



For Immediate Release

Illinois’ Sex Offender System is Broken

Fairview Heights, IL (October 11, 2010) Given this is election season, it is to be expected that those running will play the sex offender card, either by saying “I am tough on sex offenders” or “My opponent is soft on sex offenders.” It is the responsibility of our lawmakers to ensure the bills they sponsor are actually effective and not just drafted as “feel good” measures.

In a few recent articles, Attorney General Lisa Madigan states they are going after sex offenders who view child pornography as if this is the most important thing to do in order to protect children. While I appreciate her efforts to “crack down on sex offenders,” she is misleading the public and quoting statistics that are completely inaccurate:

- A recent article quoted, “Studies have shown that users of child pornography are more likely to also be sexual abusers of children, according to Madigan’s office.” However, research (BMC Psychiatry, July 2009) has shown, “For people without a prior conviction for a hands-on sex offense, the consumption of child pornography alone does not, in itself, seem to represent a risk factor for committing such an offense.”

The article went on to quote, “Madigan also emphasized that sex offenders often re-offend, adding that more than 75 percent of those convicted of such crimes are arrested again.” This is completely untrue and misleading:

- “Arrested again” does not necessarily mean arrested for another sexually based crime. According to the Bureau of Justice Statistics, sex offenders have one of the lowest recidivism rates of all criminals (second only to murderers).
- An Ohio study of sex offenders found that only 8% were recommitted for a new sex offense and 14.3% were recommitted for a non-sex offense. The total sex offender sex related recidivism rate, including technical violations, was 11.0%. The total recidivism rate for all crime committed by sex offenders was 22.3%.
- In another report from Indiana, “Offenders identified as sex offenders who were released in 2005 returned to IDOC at a higher rate than all other offenders. This is attributed to the fact that nearly 70% returned for a technical rule violation. However, only 1.05% of identified sex offenders recidivated for a new sex crime within three years.”

None of these statistics are even close to the 75% as quoted by the Attorney General’s office in the article.

To make matters worse, anyone convicted of “child pornography,” whether viewing actual child pornography or viewing pictures of their 16-year-old girlfriend, will be labeled as a “sexual predator” and subject to lifetime registration under Illinois law.

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Then you have Representative Charles Jefferson recently who recently sent out a campaign mailing about drafting legislation requiring all sex offenders to wear GPS monitoring devices. How, exactly, will GPS devices worn by all registered sex offenders prevent any future sexually based crimes from occurring?

- There are two facts about sex offenders and their crimes that will render the use of GPS devices ineffective in preventing future crime: most sex offenses take place in or near one's home and 93% of offenders are known to the victim, whether a family member, friend, or acquaintance. If the majority of crimes are committed in one's own home and/or the victim knows the offender, tracking where the offender is will do nothing to prevent a crime from occurring.
- One other myth about sex offenders, one that is continually perpetuated by the media and the folks in office, is that sex offenders have a high recidivism rate. As stated earlier, studies have shown that is simply not the case, and in fact sex offenders have one of the lowest recidivism rates of all criminals. The theory that equipping all registered sex offenders with GPS units is ludicrous at best when over 90% of new sexually based crimes will be committed by someone **not** yet on the registry (*US DOJ*). The only way for GPS monitoring to be effective in reducing crime is to require devices to be put on people not yet on the sex offender registry.

There is also the issue of the astronomical cost. Who will pay for monitoring units for every sex offender in the state (24,500+ and growing), not to mention the cost of the manpower required to monitor all of them? Due to their status, many registered sex offenders are unable to find steady work. They can hardly afford to pay for lifetime monitoring and Illinois is in no financial position to fund this. An example of the cost to implement GPS monitoring comes from California:

- California law requires sex offenders to pay for GPS monitoring devices. The state pays for those who can't afford to. For the 6,782 sex offenders on parole in California, it cost \$10.2 million to activate the devices, plus \$14.9 million a year for monitoring. That cost was for a little over a third of the total number of offenders who would be required to wear a GPS.

Another battle in the midst of winning the election was shown in an article titled "Democratic flier raps 66th District hopeful-Harris for sex offender votes" (10/3/10) by the *Daily Herald*. The article begins with "The campaign between Rep. Mark Walker and David Harris is heating up with a flier the Democratic Party of Illinois recently sent to residents of the 66th Illinois House district, suggesting Harris is soft on sex predators. The front of the card shows a large silhouette of a man's head leaning on his hand. Superimposed on it is the message: 'David Harris should hang his head in shame for his inexcusable voting record on child pornography, child sex abuse and not extending jail sentences for sexual predators.'"

