

LEVEL THREE SEX OFFENDERS RESIDENTIAL PLACEMENT ISSUES

2003 Report to the Legislature

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
(651) 642-0200
TTY (651) 643-3589
www.doc.state.mn.us
January 2003

This information will be made available
in an alternative format upon request.

The cost of salaries, printing,
and supplies incurred in the development and
preparation of this report was \$5,948
(reported as required by M.S. 3.197).

**Level Three Sex Offenders
Residential Placement Issues**
2003 Report to the Legislature

Table of Contents

Introduction.....	1
Offender Characteristics.....	1
Issues	1
1) How level three offenders re-enter the community	1
2) Statewide locations and concentrations of the level three offenders.....	4
3) Effects of having the offenders live in close proximity to one another	4
4) Efforts to mitigate the concentration	9
5) Likely effects of school proximity policy	9
6) Likely effects of offender proximity policy.....	10
7) Restricted zones	10
8) Policies adopted by other states	10
Findings.....	11
Recommendations	11
 Appendices	
Appendix A – Minnesota Statutes.....	14
Appendix B-1—County locations of level three offenders.....	15
Appendix B-2—Map of level three offenders in Minnesota	16
Appendix B-3—Map of level three offenders in Minneapolis	17
Appendix B-4—Map of level three offenders in Ramsey County	18
Appendix C-1—Notes on Minneapolis schools and parks.....	19
Appendix C-2—Map of 1,500’ school and park zones in Minneapolis.....	20
Appendix C-3—Map of unrestricted areas in Minneapolis	21
Appendix D—Notes on day care facilities in Minneapolis	22
Appendix E—Alabama statute on prohibited residence locations	23
Appendix F—Iowa statute on prohibited residence locations	24
Appendix G—Article on Iowa residence prohibition	25

Introduction

The Minnesota Legislature requested a report from the commissioner of corrections to address issues regarding residential locations of level three sex offenders (see Appendix A: Minnesota Session Laws 2002, Chapter 385, Sec. 10).

Offender Characteristics

As of December 31, 2002, there are 329 designated level three offenders in Minnesota. Of those, 97 are in residential settings in a Minnesota community. All are male. Fifty of those live in Hennepin County, 14 in Ramsey County, six in Olmsted County, and four in St. Louis County. Twenty-three live elsewhere, with no county having more than two.

Issues

Legislation mandating this report directed the commissioner of corrections to report on eight issues concerning level three sex offenders. This section of the report responds to that directive.

1. *How level three offenders re-enter the community, including how housing and jobs are found and the role that corrections agents play in helping an offender find housing and jobs.*

The specific resource for offenders is the institutional caseworker at each Minnesota correctional facility (MCF). While level three offenders may be released from any correctional facility, the majority of releases are done from the MCF-Lino Lakes. The MCF-Moose Lake, MCF-Rush City, and MCF-Stillwater are the release institutions for the greatest number of remaining releasees.

In anticipation of release, the caseworker will work with the offender on transition plans. This may include a three-day workshop on effective transition from incarceration. Topics covered include residential and job issues. In addition, the transitions program will cover related areas of identification, money management, education, health and life skills, family/friend reunification and relationships, and living under supervision. For those leaving to a supervised release status, the caseworker will coordinate with the prospective supervising agent on a re-entry plan. That re-entry plan must include an acceptable residence. At that time, special conditions may be applied to the supervision plan. Special conditions may include restrictions on proximity to victims, minors, or vulnerable adults. Special conditions are applied on an individual basis to each offender. Common conditions subject to agent approval may be:

- a) No residence in a building where children are present;
- b) No direct or indirect contact with minors;
- c) No direct or indirect contact with vulnerable adults;
- d) No direct or indirect contact with victims;
- e) No membership in groups or organizations;

- f) Must not be in any location where children or minors tend to congregate; or
- g) Other variations as determined by the supervising agent.

Residential placement is dependent on the offender's personal and financial resources in the community. The caseworker and agent may be able to help the offender find placement, but limited opportunities exist if an acceptable supervision location is not provided by the offender.

Halfway house placement is one of the most common first steps in the transition, but there are a limited number of beds available at those placements. St. Paul, Minneapolis, Golden Valley, and Duluth each provide a halfway house facility but fall far short in meeting the housing needs of all sex offenders in need of transitional housing. These halfway houses provide not only for level three offenders but also level two and one offenders as well as non-sex offenders in need of such transition (primarily person offenders convicted of such crimes as Assault, Aggravated Robbery, Murder, etc.). Approximately 60 percent of level three predatory offenders are first released to a halfway house placement.

Transition services for offenders leaving prison at expiration of sentence are even more limited. These offenders leave an MCF without supervision. They are required to register an address with the Bureau of Criminal Apprehension (BCA) but receive no assistance other than that provided by a caseworker prior to release. Keeping track of these offenders is difficult due to their often transient housing options. Anecdotally, it appears that a small number (at least 12) of level three offenders have left Minnesota once their sentences expired, and several other level three offenders have come out of compliance with registration after the expiration of their sentences (although it appears they have stayed in Minnesota).

Generally, the housing options available to offenders are limited and well known to supervising agents. Specific properties and landlords are amenable to providing housing for level three offenders. In Minneapolis, certain landlords appear to have developed a specialty in renting to level three offenders. This has resulted in a concentration of level three offenders in some areas of the city. According to corrections agents, when a landlord rents one unit of a duplex to a level three offender, occupants of the other unit feel uncomfortable and seek other housing. The resulting vacancy is likely to be filled by another level three (or lower level) sex offender. Subsequent vacancies are also filled by sex offenders. The landlords then post information about vacancies at halfway houses, and level three offenders learn about potential openings through word of mouth. Such housing is a limited and finite resource in Minneapolis but can be even scarcer in other counties where the placement of level two offenders causes as much of a problem.

Job search is another topic covered in the transition program but, again, the offender bears most of the responsibility for finding employment. Halfway house placement provides the best transition period for job search. Without connections to a previous employer or family assistance, most employment tends to be in low-pay, non-public service jobs. Knowledge of the offender's level three status is an impediment to seeking employment. Fear of liability if re-offense occurs is a common roadblock to employer willingness to hire offenders. A common release condition is that offenders must maintain 40 hours per week of work or other productive activity. Corrections agents become aware of employers who are willing to hire ex-inmates, including sex offenders. If an offender has difficulty obtaining employment on his or her own, the agent will refer the offender to one of these employers.

In meetings and discussions with community corrections agents working throughout Minnesota, the common issue expressed was the ever-increasing difficulty in procuring residences and employment by level three offenders. The close connection between residence and job means that limiting residential options concurrently limits job options. For example, if offenders are required because of residential restrictions to live in largely unpopulated areas, it is likely that they will have difficulty securing employment as many do not own automobiles (and even have release conditions prohibiting ownership).

Expansion of halfway house beds and expansion of emergency housing funds were most commonly cited as needs when planning for level three releases and moves. Landlords willing to rent to a level three offender are non-existent in many communities, according to corrections agents.

