

# Justice Policy INSTITUTE

## What will it cost states to comply with the Sex Offender Registration and Notification Act?

The Sex Offender Registration and Notification Act (SORNA)<sup>1</sup>, which mandates a national registry of people convicted of sex offenses and expands the type of offenses for which a person must register, applies to both adults and children. By July 2009, all states must comply with SORNA or risk losing 10 percent of the state's allocated Byrne Grant money, which states generally use to enforce drug laws and support law enforcement.

In the last two years, some states have extensively analyzed the financial costs of complying with SORNA. These states have found that implementing SORNA in their state is far more costly than the penalties for not being in compliance. JPI's analysis finds that in all 50 states, the first-year costs of implementing SORNA outweigh the cost of losing 10 percent of the state's Byrne Grant. Most of the resources available to states would be devoted to the administrative maintenance of the registry and notification, rather than targeting known serious offenders. Registries and notification have not been proven to protect communities from sexual offenses, and may even distract from more effective approaches.

Given the enormous fiscal costs of implementing SORNA, coupled with the lack of evidence that registries and notification make communities safer, states should think carefully before committing to comply with SORNA.

Ohio determined that the cost of implementing new software to create a registry would approach a half million dollars in the first year.<sup>2</sup> The total estimated cost for complying with SORNA exceeds the Byrne funds Ohio would lose if it did not comply.

- Installing and implementing software alone would cost \$475,000 in the first year. The software would then cost \$85,000 annually thereafter for maintenance.
- Certification of treatment programs based on new standards and providing a description of a person on the registry to the state's Bureau of Criminal Identification and Investigation would cost another \$100,000 annually.
- Ohio also lists other factors that would increase the cost of implementing SORNA, including salaries and benefits for new personnel, new court and administration costs, and costs to counties and municipalities. These costs are in addition to the \$475,000 needed for software, but have not yet been quantified by the state.
- If Ohio chose not to implement SORNA, the state would lose approximately \$622,000 annually from its Byrne funds. However, the total estimated cost of software, certification of treatment programs, salaries, and benefits for new personnel would exceed the lost Byrne funds.

Virginia determined that the first year of compliance with the registry aspect of SORNA would cost more than \$12 million.<sup>3</sup>

- The first year of implementing SORNA would cost the Commonwealth of Virginia \$12,497,000.
- The yearly annual cost of SORNA would be \$8,887,000. Adjusted with a 3.5 percent yearly inflation rate,<sup>4</sup> Virginia would be paying more than \$10 million by 2014.
- If Virginia chose to comply with SORNA, the state would spend \$12,097,000 more than it would if it chose not to implement SORNA and forfeit 10 percent of its yearly Byrne grant, a loss totaling approximately \$400,000.<sup>5</sup>

As evidenced by these summaries, states can expect to incur significant costs as they attempt to comply with SORNA. States should consider all possible areas in which increased expenditures will occur.

- New personnel
- Software, including installation and maintenance
- Additional jail and prison space
- Court and administrative costs
- Law enforcement costs
- Legislative costs related to adopting, and crafting state law

<sup>1</sup> SORNA is Title 1 of the Adam Walsh Act.

<sup>2</sup> Ohio Legislative Service Commission Fiscal Note & Local Impact Statement (Columbus, OH: Ohio Legislative Service Commission, 2007) <http://www.lsc.state.oh.us>

<sup>3</sup> Virginia Department of Planning and Budget 2008 Fiscal Impact Statement (Richmond, VA: Department of Planning and Budget, 2008).

<sup>4</sup> Oregon State University, "Yearly Inflation or Deflation Rate (CPI-U) 1915-2005, in Percent." April 24, 2008. <http://oregonstate.edu/cia/polisci/faculty-research/sahr/pc1915ff.htm>

<sup>5</sup> Office of Justice Programs, "JAG State Allocations," April 23, 2008. <http://www.ojp.usdoj.gov/BJA/grant/07JAGstateallocations.pdf>

Advisory Commission on Admin. of Justice  
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Submitted by: P. HINES

**In every state, the first-year cost of implementing the Sex Offender Registration and Notification Act outweighs the cost of losing 10 percent of the state's Byrne money.<sup>6</sup>**

