The Relationship Between Sex Offender Legislation and Psychosocial Factors

Elizabeth A. Kus

A Dissertation Submitted to the Faculty of
The Chicago School of Professional Psychology
In Partial Fulfillment of the Requirements
For the Degree of Doctor of Psychology

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2014

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Dedication

To my mother, Barbara—

My rock.

My support.

My teacher.

My mentor.

My friend.

My hero.

And my brother, James—

For letting me be his kid sister.

For teaching me.

For picking on me.

For protecting me.

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The list goes on and on…

Abstract

The Relationship Between Sex Offender Legislation and Psychosocial Factors

Elizabeth A. Kus

Sex offender legislation is designed to make communities feel safer, with little or no empirical data utilized in the law's creation. The existing research indicates that rates of rapes have decreased since major sex offender legislation was developed and implemented. However, the research has also demonstrated that no significant effect occurred regarding recidivism rates following the passage of sex offender legislation.

Keywords: Sex Offender, Sex Offense, Legislation, Adam Walsh Act, SORNA

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Chapter 1: Introduction

In today's society, there is a lot of misleading information about sex offenders and their offenses. When asking the average person what a sex offense is, he or she generally describes a rape or molestation without considering many other offenses. This lack of knowledge leads to misunderstandings regarding treatment and recidivism. "The diagnostic task is to determine what is wrong with the offender, what has led him to commit his sexual offense, and what can be done to remedy this situation" (Groth, 1979, p. 215). The objective of this study is to identify whether the lack of this understanding relates to problems with legislation, as it is likely that recent legislation regarding sex offenders is based on strongly biased and emotional responses with little or no empirical data supporting it. Thereby, this creates a system that is detrimental to the psychological welfare of the offenders and continues the cycle of recidivism.

Did the implementation of these laws lead to a change in behavior? Has the change been positive or negative? Although these laws have been found to have negative effects on offenders, has the enforcement of these laws changed their behavior? In addition, what effect do they have on the treatment of sex offenders? How has the legislation changed sex offenders' treatment, from policies to implementation? What effect has the treatment had on the sex offenders?

In order to properly examine the legislation regarding sex offenders, it is first necessary to understand the definition of sex offenders, offenses, and the causes of their behaviors. It is then necessary to examine several major legal cases occurring in the last 30 years that have influenced legislation. The five cases that are examined in this study relate to sexual assaults involving Adam Walsh, Jacob Wetterling, Megan Kanka, Jessica Lunsford, and Chelsea King.

With these cases in mind, the following hypothesis was generated:

H_1: The current federal and state legislation has not been successful in decreasing the rates of convicted sex offenses.

The hypothesis reflects the view that legislation regarding sex offenders is not based on the state of the knowledge regarding sex offenders or on psychological or legal constructs that would help decrease recidivism; rather, it is devised from the mental state generated by an overly emotional society. Often, instead of helping to rehabilitate sex offenders, these laws incorporate flaws that affect the general population negatively, as the offenders are forced to violate the laws in order to maintain their basic existence.

Chapter 2: Review of the Literature

Chapter 2 contains literature and research to support the understanding of the term sex offender. It reviews recent research on the current legislation and the development of the laws regarding sex offenders.

Little comprehensive research has been conducted on the behaviors and "general characteristics of victims—still less on offenders" (Luque, Martinez, Navarro, & Redondo, 2007, p. 96), despite the growth and prevalence of sexual abuse and assault behaviors (Luque, Martinez, Navarro, & Redondo, 2007). Within research studies, "sex offender" is a term that encompasses a wide range of wrongdoers. For the purposes of this study and research, sex offenders referred to are overall male; there are female offenders but the research and information is so limited that it cannot be generalized. Often falsely seen as a homogenous group, various offenders have different treatment needs and different recidivism rates. The existing research refers primarily to two common types of sex offenders: child molesters (who mainly victimize children) and rapists (who mainly victimize adults). Both sex offender types can be further broken down to incest offenders (familial relation) or non-incest offenders (no familial relation) based on the relationship of the offender to victim.

Sex Offenses/Offenders

Sexual offenders have a complex and varied set of personal problems that cannot be accurately identified using the Diagnostic and Statistical Manual (DSM) (Marshall, Marshall, Serran, & Fernandez, 2006). "They have a range of distorted attitudes, beliefs, and perceptions, which have their basis in underlying maladaptive schemas" (Marshall, Marshall, Serran, & Fernandez, 2006, p. 11). The sex offenses are identified in the DSM within the paraphilias, which cover exhibitionism, fetishism, frotteurism, and paraphilia not otherwise specified (NOS), which encompasses both rape and pedophilia in the DSM-IV-TR.

However, paraphilia NOS does not adequately describe the issues related to sex offenders because the criteria do not match many of the behaviors that are present in the offenders. The DSM is utilized throughout mental health fields in order to classify symptoms and assist in providing appropriate diagnoses. The DSM diagnoses may not cover the behaviors of sex offenders because sex-offending behaviors are criminal actions and not diagnosable behaviors. The underlying behaviors, such as those related to depression or anxiety, are diagnosable. Through comprehensive treatment of both aspects of the behavior—mental health diagnosis and criminal activity—there is likelihood of recovery. (In this situation, recovery is viewed in terms of increasing socially acceptable behavior and decreasing/stopping unacceptable behavior.) Ward and Salmon (2011) maintain that the sex offending behavior refers to the behavior of individuals who have "inflicted serious harm against children or adults and are almost always serving a sentence of some kind as well as undergoing therapy" (p. 407).

According to Marshall et al. (2006), the development of sex offending cannot be determined with a one-factor model that considers the effect of only one variable. Instead, there is a need for a "comprehensive, multifactor model" (Marshall, Marshall, Serran, & Fernandez, 2006), which would include several conditions that have to be met in order for a sex offense to occur. The offender must be sexually aroused by his target (or by the class of his target, i.e. children or adult females); he must hold attitudes and beliefs relating to or having distorted perceptions about his victim or his class of victim; he must experience emotional dysregulation; and he must have personality deficits (Hall & Hirschman, 1991).

The problem with this list of conditions is that they focus only on the conditions that immediately lead to offending and do not accurately define or explain the personality deficits. However, Ward (2003) created a pathways model that describes the path to offending and

considers a lack of self-regulation and lack of concern for long-term goals. This model suggests that "sexual offending results from the combination of four issues: intimacy deficits, distorted sexual scripts, problems in emotional regulation, and cognitive distortions" (Ward & Sorbello, 2003). However, it still lacks information regarding any personality deficits even though personality disorders are frequently shown to be present in offenders "at rates that appear well above those in the general population" (Marshall, Marshall, Serran, & Fernandez, 2006, p. 140). Various researchers have identified that between 33% and 52% of participants in their studies demonstrated one or more diagnosable personality disorders (Marshall, Marshall, Serran, & Fernandez, 2006). Three personality disorders have been identified to occur in at least 40% of the sexual offenders studied. They include antisocial personality disorder, borderline personality disorder, and narcissistic personality disorder (Motiuk & Porporino, 1992). Marshall et al. (2006) declared multiple researchers have determined that sex offenders report mood disorders occur often "with this population," stating that "psychoses in 2% to 16%, anxiety disorders in 3% to 38%, and personality disorders in over 35%" (p. 140).