Recent release plans for selected level three offenders:

a) Offender A

Released on April 22, 2002 (expiration of sentence). His release address was his parent's home in St. Paul. He maintained that address until July 16, 2002. This initial placement with a family member is often the ideal placement for transition. Upon leaving that residence, he has been in a transient stage to this date. His registered address was in St. Francis for one day, the Minneapolis Salvation Army for 18 days, a Bloomington apartment for 19 days, a Columbia Heights address for 11 days, South Minneapolis for 16 days, a Richfield motel for seven days, and at a downtown St. Paul boarding house for the last 30 days. He has spoken with local law enforcement about living under a bridge. He has made numerous complaints about inability to find acceptable housing of any kind. He has done a fairly good job of maintaining his registration, but constant moving makes tracking difficult.

b) Offender B

Released on July 1, 2002 (intensive supervised release). His release was to a St. Paul halfway house from which he absconded on October 1, 2002. He was apprehended and returned to the MCF-Lino Lakes on October 16, 2002. He was then released on November 6, 2002 (expiration of sentence). He was unable to provide a release address prior to release and has no support network. His responsibility for registration was explained to him. He did provide notice of a shelter address in Minneapolis for the first night. He moved to a second shelter the second night and is now officially registered with the BCA as "homeless."

c) Offender C

Released on October 28, 2002 (intensive supervised release). His initial release plan was to a friend's house in rural Steele County. Due to neighborhood pressure, the invitation was rescinded. His release address then became a transitional motel in Rochester. His plan is to move into a house he owns in Goodhue County as soon as the current tenant vacates the property. His ownership of property has solved this housing issue.

d) Offender D

Released on May 11, 2000 (intensive supervised release). His release was to a Golden Valley halfway house. He then moved to South Minneapolis in March 2001. He moved to a trailer park in Osseo in May of 2001. He then purchased rural property in Kanabec

County. He was returned to prison for violating a release condition and was released again on October 28, 2002, to his property in Kanabec County. With financial resources available, he has been able to provide his own housing.

e) Offender E

Released on August 10, 2000 (intensive supervised release) to a Minneapolis halfway house. On October 1, 2000, he moved into the community on James Avenue North in Minneapolis. This is one of the limited number of rental properties available to level three offenders. In February 2001 he registered his address as his father's home but was infrequently there. His release was revoked on April 19, 2001, due to use of chemicals. He was again released on July 30, 2001, to his father's home in Minneapolis. He left his father's home in September 2002. He registered in St. Paul for two weeks before returning to a North Minneapolis residence and then eventually registering at his father's house once again in March 2002. On March 23, 2002, his sentence expired and he was no longer on supervision. Since that time, while he has been registered at his father's address, most contacts with police have pointed to a status as homeless.

2. *Statewide locations and concentrations of the level three offenders.*

As of December 31, 2002, there were 97 level three offenders in residential locations in Minnesota. Of these, 50 were in Hennepin County, 14 were in Ramsey County, and 33 others were scattered in other counties. Olmsted County had six level three offenders and St. Louis County had four; they were the only counties other than Hennepin and Ramsey with more than two level three offenders (see maps for locations, Appendices B-1 to B-4).

3. *Effects of having the offenders live in close proximity to one another.*

There have been 13 level three offenders released in 1997, 1998, or 1999 who are known to have been re-arrested for a new sex offense by March 2002. Each case has been reviewed to determine the offender's circumstances at the time of the new sex offense. This includes examining whether the re-offense was related to the offender's proximity to a school or park, and whether the offender was living with another sex offender at the time that he re-offended. Each case is summarized below.

Level three offenders released from January 1, 1997, through December 31, 1999, who have been rearrested for a new sex offense:

a) Offender F

Released on February 24, 1997 (he was previously released on May 12, 1994, prior to notification, but was re-incarcerated for a serious release violation and served an additional two years). He had been referred for civil commitment, but Hennepin County chose not to pursue the case. He was re-released twice and re-incarcerated both times before he was released at the expiration of his sentence on November 2, 1997. He re-offended on February 20, 1998, against his live-in girlfriend. He was intoxicated and demanded that she have sex with him. When she refused, he slapped her in the face and raped her. He was registered as living at an address on Lyndale Avenue in Minneapolis, and the offense occurred at that location. He was not living with another sex offender at the time of the

offense. He was sentenced to 90 months in prison and was identified as a Minnesota Sex Offender Program-DOC (MSOP-DOC) referral. He has been in treatment at the MSOP-DOC site since October 2001.

b) Offender G

Released April 21, 1997, to the custody of Winona County and placed in the Winona County Jail. He had been referred for civil commitment, and the county attorney was deliberating on whether to pursue commitment. This offender sexually assaulted a fellow inmate at the jail on May 22, 1997. He pled guilty to 4th Degree Criminal Sexual Conduct (CSC) and received a sentence of 60 months. He has since stipulated to being a Sexually Dangerous Person and has been released to the custody of the Department of Human Services (DHS). He was incarcerated at the time of the offense, but it is unclear if any of his fellow inmates at the time were sex offenders.

c) Offender H

Released on April 25, 1997, at the expiration of his sentence. He sought to have his risk level reduced by administrative review but was denied. He had been referred for civil commitment, but Hennepin County determined it was unlikely they could prove that he met commitment criteria. He was rearrested and charged with 5th Degree CSC for an offense that occurred May 3, 1997. At the time, this offender had two addresses registered with the BCA: on Pillsbury Avenue South in Minneapolis and a rural route address in Spring Grove, Minnesota, a small town in the far southeastern corner of the state. It appears that he was not living with another sex offender. His re-offense was committed in downtown Minneapolis. He was in a bookstore where he harassed two separate victims – a juvenile female and an adult female. He was intoxicated. In both cases he grabbed the breast of the victim, but the victims were able to escape. The offender was arrested at the scene, ironically by the lieutenant in charge of Minneapolis' community notification at the time. He received a sentence to the county workhouse. He was re-incarcerated for Possession of Controlled Substance, 5th Degree, in July 2000 and was again referred to Hennepin County for civil commitment. Again, Hennepin County determined it was unlikely they could prove that he met commitment criteria. He is reportedly now living in Chicago.

d) Offender I

Released May 14, 1997, to a halfway house. He had been referred for civil commitment, but Hennepin County determined it was unlikely they could prove that he met commitment criteria. While at the halfway house, on June 4, 1997, this offender fondled the genitals of a fellow resident. There were other level three offender residents at the halfway house at the time of his re-offense. He was convicted of 4th Degree CSC and received a sentence of 36 months. At the same time there were allegations that he had fondled the genitals of a 13-year-old family member, but he was not convicted of this. He has since been re-released to the community on June 3, 1999, and has apparently not been arrested for a new sex offense since that time.

e) Offender J

Released July 22, 1997, but detained until January 5, 1998, at the Minnesota Security Hospital while he was undergoing a civil commitment trial. He was found not to meet the criteria for commitment and was released to a south Minneapolis address (his sentence had expired on December 22, 1997). He left Minneapolis in March 1998 and lived

in Albuquerque, New Mexico, for six months. He then relocated to Omaha, Nebraska, where he was arrested for molesting children (reports are that it was in a Greyhound Bus Station). He was not known to be living with another sex offender at the time of this offense. He was convicted of Sexual Assault on a Child and received a sentence of one year, eight months to five years. He was imprisoned in Nebraska from December 18, 1998, until his mandatory release date of November 29, 2000. He is currently registered as living in Omaha, Nebraska.

f) Offender K

Released on February 19, 1998. He absconded from supervision in January 1999 and was reincarcerated on January 27, 1999. He was not referred for civil commitment either time. He was released again on November 22, 2000. On March 7, 2001, this offender was found to be in possession of child pornography involving children as young as three to five years old. His supervised release agent made an unannounced visit to his residence and found a videotape containing child pornography. This offender had subscribed to a Web TV service (without permission of his agent) and had recorded the videotape. He was living with a level two sex offender at the time. This roommate provided information to his therapist, who passed it along to his supervised release agent, which led to the discovery of the sexually-explicit material. He absconded again but was apprehended within two weeks. He pled guilty to three counts of Possession of Pornographic Work Involving Minors and received a sentence of 36 months. He is currently incarcerated with an expected release date of March 6, 2004. He is currently involved in treatment at the MSOP-DOC site.

