

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.:

JOHN DOE,

Plaintiff,

vs.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and RIC BRADSHAW,
in his official capacity as
Sheriff of Palm Beach County,

Defendants.

_____ /

NOTICE OF REMOVAL

COMES NOW the Defendant, RIC BRADSHAW, in his official capacity as the Sheriff of Palm Beach County (hereinafter "BRADSHAW"), by and through his undersigned counsel, pursuant to Title 28, United States Code, §§1331, 1441, 1443(2) and 1446, hereby files this Notice of Removal and states:

1. This action was originally filed in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida on August 30, 2018, where it was subsequently assigned case no. 502018CA011158.
2. Attached hereto as **Composite Exhibit "A"**, and by reference made a part hereof, are copies of the pertinent filings as contained in this case pending

before the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County Florida.

3. BRADSHAW received notice of the subject lawsuit through summons on September 5, 2018.
4. The said action in Circuit Court is a civil action stating claims which are removable as seen in the pertinent filings of the record attached hereto as Composite Exhibit "A." Plaintiff filed a two count Complaint for Declaratory and Injunctive Relief which challenges the constitutionality of Florida's Sexual Offender Registration Act, § 943.0435, Florida Statutes as applied to Plaintiff. (Plaintiff's Complaint at ¶ 1).
5. Plaintiff pleads causes of action arising under 42 U.S.C. § 1983. (Plaintiff's Complaint at ¶ 14). Count I alleges that § 943.0435 Fla. Stat. violates the United States Constitution's Ex Post Facto Clause of Article 1, Section 10 and the Florida Constitution's Ex Post Facto Clause of Article 1, § 10 as applied to Plaintiff. Count II alleges that § 943.0435 Fla. Stat. violates the Fifth and Fourteenth Amendment Due Process Clause of the United States Constitution and the Due Process Clause of the Florida Constitution in Article I, § 9 as applied to Plaintiff. BRADSHAW seeks a federal forum concerning these claims.
6. This Court has original jurisdiction over this action as provided in 28 U.S.C § 1331, as the claims made by Plaintiff arise under the Constitution, laws, or

treatises of the United States. Alleged violations of the Florida Constitution are likewise removable pursuant to 28 U.S.C. § 1441(c).

7. Section 1446(b) provides that notice of removal shall be filed within thirty (30) days after receipt of the Complaint upon the Defendants through service or otherwise. This Notice of Removal is timely filed.
8. The undersigned and Counsel for Richard Swearingen, in his official capacity as Commissioner of the Florida Department of Law Enforcement, have conferred and all Defendants consent to the removal of the case.
9. BRADSHAW shall treat the date of filing the instant removal as the commencement of the seven (7) day period to respond to Plaintiff's Complaint pursuant to Fed R. Civ. P. 81(c)(2)(C).
10. Notice of this Removal is being provided to Plaintiff and the Clerk of Court for the Fifteenth Judicial Circuit, pursuant to 28 USC § 1446 (d).

Dated: October 5, 2018

Respectfully Submitted,

s/ James O. Williams

James O. Williams, Jr., Esq. (eservice@wlclaw.com)

Florida Bar No. 0614513

Jessica R. Butler, Esq.

Florida Bar No. 118586

Counsel for PBSO

Williams, Leininger & Cosby, P.A.

11300 US Highway One, Suite 300

North Palm Beach, Florida 33408

Telephone No. (561)615-5666

Facsimile No. (561)615-9606

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2018, I electronically filed the foregoing document with the Clerk of Court using its CM/ECF system.

s/ James O. Williams, Jr.
Florida Bar No. 0614513

SERVICE LIST:

Cindy E. D'Agostino, Esq.
11380 Prosperity Farms Rd.
Suite 204
Palm Beach Gardens, FL 33410
Telephone: (561) 622-8655
Facsimile: (561) 622-5531
cdagostino@bellsouth.net
Counsel for Plaintiff

Barbara J. Scheffer, Esq.
11380 Prosperity Farms Rd.
Suite 204
Palm Beach Gardens, FL 33410
Telephone: (561) 622-8100
Facsimile: (561) 622-3460
bjscheffer@bellsouth.net
Counsel for Plaintiff

Albert J. Bowden, Esq.
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399
Telephone: (850) 414-3300, ext 4716
Facsimilie: (850) 488-4872
al.bowden@myfloridalegal.com

Filing # 77273654 E-Filed 08/30/2018 04:12:10 PM

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: _____
Judge: _____

John Doe
Plaintiff

vs.

Richard L Swearingen, Ric Bradshaw
Defendant

II. TYPE OF CASE

- | | |
|---|--|
| <input type="checkbox"/> Condominium
<input type="checkbox"/> Contracts and indebtedness
<input type="checkbox"/> Eminent domain
<input type="checkbox"/> Auto negligence
<input type="checkbox"/> Negligence – other
<input type="checkbox"/> Business governance
<input type="checkbox"/> Business torts
<input type="checkbox"/> Environmental/Toxic tort
<input type="checkbox"/> Third party indemnification
<input type="checkbox"/> Construction defect
<input type="checkbox"/> Mass tort
<input type="checkbox"/> Negligent security
<input type="checkbox"/> Nursing home
<input type="checkbox"/> Premises liability – commercial
<input type="checkbox"/> Premises liability – residential
<input type="checkbox"/> Products liability
<input type="checkbox"/> Real Property Mortgage foreclosure
<input type="checkbox"/> Commercial foreclosure \$0 - \$50,000
<input type="checkbox"/> Commercial foreclosure \$50,001 - \$249,999
<input type="checkbox"/> Commercial foreclosure \$250,000 or more
<input type="checkbox"/> Non-homestead residential foreclosure \$0 - 50,000
<input type="checkbox"/> Homestead residential foreclosure \$50,001 - \$249,999
<input type="checkbox"/> Homestead residential foreclosure \$250,000 or more
<input type="checkbox"/> Non-homestead residential foreclosure \$0 - \$50,000
<input type="checkbox"/> Non-homestead residential foreclosure \$50,001 - \$249,999 | <input checked="" type="checkbox"/> Non-homestead residential foreclosure \$250,00 or more
<input type="checkbox"/> Other real property actions \$0 - \$50,000
<input type="checkbox"/> Other real property actions \$50,001 - \$249,999
<input type="checkbox"/> Other real property actions \$250,000 or more
<input type="checkbox"/> Professional malpractice
<input type="checkbox"/> Malpractice – business
<input type="checkbox"/> Malpractice – medical
<input type="checkbox"/> Malpractice – other professional
<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Antitrust/Trade Regulation
<input type="checkbox"/> Business Transaction
<input type="checkbox"/> Circuit Civil - Not Applicable
<input checked="" type="checkbox"/> Constitutional challenge-statute or ordinance
<input type="checkbox"/> Constitutional challenge-proposed amendment
<input type="checkbox"/> Corporate Trusts
<input type="checkbox"/> Discrimination-employment or other
<input type="checkbox"/> Insurance claims
<input type="checkbox"/> Intellectual property
<input type="checkbox"/> Libel/Slander
<input type="checkbox"/> Shareholder derivative action
<input type="checkbox"/> Securities litigation
<input type="checkbox"/> Trade secrets
<input type="checkbox"/> Trust litigation |
|---|--|

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

III. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Non-monetary declaratory or injunctive relief;
- Punitive

IV. NUMBER OF CAUSES OF ACTION: ()
(Specify)

2

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- Yes
- No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN GIVEN?

- No
- Yes – If “yes” list all related cases by name, case number and court:

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- Yes
- No

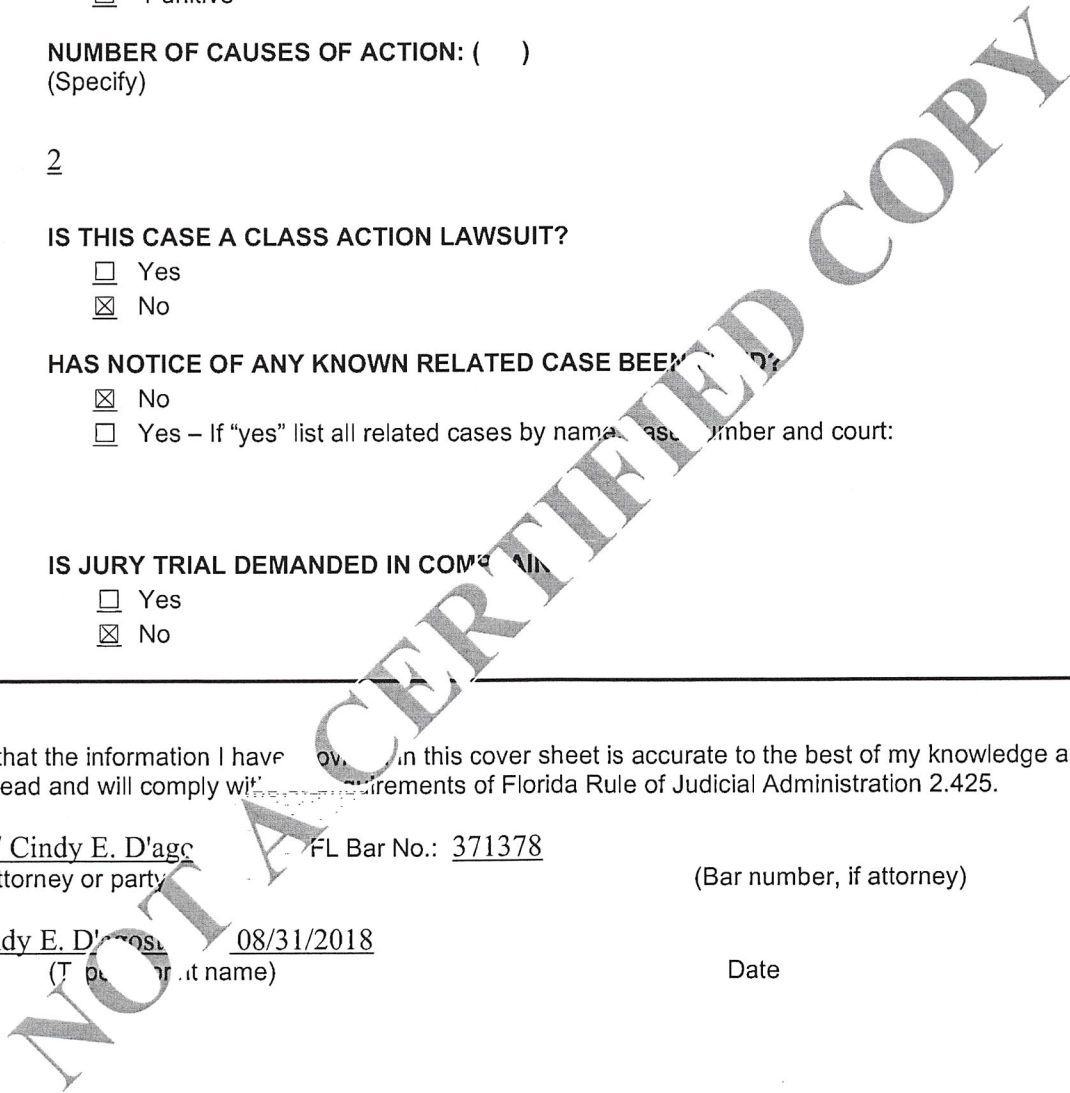
I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature s/ Cindy E. D'Agostino FL Bar No.: 371378
Attorney or party

(Bar number, if attorney)

Cindy E. D'Agostino 08/31/2018
(Type full name)

Date



Filing # 77273654 E-Filed 08/30/2018 04:12:10 PM

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
FLORIDA.

CASE NO:

JOHN DOE,

Plaintiff,

vs.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and
RIC BRADSHAW,
in his official capacity
as Sheriff of Palm Beach County,

Defendants.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Introduction

1. This is an action for declaratory and injunctive relief which challenges the constitutionality of Florida's Sexual Offender Registration Act, § 943.0435, Florida Statutes, as applied to Plaintiff DOE whose offense was committed prior to the enactment of the statute. § 943.0435 Fla. Stat. was enacted in 1997 and requires all

individuals, regardless of conviction date and regardless of adjudication who were released from supervision on or after October 1, 1997 for an enumerated offense, to register with the Florida Department of Law Enforcement for life or face serious criminal penalties.

2. Since the United States Supreme Court upheld a registration statute that imposed “minor and indirect” restraints on registered sex offenders, *Smith v. Doe*, 538 U.S. 84, 100 (2003), there have been numerous changes to registration statutes throughout the United States and in recent decisions, several courts have held that the registration statutes now violate the constitutional protection against ex post facto laws. *See, e.g., Does #1-5 v. Snyder*, 834 F. 3d 696 (6th Cir. 2016)(cert. denied, 138 S. Ct. 55, Oct. 02, 2017); *Commonwealth v. Muniz*, 164 A. 3d 1189 (Pa. 2017)(cert. denied, 138 S. Ct. 925, Jan. 22, 2018); *U.S. v. Juvenile Male*, 590 F. 3d 924 (9th Cir. 2009), *vacated as moot*, 131 S. Ct. 2860 (2011); *Doe v. Department of Public Safety and Correctional Services*, 62 A. 3d 123 (Md. 2013); *Starkey v. Oklahoma Department of Corrections*, 305 P. 3d 1004, (Okla. 2013); *State v. Williams*, 952 N.E. 2d 1108 (Ohio 2011); *Wallace v. State*, 905 N.E. 2d 371 (Ind. 2009); *State v. Letalien*, 985 A. 2d 4 (Me. 2009); *Commonwealth v. Baker*, 295 S.W. 3d 437 (Ky. 2009); and *Doe v. State*, 189 P. 3d 999 (Alaska 2008).

3. Originally, the Florida registry was designed to collect and provide basic

information on registrants and was approximately two (2) pages long in the statute books. The law, as currently published is now approximately nine (9) pages long and has become a lifetime registration and in person reporting process for most registrants, which poses direct and indirect restraints on their liberties regardless of their actual level of dangerousness and without any history of legislative fact-finding that these restraints are either necessary or effective in protecting the public.

4. § 943.0435 Fla. Stat., imposes such extensive requirements and punitive restrictions that it violates the constitutional protection against ex post facto laws.

5. § 943.0435 Fla. Stat. Also violates Plaintiff's right to due process pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 9, of the Florida Constitution because it violates principles of fundamental fairness in retroactive application of the Statute and by breaching the plea agreement signed by Plaintiff and the State back in 1993 where Plaintiff bargained for privacy.

6. The State inaccurately identifies all registrants as posing a danger to the public but the law provides no mechanism for challenging the State's assertion.

7. Plaintiff DOE, has been found not to be a danger to minors or the public.

Parties

The Plaintiff

8. Plaintiff JOHN DOE is *sui uris*, a resident of Palm Beach County, Florida

and is required to register as a sex offender under § 943.0435, Florida Statutes and does in fact register as required.

9. Plaintiff JOHN DOE maintains a privacy interest in his actual name for purposes of this litigation because of ostracism, loss of employment and housing, inability to obtain employment, fear of physical harm and other significant harassment not only to himself but to members of his immediate family including a spouse and a minor child, to whom he owes a parental duty of assuring said child's safety.

Defendants

10. Defendant, RICHARD L. SWEARINGEN, is the Commissioner of the FLORIDA DEPARTMENT OF LAW ENFORCEMENT, hereinafter referred to as "FDLE" which is a state agency organized under the laws of the State of Florida § 20.01, Florida Statutes and is sued in his official capacity. Pursuant to Florida Statute §943.0435, the FDLE is charged with enforcement of the statute and the registry.

11. Pursuant to Florida Statute §943.0435, and §943.043, the FDLE is required to register sex offenders, disseminate information regarding such offenders, including maintenance of information electronically, and is also authorized by these statutes to maintain an Internet information site, with search capabilities, which Internet site is being maintained and is ongoing.

12. The Defendant, RIC BRADSHAW, is and has been the Sheriff of Palm

Beach County and is sued in his official capacity and is also charged with enforcement of Florida Statute §943.0435. The Sheriff is charged with registering offenders, verifying addresses, and reporting offender information to FDLE and to other jurisdictions pursuant to Florida Statute § 943.0435.

13. At all times relevant hereto, the Defendants acted under the color of State law in connection with their respective enforcement obligations under Florida Statute §943.0435.

Jurisdiction and Venue

14. This action arises under 42 U.S.C. §1983, the United States Constitution's Ex Post Facto Clause of Article I, Section 9, ¶ 3 and the Florida Constitution's Ex Post Facto Clause of Article I, § 10, the Fifth and Fourteenth Amendment Due Process Clause of the United States Constitution and the Due Process Clause of the Florida Constitution in Article I, § 9, Chapter 86, Fla. Stat., and Rule 1.610, Fla. R. Civ. Pro.

15. This action seeks declaratory and injunctive relief along with costs and attorney's fees.

16. This Court has jurisdiction pursuant to Article V §5(b) of the Florida Constitution; § 26.012, Florida Statutes; and Chapter 86, Florida Statutes.

17. Venue is proper in this Court pursuant to §47.011, Florida Statutes because

the deprivations of Plaintiff's constitutional rights and intrusions into his privacy have occurred in Palm Beach County and additionally, Defendant Ric Bradshaw has his principle headquarters located in this county.

18. A bona fide, actual and justiciable controversy exists between the Plaintiff and the Defendants.

19. All conditions precedent to the relief demanded have been either performed, or are precluded because of the risk of criminal prosecution to the Plaintiff.

Allegations

20. This is an action brought by the Plaintiff, to challenge the constitutionality of § 943.0435 Florida Statutes as it is applied to Plaintiff DOE. The statute is attached herein as *Exhibit "A."*

21. Plaintiff DOE was charged with an enumerated offense in 1992 and convicted with adjudication of guilt withheld in 1993 pursuant to a plea agreement after entering a plea of guilty to two counts of Lewd and Lascivious Assault on a Person under 16 years of age pursuant to Florida Statute § 800.04. The court, having found that Plaintiff was not likely to re-offend, approved a sentence of fifteen (15) years probation concurrent on both counts which Plaintiff completed successfully with no violations. Plaintiff participated in counseling as a condition of his probation and successfully completed all aspects of treatment.

22. Plaintiff DOE's acceptance of the plea deal was conditioned upon an agreement that the state would not reveal his withheld conviction to his employer or future employers.

23. By virtue of being placed on probation and being considered "under supervision" by the terms of the statute, the registration requirements were applied to Plaintiff DOE when § 943.0435, Fla. Stat. became effective more than four (4) years after entering his plea. The sex offender registry was not known to Plaintiff or his attorney at the time of Plaintiff's plea since the registry did not exist.

24. Plaintiff first learned of the registry in 1997 when he was already on probation for the offense and encountered a "probation visit" at his home and was threatened by probation officers, who were accompanied by police officers and an Assistant State Attorney, into signing an agreement to register or face charges for obstruction of justice and a violation of probation. Upon Plaintiff's subsequent visit to the probation office, he was required to be photographed for the new registry website.

25. Plaintiff never had the opportunity to bargain for an outcome in his criminal case which did not include the requirement to register since his offense and imposition of sentence occurred prior to the enactment of the statute. He also could have elected to have a trial, instead of waiving his constitutional rights, had he known he would be

subject to a lifetime of severe restrictions on his liberty along with the extreme intrusion into his privacy due to the registry consequences. Plaintiff did find it important enough to bargain for non disclosure of his offense to his then current employer and to future employers and additionally to bargain for a withheld adjudication of guilt. The Florida registration scheme has essentially voided that non disclosure provision and has vitiated his withheld adjudication and his court determined legal status as not likely to re-offend. The registry has retroactively increased the punitive consequences of his plea deal.

26. Since being listed on the sex offender registry, Plaintiff DOE has experienced the loss of employment opportunities, the loss of and serious intrusion to his right to privacy, damage to his reputation by ongoing publication and ostracism by family, neighbors who have put up signs along the roads leading to his property which displayed the FDLE flyer in an enlarged poster size display along with his photograph and offense information, the inability to freely travel, and restrictions on where he can live. Plaintiff has had numerous visits by law enforcement dressed in SWAT attire who arrive at his home unannounced and claim to merely come to verify his listed address.

27. Plaintiff has also had his freedom of speech curtailed due to having to register his online internet identifiers thereby precluding anonymous speech and

further chilling his participation in any social media for fear that his innocent communications would be subject to law enforcement surveillance. He cannot use Facebook socially to communicate with friends and relatives or even for business purposes since Facebook has a policy of blocking any registrants from maintaining an account.

28. Plaintiff is forced to register every six (6) months in person at the Palm Beach County stockade, which is a jail where he must go through security and relinquish all of his personal belongings including his belt before he can proceed into a "lock-down" area to register. Alternatively, he must travel outside the county to register at a different facility which causes Plaintiff additional cost and time. The stockade is the only facility in which to register in Palm Beach County where Plaintiff resides.

29. On one occasion when Plaintiff was registering at the Palm Beach County Stockade, he was locked into the facility due to the jail going on a "lock-down" status for reasons unrelated to Plaintiff. Plaintiff was not allowed to leave the facility until the lock-down status was lifted. Since that incident, Plaintiff has not returned to the Stockade for registration but instead travels to the neighboring county of Broward who does not locate their registration office inside a jail but processes registrants at the Broward County courthouse. To fulfill his reporting requirements, it takes

Plaintiff a minimum of 4 hours depending upon the waiting line. He must incur the additional cost of gas and parking in addition to his taking time away from work. This process is required twice per year and additionally, whenever there are changes to any of Plaintiff's reporting information which includes among many other changes, a change of email address or if Plaintiff were to rent a car.

30. Plaintiff is also forced to have the sexual offender registry statute number branded on the face of his driver's license, which license is used for identification purposes in many facets of daily life, identifying him as a registered sex offender. He also cannot renew his driver's license online or by mail as other Florida residents are permitted to do. He must go to the Department of Motor Vehicles in person to renew his license. Any changes in Plaintiff's residence or change in his name by legal process must be reported in person to the DMV within 48 hours after the change is made in person to the sheriff's office. 943.0435(4)(a) Fla. Stat. The general public has 30 days in which to update their drivers license for these changes and can do so online.

31. Plaintiff is not a felon, however, if he were to merely fail to return the FDLE postcard pursuant to § 943.0435(14)(c)(4), Fla. Stat., within three weeks of delivery, he would be arrested for a felony and subject to five years imprisonment and additionally incur felony status which is in addition to all the other requirements that

could result in a felony arrest under this statute if the Plaintiff does not comply.

32. Plaintiff is unable to travel freely since he must give notice of his intended whereabouts in advance or face criminal penalties. He must research the laws in other state jurisdictions before traveling to another state to be certain he is in compliance with that state's requirements. Any intended international travel requires twenty-one (21) days notice with an in-person visit to the registration facility. In turn, law enforcement is required to contact the countries of Plaintiff's intended travel putting Plaintiff at risk of being refused entry and forfeiting his travel expenses which would include those of his family intending to travel with him.

33. Plaintiff cannot travel with his family even for a family emergency without having to drive to the Palm Beach County Stockade or Broward County Courthouse 48 hours before departure and register his intended temporary address. When he reaches his intended destination in another state, he will have to go to that state's designated facility for the purpose of registering. Plaintiff must report in person if his intended stay away from his permanent address is 3 days or longer pursuant to the legislative changes effective July, 2018. Once at his intended out of state destination, Plaintiff is prohibited from traveling to another out of state destination, which was not in his initial travel plans, without traveling back and reporting in person. It should be noted that the intake office for the registrant's in-person reporting is closed on the

weekends and on holidays which could therefore prevent him from timely traveling for business, pleasure or a family emergency. Also, Plaintiff could not leave his home to travel to another state before giving the required 48 hours notice.

34. The travel restrictions and reporting requirements faced by Plaintiff are akin to the travel permit requirement with which Plaintiff had to comply when he was on probation for his offense.

35. Plaintiff cannot leave his home for travel anywhere for more than 21 days because he may, during his absence, receive the FDLE postcard in his mailbox which postcard he is required by statute to fill out and return to FDLE within 3 weeks of delivery or face a third degree felony charge.

36. There is no provision in the statute which would excuse Plaintiff for a failure to report due to illness or hospitalization.

37. Plaintiff must continually research the local ordinances of cities and counties in Florida that he wishes to travel to, or through, to be certain he is not in violation of any provision such as being too close to any school or playground. Some ordinances in Florida impose restrictions based upon his status on the registry.

38. Plaintiff is forced to renew his passport every year at a cost of \$100.00 each year and have his passport stamped with the identifying "Registered Sex Offender" information. Persons not on the sex offender registry only have to renew their

passport once every 10 years at a cost of \$100.00 for the full 10 years.

39. The public branding of Plaintiff as a dangerous sex offender on his passport puts Plaintiff and his family at risk of harm in a foreign country.

40. Because of the risk involved to Plaintiff and his family to travel abroad, Plaintiff has refrained from such travel. Even his interstate travel has been minimal due to the risks he faces of being arrested for a technical violation of another state's registry requirements given the difficulty in ascertaining other state requirements.

41. Plaintiff DOE faces constant intimidation by law enforcement who, in addition to showing up at his home for address verification purposes, leave flyers in Plaintiff's mailbox claiming that Plaintiff "must" contact them.

42. Law enforcement also leave door hangers on Plaintiff's front gate to his property which door hangers reflect the Palm Beach County Sheriff's Office insignia and are addressed to "Predator/Offender Name:" where Plaintiff's first and last name are handwritten in which is followed by a message that members of the Sheriff's Office are attempting to contact him regarding his "sexual predator/offender status" and he must contact the named deputy as soon as possible.

43. Law enforcement also call Plaintiff's home telephone number for the stated purpose of "monitoring" him, thereby violating his privacy. Plaintiff has never authorized law enforcement to contact him via telephone.

44. Plaintiff DOE's child is now 6 years old and Plaintiff fears he will be restricted from being engaged in certain aspects of his child's upbringing and socialization due to the embarrassment and humiliation he and his child would endure in certain social settings.

45. The school attended by Plaintiff's child also uses Facebook as it's main platform for it's Parent Teacher Organization. Plaintiff cannot participate due to the previously noted Facebook policy barring registered offenders.

46. Plaintiff's young child is likely to face ostracism and loss of friends as the child matures due to his parent's status as a registered sex offender. Studies have shown that children of registered offenders experience high rates of rejection and are treated differently than other children. *See Levenson's report Exhibit B*, (page 11, para. 10).

47. Plaintiff further fears he will be denied access to hospitals in the event of an emergency with his child, wife, or any other family member since some Florida hospitals have refused access to registered offenders.

48. Plaintiff is a productive member of society who has not been arrested for any crime since the offense in 1992 which ultimately placed him on the sex offender registry. Plaintiff has a bachelor of science degree in engineering, maintains his own business as a computer consultant, owns a home in Palm Beach County and has been

married since 2001. Plaintiff and his wife have a six year old son.

49. Plaintiff has experienced rejection from employment recruiters due to his being on the registry.

50. Plaintiff has had to live with rejection from his wife's family due to his being listed as a sexual offender on the registry.

51. Plaintiff endures constant stress over how his status as a registrant does and will affect his ability to care and provide for his family. Even in the event of a natural disaster such as a hurricane, Plaintiff fears he and his family will be turned away from public shelters during an evacuation due to his status on the registry. Several Florida counties and cities have not allowed registrants into public emergency shelters during past hurricanes but some provide alternative shelter to house registrants which is usually at the local jail.

