

REFORM SEX OFFENDER LAWS

Registry Talking Points

6/13/10

Recidivism

1. Recidivism rates are @ 2.46%-3.8%, lowest of any crime next to murder, we are ignoring 90% of all crimes. (DOJ studies and many others.) As well as more recent data show that these rates may now reside BELOW 1%!(especially with treatment)
2. Convictions of children for sex crimes increased 40% while adults DECREASED 56% 1993-2004. (AP Study as noted by John "Jack" Tefler, "Obsession with Sex, Violence Impacting Our Kids." *Midland Daily News*, July 1st, 2007)
3. Children are being prosecuted at an alarming rate, as young as 4! AND being added to the registry in some states.
4. Serial pedophiles, child killers and predators are extremely rare. The registry is clogged by youth ex-offenders, non-violent offenders, those who offended 20 years ago, diluting any potential effectiveness of the registry.

Effective?

1. Studies indicate no real benefit to registries and even increased general crime due to instability and stress. Two studies in 2009 showed NO benefits for safety or recidivism, and the New Jersey DOJ study recommended abandoning the registry!
2. Stereotypical sex offender kidnappings number around a hundred a year. One year in Iowa there was only 1 stereotypical stranger danger abduction and sex offense against a child.
3. Laws are based on political "tough on crime" and emotion not facts.

Collateral Damage

1. Registry laws destroy families and children of offenders, YES FORMER OFFENDERS HAVE CHILDREN!(see Dr. Jill Levenson's studies)
2. Registry conditions make community re-integration difficult, work near-impossible, and housing impossible. De-stabilizing former offenders leads to hopelessness and the commission of other crimes.
3. Many Victims groups are afraid these laws are causing a false sense of security, detracting from real dangers such as un-reported crimes, date rape, and victimization by a new offender the victim knows - and run the risk of INCREASING violent crime through the destabilization of former offenders.
4. Most registry laws violate the constitution and basic human rights. Examples include ex-post facto, separation of powers, first amendment, ability to travel, cruel and unusual punishment and limiting a person's ability to become a productive citizen.
5. Loss of property values of 4-12% are experienced due to having registered former offenders' properties listed; social economical loss of productivity by registered offenders; and the cost of

monitoring are helping to bankrupt our country, and drain law enforcement resources. (Leigh Linden and Jonah E. Rockoff, "There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws." April 2006. Available at SSRN: <http://ssrn.com/abstract=903178>)

6. The true financial cost of the registry includes an army of US Marshals, the SMART office, local sheriff's departments, etc. But also MILLIONS that now must live on the public dole and not able to be productive tax payers.
7. New sex offender laws are based on retribution. They make victims less likely to come forward and prevent offenders from seeking help due to draconian punishment.
8. The hysteria is making volunteers for children's activities scarce, affecting the nature and nurture of children. Parents are afraid to let their children play outside.
9. Laws ARE punitive and criminal, NOT regulatory. State supreme courts across the country are finding this to be the case.
10. Vigilantism further endangers the public. Dozens of registered former sex offenders are murdered each year, AND family members targeted, even neighbors hurt due to mistaken identity.

AWA-Specific

1. Creates a new demand and additional costs for law enforcement, especially in rural communities.
2. Adding AWA requirements such as this will cost far more than lost T.S. Byrne Funds. (Justice Policy Institute study) Costs states cannot bear.
3. Collection of electronic monikers is a violation of the first amendment, and successfully challenged in Utah and Georgia.
4. Courts are increasingly deciding these laws are punitive not regulatory.
5. Life sentences, re-classification, adding new registration requirements are due process violations as the recent Ohio decision indicates.
6. Ex Post Facto RFSO laws are being challenged EVERYWHERE!
7. Emails are a part of our physical computer, and we rent space on the internet. Therefore these laws violate the 4th amendment against unreasonable search because there is no warrant.
8. Giving your identifiers BEFORE you use them is impractical and restricts freedom of speech. Another 1st amendment violation.
9. Information about ex-offenders' professional licenses will just mean more out of work, and unstable former offenders.
10. AWA requires the registration of children 14 and older, which is bad because children in this age group are highly receptive to treatment, and also incredibly susceptible to emotional scarring resulting from public registration.
11. Courts are increasingly concerned about constitutional violations due to restriction of travel.
12. Supreme Court challenges continue to prove registration is punishment, and not a civil, commerce clause requirement. The U.S. Supreme Court will have no choice but to over turn these laws.

