MEMORANDUM

TO: City Commission for the City of Gainesville, Florida

FROM: Knellinger, Jacobson & Associates o/b/o the ITM Group

DATE: June 29, 2017

RE: Analysis of Statistics Provided by the Gainesville Police Department Related to Sexual Crime Committed by Sexual Offenders in Gainesville

SCOPE

This memorandum provides analysis and commentary on the report titled "Sex Offenses Committed by Sex Offenders in Proximity to Treatment Facilities," which was prepared by the Gainesville Police Department ("GPD") Crime Analysis Unit. A copy of the report is attached as "Exhibit A."

INTRODUCTION

Raw data can be misleading if interpreted without identifying the variables on which a study depends. When the facts of each individual incident provided by the GPD are scrutinized, the data does not show any relation between the sexual crimes committed by sexual offenders and the location of treatment facilities of the ITM Group. Sexual crimes committed by sexual offenders are almost equally distributed throughout the portion of Gainesville analyzed by the GPD. *See* Exhibit A, pg. 5. Though they are few in number, there are sexual crimes committed by sexual offenders in all areas of the approximately 10.5 square mile area reviewed by the GPD. None of those crimes had any relation to the location of where sexual offenders are attending treatment.

Next, two questions must be asked: (1) whether the sexual offender was currently attending therapy for sexual behavior treatment in the area of the crime; and (2) whether the crime occurred during the time that the sexual offender would have been at the location

of the crime in conjunction with his or her sexual behavior treatment. If there is no relationship between the location of treatment facilities and the commission of sexual crimes by sexual offenders who were attending sexual behavior treatment at the time of the crime, then the proposed ordinance does nothing to prevent the harm it intends to prevent.

ANALYSIS

I. Locations of ITM Group Treatment Facilities

Mistakenly, the GPD report identifies all of the following addresses as ITM Group treatment facilities: (1) 2002 NW 13th Street; (2) 225 SW 7th Terrace; and (3) 1208 NW 6th Street. *See* Exhibit A, pg. 2.

- **2002 NW 13th Street:** This building has never been the location of any ITM Group treatment facility of any kind.
- **225 SW 7th Terrace:** This location was the administrative office and private counseling practice of the ITM Group from January 1, 2014 until April 17, 2016. **Sexual offender treatment did not occur at this address.**
- **239 SW 7th Terrace:** This address was the location of the ITM Group's annex building, and **sexual offender treatment occurred here from March of 2008 until April 17, 2016.**
- **1208 NW 6th Street:** This is the current location of the ITM Group's administrative office and private counseling practice, which began offering general counseling services on April 18, 2016. **No sexual offender treatment has ever occurred at this location.**
- **116 NW 6th Street:** The ITM Group currently leases this location, and

began and continues providing treatment to sexual offenders here since May of 2016.

II. Overview of Crimes in the GPD Report

The GPD prepared an analysis of data showing the locations of sexual crimes in Gainesville between January 1, 2014 and May 31, 2017. The analytical findings of the GPD concluded that there were a total of 12 sexual crimes committed by sexual offenders within a half-mile radius of the three locations listed on page 2 of Exhibit A. As discussed in Section I above, the location at 2002 NW 13th Street has never been an ITM Group facility and has been a vacant office building for years.

The crimes identified in the GPD report include the following: (1) one crime for lewd and lascivious act to a child under the age of 16; (2) one crime for sexual battery; (3) three crimes for failure to register as a sexual offender; and (4) seven crimes for computer-related offenses. *See* Exhibit A, pg. 6. The data does not justify limiting the locations of treatment facilities for sexual offenders without showing a correlation between the location of each individual crime and the location an ITM Group facility during the time treatment was being offered at that facility. None of the crimes identified by the GPD were committed within a half-mile of an ITM Group treatment facility, and none of the crimes were related to any treatment offered by the ITM Group.