52. Plaintiff has been subject to harassment by neighbors including a neighbor who brought a civil action against Plaintiff causing him to defend his property rights and costing him the expense of litigation. The civil suit ensued after a neighbor learned that Plaintiff was a registered sex offender.

53. Neighbors as well as the general public can search the FDLE Sexual Offenders and Predators database by neighborhood search, offender name search, university/campus search, or internet identifier search. The website posts extensive

personal information by supplying the registrant's name, a recent photo, details of his offense, his address along with a map of his home area and particulars of his registered vehicles including tag numbers. The information is formatted to allow printing of a flyer containing all the information.

54. Additionally, the FDLE website states in bold red print; "Be Alert. Stay Alert." and encourages the public to sign up for free e-mail notifications advising when a sexual offender or predator moves into a particular neighborhood. This is referred to as the Florida Offender Alert System.

55. Plaintiff has lived with depression as a consequence of the continued stigma caused by the registry.

56. The effects of the registry have been an additional punishment for the Plaintiff which requirements go beyond those of his original sentence of probation and directly conflict with his negotiated plea agreed to in court.

57. Plaintiff cannot apply for removal from the registry until 25 years from the date probation terminated which makes Plaintiff ineligible to apply until the year 2033. Any other offender who may have received a 5 or 10 year jail sentence would be eligible to apply earlier than Plaintiff even though the jail sentence of the other offender would suggest that offender committed a more serious offense than Plaintiff.

58. Plaintiff is subject to continual police surveillance for life due to his status

as a registrant.

59. The reporting duties of the Plaintiff are significant and intrusive and are a direct consequence of his status on the registry.

60. Plaintiff is subjected to further criminal prosecution by virtue of compliance with the requirements of Florida Statute § 943.0435, which is a direct result of his offense in 1992 which occurred more than four years prior to the enactment of the statute.

61. Plaintiff's injuries are continuing as a result of the Defendants' enforcement of the ongoing requirements to register, having his information made public, and living with the extensive restrictions that result from being on the registry.

62. Plaintiff is forced to live on a daily basis with the threat of enforcement of the statute for even a technical violation which would result in Plaintiff being charged with a felony.

63. The in person reporting requirements are significant and intrusive and are not indirect consequences of his offense. Plaintiff endures continual punishment for his offense by the cumulative effect that Florida Statute § 943.0435 has on his daily life.

64. Plaintiff's only remedy to cure the harm caused by the continuing duty to register is by a cessation of enforcing the challenged statute against him. The harm

Plaintiff suffers cannot be alleviated except by injunctive relief.

Current Statutory Requirements

65. The following statutory terms are those with which Plaintiff must comply for life or face felony charges: Pursuant to Florida Statute § 943.0435, and regardless that adjudication of guilt was withheld and that Plaintiff was determined to be “not likely to re-offend,” Plaintiff JOHN DOE must report in person to the local Sheriff’s Office twice per year and provide certain identifying information such as: his name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph; occupation and place of employment; address of permanent residence or address of any current temporary residence or transient residence within the state or out of state; location or description and dates of any current or known future temporary residence within the state or out of state; the make, model, color, vehicle identification number (VIN) and license tag of all vehicles owned; all home telephone numbers and cellular telephone numbers; all electronic mail addresses and all Internet identifiers corresponding website homepage or application software name. An offender must report the date and place of conviction; and a brief description of the crime(s) committed. In addition, if the offender’s place of residence is a motor home or a specified water

craft this, too, must be particularly described by written notice which must include the VIN and tag number, registration number and color scheme.

Additional in person reporting is required for changes in the registrant's information.

The registrant must also report any post office box and professional licenses he or she may have.

66. "Vehicles owned" includes any vehicles owned or rented by anyone residing at the registrant's permanent address for five (5) or more consecutive days in addition to any vehicles co-owned, co-leased or co-registered to the registrant. (§ 775.21(2)(p), Fla. Stat.). This would require Plaintiff to register a vehicle owned by a guest at his home who visits for five or more days.

67. The registrant must also produce his or her passport or documents establishing his or her immigration status upon reporting.

68. For purposes of definition under § 943.0435, Fla. Stat., "permanent residence" and "temporary residence" have the same meaning as ascribed by § 775.21, Fla. Stat. which section is called the Florida Sexual Predators Act. Within § 775.21 a "permanent residence" is defined as a place where a person abides, lodges or resides for 5 or more consecutive days. A "temporary residence means a place where a person abides, lodges, or resides for a period of 5 or more days in the

aggregate during any calender year and which is not the person's permanent address; for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. "Transient residence" means a county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes a place where the person sleeps or seeks shelter and a location that has no specific street address.

69. An offender must report the previously described information to the sheriff's office in person in the county in which the offender establishes or maintains a permanent, temporary or transient residence, within forty-eight (48) hours after establishing such residence or within forty-eight (48) hours after the release from custody, control or supervision of the Florida Department of Corrections.

70. Also within forty-eight (48) hours, said offender must obtain, through the Department of Highway Safety and Motor Vehicles, a Florida driver's license, renew such license or secure an identification card. At that time, he/she must identify himself/herself as a sexual offender who is required to comply with obtaining such identification, provide all previously stated identifying information, again, if asked, and submit to the taking of a photograph for use in the driver's license or

identification card and for use by the Department of Law Enforcement in maintaining current records of sexual offenders and provide fingerprints, if requested.

71. This procedure is required each time such offender's driver's license or identification card is renewed, and within forty-eight (48) hours after any change in an offender's permanent, temporary or transient residence or upon change of an offender's name by reason of marriage or other legal process.

72. The Department of Highway Safety and Motor Vehicles must forward all photographs and the information provided by the offender to the FDLE. The Department of Highway Safety and Motor Vehicles is also authorized to release a reproduction of color photographs or a digital-image license to the FDLE for purposes of public notification of sexual offenders as provided in Florida Statutes §943.043, §943.0435, and §944.606.

73. Under Florida Statute §943.043, the FDLE "may notify the public through the Internet of any information regarding sexual predators or sexual offenders which is not" otherwise confidential or exempt from disclosure.

74. The FDLE has established an Internet site which displays the following information as to each person, including the Plaintiff, who is designated as a sex offender:

- a. A photograph with a date indicating when it was taken; and

- b. The full name of the person and any alias used by said person; and
- c. The legal status of the person; FDOC number; date of birth; race; sex; height; hair color; eye color; weight; notation of scars, marks, and/or tattoos; and
- d. The person's last reported full address, including the county and date the address was entered; and
- e. A map of the area of the offender's residence;
- f. A list of all registered vehicles;
- g. The "qualifying offense(s);"
- h. The victim's gender and whether a minor or not; and
- i. A statement to the effect that the person is a "sex offender," and a further statement that: "Positive identification cannot be established unless a fingerprint comparison is made."

75. Under Florida Statute §944.606, the Department of Corrections (hereinafter referred to as "FDOC") has the same permissive ability to release information about sexual offenders who are being released from custody to the community at large, and must give such information to the sheriff of both the county where the offender was sentenced and the county where the offender plans to reside, to the FDLE and this statutory section permits any law enforcement agency to notify

the community and the public of the sexual offender's presence in the community.

76. The failure to abide by the registration requirements is punishable in most instances as a third degree felony punishable by up to 5 years in prison and a \$5,000.00 fine. In the case of registering a change of address to an out of state address and then remaining in the state, the offense then becomes a second degree felony, punishable by a maximum of 15 years in prison and a \$15,000.00 fine.

Statutory Amendments Since 1997

1997

77. When the statutory obligation for sex offenders to register with the Florida Department of Law Enforcement was enacted in 1997, the basic requirement applied to any person convicted of committing, attempting, soliciting, or conspiring to commit, or released on or after October 1, 1997, from a sanction imposed for any conviction of a criminal offense proscribed in the following statutes in this state or an analogous offenses in another jurisdiction: s. 787.025, chapter 794, s. 796,.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145, or any similar offense committed in this state which has been re-designated from a former statute number to one of those which were then listed with "convicted" being defined as a determination as a result of a plea or a trial, regardless of adjudication being withheld.

78. Originally, a registrant was required to report one time, in person, at an office of the Department or the sheriff's office in the county of residence within 48 hours after establishing permanent or temporary residence in Florida.

79. The registrant was required to provide his or her name, date of birth, race, sex, height, weight, hair and eye color, tattoos, or other identifying marks, address of permanent or legal residence, or address of any current temporary resident, date and place of conviction, and a brief description of the crime or crimes committed by the offender. If the party reported to the sheriff's office, a set of fingerprints and a photograph was required for purposes of forwarding this to the Department.

80. After the initial report was made the registrant was then required to report, in person, at a driver's license office of the Department of Highway Safety and Motor Vehicles within 48 hours of any change in residence.

81. The registrant was required to obtain or renew a driver's license or identification card and to identify himself or herself as a sex offender. Upon the need to renew a license, the registrant was required to report, in person, to the driver's license office, regardless of any change in residence.

82. If a person did not comply with these requirements such non-compliance constituted a third degree felony.

1998

83. As of 1998, the legislature included the following provisions for a sex offender who has been:

lawfully released from confinement, supervision, or sanction, whichever is later, for at least **20 years** and has not been **arrested** for any felony or misdemeanor offense since release may petition the criminal division of the circuit court or the circuit in which the sexual offender resides for the purpose of removing the requirement for registration as a sexual offender. The court may grant or deny such relief if the offender demonstrates to the court that he or she has not been **arrested** for any crime since release, the requested release complies with federal standards applicable to the removal of registration requirements for a sexual offender, and the court is otherwise satisfied that the offender is not a current or potential threat to public safety.

Fla. Stat. § 943.0435(11) 1998. (Emphasis added)

Three more crimes were added which require registration, Florida Statutes § 787.01; § 787.02; and § 825.102, as well as similar convictions in other states and the armed forces.

The reporting requirement now included social security number, occupation and place of employment, P.O. Box and rural route, manufactured homes and vehicle identification number in addition to showing proof to the Department of Motor Vehicles that a registrant initially reported as required. § 943.0435(3)(a), Fla. Stat.

Also added was a provision absolving government entities from civil liability in enforcement of the statute.

1999

84. A provision was added in 1999, that allowed registrants, who had their civil rights restored, a mechanism to be removed from the registry requirements.

2000

85. In 2000, the statute was rewritten to remove the mechanism whereby a registrant could seek removal from the registry if his or her civil rights were restored and added the requirement of informing the Department of any change of name. The 2000 statute also added a provision that made it a second degree felony to report a change in address to another state or jurisdiction and then remain in the state and fail to report it in person within 48 hours. (§ 943.0435(7), Fla. Stat.)

86. The 2000 version of the statute also added more immunity for persons enforcing the statute including law enforcement. (§ 943.0435(10), Fla. Stat.)

87. Another added provision gave registrants who were 18 years of age or under at the time of their offense where adjudication was withheld, an avenue to be removed from the registry after 10 years from the date of release from sanctions if no arrests were incurred since release. (§ 943.0435(11)(b), Fla. Stat.)

88. Any requested relief seeking removal from the registry after 20 years of release from sanctions, or 10 years of release from sanctions in the case of a person 18 or under at the time of offense, now had to comply with the federal Jacob Wetterling Act and any other federal standards.

2001

(Only minor changes occurred to the statute in 2001.)

2002

89. In 2002, the statute was amended to add more crimes to the qualifying list: § 847.137, and § 847.138 Fla. Stats. (§ 943.0435(1)(a)(1) Fla. Stat.).

90. As of 2002, if a registrant is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the registrant must provide to the Department the name, address and county of each institution, including each campus attended and the registrant's status. Any change in status must be reported to the Department in person within 48 hours. The sheriff shall promptly notify each institution of the registrant's presence and any change in status. (§ 943.0435(2)(b)2, Fla. Stat.).

91. The definition of sexual offender was broadened to include certain out of state probationers residing in Florida and those convicted in other states. (§ 943.0435(1)(a) and (3) and (4), Fla. Stat.)

92. The authority of the court to modify or otherwise change the registration laws for both offenders and predators was removed by § 943.0436, Fla. Stat.

93. § 943.0435(11)(c), Fla. Stat. was added which prevents a registrant who is

released from the registry in another state from being removed from Florida's registry if the statutory criteria is met.

94. Finally, in 2002, the Legislature included a paragraph to the applicable statute which said: The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

2003

(No noteworthy changes occurred in 2003.)

2004

95. In 2004, the legislature added that upon an arrest on charges of failure to

register, the service of an information or a complaint for a violation of failing to register or an arraignment on charges for a violation, constitutes actual notice of the duty to register and, an offender's failure to immediately register as required constitutes grounds for a subsequent charge in which the offender may not raise the defense of lack of notice of the duty to register. (943.0435(9)(c), Fla. Stat.).

96. Additionally, the legislature required further reporting for a registrant who vacates a permanent residence and fails to establish another permanent or temporary residence by mandating the registrant to report in person within 48 hours after vacating and provide all information required under section (2)(b) and provide an address for the location that he or she intends to occupy. (943.0435(4)(b), Fla. Stat.).

97. The 2004 changes also required a registrant who remains at a permanent residence after reporting his or her intent to vacate, to report in person within 48 hours to report his or her address. The failure to report this change is a second degree felony. (943.0435(4)(c), Fla. Stat.).

2005

98. In 2005, the statute changed even more drastically by requiring bi-annual registration for all registrants. Registrants must report in person to the sheriff's office during the month of the registrant's birth day and again six (6) months later.

(943.0435(14)(a), Fla. Stat.). The failure to report remains a third degree felony.
(943.0435(14)(a)(4), Fla. Stat.).

99. The 2005 amendments also criminalized conduct by any person who assists a sexual offender in eluding law enforcement by withholding information, harboring or concealing an offender or providing false information. It is also a crime to fail to notify law enforcement of an offender's noncompliance with the registration requirements. Any violation of these provisions is a third degree felony.
(943.0435(13)(a)(b)(c) and (d), Fla. Stat.).

2006

100. In 2006, another qualifying crime under § 796.035 was added to require registration. (943.0435(1)(a), Fla. Stat.).

101. Additionally, the definition of "institution of higher education" was broadened to include career centers which must be reported. (943.0435(1)(d), Fla. Stat.).

102. The reporting locations for registrants as of 2006, were now limited to the sheriff's office in the county in which the registrant establishes or maintains a permanent or temporary residence. (943.0435(2)(a), Fla. Stat.).

2007

103. Another major amendment occurred in 2007 by a change to the previous

20 year waiting period (from the time an offender was released from any sanction) by which to attempt to seek removal from the registry. The statute now required 25 years from the date an offender was released from sanctions for the offense and delineated crimes which completely disqualified such a petition for removal. (943.0435(11)(a), Fla. Stat.).

104. In 2007, the legislature amended this statute to add the following two definitions: “(f) ‘Electronic mail address’ has the same meaning as provided in s. 668.602. (g) ‘Instant message name’ means an identifier that allows a person to communicate in real time with another person using the Internet.” The parties, under this amendment, were now required in subsections (2) and (14) to “provide any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d).”

105. There was also an increase in personal reporting requirements to four (4) times a year for certain offenses. (943.0435(14), Fla. Stat.).

2008

(No significant changes were made in 2008.)

2009

106. An additional offense under § 847.0135(4), was removed as an exclusion and now required registration. (943.0435(1), Fla. Stat.)

107. Also in 2009, the requirement to report a “home telephone number or any cellular telephone number” was inserted into subsections (2) and (14), as well.

2010

108. In 2010, the term “transient residence” was added throughout and now read in paragraph (1)(c): “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning ascribed in s. 775.21.

2011

(No significant changes occurred in 2011.)

2012

109. In 2012, additional “offenses” were incorporated which now require registration: § 787.06(3)(b), (d), (f), (g), or (h) Human trafficking; and § 810.145(8) Video voyeurism.

2013

(No significant changes occurred in 2013.)

2014

110. In 2014, several more offenses were added to the statute which require registration: s. 393.135(2) Sexual misconduct prohibited; reporting required;

penalties; s. 394.4593(2)(2) “An employee who engages in sexual misconduct with a patient who: (a) Is in the custody of the department; or (b) Resides in a receiving facility or a treatment facility, as those terms are defined in s. 394.455.”

111. In addition, the 2014 statutes added a requirement to provide the vin number and license tag number of all vehicles owned; as well as a requirement that a sexual offender produce his or her passport; and provide information about any professional licenses he or she has; report in person to the sheriff’s office within 48 hours after any change in vehicles owned to report those vehicle information changes; and added to a sexual offender’s “work” and reporting requirements as to a connection to an institution of higher education, that of being a volunteer therein.

112. Again, as of 2014, a sexual offender must “provide any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers, when available.”

113. One more punishment was added in 2014 by amendment as follows: “(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or

jurisdiction or within 21 days before his or her planned departure date if the intended residence of 5 days or more is outside of the United States. The notification must include the address, municipality, county, state, and country of intended residence. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9)," which defines this as a third degree felony.

114. Finally, in 2014, the following was added regarding the "beginning of the registration period which directly affected the time frame for purposes of application for possible removal: (11)(a) 4. c. Except as provided in sub-subparagraph e., if the sexual offender is only sentenced to a term of supervision for the most recent conviction that required the offender to register as a sexual offender or is only subject to a period of supervision for that conviction, the registration period begins when the term or period of supervision for that conviction *begins.*" (*emphasis added*). The net positive effect of this language was a significant reduction in the waiting period before an otherwise eligible party could make application for removal.

2015 and 2016

115. The language noted above, regarding the 2014 statute provision which shortened the period for which some registrants could apply for removal from the registry remained in the 2015 statute and was removed in 2016.

2017

(The current 2017 statute remains relatively unchanged from the 2016 version.)

2018

116. In 2018, the governor of Florida signed into law a bill (CS/HB 1301) that modifies the reporting requirements relating to “permanent residence,” “temporary residence” and “transient residence.” The law now shortens the time period that a registrant is required to register a residence from what was 5 days to now 3 days and includes any temporary residence. The law becomes effective July 1, 2018.

117. The new law also imposes mandatory penalties, for even technical violations, when the judge does not impose a prison sentence. The mandatory penalties imposed are community control with electronic monitoring for violations occurring after July 1, 2018.

Plaintiff does not pose a risk of danger to the public.

118. There has been no determination that Plaintiff JOHN DOE is a dangerous sexual offender who is apt to re-offend or pose any other danger to the public,

including children nor does the statute provide for such a determination. In fact, Plaintiff has been evaluated by an expert who has determined that Plaintiff poses a low risk of recidivism. *See Exhibit C* (Affidavit of Dr. Sheila Rapa.) Additionally, Plaintiff was placed on probation for his offense and had adjudication for that offense withheld which pursuant to Florida Statute § 948.01(2)(1995), entails a determination that he was “not likely again to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant presently suffer the penalty imposed by law...” This determination was made by the Court when it placed Plaintiff on probation and is documented in the Court’s order of probation. Plaintiff has not been arrested for any offense since he was placed on probation 25 years ago.

119. There is no procedure in place within the statute to contest the statutory presumption that the Plaintiff is not a threat to the public.

Studies and Findings

120. Plaintiff incorporates by reference the affidavit of Dr. Jill Levenson attached as *Exhibit B*.

121. Florida Statute § 943.0435 is not based upon risk of the offender but based solely upon having committed one of the many enumerated offenses. (Fla. Stat. § 943.0435(1)(a)(h).

122. § 943.0435(12) Fla. Stat. states that “sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses...” § 943.0435(12) Fla. Stat.

123. The legislature’s finding that sex offenders often pose a high risk of recidivism is a false conclusion and contrary to the leading scientific data. *See Exhibit B, Levenson Report, generally.*

124. The stated purpose of Florida’s registry is “protection of the public from sexual offenders” and to “further the governmental interests of public safety.” § 943.0435(12) Fla. Stat.

125. The stated purpose of Florida’s statute is based upon a false assumption that sex offender registration will reduce recidivism. Most studies find no significant reduction in rates of sexual crimes that can be attributed to sex offender registration laws. *See Exhibit B, Levenson Report, pp. 9-10, para. 9.*

126. Most sex offenders do not re-offend sexually. First time offenders are less likely to re-offend than those with multiple convictions for sexual offenses. Studies indicate that the risk of re-offending is reduced by half when an individual has been offense free for 5 years. The risk is lower as time increases without re-offense. *See Exhibit B, Levenson Report, pp. 7-9, para. 7, 8.* Also, the risk declines significantly with age.

127. Plaintiff has not been arrested for any crime since his 1992 arrest and has been offense free for 26 years.

128. Contrary to the stated purpose of the statute, studies do not find that persons such as the Plaintiff are dangerous because they are apt to re-offend and/or recidivate. *See Exhibit B, Levenson Report, (pp. 7-8, para., 7, 8).*

129. The in-person reporting requirements of the statute bear no rational relationship to public safety and are akin to the requirements of parole or probation.

130. There are no findings by the Florida legislature to explain why in person reporting is necessary to meet the statute's goals nor why the various amendments to § 943.0435, Fla. Stat. were necessary.

131. Since Plaintiff is not a danger to the public, the registry acts directly as punishment to him because there is no other applicability to the Plaintiff.

132. Florida's registration scheme bears no rational relationship to its stated purpose and does not further the government's interest in public safety because sex offenders are not at high risk of re-offending.

CLAIMS

COUNT I: THE STATUTE VIOLATES THE EX POST FACTO CLAUSE AS APPLIED TO PLAINTIFF DOE

133. Paragraphs 1 through 132 are re-alleged as fully set forth herein.

134. Plaintiff entered into a plea agreement in 1993 which did not involve the requirements of Florida's sex offender registration scheme. The registration statute did not become effective until 1997.

135. The retroactive application of the statute violates ex post facto provisions of the U.S. Constitution and the Florida Constitution as applied to Plaintiff DOE because the statute increases the punishment that was imposed on Plaintiff in 1993.

136. The retroactive application of the statute as applied to Plaintiff Doe alters his legal status of "not likely to re-offend" to that of a "high risk of engaging in sexual offenses," warranting "protection of the public." Such alteration in status results in increased punishment to Plaintiff.

WHEREFORE, Plaintiff requests that this court enter an order declaring § 943.0435, Florida Statutes, unconstitutional as applied to Plaintiff DOE because it violates Plaintiff's right to be free from ex post facto laws pursuant to the United States Constitution, Article I, Section 10, and Florida Constitution, Article I, Section 9, and further enter a temporary and permanent injunction against the FDLE prohibiting enforcement of this statute against Plaintiff DOE. Further, Plaintiff requests an award of costs and attorney's fees and such other and further relief as this Court deems necessary and proper.

**COUNT II: THE STATUTE VIOLATES THE DUE PROCESS
CLAUSE AS APPLIED TO PLAINTIFF DOE**

137. Paragraphs 1 through 132, 134 through 136, are re-alleged as fully set forth herein.

138. The Statute violates the protections of due process afforded by the Fifth and Fourteenth Amendments to the United States Constitution and the Florida Constitution Art. I, Section 9, by violating principles of fundamental fairness in retroactive application of the Statute and by breaching the plea agreement signed by Plaintiff and the State back in 1993.


139. The Statute further violates the protections of due process by the Fifth and Fourteenth Amendments to the United States Constitution and the Florida Constitution Art. I, Section 9, by altering Plaintiff's legal status from "not likely to re-offend" to that of a "high risk of engaging in sexual offenses," warranting "protection of the public." Such alteration in status results in increased punishment to Plaintiff without a legal basis or justification for doing so and without affording an opportunity to contest such alteration which results in increased punishment to Plaintiff.

140. The changed determination of Plaintiff's status charges the court with enforcing an entirely new finding via legislative act which would make Plaintiff

ineligible to have been placed on probation originally. Plaintiff would now be subject to being treated as dangerous by the court were he to violate a technical provision of the registration statute and be before the court. This alteration of Plaintiff's legal status denies Plaintiff due process by not allowing him an opportunity to contest the alteration of legal status and also violates the ex post facto provisions noted above by subjecting Plaintiff to enhanced punishment.

WHEREFORE, Plaintiffs request that this court enter an order declaring Florida Statute § 943.0435 unconstitutional as applied in violation of Plaintiffs' Constitutional protection under the United States Constitution Fifth and Fourteenth Amendments, Due Process and Florida's Constitutional due process provision in Article I, Section 9, and further enter a temporary and permanent injunction against the State's enforcement of this statute against Plaintiff DOE. Further, Plaintiff request an award of costs and attorney's fees and such other and further relief as this Court deems necessary and proper.

I HEREBY SWEAR OR AFFIRM that the foregoing facts and allegations contained herein are true and correct under penalty of perjury.



John Doe

Respectfully submitted,

/s/ Cindy E. D'Agostino

/s/ Barbara J. Scheffer

CINDY E. D'AGOSTINO, P.A.
11380 Prosperity Farms Rd.
Suite 204
Palm Beach Gardens, FL 33410
Tel: (561) 622-8655
Email: cdagostino@bellsouth.net

BARBARA J. SCHEFFER
11380 Prosperity Farms Rd.
Suite 204
Palm Beach Gardens, FL 33410
Tel: (561) 622-8100
Email: bjscheffer@bellsouth.net

By: /s/ Cindy E. D'Agostino
CINDY E. D'AGOSTINO
Fla. Bar No.: 371378

By: /s/ Barbara J. Scheffer
BARBARA J. SCHEFFER
Fla. Bar No.: 968625

CERTIFICATE OF SERVICE

Pursuant to 1.071, Fla. Rule Civ. P., I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by eservice to the Florida Office of the Attorney General, at oag.civil.eserve@myfloridalegal.com, AND the Palm Beach County Office of the State Attorney, at SACivil@sa15.org, on this 30th day of August, 2018.

By: /s/ Cindy E. D'Agostino
CINDY E. D'AGOSTINO
Fla. Bar No.: 371378

By: /s/ Barbara J. Scheffer
BARBARA J. SCHEFFER
Fla. Bar No.: 968625

JOHN DOE vs.
RICHARD L. SWEARINGEN
and RIC BRADSHAW

EXHIBIT "A"

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Held Unconstitutional as Applied by *Raines v. State*, Fla.App. 4 Dist., Dec. 12, 2001

West's Florida Statutes Annotated

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Annos)

Chapter 943. Department of Law Enforcement (Refs & Annos)

West's F.S.A. § 943.0435

943.0435. Sexual offenders required to register with the department; penalty

Effective: July 1, 2018

Currentness

(1) As used in this section, the term:

(a) "Change in status at an institution of higher education" has the same meaning as provided in s. 775.21.

(b) "Convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) "Electronic mail address" has the same meaning as provided in s. 668.602.

(d) "Institution of higher education" has the same meaning as provided in s. 775.21.

(e) "Internet identifier" has the same meaning as provided in s. 775.21.

(f) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.21.

(g) "Professional license" has the same meaning as provided in s. 775.21.

(h) 1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a. (I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2);

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a) 2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c) 1. where the court finds molestation involving unclothed genitals;

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals; or

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

(V) Any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph.

2. For all qualifying offenses listed in sub-subparagraph 1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, except for a violation of s. 794.011, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall also make a written finding indicating whether the offense involved sexual activity and indicating whether the offense involved force or coercion. For a violation of s. 800.04(5), the court shall also make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(i) "Vehicles owned" has the same meaning as provided in s. 775.21.

