

Sex Offenders and Communities

COMMUNITY COMPASS SPECIAL RESEARCH REPORT NO. 3-10

Hamilton County, Ohio

Community
COMPASS



HAMILTON COUNTY

Regional
Planning
Commission

April 2008



Community COMPASS, Hamilton County's Comprehensive Master Plan and Strategies is a long-range plan that seeks to address mutual goals related to physical, economic, and social issues among the 49 communities within Hamilton County. Through a collective shared vision for the future based on the wishes and dreams of thousands of citizens, Hamilton County now has direction to chart its course into the 21 century.

In developing a broad vision with broad support, Community COMPASS will help ensure that trends are anticipated, challenges are addressed, priorities are focused, and our collective future is planned and achieved strategically over the next 20 to 30 years. Through an in-depth analysis of all aspects of the County, the multi-year process will result in a comprehensive plan.

Implementation of Community COMPASS

Sex Offenders and Communities suggests recommendations consistent with Economic Development, Collaborative Decision-Making and Diversity and Equity Objectives and Policies as contained within the

2030 Plan and Implementation framework for Hamilton County, Ohio. Among the specific objectives related to this study are:

1.6: Develop a strong linkage between all levels of education and workforce needs, including employee retraining, educational training, and life skills programs that: matches workforce supply with demand, provides the non-college bound student with employment options, achieves employment preparedness, and results in a regional commitment to education beyond 12 years.

2.3: Encourage and facilitate public input, throughout the planning and decision-making process, which leads to improved public decision-making and improved public involvement, with buy-in from all sections of the County including citizens.

2.4: Foster a strong sense of countywide community that engages all citizens (including youth), encourages volunteerism, and makes full use of our social capital in County and local decision-making.

3.1: Encourage and maintain clean, safe, inclusive, accessible, communities that foster open communication.

3.2: Promote health and longevity for all residents of Hamilton County by providing opportunities for equal access to preventative and restorative health and health-related services, and other social and community services.

3.3: Promote quality, educational opportunities in safe learning environments, and opportunities for students to

gain cross-cultural experience and knowledge at all education levels.

3.6: Promote regional solutions to regional issues such as affordable housing, social services, public transportation and mobility.

Abstract

Title:

Sex Offenders and Communities

Special Report No. 3-10

Subject:

Community solutions for prevention, management, and release of sex offenders in Hamilton County, Ohio

Date:

February 2008

Synopsis:

Local governments are challenged to manage sex offenders residing in their communities in the interest of public safety and community stability. Registration, notification, and residency restrictions for sex offenders are utilized with the expectation that these laws will protect the general public. However, many unintended consequences have arisen from the increasing level of restrictions. Facts and statistics are presented to address the many myths regarding people who have sexually offended and their impact on the community. To provide a more effective way to address sex offender issues, recommendations are made to Hamilton County officials based on best practices and interviews with persons in law enforcement, criminal justice, social service agencies, treatment community, and citizen

organizations.

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SEX OFFENDERS AND COMMUNITIES
*Community Solutions for Prevention, Management, and
Release of Sex Offenders in Hamilton County, Ohio*

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SEX OFFENDERS AND COMMUNITIES

*Community Solutions for Prevention, Management, and
Release of Sex Offenders in Hamilton County, Ohio*

Communities across the country are being challenged to address issues related to sex offenders. Recognizing local concerns, the Hamilton County Board of Commissioners requested this research study to identify ways to better protect and inform citizens, and at the same time, to consider measures to reduce the likelihood of sex offenders re-offending.

What types of crimes are considered sex offenses? Sex offense crimes include sexual assault of children, rape, date rape, statutory rape, public indecency, voyeurism, prostitution, solicitation, pornography, lewd acts, pandering, pimping, unlawful sodomy, and public indecency.

Introduction

Few crimes in the U.S. receive as much attention as sex offenses. This concern is understandable as sex offenses have a profound impact on both victims and communities. The public wants to know what can be done to keep themselves safe. They want to know who these sex offenders are, who is at risk for being targeted by them, why they offend, and how they can be stopped. However, although about 265,000 sex offenders are incarcerated in U.S. prisons and jails, and 20,000 return to their communities each year, it is estimated that less than 10 percent of those who commit sexual assault are actually apprehended and convicted according to National Crime Victimization Surveys. Further, the “stranger danger” assumption widely held by the general public is a fallacy as violence against children is overwhelmingly perpetrated by family members or acquaintances. A U.S. Department of Justice Report states that 93 percent of victims of child sexual abuse victims knew the perpetrator: 34.2 percent were family members and 58.7 percent were acquaintances¹. The many misconceptions about sexual offenses and the rare incidents of horrific sex crimes perpetrated against children have led to legislation at the local, state, and national levels that seeks to protect society, but in reality may actually be counterproductive.

“In the absence of an informed public debate on the re-entry of those who have been convicted of sex crimes, fear-based laws are being enacted across the country. Ironically, the re-entry process also has the potential to become one of the best forums for creating the conditions for a safer community and preventing the sexual abuse of children.”²

The rush to pass residency restrictions and community notification for all levels of sex offenders is fueled by a general public that is operating on fear rather than fact. In the recent Human Rights Watch report, “No Easy Answers: Sex Offender Laws in the U.S., September 2007,” the laws are questioned as producing unintended results.

“Current registration, community notification, and residency restriction laws may be counterproductive, impeding rather than promoting public safety. For example, the proliferation of people required to register even though their crimes were not serious makes it harder for law enforcement to determine which sex offenders warrant careful monitoring. Unfettered online access to registry information facilitates – if not encourages – neighbors, employers, colleagues, and others to shun and ostracize former offenders – diminishing the likelihood of their successful reintegration into communities. Residency restrictions push former offenders away from the supervision, treatment, stability, and supportive networks they may need to build and maintain successful, law abiding lives.”³

¹ Snyder, H.N., (2000, July) Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics, NCJ 182990, page 2, Table 1. Washington D.C: Bureau of Justice Statistics, US Department of Justice.

² Rice, Deborah Donovan, “Community Re-Entry Recast as Primary Prevention,” Sex Offender Law Report, Vol. 7 No. 5, August/September 2006.

³ <http://hrw.org/reports/2007/us0907/>

Since sex offenders (those convicted and those not) always have and will always be in our communities, it is critical to educate the public and find ways to diminish the chances of new sex offenses. Many child safety and rape prevention advocates believe the millions being spent on registration and community notification programs could be better spent on prevention, education, and awareness programs. One child advocate was quoted in the Human Rights Watch report as saying, “When a sex offender succeeds in living in the community, we are all safer.”

Registered Sex Offenders in Ohio

A snapshot of victims of convicted sex offenders in Ohio shows:⁴

- In 87 percent of all offenses, the sex offender was known to the victim
- In 93 percent of offenses involving children, the sex offender was known to the victim
- 51 percent of the sex offenders of children only victimized children related to them
- 45 percent victimized children under the age of 13
- 23 percent victimized youths 13 to 17 years old
- 21 percent victimized adults

Of Ohio’s 50,000 prisoners, 9,500 are incarcerated for a sex offense. There are 17,000 registered sex offenders living in Ohio communities today. As mentioned previously, this number is just the tip of the iceberg as it is likely there are ten times more sex offenders who have not been charged with a crime.

Under Ohio law prior to January 1, 2008, sex offenders were classified in the three following ways. Note that these categories have since been modified in compliance with Ohio Senate Bill 10 (see Appendix B).

- Sexually oriented offender – considered the least likely to re-offend; must register for 10 years; no community notification required
- Habitual sex offender or child victim offender – must register for 20 years, some are subject to community notification
- Sexual predator or child victim predator – considered most likely to re-offend; registration for life; community notification every 90 days

Legislation typically covers registration, notification, and residency restrictions.

- **Registration:** Sex offenders must register in person (frequency depends on severity of their offense) with a designated agency, provide their address, place of employment, vehicle information, e-mail addresses, etc. and have a photo taken. Failure to register is a crime. In Ohio, all sex offenders must register with the local county sheriffs' department. Ohio’s statewide sex offender registry web site is called eSORN (Electronic Sex Offender Registration and Notification). It is populated by local sheriff’s departments and is available to the public through the Ohio Attorney General's web site at: <http://www.ag.state.oh.us/citizen/esorn.asp>. Searching can be done by county, by offender’s name, and by radial search (within one mile). This database is linked to all 88 Ohio County Sheriff’s offices and all 32 correctional facility records offices of the Ohio Department of Rehabilitation & Corrections. Ohio's eSORN web site is included in the National Sex Offender Registry. View Hamilton County’s registry at: <http://www.hcso.org/PublicServices/SexOffenders/sexoffenders>.

More than 9.25 million people are held in penal systems throughout the world. Although the U.S. represents less than 5 percent of the world's population, over 25 percent of the people incarcerated around the world are housed in the U.S. prison system, which holds 2.3 million prisoners. As a percentage of total population, the U.S. has the largest imprisoned population in the world with 738 people per 100,000 incarcerated or awaiting trial (that's basically 1 out of every 135 persons).

⁴ Report to the Ohio Criminal Sentencing Commission: Sex Offenders, January 2006, Office of Criminal Justice Services.

Sex Offender Myths

Myth: “Most sexual assaults are committed by strangers.”

Fact: Most sexual assaults are committed by someone known to the victim or the victim’s family, regardless of whether the victim is a child or an adult.

Myth: “The majority of sexual offenders are caught, convicted, and in prison.”

Fact: Only a fraction of those who commit sexual assault are apprehended and convicted for their crimes.

Myth: Most child sexual abusers use physical force or threat to gain compliance from their victims.

