placements with a supportive group of cohabitants that are refused because there is a school a half-mile away, leaving the offender to live alone in a bad part of town where many temptations abound. Data provided by DOC sheds only some light on this issue. DOC data from 2013 indicates that of the 6,102 Offender Release Plans submitted, 1,647 or 27% were rejected. Their data indicate that most often the denials because of problems with sponsors or the location, including proximity to places where children congregate. It is clear that this policy is affecting at least some sex offenders whose preferred release address is proximate to these places.

The Impact of State Community Protection Zones on Sex Offender Housing

The SOPB heard little to no evidence that the community protection zones are posing a unique or heavy burden on sex offender housing in Washington. Unlike some states such as Florida, where the 2,500-foot restriction effectively bars most offenders from living in the populated parts of the state, Washington's policy is applied only to certain offenders, not all of whom are high risk. The 880-foot restriction prevents visual observation of these places from offender's homes, but does not create a situation where offenders cannot find any housing. Although there is no empirical support that this policy contributes to public safety, as a practical matter the public has come to expect this policy, and clearly gains some comfort from the knowledge that this restriction is in place. The restriction impacts a small number of sex offenders.

The Impact of Local Ordinances on Sex Offender Housing

The discussion of local ordinances on sex offender registration and housing focused on clustering. The SOPB heard anecdotal evidence to suggest that certain local ordinances have led to a "ring" effect whereby sex offenders were living in increasing density in the areas adjacent to or "ringing" the community with the residency restriction ordinance. These offenders continue to shop, socialize, work and spend time within these communities, but they reside and are registered just outside the community. There are concerns that this may undermine the effectiveness of community notification while not enhancing community safety. The clustering of sex offenders in the wake of residency restrictions is one of the effects noted in the research literature on this subject, and is at the heart of many of the concerns expressed by the cities and counties during this process regarding density and clustering of sex offender housing. For example, the Minnesota Department of Corrections raised concerns about the potential negative consequences of residence restrictions, including the likelihood of sex offenders congregating in areas without ties to the community and being farther away from supervision (Minnesota Department of Corrections, 2003). It appears likely that this is happening to at least some degree in those communities who have these restrictions in place. Thus, the issue to which most jurisdictions spoke to the SOPB about – clustering of sex offenders in few residences – may actually be caused by the use of the residency restrictions imposed by local jurisdictions.

There was another form of clustering that was of great concern and discussion. Representatives from cities were generally concerned about issues that arise when multiple offenders are located

in specific neighborhoods and in close proximity to developed density issues. While the DOC does take density into consideration, keeping in mind the small number of offenders under DOC jurisdiction compared to the number in the community not under supervision of DOC, there is little impact DOC can leverage alone. Cities have been clear throughout the process about the importance of access to housing for the future success of released offenders and it has not been our intent to encourage additional restrictions that create greater challenges for placement, but to balance the very real concerns of communities about concentrating offenders in specific neighborhoods especially those that already have their fair share of special needs housing and services. There was consensus that public policy should continue to be developed addressing the real and perceived concerns of distribution of offenders into communities.

Research Related to Residency Restrictions and Declining Housing Values

Residency Restrictions

The SOPB review of the literature in this area found no research evidence to support the effectiveness of residence restrictions that deters or prevents future crimes. However, empirical evidence questioning the effectiveness of residence restrictions, and the unintended negative consequences of those policies, is becoming increasingly available. Conversely, there is also research related to the declining housing values related to having a registered sex offender living in your neighborhood. The following will summarize the research related to both of these issues.

On the topic of residential restrictions and sex offender recidivism, Zandbergen, et al., (2010) found:

> "Residential restrictions for sex offenders have become increasingly popular, despite the lack of empirical data suggesting that offenders' proximity to schools or daycares contributes to recidivism. Using a matched sample of recidivists and non-recidivists from Florida (n = 330) for the period from 2004 through 2006, the authors investigated whether sex offenders who lived closer to schools or daycares were more likely to reoffend sexually against children than those who lived farther away. No significant differences were found between the distances that recidivists and non-recidivists lived from schools and daycares. There was no significant relationship between reoffending and proximity to schools or daycares. The results indicate that proximity to schools and daycares, with other risk factors being comparable, does not appear to contribute to sexual recidivism. These data do not support the widespread enactment of residential restrictions for sexual offenders."