Do either even know who can be labeled a "sexual predator" under our current laws? The person who should hold his head in shame is the one who goes after an opponent for actually reading the bills, finding flaws, and not voting on autopilot. The way Illinois law is written, offenders are classified "sexual predators" based on the type of offense – no risk assessment or psychological evaluation is done to make that determination.

In an article titled "Sex-offending doctors left on honor system" (10/6/10), "The [Chicago] Tribune has uncovered cases in which medical professionals faced little or no sanctions in spite of allegations of serious misconduct and even criminal convictions." It further states that the Department of Financial and Professional Regulation "refused to make public the number of allegations against sex offending doctors that did not result in disciplinary action, saying that falls within the category of confidential information gathered during an investigation. That makes it difficult to know how many additional patient complaints may have been dismissed."

So who is Illinois targeting when it comes to sex crimes? Are we going after non-violent, no-contact offenders to win votes and increase the size our registry for "feel good" laws? Do we continue to go after teenagers who are having consensual sex with 2-, 3- and even 4-years age differences – charging them with "sexual criminal abuse" or "sexual criminal abuse with force"? Do we continue to seek teenagers and young adults who are texting ("sexting") and emailing nude and partially photos of themselves to each other – charging them with "possession or dissemination of child pornography"?

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Do we continue to label a young man a “sexual predator” and punishing him for the rest of his life for downloading child pornography when he was in high school? What about the 20-year-old man who asks a 16-year-old girl if she wants a ride? Is charging him with “attempting to lure a child” and placing him on a sex offender registry for 10 years the right thing to do?

News of horrific crimes committed by a convicted sex offender inevitably led to widespread calls for increasing the scope of sex offender registration and community notification laws. Many people charged with sexually based crimes remain on the public registry for the rest of their lives, regardless of the seriousness of their offense, the current threat they might pose, or their progress toward rehabilitation. Penalties for violations of our current laws are many times harsher than the actual punishment for the crime itself.

Because of the “stranger danger” myth and inaccurate statistics quoted by both the media and our lawmakers, society is afraid of sex offenders. Due to this fear, politicians are continuously pushing for harsher laws for sex offenders because they are “feel good” laws. Some of our lawmakers have gone so far as to say they know the current laws are ineffective and unduly harsh, yet they admit as long as the public believes the laws are doing some good, they will always vote to pass them. They are afraid to vote “no” on any sex offender bill out of fear those votes will be used against them by their opponents.

Restricting where sex offenders live is not going to prevent future crimes. In fact, it could do just the opposite:

- Studies conducted by the Minnesota Department of Corrections and the Colorado Department of Public Safety have not shown any correlation between sex offender recidivism and living near schools and parks. However, there is ample scientific evidence that shows residency laws do interfere with the reintegration of sex offenders into society. The California Sex Offender Management Board states “There is no evidence that restricting where sex offender live will prevent repeat sexual offending against children. In fact, residence restrictions could not have prevented the murder of Chelsea King.”
- In Illinois, when an offender is paroled out of prison early it is mandatory for them to be on monitoring and in treatment. If an offender is not able to find housing that falls within the residency restrictions they serve their parole in prison where they are not required to be in treatment. Eventually these offenders will be released into the public with no monitoring, supervision, or treatment. Certainly the opposite of what we want for violent, repeat offenders.
- The U.S. Department of Justice found that in 93% of child sexual abuse cases, the child knows the person who commits the abuse. Only 7% are strangers and as many as 47% are family or extended family. The Bureau of Justice Statistics found that over 90% of new offenses are committed by someone not already on a sex offender registry. Keeping these statistics in mind, who are we protecting by continuing to monitor “former” offenders, some for the rest of their lives?

Illinois' current sex offender laws are not working. Reform is necessary to protect society, especially children, and to find a way to reintegrate those who have offended. Current laws are over-broad, over-inclusive, and do not distinguish between violent sex offenders and non-violent persons charged with sexually based crimes. Applying tough sanctions without regard to the actual danger posed by all convicted offenders actually makes us less safe. Law enforcement spends a great deal of time and money keeping tabs on those who pose little risk – keeping them from focusing on the high-risk offenders. Pouring scarce resources into monitoring all persons convicted of sexually based crimes means less money for programs to prevent sexual violence.

Rather than calling for tougher sex offender monitoring laws, we need a new approach to deal with convicted sex offenders who have re-entered the community. We need a new approach to distinguish between the violent sex offenders and non-violent persons charged with sexually based crimes. We need to focus on educational tools and inform society that the majority of future sex crimes will be committed by trusted individuals within their family or group of friends. We need to stand up and admit that our goal of protecting society by pushing for harsher sex offender laws has not worked and that more-effective laws are in the works.

We must find a way to address the true problem: How to prevent future victims.