

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

**RON O'BRIEN, PROSECUTING ATTORNEY,
FRANKLIN COUNTY, OHIO,**

Plaintiff,

v.

[REDACTED],

Defendant.

Case No.:

[REDACTED]

Judge:

SHEERAN

AFFIDAVIT OF BETH RED BIRD

I, BETH RED BIRD, being first duly cautioned and sworn, hereby state the following, upon my knowledge and belief:

1. I am a citizen of the United States and a resident of Franklin County, Ohio.
2. I am over the age of eighteen (18) and under *no* legal disability.
3. I am *not* a party to this action and I have *no* economic or other interest in its outcome.
4. I am a researcher in the College of Education and Human Ecology at The Ohio State University, where I am in the process of completing a Master of Science in Family Resource Management.
5. As part of my degree work, I have met the requirements for a Graduate Minor in Statistical Data Analysis.
6. During the course of my study at the Ohio State University, I have been thoroughly trained in a broad range of methodologies, including all of the means of statistical analysis described in my report, "Assessing Housing Availability Under Ohio's Sex Offender Residency Restrictions".
7. Also during the course of my study at the Ohio State University, I have completed significant course work and independent scholarly research in the areas of housing, economic stratification, and financial education.

8. As a result of my research, I have been asked to present papers at academic conferences and seminars, invited to speak at housing and community development conferences, and admitted to complete a program of doctoral study at Stanford University.
9. While attending school at the Ohio State University, I also worked for a non-profit agency, the Ohio CDC Association, and was solely responsible for several multi-million-dollar housing and financial development programs operated by that agency.
10. While attending school at the Ohio State University and working for the Ohio CDC Association, I applied for, obtained, and managed fifteen Ohio and Federal grants, totaling more than 4.5 million dollars, all of which were related to housing and community development.
11. As a result of my work in housing and development, my study of economic stratification, and my extensive education and training in statistical analysis, I am qualified to analyze and interpret housing data and residential occupancy data.
12. As a result of my extensive work in Ohio's housing industry and regular interaction with government agencies and private non-profit corporations, I am qualified to identify reliable housing and demographic data sets, develop statistical models for the analysis of those data sets, and draw descriptive conclusions about the geographic and demographic populations reflected by those data sets.
13. In January, February, and March of 2009, I conducted a study of the effects of the thousand-foot residency restriction in Franklin County, using data from the Franklin County Auditor's Parcel Database, the Ohio Attorney General's e-SORN Database, and the United States Census Bureau.
14. Although the initial research question was proposed by the Franklin County Public Defender, I conducted this study for academic purposes only, and *not* to prove any point that might assist any party in this case.
15. I have reviewed other cases filed by the Prosecuting Attorney, and noted that the data set described by the affiants in those cases, described as the "GIS Tax map database", is the same data set from which I obtained parcel information used in this study.

16. I have reviewed the publicly accessible databases maintained by the Franklin County Sheriff and the Ohio Attorney General, and noted that the data set used by these agencies is the same data set from which I obtained offender information used in this study.
17. Using the data, I was able to estimate and form conclusions about the relationships between parcel distribution and availability, offender residency patterns, and various economic factors.
18. I then presented a complete review of my methodology, analysis and conclusions in a report, titled “Assessing Housing Availability Under Ohio’s Sex Offender Residency Restrictions”.
19. The report makes descriptive statements about Franklin County parcels and Franklin County offenders, and then identifies relationships between attributes of both of these.
20. The report does *not* make any *causal* claims and does *not* offer any opinion on the *cause* of the economic and demographic trends described.
21. To the extent that the report offers opinions, my conclusions were reached to a reasonable degree of statistical certainty.
22. Any questions as to the methods I used, the source of the data, or the steps taken in reaching my conclusions, are answered at great length in the report.
23. All descriptions and conclusions in the report can be objectively verified or easily reproduced using publicly available government databases and generally accepted analytical methods.
24. All statements in the report were made by me, are in my own words (except quotations), and represent my sound conclusions and objective analysis, based on my knowledge, skills, experience, training, and education.
25. A complete copy of the report, “Assessing Housing Availability Under Ohio’s Sex Offender Residency Restrictions”, is attached to this affidavit, and all statements in the report are incorporated in this affidavit by reference as if stated here verbatim.
26. My study assessed some of the fundamental assumptions underlying residency restrictions and questions whether such laws have the desired effect.

27. Previous research was tested and results were placed in a community context, in order to shed light on the true impact of residency restrictions on housing availability, given the economic realities faced by both offenders and general county residents.
28. My study specifically assessed whether such restrictions place a more substantial burden on the economically most vulnerable.
29. Results indicated little relationship between the proportion of area homes with children under the age of eighteen and the likelihood that a parcel was restricted.
30. This suggests that the creation of buffer zones around schools may not relate to the insulation of children from offenders.
31. My study concluded that such buffer zones, while unrelated to child residence, render a substantial portion of county housing unavailable to registered offenders.
32. Consistent with previous work, my study found that offenders are disproportionately clustered in economically disadvantaged areas.
33. Compared to the county as a whole, offenders are substantially more likely to live in lower-income neighborhoods.
34. Nearly three-quarters live in areas where the number of individuals in poverty is above the county median, compared with only 38.77 percent of the county as a whole.
35. An overwhelming majority (83%) live in areas where median rent is below the county median, compared with half of all county land as a whole.
36. For every \$10,000 decrease in median income, an offender is 3.22 times more likely to live in that area.
37. Additionally, for every \$10,000 increase in median home value, an offender is half as likely to live in the area.
38. Overall, data indicates that economic factors are strongly predictive of areas where offenders tend to live, with offenders disproportionately concentrated in areas with low income, high poverty, and low housing value.

