

Politics and Punishment: What's Wrong with How We Deal With Sex Offenses

21ST ANNUAL STATE CRIMINAL JUSTICE NETWORK CONFERENCE

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Collateral Consequences of the Sex Offender Registry

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LIFE ON THE REGISTRY

- Registered citizens experience a number of unintended consequences of sex offender registration & notification policies
 - Increased stress
 - Emotional distress
 - Isolation
 - Safety concerns
 - Employment challenges
 - Housing difficulties (including homeless/emergency shelter access)
 - Financial difficulties

LIFE ON THE REGISTRY

“Since my incarceration, my **income has been cut by nearly 50%**. Finding housing is virtually impossible and I must spend well more than I can afford, just to **keep from being homeless**. I was recently denied a promotion at my current job due to my status as a registrant. I live in constant fear of being harassed or of my home/property being vandalized. **Finding employment is next to impossible** due to background checks. Even though I have a degree, I'm pretty much unable to use it...but the student loan payments still are due every month. Every 30 days, I'm scrambling to find a way to keep a roof over my head and food in my stomach. **Zero fun, zero social life**, zero anything other than work and survival. **My life is horrible** due to my need to register/background checks. I understand that I'm not "the victim" here (given my past)...but these days, I feel like I'm getting close to it.” *(Klein & Bailey, in progress)*

LIFE ON THE REGISTRY

“I have worked hard to better myself and to be a productive member of society but **there is no help** and it’s a battle each day... I have not been in trouble since I was convicted in 1985. How are we supposed to stay away from prison when we have **no opportunity to prove ourselves**? This is a horrible way to prevent people from [sustaining] themselves without illegal activities... After 30 years I’m tossed out into **a world that hates me** and judges me on what I was charged with and not who I am or what I’m trying to do. **I’m drownin’**”

(Klein & Bailey, in progress)

LIFE ON THE REGISTRY

“I've lost people who I thought were my family and friends. **I'm already dead**, it's just a matter of time when I'll be dead completely, and maybe I can finally have peace. There is no longer a point of going on, because I can't get or hold down a job. My doctor suggested that I go to college, since I've got my G.E.D., but what's the use. **It's not like it matters.**”

(Klein & Bailey, in progress)

COLLATERAL DAMAGE

- Family members also experience challenges as a result of the registry & other restrictive policies
 - Social isolation
 - Emotional distress
 - Victimization
 - Housing difficulties
 - Financial strain
- “Courtesy stigma” (*Farkas & Miller, 2007*)

COLLATERAL DAMAGE

“[Daughter] went an entire year of school in 2009 with no problems whatsoever. All through the 2010 year no problem. Then, 2011, ‘You can’t go to the field trip because you’re on the [sex offender] list.’ I freaked out. This whole time since end of 2009 on, I stopped having [inaudible]...and I’m a mature girl. I stopped having my periods. I only had them 6 times a year because I was so stressed out and crying pretty much every single day, looking at the forum where they would talk about how all sex offenders should die and people that marry sex offenders are scum of the earth [starts crying] and I hated that. I would try to tell the story. My husband only wanted his son and that was all because he lost his dad when he was 19 because his dad had cancer and he wanted to be there for his son and people would say that I was sick because I thought it was okay that I was married to a sex offender.”

COLLATERAL DAMAGE

- Social expectations of behavior during process
 - Divorce/separation is expected
 - Continued support is discouraged

“Health and Human Services would come over and the social worker says, ‘Well **let me know when you're ready to get the divorce** and **I'll help you** with it,’ not thinking that I'd stay with my husband, but I wanted to stay with him. I mean he's a good man. I may love him but I don't love his crime or what he did.” *(Bailey, 2017)*

IT'S NOT JUST SPOUSES

- Incarcerated children in general
 - “Hidden victims” (*Seymour, 1998*)
 - Internalized negative behaviors like depression, attachment disorders, etc.
 - Social Isolation
 - Aggression & Juvenile delinquency
 - Diminished academic performance
 - Out of home placement/economic strain

IT'S NOT JUST SPOUSES

- What we do know about children of registered citizens
 - Experience courtesy stigma as well
 - Treated differently and/or teased at school
 - Loss of friendships due to public notification
 - Experience depression & anxiety
 - Loss of privacy/freedom as a result of law enforcement scrutiny

IT'S NOT JUST SPOUSES

“It's one big secret, so it's stressful. For my ... my youngest one is home-schooled, so it is not that big of a deal for her...we are wondering how it is going to work out with the older one being in high school this year. Because this is her first year back...back in public school.