Sexual offenses include such crimes as rape, sodomy, and sexual abuse. A sex offense that is illegal in one state may not be illegal in another; therefore, it is important to know the laws of each state of residency. Most laws on registration of sexual offenders vary by state; however, as of 1994, the federal government required all states to have registration laws. Registered sex offenders are required to notify their local community authorities of their residence, employment, etc. This gives the public access to information about sexual predators in their neighborhood (US Legal, 2010). As of 2006, all states were required to meet the minimum federally required standards regarding the registration and community notification. As of January of 2013, only 16 states had complied with this federal requirement.

Sex offenses, as previously stated, vary largely, although hands-off and hands-on offenses can be distinguished. A hands-off offense is a non-contact sexual offense, such as exhibitionism, public masturbation, obscene telephone calling, voyeurism, and possession of child pornography crimes (McGrath & Hoke, 2001). More examples of hands-off offenses include indecent exposure, gross indecency, and corrupting morals (Bradford, Firestone, Kingston, & Wexler, 2006). An offender's failure to register as a sex offender does not qualify as a new hands-off offense (McGrath & Hoke, 2001). A hands-on offense is any sexual offense in which the offender has physical contact with the victim, which may also include the use of tools (McGrath & Hoke, 2001). Some examples of hands-on offenses include sexual touching, sexual exploitation, sexual interference, and sexual assault (Bradford, Firestone, Kingston, & Wexler, 2006). Many individuals believe that hands-off offenders are not dangerous; however, the studies on comorbidity of paraphilias have reported a progressive pattern of sex offenses from exhibitionism towards increasingly serious offenses, including pedophilia and rape (Rabinowitz Greenberg, Firestone, Bradford, & Greenberg, 2002). "A significant number [of offenders] go on to perform other sexual and violent offenses and a wider variety of general criminal offenses" (Rabinowitz Greenberg, Firestone, Bradford, & Greenberg, 2002, p. 344).

According to the Center for Sex Offender Management (CSOM), some sex offenders may display behavior and characteristics that are similar to other types of criminal offenders (e.g., lack of education; unstable employment and residence; drug and alcohol problems that interfere with daily life; frequent altercations with families, friends, and strangers; overall resistance to authority figures) (2003). Most sex offenders do not have extensive criminal histories or live traditional criminal lifestyles (2003). "A criminal lifestyle can be formally or structurally defined as an interactive style characterized by irresponsibility, self-indulgence,

interpersonal intrusiveness, and social rule breaking" (Walters, 2002, p. ix). Generally, sex offenders do not have criminal pasts relating to theft, assault, or other criminal activities, with the exceptions of those crimes that lead to sex offending behaviors. For instance, an offender may break into homes and steal the underwear of the resident. This act becomes the base on which they can develop further sex offending behaviors because of the sexual impulse that drove them to break into and enter the victim's home.

Salter (2003), referring to the public at large, stated that people may be confused by sex offenders' traits and behaviors and may not comprehend the sexual interests of an offender. Salter wrote that just because a person obeys laws, holds a job, is socially responsible, and thinks of others does not mean he/she is not a pedophile. "The sexual offender is also in denial that he is a criminal who chooses to stay on the road he is on even when it's clear where it will carry him" (Salter, 2003, p. x). Although most offenders seem to believe that sexually abusive behavior is unacceptable, they convince themselves that their offensive behavior is not wrong (Center for Sex Offender Management (CSOM) [2], 2005).

This paper refers to "emotional society" because when laws are passed, the legislators are reacting to the public outcry. This is a reference to society in general, which reacts emotionally toward particular situations or proposed/passed legislation. Of key importance is that while in an emotional state, decision-making ability is hindered (Lavins, 2011). Research has also demonstrated that feelings of certainty regarding situations are associated with emotions such as anger or contentment; however, emotions such as surprise or fear create feelings of uncertainty regarding those situations (Tiedens & Linton, 2001). Thus, when we experience a feeling of certainty rather than uncertainty, we are more likely to rely on superficial cues and remain certain of our judgment (Tiedens & Linton, 2001). Eliciting an emotional response related to a

feeling of certainty may cause a disregard of important information and lead to illogical

reasoning (Lavins, 2011). Legislators likely share similar assumptions to that of the general

public, such that their emotional beliefs are affected (Vess, Langskaill, Day, Powell, & Graffam,

2011). These assumptions, among others, may suggest "that all sex offenders are at high risk of

reoffending sexually, that they cannot control their sexual offending voluntarily, and that sexual

offending is inextricably associated with overt violence" (Vess, Langskaill, Day, Powell, &

Graffam, 2011, p. 417). These beliefs, in connection with the belief that sexual offenses are

becoming more common and the heightened levels of emotions connected to the beliefs, are

likely associated with "a crisis in recent times such that drastic measures must be taken to protect

law-abiding citizens" (Vess, Langskaill, Day, Powell, & Graffam, 2011, p. 417).

Furthermore, when in a state of emotional arousal, research has shown that individuals

who obtain satisfactory responses to their questions no longer consider new information

(Croskerry, 2002), regardless of whether or not the answer was true. Thus, "when in a

heightened emotional state, a person may cease to process information effectively, and thus be

unable to reach a logical conclusion (Lavins, 2011, p. 11). Similar to the emotional arousal

affect, when a situation has an emotional context, individuals are more likely to endorse

misinformation or false information than if the context is neutral (Blanchette & Richards, 2004).

This relates to sex offender legislation because during the process of creating legislation,

lawmakers often do not base their work on empirical data; rather, they are reacting to public

outcry by stirring the emotions of the public in order to garner support for the legislation.

While numerous general types of sex offenders exist, experts in the field consider two

common forms of sex offenders: the power-predator and the persuasion-predator (Salter, 2003).

The difference between the two is that the persuasion-predator is looking for trust and then

access to the victim. "The persuasion-predator approaches slowly and watches to see how people react to his advances...with each favorable response he elicits, he circles closer" (Salter, 2003, p. xi). Conversely, the power-predator is aggressive and "seeks access, cover, and escape" (Sperry, n.d.). Many treatment programs target impulsivity, but not all sex offenders are impulsive. Most "victims are not chosen because they are attractive and asking for it, but because they are accessible and vulnerable" (Stephenson, 1995, p. 208).

Carl Goldberg believes that "psychological entrapments" beginning in childhood may cause the malevolence that leads to sexual deviancy (1996). His research showed that any suffering a youth may go through deters them from reaching objectives, such as healthy relationships. Instead, the victim tries to take control of his/her life by becoming powerful and becoming a "perpetrator with a victim of his/her own" (1996). Dr. Goldberg provided some examples of these "psychological entrapments," including miscommunications, discouragement, and betrayals by peers or family (1996). From this theory, it can be deduced that the effect of outside influence is directly related to the formation of a sexually violent predator.

Theories

Why do sex offenders offend? What is it that makes sex offenders behave in this manner? Sexual offenders have been shown to exhibit poor intimacy skills, high degrees of loneliness, social difficulties, and poor coping strategies; engage in sexual coping; hold cognitive distortions (including attitudes and beliefs) related to their offending behavior; have a poor capacity for victim empathy; exhibit poor attachment and low self-esteem. (Pervan & Hunter, 2007, p. 75)

Marshall, Anderson, and Fernandez (1999) identified "self-esteem, cognitive distortions, empathy, intimacy, loneliness, attachment styles, and sexual and non-sexual fantasies as worthy

targets for a treatment regimen" (Pervan & Hunter, 2007, p. 76). Murphy's (1990) formulation adapted Bandura's (1977) social learning theory to explain the development and influence of certain pre-eminent features of sexual offending behavior. Subsequently, Mealey (1995) provided a framework for conceptualizing antisocial behavior in terms of genetics, physiology, and social learning (Pervan & Hunter, 2007, p. 76).

