

# CONNECTICUT SENTENCING COMMISSION

## **2016 Interim Report Special Committee on Sex Offenders**

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# 2016 INTERIM REPORT

Report to the Judiciary Committee of  
the Connecticut General Assembly  
pursuant to Special Act 15-2 §1 (b)

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## **SPECIAL COMMITTEE MEMBERS**

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**Linda J. Cimino**

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**David D'Amora**

Director, National Initiatives  
Council of State Governments, Justice Center

**Robert Devlin**

Chief Administrative Judge for Criminal  
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**Robert Farr**

*Co-Chair*  
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Board of Pardons and Paroles

**Stephen Grant**

*Co-Chair*  
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**Karen Martucci**

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**Thomas Ullmann**

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Judicial District of New Haven

**Antoinette Webster**

Attorney  
Department of Emergency Services and  
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## EXECUTIVE SUMMARY

### I. Introduction

On May 26, 2015, the Governor signed Special Act No. 15-2, An Act Concerning A Study of the Sexual Offender Registration System. The act requires the Commission to take a comprehensive look at the registration, management, and sentencing of sexual offenders in Connecticut. The Commission is required to submit reports to the General Assembly on February 1, 2016 and December 15, 2017.

***AN ACT CONCERNING A STUDY OF THE SEXUAL OFFENDER REGISTRATION SYSTEM.***

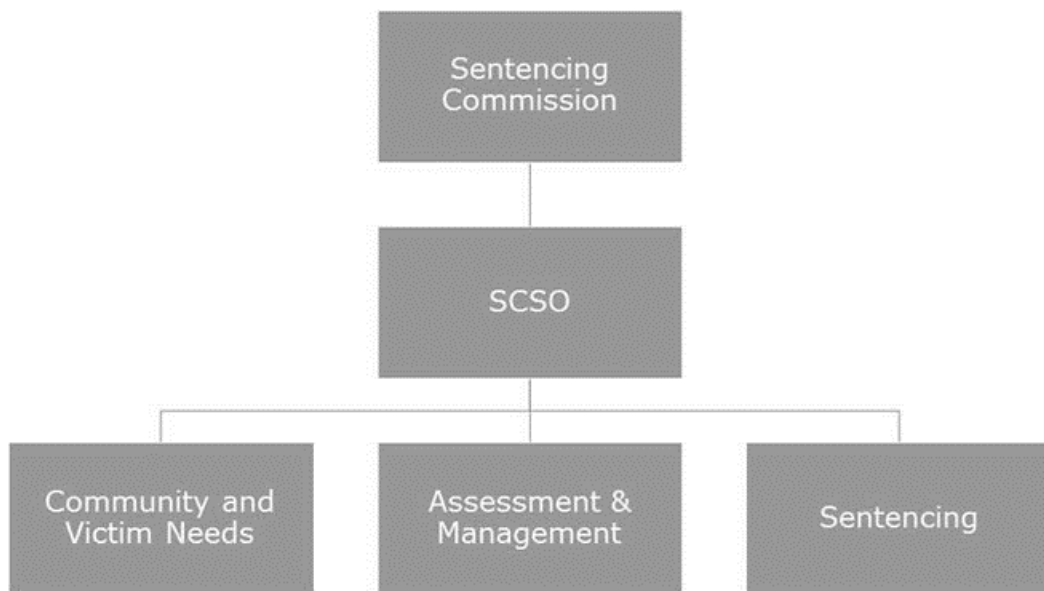
Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective October 1, 2015*) (a) The Connecticut Sentencing Commission established pursuant to section 54-300 of the general statutes shall study: (1) The sentencing of sexual offenders; (2) the risk assessment and management of sexual offenders; (3) the registration requirements and registry established under chapter 969 of the general statutes; (4) the information available to the public and law enforcement regarding sexual offenders; (5) the effectiveness of a tiered classification system based on the risk of reoffense; (6) methods to reduce and eliminate recidivism by individuals convicted of a sexual offense; (7) housing opportunities and obstacles for sexual offender registrants; (8) options for post-sentence appeals concerning the registry status of a sexual offender registrant; (9) sexual offender management; and (10) victim and survivor needs and services and community education.

