

Unfavorable Response to HB190
Correctional Services – Geriatric and Medical Parole

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses.

FAIR agrees that the focus of parole considerations should be on recidivism and public safety. Proposed Amendment to Section 7-305(5) makes clear that the Commission shall consider "the totality of the circumstances relating to the incarcerated individual." In FAIR's view, the further proposed additional language "including the age of the incarcerated individual" is unnecessary as it highlights a single factor which may or may not play a role in potential for an individual's recidivism in a particular case. We are concerned that the Commission will view "age" as a highlighted factor and that this will result in unintended consequences of individuals being denied Parole despite otherwise satisfying requirements.

FAIR supports the addition of Section 7-310 for geriatric parole. However, **FAIR objects strenuously to the proposed addition of Section 7-310(A)(3) that carves out the opportunity for this parole consideration for anyone required to register (meaning nearly all sex offenses).** On the next page you can see the results of a reliable study demonstrating that the longer the time after conviction, the less likely even the most serious offenders are to repeat. It has also been well-established with over 30 years of experience and research that individuals convicted of sexual offenses compared to the rest of the prison population as a whole have a much lower re-offense rate (3.5% within three years, compared to 67% for all classes.*)

There is no rational basis for excluding registrants from such parole consideration either for reasons of recidivism risk or public safety risk. We urge that proposed Section 7-310(A)(3) be removed, as it is arbitrary and removes from the Commission's authority the ability to periodically review appropriate individuals for parole consideration under applicable law.

We urge the committee to return an unfavorable vote for HB190.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

*Bureau of Justice Statistics study page 7.

<https://www.bjs.gov/content/pub/press/rsorp94pr.cfm> <https://www.ncjrs.gov/pdffiles1/nij/grants/231989.pdf>

Declaration of Dr. R. Karl Hanson.
United States District Court for the Northern District of California.
Civil Case No. C 12 5713. Filed 11-7-12

Selection:

I, R. Karl Hanson, declare as follows:

I am a Senior Research Scientist at Public Safety Canada. Throughout my career, I have studied recidivism, with a focus on sex offenders. I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding recidivism rates of the general offender population and sex offenders in particular. The information in this declaration is based upon my personal knowledge and on sources of the type which researchers in my field would rely upon in their work. If called upon to testify, I could and would competently testify thereto.

Summary of Declaration:

My research on recidivism shows the following:

- 1) Recidivism rates are not uniform across all sex offenders. Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) Once convicted, most sexual offenders are never re-convicted of another sexual offence.
- 3) First-time sexual offenders are significantly less likely to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to re-offend than a non-sexual offender is to commit an "out of the blue" sexual offence.
 - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than Individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.
- 5) Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as

continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.