Fact: In most cases, abusers gain access through grooming, deception, and enticement.

Myth: “Most child sexual abusers find their victims by frequenting such places as schoolyards and playgrounds.”

Fact: Most abusers offend against children they know and with whom they have established a relationship.

Myth: “Most sex offenders reoffend.”

Fact: Sex offender recidivism rates are generally substantially lower than other types of offenders.

Myth: “Treatments for sex offenders is ineffective.”

Fact: Treatment programs can contribute to community safety because those who attend and cooperate with program conditions are less likely to re-offend than those who reject intervention.

Source: The Center for Sex Offender Management, the Office of Justice Programs (OJP), U.S. Department of Justice, CSOM Documents;

- **Notification:** The address of a sexual predator (or now a Tier III offender) must be distributed to neighbors within 1,000 feet of the predator’s residence. Until January 1, 2008, the Hamilton County Sheriff’s office had been sending notification of a predator’s address every 90 days, even if the predator remained in the same location. However, due to budget cuts, the Sheriff’s Office is meeting the State minimum which is to send notification anytime a predator’s address changes (the Tier III offender still must register with the Sheriff every 90 days). The general public can also access information on all sex offenders through online sex offender registries and sign up for emailed notifications on the eSORN web site.
- **Residency Restrictions:** Locations in which sex offenders can live can be restricted by laws at the state or local level that set minimum distances to places such as schools or parks. In Ohio, sex offenders are restricted from living within 1,000 feet of a school, pre-school, or day care center.

Figure 1: Registered Sex Offenders & Their Classifications in Selected Counties

Classification	Cuyahoga County	Franklin County	Hamilton County	Northern Kentucky*
Sexually oriented offender	2,325	NA	1,144	NA
Habitual sex offender	148	NA	50	NA
Sexual predator	422	NA	447	NA
Total sex offenders	2,895	1,397	1,641	291

* Boone, Campbell, and Kenton Counties

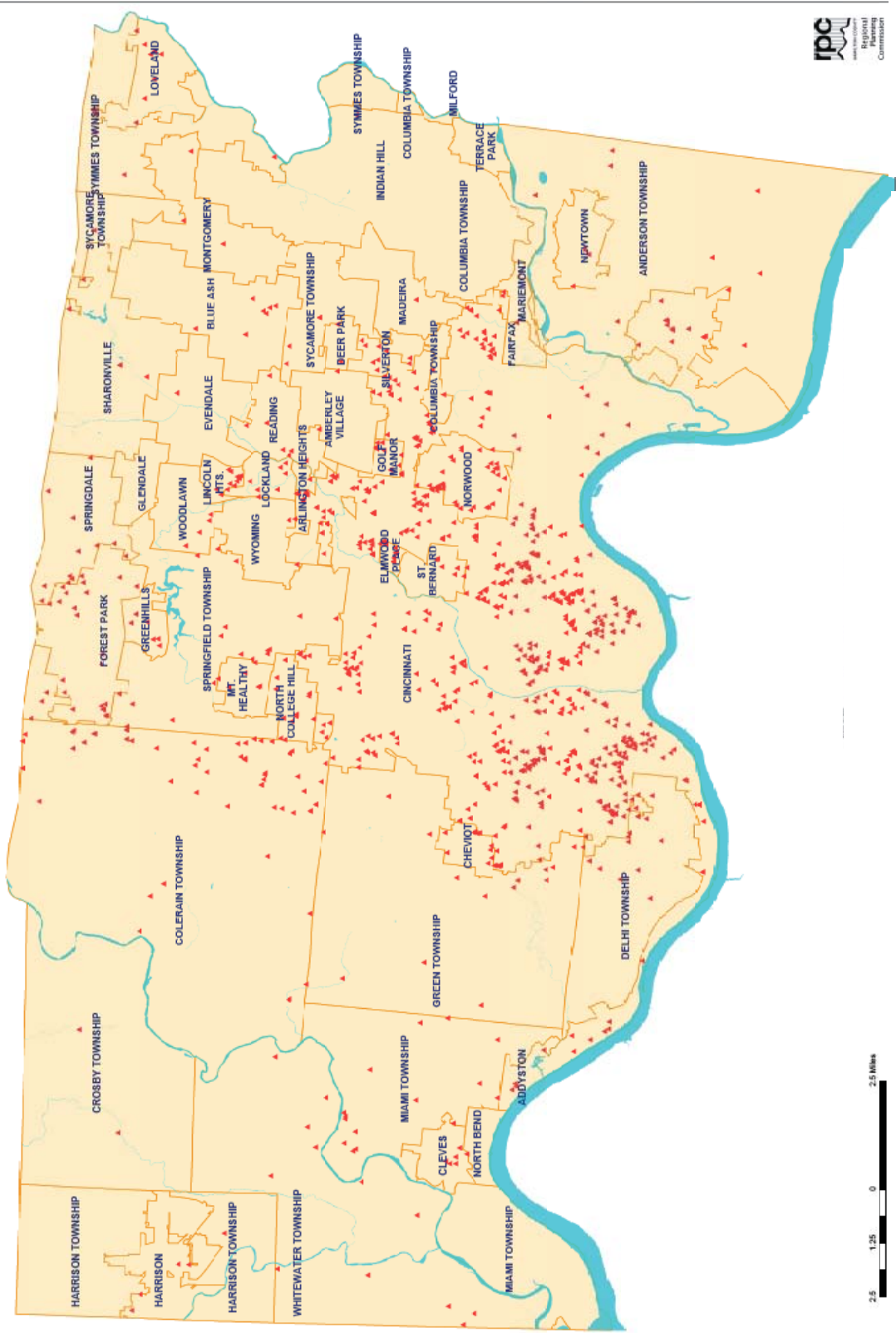
Source: Individual law enforcement web sites and eSORN, October 2007

Figure 1 provides context for Hamilton County’s 1,641 sex offenders (numbers change daily) compared to Cuyahoga and Franklin Counties as well as Northern Kentucky. Hamilton County has 7 percent of Ohio’s population and has 9.7 percent of the State’s registered sex offenders. Cuyahoga has 11.5 percent of Ohio’s population and 17 percent of the registered sex offenders, while Franklin County with 9.5 percent of Ohio’s population has a lesser percentage – 8.2 percent – of registered sex offenders. It should also be noted, that sex offense charges and classifications in Figure 1 are from October 2007, prior to standardization.⁵ If a county’s sentencing practices tend to sway toward labeling a greater percentage of offenders as predators, they are going to stay on the registry longer and the overall percentage of sexual predators is going to gradually skew higher and at a faster rate than a county that tends to label a lower percentage of sex offenders as predators.

Sex offenders can be tracked online at the Sheriff’s Department as well as at the State of Ohio’s eSORN registry. The map in Figure 2 shows the locations of registered sex offenders in Hamilton County in September 2007. From Figure 3 it can be deduced that the vast majority of sex offenders – about 70 percent - reside in the City of Cincinnati.

⁵ Ohio Senate Bill 10, effective January 1, 2008, classifies (and re-classifies) sex offenders by type of crime rather than likelihood of re-offending; prior to then classification has been at the discretion of judges on a case by case basis.

Figure 2: Locations of Registered Sex Offenders by Political Jurisdiction in Hamilton County



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 Source: Hamilton County Regional Planning Commission, Sept. 20, 2007.

Figure 3: Registered Sex Offenders in Hamilton County

The total of all sex offenders residing in Hamilton County in mid-October 2007 was 1,641. Approximately 75 percent of registered sex offenders currently residing in Hamilton County were convicted here.

Jurisdiction	Number	Jurisdiction	Number
Cincinnati	826	Symmes Township	6
Colerain Township	58	Mount Healthy	4
Springfield Township	34	Harrison	4
Norwood	32	Addyston	4
Forest Park	23	Woodlawn	4
Elmwood Place	19	Sharonville	4
Delhi Township	15	Wyoming	3
Green Township	15	Newtown	3
Miami Township	15	Columbia Township	3
North College Hill	12	Crosby Township	2
Whitewater Township	12	Evendale	2
Springdale	12	Montgomery	2
Lincoln Heights	11	Harrison Township	1
Cheviot	9	Arlington Heights	1
Silverton	9	Madeira	1
Loveland	9	Amberley Village	1
Golf Manor	8	Deer Park	1
Reading	8	Fairfax	1
Anderson Township	8	Indian Hill	1
Sycamore Township	8	Glendale	0
Lockland	7	Milford	0
Blue Ash	7	Terrace Park	0
Saint Bernard	6	Mariemont	0
Cleves	6	North Bend	0
Greenhills	6		

Source: Hamilton County Regional Planning Commission, September 2007

The Hamilton County Sheriff's web site provides data on the conviction location of sex offenders who are registered locally. The total of all sex offenders residing in Hamilton County in mid-October 2007 was 1,641. Approximately 75 percent of registered sex offenders currently residing in Hamilton County were convicted here.

The Northern Kentucky Counties of Boone, Campbell, and Kenton have 291 registered sex offenders. Of those, 24 are from outside those counties and 17 are in violation for not registering. (Source: Kentucky State Police)

Sex Offender Incarceration

Convicted male sex offenders sentenced to a prison term in Ohio are first sent by the Ohio Department of Rehabilitation & Corrections (ODRC) to the Sex Offender Risk Reduction Center (SORRC) at the Madison Correctional Institution in London, Ohio. The goals of SORRC are to complete sex offender-specific assessments focused on identifying levels of risk to re-offend and developing treatment plans. This assessment also includes psycho-educational programming that emphasizes victim awareness and relapse prevention. Sex offenders are then assigned to prisons throughout the State that can accommodate varying levels of offender risk. Some lower-risk sex offenders are

diverted by judges at sentencing to a jail term or to Community-Based Correctional Facilities such as River City Correctional Center in Hamilton County which has specialized cognitive behavioral programs.