A. Failure to Register as a Sexual Offender and Computer-Related Crimes

First, the failure to register as a sexual offender is not considered a new sexual crime. Those three crimes should be excluded from the analysis by the City Commission because

they are unrelated to the harm the proposed ordinance intends to prevent: the prevention of crimes against children near a treatment facility. *See* Exhibit A, pgs. 9-10.

Second, the seven computer-related crimes occurred either in the sexual offender's residence or some other place the offender frequented, such as the offender's place of employment. These computer-related crimes did not occur in or at the treatment center locations and did not threaten anyone living in close proximity to the treatment centers. *See* Exhibit A, pg. 10. Further, the GPD provides that the computer-related crimes were the result of a single law enforcement operation and were recorded only as a technical matter at the address of the GPD, which happens to be within a half-mile of the ITM Group's 1208 NW 6th Street location. *See* Exhibit A, pg. 7. The computer-related crimes occurred at various locations throughout Gainesville. As a result, the crimes were completely unrelated to the location of a treatment center in Gainesville.

B. Crimes That Occurred More Than A Half-Mile From an ITM Group Facility

The remaining two crimes listed in the report include the following: (1) one incident for a lewd and lascivious act to a child under the age of 16; and (2) one sexual battery. Both of these crimes occurred nowhere near the location of an ITM Group facility because the 2002 NW 13th Street location has never been used by the ITM Group. *See* Exhibit A, pg. 8.

The lewd and lascivious crime involved a male suspect and a 14 year old female in 2014. The offense took place in an apartment complex parking lot near a location that has never been an ITM Group facility. *See* Exhibit A, pg. 6. Moreover, it is unlikely that the

sexual offender in this 2014 case was attending any kind of sexual behavior treatment because the incident took place almost three miles from the location of the ITM Group's facility at that time. The offense of sexual battery involved a 14 year old female and her mother's live-in boyfriend within their home; thus, this offense was unrelated to the location of any ITM Group facilities. *See* Exhibit A, pg. 6.

The ITM Group's current annex location is 116 NW 6th Street. Sexual offender treatment began there in May of 2016. Since providing treatment to sexual offenders at this location, the only incident that occurred within one-half mile of the facility was a single computer-related crime. *See* Exhibit A, pg. 9. As stated by the GPD, computer-related crimes were the result of an operation by the GPD and were reported at the GPD building, which is located within a half-mile of the ITM Group's current locations.

III. Overview of the ITM Group Patient Discharge Data

The ITM Group has compiled information from 2014-2016 related to the discharges of its patients attending evaluations or treatment in the following counties: Alachua, Bradford, Brevard, Citrus, Columbia, Flagler, Hernando, Lake, Levy, Marion, Putnam, St. Johns, Seminole, Suwannee, Taylor, Volusia, Orange, and Osceola. A copy of the report is attached as "Exhibit B."

The majority of discharges of patients from the ITM Group were because of non-sexually related terminations, which include the following: (1) the failure of the patient to register as a sexual offender; (2) the patient moved to a different area; (3) the patient was deported; (3) the patient died; (4) the patient was arrested for a non-sexual crime; (5) the patient absconded from his or her probation; (6) the patient had a technical violation of his

or her probation; (7) the patient refused to participate in treatment; or (8) the patient denied committing a crime. *See* Exhibit B, pg. 2. There is also a substantial number of patients who complete the treatment successfully, and were then discharged to move on with their lives. *See* Exhibit B., pg. 1.

The data contained in Exhibit B covers patients attending treatment in 18 counties in Florida. Narrowing the scope of this data to the ITM Group's Gainesville office, there were four individuals between 2014 and 2016 who were discharged from treatment because of a sexually related accusation or offense. None of these accusations or offenses occurred near a treatment facility, or were in any way related to the location of the treatment facility.

