

# IS IT WORTH THE COST? THE EFFICACY OF REGISTRIES

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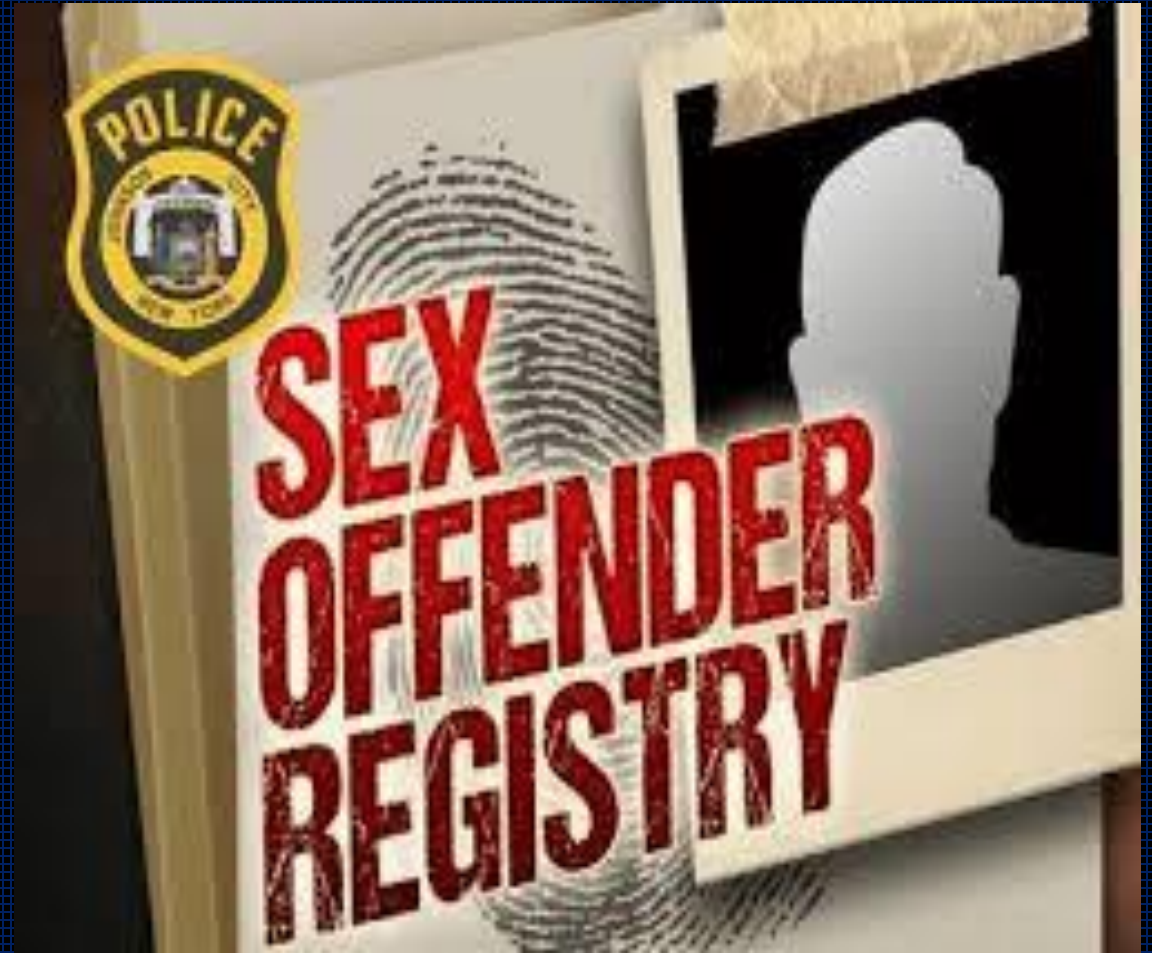
SECOND DISTRICT COURT OF APPEALS