Following imprisonment, a felon is released on supervision by the Adult Parole Authority (APA) and may go straight into the community or be placed in a halfway house if they are considered in need of further treatment or to be high risk. Placements in the halfway houses are based on county of residence (sometimes on county of conviction), risk level, and behavior. Ohio has four halfway houses that have sex offender programs as shown in Figure 4.

Figure 4 - Halfway Houses in Ohio with a Sex Offender Program and Number of Placements

Halfway Houses	Number of Sex Offender Placements between 7-1-06 and 6-30-07
VOA* – Cincinnati (Pogue Center)	106
VOA* – Mansfield	86
VOA* – Dayton (McMahon Rehabilitation Center)	76
Talbot House – Lebanon (Turtle Creek)	31

*VOA = Volunteers of America Source: Ohio Dept. of Rehabilitation & Corrections, FY 2007

When asked why three of the four halfway houses for sex offenders are in southwest Ohio, Alicia Handwerk of ODRC stated that a large number of factors come into play. A major consideration is whether local agencies such as the Volunteers of America (VOA) are willing to work with sex offenders. In addition to the halfway houses, ODRC has similar 90 day transition programs for sex offenders – two in Columbus, one each in Dark County and Allen County. Low-risk sex offenders and those who have successfully completed the sex offender programs in prison can be placed in the transitional programs. There are no plans at this time to operate additional halfway houses in Ohio for sex offenders. As shown in Figure 5, over the last three years, about three-quarters of the sex offenders at the VOA’s Pogue Center were sentenced in southwest Ohio. This is in accordance with an ODRC 2005 policy whereby no more than 25 percent of program participants may come from outside the six county area of southwest Ohio.

Figure 5 - Sex Offender Place of Conviction at Volunteers of America’s Pogue Center

Fiscal Year	No. of Sex Offenders Admitted	% Hamilton County Conviction	% Contiguous County Conviction	% Close County Conviction	% Other County Conviction
2006 7/1/05 to 6/30/06	145	48%	12%	15%	25%
2007 7/1/06 to 6/30/07	106	63%	7%	16%	14%
2008 7/1/07 to 10/31/07	48	56%	13%	6%	25%

Contiguous: Butler, Clermont, Warren. Close: Clinton, Greene, Montgomery
Source: Ohio Department of Rehabilitation and Corrections, Nov. 2007

The VOA's Pogue Rehabilitation Center at 115 W. McMicken, Cincinnati, Ohio is a state-sanctioned halfway house that receives Ohio sex offenders under APA supervision into their

Over the last three years, about three-quarters of the sex offenders at the VOA’s Pogue Center were sentenced in southwest Ohio. This is in accordance with an ODRC 2005 policy whereby no more than 25 percent of program participants may come from outside the six county area of southwest Ohio.

Upon completing treatment, sex offenders at the VOA's Pogue Center must return to the Ohio county from which they were sentenced unless there is justification - such as a job or family factors.

New Life Program, which has been operating since the mid-1990s. The VOA's mission is to "... help people who are least served by others meet basic unmet needs and become empowered, self-sustaining contributors." The Center has capacity for 40 people in the sex offender treatment program and five additional beds for homeless sex offenders.

The New Life Program generally runs for eight months and consists of five treatment phases as well as a comprehensive relapse plan prior to discharge. Polygraphs are used during different intervals of treatment for risk and clinical purposes. All phase progression and program completion discharge is pre-approved by a professional clinical treatment team. The VOA's Pogue Center receives \$65.55 per day per sex offender from ODRC.

After completion of the program, offenders are required by the Adult Parole Authority to return to the Ohio county from which they were sentenced unless there is justification for them to remain in Hamilton County (job or family are factors considered or maybe if their home county differed from their conviction county). There has been some concern expressed locally that sex offenders at the Pogue Center were remaining in Hamilton County once released. However, according to the Adult Parole Authority, since 2005 only two sex offenders who were not sentenced in Hamilton County were permitted to reside in Hamilton County following completion of the VOA residential program. It is also worth noting that the Sheriff's sex offender registry may be inflated with regard to offenders at the Pogue Center as some continue to use that address for registration purposes once they leave. However, if an offender leaves the Pogue Center without permission, a warrant for their arrest is issued by the Sheriff's Office as well as the Adult Parole Authority.

Some of the confusion concerning the "importing of sexual predators" from outside Ohio to Hamilton County may be attributed to a newspaper article in the summer of 2007. Several sexual predators from Alabama were registered at the Cincinnati Restoration Church at 2163 Colerain Avenue. The Church, which has no affiliation with ODRC, is a Christian residential facility with a nine month program aimed at transforming the lives of up to 20 drug and alcohol addicts through prayer and Bible study. Following successful completion of the program, the Church works with Jobs Plus to find employment opportunities.

According to Chris Giannamore, Head of Administration at the Church, a chaplain at the Bullock Correctional Facility in Alabama heard about the Church's program and passed information along to several incarcerated sex offenders. Those that chose to come to the Restoration Church from Alabama upon release from prison were free to leave Alabama as long as they registered in their new state of residence. Their move to Cincinnati was not paid by the Restoration Church as was reported in the media. However, the Restoration Church will no longer be a destination for sex offenders due to Cincinnati's increased residency restrictions (the Church is within 1,000 feet of a City park). Further, the likelihood of sex offenders moving to Ohio to receive "lighter" registration requirements will be eliminated as states comply with the federal Adam Walsh Act in 2009, which will have uniform registration requirements based on type of sex offense.

A sex offender may be sentenced by a judge to a specialized program within River City Correctional Center (RCCC) in Camp Washington, rather than the state prison system. RCCC is one of 18 Community Based Correctional Facilities (CBCF's) in the State of Ohio that seeks to rehabilitate non-violent felony offenders that have substance abuse problems. River City was the first in the State to provide specialized treatment beginning in 1998 for sex offenders. In FY 2006, 539 felons were admitted to RCCC and of those,

25 were sex offenders.⁶ Figure 6 shows that about half of the sex offenders at RCCC were sentenced in Hamilton County.

At this date other CBCF facilities with sex offender programs in Ohio are the Community Correctional Center for Butler, Clermont, and Warren County in Lebanon and the Eastern Ohio Correctional Center in Jefferson County (eastern Ohio). Additional CBCF's that accept sex offenders but do not have a specialized program are located in Trumble, Wood, Starke, and Lucas Counties.

At sentencing, a judge has the option to send an offender to River City Correctional Center rather than the state prison system. River City has a 4 to 6 month Sex Offender Specific Track program for nonviolent offenders, most of whom have substance abuse issues. The program fosters sobriety, continuing education, employment readiness, and responsible behavior.

Figure 6: Sex Offender Place of Conviction at River City Correctional Center

	# of Sex Offenders	From Hamilton Co.	Other Counties
2007 through 10/31	24	13	5 from Clermont Co. 3 from Clark Co. 1 from Delaware Co. 1 from Ross Co. 1 from Montgomery Co.
2006	12	9	1 from Adams Co. 1 from Marion Co. 1 from Scioto Co.

Source: River City Correctional Center

The typical length of stay in the RCCC program is four to six months, with another six to nine months for aftercare. Residents at RCCC have daily activities designed to foster sobriety (about 90 percent of residents have substance abuse issues), continuing education, employment readiness, and responsible behavior. The Sex Offender Specific Track focuses on disclosures, victim issues, and relapse prevention and operates in what is called a “Therapeutic Community Modality and Cognitive Behavior Therapy Modality.” RCCC assists residents in obtaining permanent employment prior to discharge; specialized job training programs including in-house training for culinary and custodial jobs. If success of the sex offender program can be based on re-offending, it could be considered very effective as RCCC staff is aware of only one sex offender graduate re-offending on a sex offense since the program began in 1998.

RCCC is funded by the Ohio Department of Rehabilitation & Corrections and supported by the Hamilton County Judicial Corrections Board and the Citizen’s Advisory Board. Governance of RCCC is through a Facility Governing Board, with two thirds of the Board appointed by the Hamilton County Court of Common Pleas and one-third by the Hamilton County Board of Commissioners.

In viewing the regional picture, sex offenders convicted in Kentucky have to complete a sex offender treatment program while incarcerated. Upon completion of their sentence, they are released on a conditional discharge (parole). If any felon was sentenced prior to 2006, they are on parole for three years and if during or after 2006, they are on parole for five years. Kentucky has only one category for sex offenders, although registration requirements are based on the crime, resulting in registration for 10 years, 20 years, or life. However, if Kentucky adopts the federal Adam Walsh Protection and Safety Act of 2006, their sex offender classifications will be standardized as is Ohio’s. Northern Kentucky

⁶ The number of sex offenders admitted is typically higher than those completing the program as some offenders are reassigned to prison due to behavior problems or do not complete the aftercare program.

The enactment of Ohio Senate Bill 10 on January 1, 2008, reclassified many lower-risk offenders into the most dangerous category, sexual predators (the new Tier III). In Hamilton County the Tier III population rose from 400 to about 1,100.

has four halfway houses, but all are located within 1,000 feet of a school, daycare facility, or public playground and are therefore not able to accept sex offenders (per Kentucky House Bill 3). (Note that in Ohio, a halfway house is considered a treatment center and as such is not subject to residency restrictions).