g) Offender L

Released on April 23, 1998 (expiration of sentence). He was referred for civil commitment, but Ramsey County determined it was unlikely they could prove that he met commitment criteria. He was rearrested on December 5, 1998, and convicted of False Imprisonment on March 4, 1999. He was registered as living in Moorhead, Minnesota, at the time of the offense. He was not living with another sex offender. The offense occurred in his house. The victim (an adult female acquaintance) voluntarily entered his apartment after they had been out drinking. She lay down on the bed where the offender coerced her to take off her clothes, after which she fell asleep. She awoke to find he had tied her hands and legs to the bed. He threatened to rape her but didn't. He did slap the victim across the face and struck her breast. He was sentenced to 19 months but was civilly committed upon his release from prison.

h) Offender M

Released September 9, 1998; his sentence expired November 11, 1998. He was referred for civil commitment to Hennepin County, but they determined it was unlikely they could prove that he met commitment criteria. He was rearrested on October 23, 1999, after exposing himself to four female children (ages four to eight). He called the children over to his truck and identified himself as a policeman, saying he was looking for a suspect. He opened the door and exposed himself to the children. He had reportedly been driving around the neighborhood during the summer and fall months watching children. The offenses were committed in Northeast Minneapolis. He was living in South Minneapolis at the time of the offense. It is unknown if he was living with another sex offender at the time of the offense. He was convicted of felony-level 5th Degree CSC and sentenced to 43 months in prison. He was re-incarcerated on January 14, 2000, and released March

14, 2002, when his release date was reached. He is currently on intensive supervised release and living in North Minneapolis. He was again referred for civil commitment to Hennepin County, but they determined it was unlikely they could prove that he met commitment criteria.

i) Offender N

Released October 6, 1999, and returned to prison twice on technical violations. He was not referred for civil commitment and sought by administrative review to have his risk level lowered, but his request was denied. He was most recently released on October 16, 2000, to intensive supervised release. In January 2001 he abducted a 17-year-old female stranger and sexually assaulted her. He was registered as living in the 2900 block of 30th Avenue South in Minneapolis. He was not living with another sex offender. The offense occurred in the Hiawatha neighborhood, a couple of miles south of the offender's residence. He has been convicted of 1st Degree CSC, and recently received the statutory maximum sentence of 30 years.

j) Offender O

Released October 31, 1998, but immediately placed at the MSOP after being civilly committed. He was arrested for 3rd Degree CSC on August 22, 2001, for sexually assaulting a fellow resident of the MSOP. It appears that he was never convicted of this offense but instead was returned to MSOP where he remains today. He was incarcerated with other sex offenders at the time of his offense.

k) Offender P

Released on November 16, 1998, at expiration of sentence. He was not referred for civil commitment. In June 2000 he requested that his risk level be lowered but withdrew this request after finding out that the End of Confinement Review Committee (ECRC) had received a recommendation from a sex offender treatment professional that his risk level not be lowered. He was rearrested in March 2001 and convicted of 1st Degree CSC on July 25, 2001. He was registered as living in Foley, Minnesota, at the time of the offense. He was not living with another sex offender. The offense occurred in his house. He was allowed access to the victims by the victims' parent/family. He was sentenced to 144 months in prison and is currently at the MSOP-DOC site.

l) Offender Q

Released on September 20, 1999. He had been referred for civil commitment, but Hennepin County determined it was unlikely they could prove that he met commitment criteria. He was reincarcerated on three occasions after violating the conditions of his release. His most recent release was on January 17, 2002, and his sentence expired on February 5, 2002. Later that month he was arrested after having accosted a female stranger and attempted to kidnap and possibly sexually assault her. The offense occurred near downtown Minneapolis; he was registered as living in the 1400 block of 26th Avenue North in Minneapolis at the time of the offense. He has been convicted of 4th Degree CSC, but has not yet been sentenced. The Hennepin County Attorney is preparing to ask the judge to sentence this offender to more than the 10-year statutory maximum sentence for 4th Degree CSC by recommending that he be sentenced under the Patterned Sex Offender statute.

m) Offender R

Released as a level two offender on October 25, 1999, but due to his extensive history (more than 20 sex offense convictions, all for indecent exposure, mostly misdemeanors and gross misdemeanors), he was warned by the ECRC that any violation, especially for a new sex-related offense, would likely result in an increase in his risk level. He was not referred for civil commitment, as courts have on more than one occasion rejected commitment of offenders whose history is exclusively “hands-off” sex offending. His sentence expired December 12, 2000, but he had already been arrested in July 2000 for another Indecent Exposure offense against children. At the time he was registered as residing in the 3400 block of Garfield Street Northeast in Minneapolis. He was not living with another sex offender at the time of the offense. The offense occurred at Moore Lake Beach in Fridley, approximately four miles from his residence. He was sentenced to 16 months in prison for Attempted 5th Degree CSC and was assigned risk level three on March 19, 2001. He was released on June 11, 2001. He was going to appeal his risk level but was again arrested for a gross misdemeanor exposure and was confined in the Hennepin County Workhouse until September 28, 2002. Since that time he has returned to his Garfield Street address.

This examination of level three re-offenders does not reveal a negative effect related to a level three offender living with another sex offender. In fact, supervision agents in both Hennepin and Ramsey County have noted benefits from having more than one level three offender living in one location. Closer supervision is possible because travel time between offenders is reduced. Also, level three offenders who live with other level three offenders experience more visits from a supervising agent because agents for both offenders visit the same property. Finally, offenders tend to inform on each other when supervision restrictions are violated or crimes are committed. There is one case described above of an offender who re-offended by downloading child pornography from a Web TV service that was discovered only after the offender’s roommate (a sex offender) told his therapist about the existence of the unapproved Web TV equipment in the house.

Voluntary relocations of neighborhood residents have not been evident, but real estate agents report that sale of properties are limited by any negative information about a neighborhood. This may involve the perception of a high concentration of level three offenders but can also include information that suggests a neighborhood is, in general, a high-crime area in which gang activities are prevalent and drug dealing takes place on street. Discussions with real estate agents indicated that the presence of level three sex offenders tends to have the greatest effect on prospective buyers with young children.

At a December 2002 community meeting, residents of the Phillips neighborhood in South Minneapolis expressed frustration with the concentration of sex offenders in their neighborhood. Many stated that their neighborhood is always first to get treatment centers and housing for social problems. The concentration of sex offenders is just one of many concentration issues for these residents. An additional problem expressed was that once a neighborhood develops a reputation for being a focus area for this type of housing and treatment, it is difficult to maintain housing and economic stability.

This meeting was attended by residents of both the Phillips and Jordan neighborhoods as well as members of the Minneapolis City Council and Minnesota Legislature. Representatives from the Department of Corrections (DOC), Hennepin County Community Corrections, and

the Minneapolis Police Department were present to explain the roles of their organizations in fulfilling responsibilities under the community notification law and to listen to the concerns of residents. A map was produced detailing residency patterns of all offenders on probation and supervised release in Minneapolis that revealed a similarity to the residency patterns of level three offenders as displayed in Appendix B-3.

Based on the examination of level three re-offenders, there were no examples that residential proximity to a park or school was a contributing factor in any of the sexual re-offenses noted above. Enhanced safety due to proximity restrictions may be a comfort factor for the general public, but it does not have any basis in fact. The two level three offenders described above whose re-offenses took place near parks both drove from their residences to park areas that were several miles away. Because neither was under supervision, there were no supervision conditions that would prohibit them from driving near parks. Based on these cases, it appears that a sex offender attracted to such locations for purposes of committing a crime is more likely to travel to another neighborhood in order to act in secret rather than in a neighborhood where his or her picture is well known.