CONCLUSION

For the data to justify passing the proposed ordinance, which forces facilities providing sexual behavior treatment to sexual offenders to be located away from child care centers, schools, public parks, and youth associations, the data must show that there is a higher likelihood for sexual offenders to commit sexual crimes near those treatment facilities. If sexual offenders attending treatment do not commit sexual crimes near the treatment facility, there is no rational basis for limiting the location of treatment facilities providing counseling to sexual offenders. In the data provided by the GPD, not one sexual crime has occurred within a half-mile of any ITM Group facility; therefore, the proposed ordinance reflects no reasonable connection between crimes committed by sexual offenders and the location of their treatment facilities.

SEX OFFENSES COMMITTED BY SEX OFFENDERS IN PROXIMITY TO TREATMENT FACILITIES

City Commission: July 6, 2017

160769I

Gainesville Police Department
Crime Analysis Unit
Prepared By:
Bridgett Smart,
Crime Analyst

June 19, 2017

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- ITM Group Address: 225 SW 7th Terrace
- ITM Group Address: 1208 NW 6th Street (Current Address)
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REQUESTED DATA

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The Crime Analysis Unit at the Gainesville Police Department conducted an analytical objective regarding the three geographical locations of the ITM Group Treatment Centers. In addition, a radius within a ½ mile of the three locations were also observed for sex offenses committed by sex offenders/predators.

MAP OVERVIEW OF ITM GROUP TREATMENT CENTERS

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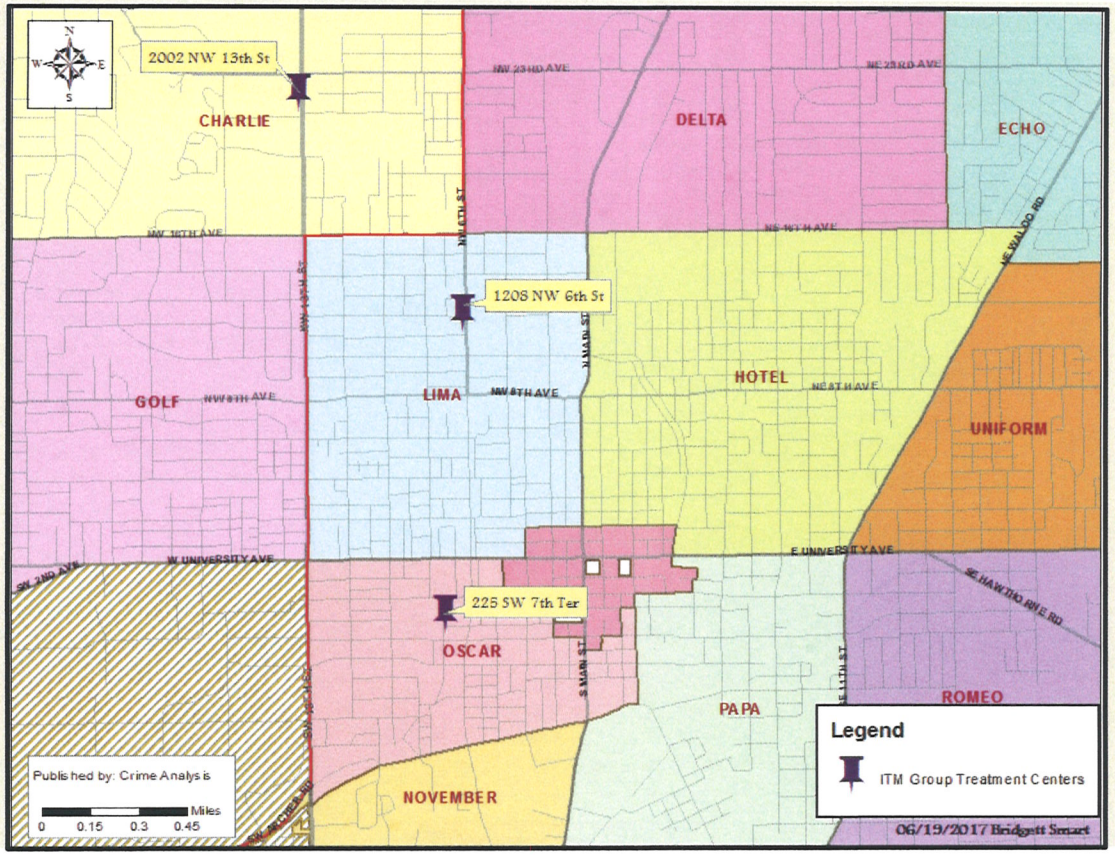

