

155233



Sex Offender Community Notification in Oregon

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*Prepared for
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*by
Department of Corrections*

January 1995



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Forward

This report is prepared in response to a directive in House Bill 2759 requiring the Department of Corrections to report to the Sixty-eighth Legislative Assembly concerning sex offender community notification made pursuant to the Act. The following individuals helped in the preparation of this document:

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Executive Summary

- The Legislature enacted Community Notification during the 1993 Legislative Session and became effective November 3, 1993. It allows for the disclosure of offender information to a broad public on certain predatory sex offenders convicted of any degree of Rape, Sodomy, Sexual Abuse, Unlawful Sexual Penetration or attempts at any of these offenses.
- As of January of 1995, 1,633 sex offenders were on probation and 981 were on parole or post-prison supervision. Specialized parole/probation officers supervise these offenders using a combination of specialized supervision, polygraph, treatment, DNA testing, registration and community notification to manage offender behavior safely in the community.
- Officers use the Sex Offender Assessment Scale to determine if an offender exhibits predatory characteristics such as a history of sex offense convictions, stranger to victim offenses, multiple victims, use of weapons, threats or coercion, predatory behavior, prior non-sexual criminal history, forcible rape, use of weapons during commission of offenses or men who molest boys [multiple victims]. If any three [or more] of these characteristics are found, the offender is identified for notification.
- Before enactment of the Notification law, limited notification occurred to specific individuals in close association with the convicted sex offender.
- Community Notification provides for broad public notification including use of flyers distributed door to door, posting of the offender's home, newspaper articles, community meetings and television or radio announcements.
- Although there has been some harassment of offenders, only a few problems have been experienced. Most results have been positive. The notification process has improved community communication. It has also provided motivation for many offenders to more actively participate in treatment.
- Valuable information on sex offender activities has been received from community members. Absconders have turned themselves in or apprehension or arrest has been facilitated.
- Parole/probation officers are more involved in the community and with community groups than before notification.
- The public is more informed about the dynamics, myths and realities of sex offenders. This information allows them really to protect themselves and their family members.

■ It is recommended that:

1. Community Notification should continue to occur as part of a comprehensive program of sex offender supervision in the community.
2. The notification process should continue to be flexible, allowing the greatest level of responsiveness to community needs and sensitivities.
3. The research begun by the Criminal Justice Council should be expanded to include an examination of the effectiveness of the various strategies used with sex offenders in Oregon.

Sex Offender Community Notification

Introduction

During the 1993 Session, the Oregon Legislature enacted Sex Offender Community Notification, House Bill 2759, which became effective November 3, 1993. ORS 181.507 to 181.509 directs the Department of Corrections to provide public notification of convicted predatory sex offenders' presence in communities, as long as the disclosure of information does not substantially interfere with the treatment or rehabilitation of the offender.

Before the enactment of the Community Notification Law, parole/probation officers routinely notified on all sex offenders under supervision and generally included notification to: local police; immediate and extended family members in contact with the offender; victims; other residents in the offender's home; regular visitors to the home; employers; therapists; Children's Services Division; landlords and apartment managers; ministers, pastors, and other officials where the offender attends church; select neighbors; specific business frequented by the offender; and close associates to the offender. This notification method continues. Many parole/probation officers served and continue to serve on local county multi-disciplinary teams (made up of victims' assistance programs, district attorney, local law enforcement, Children's Services, school counselors, Court Appointed Special Advocates [CASA] programs, a juvenile department, pediatricians specializing in abuse, etc.) where they shared information and staffed cases. In addition, if parole/probation officers became aware of specific individuals who are at risk, they have notified these persons and their parents.

Community notification as described in ORS 181.507 to 181.509 expands the existing practice of routine notification to one that shares offender information with a broader public. The Legislature enacted the law to notify "potential victims," of the presence of predatory convicted sex offenders, who can use this awareness to protect them and their families.

Criteria for Community Notification

A predatory sex offender for purposes of community notification is defined in ORS 181.507 "as any offender under parole, probation or post-prison supervision who has been convicted of a sex crime listed in ORS 181.517 (1) to (4) Rape, Sodomy, Sexual Abuse, Unlawful Sexual Penetration, in any degree, or of attempting to commit one of these crimes, who exhibits characteristics showing a tendency to victimize or injure others."

Department of Corrections Administrative Rule #28 (Appendix B) uses the Department's Sex Offender Risk Assessment Scale (Appendix C) to determine if an offender exhibits these predatory characteristics. The Rule requires that an offender

receive a score on a minimum of three of nine starred (*) criteria on the Risk Assessment or as is otherwise determined by the supervising agency, or by the Board of Parole and Post-Prison Supervision.