(2) Upon initial registration, a sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent, temporary, or transient residence within 48 hours after:

a. Establishing permanent, temporary, or transient residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the information required to be provided pursuant to paragraph (b), including, but not limited to, any change in the sexual offender's permanent, temporary, or transient residence; name; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and any change in status at an institution of higher education after the sexual offender reports in person at the sheriff's office must be reported in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph; employment information; address of permanent or legal residence or address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state, address, location or description, and dates of any current or known future temporary residence within the state or out of state; the

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; home telephone numbers and cellular telephone numbers; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(c) Provide any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers, when available.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual offender shall:

(a) If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must be in compliance with s. 322.141(3).

(c) Provide, upon request, any additional information necessary to confirm the identity of the sexual offender, including a set of fingerprints.

(4)(a) Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall also report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles. The reporting requirements under this paragraph do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section.

(b) 1. A sexual offender who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

2. A sexual offender shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual offender must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall establish procedures for reporting transient residence information and provide notice to transient registrants to report transient residence information as required in this subparagraph. Reporting to the sheriff's office as required by this subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this subparagraph. The sheriff's office shall, within 2 business days, electronically submit and update all information provided by the sexual offender to the department.

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

(c) A sexual offender who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (b) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (b) but fails to make a report as required under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The failure of a sexual offender who maintains a transient residence to report in person to the sheriff's office every 30 days as required in subparagraph (b)2. is punishable as provided in subsection (9).

(e) 1. A sexual offender shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections, and may verify the addresses of sexual offenders who are under the care, custody, control, or supervision of the Department of Corrections, in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the

943.0435, Sexual offenders required to register with the..., FL ST § 943.0435

receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual offender 21 days before the departure date must be reported in person to the sheriff's office as soon as possible before departure. The sexual offender shall provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual offender shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(8) A sexual offender who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than the State of Florida, or another country and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual offender reported the intended change of permanent, temporary, or transient residence, and report his or her intent to remain in this state. The sheriff shall promptly report this information to the department. A sexual offender who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than the State of Florida, or another country but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) For a felony violation of this section, excluding subsection (13), committed on or after July 1, 2018, if the court does not impose a prison sentence, the court shall impose a mandatory minimum term of community control, as defined in s. 948.001, as follows:

1. For a first offense, a mandatory minimum term of 6 months with electronic monitoring.
2. For a second offense, a mandatory minimum term of 1 year with electronic monitoring.
3. For a third or subsequent offense, a mandatory minimum term of 2 years with electronic monitoring.

(c) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

designating a person as a sexual offender, in the county where the sexual offender was released from incarceration, or in the county of the intended address of the sexual offender as reported by the offender prior to his or her release from incarceration.

(d) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register. Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(10) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual offender fails to report or falsely reports his or her current place of permanent, temporary, or transient residence.

(11) Except as provided in s. 943.04354, a sexual offender shall maintain registration with the department for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender shall be considered for removal of the requirement to register as a sexual offender only if the person:

(a) 1. Has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

a. For a violation of s. 787.01 or s. 787.02;

b. For a violation of s. 794.011, excluding s. 794.011(10);

c. For a violation of s. 800.04(4)(a) 2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

- d. For a violation of s. 800.04(5)(b);
- e. For a violation of s. 800.04(5)(c) 2. where the court finds the offense involved the use of force or coercion and unclothed genitals or genital area;
- f. For a violation of s. 825.1025(2)(a);
- g. For any attempt or conspiracy to commit any such offense;
- h. For a violation of similar law of another jurisdiction; or
- i. For a violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.

2. If the sexual offender meets the criteria in subparagraph 1., the sexual offender may, for the purpose of removing the requirement for registration as a sexual offender, petition the criminal division of the circuit court of the circuit:

- a. Where the conviction or adjudication occurred, for a conviction in this state;
- b. Where the sexual offender resides, for a conviction of a violation of similar law of another jurisdiction; or
- c. Where the sexual offender last resided, for a sexual offender with a conviction of a violation of similar law of another jurisdiction who no longer resides in this state.

3. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the federal Adam Walsh Child Protection and Safety Act of 2006¹ and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

4. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

(b) As defined in sub-subparagraph (1)(b)1.b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor;
2. Section 794.011, excluding s. 794.011(10);

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

3. Section 800.04(4)(a) 2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;
4. Section 800.04(5)(b);
5. Section 800.04(5)(c) 1. where the court finds molestation involving unclothed genitals or genital area;
6. Section 800.04(5)(c) 2. where the court finds molestation involving the use of force or coercion and unclothed genitals or genital area;
7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;
8. Section 825.1025(2)(a);
9. Any attempt or conspiracy to commit such offense;
10. A violation of a similar law of another jurisdiction; or
11. A violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph,

must reregister each year during the month of the sexual offender's birthday and every third month thereafter.

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all electronic mail addresses or Internet identifiers and each Internet identifier's corresponding website homepage or application software name; all home telephone numbers and cellular telephone numbers; employment information; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

943.0435. Sexual offenders required to register with the..., FL ST § 943.0435

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence, who fails to report all electronic mail addresses and all Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, or who knowingly provides false registration information by act or omission commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department.

Credits

Added by Laws 1997, c. 97-299, § 8, eff. Oct. 1, 1997. Amended by Laws 1998, c. 98-81, § 7, eff. July 1, 1998; Laws 1999, c. 99-3, § 114, eff. June 29, 1999; Laws 2000, c. 2000-207, § 3, eff. July 1, 2000; Laws 2000, c. 2000-246, § 3, eff. Oct. 1, 2000; Laws 2002, c. 2002-58, § 3, eff. July 1, 2002; Laws 2004, c. 2004-371, § 2, eff. July 1, 2004; Laws 2005, c. 2005-28, § 9, eff. Sept. 1, 2005; Laws 2006, c. 2006-200, § 3, eff. July 1, 2006; Laws 2006, c. 2006-299, § 4, eff. July 1, 2006; Laws 2007, c. 2007-05, § 159, eff. July 3, 2007; Laws 2007, c. 2007-143, § 10, eff. Oct. 1, 2007; Laws 2007, c. 2007-207, § 4, eff. July 1, 2007; Laws 2007, c. 2007-209, § 2, eff. July 1, 2007; Laws 2009, c. 2009-194, § 3, eff. July 1, 2009; Laws 2010, c. 2010-92, § 4, eff. May 26, 2010; Laws 2012, c. 2012-19, § 4, eff. Oct. 1, 2012; Laws 2012, c. 2012-97, § 11, eff. July 1, 2012; Laws 2013, c. 2013-116, § 11, eff. July 1, 2013; Laws 2014, c. 2014-4, § 10, eff. Oct. 1, 2014; Laws 2014, c. 2014-5, § 5, eff. Oct. 1, 2014; Laws 2014, c. 2014-160, § 26, eff. Oct. 1, 2014; Laws 2015, c. 2015-2, § 99, eff. June 30, 2015; Laws 2016, c. 2016-24, §§ 10, 51, eff. Oct. 1, 2016; Laws 2016, c. 2016-104, § 3, eff. Oct. 1, 2016; Laws 2017, c. 2017-170, § 2, eff. June 26, 2017; Laws 2018, c. 2018-105, § 2, eff. July 1, 2018.

Notes of Decisions (142)

Footnotes

1 See 42 U.S.C.A. § 16901 et seq.

West's F. S. A. § 943.0435, FL ST § 943.0435

Current through the 2018 Second Regular Session of the 25th Legislature.

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.

JOHN DOE vs.
RICHARD L. SWEARINGEN
and RIC BRADSHAW

EXHIBIT "B"

EXPERT REPORT RE: FL SORA, John Doe, for Cindy D'Agostino, Esq.

Jill S. Levenson, PhD, LCSW
Professor of Social Work
Barry University
11300 NE 2nd Ave, Miami Shores, FL 33161
jlevenson@barry.edu
Phone: 305-899-3923

Summary

The consensus of research about sex offender registration and notification (SORN) policies demonstrates weak evidence that these laws reduce sex offense recidivism, prevent sexual assault, or protect children. Registries now contain so many individuals across a spectrum of risk that the public's ability to identify truly dangerous persons is significantly undermined, and the cost-effectiveness of law enforcement resources is compromised. The collateral consequences to offenders and their families exacerbate the very factors known to increase risk for recidivism.

The U.S. Supreme Court upheld sex offender registration laws in two cases in 2003, opining that such laws were regulatory and therefore not punitive ("Connecticut Dept. of Public Safety v. Doe," 2003; "Smith v. Doe," 2003). Legal scholars (Ellman & Ellman, 2015) have argued that the Supreme Court's 2003 decision was disturbingly flawed, relying on false facts and misrepresentation of research, "infecting an entire field of law" (p. 1) and utilizing political rhetoric to justify law and policy "while real studies by real scientists go unnoticed" (p. 11).

Though purportedly regulatory rather than punitive, sex-offender registration is no longer simply a "name on a list." Innumerable collateral sanctions now associated with registration status include housing restrictions, employment barriers, restrictions at educational institutions, exclusion from social media, voter disenfranchisement, and even limits on receiving residential services in settings such as homeless shelters, drug and alcohol abuse treatment centers, or long-term medical care facilities. The stigma of public registration leaves little opportunity for community reintegration, and the costs of monitoring over 73,000 Florida registrants strain law enforcement resources. The new International Megan's Law of 2016 will create a special designation posted on the passports of RSOs – the first of its kind in America. Many scholars argue that these civil sanctions have become punitive, as they severely restrict the ability of RSOs to build meaningful and lawful lives post-conviction, even when evidence of continued criminal behavior is absent.

Laws are likely to be most successful when they incorporate scientific data into their development and implementation. A more reasoned approach (Tabachnick & Klein, 2011) to sex offender management policies would utilize empirically derived risk assessments to apply monitoring and restrictions to registered sex offenders (RSOs) according to the threat they pose to public safety. In this way, a more cost-effective allocation of fiscal and law enforcement resources could be achieved. As well, by tailoring application of these laws to risk, sex offenders would be better enabled to engage in a law-abiding and prosocial lifestyle. Most sex offenders

will ultimately be returned to the community, and when they are, it is in society's best interest to facilitate a reintegrative and rehabilitative approach that relies on research to inform community protection strategies.

1. General background and general research in the area.

I am a professor of Social Work at Barry University, School of Social Work, located in Miami Shores, Florida. I earned my Doctorate degree in Social Welfare in 2003 from Florida International University in Miami, Florida. I earned a Master's Degree in Social Work in 1987 at the University of Maryland, School of Social Work, Baltimore, Maryland. In 1985, I earned my Bachelor of Arts Degree in Sociology at the University of Pittsburgh in Pennsylvania. I am an author or co-author of over one hundred scholarly articles, publications, and presentations in the field of sex offender management, recidivism, treatment, and policies. In addition to my academic work, I maintain a clinical practice as a licensed clinical social worker in Broward County, FL, specializing in evaluation and treatment of sex offenders. I have worked with over 1,000 sexual offenders since 1992. I have been qualified to testify as an expert witness in numerous judicial proceedings, in Florida and elsewhere, involving sex offenders. I have testified by invitation before several state legislatures concerning sex offender legislation. My curriculum vitae, including a list of my published work, is attached to this declaration.

2. Florida's SORN law

Federal sex offender registration and notification (SORN) policies require a system by which to identify high-risk offenders for the purposes of law enforcement monitoring and public disclosure. The passage of the Adam Walsh Act (AWA) in 2006 mandated that states use a standardized system of tier categories, with which Florida is compliant. RSOs in Florida are classified into categories (tiers) according to the statute of conviction, with the most serious or repeat offenders required to register 4 times per year for life (Tier 3) and others requiring registration twice per year for life (Tier 2). Tier 1 is defined by federal law as applying offenders who committed a sex offense with a sentence of less than one year (these are misdemeanors in Florida, so they are not required to register; Florida has no Tier 1 RSOs). Effectively, therefore, all RSOs in Florida register for life regardless of risk. All Florida RSOs, with the exception of some juveniles, appear on the publicly accessible online registry site.

3. Empirically validated risk assessment of RSOs

Individuals who commit sexually-related crimes represent a diverse population with varying degrees of risk, and therefore policies are best applied when customized to reflect the unique risk factors and needs of each offender (Hanson, Bourgon, Helmus, & Hodgson, 2009; Hanson, Thornton, Helmus, & Babchishin, 2015; A. J. Harris, Levenson, & Ackerman, 2012). Researchers have identified static (fixed) risk factors that correlate with sex offense recidivism. These risk factors include items such as prior criminal history, the offender's age, victim

characteristics, relationship to victim (stranger or extrafamilial), marital/relationship status, and variety of sexual crimes (Hanson & Morton-Bourgon, 2005; Hanson & Thornton, 1999). Dynamic (changeable) risk factors include poor self-regulation, attitudes tolerant of sexual assault, sexual preoccupation, non-compliance with treatment and/or supervision, and lifestyle instability in terms of housing, employment, substance abuse, or negative peer influences (Hanson & Harris, 2001; Lussier & Gress, 2014).

The Static-99R (Hanson & Thornton, 1999) is the most commonly used and well-researched sex offender risk assessment in North America, and allows risk for sexual reoffense to be estimated by noting the observed sexual recidivism rates of other convicted sex offenders with the same score. The best use of the S99R is to screen people into relative risk categories for treatment and management planning purposes. Actuarial screening instruments are not used to “predict” that someone will engage in a particular future behavior, but to inform expectations based on the presence or absence of risk factors known to be empirically associated with outcomes for aggregate groups (similar to how our insurance companies assign premiums). Obviously, no instrument or tool is perfect or foolproof. An actuarial tool can be used to screen individuals into relative risk categories, and provide data with which to inform one’s expectations regarding the likelihood of recidivism.

Empirically grounded procedures are better than offense-based criteria for assessment and decision-making purposes. In Florida, actuarial tools are utilized to determine release decisions but not for classification purposes to establish registration requirements.

4. Risk Assessment influences placement decisions in Florida, but not SORN.

In Florida, all incarcerated sex offenders are screened for risk prior to leaving prison using the S99R. Those who fall into high risk categories are then referred for a face-to-face evaluation by two psychologists who determine if they meet criteria for civil commitment – by which they can be detained indefinitely beyond their prison sentence in a secure treatment setting until their risk has been reduced. A person can be detained for civil commitment in Florida if they are deemed high risk to reoffend based on the S99R score and other risk assessments, *and* diagnosed with a mental disorder predisposing them to commit future sexual offenses (e.g. Pedophilic Disorder).

According to the Florida Department of Children and Families Sexually Violent Predator (SVP) Program Office in 2013, 31,000 sex offenders were screened prior to leaving prison between 1999 and 2013. By 2013, 759 sex offenders had been committed (2.5%). Of those not committed and released back into the community, 1,384 (about 5%) were subsequently re-arrested for a new sexual crime. Thus, in 95% of cases, evaluators using the S99R made a valid assessment in determining whether an RSO should be released or detained for commitment. Florida civilly commits more SVPs than any other state.

If released into the community on probation in Florida, every sex offender is mandated to attend and complete sex offender treatment conducted by a “qualified provider” (defined by the F.S. licensure laws for mental health professionals). Treatment and probation conditions also require

polygraph exams to verify the sexual history of each offender and to monitor conduct in the community, so that high-risk behavior can be detected before it escalates into a re-offense.

It is important to distinguish the legal definition of "sex offender" (anyone convicted of an enumerated sexual crime) from the clinical assessment of paraphilic disorders, risk factors, and treatment needs. In other words, just like not every drunk driver meets criteria for Alcoholism Disorder, not everyone convicted of a sexual crime meets criteria for a paraphilic or antisocial disorder. From a practical standpoint, treatment professionals are an important part of the comprehensive management team committed to public safety, because they are on the front lines with RSOs in the community week after week over several years. By assessing the clinical components of offending, treatment providers help clients understand and manage their behavior on a weekly basis. Every offender has unique risk factors and treatment needs, and, in my experience with and study of this issue, most individuals in treatment express remorse, regret, and a desire to understand and change their distorted thinking and victimizing behavior. Public safety is best accomplished when some form of risk assessment informs appropriate management strategies.

5. The nature of the conviction does not correlate with risk of recidivism.

Empirical studies have investigated whether offense-based classification systems (like that in Florida) are effective in identifying high risk individuals for sex offender management.

A four-state study (including Florida) investigated whether AWA Tier categories were correlated with risk levels determined by the Static-99R, a validated sex offender risk assessment tool. The researchers found that the AWA tiers did a poor job identifying high-risk offenders and recidivists (Zgoba et al., 2016). In other words, the offense-based classification system found that many RSOs classified as Tier 3 actually scored in a lower risk category using actuarial risk assessment, and fewer Tier 3 RSOs were re-arrested for new sex crimes compared to those in the Tier 2 category. Similarly, researchers in New York tested the AWA tiers against a group of risk factors associated with recidivism to determine which strategy was superior in predicting sex offense recidivism. They found that empirically derived risk factors were better able to predict recidivism than were AWA tiers (Freeman & Sandler, 2010). Other researchers have found a "net widening" effect of offense-based classification systems (A. J. Harris, Lobanov-Rostovsky, & Levenson, 2010) This means that offense-based tiers tend to redistribute a significant majority of registrants from lower tier levels to higher ones, contradicting empirical evidence suggesting that the highest risk of sexual re-offense is concentrated among a much smaller group of offenders (Harris, et al., 2010).

Effective sex offender management must begin with an empirically validated risk assessment to screen RSOs into relative risk categories. AWA offense-based schemes classify offenders based on the crime of conviction, but actuarial assessment procedures evaluate known risk factors and are more accurate in identifying potential recidivists (Freeman & Sandler, 2010). Offense-based classifications inflate risk in many cases, but they can also underestimate the risk of offenders who pleaded down to lesser offenses. The result is registry with so many seemingly high risk

offenders that its very purpose -- to help the public identify truly sexually dangerous persons -- is undermined (A. J. Harris, 2011).

As well, overly inclusive registries exacerbate the stigma and collateral consequences of conviction for lower risk offenders, creating a set of re-entry barriers that may preclude rehabilitation and increase risk for future criminal behavior. Finally, risk management systems not using an empirically supported process dilute the ability of law enforcement to focus on those who truly pose the most danger, perhaps comprising public safety.

6. Florida-specific data indicate that RSO sexual recidivism is low

Here is some data collected in Florida which sheds light into our understanding of sexual recidivism:

1. In Florida, two longitudinal studies evaluated sex offense recidivism. The first, a 20-year study of Florida arrest data provided directly by FDLE, utilized information about *every* arrest (not a sample) for certain crimes in the state each year for 20 years. The data measured the proportion of arrestees each year in five crime categories who had previously been arrested for that same crime (recidivists). The study found that the average yearly proportion of sex crimes committed by *people previously arrested for sexual crimes* was 6.5%, which was consistently and significantly lower than the repeat rates in other crime categories. For instance, 8.3% of all arrests for non-sex assaults were individuals with a prior non-sex assault arrest, 15.1% for robbery, 29.8% for drug offenses, and 11.6% for DUI (see Figure 1). Furthermore, the study concluded that sex crime repeat arrests in Florida did not show a decline attributable to sex offender management policies implemented since 1997 (Levenson & Zgoba, 2015). Because this study was done in Florida, generalizability is not an issue, and because it used all data provided by FDLE, the findings are observations and not inferences.
2. The second Florida study, funded by the National Institutes of Justice, examined the records of 500 randomly selected RSOs released from Florida prisons. The sample was higher risk than the general RSO population. The results found Florida sex offense recidivism rates in this sample to be 5% over five years and 13.7% over 10 years (Zgoba et al., 2016). The majority of convicted sex offenders did not go on to be re-arrested for new sexual crimes.
3. From the study mentioned above (Zgoba et al., 2015), the 500 randomly selected cases were closely analyzed to better understand their 10-year overall recidivism patterns. Information was known for 499 sex offenders, who were arrested a total of 2,752 times over the 10 year period. About 32% of re-arrests were listed as "unspecified" and were most likely technical probation violations. Of the known criminal offenses (see Figure 2), 4.2% were new sex crimes, 18% were for failing to register as a sex offender, 10% were driving offenses, about 13% were non-victim property crimes, nearly 17% were drug or alcohol related, 26% were victimless, behavioral, non-property crimes, and about 12% were serious violent offenses (Levenson & Shields, 2012).

Figure 1: 20-year re-arrest trends in Florida

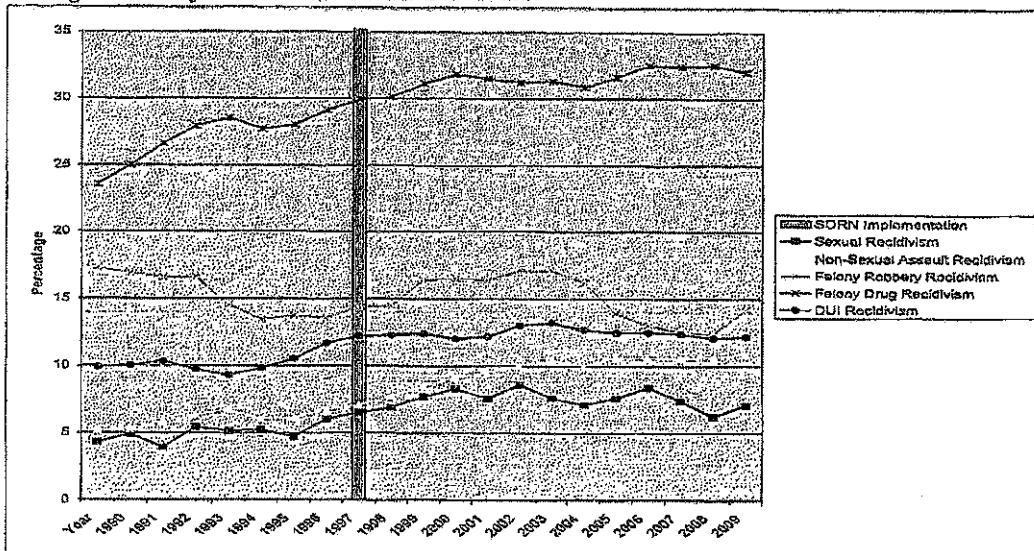
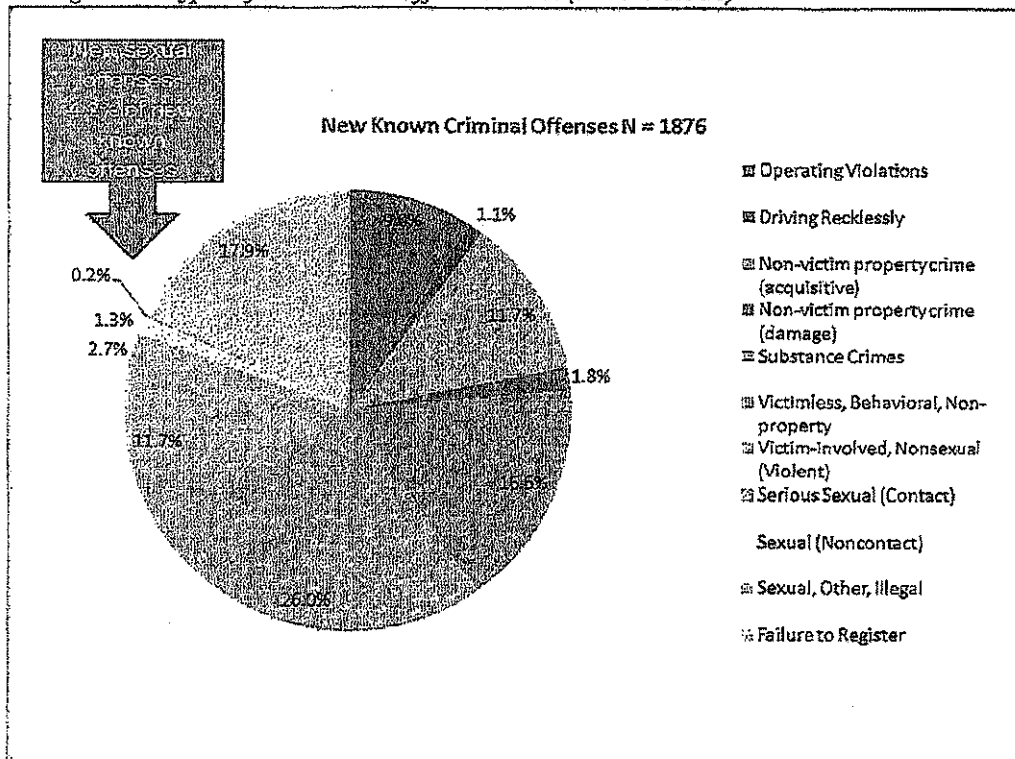


Figure 2: Types of Recidivistic Offenses in FL (n = 499 RSOs)



7. Over two decades of criminological research finds that sex offense recidivism is relatively low compared to other crimes, and that there is a spectrum of risk.

In dozens of studies across the U.S. and North America, sexual recidivism (re-arrest) rates average 5-15% depending on the sample and length of follow-up period. Longitudinal data have been amassed over two decades and provides consistent, reliable information about long-term recidivism outcomes. The most compelling series of longitudinal studies, conducted by a research team led by Dr. Karl Hanson, the world's leading expert on sex offense risk and recidivism, began in the mid-1990s with over 27,000 subjects (most of whom were from the U.S. and Canada). This body of research has informed our understanding of both *recidivism rates* and the *correlates of recidivism* (risk factors, such as individual and crime characteristics) (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; A. J. R. Harris & Hanson, 2004). By combining data from many studies together into one large project using meta-analysis methodology, researchers can compensate for small sample sizes, sample anomalies, jurisdictional variability, and other weaknesses in methods and analytical strategies. Recidivism rates for sexual offending vary across studies due to differing definitions, follow-up periods, sample heterogeneity, and jurisdictional police and prosecutorial practices. For these reasons, the reliability of recidivism rates is best established by the consensus of research across time, place, and methods. It is easy to misconstrue rates based on one study, especially if that study is an "outlier" (unusually high or low).

Contrary to popular belief, studies show that sex offenders typically have lower recidivism rates (re-arrest for the same type of crime) than other criminal offenders. The U.S. Department of Justice reported that 5.3% of over 9,000 convicted sex offenders released from prison in 1994 were re-arrested for a new sexual crime over a 3-year period (Bureau of Justice Statistics, 2003), compared to much higher same-crime re-arrest rates for other offenders (Bureau of Justice Statistics, 2002). More recently, the U.S. DOJ published a study of recidivism that followed over 20,000 sex offenders for 5 years after release from state prisons in 2005 (well after the establishment of SORN laws), and found a 5.6% same-crime recidivism rate (Durose, Cooper, & Snyder, 2014). Comparatively, non-sexual assaulters had a same-crime recidivism rate of 34.4% (Durose et al., 2014). Similarly, in Florida, the average yearly reoffense rate for sex crimes was 6.5%, which was consistently and significantly lower than rates for other crimes: 8.3% for non-sex assaults, 15.1% for robbery, 29.8% for drug offenses, and 11.6% for DUI (Levenson & Zgoba, 2015).