4. Efforts to mitigate the concentration of the offenders, especially with regard to proximity to schools.

According to Minnesota Statute §244.052, subdivision 4a, “the agency responsible for the offender’s supervision shall take into consideration the proximity of the offender’s residence to that of other level three offenders and proximity to schools and, to the greatest extent feasible, shall mitigate the concentration of level three offenders and concentration of level three offenders near schools.” Because of limited placement options, rarely does a supervising agency have a choice between two separate placements for an offender that would allow mitigation of the concentration of level three offenders near schools or other level three offenders to be taken into consideration. Mitigation of concentration of and proximity to schools can be a factor if two essentially equal placement options are available. If on an individual basis supervision restrictions preclude location near schools, then that is taken into account as a high priority factor. So far, there has not been one example of a level three offender re-offending at a nearby school.

5. Likely effects of a policy requiring that offenders live a certain distance from schools.

Residential choices are already limited under current statutes that do not prohibit level three offenders from living near schools. Additional restrictions would severely affect already meager placement choices. Minneapolis and St. Paul have a well-disbursed system of neighborhood schools that would create a restriction on the majority of residential property in both cities. (See Appendices C-1 and C-2 for a map of Minneapolis that indicates areas in which residence of level three offenders would be prohibited if a 1,500-foot restriction were to become law.) Having such restrictions in the cities of Minneapolis and St. Paul would likely force level three offenders to move to more rural areas that would not contain nearby schools and parks but would pose other problems, such as a high concentration of offenders with no ties to the community; isolation; lack of work, education, and treatment options; and an increase in the distance traveled by agents who supervise offenders. Again, no evidence points to any effect on offense rates of school proximity residential restrictions.

6. *Likely effects of a policy requiring that offenders not live within a certain distance of each other.*

In Minneapolis, St. Paul, and Rochester there are some concentrated areas where offenders live together or in the same building. Of the 50 level three offenders living in Hennepin County as of December 31, 2002, 30 lived in just three zip codes. A proximity restriction would mean that 15 to 20 of these offenders would have to relocate or face being sanctioned under the law. Given the current difficulty that a single offender has in finding placement, it is highly likely that many of these offenders would become transient, which would severely restrict an agent's ability to closely supervise their activities.

7. *Restricted zones that would result if a 1,500-foot proximity restriction were adopted in relation to schools, parks, and other offenders.*

Adoption of a 1,500-foot restriction would exclude every residential area of Minneapolis and St. Paul with minor exceptions. (See map of Minneapolis school and park zones, Appendices C-1, C-2, and C-3). Again, the well-disbursed location of schools and parks in both cities would lead to overlapping restriction zones that essentially forbid any residential options in either city.

8. *Policies adopted by other states relating to the mitigating concentration of sex offenders.*

Iowa and Alabama are two states with general proximity restrictions on the location of sex offenders (see Appendices E and F).

Alabama originally set a 2,000-foot proximity restriction from schools. This was amended in 2001 to a 1,000-foot restriction, as of July 1, 2002. It appears that this law has not yet been enforced.

Iowa adopted Senate File 2197 in May 2002 with an effective date of July 1, 2002. The law includes a 2,000-foot proximity restriction from schools and child care facilities for any offender who offended against a minor. This has severely restricted residential options, especially in urban areas. In October 2002, the first charge under this law was made. The offender was living within 2,000 feet of a school and several registered child care centers.

Additional information on Minneapolis child care centers is attached (Appendix D).

Other states have held to the position that, except for court-ordered restrictions, the state has no authority to impose residency or proximity restrictions.

Findings

1. Proximity restrictions have been adopted in other states, but there has been little experience with actual implementation of these laws. Two states, Alabama and Iowa, recently enacted or revised proximity restrictions. In October 2002, Iowa had the first charge against an offender for violating their law. This is considered a test case for the restrictions.
2. Proximity restrictions would severely limit already scarce residential options for level three offenders.
3. There is no evidence in Minnesota that *residential* proximity to schools or parks affects re-offense. Thirteen level three offenders released between 1997 and 1999 have been rearrested for a new sex offense since their release from prison, and in none of the cases has residential proximity to schools or parks been a factor in the re-offense.
4. There is no evidence that concentration of level three sex offenders increases the likelihood of reoffense within the community. Four of the 13 level three reoffenders were living with other sex offenders at the time of their re-arrest. However, in three of these cases, the sex offenders were living together while in county jail, civilly committed, or in a halfway house. In the fourth instance, a level three offender re-offended while he was living with a level two sex offender. This offender provided information to his therapist, which eventually led to the re-arrest of the level three offender for a child pornography offense.
5. Information on sex offenders has a negative effect on the perception of safety in a neighborhood. Increased information on sex offenders has a negative effect on property values. Increased residential concentration of level three offenders – in addition to other negative neighborhood issues such as crime, housing deterioration, environmental hazards, and traffic problems – expands that negative effect.
6. Proximity restrictions will have the effect of restricting level three offenders to less populated areas, with fewer supervising agents and fewer services for offenders (i.e., employment, education, and treatment). The result of proximity restrictions would be to limit most level three offenders to rural, suburban, or industrial areas.

Recommendations

1. **Since blanket proximity restrictions on *residential* locations of level three offenders do not enhance community safety, the current offender-by-offender restrictions should be retained.** Proximity restrictions, based on circumstances of an individual offender, serve as a valuable supervision tool. Continued use – through extension of conditional release and specific release conditions and restrictions – is appropriate. Most of these supervision proximity restrictions address the issue of the offender associating or interacting with children or minors, rather than where the offender resides.
2. **Public notification of residential locations of level three offenders serves a valuable service and should continue.** Community residents with this knowledge are able to determine what level of interaction they feel is acceptable for their family safety. The information raises awareness, dispels rumors, and allows greater knowledge of safety issues.

3. **A legislative hearing on the expansion of housing options should be held.** Appropriate housing is the key to dispersal and successful placement of the sex offender population. A legislative hearing to address all the issues related to housing of released level three sex offenders would prove valuable. The DOC is currently conducting an interagency work group on offender housing. Included in this group's study are the unique challenges of finding housing options for level three offenders. Options under exploration are public/private partnerships, charitable and nonprofit efforts, changes in policy, and other outreach programs
4. **Explore various housing options.** The interagency work group on offender housing sponsored by the DOC is approaching the need for offender housing through several methods. These methods include identifying ways to assist offenders in becoming more attractive tenants, as well as identifying ways to encourage and assist landlords in providing housing to offenders. Also, the work group is identifying various models of existing housing programs that may be adaptable to address the housing needs of offenders as they transition from prison to the community. Approaches such as master leases and "three-quarter way" houses seem appropriate for the offender population for several reasons – among them the flexibility to expect many offenders to reach and maintain housing self-sufficiency fairly soon after release.

The population that presents the most daunting housing issues is sex offenders who are identified as levels two and three through the community notification process. At present, no special solutions have been identified for this population.

