

The Sex Offender Registry: Public Safety or Public Shaming?

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### Abstract

Sex offenses have been the subject of public debate with a dramatic increase in public policy governing what is considered a sex offense and how to treat those who offend. Under current law, the usage of an information repository known as the Sex Offender Registry is the solution providing support to law enforcement in solving sex crimes, preventing future crimes from occurring, and increasing public safety. However, research has indicated that the laws may be based on several false assumptions about the nature of sexual offenses and offenders.

This paper looks at the sex offender registry policies -- particularly the public availability of offender information. Reasoning and rational presented by both conflicting sides of this policy, along with supporting laws and court decisions, indicates conflicting views often rooted in fear and misinformation. The major question being: Is the sex offender registry a tool for public safety or for public shaming?

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### **Introduction and Background**

A historical review indicates an ever evolving social structure where some people exist within the margins of society. In 1692, over 150 men, women, and children were accused and put on trial for practicing witchcraft in the well-known Salem Witch Trials (History.com Staff, 2011). During the Red Scare of the 1940s and 1950s, prominent figures in America were targeted as communist sympathizers resulting in catastrophic personal and professional destruction (History.com Staff, 2009). At present date, there exists many subsets of society that fall outside social norms or are simply outcasts due to morality reasons; namely, homosexuals, the abused, the mentally ill, drug addicts, rebellious teens, the poor who receive governmental assistance, divorces, and criminals (Burton, 2014). Some of these outcasts, the mentally ill or the economically disadvantaged, are often times born into those roles with little chance to move upwards in the social order. Conversely, other outcasts, drug addicts or criminals, join these ranks through specific actions. This paper focuses on arguably the largest social outcast group in today's society: convicted sexual offenders.

Over the past 25 years, society has voiced, often times via extensive media coverage, its collective opinion regarding the desire to control those convicted of sexual offenses making the topic a focus of legislative action. Several highly publicized incidents of kidnappings, rapes, and murders of children fueled public outrage and advocacy resulting in strict laws aimed to monitor those who commit sexual crimes. One of the most controversial laws created the current Sex Offender Registry: a public database containing names, photographs, residence address, work address, date of birth, a description of the offense, and other pieces of information as determined by state law. With the intent to protect the public from sexual predators, this information

resource has several pros and cons. Making the matter more complicated, legislation exists at the Federal level as well as each State level that outlines requirements for sexual offenders, of which some laws are in conflict (Evans, 2011, pp. 243-244,246,249). This paper will start by providing background information defining the sex offender registry, explaining how people get placed on the registry, exploring juvenile sex offenders, and analyzing statistical recidivism and re-offense rates.

### **What is the sex offender registry?**

As of 2014, the United States has over 749 thousand citizens on the sex offender registry (Parents for Megan's Law, 2015). See *figure 1* showing number of offenders over the past decade. Additionally, *figure 2* shows the rate of growth in California, the state with the most registrants. The goal of the registry is to assist law enforcement in tracking and monitoring sex offenders since they were thought to be the group most likely to commit another sex offense. This includes having offender information available to both law enforcement and the public. Additionally, having this information available to the public would dissuade offenders from committing a new offense and enable the public to exercise caution around offenders (CA SOMB, 2014, p. 2).

In regards to the structure of the registry, two levels exist: the state-level and the national-level. Each State is mandated by federal law to create and maintain a publicly-accessible registry of those convicted of sexual offenses. Each state registry is then duplicated and listed within a national registry maintained by the U.S. Department of Justice. Under federal law, sex offenders must provide extensive personal information that will be publicly released and register in-person with local law enforcement at least annually but often more frequently depending on nature of the offense committed or living conditions such as being homeless. Registrants are placed into

one of three tiers. Tier 3 offenders, the most severe, have committed child molestation, rape, or violent sexual abuse and are required to register for their entire life. Tier 2 offenders have committed child abduction, child enticement, distribution of child pornography, or abusive sexual conduct and must register for 25 years. Tier 1 offenders have committed lower-level crimes including possession of child pornography, indecent exposure, misleading domain names on the Internet, transmitting information about a minor to further criminal sexual conduct, travel with intent to engage in illicit conduct, and many others (Evans, 2011, pp. 248-249) (GOCCP, 2011, p. 2).

Despite detailed federal laws outlining sex offender registries, each state maintains its own set of laws that are not always aligned with federal law. For example, California mandates all people convicted of any sexual offense must register for their entire life unless granted a “certificate of rehabilitation” for state offenses; federal offenders are not eligible for the certificate and must register for life (Logan, 2015, p. 229). Additionally, federal law includes a community notification program which is augmented by state laws detailing methods such as Internet accessibility, posting flyers in neighborhoods, television or radio broadcasts, and door-to-door notification (42 U.S. Code §16911).