(b) The commission shall submit, in accordance with section 11-4a of the general statutes, an interim report not later than February 1, 2016, and a final report not later than December 15, 2017, on such study to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Each report shall contain recommendations for legislation, if any.

## II. Structure and Operation of the Special Committee

The Special Committee on Sex Offenders (The Special Committee) was formed by the Connecticut Sentencing Commission in June 2015 to assist with the study, develop recommendations, and report to the Commission with its findings. The Special Committee is comprised of 16 individuals with a broad base of personal and professional experience with sex offenders in Connecticut, and is chaired by the Executive Director of the Judicial Branch’s Court Support Services Division and the former Chair of the Board of Pardons and Paroles. To focus its work, the Special Committee established three subcommittees: Sentencing, Assessment and Management, and Community and Victim Needs.



The Special Committee first met on August 5, 2015, and has convened an additional three times in 2015. Special Committee meetings were devoted to learning more about relevant issues, discussing outstanding matters and opinions, and providing additional guidance and direction to research staff and subcommittees.

### **III. Educational Presentations**

The Special Committee hosted a series of local and national presenters to learn more about the systems of sentencing, assessment, management, and treatment of sex offenders, as well as research and effective practices in the field. These presentations included:

- Ed Palmieri, Deputy Director for Adult Probation and Bail Services, on Connecticut Sexual Offender Management and Assessment.
- David D'Amora, of the Council of State Governments Justice Center, on sex offender registration in the United States.
- State Police Sgt. Matthew Garcia on the state police's administration of Connecticut's sex offender registry and the enforcement of the State's registration requirements.
- Frank Mirto, Parole Manager, on the Department of Correction Special Management Unit's supervision, assessment, and management of sex offenders.
- Ivan Kuzyk, Director of the State Statistical Analysis Center, on recidivism among sex offenders in Connecticut.
- David D'Amora, Director of National Initiatives at the Council of State Governments' Justice Center, and Randall Wallace, Director of Clinical and Forensic Services at the Justice Resource Institute, on sex offender risk assessment tools.
- Mark Bliven, Director of the Minnesota Department of Correction's Risk Assessment and Community Notification Unit, on Minnesota's tiered approach to sex offender supervision, assessment, and community notification.
- David Zemke, Program Director of the Center for the Treatment of Problem Sexual Behavior (CTPSB), on sex offender treatment services.

### **IV. Public Engagement**

The Special Committee initiated a public engagement process to receive input and for consideration as it developed its interim report. The process involves a segment for public comment at each of the Special Committee and subcommittee meetings, live broadcasting of Special Committee meetings when feasible, and several dedicated pages on the Sentencing Commission website with meeting information and materials. In

addition, the Special Committee plans to host a public hearing and several roundtables as the study progresses and recommendations are formulated.

## **V. Subcommittees**

In developing its interim report, the Commission and its Special Committee consulted a number of national and local experts, began its review of Federal and State policies, and began to develop a study scope. The following section provides a brief overview of the subcommittee focus areas and composition.

### a. Community and Victim Needs

The subcommittee on community and victim needs is comprised of 15 individuals and chaired by the State Police officer responsible for the Connecticut State Police Sex Offender Registry Unit and the Executive Director of the Connecticut Alliance to End Sexual Violence. The subcommittee is tasked with studying: victim and survivor needs and services and community education; the registration requirements and the registry established under chapter 969 of the general statutes; the information available to the public and law enforcement regarding sexual offenders; and the community impact of existing sex offender residency restrictions and housing opportunities.

### b. Assessment and Management

The subcommittee on assessment and management is comprised of 14 individuals and chaired by the board psychologist for the Board of Pardons and Paroles and the Director of Adult Probation and Court Services. The subcommittee is tasked with the study and review of: the risk assessment and management of sexual offenders, methods to reduce and eliminate recidivism by individuals convicted of a sexual offense, sexual offender management, the housing opportunities and obstacles for sex offender registrants, and the effectiveness of a tiered classification system based on the risk of re-offense.