Research on residency restrictions demonstrates no deterrence effect. Several studies have concluded that sex offender residency restrictions do not reduce re-offense. In Colorado, prior to implementing residence restrictions, the Colorado legislature studied sex offender recidivists to determine whether living in proximity to places where children congregate was a risk factor and whether residence restrictions would have deterred re-offense. No significant difference in recidivism (defined as any new criminal conviction) patterns was found, based on whether or not an offender lived in proximity to schools and daycare centers (Colorado Department of Public Safety, 2004). In Florida, a study of sex offenders subject to residence restrictions (n = 165), researchers found no significant difference in the distance recidivists (defined as a new sex crime

rearrest) and nonrecidivists lived in proximity to schools and daycare centers (Zandbergen, Levenson, & Hart, 2010).

Jacksonville, FL, introduced a 2,500-foot residence restriction ordinance. Researchers compared sexual recidivism (which was defined as a new sex crime arrest) before and after the implementation of this ordinance. No significant differences in recidivism were found. The residence restriction ordinance did not reduce recidivism or deter sex crimes (Nobles, Levenson, & Youstin, 2012).

In a study of 62 New York counties and local residence restrictions (N = 8,928 cases; 144 months of data), no significant impact was found on sexual recidivism against child or adult victims or on arrests for sex crimes against child victims (Socia, 2012).

Iowa implemented a 2,000-foot residence restriction law in August 2005. A study examined charges for sexual assaults involving minor victims for the 12-month period preceding the law's implementation and the 24-month period after the law went into effect. No significant downward trend in the number of charges following passage of the law was found (Blood, Watson & Stageberg, 2008).

In Minnesota, researchers examined the characteristics of recidivism events for 224 sex offenders who committed a new sex crime and were reincarcerated between 1990 and 2002. The researchers concluded that none of the reoffenses would have been deterred by residence restrictions (Duwe, Donnay, & Tewksbury, 2008).

A sample of sex offenders was randomly selected after being released from prison between 1996 and 2006 (n = 293 child molesters and 112 rapists). Researchers found only 6.8 percent had met a victim in proximity to a residence restriction setting and only 14.7 percent of child molesters had met a victim in a public location. This is consistent with research studies that indicate the majority of offenders have social ties to their victims. These researchers suggested that social rather than geographic proximity influenced offending (Columbino, Mercado & Jeglic, 2009). In New Jersey, a study found that only 4.4% of sex offenders met victims in the types of locations that would be off limits under residence restriction laws (Columbino, Mercado, Levenson & Jeglic, 2011).

Despite the intuitive notion that some residence restrictions must reduce sex offense recidivism, this work group could find no studies that indicated a meaningful improvement in public safety. In fact, a number of negative consequences have been empirically identified, including homelessness, transience, loss of housing, loss of support systems, and financial hardship that may aggravate rather than mitigate offender risk. In addition, residence restrictions lead to the clustering of sex offenders into other areas, particularly rural areas. Thus, public policies that rely on residence restrictions to prevent sexual re-offenses have been implemented without any supporting evidence and in the face of a growing body of evidence of no meaningful effect and harmful consequences. Most of these studies are limited by the sorts of factors common to social science research -- sample sizes, short follow-up periods and low recidivism rates for sex offenses. They were not always able to isolate the impact of residence restrictions from other influences. But the conclusions of these many studies all suggest the same findings.

The implementation of residency restrictions for sex offenders in the community result from what seems to be intuitively obvious – that sex offenders are likely or even highly likely to reoffend and those re-offenses are the result of opportunities and temptations for them to respond to the visual stimuli of potential victims. Thus, it seems reasonable to have offenders live away from and stay away from places where they might be tempted to prey on potential victims.

However, the result of an extensive review of the research on the subject indicates that, overall, these policies do not reduce sexual reoffending or increase community safety. One factor is that recidivism by sexual offenders is actually much lower than public belief. In fact, the research suggests that residency restriction policies may actually create unintended consequences that undermine community safety. These unintended consequences include homelessness, transience, and a clustering of disproportionate numbers of offenders in areas adjacent to the restricted areas. Obviously restricting residence locations automatically serves to reduce the housing that is available, but equally important, there is also a loss of support systems and an increase of financial difficulties that may aggravate rather than mitigate offender risk. There is no empirical support for the effectiveness of residence restrictions as there is no meaningful correlation between where registered sex offenders live and their likelihood of reoffending.