### **Earning a place in the registry**

The requirement to register is typically imposed by a judge at either a local, state, or federal level and is based upon the nature of crime committed. Many of the high-level offenses include obvious crimes, such as rape, murder with intent to rape, sexual abuse of a minor, sale of a minor or attempted sexual offense. These crimes place the offender in a lifetime registration status under federal law. However, other not-so-clear offenses can place an offender on the registry, such as sodomy, transmitting information about a minor to further criminal sexual

conduct, failure to file factual statement about an alien individual, engaging in illicit conduct in foreign places, misleading words or digital images on the Internet, and misleading domain names on the Internet. Additionally, indecent exposure offenses such as public urination or flashing result in the requirement to register. Lastly, and most controversial, consensual cases of statutory rape between a minor under 18 and a young adult results in registration requirements that, depending on state law, range from 10 years to lifetime (GOCCP, 2011).

### **Juvenile sex offenders**

Adults aged 18 and above are not the only offenders who can be subject to the sex offender registry. Under federal law, minors who have obtained the age of 14 years or older are subject to sex offender registration requirements for specific offenses such as rape or attempted rape (42 U.S. Code §16911) (Evans, 2011, p. 250). Similar to other registration policies, each State has a different set of laws governing how juveniles are treated. Only six states actually define the youngest age at which an offender must comply with sex offender registration, which leaves open the possibility that younger children may be subject to registration under certain conditions. Among those states that do specify an age, North Carolina residents must have reached the age of 11, Indiana residents at least 14, and South Dakota residents must have reached the of 15 (Center for Sex Offender Management, n.d., p. Section 7).

In a report from the Human Rights Watch (2013), children as young as 9 years of age have been placed on the sex offender registry (p. 33). Juvenile registrations vary by state. For example, in Delaware, approximately 639 children are on the registry with 55 of them being under the age of 12. In Michigan, approximately 3,563 children are on the registry; this only includes juvenile court cases and does not include children convicted of sex crimes but tried as adults. The following examples of offenses were provided by the Human Rights Watch:

- “In 2004, in Western Pennsylvania, a 15-year-old girl was charged with manufacturing and disseminating child pornography for having taken nude photos of herself and posted them on the internet. She was charged as an adult, and as of 2012 was facing registration for life” (Human Rights Watch, 2013, pp. 34-35).
- “In 2006, a 13-year old girl from Ogden, Utah was arrested for rape for having consensual sex with her 12-year-old boyfriend. The young girl, impregnated by her younger boyfriend at the age of 13, was found guilty of violating a state law that prohibits sex with someone under age 14. Her 12-year-old boyfriend was found guilty of violating the same law for engaging in sexual activity with her, as she was also a child under the age of 14 at the time” (Human Rights Watch, 2013, pp. 34-35).
- “In 2005, in Orange County, California, three boys were convicted of sexually assaulting a 16-year-old girl and videotaping the incident. The crime occurred when one of the boys was 16 and two were 17 years old. All three are subject to sex offender registration requirements” (Human Rights Watch, 2013, pp. 34-35).

### **Recidivism and re-offense rates**

In a recent report published by the California Sex Offender Management Board (2014), five key facts were identified that were not known when sex offender registry laws were created. First, the “sexual recidivism rate of sexual offenders is lower than the recidivism rate of individuals who have committed any other type of crime except for murder” (p. 8). Second, not all sex offenders are equal. Low risk offenders have lower re-offense rates than high risk offenders. Third, the risk of committing a new sex offense drops each year the offender remains offense-free in the community. Fourth, “research on both general and sexual offending has consistently indicated that focusing on higher risk offenders delivers the greatest return on efforts

to reduce reoffending” (p. 8). Lastly, completing a properly designed and delivered sex offender treatment program reduces recidivism risk even further (CA SOMB, 2014, p. 8).

### **Conflict**

Debate over the sex offender registry consists of two camps: those in support and those opposed. Those in support of the registry include groups assembled after a horrific incident where a child was abused and sometimes murdered by a convicted sex offender. Included in this group are the Parents for Megan’s Law and The Crime Victims Center, the Megan Nicole Kanka Foundation, and the Polly Klass Foundation. Joining this side of the argument are partially federal funded non-governmental organizations like the National Center for Missing and Exploited Children who operates the Sex Offender Tracking Team (SOTT). According to the SOTT website (2015), the SOTT employs analysts who conduct searches for noncompliant offenders – i.e., those who fail to register according to court orders -- using public record databases and internal systems, help locate and apprehend noncompliant sex offenders, produce timelines of offenders’ histories, and cross-reference offenders with data during attempted abductions or online exploitation investigations (SOTT Website, 2015). Lastly, those in favor of the registry consist of several politicians whose political agendas are “hard on crime” and thus favor strict legislation.

Groups in support of the registry often times actively seek out increased legislative penalties and ongoing tracking of sexual offenders, including implementing residency restrictions to prevent registered citizens from living near certain places, and implementing presence restrictions to prevent those same citizens from entering within a pre-designated distance from schools, parks, arcades, daycares, or any other place where children congregate (CA SOMB, 2014b, pp. 16-18). It appears that the views expressed by these groups stem from

an emotional response to a horrific event. These groups have the best of intentions which are to safe guard children from sexual predators regardless of the impact on registered citizens.

