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Towns push sex offender limits

A patchwork of rules; Statewide standards urged

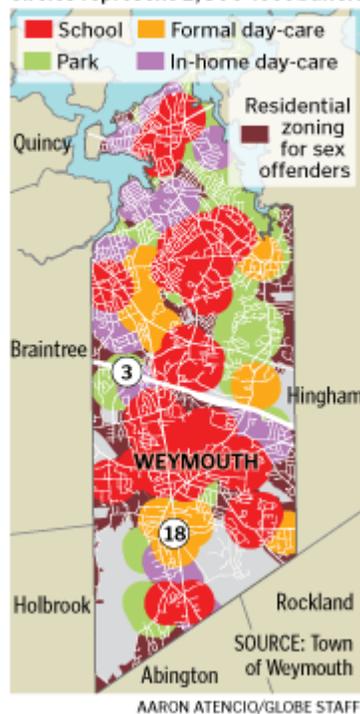
By Keith O'Brien Globe Staff

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WEYMOUTH - This suburban South Shore community on the edge of Boston Harbor is home to only a handful of the most dangerous kind of sex offender - roughly one for every 5,400 residents.

WEYMOUTH RESTRICTIONS

Circles represent 1,500-foot buffer:



But this spring, Weymouth joined a growing number of communities across the Commonwealth by banning Level 3 sex offenders - those deemed most likely to re-offend - from living within 1,500 feet of any school, park, daycare center, or recreational facility. And in doing so, Weymouth officials not only made it almost impossible for Level 3 sex offenders to live in town, they managed to stoke fears in other communities that predators, unwelcome in Weymouth, may be headed their way.

It's a land rush of sorts. Without a state law restricting where sex offenders can or cannot live, municipalities are increasingly doing it on their own, drawing up maps that hem sex offenders into tiny pockets of town or forbid them from visiting public places like libraries. At least 10 communities have passed such laws, including four in the past few

months alone. And the mere fact that some are taking action is making others consider it, sometimes pitting town against town as local officials scramble to make sure their community isn't perceived as a haven for sex offenders.

Following the approval of a new ordinance in New Bedford, Fall River wants one. With laws in Marlborough and, just recently, Southborough, Framingham is looking to put one on the books. And when Weymouth passed its law just last month, officials in neighboring communities couldn't help but take notice, given the comments of Town Councilor Patrick O'Connor.

At the vote, O'Connor suggested that sex offenders, unhappy with the new residency restrictions, could move to Braintree or other nearby communities. Braintree officials didn't appreciate the mention, but O'Connor makes no apologies. If folks in Braintree are upset, he said, they should discuss enacting sex offender restrictions of their own.

And so, in Braintree they are.

"You get into a situation where one community is positioning itself in a way that requires another community to take action," said Mayor Joseph C. Sullivan of Braintree. "And that can have ramifications that no one can measure at this time."

As a result, many local officials are now calling on Beacon Hill lawmakers to join more than 20 other states by passing a statewide measure that would restrict, in a uniform way, where sex offenders can live. It's a proposal that Representative Karyn Polito has been pushing for two years.

But Polito, a Shrewsbury Republican, said the bill has had trouble getting traction. Some lawmakers, she said, are worried that the proposal, if passed, would attract court challenges, like sex offender restrictions have in other states. And still others raise different concerns about whether or not these restrictions even work.

"It sort of comes down to a question of whether or not it's a smart thing to do or a feel-good, knee-jerk reaction," said Christopher Ott, a spokesman for the American Civil Liberties Union of Massachusetts. "Of course, we all want kids to be safe. But I think you have to ask the question: Are sex offenders more likely or less likely to reoffend if they're turned into outcasts?"

The problem, Ott and other critics say, is that these laws often make it difficult for sex offenders to find housing or return to their hometowns upon being paroled. Without stability, and a support network nearby, sex offenders are more likely to struggle financially and emotionally, according to studies, and more likely to become transient and homeless as well.

"There's a lot of concern that by making communities uninhabitable for sex offenders law enforcement will lose track of them, that they'll end up a transient population and end up in much worse shape and more likely to re-offend," said David Finkelhor, director of the Crimes Against Children Research Center at the University of New Hampshire.

"I don't know that there's any evidence of that. But there's not any evidence that these laws work, either," Finkelhor said.

Most predators don't target victims based on proximity, Finkelhor said, but on familiarity. A review of thousands of sexual assault cases in 1990s, conducted by the US Department of Justice, found that 93 percent of juvenile victims knew their attacker. Fifty-nine percent of the time, the study revealed, it was an acquaintance, and 34 percent of the time it was a family member. And a different study, published last year by Minnesota state corrections officials, found that proximity to a park or a school had no bearing on repeat offenses.

In this very practical way, Finkelhor said, the laws being passed in many Massachusetts municipalities do very little to make families safer. He criticized the state for allowing local officials to engage in a sort of "bidding contest," where towns seem to compete to keep sex offenders out.

"It's kind of a race to the bottom," Finkelhor said. "Everybody feels forced to get into the act."

But that's not how O'Connor, in Weymouth, and officials in other communities see it. O'Connor, a 23-year-old town councilor, said conversation about restricting sex offenders started last fall when a resident pointed out that a Level 3 sex offender was living next to a playground.

Just using common sense, O'Connor said, such a scenario seemed like a bad idea. And he and others pushed for restrictions, even after weighing criticism from folks like Finkelhor. O'Connor said he'd rather err on the side of children, than predators. The law was passed in May. It allows the 10 Level 3 sex offenders currently living in Weymouth to stay wherever they are now. But if they move, they will have to abide by the law, which by O'Connor's estimation takes more than 90 percent of the town off the map.

"I don't think anyone wants pedophiles living in the community," O'Connor said. "I know they have a right to live where they see fit. It's America. They can live where they want to live. But if they choose to live in Weymouth, our community, I think we need to put restrictions on where they can live."

Others agree. In Mendon, home to two Level 3 sex offenders, Deborah McCarter-Spaulling, a mother of two, was able to gather more than 100 signatures in a single day recently in order to put a similar proposal before voters June 23. Rockland and Southborough each passed residency restrictions this spring. And after a child was assaulted at the town library this year, New Bedford officials voted in a measure banning sex offenders from public places where children gather, like libraries, but allowing them to live where they choose.

"Prior to this ordinance, it was 100 percent legal to have absolutely the worst sex offender going to a playground and sitting on a park bench and watching kids play," said Lieutenant Jeffrey Silva of the New Bedford Police Department. "Literally, it was like swimming in a shark tank. You were taking your children into the community and throwing them into the waters of a shark tank. There was no safe zone."

But not every town this spring has voted in favor of restrictions. In recent weeks, residents in both Scituate and Hull rejected measures similar to Weymouth's, questioning whether they were necessary or even effective.

Hull's police chief, Richard Billings, worried that passing the law would turn neighborhood upon neighborhood. Residents living in zones where sex offenders were allowed might soon be proposing parkland on their streets in an effort to keep out predators, Billings said. And he wondered how police officers would enforce a no-loitering law for sex offenders at ball fields and other places where children gather.

"You need to police your own family," Billings said, recounting his arguments at the town meeting this spring. "I didn't enjoy saying this, but you need to look inside your own home and pay attention to who you're leaving your children with when you drop them off. It's a sad statement on society, but that's where we're at today."

In the end, the townspeople sided with him; the issue was tabled. But Billings, a father of two, understands the power of fear and he knows Hull's sex offender debate is far from over. When asked whether he thought the proposal would come up again, maybe next year, Billings had a practical reply.

"Yes," he said. "I do."