These criteria are:

- History of sex offense convictions
- Stranger to victim
- Multiple victims
- Use of weapons, threats, or coercion
- Predatory behavior
- Prior non-sexual criminal history
- Forcible Rape
- Use of a weapon during commission of offense
- Men who molest boys (multiple male victims)

Notification Process

Before a sex offender's release from prison, the Release Counselor completes the Risk Assessment Scale and submits it along with the release packet to the Board of Parole and Post-Prison Supervision. If the Board determines the offender is predatory, they enter a finding of this into the Parole Order. The parole/probation officer classifies offenders on probation, using the Sex Offender Risk Assessment Scale (Appendix B). The supervising officer completes a notification plan on offenders determined to be predatory. The notification plan is designed to document the reason for the notification, who will be affected and what areas need to be addressed to reduce potential negative impacts.

Levels and Method of Community Notification

Evaluating the sexual offending cycle determines the level of community notification, and determines how best to reach those in the community who may be at risk. Probation/parole officers review the extensive information available including: criminal history; sex offender risk assessment; police reports and presentence investigations (including the victim's report and offender's version of the crime); treatment information; polygraph reports; employment data; social activity information; identity

of those who enable the offender; and those who positively support the offender in addressing his deviancy. The officer discusses the notification with the offender's therapist. The location of the offender's home in the neighborhood is evaluated. This information is formulated into a notification plan that outlines the reason for notification (what identifies the offender as predatory); describes the current living, employment and other setting information; lists whom they will notify; what method of notification will be used to reach those individuals; and a time line for completion. Notifications have included all or combinations of: flyers distributed door to door; newspaper articles; television and radio announcements; community meetings; and posting of the offender's residence¹. (Appendix D).

After early consideration of mandating uniform notification methods statewide, it became evident that geographic and community differences and the ability of the media to distribute information required flexibility in the notification process. In some rural areas, for example, there are no neighbors for long distances unlike densely populated inner cities. Some newspapers can publish extensive articles about certain sex offenders; others require ads be purchased; and others, because of the number of offenders from several communities, are unable to publish these all at once. In addition, the workload and time involved for the parole/probation officer to reach the individuals at risk and addressing community concerns varies from location to location.

The ability to tailor notification to the individual offender and jurisdiction has allowed for innovation by parole/probation officers. For example, one offender was required to post his vehicle. In another case, notification included flyers posted in bars since the offender's practice was to provide potential victims rides home and subsequently rape them.

Whatever the notification method, the information distributed includes a picture of the offender, address, make of car and license plate number, crime of conviction, target preference, brief description of the offense, conditions of supervision, and name and phone number of the Community Corrections office and parole/probation officer responsible for supervision.

Implementation

On January 11, 1995, 4,841 sex offenders were under the control of the Department of Corrections. Of this number, 1,959 offenders were in prison, and 2,882 were under community supervision for misdemeanor and felony convictions. Of the total under community supervision, 1,633 were on probation and 981 were on parole or post-prison supervision. Of those under community supervisor, 2,614 or 90% were convicted of

¹Initial posting of residences involved signs that were yellow rectangles with black printing. Neighborhood associations brought it to the Sex Offender Supervision Network attention that these signs were similar to Block Home signs. Notification signs were immediately changed to a large red hexagon sign similar to a stop sign.

the crimes listed in ORS 181.517 (1) to (4) qualifying them for community notification if found to be predatory.

Since the Community Notification law went into effect on November 3, 1993, 237 community notification plans have been submitted representing, 9% of those eligible under the statute. All other sex offenders were subject to the prior practice of routine notification described above.

Several additional cases are not included in these numbers where the arrest and conviction of a particularly notorious offender were well publicized in the media. Consequently, the community was already aware of the offender's presence in the community. In these cases, the supervising officer did not do a notification, but responded to requests and distributed additional information. Sometimes during preparation for notification, there have been arrests by the supervising parole/probation officer before actual implementation of the notification.

The ability to provide community notification is a valuable component of Oregon's comprehensive program to manage sex offenders in the community that includes: specialized supervision with restrictive conditions on offender activities; sex offender treatment; disclosure, maintenance, and specific incident polygraphs; DNA testing; and registration.

The workload to successfully implement notification is significant and involves planning before contacting individuals, distribution of flyers, and responding to community concerns and requests. There are complexities in making accurate measurements of the time required to complete notification that are difficult and challenging. Because of the several levels of community and neighborhood response and involvement and different requirements for the first notification on an offender compared with subsequent notifications, the time reflected can be quite different for each notification. Parole/probation officers report that community notifications are workload intensive and involve many staff and activities. To quantify the resources required to carry out this function, parole/probation officers throughout the state have attempted to monitor the time it takes to complete a notification. Early information would suggest that a community notification takes between one and five hours to completion while other officer records suggest between forty and sixty hours to complete the notification process. To date, it is estimated that the various community notifications conducted throughout the state took approximately 1,280 hours of personnel time. The Department of Corrections is conducting a time study to determine the workload and time involved in all facets of parole/probation officers activities. Sex Offender Community Notification data will also be available on the workload required after fifteen months of Community Notification experience have passed.

