

Sex Offense Registry Fact Sheet

April 2018

*There are now **861,837ⁱ** people listed on the U.S. sex offense registry (National for Missing & Exploited Children, 2017) – an increase of 10,000+ since 2016.

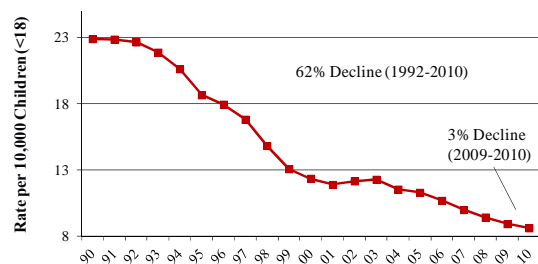
*What is “the registry”? Internet/public postings of those convicted of sex offenses including photos, home address, and crime of conviction; some states list license plates and work addresses.

*Widespread public sex offense registries emerged in the mid-1990s. The Jacob Wetterling Act (1994) requires states to implement a sex offense registration program; Megan’s Law (1996) requires states to conduct community notification and maintain internet sites with sex-offense information; the Pam Lyncher Act (1996) establishes the National Sex Offender Registry. Recent federal laws include the Adam Walsh Act (2006) establishes uniform registration/notification and requires registration for those 14 and older; Keeping the Internet Devoid of Predators Act (2008) requires those convicted of sex offenses to disclose all internet identifiers; International Megan’s Law (2016) requires passport identifiers for those convicted of sex offenses.

*Federal and state sex offense laws often apply for life, even after completion of jail/prison and parole/probation. The rationale that those with sex offense convictions are “hardwired” to re-offend and need special long-term monitoring is untrue. A few examples:

- A Department of Justice (2003) [study](#)ⁱⁱ 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.
- A Connecticut Office of Policy and Management (2012) [study](#)ⁱⁱⁱ tracked those released in 2005; 3.6% were charged with a new sex crime, 2.7% were convicted, 1.7% returned to prison.
- A [California Department of Corrections](#)^{iv} (2015) study found that of the 8,471 California sex offenders released from prison in 2009-2010, 0.8% were returned to prison for a new sex crime (91.9% percent were returned for parole violations, 5.3% for a new non-sex crime, 2% for failing to register as a sex offender).

Figure 1. NCANDS National Estimate Substantiated Sexual Abuse (1990-2010)

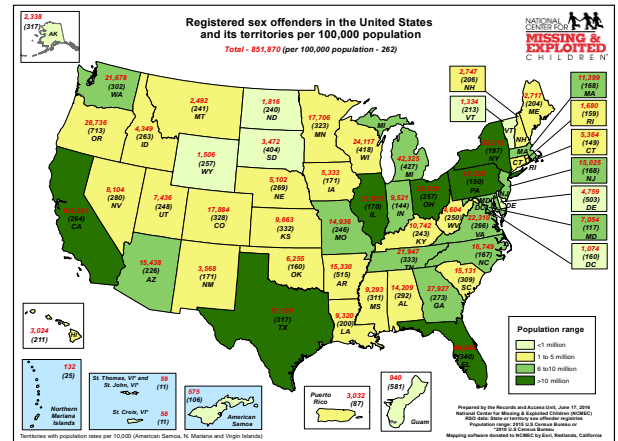


Source: National Child Abuse and Neglect Data System

↑↑↑ There has been a steady and significant decline in child sexual abuse [since 1990](#)^{viii}—before federal registry laws. Scholars find the decline is largely due to [social and economic factors](#)^{ix} - not the registry.

*Why does the public believe those convicted of sex offenses are destined to re-offend?

State-based laws such as “[Jessica’s Law](#)^x” include provisions that those convicted of sex offenses wear GPS devices – often for life – on the grounds that recidivism is inevitable; Ellman & Ellman (2015) [detail](#)^{xi} how false sex offense recidivism data guides major judicial decisions and policies, and how the Supreme Court has utilized debunked research showing that re-offense rates are “frightening and high.”



***Do residency restrictions (state laws requiring those with sex offense convictions to live a certain distance from schools or other places where children congregate) protect children and victims?** 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” ([Minnesota Department of Corrections](#)^{xiii}).



***What are the unintended effects of sex offense laws?** “In Miami, Florida...over 60 sex offenders are now living under a bridge because they cannot locate compliant housing. Other states...have also reported increased homelessness of sex offenders as a result of residential restrictions. Housing availability is limited by geographic restrictions and exacerbated by practical considerations such as affordability. Most sex offenders are underemployed as a result of their felony record and stigmatizing status...” ([Levenson](#)^{xiii} 2009).

