

An Examination of Sex Offense and Sex Offense Policies

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Definition of Sex Offense

A sex offender is a person who has committed a sexual crime (which is determined based upon state law). According to the Center for Sex Offender Management (CSOM), “Approximately 150,000 adult sex offenders are currently in state and federal prisons throughout the United States. Between 10,000 and 20,000 are released to the community each year” (CSOM, p. 3, 2008, p. 3). Unfortunately, sex crimes are relatively common in the U.S (CSOM, 2008).

Ninety-five percent of arrested perpetrators are male, and most survivors are females; “It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood. One in six adult women and one in 33 adult men experience an attempted or completed sexual assault” (CSOM, p. 1, 2008, p. 1). In Wyoming, registerable sex offenses include but are not limited to sexual assault, incest, immoral and/or indecent acts (when the actor is four or more years older than the victim and the victim is under 16 years old), and sexual exploitation of a child (National Indian Country Clearinghouse on Sexual Assault, n.d.). Most commonly, victims of a sexual offense are familiar to the perpetrator.

Sex Offense Survivors/Victims

Though the public traditionally associates sex crime perpetration with large white vans and mysterious figures trying to coerce children (hence the "stranger danger" adage), data indicate that strangers are not the primary perpetrators of these types of crimes (CSOM, 2008; Colombino, Mercado, & Jeglic, 2009). In 2009, Colombino, Mercado, and Jeglic explored environmental factors involved in sex crimes. The study used a convenience sample of 405 male perpetrators released from prison between 1996 and 2006 whose ages ranged from 14 to 71 years. A majority of participants were African American (43.2%) or white (33.6%). Using

descriptive analysis, researchers investigated the nature of sex offenses. The data posits that most sex offenders established some level of rapport with their victims before perpetrating and that most offenses occur in a private location. Colombino et. al (2009) note that:

More than half of the offenders were acquaintances (n = 211; 52.1%) of their victims, while just under 40% (n = 157; 38.8%) of the sex offenders in this sample were family members of the victim. Relatively few (n = 37; 9.1%) of the offenders in this sample were unknown to the victim prior to the offense. (p. 6)

Subsequently, researchers analyzed the physical location of sex crime perpetration. Again dispelling the “stranger danger” myth as it pertains to children; sex offense against minors is most likely to occur in a private location (86.7%) (Colombino et. al, 2009). While adult sex offense perpetration is also most likely to occur in private, semi-public and public perpetrations are about doubly likely to occur against adults compared to children (Colombino et. al, 2009). According to the study (2009), adult victims are most likely to first meet their perpetrator in a public or semi-public location such as an apartment complex, hotel, or a workplace. Over time, an offender is able to groom the survivor (Colombino et. al, 2009). Most victims of sex crimes are girls, followed by women, boys, and finally men (CSOM, 2008).

Sex Offenders

In a 15-state quantitative study released in 2003, Langan and Durose examined sex offender recidivism by rates of re-arrest, reconviction, and reimprisonment during a three-year period following the perpetrator’s initial release. In 1994, a total of 272,111 prisoners were released. Of those, only 3.6% were perpetrators of a sex crime (Langan & Durose, 2003).

Though sex offenders have a high susceptibility to rearrests due to community notification laws, this study suggests that sex offenders are less likely to be re-arrested than non-sex offenders

(Langan & Durose, 2003; Freeman, 2012). 43% of released sex offenders were rearrested of a crime of any type, while 68% of released non-sex offenders were rearrested (Langan & Durose, 2003).

Sex offenders tend to believe that they are fundamentally good people that were caught up in bad circumstances (Elisha, Idisis, & Ronel, 2012). Elisha, Idisis, and Ronel led a qualitative-constructive study involving 38 incarcerated sex offenders in Israel; the goal of the study was to explore factors involved in the rehabilitation of sex offenders. Results of the work indicate that participants tended to be self-centered, and their strong self-concepts ultimately prove beneficial in the rehabilitative process (Elisha et. al., 2012). People convicted of a sex crime state that the primary mechanism of support most useful in recovery is the support itself (Elisha, 2012).

Perhaps unsurprisingly, sex offenders have varying fundamental values—these beliefs might precipitate the type of sex offense committed. Geiger and Fischer observed that “Those convicted of child molestation espoused more liberal sexual morality, whereas the sexual norms of those convicted of rape on a date were more traditional in the patriarchal norms” (p. 54, 2017).

Risk Factors

Sex offenders have likely experienced more childhood risk factors than other types of offenders (Wanklyn, Ward, Cormier, Day, & Newman, 2012). Data gathered by Wanklyn, Ward, Cormier, Day, and Newman in a quantitative study examined childhood risk factors and their presence in incarcerated youth. The 2012 study included 224 male youth incarcerated in Ontario, Canada for both sex and non-sex offenses. Sex offending individuals were more likely to engage in “sexually precocious behavior” (Wanklyn et. al, 2012). At the individual level, substance abuse, poor self-control, cognitive and learning deficits, and antisocial attitudes place a person at

greater risk of sex offending (Wanklyn et. al, 2012). According to Wanklyn et. al (2012), intrafamilial abuse, parental discord, and exposure to antisocial or violent models of behavior increase risk. At the community level, extrafamilial sexual abuse and social or financial disadvantage within neighborhoods present themselves as risk factors.

