

# Understanding Policy and Programmatic Issues Regarding Sex Offender Registries

By Matthew Lees and Richard Tewksbury

Public interest in the violent offender has been a central focus of society and lawmakers for many years. Correctional efforts are directed at protecting society against offenders, especially those responsible for the most heinous crimes. Among the offenders most despised and considered most important to control, especially in recent years, are sex offenders. While sex offenders have always been subject to particularly severe sentencing laws and harsh treatment from society, the past decade has seen the development, emergence and proliferation of a “new” form of criminal sanction: the sex offender registry.

This heightened awareness of sex offenders can generally be attributed to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act of 1994, a law that formalized the practice of registering sex offenders in state-wide databases. Sex offender registries were subsequently made publicly accessible (almost always via the Internet) through Megan’s Law, passed in 1996 in response to the brutal murder of Megan Kanka, a young New Jersey girl, by a registered sex offender living anonymously in the community. This (and subsequent) legislation was created to deter potential sex offenders and reduce instances of sex offenders re-offending. Such moves have also served to provide at least an illusion of increased public awareness of sex offenders, enabled community members to better protect themselves and their children through greater knowledge and to provide a sense of creating safer communities.

While sex offender registries are generally considered desirable and beneficial for communities, not much is known about their true efficacy or affects on communities and sex offenders. The emerging body of research literature, however, suggests that while popular, there may be a number of (largely unforeseen) problems with sex offender registries.

## Research Issues

Research on this relatively new form of criminal sanction points to several policy implications and raises an array of programmatic considerations. All of these consequences ultimately can, and should, contribute to the refinement and implementation of a more functional and successful sanction. The emerging research literature on sex offender registries has five main foci to date: statistical profiles of registrants; assessments of recidivism; evaluations of the accuracy of registry information; assessments of collateral consequences arising from registration; and examination of the residential locations of registered sex offenders. As is briefly discussed in the following, each of these foci pro-

vides significant insights into the effects of registration and also highlights concerns and suggestions for improving the structure, format and process of sex offender registration.

Sex offender registries are most commonly maintained by state police, departments of public safety, offices of the attorney general or departments of corrections. Examinations of these state sex offender registries have shown that the majority of sex offenders are middle-age, white males who typically have at least one prior felony conviction. Reviews of registries clearly show that there is a rapidly increasing number of registered sex offenders, with little indication of a slowing of growth.<sup>1</sup> However, it is also important to recognize that not all sex offender registries are created alike. There is wide variation in the type and amount of information provided on registries.<sup>2</sup>

Perhaps the most important reason for the creation of sex offender registries was the anticipated reduction in recidivism for sex offenses. Research has shown that in some instances, sex offender registration was found to be associated with decreased recidivism for other crimes (most notably property offenses, not sex offenses).<sup>3</sup> However, registration has generally revealed little to no effect on sex offense recidivism rates when comparing groups of offenders who were not subjected to registration to groups that were listed on registries.<sup>4</sup> Additionally, recent research on sex offenders’ perceptions of registration has suggested that sex offender registries may offer the potential to deter sex crime, but are not doing so in the current form.<sup>5</sup> In sum, the research to date suggests that sex offender registries may not be achieving the goal of deterrence or reductions in recidivism.

A third focus of the research literature concerning sex offender registries has been on the accuracy and completeness of the posted information. Generally speaking, both the research literature and journalistic investigations have shown a significant amount of error on registry Web sites. Misleading information in the form of wrong, missing or commercial addresses, lack of a photograph and other incorrect information have raised serious concerns with researchers about the true efficacy of sex offender registries.<sup>6</sup> These findings raise two critical policy issues. First, how can sex offender registries — which appear to have a high rate of inaccuracies — be expected to serve as an effective deterrent for potential offenders? The threat of being “known” or recognized as a sex offender in the community is greatly diminished if information on registry pages is not correct or complete. Second, the community cannot become truly and fully aware of sex offenders if registries

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contain significant amounts of misinformation or incorrect data. Once again, the research literature indicates significant problems with sex offender registries.

Focusing on the effects of sex offender registration on offenders themselves has produced a mounting body of literature that suggests there are numerous and potentially far-reaching, collateral consequences accompanying sex offender registration. It is important to understand that any felony offense is likely to be accompanied by certain practical, legal and social consequences for the offender. However, the research concerning collateral consequences of sex offender registration suggests that the nature and extent of these consequences may be much more severe for sex offenders than for other felons. Significant consequences experienced by registered sex offenders generally include difficulties finding and maintaining housing and jobs, problems with relationships, increased social stigmatization, and persistent feelings of vulnerability.<sup>7</sup> The conclusions of this body of literature suggests that while these collateral consequences are not unique to sex offenders, the use of sex offender registration may significantly enhance such experiences. Such research findings are especially important not only for understanding the way such a sanction is experienced, but also for recognizing the role such a sanction may play in facilitating recidivism.

A fifth and final focus of the emerging research literature concerning sex offender registries also points to potential ways such a sanction may actively contribute to recidivism. While popular discourse, and to a certain degree fact, supports the claim that “sex offenders are everywhere,” a small but quickly developing body of research suggests that registered sex offenders are not geographically evenly distributed across society. Rather, examinations of both where registered sex offenders live, and the social, economic and demographic characteristics of the neighborhoods where concentrations of sex offenders can be found suggest that poorer, less desirable and more socially disorganized communities are more likely to house greater numbers of registrants.<sup>8</sup> Consequently, relegation to the least desirable neighborhoods, coupled with the growing move to legislatively create “buffer zones” that prohibit registrants from living within specified distances (usually one-quarter or one-half mile) from “places children gather” (e.g., schools, day care centers, parks, libraries, etc.) has imposed additional stresses and restrictions on registered sex offenders — factors long known to contribute to increased rates of recidivism.

In sum, sex offender registration is a process that is well-intentioned, but, as suggested by the emerging research literature, fraught with problems, inconsistencies and the potential for adverse consequences. Research has found many potential flaws in the current structure, format and process of registration that may have significant impacts on both communities and individual sex offenders. The need for continued research is clear; public policy and the safety

of communities will hinge on what research continues to show regarding the efficacy, process and consequences of sex offender registries.

## ENDNOTES

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<sup>4</sup> Adkins, G., D. Huff and P. Stageberg. 2000. *The Iowa sex offender registry and recidivism*. Des Moines: Iowa Department of Human Rights.

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*Matthew Lees is a graduate student and Richard Tewksbury is a professor of Justice Administration at the University of Louisville.*