

A disgrace that makes no distinction - For many young, low-level sex offenders, registry has lasting and devastating effects

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Second of two parts

Local news reports termed him "armed and dangerous." Law enforcement officials dubbed him a repeat sexual predator on the prowl.

Now, Angel De Jesus Hernandez, 19, faces up to 20 years in prison and a lifetime on Texas' sex offender registry for having consensual sex with his 15-year-old girlfriend.

Mr. Hernandez is the first to tell you he's no saint. He's got a hefty juvenile record. He cursed and spit at police when they forced him - wearing nothing but boxer shorts - from his girlfriend's bed. And he went back to her, even after a judge warned him to stay away.

"But I'm not a sex offender," he said from the Ellis County Jail this summer, his scrawny frame, soft voice and patchy facial hair underscoring his apparent naivete.

"We loved each other."

Mr. Hernandez and hundreds of young men like him are casualties of Texas' zero-tolerance sex offender registration laws. Despite low-level sex offenses, they're cataloged as perverts, as monsters, by a system that paints most sex criminals with the same broad brush.

An 11-year-old who fondles a 10-year-old classmate could be forced to register as a sex offender for a decade. An 18-year-old who's more than three years older than his girlfriend could spend a lifetime on the registry for having consensual sex with her.

And once they're on the list, these young sex offenders are virtually boxed out of society - unable to find jobs and housing, and trapped in a vicious cycle of evictions, registration violations and more jail time.

After years spent making Texas' sex offender registration laws some of the toughest in the nation, legislators acknowledge some unintended consequences. They're working to design better risk-level assessments to help police departments distinguish between sexual predators and high school boyfriends. And they've passed legislation to allow some young offenders with negligible recidivism rates, particularly those in consensual-sex scenarios, to be removed from the registry.

For the wealthy and well-educated, those reforms may be enough to avoid lifelong damage from an adolescent sex offense. For the troubled and economically disadvantaged, however, a single sex crime can become a long-term trap. Without advocates, without legal counsel, they're branded for life with the worst kind of scarlet letter - child molester.

"There are no opportunities available to them, they're forced out of neighborhoods, they get death threats and dead animals in their mailboxes," said Shari Julian of the University of Texas at Arlington, an expert on sex offenders. "If you're on this list, how do you ever reclaim your life?"

'A balancing act'

The state's staunchest advocates for sex offender registration say they're eliminating what predators want most: anonymity. If a couple of low-risk sex offenders get lumped in with the bunch, they say, it's a sacrifice worth making.

And they've got strong support on Capitol Hill. In July, President Bush signed the Adam Walsh Child Protection and Safety Act of 2006, which expands the national sex offender registry while strengthening federal penalties for Internet sex crimes and crimes against children.

"It's a balancing act. But anyone who knows and understands sex offenders will tell you these individuals are very different from any other type of criminal - there's no cure for pedophilia," said state Sen. Florence Shapiro, R-Plano, author of much of Texas' sex offender legislation. "They must be challenged and stopped, for the sake of our children."

About 13 percent of adult Texans, the large majority of them female, have been sexually assaulted at some point in their lifetime, according to a 2003 rape survey by the Institute on Domestic Violence and Sexual Assault at the University of Texas at Austin. And while some might not want to impose a lifelong punishment on teenage boys who have consensual sex with teenage girlfriends, many treatment providers say the age gap often indicates the offender has developmental problems.

But as Texas police departments buckle under the strain of monitoring an ever-growing list of offenders, experts question whether forcing juveniles and low-level offenders to register is a waste of time and resources.

With a crowded registry, they say, law enforcement officials spend too much time keeping track of low-risk sex offenders - and not enough zeroing in on the state's most dangerous predators. And there's far more opportunity for error. A Dallas Morning News investigation into the state's sex offender registry found that the database is laden with mistakes - phony or outdated addresses that allow potentially thousands of Texas sex offenders to slip through the cracks.

Desperate for normalcy

On his worst days, Andre Perez wishes he could do the same. As a child, he was sexually assaulted by a man in his church. As a difficult and developmentally stunted 12-year-old, he touched his 5-year-old sister's genitals with his own on a few occasions.

Mr. Perez's sister reported the molestation three years later to her Garland elementary school teacher. At 16, Mr. Perez - a sometimes runaway with major behavioral problems - was charged with aggravated sexual assault of a minor and sent to a juvenile detention facility outside of Austin.

Five years later, he had a GED and a healthy dose of optimism. But sex offender registration made his life "near impossible." No one would lease him an apartment; he spent two years bouncing between extended-stay motels and subletting rat- and roach-infested units. He lasted two semesters at Collin County Community College, until classmates found him on the sex offender registry and vandalized his car.

