



Dannel P. Malloy
Governor

STATE OF CONNECTICUT
DEPARTMENT OF CORRECTION

OFFICE OF THE COMMISSIONER



Scott Semple
Commissioner

Testimony of Frank Mirto, Parole Supervisor

Judiciary Committee
March 23, 2016

**House Bill No. 5529, AN ACT CONCERNING SEXUAL OFFENDER
REGISTRATION LAWS, RESIDENCY RESTRICTIONS FOR
REGISTERED SEXUAL OFFENDERS.**

Good afternoon, Senator Coleman, Representative Tong, and members of the Judiciary Committee. I am Frank Mirto, Parole Supervisor for the Department of Correction. I am here to express the Department's opposition to Section 45 of Raised Bill No. 5529, An Act Concerning Sexual Offender Registration Laws, Residency Restrictions for Registered Sexual Offenders. This language is almost identical to last year's Raised Bill 1087 which our agency also opposed. In addition to my written testimony, I have submitted an article from the Council of State Governments Justice Center's Correction Section on the Connecticut Department of Correction Sex Offender Supervision Model for your review.

The Department of Correction's Parole and Community Services Division employs an evidenced-based multidisciplinary approach to effectively manage registered sex offenders in the community. This approach includes techniques and interventions shown to result in positive outcomes and reduce sexual recidivism. Restricting access to potential minor victims is a critical intervention which reduces the likelihood of future sexual victimization. Parole officers responsible for the supervision of registered sex offenders make decisions to exclude certain registered sex offenders from contact with minors using all available information and input from the division's collaborative partners.

These partners include contracted sex offender treatment providers and polygraph examiners from The Connection Inc., Center for the Treatment of Problem Sexual Behavior; Victim Advocates from Connecticut Sexual Assault Crisis Services (CONNSACS); state troopers from the Connecticut State Police Sex Offender Registry Unit; local law enforcement responsible for matters relating to registered sex offenders; Department of Correction institutional sex offender treatment providers; and staff from the Board of Pardons and Paroles.

Phone: 860.692.7482 ♦ Fax: 860.692.7483
24 Wolcott Hill Road ♦ Wethersfield, Connecticut 06109
Website: www.ct.gov/doc

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Parole's sex offender management techniques and interventions include: the use of validated sex offender risk assessments, polygraph examinations, individualized case management plans, offense specific cognitive-behavioral sex offender treatment, intensive supervision including frequent compliance checks, GPS monitoring, toxicology testing, sex offender registration, victim advocacy, computer monitoring, computer forensic examinations, and surveillance.

The residency restriction provision contained in Section 45 of Raised Bill No. 5529 would negatively impact the Department's ability to place and effectively supervise sex offenders on parole because already scarce housing options would be drastically reduced. In reality, future paroled sex offenders would no longer be able to live in major urban areas, limiting their access to parole offices, sex offender treatment, jobs, and other necessary services. The majority of registered sex offenders currently on parole reside in major urban areas where schools, daycare and senior centers are all concentrated.

Additionally, parole officers would lose the ability to effectively monitor risk factors related to sexual offending due to the certain increase in offender homelessness. Electronic monitoring devices would become difficult, if not impossible, to utilize due to the lack of available power sources necessary to charge monitoring equipment.

Stable housing is a critical factor in the successful reintegration of sex offenders. Housing instability has been shown to increase general and sexual recidivism. The bill's provisions would restrict some paroled sex offenders from residing with supportive family or friends leading to isolation and an increased risk to reoffend. Residency restrictions are not supported by empirical evidence and there appears to be no relationship between proximity and recidivism.

Sex offender registration, as defined by C.G.S. 54-250, is based solely on crime of conviction and is not a reliable predictor of risk. This system should not serve as the basis for residency restrictions. Relevant static and dynamic factors which have been shown to be predictive of sexual recidivism are absent from the Connecticut sex offender registry.

While the majority of sexual offenses against minors are perpetrated by family, friends, or others known to the victim, a predatory offender intent on re-offending can conceivably access a minor victim anywhere in the community. Studies have shown these offenders actually prefer targeting minor victims in neighborhoods other than their own where they will not be recognized.

If this Raised Bill were to move out of committee, the Department would like to see, prior to any final action, the development of a statewide map identifying the one-thousand foot zones surrounding all public and private elementary schools and every daycare service provider in the state. With this tool we could have a meaningful conversation regarding the severe housing restrictions for this population.



Connecticut Department of Correction
Parole and Community Services Division
Sex Offender Supervision Model

Our mission is clear: *Protect the citizens of Connecticut.* The roadmap to success is fluid, utilizing a proactive approach supported by concrete data, statistics, criminal justice trends and the application of "best practices."