Notifying the community of predatory sex offenders living in their midst is often met with shock, anger, and fear. Working with the community members to address concerns is important as well as providing accurate information, maintaining open avenues of communication and responsiveness, and providing a role for citizens to take positive action by that reducing the anxiety.

Notification affects the entire community and many specific people besides the offender. Before a notification plan is carried out, the community has to be prepared and consideration must be taken about whom in the community could potentially be negatively effected.

Conducting meetings with citizen groups, individual citizens and the media is essential to provide information on the Community Notification Law; outline the Department of Corrections rule and criteria for notification; explain the role of the parole/probation officer and how notification fits into a comprehensive supervision plan to reduce the risk to the community. The meetings also provide the opportunity to educate the public on the myths and realities of the sex offender and to describe how the community can participate positively in holding the offender accountable in partnership with the supervising officer.²

Indiscriminate community notification, instead of helping reduce victimization, has the potential to create more harm. In planning for community notification, it is critical that corrections officials identify individuals whom may be negatively affected and develop strategies to try to reduce either the potential for, or the fear, of negative impacts without interfering with the notification. For example, if a neighbor is trying to sell a house, the publicizing of a sex offender nearby may affect a sale; a landlord may be pressured for renting to a sex offender; people may avoid renting or leave an apartment complex where a sex offender resides; arbitrary notification may further victimize the victim and victim's family; an employer's business may suffer consequences; family members will be identified as related to a sex offender and forced to deal with it publicly. Notifying these individuals before conducting the community notification allows time to prepare and deal with the disclosure. Blanket notification without first informing those who may be affected can result in much anger and distress. Addressing these issues up front has resulted in a smoother notification process with less disruption to the offender and the community, and the community notification has been effective.

Parole/probation officers report favorable responses to Community Notification. Community members appreciate the information about nearby sex offenders. The enhanced community networking is also a plus. Occasionally people would rather not know and therefore continue to maintain a sense of comfort and security in the

²Josephine County held a press conference after the law was enacted to discuss each of these issues prior to initial offender special notification. When the notification finally occurred, there was little community reaction, because the community had been informed up front.

neighborhood. In addition there are those who know the offender and are invested in not wanting to acknowledge that someone they know could be a sex offender. By trial and error and the sharing of information and expertise through the Sex Offender Supervision Network³, parole/probation officers specializing in supervising sex offenders have found when issues are addressed up front, a smoother notification process, with less disruption to the community and to the offender, has resulted.

Offender Impact

Before full implementation of the Community Notification process, a number of concerns were expressed. During the legislative process, and in the hearings on the Department of Corrections Rule, testimony was given that litigation would occur to stop notifications, adding additional court costs; retaliation and vigilante action would be perpetrated against offenders resulting in harm to them and their property; offenders would lose jobs, and housing; and family members of sex offenders would be subject to harassment, property vandalism and vigilante action.

In January 1995, forty-five parole/probation sex offender specialists from thirty-five counties responded to a survey of their experience with Community Notification. These officers were responsible for a total caseload of 2,160 sex offenders. The following information was gained from the surveys and Network discussions:

- The offender or defense attorney filed motions against notification in only four cases. In each case the judge upheld notification without delays to the process.
- Less than 10% of offenders experienced some form of harassment. Incidents reported included name calling, graffiti, toilet papering and minor property vandalism, monitoring of a home by video camera, repeated reports of unfounded violations to parole/probation officers, and picketing of residences.
- There were two extreme cases of retaliation. One sex offender had a gun pointed at him and was threatened. In another case, a victim had tires slashed and the offender was blamed. Although the offender passed a polygraph and was accountable for the time, there were threats made that the offender's home would be burned down.

Since Community Notification has been in effect, one offender has committed suicide and a second offender made suicidal gestures. In both cases, it appears that the actions of these offenders would have occurred even without the law in effect.

³The Sex Offender Supervision Network is made up of parole/probation officers who supervise sex offenders, release counselors from Santiam Correctional Institute and institution staff from Snake River Correctional Institute. The Network participants meet regularly and in subcommittees to identify and address issues pertinent to the management of sex offenders and have participated in special training on sex offender supervision issues.

- One offender who was avoiding getting into treatment was informed that community notification would occur. This individual was not well physically, had no family and was depressed. Ten days after notification, he committed suicide. It is unclear whether notification caused his suicide.
- One additional offender was given a time line to tell an employer of his conviction. The probation officer noticed, on a home visit, that this offender had set a vehicle up to inhale carbon monoxide. This notification was only of the routine format and was not a case in which wide spread community notification was scheduled.