EXHIBIT A
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SEX OFFENSES COMMITTED BY SEX OFFENDERS/PREDATORS JANUARY 1, 2014 – MAY 31, 2017

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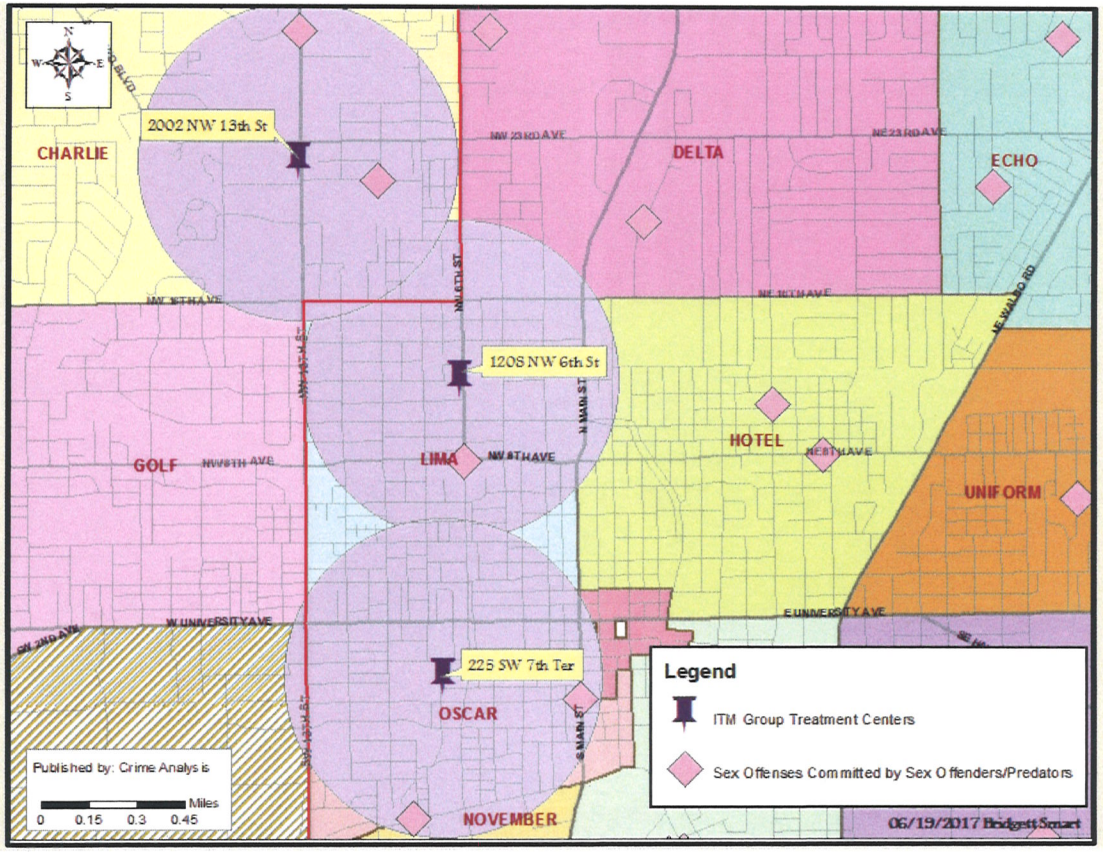

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ANALYTICAL FINDINGS

- Alachua County has 405 Registered Sex Offenders/Predators, according to the Florida Department of Law Enforcement Sex Offender & Predator Database, 2017.
- There are a total of 275 registered sex offenders/predators that resides within the City of Gainesville.
- A total of 12 sex offenses were committed by sex offenders/predators within a ½ mile radius of one of the three ITM Group Treatment Centers.
- Offenses included, 1 lewd & lascivious act to a child under 16, 1 sexual battery, 3 failure to register as a sex offender, and 7 computer sex crimes.