	SORNA Implementation Estimate for 2009	Byrne Money Received in 2006 <sup>7</sup>	10 Percent of Byrne Money
ALABAMA	\$7,506,185	\$3,178,628	\$317,863
ALASKA	\$1,108,573	\$565,971	\$56,597
ARIZONA	\$10,281,201	\$3,653,881	\$365,388
ARKANSAS	\$4,597,925	\$2,180,442	\$218,044
CALIFORNIA	\$59,287,816	\$21,876,819	\$2,187,682
COLORADO	\$7,885,178	\$2,725,489	\$272,549
CONNECTICUT	\$5,680,602	\$2,189,001	\$218,900
DELAWARE	\$1,402,612	\$1,248,534	\$124,853
DISTRICT OF COLUMBIA	\$954,186	\$1,804,991	\$180,499
FLORIDA	\$29,602,768	\$12,402,693	\$1,240,269
GEORGIA	\$15,481,193	\$5,594,288	\$559,429
HAWAII	\$2,081,603	\$933,732	\$93,373
IDAHO	\$2,431,969	\$1,170,003	\$117,000
ILLINOIS	\$20,846,306	\$8,501,000	\$850,100
INDIANA	\$10,291,799	\$3,696,033	\$369,603
IOWA	\$4,846,488	\$1,881,623	\$188,162
KANSAS	\$4,502,553	\$2,035,999	\$203,600
KENTUCKY	\$6,879,497	\$2,702,451	\$270,245
LOUISIANA	\$6,963,401	\$3,514,704	\$351,470
MAINE	\$2,136,456	\$1,172,583	\$117,258
MARYLAND	\$9,112,724	\$4,320,568	\$432,057
MASSACHUSETTS	\$10,461,238	\$4,353,201	\$435,320
MICHIGAN	\$16,336,082	\$6,793,169	\$679,317
MINNESOTA	\$8,430,328	\$3,061,831	\$306,183
MISSISSIPPI	\$4,734,150	\$2,065,269	\$206,527
MISSOURI	\$9,534,548	\$4,182,382	\$418,238
MONTANA	\$1,553,611	\$1,076,424	\$107,642
NEBRASKA	\$2,878,281	\$1,288,957	\$128,896
NEVADA	\$4,160,944	\$1,808,095	\$180,810
NEW HAMPSHIRE	\$2,134,219	\$1,192,435	\$119,244
NEW JERSEY	\$14,088,206	\$5,160,709	\$516,071
NEW MEXICO	\$3,195,121	\$1,879,901	\$187,990
NEW YORK	\$31,300,125	\$11,279,841	\$1,127,984
NORTH	\$14,696,622	\$5,460,983	\$546,098
NORTH DAKOTA	\$1,037,592	\$554,556	\$55,456
OHIO	\$18,598,869	\$6,223,825	\$622,383
OKLAHOMA	\$5,867,138	\$2,790,472	\$279,047
OREGON	\$6,078,218	\$2,251,312	\$225,131
PENNSYLVANIA	\$20,165,479	\$7,640,322	\$764,032
RHODE ISLAND	\$1,715,760	\$967,292	\$96,729
SOUTH CAROLINA	\$7,149,123	\$3,610,292	\$361,029
SOUTH DAKOTA	\$1,291,426	\$513,858	\$51,386
TENNESSEE	\$9,985,946	\$4,817,782	\$481,778
TEXAS	\$38,771,924	\$14,045,713	\$1,404,571
UTAH	\$4,290,617	\$1,557,034	\$155,703
VERMONT	\$1,007,649	\$630,419	\$63,042
VIRGINIA	\$12,508,695	\$3,943,036	\$394,304
WASHINGTON	\$10,491,519	\$3,538,816	\$353,882
WEST VIRGINIA	\$2,939,046	\$1,679,108	\$167,911
WISCONSIN	\$9,085,630	\$2,982,833	\$298,283
WYOMING	\$848,009	\$584,036	\$58,404

<sup>6</sup> These numbers are calculated by using the Virginia Department of Planning and Budget total (\$12,508,694) divided by the predicted number of people in Virginia in 2009 (U.S. Census 2007 multiplied by predicted 1 percent yearly growth). The cost per person (\$1.59) was then multiplied by the predicted number of people in all states in 2009. Virginia conducted the most comprehensive analysis of the potential cost of implementing SORNA that was also available to the public.

<sup>7</sup> The U.S. House of Representatives estimates that 2009 federal allocations for Byrne grants will return to 2006 levels, which total approximately \$200 million.