Tracking Sex Offenders

Once sex offenders have completed their sentences, they re-enter communities⁷. Substantial changes for tracking and classifying sex offenders are underway nationally as well as in Ohio. The recently passed Ohio Senate Bill 10 (effective January 1, 2008) is expected to bring Ohio into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006 (AWA). A key element of the AWA is that it integrates the information in all state sex offender registry systems into a National Sex Offender Registry accessible to citizens. Three tiers of classification are created, based on severity of the offense, rather than the person's likelihood to re-offend. It is retroactive legislation in that people convicted or adjudicated for sex offenses many years ago could be affected with a more stringent re-classification than they had at the time of their initial sentencing.

At the local level, the Hamilton County's Sheriff's Department finds this re-classification has increased the sexual predator group (the new Tier III) from 400 in late 2007 to about 1,100 predators with the enactment of Senate Bill 10 on January 1, 2008. Costs for postage for required mailed notifications are expected to rise from \$250,000 in 2007 to \$500,000 in 2008 if everyone within 1,000 feet of a predator is notified every 90 days. This projected cost does not include increased expenses of printing and staff for increased community notification. Currently the Sheriff's Office has four employees who dedicate much of their time to sex offender registration and notification.

Several communities in the U.S. are conducting community meetings for residents notified of a sexual predator who is moving into their neighborhood. This provides an educational opportunity to help community members prepare themselves for residing near sex offenders.

“Community education meetings provide a forum for law enforcement to educate the community regarding sex offenders in general; to separate fact from myth; to emphasize the community's vested interest in the offender's success; to create partnerships among law enforcement, probation and parole, residents, victim advocates, treatment providers, and other stakeholders; to make sure the community understands that vigilantism will not be tolerated in any way, shape, or form; and to help the community understand that sex offenders always have and always will live in our neighborhoods. Effective community notification is ‘community policing’ at its best.⁸ One person interviewed during the course of this report commented, “Doing community notification without community education is like standing in a puddle of gasoline and lighting a match.”

While notification can alert residents to where sex offenders are living, an unintended consequence of these type of laws can be seen in the following example. The Stop It Now! Organization, a non-profit with a public health approach to prevent child sexual abuse, began a program in Vermont in 1995. One component of the program was a telephone

⁷ Convicted sex offenders in Hamilton County may be sentenced to prison, jail, River City Correctional Center, or community service.

⁸ Detective Robert Shilling, “Sex Offender Management: Sex Offender Registration and Community Notification,” Seattle Police Department, Seattle, Washington, USA, 2001.

hotline for adults. For the first six weeks of the program, about 60 percent of the calls were from people concerned with their sexual thoughts or behaviors relating to children. During the next week Megan's Law⁹ was enacted and widely reported in the media, and subsequently calls from abusers or potential abusers dropped to zero. In the years since, the percent of calls from those concerned about their own potential for abuse has averaged about eight percent of calls.¹⁰

States or communities often require residency restrictions to keep sex offenders away from areas where children congregate, even if the offense did not involve a child. These laws reflect public concern that children are at great risk from strangers who are feared as being repeat offenders. But as stated previously, research and statistics estimate that 93 percent of child victims know their abuser, who is often either a family member or a person of authority such as a teacher or a coach.

While the community needs to know where high-risk sex offenders reside, sometimes the restrictions on all sex offenders lead to a false sense of security. Further, the doors that are often closed to sex offenders – employment, ability to reside with their family, community connections, and stable residence – are the very ones that provide the most stability and lessen chances of re-offending. Colorado¹¹ and Minnesota¹² conducted studies to evaluate the effect of residency restrictions on sex offender recidivism and found they had none; these states consequently do not have residency restrictions. Other studies have found that residency restrictions can increase transiency and homelessness of sex offenders, resulting in non-reporting. Dealing with the impact of stringent residency restrictions in Iowa and the backlash of sex offenders going underground, the Iowa Attorneys Association has issued a comprehensive statement against such restrictions (see Appendix C).

In 2003, Ohio passed legislation requiring all registered sex offenders to live a minimum distance of 1,000 feet from a school. The 1,000 distance requirement was extended to pre-schools and day care centers on January 1, 2008 by Ohio Senate Bill 10. As this is a civil law rather than a criminal one, county prosecutors are authorized to evict offenders found to be in violation of this law. In 2006, Kentucky changed its residency restrictions to prohibit sex offenders from living within 1,000 feet of a school, day care center, or park.

Cincinnati City Council increased residency restrictions for sex offenders effective March 11, 2007. Added to the previous 1,000 foot distance from schools are state-licensed child-care centers, YMCAs or YWCAs, Boys & Girls Clubs of Greater Cincinnati, and public recreation centers or public swimming pools owned or operated by the City of Cincinnati or its boards or commissions. The law is not retroactive in that sex offenders currently living within 1,000 feet of these additional facilities can remain there, but any new moves would be subject to the new restrictions. Councilman Chris Monzel, who sponsored the increased restrictions, stated in an interview that the City's west side constituents brought to his attention the increasing number of sex offenders in their neighborhoods as well as concerns about the Volunteer of America's Pogue Center, a state-sanctioned halfway house

In 2007 the Cities of Cincinnati and Reading and the Townships of Anderson and Sycamore increased residency restrictions for sex offenders. Studies have found residency restrictions impact an offender's employment, ability to reside with their family, and community connections - key factors that lessen chances of re-offending.

⁹ Federal law enacted in 1996 requiring states to establish a community notification system to inform residents about the presence of convicted sex offenders in their neighborhoods.

¹⁰ Stop It Now! Vermont: A Four Year Program Evaluation, 1995-1999; available at <http://stopitnow.com/vt/>

¹¹ Colorado Dept. of Public Safety, Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community, 2004, <http://dcj.state.co.us/odvsom>

¹² Minnesota Dept. of Corrections, Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature. Revised, Feb. 2004.

As living options in Cincinnati are reduced to less than 40 percent of the available housing stock, and with this highly mobile sex offender population, outward movement is inevitable.

with a sex offender program. Mr. Monzel did not cite any specific studies or research that addressed the impacts of increasing residency restrictions for sex offenders.

Three communities recently passed additional residency restrictions for sex offenders: Anderson and Sycamore Townships, and Reading. Anderson expands the state residency restrictions by banning sex offenders from living within 1,000 feet of parks and playgrounds. Sycamore goes further in restricting them from living within 1,000 feet of day care centers, playgrounds, parks, swimming pools, athletic fields, and churches. Reading's ordinance restricts them from living within 2,000 feet of schools, day care centers, public pools, parks, libraries, and athletic fields – virtually banning them from the community.

Several legal challenges are occurring regarding the “ex post facto” implication of residency restrictions. In Ohio, the State Supreme Court is reviewing the case of a person who bought a house in Green Township in 1991, was convicted of a sex crime in 1999, and must now move as his home is within 1,000 feet of a school. A similar case is pending in the Kentucky Supreme Court. A federal lawsuit has been filed challenging Reading's residency restrictions stating it violates the U.S. Constitution's rules barring retroactive punishment. The irony is that for sex offender registries to work in the sense that offenders' locations are known, the sex offenders must have places to live.

Although the number fluctuates, the City of Cincinnati has around 900 registered sex offenders. Of that number, 160 sex offenders were in violation of Cincinnati's residency restrictions in September 2007 according to Thomas Beridon, Assistant Prosecutor at the City of Cincinnati. With about one out of every six sex offenders in a residency violation, and limited locations in Cincinnati in which to move, there will undoubtedly be an outward trek – potentially to the suburbs or out of the County. At this time, though, it seems the majority are relocating in Cincinnati as Beridon estimates that of those 160 offenders in violation in September, about 130 remained in the City. Beridon's records in September 2007 do show that 5 sex offenders had recently moved to North College Hill, 5 to Elmwood Place, 4 to Colerain Township, 4 to Springfield Township, 4 to Norwood, 2 to Loveland, 2 to Lockland, 2 to Harrison, 2 to Forest Park, and 1 to Lincoln Heights. This is not to say these offenders moved outside of Cincinnati solely due to increased residency restrictions. However, as living options in Cincinnati are reduced to less than 40 percent of the available housing stock, and with this highly mobile sex offender population (88 percent move within one year according to the Sheriff's Department), outward movement is inevitable.

Another impact of residency restrictions is an increase in homelessness. Some of the impacts of virtually eliminating the downtown area as off-limits to sex offenders according to Beridon is that “they don't have soup kitchens and free stores out in the County. A lot of guys do temporary work and that is downtown also.” Sex offenders are not eligible to stay at the Drop In Center as it is within 1,000 feet of Washington Park and the YMCA. There is virtually no place downtown a sex offender can move to, even a low-rent SRO (single room occupancy) such as the Dennison Hotel that is now off limits due to its proximity to the YWCA. The number of sex offenders who are homeless fluctuates around 20 – they are required to check in with the Sheriff's Department each day to give their whereabouts.

Returning Home Ohio is an ODRC pilot to provide permanent housing for persons likely to be homeless (whether sex offenders or not) who are just now completing their prison

sentences. The VOA in Cincinnati is one of nine entities in Ohio participating in the program, along with others in Columbus, Cleveland, Dayton, and Toledo. A total of 84 persons statewide are expected to be assisted by the program, with Cincinnati's VOA authorized to place 12 persons. The housing units will be existing ones and are likely to be scattered sites rather than concentrated.

The tangible and intangible costs associated with sex offender recidivism far exceed the costs of treatment programs.

