
Public Hearing

before

SENATE TASK FORCE ON INTERNET ACCESS TO SEX OFFENDER REGISTRATION INFORMATION

*“Testimony concerning the publication of sex
offender registration information on the Internet”*

LOCATION: Mercer County Community College
West Windsor, New Jersey

DATE: May 16, 2001
7:00 p.m.

MEMBERS OF TASK FORCE PRESENT:

Senator Peter A. Inverso, Chairman
Daniel G. Giaquinto, Esq.
Maureen Kanka
Stuart G. Koch, Ph.D.
Louis B. Schlesinger, Ph.D.
Clifford Weininger, Esq.



ALSO PRESENT:

Anne M. Stefane
*Office of Legislative Services
Task Force Aide*

Ken Raatz
*Senate Majority
Task Force Aide*

*Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey*

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SENATOR PETER A. INVERSO (Chairman): Okay. I want to welcome everyone.

I have a statement that I'm going to read at this point.

Good evening. I am Senator Peter Inverso, Chairman of the Task Force on Internet Access to Sex Offender Registration Information. I would like to welcome everyone to our Task Force's second public hearing.

I'd like to introduce the members of our Task Force. We have with us the Mercer County Prosecutor, Daniel Giaquinto; Maureen Kanka; Dr. Stuart Koch; Dr. Louis Schlesinger; and Clifford Weininger.

As everyone is aware, the voters of New Jersey overwhelmingly passed a constitutional amendment this past November that provides for the establishment for an Internet registry for sex offenders. As sponsor of the legislation that put the constitutional amendment on the ballot, I'm acutely aware of how important this initiative is. Internet registry will provide the public, and especially parents, with crucial information on how to access the past history of an individual and evaluate the possible risk a convicted sex offender poses.

As a sponsor of Megan's Law, I wanted to strengthen our ability to provide the public with information on sex offenders. Our current notification system proactively informs families and individuals who live in the immediate vicinity where a convicted sex offender will reside.

Ultimately, this measure will greatly expand the information resources available to the public, since there is nothing to stop a convicted sex offender from living in one area but migrating to another. Once established, the

public will have the ability to obtain information about a person who lives outside the neighborhood or has contact with their children.

The purpose of our Task Force is to provide formal recommendations to assist the Senate in crafting legislation on how our Internet site should be specifically designed and administered.

In addition, we want to ensure that our Internet registry will be designed to withstand court challenges.

To accomplish our goals, our members are currently examining important issues such as who should be on the site; age limitations, should minors be excluded or be given any special exceptions; should all offenders be on the site, regardless of when the offense took place; what identifying information should the person using the site be made to provide in order to obtain the information; and other practical questions such as how to ensure the site is properly maintained and kept up to date with the latest information.

To develop our recommendations, we are sharing with each other's expertise. We are also reviewing current Internet sex offender sites that other states have in place or have planned. Because of the magnitude and importance of this issue, our Task Force members want to hear directly from the public to listen to comments and suggestions on how the site should be administered.

We thank you for your interest, and we do value your contributions.

With that, I'd like to call on the first speaker, unless any member of the Task Force wishes to make a comment.

First speaker is (anonymous witness).

ANONYMOUS WITNESS: Thank you.

My name is (anonymous witness). I live in (deleted).

Ladies and gentlemen, I thank you for allowing me the opportunity to speak here today. I'm not sure if there are any members of the media present, but I respectfully request that you please not use my name, address, or picture, if you would choose to write about my remarks. I make this request mainly for the safety and well-being of my daughter, a victim of sexual abuse.

I am a stepparent of a victim of sexual abuse. I'm also a stepparent of a teenage sex offender, who is deemed to be Tier 1 for registration purposes. As a result, my heart and mind are firmly attuned to both sides of this dilemma.

We are extremely concerned about legislation relating to juvenile sex offenders being placed on the Internet for viewing by the general public. Such legislation would be detrimental not only to my son, but to the rest of my family, as well. It could potentially cause my daughter further victimization, being identified as the sister of a sex offender.

I have no sympathy for most sex offenders. Sexual abuse, in any situation, is a crime. It was extremely difficult to come to terms with the fact that my son, at age 13, was a sex offender, even more so to come to terms with the fact that his victim was my eight-year-old daughter. After years of therapy for both children, individually as well as joint family sessions, we discovered that the true reasons for my son's crime had to do with the fact that he was angry about not living with his mother by her choice.

My son has learned, after years of sometimes difficult therapy, about the damage he has caused us all, himself included. He is truly, deeply ashamed of what he did and sincerely regrets allowing his anger at his mother to cause any pain to his sister, his father, and me. He is just now beginning to

do well in school. He has a job and is helpful at home. Internet posting of his crime could only serve to cause him further pain for a mistake he made as a young teenager.

His sister has an incredible capacity for forgiveness. It was she who first realized the depth of his shame and his true sorrow and regret for what he did. She was ready to forgive him long before his father and me. I am here today at her urging. She has no wish, after five years of a sometimes painful struggle, to see her brother further demonized in this manner.

Juvenile crime records are sealed for a reason. To ignore that reason is to allow a youthful mistake to further impact the life of a child who has paid for his crime by following through with all treatment, probation, and other services ordered by the court. My son hopes to become a useful member of adult society. He will be best served by being allowed to use the information he has learned in his therapy to make him a better citizen. To place his information on the Internet could potentially cause him to be a further burden on society, should he be unable to find a job or a place to live as a result of that information.

Every child deserves another chance to do things the right way. I ask you, my husband asks you, and most importantly, my daughter asks you, please don't take my son's second chance away.

Thank you.

SENATOR INVERSO: Thank you, (anonymous witness).

Thank you.

You focused on an area that we have extreme interest in, relative to the legislation that's presently been introduced by the Assembly, which doesn't provide a specific exclusion for youthful offenders.

And trust me, the focus of this Task Force will be on that issue.

Does anyone wish to make a comment or question of (anonymous witness)? (no response)

Thank you very much.

ANONYMOUS WITNESS: Thank you.

SENATOR INVERSO: Ken Singer.

KEN SINGER: Good afternoon.

Thank you for the opportunity to testify here.

My name is Ken Singer. I'm a licensed clinical social worker who has specialized in the sexual abuse field for more than 22 years. I am currently the Executive Director of the New Jersey Chapter of the Association for the Treatment of Sexual Abusers, an international professional organization which is committed to research and treatment of sexual abusers in order to help make our community safer.

I am also the Board President of the National Organization on Male Sexual Victimization, a nonprofit organization which provides information and resources for nonoffending sexually abused men and boys, their families and friends, and the professional community who provide treatment for them.

I also serve on the Advisory Board of the New Jersey Child Assault Prevention CAP program, an organization that provides primary prevention information to children to help them avoid being sexually abused.

I give you this brief biography to establish my position as an advocate for the prevention of sexual abuse of children and vulnerable adults. In each of the roles just mentioned to you, I work to promote prevention efforts.

Working with children to keep them from being sexually victimized is primary prevention. Helping victims and survivors of sexual abuse, secondary prevention, addresses the effects of the abuse by working to reduce dysfunctional or maladaptive attempts to cope. These may include substance abuse, sexual offending, depression, or other symptoms and behaviors seen in many victims and survivors.

Treating sexual abusers is also a form of prevention. If an abuser is driven from job, school, or home by public exposure and placed under the resultant stress, successful treatment is difficult. On the other hand, if he is given the opportunity to learn to live safely in society, he can be more effectively monitored and less likely to reoffend.

My testimony today is going to focus on one segment of the abuser population who will be adversely affected by a broad application of Internet notification. I want to talk about a large group who will be affected by this legislation: juveniles and children with sexual behavior problems. I believe the implementation of the proposed legislation will actually work against the intent of the writers of the bill.

While children and juveniles who sexually abuse others do not constitute the majority of those with sexual behavior problems, they do represent a significant number. The good news is that their recidivism rate is quite low, about 7 percent for a five-year period, when there is cognitive

behavioral and relapse prevention sex offense specific treatment. This is very encouraging and suggests that these kids can be rehabilitated with treatment.

Some may argue that it makes sense to be able to screen potential baby-sitters by searching the Internet for convicted adolescents. However, we know that most kids with sexual behavior problems tend to abuse their siblings or other family members, not those outside their family. If a parent really needs to check whether a potential baby-sitter has a record for sexually abusing children, a discrete call to local police should suffice, if we make this attainable within the law, such as with the existing registration that we have now.

Could this not be easily done through the process of registration with the police? Could a parent simply call the police to say she is considering hiring Mary Jones of Brookview Terrace to watch her kids? Could the police simply say, "I wouldn't recommend that person," as a means of protecting from a known abuser? And keep in mind that it is only those who have been caught and convicted who will be listed. We know that the majority of abusers, both juvenile and adult, are not caught and would not be in the pool of known offenders.

Imagine what it would be like for a 15-year-old boy, whose name is posted on the Internet, to be the object of ridicule and scorn as his classmates revile him for molesting his younger cousin or sibling. Kids and adolescents are cruel to those whom they see as different from the norm. Is there anything more abnormal to many youth than sexual abusers, particularly those who offend against children or males? We know the effects of bullying on socially inadequate kids in places like Columbine and scores of other schools where kids

bring weapons to avenge the hurts inflicted by their peers. Some who are ridiculed commit suicide, creating further pain and shame for their families.

I have fielded many anonymous calls during my career from parents asking how they could get help in situations of sibling incest. I have always advised them to contact DYFS. I have informed these parents that no therapist could treat their child, whether the victim or perpetrator, without notifying DYFS, as required by law. I believe that we will see a decrease in the reporting of both incest and juvenile cases of sexual offending should there be a posting on the Internet. If every or any juvenile is posted on the Internet, I doubt that parents in the future will risk exposing their children, not only the abuser, but brothers and sisters as well, to the public shame and notoriety in order to get the help the victim and abuser need.

Some have speculated that an Internet registry would also aid in screening out abusers who might date one's teenager. As a parent, I am concerned about the character and responsibility of those my children date. But I realize that more likely than the threat of sexual abuse by a date are the dangers posed by those who have been convicted of substance abuse, drunk driving, speeding tickets, or other acts a parent might deem to be a sign of irresponsibility or poor character. If protection for our dating teens is the purpose, then should we not also consider posting kids with these other behavior problems?

Let me be clear that I support some provisions of Megan's Law. I support the requirement of registration and DNA evidence collection. I recognize that some form of community notification may be necessary for dangerous sexual offenders, and I support civil commitment for sexually violent

predators. At the same time, I am very concerned that many people will have a false sense of security if they believe that notification will prevent sexual victimization of children and vulnerable adults.

So why are we considering children and adolescents, a population that is very much treatable, as pariahs and predators? Why are we so willing to risk ruining lives, both of the child or adolescent with sexual behavior problems and other children in his family, under the unproven belief that notification equals protection? Why are we assuming that the greater the notification, the better protection for our children?