Some specific key points argued by those in support of the registry include: information on the Internet is much more easily accessible to the public; several instances have occurred in which private citizens spotted sex offenders engaging in potentially dangerous activities; citizens have a right to know if there is a sex offender living in their neighborhood; and the right of innocent children and others to safety outweighs the right of sex offenders to privacy (Children's Bureau Express, 2000).

Advocates of the registry argue that the public has a right to know about potential risks to its safety and the safety of children. Law enforcement should be given every tool necessary to investigate crimes and that the sex offender registry offers police a ready list of suspects should a sex crime occur in a registrant's neighborhood. Proponents argue the current laws do not punish sexual offenders enough since they allow them to reenter society to reoffend. Therefore, registering and monitoring inhibits opportunities to offend, puts offenders on notice, and prohibits occupations in which they can interact with children -- all of which create obstacles that a sex offender must overcome to reoffend. Some advocates claim sex offenders are likely to reoffend and that treatment is not a solution, validating the need for longer sentences and increased monitoring. Some advocates believe that if the law can prevent just one act of sexual violence then it is worth it (Evans, 2011, pp. 252-253).

The other side of the argument, those opposed to the registry, consists primarily of citizens on the registry, their families, some academics, and several national and state non-profit organizations. Leading the effort is the National Reform Sex Offender Laws (RSOL) non-profit group that advocates for "fact-based sexual offense laws and policies which promote public

safety, safeguard civil liberties, honor human dignity, and offer holistic prevention, healing, and restoration” (National RSOL, 2015). In addition to RSOL, the USA Families Advocating an Intelligent Registry (known as USA FAIR) aims to educate the public on issues related to the sex offender registry (USA FAIR, Inc., 2015). At the State level, at least 13 non-profit groups located in 13 different states are dedicated to reforming laws and providing support to those on the registry (RSOL, 2015). Lastly, offenders and their families are also organizing through websites like [www.oncefallen.com](http://www.oncefallen.com) or [talesfromtheregistry.org](http://talesfromtheregistry.org).

Some specific key points argued by those opposed to the registry include: public records are often incomplete, inaccurate, or out-of date; the registry, in effect, extends offenders’ sentences; the registry makes it difficult for ex-offenders to find employment or housing; it raises concerns about vigilantism; and the availability of this information could lead to “networking” among sexual predators (Children's Bureau Express, 2000). Ultimately, the organizations opposed to the registry demand for smarter, empirically-based laws instead of emotionally-driven laws.

Those opposed to the registry do not make light of sexual victimization, instead, they argue that the policies seem intuitively correct but are based on false or mistaken assumptions. Furthermore, they believe that the policies provide a false sense of security, produce numerous unintended repercussions, and may actually increase instances of victimization. Critics of the policies argue that the foundations of these laws are based on circumstances where the offender did not know the victim, and that according to the Department of Justice, only 14 percent of all sexual assault cases involve offenders who are strangers to the victim. Therefore, registration laws do very little to protect children from the serious risk of sexual violence that occurs at home or by acquaintances. Critics also argue the logical flaws in the policies. For example, if a

registered sex offender plans to commit another sex crime, they would simply drive further away to commit the offense to avoid being scrutinized locally (Evans, 2011, pp. 253-254).

Unintended consequences of sex offender legislation is a primary argument for those opposed to the policies. They claim that registration and notification creates a “scarlet letter” for offenders living in communities and that the stigma impacts ability to achieve and maintain employment or housing. The resulting homelessness and social isolation breaks down essential social ties for offenders reentering the community after incarceration. Furthermore, the policies have provided information vital for vigilante attacks against both the offenders and their families. According to those opposed to the policies, these stressors inhibit successful transition back to the community and actually increase the offender’s likelihood to reoffend. Empirical examination has shown that sex offender registration policies have failed to reduce recidivism rates and have done little to increase public safety (Evans, 2011, pp. 253-254).

### **Applicable Regulations, Laws and Norms**

There exists substantial law outlining registration and notification requirements dating back to 1994. These laws emphasize societies support for strict punishment and control of those who commit sexually-based crimes. These laws have evolved over time and have been subjected to legal challenges.

#### **The laws – the supporter’s bedstone**

There are several primary federal-level laws that govern the sex offender registry and will be discussed here chronologically. First, in 1994 the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act mandated that a portion of grant funding provided from the Federal Government to State Government for law enforcement assistance must be used to establish a statewide system for registering and tracking convicted sex offenders.

In addition, the States were urged to collect DNA from offenders. Two years later, a New Jersey state law, Megan's Law, was added to the federal Wetterling Act expanding the scope of the law (Evans, 2011, p. 244).

Under Megan's Law, States were required to publicly release relevant information necessary to protect the public from registered offenders. At the time, States had the discretion in determining what information should be released and make judgments concerning threat levels of offenders. The method of dissemination was also left to the states to decide which included both active dissemination and passively posting to a public website (Matson & Lieb, 1997, p. 3).

