

CITY OF MINNEAPOLIS

Level III Predatory Offender Concentration in Minneapolis: Looking Forward

Presentation to the Public Safety, Civil Rights
& Emergency Management Committee

by

Intergovernmental Relations Department and
Minneapolis City Attorney's Office



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Staff Direction

- “...study and identify solutions to the concentration of Level 3 Sex Offenders in specific areas of the City of Minneapolis. These should include but not be limited to programmatic, legal, and legislative solutions. Staff should also work with the appropriate authorities to consider the effects of Judge Donovan Frank’s ruling on the Minnesota Sex Offender Program.”

Offender Characteristics

- 143 Level III predatory offenders in Hennepin County as of January 20, 2016*
 - Increase of 22, or 15%, over July 2015
 - Increase in both number supervised and number who have completed sentences
 - 70 of 143 = **Under** DOCCR supervision
 - 73 of 143 = **Not under** DOCCR supervision
 - Not under supervision = free to live wherever they choose. Must report location to local police and abide by local ordinances related to housing
- Level III predatory offenders **not under supervision** are more likely to have been convicted in another county (i.e., Level IIIs not under supervision moved to Hennepin County after finishing supervision elsewhere)
 - 40% (29 out of 73) of those **not under supervision** were originally committed from another county
 - 30% (21 of 70) of those currently **under supervision** were committed in from another county.
- Level IIIs not under supervision were also more likely to be homeless:
 - 4 of the 70 Level IIIs **under supervision** were listed as homeless (6%)
 - 25 of the 73 Level IIIs **not under supervision** were listed as homeless (34%)

*data from HCDCCR, Office of Policy, Planning and Evaluations, 'Hennepin County Level 3 Predatory Offender Concentration: Level 3 Offenders Residing in Hennepin County on January 20, 2016. March 2016

Concentration

- No common definition
- MS. 244.052, subd. 4: ““the agency responsible for the offender’s supervision shall take into consideration the proximity to schools and, to the greatest extent feasible, shall mitigate the concentration of level three offenders and concentration of level three offenders near schools.” *Concentration* is not defined.
- Minneapolis Resolution 2013R-109: “Whereas, defining concentration as the number of sex offenders relative to the vulnerable community is meant to control”
- Action Research Team: Documenting Predatory Offender Concentration in Minneapolis report (2015): “The density of predatory offenders in an area relative to the population of that area.” “Concentrated areas” are described as communities in which predatory offenders are clustered at disproportionate levels. “Community” refers to both a shared geographical location and shared characteristics and circumstance of geographic locations. Community exists at the neighborhood level.
- Hennepin County: “Number of level 3 predatory offenders per 1000 residents in a particular geographic area, as reported in the 2010 census. This accounts for the different size of the neighborhoods and communities within the county.”

Causes of Concentration

- Multiple indicators of concentrated disadvantage:
 - economic disadvantage and above-average rates of poverty
 - depressed housing values
 - residential instability
 - racial and ethnic heterogeneity
 - higher levels of unemployment
 - above-average rates of disrupted households
 - below-average rates of high school graduation compared with the rest of the city
- State and County do not “place” offenders

Effects of Concentration

- Level III sex offenders living together/near each other **did not** produce negative effects on recidivism or public safety
 - lower recidivism rates, reduced conditional release violations, enhanced stability, more frequent compliance checks
- Level III sex offenders living together/near each other **did** produce negative effects on **perceptions** of recidivism or public safety; which leads to real negative consequences:
 - impacts on property values, feeling unsafe, and negative opinions of a community

Concentration: Policy Options

- Policies to reduce recidivism and improve **actual** community safety
 - Support reentry programs that provide enhanced case planning, housing assistance, employment assistance, mentoring services, cognitive behavioral programming, and transportation assistance.
 - Specific, joint requests to the legislature
 - Applying jointly for state and federal grants
 - Working together to influence state Department of Corrections policy
 - Working with nonprofit and foundation leadership

Concentration: Policy Options Cont.

- Policies to improve the community's **perceived** lack of safety and residual consequences of this perception
 - Community outreach and education: Policy makers educate the community about true predictors of recidivism, such as lack of stable housing and employment
 - Community notification: Work with DOC to improve community notification. Current process does not improve community safety and furthers negative perception of a neighborhood.
 - Partner with Hennepin County elected officials and HCDCCR: Meet on regular basis to discuss pending placements of offenders; strategize on finding housing options outside of already burdened areas. (more detail in Housing section)
 - Support County's efforts to not accept offenders for supervision who lack substantial ties to the community and who originate from different county of commit
 - Petition the DOC to include additional special conditions on offender release plans, such as no residence in a particular area based on certain concentration criteria
 - Encourage the state to expand the support provided to halfway house beds, expand emergency housing funds. Allows offenders more time to identify housing and employment outside of concentrated areas.
 - Share compliance rates with licensing and building codes with the DOC

City Ordinances

- Cities have addressed the issue of offender placement and concentration through residency restriction ordinances and regulations regarding congregate living
- Residency restriction ordinances vary in scope, but all prohibit level III offenders from residing within a specified distance from places where children are commonly present.
- Zoning provisions regarding congregate living address various shared-living arrangements for unrelated people designed to integrate their housing and services needs.