This is a complex problem with no simple solutions. There are ways we can work towards prevention of sexual abuse of children and vulnerable adults through other, more effective means. As someone who has spent more than 20 years specializing in the treatment of sexual abusers and boys and men who were sexually abused, and as one who is dedicated to the reduction and elimination of all forms of sexual abuse through prevention education, I can propose some effective approaches based on research, clinical observations, and experience.

Recognize that children and adolescents with sexual behavior problems are treatable. They require therapy from professionals with knowledge and experience in this area. Some may be safely and successfully treated in their community, while others may need to be removed from their homes and go to specialized foster homes or residential treatment centers. Be aware that community notification may cause specialized foster homes and group homes to reject these children and adolescents, thereby removing one form of treatment for those who need it. In Colorado, local ordinances permit no more than one

unrelated juvenile convicted of sexual offenses in a foster or group home. Those living in foster homes are listed on the registry, and foster parents willing to work with this population are dwindling in number due to public exposure.

If there is to be an Internet registry, limit it to adults. There are children in New Jersey as young as nine being charged with sexual offenses. Making an example of those with sexual behavior problems does not deter others. It will only add to the misery of their already problem-filled lives.

Allow judges, prosecutors, and defense attorneys, in conjunction with sex offense specialists, to decide whether an offender can be treated as a lower tier with conditions. An inflexible policy of putting all sexual offenders on the Internet makes all of them the equivalent of Tier 3. Supervising Megan's Law Judge Lawson ruled last year that Megan's Law judges cannot put conditions on an offender in order to have him classified at a lower tier. This removes an important option for those working with offenders to get them into treatment, impose certain restrictions, or otherwise motivate them to comply with conditions that would render them less harmful to the community. Judge Lawson said it was up to the State Legislature to allow conditional orders. This valuable tool is needed to deal with the individual, and the Legislature should make this a law as soon as possible. I'm heartened to see two-- Do we have two Senators or just one here tonight?

SENATOR INVERSO: One tonight.

MR. SINGER: One tonight -- then I'm going to direct this to you, Senator Inverso. This is an extremely important tool that we can use to get offenders who may not be subject to certain conditions -- to get them into treatment and to get them to comply with things.

I have an individual in my group right now who is on parole, and one way we were able to get him to continue taking medication that he needs to remain nonpsychotic is a condition that allows him to be in the group at a lower tier.

I also want to suggest that we need to promote primary prevention more. There are programs like CAP, Child Assault Prevention, that go into schools to teach kids how to be safe, strong, and free. Kids need to be empowered. Unfortunately, there is not enough funding to get trainers into every school and every grade in the state every year. We need to educate children about safety before they are abused to prevent abuse. It is much more cost effective to promote primary prevention than the more costly, yet essential, treatment for victims and abusers.

Develop resources for potential abusers. We know, from working with offenders, that the thoughts of abusing a child or vulnerable adult happen before the act. If we can reach those who are struggling with the thoughts or impulses to abuse, we can prevent abuse. There is a program, called Stop It Now!, which targets family and friends of potential abusers, as well as the potential abusers themselves. It is based on a public health and safety concept similar to the take the keys away from a drunk driver before he gets on the road, which has educated the public to take active steps to prevent potentially dangerous drivers from getting behind the wheel. Stop It Now! educates about the warning signs for possible abuse and relies on those around the potential abuser, or the person himself or herself, to recognize these signs and seek help before abuse had occurred. This campaign, which originated in Vermont, is now

in Philadelphia, and will soon be instituted in Minnesota, is making a contribution to preventing abuse.

In conclusion, I believe every one of us in this room is advocating for the prevention of sexual abuse. It is a complex problem that affects millions of people in this country as victims, abusers, their families, and the larger community. We owe it to those who have not yet been victimized to explore and implement all the options available to us, from prevention education to civil commitment for those who are truly dangerous. We need to utilize all the tools we have for treatment and supervision of abusers. We need to learn what research can tell us about risk factors, recidivism, and other objective measures to identify those who are dangerous and make our decisions with clarity rather than cast a wide net that pulls in all in its path.

Internet notification, while well-intended, would undoubtedly create unplanned consequences of shame for the families of those listed, would place extreme stress on adolescent abusers through peer ridicule, and discourage abusers or the families of victims from seeking help.

Thank you.

SENATOR INVERSO: Thank you.

Any questions or comments from the Task Force? (no response)

Thank you, Mr. Singer -- very thoughtful comments. We appreciate it.

MR. SINGER: Thank you.

SENATOR INVERSO: Next will be Carol Sands, Public Defender, Special Hearings Unit.

C A R O L J. S A N D S, ESQ.: Thank you very much for allowing me to be here.

I am an attorney with the Public Defender's Special Hearings Unit. Since 1996, our unit has represented approximately 1300 indigent persons regarding their tier classification and community notification. I have personally represented approximately 180 registrants before the courts.

Our cases constitute a wide variety of individuals from age 10 to age 80 at the time that they commit their offenses. And they involve many types of cases. Based upon the collective experience of our unit, we come before this committee (*sic*) to express our concern that the use of the Internet for notification, as proposed by the current legislation, is too broad and will result in undermining rather than furthering our public interest and safety.

We believe, as stated by experts in the field of sex offender evaluation and treatment, that by putting registrants on the Internet, it will lead to substantial numbers of lost jobs and housing, thus undermining registrants' stability in the community and strongly increasing their risk of reoffending.

We are also deeply concerned in the case of juveniles -- that if their pictures and addresses are placed on the Internet, it may increase the chance that they will become victims of more serious adult offenders.

In addition, in cases of incest, family members who are victims may be revictimized if there's publication of their family name on the World Wide Web. In addition, they may also be subject to further risk if their address is published on the Internet, when that address is the same as that of the registrant. Thus, Internet notification may undermine our goals of the law for community safety and for protection of potential victims.

Although we have legal concerns about the constitutionality of the laws currently proposed, we will not address that directly in this testimony, but have included those issues in an amicus brief, which was submitted to the New Jersey Supreme Court by the ACLU in a recent case, and which is here, attached for your review as Exhibit 1. It's in five of the packets. And if you would like more copies, we'll be happy to supply them.

I'd first like to mention juvenile offenders. As Dr. Timothy Foley, Ph.D., who is former director of the clinical and forensic services at the Joseph J. Peters Institute in Philadelphia, a nationally recognized program for the assessment and treatment of sex offenders, states in an affidavit, which we have included with this testimony, that an Internet site which includes juveniles "could become a magnet for pedophilic individuals."

As millions of people visit sites on the Internet, it could be subject to abuse that would create, "a potential to cause great harm, particularly to children, adolescents, and female juvenile offenders."

Another compelling reason to create an exception for juveniles is their very low incidence of recidivism. In several studies done on approximately 700 juveniles over a five-year period, which is discussed in Dr. Foley's affidavit, it was found that "the base rate for former child and adolescent offenders who have undergone treatment is on average only about 6 percent."

In a recent study by Dr. Robert Prentky, one of the most nationally renowned experts in the field, this was found to be only 4 percent. Thus, the justification and reason for Megan's Law notification, which is the greater base rate of offense for sex offenders who are adults, does not really apply to children.

Dr. Foley explains the reason for this low-based rate of offense is that children experience a large degree of personality change as they mature. Developmentally, they are very different as adults than the children they leave behind. As adults, sometimes they're no longer in the family situations that create the problems that cause them to commit the offenses.

Because the risk of recidivism is so low, there are currently no reliable tests for predicting the rate whether a juvenile will reoffend. There are no protocols or scales available. The registrant risk assessment scale, which we use, was designed and normed on populations of adults, and so, according to Dr. Foley, it is psychologically invalid as an instrument for measuring the risk of child and/or adolescent offenders. And he explains examples about these reasons.

For example, children of a very young age, who are abused themselves, will, sometimes, repeat the behavior that they've experienced without knowing that it's right or wrong. And they don't-- It is not a deliberate type of behavior, it's a symptom of their abuse. These offenders are sometimes very young. And the repetition of such offenses and recidivism is extremely low.

In other cases, for example, on the registrant risk assessment scale, adolescents are given a large number of points if the partner in the incident is four years younger than they are. But since adolescents usually don't check the age of the person that they are with, even in consensual cases of sex offenses, which we deal with, the large amount of points they get, and the larger risk they have, does not really reflect their actual risk, according to Dr. Foley.

Notably, the effects of Internet notification on adolescent children may be devastating, as they will be labeled and stigmatized at the time that they

are trying to rehabilitate and be isolated from the support of family and friends that they need to recover. Because of our concerns regarding victimization of child and adolescent offenders, whose picture and address may be on the Internet, and because of their low rate of reoffense, we request that the committee exclude these individuals from publication on the Internet.

I would like to briefly discuss incest offenders. As Senator Inverso mentioned, this is a group that also has a very low rate of reoffense. And I know the committee is considering whether these people should also be considered for the Internet notification. The reoffense rate for this low-risk group is between 3 percent for treated offenders and 7 percent for untreated offenders based on studies in the field, which are cited in our testimony. This is a similar rate to that for children and adolescents. It's very low.

Notably, as I said earlier, Internet notification poses a serious risk to the victim who may reside with the registrant and, again, have their address on the Internet. Also, they may be subject to humiliation and public shame or ostracism. They may be forced to relive memories of their past sexual victimization. And sexual predators, also, realizing the family members that are victims of abuse, are vulnerable to revictimization -- may seek to target them, as well, particularly children and adolescents.

We note that the law recognizes that incest offenders should have an exception. And this is in several New Jersey Supreme Court cases, which we cite, as well as the Attorney General guidelines.

I'd like to also discuss consensual cases of sex offenders. Now, these are cases in which the sexual act is by consent and is voluntary. And the criminality of the offense is based purely upon the relative ages of the

participants, so that the younger person is under age 16, and the other individual is four years older. The cases we've had almost always involve one offense and involve a dating situation between the older and younger partner in a voluntary action on their parts.

There are cases where only a few weeks' or a month's difference in one party's age makes the difference between a lawful act and a crime. These cases often involve -- really -- almost always involve mistakes in social judgment -- a failure to inquire into the age of the dating partner. We've even had cases where the younger partner initiated the commission of the act or mislead the actor about their age, but these are statutory offenses, and nevertheless, it is punishable by law.

We mention the case E.I., where the court found these cases do not involve "the type of sexual offender contemplated by the community notification provisions of Megan's Law and recognize the serious consequences notification could have on the registrant's ability to straighten out his life and find suitable employment and become rehabilitated." We therefore urge the community to exclude these offenders because the risk to the community is so low and they're offenses of the least serious type, yet the effects on their lives could be so severe.