Also in 1996, the Pam Lychner Sexual Offender Tracking and Identification Act directed the Federal Bureau of Investigation to establish a national database of sex offenders. The intent of this law was to assist law enforcement in tracking sex offenders as they travel between states or permanently move to new states (Matson & Lieb, 1997, p. 3).

In 2000, the Campus Sex Crimes Prevention Act extended registration requirements to institutions of higher learning. Under this act, persons obligated to register in a state's sex offender program must notify the higher education institution if attending school or working on campus. Lastly, this act mandated that institutions provide guidance to staff and students detailing how information may be obtained concerning registered sex offenders (US DOJ SMART, 2015).

In 2006, Congress concluded that the patchwork of laws and amendments making up the Nation's sex offender policies should be replaced with a comprehensive new set of standards. The new law was defined within Title I of the Adam Walsh Child Protection and Safety Act of 2006 and is known as the Sex Offender Registration and Notification Act (SORNA). Under the new act, the scope of jurisdictions was amended to include the 50 states, the District of

Columbia, principal U.S. Territories, and all Indian tribes. The SORNA also extended the classes of sex offenders and sex offenses for which registration is required as well as expand those requirements to jurisdictions in which offenders reside, work, or go to school.

Additionally, it increased the amount of registration information needed, added a requirement for in-person appearances by registrants, broadened the availability of information through sex offender websites, and adopted reforms for duration of registration (US DOJ SMART, n.d., pp. 4-5).

After SORNA, the Department of Justice issued a federal regulation in 2007 that addressed the applicability of SORNA to sex offenses that occurred prior to 2006. Under this regulation, sex offenders who were convicted, sentenced, and reintegrated prior to enactment of the law were required to register retroactively. For example, a person convicted of a sex crime in 1976 would face the new registration requirements and restrictions despite having committed an offense 30 years ago before the law existed (US DOJ SMART, 2015).

The last significant piece of legislation went into public law in 2008 known as the Keeping the Internet Devoid of Sexual Predators Act, or the KIDS act. Under this law, sexual offenders are required to provide certain Internet related information to sex offender registries. Specifically, the US Attorney General was identified as responsible for determining which type of Internet identifiers that sex offenders must register. This includes social networking usernames and email addresses. Lastly, this act provides a mechanism for social networking websites to securely cross-reference member lists with the National Sex Offender Registry database (Public Law 110-400).

**Challenges to the Laws – the opposition view**

Challenges have been made to the existing laws based on a Constitutional basis. One of those challenges was the alleged violation of the Ex Post Facto Clause. Under this clause, Article I of the Constitution prohibits making conduct criminal retroactively; specifically, a law is ex post facto if there are changes in punishment or inflicts greater punishment than the law stated when the initial crime was committed. Under SORNA, people convicted of a crime before the enactment of the law must still comply with the new registration provisions. This constitutional challenge battled ended in the U.S. Supreme Court where the Justices ruled that the Ex Post Facto Clause did not apply because the clause is for criminal proceedings. The Supreme Court ruled that sex offender registration is a civil matter and is not punishment (Evans, 2011, pp. 250-252).

Another Constitutional challenge was rooted in the Fourteenth Amendment that guarantees that states shall not deprive citizens of life, liberty, or property without due process of law. Under *substantive* due process, individual rights and liberties cannot be taken away without proper justification. Sex offender registration laws have been challenged arguing that they do unjustifiably intrude on an offender's rights to privacy, liberty, and anonymity. Additionally, under *procedural* due process, a balancing act must be accomplished between an individual's interest and the state's interest of protecting the public. Sex offenders have challenged laws under procedural due process arguing that registration and community notification results in substantial loss of liberty due to application of a stigmatizing label such as being a register sex offender. Also, similar to ex post facto, state's interests do not justify this deprivation without providing proper procedural protections such as a court hearing. In 2003, the U.S. Supreme

Court rejected the notion that registration and notification deprived any individual of liberty (Evans, 2011, pp. 250-252).

### **Applicable Theory from the Theory Toolkit**

The Mueller Theory Toolkit discusses political philosophy, economic concepts, and political-economy concepts that impact information policy. Although sex offender registration policies have substantial economic impacts funding large-scale law enforcement and administrative support functions, those discussions are outside the scope of this paper. Instead, the political philosophy involving Collectivism versus Individualism will be applied and analyzed from both sides of the argument. Generally, according to Mueller's Theory Toolkit, individualism is "a principle of social order that the individual is the primary unit of reality and the ultimate standard of value." Under collectivism, the opposite view is present where the group is primary and human beings should pursue goals working together rather than striving for personal self-interest.

These two conflicting theories can be seen at work in the sex offender registry debate. Specifically, the supporters of sex offender registration hold a collectivistic view where the good of society and overall public safety outweighs the interests of individuals. This perspective supports the strong social obligations and responsibility to punish and prevent sexual-related crimes at the cost of individual liberties and freedoms.