Although not a primary reason, parole/probation officers suggest that Community Notification may be a factor in offenders' absconding from supervision. Because of the Sex Offender Supervision Network discussion of this concern, parole/probation officers agreed that automatic newspaper notification was appropriate on any offender who absconds from supervision. Some sex offenders have said that this knowledge deters them from absconding. Community notification on absconders has resulted in a quicker return of these offenders throughout the state. Either offenders surrendered themselves after seeing their pictures in the paper, or citizens have reported information on their whereabouts facilitating arrest⁴.

Other circumstances reported by parole/probation officers included:

- Community notification has made it more difficult to find residences for some sex offenders released from prison. Release plans have fallen apart just before release, leaving no time to develop appropriate alternate placements. Convicted sex offenders have been asked to move out by those they live with or have been evicted by landlords. Relatives are less willing to allow a convicted sex offender to reside with them once there is awareness that notification will occur. Some offenders, because of harassment, have chosen to move to new neighborhoods. Community transition programs, halfway houses, and other supervised placements, similarly have become more reluctant to take in sex offenders. Because these programs want to maintain a low profile in the community, they will not allow placement of a high profile sex offender, fearing that the publicity will bring the programs into the public eye and force closure of the programs.

The result is that some offenders have not been allowed access to programs that could give a stable residence with on-site supervision, monitoring and treatment. Occasionally, because of Community Notification, some offenders have had to

⁴In Lane County, a local television station approached probation and parole staff about airing information about sex offenders who abscond. Broadcasting this information has allowed the public to become involved in locating offenders who flee from supervision. To date, information about nearly a dozen absconders has been aired. Nearly all have been apprehended or have turned themselves in because of the notification. This station is now planning a monthly half hour program devoted to absconders and fugitives from regional law enforcement agencies.

be placed in missions or other less structured living situations. These offenders often move from temporary residence to temporary residence, and at least one offender was temporarily homeless and lived under a bridge. These unstable transient residences make it difficult to supervise the offender. Basic shelter and food become the offenders' primary objectives rather than finding employment and participating in the treatment critical to safe maintenance in the community.

- Notification has effected employment opportunities for sex offenders. Sex offenders are already limited in the types of jobs that can be found. Treatment and polygraph costs, victim costs and living expenses all make it necessary that the offender obtain acceptable work.
- Businesses who were initially willing quietly to employ a sex offender sometimes do not provide jobs when the hiring will clearly become public. This further affects the offenders' ability to pay for treatment, polygraphs, and victim costs. Some offenders have quit jobs once co-workers became aware of the conviction and made harassing and threatening statements.

Community Notification is a valuable tool as part of a comprehensive program to manage the sex offender in the community. Negative effects of notification must be reduced to allow for the public to have the information required concerning the sex offender and to allow the offender to focus on reducing the risk to the community. The parole/probation officer is very concerned about balancing the impact on the community and the offender.

Oregon had no experience with Community Notification before implementation of the law and other states had little information from which to learn. As a result, many errors were made in initial implementation. Parole/probation officers report that the incidents of harassment were more frequent when notification first was implemented, but these appear to have reduced over time. To reduce negative consequences of notification, the following have been initiated:

- Local law enforcement with parole/probation officers has taken the opportunity in public forums and community meetings to provide accurate information, help correct misconceptions, and clarify those behaviors that represent criminal activity perpetrated against sex offenders. The message has been that if a citizen chooses to take illegal action there are consequences.
- Offenders are told that notification will occur and are encouraged to discuss concerns and issues with their therapist. Offenders are given the opportunity to "self-notify." Parole/probation officers then verify this activity. Some offenders accompany parole/probation officers during door to door distribution of flyers or attend community meetings. Officers share information about strategies that seem to help notification and those approaches that seemed to create more anxiety. A proactive stance is important in successful implementation of Community Notification.

In addition, there is an element of routineness as the community has become more aware of sex offenders in their midst. The community is less shocked and outraged as subsequent notifications occur when compared with the first disclosures.

Unanticipated Positive Outcomes

Community Notification has achieved more than the initial intent behind the legislation. There have been many unanticipated benefits.

The knowledge that community notification will occur has motivated some offenders. Sex offenders do not particularly want community notification to occur and even those who were previously resistant to treatment, are acknowledging their deviant behavior, attending and working harder in treatment. Treatment programs require them to be honest with people about their crimes; to pass disclosure polygraphs successfully (which detail their sexual offending behavior throughout their lives); to complete homework assignments, to outline their deviant sex offense cycle; and to develop interventions to keep from re-offending. By cooperating with treatment and following supervision conditions, the offender can influence the level of notification by reducing the risk of re-offense. The ability to have some control over the level of notification by doing what is needed to lessen the risk to the community has motivated positive changes with long term effects. This ultimately creates a safer community. This incentive would be lost if notification was mandated on every offender.

Community notification involves the citizenry in the supervision of offenders and allows them to act in a positive and empowered manner. Not only have offenders who have absconded supervision been found, but Corrections has received valuable information on offender activities from community members. Some communities have organized neighborhood watch and other community groups to work together to address community issues and concerns because of knowledge of a sex offender living in their neighborhood. This has unified many communities to address other common issues besides the issues that initially brought them together.