In respect to low-risk or Tier 1 registrants, these are individuals whom the prosecutors of the court have determined to be such a low risk that notification to citizens in the community is unwarranted. The cases in which the prosecutor determines that a person is Tier 1, based upon the registrant's assessment scale, usually involves only one offense involving a sexual contact or touch by an individual over 18 years of age to an individual under 16 years

of age, according to profiles supplied to us by a prosecutor from a large county in the state. These cases usually involve no prior offenses of any kind on the part of the registrant.

Again, these often involve misjudgments -- social misjudgments by people in a dating situation or situations at social gatherings where numbers of individuals may be under the influence of alcohol.

Since these cases usually involve only one offense and are often situational, there may be little evidence that these registrants are at risk to repeat their behavior.

I would also mention that in the cases that we have in court, very often these people are people who have been in the community for a very long time and have had a very good record of rehabilitation. They have completed sex offender specific treatment. They've gotten involved with their churches or their religious organizations. They have been employed long-term. They have had good employment, with commendations from their employer. And these are all people who are considered to be the lowest risk.

I should mention that while the utility of putting them -- their information -- their personal information on the Internet may not be that great, since they are at low risk to reoffend, the consequences to them is likely to be devastating. They are unlikely to be able to continue to hold a job, as employers would wish to avoid the anger of the community, as well as potential liability. By losing all means of support and hope for a future job, they will probably also lose their housing and their ability to pay for treatment. So the very basis for their rehabilitation will be undermined.

These individuals may, in fact, all become, very quickly, a Tier 2 range, because all these factors are part of the scale that determines their risk. And when they lose their employment, housing stability, and treatment, they will become Tier 2. So we may see many of these Tier 1 cases simply become a higher risk or a moderate Tier 2 risk, which is a certainly unwanted result.

Because these offenders are of the lowest risk group under the law and because the courts have specifically ordered no notice to the citizenry in these cases, we urge the committee to exclude them from Internet notification.

I wish to explain briefly that there are some low-risk registrants who are designated as Tier 2 with Tier 1 notice. This means that although their scale score was in a Tier 2 range, the court ordered Tier 1 notice. Most of our incest cases fall into Tier 2 with Tier 1 notice because of the way the incest is considered an exception in scope of notification, as opposed to an exception to the scale numbers. And so it often comes out that way. And many of the people in that category are incest offenders.

It also is true of people who, for other reasons, have a Tier 2 scale score, which is in the Tier 2 range. Consensual sex offenders are often Tier 2 with Tier 1 notification. And this is because they are never recommended for treatment since they have no disorder. But because they don't have -- they're not in treatment, they have a higher scale score, paradoxically, and therefore they're often Tier 2 with Tier 1 notice. And that's also true of other low-risk registrants, who may have great rehabilitation records and be in the community 20 years or 30 years, but their numbers are just in the Tier 2 range. So we ask the committee to consider excluding them, as well, from the Internet.

Finally, I'd like to briefly address all other registrants. All of the above mentioned categories that I've stated -- juveniles, consensual offenders, incest offenders -- also sometimes fall within the Tier 2 category when the registrant risk assessment scores are in that range. As I said earlier, consensual offenders do, incest offenders do, and so on, yet there is still the concerns in these cases that we expressed earlier about the victimization of the victims in incest cases -- should we put their names and their addresses on the Internet and their pictures.

There are a wide range of other types of offenses that fall into Tier 2, which is a very big catchall category. We've had cases, for example, of offenders who are disabled and can only walk a block or two from their homes. They may be very elderly. Their offenses may be a long time ago. They may have angina, chronic obstructive pulmonary disorder, or other ambulatory disorders. In some cases, the court orders Tier 2 with Tier 1 notification. In some cases, they'll order only notification to a block or two around where they live, because that's how far they can walk. And there's such a wide range of these cases -- from the very lowest type of risk in that range to a higher risk. And therefore, although we do have constitutional objections to Internet notification, generally, we ask the committee if they do decide to have Internet notification, that they allow a provision for case-by-case determination about these registrants, because each one is different, and there should be a provision for court review to determine if Internet notification is appropriate.

In some cases, I should also advise the committee that an incest offender may fall into a Tier 3, as well. And sometimes only Tier 2 or Tier 1

notice is ordered because, again, the court determines that the scope of notification is less.

I just want to sum up by saying even with the tailored notification we have under the current law, we have seen innocent individual lives be endangered. As you know, a recipient of notice -- it was in the papers -- fired shots into the window of the offender's tenant, mistaking her apartment for his and almost harming the woman in the apartment. In another case, where before notification even began, an innocent man believed to be an offender was seriously beaten by two individuals who broke into his apartment. And in a third case, a registrant's basement was set on fire, which could have endangered the rest of the neighborhood. There is a concern that this may increase when there is Internet notification.

I would note in a recent case, *Doe v. Otte*, which has just been published, the 9th Circuit--

SENATOR INVERSO: Could I just interrupt you?

Do you have much more to go? I don't mean to cut you off, but we have many other speakers. And I don't want to limit you, because we had a hearing a couple of weeks ago, and one person showed up. So I was pleased to see the response tonight. But we do have several speakers.

MS. SANDS: I'm almost-- I have like three sentences. I have just three sentences, and then I'm done. Is that okay?

SENATOR INVERSO: Fine. Okay.

MS. SANDS: Okay. I'm sorry to have gone too long.

SENATOR INVERSO: That's okay. We didn't set a time limit because I didn't think that--

MS. SANDS: Yeah, I'm sorry. I've gone on a long time.

I'm at the very, very last three sentences.

I just wanted to say that the court found that this -- that the Internet law in that case -- they felt was unconstitutional, as it was likely to make plaintiffs completely unemployable.

And I'd like to just say that to refer you to Dr. Foley's affidavit, in respect to Internet notification, and the concern we have that this may undermine the fabric of registrants' lives if they lose all hope of any current or future income, employment, or housing, and that it may cause them to be a high risk. Dr. Foley cites a case in his affidavit which explains that this happened in a case in which he was the examiner.

Thank you so much. I'm sorry to have gone on so long.

SENATOR INVERSO: That's all right.

Any questions or comments?

MR. GIAQUINTO: Ms. Sands, thank you for your testimony and materials you supplied to us.

A few questions: I understand your concern over the safety issue regarding putting juveniles on the Internet, but would you support legislation that would allow the State to move to put an adult on the Internet who had a juvenile conviction for a sex offense, once that juvenile becomes an adult?

MS. SANDS: Well, from what we understand from the experts in this area, juveniles, even when they become adults, and especially as they become adults, have a very low base rate of reoffense -- like 4 to 6 percent. So it wouldn't seem appropriate to put them on the Internet in such a case,

especially-- The Internet is such as-- It's going to have such a severe effect on their ability to maintain rehabilitation and employment.

MR. GIAQUINTO: But I'm worried about-- And you are a public defender. Have you defended juveniles also?

MS. SANDS: Oh, yes.

MR. GIAQUINTO: Okay. And what I'm worried about then is the juvenile who really is a risk, a juvenile who is a hard-core offender. And even though the statistics show that juveniles generally can be rehabilitated successfully in this area, I'm worried about those who are out there who aren't rehabilitated.

MS. SANDS: Right.

MR. GIAQUINTO: And why shouldn't we protect the public by letting the public know, particularly when that juvenile now becomes an adult?

MS. SANDS: Yeah. Well, you know, you're worrying about that 4 to 6 percent. One of the difficulties is that, as Dr. Foley points out, we don't have a way of predicting who will reoffend. That makes it difficult. None of the scales that we have and protocols for adult offenders, which are pretty good, in some ways, of predicting reoffense rates have been developed for juveniles, because it's such a small base rate of reoffense that it's hard to develop. And because juveniles change so much when they're adults, it's hard to predict. And the registrant risk assessment scale, you know, wasn't designed for them. And that's the problem. We hope, at the very least, you do give us a case-by-case determination if you decide to put offenders on the Internet, because every case is different. But juveniles-- I think the number of people that are going to

reoffend is so small, perhaps the committee would consider not having them on the Internet, certainly in the lower risk categories.

MR. GIAQUINTO: One other question in this regard-- Juveniles who are waived up and tried as an adult-- If they are waived up, tried as an adult, convicted of a sex offense, could you support legislation that would put that offender on the Internet, and if not, why not?

MS. SANDS: Well, I guess I would have to-- Again, if the committee feels there should be a case-by-case determination because of cases like that-- That is a factor that the court could consider in determining a thing like Internet notification.

But again, when they're children and when they're juveniles, it is so hard to predict, because--

And I see this. I often get these cases when they're adults, and they are just different people. They've gotten out of the family situation that was difficult for them. They may be married now. It's been many years. By the time these cases are tiered, they have served their jail sentences. It's many years later. They may have had a lot of sex offender specific treatment and be very changed.

One of the things that I'm encouraged to see is that juveniles often get sex offender specific treatment for a reasonable period of time, much more than the adults do, and they turn around. They really do. It helps them tremendously. And I'm heartened to see-- I would like to see the adults get more, but the system doesn't provide for it as often.

SENATOR INVERSO: Any other questions or comments? (no response)

Ms. Sands, thank you very much. We appreciate it.

MS. SANDS: Thank you so much.

SENATOR INVERSO: The next speaker is Edward Martone, New Jersey Association on Correction.

EDWARD MARTONE: Good evening, and thank you very much for the opportunity to discuss this -- the issue before this Task Force.

I certainly agree with all of what was said by some prior speakers.

I do want to thank the Senate for its measured approach in this regard -- certainly in setting up this Task Force, and to thank you for your thoughtfulness in these two hearings you've had and in your deliberations.

My suggestions would be, first of all, to--

Well, I suppose I should start out with a--

In the interest of full disclosure, I should note that I thought very little of any of the proposals in that package of bills called Megan's Law. A number of years ago, I testified against almost all of them. And so, to some extent, it's tempting to get into a whole rehash of what I like or don't like about Megan's Law, even though that's not the focus of this Task Force.

And yet the premise of the bill -- Assembly Bill No. 5, which this Task Force is going to be looking at, is that if some notification is good, then more notification must be better. And I think that's a faulty premise, but I will resist the temptation to get back into a whole discussion of the various permeations of Megan's Law.

I do think that if we're going to have Internet access to this information, which, again, I oppose, I do think we, number one, ought to exempt people on Tiers 1 and 2 -- at least the people on Tier 1. These are folks

who-- I mean, the courts asked the prosecutors to come up with a formula for determining higher risk and moderate risk and low risk offenders. All of that really gets thrown out. All that thought goes out the window if you're simply going to treat everybody as a Tier 3 offender and do widespread notification, really, without boundaries, to everybody who registers.

I also would suggest that it not -- this not be made retroactive -- that people who were told, "Go ahead. We encourage you to register with your local police, because no one's going to know, because the information is going to be kept within the law enforcement community," that it just isn't fair play to change the rules of the game after they've complied with what you've asked them to do.