Early behavioral theories that have been attributed to sex offender behavior have focused almost exclusively on the triggers of deviant sexual arousal. However, recent research has demonstrated that "non-sexual variables may play a crucial role in both the etiology and maintenance of sex-offending behavior" (McGuire, 2001, p. 129).

At face value, sex-offending behavior, either in the form of rape against an adult or child molestation, makes little sense. The issue of arousal becomes even more confusing when the more unusual aberrant sexual behavior, such as voyeurism, sexual sadism, or exhibitionism is explored. However, from a behavioral perspective, the observer may view certain sexual behavior as senseless or bizarre because the reinforcement history of that offender is simply unknown. Aberrant or deviant sexual behavior could conceivably be the result of inappropriately reinforced responding. In this context, the sex offender may learn through reinforcement that engaging in sexual assaults satisfies some goal or incentive. The incentive may be ordinarily acceptable, such as social attention, and the offender has unfortunately learned that to obtain it, he needs to engage in socially unacceptable behavior. From this behavioral perspective, it is understandable that the sex offending behavior would continue, unabated, for significant periods, despite aversive consequences. (McGuire, 2001, p. 129)

To evaluate sex-offending legislation, it is imperative to understand the underlying behavioral principles. The main belief is that behavior is not done in a social vacuum, but involves an interaction with an individual or offender's environment. Behaviorists consider two central schools of thought—classical and operant conditioning—to understand human behavior. *Classical conditioning* is based on the "law of contiguity, which simply states that any two events that are experiences together in space and time will, in the mind of the individual, be associated with each other" (McGuire, 2001, p. 130). According to the classical conditioning theory, certain behavior is viewed as innate, regardless of the individual's experiences within their environment. This reaction is called an "unconditioned response." This behavior occurs only when preceded by, and elicited by, special environmental stimuli called "unconditioned stimuli." Our reacting behavior is triggered by a prior stimulus. Early attempts to understand the development of deviant sexual arousal understood that classical conditioning is the cornerstone and focused on masturbation practices and the accidental pairing of neutral (and unusual) stimuli. These are considered important for developing fetishes, and they became the starting point to understanding sexual arousal to new, unusual, or neutral stimuli. They are also associated with difficulty with resistance to change. From the behavioral perspective, an individual's behavior— either desirable or undesirable—is directly linked with the outcome of engaging in that behavior. In simplistic terms, if it satisfies their needs or makes them feel good.

The second fundamental school of thought that has addressed sex offending is commonly referred to in the literature as *operant conditioning*. The term refers to behavior that is maintained and supported by its consequences within the environment. Some behavior may be seen as reflexive in nature; most of our daily lives are consumed by voluntary behaviors.

Because the behavior is seen as operating upon the environment, these behaviors are termed "operant."

The deviant behavior of sex offenders is seen as a purposeful act and it is repeated because the offender is receiving some reward for the behavior. It is difficult to determine the exact nature of the reward by questioning offenders, as many offenders may not be cognizant of what the reward or reinforcement is (McGuire, 2001). Several forms of rewards or reinforcements that could conceivably maintain the offending behavior are possible. "Positive reinforcement" refers to a situation in which the resulting effect that follows a behavior increases the likelihood that the behavior will occur again if the situation is replicated. For example, a victim's look of fear or humiliation may reinforce a rapist forcing sexual contact in the future. The reaction of the victim serves as the rapists' positive reinforcement for his behavior. "Negative reinforcement" is the basic assumption that we repeat behavior that removes difficult, annoying, or painful events in our lives. Sex offending behavior may be maintained because it removes unpleasant events or states that the offender may be experiencing prior to the sexual assaultive behavior. Secondary reinforcement can help explain sexual behavior that is more deviant. Secondary reinforcement suggests that the neutral stimuli (such as infliction of pain) that accompany primary rewards (such as orgasm) would feel rewarding to a rapist. The consistent pairing of the primary and secondary reinforcement stimuli stops the termination of the behavior (McGuire, 2001).

Classical conditioning theorists postulate that the sexual response system, which triggers an individual's sexual arousal, becomes conditioned to respond to various stimuli that resemble the characteristics of their future sexual partner and/or victim. This conditioning theory thus focuses on the development of conditioned deviant arousal patterns. The nature of particular

sexually deviant acts that individuals become attracted to is the result of the original accidental pairing of stimuli and sexual arousal usually maintained with masturbation.

As individuals we justify our actions and sex offenders are no different. Marshall et al. (1999) indicated that cognitive distortions of sexual offenders are distinct in terms of their "nature, content, and the goals they serve to achieve" (Pervan & Hunter, 2007, p. 77).

> From our data, the clear group differences suggest that the endorsement of cognitive distortions in the manner demonstrated reaffirms the notion that sexual offenders are prone to misinterpret or reinterpret social perceptions in a way that justifies, defends, and maintains their offending behavior. (Pervan & Hunter, 2007, p. 88)

Offender's cognitive distortions are likely only a part of the process of social learning and growth that leads to sexual offending behavior. Cognitive distortions appear to be important in supporting and maintaining their behavior (Pervan & Hunter, 2007).

Dietrich et al. (2007) conducted a study to determine the effect of childhood maltreatment and psychopathy on sexual recidivism. Generally, perpetrators are stereotypically perceived as victims of sexual abuse and their crimes are perceived as reactions to their victimization. Dietrich et al. (2007) remarked that empirical evidence does not seem to support this claim. Their study had two goals. First, it aimed to determine whether childhood abuse played a role in sexual recidivism, and second, it aimed to determine whether the PCL-R and psychopathy are valid predictors of sexual recidivism. Like the abuse information above, previous studies indicated that psychopathy does not appear to be a valid predictor on its own. However, Dietrich et al. (2007) tested the prediction again to determine whether different types of childhood maltreatment had an effect on recidivism. The results indicated that simply being a victim of childhood maltreatment did not work as a predictor of sexual recidivism; however, if a sex

offender were the victim of multiple forms of childhood maltreatment—five to six different types of abuse—the likelihood of recidivism increased. The results of the PCL-R aspect indicated that psychopathy was not a good predictor of sexual recidivism when coupled with childhood maltreatment, a finding consistent with the previous research (Dietrich, Smiley, & Frederick, 2007).

Problems Sex Offenders Face

Sex offenders are often under a microscope of media attention and public scrutiny. Many of the preconceived notions surrounding sexual abuse appear to be based on misconceptions rather than empirical evidence. For example, a stronger emphasis is placed on "stranger danger" compared to other types of danger even though the statistics show that most sex crimes are perpetrated by someone who is known to the victim (Fortney, Levenson, Brannon, & Baker, 2007). Interestingly, Wetterling and Wright (2009) noted that since Jacob's disappearance in the 1980s, society has had the opportunity to learn much about how law enforcement treats the problem of sex offenders. "Law enforcement always looks at the family, friends, and relatives. They always look very closely at the family. Knowing that, why are we always putting all this stuff under this 'stranger danger' mind-set?" (Wetterling & Wright, 2009, p. 104). Given the enormous attention paid to sexual offenders worldwide, there is a great need for accurate information to be disseminated to the public (Fortney, Levenson, Brannon, & Baker, 2007).