ANALYTICAL FINDINGS CONTINUED

- The offense of lewd and lascivious act to a child under 16, involved an adult male suspect and a 14 year old female. The offense took place in an apartment complex parking lot located within a ½ radius of a ITM Group Treatment Center location. The offender was arrested.

- The offense of sexual battery involved a 14 year old female and her mother's live-in boyfriend within their home. The offender was arrested.

- Offenses of computer sex crimes were a result of an operation, Internet Crimes Against Children, held by the Gainesville Police Department. The Gainesville Police Department is located within a ½ mile radius of the 1208 NW 6th Street address, hence the reported location, the offenses occurred at various locations throughout the city.

2002 NW 13TH STREET SEX OFFENSES COMMITTED BY SEX OFFENDERS/PREDATORS

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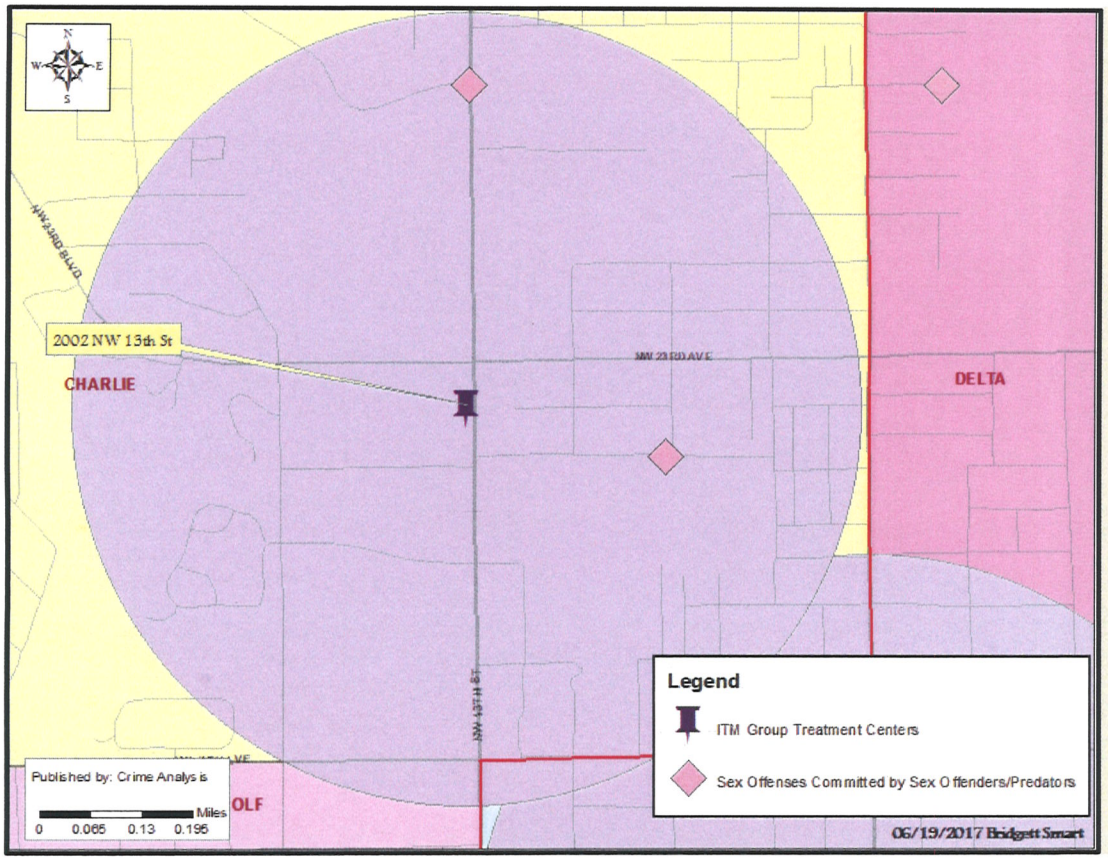
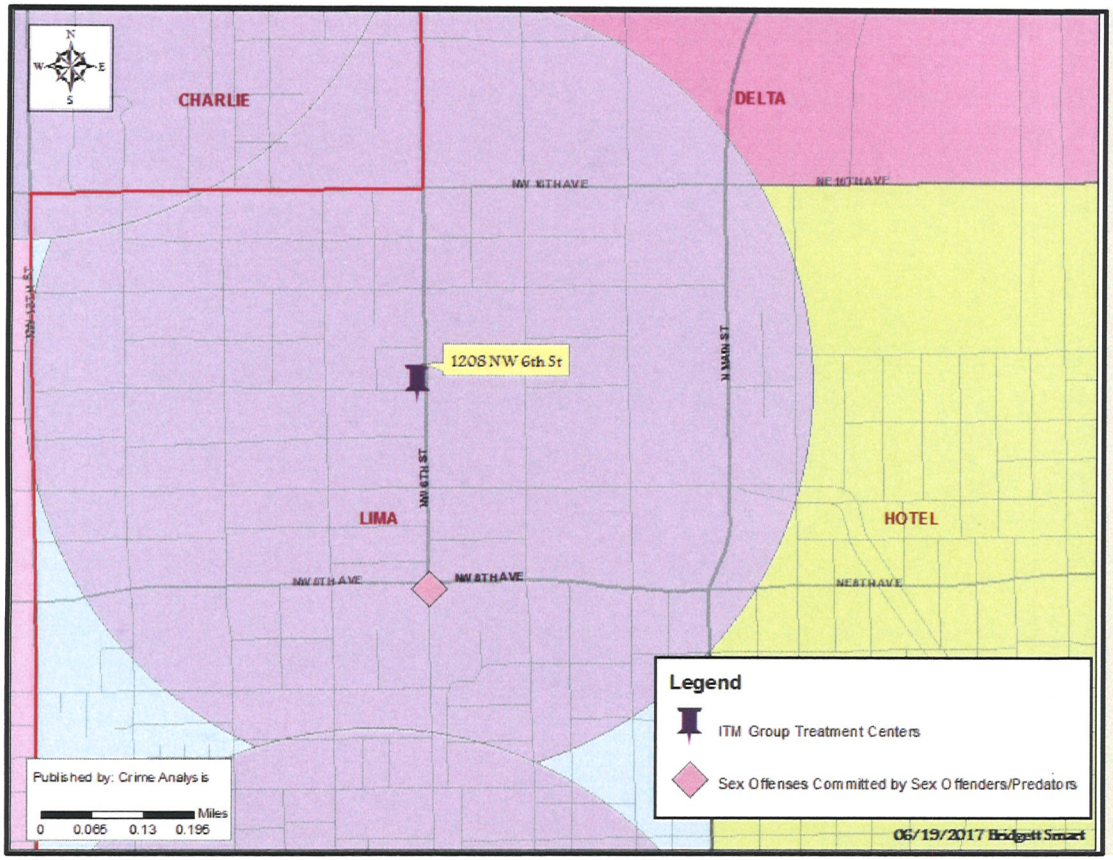


Sex Offenses Committed by Sex Offenders/Predators within a ½ mile radius:
2 Sex Offenses

1 Lewd & Lascivious Act to A Child Under 16 Years Old – 2014
1 Sexual Battery – 2014

The above quantitative data was retrieved from the OneSolution RMS system. For references refer to the OneSolution RMS system.

