

Community Management of Convicted Sex Offenders: Registration, Electronic Monitoring, Civil Commitment, Mandatory Minimums, and Residency Restrictions

Policy Summary

The National Alliance to End Sexual Violence (NAESV) believes that policies formulated to manage sex offenders must have as a primary goal the prevention of future sexual victimization. Such policies must hold sex offenders accountable while providing support and safety for victims and their families. The National Alliance supports proposals which are grounded in research, include collaborative approaches which are multi disciplinary and multi agency based, and are assessed critically and routinely to ensure their effectiveness. The National Alliance strongly encourages and supports primary prevention policies and practices which we believe will ultimately reduce sexual victimization by perpetrators.

Problem Statement

States and communities across the nation are developing measures to manage adult sex offenders with the express purpose of increasing safety for victims and communities. Unfortunately, not all measures currently being enacted do, in fact, increase safety. Some put communities at higher risk, while others create a false sense of security. In addition, community education is critical in the effective management of sex offenders, yet is often not a strong component of management policies. Lastly, measures should not replace or reduce comprehensive, evidence-driven strategies to reduce sex offense recidivism.

Comprehensive strategies include:

- * Actuarial risk-assessments
- * Polygraphs
- * In-depth treatment provided by qualified practitioners, paid for in whole or in part by the offenders themselves
- * Intensive supervision and monitoring by specially trained probation and parole officers
- * Community prevention and education, including social messaging campaigns on respectful interaction
- * Advocacy on behalf of victims

!CAUTION!

Victim and community measures to manage sex offenders ordinarily only address convicted sex offenders. However, research shows that the vast majority of sex offenders are never reported, let alone tried and convicted.

Contrary to the popular myth of "stranger danger," children and youth are far more at risk of sexual abuse from adults they know. The same holds true for adults victims of sexual assault. Research shows that the vast majority of sex offenders know their victims, yet measures are generally designed to address situations in which the sex offender is presumed to be a stranger to the victim.

Community members need to understand the limitations of current measures to manage convicted sex offenders, because without this critical knowledge, the enactment of measures can lead to a false sense of security, thereby putting children at even greater risk.

Guidelines for the Development of Effective Measures

1. The goal of measures for the management of sex offenders is to increase victim and community safety, therefore, the first question is, "Will the proposed measure increase safety?" The way to determine if a proposed measure will increase safety is through the application of research-based knowledge. Proposed measures should be developed from a strong foundation of documented research results.
2. Public resources are limited, so those resources allocated for the management of convicted sex offenders should primarily be directed to those at highest risk of re-offense. Highest risk can most accurately be assessed through the application of evidence-based actuarial risk-assessment tools. This assessment should occur prior to sentencing.

The risk of re-offense cannot be accurately determined by the seriousness of the charge for which a sex offender was convicted, as numerous factors can lead to offenders being charged or convicted of lesser crimes than what actually occurred.

3. In order for communities to most effectively protect their citizens from the danger of sexual assault, comprehensive sex offender management policies must include community education. This education should consist of:

- * Information regarding sexual assault (myths and facts, incidence and prevalence data, victim information)
- * Information regarding sex offenders and sex offending behavior
- * Information regarding prevention and risk reduction measures, including the strengths and limitations of victim and community measures
- * Information regarding resources for victims, offenders, and families
- * Social messaging campaigns on respectful interaction

These educational components should be developed in conjunction with police, probation and parole, sex offender treatment providers, rape crisis victim advocates, and municipal and/or county officials.

Examples of Victim and Community Measures

1. Sex Offender Registration and Public Notification

Sex offender registration can be useful for law enforcement agencies in their identification and tracking of convicted sex offenders. However, over-inclusive public notification can actually be harmful to public safety by diluting the ability to identify the

most dangerous offenders and by disrupting the stability of low-risk offenders in ways that may increase their risk of re-offense. Therefore, NAESV believes that internet disclosure and community notification should be limited to those offenders who pose the highest risk of re-offense.