Declining Housing Values

During discussions with various stakeholders concerns were brought up included the decline in housing values with the advent of sex offenders entering into a neighborhood. The following research was reviewed with little consensus other than sex offenders can have a negative impact of housing values.

A variety of factors have influence on financial value of homes and neighborhoods. For one, public perception can drive down house values as can traffic, noise, unattractive or unattended yards. Registered sex offenders can also result in a 12% drop to home values. Such a drop is based on the wide availability of information regarding sex offenders. For instance, the publicly available National Sex Offender Registry is one way to vet your neighborhood, and is also available to prospective buyers. Based on the perception of sex offenders generally, when sex offenders are identified as living in a specific neighborhood, the prevailing perception drives down property values. Houses located next door to a registered sex offender dropped by up to 12%, according to a 2008 study by the American Economic Review. Likewise, the threat of fracking drives home values down by 24%. Homeowners in Mayflower, Ark., were terrified their property values would tank after a burst gas pipeline flooded their lawns with oil earlier this year. Their fears are justified. A team of Duke University economists and nonprofit research organization Resources for the Future found Pennsylvania homeowners who used local groundwater for drinking lost up to 24% of their property value if they lived within 1.25 miles of a shale gas well. And that's even without solid evidence that fracking really poses a threat to drinking water. Noisy neighbors (or their pets) are enough to drag home values down by 5 to 10%. Public perception alone is enough to drive down home values.

Research indicates a significant relationship between the number of sex offenders and real estate outcomes, namely price and liquidity (as measured by days on market). If a neighborhood tips toward a critical mass of sex offenders, we would expect this to be reflected by the pricing of

these homes. Interestingly, research demonstrated that the balance appears to break down once the fourth sex offender moves in. In some areas the cluster of four or more sex offenders coincides with a large discount on sale price. Specifically, a cluster of four or more offenders' leads to a sharp $25,099 (or 16%) drop in price of nearby homes. As a neighborhood tips, we would expect additional sex offender clustering around areas with multiple sex offenders as a result of the sharp discount associated with this clustering. In other words, a further implication of these pricing dynamics is that the large discount associated with clustering might lead to sorting/tipping dynamic that involves greater clustering of registered sex offenders over time,

Prior real estate research has found that registered sex offenders impose external costs, given potential risks of recidivism, which are capitalized into the value and liquidity of nearby residential real estate. Several studies have shown that registered sex offenders lower nearby residential home prices significantly. It has also been determined that, being attracted by lower prices and less concerned with living near other sex offenders (as compared to non-offenders' concerns about living near offenders), sex offenders have a tendency to cluster in certain areas. Using a decade of multiple listing service data in Virginia, along with corresponding sex offender data obtained with the help of the Virginia State Police, it was found that the initial sex offender who moves nearby has a significant, modest negative effect on a home's price and liquidity. Successive sex offenders who move nearby have little to no effect until the neighborhood reaches a critical "tipping point," where a cluster of four or more sex offenders has much larger negative effects on a home's price and liquidity. A within-neighborhood analysis showed that living near a cluster of four or more sex offenders may reduce a home's sale price by approximately $26,000 (or 16%) and increase the time a home spends on the market by 164 days (or 147%) on average.

Sex offenders, like all individuals, are likely to choose a neighborhood based on their income and preferences. Sex offenders do tend to move to areas that, on average, have lower property values. The covariance of sex offender location and both observable and unobservable neighborhood characteristics makes it difficult to identify the effect of sex offenders on property values by comparing areas with sex offenders to areas without them.

RECOMMENDATIONS

These recommendations are focused on research, fact and empirical evidence however we have heard and we experience the concern a sex offender in community poses. The following recommendations reflect a continued focus on sharing the information we have notification, verification and registration of sex offenders so that communities continue to be safe.

Stakeholders recognize the need to have adequate housing options for sex offenders to support reentry and reduce recidivism. Stakeholders also recognize the real concerns that citizens have when they learn that an offender maybe living near them. The recommendations of the work group are intended to recognize the research and best practices as well as the necessary actions to address community concerns. The best approach is a strong partnership between state and local officials and other stakeholders as well as clear and transparent communication.

Recommendation 1

No expansion of residency restrictions for sex offenders in Washington State.