225 SW 7TH TERRACE SEX OFFENSES COMMITTED BY 160769 SEX OFFENDERS/PREDATORS

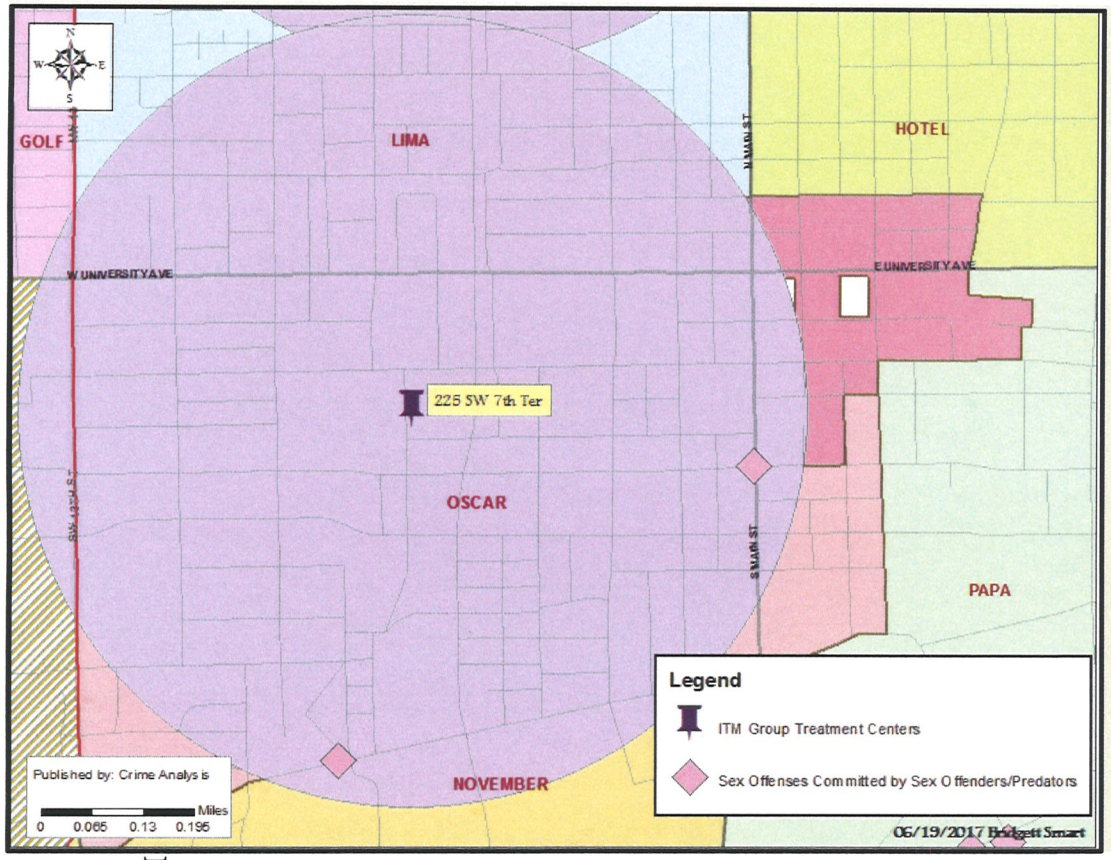


Sex Offenses Committed by Sex Offenders/Predators within a ½ mile radius: 2 Sex Offenses

2 Sex Offender/Predator Violation-Failure to Register as a Sex Offender – 2014

The above quantitative data was retrieved from the OneSolution RMS system. For references refer to the OneSolution RMS system.