13. Only 0.1% of children have met with aggressive adult sexual solicitation on Internet. (Once Fallen website)
14. Prevention groups have said monitoring your children online is best prevention, most effective, AND it is a lot cheaper.
15. A task force led by the Berkman Center for Internet and Society at Harvard University and sponsored by 49 state attorneys general found that adults soliciting children is NOT A BIG PROBLEM. They did discover bullying and harassment by peers.
16. The registry is leading to other unconstitutional and dangerous laws nationally. Barking Dog Registry? Yes, it exists.
17. John Walsh's child was *murdered*, and we don't even *know* if he was sexually assaulted. AWA is just another unconstitutional, non-evidence-based reaction to a horrible murder.
18. Many states are now REFORMING SORNA laws! Congress needs to *stop* pushing laws that endanger the public in the name of politics and instead consider evidence based reforms.
19. Bottom line: no legal basis, no scientific basis, just more retributive justice.

Top 5 AWA Barriers to State Compliance

1. The Adam Walsh Act mandates the registration of youth under age 18. Studies show a child's mind is not fully developed emotionally and rationally until *age 25*. Most states will NOT put children on the registry.
2. The AWA mandates an unconstitutional retroactivity that is seeing successful legal challenge in many states. Courts are finding that AWA as well as most modern SORNA requirements constitute punishment.
3. The strict, 3 Tier system is not evidence based and typically 75% of all registrants end up as Tier III, life without reprieve. Many states do not have ability to fund so many AWA-increased registrants. Or they may have evidence based systems that are more effective in identifying those 3% who re-offend.
4. Ohio's 3-day AWA notification requirements are unrealistic and a barrier to travel, a violation of the constitution.

International Megan's Law

1. While the bill does not exactly "ban" travel, what country will let someone in when Homeland Security calls to let them know a "predator" is coming?
2. The very notion of this law threatens basic human rights by preventing "political prisoners" from leaving the country.
3. With 750,000 RFSO and growing, and MILLIONS of family members, this law essentially makes them "political prisoners" of the US. Many of these families will be cut off from family members in other countries.
4. Since former sex offenders RARELY re-offend, you won't be stopping more than a handful of abuses, at a tremendous cost to society.

5. Courts are finding that laws such as this must be “narrowly tailored”. Given that, would it not make more sense to simply notify countries of someone who HAS traveled abroad previously for child sex abuse?
6. Where is the DATA showing that FORMER sex offenders traveling abroad for illicit sex is a large enough problem for legislation?
7. This law constitutes further violations of due process, ex-post facto punishment, and continues to travel the slippery slope of “sacrificing” the US constitution.
8. Getting other countries to comply with a controversial U.S. law will be difficult.

Solutions

1. Remove the registry from the public view. (Why? Vigilantism and false sense of security)
2. Remove residency and proximity restrictions.
3. Reform the registry to remove those who present little threat of re-offending, and end lifetime registration. EVERYONE must be able to earn freedom.
4. Promote educational programs in schools that teach children about abuse and prevention.
5. Promote public education of prevention to reduce the first instance of abuse.
6. Remove barriers for families that are seeking reunification.
7. Remove barriers for families and individuals seeking help from trained professionals.
8. Remove civil commitment for all but those deemed (by a third party committee) as truly dangerous.
 - a. Require annual testing to determine if a person qualifies for release.
9. Return sentencing guidelines to their previous levels and bring them in line with similar crimes.
10. Provide funding for offender and victim treatment.
11. Begin mandatory treatment for offenders IN PRISON and eliminate the need for registration.
12. Make any remaining registration scheme constitutional and lawful by utilizing due process. Only those deemed a threat by a treatment team, and given a hearing before a judge are registered.
13. Large registries create a false sense of security, and make society more at risk. Only repeat, or violent offenders should be registered to focus on the most likely dangerous 3%. The punishment of registration should only be added by a court order, at the request of a therapy team and should have a finite period.
14. We should begin a dialogue over developing REAL solutions to sexual violence problems as well as PREVENTION. The House Judiciary has begun to hold hearings, and Bobby Scott has voiced concerns over essentially declaring someone’s life is over when being listed on the registry for life.