Although the work group has not completed its task the time of this report, the following recommendations are offered:

- a) **Increase the number and capacity of halfway houses.** In some cases the needs of the offender and public safety are best served when the offender transitions to the community through the highly structured environment of a halfway house. Current halfway house resources are inadequate to meet the number of offenders who need services. Also, there are regions of the state that have no halfway house resources.
- b) **Provide funding to establish "three-quarter way" houses.** These houses provide another step in a continuum of housing options. Three-quarter way houses provide affordable housing for offenders and a positive supportive community within the house. There is no staff on the premises, but some degree of monitoring of the house is done by off-site staff. Such a facility also allows for an increased level of community supervision by agents, law enforcement, and the public. Most often these houses are expected to be nearly financially self-sufficient after an initial start-up period.
- c) **Provide funding for scattered site lease programs.** Housing for offenders can be economically provided by contracting with housing programs. Housing programs can lease properties from owners and sublease to offenders. Included in this plan is the expectation that the offender is assessed payment on a sliding fee schedule. It is also an expectation that the offender will assume responsibility for all housing expenses soon after release.

- d) **Increase funding of the emergency housing fund.** Some offenders are released to regions of the state in which there is no housing program available. Increased funds in this account will allow the DOC to provide assistance to an offender in meeting housing expenses during transition. Repayment would be assessed on a sliding fee schedule.
- e) **Evaluate the feasibility of building and operating regional correctional centers.** These centers would provide a comprehensive set of correctional services. The services may range from probationary supervision, an alternative to incarceration for short-term offenders, and supervision services for offenders on release from state correctional facilities. The services would include housing for some offenders.

Appendix A

Minnesota Sessions Laws 2002

CHAPTER 385-S.F.No. 3172

Sec. 10. [REPORT.]

(a) By January 1, 2003, the commissioner of corrections must report to the chairs and ranking minority members of the house and senate committees with jurisdiction over criminal justice policy and finance on the issues outlined in paragraph (b). In developing the report, the commissioner must consult with representatives of local corrections agencies in noncommunity corrections act counties, community corrections act counties, and county probation officer counties. The commissioner may also consult other interested parties.

(b) The commissioner of corrections must report on the following issues involving level III sex offenders:

- (1) a detailed explanation of how offenders re-enter the community after being released from prison, specifically focusing on how housing and jobs are found and the role that state and local corrections agents play in helping an offender find housing and jobs, including anecdotal evidence;
- (2) the statewide locations and concentrations of the offenders;
- (3) the effects of having the offenders living in close proximity to one another, specifically including the effects of offenders living within 1,500 feet of one another, including the effect on offense rates and voluntary relocation of neighborhood residents;
- (4) efforts under Minnesota Statutes, section 244.052, subdivision 4a, that have been undertaken by local and state corrections agencies to mitigate the concentration of the offenders, especially with regard to the proximity of the offenders to schools;
- (5) the likely effects of a policy requiring that offenders live a certain distance from schools;
- (6) the likely effects of a policy requiring that offenders not live within a certain distance of each other;
- (7) the restricted zones that would result in the cities of Minneapolis and St. Paul if a 1,500 foot proximity restriction was adopted in relation to schools, parks, and other offenders, with detailed maps; and
- (8) policies adopted by other states relating to mitigating the concentration of sex offenders.

Minnesota Statutes, Section 244.052

Subd. 4a. **Level III offenders; location of residence.**

(a) When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall take into consideration the proximity of the offender's residence to that of other level III offenders and proximity to schools and, to the greatest extent feasible, shall mitigate the concentration of level III offenders and concentration of level III offenders near schools.