1208 NW 6TH STREET SEX OFFENSES COMMITTED BY 1607691 SEX OFFENDERS/PREDATORS



Sex Offenses Committed by Sex Offenders/Predators within a ½ mile radius:
8 Sex Offenses

1 Sex Offender/Predator Violation-Failure to Register as a Sex Offender – 2014
6 Computer Sex Crime – 2015
1 Computer Sex Crime – 2017

The above quantitative data was retrieved from the OneSolution RMS system. For references refer to the OneSolution RMS system.

CONCLUSION

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- The Crime Analysis Unit at the Gainesville Police Department requested analytical data both nationally and city wide through the International Association of Crime Analysts and the Savannah-Chatham Metropolitan Police Department. As of present day, analytical data displaying correlation between sex offenses being committed by sex offenders/predators in the vicinity of treatment centers have not been provided by other jurisdictions.
- Questions or Concerns?

DISCHARGES OF FORENSIC CLIENTS
From all ITM programs in North Florida
for 2014, 2015 and 2016

This is a breakdown of the discharges from treatment with the ITM Group from its forensic programs, **primarily sex offender treatment**, throughout North Florida. This covers clients attending evaluations and/or treatment in the following counties: **Alachua, Bradford, Brevard, Citrus, Columbia, Flagler, Hernando, Lake, Levy, Marion, Putnam, St. Johns, Seminole, Suwannee, Taylor, Volusia, Orange and Osceola.**

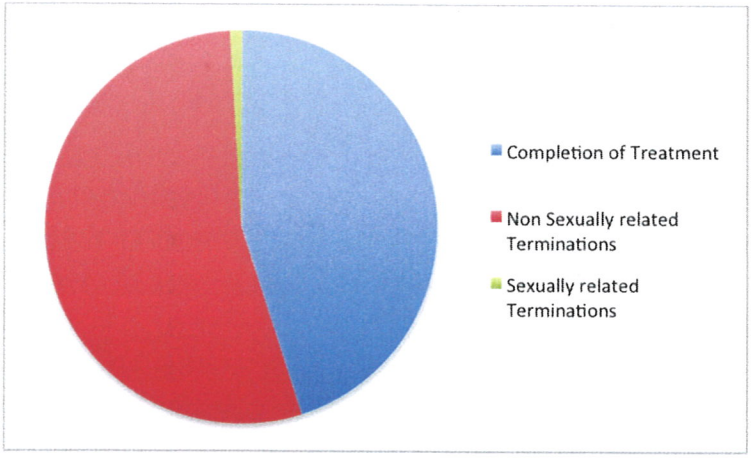
During the years **2014, 2015, and 2016**, there were **3,680 discharges** from these ITM programs broken down as follows:

Completion of treatment **45.5%**

Non Sexually related terminations (did not complete treatment) **53.8%**

Terminations for a sexually related offense or violation **00.7%**

An examination of the terminations for a sexually related offense or violation during this time period reveals **none that had any connection to the patient attending treatment.** This includes types of new offenses or violations, where the new offense took place, relationship to the victim, or time frame of the new offense.



The majority of clients discharged from treatment without completing treatment are for **non-sexually related reasons**. These can include:

- Failure to register as a sexual offender
- Moved to different area
- Deported
- Death
- Arrest for non-sexual offense
- Absconded
- Probation rule violations such as curfew or travelling out of County without permission
- Non-participation in treatment
- Denial of offense

Gainesville Discharges

Between 2014 and 2016, there were 4 individuals referred to the ITM Group's Gainesville office who were subsequently discharged for a sexually related accusation or offense. **None of these accusations/offenses had anything to do with the patient's attendance at treatment.** These cases were:

- One person who had sexual contact with his original victim.
- One person who was found to be in possession of child pornography. This person was arrested for this before beginning treatment.
- One person who had unwanted sexual contact with an adult co-worker.
- One person who picked up an adolescent boy at a convenience store near his residence, not on a day or week that he attended treatment, and not in the part of town where the treatment office was located.