I also think the result, among other things, will be that it will retard registrations. I should think that if you want a Megan's Law scheme to work, it has to work with people complying with it and registering. And so changing the rules of the game in the middle will probably retard people from registering. And that certainly isn't what the goal of this Task Force is, or the Legislature, for that matter. So, as I said, I wouldn't make it retroactive. I'd make it prospective.

I think also, as was mentioned by every speaker before me, I would exempt juveniles, as well. On the one hand, it's fitting that we spend so much time this evening talking about juveniles, because our whole system of justice in this state -- our whole system of juvenile and family courts is that we want to protect juveniles, that we want to protect their possibility of rehabilitation. And yet, if we're going to treat juveniles similarly to the way we treat adults, I think

that undermines the whole purpose of our family court system, which is to treat juveniles differently and to treat them as a vulnerable class.

As was also mentioned by an earlier speaker, and as is mentioned in the bill, I also wouldn't want to make juvenile offenders prey to adult predators. I remember I was sitting back here listening to the testimony, and I was thinking of a few years ago, when the city of Newark decided that the best way to get rid of prostitution was to print the names of prostitutes in a newsletter that they mailed out. Of course, they made a number of mistakes and listed people erroneously. And people who were arrested gave phony names and gave their neighbors' names and addresses.

The result was that women who found their names on this list -- their names and address, would look out the front window and often see men hanging around and would -- the doorbell would ring and men would solicit them for sex and would explain to them that they had seen them on a list of prostitutes that the city put out. So we really don't want to turn the Internet into a want ad page for adult sex offenders to find a, perhaps, likely prey.

As is also noted in the bill, there's a concern -- a rightful concern about exposing incest victims by exposing their perpetrators, if you will -- that families that take a sex offender back into the family, back into the home, perhaps, after a prison sentence, they're going to be exposed, because arguably their address will be on the Internet, as well.

All of this, I think, again, besides being unfair to them -- people who have been charged with nothing, who've been convicted of nothing, it also, I think, will probably retard registration, it will retard people turning in Uncle Bill. "I'm not going to report Uncle Bill if I think that my daughter or my

family -- people in the neighborhood are going to find out about the problem we're having in the family." And of course, as you know, most of the sex offenses aren't stranger on stranger. It's people who commit offenses against folks that they know and folks that they're related to.

I think one final thing I'd say about juveniles is that in the latest U.S. Justice Department figures, it's noted that 45 percent of the juveniles who are victims of sexual assault -- sexual offenses are sexually victimized by other juveniles. So it's a significant population. We certainly don't want to simply watch them grow up to become adult sex offenders. And so we need to be very much sophisticated, very much nuanced in the way we deal with juvenile sexual offenders, recognizing that there's a possibility of rehabilitation that's probably much greater than in adult sex offenders. And I think that's -- as I say -- our response to that problem ought to be more nuanced and more refined than even our response to adult sex offenders.

So again, I want to thank you for allowing me this opportunity, and all of us the opportunity, to speak on the idea of Internet access. I think it's a crummy idea. It's going to happen anyway. There will be legal challenges to it. I have my doubts as to how successful they'll be. But in any event, I hope that in your thoughtful deliberations, you'll craft something as limited and as effective as you possibly can.

Thank you.

SENATOR INVERSO: Any questions or comments of Mr. Martone?

MR. WEININGER: Can I ask a question?

SENATOR INVERSO: Yes, certainly.

MR. WEININGER: Do you-- Is it your-- You've been involved with this for a long time, I believe. Do you know, or do you have any position of whether or not there's any type of classification, or at least using the three classifications we presently have-- Is your position that none of those classifications should be utilized with the Internet?

MR. MARTONE: Well, I guess the short answer would be no, I don't. I mean, I agree with what the New Jersey Supreme Court eventually came up with, which was a three-tiered approach, and that even in the case of Tier 3 notification, that it be people who have some reasonable expectation of having some contact with the person. And they reject-- The Court, I think, rightfully rejected the notion of skywriters and widespread notification to people who -- for whom it wouldn't benefit. And the Court also expressed some reservations about how, unlike trained law enforcement professionals -- how an untrained populous would respond to getting that information.

MR. WEININGER: Are you aware of any studies that, either through the Justice Department or any of the organizations that study crime statistics -- there are a number of states that have had the Internet notification now for a while -- whether or not that has caused or resulted in any lowering of the number of offenses that occurred within a particular geographic unit over a specified period of time, in other words, whether or not it's had any positive effect in any circumstance?

MR. MARTONE: I haven't seen that material, no.

MR. WEININGER: Do you know if anybody's studied that specifically?

MR. MARTONE: I have to believe somebody has, but I haven't seen it.

It's difficult to measure, too, because it's the same thing as measuring -- to some extent, measuring compliance, because we really don't know how many sex offenders there are out there. We really can't put a number on the universe. And we don't often know who's moving in from state to state. As I say, this is often a case of if the offender doesn't come forward and give us the information honestly and reliably, we can't entirely be certain that what we're looking at is the whole picture. I think that may be the case of--

You could certainly look at things like -- as your question raised, which is have the number of reported offenses or the number of convictions gone up or down or whatever in the ensuing years. And I haven't looked at that. I don't know if anybody has.

MR. WEININGER: Thank you.

MR. GIAQUINTO: Senator, one other question, if I may, Senator. I'm sorry.

SENATOR INVERSO: Yes, go ahead.

MR. GIAQUINTO: In regard to your answer for Tier 3s, we've had five Tier 3 notifications in Mercer County to date. Calculating the cost of those Tier 3 notifications -- taking the Task Force that has to be put together to go door to door, consisting of prosecutors, detectives, police from the host municipality, and other police drafted from the other municipalities-- Calculating that over an eight-hour shift, the residual work that occurs during the week -- people who weren't home, contact our office, come in, the amount

of time we spend on the street, and that sort -- it costs approximately \$130,000 to notify 30,000 people under the current system of Tier 3s.

My question is, keeping in mind the purpose of protecting the public and also keeping in mind the effect on the taxpayers, shouldn't those figures be reversed? I'm going to put it a better way. Isn't the effect on the taxpayer a legitimate consideration for us in crafting this legislation?

MR. MARTONE: Well, you're putting me in an awkward spot, because you're asking me how we can improve something that I don't agree with in the first place.

SENATOR INVERSO: But give it a try, Ed. We would like to hear that.

MR. MARTONE: I'm creative enough. I mean, on the one hand, I'd say if it's something that you insist on doing, then you ought to do it right and that it's money well spent, because it isn't just a worry about the sex offender who's just registered and now the police are going door to door. I mean, I've seen situations, for example, where schoolkids have been given notices and told, "Go home, and give this to mommy and daddy." I think that's pretty slipshod. And these are Tier 3 people. I mean, that's--

It seems to me that if the person is such a threat that their mere presence in the community is something that the community itself ought to be warned about, I should think you'd want to do that in the best way possible, which means door to door, explaining to people what this notice means, explaining the ramifications of any kind of vigilantism, where you can go to get further information about this, or if your kid needs counseling as a result of-- You know what I mean?

I understand-- I'm not saying that the sky's the limit in terms of the cost, but it does seem to me that if you're going to embark on this as a public policy, then it ought to be done in as refined a way as necessary and not in some of the ways we've heard about over the last couple of years.

SENATOR INVERSO: Okay. Anything else? (no response)

Thank you.

MR. MARTONE: Thank you, again.

SENATOR INVERSO: Thank you very much.

The next speaker is Dorothy Anderson.

D O R O T H Y C. A N D E R S O N: Bear with me. I just graduated from the wheelchair.

SENATOR INVERSO: Take your time.

MS. ANDERSON: I went out for a cardiac health walk and stepped on a stone and broke my (indiscernible). There's got to be a message there somewhere.

SENATOR INVERSO: Treadmills, I think. (laughter)

MS. ANDERSON: I hadn't come here tonight intending to speak, but my son is a victim. He is now 38 years old and, I'm happy to report, doing quite well, but it was a long time in coming.

His perpetrator was never convicted, even though there were several other boys that we knew about -- the fact being that at that time, the statute of limitations was still in force. And, of course, we couldn't have a criminal case. However, my son had the courage to sue him civilly to get him out of teaching, which was done. This happened about -- well, happened about 10 years ago.

And since that time, I've been quite active, and I know some of the people here. I've heard them speak, and I agree with them. I've kind of come full circle on this, because I don't think what we're doing is working. I think, number one-- I agree with Ken Singer, who mentions Stop It Now!, which is an organization I'm very much interested in, in treating people. I've never believed that perpetrators couldn't be treated. That's just my personal opinion. I know when Ken Singer was in charge of Crossroads, they brought some boys over to meet with our churchwomen who were survivors. And I think I maybe was the only one in the room that had any empathy for those kids.

But I do feel that this is not the route to go. I think we're going to hurt, as everyone else has said, the incest families dreadfully. I don't think-- These kids are going to be hurt all over again. And maybe now they're not kids anymore. They're grown up and have made a life.

We've taught our children, now, to tell. And now, I think the pendulum is swinging too far. Families-- In fact, I've got several women that have called me now that don't want to report for that very reason. They don't want to go to DYFS, where before we said to the kids, "You must tell." And everybody listened to the kids, which was fine. But I don't think we should punish them over again because they did tell. And I do feel there is help.

I went to a meeting last week in Mount Holly of a -- on restorative justice, where the two families met -- the family of the perpetrator and the family of the children. And it was very, very productive. People got to talk to each other without being in a court, without laws, without lawyers, and excuse me, but-- I mean, it was a good conversation, and I think a lot was accomplished. And I would like to see us do more of that kind of thing. But

I do hope-- And I, too, was very much against this amendment, as my son is, who is the one who was the abused.

I think there's got to be a different way for us to go now. And I think we're learning more and more all the time about ways to handle people and help people.

Thank you.

SENATOR INVERSO: Okay. Any questions or comments? (no response)

Thank you, Ms. Anderson. Thank you very much.

The next speaker is Grayson Barber.

GRAYSON BARBER, ESQ.: Thank you.

My name is Grayson Barber. I'm an attorney and a privacy advocate. I have two brief points to make.

The first point is that there is a privacy right that attaches to an individual's home address. And even though our home addresses are public for some purposes, they're not public for every purpose. And the problem with publishing the home addresses of sex offenders on the Internet in every tier is that it damages the expectation of privacy that the rest of us may have in our home addresses. It creates a precedent that will be the thin edge of the wedge. There are other groups that we consider dangerous. And there will be a temptation to post their addresses on the Internet, as well, such as the addresses of AIDS patients or of people who own guns.

Now, the rejoinder to this will be that the electorate voted to amend the New Jersey State Constitution precisely for the purpose of stripping sex

offenders of any expectation they may have of privacy in their home addresses. And this leads to my second point.

