

Waging War on Sexual Crimes

States Target Sex Offenders through Policy and Practice

Megan Kanka. Dylan Groene. Jessica Lunsford. Sadly, the names of these children—all victims of convicted sex offenders—are too familiar to the American public. And for policy-makers, these children have become the inspiration for dozens of bills in statehouses nationwide, including efforts to mandate longer sentences for sex offenders, to prohibit sex offenders from living near schools and child care centers and to increase penalties against convicted offenders for failing to register with authorities. Despite these efforts, states struggle to develop long-term sex offender management policies and programs that ensure the public safety.

Managing Sexual Offenders: The Challenge for State Officials

The National Center for Missing and Exploited Children reports that there are approximately 560,000 registered sex offenders in the United States. And while the number of convicted sex offenders in state prisons is increasing, most convicted offenders live in the community under probation or parole supervision. The Center for Sex Offender Management (CSOM) reports that approximately 60 percent of convicted sex offenders are released under supervision in communities across the country—either directly after sentencing or following a period of incarceration. Moreover, as many as 100,000 convicted sex offenders are estimated to be “lost” in the system across the country, with law enforcement unable to find or track their whereabouts.

According to the Office of Juvenile Justice and Delinquency Prevention, however, the number of substantiated child sex abuse cases has declined approximately 40 percent since the early 1990s, from an estimated 150,000 cases in 1992 to just under 90,000 cases in 2003. Despite this decline, sex offender issues remain in the public spotlight.

According to a report by the Center for Sex Offender Management, “Public sentiment that the criminal justice system should do more to safeguard the community from sex offenders has led to the enactment of a host of measures in recent years, such as sex offender registration, community notification, and involuntary civil commitment for some sex offenders.”

In the early 1990s, only five states required convicted sex offenders to register their addresses with law enforcement agencies.



Following the abduction of 11-year old Jacob Wetterling from his neighborhood in St. Joseph, Minn., however, Congress in 1994 passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act, requiring states to develop and implement a sex offender registry. As a result, all 50 states currently have sex offender registries.

States have continued to address the issue of sex offender management through additional legislation and programs.

According to *Stateline.org*, more than 100 sex offender laws were passed by state legislatures in 2005—more than double the number passed in 2004. And in 2006, sex offender management issues took an equally prominent role in statehouses across the country, with sex offender bills considered in nearly every state.

In 2005, Florida passed the “Jessica Lunsford Act,” which increases the minimum penalties for sex crimes against children and requires lifetime electronic monitoring for certain offenders. In 2006, at least half a dozen states considered similar legislation.

Virginia lawmakers passed HB 1037, establishing the Office of Sexually Violent Predator Services within the Department of Mental Health, Mental Retardation and Substance Abuse Services. The purpose of the new state agency is to administer provisions related to the civil commitment of violent sexual offenders.

In Minnesota, sex offenders who fail to register may soon find themselves on state Web sites and “Most Wanted” postings as a result of a new statewide initiative announced by Gov. Tom Pawlenty to crack down on non-compliant sex offenders.

And in Kansas, one senator proposed that sex offenders be required to sport pink license plates on their automobiles.



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While few would argue against legislative and programmatic efforts to ensure the safety of the public—and of children in particular—against violent sexual crimes, some state leaders have expressed concern that the urgency of efforts to strengthen sex offender management policy is prohibiting lawmakers from fully considering the range of long-term impacts such policies will have.

According to Carl Wicklund, executive director of the American Probation and Parole Association, the challenge for state lawmakers is to “keep unintended consequences to a minimum, while still developing legislation that ensures the public safety. Policymakers must be careful not to create new victims by being overzealous in controlling sexual offenders.”

And some state legislators agree.

“There are myths surrounding sex offenders that must be exposed, such as all sex offenders re-offend, treatment does not work, and the risk to our children lies in strangers,” says Kansas Rep. Ward Loyd. For state policymakers, he adds, “there is a fear, in some ways, of not going far enough to protect the public against sex offenders—a fear of being accused of being soft on crime—when, in fact, the greater risk is casting too wide a net in trying to target the individuals we really need to catch.”

Legislating for Safety

What should state lawmakers keep in mind as they consider sex offender management legislation? Experts say states should consider a number of issues, including the complexity of the sex offender population, the changing role of technology in sex offender management and interjurisdictional issues.

Sex Offenders: A Diverse Population

While often referred to as a single group, the sex offender population comprises a variety of individuals who have committed a wide range of crimes. For instance, in some states the term “sex offender” may be used to describe both an adult serial rapist and a juvenile who has engaged in sexual play with a younger relative.

Yet the differences between groups of sex offenders can be significant. According to CSOM, “reoffense rates vary among differ-

ent types of sex offenders and are related to specific characteristics of the offender and the offense.”

Due to widespread underreporting of sexual crimes, sex offender recidivism rates are difficult to calculate. Nevertheless, some studies suggest that there are significant differences in recidivism patterns among various categories of sex offenders. In a 1995 study on sex offender recidivism, researchers found that child molesters had a 13 percent reconviction rate for sexual offenses and a 35 percent reconviction rate for non-sex offenses over a five-year period. Meanwhile, the study found a 19 percent reconviction rate for rapists who had committed a new sexual offense and a 46 percent reconviction rate for non-sexual offenses.