In addition, it is NAESV's position that internet disclosure and community notification should be limited to those offenders whose public disclosure will not immediately or implicitly identify the victim. Without such limitations, victims who are related to the offender may be deterred from reporting their crimes.

Any internet disclosure or community notification should include comprehensive community education. Regarding internet disclosure, the community education components should be shown on pages required to be viewed prior to the listing of sex offenders, so that community members are fully apprised prior to seeing the listing.

2. Electronic Monitoring, such as G.P.S. (Global Positioning Satellite) Tracking

Electronic monitoring can be an effective tool in controlling offender behavior during probation or parole, as preliminary studies indicate that electronic monitoring can provide greater surveillance of offenders under supervision. It is not yet clear, however, to what extent such monitoring deters recidivism (see for example, Florida Office of Program Policy Analysis and Government Accountability, Report No. 05-19, April 2005). Given the limited research results and the limited availability of public funds, NAESV believes electronic monitoring may be used most effectively in situations requiring intensive supervision and monitoring, such as for those offenders at highest risk of re-offense.

3. Residency Restrictions

A number of states and locales are considering residency restrictions in which sex offenders may not reside within a certain radius of schools, parks, skating rinks, certain neighborhoods, etc, and may not utilize resources such as group homes, homeless shelters and hurricane shelters. However, there is no evidence that these laws protect children. In fact, those states that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregate (see for example, Minnesota Department of Corrections, Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature; Colorado Department of Public Safety, Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community, 2004).

Moreover, residency restrictions are having unintended consequences that decrease public safety. For example, Iowa Department of Public Safety statistics show that the number of sex offenders who are unaccounted for has doubled since a residency restriction law went into effect in June 2005 (Iowa Sex Offender Registry, data as of February 15, 2006). Sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense. In addition, the establishment of sex offender residency laws is

creating a domino effect, in that once a law is established in a community or state, the neighboring communities and states are considering similar laws so as to keep sex offenders from moving to their jurisdictions.

Research has shown that sex offenders with domestic stability (stable housing and social support) are less likely to commit new sex offenses compared to those offenders who lack such stability (Managing Sex Offenders in the Community: A National Overview, Lane Council of Governments, Eugene, Oregon, 2003). Because residency requirements cause instability, which may increase the risk of re-offense, NAESV opposes residency restrictions.

4. Mandatory Minimum Sentences

Long mandatory minimum sentences can have a number of negative consequences that serve to decrease, rather than increase, public safety. For example, lengthy mandatory minimum sentences sometimes result in prosecutors not filing charges or filing charges for a lesser crime than a sex offense, as well as increased plea bargains down to a lesser crime. Similarly, judges or juries may be less inclined to convict a defendant on a sex offense because of the mandatory minimum sentence. Long mandatory minimum sentences can also keep victims who were assaulted by someone they know from reporting the crime. All of these possible negative consequences can result in fewer sex offenders being prosecuted and/or tracked, thus NAESV opposes mandatory minimum sentences.

5. Civil Commitment

Civil Commitment statutes allow state authorities to hold sex offenders after their criminal sentences have expired if the offender is deemed too dangerous to be released. Such statutes usually mandate that these offenders be confined to a treatment facility until they are no longer an imminent risk to the community. Legal opinions about civil commitment have indicated that appropriate treatment must be made available to those who are confined involuntarily and that such confinement must not be oriented toward punishment.

Additional Resources

NAESV supports the effective management of sex offenders. For additional information on effective management, including victim and community measures, consult the following resources:

1. Association for the Treatment of Sexual Abusers (ATSA) - www.atsa.com
2. Center for Sex Offender Management (CSOM) - www.csom.org
3. Florida Association for the Treatment of Sexual Abusers (FATSA) - www.floridaatsa.com
4. Stop It Now! - www.stopitnow.com