

Maine PRISONER ADVOCACY Coalition



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Testimony in Opposition to ~~LD 1215~~ to the Committee on Criminal Justice and Public Safety

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying in opposition to LD 1215 on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices in order to increase public safety and the health of our community.

I want to make three points this afternoon:

- 1) Residency requirements **don't work** to make our children safer;
- 2) Residency requirements actually **make children less safe** because they increase the risk of re-offense, and
- 3) residency requirements **make children less safe** by diverting attention away from more effective strategies.

First, there is simply no evidence that they make anyone safer. Let me say that again: **they don't work**. They don't make anyone safer. As a professional sociologist and criminologist I know of no evidence supporting the effectiveness of residency restrictions. There is, however, **substantial evidence that they make the problem worse**.¹

The Center for Sex Offender Management (CSOM), was a project of the Office of Justice Programs of the U.S. Department of Justice that for more than 20 years served primarily as a research clearinghouse. Regarding residency requirements, the Center puts it bluntly: "No

¹ For example, see the testimony of the Maine Sex Offender Management and Risk Assessment Advisory Commission to this Committee in February, 2019, in opposition to LD 263: "The Commission has long held the position that residency restrictions can increase recidivism due to offenders being isolated from society and the critical services they need to address issues regarding their behavior." They go on to say: "The images of playground abductions that often drive residency restriction statutes, although tragic, are rare. In fact, somewhere between 80-90% of sex offenses are committed by a relative or acquaintance."

* In the interest of honesty and disclosure, a personal background statement is available on request.

research has shown that these restrictions lead to a decrease in sexual reoffending.” (Fact Sheet, 2008, p 5)

They go on to say that “laws that banish or restrict housing options for offenders may eliminate the stability and support that offenders need to be successful in the community.” This **makes re-offending more likely**. In other words, residency requirements make us LESS safe. They can actually **cause harm**.²

All of these factors can have a negative impact on the family and friends of the offender and all of them create instability and strain which increases the risk of re-offense. Thus, making children less safe.

In addition, residency restrictions create an increased risk that offending behavior will not be reported or treated or addressed. Because of the negative effects for the offender and the family and the victims, there is some evidence that people are less willing to make problems known.

“Furthermore, sex offenders who are unable to find housing may be more likely to report false addresses on sex offender registries or they may be driven ‘underground,’ thus making supervision and monitoring efforts futile.” (CSOM, Reentry, 2007, p 11)

Since residency restrictions also do not distinguish between those who pose a substantial threat and those who do not, they are unfair as well as ineffective.

Most tragically, this also means that such **residency restrictions do not provide any incentive for offenders to work to change**. It says to offenders that successful efforts to change will be ignored and denigrated. To no good purpose.

Which brings me to perhaps the greatest danger of residency restrictions: **They focus attention in the wrong place**. Nine out of ten sexual assaults are NOT committed by those with previous convictions. And the vast majority of offenders are family and friends of the victim. “Most sexual offenses are committed by someone the victim knows — either a family member, friend, intimate partner, or acquaintance.” (CSOM, Fact Sheet, 2008, p 2)

I do not mean to suggest that we should ignore former offenders. We need to realistically assess their risk and focus serious, targeted, intelligent attention on supervision and treatment of high-risk former offenders.

The final irony of residency restrictions is that they actually most punish those who play by the rules—those who do their recovery work and cooperate with the Registry.

These sorts of laws actually **encourage** women and men to **NOT** play by the rules and those most at risk of offending, or re-offending, are exactly those who do not play by the rules. In

² CSOM’s publication, *Managing the Challenge of Sex Offender Reentry* lists several “Unintended Consequences Associated with Community Notification and Residency Restrictions: • Inability to find suitable housing • Inability to return to an established residence post-release • Forced relocation of residence and family • Difficulty finding employment/loss of employment • Loss of positive social supports • Excessive negative community sentiment • Harassment, vigilantism • Increased fear and concern among citizens.” (2007, p 10)

short, residency restrictions increase the incentive for non-compliance and **increase the risk of re-offending**.