Appendix B-1

County Locations of Level Three Offenders

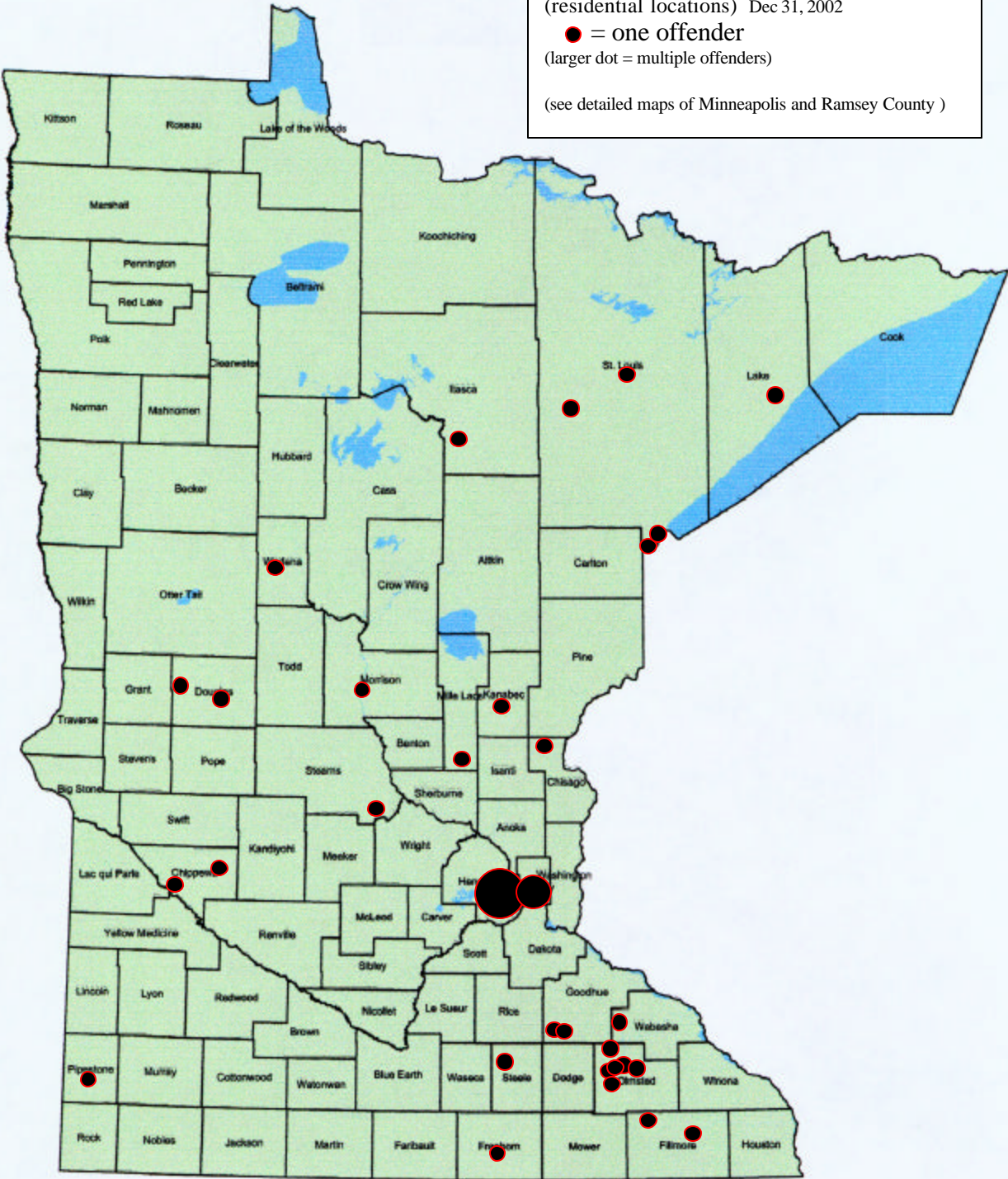
December 31, 2002

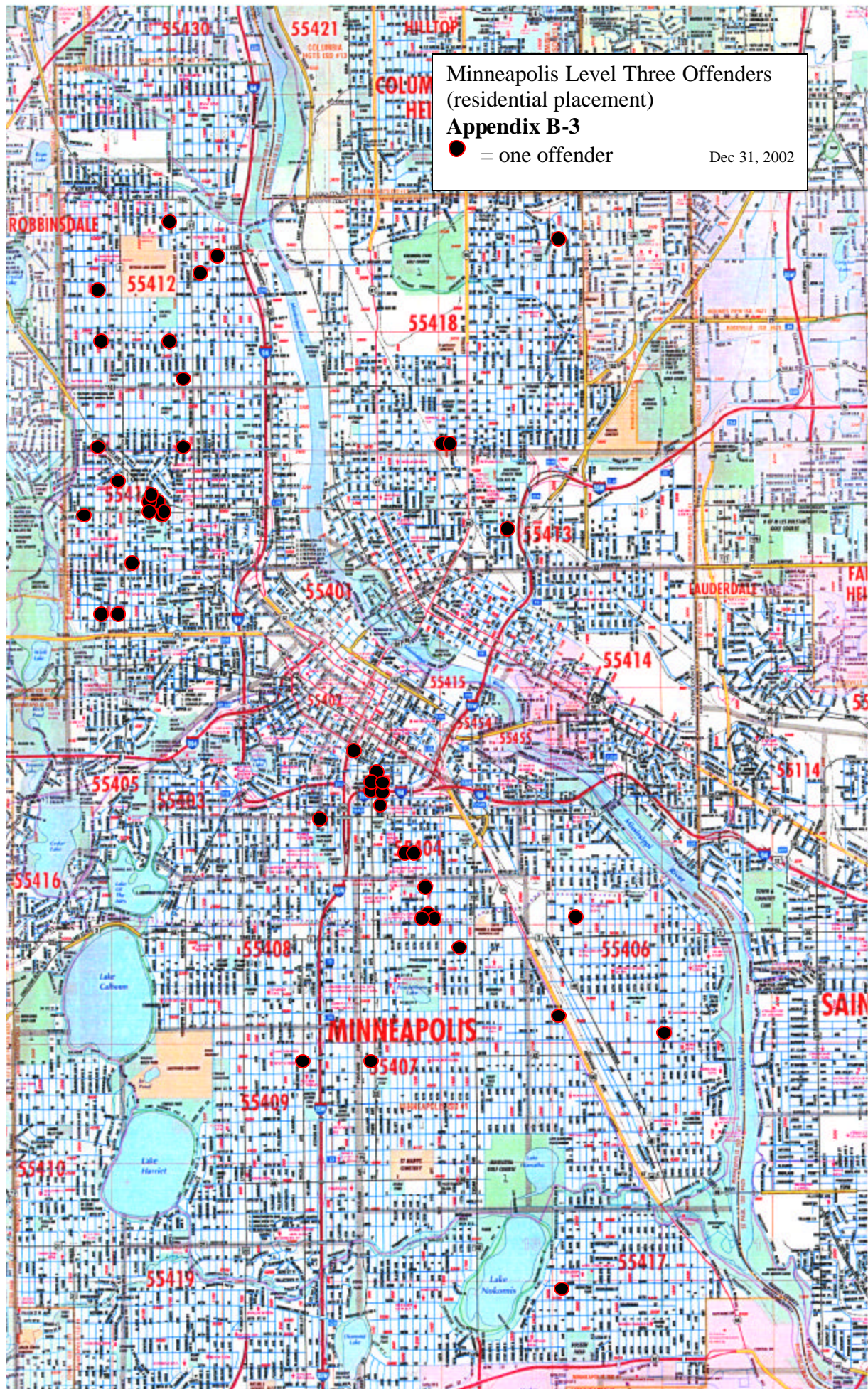
(see attached maps)

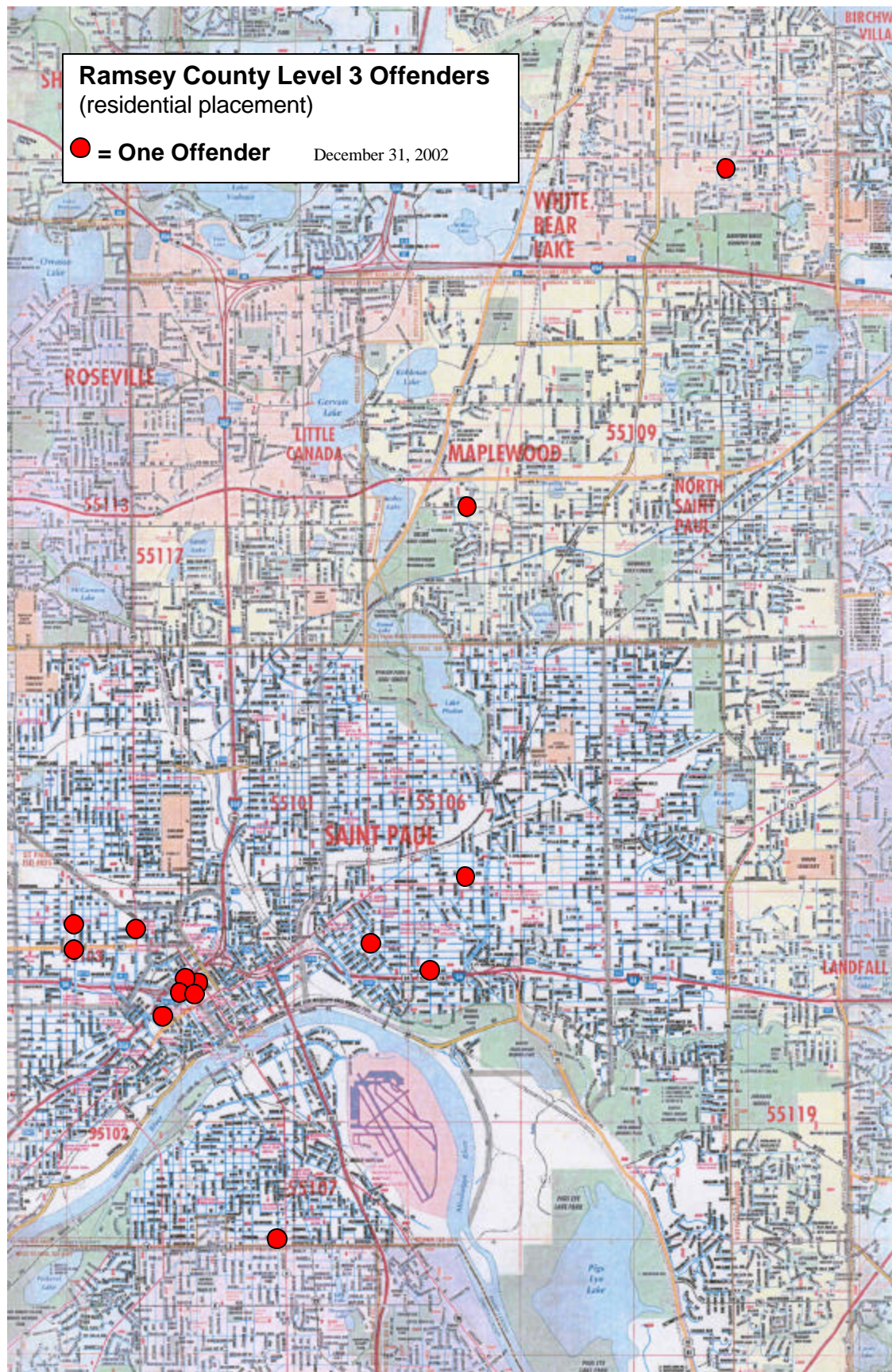
County	Number of Level Three Offenders
Hennepin	50 (45 in Minneapolis)
Ramsey	14 (12 in St. Paul)
Becker	2
Chippewa	2
Chisago	1
Clearwater	1
Douglas	2
Fillmore	2
Freeborn	1
Goodhue	2
Itasca	1
Kanabec	1
Lake	1
Mille Lacs	1
Morrison	1
Olmsted	6
Pipestone	1
St. Louis	4
Stearns	1
Steele	1
Wabasha	1
Wright	1
Total	97

The following Minnesota map shows the location of each level three offender living in a residential setting. Each small dot denotes one level three offender. The larger dots in Minneapolis and St. Paul refer to larger populations of level three offenders. Detailed maps of each location within those two cities are attached.