Sex Offender Recidivism and Treatment

The general public's fear of sex offenders re-offending is high, despite statistics that show recidivism rates for a new sex offense are much lower than for felons in general. According to the U.S. Bureau of Justice, "of the 9,691 male sex offenders released from prisons in 15 states in 1994, 5.3 % were rearrested for a new sex crime within 3 years of release. Approximately 4,300 child molesters were released from prisons in 15 States in 1994, and 3.3% were rearrested for another sex crime against a child within 3 years of release from prison."¹³ A study by the Ohio Department of Rehabilitation & Corrections found an 8 percent recidivism rate for sex offenders who had committed a new sex offense within 10 years after release.¹⁴ It is also of interest that over the last few years, fewer sex crimes are being reported – this does not necessarily mean fewer crimes are being committed, but could indicate less reporting (by family members) due to the severity of sex offender restrictions.

Studies suggest that cognitive behavioral sex offender treatment programs can reduce recidivism by sex offenders by as much as 30 percent. It has been further demonstrated that the tangible and intangible costs associated with sex offender recidivism far exceed the costs of treatment programs. Although treatment does not guarantee success in every case, several research studies have shown that treatment can diminish sex offense recidivism.¹⁵ It has also been documented that sex offenders who successfully complete treatment programs are rearrested less often than those who do not.¹⁶

The Association for the Treatment of Sexual Abusers (ATSA) is an international organization focused on the prevention of sexual abuse through effective management of sex offenders. Their treatment and research regarding sex offenders helps to foster the most effective treatment along with management of offenders in the community. An Ohio chapter of ATSA is currently being formed and should be functioning by spring 2008.

Although individual and group therapies are commonly employed for sex offender treatment, a community-based program that originated in Canada is receiving worldwide interest and implementation. A situation arose in 1994 where a high-risk child sexual abuser was released from prison to a community in Ontario, Canada that responded with angry threats. A Mennonite pastor agreed to help this offender by gathering a small group of congregants around him to offer support in establishing himself within the community. This grassroots intervention approach became known as a Circle of Support & Accountability (COSEA) and

¹³ <http://www.ojp.usdoj.gov/bjs/crimoff.htm#sex>

¹⁴ <http://www.ocjs.state.oh.us/Research/Sex%20Offender%20Report%20pdf.pdf>

¹⁵ Hanson, R. K., Gordon, A., Harris, A. J. R., Marques, J. K., Murphy, W., Quinsey, V. L., & Seto, M. C. (2002). First report of the collaborative outcome data project on the effectiveness of treatment for sex offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14(2). Losel, F., & Schmucker, M. (2005). The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, 1.

¹⁶ Marques, J. K., Miederanders, M., Day, D. M., Nelson, C., & van Ommeren, A. (2005). Effects of a relapse prevention program on sexual recidivism: Final results from California's Sex Offender Treatment and Evaluation Project (SOTEP). *Sexual Abuse: A Journal of Research & Treatment*, 17(1).

Canada's Circles of Support & Accountability (COSAs) serve as a model in many countries as an intensive community-based approach to treating high-risk sex offenders.

has been embraced by the Canadian Correctional System. Several variations on COSA have been utilized around the world, often within a faith-based setting.

COSA is designed to assist high-risk sex offenders who do not have a support system to re-enter their communities. The program seeks to “substantially reduce the risk of future sexual victimization of community members by assisting and supporting released men in their task of integrating with the community and leading responsible, productive, and accountable lives.”¹⁷ A group of four to seven citizen volunteers work closely with the core member (the sex offender) along with an outer circle of professionals. Community volunteers are recruited, screened and carefully trained to work with former sex offenders so that the COSA slogan, “no new victims” becomes a reality. COSA’s core values are to affirm that the community bears responsibility for safe restoration and healing of victims as well as the safe re-entry of released sex offenders to the community. Results of a community survey in Canada found that 68 percent of respondents from the general public said they would feel safer if a sex offender in their community belonged to a Circle. A study conducted by the Correctional Service of Canada in 2005 found that of 60 high risk sex offenders involved in COSA, there was a 70 percent reduction in sexual recidivism.¹⁸

Ohio’s Citizen Circles, a variation on COSA, were formed in 2003 by the Adult Parole Authority to build better relations between the ODRC, local citizens, and offenders (but not usually sex offenders). The Circle in Hamilton County meets once a month with a handful of volunteers who work with the ex-offender (on a voluntary basis) and his/her family to develop a plan aimed to lead to stability. Information on how Circles work, setting up a program, and training citizens is available online: Citizen Circles: A Road Map to Successful Community Involvement Promoting Responsible Citizenship, 2004 at <http://www.drc.state.oh.us/web/citizen/CitizenCircleManual.pdf>. Today there are over 29 active Citizen Circles in operation in 21 Ohio counties. Hamilton County has one Citizen Circle, while Cuyahoga County has seven circles. From January 2007 to October 2007, 456 offenders participated in an Ohio Citizen Circle.

Hamilton County’s Citizen Circle meets the fourth Thursday of each month at the SOS Outreach Center, 4949 Paddock Road. The local Circle has about six active citizens who have worked with 20 felons (not necessarily sex offenders) to successfully complete their plans since the program’s inception.

Recommendations for Hamilton County

With regard to sex offenses, there are primarily three points at which individuals, communities, and government systems can become involved: prevention, management, and release into the community. Hamilton County officials can be actively involved in prevention and community release programs as well as partner with the criminal justice system on management. Many of the following recommendations resulted from suggestions by persons interviewed during this study. A list of interviewees is provided in Appendix A. Research into best practices and resources for victims, law enforcement, treatment professionals, and government agencies also contribute to this list of preliminary recommendations. A brief description is given for each recommendation; more detail can be provided based on interest and feasibility.

¹⁷ Correctional Service of Canada, 2002

¹⁸ Robin J. Wilson, Janice E. Picheca, and Michelle Prinzo, Correctional Service of Canada, “Circles of Support and Accountability: An Evaluation of the Pilot Project in South-Central Ontario” (2005)

Summary of Recommendations

1. Create a Sex Offender Task Force
2. Enhance Community Notification
3. Use Free Training Programs for Working with Sex Offenders
4. Participate in Federal and State Grant Programs
5. Work More Closely with Ohio Department of Rehabilitation & Corrections
6. Partner with a Sexual Abuse Prevention Program
7. Enhance Citizen Circles
8. Enforce Strict Sex Offender Management
9. Create Multi-Disciplinary Sex Offender Management Teams
10. Support Rape Crisis & Abuse Center of Hamilton County
11. Create a Sexual Assault Coordinating Council
12. Create a Sex Offender Court
13. Create a Reentry Court
14. Identify Housing Options
15. Hold a Large Informational Community Forum

Annotated Recommendations

- 1. Create a Sex Offender Task Force** – Several interviewees recommended a task force or forum. This could be done similarly to what the Board is doing regarding infant mortality. It is important to acknowledge that sex offenders are always going to be in our communities, and to identify the best ways to address the unique circumstances they bring. Engage people. Explore how the community benefits from sex offender treatment. Do an approach similar to the County’s *Off the Streets* program - <http://www.cincinnatiunionbethel.org/womens.asp> - which assists women involved in prostitution move towards safety, recovery, empowerment, and community reintegration. Participants could include: Hamilton County Courts, River City Correctional Center, law enforcement, victim rights organizations, Volunteers of America, Adult Probation Authority, treatment specialists, community activists, etc.
- 2. Enhance Community Notification** – Follow the lead of Seattle Detective Robert Shilling who has developed a very unique community education format that is part of the notification process used when a moderate to high-risk sex offender moves into a community. These 90 minute meetings provide an opportunity to educate the community about sex offenders, to separate myth from fact, to emphasize how the community has a vested interest in the offender doing well, to educate about the signs of sex abuse within their own surroundings, and to help the community understand that sex offenders always have and always will live in our communities. Presenting teams are comprised of child abuse and sex crimes investigators, prosecutors, supervising probation or parole officers, victim advocates or service providers, and sex offender treatment providers. Detective Shilling has tried and true recommendations on community notification bulletin content, bulletin distribution, how to get great meeting attendance, types of presentation teams, meeting format, types of handouts, and discussion on personal safety and family protection issues. His notification process has been incorporated in Colorado and Minnesota as well as many communities throughout the country.

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- 3. Use Free Training Programs for Working with Sex Offenders.** The Center for Sex Offender Management (CSOM) is a national project that supports state and local jurisdictions in the effective management of sex offenders under community supervision. CSOM was established in 1997 and is sponsored by the Office of Justice Programs (OJP), U.S. Department of Justice. CSOM has several publications available for download in the areas of sex offender assessment, supervision, treatment, community notification and registration, reentry, recidivism, and more. CSOM’s goals are further carried out through information exchange as well as training and technical assistance. These are great resources the County could easily take advantage of.
 - 4. Participate in Federal and State Grant Programs** – Apply for grants (see Criminal Justice Grant Sources on pages 19 and 20 for a summary). Encourage the State of Ohio to become more actively involved in model programs such as the “Transition from Prison to Community Model” (TCP) program in which eight states are participating. The TPC model encourages strategic system changes to reduce recidivism and future victimization, to enhance public safety, and to improve the lives of communities, victims, and offenders.
 - 5. Work More Closely with Ohio Department of Rehabilitation & Corrections** – ODRC partners with local communities for various grants and programs, but Hamilton County does not seem to be at the table that often. See if ODRC is willing to partially fund programs such as the one they have in Columbus – the Community Connection Reentry Center for pre-release resource training and job search techniques. ODRC is also working with Cuyahoga, Franklin, and Allen Counties on a reentry program called SVORI (Serious and Violent Offender Reentry Initiative).
 - 6. Partner with a Sexual Abuse Prevention Program** – Several national non-profit organizations have been formed to address issues of sexual abuse, especially towards children. A review of these programs should be conducted to evaluate potential for use in Hamilton County. Among the programs for consideration are: Stop It Now! - www.stopitnow.org; Enough Abuse - www.enoughabuse.org/; Darkness to Light - www.darkness2light.org/; and Generation Five - www.generationfive.org/.
 - 7. Enhance Citizen Circles**– Citizen Circles in Ohio are modifications of the much touted Circles of Support & Accountability (COSA) developed in Canada to assist high-risk sex offenders who do not have a support system to re-enter their communities. The major difference, though, is that Ohio’s Citizen Circles do not focus on sex offenders and are considerably less intensive than COSA. Essentially, a Citizen Circle has a group of 4 to 7 citizen volunteers (often faith-based) who meet once a month with the core member (offender) and their family along with an outer circle of professionals. There is currently one Circle functioning in Hamilton County (Cuyahoga has seven) and a Circle is able to serve one or two persons at a time. The Local Adult Parole Authority has indicated they could train and facilitate three or four additional Circles in Hamilton County. Circle volunteers might be solicited from local churches or corporations. Hamilton County may want to consider a pilot program to create a more intensive COSA type program for sex offenders.
 - 8. Enforce Strict Sex Offender Management** – As more sex offenders move beyond the boundaries of the City of Cincinnati, local communities need to be assured that sex offenders will be carefully monitored. This would involve both the Sheriff’s Office in terms of registration and the Prosecutor’s Office for residency violations.