After over a decade of community notification laws, the results of studies that focused on determining the public's understanding of these laws have demonstrated that though there are laws to notify the community, most people within a surveyed community were not aware of any offenders within their neighborhoods. Though the majority of the study participants said that the notification methods would be useful, the majority did not report that they utilized them. Over

90% of the respondents said that a name and a photo should be provided along with the community notification, with lower results for other areas of information that should be dispersed into the community. Of interest is the idea that though the surveyed public felt they had the right to know certain bits of information about sex offenders, their responses seemed to want to afford the offenders a measure of privacy (Levenson, Brannon, Fortney, & Baker, 2007).

The media presents stories that are dramatic and sensational, highlighting child abductions and sexual assaults, which leads to the overrepresentation of the dangerousness of strangers (Meloy, 2006; Singleton, 2005). From 1990 to 1998, the national crime rate dropped significantly; however, the rate of violent crimes reported by the media increased to 83% (Singleton, 2005). One of the problems with this trend is that "three-quarters of the public form their opinions about crime based on news reports" (Singleton, 2005, p. 603). Thus, although the rates have dropped, the increase in media representation has led to the creation of a culture of fear. An interesting caveat is that stories that the media select and sensationalize can be predicted as involving multiple victims or offenders, a white victim, an unusual crime, and a crime occurring in an affluent community (Singleton, 2005).

Society does not address openly the problems occurring in the homes, so little or no discussion occurs via media outlets that would explain that strangers are less dangerous than are people who we know (Meloy, 2006). Wetterling and Wright (2009) stated that the wording that the media uses causes the most damage. The media often sensationalize cases perpetrated by strangers. It overemphasizes the stranger cases, implying that sexual offenses do not occur in a different context (Wetterling & Wright, 2009). The authors did note, however, that some media outlets do a good job in reporting the stories and getting the correct news (Wetterling & Wright, 2009, p. 109). Most people can recall high-profile child-abductions or assaults; for example, the

five cases that are reviewed in this dissertation were all perpetrated by strangers. Because the

media covers such cases well, it is difficult for the general population to understand that

strangers do not present the greatest threat; most individuals are able to protect their families and

themselves from people they do not know, but we become less vigilant around our friends or

relatives (Meloy, 2006).

Most current sex offender policies and laws have been inspired by random acts of sexual

violence against children (i.e., Jessica's Law, Megan's Law, and others) though it is known that

perpetrators who know the victim are much more dangerous (U.S. Department of Justice, Office

of Justice Programs, Bureau of Justice Statistics, 2000). Accordingly, laws are often designed to

prevent sex crimes by strangers, even though victims are at a greater risk for assaults by known

persons (Fortney, Levenson, Brannon, & Baker, 2007).

The Department of Justice reported that "34% of sexually abused minors were assaulted

by relatives and 59% of their perpetrators were acquaintances" (U.S. Department of Justice,

Office of Justice Programs, Bureau of Justice Statistics, 2000). In this instance, an acquaintance

is someone who has known the victim for twenty-four hours or more. Thus, if the victim is

assaulted after meeting someone in a bar, it would be classified as a "stranger." However, if the

assault occurs at a party by a person known to the victim, it would be an "acquaintance," no

matter how well the victim and offender are actually acquainted. "About 49% of victims under

the age of 6 are abused by family members and only 7% of sex crimes against minors are

perpetrated by strangers" (U.S. Department of Justice, Office of Justice Programs, Bureau of

Justice Statistics, 2000). "Comparatively, in 73% of adult sexual assault cases, the perpetrators

are relatives or acquaintances, with 27% described as strangers" (U.S. Department of Justice,

Office of Justice Programs, Bureau of Justice Statistics, 2000). The phenomenon appears consistent across all cultures (Fortney, Levenson, Brannon, & Baker, 2007).

The legislation regarding sex offenders generally comes about as a reaction to a heinous crime, followed by the public outrage and outcry for reforms. Lawmakers react by creating or modifying laws with the "pretense that the loopholes in the previous iteration of the legislation led to this crime" (Janus, 2009). Harris and Lurigio (2010) stated that sex offender policies often are "inconsistent with empirical evidence about sex offender risks, recidivism, reintegration, and supervision" (p. 478), citing the research of Sample and Kadleck (2008), which showed that legislators cite media as well as the public's view as their sources rather than empirical data regarding sex offenders and sex offenses (Harris & Lurigio, 2010). Wright (2009) also cited Sample and Kadleck's (2008) research, stating that "much of legislators' understanding of sex offenders comes from mainstream media depictions, particularly those reported in the news," to raise concerns with the lack of empirical data supporting the creation of laws as well as a complete lack of correct information about who and what a sex offender is (p. 7). Walker et al. (2008) cited Sample's unpublished dissertation findings in which the author quoted Illinois public officials who stated that "the media indirectly influenced the enactment of sex offender legislation by affecting the public's perceptions" and revealing that the "media directly influenced policy making because the politicians 'freely admit that the media serve as their major source of information'" (Walker, Maddan, Vasquez, Vanhouten, & Ervin-McLarty, 2008, para. 9). The research on the treatment stimulates the execution of "evidence-based practices"; however, the same studies have not led to "evidence-based policies" (Harris & Lurigio, 2010, p. 478) suggesting, once again, the lack of empirical data used in the creation of laws.

The laws in question were enacted following "public outcry" after "terrible, but anomalous, incidents" and were not based on the empirical data available at the time (Miner, 2007, para. 3). The data in mid-90s showed declines in child sexual abuse rates while more recent data indicated sex offender recidivism rates ranging from 5.3% (Durose, Langan, & Schmitt, 2003) to the low 20th percentile (Harris & Hanson, 2004). "The fact that legislatures have passed these laws without evidence of their effectiveness and despite evidence indicating these restrictions are potentially counterproductive suggests that these laws are driven primararily by fear and dislike of sex offenders" (Singleton, 2005, p. 616). This supports the argument that legislation is not based on research but on "misinformation and fear" (Miner, 2007, para. 2). In 2005, New York Assemblyman Joseph Saladino (2005) published a plea that was available online urging his constituents to vote for civil confinement of sex offenders. He quoted a New York Department of Corrections study, a nine-year follow-up study by Canestrini (1996), which claimed that "49 percent of sex offenders released from prison in 1986 returned to prison for parole violations or for committing new crimes" (Canestrini, 1996). However, Saladino ommitted the key finding that 6% of offenders returned to prison after committing another new sex crime (Canestrini, 1996). Saladino likely misinformed the public in order to heighten their emotional level and increase the probability of having any law connected to his petition approved.

According to Wright (2008), research does not clearly support the effectiveness of registration in reducing recidivism rates. Additionally, several studies have indicated that registration and notification laws have "little, if any, positive effect on public safety" (Wright, 2008, p 127). Walker, Maddan, Vasquez, Vanhouten, and Ervin-McLarty (2008) reviewed prior research and concluded that little empirical evidence exists on the influence of sex offender

registration and notification, and the few empiricial studies that have been conducted found no significant influence of these policies on re-offense patterns. Sex offenders' rates of recidivism vary by sex offender types, yet sex offender registration and notification laws penalize all groups of offenders equally (Sample & Bray, 2006) due in part to the laws growing in strength, but also increasing what offenses fall under the purview of the laws. One of the additional issues with the laws is that the focus has widened, increasing the number of offenders required to register and including individuals who committed crimes with no sexual element to be considered sex offenders (Colbert, 2011).