City Ordinances: Policy Options

- The more effective response to the issue of offender placement and concentration probably lies in the policy and programmatic realm and not a regulatory approach.
- The City likely has the authority to adopt a residency restriction ordinance, but the policy effectiveness is questionable at best.

Housing: Level III Offender Release Process

- Offenders released from prison have the right to live in any private residence within any county, subject to corrections agent's approval
- Offenders who have completed supervision have the right to live anywhere with few exceptions:
 - areas in cities with ordinance restrictions
 - special conditions based on proximity to victims, minors, or vulnerable adults
- DOC policy dictates three factors play significant role in any predatory offender housing decision:
 - Minnesota Statute;
 - Promulgated Rules; and
 - Judicial mandates

Housing is Key

- “when these individuals are not linked to the services and support that could facilitate their successful reintegration, they end up reincarcerated for their violating the conditions of release or for committing a new crime...and there are significant costs to public safety in the form of increased crime and victimization.”
- Housing major factor in keeping the public safe
- 3 key policy approaches to enhancing housing and public safety:
 1. Creating Greater Access
 2. Increasing Housing Stock
 3. Revitalizing Neighborhoods

Creating Greater Access: Policy Options

- **Enhance ability of Level III offenders to live elsewhere through better access to housing and rental assistance**
 - Support state and counties in creating full time positions solely dedicated to landlord and neighborhood outreach to encourage landlords outside of concentrated areas to rent to sex offenders, and residents to better understand the high level of supervision and low levels of recidivism of sex offenders
 - Partner with nonprofit housing agencies that have worked successfully with landlords in the past to secure housing opportunities for special-needs populations
 - Partner with Hennepin County and the State to develop a portable rental subsidy or voucher-based programs that sex offenders may use to better afford housing in higher cost areas of the state or county
 - Dependent upon the results of the pending study, support the expansion and increased funding for the state *Ex-Offender Rental Subsidy Program*

Creating Greater Access: Policy Options cont.

- Benefits:
 - utilize existing housing stock
 - fills vacant properties
 - flexible, available on as-needed basis
 - makes better fiscal sense than building new project
- Challenges:
 - low vacancy rates
 - high rental costs

Increasing Housing Supply: Policy Options

- **Expand housing options to reduce barriers, ease administration, and assuage public concerns**
 - Encourage the state to build and operate (through local providers) supportive housing with services specifically for released Level III predatory offenders. Such housing could be located in industrial areas near transit and jobs
 - Collaborate with local, state, federal and nonprofit/foundational partners to more effectively channel various existing funding streams to subsidize housing units for specific populations
 - Benefits: ability to braid various existing local, state, federal and nonprofit/foundational funding streams to subsidize housing units for specific populations. Avoids potential tenant exclusions that may exist in the private market, ensures constant number of dedicated, affordable units that are accessible to this high-needs population
 - Challenges: Costly, complex, requires long-term commitment and investment, communities resistant to placement of such facilities,

Revitalizing Neighborhoods: Policy Options

- **Increasing protective factors that deter Level III sex offenders from living in certain areas**
 - Increase market rate housing and home values by investing more in homeownership programs
 - Efforts to counteract the conversion of single-family housing into rental housing should be reexamined, as well as programs that provide financial assistance to current and potential residents to purchase/maintain single family homes
 - The same community-building activities that are currently utilized to build the community also impact the interest and ability of sex offenders to reside there
 - Benefits: broad redevelopment efforts generally benefiting anyone in the community regardless of their involvement in the criminal justice system
 - Challenges: costly, complex, and may take relatively long periods of time to develop

Federal Fair Housing Act Implications

- New April 2016 guidelines from HUD could impact housing options for ex-offenders, including sex offenders
- A policy or practice that denies housing to anyone with a prior arrest or any kind of criminal conviction would violate the Fair Housing Act
- Criminal history-based restrictions on access to housing are likely disproportionately to burden people of color; thus, resulting in a discriminatory effect
- Property owners must more closely examine whether applicant was arrested and if they were also convicted
- If an applicant was convicted, property owners must weigh nature and severity of the crime and conviction when considering housing application
- In Minnesota, African Americans are approx. 5.5% of population, but represent 35% of the total incarcerated population and over 26% of Level III sex offenders

Employment

- DOC release plans typically require offenders to maintain 40 hrs./wk. of employment or another productive activity such as job training
- Similar to housing, job opportunities are often found with certain employers who are known to be willing to hire released offenders
- Corrections agents may refer offenders to employers who have a history of hiring
- Limited housing options simultaneously limit job options
- Limited housing options in other areas of the state, availability of affordable housing in certain parts of Minneapolis, and the city's larger job market, the greatest chance to satisfy both of these conditions of release lies in Minneapolis.

Employment: Policy Options

- **Enhance ability of Level III offenders to obtain employment and job training opportunities elsewhere through collaboration with potential employers and training**
 - Similar to housing, the city can work with state, county and nonprofit partners to create full time positions solely dedicated to employer outreach outside of concentrated areas to hire to sex offenders
 - Work with employers and trainers who are currently known to hire Level III sex offenders to expand opportunities
 - Partner with nonprofit employment agencies that have worked successfully with employers in the past to secure employment and training opportunities for special-needs populations