If we believe that sex offenders are more dangerous than murderers or drug dealers, and perhaps we do, we should lock them away for longer periods of time. Instead of stripping them of their constitutional rights, forcing them to have their home addresses published on the Internet or committing them to civil institutions when their prison terms are finished, we should impose longer sentences.

Thank you.

SENATOR INVERSO: Thank you.

Any questions or comments? (no response)

Have you checked the Internet site for the State Bar Association, by any chance?

MS. BARBER: I have not.

SENATOR INVERSO: My son came to me last night--

Just as an aside, my son came to me last night-- And I happen to be a CPA. He said, "Dad, did you know that your home address is now on the Internet with regard to being a member of -- or licensed by the State Board of Accountancy?"

MS. BARBER: I can tell you where that Web page can be found. It's not actually the Bar Association, it's the Department of Consumer Affairs -- DCA. Its Web page lists that.

SENATOR INVERSO: So, I mean, the issue of privacy-- I think there's, if you will, depending upon your viewpoint-- There are violations of

that and well intended violations. Why because I'm a CPA, you're an attorney -- our home addresses should be on the Internet-- But they're there.

So the issue is, if they're there for purposes of licensure -- some people can look at the Internet and determine that we're duly licensed -- should sex offenders enjoy any more privacy than you and I enjoy as members of the public because of the nature of their offenses? That's just a rhetorical question.

MS. BARBER: That's exactly my point, and I certainly appreciate it. I think we really need to raise awareness of how the Internet is eroding the expectation of privacy for everyone, and I think this is a brilliant example of how-- You know, we might say, why should anybody be entitled to a right of privacy in their home address when I really think that all of us should be entitled to that right of privacy.

SENATOR INVERSO: Thank you, Ms. Barber.

The next speaker is Kerrie Ocasio.

Did I pronounce that right?

K E R R I E O C A S I O: Ocasio. (indicating pronunciation)

SENATOR INVERSO: Ocasio. (indicating pronunciation) I'm sorry. Association for Children of New Jersey.

MS. OCASIO: Good evening.

I'm Kerrie Ocasio, the Legislative Policy Analyst for the Association for Children of New Jersey.

Chairman Inverso, Vice-Chairman Vitale, and members of the Task Force, thank you for the opportunity to speak to you today regarding Internet access to sex offender registration information.

The Association for Children of New Jersey would like to commend this Task Force and the chairs of the Task Force, Senators Inverso and Vitale, for considering the negative impact that could occur from broad and indiscriminate posting of sex offenders on the Internet. ACNJ has a long history of protecting the rights of children in all situations, and today we come before you concerned for the negative impact that could occur to juvenile sex offenders when broadly posted on the Internet, as well as the negative impact that could occur to a juvenile victim whose offender is a resident family member.

The primary cause for our concern stems from the Internet itself. The Internet allows us to access a broad array of information, almost immediately, to do with as we choose. Great caution should be taken when we consider the State's role in posting information about its citizens on the information superhighway.

Specific to this proposed legislation, which would allow the State to post information about sex offenders on the Internet, ACNJ is concerned with the effect that posting would have on two populations: juvenile sex offenders and child victims of sexual abuse who reside with their familial abuser. We recommend providing safeguards for juvenile sex offenders and urge caution when determining which adult sexual offenders to post.

ACNJ is concerned about posting juvenile sex offenders for two primary reasons. Posting juvenile sex offenders on the Internet would deny them appropriate protection under the juvenile code. We have a long-standing tradition of treating juveniles differently than adults under the juvenile code. The juvenile code recognizes two goals for juvenile offenders. The first is to hold juvenile offenders accountable for their crimes, but the second recognizes

the opportunity for rehabilitation and provides a degree of protection through confidential trials and the expunging of records. Posting juvenile sex offenders on the Internet denies them the protection of the juvenile code. Furthermore, it would inhibit the opportunity for rehabilitation provided in the juvenile code by contributing to a hostile environment.

We can easily imagine the kinds of harassment and abuse of information that could occur on the Internet or through the use of Internet-provided information. This is clearly a population that should be treated carefully with the support, concern, and protection of community law enforcement and not subjected to broad, indiscriminate, harmful, and permanent labeling in cyberspace.

Posting juvenile sex offenders on the Internet would strip them of what little protection is provided under the Megan's Law tier system. Under the tier system, community notification is limited under all three tiers. There is clearly a respect for the weight of the information being shared. Posting juvenile offenders on the Internet would subject them to broad public exposure and strip the Megan's Law community notification restrictions. The Internet is difficult to control, difficult to restrict, and easily abused. Every care should be taken to protect juvenile sex offenders from the blurring, if not outright loss of their system on the Internet.

And if I could comment just briefly on an earlier question regarding juveniles tried as adults, a juvenile who's 14 years old or older may be waived and tried as an adult if they have committed certain crimes, including sexual assault. This legal maneuver has little if no bearing on the arguments against

posting them, such as their rehabilitation opportunities and their low recidivism rates.

In addition to our concern for the treatment of juvenile sex offenders, ACNJ urges caution when determining which adult sexual offenders to post on the Internet. We are concerned that Internet posting of the adult sexual offender could harm child victims when the offender is a family member that resides in the same home as the victim. Care should be taken to protect the identity of the victim. And if a determination has been made by the State to allow for the continued residence of the adult with the child, or if reunification of the family by the State has occurred, listing of the adult offender could expose the identity of the victim directly or lead to indirect harm through familial identification.

Finally, ACNJ would like to caution this Task Force from being lulled into a false sense of security that could occur from Internet access to sex offender data. According to data from the Association for the Treatment of Sexual Abusers, so-called stranger danger accounts for between 5 and 20 percent of sexual abuse cases. In fact, a family member perpetrates nearly half of all sexual abuse, and an additional 30 to 45 percent are persons who are known to the family, including neighbors, coaches, teachers, and religious leaders. Public posting of known offenders does not absolve us of our responsibility as parents and conscientious neighbors to monitor the activities of children.

Thank you.

SENATOR INVERSO: Questions or comments? (no response)

Thank you, Ms. Ocasio. Thank you very much.

Our next speaker is Deborah Ingraham.

Deborah.

DEBORAH INGRAHAM: Good evening. And thank you so much for letting me be here tonight.

My name is Debbie Ingraham, and I'm here tonight to oppose the New Jersey sex offender registry on the Internet.

Just to give you a little bit of background about me, I was victimized by childhood sexual abuse by a family member. In the early '90s I filed a civil suit against that family member for childhood sexual abuse. And I was a victim advocate for about five years.

For the last five years, I spent a lot of time talking one on one with recovering sex offenders, attending group meetings of recovering sex offenders, and talking directly, asking a lot of questions of clinicians who treat sex offenders. Today, I think that our best efforts in healing and prevention are those that come from an interdisciplinary approach to the problem.

I'd just like to start my testimony with a quote, because I think these words that are from Bakhtin have much to offer those of us who care so deeply about the safety and well-being of our children. And what he said is the following: "Truth is not to be found inside the head of an individual person. It is born between people collectively searching for the truth in the process of their dialogic interaction."

I speak tonight as a walking, primary victim of childhood sexual abuse by a family member. I am a real person, not a statistic or a category of injured people.

Imagine a family member has just raped you, and you are an innocent child. When a child has been hurt through an accident or illness, it is

the parent who reacts, protects, loves, and nurtures the child. But where does the child go when it is a family member who is hurting the child and the hurt is something as private and embarrassing as inappropriate sexual behavior with a family member that is also criminal behavior? Where does the child go.

I found out about these hearings last Friday afternoon. And in preparing for my testimony, the first thing I did was, I asked myself the question: if -- 35 years ago, when I was thinking about disclosing -- had I knew that the -- and I knew about the sex offender Internet registry, what would that be like for me? How would I have felt? And what I did was, I went back to my childhood, and I relived what it was like for me to be in my home, in my family, and to be abused at that time. And when I asked myself what it would be like for me, thinking about this Internet registry, I didn't have any words. I had no thoughts. I had no feelings. I was blank.

So, on Saturday morning, I went through the same process. I went back to my childhood and thought about what was happening to me and imagined this Internet notification and said, gee, how would I feel. And I was blank again. Sunday, I tried it again -- third day. And on Sunday, I was still blank. So Monday morning, I said to myself, this is really strange, because I've been speaking publicly about child sexual abuse for over 10 years, including places like the Behavioral Science Unit at the FBI in Quantico, and I can't find words to describe how I would feel about an Internet sex offender registry when I think about it as a child. What is this about? Finally, I figured it out in two words. It was about speechless terror. Speechless terror.

I'm 48 years old, and the process of taking myself back to my childhood in a real way, and thinking about an Internet sex offender registry, resulted in speechless terror for me for about three days, because I had no words.

To those of you who are making decisions about this registry, I have a question. Do you know, in a real and personal way, what it is like for a child to disclose that someone in their family is being sexual with them? Do you understand in a real way that when a child is being sexually abused by a family member, that home and family is not about safety? My safe haven was outside my home. It was the neighborhood and school. That was where safe was for me. I wasn't being abused there. Most important -- most important, my safe place was a place where people didn't know what was happening to me.

If the neighborhood and school found out, where would safety be for me? What would my friends say? What would the kids who didn't like me say? We are beginning to see the effect that bullying can have on today's youth. How do we think that today's youth will treat an incested adolescent whose family member's name and picture is now on the Internet?

For me, if I had known about this registry 35 years ago, I'm not sure I would have disclosed, and I'll tell you why. About disclosure: A child must overcome not just the difficulty and the embarrassment of disclosure, but in familial sex abuse, many perpetrators are just like mine. My perpetrator told me that if I ever told anyone, my telling would kill another member of my family, whom I knew was already having problems. Now, if I did disclose, I'm not sure how or why I would be able to walk out my front door in the face of an Internet registry, because now home is not safe and outside of home is not safe.

A sex offender Internet registry would have told my story of being victimized by criminal sexual behavior without my permission. I would have felt punished, because I told, and because I asked for help. Trust adults, we tell children. Whom could I now trust? If a friend of mine at the time disclosed sexual abuse by a family member and asked me what I thought they should do, I most likely would have told him or her don't trust adults and don't tell.

An Internet sex offender registry would have revealed to the public, without my permission, the most painful, embarrassing, humiliating, frightening, and unhealed injury that I've ever experienced. As a child, I've been told to trust law enforcement, courts, and government. I'm told that they are my protectors and are on my side. Law enforcement, courts, and government that tell my story of victimization by criminal sexual behavior, without my permission, humiliates and betrays me as a child. A sex offender registry that reveals the name and picture of my perpetrator would not have been victim friendly to me. It would have revictimized me.

And if I could just take a minute, if it would be all right, I'd like to use an empty chair just to demonstrate something to you.