Another issue with sex offenders, similar to cognitive distortions, is their view of pornography. Many people hold the view that pornography (with adults) is not harmful or dangerous. Further, many viewers reported that hardcore pornography [i.e., bondage, bondage/discipline/sadism, and masochism (BDSM), etc., but not child pornography] does not have negative effects on life (Hald & Malamuth, 2008). Another aspect is the relationship between pornography and other hands-on offenses. The consumption of pornography does not appear to have an influence on rapists. Rape appears to be on the decline in the United States while pornography, with the advent of Internet technology, has increased exponentially during the same period. Pornography may alleviate sexual aggression; it is a form of replacement therapy that if truly examined would lead to the offender needing increasingly more hardcore types of pornography in order to alleviate his urges (Ferguson & Hartley, 2009).

According to a 2004 bulletin published by the Office of Juvenile Justice, child sexual abuse cases are on the decline (Finkelhor & Jones, 2004). The bulletin presents evidence showing a 40% decline in child sexual abuse cases that are reported to Child Protective Services (CPS) in the United States. Explanations for this decline are postulated to be due to changes in

CPS methodology and/or data collection, the fear of a negative backlash on those who report these crimes, and an actual decline in the occurrence of this crime (Finkelhor & Jones, 2004). No conclusion is reached in the report, though it is likely that multiple factors are responsible for the decrease in reported child sex abuse cases (Finkelhor & Jones, 2004). One factor not mentioned is that during the study period (1992–2000), the recent sex offender laws have begun to be passed. Registration and notification laws took effect at that time, thus possibly positively correlating with the decrease.

Two types of datasets on sex offenses are of interest to this study. The first type concerns sex crimes against children. Ideally, this would encompass incest, molestation, child pornography, and the like. The second type should concern sex crimes against adult victims. However, the Uniform Crime Reporting Program run by the Federal Bureau of Investigation only collects data on "forcible rape" (U.S. Department of Justice, 2011). Sex crimes against children are listed under child abuse, with no apparent way to separate the rates of the two types of crimes. This is done for several reasons; however, the limitation of this study is that no datasets are available for comparison. Instead, the "forcible rape" information will be reviewed and compared. A significant point concerning this fact is that though the major sex offender legislation have all been based on sex crimes against children (as described below), the laws have influenced *all* sex offenders, regardless of the victims' age or type of crime.

Major Cases

As noted previously, recent legislation was passed because of legal cases involving the sexual assault of a child, frequently ending in a murder and turned into a media sensation. Five cases in particular—those involving Adam Walsh, Jacob Wetterling, Megan Kanka, Jessica Lunsford, and Chelsea King—have resulted in the most stringent laws regarding sex offenders.

Adam Walsh. On July 27, 1981, six-year-old Adam Walsh and his mother were shopping at a Hollywood, Florida department store. His mother allowed Adam to spend a few minutes watching other children test out a video game in the toy department while she shopped. When she returned minutes later, Adam was gone. Sixteen days after he was abducted, Adams's severed head was found in a canal 120 miles away. His body was never recovered. Ottis Toole confessed and recanted several times before his death in 1996. Hollywood, Florida, police closed the case in December of 2008, citing Toole as the perpetrator. Toole was a convicted pedophile who died in prison on death row for an unrelated crime (Sun-Sentinel, 2008). The Adam Walsh Child Protection and Safety Act of 2006, or the Adam Walsh Act, expanded the definitions of sexual offenses, increased the number of offenders affected by the registration laws, and established stronger felony repercussions for those not adhering to the laws (Enniss, 2008).

Jacob Wetterling. On October 22, 1989 in St. Joseph, Minnesota, 11-year-old Jacob Wetterling, his younger brother, and a friend were riding their bikes home from a local convenience store when a masked man with a gun stopped them. He sent the other two boys on foot into the woods and disappeared with Jacob. Jacob has never been recovered. After the disappearance, and during the subsequent search, police learned that local halfway houses were housing paroled sex offenders, which the police had not been aware of prior to the disappearance (Nafta Technology, Inc., 2011). The Jacob Wetterling Act, which is part of the Federal Violent Crime Control and Law Enforcement Act, passed in 1994 and required states to create and implement a registry of sex offenders and those who commit crimes against children (U.S. Department of Justice, 2011).

Megan Kanka. On July 29, 1994 in Hamilton Township, New Jersey, seven-year-old Megan Kanka was kidnapped from her home by a neighbor who lived across the street. Jesse

Timmendequas lured her into his home with a story about having a new puppy. Once there, Timmendequas raped Megan and decided to kill her in order to keep her from telling anyone. Timmendequas sexually assaulted Megan's corpse and then dumped her body in a park. Timmendequas had been convicted of the sexual assault of a minor twice before (Fact-Index, 2010). Megan's Law amended the Jacob Wetterling Act in 1996, requiring states to create a notification system for their communities (U.S. Department of Justice, 2011).

Jessica Lunsford. On February 24, 2005, nine-year-old Jessica Lunsford was taken from her Homosassa, Florida home while her family slept. During the search for Jessica, police also searched for John E. Couey, a registered sex offender whose registered address was miles from the Lunsford home but who had been staying at his half-sister's mobile home, which was within sight of Jessica's home. Couey was a convicted felon with at least one conviction for a sex offense with a minor. Couey was located and questioned on March 17, 2005. During a polygraph interview on March 18th, Couey confessed to kidnapping, raping, and burying Jessica alive. Her body was found in a shallow grave yards from her home (Frank, 2007). Jessica's Law increased the restrictions on sex offenders, increasing the minimum distance between sex offenders' residences and surrounding schools, parks, and other places where children congregate to 1,000–2,500 feet, making it difficult for sex offenders to reside within a metropolis in many states (Levenson & D'Amora, 2007).

Chelsea King. In Poway, California, on February 25, 2010, 17-year-old Chelsea King went for a run in Rancho Bernardo Community Park. This was part of her routine and no one expressed concern for her safety. However, that day, Chelsea did not return home. Evidence found in the park during an exhaustive search matched the DNA of John Gardner III, a registered sex offender. Gardner had a conviction for lewd and lascivious act with a minor under the age of

14. He was also suspected in an attempted assault in the park that occurred in December of 2009. Gardner was arrested on February 28, 2010 on suspicion of rape and the first-degree murder of Chelsea King. On March 2, 2010, a body was located in an isolated area of Lake Hodges. It was quickly identified as that of Chelsea King. Within days, another body was discovered, identified, and linked to Gardner (King, 2011). On April 16, 2010, Gardner entered a guilty plea and admitted to raping and killing Chelsea King in order to avoid the death penalty (Hall & Littlefield, 2010).

Following the abduction, murders, and criminal proceedings (except in the Adam Walsh case), the family and local politicians rallied for stronger laws that would have stopped each tragedy from occurring. Chronologically, the laws were passed in the following order: The Jacob Wetterling Act (1994), Megan's Law (1996), The Adam Walsh Act (2006), Jessica's Law (2007), and most recently in California, Chelsea's Law (2010). Each built on the registration and residency rules of the previous law, with the last two—Jessica's Law and Chelsea's Law—incorporating the offenders' mental health into provisions.

