

Renting to Those with a Sexual Offense in Their
Background: What does the Research Really Say?

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A recent article in the Rental Housing Journal (RHJ) grabbed my attention. The article is in the 3-30-2020 publication of Rental Housing Journal which circulates to Arizona, Colorado, Oregon, Utah and Washington State. I am Regional Coordinator for the National Association for Rational Sex Offense Laws (NARSOL) western region of the U.S which includes all five of the states to which this magazine circulates. Since there is a large amount of solid research showing that those who have committed felonies in general, as well as those who have committed a sexual offense, are safer in the community IF they are housed, have employment, and are surrounded by pro-social supporters, such as family, friends, churches, clubs etc., it makes good sense NOT to exclude them from housing!

The name of the article is: 7 Issues and Answers About Renting to Felons. While there was discussion about renting to “general felons”, the main focus of the article was on never renting to those who had, at one time, committed a “lifetime sexual offense. David Pickron, author of this piece states on page 2 that “What we recommend our clients do is prohibit the lifetime sex offender. We have studies that show you are never cured from that”. There are no named studies, whether in the past or in recent publication history that are offered in terms of his statement that the old and long ago debunked “no known cure” philosophy carries any validity. While a small percentage of men across the U.S.A. (under 5%) may have pedophilic tendencies, the vast majority of people sentenced under the Lifetime Act in Colorado or similar statutes in other states mentioned above are not diagnosed with pedophilia. Many diagnosed with pedophilia don’t want to commit these offenses, and would be happy for serious counseling that did not include years of incarceration.

Many years ago, persons in powerful positions in Colorado were allowed to choose the 15 to 18 offenses they believed were the most heinous, and men who committed those particular offenses were sentenced under Colorado’s Lifetime Act of 1998. The nature of these offenses vary significantly. What this meant was that they had a variety of lifetime sentences, ranging from 2 – Life to much higher numbers to Life (eg 12 – Life). Judges make the decision how many years to Life the person will serve.

As men and sometimes women get close to their “bottom number” (2-Life for example) in terms of time spent in prison, they are expected to complete sexual offense specific treatment inside the Colorado Department of Corrections. This treatment is grueling, and can go on forever since the sentence is, in reality, potentially a lifetime sentence. Many men and women start the classes, only to make their therapists mad about something which may be legitimate and may not be legitimate, and find themselves terminated from treatment, to end up at the bottom of a very long list of Lifetime folks that have to satisfactorily get through treatment before they can be paroled according to Colorado Statute. This includes passing numerous polygraphs. A small group of sexual offense and public safety officials persuaded the Colorado Legislature to adopt the “no known cure”, “one size fits all” approach.

As research mounted over the next 10 to 15 years supporting the fact that actuarial risk assessment tools were doing a good job of identifying those most likely to re-offend sexually, organizations such as ATSA (Association for the Treatment of Sexual Abusers) began to take these assessment tools and the scores they produced seriously, and utilize them in making treatment and parole and/or probation decisions. While the system is still far from perfect, some states – Oregon is a good example – have recently gone to a tier/risk-based system of rating an individual for the sexual offense registry. There is also a strong movement afoot to drastically re-design the registry, or in some camps, to totally get rid of the registry. The registry encourages vigilantism, makes it incredibly difficult for those who have committed a sexual offense to get housing, jobs and pro-social support, and sadly, marks juveniles who have committed a sexual offense for way too many years – some are successfully getting off the registry only with a great deal of effort exercised through the courts.

At least some police departments in Colorado have become weary of the constant need to spend hours registering people who are not re-offending. Colorado recently, with the leadership and support of police departments, was able to pass a law stating that older men and/or men that are ill, physically and intellectually disabled etc., do not have to come to the police department to register. The police, who had already been doing this because it made sense to do it, are now according to statute, able to register these folks where they live (nursing homes, assisted livings, or in the community). One has to wonder why such men need to register at all!?

We struggle through my state advocacy organization, CSOR, to find housing for these men and women, as many of them cannot get out of prison (anyone sentenced under the Lifetime Act) without an address which has been okayed by the Parole Board. Those with Lifetime Sentences cannot get out of prison in our state by going to a shelter. They must have an approved home address. Whether their crime was against a child or not, they cannot be in a residence where children live. While we have a significant number of rental providers that work with our men and women, we need many more. As statistics show in most states, those with a sexual offense are often forced to live in those neighborhoods that are most likely higher in crime statistics and have general issues related to poverty. Those who cannot find housing frequently end up on the streets, living in areas where defecation, urination and discarded needles used for the injection of drugs are rampant

Perhaps the saddest and most puzzling piece of all this is that states (Colorado in particular) are spending way too much money on the 20% of people who have committed a sexual offense and been caught and convicted, and essentially nothing on prevention activities for the much larger percentage committing these offenses that have not been caught and convicted. State budgets creak and groan under the weight of Sex Offender Management Boards, incredibly expensive prison stays and parole and probation supervision.

As Victims' Advocates and D.A.'s cry out for justice, severely punishing those they already know about, the much larger percentage of cops, judges, parents and other relatives, neighbors, priests and other clergy, teachers, prison guards and other leaders in our communities, have been committing these offenses for years, and because no-one has come forward to report them, and they are not likely to report themselves because of fear of incarceration and lifetime punishment, their offenses continue on for years. In Europe, there are opportunities for people to come forward for help and assistance with pedophilic urges and behaviors without fear of being incarcerated or exiled from society. Of course, many who are offended against by these populations are children and young adults.

Finally, recidivism rates for those who have committed a sexual offense and have been through sexual offense treatment are **very low**. They are drastically lower than the rates for repeat offenses for those committing burglaries and larceny, alcohol and drug-related offenses etc. Only murderers have a lower recidivism rate than those with a sexual offense. People who cannot find housing because they have committed a sexual offense will end up walking the streets of our communities, living, urinating and defecating near and in our parks, our streams and rivers and living in the homeless shelters of our communities, where drugs, alcoholism, theft, murder, and yes opportunities to sexually offend abound.

If you have questions or want clarification on any of these issues, please contact:

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