NATIONAL CENTER ON INSTITUTIONS  
AND ALTERNATIVES, INC.  
7222 Ambassador Road  
Baltimore, Maryland 21244  
Phone: 410.265.1490  
Fax: 410.265.8078  
www.ncianet.org

UPDATE FROM THE  
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DR. JEROME G. MILLER  
*Founder*

HERBERT J. HOELTER  
*Founder*

## TOWARDS MORE EFFECTIVE SEX OFFENSE LEGISLATION

Facts *Versus* Fears...  
Believing *Versus* Knowing

**R**ecidivism is defined as repeat criminal behavior among offenders. Of all crimes, sex offenders are widely believed to have the highest level of recidivism. However, treatment professionals and criminologists have known for some time that only a small minority of sex offenders — *once caught* — will recommit another sex crime.

Although some pedophiles, before they are caught, have many victims, most have a single victim in or about their own family.

We all hope for the day when we can see fewer sex offenses and particularly fewer juvenile victims of such crimes. But so long as what we think we know about these types of crimes is based on myths and fear rather than facts, that day will never come. There are several myths that are widely believed that need to be debunked.

**Sex offenders — once caught  
— are the least likely to  
repeat their crime.**

Over the past several decades, social scientists and criminologists have combed through an immense accumulation of data from hundreds of studies, which have tracked tens of thousands of individual sex offenders for long periods of time, some even for decades.

By 1994, 670 studies of sex offenders had been done and by the end of 2005 well over 700. As a way to comprehend the results from all of these studies, meta analysis has been used in some of these studies.

What follows are some of the key findings from those massive efforts.

### MYTH #1 — “SEX OFFENDERS WILL ALWAYS KEEP OFFENDING”

Most recently, the Bureau of Justice Statistics, published a study which tracked 9,700 sex offenders for three years, 2001-2004. Their findings included:

- ◆ Only 5.3% of these people imprisoned for sex crimes were rearrested for a subsequent sex offense.
- ◆ Where a child was involved, the rearrest rate dropped to 3.3%
- ◆ Between two adults, the sexual reoffense rate was 2.2%

A more multifaceted meta-analysis was updated in 2004 by the Office of Canada's Solicitor General, Karl Hanson. This analysis involved 95 studies tracking 31,000 sex offenders. These studies had an average follow-up period of 5 years and found:

- ◆ The recidivism rate for once-caught pedophiles was 12.7%
- ◆ The overall once caught recidivism rate (includes adult victims) was 13.7%

Some of the data we reported on a decade ago:

Number of Sex Offenders Tracked	From a Data Pool of Hundreds of Studies (many tracked for long periods; some for decades)	Rearrests for a Subsequent Sex Offense — The “Reaffasso Rate”
6,535	Alexander-Oshkosh Correctional Institution (1994) Treateds Only	10.9%
1,219	Untreateds Only	18.5%
15,361	Furby-Blackshaw-Weinrott (1989)	12.7%
23,393	Office of Canada's Solicitor General (1996)	13.4%
Recidivism Rate — Once Caught Sex Offenders = 12.95% (weighted average)		

Contrary to widespread public belief, *once-caught* sex offenders actually have a very low recidivism rate. With or without treatment, more than 87% of the once caught do not reoffend with another sex crime. With treatment, the likelihood of recidivating is even lower.

In contrast, according to the 2004 U.S. Department of Justice Bureau of Justice Statistics study, 69% of all criminals go back to prison for other types of crime and do so within five years. Over a longer period of time, other FBI statistics show that 74% of all other types of offenders are back in prison.

When that figure is compared to only 2% to 13%, the recidivism rate for sex offenders in reality is only a tiny fraction of what it is for other types of crime. This is not what the public believes and certainly not what they have heard. As the trackings of tens of thousands clearly attest, most people learn from their mistakes, and sex offenders are no exception. Just getting caught changes the behavior of most individuals.

## MYTH #2 — "TREATMENT DOESN'T MAKE ANY DIFFERENCE"

The public has been told for years that treatment doesn't work, that "for sex offenders nothing works," but here too a myriad of major studies indicate otherwise:

- ◆ The Campbell Collaboration analysis of 22,000 individuals found that treatment reduced recidivism by 37%.
- ◆ Canada's Karl Hanson's 2000 analysis found a reduction of 41%.
- ◆ Oshkosh Correctional's meta-analysis from 79 separate studies of over 11,000 sex offenders found that people who participated in treatment programs had a 59% rearrest reduction.
- ◆ According to Alexander's 1998 study, "Men arrested for having sex with children are usually overcome with shame and remorse and they want to stop. Since 1943 those who were treated in jails, hospitals and outpatient clinics found their way back to prison at a rate that was approximately one-third of those who had no treatment."
- ◆ By 2005, most all preventative programs were showing rearrest rates being cut reduced by greater than half. With some of the latest deep aversion and victim empathy regimens, reductions were reported as high as 91%.
- ◆ There is now a credible concurrence that "treatment works" and that new programs are becoming increasingly more successful.