DAYTON, OHIO



# REGISTRIES

- SEX OFFENDER
- ARSON OFFENDER
- VIOLENT OFFENDER
- DRUG OFFENDER



# WHAT IS THE PURPOSE OF THE REGISTRIES?

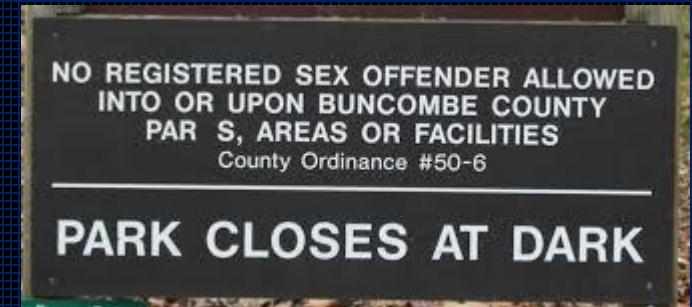
ASSUAGE FEAR

PUBLICLY SHAME

PROVIDE INFORMATION TO LAW ENFORCEMENT

IDENTIFY POTENTIAL SUSPECTS

LIMIT ACTIVITY/EMPLOYMENT/RESIDENCE/ACCESS



# NOT ALL REGISTRIES ARE THE SAME

LENGTH/REGISTRATION REQUIREMENTS

RESTRICTIONS

WHO HAS ACCESS AND WHY?

- THE PUBLIC
- LAW ENFORCEMENT
- FIRE INVESTIGATORS
- BY REQUEST/NEED



# DEFINING EVIDENCE-BASED PRACTICES

USING RESEARCH FINDINGS THAT  
ARE DEMONSTRABLY EFFECTIVE  
TO INFLUENCE PRACTICES AND TO  
IMPROVE THE QUALITY OF  
DECISION MAKING



**E**vidence  
**B**ased  
**P**ractice

“CORRECTIONS PRACTICES THAT HAVE BEEN PROVEN THROUGH SCIENTIFIC CORRECTIONS RESEARCH TO WORK TO REDUCE OFFENDER RECIDIVISM.”

# THE NATURE OF MORAL PANIC

“A CONDITION, EPISODE, PERSON OR GROUP OF PERSONS, WHICH EMERGE TO BECOME DEFINED AS A THREAT TO SOCIETAL VALUES AND INTERESTS”

# AGENTS OF MORAL PANIC



- ✓ THE MASS MEDIA
- ✓ MORAL ENTREPRENEURS (INDIVIDUALS OR GROUPS WHO CAMPAIGN FOR CHANGE)
- ✓ THE CONTROL GROUP ( INSTITUTIONAL POWERS, LAW ENFORCEMENT, THE LEGISLATURE, THE JUDICIARY)
- ✓ THE PUBLIC



# MORAL PANIC THEORY



1. CONCERN ARISES ABOUT A DISTINCT GROUP
2. HOSTILITY INCREASES TOWARD THE DEFINED GROUP
3. WIDESPREAD CONSENSUS THAT THE GROUP POSES A THREAT
4. FEAR AND REACTIONS GENERATE A DISPROPORTIONATE RESPONSE TO THE ACTUAL THREAT

RESULT:

CHANGES IN PUBLIC POLICY AND LEGISLATION  
PROCEEDING FROM EMOTION RATHER THAN  
EVIDENCE

# PERCEPTIONS OF SEX OFFENDERS

- GENERAL POPULATION AND LEGISLATORS ARE GENERALLY UNEDUCATED ABOUT SEX OFFENDERS
- ACCEPT MEDIA CONSTRUCTS OF OFFENDERS
- BELIEVE ALL SEX OFFENDERS WILL INEVITABLY REOFFEND
- SUPPORT HARSH RESTRICTIONS
- CONCERN FOCUSES ON RETRIBUTION AND INCAPACITATION
- DEVALUE TREATMENT, REHABILITATION AND REINTEGRATION
- CURRENT LAWS ARE NOT SUFFICIENTLY HARSH





# WHAT DOES A SEX OFFENDER LOOK LIKE?



# NATIONAL SNAPSHOT

AGE (MEAN)	44.3
CAUCASIAN	66%
MALE	98%
ADULT	80%
MINOR VICTIM	90%
NOT ON REGISTRY AT TIME OF OFFENSE	96%

# VICTIM - OFFENDER RELATIONSHIP

	ALL VICTIMS	ADULT VICTIMS	CHILD VICTIMS
FAMILY	26.7%	11.5%	34%
ACQUAINTANCE	59.6%	61%	58.7%
STRANGER	13.8%	27%	7%



# SEX OFFENSES ARE NOT ALL THE SAME

- VIOLENT ASSAULT ON STRANGER/FAMILY MEMBER
- INAPPROPRIATE CONTACT WITH STRANGER/FAMILY MEMBER
- CONSENSUAL SEXUAL CONTACT WITH CERTAIN PERSONS
- SOME IMAGES OF CHILDREN