SENATOR INVERSO: You need to speak into the microphone, however, or we won't pick up your comments.

MS. INGRAHAM: Sure.

I put an empty chair up there, and I'd like to ask a question. When you hear the word sex offender, who or what do you see sitting in this chair? Is it a person, is it a monster, is it behaviors, or all three? And if you think of a person, who is the person sitting in the chair that represents a sex offender? Is

it someone who has been highlighted in the media, or is it someone that you know personally?

Now, imagine that you've just found out that your husband, wife, brother, sister, father, son, or daughter sexually abused a child, and who you see sitting in this chair is a member of your family. How did you feel about this person before you found that this person sexually abused a child? What kind of relationship did you have with this person before you found out that he or she was also a child abuser? Did you enjoy being with this person? Did you respect this person before you learned that this person was also a child abuser? Did you have a loving relationship with this person before you found out he or she was also a child abuser?

Now that you know that a person whom you liked, loved, enjoyed, and/or respected is also a child abuser, what do you do with those two conflicting parts of that person? How do you feel about this person? And what do you do with that relationship that now includes a sex offender? And remember that you are doing this exercise as an adult.

But most important is not who or what you and I see sitting in this chair, but who or what does a child victim see sitting in this chair, and how does that affect the health and development of a child.

A child victim probably sees a person whom they both fear and love sitting in that chair. And that is a very complex, psychological space for a child and very damaging to them.

I want you to understand the damage from child sexual abuse by a family member that I face. And I want you to see that damage through me, not look at it as a statistic. This is important, because I want you to understand

that before the community adds the stress and complication of an Internet sex offender registry, a child incest victim's struggle to understand and heal from the abuse is complex and overwhelming. At the center of the child victim's world are people and relationships. I was conflicted by feelings of love and fear for my perpetrator. And this conflicting relationship created chaos and confusion in my mind and behavior. This dual and conflicting relationship was the cornerstone upon which I understood feelings, love, and relationships, upon which my personality and behavior developed and my world view was shaped. It was the breeding ground for dissociation, numbing, minimizing, and compartmentalizing. It affected my ability to trust my instincts. I became fragmented within myself, yet connected to my abuser by unspeakable behavior of a sexual nature. Those same psychological mechanisms also exist for family members and friends when they learn that someone they love and trust is also a child abuser.

I want you to see a human face and not a statistic to understand what my home and family was like. My home and family life was like being in prison with invisible bars. I saw a world out there that I could never quite get in step with, and yet I had to function in that world.

Today, I can tell you that the bars were constructed by adults that I loved, trusted, and depended upon for daily survival. The bars were confusion, chaos, fear, isolation, loss of the sanctuary of home and family, loss of safety, loss of wholeness, loss of innocence, trust, and individuality. The safe haven for me was outside my home and family.

Incest is a social trauma, because it occurs within the context of a relationship, and it is very, very difficult from stranger child abuse, child abuse

by someone with whom the child does not have a relationship, or child abuse that includes a murder. And we know that most children are abused by someone they know. The psychological damage and emotional pain of incest is overwhelming and complex. The dependency factor of a child upon adults, power differential, intermittency of abuse, and nurturing following abuse introduce relationship aspects that we do not see when a child is sexually abused by a stranger or by someone with whom they have no relationship.

In her book *Betrayal Trauma*, Jennifer Freyd tells us that betrayal is a fundamental component in domestic violence and incest. Betrayal blindness may be necessary for survival. Traumatic bonding between abused child and abusive family member that is similar to captive-kidnapper, battered woman-married battering partner often results. Safe havens and safe people are critical to the healing of the child. If home and family are not safe, where does a child go if the community does not recognize their need for privacy? An Internet sex offender registry jeopardizes that safe haven for the child.

Adults are usually the first to become aware of child abuse. If we want to stop and prevent abuse, it is the responsibility of adults to report your loved one who is also a child abuser. We are already hearing stories from incest families that because of incarceration, community notification, and the stigma that follows incest disclosures, that adult family members are hesitant to tell. So what we have in the year 2001 are children speaking. We have adults who are afraid to speak or react because of incarceration and community notification. Is that what we want? Again, I want you to see a human face, not a statistic, on the child incest victim whose perpetrator's name and picture ends up on the Internet.

But first a question to the adults here tonight. Imagine that the name and photograph of a former sexual partner of yours is on the Internet in a way that is stigmatizing and in a way that could link you to him or her. What is that like for you? How do you feel as an adult?

Let's be clear about how this registry plays out in the real life of a child incest victim. If you have experienced incest, it means that your first sexual experience is something that you don't understand. It is painful and embarrassing. It is not consensual, and you don't like it. It is with the wrong person, a family member, and at the wrong time, during childhood. It most likely includes threats or intimidation. Your first sexual experience is also criminal sexual behavior. It creates psychological problems that have not yet been healed. Do we want our children to have that on the Internet?

Oddly enough, although at the center of this problem is criminal sexual behavior, to the child, it has little to do with sex. It has everything to do with people, relationships, trust, and betrayal.

If we want safety, we have to know who the offenders are. A child must disclose and adults must respond in effective ways. Community safety must consider the disclosure needs of incest victims, or disclosures may not occur. Community safety must create environments that encourage adults to report their loved ones when their loved ones are also child abusers. Although well intended, Internet sex offender registries ignore the very real relationship aspects and human elements of incest that must be considered in order for disclosures to occur. Internet sex offender registries may also discourage family members from reporting their loved ones as child abusers.

On behalf of children of incest and child sexual abuse by a family member, past, present, and future, I want my public record to say tonight that I understand the privacy needs of child victims of incest. I understand firsthand the kind of community environment that must be present in order for a child to disclose. I believe that the child incest victim, not I or anyone else, should be the only one to name their perpetrators in a public setting. I understand what it will be like for a child incest victim to have the name of their perpetrator made public without their permission. I oppose Internet sex offender registries because it disregards and violates what I believe should be a fundamental and unquestionable right for all incest victims.

Thank you.

SENATOR INVERSO: Any questions or comments? (no response)

Thank you, Ms. Ingraham.

The next speaker is Dr. Jeffrey Allen, self-employed psychologist in private practice.

J E F F R E Y B. A L L E N, Ph.D.: I'm not sure what I can say to the commission (*sic*) after that. Debbie is a hard act to follow.

By way of introduction, I am a licensed psychologist in private practice here in Mercer County, and I specialize in forensic issues. From 1989 to 1993, I was the director of psychology at the Adult Diagnostic and Treatment Center, the ADTC, and I continue to consult there for the Outpatient Diagnostic Department in the areas of evaluation and expert witness testimony.

In addition, from 1992 to 2000, I founded and ran a sex offender treatment program for teenaged boys for the Division of Youth and Family Services at a residential treatment center in Trenton.

Currently, I am developing a treatment program for developmentally disabled offenders in Monmouth County for the Monmouth Association for Retarded Citizens. In my private practice, I evaluate and treat both teenagers and adults who have gotten into trouble because of their sexual behaviors. In this capacity, I have had opportunities to observe the effects, both intended and unintended, of the Megan's Law procedures for registration and notification. It is to the unintended effects of notification that I would like to address my remarks to you tonight.

Let me begin by stating that I fully support the purpose of our notification law, giving parents and organizations the information we need to protect our children. It is a sensible idea, as far as it goes. Tell us who the dangerous sex offenders are, and we will counsel our children to avoid them. I have personally seen it work.

At the same time, in my work as a professional psychologist, I have also encountered some unintended effects of our current notification law, about which I would like to alert the members of this Task Force in the hopes that the new Internet law can be crafted to avoid some of these effects.

There appear to be some general effects of doing community notification, which I have seen personally. Then there apparently are some specific effects that seem to be unique to using the Internet, which have been reported in other states that are already doing Internet notification. I have done a little research on this, which I will share with you.

First, the general effects. Human nature being what it is, the very practice of notifying us of the presence of sex offenders in our midst, which helps us protect our children, also raises our fears and anxieties. In this regard, one

unintended effect has been that it is more difficult to develop community-based treatment facilities for sex offenders and to find sites for them in the community.

For example, I consult for two private agencies who run group homes for developmentally disabled adult offenders recently discharged from incarceration here in New Jersey. Both agencies searched for over a year for a community that would accept a group home in their town. Both agencies have good supervision and monitoring systems and serve low-risk offenders who have already had a lot of treatment for their sexual problems. Nevertheless, one agency could not find a single community that would permit them to site their group home there, once people found out that the proposed residents had committed sex offenses. The other agency finally found a community, but a week or two after they opened the home, the home had to be closed when some citizens complained to their local legislator.

The final solution to this problem for both agencies has been to locate their homes on the grounds of State facilities so they do not have to contend with community fears. And I should mention, the residents still go into the community regularly under staff supervision.

The point is, fear can move us to take action to protect our children. But unreasonable fear can end up eliminating treatment options that we need. Those developmentally disabled men would have been released into the community at the end of their sentences in any event. With the support of a community-based residential program, they could be safe and productive. Without this, some would have no support, and for some, the risk of further offenses would increase.

A second general effect is the unintended impact of notification on victims of intrafamilial incest when the offender's name and address are revealed. This exposes the victims to further shame and trauma. And I can't say anything to you about that that the previous witness hasn't already made very clear.

A third and final impact on juvenile offenders, as other witnesses have already addressed-- Let me just say that I have seen a number of cases where teenagers who have exercised bad judgment, or who have gotten carried away with adolescent sexual infatuation, have ended up subject to notification.

For example, the 19-year-old high school senior boyfriend who had sexual intercourse with his 15-year-old sophomore girlfriend who was convicted of a sex offense is now subject to some degree of community notification. When I see cases like this, it seems unreasonable and excessive to me.

Now, some of the specific effects of Internet notification: My information regarding Internet specific unintended consequences comes from the Web site of the Center for Sex Offender Management, a federally funded agency that is a great resource for information on the topic of offender management and which I would recommend to the Task Force.

First, using the Internet is not a substitute for other forms of community notification, because not everyone with a need to know has access to the Internet.

Second, using the Internet to simply notify people with a need to know about the presence of specific sex offenders does not provide them with the knowledge or support that may be necessary to help them decide what to do with or how to evaluate the information they receive. Many people may be ill

equipped to respond to this information and may wonder how to protect themselves and their families beyond telling their children to avoid a certain person.

Third, anecdotal reports from other states have indicated difficulties in keeping Web sites updated with current address information regarding known sex offenders. As a result, there have been cases reported where innocent people have been subjected to harassment.

Now, I have a few suggested improvements. In order to reduce some of these unintended consequences and make Internet notification as useful a tool as it can be, here are some suggestions.