Some of the earlier laws that have been augmented by the recent laws include the sexual psychopath laws from the 1930s, the goal of which was to keep the sex offenders that are deemed to be of high risk in treatment facilities (Janus, 2000). As an alternative to prison, the goal was to treat the offenders so that they could be released back into society (Lieb & Matson, 1998). This model was abandoned in the 1960s and 1970s in favor of criminal justice management of offenders due to questions regarding the effectiveness of rehabilitation (Janus & Walbeck, 2000; Lieb & Matson, 1998); however, due to these high profile cases, new focus was put on sex offender laws and treatment in the 1980s and 1990s.

In 1994, the Congress passed the Federal Violent Crime Control and Law Enforcement

Act. As noted previously, it included the Jacob Wetterling Act, which required states to create

and implement a registry of sex offenders and those who commit crimes against children (U.S.

Department of Justice, 2011) where offenders must report their residence, employment, and

school, and they are required to report any changes. Some states included restrictions regarding

how close to schools, parks, daycares, and other establishments where children congregate

offenders may reside. The states were given a deadline and if the implementation of a registry

was not created, they faced repercussions. Some states had previously mandated registration of

sex offenders; California enacted registration laws in 1947 (Montaldo, 2011). In 1996, this law

was amended by Megan's Law, which required states to create a notification system for their

communities (U.S. Department of Justice, 2011). The greater purpose of Megan's Law was to

work proactively against further crimes by helping the public protect their families from danger

rather than to further punish offenders by providing their information to the public (Lipton,

2011). Megan's Law incorporates "sexual battery, rape, assault to commit rape, kidnapping,

murder, aggravated sexual assault, sodomy, incest, lewd and lascivious acts on children or

minors, acts of indecent exposure, sexual exploitation, soliciting, and so on" (Lipton, 2011, para.

4). Together, these laws require offenders to register their residence and crime and law

enforcement to disburse this information to the public at large. In addition to these requirements,

it is at the discretion of the states to provide information on the details of crimes.

One major repercussion of these laws was that the members of the communities

occasionally took vigilantism into their own hands and attacked those on the lists who lived in

their neighborhoods (Levenson & Tewksbury, 2009; Net Industries, 2011). Other concerns with

registration and notification involve the effect on the offenders' family and the lack of empirical

data (Levenson & Tewksbury, 2009). The public believes that knowing where an offender is allows them to protect themselves and their families. However, research does not support this, as most research found that the registration of offenders was not significantly associated with changes in sex crime (Levenson & Tewksbury, 2009). Registered sex offenders report problems with their residency, problems with employment, and psychological issues associated with their registration. Their families suffer similarly (Levenson & Tewksbury, 2009).

> Most family members of RSOs (registered sex offenders) (86%) report that SORN (sex offender registration and notification) has caused stress in their lives, 77% often felt a sense of isolation, and 49% often felt afraid for their own safety due to public disclosure of the sex offender's status. Half had lost friends or a close relationship as a result of community notification, and 66% said that shame and embarrassment often kept them from engaging in community activities. (Levenson & Tewksbury, 2009, p. 57)

Some families even reported that their decision to keep in contact with the offender often led the rest of the family to terminate contact with them, thus increasing the sense of isolation (Levenson & Tewksbury, 2009). The offenders' difficulties with housing and employment often had an effect on the family, frequently leading to economic hardship (Levenson & Tewksbury, 2009).

The Adam Walsh Child Protection and Safety Act of 2006, or the Adam Walsh Act, was signed into law a decade after Megan's Law and twenty-five years after Megan's disappearance and murder. The law expanded the definitions of sexual offenses, increased the number of offenders affected by the registration laws, and established stronger felony repercussions for those not adhering to the laws; moreover, it was retroactive, i.e., affecting those offenders who were convicted prior to this law's passage (Enniss, 2008). The Sex Offender Registration and Notification Act (SORNA) is the title of the Adam Walsh Act. SORNA, amongst other tasks,

classifies sex offenders into three tiers based on the severity of the offense they committed (Enniss, 2008).

However, there is a problem with the establishment of these tiers because juvenile offenders are automatically placed into the most severe third tier. "Tier III offenders are placed on a statewide and national registry for life, with the possibility of removal after twenty-five years, pending a clean record" (Enniss, 2008, p. 704). The reason for the automatic placement in tier three is that the law indicates that the victim was the age of thirteen and the crime considered sexually abusive contact (Enniss, 2008). Further, SORNA requires that tier three offenders register and appear in person every three months for a photograph and verification for the duration of their registration (Enniss, 2008). To understand this principle, Ennis (2008) described the situation as follows:

> Essentially, the juvenile provision of the Act equates a young juvenile offender who plays doctor with a younger neighbor to that of a forty-year-old man (who) lures children in his house, befriends them over a period of time, and molests them. (p. 705)

This likely was an unintended oversight of the law; however, as of now, there has been no change to rectify this situation. It is important to understand that juveniles who act out sexually pose a problem that needs to be addressed. This problem needs a different approach compared to the one involving adults. Juveniles tend to act impulsively, possibly even in an effort to explore sexuality, while adults tend to act methodically (Enniss, 2008).

Questions Concerning Present Laws

What changes did each law make to the previous? Most changes that have come with the creation of a new law relate to residency restrictions. For instance, Jessica's Law, which built on Megan's Law and the Jacob Wetterling Act on registration and notification, and the Adam

Walsh Act, which included some civil commitment issues, implemented residency restrictions. Singleton (2006) argued that residency restrictions are "driven primarily by fear and dislike" and not based on any "reasoned analysis of what is necessary to protect children" (p. 601). Many states already had restrictions banning sex offenders from residing in areas surrounding schools, parks, and other places where children congregate; however, Jessica's Law increased the minimum distance to 1,000–2,500 feet, effectively making it difficult for sex offenders to reside within a metropolis in many states (Levenson & D'Amora, 2007). Research suggests that these laws are ineffective in reducing offenses; however, lawmakers continue to support restrictions with the belief that keeping offenders from children will avoid their victimization (Wagner, 2009). Lawmakers also point to high recidivism rates as proof that these laws are necessary (Wagner, 2009). Recidivism will be reviewed further in this document. Many politicians feel that even though there is no empirical evidence to support these laws, voting against these restrictions would make them appear "soft on sex offenders" (Wagner, 2009, p. 187). They also fear for their own positions, believing that voting against any sex offender law would give advantage to their opponents (Wagner, 2009).

Additionally, Jessica's Law added a psychological component by requiring treatment. Jessica's Law also mandated that registered sex offenders with prior sex offenses must wear a GPS locator. This allows their movements to be tracked and monitored, alerting officials to their presence in an inappropriate area or making offenders avoid entering unsuitable areas.

What are the flaws in the laws? The laws have several limitations in addition to the difficulties they create for offenders who are trying to reintegrate into society. The major flaw is that the laws were created following heinous crimes perpetrated against children by strangers, which led the media to promote "stranger danger" being a significant risk to children's safety

(Fortney, Levenson, Brannon, & Baker, 2007; Meloy, 2006). The registries and notification laws hinge on the belief that victims are at more risk from strangers (Vess, Langskaill, Day, Powell, & Graffam, 2011), which is a relatively infrequent occurance, as supported by empirical research (Levenson & Tewksbury, 2009). "Children are typically at greatest risk from relatives and from friends of their families, not from strangers" (Larson, 2003, para. 9). Roughly 90% of adult victims know their offender in some way, either as a member of the family, an acquaintance, or as someone with whom they had been intimate in the past (Vess, Langskaill, Day, Powell, & Graffam, 2011). Additionally, most sex offenses are committed by first-time offenders with no prior convictions rather than by registered offenders (Vess, Langskaill, Day, Powell, & Graffam, 2011). Accordingly, the registry would not help law enforcement find a perpetrator or assist the general populace in protecting themselves.