I told her that it's her choice, how we proceed, and we told her the consequences of if they tell too much, and the consequences of her having to keep it all in...because I know this is stressful on her. In my opinion, kids shouldn't have to grow up like mine are being forced to grow up.”

IT'S NOT JUST SPOUSES

“Our **children were also being hurt** by their father being listed on the sex offender registry and it being public. A friend of our daughter's was using an **iPhone application** to view sex offenders in [location] a couple of years ago and found my husband's picture. She started to **call other children** at the school to have them search and find him as well. This was very painful for us as parents, to **watch our child suffer** and have to explain such a complicated thing to a group of judgmental 9th graders.”

Note: original case was statutory rape; now V/O are married



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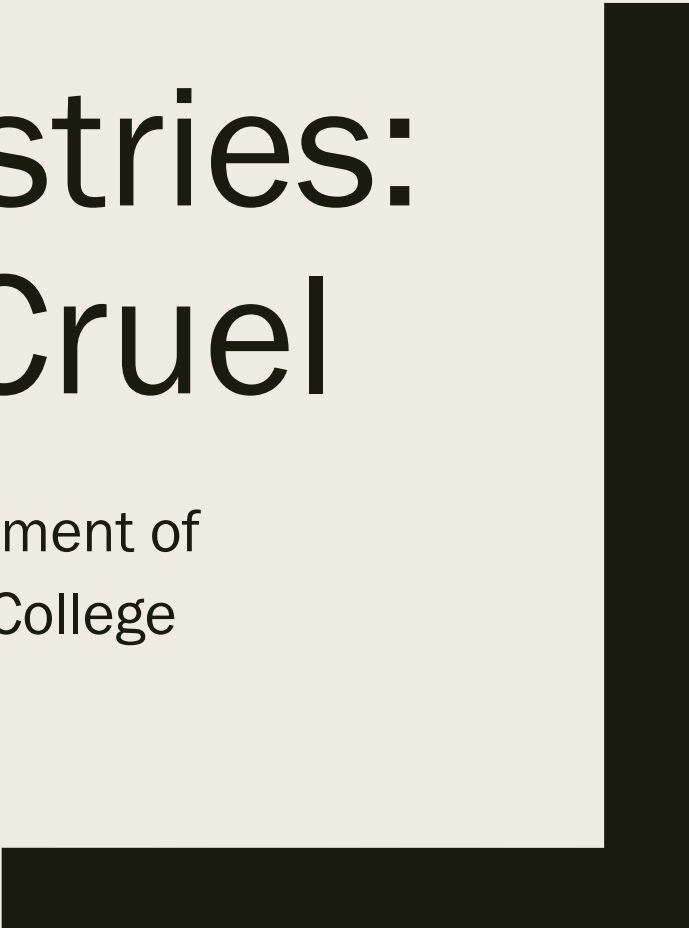
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Sex Offense Registries: Ineffective and Cruel

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We all want to prevent sexual violence – but our sex offense legal regime is ineffective, unfair, and based on myths – and makes no one safer.

How many people are on sex offense registries?

More than a million people are on registries, after incarceration and supervision, and this harms them & their children, parents, family members, and partners.

As of 2018 (the most recent data available), there were **917,771 people listed on the U.S. sex offense registry** (National Center for Missing and Exploited Children, 2018) – an increase of 50,000 since 2016.

Since 2007, increases have fluctuated between about 3 and 5 percent annually; it is **likely that today there are a million or more** (Yoder, 2018).

Who is on sex offense registries?

The registry includes people convicted of:

- Statutory crimes
- “Romeo and Juliet” offenses
- Non-contact offenses (e.g., looking at images or talking with an FBI agent posing as a minor)
- Offenses with adult victims (Tofte, Sarah, 2007)

Minorities are **over-represented on registries** (Levine, J.; Meiners, E., 2016).