It is true that many sex crimes are undetected or unreported to police, and this is true in all crime categories. Since it is impossible to study crimes we don't know about, the Bureau of Justice Statistics' (BJS) National Crime Victimization Survey (NCVS) collects information by asking randomly selected people from a nationally representative sample of U.S. households about their victimization experiences. The most recent survey reports that in 2016, about half (51%) of serious violent crimes against people age 12 or older, including rape or sexual assault, robbery, and aggravated assault, were reported to police. When broken down more specifically, 42% of all violent crimes, 23% of rapes or sexual assaults, and 36% of property crimes were reported to

police (Bureau of Justice Statistics, 2016). Child sexual abuse may not be reported to police at the time of occurrence; reporting to police is often delayed. When considering the role of under-reporting of sex crimes in decisions about sex offender management, it is important to elucidate a number of different factors.

First, it is often assumed that most sexual offenders have many more victims than those for which they were arrested. However, prolific abusers are rare, and a small number of serial offenders account for a large number of victims, skewing the average. Second, there is a difference between abusers with many victims *before* an arrest, and *recidivists* who are re-arrested for a new sex crime after being caught, sanctioned, and supervised. Once identified as a sexual criminal, the scrutiny of probation, treatment, electronic monitoring, and/or polygraphing increases the chance of deterring or detecting high-risk behavior before it escalates to a reoffense. Equating the number of victims who have not reported abuse throughout their lives to the number of RSOs who reoffend without being caught is therefore flawed.

8. Importantly, RSOs in Florida who do not reoffend within 10 years pose very little future risk

The most recent studies by Dr. Hanson's prominent research team has focused on evaluating sexual recidivism over time to understand long-term patterns and how they differ in higher and lower risk offenders (Hanson, Harris, Helmus, & Thornton, 2014; Hanson, Harris, Letourneau, Helmus, & Thornton, 2017). These studies analyzed over 20 years of data documenting the recidivism outcomes of over 7,000 sex offenders released into communities. Most sex offenders who reoffended did so within 5 years. The five-year recidivism rates were 2.2% for low-risk offenders, 6.7% for moderate risk, and 22% for high risk (Hanson et al., 2017). For each five-year period in the community offense free, risk declined by half.

Low risk sex offenders, from the time at first conviction and over 20 years, are *less likely* to be re-arrested for a subsequent sex crime than general criminal offenders (someone arrested for a crime other than a sex offense). In other words, a robber, burglar, or non-sexual assaulter is *more likely than a low-risk sex offender* to be arrested in the future for a subsequent sexual crime. After 10 years in the community offense-free, moderate-risk sex offenders have recidivism rates comparable to the rate of spontaneous sexual offenses for individuals with no history of sexual crime but who have a history of nonsexual crime. After 15-20 years offense-free, even high-risk sex offenders are no more likely to be arrested for a new sexual crime than an offender with no prior sex crime history. Lest someone infer that SORN laws have caused RSO deterrence and thus lower re-arrest rates over time, there were no differences in trends between offenders in the U.S. and Canada, where no public registry exists.

These data can be helpful in formulating cost-effective policy decisions. The majority of Florida RSOs fall into a low or moderate risk category (Levenson, Ackerman, Socia, & Harris, 2015; Levenson & Shields, 2012), and 90% have only one sex-crime conviction. Thus, the research evidence does not support the use of lifetime registration for the vast majority of RSOs in Florida. From a cost-effectiveness point of view, this creates an inefficient use of resources

which could be better utilized if targeted toward those RSOs most likely to pose a future threat to public safety.

9. Categorical registration and notification laws do not improve public safety or reduce reoffending.

The two studies that detected reductions in sex crime recidivism as a result of SORN were conducted in Minnesota and Washington (Duwe & Donnay, 2008; Washington State Institute for Public Policy, 2005). Notably, both states use empirically derived risk assessment instruments to classify offenders, and they limit public notification only to those who pose the greatest threat to community safety. In Minnesota, the recidivism rates of the notification group (5%) were significantly lower than both the pre-notification group (those matched on risk but released before the law went into effect) and the non-notification group (lower risk offenders not subject to disclosure) (Duwe & Donnay, 2008). After controlling for generally decreasing crime trends, researchers in Washington found a significant decrease in sex offense recidivism (from 5% to 1%) after 1997 when SORN laws went into effect in that state (Washington State Institute for Public Policy, 2005). While the authors acknowledged they were unable to account for other possible explanations for this reduction (e.g., more severe sentencing guidelines, or improved probationary supervision), they concluded that community notification has likely contributed to reductions in sexual reoffending.

Most investigations, however, have not detected significant decreases in sex crime rates that can be attributed to SORN laws and policies. In South Carolina, 6,064 sex offenders convicted between 1990 and 2004 were tracked while controlling for time at risk, and registration status did not predict sexual recidivism in any model (Letourneau, Levenson, Bandyopadhyay, Sinha, & Armstrong, 2010). In New Jersey, researchers compared 250 sex offenders released before Megan's law went into effect with 300 sex offenders released after the passage of the law, and found no significant differences in sex offense recidivism, the time it took for sex offenders to reoffend, or the number of victims (Zgoba, Veysey, & Dalessandro, 2010). The authors followed up with a trend analysis, and though they found a significant decrease in sexual offense recidivism aggregated across counties, they cautioned that variations in jurisdiction rates precluded a conclusion that reductions were attributable to Megan's Law implementation (Veysey, Zgoba, & Dalessandro, 2008). Though SORN status was not a significant predictor of sexual recidivism in New Jersey, high-risk sex offenders were more likely to commit future criminal offenses, including sex offenses, and to do so fairly quickly following release, suggesting that empirically based risk assessment is a valuable component of sex offender management (Tewksbury, Jennings, and Zgoba, 2012).

Multi-state studies have produced mixed findings, as variability in research methodologies and SORN policy characteristics can contribute to differing results reported across studies. A time-series analysis investigated the impact of SORN laws on sexual assault rates in ten states (Vasquez, Maddan, & Walker, 2008), finding that California had a significant increase in rape

rates following implementation of registration, while Hawaii, Idaho, and Ohio had significant decreases in rape rates, and the remaining six states (Arkansas, Connecticut, Nebraska, Nevada, Oklahoma, & West Virginia) showed non-significant trends. The authors concluded that SORN policies did not appear to systematically reduce sex crime rates.

A large-scale analysis examining over 300,000 sex offenses in 15 states found that while registration appeared to diminish the rate of recidivistic sex offenses, public notification did not (Prescott & Rockoff, 2011). Using Uniform Crime Report (UCR) data from 1985-2003, Agan (2011) did not find a significant decrease in arrest rates of rape or sexual abuse after registration was implemented or after giving the public access to the registry via the Internet. Agan also examined Bureau of Justice Statistics (BJS) data that tracked individual sex offenders after their release in 1994, and determined that having to register as a sex offender did not lead to significant reductions in sex offense recidivism (Agan, 2011). Using UCR data for the years 1970-2002, Ackerman, Sacks and Greenberg (2012) investigated the effect of SORN legislation and reported that these laws have not resulted in dramatic declines in forcible rapes. Several scholars have concluded that the accumulation of empirical evidence suggests that the costs outweigh the benefits of such laws (Ackerman, Sacks, & Greenberg, 2012; Zgoba, Witt, Dalessandro, & Veysey, 2009).

10. SORNA laws are counterproductive to public safety and harm registrants, their families, and victims.

According to F.S. 943.0435, sex offender registration in Florida is required for life, with legal procedures for seeking relief from registration mandates limited to an extremely narrow set of registrants. "Certain individuals required to register" can petition for relief *only after* being "lawfully released from sanctions, confinement, or supervision *for at least 25 years and have not been arrested for any felony or misdemeanor offense since release*" (FDLE, emphasis added). The RSO designation is tied to the statute of conviction and allows no discretion by judges. Although often thought of as simply listing one's address with law enforcement, registration brings with it enduring restrictions and collateral sanctions that substantially limit employment, educational opportunities, housing, public assistance, social services, and social interactions.

The unique stigma of the "sex offender" label can profoundly obstruct community re-entry. Sex offenders in many states report persistent employment difficulties, housing disruptions, relationship loss, threats and harassment, and property damage, as well as psychosocial symptoms such as shame, isolation, anxiety, depression, and hopelessness (Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Mercado, Alvarez, & Levenson, 2008; Sample & Streveler, 2003; Tewksbury, 2004, 2005; Tewksbury & Lees, 2006; Zevitz & Farkas, 2000). Stability, employment, and family support are among the factors most strongly correlated with successful re-entry, so policies that undermine these factors can increase risk for reoffending.

The most notable restrictions tied to registration status are the housing ordinances enacted by state and local governments prohibiting registered sex offenders (RSOs) from living within close

proximity to places where children congregate (Levenson, 2016). These laws are known as sex offender residence restrictions (SORR). Despite their popularity, there is no empirical evidence that RSOs reoffend more frequently when they live closer to schools or other child-oriented venues, nor is there any empirical research demonstrating that residential restrictions prevent sexual recidivism (Colorado Department of Public Safety, 2004; Duwe, Donnay, & Tewksbury, 2008; Nobles, Levenson, & Youstin, 2012; Socia, 2012; Zandbergen, Levenson, & Hart, 2010). These laws greatly diminish housing availability, creating a crisis of transience and homelessness – which, of course, undermines the very purpose of registration. Transience is facilitated by a “perfect storm” of conditions: Extensive buffer zones, population density, and high housing prices (Levenson, 2016; Levenson et al., 2015). In South Florida, transient rates have increased three-fold, from 9% to 29% between 2011 and 2018 (FDLE public data).

The U.S. Department of Justice advised that SORR laws should not be viewed as a viable strategy for protecting communities (SMART Office, 2015). Though the goal of housing restrictions is to diminish opportunities for pedophiles to prey upon vulnerable youngsters, very few sex offenders encounter child victims in the types of public settings identified in these laws, and the predatory offense patterns that SORR laws seek to curtail are applicable in only 1-4% of cases (Colombino, Mercado, Levenson, & Jeglic, 2011; Mogavero & Kennedy, 2015). Children are most likely to be sexually abused by a trusted person within their own social and family circles (Bureau of Justice Statistics, 2000; Colombino et al., 2011).

RSO status may preclude some registrants in some communities from receiving needed services at agencies treating psychosocial disorders like Autism Spectrum or Substance Abuse. If residential placement is ever needed, including health-related services like physical rehabilitation or nursing home care, RSOs are sometimes excluded from accessing care in these facilities. Registrants are required to list their employment address, making some employers reluctant to hire RSOs. RSOs deemed non-compliant with the complex and frequently changing registration mandates – even if this negligence is accidental or unintentional (as is often the case when registrants have intellectual limitations) – can result in a felony charge with penalties of up to ten years in prison (Walfield, Levenson, Cubellis, Harris, & Lobanov-Rostovsky, 2017).

Research has clearly documented that the collateral consequences of registration extend beyond the registrant to his family and household members, who are impacted by financial, social, and psychological stressors when a loved one is placed on a registry (Bailey, 2017; Farkas & Miller, 2007; Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009). Children of RSOs experience high rates of social rejection, and are often treated differently by classmates and teachers (Levenson & Tewksbury, 2009). The RSO designation vicariously stigmatizes the spouses, children, and family members of registrants. The publicly accessible RSO designation has the potential to damage family members’ business reputations or expose relatives to vigilantism. In Florida, every vehicle registered to the address of an RSO must be listed on the public registry, even if the car belongs to another family member.

11. Specialized treatment reduces sexual reoffending

All registrants on sex-offender probation in Florida are mandated to receive long-term counseling which is intended to further reduce the risk of reoffense. In Florida, sex offender treatment programs approved by DOC provide comprehensive long-term group and individual therapy addressing criminogenic risk factors, offense patterns, distorted thinking, relapse prevention, self-regulation, victim impact, communication skills, and life-management strategies. Sex offender treatment providers are licensed by F.S. chapters 490 (Psychologists) or 491 (clinical social workers, mental health counselors, or marriage and family therapists) and must meet education and experience criteria to be approved by DOC as a "qualified practitioner." Qualified practitioners have 2,000 hours of clinical experience assessing and treating sex offenders, 60 hours of post-degree education in topic areas related to sexual deviance and aggression, and they must receive 20 hours of continuing education credits in these topic areas every two years.

Specialized treatment programs have shown effectiveness in reducing recidivism for sexual offenders (Hanson et al., 2009; Hanson et al., 2002; Losel & Schmuckler, 2005; Schmuckler & Lösel, 2015). In most states, RSOs are required to attend counseling programs as part of their probation or parole conditions. Treatment addresses the risk factors and psychosocial needs including self-regulation problems, intimacy deficits, deviant sexual interests, criminality, lack of empathy, and co-morbid conditions such as substance abuse, anxiety, depression, or PTSD (Andrews & Bonta, 2010, 2017; Levenson, 2014; Yates, Prescott, & Ward, 2010). RSOs are more likely than the general population to come from troubled homes with household dysfunction and childhood adversity, and therefore trauma-informed practices are important in addressing the intergenerational problem of sexual abuse (Levenson, Willis, & Prescott, 2017). A good community adjustment, facilitated by opportunities for building stability and a positive social environment, help to enable the cognitive transformation and prosocial identity associated with desistance from crime (Lussier & Gress, 2014; Maruna, LeBel, Mitchell, & Naples, 2004). Allied professionals including community corrections officers and treatment providers collaborate to support an offender with appropriate case management, supervision, and safety planning.

It is often believed that treatment "doesn't work" because, it is alleged, all RSOs are compulsive, repetitive, uncontrollable, sexually deviant pedophiles. Only a minority of people on registries have these characteristics; most do not. It is important to separate the legal definition of "sex offender" (anyone convicted of an enumerated sexual crime) from the clinical assessment of paraphilic disorders, risk factors, and treatment needs. Treatment and probation in Florida also include polygraph exams to verify the sexual history of each offender and to monitor conduct in the community, so that high-risk behavior can be detected before it escalates into a re-offense.

RSOs who successfully complete treatment and supervision should be considered for early relief from registration.

12. Summary and Conclusions

Lifetime registration carries with it an implication that all RSOs are beyond redemption, but when RSOs demonstrate lifestyle stability and live offense-free in the community over an extended period of time, they are quite unlikely to reoffend. Our registry is overwhelmingly made up of lower-risk individuals, and Florida recidivism data from multiple sources suggest that on average, sex-crime recidivism rates are under 10% over long follow-up periods. Longitudinal research indicates that the longer an RSO spends offense-free in the community, the lower their risk to reoffend over time. Consistent with the research, long-term registration should be reserved for high risk and repeat offenders (Levenson, Grady, & Leibowitz, 2016).

Available research raises questions about the utility of lifelong registration, the costs and benefits associated with registries, and the social justice implications for offenders who seek a second chance after demonstrating a productive and law-abiding life (Levenson et al., 2016). Evidence-based risk-management policies should also be aligned with decades of psychological and criminological research about recidivism and desistance from crime (D. A. Harris, Pedneault, & Willis, 2017), and the principles of effective correctional rehabilitation (Bonta & Andrews, 2017). Based on what we know about etiology and offense patterns, it is not necessary (or cost-efficient) to apply lifelong registration durations for everyone. Our current policies contradict evidence and undermine public safety.

The goals of sex offender registries are certainly laudable. Indeed, the response to sex offenders over the past 20 years sends an important message of zero tolerance for sexual assault. However, the quest for public safety can come at a cost of human rights and social justice. The collateral consequences to offenders and their families include loss of employment and academic opportunities, housing displacement or homelessness, and social ostracization – the very factors highlighted by criminologists as increasing risk of recidivism. The ineffective classification system in Florida dilutes our ability to detect truly high-risk offenders.

Community safety initiatives must acknowledge the fiscal and social costs of a system that is over-inclusive and over-burdened. Sex offender management policies are expensive, and lawmakers must consider costs and benefits in order to invest in evidence based policies that demonstrate meaningful public safety value. Resources spent on policies that overextend their reach or that fail to enhance community safety take funding away from more promising programs (e.g. DNA testing of rape kits), as well as services for victims and prevention initiatives.

Respectfully Submitted,



Jill S. Levenson, PhD, LCSW

6/29/18

References

- Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, 16(1), 39-55.
- Andrews, D. A., & Bonta, J. (2017). *The psychology of criminal conduct* (4th ed.). Cincinnati, OH: Anderson Publishing.
- Bailey, D. J. S. (2017). A Life of Grief: an Exploration of Disenfranchised Grief in Sex Offender Significant Others. *American Journal of Criminal Justice*. doi:10.1007/s12103-017-9416-4
- Bonta, J., & Andrews, D. A. (2017). *The psychology of criminal conduct* (6th ed.). New York, NY: Routledge.
- Bureau of Justice Statistics. (2000). *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics* (NCJ 182990). Retrieved from Washington, DC: <http://www.bjs.gov/content/pub/pdf/saycrle.pdf>.
- Bureau of Justice Statistics. (2002). *Recidivism of Prisoners released in 1994* (NCJ 193427). Retrieved from Washington, DC:
- Bureau of Justice Statistics. (2003). *Recidivism of sex offenders released from prison in 1994* (NCJ 198281). Retrieved from Washington, DC: <http://www.bjs.gov/content/pub/pdf/rsorp94.pdf>.
- Bureau of Justice Statistics. (2016). *National Crime Victimization Survey* (NCJ205455). Retrieved from Washington, DC:
- Colombino, N., Mercado, C. C., Levenson, J. S., & Jeglic, B. L. (2011). Preventing sexual violence: Can examination of offense location inform sex crime policy? *International Journal of Psychiatry and Law*, 34(3), 160-167. doi:10.1016/j.ijlp.2011.04.002
- Colorado Department of Public Safety. (2004). *Report on safety issues raised by living arrangements for and location of sex offenders in the community*. Retrieved from Denver, CO: <http://dcj.state.co.us/ors/pdf/docs/FullSLAFinal.pdf>
- Connecticut Dept. of Public Safety v. Doe, (01-1231) (U.S. Supreme Court 2003).
- Durose, M. R., Cooper, A. D., & Snyder, H. N. (2014). *Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010*: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Washington, DC.
- Duwe, G., Donnay, W., & Tewksbury, R. (2008). Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35(4), 484-504. doi:10.1177/0093854807313690
- Ellman, I. M., & Ellman, T. (2015). "Frightening and High": The Supreme Court's Crucial Mistake About Sex Crime Statistics. *Constitutional Commentary*, 30, 495-667.
- Farkas, M. A., & Miller, G. (2007). Reentry and reintegration: Challenges faced by the families of convicted sex offenders. *Federal Sentencing Reporter*, 20(2), 88-92.
- Freeman, N. J., & Sandler, J. C. (2010). The Adam Walsh Act: A False Sense of Security or an Effective Public Policy Initiative? *Criminal Justice Policy Review*, 21(1), 31-49.
- Hanson, R. K., Bourgon, G., Helmus, L., & Hodgson, S. (2009). The principles of effective correctional treatment also apply to sexual offenders: A Meta-Analysis. *Criminal Justice and Behavior*, 36(9), 865-891.

- Hanson, R. K., & Bussiere, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology, 66*(2), 348-362. doi:<http://dx.doi.org/10.1037/0022-006X.66.2.348>
- Hanson, R. K., Gordon, A., Harris, A. J. R., Marques, J. K., Murphy, W., Quinsey, V. L., & Seto, M. C. (2002). First report of the collaborative outcome data project on the effectiveness of treatment for sex offenders. *Sexual abuse: a journal of research and treatment, 14*(2), 169-194.
- Hanson, R. K., Harris, A. J., Helmus, L., & Thornton, D. (2014). High-risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence, 29*(15), 2792-2813. doi:0886260514526062
- Hanson, R. K., & Harris, A. J. R. (2001). A structured approach to evaluating change among sexual offenders. *Sexual Abuse: A Journal of Research & Treatment, 13*(2), 105-122.
- Hanson, R. K., Harris, A. J. R., Letourneau, E., Helmus, L., & Thornton, D. (2017). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender *Psychology, Public Policy, and Law*. doi:<http://dx.doi.org/10.1037/law0000135>
- Hanson, R. K., & Morton-Bourgon, K. (2005). The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology, 73*(6), 1154-1163. doi:<http://dx.doi.org/10.1037/0022-006X.73.6.1154>
- Hanson, R. K., & Thornton, D. (1999). *Static-99: Improving actuarial risk assessments for sex offenders*. (1999-02). Retrieved from Ottawa:
- Hanson, R. K., Thornton, D., Helmus, L.-M., & Babchishin, K. M. (2015). What sexual recidivism rates are associated with Static-99R and Static-2002R scores? *Sexual abuse: a journal of research and treatment, 1079063215574710*.
- Harris, A. J. (2011). SORNA in the Post-Deadline Era: What's the next move? *Sex Offender Law Report, 12*(6), 81-86.
- Harris, A. J., Levenson, J. S., & Ackerman, A. R. (2012). Registered Sex Offenders in the United States: Behind the numbers. *Crime and Delinquency, 60*, 3-33. doi:10.1177/0011128712443179
- Harris, A. J., Lobanov-Rostovsky, C., & Levenson, J. S. (2010). Widening the Net: The Effects of Transitioning to the Adam Walsh Act Classification System. *Criminal Justice and Behavior, 37*(5), 503-519.
- Harris, A. J. R., & Hanson, R. K. (2004). *Sex offender recidivism: A simple question* (2004-03). Retrieved from Ottawa: <http://www.static99.org/pdfdocs/harrisandhanson2004simpleq.pdf>
- Harris, D. A., Pedneault, A., & Willis, G. (2017). The Pursuit of Primary Human Goods in Men Desisting From Sexual Offending. *Sexual Abuse, 1079063217729155*. doi:10.1177/1079063217729155
- Levenson, J. S. (2014). Incorporating Trauma-Informed Care into Sex Offender Treatment. *Journal of Sexual Aggression, 20*(1), 9-22.
- Levenson, J. S. (2016). Hidden Challenges: Sex offenders legislated into homelessness. *Journal of Social Work*. doi:1468017316654811
- Levenson, J. S., Ackerman, A. R., Socia, K. M., & Harris, A. J. (2015). Where for Art Thou? Transient Sex Offenders and Residence Restrictions. *Criminal Justice Policy Review, 26*(4), 319-344. doi:10.1177/0887403413512326

Levenson Declaration 6/29/18

page 16

- Levenson, J. S., & Cotter, L. P. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1), 49-66.
- Levenson, J. S., D'Amora, D. A., & Hern, A. (2007). Megan's Law and its impact on community re-entry for sex offenders. *Behavioral Sciences & the Law*, 25, 587-602.
- Levenson, J. S., Grady, M. D., & Leibowitz, G. (2016). Grand Challenges: Social Justice and the Need for Evidence-based Sex Offender Registry Reform. *Journal of Sociology & Social Welfare*, 43(2).
- Levenson, J. S., & Shields, R. T. (2012). *Sex offender risk and recidivism in Florida*. Retrieved from
- Levenson, J. S., & Tewksbury, R. (2009). Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*, 34(1), 54-68.
- Levenson, J. S., Willis, G., & Prescott, D. (2017). *Trauma-informed Care: Transforming treatment for people who sexually abuse*. Brandon, VT: Safer Society Press.
- Levenson, J. S., & Zgoba, K. (2015). Community Protection Policies and Repeat Sexual Offenses in Florida. *International Journal of Offender Therapy and Comparative Criminology*, DOI: 0306624X15573946.
- Losel, F., & Schruucker, M. (2005). The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, 1, 117-146.
- Lussier, P., & Gress, C. L. Z. (2014). Community re-entry and the path toward desistance: A quasi-experimental longitudinal study of dynamic factors and community risk management of adult sex offenders. *Journal of Criminal Justice*, 42(2), 111-122. doi:<http://dx.doi.org/10.1016/j.icrimjus.2013.09.006>
- Maruna, S., LeBel, T. P., Mitchell, N., & Naples, M. (2004). Pygmalion in the reintegration process: Desistance from crime through the looking glass. *Psychology, Crime & Law*, 10(3), 271-281. doi:10.1080/10683160410001662762
- Mercado, C. C., Alvarez, S., & Levenson, J. S. (2008). The impact of specialized sex offender legislation on community re-entry. *Sexual Abuse: A Journal of Research & Treatment*, 20(2), 188-205. doi:10.1177/1079063208317540
- Mogavero, M. C., & Kennedy, L. W. (2015). The Social and Geographic Patterns of Sexual Offending: Is Sex Offender Residence Restriction Legislation Practical? *Victims & Offenders*, 1-33. doi:10.1080/15564886.2015.1084962
- Nobles, M. R., Levenson, J. S., & Youstin, T. J. (2012). Effectiveness of Residence Restrictions in Preventing Sex Offense Recidivism. *Crime and Delinquency*, 58(4), 491-513. doi:10.1177/0011128712449230
- Sample, L. L., & Streveler, A. J. (2003). Latent consequences of community notification laws. In S. H. Decker, L. F. Alaird, & C. M. Katz (Eds.), *Controversies in criminal justice* (pp. 353-362). Los Angeles: Roxbury.
- Schmucker, M., & Lösel, F. (2015). The effects of sexual offender treatment on recidivism: an international meta-analysis of sound quality evaluations. *Journal of Experimental Criminology*, 1-34.
- SMART Office. (2015). *Sex offender management, assessment, and planning initiative*. Retrieved from Office of Justice Programs: http://smart.gov/SOMAPI/sec2/ch6_registration.html
- Smith v. Doe, (01-729) (U.S. Supreme Court 2003).
- Socia, K. M. (2012). The Implementation of County Residence Restrictions in New York. *Psychology, Public Policy, and Law*, 18(2), 206-230. doi:10.1037/a0024993

- Tabachnick, J., & Klein, A. (2011). *A reasoned approach: Reshaping sex offender policy to prevent child sexual abuse*. Retrieved from Beaverton, OR:
- Tewksbury, R. (2004). Experiences and attitudes of registered female sex offenders. *Federal Probation, 68*(3), 30-34.
- Tewksbury, R. (2005). Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice, 21*(1), 67-82.
- Tewksbury, R., & Lees, M. (2006). Consequences of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum, 26*(3), 309-334.
- Tewksbury, R., & Levenson, J. S. (2009). Stress experiences of family members of registered sex offenders. *Behavioral Sciences and the Law, 27*(4), 611-626.
- Walfield, S. M., Levenson, J. S., Cubellis, M. A., Harris, A. J., & Lobanov-Rostovsky, C. (2017). Law Enforcement Views on Sex Offender Compliance with Registration Mandates. *American Journal of Criminal Justice, 1-26*.
- Yates, P. M., Prescott, D., & Ward, T. (2010). *Applying the good lives and self-regulation models to sex offender treatment: A practical guide for clinicians*. Brandon, VT: Safer Society Press
- Zandbergen, P., Levenson, J. S., & Hart, T. (2010). Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior, 37*(5), 482-502. doi:10.1177/0093854810363549
- Zevitz, R. G., & Farkas, M. A. (2000). Sex offender community notification: Managing high risk criminals or exacting further vengeance? *Behavioral Sciences and the Law, 18*, 375-391.
- Zgoba, K., Miner, M., Levenson, J., Knight, R., Letourneau, E., & Thornton, D. (2016). The Adam Walsh Act: An examination of sex offender risk classification systems. *Sexual Abuse, 28*(8), 722-740. doi:10.1177/1079063215569543

Curriculum Vitae
JILL S. LEVENSON, Ph.D., LCSW
levenson.jill@gmail.com

EDUCATION:

Ph.D., Social Welfare, 2003 Florida International University, Miami, FL.