A secondary concern is that registries are too broad. Many of the registered offenders have a "relatively low risk" of re-offense (Vess, Langskaill, Day, Powell, & Graffam, 2011). However, their placement on the registry creates a stigma both for the offenders and for their family. This stigma may cause difficulties in finding employment, housing, and other areas that may cause the offender to meet the requirements of parole/probation. This actually increases their frustration and the possibility of reoffending.

A tertiary concern is that the registries, similar to the notification systems, are not uniform. The states have jurisdiction over the information that is collected and disseminated to the public. Similarly, the states also decide what offenses should be included in the registry (Larson, 2003; Net Industries, 2011). For instance, "statutory rape," when the offender and victim are close in age and the act is consensual, is often included as an act that requires registration (Larson, 2003). The argument here is whether or not a high school student having

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consensual sex with a younger peer should be named in a registry. The lack of uniformity within the registries is accompanied by the inability of law enforcement agencies to supply workers in order to successfully monitor and register offenders and notify communities (Larson, 2003). As shown in the case of John Couey's attack on Jessica Lunsford, the information about his residency was incorrect and it is unclear whether it was due to the lack of ability on the part of law enforcement or Couey's own decision not to update the information (Terry, Giotakos, Tsiliakou, & Ackerman, 2010). Additionally, Jessica's Law forced many sex offenders to violate their parole/probation, which requires them to register and reside at a legal residence, which they cannot do without violating residency restrictions (Wagner, 2009).

Finally, the residency restrictions are based on the rationale that children are at the greatest risk in the areas around schools and that by limiting an offender's residence to outside of school areas, the possibility of violating a child decreases. However, many children do not live in close vicinity of the school they attend. Additionally, most children, as stated previously, are victimized by someone they know. If offenders truly wanted to assault their victims, restricting residence would not stop them; instead, they would alter their methods accordingly. Generally, when a stranger assaults a victim, it is more often a crime of opportunity rather than a planned assault (Singleton, 2005; Stephenson, 1995).

A key element of information that is missing in the collection of data relates to demographics. Most readily available studies do not provide any demographic information on perpetrator or victim; for instance, the age of either, the ethnicity of either, gender (though the assumption is the perpetrator is male, women can be the perpetrator just as easily as the victim can be male), or socio-economic status. Though there is no sex offender profile possible due to

the heterogeneity of the group, the demographic data would provide much needed information that could assist research.

These laws have received strong public support because society believes that sex offenders have high recidivism and pose a strong public danger (Levenson & Cotter, 2005). Bill O'Reilly, a highly popular television and radio personality, posted a plea on his website asking the public to push their states to pass a version of Jessica's Law without any data to back up his plea (O'Reilly, 2011). He argued that the law should provide tougher punishments for offenders and that the public must act to protect "our youngest and most vulnerable citizens," but acknowledged only that strangers pose danger to children (or other victims) (O'Reilly, 2011). There is a positive side to the plea, as it does get the public to act in favor of stronger laws; however, it also continues to emphasize stranger danger without providing adequate information, specifically the factual evidence that someone known to a victim can actually be more dangerous.

Recidivism

The U. S. Department of Justice, Bureau of Justice Statistics, released a study in 2003 that stated "3.3 percent of the released child molesters were arrested again for committing another sex crime against a child" (2003). Previously, their study showed that 5% of sex offenders who were followed for three years after their release from prison in 1994 were arrested for another sex crime (Radford, 2006). Radford postulated that part of the reason for low recidivism is "that serial sex offenders—those who pose the greatest threat—rarely get released from prison" (2006). Even though recidivism rates for sexual offenses are lower than are those for other crimes, it is still a problem that must be considered when a sex offender is released into the community. Marshall and Barbaree (1998) identified several features that were likely to have

a negative effect on recidivism rates, i.e., factors that increase these rates. First, any offender with deviant sexual arousal/interest who had committed more severe offenses using force had a higher probability of reoffending. Additionally, offenders with lower intelligence levels who come from lower socio-economic backgrounds had an increased rate of reoffending.

Some of the factors that need to be considered when offenders are released include their age, number of offenses (reported and not), their issues with intimacy, and their sexual obsessions (Kersting, 2003). Kersting reported that many of the attitudes or urges that lead an offender to committing a sexually violent crime might become stronger while the offender is in prison and therefore their treatment must confront these attitudes and urges immediately (2003). Recidivism is defined as the commission of a subsequent offense, and for the purposes of this study, this requires a subsequent conviction leading to further probation or incarceration (Center for Sex Offender Management, 2001).

"On a given day in 1994, there were approximately 234,000 offenders convicted of rape or sexual assault under the care, custody, or control of corrections agencies; nearly 60% of these sex offenders are under conditional supervision in the community" (U. S. Department of Justice, 2006). In 1991, 24% of incarcerated rapists and 19% of sexual assault incarcerators were on parole or probation at the time of the assault for which they were currently incarcerated (U. S. Department of Justice, 2006). Overall, 9,691 of male sex offenders were released from prisons in 15 states within three years, and slightly less than 5% were rearrested for sexual crimes (U. S. Department of Justice, 2006). Furthermore, 40% of released sex offenders were charged with committing new sexual crimes within the first year after the release (U. S. Department of Justice, 2006). In order to cut recidivism rates, treatment interventions must be designed for individual offenders based on their risk factors (Marshall & Pithers, 1994).

The rates of criminal activity vary among sex offenders, with a majority committing a single offense and a small group committing multiple offenses, resulting in lower recidivism rates among sex offenders compared to the general rates of criminal recidivism. An international study revealed a five-year recidivism rate among sex offenders of about 20%, whilst reporting the general recidivism rate (for all types of crime) of approximately 50% (Luque, Martinez, Navarro, & Redondo, 2007). While it is true that if the follow-up periods were extended, recidivism rates among sex offenders could rise to as much as 40% within 15–20 years. The rates would still be lower, on average, compared to those for non-sex-offense crimes. Thus, though most sex offenders will not commit further sex crimes once they have served their sentence and received/completed treatment, we know that there is a small group of habitual sex offenders who are likely to offend again (Luque, Martinez, Navarro, & Redondo, 2007). Researchers have found that different groups of sex offenders (i.e., rapists, molesters, exhibitionists, and the like) recidivate at varying rates (John Howard Society of Alberta, 2002).

Any discussion of sex offense recidivism rates must begin by acknowledging that official rates of recidivism are only conservative estimates of the actual number of offenses committed. There are numerous reasons for this; however, the main reason is the under-reporting of offenses (Bradford, Firestone, Kingston, & Wexler, 2006). The probability that a criminal will re-offend is related to the presence of risk predictors in the offender or in his/her environment. Risk predictors are factors associated with an increased probability of committing new offenses. They can be social or individual factors associated with the offender (Luque, Martinez, Navarro, & Redondo, 2007). There are generally two types of risk predictors, static and dynamic. *Static* predictors are risk factors that are personal or that belong to the offender's past and that cannot be changed. Regarding sex offenders, "an example of a static factor would be sexual abuse

suffered … in childhood" (Luque, Martinez, Navarro, & Redondo, 2007). Secondly, *dynamic* predictors are factors in the offender's environment that can be modified or changed (at least partially). Changes associated with dynamic factors include reduced risk of future criminal behavior. With sex offenders, an example of a dynamic risk factor "might be a man's distorted or erroneous thoughts that women actually want to be sexually subjugated" (Luque, Martinez, Navarro, & Redondo, 2007, p. 97).