Sex Offender Policies

Sex offenders often have a reputation for being among the worst in society and can be negatively stigmatized. In the case of sex offense policies, lawmakers lean toward the emotional aspects of sexual crimes and take into consideration specifically salient stories disclosed to them by survivors (Meloy, M., Curtis, K., & Boatwright, J., 2013). Yet, fear-based policymaking presents problems for not only the perpetrator, but also past victims and the community at large (Willis, G. M., Levenson, J. S., & Ward, T., 2010).

Federally-Mandated Policies

Though many sex offense laws vary by state, sex offender registry laws are consistent across the country. In 1994, the United States enacted the “Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act,” which mandated the creation of a sex offender registry for each respective state (Pope, 2008). In 1996, Megan’s Law amended the Jacob Wetterling Act, which required sex offender registry data to be available to the public (Pope, 2008). By giving the public access to information about local offenders, the sex offender registry has impacted the housing market. A 2008 quantitative study by J. Pope explored housing prices related to sex offenders’ residential proximity. The researcher found that housing prices do decrease near the home of a known sex offender; this is likely due to fear (2008).

In addition to an up-to-date sex offender registry, federal law requires community notification be established in each state (Mancini, Barnes, & Mears, 2013). Freeman (2012) piloted a

quantitative study seeking to evaluate the effect of community notification on sex offender re-arrests. Participants in the study were male registered sex offenders in New York State, with an age range from 14 to 91 and an average age of 33 years (17,165 participants). The results of the study indicate sex offenders are twice as likely to be rearrested when subjected to community notification (2012). According to the researcher, "are rearrested twice as quickly for subsequent sexual offenses and 47% more quickly for nonsexual offenses than sex offenders who are not subject to the same notification requirements" (Freeman, 2012). Individuals previously convicted as sex offenders are more likely to be re-arrested if they are non-white, young, living in rural or midsize communities, have additional convictions and/or incarcerations, and/or have violated supervision conditions (2012).

Additional Policies

Though community notification and an up-to-date sex offender registry are mandatory per federal law, many states have also enacted additional laws. Mancini, Barnes, and Mears conducted a qualitative study in 2013 that evaluated five additional types of sex offense policies throughout the country including "residence restrictions, civil commitment, lifetime supervision, driver's license restrictions, and castration laws" (Mancini et. al, 2013). The results indicate that some states have enacted none of the additional laws while other states have implemented almost all (2013). Rural areas are often less restrictive for offenders, explaining the high volume of non-native sex offenders residing in the state of Wyoming (Chicago Tribune, 2007; Bagley, 2008). According to Mancini et. al, Wyoming has not passed any of the additional five types of sex offender legislation (though certain housing entities and businesses may have their own restrictions) (2013; NICCSA, n.d.).

Residence restrictions are not federally-mandated but are nonetheless implemented in many states (Mancini et. al, 2013). In 2008, Bagley conducted a thorough study of existing literature in order to evaluate residence restrictions and their impact. The researcher posits that these restrictions are ultimately wasteful, consuming the state's resources and energy with little to no payoff (2008). Spatial restrictions, which are usually 1,000 and 2,500 feet from schools, daycares, churches, and parks, are only able to limit where the perpetrators can live and work, therefore creating a false sense of security for parents (Zgoba, Levenson, & McKee, 2009; Bagley, 2008). Notably, research suggests that sex offenders do not live closer to schools or daycares than non-offenders, calling into question the relevance of restriction laws altogether (Zgoba et. al 2009). In a 2009 study of 211 New Jersey sex offenders, Zgoba, Levenson, and McKee assert that sex offenders are a heterogeneous group governed by legislation that acts as if they are homogeneous (2009). In other words, age, victim preferences, and prior criminal history should all be taken into account when designing residence restriction laws (Zgoba et. al, 2009). Additionally, research suggests that pushing sex offenders into rural parts of the country is problematic; an influx of sex offenders increases the risk of insufficient supervision since law enforcement agencies are smaller and less equipped for monitoring the number of offenders moving into the state (Bagley, 2008).

Wyoming

The number of registered sexual offenders in the state has increased by approximately double since 2007, likely as a result of policies such as residence restrictions (Bagley, 2008; Chicago Tribune, 2007). As of February 2019, Wyoming's Sex Offender Registry lists 2,387 sex offenders (Wyoming Division of Criminal Investigation, 2019). With an estimated total population of 577,737, the number of sex offenders in the state is larger than the population of

many Wyoming towns (U.S. Census Bureau, Population Division, 2018). As aforementioned, rehabilitative resources are limited in rural areas, which puts offenders at greater risk for recidivism. Therefore, influxes in places like Wyoming are problematic.

Evidence-Based Policy Recommendations

My research indicates that current structures surrounding sex offenders are largely unsupported by data and put sex offenders at greater risk for recidivism. In lieu of these findings, I recommend providing treatment and community integration opportunities in order to decrease recidivism. It would likely be beneficial to start treatment early--while the sex offender is incarcerated, initiate specific counseling services for at-risk youth, revise residence or spatial restriction policies, and provide more educational opportunities for lay people. If implementing zone restriction policies, these should not be universally applied. Furthermore, facts about sex offense should be more widely promulgated so that people have a more educated understanding of their risk and can better interpret this data. Access to education has the potential to decrease media sensationalism and increase support for evidence-based sex offender policy. By increasing pro-social opportunities and decreasing ostracization for sex offenders, recidivism becomes less likely since offenders are able to form connections outside of the context of deviancy (Willis et al., 2010)

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