### c. Sentencing

The subcommittee on sex offender sentencing is comprised of 12 individuals and chaired by the Public Defender for the New Haven Judicial District and the



Executive Assistant State's Attorney for the Office of the Chief State's Attorney.

The subcommittee is charged with studying the sentencing of sex offenders and the options for post-sentence appeals concerning the registry status of a sexual offender registrant.

## **PROPOSED STUDY SCOPE**

### *Introduction*

Over the past two decades, crimes involving sexual violence and/or the abduction of children have captured massive media attention and fueled widespread fears of a high risk of assault by repeat sex offenders, especially against children. In an effort to decrease the incidence of sexual assault and/or the abduction of children, legislators have passed regulatory laws aimed at reducing recidivism among convicted sexual offenders through sex offender registration, community notification, and residency restrictions (SORCN).

Federal law and the laws in all 50 states require adults and some juveniles convicted of specific crimes that involve sexual conduct to register with law enforcement, regardless of whether the victims were adults or children. Commonly referred to as "Megan's Laws," these statutes usually establish public access to sex offender identifying information, primarily by mandating the creation of online registries that provide a former offender's criminal history, current photograph, current address, and other information such as place of employment. A number of states and municipalities also impose sentences that include lengthy periods of probation and/or parole supervision and prohibit registered sex offenders from living within a designated distance, typically 500 to 2,500 feet, of areas where children gather such as schools, playgrounds, and daycare centers.

### *Sex Offender Laws*

Federal legislation to track sex offenders through registration in state databases began in 1994 as part of the Violent Crime Control and Law Enforcement Act. Expansion of the requirements and new mandates were adopted almost annually for the next 20 years. As a result of SORCN laws, sex offenders living in the United States are often bound by multiple laws, including registration, community notification, monitoring via a global positioning system (GPS,) civil commitment, and residency, loitering, and internet restrictions.

The Connecticut legislature created the state sex offender registry in 1998. The Department of Emergency Services and Public Protection (then the Department of Public Safety) maintains a central repository of information on certain sex offenders and makes that information available to the public at state and local law enforcement agencies and via the internet. Convicted sex offenders required to register must provide their name, home address, criminal history record, identifying information including a photograph, and other information. Connecticut has also expanded and adopted other restrictions and requirements over the past 20 years.

#### *Management and Supervision in Connecticut*

In 2007, Connecticut adopted a statewide collaborative model for the supervision and treatment of sex offenders in the community who are on probation or parole. The approach links parole officers, and probation officers, sexual assault victim advocates and a non-profit provider of sex offender treatment and programming who together design oversight and supervision plans for every offender.

#### *Connecticut's Sex Offender Registry*

In Connecticut, any person convicted or found not guilty by reason of mental disease or defect of a sexually violent offense, a criminal offense against a minor, a nonviolent sexual offense, a felony committed for a sexual purpose, or a similar offense for which registration is required in another jurisdiction is required to register. Sexually violent offense is defined in state statute and includes the use of force for sexual intercourse or contact, engaging in sexual intercourse with special victims who generally are unable to consent, or sexual intercourse or contact committed by a person in an authoritative position (e.g., secure custody staff, psychotherapist.) The definition of nonviolent sexual offense includes violation of sexual assault in the fourth degree or voyeurism with intent to satisfy or arouse a sexual desire.

Persons convicted of committing a crime against a victim who is a minor, a nonviolent sexual offense, or a felony for sexual purposes must maintain registration for 10 years.

However, if the offender has one or more prior convictions for similar crimes or was convicted of engaging in sexual intercourse with a minor under 13 and the offender was more than two years older than the victim, then the offender must register for life. Persons convicted of sexually violent crimes must also maintain registration for life. Failing to register is a Class D felony.

### *Summary of Existing Research on Sex Offender Laws*

Critics of SORCN laws claim that research on the multiple collateral consequences create an environment that inhibits successful community reintegration and may contribute to an increased risk for recidivism of any crime, not just sex crimes. They claim there is some evidence on studies of the effectiveness of SORCN laws that suggest that these laws may not prevent recidivism or sexual violence and, in fact, may result in more harm than good.