For more detailed data, see *Sex Offenses: Facts, Fictions and Policy Implications*, January 2006, available on the NCIA web page at [http://66.165.94.98/stories/Sex\\_Offenders\\_Report.pdf](http://66.165.94.98/stories/Sex_Offenders_Report.pdf). See also an earlier article by Eric Lotke, *Politics and Irrelevance: Community Notification Statutes*, October 1997 available on the NCIA web page or at <http://66.165.94.98/stories/polnir97.html>. Professor Eric Lotke can be reached at ([elotke@yahoo.com](mailto:elotke@yahoo.com)). NCIA's web page is [www.ncianet.org](http://www.ncianet.org).

### MYTH #3 — "STRANGER DANGERS"

- ◆ According to the most recent major study by the Bureau of Justice Statistics (2004), where 9,700 sex offenders were tracked, only 7% of such crimes against children were perpetrated by strangers.
- ◆ The majority (93%) of molestations of children are not committed by strangers but by people who are known and trusted within or about the family.
- ◆ Throughout the last decade, other arrest studies have found similar results. Most sex offenses are committed by a family member or guardian/family member (often some parental substitute).
- ◆ It may be a trusted uncle, father, stepfather, mother, family friend, a teacher, coach or a priest; but in almost all cases the culprit is not a stranger.

If we keep in mind the above, that 93% of the culprits are family, if we also keep in mind that 87% of sex offenders who are caught do not reoffend, any registries or residency restrictions or trackings of these individuals will be very close to a waste of time. Such will not make our communities any safer, but in fact there's evidence such measures will do the opposite.

### ADDITIONAL COMMENTS FROM THE VOLUNTEERS

**T**oday, with two and quarter million inmates, America has more people in jails and prisons than in all our colleges and universities combined. When three-quarters of them are going back to prison, just funding more prison cells isn't the answer.

If our goal was to mass produce criminals, we couldn't have done a better job. Without treatment programs, our prisons have become the likes of breweries, woefully turning out the same product, each generation more hardened and more dangerous than the last.

If ever we're to make our societies more just and communities more secure, our goal must include change and not just more of the same.

If, on the other hand, we could get more serious about funding preventative programs; our courts could start *treatment for all criminals and from the first day of a sex offender's first conviction*. The result would be many fewer victims of all sorts of crimes, and particularly the tragedies of the sexual abuse of children.

When there is little or no rehabilitation taking place and just more and more fruitless incarceration, we need to wake up about what we are brewing and start legislating some promising measures that will work.

## THE FLIP SIDE OF TOUGH MANDATORY SENTENCES

**A**lthough the public may believe that extremely stiff, mandatory minimum sentences and lock'em up strategies send a message and deters crime, history tells another story.

Criminologists point out that having such laws on the books, even when publicized, are not all that effective or even considered in the heat of actual shootings or a murder. In these moments, amidst often blinding rage and confusion, there are generally few thoughts of penalties or consequences, severe or otherwise.

Conversely, we do know that extremely harsh mandatory sentences have prompted many of the very types of crime they are intended to stem.

When a perpetrator is aware of particularly dire consequences if he's caught, that fear can lead to even greater harm for the victim. A person facing a stiff sentence like a mandatory 25 years to life, or even a death sentence may decide his chances are better if he eliminates the victim and possibly any witness. What might have been a lesser crime then often gets even worse.

It may be a paradox, but the stiffer the consequences, the more Jessicas, Megans and Polly Klaases will likely be the result.

It is understandable that with such terrible murders come calls for tougher punishments. However, the problem with legislation launched in anger is that it invariably comes down to punish equally those who deserve it and those who do not.

## SEX OFFENDER REGISTRIES

**P**osting names, addresses and photographs on a Sex Offender Registry is not only a risk to those on the list; it can lead to unintended, inappropriate and destructive consequences to the whole community.

When such a registry treats all offenders the same way, without reference to the severity of the incident, responsiveness to treatment, or with a current assessment of risk, it is seen by some as an opportunity to harass and worse.