Employment options were no better. Business owners routinely ordered him off their property after conducting background checks. And he lost jobs at Blue Bell Ice Cream and Discount Tire when bosses and colleagues learned he was on the sex offender registry, he said. Humiliated and hopeless, Mr. Perez ignored registration requirements and fled Texas last fall for Illinois, where he moved in with relatives.

"It was the first time I ever felt like I was living a normal life," Mr. Perez, 24, said in August from behind a Plexiglas wall in a Houston detention center.

By April, he'd been caught and sent back to jail in Texas to serve several more months for a sex offender registration violation, a state jail felony.

Mr. Perez is now out of jail and living with his fiancée in Dallas.

"This thing I did as a juvenile is going to follow me for the rest of my life," he said, blinking back tears. "I'm not a risk. But I'm lumped in the same category as the guy who's preying on kids in a shopping mall."

And it's not just the sex offender who's crippled by the registry. Mr. Perez's offense, and the endless sex offender registration cycle, have taken their toll on his entire family. His mother, Linda Burrell, no longer speaks to several of her children as a result, and still struggles to grasp how her son, a victim himself, could molest her daughter - his sister - Heather.

"My child is not the monster society thinks he is," she said, her sad eyes and furrowed brow a testament to years of aggregate worry.

And Mr. Perez still is forbidden from having contact with Heather until he's off probation, though they both want to be a part of each other's lives.

"I'm the one he did it to. If I can forgive him, why do they make it so hard for me to see him?" said Heather, now a gregarious Plano 17-year-old. "I haven't seen him in eight years. I can't even remember what he looks like."

Closing all the loopholes

The Texas Legislature approved its first sex offender registration law in 1991, requiring criminals convicted of any of four specific sex crimes - indecency with a child, sexual assault, aggravated sexual assault and incest - to register. But the state didn't turn its full attention to sex offenders until 1993, when 7-year-old Ashley Estell was abducted from a Plano park.

Sex offender registration had already taken center stage in Washington. The 1994 Jacob Wetterling Crimes Against Children Act required states to implement sex offender registries or lose federal grant funding. By 1996, Congress had amended the Wetterling act with Megan's Law, establishing systems to notify communities of sex offenders in their midst.

In 1995, Ms. Shapiro, the state senator, pushed Ashley's Laws through the Texas Legislature, a package of bills that, among other things, required all sex offenders to register for 10 years after the duration of their sentence and forced some sexually violent offenders to register for life.

Ashley's Laws also gave local law enforcement agencies the responsibility to register sex offenders and installed everything from newspaper and school district notification systems to 1,000-foot child safety zones.

"The goal," Ms. Shapiro said, "was to close all the loopholes."

In each consecutive session, the legislature did just that - and watched the registry swell.

Legislators added one crime after another (from child kidnapping and unlawful restraint of a child to online solicitation of a minor) to the registration list. And they made registration retroactive for offenders convicted or adjudicated since 1970.

The three-strikes, life-in-prison rule for child-sex offenders turned into a two-strikes rule. The civil commitment program was designed to monitor the state's most egregious offenders. And the legislature began assigning sex offenders' risk levels with the Static 99 - a 10-question test that uses factors like age, marital status and the victim's gender to determine risk of re-offending.

Today, state law requires lifetime registration for most adult sex crimes, from violent sexual assault to almost all sex crimes involving children. This includes cases where the accused gets deferred adjudication and is never formally convicted. Other, lesser sex crimes - from compelling prostitution with an adult to indecent exposure - and those committed by juveniles require 10 years of registration.

But some legislators believe the punishment doesn't always fit the crime, particularly in the case of certain juvenile offenders.

In 2001, after a lobbying effort by parents of young sex offenders, the state added a so-called "Romeo" defense, one that gives sex offenders under 19 who had consensual sex with someone 13 or older the chance to seek deregistration from the state. If the "victim" doesn't agree the sex was consensual, or if the offender has more than one conviction or adjudication, then the offender must remain on the registry.

"We were overzealous with that group, probably," Ms. Shapiro acknowledged.

More recently, elected officials eliminated newspaper notification requirements for sex offenders. And they agreed to seek a better system for determining an offender's risk level, after experts called the Static 99 assessment imprecise.

For Texas' lowest-level sex offenders, however, these changes have had little noticeable effect.

They still have their faces and home addresses plastered on state and city Web sites for the duration of their registration, even if their crimes were committed as juveniles. They're subject to polygraphs and embarrassing, sexually graphic arousal tests. And they're forced to attend - and pay out of pocket for - years of costly counseling, and group-therapy sessions alongside true rapists and child molesters.

Even if they can afford legal counsel, there's still no recourse for the sex offenders who got duped: by the 15-year-old who swears she's 18, or the 16-year-old at a nightclub carrying her sister's ID.

The shame doesn't end with the terms of a sex offender's probation, treatment providers say.