# SEXUAL OFFENDING

NO SPECIFIC PSYCHOPATHOLOGY

ALL SEXUAL OFFENDING IS SOCIALLY DEVIANT

BUT NOT ALL SEXUAL OFFENDERS HAVE DEVIANT SEXUAL INTERESTS OR PREFERENCES

- VICTIMIZE STRANGERS
- USE OVERT FORCE
- SELECT MALE VICTIMS
- SELECT VICTIMS MUCH YOUNGER/OLDER THAN THE OFFENDER

66% OF SEXUAL OFFENSES ARE NOT  
REPORTED TO AUTHORITIES

COLLEGE AGE - 80% UNREPORTED

ELDERLY - 72% UNREPORTED

FEMALE MILITARY - 57% UNREPORTED

MALE MILITARY - 90% UNREPORTED

# WHY REPORT?

- TO PROTECT THE HOUSEHOLD OR VICTIM FROM FURTHER CRIMES BY THE OFFENDER
- TO STOP THE INCIDENT, PREVENT RECURRENCE OR ESCALATION
- DUTY TO REPORT
- TO CATCH OR PUNISH THE OFFENDER

# FAILING TO REPORT

- FEAR OF RETALIATION
- BELIEF THE POLICE WILL NOT HELP
- BELIEF THE OFFENSE WAS NOT IMPORTANT ENOUGH TO REPORT
- CONCERN THE OFFENDER WILL GET INTO TROUBLE
- ANXIETY OVER MAKING A PRIVATE MATTER PUBLIC
- FEAR OF BEING BLAMED FOR WHAT HAPPENED
- FEELINGS OF SHAME, GUILTY AND/OR EMBARRASSMENT

# GENERAL FACTORS CONTRIBUTING TO SEXUAL OFFENDING

- POOR COPING SKILLS
- LOW SELF-CONTROL, IMPULSIVITY
- OPPORTUNITY
- GENERAL ASOCIAL LIFESTYLE
- RELATIONSHIP DIFFICULTIES
- COGNITIVE DISTORTIONS
- VICTIM EMPATHY DEFICITS
- HISTORY OF ANY CRIMINAL OFFENDING

# ON-LINE OFFENDERS

- PRIMARILY CAUCASIAN AND MALE
- VICTIMS PREDOMINANTLY CAUCASIAN
- POSSESS SIGNIFICANTLY MORE SEXUALLY DEVIANT INTERESTS THAN CONTACT OFFENDERS
- LOW RATE OF CONTACT OFFENSES
- LOW RATE OF PRIOR CRIMINAL INVOLVEMENT OF ANY TYPE



# THE “TYPICAL” CRIMINAL

- VARIETY OF OFFENSES
- LITTLE SPECIALIZATION
- RARELY RECIDIVATES WITH SEXUAL OFFENSE
- SUBJECTIVE DISTRESS NO CORRELATIVE FACTOR

## RISK FACTORS:

AGE

UNSTABLE EMPLOYMENT

SUBSTANCE ABUSE

CRIMINOGENIC ATTITUDES

CRIMINOGENIC ASSOCIATES



# GENERAL RECIDIVISM PREDICTORS

- YOUNG
- UNMARRIED
- MINORITY RACE
- ALL PRIOR CRIMINAL INVOLVEMENT
- ANTISOCIAL PERSONALITY OR PSYCHOPATHY

# RECIDIVISM RISK PREDICTORS AMONG SEX OFFENDERS

- AGE
- MARITAL STATUS
- PRIOR SEXUAL OFFENSES
- MALE, STRANGER, OR EXTRA-FAMILIAL VICTIM
- BEGAN OFFENDING SEXUALLY AT AN EARLY AGE
- ENGAGE IN DIVERSE SEXUAL CRIMES
- TREATMENT COMPLIANCE
- DISCREET PERIODS OF STRESS
- ANTISOCIAL ORIENTATION/LIFESTYLE INSTABILITY
- SEXUAL DEVIANCY

SEXUAL INTEREST IN CHILDREN AND BOYS, STRANGERS - STRONGEST PREDICTORS

# WHAT DO WE KNOW ABOUT RECIDIVISM?

TWO IMPORTANT RECIDIVISM STUDIES CONCLUDE:

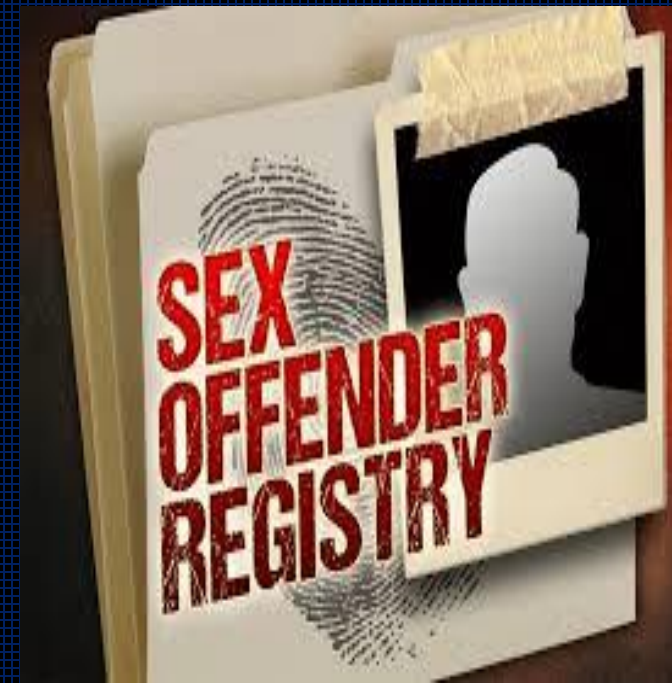
13.4% COMMITTED A NEW SEXUAL OFFENSE WITHIN A 4-5 YEAR STUDY PERIOD

40% RECIDIVISM RATE IN 15-20 YEAR STUDY PERIOD

36.2% RECIDIVATE WITH A NONSEXUAL OFFENSE

# CLASSIFICATION OF OFFENDERS PRIOR TO THE AWA

- OFFENSE-BASED SYSTEMS
- CLASSIFICATION BASED UPON  
NUMBER OF CONVICTIONS
- INDIVIDUAL RISK-BASED  
SYSTEMS



# THE ADAM WALSH ACT



# OFFENSE-BASED SYSTEM

## TIER I

A CATCH-ALL CATEGORY INCLUDING ALL MISDEMEANORS AND LESS-SERIOUS FELONIES

REGISTRATION/VERIFICATION ONCE PER YEAR FOR 15 YEARS

## TIER II

REGISTRATION/VERIFICATION EVERY 180 DAYS FOR 25 YEARS

## TIER II

REGISTRATION/VERIFICATION EVERY 90 DAYS FOR LIFE

# THE COST OF IMPLEMENTATION

## COMMONWEALTH OF VIRGINIA

POTENTIAL LOSS OF BJA FUNDS THROUGH NON-COMPLIANCE	\$ 400,000
FIRST YEAR COST TO COMPLY WITH AWA	\$12,000,000
ONGOING ANNUAL COST OF COMPLIANCE	\$ 8,000,000

# EFFECT ON RECIDIVISM

REGISTRATION POLICIES DEMONSTRATE NO EFFECT ON RECIDIVISM

*THE EFFECTIVENESS OF SEX OFFENDER REGISTRATION AND NOTIFICATION: A META-ANALYSIS OF 25 YEAR OF FINDINGS, KRISTEN ZGOBA AND MEGHAN MITCHELL (2021)*



# WHERE TO NOW?

START WITH A COMPREHENSIVE REVIEW OF THE DATA

HAVE SEXUAL OFFENSES BEEN REDUCED?

RELATIONSHIP BETWEEN VICTIM AND OFFENDER?

WHAT IS THE CURRENT COST OF IMPLEMENTING/OPERATING THE REGISTRIES?

WHAT IS THE COMPLIANCE WITH REQUIRED OFFENDER PAYMENTS/HOW MUCH IS COLLECTED?

# SOME ACTION STEPS

IS THE COST OF COLLECTION FROM OFFENDERS OFFSETTING THE AMOUNT COLLECTED?

UNDERTAKE A STUDY OF THE PUBLIC'S USE/UNDERSTANDING OF THE REGISTRIES

UNDERTAKE A STATE RECIDIVISM STUDY

IS THE RIGHT DATA BEING COLLECTED ABOUT OFFENDERS-VICTIM RELATIONSHIP, CIRCUMSTANCES OF THE OFFENSE?

# WHAT NEXT?

## LEGISLATIVE CHANGES BASED UPON RESEARCH AND DATA

- POTENTIAL FOR REMOVAL FROM REGISTRY
- REMOVE SOME OFFENSES FROM REGISTRATION REQUIREMENTS
- MODIFY FAILURE TO REGISTER/VERIFY PENALTIES
- ELIMINATE REGISTRIES
- DECREASE IN COLLATERAL CONSEQUENCES