The SOPB's review of the literature in this area found no research evidence to support the effectiveness of residence restrictions in terms of deterring or preventing future crimes. Despite the intuitive notion that some residence restrictions must reduce sex offense recidivism, this work group could find no studies that indicated a meaningful improvement in public safety. In fact, the research empirically identified a number of negative consequences, including homelessness, transience, loss of housing, loss of support systems, and financial hardship that may aggravate rather than mitigate offender risk. In addition, residence restrictions lead to the clustering of sex offenders into other areas, particularly rural areas. Thus, public policies that rely on residence restrictions to prevent sexual re-offenses have been implemented without any supporting evidence and in the face of a growing body of evidence of no meaningful effect and harmful consequences.

The SOPB is aware that many, if not most people, do not want sex offenders living in their neighborhoods or communities – period. While this may be an understandable response to fear and disgust, it is important for policy makers to know it does not comport with the empirical evidence of what contributes to community safety. Implementing policies that are not consistent with best practices runs the risk of creating a false sense of security that *something* constructive is being done.

Recommendation 2

Stakeholders continue to expand public awareness of and access to available information regarding registered sex offenders in the community.

Since the Community Protection Act of 1990, the primary vehicle for community notification of registered sex offenders has been publishing in local papers. In early 2000's The Megan's Law website addition allowed citizens to search for registered sex offenders in a radius of their address. In 2008, Washington State purchased the Offender Watch database to assist local law enforcement in improved tracking and monitoring of registered sex offenders and to ensure the accuracy of the public website. The public site now not only allows citizens to search, but it also allows for pro-active registration to receive email notifications whenever a Level II or Level III offender moves within an identified radius of an entered address. Given the website availability and the continuing decline of newspapers, publication has become obsolete and unavailable as a tool of notification.

Active public education should focus on increasing awareness of Offender Watch as a community safety tool and information source. Community perception about the risks associated with sex offenders is significant and best addressed with accurate and timely information that

respects citizen concerns. Offender Watch not only allows community members to be aware of Level II and Level III offenders in their area, it also provides objective, straightforward information about risk levels, safety/prevention education and contact information.

It is important that all education and/or awareness efforts are clear and factual regarding sexual victimization and sex offenders. Elements should note that, while many laws are written to the extreme, incidents of sexual assault and/or murder of children are extremely rare. More relevant information for parents includes that children who are sexually abused almost always (approximately 90%) know their offender (baby-sitters, coaches, teachers, boy/girl scout leaders, neighbors, school bus drivers, etc.) and nearly half are related to their offender (parent, grandparent, sibling, uncle/aunt). Every county in Washington has a Community Sexual Assault Program to which they can turn for information, prevention and awareness, as well as support and services.

Recommendation 3

> Continued development and standardization of notification to law enforcement and processes to ensure information is shared with city, county, and municipal officials.

Ensure officials know community notification protocols and education materials are available throughout the state. Further, DOC is encouraged to expand law enforcement notifications regarding releasing sex offenders and also to include information on releasing offenders who have registration responsibilities on previous causes. This supports transparent communication and better equips communities to use already available resources for registration, notification and verification of registered sexual offenders. Moreover, our discussions identified that clear and transparent communications are essential for community safety. It is important that DOC partner with and provide timely information to local officials and law enforcement so that they can assist in communications with their citizens and are empowered to address community concerns. Unfortunately, this has been illustrated in those situations where communities became extremely concerned about the placement of sex offenders because of lack of timely notification or because of inaccurate rumors that circulated in the absence of accurate and timely information.

This recommendation emphasizes the need and expectation of clear, transparent and timely communication between DOC and law enforcement and then, between Law Enforcement and local government on the placement of sex offenders.

Recommendation 4

DOC will assist in educating communities through sharing of information on processes, practices and laws related to the release and transition of sex offenders from prison to communities, including housing voucher program and release planning.