While it is certainly in order to professionally monitor and discipline sex offenders for various prudent periods, we also must be fair in how they are handled. Permanently branding them on registries or making targets of them with conspicuous tracking devices will only aggravate the problems, not solve them. Unfortunately, when a partially informed public is allowed to become watchdogs, sex offenders face greater risk of confrontations by the public, due mainly to anger and hostility.

Since the start of Community Notification, there have been a growing number of serious beatings, not only of sex offenders, but sometimes of their family members or people with whom they live.

Some confrontations have become extremely dangerous. Two sex offenders were murdered in Maine. There the victims were no longer likely threats; one was simply a young man who at 17 had a 15-year-old girlfriend. Had their names, addresses and photographs not been on the state's registry, had the two been simply monitored by probation and treatment professionals, they would not have been spotlighted for some zealot apparently thinking he was doing the work of God.

When so few of the once caught remain a threat, there are smarter approaches than alarming communities with registries, than turning all levels of former offenders over to the general public for supervision. When the public is only partially informed, it creates a climate of ill-informed hostility.

There is a little wall sign at one of NCIA's clinics that gets a lot of applause from those in treatment, it reads:

*"Permanent brandings may be all right for cattle  
But they shouldn't be for people."*

If we are to be humane, that sign is correct. If we want former offenders in better health and not to be on the run, we should not set them up to be stalked. Vengeful prescriptions that only call for more and more punishment will not produce a cure.

If we truly want fewer victims, the focus must be shifted from more and more punishment to the actual funding of treatment programs.

Although such a shift may have little current appeal or give much satisfaction to what the public craves, treatment is the only sure way that we will see fewer victims of these hideous and despicable types of crime.

Given all the degrees that sexual offenses can take, one type of sentence does not fit all. What do you do with a 17-year-old who had sex with a 15-year-old? What do you do if he was 19? What if it was consensual? For a lifetime, does he get registered as a sex offender? What about an 8-year-old who plays doctor? What if he's 14?

In America, our judges are diligent and principled and render few decisions without due diligence. Very stiff punishments for child murderers are certainly called for, but punishment is just only when it is proportioned to the severity of the crime. Such judgments should remain in the courts, subject to very specific deliberations — not in the legislatures, where specific deliberation is impossible.

Legislation based on the false premise that recidivism is inevitable rather than rare and that blur the line between sex offense and murder, result in laws that promote public shaming and permanent exclusion. These laws presume lifelong guilt, ruling out all hope of change, thus they not only clearly violate the Constitution, but actually encourage more of the very crimes we are trying to reduce.



## **KEEPING SEX OFFENDERS AWAY FROM SCHOOLS, DAYCARE CENTERS AND OTHER PLACES WHERE CHILDREN MIGHT CONGREGATE**

**T**o claim school yards, daycare centers and other places where children congregate need a law or Global Positioning Satellite (GPS) geo-fence to keep sex offenders away may sound sensible, but again the facts do not fit the reality.

The fact is that 93% of sex offenses are taking place in or near one's home and that only 7% involve strangers. Additionally, kids are safest, in fact, where they are together in numbers. Also, school personnel are paying more attention than ever before, and older kids are keeping more of a watchful eye. People — even kids — look out for each other in public places.

Legislators need to be made aware of the research that finds that almost all sex offenses are taking place in homes by family members and not in public areas by strangers. Thus, legislation banning sex offenders from schools, towns or states, has little relevance.

When the latest statistics confirm that 93% of perpetrators are not strangers, children are actually more endangered at home than in various public areas from which sex offenders are now being banned. If we are trying to curb this type of crime, what is being proposed will not be effective.

## **TRACKING DEVICES**

**I**f we want fewer victims of sexual offenses, the primary goal should be to reintegrate former offenders peacefully back in to society as law-abiding citizens. This cannot be done if we keep them in fear and on the run. Tracking devices that have to be worn only make targets of the people we are trying to reintegrate.

When offenders are made to wear the GPS bracelets, with one worn on the ankle and another on the wrist, they are big, bulky and hard to keep hidden. For anyone who has to wear them, they are a scarlet letter, a crippling stigma of shame.

Today, there is a lot of wrath and harassment than is publicly known. It may not sound like America, but one man on a sex offender registry found the severed head of his pet dog on the stoop to his house.

If we want to keep sex-offenders on track, making prey of them on registries or spotlighting them with bulky tracking bracelets on both an arm and leg is not the answer. Making a dartboard of any human being is clearly more revenge than will it be a step to stem crime.