MSW, Clinical Social Work, 1987 University of Maryland, School of Social Work, Baltimore, MD.

BA, Sociology, 1985 University of Pittsburgh, Pittsburgh, PA.

ACADEMIC POSITIONS

BARRY UNIVERSITY, MIAMI SHORES, FLORIDA

Professor, School of Social Work (2017-present)

Associate Professor, School of Social Work (August 2014 - 2017)

LYNN UNIVERSITY, BOCA RATON, FLORIDA

Associate Professor, Departments of Psychology & Human Services (2008-2014)

Assistant Professor and Human Services Department Chair (2004-2008)

FLORIDA INTERNATIONAL UNIVERSITY, MIAMI, FLORIDA

Instructor, School of Social Work (1999-2004)

Instructor, Professional Development Center (Child Protection Training Institute) (1994-1999)

PROFESSIONAL CLINICAL EXPERIENCE

- 5/94-present OAKBROOK COUNSELING CENTER, P.A., Ft. Lauderdale, FL.
Clinical Social Worker, Clinical Supervisor & Consultant, private practice.
- 11/99-12/04 CHRYSALIS CENTER, INC., Ft. Lauderdale, FL.
Clinical Consultant, Clinical Supervisor, & Field Instructor, children's mental health clinic.
- 4/91-4/94 FAMILY SERVICE AGENCY, INC., Ft. Lauderdale, FL.
Clinical Supervisor, Field Instructor, & Clinical Social Worker, outpatient psychotherapy
- 11/90-2/91 KIDS IN DISTRESS, INC., Ft. Lauderdale, FL.
Social Worker, therapeutic preschool program.
- 10/89-9/90 CHILD PROTECTION TEAM OF BROWARD COUNTY, FL.
Social Worker, child protective services.
- 9/87-6/89 BALTIMORE COUNTY DEPT. OF SOCIAL SERVICES, Baltimore, MD.
Social Worker, child protective services & foster care services.

LICENSURE & PROFESSIONAL REGULATION

- *Licensed Clinical Social Worker, Florida, #SW2659*
- *Qualified Supervisor for Licensure, F.S. 491*
- *Qualified sex offender treatment provider, F.S. 491*

PUBLICATIONS**Journal Articles**

- Skinner-Osei, P. & Levenson, J.S. (2018, in press). Trauma-informed care with children of incarcerated parents. *Journal of Family Social Work*.
- Levenson, J.S. & Willis, G. (2018, R&R under review). Trauma-informed care in Correctional Counseling and Supervision Services. *Journal of Aggression, Maltreatment and Abuse*.
- Levenson, J. S. (2018). Sex Offender Management Policies and Evidence-Based Recommendations for Registry Reform. *Current Psychiatry Reports*, 20(3), 21. doi:10.1007/s11920-018-0884-0
- Finley, L., & Levenson, J. S. (2017). The untapped resources of faculty in campus sexual violence prevention: issues and recommendations. *Journal of Aggression, Conflict and Peace Research*. doi:10.1108/JACPR-05-2017-0297
- Levenson, J. S., Willis, G. M., & Vicencio, C. P. (2017). Obstacles to Help-Seeking for Sexual Offenders: Implications for Prevention of Sexual Abuse. *Journal of child sexual abuse*, 26(2), 99-120. doi:http://dx.doi.org/10.1080/10538712.2016.1276116
- Levenson, J.S., Baglivio, M., Wolff, K., Epps, N., Royall, W., Gomez, K., & Kaplan, D. (2017). Prevalence of Childhood Adversity in the Lives of Juveniles Arrested for Sexual Offenses. *Advances in Social Work*, 8(1).
- Levenson, J. S. (2017). Trauma-Informed Social Work Practice. *Social Work* 62(2) 105-113. doi:10.1093/sw/swx001
- Walfield, S. M., Levenson, J. S., Cubellis, M. A., Harris, A. J., & Lobanov-Rostovsky, C. (2017). Law Enforcement Views on Sex Offender Compliance with Registration Mandates. *American Journal of Criminal Justice*, 1-26. doi:10.1007/s12103-017-9386-6
- Stinson, J., Quinn, M., & Levenson, J. S. (2016). The impact of trauma on the onset of mental health symptoms, aggression, and criminal behavior in an inpatient psychiatric sample. *Child Abuse & Neglect* (61) 13-22. <http://dx.doi.org/10.1016/j.chiabu.2016.09.005>
- Levenson, J. S. & Ackerman, A.R. (2016). The relationship between sex offender height and pedophilic interest. *Deviant Behavior*. <http://dx.doi.org/10.1080/01639625.2016.1254986>
- Levenson, J. S. (2016). Hidden Challenges: Sex offenders legislated into homelessness. *Journal of Social Work*. DOI: 1468017316654811
- Harris, A. J., Levenson, J. S., Lobanov-Rostovsky, C., & Walfield, S. M. (2016). Law Enforcement Perspectives on Sex Offender Registration & Notification: Effectiveness, Challenges, and Policy Priorities. *Criminal Justice Policy Review*, 29(4), 391-420. DOI: 10.1177/0887403416651671.
- Levenson, J. S., Grady, M. D., & Leibowitz, G. (2016). Grand challenges: Social justice and the need for evidence-based sex offender registry reform. *Journal of Sociology & Social Welfare*, 43(2).

- Levenson, J. S. & Grady, M. D. (2016). The Influence of Childhood Trauma on Sexual Violence and Sexual Deviance in Adulthood. *Traumatology*, 22(2), 94-103. doi:<http://dx.doi.org/10.1037/trm0000067>.
- Levenson, J. S. & Grady, M. D. (2016). Childhood Adversity, Substance Abuse, and Violence: Implications for trauma-informed social work practice. *Journal of Social Work Practice in the Addictions* 16(1), 24-45. DOI: 10.1080/1533256X.2016.1150853
- Grady, M. D., Levenson, J. S., & Bolder, T. (2016). Linking Adverse Childhood Effects and Attachment: A Theory of Etiology for Sexual Offending. *Trauma, Violence, & Abuse*, DOI: 1524838015627147.
- Levenson, J. S., Willis, G., & Prescott, D. (2016). Adverse Childhood Experiences in the Lives of Male Sex Offenders and Implications for Trauma-Informed Care. *Sexual Abuse: A Journal of Research & Treatment*, 28(4), 340-359. doi: 10.1177/1079063214535819
- Willis, G. M., & Levenson, J. S. (2016). The relationship between childhood adversity and adult psychosocial outcomes in females who have sexually offended: Implications for treatment. *Journal of Sexual Aggression*, 1-13. doi:10.1080/13552600.2015.1131341
- Zgoba, K., Miner, M., Levenson, J. S., Knight, R., Letourneau, E., & Thornton, D. (2015). The Adam Walsh Act: An Examination of Sex Offender Risk Classification Systems. *Sexual abuse: a journal of research and treatment*, DOI: 1079063215569543.
- Levenson, J. S., & Zgoba, K. (2015). Community Protection Policies and Repeat Sexual Offenses in Florida. *International Journal of Offender Therapy and Comparative Criminology*, DOI: 0306624X15573946.
- Levenson, J. S., & Socia, K. M. (2015). Adverse childhood experiences and arrest patterns in a sample of sexual offenders *Journal of Interpersonal Violence*, DOI: 10.1177/0886260515570751.
- Levenson, J. S. (2015). Adverse childhood experiences and subsequent substance abuse in a sample of sexual offenders: Implications for treatment and prevention. *Victims and Offenders*. DOI: 10.1080/15564886.2014.971478, 1-26.
- Socia, K. M., Levenson, J. S., Ackerman, A. R., & Harris, A. J. (2015). Brothers Under the Bridge: Factors Influencing the Transience of Registered Sex Offenders in Florida. *Sexual abuse: a journal of research and treatment* 27(6), 559-586, DOI: 1079063214521472.
- Levenson, J. S., Ackerman, A. R., Socia, K. M., & Harris, A. J. (2015). Where for art thou? Transient Sex Offenders and Residence Restrictions. *Criminal Justice Policy Review*, 26(4). DOI: 0887403413512326
- Levenson, J. S., Willis, G., & Prescott, D. (2014). Adverse Childhood Experiences in the Lives of Female Sex Offenders. *Sexual Abuse: A Journal of Research & Treatment*, 27(3), 235-257.
- Mancini, C., Reckdenwald, A., Beauregard, E., & Levenson, J. S. (2014). Sex industry exposure over the life course and the onset and frequency of sex offending. *Journal of Criminal Justice*, 42(6), 507-516.
- Levenson, J. S. (2014). Incorporating Trauma-Informed Care into Sex Offender Treatment. *Journal of Sexual Aggression*, 20(1).

- Levenson, J. S., & Prescott, D. (2014). Déjà vu: From Furby to Långström and the Evaluation of Sex Offender Treatment Effectiveness. *Journal of Sexual Aggression, 20*(3).
- Levenson, J.S., Shields, R., & Singleton, D. (2013). Collateral punishments and sentencing policy: Perceptions of residence restrictions for sex offenders and drunk drivers. *Criminal Justice Policy Review*. DOI: 10.1177/0887403412462385
- Willis, G. M., Ward, T., & Levenson, J. S. (2013). The Good Lives Model (GLM): An Evaluation of GLM Operationalization in North American Treatment Programs. *Sexual abuse: a journal of research and treatment*. doi: 10.1177/1079063213478202
- Levenson, J.S., Ackerman, A.A., & Harris, A.J. (2013). Catch me if you can: An analysis of fugitive sex offenders. *Sexual Abuse: A Journal of Research and Treatment*. DOI: 10.1177/1079063213480820
- Levenson, J.S., Prescott, D., Jumper, S. (2012). A consumer satisfaction survey of civilly committed sex offenders in Illinois. *International Journal of Offender Treatment and Comparative Criminology*, doi:10.1177/0306624X12472956.
- Harris, A. J., Levenson, J. S., & Ackerman, A. A. (2012). Registered Sex Offenders in the United States: Behind the numbers. *Crime and Delinquency*. doi:10.1177/0011128712443179
- Nobles, M. R., Levenson, J. S., & Youstin, T. J. (2012). Effectiveness of Residence Restrictions in Preventing Sex Offense Recidivism. *Crime and Delinquency 58*, 491-513.
- Levenson, J. S., Tewksbury, R., & Giorgio-Miller, J. (2012). Experiences of nonoffending parents and caretakers in child sexual abuse cases. *Southwest Journal of Criminal Justice, 8*(2), 179-185.
- Levenson, J. S., Sandler, J. C., & Freeman, N. J. (2012). Failure-to-Register Laws and Public Safety: An Examination of Risk Factors and Sex Offense Recidivism. *Law & Human Behavior, 36*(6), 555-565.
- Zgoba, K., & Levenson, J. S. (2012). Failure to Register as a Predictor of Sex Offense Recidivism: The Big Bad Wolf or a Red Herring? *Sexual Abuse: A Journal of Research and Treatment, 24*, 328-349.
- Levenson, J. S., & Harris, A. J. (2012). 100,000 Sex Offenders Missing ... Or Are They? Deconstruction of an Urban Legend. *Criminal Justice Policy Review, 23*(3), 375-386.
- Jeglic, E., Mercado, C. C., & Levenson, J. S. (2012). The Prevalence and Correlates of Depression and Hopelessness among Sex Offenders Subject to Community Notification and Residence Restriction Legislation. *American Journal of Criminal Justice, 37*(1), 46-59.
- Ackerman, A. R., Levenson, J. S., and Harris, A. J. (2012). How many sex offenders really live among us? Adjusted counts and population rates in five U.S. states. *Journal of Crime & Justice. 35*(3), 464-474
- Ackerman, A., Harris, A.J., Levenson, J.S., Zgoba, K. (2011). Who are the people in your neighborhood? A descriptive analysis of individuals on public sex offender registries. *International Journal of Law and Psychiatry 34*, 149-159.

- Colombino, N., Mercado, C.C., Levenson, J.S., & Jeglic, E. (2011). Preventing sexual violence: Can examination of offense location inform sex crime policy? *International Journal of Law and Psychiatry*, 34, 160-167.
- Levenson, J.S. (2011). Sex offender policies in an era of zero tolerance. What does effectiveness really mean? *Criminology & Public Policy*, 10(2), p. 229-233.
- Levenson, J. S. (2011). But I didn't do it! Ethical treatment of sex offenders in denial. *Sexual Abuse: Journal of Research and Treatment* 23(3), 346-364.
- Prescott, D. & Levenson, J. S. (2010). Sex offender treatment is not punishment. *Journal of Sexual Aggression*. DOI: 10.1080/13552600.2010.483819
- Willis, G.M., Levenson, J.S., & Ward, T. (2010). Desistance and attitudes towards sex offenders: facilitation or hindrance? *Journal of Family Violence*, 25, 545-556.
- Levenson, J. S., Letourneau, E., Armstrong, K., & Zgoba, K. (2010). Failure to register as a Sex Offender: Is it associated with recidivism? *Justice Quarterly*, 27(3) 305-331.
- Zandbergen, P. A., Levenson, J. S., & Hart, T. (2010). Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37(5), 482-502.
- Harris, A. J., Lobanov-Rostovsky, C., & Levenson, J. S. (2010). Widening the Net: The Effects of Transitioning to the Adam Walsh Act Classification System. *Criminal Justice and Behavior*, 37(5), 503-519.
- Letourneau, E., Levenson, J. S., Bandyopadhyay, D., Armstrong, K., & Sinha, D. (2010). Effects of South Carolina's Sex Offender Registration and Notification Policy on Deterrence of Adult Sex Crimes. *Criminal Justice and Behavior*, 37(5), 537-552.
- Levenson, J. S., Fortney, T., & Baker, J. N. (2010). Views of Sexual Abuse Professionals about Sex Offender Notification Policies. *International Journal of Offender Therapy and Comparative Criminology* 54(2), 150-168.
- Levenson, J.S., Prescott, D., & D'Amora, D. (2010). Sex Offender Treatment: Consumer Satisfaction and Engagement in Therapy. *International Journal of Offender Therapy and Comparative Criminology* 54(3).
- Letourneau, E., Levenson, J.S., Bandyopadhyay, D., Armstrong, K., & Sinha, D. (2010). The Effects of Public Registration on Judicial Decisions. *Criminal Justice Review*.
- Letourneau, E., Levenson, J.S., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2010). Effects of South Carolina's sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*.
- Levenson, J. S. (2009). Sex Offender Polygraph Examination: An Evidence-Based Case Management Tool for Social Workers. *Journal of Evidence Based Social Work*, 6, 361-375.
- Chaffin, M., Levenson, J.S., Letourneau, E., & Stern, P. (2009). How safe are trick-or-treaters? An analysis of sex crimes on Halloween. *Sexual Abuse: Journal of Research & Treatment* 21(3).

- Tewksbury, R., & Levenson, J. S. (2009). Stress experiences of family members of registered sex offenders. *Behavioral Sciences and the Law*, 27(4), 611-626.
- Doren, D. & Levenson, J.S. (2009). Diagnostic Reliability and Sex Offender Civil Commitment Evaluations: A Reply to Wollert. *Sex Offender Treatment* 4(1).
- Fortney, T., Baker, J. N., & Levenson, J. S. (2009). A Look in the Mirror: Sexual Abuse Professionals' Perceptions about Sex Offenders. *Victims and Offenders*, 4(1), 42-57.
- Levenson, J. S., & Tewksbury, R. (2009). Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice* 34 (1/2) 54-68.
- Zgoba, K., Levenson, J.S. & McKee, T. (2009). Examining the Impact of Sex Offender Residence Restrictions on Housing Availability. *Criminal Justice Policy Review*, 20(1).
- Levenson, J.S., Macgowan, M.J., Morin, J.W., & Cotter, L.P. (2009). Perceptions of sex offenders about treatment: Satisfaction and engagement in group therapy. *Sexual Abuse: Journal of Research & Treatment* 21(1).
- Levenson, J.S. & Prescott, D. (2009). Treatment experiences of civilly committed sex offenders: A consumer satisfaction survey. *Sexual Abuse: Journal of Research & Treatment* 21(1).
- Katz, S.M, Levenson, J.S., & Ackerman, A.R. (2008). Myths and facts about sexual violence: Public perceptions and implications for prevention. *Journal of Criminal Justice and Popular Culture*, 15(3).
- Mercado, C.C., Alvarez, S., & Levenson, J.S. (2008). The Impact of Specialized Sex Offender Legislation on Community Re-Entry. *Sexual Abuse: Journal of Research & Treatment*, 20(2).
- Levenson, J.S. (2008). Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies* 21(2), 153-166.
- Levenson, J.S., Becker, J., & Morin, J.W. (2008). The relationship between victim age and gender crossover among sex offenders. *Sexual Abuse: Journal of research and treatment*, 20(1), 43-60.
- Zgoba, K. & Levenson, J.S. (2008). Variations in the Recidivism of Treated and Non-Treated Sexual Offenders in New Jersey: An Examination of Three Time Frames. *Victims and Offenders*, 3(1), 10-30.
- Levenson, J.S., Zgoba, K., & Tewksbury, R. (2007). Sex Offender Residence Restrictions: Sensible Crime Policy or Flawed Logic? *Federal Probation*, 71(3), 2-9.
- Brannon, Y., Levenson, J.S., Fortney, T., & Baker, J. (2007). Attitudes about Community Notification: A Comparison of Sexual Offenders and the Non-offending Public. *Sexual Abuse: Journal of research and treatment* 19(4) 369-379.
- Levenson, J.S, D'Amora, D., & Hern, A. (2007). Megan's Law and its Impact on Community Re-entry for Sex Offenders. *Behavioral Sciences and the Law* (25), 587-602.

Dr. Jill S. Levenson

page 7

- Fortney, T., Levenson, J.S., Brannon, Y., & Baker, J. (2007). Myths and Facts about sex offenders: Implications for practice and public policy. *Sex Offender Treatment* 2(1), 1-17.
- Levenson, J.S. & Hern, A. (2007). Sex offender residence restrictions: Unintended consequences and community re-entry. *Justice Research and Policy*, 9(2), 59-73.
- Levenson, J.S. & D'Amora, D. (2007). Social policies designed to prevent sexual violence: The Emperor's new clothes. *Criminal Justice Policy Review*, 18(2), 168-199.
- Levenson, J.S., Brannon, Y., Fortney, T., & Baker, J. (2007). Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7(1), 1-25.
- Packard, R.L. & Levenson, J.S. (2006). Revisiting the reliability of diagnostic decisions in sex offender civil commitment. *Sex Offender Treatment*, 1(3).
- Levenson, J.S. & Morin, J.W. (2006). Factors predicting selection of sexual offenders for civil commitment. *International Journal of Offender Therapy and Comparative Criminology*, 50(6), 609-629.
- Levenson, J.S. (2006). Sexual harassment or consensual sexual relations? Implications for social work education. *Journal of Social Work Values and Ethics* 3(2).
- Levenson, J.S. & Morin, J.W. (2006). Risk assessment in child sexual abuse cases. *Child Welfare*, 85(1), 59-82.
- Kokish, R., Levenson, J.S., & Blasingame, G. (2005). Post conviction sex offender polygraph examination: Client perceptions of accuracy and utility. *Sexual Abuse: Journal of Research & Treatment*, 17(2), 211-221.
- Levenson, J.S. & D'Amora, D. (2005). An ethical paradigm for sex offender treatment. *Western Criminology Review*. 6(1).
- Levenson, J.S. & Cotter, L.P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168-168.
- Levenson, J.S. & Cotter, L.P. (2005). The impact of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*. 21(1), 49-66.
- Levenson, J.S. (2004). Sexual predator civil commitment: A comparison of selected and released offenders. *International Journal of Offender Therapy and Comparative Criminology*, 48(6), 638-648.
- Levenson, J.S. (2004). Reliability of sexually violent predator civil commitment criteria. *Law & Human Behavior*, 28(4), 357-368.
- Levenson, J.S. & Macgowan, M.J. (2004). Engagement, denial, and treatment progress among sex offenders in group therapy. *Sexual Abuse: Journal of Research & Treatment*, 16(1), 49-64.
- Levenson, J.S. (2003). Community notification and civil commitment of sex offenders: A review of policies designed to combat sexual violence. *Journal of Child Sexual Abuse*, 12(3/4).

Macgowan, M. J., & Levenson, J. S. (2003). Psychometrics of the Group Engagement Measure with male sex offenders. *Small Group Research*, 34(2), 155-169.

Books

Ackerman, A. & Levenson, J.S., (2018, in progress). *Vicarious Restorative Justice in Sexual Assault Cases*. Safer Society Press: Brandon, VT.

Levenson, J.S., Willis, G., & Prescott, D. (2017). *Trauma informed care: Transforming treatment for people who have sexually abused*. Safer Society Press: Brandon, VT.

Morin, J.W., and Levenson, J.S. (2002). *The Road to Freedom*. [A workbook for sex offenders in treatment]. Distributed by Safer Society Press: Brandon, VT.

Levenson, J.S. and Morin, J.W. (2001). *Treating Nonoffending Parents in Sexual Abuse Cases: Connections in Family Safety*. Thousand Oaks, CA: Sage Publications.

Levenson, J.S. and Morin, J.W. (2001). *Connections workbook for non-offending parents*. Thousand Oaks, CA: Sage Publications.

Book Chapters

Levenson, Willis & Prescott (2018, in press). Incorporating Principles of Trauma-Informed Care Into Evidence-Based Sex-Offending Treatment. In Jeglic & Mercado, eds., *New Frontiers in Offender Treatment – The Translation of Evidence-Based Practices to Correctional Settings*. Springer.

Levenson, J.S. (2018 in press). Trauma-informed care in youth correctional settings. In Ugwuodike, P. (ed.) *Routledge Companion to Rehabilitation in Criminal Justice*.

Levenson, J. S., & Vicencio, C. P. (2016). Residence Restrictions. In E. Jeglic & C. Caulkins (Eds.), *Sexual Violence: Evidence Based Policy and Prevention*. Springer.

Levenson, J.S. (2016). Community control of sex offenders. In O'Donohue and Laws (Eds.) *Treatment of Sex Offenders: Strengths and Weaknesses in Assessment and Intervention* (pp. 223-241). Springer.

Levenson, J.S. (2016). An Evidence-Based Perspective on Sexual Offender Registration and Residential Restrictions. In Phenix and Hoberman (Eds.) *Sexual Offending: Predisposing antecedents, assessment, and management*. New York: Springer (pp. 861-870).

Levenson, J. S. (2015). Trauma informed care with sexual offenders. In M. Carich (Ed.), *Safer Society Handbook of Adult Sexual Offending Assessment and Treatment*. Brandon, VT: Safer Society Press.

Levenson, J. S. (2014). Exhibitionism: A case study. In W. O'Donohue (Ed.), *Case Studies in Sexual Deviance: Toward Evidence Based Practice* (pp. 149-167). New York, NY: Routledge.

- Levenson, J. S., & Zgoba, K. M. (2014). Sex Offender Residence Restrictions: The Law of Unintended Consequences. In R. Wright (Ed.), *Sex Offender Laws: Failed Policies, New Directions* (pp. 180-189). New York, NY: Springer Publishing Company.
- Levenson, J.S. (2012). Beyond redemption? Myths and facts about sex offenders. In R. Bohm and J. Walker (Eds.) *Demystifying crime and justice, 2nd edition*. Oxford University Press.
- Lobonav-Rostovsky, C., Harris, A.J., & Levenson, J. S. (2012). State Response to Federal Sex Offender Management Legislation. In B. Schwartz (Ed.), *The Sex Offender: Current trends in policy and treatment practice* (Vol. 7). Kingston, NJ: Civic Research Institute.
- Letourneau, E. & Levenson, J.S. (2011). Preventing sexual abuse: Policy and practice. In Myers, D. (Ed.), *APSAC Handbook of Child Maltreatment, p. 307-322*. Sage Publications.
- Levenson, J. S. (2011). Community protection from sexual violence: Intended and unintended outcomes of U.S. policies. In D. P. Boer, L. A. Craig, R. Eher, M. H. Miner & F. Pfafflin (Eds.), *International Perspectives on the Assessment and Treatment of Sexual Offenders: Theory, Practice and Research*. West Sussex: Wiley-Blackwell.
- Levenson, J. S. (2010). Sex offender residence restrictions and community re-entry. In A. Schlank (Ed.), *The Sexual Predator: Law, Policy, Evaluation and Treatment* (Vol. 4). Kingston, NJ: Civic Research Institute.
- Levenson, J.S. (2009). Sex offender residence restrictions. In R. Wright (Ed.) *Sex Offender Policies*. New York: Springer Publishing Company.
- Morin, J.W. & Levenson, J.S. (2008). Exhibitionism: Assessment and Treatment. In D.R. Laws & W. O'Donohue (Eds) *Sexual Deviance*. Guilford Press, p. 76-107.
- Levenson, J.S. (2008). Risk assessment of criminal justice populations. In Thomlison, B. & Corcoran, K. (Eds). *Evidence-Based Practice: A Student Manual for Criminal Justice and Social Work Internships*. Oxford Press.
- Levenson, J.S. (2007). The new scarlet letter: Sex offender policies in the 21st century. In D. Prescott, Ed., *Applying Knowledge to Practice: Challenges in the Treatment and Supervision of Sexual Abusers, p. 21-41*. Wood and Barnes Publishing.
- Levenson, J.S. & Prescott, D. (2007). Considerations in evaluating the effectiveness of sex offender treatment. In D. Prescott *Applying Knowledge to Practice: Challenges in the Treatment and Supervision of Sexual Abusers, p. 124-142*. Wood and Barnes Publishing.
- Levenson, J.S. (2007). Sex offender civil commitment. In B. Cutler (Ed.) *Encyclopedia of Psychology and Law*. Sage Publications.
- Levenson, J.S. (2007). Sex offender community notification. In B. Cutler (Ed.) *Encyclopedia of Psychology and Law*. Sage Publications.
- Levenson, J.S. (2004). Policy interventions designed to combat sexual violence: Community notification and civil commitment. In R. Geffner & K. Franey (eds.) *Identifying and Treating Sex Offenders: Current Approaches, Research, and Techniques*. New York: Haworth Press.

Reviews and Reports

- Harris, A., Lobanov-Rostovsky, C., and Levenson, J. (2015). *Law Enforcement Perspectives on Sex Offender Registration and Notification: Preliminary Survey Results*. Interim Technical Report. Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/249189.pdf>
- Levenson, J.S. (2015). *Report to Florida Office of Program Policy Analysis and Government Accountability: Evidence-based recommendations for Florida's sex offender registry system*. Florida Association for the Treatment of Sexual Abusers. http://www.floridaatsa.com/2015_FATSA_report_to_OPPAGA.pdf
- Levenson, J.S., Ackerman, A.R., Socia, K., & Harris, A.J. (2013). *Sex Offender Residence Restrictions and Transience in Florida*. (technical report).
- Levenson, J.S. & Shields, R.T. (2012). *Sex Offender Risk and Recidivism in Florida*. (technical report).
- Levenson, J.S. (2012) Book Review of Sex Fiends, Perverts and Pedophiles: Understanding Sex Crime Policy in America. *Criminal Justice Review*. DOI: 10.1177/0734016812450024
- Levenson, J.S. (2005). *Sex offender residence restrictions: Report to the Florida Legislature*.
- Levenson, J.S. (2003). Book Review of Inside the Brain. *Social Work in Health Care*, 36(3), 97-99.
- Morin, J.W., Levenson, J.S., & Cotter, L.P. (1998). *New Directions in the Management of Sexual Offenders: A Report to the Florida Legislature*. Tampa, FL: Florida Association for the Treatment of Sexual Abusers.