And in contrast to popular belief, recidivism rates for sex offenders are lower than for non-sex offenders. In a 2003 study of sex offender recidivism rates, the Bureau of Justice Statistics found that 43 percent of sex offenders—versus 68 percent of non-sex offenders—were rearrested for a new offense within three years of their release from prison in 1994.

These differences, experts argue, should be reflected in state sex offender management legislation. Wicklund encourages state policymakers to consider the distinctions between various groups of sex offenders—and the different risk levels they pose to the public—when developing sex offender policies. “No two offenders are the same, and no two situations are the same,” he says. “If we legislate to treat different groups of cases the same for purposes of justice and public safety, we may get neither.”

The Changing Role of Technology

In today’s world, technological innovations play a critical role in the management of sexual offenders. At least a dozen states now allow the use of Global Positioning System devices to track the movements of convicted sexual offenders, and even more state legislatures are currently considering bills authorizing, or in some cases requiring, the use of GPS devices to monitor offenders.

While GPS and other similar devices present new opportunities to enhance the tracking and monitoring of sex offenders, these and other emerging technologies are constantly evolving. For state policymakers, therefore, the concern is to what de-

gree legislation should specify technologies for monitoring and tracking offenders.

Some point to potential dangers in specifying which types of technology to use for monitoring offenders. Given the rate at which technologies are evolving, today's state-of-the-art innovations may be obsolete tomorrow. "It's not very wise to prescribe the type of technology in legislation," says Wicklund. "Technologies are changing every day. Rather, it is wiser to authorize the use of technologies and let corrections officials determine the appropriate device."

Moreover, the use of such technologies places enormous resource pressures on the states. Technology to track and monitor offenders, like GPS devices, is often quite costly. And its use also requires additional resources, including staff to monitor the whereabouts of offenders, justice personnel to respond to offenders in prohibited areas and additional resources for general maintenance and upkeep.

Interjurisdictional Issues

Jurisdictional issues provide additional challenges for state policymakers. Recent concerns about the estimated 2,000 registered sex offenders evacuated from the Gulf Coast during Hurricane Katrina highlight the challenges associated with ensuring that offenders are monitored and tracked even when they cross jurisdictional boundaries.

Disparate state sex offender laws create additional challenges in tracking offenders across state lines. With the recent passage of laws increasing the restrictions for convicted sex offenders in some states, officials worry that sex offenders will relocate to other states where laws are less stringent.

According to some officials, this is already happening. Local law enforcement officials in Nebraska have reported an influx of sex offenders from Iowa. County officials argue that the influx is due in part to Iowa's newly enacted residency law, which prohibits sex offenders who victimized children from living within 2,000 feet of a school or child care center.

State policymakers across the country are calling for more coordination among states to address this issue.

Rep. Loyd argues that state policymakers "need a coordinated effort to address the response to high-risk sex offenders. If laws are overly restrictive in one jurisdiction, sex offenders will move with or without complying with registration requirements.

"For every high-risk sex offender we lose track of, the ability to monitor and control inappropriate behavior is lost, and the risk of a repeat of the event in Florida is increased," Loyd said, referring to the case of Jessica Lunsford, the 9-year old Florida girl who was abducted, assaulted and murdered by a convicted sex offender in 2005.

Mapping the Way: Making States Safer

Policymakers point to the need for increased awareness of sex offender management issues among state officials and the general public alike. "We must make smart decisions on our choices for public safety that are evidence based, and we must develop a system of public education that focuses on abuse prevention and actions parents can take to enhance the safety of their children," Loyd said.

Some state officials are calling for increased collaboration among states in an effort to share information and best practices

on sex offender management policies and programs. A national dialogue for state leaders on these issues would allow policymakers and practitioners to discuss state options for the effective management of sex offenders as well as the long-term impacts of policy and programmatic initiatives.

With the memory of Jessica Lunsford and others still fresh in the minds of the American public, concerns about sex offenders and their crimes will likely remain a high priority for state leaders in the near future. As policymakers continue to push for new ways to protect citizens against violent sexual crime, they should keep in mind the long-term impacts of sex offender management policies and programs.

—Carrie Abner is a public safety and justice policy analyst for The Council of State Governments.



The National Sex Offender Public Registry

Initiatives underway at the federal level may assist states to better track sex offenders. The U.S. Department of Justice has developed a National Sex Offender Public Registry, which includes information on registered sex offenders from every state.

Related Resources

Center for Sex Offender Management—Established in 1997, CSOM works to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders in the community. CSOM produces policy and practice briefs, fact sheets and resource documents that address critical topics in the area of effective sex offender management.

www.csom.org

American Probation and Parole Association—APPA is an association of professionals that provides research and information on probation, parole and community corrections policy and practice. The APPA Web site provides several for professionals informational guides on managing and supervising sex offenders in the community.

www.appa-net.org

National Sexual Violence Resource Center—NSVRC is a comprehensive collection and distribution center for information, research and emerging policy on sexual violence intervention and prevention.

www.nsvrc.org

Association for the Treatment of Sexual Abusers—ATSA is a non-profit, interdisciplinary organization founded to foster research, facilitate information exchange, further professional education and provide for the advancement of professional standards and practices in the field of sex offender evaluation and treatment.

www.atsa.com



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