People convicted of sex offenses have wives, partners, children, and parents; registries identify where registrants live, harming family members, including children, in [devastating ways](#)^{xiv} (Levensen & Tewksbury, 2009).

***The registry was designed to protect children from “stranger-danger.” Does it do this?**

- The registry includes people convicted of statutory crimes, “Romeo and Juliet” offenses, non-contact offenses (e.g. looking at images of children or having a conversation with an FBI agent posing as a minor), and those with adult victims. Minorities are over-represented on the registry. Twenty-two percent of those on the registry are black compared to 13% of the U.S. population^{xv}.
- About 1/3 of those who sexually abuse minors are children themselves; among adult perpetrators, those under the age of 30 are overrepresented (see [here](#)^{xvi}).
- [Between 75% and 93%](#)^{xvii} of people who sexually abuse children are non-strangers. Instead, they are primarily acquaintances and family members.

***Is the United States unique in making sex offender registries publicly available?**

Other countries have law-enforcement only (private) registries; only [South Korea](#)^{xviii} has a fully public registry similar to U.S. In the U.K., a tabloid published a list of those convicted of sex offenses (2000) to “name and shame” and push for a public registry; the effort was [abandoned](#)^{xix} quickly after a spate of vigilante attacks and opposition from law enforcement and child welfare groups. The UK refused to extradite an alleged sexual abuser because he could be subjected to an indefinite commitment order that would be a [“flagrant denial”](#)^{xx} of the European convention on human rights.



Summary

Our sex offense laws are based on false assumptions about the victimization of children by strangers who are presumed to be repeat offenders. The reality is far more complex--the vast majority of victims are harmed by non-strangers and/or those without prior convictions. Moreover, of those convicted of sexually abusing other children, many are themselves children or young adults. Research shows that those labeled “sex offenders” are not “hardwired” to inevitably reoffend, and are responsive to rehabilitation.

We need to start over and rethink how to prevent sexual violence. Our sex offense legal regime is ineffective, unfair, and unsupported by research – without making anyone safer.

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- ⁱ http://www.missingkids.com/content/dam/ncmec/en_us/documents/sexoffendersmap.pdf
- ⁱⁱ <https://www.bjs.gov/content/pub/pdf/rsorp94.pdf>
- ⁱⁱⁱ http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/sex_offender_recidivism_2012_final.pdf
- ^{iv} https://www.cdcr.ca.gov/adult_research_branch/Research_Documents/2014_Outcome_Evaluation_Report_7-6-2015.pdf
- ^v <http://psycnet.apa.org/record/2008-18509-003>
- ^{vi} <http://psycnet.apa.org/record/2008-18509-003>
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- ^{vii} <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=247350>
- ^{viii} http://www.unh.edu/ccrc/pdf/CV267_Have%20SA%20%20PA%20Decline_FACT%20SHEET_11-7-12.pdf
- ^{ix} <https://spssi.onlinelibrary.wiley.com/doi/abs/10.1111/j.1540-4560.2006.00483.x>
- ^x <https://www.oeregister.com/2014/12/14/jessicas-law-promised-more-than-it-could-deliver/>
- ^{xi} <http://dx.doi.org/10.2139/ssrn.2616429>
- ^{xii} http://www.csom.org/pubs/MN%20Residence%20Restrictions_04-07SexOffenderReport-Proximity%20MN.pdf
- ^{xiii} https://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol36_2009/spring2009/restricting_sex_offender_residences_policy_implications.html
- ^{xiv} <https://metamorafilms.files.wordpress.com/2016/08/collateral-damage.pdf>
- ^{xv} <https://www.counterpunch.org/2016/04/11/are-sex-offenders-white/>
- ^{xvi} <http://www.unh.edu/ccrc/factsheet/pdf/CSA-FS20.pdf>
- ^{xvii} <http://www.unh.edu/ccrc/factsheet/pdf/CSA-FS20.pdf>
- ^{xviii} <https://smart.gov/pdfs/global-survey-2016-final.pdf>
- ^{xix} <https://www.theguardian.com/society/2000/aug/04/childprotection>
- ^{xx} <https://www.theguardian.com/law/2016/feb/26/us-fails-extradite-alleged-american-paedophile-roger-giese-britain>