Other (Newsletters, Op-Ed, Trade Magazines, Invited Opinion)

- Levenson, Jill & Ackerman, Alissa (July 19, 2016). Stanford rape case: Maybe we're having the wrong conversation? *Psychology Today* (guest blog). <https://www.psychologytoday.com/blog/the-guest-room/201607/the-stanford-rape-case>
- Levenson, Jill (August 6, 2015). Does a youthful mistake merit sex-offender status? *CNN.com* (invited opinion).
- Levenson, Jill (September 5, 2013). Sexual recidivism rare, shouldn't determine policy. *Miami Herald* (Op-Ed).
- Zgoba, Miner, Knight, Letourneau, Levenson & Thornton (2013). A multi-state evaluation of sex offender risk and recidivism using the Adam Walsh Act tiers. *Corrections Today* (May/June), p. 92-95.
- Levenson, J.S. & Harris, A.J. (2012). SORNA: Good intentions, flawed policy, and proposed reform. *Engage* (a publication of the Federalist Society for Law and Public Policy Studies). http://www.fed-soc.org/doclib/20121221_SORNAExchangeMalcomLevensonHarris.pdf
- Levenson, Jill (February 2012). Sex offender restrictions impede safety goals. *Jurist* (OP-Ed), <http://jurist.org/hotline/2012/02/jill-levenson-sexoffenders-residency.php>.
- Levenson, Jill (November 4, 2009). Child safety zones work. *Miami Herald* (OP-ED).

- Levenson, Jill (August 11, 2009). Residency rules endanger us. *Miami Herald* (OP-ED).
- Levenson, J.S. (2009). Sex offense recidivism, risk assessment, and the Adam Walsh Act. *Sex Offender Law Report*, 10(1).
- Tewksbury, R. & Levenson, J.S. (2007). When Evidence is Ignored: Residential Restrictions for Sex Offenders. *Corrections Today*, December 2007, p. 54-57.
- Levenson, Jill (September 28, 2005). Laws don't help keep kids safe. *Miami Herald*. Op-Ed.
- Levenson, Jill (September 18, 2005). E-alerts on sex offenders. *New York Daily News*. Op-Ed.
- Levenson, J.S. (2006). Sex offender residence restrictions. *Sex Offender Law Report*, 7(3), April/May 2006, p. 33.
- Prescott, D. & Levenson, J.S. (2007). Youth who have sexually abused: registration, recidivism, and risk. *ATSA Forum*, Volume XVIII, No. 2, Spring 2007.
- Levenson, J.S. (2007). Residence restrictions and their impact on sex offender reintegration, rehabilitation, and recidivism. *ATSA Forum*, Volume XVIII, No. 2, Spring 2007.
- Levenson, J.S. (2004). Everything You Ever Wanted To Know About Sex Offenders but Were Afraid To Ask: ATSA's Role in Public Education. *ATSA Forum*, Volume XVI, No. 2, Spring 2004.
- Levenson, J.S. (2001). Overstating the Obvious: Social Workers are Mandated Reporters! (Part 2) *NASW Florida Chapter Newsletter*, May/June.
- Levenson, J.S. (2001). Overstating the Obvious: Social Workers are Mandated Reporters! (Part 1) *NASW Florida Chapter Newsletter*, March/April.
- Levenson, J.S. & Morin, J.W. (1998). The Role of the Nonoffending Parent in Sexual Abuse Prevention. *ATSA Forum*, Vol. X, No. 2, Summer 1998.
- Dissertation:** Levenson, J. S. (2003). Factors predicting recommendations for civil commitment of sexually violent predators under Florida's Jimmy Ryce Act. *Dissertation Abstracts International*, 64(03), UMI no. AAT 3085817.

Dr. Jill S. Levenson

page 12

RESEARCH FUNDING

\$49,854 Awarded February 2017

National Sexual Violence Resource Center (RALLIANCE Grant)

Role: Principal Investigator

Co-Investigator: Melissa Grady, PhD, Catholic University School of Social Work

Obstacles to help-seeking for non-offending minor-attracted persons. This national online survey will explore obstacles to seeking therapeutic intervention for non-offending persons with pedophilic interests in an effort to inform child sexual abuse prevention strategies.

\$233,307 awarded September 2013 Award # 2013-IJ-CX-0028

National Institutes of Justice

Role: Co-Investigator

Principal Investigator: Andrew Harris, University of Massachusetts Lowell

Understanding Law Enforcement Perspectives on Sex Offender Registration and Notification. This national assessment of law enforcement perspectives on sex offender registration and notification systems will implement a mixed-method data collection from county, local and tribal law enforcement agencies.

\$150,000 awarded October 2010 Award # 2010-WP-BX-0006

Department of Justice (SMART Office)

Role: Consultant

Principal Agency Recipient: Palm Beach County Sheriff's Office

Comprehensive Approaches to Sex Offender Management Grant Program Palm Beach County's

Comprehensive Sex Offender Management Strategy. This project will implement a multi-faceted, multi-disciplinary strategy that incorporates assessment, risk-based supervision, registration and notification, re-entry services and treatment, and multi-disciplinary collaboration.

\$507,000 awarded 7/08 Award # 2008-MU-MU-0001

National Institute of Justice

Role: Co-Investigator

Principal Investigator: Kristen Zgoba, New Jersey Department of Corrections.

A Multi-state Sexual Violence Recidivism Study investigating the predictive validity of Static-99 Risk Scores and Adam Walsh Act Tier Guidelines. This study will compare the abilities of Static-99 scores and Adam Walsh Act classifications to predict sexual recidivism.

\$296,656 awarded 8/07

National Institute of Justice

Role: Consultant

Principal Investigator: Elizabeth Jeglic, John Jay College of Criminal Justice

Sex Offender Management, Treatment, and Civil Commitment: An Evidence-Based Analysis Aimed at Reducing Sexual Violence. This research project involves a comprehensive examination of the treatment and subsequent recidivism of sex offenders incarcerated or detained in the mental health and criminal justice systems in New Jersey.

\$484,000 awarded 7/12/06

National Institute of Justice

Role: Co-Investigator

Principal Investigator: Elizabeth Letourneau, Medical University of South Carolina

Evaluating the Effectiveness of Sex Offender Registration & Notification Policies for Reducing Sexual Violence Against Women. This study will examine whether sex offender registration and notification laws in South Carolina have had the intended effect of reducing sex crime rates in general and sex offense recidivism specifically.

6/28/2018

AWARDS & HONORS

- **2017 Outstanding Faculty Member of the Year, Barry University**
 - **ATSA Fellow**, in recognition of significant contributions to the field of sexual abuse and to the Association for the Treatment of Sexual Abusers (ATSA), granted October 16, 2015.
 - **Nominee, Faculty member of the year.** Lynn University 2009, 2010.
 - **\$1,000 Pre-doctoral Research Grant** awarded October 2002
- Association for the Treatment of Sexual Abusers Role: Principal Investigator (dissertation)
Factors Predicting Recommendations for Civil Commitment of Sexually Violent Predators under Florida's Jimmy Ryce Act.
- **Scholarly Forum Competition, Second Place Winner**
 - *"Empirically Based Risk Assessment of Child Sexual Abuse."* Awarded by the Graduate Student Association, Florida International University, April 2001

TEACHING EXPERIENCE / COURSEWORK (# times taught)

Doctoral courses taught at Barry: Empirical Inquiry for Social Work Research (2)

MSW courses taught at Barry: Advanced Clinical Groupwork (4); Policy, Advocacy & Leadership (2); Environmental Context- Poverty, Oppression & Trauma (1); Advanced Clinical Practice with Individuals (2); Advanced Clinical Practice with Families (2). Undergraduate (BSW) Courses taught at Barry: Social Work in the Social Service Environment (1); Models of Intervention (1); Forensic SW (1);

Undergraduate Courses taught at Lynn: Introduction to Human Services; Groupwork & Family Systems; Social Problems & Policy; Ethical Practice in the Helping Professions; Addiction and Society; Introduction to Sociology; Assessment & Interviewing; Criminal Justice Research Methods; Case Management Strategies; Human Services Senior Seminar. Masters in Applied Psychology Program: Internship Seminars; Advanced Psychopathology, Substance Addiction & Treatment; Techniques & Interventions in Applied Psychology

MSW Courses taught at FIU: Psychopathology (HBSE II); Theory and Practice with Family Violence; Social Welfare Policy; Child & Family Policy; HBSE I. BSW: Social Work Practice Methods with Individuals; Social Work Practice Methods with Families and Groups; Techniques of Interviewing; Child Welfare Policy and Practice; Human Behavior and the Social Environment I.

SELECTED INVITED PRESENTATIONS

- Levenson, J.S. (2018). *Translating Trauma-informed Care to Practice*. Mental Health Systems (MHS) webinar. 6/6/18.
- Levenson, J.S. (2018). *Translating Trauma-informed Care to Practice*. Suncoast Mental Health Services, Fort Pierce, FL. 5/24/18.
- Levenson, J.S. (2018). *Translating Trauma-informed Care to Practice in Forensic Settings*. California Forensic Mental Health Association, Monterey, CA. 3/23/18.
- Levenson, J.S. (2017). *Trauma Informed Practice in sex offender treatment*. Visiting Scholar, Griffiths University, Brisbane Australia, Sexual Abuse Prevention Symposium 12/4-5/17.
- Levenson, J.S. (2017). *Prevention of sexual abuse through trauma-informed practices and policies*. Invited Keynote, New Zealand and Australia Association for the Treatment of Sexual Abuse. 12/1/2017.
- Levenson, J.S. (2017). *Reconstructing sexual abuse prevention through trauma-informed practices*. Center for Addiction & Mental Health (CAMH), Toronto, Canada, 11/3/17.
- Levenson, J.S. (2017). *Trauma Informed Practice in Clinical & Forensic Settings*. Minnesota Department of Corrections, 10/6/17.
- Levenson, J.S. (2017). *Trauma Informed Mentoring*. Safer Society Foundation, Brandon, VT, 7/31/17.
- Levenson, J.S. (2017). *Trauma Informed Practice in Clinical & Forensic Settings*. Illinois Sex Offender Management Board, 6/9/17.
- Levenson, J.S. (2017). *Trauma Informed Practice in Clinical & Forensic Settings*. Colorado Sex Offender Management Board, 5/19/17.
- Levenson, J.S. (2017). *Trauma Informed Practice in Clinical & Forensic Settings*. Massachusetts ATSA conference, 4/7/17.
- Levenson, J.S. (2017). *Reconstructing sexual abuse prevention through trauma-informed practices*. Johns Hopkins University, Moore Center for Sexual Abuse Prevention Symposium, 4/27/17.
- Levenson, J.S. (2017). *Trauma Informed Practice for School Social Workers*. Broward County School Social Work Association, 3/10/17.
- Levenson, J.S. (2016). *Trauma Informed Practice in Clinical & Forensic Settings*. Michigan ATSA, 12/1/16.
- Levenson, J.S. Willis, G., & Prescott, D. (2016). *Trauma Informed Care with Sex Offenders*. (Pre-conference workshop) 35th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Orlando, FL 11/2/16
- Levenson, J.S. (2016). *Advancing Social Justice and Human Rights through a Trauma Informed Approach*. (Keynote) Barry University Human Rights & Social Justice Center opening, Miami, FL, 9/27/16.
- Levenson, J.S. (2016). *Trauma Informed Practice in Clinical & Forensic Settings*, Oregon ATSA, 9/16/16.
- Levenson, J.S. (2016). *Trauma Informed Practice in Juvenile Justice Settings*. Florida Network of Family Services, St. Augustine, FL 8/11/16.
- Levenson, J.S. (2016). *Trauma Informed Practice in Clinical & Forensic Settings*. Idaho ATSA, 7/28/16.
- Levenson, J.S. (2016). *Sex Offender Management & Policy*. Global Institute of Forensic Research, Online Master Class Training program (<https://www.gifrinc.com/services/continuing-education/>)
- Levenson, J.S. (2016). *Trauma Informed Practice in Clinical & Forensic Settings*. New York State Office of Mental Health, 6/7-6/9/16.
- Levenson, J.S. (2016). *Creating a trauma Informed Workforce*. Broward County Behavioral Health United Way Conference, Fort Lauderdale, FL 5/11/16.
- Levenson, J.S. (2016). *Trauma Informed Care with Sex Offenders*. Pennsylvania Sex Offender Management Board, Harrisburg, PA, 4/1/16.
- Levenson, J.S. (2016). *Trauma Informed Care with Sex Offenders*. New Jersey ATSA, New Brunswick, NJ, 4/22/16.

- Levenson, J.S. (2016). *Ethical Treatment of Sexual Offenders*. Global Institute of Forensic Research, Online Master Class Training program (<https://www.giftrinc.com/services/continuing-education/>)
- Levenson, J.S. (2016). *Trauma Informed Practice in Clinical & Forensic Settings*. New Zealand Institute of Criminal Justice & Forensic Psychology, Auckland, New Zealand, 3/3-3/4/2016.
- Levenson, J.S. (2015). *Trauma Informed Care with Sex Offenders*. Sex Offender Civil Commitment Provider Network, Montreal, Canada, 10/12/15.
- Levenson, J.S. (2015). *Trauma Informed Care with Sex Offenders*. New York State Office of Mental Health, 6/1-6/4/15.
- Levenson, J.S. (2015). *Trauma Informed Care with Sex Offenders*. Illinois Civil Commitment Center, Rushville, IL, 6/17/15.
- Levenson, J.S. (2015). *Trauma Informed Care with Sex Offenders*. Massachusetts ATSA Chapter Conference, Marlborough, MA, 4/8/15.
- Levenson, J.S. & Stinson, J. (2014). *Trauma Informed Care with Sex Offenders*. 33d Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, San Diego, CA, 10/29/14
- Levenson, J.S. & Morin, J.W. (2014). *Judicial Management of Sex Offenders*. Florida Annual Judicial Conference, Orlando, FL 7/21/15.
- Levenson, J.S. (2014). *No Place Like Home: Sex Offender Residence Restrictions*. Virginia Sex Offender Treatment Association, Virginia Beach VA, 3/19/14. Keynote speaker.
- Levenson, J.S. (2014). *Trauma Informed Care with Sex Offenders*. Sand Ridge Secure Treatment Center, Mauston, WI, 3/6/14.
- Levenson, J.S. (2014). *Trauma Informed Care with Sex Offenders*. Wisconsin Department of Corrections, Madison, WI, 3/7/14.
- Levenson, J.S. (2013). *Ethical Practice with Sex Offenders*. 32nd Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Chicago, IL, 10/30/13.
- Levenson, J.S. & Rapa, S. (2013). *Ethical considerations treating sex offenders* Florida ATSA conference, Orlando, FL, 5/18/13.
- Levenson, J.S. (2013). *Where am I going to live? Ostracism or Re-entry?* Massachusetts ATSA Chapter Conference, Marlborough, MA, 4/7/13. Keynote Speaker
- Levenson, J.S. (2012). *Who are the people in your neighborhood? U.S. sex offenders and community protection policies*. LA ATSA Chapter Conference, Baton Rouge, LA, 11/1/12.
- Levenson, J.S. (2012). *Who are the people in your neighborhood? U.S. sex offenders and community protection policies*. 31st Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Denver, CO, 10/17/12.
- Levenson, J.S. (2012). *What do we know about sex offenders in Florida?* Florida ATSA conference, Orlando, FL, 4/21/12.
- Levenson, J.S. (2012). *What do we know about sex offenders in the U.S.?* Mid-Atlantic Region ATSA conference, Harrisburg, PA 4/6/12.
- Levenson, J.S. (2011). *Sex offender policy trends: Research and Practice*. Michigan State Bar Association. Dearborn, MI, 9/16/11.
- Levenson, J.S. (2010). *Sex offender policy trends: Research and Practice*. Keynote speaker, Colorado Sex Offender Management Board. Breckenridge, CO, July 16, 2010.
- Levenson, J.S. (2010). *Sex offender policy trends: Research and Practice*. Keynote speaker, Minnesota Association for the Treatment of Sexual Abusers. Minneapolis, MN, April 16, 2010.
- Levenson, J.S. (2009). *Residential proximity and sex offense recidivism*. National Institute of Justice Crime Mapping Conference. New Orleans, LA. August 20, 2009.
- Levenson, J.S. (2009). *Justice System and Children's Rights (response to plenary speaker)*. National Adolescent Perpetrator Conference. Tampa, FL. May 18, 2009.

- Levenson, J.S. (2008). *Sex offender registration, notification, and residence restrictions*. Vermont Legislature. August 29, 2008.
- Levenson, J.S. (2008). *Sex offender residence restrictions*. National Coalition to End Homelessness Web Conference. Washington, DC. July 10, 2008.
- Levenson, J.S. (2008). *Sex offender residence restrictions*. California Coalition on Sexual Offending. San Francisco, CA. May 15-16, 2008.
- Levenson, J.S. (2008). *Sex offender policies: The Emperor's new clothes?* Keynote speaker, New Jersey ATSA Chapter, Scotch Plains, NJ, 4/11/08.
- D'Amora, D., Klein, A., Levenson, J.S., Lieb, R. (2007). *Sex offender policies in the new millennium (Plenary Session)*. 26th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, San Diego, CA, 11/2/07.
- Levenson, J.S. (2007). *Sex offender policies: The Emperor's new clothes?* Liberty Health Care Sex Offender Treatment Conference, Indianapolis, IN, 6/15/07.
- Levenson, J.S. (2007). *Sex offender policies: The Emperor's new clothes?* Texas Sex Offender Treatment Board Conference, Austin, TX, 2/18/07.
- Levenson, J.S., & Palmer, R. (2006). *Ethical issues in working with sex offenders*. 25th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Chicago, IL, 9/27/06.
- Levenson, J.S. (2006). *Sex offender policies: The Emperor's new clothes?* Tennessee Sex Offender Treatment Board Conference, Nashville, TN, 8/21/06.
- Levenson, J.S. (2006). *Sex offender policies: The Emperor's new clothes?* National Association of Criminal Defense Attorneys Conference, Miami Beach, FL 7/27/06.
- Levenson, J.S. (2006). *Sex offender policies: The Emperor's new clothes?* Keynote speaker, Illinois ATSA statewide conference, Bloomington, IL, 4/28/06.
- Levenson, J.S. (2006). *Sex offender policies: The Emperor's new clothes?* Keynote Speaker, Alliance for Women in Community Corrections, Columbus, OH, 4/27/06.
- Levenson, J.S. (2006). Keynote speaker, Sexual Violence Awareness Day Conference, Fort Myers, FL, 4/7/06.
- Levenson, J.S. (2006). *Sex offender policies: The Emperor's new clothes?* Illinois ATSA Board of Directors Meeting, Chicago, IL, 1/17/05.
- Levenson, J.S. (2005). *Sex offender policies: The Emperor's new clothes?*, Florida Sexual Abuse Intervention Network, Tampa, FL, 9/16/05.
- Levenson, J.S., (2004). *Post conviction sex offender polygraph examination: Client perceptions of accuracy and utility*. Florida Chapter of the Association for the Treatment of Sexual Abusers Annual Meeting, Tampa, FL, 3/6/04.
- Levenson, J.S. (2004). *Working with Families of Juvenile Sex Offenders*, Florida Sexual Abuse Intervention Network, Tampa, FL, 4/30/04.
- Hines, B. & Levenson, J.S. (2004). *Assessment and Treatment of Adolescents and Children with Sexual Behavior Problems*, Sponsored by Children's Psychiatric Center, Miami, FL, 3/13/04.
- Levenson, J.S. (2003). *Reunification, Supervision, and Visitation of Sex Offenders with Children*. Department of Corrections, Portland, OR, 4/24/03.
- Levenson, J.S. (2003). *Working with Families of Juvenile Sex Offenders*, Florida Sexual Abuse Intervention Network, Tampa, FL, 4/3/03.
- Levenson, J.S. (2002). *Juvenile Sex Offender Risk Assessment & Treatment Planning*, NASW Ft. Myers Chapter, Ft. Myers, FL, 10/18/02
- Levenson, J.S. (2002). *Reunification Following Sexual Abuse*, 21st Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Montreal, Quebec, Canada, 10/2/02.
- Levenson, J.S. (2001). *Victim or Victimizer?*, Assessment and Treatment of Adolescents and Children with Sexual Behavior Problems, Ft. Lauderdale, FL, 8/10/01

- Levenson, J.S. (2001). *Juvenile Sex Offender Treatment: Child Development, Psychopathology, Family Safety Planning, & Treatment Issues*, Florida Chapter of the Association for the Treatment of Sexual Abusers State Conference, Orlando, FL, 2/10/01
- Levenson, J.S. (2000). *Family Safety Planning and Reunification Following Sexual Abuse*, Colorado Chapter of the Association for the Treatment of Sexual Abusers State Conference, Denver, CO, 4/14/00.
- Levenson, J.S. (1999). *Connections: Family Safety Planning and Reunification Following Sexual Abuse*, 18th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Oriando, FL, 9/22/99.
- Levenson, J.S. (1998). *Connections: Psychoeducational Group Treatment for Nonoffending Parents of Sexually Abused Children and Partners of Sexual Offenders*, Joining Forces: Sexual Abuse Conference, Lakeland, FL, 10/14/98.
- Levenson, J.S. (1998). *Family Safety Planning and Reunification Following Sexual Abuse*, Third Annual Florida Sex Offender Treatment Conference, Deerfield Beach, FL, 6/18/98.
- Levenson, J.S. (1998). *Family Safety Planning and Reunification Following Sexual Abuse*, DuPage County Probation Department, Wheaton, IL., 5/8/98.

SELECTED PEER-REVIEWED PRESENTATIONS AT PROFESSIONAL CONFERENCES

- Levenson, J.S. (2018). *Building a trauma-informed workforce*. Broward County United Way Conference, Fort Lauderdale, FL 5/16/18.
- Levenson, J.S. (2018). *Translating Trauma-informed Care to Practice*. Florida NASW conference, Fort Lauderdale, FL 6/14/18.
- Harris, A., Levenson, J.S. & Gotch, K. (2017). *Policy & Registry Reform*. 36th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Kansas City, MO, 10/28/17.
- Levenson, J.S. & Grady, M. (2017). *RALIANCE grant symposium: Obstacles to help-seeking for minor-attracted persons*. 36th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Kansas City, MO, 10/27/17.
- Levenson, J.S. & Grady, M. (2017). *Working with minor-attracted persons*. 36th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Kansas City, MO, 10/27/17.
- Levenson, J.S. (2017). *Beyond the Ick Factor: Working with non-offending minor-attracted persons*. National Organization of Forensic Social Work, Boston, MA, 7/28/17.
- Hall, K.L., Stinson, J.D., Levenson, J.S., Quinn, M.A., & Forgea, V. (2017, August). *ACEs and adult criminality in a sample of university students*. Poster presentation. American Psychological Association. Washington, D.C.
- Levenson, J.S. (2016). *Beyond the Ick Factor: Working with non-offending minor-attracted persons*. NASW-FL, Orlando, FL, 6/18/16.
- Levenson, J.S. (2016). *Trauma Informed Care with Sex Offenders*. Florida ATSA, Orlando, FL 4/16/16.
- Levenson, J.S. & Grady, M. (2016). *Childhood Adversity and Sexual Offending*. Society for Social Work & Research, Washington, D.C., 1/15/16
- Levenson, J.S. (2015). *Early adversity, criminality, and trauma informed care*. 34th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Montreal, Canada, 10/15/25.
- Levenson, J.S. (2015). *Sympathy for the Devil: Sex offenders legislated into homelessness*. Barry University Human Rights & Social Justice Conference, Miami, FL, March 2015.
- Levenson, J.S., Williams, J. & Feldman, D. (2015). *Early adversity, criminality, and trauma informed care*. Academy of Criminal Justice Sciences, Orlando, FL, 3/6/25.

- Levenson, J.S. (2014). *Law enforcement perspectives about sex offender registration*. 33d Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, San Diego, CA, 10/31/14.
- Levenson, J.S. (2013). *Trauma Informed Care*. 32nd Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Chicago, IL, 10/31/13.
- Levenson, J.S. & Harris, A.J. (2013). *Sex Offenders and Public Policy: Bridging Research, Policy and Practice*. International Association of Law and Mental Health, Amsterdam, Netherlands, 7/16/13.
- Levenson, J.S. (2012). *Are good intentions enough to produce good results? AWA tiers and recidivism*. 31st Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Denver, CO, 10/18/12.
- Levenson, J.S. & Zgoba, K. (2011). *Multi-State study of Adam Walsh Act Tiers and Recidivism*. American Society of Criminology, Washington, DC, 11/16/11.
- Levenson, J.S. (2011). *A descriptive analysis of individuals on public registries*. 30th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Toronto, CA, 11/3/11.
- Levenson, J.S. (2010). *Residential restrictions for sex offenders*. 29th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Phoenix, AZ, 10/21/10.
- Levenson, J.S. (2009). *Proximity & sex offense recidivism*. American Society of Criminology, November 4, 2009, Philadelphia, PA.
- Levenson, J.S. (2009). *Charting new territory: Mapping trends in sex offender policy*. 28th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Dallas, TX, 9/30/09.
- Levenson, J.S. (2008). *Failure to register & sex offense recidivism*. American Society of Criminology, November 12, 2008, St. Louis, MO.
- Levenson, J.S., Prescott, D., & D'Amora, D. (2008). *What can we learn from sex offenders? Data from a series of consumer satisfaction surveys*. 27th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Atlanta, GA, 10/24/08.
- Levenson, J.S. (2007). *Sex offender residence restrictions*. American Society of Criminology, November 14, 2007, Atlanta, GA.
- Levenson, J.S. (2007). *Sex offender policies: The Emperor's new clothes?* Florida Council Against Sexual Violence, June 20, 2007, Daytona Beach, FL.
- Levenson, J.S. (2007). *Sex offender policies: The Emperor's new clothes?* Sexual Abuse Intervention Network, May 16, 2007, Tampa FL.
- Levenson, J.S. & Cotter, L.P. (2006). *The impact of Megan's Law and residence restrictions on sex offender reintegration*, 25th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Chicago, IL, 9/28/06.
- Palmer, R., & Levenson, J.S. (2005). *Ethical issues in working with sex offenders*. 24th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Salt Lake City, UT, 11/18/05.
- Levenson, J.S. & Cotter, L.P. (2005). *The impact of Megan's Law and residence restrictions on sex offender reintegration*, 24th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, New Orleans, LA, 11/3/05.
- Levenson, J.S. (2005). *The Impact of Megan's Law on Sex Offender Reintegration*. 9th Annual Conference of the Society for Social Work and Research, Miami, FL. 1/16/05.
- Levenson, J.S. (2004). *Sex Offender Civil Commitment Selection: Preliminary Research Findings*, 23rd Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Albuquerque, NM, 10/29/04.
- Levenson, J.S. & Rapa, S. (2003). *Clinical Supervision of Therapists who Treat Sex Offenders*, 22nd Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, St. Louis, MO, 10/9/03.