In response to significant concern over sex offender homelessness, the Connecticut Department of Correction created a comprehensive re-entry model that addressed housing instability through state contracted transitional housing. Housing and stable employment used in concert with treatment and social services can decrease the chance of repeat arrest and re-incarceration of offenders. Research has shown that people who do not find stable housing in the community are more likely to recidivate than those who do. According to a qualitative study by the Vera Institute of Justice, people released from prison and jail to parole, who entered homeless shelters in New York City, were seven times more likely to abscond during the first month after release than those who had some form of housing.¹

Although there has been obstacles and opposition to these community-based programming sites, research and analysis indicates that this model has had a favorable impact on sexual recidivism, reducing future expenditures for incarceration and reducing the number of victims in our community.

This methodology, founded on the critical mission to improve public safety, has put the state of Connecticut at the national forefront for the supervision of the sex offender population.

Special Management Unit

The Connecticut Department of Correction's Parole and Community Services Division formulated a Special Management Unit (SMU) in 2006, which is responsible for the statewide supervision of approximately 275 sex offenders. The Unit employs a multidisciplinary management style with a mission to protect the public and increase the likelihood of successful reintegration for offenders requiring specialized supervision and treatment for problem sexual behavior. This intense form of supervision includes the use of validated sex offender risk assessments; individualized case management plans; offense specific cognitive-behavioral sex offender treatment; supervision strategies including frequent compliance checks, search and seizure, GPS monitoring, and surveillance; toxicology testing; registration and notification; victim advocacy; computer monitoring; computer forensic examinations and the authority to direct an offender to participate in a polygraph examination. If offenders are at risk for reoffending or do not comply with their release conditions, they may be returned to confinement.

¹Metraux & Culhane; David Michaels et al., "Homelessness and indicators of mental illness among inmates in New York City's correctional system." *Hospital and Community Psychiatry* 43 (2002): 150-55.

Scattered Transitional Housing

Without discrediting the immensely positive work of the individuals assigned to this specialized unit, it is important to recognize the critical role that scattered transitional housing plays in our sex offender re-entry model. The overwhelming majority of sex offenders releasing into the community are homeless. Essentially, within our model, the state of Connecticut secures a contract with an outside provider, who in turn secures a lease agreement on dwellings, which ultimately we use to provide housing for this population. The contracting process for obtaining this program model is identical to the contracting process for any other program model. Contracts are awarded through a competitive procurement process, with the release of a Request for Proposal (RFP) delineating the requested services and established parameters. The integrity of these programs are evaluated through monthly statistics, programmatic and offender-specific reports; all of which are designed to monitor success and determine the viability of continued program operation by the contracted provider. The term "scattered" is to emphasize the priority for housing options in several demographic locations, avoiding a scenario where municipalities feel disproportionately burdened by a saturation of these sites. Our ability to effectively supervise this population would be greatly compromised without our state contracts for transitional housing apartments. Transient sex offenders frequently change their locations, creating an obstacle for appropriate monitoring. Electronic monitoring devices are nearly impossible to utilize due to the lack of available power sources necessary to charge monitoring equipment. The Connecticut Department of Correction's re-entry model has allowed the agency to avoid placing sex offenders in homeless shelters for the last ten years. The DOC currently maintains contracts with both the Re-Entry Assisted Community Housing (REACH) Program <http://www.theconnectioninc.org/community-justice-services/> and the Chrysalis Program <http://chrysaliscenterct.org/>.

Collaborative Model

Partnered re-entry Initiatives speak to the collaboration within Connecticut's re-entry model. As of November 1, 2014, the Department of Correction maintains 68 alternative housing program beds for sex offenders statewide. These beds are located in one or two-person apartments in 15 locations in 10 cities/towns across Connecticut. The Special Management Unit (SMU) focuses on placing offenders in appropriate housing and does not seek to cluster offenders in certain geographic locations. SMU strives to place offenders in or close to their community of origin, absent concerns related to victims or offender safety. Proximity to services, public transportation and employment opportunities are also key factors to evaluate. Perhaps the most significant benefit to this model, as seen through the support of Connecticut Sexual Assault Crisis Services (CONNSACS) <http://www.connsacs.org>, is the ability to place offenders away from their victims. This public safety benefit is immeasurable. The Department of Correction fulfills its statutory obligation to notify law enforcement when placing sex offenders within the community. SMU exceeds legislative requirements, as the Unit routinely communicates with local law enforcement upon the placement of offenders, offering a "meet and greet" forum with police officers and ex-offenders face to face in the established sites as an opportunity to clearly establish expectations. Local law enforcement consistently accompanies Parole on compliance checks at area

sites, assisting with approximately 350 checks each year. The Court Support Services Division (CSSD) – Adult Probation <http://www.jud.ct.gov/CSSD> recognized the success of this re-entry model and adopted the practice of utilizing transitional housing in January 2013. The positive relationship between the two agencies (DOC and CSSD) has resulted in shared contracts, which increase supervision and public safety, as the apartments are visited by both Parole and Probation Officers. The 2011 establishment of the 24-bed January Center located on the grounds of a correctional facility is a great example of collaborative efforts. Sex offenders under the jurisdiction of either the DOC or CSSD (Probation) are reviewed for placement at this sexual treatment program. The establishment of this location did not come without controversy. Community education on the supervision model is critical for all citizens to feel safe. Scheduled town meetings with elected officials and Public Hearings provided the forum for this type of communication. A strong working relationship with the Connecticut State Police is clearly imbedded within our model. In addition to the Sex Offender Registry Unit's obligation to provide the public with accurate information on registered sex offenders, the Unit is a valuable resource to Parole.