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- 9. Create Multi-disciplinary Sex Offender Management Teams** – Finding jobs and housing are unique challenges for sex offenders. However, jobs and housing are what provide stability and lessen chances of re-offending. Collaborate with key community partners such as workforce development boards, employment agencies, and employers to build employment capacity for re-entering sex offenders. Create partnerships with local companies (P&G, Avon, and KAO were specifically recommended). Corrections, parole, and employment agencies can pool resources to subsidize an offender’s placement on a trial basis with a specific employer. Once the trial period is completed, the employer can evaluate the benefit of the offender’s work and fully fund that person if warranted.
 - 10. Support Rape Crisis & Abuse Center of Hamilton County** – This organization has been conducting Date Rape/Date Violence prevention programs in high schools for the last 15 years. The programs teach junior and senior high school students how to identify potentially dangerous situations and about tools to assist in protecting themselves. Over 6,400 students in the County participated in the program in 2006. Many other programs and services are offered that can assist sexual abuse victims. The Center receives \$20,000 a year from Hamilton County (about 2 percent of their budget).
 - 11. Create a Sexual Assault Coordinating Council** – This suggested council could operate similar to the Domestic Violence Coordinating Council. The purpose would be to increase communication, coordination, and uniformity within the community and the justice system in order to reduce sexual assaults by promotion of effective techniques of prevention, intervention, and treatment that ensure accountability for perpetrators and assist victims to live safely.
 - 12. Create a Sex Offender Court** – This type of court could be operated similar to Hamilton County’s Drug Court with a focus on low-risk, first-time offenders – possibly for juveniles. The Drug Court model is designed to address the needs of drug-involved offenders through frequent judicial monitoring and community-based treatment services. (See Logan County, Ohio under Best Practices)
 - 13. Create a Reentry Court** – Build upon Richland County, Ohio’s success in using a comprehensive approach to managing all felony offenders from court, to incarceration, and back into the community. Consider tailoring the program to sex offenders. After assessing the effects of the offense on the victim and community, the court develops a reentry plan that identifies the issues an offender must address to enhance his or her eligibility for release and to enable his or her successful adjustment to the community. Collaborations among the criminal justice, law enforcement, and social services agencies, the treatment community, and citizen organizations aid in this process. After release, an offender must report to a joint court/parole authority for a formal monthly review of the offender’s progress for up to one year. (See Allen County, Indiana under Best Practices)
 - 14. Identify Housing Options** – Housing options are very limited for sex offenders and their choices are usually low-income areas that already have high crime rates. Housing providers and law enforcement should work together to explore options to keep the community safe and the offender in a stable residence. Especially as a sex offender re-enters the community, transitional housing is needed that meets residency restrictions. It is important to recognize that a stable environment is a critical element in the vast majority of cases to prevent re-offending.

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- 15. Hold a Large Informational Community Forum** – This high-profile type forum was suggested with a dual purpose: educate citizens about recognizing signs of sexual abuse and educate about sex offenders. However, with the Enhanced Community Notification recommendation (number 2), the targeted audience may be more effectively reached as these persons have received notification of a sex offender who has moved into the neighborhood.

Selected Best Practices for Consideration by Hamilton County

1. City of Cullman, Alabama: Target population is juvenile sex offenders in Cullman County. The City has launched a program called See Others As People (S.O.A.P) that provides risk assessments and outpatient treatment for adjudicated juveniles. Two multidisciplinary teams have been formed. A policy team will examine and assess current practices and policies to consider for inclusion in juvenile sex offender management. The direct service team will provide treatment planning, ongoing case review, and monitoring of all juvenile sex offenders.
2. Logan County, Ohio: In the recent past, the Logan County Family Court created a Juvenile Sex Offender Program (youths from 13 to 21 years old who can be supervised and treated in the community), as well as a Juvenile Sex Offender Court. The Juvenile Sex Offender Program proposes to provide a more comprehensive, coordinated, interagency response to juvenile sex offenders and their victims. The program is a collaborative effort and includes collecting data for a report to the evaluator, creating a position for a specialty probation officer, developing a family group assistant, utilizing polygraph testing, increasing ability for supervision and monitoring, and developing a treatment foster home(s).
3. San Diego County, California; State of Colorado, etc.: Some places use a containment approach in which sex offenders are overseen by not just one person (such as a parole officer), but are managed collaboratively by community supervision teams consisting of supervising officer (probation or parole officer), polygraph examiners, and treatment providers. Supervising officers set conditions for the offender, monitor their behavior and impose sanctions for infractions. Treatment providers gather information about the offender, assist with monitoring and administer a long-term comprehensive set of planned therapeutic interventions designed to change sexually abusive thoughts and behaviors. The polygraph examiner assists in gathering a full and accurate history of the offender's behavior and monitors current compliance with conditions and risk behaviors.
4. Jackson County, Oregon: Among the earliest programs (developed in 1982) to use a comprehensive, collaborative approach, involving treatment providers, community corrections, law enforcement, polygraphers, mental health and children's services, and prosecutors. Representatives from all of these disciplines participate in monthly collaborative meetings. Treatment is offered to the offender, the non-offending family members, and victims. The community corrections agency has also provided leadership across the state on community notification practices that promote public safety.
5. Maricopa County, Arizona: Pioneered lifetime probation supervision, and was one of the first jurisdictions to use specialized caseloads, including intensive supervision, for sex offenders. There is extensive collaboration among probation, the court, the prosecutor's office, treatment providers, and law enforcement. The probation department has secured assistance from the National Institute of Justice to evaluate the effectiveness of their approach.

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6. Chittenden County, Vermont: First county to have an integrated and comprehensive statewide sex offender supervision and treatment program. It pioneered the use of relapse prevention with sex offenders in 1983, and currently has in place a continuum of prison and community based programs that match services to offender risk and need levels. A recent innovation is Vermont's use of trained community volunteers to provide support to offenders reintegrating into the community.
 7. Allen County, Indiana: Awarded an Office of Justice grant in 2002 to build on the experience of a re-entry court by establishing a sex offender re-entry program to transition offenders returning to the community from the Indiana Department of Correction Prison Facilities. The program served those ordered or paroled to home detention and those sentenced to probation for a sex offense. Approximately 100 offenders were served through the grant over the first 12 months (27 sex offenders were on home detention; 42 offenders were projected for release from state prison by year's end; all but one of these offenders were male). Grant funds were used to hire a full time case manager, support a full time victim advocate, acquire two assessment instruments (the Sexual Violence Risk-20 and the Millon Personality Profile), acquire geographic tracking software, conduct local training, and purchase 80 electronic monitoring units.
 8. Cuyahoga County, Ohio: Provides an Office of Reentry (for all felons); some of their 2008 priorities are: support seven existing and establish three additional Citizen Circles; implement three-year Tenant-Based Rental Assistance Program, establish at least one neighborhood service center, and conduct data collection and research to evaluate outcomes and effectiveness of the Reentry Integrated Service System.

Criminal Justice Grant Sources

- Comprehensive Approaches to Sex Offender Management (CASOM) Discretionary Grant Program, U.S. Dept. of Justice. This grant provides funding to help jurisdictions manage sex offenders in the community by implementing new or enhancing existing programs. Programs need to increase public safety and reduce victimization. Although CASOM focuses on the continuum of activities and services for sex offenders, grant funds must be targeted for community reintegration and community management of these offenders, not for institutional services. In implementing an approach to managing sex offenders, grantees need to convene a multidisciplinary, collaborative team that includes members from community corrections, institutional corrections, the release decision-making authority (i.e., parole board where applicable), law enforcement, the judiciary, sex offender-specific treatment providers, nongovernmental nonprofit victim advocacy, prosecution community, criminal defense bar, non-criminal justice service providers representing community and faith-based organizations, and schools and social service agencies (for juveniles). <http://www.ojp.usdoj.gov/BJA/grant/casom.html>
- After Prison Initiative, Open Society Institute (a Soros Foundation Network). The After Prison Initiative considers proposals from advocacy groups, community groups, scholarly or research institutions, government agencies, associations of elected officials, and nonprofit business associations or initiatives. The Initiative supports projects that reorient the mission and resources of criminal justice and prison systems to maximize successful reentry and minimize incarceration; and that strengthen civil society institutions and infrastructure in high-impact communities. Priority is given to organizations in which people with criminal convictions have a leadership role and/or meaningful participation. Among the strategies they support are: Increasing access

to housing, health and mental health care, education, and employment, fostering cross-sector and multi-agency government collaboration and accountability for reentry, promoting education in and after prison to enhance democracy, civic participation, and public service. Guidelines for 2008 funding will be available soon. Of note: Louisville received a \$50,000 grant in 2006 to develop and implement a justice reinvestment plan in their Newburg neighborhood focusing on creating a functioning network of service providers and marshalling support for neighborhood projects to redress structural impediments to successful resettlement after jail and prison. In 2004 they had a grant for \$50,000 to analyze and design a multi-sector initiative led by the Louisville Public Protection Cabinet to transform reentry and preventative services on a neighborhood basis. http://www.soros.org/initiatives/justice/focus_areas/after_prison/guidelines