In the prime of their lives, the offenders face random checks from police, restrictions on where they can live and jail if they fail to report a changing address in time. Parole officers contact leasing agents and potential employers. Sex offenders struggle to find jobs, apartments and even friends with their names on a public registry.

Living with the stigma

It's been more than a decade since Billy, who asked that his real name not be used, was charged with indecency with a child - punishment for skipping school at 13 for an intense sexual encounter without penetration with a 12-year-old classmate.

Billy, a former East Texas troublemaker with a petty juvenile record, has grown up and moved on. He's 24, has two kids and a comfortable Arlington home, and makes more than \$70,000 a year in a telecommunications job. But his sex offender registration requirements have followed him - an embarrassing and anxiety-inducing stigma.

Arlington police pull up to his house for random visits twice a year, raising eyebrows in his quiet middle-class neighborhood.

Billy's longtime girlfriend, whom he met at age 19, went door to door to explain the family's situation, after a neighbor saw him on the sex offender registry and threatened to post fliers.

And he's overly cautious about perceptions. Billy won't take his kids to the public park down the street for fear of being wrongfully accused. He's uncomfortable even dropping them off at school. And he's hesitant to look for a job at a bigger firm because of the mandatory background check. In his current small firm, he said, he was able to explain the situation to an understanding boss.

"Yeah, I sweat it," he said. "It's human nature to judge. I'm just not going to put myself out there."

Billy's holding tight. He's just two years from being taken off the sex offender registry. Because he was a juvenile, his record will be clear. But in the meantime, he knows the political tides aren't turning in his favor.

Texas law already prohibits many sex offenders on probation or parole from living within 1,000 feet of schools and other "child-friendly zones." But hundreds of cities across the nation have implemented tighter living restrictions, regardless of how long an offender has been off parole or probation.

Plano now restricts all registered adult sex offenders with child victims from living within 1,000 feet of schools, parks and day-care centers - some 60 percent of the city's residential area. Farmers Branch is even tougher, with a 2,000-foot safety zone that police estimate prohibits sex offenders from living in 97 percent of the city. Carrollton, Duncanville, Prosper and Rowlett have similar new ordinances.

And housing developers are jumping aboard. I&S Investment Group, a Texas-based developer, broke ground this summer on a sex offender-free community in Kansas. It has already sold all 150 lots in its first sex offender-free development in Lubbock. (Residents convicted of sex crimes while they live there must pay a \$1,500-a-day fine.)

Both are trends that experts fear will force sex offenders to cluster in certain parts of town - or, worse, to go underground. Some will intentionally fail to register. Others will simply forget. Either way, young offenders in particular will become entangled in an endless cycle of registration violations, often punishable by more jail time.

"They get so discouraged, because they can't find jobs, the parole officer doesn't trust them, the counselor is nagging - and now they can't find a place to live," said Philip Taylor, a Dallas treatment counselor for sex offenders. "Guys abscond all the time."

What's ahead

Texas legislators say they'll target these absconders in the next legislative session by implementing new tracking technology, expanding the state attorney general's sex offender apprehension unit, and attaching harsher penalties to registration violations. Ms. Shapiro is also pushing to broaden the state's civil commitment program and target Internet sex predators.

"Every legislative session, we must be vigilant," she said.

But experts caution against what they call "the runaway train": making sex offender penalties tougher and tougher every year for political and not scientific reasons.

Much of Texas' sex offender legislation is "really uninformed," said Timothy Bray, a criminologist at the University of Texas at Dallas. It doesn't account for the fact that most sex offenses occur in the home, he said, or the oft-debated research that shows registration doesn't lead to a reduction in re-offending.

"A lot of it is panic-driven. It all boils down to the big-bucket theory, to one

• Caption: PHOTO(S): 1. (DAVE EINSEL/Special Contributor) Andre Perez, 24, says sex offender registration made his life "near impossible." The humiliation and hopelessness made him flee to Illinois to live with relatives, but he was arrested and sent back to jail in Texas this year.2. (EMILY RAMSHAW/Staff) Angel De Jesus Hernandez, 19, faces prison for having consensual sex with his 15-year-old girlfriend.3. -5. (Photos by JIM MAHONEY/Staff Photographer)3. Andre Perez, 24, was reunited with fiancée Emily Rider in August after serving a few months in jail for a sex offender registration violation. At age 16, he was sent to a juvenile detention center for touching his 5-year-old sister Heather's genitals with his own a few years earlier.4. Mr. Perez's mother, Linda Burrell, and his sister Heather, 17, are still dealing with the toll of his offense. Mr. Perez is forbidden from having contact with his sister until he's off probation. "If I can forgive him, why do they make it so hard for me to see him?" Heather says.5. Emily Rider checked newspaper ads over the summer to look for housing after she was asked to leave her apartment because of her fiancé Andre Perez's record as a sex offender. CHART(S): LIVING WITH THEIR CRIMES

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