Performance Measures

As an integral part of the criminal justice system, the Connecticut Department of Correction's Parole and Community Services Division has a vested interest to have a favorable impact on recidivism. Successful community supervision can provide the groundwork to support law-abiding and accountable behaviors. The re-entry model previously described has produced a profound 0% sexual recidivism rates for offenders discharging from any of the established transitional housing programs over the previous six years.

"Recidivism" in Connecticut, is defined as new criminal activity by a person after a criminal conviction that resulted in either imprisonment or another sanction against them. The three most common measures used to track recidivism rates are new arrest, new conviction and new prison sentence. National and local studies indicate that offenders released from prison with no community supervision were more likely to be arrested, convicted, and incarcerated for a new offense than offenders who received some type of post-release supervision.

With respect to recidivism rates specific to sex offenders, a report from the Connecticut Office of Policy and Management following sex offenders released in 2005, discovered recidivism rates to be much lower than what many in the public have been led to expect or believe.² These low re-offense rates appear to contradict a conventional wisdom that sex offenders have very high sexual re-offense rates. The following results were published:

746 offenders who had served a prison sentence for a least one sex-related offense were released or discharged from prison. Over the next five years:

- 27 (3.6%) of these men were arrested and charged with a new sex crime.
- 20 (2.7%) were convicted for new sex offense, and
- 13 (1.7%) were returned to prison to serve a sentence for a new sex crime.

²http://www.ct.gov/opm/lib/opm/cippd/cjresearch/recidivismstudy/sex_offender_recidivism_2012_final.pdf

Impact of Statutory Restrictions Guiding Placement of Sex Offenders

Homelessness is a national concern creating hardship for individuals across the country. Residency restrictions create barriers for supervised offender populations, perhaps insurmountable obstacles. This is evident as seen by the increasing number of homeless paroled sex offenders in the state of California.³ Jessica's Law prohibits paroled sex offenders from living within 2,000 feet of a school or park where children congregate. According to the California Sex Offender Management Board, there were only 88 sex offenders on parole statewide who were registered as transient when Proposition 83 was passed in November 2006. As of June 2014, there were 1,556 sex offender parolees identified as transient by the California Department of Corrections and Rehabilitation. Sex offenders are forced into homeless shelters as a result of a similar Rhode Island restriction outlined in Rhode Island Law 11-37.1-10, which prohibits sex offenders from residing within 300' of any school, public or private. Furthermore, the state of Indiana describes the establishment of stable housing for sex offenders as one of their biggest challenges based on Indiana Code 11-8-8, which restricts certain sex offenders from residing within 1000' of schools, parks, or youth program centers.

These restrictions cited in California, Rhode Island and Indiana are not in line with the data, research and results of the most recent sex offender recidivism report published by the Office of Policy and Management in Connecticut. Hard evidence was not identified that would support that the idea that proximity to children increases sexual recidivism.

The state of Connecticut Department of Correction's model for sex offender community supervision is based on concrete data and has proven its success rate through sexual recidivism rates.

Myth vs. Fact⁴

Myth: "Most sexual assaults are committed by strangers."

Fact: Most sexual assaults are committed by someone known to the victim or the victim's family, regardless of whether the victim is a child or an adult.

Myth: "Most sex offenders reoffend."

Fact: Reconviction data suggest that this is not the case.

Myth: "Treatment for sex offenders is ineffective."

Fact: Treatment programs can contribute to community safety because those who attend and cooperate with program conditions are less likely to re-offend than those who reject intervention.

Myth: "The cost of treating and managing sex offenders in the community is too high—they belong behind bars."

Fact: Managing those offenders who are amenable to treatment and can be supervised intensively in the community following an appropriate term of incarceration can serve to prevent future victimization while saving taxpayers substantial imprisonment costs.

There are many misconceptions about sexual offenders in our society. These *myths* gain momentum, driven by fear and lack of education on the realities of this population. We are committed to inform citizens and policy makers about sex offenders, the intense community supervision provided through this model, as well as the Connecticut Department of Correction's mission to support public safety.

³http://oig.ca.gov/media/reports/Reports/Reviews/OIG_Special_Review_Electronic_Monitoring_of_Sex_Offenders_on_Parole_and_Impact_of_Residency_Restrictions_November_2014.pdf

⁴<http://csom.org/pubs/mythsfacts.pdf>