Community notification has brought parole/probation officers out into the community as never before. Notification requires much contact with the community and has resulted in increased speaking with community groups, neighborhood associations, civic groups and other community groups and door to door contact with people living in neighborhoods with sex offenders, schools and businesses. This has increased the public awareness of community supervision to many citizens who would not otherwise personally encounter anyone associated with corrections. This public contact has increased the community's understanding of the functions of Community Corrections and created an environment where parole/probation officers are working as part of the community. Media relationships have also been improved.

Notification has also provided an opportunity to educate the public about the dynamics of sex offenses. Parole/probation officers have the opportunity to provide accurate

information to the public about sex offenses, particularly, the reality that most sex offenses are committed by family members or those close to the family rather than the myth of the unknown stranger molesting children. This gives the public information, allowing them to really protect themselves and their family members.

Recidivism

Parole/probation officers like having Community Notification available and the community has been favorably responsive. Assessing the effectiveness of Community Notification at protecting the community and reducing the risk of further offenses is difficult. Notification provides the motivation for the offender to more fully participate in treatment. The offender's ability to control the level of notification through his behavior is significant in helping in internalizing controls and reducing risk. Nevertheless, it is difficult to isolate Community Notification from other components of Oregon's comprehensive supervision of sex offenders. As resources become limited, however, it is imperative that we learn which components or strategies are most crucial to success.

Research has found that sex offenders under supervision in Oregon have a very low rate of committing new sex crimes compared with national data. An informal survey of parole/probation officers suggests that supervised sex offenders during the last year have approximately 5% recidivism rate. A study done in January of 1991 of a Jackson County sex offender treatment program had similar results⁵.

Summary

Parole/probation officers are concerned about public safety and Community Notification is a valuable tool to help them in the safe management of sex offenders. However, community notification is a tremendous responsibility because of the potential implications to the offender and their families, the victim and their families, employers and the community. Effective notifications cannot be implemented without advance planning that evaluates the dynamics of each offender and community dynamics. Community Notification is important as a component of a more comprehensive program of supervision, treatment, polygraph, registration, and DNA testing. These elements work together to hold the offender accountable; to encourage offender motivation in internalizing patterns of behavior to reduce their risk to the community; and to enhance community safety while avoiding further community harm.

⁵"Sex Offender Treatment, Jackson County, Oregon". January 1991, Department of Corrections, Medford Oregon. Polygraph Associates. Medford, Oregon.

Communities are now better informed that there are sex offenders in their midst. Community fears are reduced when there is awareness of the accountability to which sex offenders under supervision in the community are held. This fear is further reduced when the supervising officer can be contacted directly to answer questions and to provide information, and there is an immediate response through investigation, polygraphs, arrests and feedback on complaints and allegations of violations of conditions of supervision.

Recommendations

1. Community Notification should continue to occur as part of a comprehensive program of sex offender supervision in the community.
2. The notification process should continue to be flexible, allowing the greatest level of responsiveness to community needs and sensitivities.
3. The research begun by the Criminal Justice Council should be expanded to include an examination of the effectiveness of the various strategies used with sex offenders in Oregon.

Appendix A: Characteristics of Sex Offenders⁶

The following are excerpts from the Executive Summary of "Adult Sex Offender in Oregon Trends and Characteristics," prepared for the Oregon Criminal Justice Council by Law & Policy Associates in April 1993. This study was developed in response to the Legislature's mandate to provide an analysis of characteristics of adult sex offenders in Oregon. Data describing the numbers of sex offenders flowing through Oregon's criminal justice system, both historically and currently, were collected from published reports and automated data bases of the Oregon Criminal Justice Council (OCJC) and the Department of Corrections (DOC). Profile data describing the characteristics of sex offenders, their criminal behavior, their victims, and the sentencing decisions made about them were obtained from OCJC automated data and from DOC paper case files.

Historic Trends

Although the *number* of reported sex offenses has grown since 1977, the *rate* of reported sex crimes has not grown as rapidly. Since 1986, the rates of reported forcible rape, other sex offenses and person crimes as a whole have remained at or below 1986 levels. Arrest rates for forcible rape and other sex offenses have also stabilized since the mid-1980's.

Arrest rates per 1,000 reported crimes, a general indicator of enforcement patterns, grew steadily and significantly for person crimes from 1977 through 1992. However, similar increases have not occurred in the ratio of sex crime arrests to reported offenses.

Sentencing of sex offenders has changed far more dramatically. The proportion of convicted sex offenders sentenced to incarceration rose dramatically following implementation of sentencing guidelines. In 1986, one quarter of convicted sex offenders received prison sentences, while in 1992, one-half received prison terms.

The average length of stay in prison for sex offenders also increased because of the guidelines implementation. Average prison stays for rape and sodomy offenders grew from forty months in 1986 to seventy-one months in 1992.