Although the GPS bracelets may on the surface sound promising, just knowing someone's coordinates means very little and does not give us a clue as to what the wearers may be up to. At most, banning any area geographically will not do a thing but put a lot of people back in jail not for committing another sex crime but simply for being in or crossing some pointlessly banned buffer or restricted zone.

Sadly, the new legislation being created is more a way to increase punishment and appease the public, rather than to actually make our communities safer.

When the public is as misinformed and angry as they are, it is a perilous mistake to give them the addresses and photographs of all sex offenders, particularly without the background of their crimes or updated individual assessments of risk.

*The monitoring of sex offenders will always be better handled by knowledgeable treatment professionals carefully coordinating their efforts with police and parole officers than by the varied mercies of an angry, upset and partially informed populace.*

Unless we are going back two centuries to the ghoulish practices of Salem, we should not get caught up in the intoxications of revenge that only fuel harassment and hunt-downs. Unpremised laws should not be enacted that do little else but titillate the public.

### **A BETTER GPS ALTERNATIVE**

When there is scant evidence that children are being molested in public areas, when almost all of those crimes, in actuality, are taking place in or about the homes of family or friends, and when it is not strangers, calls for the strapping of GPS bracelets, that can give out only the wearer's location, makes little sense. But as illogical as this may be, as long as the myths discussed herein remain unaddressed and believed, calls for GPS legislation are not going to go away.

One GPS variation, however, not being considered that could be useful and do a lot more than GPS bracelets that can only give co-ordinates is to make the highest risk offenders carry one of the newest GPS cell phones that has a photo sending capability. There are several now out and they are not expensive. These camera enabled GPS cell phones can not only take a photo that establishes time, date and location but a 15-60 second video.

With one of these new phones, a probation officer could scroll through dozens of his/her cases with speed dial and have immediate access to any one of his/her parolees. The probation officer could then ask for a picture or video if there was concern. He could also see if the parolee had entered some area or even if he was speeding.

About the only drawback at the moment is that the photo process takes about a minute in that the parolee would first have to take and record the photos or video before he could send them back via email to the officer's computer or via text message if to the officer's cell phone. In a few years though, high speed live time streaming will be on the cell phones similar to today's real time conferencing. There will then be no delays or any need first to record.

Waterproof GPS wrist and ankle bracelet combinations today are expensive and very costly to repair and given how cheap the new GPS camera cell phones are, the bracelets which can only track will surely soon be a tool of the past.

For the state and federal government, there could also be great savings with the GPS camera cell phones as there would be no need for all the thousands of monitoring systems in all the police departments or probation offices across the country. Nor would there be need for all the personnel to watch them.

Another plus to start such a GPS camera cell phone program is that most of the probation staff needed are already in place and have computers so they and those parolees designated would just need to be given or sold the new phones.

An out of the blue call from a probation officer equipped with one of these new phones would make it a lot harder for parolee to deceive an officer, when not only could he see on a map where the parolee is within about 50 feet, when he then could immediately talk to him or her and ask questions, and if suspicious, even ask for a video of that person's whereabouts and activity. This is a whole new methodology and one that in time would constrain and deter a lot more crime than would any of the now proposed GPS ankle and wrist bracelets programs.

Presently, for instance, Nextel teamed up with Sprint and offers TRACKMYKIDS.com which updates a child's location every few minutes. The program can also send an alert to the parent (or parole officer) whenever the child (or parolee) leaves or arrives at any defined perimeter, (e.g., a friend's house, work, etc.) Verizon among other is now offering the same thing as Nextel with their "Chaperone—Child Zone" service and both tracking programs are reasonably priced at \$20 per month. For these services, you only need to have one of the new Java enabled GPS camera cell phones along with an internet and cellular connection.

The telephone companies will undoubtedly soon offer phones for states that want to track certain high risk sex offenders, but for a reasonable cost, any state could start today using what is already on the market.

If our elected officials would like a more bona fide and reassuring public safety measure, they would do well to forget about the bulky hard-to-hide, demeaning and problem causing GPS ankle and wrist bracelets and go for something more up-to-date, telling and cogent — the new GPS enabled camera cell phones.