In contrast, those in opposition of sex offender registration hold an individualistic view where the dignity and personal worth are valued intrinsically. Critics feel that, despite having broken criminal law, sex offenders still maintain the fundamental rights as law-abiding citizens and should not be subjected to additional policies aimed at the good of the collective. Specifically, the notion that the registration laws may arguably provide a benefit to society by

increasing safety at the cost of some citizen's freedoms is irrelevant because the individual offender is the most valued entity, not the collective society.

From a macro perspective, the United States is ranked as a more individualistic society. According to The Hofstede Center, the United States ranks 91 out of 100 in favor of individualism compared to 9 out of 100 for collectivism (The Hofstede Center, 2015). One would assume that the registration laws would value the individual more than the collective; however, it could be implied that U.S. society views those who break laws as no longer being deserving of those same fundamentals. Despite living in a primarily individualistic society, an intense collective desire to protect those who are vulnerable, i.e., children, tilts the scales when dealing with those guilty of sexual offenses.

#### **Author's Opinion and Recommendation**

Sex offender management is a contentious issue in the United States and for good reason. Sexual-based crimes, such as rape or child molestation, spark an emotional response in all of us which is often accompanied with the desire to punish those who commit such acts. Furthermore, crimes against children are especially difficult as the innate parental protection measure kicks in and compels us—society—to demand stricter laws and more controls. Fueling the fire, the media shows any and nearly every case that involves sexual-based offending leading us to believe that perverts lurk in every shadow just waiting to attack our wives, girlfriends, and children. Politicians seeking re-election are poised ready to play on this emotion to pass “hard on crime” laws aimed to protect the public from the boogey man: to keep him away from our parks and from our schools.

This combination of emotion and politics has led the United States to implementing policy that involves creation and maintenance of extensive information repositories listing over

100,000 citizens who have committed some form of sexual crime. Roughly one out of every 3,000 citizens is on the registry. This repository, the sex offender registry, is made public via the Internet so citizens can protect themselves and their families from predators under the notion that an informed society will reduce the incidence of sexual crimes. Under this notion, sexual offending is a life-long offense that justifies public shaming and ostracizing.

To better analyze this debate, one must first review the intent of the policies, the assumptions, and the facts that support those assumptions. First, the intent of the policies as outlined by the California Sex Offender Management Board (2014) is as follows:

- *Intent #1:* to assist law enforcement in tracking and monitoring sex offenders since they are the group most likely to commit another sex offense,
- *Intent #2:* having names and addresses known to law enforcement would dissuade convicted sex offenders from committing a new offense and help police solve sex offense cases,
- *Intent #3:* having names and addresses known to the community would enable members of the public to exercise caution around convicted sex offenders (CA SOMB, 2014, p. 2).

A review of the U.S. Department of Justice guidelines for sex offender registration and notification indicates the three main intents outlined above apply at the national level also (US DOJ, 2007).

Second, the assumptions made by the laws and policies, as outlined by the California Sex Offender Management Board (2014), are as follows:

- *Assumption 1:* sex offenders are all alike and should be treated alike,
- *Assumption 2:* the likelihood that a sex offender will reoffend does not change as time goes by,

- *Assumption 3:* most sex crimes are committed by previously identified sex offenders,
- *Assumption 4:* most sex offenses are committed by persons who are strangers to the victim,
- *Assumption 5:* having a sex offender registry decreases the number of new sex crimes,
- *Assumption 6:* a sex offender registry helps law enforcement solve new sex offense crimes,
- *Assumption 7:* public notification through a Megan's Law website will make the public safer (CA SOMB, 2014, p. 2).

A review of Department of Justice documents and federal law does not show the same assumptions clearly defined as done by the California Sex Offender Management Board; however, one could reasonably accept that those assumptions are valid at both federal and state levels.

Lastly, the empirical facts from accumulating scientific research for each of the seven identified assumptions are addressed by the California Sex Offender Management Board and are listed as follows:

- *Assumption 1 is false:* sex offenders differ in many important ways, including their risk to reoffend,
- *Assumption 2 is false:* the longer a sex offender remains offense free in the community, the less likely he is to reoffend,
- *Assumption 3 is false:* about 95% of solved sex crimes are committed by individuals never previously identified as sex offenders and so not registered,
- *Assumption 4 is false:* approximately 93% of sex offenses against children are committed by persons known to the victim and not by strangers,

- *Assumption 5 is false:* a relationship between having a registry and a decrease in sex offenses has not been found,
- *Assumption 6 is true:* one study indicated that a registry can help law enforcement apprehend the perpetrator more quickly,
- *Assumption 7 is false:* little research has been done but one study indicates that a minority of citizens access the Internet information and only a minority of those take any action (CA SOMB, 2014, p. 2).