First, make notification an opportunity to educate people about the facts concerning sexual abuse. For example, along with the listing of offenders on the Internet registry, there could be educational information posted regarding the provisions of the Megan's Law notification procedures, basic information about how sexual abuse happens, some of the typical methods used by sex offenders, accurate information on reoffense rates for sex offenders, and a resource list for further advice, education, or counseling.

I personally think that person-to-person contact is the most effective way to conduct education. So I would suggest that we try a practice currently being used in Washington state. That is, periodic community meetings that focus on specific types of sex offenders, like rapists of adults, extrafamilial child molesters, incest offenders, exhibitionists. Relevant information on patterns of offending and how to protect oneself and one's family is presented by a team of professionals made up of corrections staff, juvenile justice personnel, investigators from prosecutors' offices, victim advocates, and

clinicians. In addition, the provision of the notification laws are described. Finally, information on specific offenders is presented. There is time for discussion, mutual support, and support for dealing with the information presented in a planful, rational manner.

My second suggestion is, make notification a management tool. At present, I understand that community notification occurs mostly when an offender is released from an institution or moves into a new area. I suggest that it should also take place when an offender is found in serious noncompliance with probation or parole requirements or when an offender absconds from his or her jurisdiction. Such a procedure may increase compliance with probation or parole requirements through threat of public exposure.

Third, link notification, Internet and otherwise, with offender reintegration into the community. The best available research indicates that it is a minority of previously convicted sex offenders as a group who reoffend over the long term. This means to me that a majority of the previously convicted offenders can successfully rejoin the community. As neighbors and concerned people, we can aid this process. A suggestion is to form what might be called community reentry teams, made up of local law enforcement, probation or parole officers, local elected officials, and neighbors. These teams would call on the offender, both to make it clear that the community is aware of his or her presence, and to offer assistance and support in making a successful reentry into the community.

In conclusion, I would like to thank the State Senate and the members of the Task Force for taking the time to listen to all our concerns. There are a number of organizations that may be of assistance to you in crafting

an effective Internet notification procedure. These are noted at the end of the text of my prepared remarks.

Thank you for your attention.

SENATOR INVERSO: Thank you.

Questions or comments?

Ms. Kanka.

MS. KANKA: First, I'd like to thank you. I think some of your suggestions are very good, as far as education in the communities.

DR. ALLEN: Thank you.

MS. KANKA: I do have one question.

DR. ALLEN: Yes.

MS. KANKA: You refer to providing accurate information on reoffense rates for sex offenders.

DR. ALLEN: Yes.

MS. KANKA: Is there accurate information out there?

DR. ALLEN: Yes, we have accurate information about the reoffense rates of previously convicted sex offenders.

MS. KANKA: Over -- for New Jersey nationally, or--

DR. ALLEN: We have pretty accurate information from a number of studies that were done in other states. I understand that the Adult Diagnostic and Treatment Center is conducting a recidivism study as we speak. And there will be numbers available quite soon.

MS. KANKA: Okay.

DR. ALLEN: My understanding is that they have now collected, and to some degree analyzed the data for recidivism for the last five years of

releases from the ADTC. But I'm not involved in the study, so that's only secondhand information. But yes, we have a lot of data about recidivism.

MS. KANKA: I don't know if it's appropriate, but if you are aware of any actual states or others that have specific stuff that's available, I think it would be beneficial.

DR. ALLEN: Oh, certainly. One resource I would suggest to you immediately, which I did list at the end of my prepared remarks, is the Center for Sex Offender Management. The phone number is there. They also have a Web site -- an excellent Web site. And part of their charge is to gather this kind of information -- updated information. And I'd be happy to provide you with other resources--

MS. KANKA: Thank you.

DR. ALLEN: --provide the Task Force.

SENATOR INVERSO: Stuart.

DR. KOCH: Is there a certain percentage-- Would you acknowledge that there's a certain percentage of incest offenders that pose a risk to society at large outside the family? Does that-- Is there a percentage where that behavior might cross over into deviant behavior of a different sort outside the family? Is there a high-risk sex offender, I guess, is what I'm asking?

DR. ALLEN: Let me be sure I understand your question, Mr. Koch. You're asking if-- It sounds like you're asking if people who have offended within the family -- some of them may also offend outside the family or pose a risk to people outside the family, children, primarily.

DR. KOCH: Yes.

DR. ALLEN: Yes, some do. How many? We don't know. My experience at the Adult Diagnostic Treatment Center and in private practice is that most of the incest offenders -- the vast majority of the incest offenders that I have treated or that I have met or that I know other clinicians have treated are just that, incest offenders. There's a family dynamic that drives what they do.

In a few cases, I've had incest offenders tell me that they began to recognize within themselves a certain degree of vulnerability to arousal to children outside the family, although they never acted on it. So I do think that phenomena does exist. The evidence that I have, and the evidence that I've read in the research, is that it's a fairly rare phenomena.

DR. KOCH: And identifying them would primarily depend on their own statements to the clinicians that they were subject to those feelings?

DR. ALLEN: Well, no. There are ways to confirm or disconfirm deviant sexual arousal. There are a couple of instruments that are well known in the treatment field. One is--

Would you like me to elaborate and tell you what they are? I'm not sure how much depth you would like me to go into.

DR. KOCH: Well, I guess my question is, can we identify them?

DR. ALLEN: Some of them, yes.

DR. KOCH: And should they be in a high-risk category? Should they be the individuals who are then subject to Internet notification, from your point of view?

DR. ALLEN: Well, let me tell you what it would require to identify them, because you can't just -- you couldn't just go on self report. In my opinion, what would be required to identify them is, they would need a

specialized test called a penile plethysmograph, which is a test of sexual arousal, which is illegal in New Jersey, because the -- and Senator Inverso may know about this, I don't know. The stimulus materials are considered pornographic because--

What's involved is measuring erection to-- And you present the person with either a visual or auditory stimuli -- pictures or accounts of sexual activity with children or adults, and you measure how aroused the person gets. That's a pretty good measure of what the person really is aroused to -- not perfect, but pretty good.

There's another measure called the Abel Assessment, which uses reaction time to measure sexual interest. And all that's involved there is showing nonpornographic pictures of children and adults set in various situations and of various ages and genders to a person. And you measure how long they look at the picture. There's a lot of research data supporting the Abel Assessment as a useful and reliable tool for measuring sexual interest. And that's one that is available in New Jersey and is legal to use in New Jersey.

So those are really the two measures that are the most reliable and valid that we have at this time.

DR. KOCH: So trying to identify that category I'm looking for is either illegal under existing State law or sounds very difficult to do in the sense that you have to test all offenders. I am sorry I started down this road, obviously. But I appreciate your efforts here.

DR. ALLEN: That's why I said how much information do you want?

DR. KOCH: Thank you.

DR. ALLEN: Okay.

MR. WEININGER: Dr. Allen, let me ask you a question without getting into the psychological testing, which, quite frankly, I'm sure you can see, is never going to happen -- the classifications for anybody, in this state anyway.

Are you familiar with the types of classifications that are currently used now under Megan's Law and the way these tiers and classifications are?

DR. ALLEN: Yes, sir.

MR. WEININGER: I guess this is really a two-part question. Number one would be whether or not you have an opinion based on your knowledge of people in your field and the organizations that you are involved with -- whether or not there is any kind of consensus of opinion professionally with psychologists, forensic or otherwise, who deal with sexual offenders, as to whether or not there is any classification that the Internet should be utilized for?

And secondly, perhaps what is important to me at the moment, is that since we do have this classification system that has been now utilized throughout the counties for the last couple of years, I guess, based on the Attorney General's guidelines -- as to whether or not that is a workable formula, in your opinion, to classify people as to who would be listed on the Internet or not? In other words, if the decision was made, ultimately -- or recommendation was made to the Senate that perhaps only third-tier people would be classified as compared to second and first -- as to whether or not that method of classification is a viable, workable method, or do you have an opinion, and people in your position have an opinion that the classification utilized now, quite frankly, just doesn't cut it.

DR. ALLEN: Boy, that's a complex--

MR. WEININGER: It's a complex issue.

DR. ALLEN: --question -- complex issue.

I think I probably should just speak for myself and give you my professional opinion and then address the issue of consensus.

First of all, let me say, what I have seen-- And I've been involved in a number of Megan's Law cases, so I've had the opportunity to review a lot of the people classified using that system. I've even done some training for DYFS on how the system works, so I'm familiar with it.

The big problem that I see with the system is it's a three-tiered system. And because of the way the scale has been constructed, the majority of people fall in Tier 2. So you've got this great big bulge at the middle of the scale and a fair number of people in Tier 1 and very few people in Tier 3.

Now, the difficulty is, those Tier 2 people, are they really Tier 1s, or are they, in fact, Tier 2s? And I don't think there's a real good way to know that for sure. And obviously, what the courts -- one of the things that the courts did was to say, "Well, okay. The numbers say Tier 2, but we'll use Tier 1 notification procedures unless we get further evidence of risk." So that's kind of the way they've -- we've handled that. But I think that in itself indicates that there's a problem with the cutoff between Tier 2 and Tier 1. I don't think we really know, with any scientific precision at all, where the cutoff is between low risk and moderate risk.

But you asked about high risk. I think there are definitely a lot of people -- a lot of offenders who belong in Tier 3. And I think the fact that that is the smallest -- the Tier that has the smallest number of people -- the last time I checked, it was something under 200. It might be different now. And we have

over 6000, as I understand, registered sex offenders in New Jersey. So it's a pretty small number who have been classified Tier 3. And I think that's good, because I think that probably means we're capturing the real bad guys.

As to whether or not they should go on the Internet, my professional opinion is that most of them probably should. I'm not at all sure that my professional colleagues would agree with me. I don't know what the level of consensus is about that. But again, I also think that the Tier 3 guys probably-- We probably ought to look at them individually, on a case-by-case basis, to make sure that they really should be on the Internet, because this system is not at all foolproof. And people get misclassified using our current procedures. They do. And I think before we get into the whole morass of legal challenges and so forth, we ought to just be real sure that somebody is a Tier 3 and we want to put them on the Internet. So I think we should take a measured approach and be careful.

MR. WEININGER: Okay. Thank you.

DR. SCHLESINGER: I've got a couple of questions for Dr. Allen.

DR. ALLEN: Yes.

DR. SCHLESINGER: You made a couple of very good points. I wonder if you could elaborate on it.

What about the effect of bullying on, for example, teenagers who might be subject to notification and how that might set them off? Ken Singer mentioned that earlier. Do you have any experience with any adolescents who may have been teased or picked on as a result of being an offender and how has that -- would anyone set them off to go to school with a gun, for example?

DR. ALLEN: Well, I'll tell you, my experience has been rather different. I can think of two or three teenage boys who were really unmercifully kidded when others found out that they were offenders. But the personalities of these particular individuals was that they were very shy and retiring and pretty socially inadequate kids. My concern for them was that they shut down. They wouldn't talk about how it was affecting them.