#### WHAT THE EXPERTS ARE SAYING

**B**elow are quotes from some of the experts and others concerning sex offender registries, labeling and calls for overly tough measures, such as bracelet tracking devices:

**Tom Masters**, Program Director, Correctional Treatment Services at Oregon State Hospital:

*Unfortunately a lot of crime legislation is a function of politics and not rehabilitation or community safety.*

**Thomas Sowell**, Hoover Institution, writes regarding ankle bracelets:

*The latest pretense of control is the global positioning satellite monitors that can be attached to sexual predators. But would GPS have told us when a sexual predator had two girls imprisoned in his basement? That he was home? What reassurance?*

**Former Justice Department Pardon Attorney, Margaret Love, writes:**

*... mean spirited vengeful legislation is only an incitement to vigilante injustice masquerading as a responsible public safety measure.*

In an article in the June 2006 issue of *National Wildlife*, **Richard Law** describes from some studies how we in America have become so overcome by fear. Here are some excerpts:

*Fear is felt nearly intensely in suburban Overland Park, Kansas, as it is in urban Philadelphia. One suburban father told me, 'I want to know where my kid is 24 hours a day, seven days a week. I want to know where that kid is. Which hours. Which square foot. Which telephone number.'*

As a parent, I have felt that fear but consider the facts:

- ◆ The number of abductions by strangers has been falling for years.
- ◆ Most abductors are family members.
- ◆ U.S. children are safer now than they have been since 1975. According to the 2005 Duke University *Child Well Being Index*, violent victimization of children has dropped by more than 38 percent.
- ◆ A 1991 study found that in 1990, the radius within which children were allowed to roam on their own from home had shrunk to a ninth of what it had been in 1970.

What has increased is round-the-clock news coverage of a few tragedies, conditioning families to live in fear.

In her book, *Harmful to Minors: The Perils of Protecting Children from Sex*, author **Judith Levine** writes:

*All this rational talk may mean nothing to a parent. Nine in 45 million children are raped and murdered: slim odds sure, but if it happens to your baby, who cares about the statistics? Still, most parents manage to put irrational fears in perspective. Why, in spite of all information to the contrary, do Americans insist on believing that pedophiles are a major peril to their children?*

Given all the public has been bombarded with, it is no wonder their minds are made up, that they believe what they do, but the public has been hoodwinked. They continue to believe that all sex offenders continue to reoffend in part because they have never seen any of the studies or have been made aware of the actual statistics.

**Corwin Ritchie**, Executive Director at the Iowa County Attorney's Association said:

*In 2002, Iowa enacted a law that prohibits sex offenders from living within 2,000 feet of a school or daycare center. He and other Iowa officials say the law overburdened law enforcement, has concentrated sex offenders in areas where they are allowed to live and has led to an increase in the number of sex offenders who have stopped registering with local authorities and gone missing.*

*I defy anyone to try and convince me, scientifically or logically that those requirements have any affect at all. It makes great sense politically, but has no affect whatsoever on public safety.*

**James Poniewozik**, *Time Magazine* staff writer, October 16, 2006, wrote:

*Strangers make up 7% of child molesters; the vast majority are family members. But you wouldn't know it from watching TV. When stranger predators are everywhere on TV, it suggests that they are everywhere in the real world: in your school yard, roaming your street, and — especially — climbing the DSL line into your kids' bedrooms as if it were an ivied trellis.*

When new laws are being considered what needs to be grasped is that those who need to be watched are not but a very few of the once caught. The dilemma is, it is the others, the uncaught group still offending that need to be watched. But until they are apprehended, we won't know who they are.

If we keep in mind the reality that once a sex offender is caught, most of the problem ceases, that preventative programs can cure almost all the rest of the once caught, then clearly treatment must be the goal.

When you hear a politician calling for tougher sentences, if he is not backing it up with dollars for treatment programs, he is looking for votes not solutions.

The public's fear would not be so intense today and almost a panic if it had not been propelled by all the exaggerated and often totally false recidivism claims. There has been so much hyperbole in the scarathons that the boogeyman has become bigger than he is. Even though the public imagines the molester-kidnapper is everywhere, he isn't.

Buried in all the clamor, what criminologists and treatment scholars have learned to date just has not been heard. Sadly, what has been politically spawned so far, such as sex registries and now even some residency restrictions, are measures that will do nothing to make our communities safer, but in fact will do more harm.

Robert Freeman-Longo, former director of the Safer Society says, "You ban somebody from the community, he has no friends, he feels bad about himself, and you reinforce the very problems that contribute to sex abuse behavior in the first place. You make him a better sex offender."