Profile of Sex Offenders

Three categories of sex offenders are described and compared in this report: those convicted of Rape I, Sodomy I or Sexual Penetration I; those convicted of Rape II and III, Sodomy II and III, or Sexual Penetration II; and those convicted of felony Sex Abuse.

The largest proportion of felony sex offenders (42%) are convicted of sex abuse as their most serious sex offense. One-third were convicted of other first-degree sex offenses, while about one-fifth were convicted of second or third degree rape, sodomy or sexual penetration.

⁶Martin, Teri K. Ph.D. and Hutzler, John L. J.D. "Adult Sex Offenders in Oregon: Trends and Characteristics. for the Oregon Criminal Justice Council. April 1994.

Nearly all convicted sex offenders were male. A majority (61%) had at least a high school education, and sex offenders were more likely than other offenders to have been employed at the time of their arrest. Nearly one-third of sex offenders, in contrast to 13% of all person offenders, were forty years old or over at their conviction. Sex offenders were more likely than other offenders to have been married and to have been living with family members at the time of their offense.

For all sex offenders, the mean age at earliest arrest for any charge was twenty-seven years. Only 6% were reported to have juvenile sex offense adjudications. Nearly half of the sex abuse offenders and one-third of first degree rape, sodomy or sexual penetration offenders had no prior conviction of any kind. Only 22% of sex offenders were under correction supervision when they committed the offense, compared to 40% of all sentenced felons.

Nearly one-third of the convicted sex offenders used neither verbal coercion nor physical violence in committing their offenses, while another 41% used only low levels of violence such as verbal intimidation. Only 11% of those convicted of a sex offense used high levels of violence.


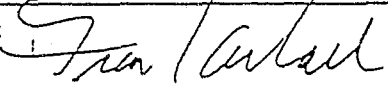
Consistent with statutory definitions of sex offenses, first degree rape, sodomy and sexual penetration offenses were much more likely to involve medium or high levels of violence (41%) than were other sex offense convictions (21%). High levels of violence were least likely to be reported in sex abuse cases.

Forty percent of all convicted sex offenders victimized family members. One-third of those convicted of first degree rape, sodomy and sexual penetration and 27% of those convicted of sex abuse victimized their own children or stepchildren. Offenders victimizing their child or stepchild were most likely to have no prior sex offense convictions.

Only 7% of sex offenders victimized strangers, but 80% of sex offenses against victims who were strangers to the offenders involved medium or high levels of violence. In contrast, convicted sex offenders who victimized their own children were far more likely to have employed either verbal intimidation or no violence (86%).

A substantial majority (86%) of sex offense victims were female. More than 80% of victims were under eighteen years of age, with 56% being under thirteen. Offenders convicted of sex offenses against juveniles, particularly young children, were much less likely to have employed high levels of violence.

Appendix B: Sex Offender Community Notification Rule

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|---|--|
|  <p>STATE OF OREGON Department of Corrections</p> | <p>Subject:</p> <p>SEX OFFENDER COMMUNITY NOTIFICATION</p> |
| <p>Related ACA Standards:</p> | <p>OAR 291-28-010 through OAR 291-28-040</p> <p>Rule #28 (Tab #59)</p> |
| <p>Procedure Requirement (Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>)</p> | <p>Functional Unit(s) Affected:</p> <p>Community Corrections</p> |
| <p>Approved:  Frank A. Hall, Director</p> | <p>Effective Date: 5/2/94</p> <p>(Supersedes document dated: 11/4/93)</p> |

AUTHORITY, PURPOSE AND POLICY

291-28-010 (1) Authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, 423.075, and 181.507 to 181.509.

(2) Purpose: The purpose of this rule is to establish Department policy and procedures for determining whether an offender under probation supervision should be identified as a predatory sex offender for purposes of community notification pursuant to ORS 181.507 to 181.509, and these rules.

(3) Policy:

(a) It is the policy of the Department of Corrections to identify offenders under probation supervision who are convicted of certain qualifying sex crimes and exhibit characteristics showing a tendency to victimize or injure others as predatory sex offenders for purposes of community notification pursuant to ORS 181.507 to 181.509, and these rules.

(b) It is the policy of the Department of Corrections to provide notification to individuals/communities of the presence of predatory sex offenders in their communities under appropriate circumstances as determined by the Department or other supervising agency in accordance with ORS 181.507 to 181.509, and these rules.

DEFINITIONS

291-28-020 (1) Offender: Any person under the supervision of the Department of Corrections who is on parole, post-prison supervision, or probation status.

