



Extract of presentation on Sex offender notification

The eyes have it

What is it?


- **Advising the general public of the description, modus operandi and whereabouts of convicted sex offenders**
- **The extent of notification is determined by assessed levels of risk (see later)**
- **We already have the power to authorise notification and this can be quite widespread**
- **what would encourage you to undertake this process?**


Against – traditional arguments

- **Drive offenders ‘underground’ - in other words lose contact**
- **Thus lower numbers registered (In USA registration approximately up to 10-40% lower than UK 97%)**
- **Constitutes ‘additional’ punishment – for example Garland’s (2001) ‘penal marking’**
- **Increase in vigilante activity - thus creating further offences and drain on police resources**

What can happen (USA)

- Exclusion zones can make urban living virtually impossible for sex offenders
- Can in effect produce ghettos – sex offenders will only be able to live with and near other sex offenders
- Identification similar to branding or the leper's bell – current plans to make all registered sex offenders have fluorescent green car registration plates to identify them to public
- In some states must paint front door purple

- 
- Question is ‘whether sex offenders are to be considered primarily as bearers of risk whose potential for harm should be a foremost consideration, or whether they have inherent value as human beings, for whom some rights must be curtailed because of the risks to others...
 - The Adam Walsh Child protection and Safety Act 2007
 - Name and aliases
 - Current photograph
 - Physical description
 - text of offence for which registered and any other
 - Addresses of all residences
 - Addresses of place of employment
 - School address for juveniles
 - Licence plate numbers and description of vehicle
 - Draft Federal legislation looking at introducing requirement for home phone number and email address
 - Software to make it ‘reverse searchable’ on internet – any item will lead to the offender in a database

- 
- At least 5 states require registration for adult prostitution offences
 - At least 13 states for public urination, of these 2 limit it to the act being committed in the presence of a minor
 - At least 29 states require for consensual sex between teenagers
 - At least 32 states require for exposing genitals in public – 7 limited to being in the presence of a minor

 - Kristen's Law in Ohio proposes all registered sex offenders have a highly distinctive neon green number plate (not yet enacted but twice found public support)

 - One judgement of proportionality might be EFFECTIVENESS but research suggests that denying offenders the opportunity to live a settled life and find employment etc leads to an *increase in recidivism*

Frequency of being recognised by the public

	Total sample (n = 121)	Child victimisers (n = 77)
Daily	13.3%	14.5%
1-2 x per week	10.6	7.2
1-2 x per month	15.1	17.3
Few times per year	22.1	18.8
Once a year	7.1	5.8
Never	31.9	36.2

Source: research on Kentucky sex offender registry, Tewksbury, 2006

***Sex Offender Registries as a Tool for Public Safety: Views from Registered Offenders,
Western Criminology Review 7 (1) 1-8 (2006)***

Frequency of being contacted by police

	Total sample	Child victimisers
Daily	0%	0%
1-2 x per week	1.7	2.7
1-2 x per month	11.7	13.5
Few times per year	25.0	23.0
Once a year	26.7	24.3
Never	35.0	36.5


Who do we notify?

Risk determines level of notification based upon tiers:

- Example from New Jersey
- Tier 1 (low risk): law enforcement likely to encounter the offender - Access to sex offender register information
- Tier 2 (moderate risk) law enforcement, schools and community organisations - Notification to organisations and individuals at risk
- Tier 3 (high risk) law enforcement, schools and community organisations and members of the public - Broad community notification

Big Issue – determination of risk

- **Risk determined by stereotypes of stranger, predator danger**
- **Risk increased by:**
 - **victim selection (age, no relationship)**
 - **Nature of act (force, type of sexual contact)**
 - **Offending history**
 - **Response to treatment**
 - **Community support**
- **BUT**



‘...in contrast to the rest of the prison population, sex offenders as a whole are more representative of the US population: they are more likely than other felony offenders to be white, middle-class and married; they are less likely to have a history of prior convictions than other classes of serious offenders’.

Greenfield (1997) in Corrigan (2006) ‘Making Meaning of Megan’s Law’, *Law and Social Inquiry* 31 (2) 267-312.

Seriousness issues

Low risk on degree of force... (scores zero)


- **...intra or extra familial child sexual abuse in which the offender obtains or attempts to obtain sexual gratification through the use of candy, pets or other non-violent methods: offender exposes self to child; offender fondles adult victim without use of force**

High risk of force...

- **Causes lasting or substantial physical damage to victim, or ...uses or is armed with a weapon**

A distorted reality?

- **Domestic, familial offending is downgraded in terms of seriousness and risk BUT**
- **(in USA) 46% of convictions for sexual assaults against children are incest offences against a victim dependent on the abuser for the most basic of life necessities**
- **25% of parent-child sexual assault resulted in major injury' – severe lacerations, fractures, internal injuries or unconsciousness**

- 
- ...The stated principle of Megan's Law is to provide the descriptions and whereabouts of sex offenders and paedophiles, not to provide information about only those sex offenders or paedophiles who use a gun instead of a puppy to coerce a child to perform sexual acts**
 - Exempting non-stranger assailants would eliminate 85% of all convicted sex offenders from Megan's Law**

(Corrigan 2006)

Control myths in the home state of Megan Kanka

- **In 2002 there were 8,780 sex offenders eligible for registration**
- **Due to appeals and other delays 2,075 (24%) undecided**
- **2,829 (32%) tier I thus not subject to notification**
- **Therefore 44% potentially eligible for notification**
- **362 offenders (6% of all eligible offenders) were subject to highest levels of notification, which equals 2% of all registered offenders**
- **Those not subject to notification may as well not exist for the public**

Control myths in the home state of Megan

- **With the vast majority of offenders invisible to the general public, there are few opportunities for communities to participate in surveillance, scrutiny or punishment**
- **The false sense of security – that all the ‘dangerous offenders’ are known to the community – which the laws engender, may well be one of their most pernicious effects**

(Corrigan, 2006)

New technology

- **View that on-line databases will supersede notification BUT**
- **By 2004, as a result of appeals and exemptions, only 18% of all eligible Tier 2 and Tier 3 offenders were included in the online database**
- **This equates to just 6% of all registered sex offenders**

Appeals

- In the UK there is currently appeal against offenders being left on the register indefinitely with no updated risk assessment. If successful could result in hundreds if not thousands being removed.

Summary

- **An ‘effectiveness’ issue**
- **Will people read and remember details?**
- **What about those not considered a high risk?**
- **What about their rights of legal appeal against notification?**
- **Isn’t a degree of risk a matter of normal human life – or are we saying some risks are unacceptable (even if we cannot control them)?**
- **A ‘rights’ issue**
- **Should rights be abrogated on the basis of a possible future event?**
- **Can rights for certain people be taken away for what they have been and might (or might not) be again?**
- **Should we decide that some people have virtually no rights?**
- **Can we trust the media not to stir up a violent reaction?**