

To: Members of the House Judiciary Committee
From: John L Zolkoske,
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Re: HB 2549

Dear Esteemed Members:

I am writing to recommend your support of HB 2549 that creates a three-level registry, with appropriate public notification depending upon the risk level posed by each registrant. This approach was arrived at after careful consideration by various stakeholders, including law-enforcement, community corrections, and treatment providers.

An Intelligent Approach to Public Safety:

By adopting HB 2549, Oregon will improve on a proven intelligent approach to sex offender management. This carefully crafted scientifically based system will result in maximum public safety. Some other jurisdictions have implemented different notification systems based largely on emotion and hysteria, with disappointing results.

For example, Florida implemented the Adam Walsh Act (AWA) or SORNA. This politically expedient Federal system has been in-use there for more than half a decade. Simplistic and ill-conceived schemes such as SORNA's 'tiers' are not risk-based. In Florida, it has become clear that such a scheme has severely misdirected public resources, giving offenders constituting greater risk an increased opportunity to recidivate. A recent study, commissioned by the U.S. Department of Justice, found that:

*“If decision-making is going to be driven by assigning offenders into defined risk classes, those categories must be determined by empirically derived procedures that are likely to correctly identify higher risk offenders...”*¹

The study found that using empirical methods such as the Static-99R to identify risk level is superior for public safety. Scientifically based risk leveling and notification has great advantages:

- It helps law enforcement/corrections focus resources and attention where needed.
- Targeted notification prevents the public from becoming overwhelmed with a bloated registry, and having no idea whom actually constitutes a risk. I urge you to look at a sex offender registry in a SORNA state such as Florida. In many population centers, mapping displays a literal sea of offenders to the point of being a useless absurdity.

Uses Web Notification Where Necessary:

There is no research whatsoever that blanket public notification for low risk offenders (where used) has resulted in any public safety value. A key advantage of using risk-based management is the ability to reserve public notification for those who constitute sufficiently high risk. This method is used successfully in jurisdictions representing about 20-25 percent of the U.S population – including the State of Washington.

It is imperative that public posting be reserved only for cases where there is clearly an public safety need due to the potential devastating impact of wide-spread notification for thousands of Oregonian low-risk former offenders and their families:

1. The children, wives, partners, and friends of former offenders are targeted along with the publicly shamed former offender. [There is simply no way to portray a registrant on the internet without the public seeing that person as an imminent threat to safety] There are well-documented cases of children of former offenders being bullied and shunned when parents or other family members are discovered to be on the registry.² When an offender loses employment or housing due to being on the public registry, their family goes down with them.
2. Destabilizing influences of public posting (job loss, housing loss, public humiliation, loss of social network) are key elements leading to increased recidivism risk. Public posting must be used only where clear and present risk outweighs the potential destabilization to registrants who are productive and functional.
3. Due of the nature of the Internet, once a person is publicly posted, he or she will always remain publicly posted. Even where persons are later removed from the registry, third-party websites have ‘harvested’ the offender data from public websites. Many sites propagate data containing old, inaccurate home addresses, or incomplete data leading to cases of mistaken identity. Some websites demand fees of up to \$500 for removal of information, even if it is no longer valid. It is untenable that any government would be complicit in such activities where it is proven there is no public safety need.

Relief Components/Conclusion:

I support relief components, but will reserve from making any comments regarding these elements at this time. Relief from registration where warranted is a giant step toward creating opportunities for a productive life with employment and housing opportunities.

However, the critical element of this bill lies in the leveling system. Ensuring that only those who constitute a verifiable sufficient risk are subjected to the potentially devastating impacts of Internet posting is critical. Given that people subject to the registry are pariahs to be shunned and even physically harmed, it is absolutely critical that any decision to post additional persons be made with great care. Children and the vulnerable must be protected. But it must be done with intelligence that does not undermine overall public safety. I believe HB 2549 is the best approach and will lead to the highest level of public protection.

Thank you for this opportunity to express my opinion.

Respectfully Submitted,



John Zolkoske

¹. Zgoba, K.M, Miner, M., et. al.,(November 2012) *A Multi-State Recidivism Study Using Static-99R and Static-2002 Risk Scores and Tier Guidelines from the Adam Walsh Act*, (29)

². Human Rights Watch, (2007), *No Easy Answers – Sex Offender Laws in the U.S.*, (86-98, 117)