If we want fewer sex offenders and fewer victims of these deplorable types of crime, we have got to see to it that the public and our legislators hear more about these myths and recognize that which is unsubstantiated and discard that which is simply conjured up.

It is very rare for the public to hear that sex offenders, once arrested, are less likely to reoffend, that the perpetrator is a stranger to the victim or that crimes are predominately committed by friends or family members and not in areas where children congregate.

In her insightful book, Judith Levine (2002) continued:

*What do people fear so formidably? Our culture fears the pedophile, say some social critics, not because he is a deviant, but because he is ordinary. And I don't mean because he is the ice-cream man or Father Patrick. No, we fear him because he is us.*

*In his elegant study of *The Culture of Child Molesting*, the literary critic James Kincaid traced this terror back to the middle of the nineteenth century. Then, he said, Anglo-American culture conjured childhood innocence, defining it as a desire less subjectivity, at the same time as it constructed a new ideal of the sexually desirable object. The two had identical attributes — softness, cuteness, docility, passivity — and this simultaneous cultural invention has presented us with a wicked psychosocial problem ever since. We relish our erotic attraction to children, says Kincaid (witness the child beauty pageants in which Jon Benet Ramsey was entered). But we also find that attraction abhorrent (witness the public shock and disgust at Jon Benet's 'sexualization' in those pageants). So we project that eroticized desire outward, creating a monster to hate, hunt down and punish.*

Excerpts from the June 2, 2006 *San Francisco Chronicle*; **Mark Martin, Peter Firmrite and Greg Lucas** write:

- ◆ In California, a law went into effect in January prohibiting parolees convicted of some sex crimes against children from living within a half mile of any public or private school.
- ◆ Residency prohibitions on sex offenders have become increasingly popular across the country, despite any statistical evidence that they limit assaults on children. At least 18 states have some restrictions on where parolees live.
- ◆ Niki Delson, a licensed clinical social worker who has worked for 30 years with sex offenders and their victims and whose chairwoman of the California Coalition on Sexual Offending says: 'where someone lives has no relation to the commission of a crime'. She calls residency requirements 'a smoke screen that does little to help children'.
- ◆ Jill Levenson, a professor at Lynn University says: 'restricting where parolees live can actually do more harm than good... that such requirements tend to push them out of metropolitan areas where they are further away from job opportunities, families, treatment options and all the things we know that will reduce recidivism'.

A review of residence restrictions Levenson published noted that both Minnesota and Colorado prison officials studied patterns of sex offenders on parole and *found no correlation to new offenses the parolees committed and where they lived. Neither state adopted residency requirements.* Supporters of the restrictions say, however, that they are a "common-sense protection for kids."

*The findings on recidivism pointed out in this report are not opinions, they are hard facts, bonafide statistics taken from real arrest records.*

**K**nowing of NCIA's work and having seen this report, author/researcher Henry Scammell volunteered the following:

The public has been misled into believing that sex offenders are around every corner and that even those who have been caught will go on to offend forever. The first fear is irrational and the second is less true of sex offenses than of virtually any other type of crime. The only public policies with any hope of success are those based on reliable research instead of fears, and on scientific facts rather than easy political fixes fed by misconceptions.

Here are the facts the public needs to know before a responsible effective policy toward sex offenders can ever become a reality:

- ◆ Far from being hopelessly lost to decent society, sex offenders who have been caught are much less likely to reoffend than bank robbers, murderers or perpetrators of most all other types of crimes.
- ◆ A finite program of targeted treatment can cut that already low rate of recidivism by what looks like another 50% — compared to the opposite results of open-ended punishment.
- ◆ Some 93% of all sex offenses against children are not committed by strangers, but by the victim's relatives or family friends. Almost all current public policy in this area, such as community notification and proposed tracking systems, is irrelevant to that vast majority of offenders.
- ◆ As fearful as the public has been taught to be about this class of crime, the only hope for long-term remedy is not through shaming and separation, but carefully thought-out programs of treatment and reintegration.

Fear is a poor basis for public policy. It raises a nearly unbreachable barrier to the truth. And a policy that is based on the realities — of low recidivism, of responsiveness to treatment and of the relationship between the vast majority of offenders and their victims — offers the only hope for reducing or eliminating one of our society's saddest and most challenging problems.

*This brief was written by private research volunteers with a variety of relationships with NCIA. They felt it was important to summarize the available public information that the public has generally not heard. However, the **Update of the Volunteers** is not a formal NCIA publication. The opinions expressed herein do not necessarily reflect those of NCIA itself.*