

Testimony:

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Homeland Security

Sex Offender Registration and Notification Act
(SORNA)

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Mr. Chairman, Committee Members, Guests, I am honored to be given the opportunity to testify today. My name is Bob Shilling. I am a twenty-nine year veteran of the Seattle Police Department. I have spent the last nineteen years as a detective in the Special Victim's Unit, Sex and Kidnapping Offender Detail. I have written or co-authored 12 pieces of sex offender legislation that have been passed into law in Washington State, and testified on the Community Protection Act of 1990, which became the first community notification law in the United States. I am the only municipal law enforcement officer in the United States who is a member of the Interpol Specialists Group on Crimes Against Children. I currently serve as Chair of the Sex Offender Management Theme Group.

My experience in protecting the public from sex offenders spans two decades. It's not a job to me it's a passion. Perhaps my most significant experience related to this work comes from the fact that I am a survivor of childhood sexual abuse. The abuse spanned a four-year period and without question marks the darkest days of my life. I have dedicated my life to doing whatever I can to stop sexual abuse, not only in this country, but also around the world.

Prior to becoming a detective in the Special Victims Unit, I like many citizens, believed the only way to manage sex offenders was to put them on a distant island where they couldn't victimize anyone else. My feelings were naïve, yet a heartfelt response to a very complex problem. My focus then and now has always been victim centered. What can we do to ensure we don't have additional victims? What can we do to stop sexual abuse before it happens? What has research taught us? How do we hold sex offenders accountable while making sure they have the tools to succeed once they are released from incarceration?

Washington State has been in the national forefront of sex offender management and in ensuring public safety from sex crimes. We have an End of Sentence Review Committee that looks at the risk each sex offender poses to the community prior to their release from prison. We have a highly regarded sex offender treatment program within the prison system, and statewide certification of sex offender treatment providers in private practice. We do actuarial risk assessments on each of our sex offenders in an effort to identify those who are most likely to re-offend. This helps put precious public safety

resources where they are needed the most; monitoring the highest risk offenders. We proactively educate our community about sex offenders. We want the public to be able to protect themselves from known sex offenders, as well as those who haven't been caught yet. We also educate the community that it's in the best interest of public safety to be invested in the offender's success when they are released.

I've trained law enforcement officers from all over the world in the art of educating the community about sex offenders. I've stated: *"You can't do community notification without community education. To do so is like smoking a cigarette while standing in a pool of gasoline."* Without education there's misinformation. Misinformation leads to heightened anxiety, which in some cases, leads to vigilantism. The community deserves to know who the high-risk sex offenders are in the community, about the relatively low sex offender recidivism rates, and what research tells us. Citizens can and will act responsibly if we are honest with them. They are better able to protect themselves and their loved ones when we educate them about sex offenders.

I ask that you consider how the Sex Offender Registration and Notification Act (SORNA) impacts the public safety aims of effectively managing sex offenders in the community. The SORNA does not mandate community education as a component of community notification. This is a recipe for disaster and leaves citizens trying to sort out fact from myth, truth from emotion, and what to do next. This creates public safety concerns and does not have the citizens invested in offender success. It has the opposite effect.

The SORNA mandates offense based tiering, which is a faulty alternative to actuarial risk based tiering used in over 20 states. Citizens have grown used to level one sex offenders being low risk, level 2 moderate risk, and level three high risk. Under SORNA, most sex offenders will be tier 3. That will cause great confusion and anxiety for the citizens, as they believe each of these offenders is a high risk to re-offend. That just is not true. Sex offenders differ greatly in their level of impulsiveness, persistence, risk to the community, and their desire to change their deviant behavior. Assigning sex offender tiers based on crime of conviction tells us very little about who this sex offender is and what his or her risk for re-offense may be. In Washington State, I have the ability to aggravate someone's risk level if dynamic risk factors indicate an escalation in risky

behavior. I won't have that ability under SORNA. Their tier is their tier. It is not an effective way of doing business with the public.

Research tells us that 90% of victims under age 12 knew their abuser. That number is 66% when the victim is between 18 and 29 years old. (Tjaden & Thoennes 2000) Under the SORNA, all sex offenders will be subject to broad based Internet dissemination (community notification) regardless of risk. When we know that most victims of sexual abuse know their abuser, and in a large proportion of cases it's a family member, Internet notification increases the likelihood that the victim will be identified. Victims tell us that their greatest concerns are their family knowing about the assault (71%), and people outside the family knowing about the assault (68%). (Kilpatrick, Edmunds, Seymour (1992) *Rape in America*.) The last thing we want to do is create disincentives to victims and their families to report.

Finally, I ask you to consider the retroactivity aspect of the SORNA. Research tells us that most sex offenders do not re-offend sexually over time. In a 2004 study done by the pre-eminent researchers Harris and Hanson, with a sample of 4,724 sex offenders over a 15-year follow-up period, "73% of sexual offenders had not been charged with or convicted of another sexual offense." Under the SORNA, law enforcement will be responsible for reviewing the criminal history of anyone brought back into the system even for a non-sexual criminal offense. If they were once convicted of a sex offense, regardless of how long ago that conviction was, the offender will be required to register as a sex offender. This will be very labor intensive and costly. Our time, efforts, and resources are more effectively spent focusing on moderate to high-risk sex offenders, not sex offenders who committed their sex crime 25 or 30 years ago have not re-offended in a sexual way.

Thank you for your time and your thoughtful consideration.