- Rapa, S. & Levenson, J.S. (2003). *Countertransference in the treatment of sexual abusers*, 22nd Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, St. Louis, MO, 10/9/03.
- Levenson, J.S. (2003). *Engagement, Denial, and Treatment Progress in a Sample of Male Sex Offenders in Group Therapy*, 22nd Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, St. Louis, MO, 10/9/03.
- Macgowan, M.J. & Levenson, J.S. (2003). *Psychometrics of the Group Engagement Measure with Male Sex Offenders*. 7th Annual Conference of the Society for Social Work and Research, Washington, D.C., 1/17/03.
- Levenson, J.S. (2002). *Improving CPS risk assessment in child sexual abuse cases*. 10th Annual Conference of the American Professional Society on the Abuse of Children (APSAC), New Orleans, LA, 5/30/02
- Levenson, J.S. (2001). *The Role of ATSA Members in Child Protection*, 20th Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, San Antonio, TX, 11/9/01.
- Levenson, J.S. (2001). *Social Workers are Mandated Reporters*, NASW statewide conference, Ft. Lauderdale, FL, 6/16/01
- Levenson, J.S. (2000). *Connections: Working with the Nonoffending Parent in Sexual Abuse Cases*, 19th Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, San Diego, CA, 11/3/00.
- Levenson, J.S. (2000). *Psychopathy in Children*, NASW state conference, Ft. Lauderdale, FL, 6/22/00.
- Levenson, J.S. (1999). *Inside the Mind of the Sex Offender*, NASW state conference, Ft. Laud, FL, 6/11/99.
- Levenson, J.S. (1999). *Family Safety Planning and Reunification Following Child Sexual Abuse*, 7th Annual Conference of the American Professional Society on the Abuse of Children (APSAC), San Antonio, TX., 6/4/99.
- Levenson, J.S. (1998). *Utilizing Group Process as an Intervention Strategy with Sexual Offenders*, 17th Annual Treatment & Research Conference of the Association for the Treatment of Sexual Abusers, Vancouver, British Columbia, 10/16/98.
- Levenson, J.S. (1998). *Bridging the Gap Between Assessment & Case Planning*, 6th Annual Conference of the American Professional Society on the Abuse of Children (APSAC), Chicago, IL., 7/10/98.
- Levenson, J.S. (1997). *Connections: Working with the Nonoffending Parent in Sexual Abuse Cases*, 16th Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, Arlington, VA, 10/17/97.
- Morin, J.W. & Levenson, J.S. (1997). *Defining Successful Completion: A Competency Based Treatment Model*, Second Annual Florida Sex Offender Treatment Conference, Tampa, FL, 4/11/97.
- Morin, J.W. & Levenson, J.S. (1996). *Defining Successful Completion: A Competency Based Treatment Model*, 15th Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, Chicago, IL, 11/15/96

UNIVERSITY SERVICE

University Service – Barry University

- Interim Faculty Senator, Elected, Spring 2016
- Interim Co-Chair, University Faculty Welfare Committee January-May 2016
- Faculty Senate Ethics Committee August 2014 to present
- IRB member 2015 to Present, 3-year appointment
- Lead Coordinator, Trauma-informed Training Initiative, Center for Human Rights & Social Justice
- Elected Chair, Curriculum Enhancement Committee, School of SW, 2016-2017
- Dean's Advisory Committee, School of SW, 2015-2017
- SSW Faculty Search Committee, School of SW, 2015-2017
- Sexual Assault Awareness Month Team, 2014 to present

Dr. Jill S. Levenson

page 20

- Social Work Legislative Advocacy Day (LEAD), Barry U School of SW, March 2015
- University Service – Lynn University**
- IRB Chair 2013-2014; IRB member 2005-2014 at Lynn U
- Faculty Standards Committee, Lynn U, 2013-14
- Strategic Academic Assessment Task Force, Lynn U, 2007-2009
- Taskforce on Professoriate, Lynn U, 2007-2009
- 3 dissertation committees, 1 QP committee, Lynn
- Clinical supervisor, Masters in Psych students, Lynn
- Sexual Assault Response team, Lynn
- Student Conduct Review Board, Lynn

PROFESSIONAL SERVICE

Highlights:

- Member, Council on Social Work Education (CSWE) Trauma Competency Task Force (2016-17)
- Host to Fulbright Scholar Dr. Gwenda Willis, from Victoria University, New Zealand, Feb – July 2011.

Professional Affiliations

- Member, National Association of Social Workers (1987 – present)
- Member, Association for the Treatment of Sexual Abusers (1994 – present)
- Member, American Society of Criminology (2006– present)
- Member, Society for Social Work and Research (2004 – 2006, 2016)
- Member, American Professional Society on the Abuse of Children (1996-2004)

Scholarly Service

- Editorial Board. Sexual Abuse: Journal of Research and Treatment
- Editorial Board: Criminal Justice Policy Review
- Guest Editor: Sexual Abuse: Journal of Research and Treatment September 2011; 23 (3) Ethical Issues in Sexual Offender Treatment (with Tony Ward)
- Research grant proposal reviewer. National Science Foundation
- Research grant proposal reviewer. National Institute of Justice
- Research grant proposal reviewer. City University of New York's Collaborative Incentive Research Grant.
- Manuscript reviewer. Victims and Offenders
- Manuscript reviewer. Journal of Interpersonal Violence
- Manuscript reviewer. Law & Human Behavior
- Manuscript reviewer. Criminal Justice and Behavior
- Manuscript reviewer. American Journal of Criminal Justice
- Manuscript reviewer. Criminology & Public Policy
- Manuscript reviewer. Journal of Research on Crime & Delinquency
- Manuscript reviewer. Child Maltreatment
- Manuscript reviewer. Criminology
- Manuscript reviewer. Journal of Criminal Justice
- Manuscript reviewer. Analyses of Social Issues and Public Policy
- Manuscript reviewer. Justice Quarterly
- Manuscript reviewer. Justice Research and Policy.
- Manuscript reviewer. International Journal of Offender Therapy and Comparative Criminology.
- Manuscript reviewer. Human Rights Watch.

6/28/2018

*Dr. Jill S. Levenson**page 21*

- Manuscript reviewer. Sociological Spectrum.
- Manuscript reviewer. Journal of Research on Social Work Practice.
- Manuscript reviewer. Ethical Human Sciences and Services.
- Abstract Reviewer, Annual Conference, Association for the Treatment of Sexual Abusers (2006-present)
- Editor, Florida Forum (1996-2001), Newsletter of the Florida Chapter of the Association for the Treatment of Sexual Abusers (FATSA)
- Abstract Reviewer, 12th National Conference on Child Abuse & Neglect, (1998)

Community Service

- Board member, Association for the Treatment of Sexual Abusers (2001-2007, 2011-2016)
- Invited Member, Sex Offender Re-entry Task Force, Broward County, 2016-present
- Board member, Florida Council Against Sexual Violence (2012-2013)
- Chair, Broward County Sex Offender / Sexual Predator Task Force 2009 (appointed by Broward County Commissioners).
- Invited Member, Sex Offender Housing Task Force, Council of State Governments, (2008)
- Member, National Advisory Board, Safer Society Foundation (Oct. 2007 -- present)
- Member, Prevention Coalition, National Center for Missing and Exploited Children (Oct. 2006 -- Dec 2007)
- Committee Chair (Oct. 2003 -- 2007), ATSA Ethics Committee (member to present)
- Committee Chair (May 2002 -- Oct. 2003), ATSA Organization & Development Committee
- Member and Co-chair, ATSA Public Policy Committee (2002 to present)
- President (2001-2004), Florida Association for the Treatment of Sexual Abusers (FATSA)
- Board Member (1996-present), FATSA
- Member (1999-2002), Statewide Child Abuse Death Review Team; Appointed by the Secretary of the Florida Department of Health
- Member, Broward County Sexual Abuse Intervention Network (SAIN) (1999-2002)
- Subject Matter Expert On Sexual Violence for the Department of Corrections, Broward County Probation Officers
- Advisory Board Member, (1996-1998), Crawford Center, Inc. (A residential facility for sexually aggressive children)
- Invited Member, Assessment Workgroup, Child Welfare League Of America, (1995-1996)

LEGISLATIVE CONSULTATION

- October 16, 2008. Invited testimony before the Vermont Legislature regarding sex offender registration, risk assessment, and the Adam Walsh Act.
- August 29, 2008. Invited testimony before the Vermont Legislature regarding sex offender registration, notification, and residence restrictions.
- March 18, 2008. Invited testimony submitted to the Florida Legislature's Senate Criminal Justice Committee regarding proposed House Bill 1430: Residence of sex offenders and predators.
- August 16, 2007. Invited testimony before the New Mexico Legislature's Courts and Justice Committee regarding sex crime policies.
- November 15, 2006. Invited testimony before the Kansas Legislature regarding residence restrictions for sex offenders and predators.

- October 19, 2005. Invited testimony before the Florida Legislature's House Judiciary Committee regarding proposed House Bill 91: Residence of sex offenders and predators.
- ATSA (2005). Contributor: Amicus Brief submitted to the United States Supreme Court by the Association for the Treatment of Sexual Abusers in the case of *Doe v. Miller*. [Regarding sex offender residence restrictions]
- ATSA (2002). Contributor: Amicus Brief submitted to the United States Supreme Court by the Association for the Treatment of Sexual Abusers in the case of *Connecticut Dept. of Public Safety v. John Doe*. [Regarding implementation of "Megan's Law"]

EXPERT WITNESS

Qualified as an expert witness in numerous courts in several states: Florida, Massachusetts, Colorado, Rhode Island, Michigan, Nevada, Alabama.

Doctoral Student Supervision

Claudia Calabrese (current), Barry University, Ph.D. in Social Work. Dissertation committee chair. *Adverse Childhood Experiences and Help-seeking behavior in mental health.*

Revital Goodman (2016), Barry University, Ph.D. in Social Work. Dissertation committee member. *Adverse Childhood Experience, emotional intelligence, and substance abuse.*

Kelly M. Socia (2011), University at Albany, SUNY, Ph.D. in Criminal Justice. Dissertation committee outside member. *Residence restriction legislation, sex crime rates, and the spatial distribution of sex offender residences.*

Markell Harrison-Jackson (2009), Lynn University Ph.D. in Educational Leadership. Chair, Dissertation committee. *Factors Influencing Self-sufficiency Outcomes for Emancipated Foster Youth.*

Tina Bauer Goldsmith (2008), Lynn University Ph.D. in Global Leadership. Dissertation committee. *Emotional Intelligence and work performance.*

Judith Cineas (2008), Lynn University Ph.D. in Global Leadership. Dissertation committee. *Faculty perceptions of student evaluations of teaching.*

Sherry Fulmore-Murray (2005-2008), Lynn University Ph.D. in Educational Leadership. Qualifying paper committee chair. *Violence against GLBT high school students.*

Social Work & Mental Health Clinical Supervision (1991-present)

- Field instruction for MSW & BSW students from FIU, FAU, and Barry University
- Clinical supervision for Masters in Applied Psychology students from Lynn University
- Clinical supervision for Masters-Level licensure interns as required by Florida Statute 491

SELECTED MEDIA APPEARANCES

Carino, Jerry (June 22, 2017). Rape victim pushes for stronger child protection. *Asbury Park Press*.
English, Shane (January 17, 2017). Sex offenders face housing maze after release. *City Limits*.

- Erickson, Phillip (July 29, 2016). Baylor boosting counseling staff amid sexual assault scandal. *Waco Tribune*.
- Featured expert in "Untouchable" (2016), a documentary film directed by David Feige, [New Documentary Director Award, Tribeca Film Festival] 2016.
- Yoder, Steven (May 27, 2016). What's the real rate of sex crime recidivism? *Pacific Standard Magazine*.
- Bleyer, Jennifer (November 1, 2015). Sympathy for the Deviant. *Psychology Today*.
- Milkovits, Amanda (October 3, 2015). Outcasts: In R.I., Level III sex offenders can't live within 1,000 ft. of schools. *Providence Journal*.
- Diane Rehm Show (July 7, 2015). Sex offender registries and calls for reform. *National Public Radio*.
- Jones, Abigail (June 23, 2015). The predator next door. *Newsweek*.
- Prasinos, Chloe (June 21, 2015). For registered sex offenders, an uphill civil rights battle. *NPR, All Things Considered*.
- Eltman, Frank (February 23, 2015). NY ruling on where sex offenders can live sparks debate. *Associated Press*.
- Gee, Alastair (March 9, 2015). Outcast at the Gate. *Pacific Standard Magazine*.
- Swenson, Kyle (August 20, 2013). Sympathy for the Devils: Should sex offenders have more rights? *Broward Palm Beach New Times*.
- Kestin, Sally (August 18, 2013). Sex Predators Unleashed. *South Florida Sun Sentinel*.
- CBS 12 News, West Palm Beach (Nov. 30, 2012). Sex offenders set to strike again?
- Lee, Michelle (Dec. 4, 2012). States failing to find places for sex offenders to live. *Arizona Republic*.
- Reyes, Ray (July 8, 2012). Glut of sex offenders worries residents. *Tampa Tribune*.
- Valdes, Ana (June 30, 2012). Sex abuse reporting requirements take effect nationwide in wake of Sandusky case. *Palm Beach Post*.
- Leinwand, Donna (January 10, 2012). Sex offenders gather in Trailer Parks. *USA Today*.
- Vitelli, Romeo (November 29, 2011). How useful are public sex offender registries? *Huffington Post*.
- Crocker, Lizzie (November 22, 2011). The Penn State Scandal: 7 Facts about child sex abuse. *Daily Beast*.
- Hudack, Stephen (November 14, 2011). Lake mulls new restrictions for sex offenders. *Orlando Sentinel*.
- Nguyen, Linda (November 4, 2011). Sex offender registries don't deter convicts from reoffending. *Calgary Herald*.
- Bluestein, Greg (July 19, 2010). Georgia softens once lauded sex offender law. *Associated Press*.
- Gardner, Michael (April 12, 2010). King parents lobby for Chelsea's Law. *San Diego Union Tribune*.
- Skipp, Catherine (February 1, 2010). A law for sex offenders living under a Miami bridge. *Time Magazine*.
- Frank, John (February 24, 2010). Sex Laws Revisited. *Miami Herald*.
- Knutson, Ryan (September 3, 2009). Sex-Registry Flaws Stand Out. *Wall Street Journal*.
- Gallacher, Andy (August 13, 2009). Florida faces sex offender dilemma. *BBC*.
- Harlem, Georgia (August 6, 2009). Unjust and Ineffective. *The Economist*.
- Skipp, Catherine (August 3, 2009). A Bridge Too Far. *Newsweek*.
- Rood, Lee (July 19, 2009). Sex offender costs to skyrocket. *Des Moines Register*.
- Rodriguez, Ithosvani (July 9, 2009). Where neighbors are sex offenders. *South Florida Sun Sentinel*.
- Grimm, Fred (June 20, 2009). Sex offender laws burden neighborhood. *Miami Herald*.
- Vick, Karl (December 27, 2008). Laws to track sex offenders encouraging homelessness. *Wall Street Journal*.
- Reed Ward, Paula (October 26, 2008). Residency restrictions for sex offenders popular, but ineffective. *Pittsburgh Post-Gazette*.
- Sandberg, Lisa (October 16, 2008). AG wants online IDs of sex predators listed. *San-Antonio Express News*.
- Spangler, Nicholas (April 8, 2008). For sexual predators, a camp of isolation. *Miami Herald*.
- Arkowitz, Hal & Lilienfeld, Scott (April, 2008). Once a sex offender, always a sex offender? Maybe not. *Scientific American*.

- White, Nicola (April 2, 2008). Senate committee OKs sex offender bill. *Tampa Tribune*.
- Koch, Wendy (November 19, 2007). Many sex offenders are often homeless. *USA Today*.
- Lane, Mary Beth (October 7, 2007). Sex offender ghettos. *Columbus Dispatch*.
- Sher, Julian & Carey, Benedict (July 19, 2007). Debate on child pornography's link to molesting. *New York Times*.
- Hopkins, Andrea (June 1, 2007). Fear and hatred push U.S. sex offenders to fringes. *Reuters*.
- Keller, Larry (May 19, 2007). Residence limits keep sex offenders on move. *Palm Beach Post*.
- Sex offender housing restrictions (March 7, 2007). *ABC World News with Charles Gibson*.
- Koch, Wendy (February 26, 2007). Sex offender residency laws get a second look. *USA Today*.
- Aldhous, Peter (February 21, 2007). Sex offenders: Throwing away the key. *New Scientist Magazine*.
- Kalfrin, Valerie & Stanley, Doug (February 18, 2007). Protecting kids is goal, but how? *Tampa Tribune*.
- Eltman Frank (February 16, 2007). New NIMBY twist: Move LI sex offenders around in trailers. *Associated Press*.
- Bauer, Laura (February 12, 2007). Kansas resists buffer zones. *Kansas City Star*.
- Rood, Lee (January 30, 2007). Lawmakers debate sex offender laws. *Des Moines Register*.
- Woodard, Elaine (December 19, 2006). Sex sting suspect teaches children martial arts. *Daytona News-Journal*.
- Klepai, Dan (December 11, 2006). Limits on sex offenders questioned. *Cincinnati Enquirer*.
- Smith, Jennifer (December 2, 2006). Residency laws for sex offenders under microscope. *Newsday*.
- Thompson, Elaine (November 19, 2006). Nowhere to go but out. *Worcester Telegram*.
- Warren, Jenifer (November 9, 2006). U.S. Judge blocks portion of new sex offender measure. *Los Angeles Times*.
- Warren, Jenifer (October 30, 2006). Sex crime residency laws exile offenders. *Los Angeles Times*.
- The Predator Next Door. *MSNBC Documentaries*
- Greenblatt, Alan (September 8, 2006). Sex Offenders. *Congressional Quarterly*.
- Cambria, Nancy (September 3, 2006). O'Fallen, MO expected to rein in where sex offenders can live. *St. Louis Dispatch*.
- Associated Press (July 23, 2006). Panel to mull changes in online sex offender list. *Boston Globe*.
- Bauer, Laura & Rizzo, Tony (June 12, 2006). When evil lurks near our children. *Kansas City Star*.
- Martin, Mark (June 2, 2006). California's most unwanted: Restrictions on residency make nomads of paroled sex offenders. *San Francisco Chronicle*.
- McGraw, Seamus (April 20, 2006). Flaws in sex offender laws. *Court TV Crime Library*
http://www.crimelibrary.com/news/original/0406/2001_sex_offenders.html.
- Crary, David (April 19, 2006). Rethinking sex offender laws a tough sell. *Associated Press*.
- Mooney, Jennifer (April 18, 2006). Bills aim to restrict sexual predators. *Miami Herald*.
- Grotto, Jason (4-day series 1/29/05 - 2/1/06). Predators among us. *Miami Herald*.
- Payne, Melanie (December 18, 2005). Sex offender site criticized. *Southwest Florida News-Press*.
- Koloff, Abbott. (December 12, 2005). Mt. Olive defends sex offender law. *New Jersey Daily Record*.
- Associated Press. (December 5, 2005). Child porn a growing problem online. *Associated Press*
- Weir, Kytja (November 22, 2005). Suspect has prior sex crime conviction. *Charlotte Observer*.
- Sloan, Karen (November 20, 2005). Managing predators among us. *Omaha World-Herald*.
- Dvorak, Todd (November 11, 2005). Iowa cities, towns barring child molesters. *Associated Press*.
- Dvorak, Todd (November 4, 2005). Sex offender law gets another challenge. *Associated Press*.
- Garcia, Jason (October 20, 2005). Lawmaker to re-vamp sex offender limits. *South Florida Sun-Sentinel*.
- Gomez, Alan (October 20, 2005). Florida lawmakers consider tougher statewide restrictions for sex offenders. *Palm Beach Post*.
- Saunders, Jim (October 20, 2005). Lawmakers want uniform law. *Daytona News-Journal*.
- (October 16, 2005). Communities now have eviction power in pedophile ban. *Associated Press*.

- Price, Rita & Sheshan, Tom (October 16, 2005). Sex offender zoning faulted. *Columbus Dispatch*.
- Garcia, Jason (October 16, 2005). Sex offender laws prepared. *South Florida Sun-Sentinel*.
- Clayworth, Jason (October 11, 2005). Researcher says laws are flawed. *Des Moines Register*.
- Grimm, Fred (October 9, 2005). Sex offenders have a place to go: the shadows. *Miami Herald*.
- Harris, Bonnie (October 4, 2005). Ely declares itself 'predator free zone.' *Des Moines Register*.
- Worth, Robert (October 3, 2005). Exiling sex offenders from town. *New York Times*.
- Correll, Deedee & Hethcock, Bill (September 27, 2005). Therapy promises no cure, just reduced risk. *Colorado Springs Gazette*.
- Olkon, Sara (September 19, 2005). Not sex predators, but still outcasts. *Miami Herald*.
- Garcia, Jason (September 15, 2005). Legislator seeks statewide law limiting where sex predators can live. *South Florida Sun-Sentinel*.
- Carlson, Mike (August 25, 2005). Not in my City. *Orlando Weekly*.
- Turner, Jim (August 15, 2005.) Martin, St. Lucie look to keep sex offenders farther from children. *Port St. Lucie News*.
- Perez, Robert (August 14, 2005). Offender rules may backfire, some say. *Orlando Sentinel*
- Ruger, Todd (August 4, 2005). New emails warn of nearby offenders. *Sarasota Herald-Tribune*.
- Perez, Robert (July 15, 2005). Zone law to hit sex offenders. *Orlando Sentinel*
- Pedicini, Sandra & Cox, Erin (June 22, 2005). Child-molester curbs questioned. *Orlando Sentinel*.
- Hemel, Daniel (June 22, 2005). Exile sex offenders from Manhattan, say 14 members of the city council. *New York Sun*.
- Hill, Michael (June 20, 2005). Are sex offender laws becoming counterproductive? *Associated Press*.
- Moore, Martha (June 20, 2005). States look to high-tech tools to track, map sex offenders. *USA Today*.
- Valdemoro, Tania (June 15, 2005). Boce putting sex offenders on channel 20. *Palm Beach Post*.
- Willhoit, Dana (June 12, 2005). Experts disagree on treating sexual criminals. *Lakeland Ledger*.
- Fisher, Lise (June 13, 2005). Most sex offenders live in rural areas. *Gainesville Sun*.
- Torres, Ginelle (June 10, 2005). Sex Offenders Restricted. *South Florida Sun-Sentinel*.
- Holland, John (May 29, 2005). South Florida cities target sex offenders in an effort to protect children. *South Florida Sun-Sentinel*.
- Medicaid Program says no Viagra for sex offenders (May 27, 2005). *Maine Things Considered*. Maine Public Broadcasting Network.
- Musgrave, Jane (May 16, 2005). Murders ignite frenzied furor toward molesters. *Palm Beach Post*.
- Dennis, Brady & Waite, Matthew (May 15, 2005). Where is a sex offender to live? *St. Petersburg Times*.
- Silvestrini, Elaine (May 1, 2005). State's policies on sex convicts among sternest. *Tampa Tribune*.
- Sex Crimes, No easy Answers (April 26, 2005). *The Pat Campbell Show*. WFLA Talk Radio, Orlando FL.
- Moeller, Katy (April 24, 2005). Consequences Stem from Sex Offender Registry. *Schenectady Gazette*.
- Tracking Sex Offenders (April 21, 2005). *ABC World News Tonight with Peter Jennings*.
- Snyder, Susan (December 19, 2004). Shocking Sex Acts in School. *Philadelphia Inquirer*.
- Fisher, Lise (November 17, 2004). Chemical castration is ordered for convict. *Gainesville Sun*.
- Kelly, Dan (June 27, 2004). Therapist says sex predators can change behavior. *Reading Eagle*.
- Lewis, Ken (August 17, 2003). An attempt to explain the unexplainable: Experts share insights into rape, its effects. *St. Augustine Record*.
- Wolfson, John (July 6, 2003). Locked Away. *Orlando Sentinel*.
- Stopping child sexual abuse (March 27, 2003). *Child Protection Report*, 29(7).
- Munno, Greg (December 9, 2002). Sex offender seeks custody of two girls. *Syracuse Post-Standard*.
- Richey, Warren (November 13, 2002). Megan's Law faces high-court test. *Christian Science Monitor*.

JOHN DOE vs.
RICHARD L. SWEARINGEN
and RIC BRADSHAW

EXHIBIT "C"

AFFIDAVIT OF DR. SHEILA RAPA

STATE OF FLORIDA)

COUNTY OF BROWARD)

BEFORE ME, appeared the affiant, SHEILA RAPA, who is personally known to me or who produced a valid Florida driver's license and who under oath states as follows:

1. My name is Sheila Rapa and I presently work in Broward County, Florida. My office is located at 3521 W. Broward Blvd., Third Floor, Chrysalis Center, Fort Lauderdale, FL, 33312. I am a licensed psychologist in the state of Florida. A true and correct copy of my curriculum vitae is attached hereto.

2. I have testified as an expert witness approximately 200 times in sexual offender matters as well as in Jimmy Ryce / civil commitment proceedings, as a witness for both the defense and State Attorney.

3. On or about January 18, 2016, I conducted a sexual offender risk assessment of John Doe .

4. My expert opinion is that within a reasonable degree of scientific certainty, John Doe is at minimal to no risk of re-offending for a sexual offense.

5. One of the risk assessment tools utilized in John Doe's assessment was the STATIC 99R. The Index Offense used to score the STATIC 99R was John Doe's 1992 sexual offense against a female minor.

6. The Static-99R is the most widely used sexual offender risk assessment tool in the world and is extensively used in the United States. Risk of re-offending varies based upon well known factors and can be reliably predicted by the widely used risk assessment tools such as The Static-99R. The Static 99R is based on static risk factors that estimate the likelihood of sexual re-offending while taking into account the well established principle that rates of almost all crimes decrease as people age.

7. John Doe earned a score of 2 on the STATIC 99R. This score falls into the Low/Moderate range for sexual re-offense. John Doe's score of 2 placed him in the

category where the reconviction rate is 5.0 (CI 3.4 –7.4) at five years post release. With a score of 2, John Doe had a relative risk ratio of 1.00.

8. As research involving samples of generic sexual offenders has indicated, risk for future sexual offenses is reduced by approximately half between five and ten years post release. John Doe's already low risk has now reached negligible levels.

9. In addition to the Static 99R results, all available information also indicates John Doe is a low risk to commit future sexual offenses. Although John Doe was not diagnosed with any psychological (including paraphilic) disorder, he does present with a reported history of sexual misbehavior with a female minor back in 1992. Since this time, John Doe successfully completed the mandates of house arrest and probation, successfully completed 15 years of psychological treatment, has maintained a stable marriage, fathered a child, and started his own business in 1997, demonstrating he is a law-abiding and productive member of society.

10. Additionally, John Doe does not present with antisocial orientation, significant problems with general or sexual self management, substance use problems, or attitudes supportive of sexual assault, suggesting a decreased risk for future sexual offending. It is further noted that John Doe has been in the community for over two decades since his arrest without further incident of involvement in sexual misbehavior or violation of the law indicative of reduced risk for re-offense.

11. According to testing, John Doe's clinical profile is within normal limits and no diagnostic considerations are necessary. He has an average interest in being with others and is not socially isolated or withdrawn. He meets and talks with other people with relative ease and is not overly anxious at social gatherings.