DR. SCHLESINGER: Did that negatively affect their treatment to make them more dangerous, let's say?

DR. ALLEN: Well, it negatively affected their treatment, because I didn't -- they wouldn't tell me what they were thinking for a while. I mean, they got depressed. And it took a while for them to work it through.

During that period, if they were having fantasies -- deviant fantasies, I wouldn't have known. So yes, in that sense, I think it's possible that it might have raised the risk.

DR. SCHLESINGER: Now, you mentioned a very vulnerable group in here, developmentally disabled people. By that, you mean basically mentally retarded people, correct?

DR. ALLEN: Yes, that's correct. Intellectually disabled.

DR. SCHLESINGER: Intellectually disabled. How would this affect them -- someone who maybe can't grasp this in its entirety as someone who isn't intellectually limited?

DR. ALLEN: Well, one of the characteristics of a lot of intellectually disabled people is fear, in my experience. They're afraid of a lot of things. When you can't do what the majority can do -- the majority of people around you can do, and you know it, then you learn to be cautious, and

you learn that you can get hurt if you -- because your judgment isn't very good. And what I have seen, for example, in the group of men that I treat who are developmentally disabled, is a lot of fear about the Internet notification, "What is it going to mean for us? Is everybody going to know? What are we going to say if people ask us?"

DR. SCHLESINGER: Let me ask it this way: Do you think some of these developmentally -- mentally retarded people could be set off in some way to do something violent -- burn a house down? I mean, what we don't want -- mention unintended consequences. What we don't want to do is do something to set people off -- to have a child come to school with a gun because he was teased because his name was out, or a mentally retarded person to burn a house down because kids teased him.

Can you see, at least, the potential for that happening?

DR. ALLEN: Yes, I certainly could. And developmentally disabled people are as varied in some ways as the nondisabled population. So a lot of developmentally disabled people would not be set off, but some would. Yes, I could see that some would.

DR. SCHLESINGER: Let me just ask two brief questions, Senator, to Dr. Allen.

You mentioned access to the Internet. Not everybody has access to the Internet. Now, we're talking about adults now. Let's say Tier 3 people -- dangerous adults-- Do you think that they might drift into communities that might not have access to the Internet, say the inner city, minority communities, to avoid this type of recognition?

DR. ALLEN: Yes, in my experience there's a certain subset of sex offenders who are looking for opportunities -- for ways to get out of this -- move to a community where you're not known and don't register. We've seen that-- I've seen that happen already.

DR. SCHLESINGER: Do you think they might move to a community where they know people don't have the Internet as much as they do in a middle class?

DR. ALLEN: Sure. There's a small percentage who are looking for an edge. And if they thought that was an edge, they'd do it, I'm sure.

DR. SCHLESINGER: Just one last question. You made an interesting point about -- on education of people. And you spoke about information on specific offenders you think should be presented on some offenders. Do you think it would be helpful for the community to know -- we're talking about Tier 3, dangerous people--

DR. ALLEN: Right.

DR. SCHLESINGER: --adults -- their MO, as opposed to Social Security?

DR. ALLEN: Yeah.

DR. SCHLESINGER: I mean, would it be more important for them to know how they go about abducting victims? Do they pretend they're a repairman when they come to the door -- this sort of thing?

DR. ALLEN: Absolutely -- their MO -- absolutely.

DR. SCHLESINGER: Thank you. That's all.

DR. ALLEN: If I--

MR. GIAQUINTO: Senator.

SENATOR INVERSO: Go ahead.

MR. GIAQUINTO: Doctor, I also want to reiterate that I've enjoyed your testimony, and particularly your suggested improvements. I strongly agree with the point that you make that notification could be an opportunity to educate people, particularly with the Internet. And I also like your suggested improvement regarding notification as a management tool. I think the courts started to go down that road at one time and stopped and deferred to the Legislature. And, of course, there are different ways that legislation could be crafted to make it a management tool.

I listened to the testimony this evening, which is fairly consistent, and what I'm hearing is exempt juveniles, exempt incest offenders, and exempt offenders whose crimes are age based and consensual sex, age-based -- what we used to refer to as statutory rape. And I think there were some very cogent arguments made for exempting juveniles and for exempting incest offenders. I have not heard anybody yet defend the consensual sex, age-based type of offense that much, or if at all. And I know your typical age-based offense is between 13 and 16 years of age for the victim, and the perpetrator is more than four years older. The Legislature has deemed that to be a second-degree offense, which is a serious offense. We're talking about a presumptive seven-year term.

Are you aware of any studies which suggest that this class should be, perhaps, as protected as the other two classes, that is, the juveniles and the incest offenders?

DR. ALLEN: No, I'm not aware of any studies, but I will tell you, getting to this question of consensus that Dr. Schlesinger was asking to me about before, I think there -- at least among the colleagues that I know -- I think

there's a pretty high consensus that that group isn't treated fairly under the present circumstances. I have a number of horror stories I could tell you about that kind of case.

MR. GIAQUINTO: Well, we're aware of that consensus, but is there anything to support that consensus? I mean, do we know whether someone who commits an age-based type of offense is a recidivist or not? Is it just a one-time situational type of thing, or does it reoccur?

DR. ALLEN: Well, are you asking are they a recidivist with teenagers the same age as their original victim?

MR. GIAQUINTO: That's a possibility, or also adult women?

DR. ALLEN: That's a really good question that we could answer by research, but I have to be honest with you. As a scientist practitioner, I know of no studies that have followed age-based offenders, statutory rapists, into adulthood to see if they offended. So I don't have any data on that.

The age-based offenders I know seem to be like other teenagers except for the fact that they had a younger girlfriend and except for the fact that the parents were very upset with what happened and filed a complaint. But that's only my impression. I don't have data.

MR. GIAQUINTO: But it is the general consensus.

DR. ALLEN: Yeah.

MR. GIAQUINTO: Okay. Thank you.

DR. SCHLESINGER: Senator.

SENATOR INVERSO: Yes.

DR. SCHLESINGER: Can I just follow up with that, please?

SENATOR INVERSO: Sure.

DR. SCHLESINGER: Let me ask the same question a little bit differently.

As a psychologist with a great deal of experience in treating sex offenders, you and your colleagues, I think, would agree that an incest offender is a sex offender. A juvenile offender who is victimizing age mates, even though he might be 11 years old, would be considered a sex offender, generally speaking. Am I correct?

DR. ALLEN: Yes.

DR. SCHLESINGER: Would you and your colleagues think that a high school senior who's 18, who has a girlfriend who's a freshman in the same school who's 14, and they're dating, and they have sex, and the kid is turned in because the parent of the daughter doesn't like it, would you consider that person -- even though under statute he committed a crime -- would you and your colleagues consider him a sex offender as you would these other folks?

DR. ALLEN: Thank you, Dr. Schlesinger. No, I wouldn't, nor would anybody who's competent in my field. The dynamics are different. But I also understand that there's fear there that if somebody's a statutory offender under the law, do we need to worry.

MR. GIAQUINTO: I agree with the consensus, I just wanted to know if there are any statistics to support the consensus.

DR. ALLEN: No, no, but I think there's pretty strong -- a pretty strong anecdotal sense from those of us who treat offenders that -- a teenager who has a freshman girlfriend and has sex with her is not the same kind of fish.

I just wanted to respond to a question that Mr. Weininger had asked a previous witness about -- whether or not there were any -- that witness

was aware of any studies that looked at the effect of Internet notification. There is one. I just saw it today at the CSOM site that I was telling you about, the Center for Sex Offender Management. Apparently, there was a study in Washington done that you might -- the commission might want to look at -- that looked at rearrest rates for a matched group. That is, they took offenders who were subject to Internet notification and offenders who were not subject to Internet notification and looked at the rearrest rates for new offenses. And it turns out that those who were on the Internet get rearrested faster. That's about the only data that there is that I'm aware of at this point that compares Internet notification.

MR. WEININGER: Thank you.

SENATOR INVERSO: Well, I think you've been thoroughly picked over. (laughter) We appreciate it.

By the way, both you and some previous speakers have provided some food for thought with regard to some legislative initiatives. And I'll be taking a look at that very, very closely as we review the testimony that has been provided to us. And the aspect of linking the Internet with an educational component makes a great deal of sense to me. And there's some other initiatives that I think make a lot of sense. So we'll be taking a look at those and see what we can do going forward.

Thank you very much, Dr. Allen.

DR. ALLEN: You're welcome.

SENATOR INVERSO: And our last speaker -- last but not least, as they say -- is Michael Israel, Kean University.

MICHAEL ISRAEL: Thank you.

I'll be very brief.

Ironically, I'd like to concur largely with the previous speaker. I was prepared to say much the same thing. I want to concur on two major points. One of them is, it seems the goal of policy is to balance the public's right to know with the legitimate interest of reintegrating the offender into the community peacefully and without reoffense. So both interests are important.

There can be harm from both sides. There's a lot of harm from attempting to reintegrate with notification, loss of employment, loss of housing, personal relationships, humiliation, and ostracization, and the like.

I think that there's going to be a bill, and I think the question before us is: What form is it going to take? And I think that was what the previous speaker had said. And I want to concur that it ought to have an educational component, not just the names. And I would just add three things that I think ought to be part of the educational component.

One of them is to encourage parenting to teach kids to stay away from all strangers, not just the ones on the list. Don't go into houses or cars of anyone you don't know. That ought to be the primary goal.

I would also like to see information that violence, or especially harassment, would not be tolerated and be prosecuted, and also, that notification does not mean that offenders will be removed from the neighborhood. That does not mean-- That is not what notification means. And I think it was other speakers that said there ought to be efforts to try to help, not just notify.

And so, notification, which many people opposed, but nevertheless is inevitable, I think, can be used in a constructive way. And I would like to see

you try to make it as educational as possible, try to make it nonpunitive, and help people reintegrate. It can be a way to direct offenders to the proper sources of support and help that they can get. And the ultimate goal of public safety will be helped by that.

Thank you.

SENATOR INVERSO: Any questions or comments? (no response)

Thank you, Mr. Israel. I appreciate your brevity. Thank you very much.

Well, we've come to the end. I said to someone as we entered tonight, "Well, we only have about six, seven, eight speakers. We should be done by 8:00." So it shows you how mistaken I was.

But I do want to thank you for coming out and giving us the benefit of your input into this process.

This Task Force was created for the purpose of taking a deliberative approach to developing the legislation that the Senate would consider. And I can assure you that everything that we heard tonight will be assessed, digested, and considered as we meet as a group from this point going forward to develop the legislation. And we've had-- In my opinion, we've had some very good input tonight. And for that, I'm grateful.

And on behalf of the Task Force, I'd like to thank you for coming out tonight and taking the time to give us your views on this issue.

Thank you very much.

Good night.

(HEARING CONCLUDED)