39. My analysis took a step beyond previous comparisons, in that it used county characteristics, based on sampled housing parcels and adjusted to mirror county living conditions in general, instead of broad county or national averages.
40. This direct, local comparison improved the robustness of findings and the reliability of indications that offenders are distributed in ways that distinguish them from residents in general.
41. My study also found that residency restrictions render substantial portions of the county 'off limits'.
42. Overall, 59.53% of all residential parcels samples are restricted.
43. When adjusted to include non-residential parcels, an estimated 65.32 percent of the county is unlivable under current restrictions.
44. The proportion of parcels restricted is directly related to economic factors of the area.
45. Among high poverty areas, an astounding 80 percent of sampled parcels were within a prohibited buffer zone.
46. Within all four economic variables, based on regression analysis and modeling, the proportion of parcels violating a residential buffer is highest in areas with worst economic conditions.
47. For example, for every 5% increase in poverty rate, a parcel is 1.125 times more likely to be restricted and for every \$100 decrease in median rent a parcel is 1.143 times more likely to be restricted, indicating that economics also play a role in predicting parcel restriction.
48. However, this conclusion, while similar to other studies, tells only half the tale, and must be placed within the relevant community context in order to be fully understood.
49. Because offenders tend to be clustered in economically poor areas, and parcels in these areas tend to be more restrictive, the net effect is more substantially limited as to housing options than the overall 34.679% rate of unrestricted parcels would suggest.

50. While housing in the county is available, albeit only moderately, the availability of affordable housing, given the economic conditions where offenders tend to reside, is much more significantly constrained.
51. For example, when examined by income, less than 32% of parcels are estimated to be available in areas with the lowest median per-capita income, but more than 42 percent of all offenders live in these areas.
52. This pattern is evident across all economic indicators.
53. Although no cause-effect relationship can be established, it is evident that economic factors play a substantial part in predicting where offenders are able to live, both in terms of residency restrictions and affordability.
54. Hughes and Kadleck (2008) argue that concentration of offenders in low-income areas may be the result of collective action on the part of residents in more affluent areas, using their resources to force offenders out of their neighborhoods.
55. However, Zevitz (2003) found that, while the presence of a sex offender tended to create resident anxiety and anger, no collective reactions were evident.
56. This supports a more simple explanation, that offenders live in poor areas because they cannot afford to live elsewhere.
57. Surveys by Levenson and colleagues (Levenson and D'Amora 2007; Levenson and Tewksbury 2009) find that offenders report difficulty with jobs and financial stability, and this study's employment rate of 37.99 percent is also supportive of such a conclusion.
58. Mustaine and Tewksbury et al. (2006) appropriately point out that the cause of offender concentration in poor areas cannot be definitively assessed with studies such as this.
59. It has been proposed, given the increased probability that parcels within poor areas are within buffer zones, that offenders locate themselves in poor areas to be closer to potential victims.
60. However, this study rejected that possibility as specious, for two reasons.
61. First, economic factors play a substantial role in predicting where sex offenders live, but have a reduced (though still substantial) role in determining parcel restriction.

62. Thus, offenders would still have access to restricted locations, and by extension possible victims, in more affluent areas.
63. Second, in Ohio, where the minority of offenders are child-victim offenders (Office of Criminal Justice Services 2006), the majority of offenders would have no reason to position themselves within a buffer zone, even if they had the intention to re-offend.
64. A more rational explanation for the clustering of offenders in economically disadvantaged areas is that offenders are themselves economically disadvantaged.
65. Moreover, this study was able to empirically demonstrate that there is no such relationship between offender location and proportion of area homes with children.
66. In fact, as the proportion of area homes with children increases, the likelihood of an offender residing in the area decreases.
67. Also, there was no relationship between homes with children and likelihood of offenders violating residency restrictions.
68. Lastly, this study finds that more than a third of offenders are currently violating county residency restrictions, and that economic factors play a substantial role in predicting such violations.
69. In areas with the lowest median income, nearly half (47.18%) of all offenders are living in prohibited areas.
70. In other words, offenders living in poor areas are more likely to be in violation.
71. This relationship is most likely the cumulative result of offender concentration and increased restrictiveness in such areas.
72. To put it simply, offenders in such areas are in violation of residency restrictions because they cannot find housing (either because of economic restraints or due to other factors) that does not violate their restrictions.
73. Additionally, there are practical implications to the high proportion of offenders who are violating current residency restrictions.

74. Should county officials suddenly seek full enforcement of these restrictions tomorrow, this would immediately displace 515 offenders, placing them at increased risk for homelessness or transience, given the limitations on affordable, available housing.

FURTHER AFFIANT SAYETH NAUGHT.

By: _____
BETH RED BIRD

Sworn to and subscribed before me this ____ day of June, 2009, by the above named Affiant.

By: _____
NOTARY PUBLIC