(2) Predatory Sex Offender: Any offender under parole, probation or post-prison supervision who has been convicted of a sex crime listed in ORS 181.517 (1) to (4) (i.e., Rape, Sodomy, Sexual Abuse, or Unlawful Sexual Penetration, in any degree), or of attempting to commit one of these crimes, who exhibits characteristics showing a tendency to victimize or injure others as determined by scoring on a minimum of three of the nine starred (*) criteria on the Department's Sex Offender Risk Assessment Scale or as otherwise determined by the supervising agency, or by the Board of Parole and Post-Prison Supervision.

(3) Sex Offender Risk Assessment Scale: A standardized risk assessment instrument used by the Department of Corrections to assist it in assigning an appropriate supervision level to offenders on parole, probation or post-prison supervision for sex offense conviction(s).

(4) Supervising Agency: The Department of Corrections or county community corrections agency responsible for supervision of the offender.

PROCEDURES

OFFENDER IDENTIFICATION

291-28-030 (1) Offenders on Probation

(a) Within 30 days of the onset of probation supervision the supervising agency shall evaluate any offender who has been convicted of a sex crime listed in ORS 181.517 (1) to (4) (i.e., Rape, Sodomy, Sexual Abuse, or Unlawful Sexual Penetration, in any degree), or of attempting to commit one of these crimes, and determine whether the offender exhibits characteristics showing a tendency to victimize or injure others. The Department's Sex Offender Risk Assessment Scale (Attachment 1) shall be used as part of such evaluation.

(b) If the offender scores on a minimum of three of the nine starred (*) criteria on the Department's Sex Offender Risk Assessment Scale or is otherwise determined by the supervising agency to exhibit characteristics showing a tendency to victimize or injure others, the supervising agency shall identify the offender as a predatory sex offender for purposes of community notification pursuant to ORS 181.507 to 181.509, and these rules.

(2) Offenders on Parole or Post-Prison Supervision

(a) Upon Release from a Department of Corrections Facility or County Jail:

(A) Prior to release on Parole or Post Prison Supervision from a Department of

Corrections facility or County Jail, using the Department's Sex Offender Risk Assessment Scale (Attachment 1), a counselor shall evaluate any offender who has been convicted of a sex crime listed in ORS 181.517 (1) to (4) (i.e., Rape, Sodomy, Sexual Abuse, or Unlawful Sexual Penetration, in any degree), or of attempting to commit one of these crimes, to determine whether the offender exhibits characteristics showing a tendency to victimize or injure others. The counselor shall forward the results of the evaluation to the Board of Parole and Post-Prison Supervision as part of the release planning packet.

(B) If the offender scores on a minimum of three of the nine starred (*) criteria on the Department's Sex Offender Risk Assessment Scale, the counselor shall request that the Board identify the offender as a predatory sex offender pursuant to ORS 181.507 to 181.509.

(b) On Community Supervision

(A) If the offender is already being supervised in the community on parole or post-prison supervision, the supervising officer shall evaluate any offender who has been convicted of a sex crime listed in ORS 181.517 (1) to (4) (i.e., Rape, Sodomy, Sexual Abuse, or Unlawful Sexual Penetration, in any degree), or of attempting to commit one of these crimes, to determine whether the offender exhibits characteristics showing a tendency to victimize or injure others. The Department's Sex Offender Risk Assessment Scale (Attachment 1) shall be used as part of such evaluation.

(B) If the offender scores on a minimum of three of the nine starred (*) criteria on the Department's Sex Offender Risk Assessment Scale or is otherwise determined by the supervising officer to exhibit characteristics showing a tendency to victimize or injure others, the supervising officer shall forward the results of the evaluation to the Board of Parole and Post-Prison Supervision, together with a request that the Board identify the offender as a predatory sex offender pursuant to ORS 181.507 to 181.509.

NOTIFICATION

291-28-040 (1) An offender identified as a predatory sex offender by the Department of Corrections or county community corrections agency under these rules, or by the Board of Parole and Post-Prison Supervision, shall be evaluated by the supervising agency to determine the appropriateness of individual and/or community notification. When the supervising agency determines that notification is appropriate, it shall complete a notification plan using the Sex Offender Community Notification Plan form (CD 1279D). When the supervising agency determines that notification is not appropriate, the notification plan will so indicate. Notification plans shall be approved prior to implementation by the director of the local community corrections office (state or county) or other employee designated by the supervising agency. A copy of the notification plan shall be maintained in the offender's supervision file, together with all documents relating to notification.

(2) In determining the appropriateness of notification, the supervising agency should consider the following factors:

(a) Whether notification would substantially interfere with treatment or rehabilitation of the offender;

(b) Whether the offender refuses or neglects to enter into and participate in treatment or rehabilitation;

(c) Whether the offender has progressed in treatment; and

(d) Whether the offender is currently on abscond status from supervision.

(3) When developing a notification plan, the supervising agency shall consider notifying:

(a) The offender's family;

(b) The offender's sponsor;

(c) Persons residing with or visiting the offender's residence;

(d) Residential neighbors (i.e., persons residing in the vicinity of the offender's residence);

(e) Residential churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent;

(f) Any prior victim(s) of the offender; and

(g) The general community.