Location of Level Three Offenders in Minnesota
(residential locations) Dec 31, 2002
● = one offender
(larger dot = multiple offenders)
(see detailed maps of Minneapolis and Ramsey County)







1,500’ Restricted Proximity Zones around Minneapolis Public and Private Schools

The attached map (Appendix C-2) shows those areas that would be restricted from level three residence under a 1500’ proximity restriction. A clear definition of what constitutes the beginning of the zone is necessary for further detail. Proximity to the school could be the actual building, school property, or a further defined “school zone” similar to that used in defining a “drug-free school.” The zones on this map are based on distance from the school property, although surveys would be necessary to precisely define the zone for each individual school.

November 1, 2002

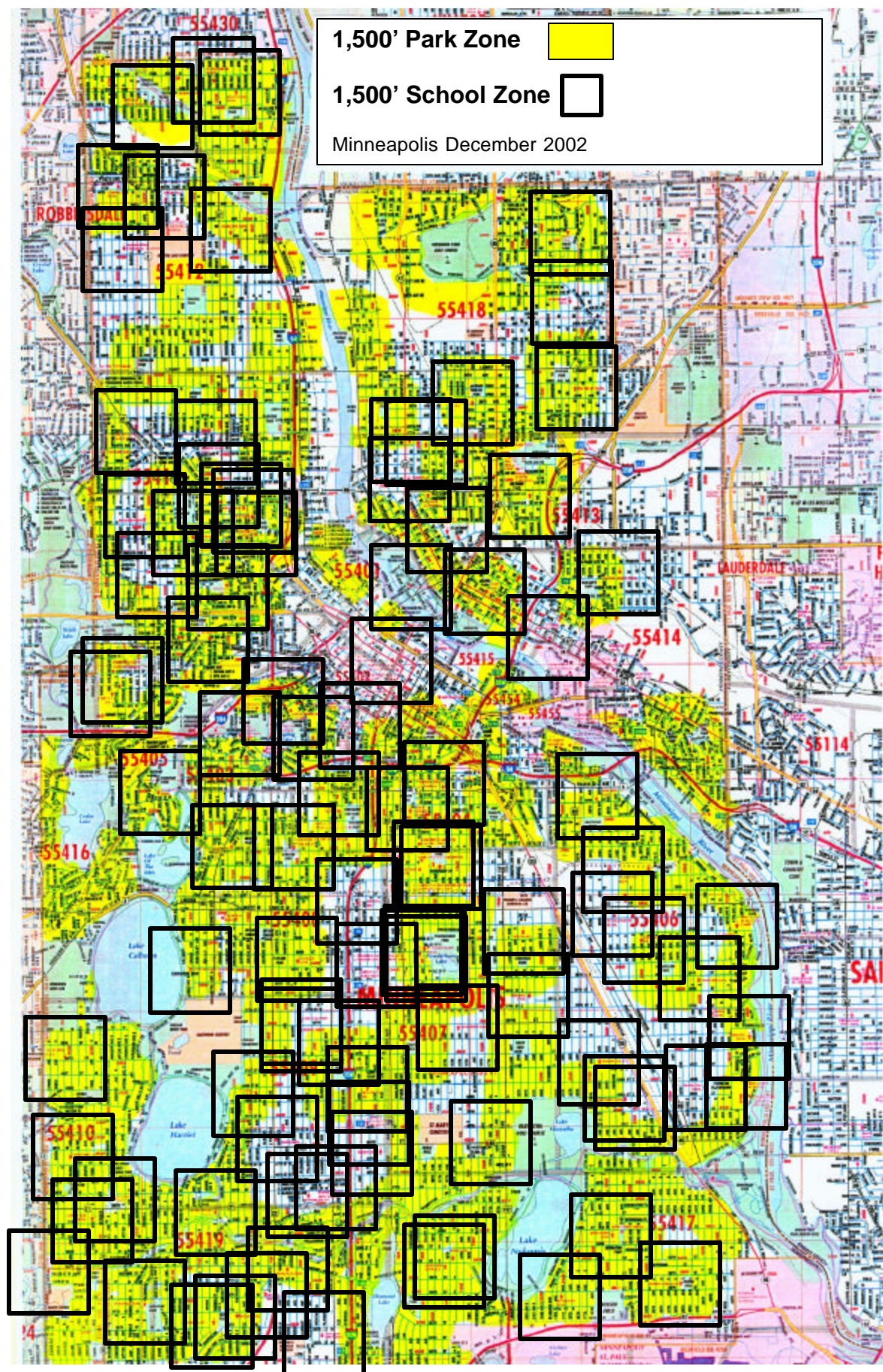
Number of Minneapolis public schools.....136
Number of Minneapolis non-public schools..... 30

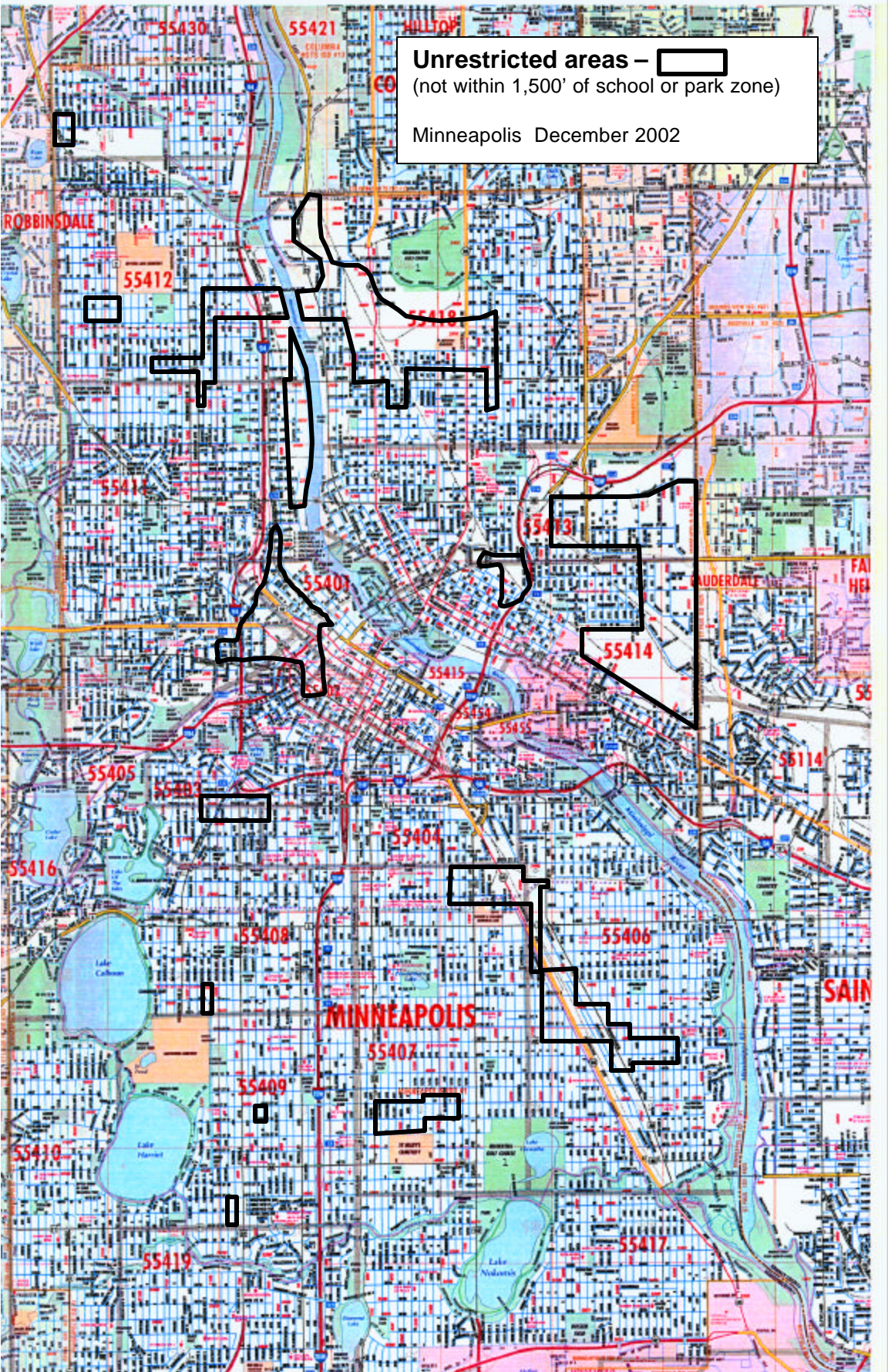
1,500’ Restricted Proximity Zones around Minneapolis parks