Based off review of the seven assumptions and the intent of the registration laws, the author believes that sex offender registration laws ought to be reviewed and revised based more off empirical evidence. Six out of the seven assumptions are invalid indicating that the three main intents of the law are likely not being satisfied. The one assumption that was found true, number 6 providing that a registry helps law enforcement solve new sex crimes, was the result of a single study and is in conflict with assumption 3. If 95% of solved sex crimes are committed by non-registered citizens, then it is illogical to state that the remaining 5% of sex crimes justifies the expense and negative consequences of a registry.

A possible solution would be revising the Sex Offender Registration and Notification Act to eliminate the Megan's Law component effectively removing public accessibility. Law enforcement could then utilize the resource for solving crimes without the public shaming aspect of the policy. However, criminal conviction information is already available to law enforcement further questioning why a special registry is needed for sex offenders but not for any other crimes like arson, aggravated assault, or murder.

Ultimately, society will always have members who commit heinous acts including sexual offenses. Those members are punished by the courts, but then typically reintegrated back into

society to live their lives. These ex-offenders often have families and friends and are not ALL the boogeymen portrayed by the media. They are not all rapists or child molesters, rather many are juveniles themselves or individuals who made bad decisions about whether to streak at a sporting event or what material to view on the Internet. The ultimate goal of policy should be to promote public welfare which is not achieved under current sex offender laws. Ex-offenders need to reintegrate into society, find housing and meaningful employment, without fear of falling victim to vigilant violence. Public policy based off empirical evidence is the key to resolving this policy debate. We --as society, legislators, judges, and families-- must be vigilant to protect our Nation's vulnerable people, and this is done through smarter legislation.

Stated so eloquently by author and activist Henry Scammell in response to sex offender legislation, "Fear is a poor basis for public policy. It raises a nearly un-breachably barrier to the truth. And a policy that is based on the realities of low recidivism, of responsiveness to treatment, and of the relationship between the vast majority of offenders and their victims offers the only hope for reducing or eliminating one of our society's saddest and most challenging problems. (National Center on Institutions and Alternative, Inc., 2007, p. 13)"

### References

- Burton, L. (2014, February 11). Jesus and the Social Outcasts. *Spectrum*. Retrieved from <http://spectrummagazine.org/article/larry-d-burton/2014/02/11/jesus-and-social-outcasts>
- CA SOMB. (2014). *A Better Path to Community Safety: Sex Offender Registration in California*. Sacramento: California Sex Offender Management Board. Retrieved from <http://www.cce.csus.edu/portal/admin/handouts/Tiering%20Background%20Paper%20FINAL%20FINAL%204-2-14.pdf>
- CA SOMB. (2014b). *Year End Report*. Sacramento: California Sex Offender Management Board. Retrieved April 22, 2015, from [http://www.cce.csus.edu/portal/admin/handouts/CASOMB\\_End\\_of\\_Year\\_Report\\_to\\_Legislature\\_2014.pdf](http://www.cce.csus.edu/portal/admin/handouts/CASOMB_End_of_Year_Report_to_Legislature_2014.pdf)
- Center for Sex Offender Management. (n.d.). *How do Registration Laws Apply to Juvenile Offenders in Different States*. Retrieved from <http://www.csom.org/train/juvenile/overview/content.htm>
- Children's Bureau Express. (2000, 04). Child Welfare Research. *Children's Bureau Express*. Retrieved from <https://cbexpress.acf.hhs.gov/>
- Evans, M. K. (2011). Sex Offender Registry. In W. J. Chambliss, *Courts, Law, and Justice* (pp. 243-257). SAGE Publications, Inc. doi:<http://dx.doi.org.libezproxy2.syr.edu/10.4135/9781412994125.n18>
- GOCCP. (2011). *Governor's Office of Crime Control & Prevention-HB 936/SB 854*. State of Maryland. Retrieved April 21, 2015, from [http://www.goccp.maryland.gov/documents/LegislativeSession2010/05\\_SORNA-Fact-Sheet.pdf](http://www.goccp.maryland.gov/documents/LegislativeSession2010/05_SORNA-Fact-Sheet.pdf)

History.com Staff. (2009). *Bernstein, Copland, Seeger and others are named as Communists*.

Retrieved April 21, 2015, from History.com: <http://www.history.com/this-day-in-history/bernstein-copland-seeger-and-others-are-named-as-communists>

History.com Staff. (2011). *Salem Witch Trials*. Retrieved April 21, 2014, from History.com:

<http://www.history.com/topics/salem-witch-trials>

Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing*

*Children on Sex Offender Registries in the US*. Human Rights Watch. Retrieved April 21, 2015, from [http://www.hrw.org/sites/default/files/reports/us0513\\_ForUpload\\_1.pdf](http://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf)

Logan, W. (2015). Database Infamia: Exit From The Sex Offender Registries. *Wisconsin Law*

*Review*. Retrieved April 21, 2015, from <http://ssrn.com/abstract=2589273>

Matson, S., & Lieb, R. (1997). *Megan's Law: A Review of State and Federal Legislation*.