12. Many strengths were evident for John Doe. Testing pointed to qualities such as him being hardworking, industrious, moralistic, and sentimental. Personalities such as his tend to take feedback well, conform to rules and regulations, and be open to suggestion for change. At this time, there is no indication that John Doe needs treatment for any psychological disorder or maladaptive personality pattern.

13. Scientific studies support the conclusion that sexual offenders in general

have relatively low rates of recidivism, typically, significantly lower than non-sex offenders.

14. Based upon the testing procedures utilized and other available information, it is my expert opinion that John Doe currently presents an extremely minimal risk to the community.

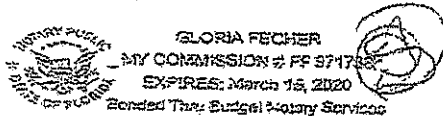
15. All of the above is based upon my personal knowledge. I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NAUGHT.


SHEILA RAPA

Sworn to and subscribed before me
this 6th day of August, 2018.

Gloria Fecher
NOTARY PUBLIC, State of Florida
My Commission Expires: 3/15/20



Sheila K. Rapa, Psy.D, P.A.
Curriculum Vitae

3800 West Broward Blvd. First Floor
Fort Lauderdale, Florida 33312
Phone: (954) 684-9406 Fax: (954) 587-0080
E-mail: Drsrapa@bellsouth.net

Licensed Clinical and Forensic Psychologist
Florida # PY6189

EDUCATION

Institution	Degree	Date
Carlos Albizu University Miami, Florida	Doctor of Psychology Clinical Psychology Conferred with Distinction	1999
Carlos Albizu University Miami, Florida	Master of Science Clinical Psychology Conferred with Distinction	1992
Palm Beach Atlantic College West Palm Beach, Florida	Bachelor of Science Psychology Academic Scholarship Recipient	1990

AREAS OF EXPERTISE

Expert Witness Testimony in Adult and Juvenile Sex Offending
Expert Witness Testimony in Civil Commitment/ Sexually Violent Predator Trials
Expert Witness Testimony in Child Pornography and Online Offending
Expert Witness Testimony in Child and Adult Victims of Sexual Assault
Expert Witness Testimony in Posttraumatic Stress Disorder and Attachment Disorder
Expert Witness Testimony in Domestic Violence and Battered Woman's Syndrome
Certified by the State of Florida to conduct Court-Ordered Batterers' Treatment
Qualified by the State of Florida Requirements to provide Juvenile Sex Offender Treatment

Testified as an Expert in Federal, Civil, Family, Dependency, Juvenile, and Criminal Court, and Grand Jury hearings throughout Florida.

CLINICAL POSITIONS

**Chief Clinical Officer (CCO), Chrysalis Health
Clinical Director**

2014
1999-2014

Fort Lauderdale, Florida

Responsible for oversight and coordination of all clinical aspects of programming for the largest community mental health center in South Florida. Ensure that the Chrysalis Center provides quality and sound clinical services to all clients, meeting needs of targeted population specific to each program. Ensure that appropriate subjective and objective measures are utilized to review outcomes related to client care and will monitor the quality of therapeutic and after care planning services. Assess, coordinate, plan and implement clinical training programs for all Chrysalis departments and staff and provide regular training for all personnel. Key figure in attending community events, meetings, forums, etc. and coordinating treatment team meetings for all Chrysalis departments. Establish key relationships with community providers and maintain current knowledge of state and local mental health system. Liason between contracting entities, other providers, and the Chrysalis Center. Oversee any department relating to client care, and participate in the development of all policies related to clinical programming. Provide oversight to assessment, evaluation, and Multidisciplinary Assessment Team (MAT) staffings to make recommendations as to all child-on-child sexual abuse cases as well as minor domestic sex trafficking cases reported to the Abuse Hotline in Broward County. Serve as a behavior analyst for specialized therapeutic group care programs. Responsibilities also include program development for a comprehensive treatment program for juvenile sexual offenders and victims of minor domestic sex trafficking. Provide expert consultation and testimony in court.

Private Practice, Sheila Rapa, Psy.D, P.A.

2001 to present

Fort Lauderdale, Florida

Specializing in the evaluation of sexually offending behaviors in children, adolescents, and adults. Forensic Psychosexual Evaluations provided to sexual offenders, including Sexually Violent Predators, Child Pornography, and Traveling offenders. Experience in Abel screening and actuarial instruments. Contracted by the Department of Children and Families, Sexually Violent Predator Program (SVPP) to evaluate and provide risk assessment for referred individuals. In addition, conduct evaluations and treatment of trauma related disorders, sexual abuse, physical abuse, severe neglect, victims of human sex trafficking, and domestic violence. Provide full battery psychological assessments, custody evaluations, competency evaluations, NGRI evaluations, and dependency evaluations. Provide clinical and forensic trainings to mental health professionals and organizations. Expert consultation and testimony in court.

Psychometrician/Psychologist, Contract Provider

1999 to 2001

Broward County, Florida

Psychosexual evaluations, full battery psychological assessments, custody evaluations,

competency evaluations, and dependency evaluations.

Psychometrician, Outreach Broward

1998 to 1999

Fort Lauderdale, Florida

Administration and interpretation of intelligence and other cognitive tests, personality tests, and psychodiagnostic interviews.

Outpatient Therapist, Miami Children's Hospital

1996 to 1998

Miami, Florida

Outpatient individual, family and group psychotherapy for patients with various psychological disorders. Psychological testing, treatment planning, crisis intervention and emergency consultations. Specialization in eating disorders, trauma based disorders, sexual abuse, exposure to domestic violence, physical abuse, and sexual offending.

Therapist, The Rose Institute

1995 to 1996

Fort Lauderdale, Florida

Group treatment for chronically mentally ill patients diagnosed with schizophrenia, bipolar disorder, major depression, chemical dependency, mental retardation, and dissociative identity disorder.

Psychometrician, Kids In Distress

1995 to 1996

Wilton Manors, Florida

Administration and interpretation of intelligence and other cognitive tests, personality tests, and psychodiagnostic interviews.

Therapist, The Renfrew Center

1994 to 1995

Coconut Creek, Florida

Individual and group treatment specifically for adult females with psychological disorders due to severe trauma. Special interest in dissociative, mood, and personality disorders, and sexual victimization.

ACADEMIC POSITIONS

Adjunct Professor	Palm Beach Atlantic University Undergraduate School of Psychology	2013 to present
Adjunct Professor	Everest College Phoenix Undergraduate School of Psychology	2009 to present
Adjunct Professor	University of Phoenix Graduate School of Psychology	2004 to present
Adjunct Professor	Axia College	2004 to present

General Education & Psychology

CLINICAL TRAINING

Miami Children's Hospital

1996 to 1997

Miami, Florida

Predoctoral internship consisting of 2000 hours of clinical training specializing in pediatric medicine and disorders of childhood and adolescence. Specializing in sexual trauma and juvenile sexual offending. Supervisor: James R. Huff, Ph.D.

Kids in Distress

1995 to 1996

Wilton Manors, Florida

Training in individual play therapy, psychological testing of children, family visitations, psychoeducational parenting interventions and cognitive-behavioral treatment for sexually abused children. Supervisors: Faith Chudnofsky, Psy.D. and Tim Iverson, Ph.D.

Goodman Psychological Services Center

1993 to 1995

Miami, Florida

Training in individual and family therapy, community-based interventions and collaboration with other community mental health centers. Completed approximately 1,000 hours of service. Supervisors: Stephen Dubbin, Ph.D. and Carmen Roca, Ph.D.

Palm Beach Atlantic College

1988 to 1990

West Palm Beach, Florida

Research assistance and data analysis on projects covering a range of psychological and forensic topics, including nocturnal enuresis, short-term memory and recall, and aggression in male inmates. Supervisor: James Reeves, Ph.D.

INVITED LECTURES AND PRESENTATIONS

Rapa, S (2014) *Assessing and Treating Sexual Abuse and Sexual Behavior Problems*

Presented in April 2014, FADA Adolescent Conference

Rapa, S (2013) *Laws and Ethical Principles When Working With Sexual Offenders*

Presented in May 2013 for Florida Association for the Treatment of Sexual Abusers

Rapa, S. and Nightengale, T (2011) *Psychological and Legal Issues Surrounding Human*

Trafficking. Presented in April 2011 for Legal Aid, Florida

Rapa, S. (2011) *Getting Past the Trauma: How To Help Victims Of Human Trafficking Heal*.

Presented in January 2011 at a two-week long International Conference in Malta.

Rapa, S. (2010) *Treating Traumatized Children Within the Child Welfare System*
Presented in March at a four-day conference for the Chrysalis Center

Rapa, S. (2010) *Anxiety, Depression and Suicide among the Gay, Lesbian and Transgendered Population* Presented in October 2010 at SunServe: Gay, Lesbian and Transgender Conference

Rapa, S. (2010) *Understanding Children with Sexual Behavior Problems*
Presented September 2010 at the Annual Conference "Path to the Future: Creating a New Vision" Florida Alcohol and Drug Abuse Association and the Florida Council for Community Mental Health

Rapa, S. (2009) *Assessment and treatment of Children with Sexual Behavior Problems*
Presented in October 2009 at the Broward County Resource Fair

Rapa, S. (2008) *Assessment and treatment of Children with Sexual Behavior Problems*
Presented in October 2008 at the Broward County Resource Fair

Rapa, S. (2008) *Treating Victims and Victimizers*
Presented in June 2008 to School Board of Dade County

Rapa, S. (2007) *Understanding and Treating Trauma*
Presented in October 2007 at Broward County Resource Fair

Rapa, S. (2007) *PTSD and Attachment Disorders in Children who have been Traumatized*
Presented in June 2007 at School Board of Broward County

Rapa, S. (2006). *Assessment and Treatment of Children with Sexual Behavior Problems.*
Presented in October 2006 at the Broward County Resource Fair; Fort Lauderdale, Florida.

Rapa, S. (2006). *Assessment and Treatment of Children with Sexual Behavior Problems.*
Presented in October 2006 to the School Board of Broward County; Fort Lauderdale, Florida.

Rapa, S. (2006). *Assessment and Treatment of Children with Sexual Behavior Problems.*
Presented in September 2006 to ACHA Conference for Specialized Group Home Providers; Tallahassee, Florida.

Rapa, S. (2004). *Assessing and Treating Posttraumatic Stress Disorder in Children.* Presented in May 2004 at Linking Forces Conference for the Prevention of Child Abuse; Miami, Florida.

Rapa, S. (2004). *Treatment Approaches for Children with Sexual Behavior Problems.* Presented in May 2004 at the Broward County Resource Fair; Fort Lauderdale, Florida

Rapa, S. and Levenson, J. (2002). *Countertransference and Vicarious Traumatization in Therapists who Treat Sexual Offenders.* Presented in October 2002 at the National Conference,

Association for the Treatment of Sexual Abusers (ATSA); San Diego, California

Rapa, S. (2002). *Treating Children with Sexual Behavior Problems: A Community Based Approach*. Presented to Linking Forces, Conference for the Prevention of Child Abuse; Miami Florida.

Rapa, S. (2001). *Sexual Abuse and Sexual Reactivity*. Presented to the School Board of Broward County in October 2001; Fort Lauderdale, Florida.

Rapa, S. (2001). *Psychodynamics of Sexual Abuse*. Presented at the Annual Conference, Florida Association for the Treatment of Sexual Abusers (FATSA) in October 2001; Tampa, Florida.

Rapa, S. (2001). *Treatment and Assessment of Children and Adolescents with Sexual Behavior Problems*. Presented at Child Abuse Conference, Joe DiMaggio Children's Hospital in April 2001; Hollywood, Florida.

Rapa, S. (2001) March 2001 Panel Member: Department of Children and Families Panel on Prevention of Child-on-Child Sexual Abuse

Rapa, S. (2001). *The Impact of Trauma on Children who are Sexually Aggressive*. Presented to Whispering Pines School for the Severely Emotionally Disturbed in February 2001; Miramar, Florida.

Rapa, S. (2001). *Identification and Treatment of Sexual Aggression and Offending*. Presented at the Broward County Resource Fair February 2001; Fort Lauderdale, Florida.

COMMUNITY WORKSHOPS

These trainings have been provided to multiple community-based and private organizations.

Getting Past the Trauma: How To Help Victims Of Human Trafficking Heal.
Treating Traumatized Children Within the Child Welfare System
Understanding and Treating Trauma
Adult Sexual offenders and Child Pornography Offenders
Vicarious Trauma: Working with Violent Offenders and Victims
Sexual Abuse and Posttraumatic Stress Disorder
Assessment and Treatment of Sexualized Children and Juvenile Sex Offenders.
Working with Attachment Disorders and Families
Overview of Axis I Diagnoses
Domestic Violence Victims and Perpetrators
Introduction to Psychopathy
Relapse Prevention Planning
Working with Non-Offending Parents
Ethics and Professional Conduct
Sexual Abuse Safety Planning
Cognitive Therapy for Sexual Offenders
Writing Court Reports and Expert Testimony

CURRENT RESEARCH

Child Sexual Abuse Risk Factors: Modus Operandi and Supervision.
Research Assistance to Dr. Keith Kaufman, Portland State University

PROFESSIONAL AFFILIATIONS

Clinical Member, Association for the Treatment of Sexual Abusers (ATSA)
Clinical Member, Florida Association for the Treatment of Sexual Abusers (FATSA)
Clinical Member, National Adolescent Perpetrator Network (NAPN)
Clinical Member, American Psychological Association (APA)
Board Member, Florida Association for the Treatment of Sexual Abusers

Filing # 77273654 E-Filed 08/30/2018 04:12:10 PM

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
FLORIDA.

CASE NO:

JOHN DOE,

Plaintiff,
vs.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and
RIC BRADSHAW,
individually in his official capacity
as Sheriff of Palm Beach County

Defendants.

NOTICE OF COMPLIANCE WITH § 86.091 FLORIDA STATUTES

The undersigned counsels hereby give notice of compliance with Fla. R. Civ. P. 1.07, with respect to the constitutional challenge brought pursuant to § 943.0435, Florida Statutes. The undersigned have complied by serving the Attorney General for the State of Florida and the State Attorney for the Fifteenth Judicial Circuit, Palm Beach County, with a copy of the Complaint challenging § 943.0435, Florida Statutes, by electronic service to the Florida Office of the Attorney General, at oag.civil.eserve@myfloridalegal.com, AND the Palm Beach County Office of the

State Attorney, at SACivil@sa15.org on this 30th day of August, 2018.

/s/ Cindy E. D'Agostino

Cindy E. D'Agostino
Fla. Bar No: 371378

/s/ Barbara J. Scheffer

Barbara J. Scheffer
Fla. Bar No. 968625

CERTIFICATE OF SERVICE

I HEREBY AFFIRM that a true and correct copy of the foregoing notice of Compliance has been electronically mailed to the Florida Office of the State Attorney General, at oag.civil.eserve@myfloridalegal.com, AND the Palm Beach County Office of the State Attorney, at SACivil@sa15.org On this 30th day of August.

/s/ Cindy E. D'Agostino

Cindy E. D'Agostino
Fla. Bar No. 371378
11380 Prosperity Farms Road
Suite 204
Palm Beach Gardens, FL 33410
Tele:(561) 622-8655
email: cdagostino@bellsouth.net

/s/ Barbara J. Scheffer

Barbara J. Scheffer
Fla. Bar No. 968625
11380 Prosperity Farms Road
Suite 204
Palm Beach Gardens, FL 33410
Tele: (561) 622-8100
email: bjscheffer@bellsouth.net

NOT A CERTIFIED COPY

Filing # 77273654 E-Filed 08/31/2018 04:06:38 PM

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
FLORIDA.

CASE NO:

JOHN DOE,

Plaintiff,

vs.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and
RIC BRADSHAW,
individually in his official capacity
as Sheriff of Palm Beach County,

Defendants.

SUMMONS

TO: RICHARD L. SWEARINGEN, Commissioner
of the Florida Department of Law Enforcement
c/o Jason Jones, Office of General Counsel, FDLE
2331 Ponce de Leon Blvd
Tallahassee, FL 32308

The above captioned lawsuit has been filed to declare Florida Statute § 943.0435 unconstitutional as applied. You have **twenty (20) calendar days** after this summons is served on you to file a written response to the attached complaint with the clerk of this circuit court. A phone call is not an adequate response. Your written response should include the case number and names of the parties and must be filed if you desire the court to hear your defense to the allegations set forth in the complaint. If you do not timely file your written response, you may lose the case, and your wages, money, and property may be taken thereafter without further notice from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (found online or listed in phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, you must also serve a copy of your written response on the person named below:

Cindy E. D'Agostino
Cindy E. D'Agostino, P.A.
11380 Prosperity Farms Road
Suite 204
Palm Beach Gardens, FL 33410
Email: cdagostino@bellsouth.net
Telephone: 561-622-8655

If the party serving summons has designated email addresses for service or is represented by an attorney, you may designate email address(es) for service by or on your behalf. Service must be in accordance with Florida Rule of Judicial Administration 2.516.

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents, upon request.

You must keep the Clerk of the Circuit Court's office notified of your current address.

THE STATE OF FLORIDA
TO ALL AND SINGULAR THE SHERIFFS OF THE STATE: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above named defendant.

Sep 04 2018

DATED: _____



SHARON R BOCK
CLERK OF THE CIRCUIT COURT

BY: 
DEPUTY CLERK

TIKILA BROWN

*Amer. With Disability Act--Notice (See attached).

This notice is provided pursuant to Administrative Order No. 2.207-1/15

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

"Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le proporcione cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711."

"Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalite pou ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen asistans. Tanpri kontakte Tammy Anton, kòdonatè pwogram Lwa pou Moun ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn nòmbr (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon, si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711."

**** CASE NUMBER: 502018CA011158XXXMB Division: AB ****

CLERK'S 1473

Filing # 77273654 E-Filed 08/31/2018 04:06:38 PM

9/5/18 3:00 PM

Petrona Carter

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
FLORIDA.

CASE NO:

JOHN DOE,

Plaintiff,

vs.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and
RIC BRADSHAW,
individually in his official capacity
as Sheriff of Palm Beach County,

Defendants.

RECEIVED

SEP - 5 2018

PALM BEACH COUNTY
SHERIFF'S OFFICE
DEPARTMENT OF LEGAL AFFAIRS

SUMMONS

TO: RIC BRADSHAW
Sheriff of Palm Beach County
3228 Gun Club Road
West Palm Beach, FL 33406

The above captioned lawsuit has been filed to declare Florida Statute § 943.0435 unconstitutional as applied. You have twenty (20) calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this circuit court. A phone call is not an adequate response. Your written response should include the case number and names of the parties and must be filed if you desire the court to hear your defense to the allegations set forth in the complaint. If you do not timely file your written response, you may lose the case, and your wages, money, and property may be taken thereafter without further notice from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (found online or listed in phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, you must also serve a copy of your written response on the person named below:

Cindy E. D'Agostino
Cindy E. D'Agostino, P.A.
11380 Prosperity Farms Road
Suite 204
Palm Beach Gardens, FL 33410
Email: cdagostino@bellsouth.net
Telephone: 561-622-8655

If the party serving summons has designated email addresses for service or is represented by an attorney, you may designate email address(es) for service by or on you. Service must be in accordance with Florida Rule of Judicial Administration 2.516.

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents, upon request.

You must keep the Clerk of the Circuit Court's office notified of your current address.

THE STATE OF FLORIDA

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above named defendant.

DATED: Sep 04 2018



SHARON R BOCK
CLERK OF THE CIRCUIT COURT

BY: 
DEPUTY CLERK

TIKILA BROWN

*Americans With Disability Act-Notice (See attached).

This notice is provided pursuant to Administrative Order No. 2.207-1/15

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

"Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711."

"Si ou se you moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk ed. Tanpri kontakte Tammy Anton, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711."

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502018CA011158

JOHN DOE,

Plaintiff,

v.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and RIC BRADSHAW,
in his official capacity
as Sheriff of Palm Beach County,

Defendants.

NOTICE OF APPEARANCE

COMES NOW the law firm of Williams, Leininger & Cosby, P.A. and files this Notice of Appearance as counsel for Defendant, RIC BRADSHAW, in his official capacity as Sheriff of Palm Beach County, and requests that all pleadings and correspondence pertaining to the above-captioned matter be hereafter directed to the law firm of Williams, Leininger & Cosby, P.A. at the address indicated below.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via E-Service to Barbara J. Scheffer, Esq. (bjscheffer@bellsouth.net), and Cindy E. D'Agostino, Esq. (cdagostino@bellsouth.net), Mailing Address: 11380 Prosperity Farms Rd, Suite 204, Palm Beach Gardens, FL, 33410; on September 24, 2018.

s/ James O. Williams Jr., Esq.
James O. Williams Jr., Esq. (eService@wlclaw.com)
Florida Bar No. 0614513
Jessica R. Butler, Esq.
Florida Bar No. 118586
Attorney for Defendant PBSO
Williams, Leininger & Cosby, P.A.
11300 US Highway One, Suite 300
North Palm Beach, Florida 33408
Telephone No. (561)615-5666
Facsimile No. (561)615-9606

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502018CA011158

JOHN DOE,

Plaintiff,

v.

RICHARD L. SWEARINGEN,
in his official capacity as
Commissioner of the
Florida Department of Law
Enforcement; and RIC BRADSHAW,
in his official capacity
as Sheriff of Palm Beach County,

Defendants.

NOTICE OF DESIGNATION OF ELECTRONIC MAIL ADDRESS

Notice is hereby given, in conformity with the requirement of Florida Rules of Judicial Administration 2.516, of designation of email address to be used for service of documents to the undersigned as set forth below:

Primary email address: eservice@wlclaw.com

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via E-Service to Barbara J. Scheffer, Esq. (bjscheffer@bellsouth.net), and Cindy E. D'Agostino, Esq. (cdagostino@bellsouth.net), Mailing Address: 11380 Prosperity Farms Rd, Suite 204, Palm Beach Gardens, FL, 33410; on September 24, 2018.

s/ James O. Williams Jr., Esq.
James O. Williams Jr., Esq. (eService@wlclaw.com)
Florida Bar No. 0614513
Jessica R. Butler, Esq.
Florida Bar No. 118586
Attorney for Defendant PBSO
Williams, Leininger & Cosby, P.A.
11300 US Highway One, Suite 300
North Palm Beach, Florida 33408
Telephone No. (561)615-5666
Facsimile No. (561)615-9606

**IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
FLORIDA**

JOHN DOE,

Plaintiff,

vs.

Case No.: 2018ca11158

RICHARD L. SWEARINGEN,
in his official capacity as Commissioner
of the Florida Department of Law
Enforcement; and **RIC BRADSHAW,**
individually and in his official capacity
as Sheriff of Palm Beach County,

Defendants.

**NOTICE OF APPEARANCE ON BEHALF
OF DEFENDANT RICHARD L. SWEARINGEN**

PLEASE TAKE NOTICE that the undersigned hereby notices an appearance on behalf of Defendant Richard L. Swearingen, and requests a copy of anything that is either filed or served in this case.

Respectfully submitted,

**PAMELA JO BONDI
ATTORNEY GENERAL**

/s/ Albert J. Bowden

Albert J. Bowden
Special Counsel
Florida Bar No.: 802190
Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399-1050
(850) 414-3300, Ext. 4716

(850) 488-4872 (Fax)
al.bowden@myfloridalegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been electronically served through the statewide E-Filing portal on counsel for the Plaintiff, **Cindy E. D'Agostino, 11380 Prosperity Farms Road, Suite 204, Palm Beach Gardens, FL 33410**, and who has an email address of cdagostino@bellsouth.net; and on **Barbara J. Scheffer, 11380 Prosperity Farms Road, Suite 204, Palm Beach Gardens, FL 33410**, who has an email address of bjscheffer@bellsouth.net, and on counsel for Defendant Bradshaw, **James O. Williams, Jr., Williams, Leininger, and Cosby, 11300 US Hwy. 1, Suite 300, North Palm Beach, FL 33408**, with an email address of jwilliams@wlcclaw.com, this 26th day of September, 2018.

/s/ Albert J. Bowden
Albert J. Bowden

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

John Doe

DEFENDANTS

Richard L. Swearingen, as the Commissioner of the FDLE; and Ric Bradshaw, as Sheriff of PBC

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Cindy D'Agostino and Barbara J. Scheffer
11380 Prosperity Farms Rd., Suite 204, PBG, FL 33410

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
James O. Williams, 11300 U.S. One, Ste 300, NPB, FL 33408
Albert J. Bowdens, PL-01, The Capitol, Tallahassee, FL 32399

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | | | | | |
|---|---|--|--|---|
| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 375 False Claims Act |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | | PROPERTY RIGHTS | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | | SOCIAL SECURITY | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 440 Other Civil Rights | | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 441 Voting | | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 890 Other Statutory Actions |
| | <input type="checkbox"/> 442 Employment | | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 891 Agricultural Acts |
| REAL PROPERTY | <input type="checkbox"/> 443 Housing/Accommodations | | | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | | | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | | | <input type="checkbox"/> 896 Arbitration |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 448 Education | | | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| <input type="checkbox"/> 240 Torts to Land | | | | <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 245 Tort Product Liability | | | | |
| <input type="checkbox"/> 290 All Other Real Property | | | | |
| | PRISONER PETITIONS | | | |
| | Habeas Corpus: | | | |
| | <input type="checkbox"/> 463 Alien Detainee | | | |
| | <input type="checkbox"/> 510 Motions to Vacate Sentence | | | |
| | Other: | | | |
| | <input type="checkbox"/> 530 General | | | |
| | <input type="checkbox"/> 535 Death Penalty | | | |
| | <input type="checkbox"/> 540 Mandamus & Other | | | |
| | <input type="checkbox"/> 550 Civil Rights | | | |
| | <input type="checkbox"/> 555 Prison Condition | | | |
| | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |
| | | LABOR | | |
| | | <input type="checkbox"/> 710 Fair Labor Standards Act | | |
| | | <input type="checkbox"/> 720 Labor/Mgmt. Relations | | |
| | | <input type="checkbox"/> 740 Railway Labor Act | | |
| | | <input type="checkbox"/> 751 Family and Medical Leave Act | | |
| | | <input type="checkbox"/> 790 Other Labor Litigation | | |
| | | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | | |
| | | IMMIGRATION | | |
| | | <input type="checkbox"/> 462 Naturalization Application | | |
| | | <input type="checkbox"/> 465 Other Immigration Actions | | |

V. ORIGIN

- (Place an "X" in One Box Only)
- 1 Original Proceeding
 - 2 Removed from State Court
 - 3 Re-filed (See VI below)
 - 4 Reinstated or Reopened
 - 5 Transferred from another district (specify)
 - 6 Multidistrict Litigation Transfer
 - 7 Appeal to District Judge from Magistrate Judgment
 - 8 Multidistrict Litigation - Direct File
 - 9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
Violation of Ex Post Facto Clause of the US and Florida Constitutions; Violation of Due Process Clause

LENGTH OF TRIAL via 7 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE

SIGNATURE OF ATTORNEY OF RECORD

Jessica R Butler 10-5-18

FOR OFFICE USE ONLY
RECEIPT #

AMOUNT

IFP

JUDGE

MAG JUDGE