Park zones are shaded (Appendix C-2).

Unrestricted Zones

Appendix C-3 shows those areas that do not fall within either a school or a park zone. These would be areas eligible for residency by level three offenders.





1,500’ Restricted Proximity Zones around Minneapolis Day Care Facilities

Child Care Center Facilities registered with the Minnesota Department of Human Services as of November 1, 2002

Minneapolis.....132

These facilities are spread throughout the city. Restriction zones would be similar in number and extent as those around schools. Many of the zones would overlap each other and those surrounding schools and parks. Additional areas would also fall under restriction, solely based on proximity to a child care facility. In addition, there are 527 licensed in-home day cares. Not included in this number are legally unlicensed in-home day cares (those not required to be licensed or registered).

Code of Alabama § 15-20-26. >Adult criminal sex offender -- Prohibited residence locations, etc.

(a) Unless otherwise exempted by law, no adult criminal sex offender shall be allowed to establish a residence or accept employment within 1,000 feet of the property on which any school or child care facility is located.

(b) Unless otherwise exempted by law, no adult criminal sex offender shall be allowed to establish a residence or any other living accommodation within 1,000 feet of the property on which any of his or her former victims, or the victims' immediate family members reside.

(c) No adult criminal sex offender shall be allowed to establish a residence or any other living accommodation where a minor resides. Notwithstanding the foregoing, an adult criminal sex offender may reside with a minor if the adult criminal sex offender is the parent of the minor, unless one of the following conditions applies:

(1) The adult criminal sex offender's parental rights have been or are in the process of being terminated as provided by law.

(2) Any minor or adult child of the adult criminal sex offender was a victim of a criminal sex offense committed by the adult criminal sex offender.

(d) No adult criminal sex offender shall be permitted to willfully or knowingly come within 100 feet of any of his or her former victims, except as elsewhere provided by law, or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim.

(e) Changes to property within 1,000 feet of an adult criminal sex offender's registered address which occur after an adult criminal sex offender establishes residency or accepts employment shall not form the basis for finding that a criminal sex offender is in violation of the residence or employment restrictions of this article.

(f) An adult criminal sex offender who knowingly violates the provisions of this section shall be guilty of a Class C felony.

Effective July 1, 2002

Appendix F

SENATE FILE 2197 STATE OF IOWA Effective July 1, 2002
AN ACT
PROHIBITING A REGISTERED SEX OFFENDER FROM RESIDING NEAR A
SCHOOL OR CHILD CARE FACILITY, AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section [692A.1](#), Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Child care facility" means as defined in section 237A.1.

Sec. 2. Section [692A.5](#), subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Inform the person, if the person's residency is restricted under section 692A.2A, that the person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility.

Sec. 3. NEW SECTION. 692A.2A RESIDENCY RESTRICTIONS—CHILD CARE FACILITIES AND SCHOOLS.

1. For purposes of this section, "person" means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.
2. A person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility.
3. A person who resides within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility, commits an aggravated misdemeanor.
4. A person residing within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this section if any of the following apply:
 - a. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
 - b. The person is subject to an order of commitment under chapter 229A.
 - c. The person has established a residence prior to the effective date of this Act or a school or child care facility is newly located on or after the effective date of this Act.
 - d. The person is a minor or a ward under a guardianship.

From The Gazette, Cedar Rapids, Iowa

http://www.crgazette.com/go_article/0,1336,42140%252D1,00.html?cks=0

Appendix G

Offender charged for living by Coralville school, By Erin Jordan

Wednesday, October 02, 2002, 11:39:08 PM

CORALVILLE -- A 21-year-old Coralville man is the first person in Iowa to be charged under a new Iowa law that prohibits convicted sex offenders from living within 2,000 feet of a school or day-care center.

Michael James Roe Jr., convicted of sex offenses in 1998 and 2000, was accused Wednesday of living in a residence prohibited for a convicted sex offender and tampering with records.

A law signed May 9 says sex offenders may be charged with an aggravated misdemeanor if found living within the 2,000-foot radius of a school or day-care provider.

Johnson County Attorney J. Patrick White said charges filed against Roe may become a test case for defense attorneys who want to challenge the law, which, when implemented July 1, made most of Iowa City and Coralville off limits to sex offenders.

"Even if we think it's a bad law, we can't ignore what the Legislature has done," White said about filing the charge.

Roe, convicted of assault with intent to commit sexual abuse in 1998 and indecent contact with a child in 2000, is accused of living at 406 Third Ave., which is within blocks of Coralville Central Elementary School and several registered day-care centers, said Coralville police Lt. Ron Wenman.

"After he registered, we made him aware he was living in a prohibited area," Wenman said. So Roe re-registered at 210 E. Ninth St., Apt. 14, police said. However, he kept living at the Third Avenue home, the Johnson County District Court criminal complaint filed against Roe states. Police learned Roe was still living at the Third Avenue home while investigating other matters, Wenman said. Roe's father, Michael Roe Sr., 45, was charged with assault last week, and Roe's mother, Sara Roe, 44, was charged with drug possession Monday.

Coralville police talked with White before filing charges against the younger Roe, Wenman said. White said Roe's case is one of several he has discussed with local law enforcement, but the first to result in charges.

Bob Brammer, spokesman for the Iowa Attorney General's Office, said he is not aware of any other charges in Iowa under the new sex offender law.

Amending law White fears the law may be unconstitutional and has talked with legislators, as recently as last week, about amending the law or shortening the 2,000-foot no-reside zone.

"The disappointing part of this is some legislators knew it (the law) was flawed and that someone would challenge it, but they voted for it anyway," White said.

Lawmakers have also told White it may be tough to amend the law because legislators will not want to be labeled "soft on sex offenders," White said.

"This is a very disappointing approach to legislating," he said.

White said law enforcement agencies have discretion in enforcing laws. But local agency heads agree, he said, they do not want someone to be injured by a convicted sex offender because the offender is living in a forbidden area.

"In the meantime, it is law under the state of Iowa."

All local content copyright © 2002 by The Gazette Company, Cedar Rapids, Iowa