People who are diligently working to be good, honest, reliable, trustworthy citizens are the people most affected, and really punished, by these sorts of laws.

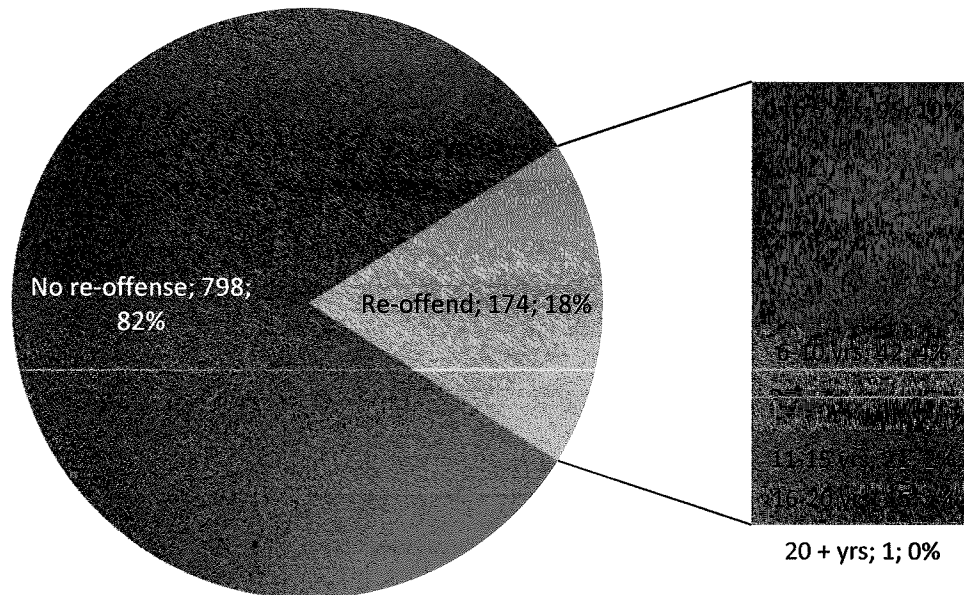
For all these reasons, residency restrictions make our state less safe for all of us. Overall, if we want to make our children safer, we need to focus our attention on education and awareness of realistic and evidence-based risk abatement strategies.

Please reject LD 1215.

Thank you for your attention and support.

I am happy to try to answer your questions.

Maine Re-Offense Time Patterns for 1982-92 Lifetime Registrants as of January, 2008*



* Based on 972 Lifetime **Registrants** in the Maine Sex Offender Registry whose qualifying conviction was from January 1, 1982, to June 30, 1992. Re-offense, if any, is a sexual offense subsequent to that qualifying conviction. Time is the years between convictions subsequent to the qualifying conviction. The category labels show the time to re-offense (if any), the number of registrants in the category and their percentage of the total, 972 registrants.

Registrants whose qualifying conviction was from out of state are excluded from this analysis. 13 (1.3%) registrants had convictions prior to their qualifying conviction.

Data courtesy of the State Bureau of Identification.

The primary value of this analysis is the time pattern of re-offending: For those who re-offend, 55 percent do so in the first five years and over 78% do it within the first 10 years. Put another way, the risk of re-offending decreases dramatically after the first five years.

Since this analysis only calculates time after conviction, it is a reasonable assumption that many of those who have re-offended six to eight years after conviction (16.7%) were actually in their first five years after release (and thus would have been in their first five years on the registry).

We must realize that most recidivism studies have dealt with a substantially shorter time span, and thus shorter opportunity to re-offend; offenders in this analysis have had at least 15 years and as many as 25 years to re-offend.

Note that this analysis probably overstates recidivism even among this group of serious offenders: Since re-offending is one way of becoming a lifetime registrant, re-offenders will be over-represented. Note also that this analysis is a sub-set of sexual offenders—those designated as more serious offenders.

For these reasons, we can expect that the overall recidivism rate for Maine sexual offenders is lower than 18% in their lifetime and substantially less than ten percent in their first five years.

Peter Lehman
March 20, 2008