- Edward Byrne Memorial Discretionary Grants Program, U.S. Dept. of Justice. The grant helps local communities improve the capacity of local justice systems and provides for national support efforts including training and technical assistance programs strategically targeted to address local needs. Funds can be used for demonstration, replication, expansion, enhancement, training, and/or technical assistance programs. Local governments can apply – no match is required. <http://www.ojp.usdoj.gov/BJA/grant/07ByrneDiscSol.pdf>
- Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Bureau of Justice Assistance. This grant allows state and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. JAG replaces the Byrne Formula (states are awarded the funds and then determine who gets the funds locally) and Local Law Enforcement Block Grant (LLEBG) programs with a single funding mechanism that simplifies the administration process for grantees. JAG purpose areas relevant to this research are : prevention and education programs and planning, evaluation, and technology improvement programs. The procedure for allocating JAG funds is a formula based on population and crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share. Funds are distributed 60/40 between state and local recipients. The FY 2008 state and local solicitations have not yet been released. A match is not required, but is recommended to make programs more effective. <http://www.ojp.usdoj.gov/BJA/grant/jag.html>
- National Institute of Corrections has several programs available, including an Offender Workforce Development Specialist Partnership Training Program. They also provide training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies. www.nicic.org

Appendix A

Persons Interviewed for Sex Offender Research Study (in-person or by telephone)

City of Cincinnati

Thomas O. Beridon, Assistant Prosecutor
Dept. of Law, Courts Division, Criminal Section
Chris Monzel, Councilman

Hamilton County

Major James Dattilo
Margo Mergy
Bureau of Records, Central Warrants & Identification
Sheriff's Department Justice Center
Thomas Rottinghaus, Deputy Public Defender
Timothy Cutchner, Director of Courts Chief Felony Division
Public Defender's Office
Michael L. Walton, Esq., Court Administrator
Court of Common Pleas Municipal Court
Patrick X. Dressing, Assistant Prosecuting Attorney

Ohio Department of Rehabilitation and Corrections

Terry Collins, Director
Sara Andrews, Superintendent of Field Services
Adult Parole Authority
David Berenson, Director of Sex Offender Services
Alicia Handwerk, Chief of the Bureau of Community Sanctions
Tereasa Moorman, Offender Services Network Administrator
Jennifer Gentry, Chemical Dependency Specialist
Brigid A. Slaton, CCDCIIE, LSW, Regional Administrator
Adult Parole Authority, Cincinnati Regional Office

River City Correctional Center, Cincinnati, OH

Helen Magers, LPCC, CCDCI Program Director
Linda Black, Probation Officer, Supervisor
Douglas King, Probation Officer

Corporation for Supportive Housing

Nikki Delgado
Columbus, OH

Cincinnati Restoration Church

Chris Giannamore, Head of Administration
Cincinnati, OH

Westwood Concern

Melva Gweyn, Citizen
Cincinnati, OH

Association for the Treatment of Sexual Abuse

Alisa Klein, Public Policy Advisor
Leeds, MA

Volunteers of America, Ohio River Valley

Chris Lohrman, President/CEO
VOA Pogue Center, Cincinnati, OH

Rape Crisis & Abuse Center of Hamilton County

Ann MacDonald, Executive Director
Cincinnati, OH

Ohio Attorney General's Office

Erin Rosen, Senior Assistant Attorney General
General Counsel for the Ohio Law Enforcement Gateway
Columbus, OH

Ohio Justice & Policy Center

David Singleton, Executive Director
Cincinnati, OH

Planning Magazine

Meghan Stromberg, Senior Editor
Chicago, IL

University of Cincinnati

Dr. Edward LaTessa, Professor & Division Head
Division of Criminal Justice
Cincinnati, OH

Newport Probation and Parole

Leanne Vonderhaar, Assistant District Supervisor
Newport, KY

Behavioral Connections of Wood County

Clancy Yeager, Forensic Program Manager
Member of Association for Treatment of Sexual Abusers
Perrysburg, OH

Appendix B

History of Sex Offender Legislation

Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (1994): requires states to establish sex offender registration for convicted offenders and a system to track them.

Megan’s Law (1996): requires states to establish a community notification system to inform residents about the presence of convicted sex offenders in their neighborhoods.

Pam Lychner Sexual Offender Tracking and Identification Act of 1996: requires lifetime registration for recidivists and offenders who commit certain aggravated offenses.

Federal Protect Act (2003): creates Amber Alert program and requires all states to create Internet sex offender registries and to include child pornography offenders in registries.

Federal Adam Walsh Child Protection and Safety Act of 2006 (AWA): was enacted on July 27, 2006. Each state is required to comply with the provisions of the AWA by July 27, 2009 or risk losing 10 percent of a federal law enforcement grant (the Byrne law enforcement assistance grant). Jurisdictions are free to implement regulations that are stricter than what AWA requires. A key element of the AWA is that it integrates the information in all state sex offender registry systems into a National Sex Offender Registry accessible to citizens. AWA will provide grants to states to help them institutionalize sex offenders who have shown they cannot change their behavior and are about to be released from prison (this is called civil commitment). A new federal program – Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) within the U.S. Dept. of Justice – has been established to administer standards for sex offender registration, grant programs, and assistance to states. Key provisions of this legislation:

- Establishes three tiers of registration requirements, based solely on severity of the offense. Classification will not consider a person’s likelihood to re-offend. This is a marked difference from laws in most states, including Ohio, which consider the crime and chance for re-offending in the classification of offense. It is retroactive legislation in that people convicted or adjudicated for sex offenses many years ago could be affected.
 - * Tier I: registration is 15 years for adults and 10 years for juveniles; in-person verification at the county sheriff’s office is required annually (this is an increase in Ohio from 10 to 15 years)
 - * Tier II: registration is 25 years for adults and 20 years for juveniles; in-person verification is required every 180 days.
 - * Tier III: registration is lifetime for adults and for juveniles; in-person verification is required every 90 days.
- Requires states to register children as young as 14 with certain offenses.
- Requires registration to include: name; address or multiple addresses; employer address; school (if a student) address; license plate number and description of any vehicle owned or operated by the offender; and any other information required by the attorney general. It should be noted that if an offender lives in one county, works in a second county, and goes to school in a third county, that offender must register in each of those three counties.

States that enact the minimum standards of the AWA provisions by July 27, 2007 (as Ohio has done with Senate Bill 10) will receive certain federal criminal justice funds – but to date Congress has not authorized any funds.

History of State of Ohio Sex Offender Legislation

Ohio House Bill 180 – 1997: Requires county sheriff’s offices throughout Ohio to develop and implement a registration system for convicted sexual offenders.

Ohio’s Senate Bill 10 & Senate Bill 97 (2007): signed into law in Ohio June 30, 2007. These bills are expected to bring Ohio into conformance with the federal Adam Walsh Act of 2006. Ohio is the first state in the country to actually enact regulations that are expected to be in compliance with AWA. By passing the state legislation by July 2007, Ohio is promised extra grant money for enforcement, but no federal funds have yet been appropriated. Senate Bill 10 requires the Attorney General’s office to reclassify into three tiers Ohio’s approximately 17,000 registered sex offenders who are not in prison as well as incarcerated offenders. As stated for the AWA, this bill retroactively reclassifies current sex offenders who have a duty to register based on type of offense rather than likelihood to re-offend. The impact can be substantial as, for example, a low-risk sex offender with a 10 year registration requirement in 2002 can be reclassified as a Tier III with registration every 90 days for life and notification to residents within 1,000 feet of their home. Reclassification in Ohio is in effect as of January 1, 2008. This retroactive component is currently being challenged in numerous courts in Ohio. In Hamilton County alone over 300 lawsuits have been filed on the reclassifications.

Among components of Senate Bill 97 are increased penalties for a sexual offender’s failure to register, modification of the definition of “sexually oriented business,” provision for townships to regulate the residency of registered sex offenders and child-victim offenders, and modifications pertaining to school bus driver background checks.

The Ohio Attorney General’s Office is charged with implementing Senate Bill 10. They are tasked with categorizing all sex offenders into the three new tiers. As Ohio’s 17,000 sex offenders are reclassified according to crime, the costs of local and state enforcement and notification are likely to skyrocket. When asked if compliance with Senate Bill 10 would be more costly than the loss of 10 percent of Edward Byrne grant funding, Senior Assistant Attorney General Erin Rosen stated she could not put a figure on the costs versus benefits. “We would lose millions if we don’t implement. There are grants that will be available from the Department of Justice if we are in compliance.”

Pending Federal Legislation

Federal Second Chance Act is pending. H.R. 1593: Second Chance Act of 2007

This Act is to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes. H.R. 1539 addresses the need for drug and mental health treatment, transitional job programs and other job training, education opportunities, housing, and other critical services for formerly incarcerated individuals returning to the community. This legislation would also improve the reentry process by taking a critical first step towards reviewing and reversing the federal and state legal roadblocks that prevent successful reintegration of people with criminal records. This bill was passed in the House on November 13, 2007. It now goes to the Senate.