Olympia: Washington State Institute for Public Policy. Retrieved from

[http://www.wsipp.wa.gov/ReportFile/1263/Wsipp\\_Megans-Law-A-Review-of-State-and-Federal-Legislation\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1263/Wsipp_Megans-Law-A-Review-of-State-and-Federal-Legislation_Full-Report.pdf)

National Center on Institutions and Alternative, Inc. (2007). *Towards More Effective Sex Offense*

*Legislation*. Baltimore: NCIA. Retrieved from

[http://ilvoices.com/uploads/2/8/6/6/2866695/towards\\_more\\_effective\\_sex\\_offender\\_legislation.pdf](http://ilvoices.com/uploads/2/8/6/6/2866695/towards_more_effective_sex_offender_legislation.pdf)

National RSOL. (2015). *Our Vision, Mission & Goals*. Retrieved from RSOL:

<http://nationalrsol.org/about-us/vision-mission-and-goals/>

Parents for Megan's Law. (2015). *Number of Registrants Reported by State/Territory*. Retrieved

from [ParentsforMegansLaw.org](http://ParentsforMegansLaw.org):

<http://www.parentsformeganslaw.org/public/meganReportCard.html>

RSOL. (2015). *Our State Affiliates*. Retrieved from National Reform Sex Offender Laws:

<http://nationalrsol.org/about-us/affiliates/>

SOTT Website. (2015). *Sex Offender Tracking*. Retrieved April 22, 2015, from

MissingKids.com: <http://www.missingkids.com/SOTT>

The Hofstede Center. (2015). *The Hofstede Centre*. Retrieved April 23, 2015, from United-

States: <http://geert-hofstede.com/united-states.html>

US DOJ. (2007). *The National Guidelines for Sex Offender Registration and Notification*.

Washington DC: Office of the Attorney General, US Department of Justice. Retrieved from

[http://www.justice.gov/archive/tribal/docs/fv\\_tjs/session\\_3/session3\\_presentations/Sex\\_Offender\\_Guidelines.pdf](http://www.justice.gov/archive/tribal/docs/fv_tjs/session_3/session3_presentations/Sex_Offender_Guidelines.pdf)

US DOJ SMART. (2015). *Legislative History*. Retrieved April 23, 2015, from Office of Sex

Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking:

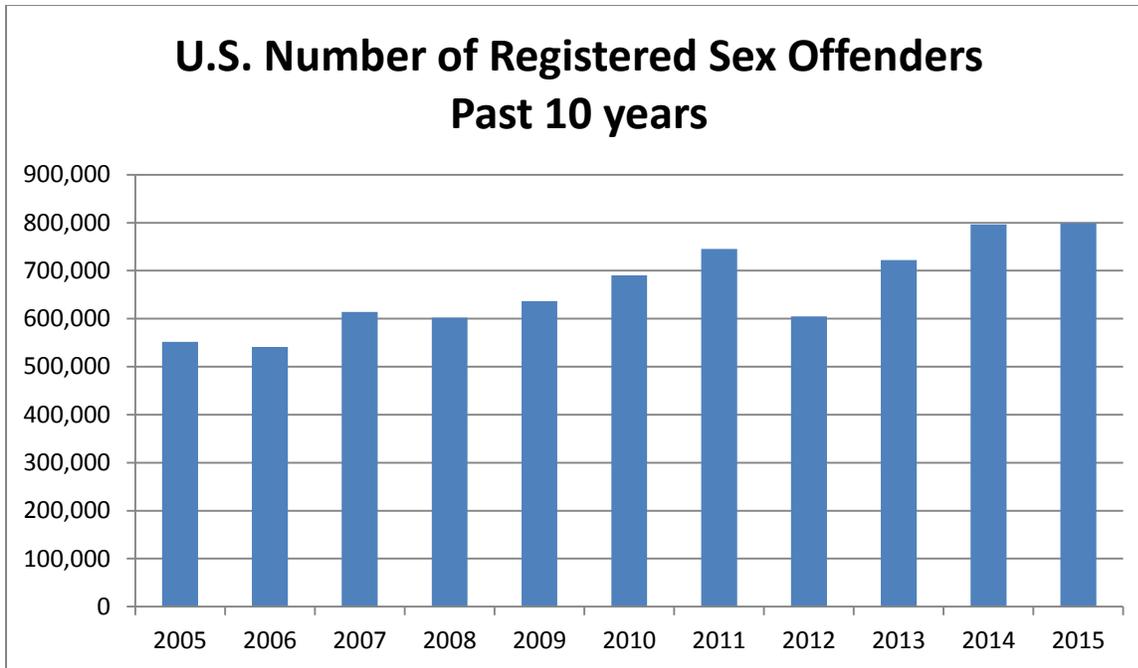
<http://smart.gov/legislation.htm>

US DOJ SMART. (n.d.). *The National Guidelines for Sex Offender Registration and*