(4) The supervising agency should include in the notification plan efforts to minimize any negative impact that may be generated by notification.

(5) When formulating a notification plan, the supervising agency may consider using any method(s) of communication that it determines is appropriate. Notification may include, but is not limited to, the following information:

(a) The offenders name and address;

(b) A physical description of the offender including but not limited to the offenders age, height, weight, eye and hair color;

(c) The type or description of the vehicle(s) the offender is known to drive;

(d) Any condition or restrictions upon the offender's probation, parole, or post-prison supervision or conditional release;

- (e) A description of the offender's method of offense;
- (f) A description of the offender's primary and secondary targets;
- (g) A current photograph of the offender; and
- (h) The name and telephone number of the supervising agency/officer.

Appendix C: Department of Corrections Sex Offender Assessment Scale

SEX OFFENDER ASSESSMENT

Attachment 1

OFFENDER _____

SID _____

Negative Scale (Increases Risk)

1. History of sexual crimes -10
2. *History of sex offense convictions -10
3. *Stranger to victim -10
4. *Multiple victims -10
5. *Use of weapons, threats, or coercion -10
6. Victim particularly vulnerable -10
7. *Predatory behavior -10
8. Not in "treatment" -10
9. Shows no empathy for victim(s) -10
10. Not progressing in treatment -10
11. New crime during supervision -10
12. Technical violation related to sexual assault cycle -10
13. Multiple paraphilia -10
14. Impulsive or compulsive behavior -10
15. Primary sexual preference is children -10
16. Community instability -10
17. *Prior non-sexual criminal history -10
18. Substance abuse involved in sexual offending behavior -10
19. Substance abuse problems -5
20. Anger problems -5
21. Technical violation during supervision -5
22. Use of sexually arousing materials -5
23. Mental status inhibits responsible functioning -5
24. No support system or support system tolerates/supports denial -5

Subtotal _____

Positive Scale (Reduces Risk)

1. Takes full responsibility for offending behavior +10
2. Clear identification and understanding of sexual assault cycle +10
3. Passes disclosure polygraph +10
4. Clarification to victims completed +10
5. Successful completion of approved treatment program +10
6. Passed compliance (maintenance) polygraph +10
7. Completed substance abuse treatment and maintains abstinence +10
8. Demonstrated understanding of thinking errors +5
9. Support system reinforces compliance and treatment +5
10. Special conditions compliance +5

Subtotal _____

High = -210 to -50

Medium = -45 to 0

Low = +5 to +85

Total _____

Automatic Override Characteristics

(will be supervised as high if any of these factors)
Check is applicable

- *1) Forcible rape _____
- *2) Use of weapon during commission of offense _____
- *3) Men who molest boys (multiple male victims) _____

Automatic Override _____

Final Classification _____

NOTIFICATION CRITERIA:

If three or more issues with an asterisk (*) are scored, a plan will be formulated by the Sex Offender Team to address actual and potential threat in offender's community.

Probation Case # _____

Appendix D: Department of Corrections Sex Offender Community Notification Plan

Offender Name _____

SID # _____

**SEX OFFENDER
COMMUNITY NOTIFICATION PLAN**

Date: _____

Crime: _____ S.O. Risk Score: _____

Reasons for Notification: (Briefly describe criminal history, risk score, victim's, etc.)

Current Living, Employment and Other Setting Information: (churches, clubs, etc.)

Notification Plan: (who, how, when)

Notification to be completed by: _____

Supervising Officer: _____

CD1279D(11/93)

COMMUNITY NOTIFICATION
CONVICTED SEX OFFENDER

NAME:

DOB: 03-15-62, RACE: WHITE,
SEX: MALE, HGT: 508, WGT: 140
EYE: BLUE, HAIR: BROWN

ADDRESS:

TRANSPORTATION: FOOT OR BICYCLE

CASE TYPE: OREGON PAROLE UNTIL 10-26-2023
PAROLE OFFICER LARRY VANDUSEN
623-5206 EXT 203

CONVICTION(S):

1. 07-08-81, SEX ABUSE I.
2. 02-28-84, SODOMY I, SEX ABUSE I.

DESCRIPTION OF CRIME:

The victims were adult females who did not know
Two were approached on the street and one in her home. Each was
threatened with a knife. Before leaving, he would take money and or
jewelry.

SPECIAL CONDITIONS:

1. No use of controlled substances.
2. Breath and urine testing.
3. No contact with minor males or females.
4. Shall not frequent any place where minors congregate.
5. Random polygraph testing.
6. Successfully complete sex offender treatment program.
7. Shall not possess pornographic materials.
8. No contact with victims.

REPORT ANY VIOLATIONS TO

OREGON DEPT OF CORRECTIONS
289 E ELLENDALE SUIT 204
DALLAS, OR. 97338
503 623-5226