Appendix C Statement on Sex Offender Residence Restrictions in Iowa

Iowa County Attorneys Association

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STATEMENT ON SEX OFFENDER RESIDENCY RESTRICTIONS IN IOWA

December 11, 2006

The Iowa County Attorneys Association believes that the 2,000 foot residency restriction for persons who have been convicted of sex offenses involving minors does not provide the protection that was originally intended and that the cost of enforcing the requirement and the unintended effects on families of offenders warrant replacing the restriction with more effective protective measures.

The ICAA has the following observations concerning the current restriction:

1. Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children.
2. Research does not support the belief that children are more likely to be victimized by strangers at the covered locations than at other places.
3. Residency restrictions were intended to reduce sex crimes against children by strangers who seek access to children at the covered location. Those crimes are tragic, but very rare. In fact, 80 to 90 percent of sex crimes against children are committed by a relative or acquaintance who has some prior relationship with the child and access to the child that is not impeded by residency restrictions. Only parents and caretakers can effectively impede that kind of access.
4. Law enforcement has observed that the residency restriction is causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses or to simply disappear. If they do not register, law enforcement and the public do not know where they are living. The resulting damage to the reliability of the sex offender registry does not serve the interests of public safety.
5. There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.
6. The categories of crimes included in the restriction are too broad, imposing the restriction on many offenders who present no known risk to children in the covered locations.
7. A significant number of offenders have married or have been reunited with their victims; and, in those cases, the residency restriction is imposed on the victims as well as the offenders.
8. Many offenders have families whose lives are unfairly and unnecessarily disrupted by the restriction, causing children to be pulled out of school and away from friends, and causing spouses to lose jobs and community connections.
9. Many offenders are physically or mentally disabled but are prohibited from living with family members or others on whom they rely for assistance with daily needs.
10. The geographic areas included in the prohibited 2,000 foot zones are so extensive that realistic opportunities to find affordable housing are virtually eliminated in most communities. The lack of transportation in areas not covered by the restriction limits employment opportunities. The adoption of even more restrictive ordinances by cities and counties exacerbates the shortage of housing possibilities.
11. The residency restriction has no time limit; and, for many offenders, the restriction lasts beyond the requirement that they be listed on the sex offender registry. For this reason, there are many offenders who are subject to the residency restriction but who are not required to inform law enforcement of their place of residence, making enforcement nearly impossible.

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12. There is no accommodation in the current statute for persons on parole or probation supervision. These offenders are already monitored and their living arrangements approved. The restriction causes many supervised residential placements to be unavailable even though they may be the most appropriate and safest locations for offenders to live.
 13. Many prosecutors have observed that the numerous negative consequences of the lifetime residency restriction has caused a reduction in the number of confessions made by offenders in cases where defendants usually confess after disclosure of the offense by the child. In addition, there are more refusals by defendants charged with sex offenses to enter into plea agreements. Plea agreements are necessary in many cases involving child victims in order to protect the children from the trauma of the trial process. This unforeseen result seriously jeopardizes the welfare of child victims and decreases the number of convictions of sex offenders to accurate charges. Consequently, many offenders will not be made fully accountable for their acts and will not be required to complete appropriate treatment or other rehabilitative measures that would enhance the safety of children. Similar unintended negative effects often accompany well-intended efforts to increase prison sentences with mandatory provisions.
 14. The drastic reduction in the availability of appropriate housing, along with the forced removal of many offenders from established residences, is contrary to well-established principles of treatment and rehabilitation of sex offenders. Efforts to rehabilitate offenders and to minimize the rate of reoffending are much more successful when offenders are employed, have family and community connections, and have a stable residence. These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best known corrections practices.

For these reasons, the Iowa County Attorneys Association supports the replacement of the residency restriction with more effective measures that do not produce the negative consequences that have attended the current statute. For example, the ICAA would support a measure that includes the following:

- A statute creating defined protected areas ("child safe zones") that sex offenders would be prohibited from entering except in limited and safe circumstances. Such areas might include schools and childcare facilities.
- Entrance into the protected areas would be allowed only for activities involving an offender's own child and only with advance notice and approval from those in charge of the location.
- The restriction should cover offenses against "children" (under age 14), rather than "minors" (under 18).
- The statute should specifically preempt local ordinances that attempt to create additional restrictions on sex offenders. Such ordinances result in a variety of inconsistent rules and promote apprehension among local authorities that they must act to defend themselves from the perceived effects of the actions of other communities.
- Most important, any restriction that carries the expectation that it can be effectively enforced must be applied to a more limited group of offenders than is covered by the current residency restriction. This group should be identified by a competent assessment performed by trained persons acting on behalf of the state. The assessment should be directed at applying the statutory restriction only to those offenders that present an actual risk in public areas to children with whom the offender has no prior relationship.
- Children will be safer with clarification and strengthening of certain child sex abuse laws, including, sex abuse by deception, sexual exploitation of a person "reasonably believed to be a minor," using a position of authority to cause children to engage in a sex act, and requiring admission at trial of a defendant's prior acts of sexual abuse.
- Sex offender treatment both inside and outside of prison should be fully funded and improved.
- Measures should be enacted that aim at keeping all young people safe from all offenders. This should include programs that focus on the danger of abuse that may lie within the child's family and circle of acquaintances. It is important to help children and parents recognize the signs and dangers of sex abuse by persons with ordinary access to children.
- Recognize that child safety from sex offenses is not amendable to simple solutions by creating a Sex Offender Treatment and Supervision Task Force to identify effective strategies to reduce child sex offenses.

These observations of Iowa prosecutors are not motivated by sympathy for those committing sex offenses against children, but by our concern that legislative proposals designed to protect children must be both effective and enforceable. Anything else lets our children down.

The Iowa County Attorneys Association strongly urges the General Assembly and the Governor to act promptly to address the problems created by the 2,000 foot residency restriction by replacing the restriction with measures that more effectively protect children, that reduce the unintended unfairness to innocent persons and that make more prudent use of law enforcement resources, and strengthen the child sex abuse laws and prosecution. The ICAA stands ready to assist in any way with this effort.

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Community COMPASS Publications

The following Community COMPASS reports are components of Hamilton County's Comprehensive Master Plan and Strategies. The reports are available at the Hamilton County Regional Planning Commission and can be downloaded at www.communitycompass.org.

1. Project Design -- Scope and Process (Oct. 2001)
2. The Community Values Survey (Jan. 2001)
3. Special Research Reports
 - 3-1. Inventory of Research (2002)
 - 3-2. Conflicting Views on Suburbanization (Sept. 1999)
 - 3-3. Spreading Out: The March to the Suburbs (Oct. 1999; revised 2003)
 - 3-4. Summary Report -- Spreading Out: The March to the Suburbs (Oct. 1999; revised 2003)
 - 3-5. The Use of Public Deliberation Techniques for Building Consensus on Community Plans: Hamilton County Perspectives on Governance (A Guide for Public Deliberation) (Dec. 2002)
 - 3-6. Hamilton County's Comparative and Competitive Advantages: Business and Industry Clusters (Oct. 2003)
 - 3-7. Census 2000 Community Profiles: Political Jurisdictions of Hamilton County
 - 3-8. Community Revitalization Initiative Strategic Plan (Aug. 2003)
 - 3-9. Listening to Biotechnology Leaders: An Interview Study (Nov. 2006)
 - 3-10. Sex Offenders and Communities: Community Solutions for Prevention, Management, and Release of Sex Offenders in Hamilton County (Feb. 2008)
4. The Report of the Community Forums --Ideas, Treasures, and Challenges (Nov. 2001)
5. The Report of the Goal Writing Workshop (2001)
6. The Countywide Town Meeting Participant Guide (Jan. 2002)
7. Hamilton County Data Book (Feb. 2002)
8. A Vision for Hamilton County's Future --The Report of the Countywide Town Meeting (Jan. 2002)
9. The CAT's Tale: The Report of the Community COMPASS Action Teams (June 2002)
10. Steering Team Recommendations on The Vision for Hamilton County's Future (Jan. 2002)
11. Planning Partnership Recommendations on The Vision for Hamilton County's Future (Jan. 2003)
12. The Vision for Hamilton County's Future (Brochure) (Feb. 2003)
13. Initiatives and Strategies
 - 13-1. Steering Team Recommendations on Community COMPASS Initiatives and Strategies (2002)
 - 13-2. Steering Team Prioritization of Initiatives -- Methodology and Recommendations (Aug. 2002)
 - 13-3. Planning Partnership Recommendations on Community COMPASS Initiatives and Strategies (revisions, findings and reservations) (Dec. 2002)
 - 13-4. Community COMPASS Initiatives and Strategies -- Hamilton County Regional Planning Commission Recommendations (Jul. 2003)
14. External Influences: The Impact of National Trends on Hamilton County's Future (Mar. 2003)
15. Population
 - 15-1 Summary Report (Sept. 2004)
 - 15-2 Atlas / comprehensive report (2005)
16. State of the County Reports (Key trends, Issues, and Community Indicators) (Oct. 2004)
 - 16-1 Civic Engagement and Social Capital
 - 16-2 Community Services
 - 16-3 Culture and Recreation
 - 16-4 Economy and Labor Market
 - 16-5 Education
 - 16-6 Environment
 - 16-7 Environmental and Social Justice
 - 16-8 Governance
 - 16-9 Health and Human Services
 - 16-10 Housing
 - 16-11 Land Use and Development Framework
 - 16-12 Mobility
 - 16-13 Executive Summary
17. 2030 Plan and Implementation Framework (Nov. 2004)

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