Compounding concerns in some communities has been a lack of compliance in some areas with local ordinances and regulations. While limited to specific instances or areas, it is clear that there is no benefit to either offenders or the community when a property owner is not in compliance with local regulations. Whenever legislation is added or updated, multiple stakeholders must be informed. This value is included in HB 5105, which brings stakeholders in as part of the DOC's ERD Housing Voucher Program. To further this intent, DOC is encouraged to review and share release planning both within DOC and with stakeholders. Such actions will help alleviate concerns regarding transparency of DOC policy and practices as well as improve services. By partnering with local jurisdictions to share information and insure compliance with local regulations, DOC can improve trust and cooperation with local communities

In closing, the workgroup reviewed the legislature's previous laws on residency restrictions. We felt the work done by the legislature remains valuable today. Following is an excerpt from the 2005 recommendations on the issue of residency restrictions for sex offenders; they specifically looked at community protection zones. The legislation also established a joint task force on sex offender management that reviewed a number of issues in connection with sex offender placement in communities and community notification and safety. In addition, SHB 1147 required the task force to make recommendations to the governor and to the legislature regarding these matters. A report was submitted in December 2005. Many of the recommendations made at that time were met and much of the information is still consistent and applicable today. Some of the recommendations are as follows.

1. In order to strengthen community safety, collaborative efforts between communities, law enforcement, schools, and victims' services organizations should be strongly encouraged.
2. There is a pressing need to determine where sex offenders may live. Jurisdictions that prohibit offenders from living in certain areas should be encouraged to determine where offenders may live within their boundaries.
3. While research suggests that most sex offenses against children are committed within families, residential restrictions that limit access to school-aged children by offenders with a history of sexually abusing children may improve community safety.
4. Restricting where sex offenders may reside will not, on its own, ensure community safety and may, in fact, give community members a false sense of security.
5. There may be practical difficulties in imposing and enforcing meaningful

protective zones.

6. No research has been done to demonstrate that residential restrictions reduce recidivism.
7. A statewide policy on protection zones is preferable to a patchwork of local policies.
8. In establishing a policy, care should be taken to avoid constitutional challenges.
9. Residential restrictions do not eliminate the problem of offenders returning to the community and may only move offenders to another neighborhood or community.
10. Residential restrictions may create an unintended consequence of more homeless sex offenders.
11. Community Protection Zones, which create specific boundaries on the movement and residence of sex offenders, reduce community anxiety. They should be simple to understand and enforce.

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APPENDIX A

SOPB - Sex Offender Housing Workgroup Meetings and Participants

June 5, 2014
Present: Anmarie Aylward (Chair), Jeff Patnode, Dawn Larsen, Bev Emery, Brad Meryhew, Keri-Anne Jetzer, Jennifer Joly (Pierce County Govt Relations), Mike Sommerfeld (Pierce County PAO), Shani Bauer (Senate Committee Services), Theo Lewis (DOC), Jeff Landon (DOC), Peter Graham (OFM). Via teleconference: Dan Yanisch, Julie Door, Michael O'Connell, Kecia Rongen (ISRB), Candace Bock (AWC), Brittany Jarnot (Outcomes).

July 17, 2014
Present: Anmarie Aylward (Chair), Keri-Anne Jetzer, Shani Bauer (Senate Committee Services), Theo Lewis (DOC), Michael O'Connell, Dan Yanisch. Via teleconference: Julie Door, Steve Kirkelie (City of Puyallup), Jeff Landon (DOC).

July 31, 2014
Present: Anmarie Aylward (Chair), Keri-Anne Jetzer, Andrea Piper-Wentland, Brad Meryhew, Dawn Larsen, Bev Emery, Michael O'Connell, Kecia Rongen, Theo Lewis (DOC), Candice Bock (AWC), Brian Enslow (WSAC), Jeff Landon (DOC). Via teleconference: Julie Door, Dan Yanisch, Jeff Patnode, Shani Bauer (SCS), Brittany Jarnot (Outcomes), Terri Blair (Pierce County).

August 22, 2014
Present: Anmarie Aylward (Chair), Keri-Anne Jetzer, Brad Meryhew, Bev Emery, Michael O'Connell, Theo Lewis (DOC). Via teleconference: Julie Door, Dan Yanisch, Brittany Jarnot (Outcomes), Detective Bartl (Marysville PD), Chris Holland (Planning Manager – Marysville), Brittany Sill (AWC).

September 17, 2014
Present: Anmarie Aylward (Chair), Keri-Anne Jetzer, Brad Meryhew, Bev Emery, Michael O'Connell, Theo Lewis (DOC), Dawn Larsen, James McMahan (WASPC), Julie Door, Candice Bock (AWC), Steve Kerklie (City of Puyallup), Keith Barnes (Pierce County Prosecuting Attorney's Office), Representative Hans Zeiger. Via teleconference: Brittany Jarnot (Outcomes), Jeff Landon (DOC).