It is a myth that those on registries are all at “high-risk” for re-offense (Letourneau, E; Levenson, J; Bandyopadhyaya, D; Sinha, D; Armstrong, K., 2010).

“Stranger danger” is rare - **over 93% of child sexual abuse victims are harmed by those they know** (Snyder, H., 2000) (Department of Justice, 2017).

Sex Offense Laws are Based on Myths about High Rates of Re-Offense

State-based laws can include provisions that those convicted of sex offenses wear GPS devices – often for life – on the grounds that recidivism is inevitable.

Ellman & Ellman (2015) discovered in 2015 that false sex offense recidivism data guides major judicial decisions and policies, and even the Supreme Court cited a faulty source that falsely claimed “frightening and high” re-offense rates.

A **Department of Justice study (2003)** tracked 9,691 sex offenders released from prison in 1994 for 3 years - 5.3% were rearrested for a sex crime within 3 years; 3.5% were reconvicted (Bureau of Justice Statistics, 2003).

A **Connecticut Office of Policy and Management (2012) study** tracked those released in 2005; 3.6% were charged with a new sex crime, 2.7% were convicted, 1.7% returned to prison (Connecticut Office of Policy and Management, 2012).

Registries don't decrease sex offenses

There has been a **steady and significant decline** in child sexual abuse since 1990—before federal registry laws. Scholars find the decline is largely due to social and economic factors - not the registry (Finkelhor, D.; Jones, L., 2006).

Implementing the registry doesn't result in a decrease sex offenses (Sandler et al., 2008).

Implementing sex offense registries is a **costly process** for already strapped state budgets, without decreasing sex offenses, recidivism, or the number of sex offense victims (Zgoba, K. Witt, P. Dalessandro, M. Veysey, B., 2008).

Registries are often for life, yet research show that recidivism risk declines over time (Thornton et al., 2021).

Over 95% of new sexual crime is committed by persons NOT on a registry (Sandler et al., 2008).

Registries are supposed to protect children from adult strangers, but...

In more than a third of sexual abuse cases against minors, the perpetrators were also juveniles,

For those with victims under age 6, **40% of the offenders were juveniles** (Finklehor, D; Omrod, R; Chaffin, M., 2009, p. 8).

23% of contact offenders were under age 18 at the time of their offense, with **16% under age 12** (Snyder, H., 2000, p. 8).

Children themselves are on registries, and can be listed for life (Pittman, 2013).

About 1/4 of those who sexually abuse minors are children themselves.

Among adult perpetrators, those under the age of 30 are overrepresented. A Department of Justice study notes that “the age with the **greatest number of offenders from the perspective of law enforcement was 14** (Snyder, H., 2000)”.

Registries create unemployment, homelessness and decrease stability for those re-entering society, harm families, making us less safe.

Many registrants face unemployment, homelessness, instability, and personal danger (Tewksbury, 2005).

A Minnesota study investigating 224 recidivistic sex offenders in Minnesota concluded, “not one of the 224 sex offenses would likely have been deterred by a residency restriction law” (TK). Residency restrictions are a form of banishment – homelessness is an “unintended negative consequence” of sex offense residency restrictions (Levenson et al., 2015)

Registrants are frequently denied special housing such as nursing home care and section 8 housing (Rugg, P., 2017).

Sex offense laws banish and isolate while creating housing and employment instability **& make us less safe** (Prescott, 2012).

Sex offender registries put innocent family members of registrants in harm's way ([Zgoba, K. Witt, P. Dalessandro, M. Veysey, B., 2008](#)).

U.S. sex offense laws are based on myths about the victimization of children by strangers who are presumed to be repeat offenders.

The reality is that **most victims are harmed by non-strangers and/or those not on registries.** Moreover, of those convicted of sexually abusing other children, many are themselves children or young adults.

Those labeled “sex offenders” are not “hardwired” to inevitably reoffend and **are responsive to rehabilitation.**

Naming and shaming after punishment doesn't make us safer.