Proponents of sex offender registration and community notification claim these laws protect victims, and in particular children, in three ways. First, in the event a sex crime occurs in the neighborhood in which a registered sex offender lives, police have an immediate list of likely suspects. Second, victims have information that will enable them to heighten their vigilance and parents can warn their children to stay away from particular people. Finally, residency restrictions limit sex offenders' access to victim and children and, as a result, their temptation or ability to commit new crimes. Proponents often cite that sex offenders are always predatory, violent and cannot be rehabilitated and SORCN laws are predicated on the assumption that convicted sex offenders will continue to commit such crimes if given the opportunity.

Advocates for reforming SORCN laws argue the system is inherently unfair as it targets a specific group of people who have already served their sentences and imposes a “one size fits all” approach to the management of sex offenders. Those who advocate for changes in SORCN laws generally do not reject such statutory schemes entirely, rather, they point out that the existing laws target sex offenders without providing sufficient protection for victims and children. Advocates argue that SORCN laws are often based

on preventing a horrific crime like the abduction, rape, and murder of a child by a stranger who was a previously convicted sex offender, but research shows that is a rare event. They believe the laws offer negligible protection for children from the serious and more frequent risk of sexual abuse from family members or acquaintances.

Advocates believe online sex offender registries brand those listed on them with a very public "scarlet letter" that signifies not just that they committed a sex offense in the past, but also that they remain dangerous. With only a few exceptions, states do not impose any "need to know" limitations on who has access to the registrant's information.

Finally, advocates cite the unintended consequences of SORCN laws that seriously limit housing and employment opportunities for registrants, which have a detrimental impact to community re-entry and rehabilitation.

### *Focus of Study*

This study will focus on three main categories of research that incorporate the eight analysis areas set forth in Special Act 15-2. They are:

1. State sentencing laws for sex offenses, sentencing trends and patterns;
2. Management of convicted sex offenders and the sex offender registry; and
3. Collateral consequences of sex offender policies and management practices on victims and the offender.

### *Areas of Analysis*

1. State sentencing laws for sex offenses, sentencing trends and patterns:
  - Overview of federal SOCRN laws including a historical perspective and changes to and repealing of certain aspects of SOCRN laws in other states.
  - Overview of Connecticut SOCRN laws, case law and significant changes to the laws including any difference in charging, sentencing and managing adult and juveniles sex offenders.
  - Review of available options for post-sentence appeals concerning sex offender registry status and the outcomes of such reforms.
2. Management of Convicted Sex Offenders and the sex offender registry:

- Risk assessment and classification of convicted sex offenders including pre-sentence investigation reports by the Judicial Branch Court Support Services Division (CSSD), the Department of Correction (DOC), the Board of Pardons and Paroles (BOPP), and the Department of Children and Families (DCF). Identification of low risk versus high risk offender and management responses to each.
  - Management and community supervision policies, protocols and practices for accused and convicted sex offenders by CSSD, DOC, BOPP, and DCF. A review of technical probation and parole violations will be included.
  - The sex offender programs and services offered in correctional facilities and the community.
  - The administration of the sex offender registry including, but not limited to:
    - the responsibilities of the Department of Emergency Services and Public Safety;
    - the sex offender registry's resources and funding;
    - the supervision of registrants no longer under criminal justice system jurisdiction (discharged from sentence) versus offenders under sentence;
    - a breakdown of 10-year and life registrants and low versus high risk registrants;
    - the number of registrants and a projection of the increase or decrease in registrants over the next 10 years;
    - registration violations and responses/sanctions; and
    - the process for removal from the registry.
3. The collateral consequences of existing sex offender policies and management practices on victims and offenders.
- Identify the obstacles and consequences that result from sex offender conviction and/or registration on housing, employment, educational and training opportunities, and community reintegration.
  - Identify victim and survivor needs.
  - Examine community education surrounding issues pertaining to victims of sex crimes and sex offender management and rehabilitation.