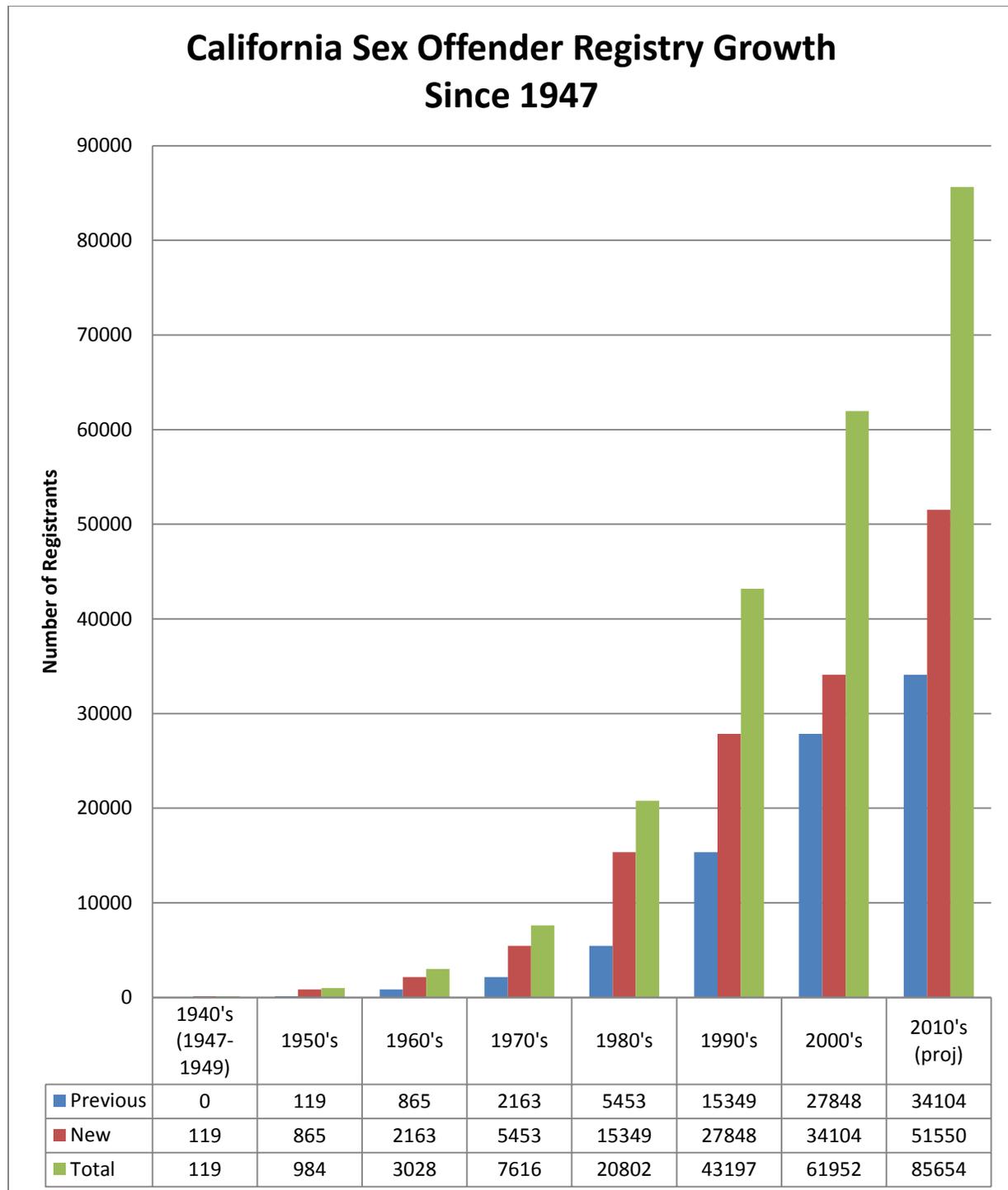
*Notification*. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Retrieved from [http://www.smart.gov/pdfs/final\\_sornaguidelines.pdf](http://www.smart.gov/pdfs/final_sornaguidelines.pdf)

USA FAIR, Inc. (2015). *About USA FAIR, Inc.* Retrieved from USA FAIR, Inc.- Families

Advocating an Intelligent Registry: [http://www.usafair.org/about\\_us](http://www.usafair.org/about_us)



*Figure 1:* Number of register sex offenders as reported by each state. This figure includes data for 2015 up until April 15<sup>th</sup>, 2015 (Parents for Megan's Law, 2015)



*Figure 2:* Growth in number of sex offenders in California broken down by decade showing “previous” number of registrants, the number of “new registrants,” and the “total” number of registrants for that decade (CA SOMB, 2014).

## About the author



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Certified professional with over 12 years of Information Technology experience and 8 years of hands-on leadership. An expert in cyber security with both managerial and technical skills proven throughout a career with increasing responsibility and performance expectations. Known ability to translate complex information for universal understanding. Detail-driven, results-focused leader with superior analytical, multitasking, and communication skills. Well-versed in industry best practices including Project Management and IT Service Management. Currently holding active CISSP, CEH, ITIL Foundations, Security+, and Network+ certifications.

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