4. To provide the most comprehensive examination of the impact of Connecticut SORCN laws and the effectiveness of the management and rehabilitation of convicted sex offenders, it is necessary to use all available data including, but not limited to: arrest, conviction and sentencing; intake, assessment and classification; supervision and compliance with the registry; and program participation and completion. The data analysis will include, but not be limited to:

- demographics and other descriptors of the sex offender population;
- the differences or similarities in trends and patterns of 10-year versus lifetime registrants;
- the differences or similarities in convicted sex offenders required to register versus not required to register;
- the differences or similarities between convicted sex offenders under sentence and/or supervision versus discharged from sentence;
- registry compliance and violations;
- the differences in rates and patterns of arrest, conviction and sentencing;
- level of risk as predictors of future criminal behavior; and
- descriptive data on victims of sex crimes

Recidivism is a key measure of the effectiveness of the criminal justice system, sentencing and supervision and rehabilitative and treatment programs and services. This study will use recidivism measures such as the type of new charges and sentences, the length of time an offender remained in the community crime-free (threshold period) and the severity of any new crimes, to evaluate the sex offender population and to identify any predictors of future relapse and/or criminal behavior. The Criminal Justice Policy and Planning Division of the Office of Policy and Management (OPM) and the Connecticut Sentencing Commission will update the 2012 OPM study on sex offender recidivism. That data will serve as one of the cornerstones of the analysis for the Special Committee on Sex Offenders.





## **CONCLUSION**

The Sentencing Commission is pleased to submit this interim report and fulfill the first part of its charge. Having considered a broad range of stakeholder opinions, this report reflects the focus areas and concerns of a variety of interested parties. The Commission anticipates that this interim report will continue to be refined as the study develops and the Special Committee receives further thoughtful input from stakeholders. With the continued work of its subcommittees and research staff, the Sentencing Commission will be able to provide the General Assembly with the best possible final set of recommendations.

## **APPENDICES**

Appendix A: Member roster—subcommittee on community and victim needs

Appendix B: Member roster—subcommittee on sex offender sentencing

Appendix C: Member roster—subcommittee on sex offender assessment and management

**Special Committee on Sex Offenders**  
***Subcommittee on Community & Victim Needs***

This subcommittee is charged with studying:

- Victim and survivor needs and services and community education.
- The registration requirements and the registry established under chapter 969 of the general statutes
- The information available to the public and law enforcement regarding sexual offenders
- The community impact of existing sex offender residency restrictions and housing opportunities

<u><b>MEMBERS</b></u>
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MATTHEW GARCIA (CO-CHAIR)
STEPHEN GRANT
GAIL HARDY
KAREN JARMOG
DAVID MCGUIRE
FRANK MIRTO
MARK PALMER
ROBERT SANTOEMMA
DAVID SNYDER
RICHARD SPARACO
THOMAS ULLMANN
ANTOINETTE WEBSTER

**Special Committee on Sex Offenders**  
***Subcommittee on Sex Offender Sentencing***

This subcommittee is charged with studying:

- The sentencing of sex offenders
- The options for post-sentence appeals concerning the registry status of a sexual offender registrant

<b>MEMBERS</b>
BRIAN AUSTIN (CO-CHAIR)
LAURA CORDES
ROBERT DEVLIN
AMY EPPLER-EPSTEIN
DEBORAH FULLER
LEE-ANN GOMES
KAREN MARTUCCI
ERIN MILLER
SARAH RUSSELL
JOHN SMRIGA
DEBORAH SULLIVAN
THOMAS ULLMANN (CO-CHAIR)

**Special Committee on Sex Offenders**  
***Subcommittee on Sex Offender Assessment & Management***

This sub-committee is charged with studying:

- The risk assessment and management of sexual offenders
- Methods to reduce and eliminate recidivism by individuals convicted of a sexual offense
- Sexual offender management
- The housing opportunities and obstacles for sex offender registrants
- The effectiveness of a tiered classification system based on the risk of re-offense

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CATHERINE HEFFERNAN
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ROBERT SANTOEMMA
LISA TEPPER BATES