Research has also indicated that the sexual recidivists tend to be less educated and have a greater number of previous sexual and criminal convictions compared to the non-recidivists (Bradford, Firestone, Kingston, & Wexler, 2006). Moreover, those who recidivate by committing more violent crimes tend to be less educated and have a greater number of prior sexual, violent, and criminal convictions compared to the non-recidivists (Bradford, Firestone, Kingston, & Wexler, 2006). Finally, those who re-offended by committing any criminal offense—sex crime, violent crime, or any criminal activity—generally demonstrate more problems in overall functioning. Further, they tend to be significantly younger and less educated, and they have more prior sexual, violent, and criminal convictions compared to the non-recidivists (Bradford, Firestone, Kingston, & Wexler, 2006). Evidence shows that the consumers of child pornography tend to have a relatively high educational background (Benz et al., 2009).

Treatment

Many community members believe that sex offenders cannot be treated; however, it has been found that success can be achieved by treating sex offenders (John Howard Society of Alberta, 2002). According to Marshall and Barbaree (1998), most sex offenders who are not currently incarcerated do not receive treatment, though some may receive treatment prior to their release from mental hospitals or prisons. Canada's massive implementation of sex offender

treatment programs has put Canada at the forefront of sex offender treatment research and knowledge. Many of the Canadian sex offender treatment programs have shown promising results. Many offenders are able to live crime-free lives after their release because of adequate treatment while incarcerated. "The success of sex offender treatment is evident when recidivism rates among treated sex offenders are compared to untreated sex offenders" (John Howard Society of Alberta, 2002, p. 3). The most important measure of a treatment program's success is the recidivism rate of those who complete the program. However, this is a faulty measurement because several complicating factors need to be considered. For instance, the definition of recidivism is rarely standardized across studies; therefore, it is difficult to determine true rates of recidivism (Barbaree & Marshall, 1998). In addition, because many offenses are never reported, the number of offenses that victims never report affects the actual rate of re-offending. One question that needs to be reviewed when looking at treatment is the relationship to the laws: What effect do the laws have on treatment outcomes?

In a meta-analysis of treatment studies, Hall (1995) found that "across several studies, treated offenders sexually recidivated at a rate of 19%, whereas untreated offenders sexually recidivated at a rate of 27%" (as cited in Blanchette, 1996, p. 62), suggesting that providing treatment is able to reduce sexual recidivism by 8%. Even a small reduction in sex offender recidivism can be translated into a large reduction in the overall amount of sexual offences that occur (Blanchette, 1996; John Howard Society of Alberta, 2002). Another comment on successful treatment is to consider particular variables in relation to the offender. For example, what is the gender of the victim? Is this the offender's first offense? If the offender is male and a victim is female and/or if this is the offender's first offense, then treatment is more likely to be successful in decreasing recidivism rates for the offender. Offenders with multiple offenses on

their record are more likely to fail the treatment, thus causing no decrease in their recidivism rates (Barbaree & Marshall, 1998).

In addition to the conventional therapy techniques, several treatment interventions can be used with sex offenders. Some of the most common assessment tools include the penile plethysmograph, the Abel Assessment of Sexual Interest, and pharmacological interventions (Bourget & Bradford, 2008). Although pharmacological interventions decrease the physical arousal of the offender, they do not alter mental arousal; thus, an offender may recidivate because their desires have not been lessened. Psycho-pharmacological interventions should be used in conjunction with behavior retraining in order to decrease or change the desires. Furthermore, information regarding relapse and recidivism rates following discontinuation of pharmacological interventions is limited (Barbaree & Marshall, 1998).

According to Hanson's 2001 study, "rapists are the second most likely group of sex offenders to sexually recidivate at a rate of 17.1%" (p. 9). Most research that has been done on rapists has indicated that sex offenders are a unique group of offenders (Hanson, 2001). A meta-analysis of sex offender treatment programs indicated that rapists were likely to recidivate with non-sexual crimes (Hanson & Bussiere, 1996). It has been noted that "rapists share more characteristics with the general criminal population than do child molesters" (John Howard Society of Alberta, 2002). Some of the characteristics that are used to identify general criminals, such as prior criminal records and antisocial personality, can be used when identifying rapists. However, no standardized profile exists.

Research has found that rapists are more likely than are other sex offenders (for example, child molesters or voyeurs) to breach their conditional release or parole/probation. In a study of 132 conditionally released subjects, 40.7% of rapists and only 25% of child molesters breached

their parole (Barbaree, Seto, & Maric, 1996). Because rapists engage in various criminal behaviors and have higher recidivism rates, they are difficult to treat effectively; however, there is hope for treating rapists. In a research study examining treatment effects on 74 rapists,

> treatment completing rapists were compared to treatment non-completing rapists. It was found that treated rapists recidivated sexually at a substantially lower rate than did their non-completing counterparts. Although the difference was not statistically significant, only 16.6% of treatment completers sexually recidivated while 28.9% of treatment non-completers did so. (Cleland, Studer, & Reddon, 1998, as cited in John Howard Society of Alberta, 2002, p. 6)

The 14.3% decrease in sexual recidivism among the treated rapists suggests that it is possible to successfully treat rapists and that difficulties within treatment can be overcome.

The research suggests that to successfully treat rapists, adequate treatment must address any general crime issues as well as all sexual crime issues to ensure that the offenders do not re-offend, as any re-offense could lead to sexual recidivism. Well-reviewed research on sex offender treatment suggests that effective treatment for rapists should focus on changing deviant sexual behavior and should incorporate Cognitive Skills Training in all treatment programs (Robinson, 1995; Quinsey, Lalumiere, Rice, & Harris, 1995). It must be noted that the treatment should focus only on factors that can be changed (dynamic factors). Although factors such as the offenders' prior criminal record or their family background are related to their sexual offending, they are not changeable (static factors) and therefore should not be the focus of treatment.

However, sexually deviant behaviors are changeable. One study on sex offender recidivism found that laboratory assessed deviant sexual behaviors were the only changeable factors related to recidivism for sex offenders (Quinsey, Lalumiere, Rice, & Harris, 1995). This

study defined deviant sexual behavior as the "use of prostitutes, deviant sexual preference (for example, a preference for young boys), frequent masturbation, and so on" (John Howard Society of Alberta, 2002, p. 6). The likelihood of reoffending increases when sex offenders act out these behaviors. Treatment that reduces these deviant behaviors of sex offenders may help reduce recidivism. A cognitive/behavioral conditioning approach is currently seen as one of the most effective methods used to decrease deviant behaviors through "shaming, covert sensitization, masturbatory conditioning, and many other forms of behavioral conditioning" (John Howard Society of Alberta, 2002, p. 6). Cognitive Skills Training programs have been known to reduce reconvictions among sex offenders, targeting cognitive skills, which include coping strategies that assist offenders in learning healthier methods to cope with stressful situations. A research study conducted by Correctional Service of Canada found that Cognitive Skills Training is most successful in reducing recidivism rates among sex offenders. This study examined

> 3,531 offenders from the correctional population who participated in Cognitive Skills Training, and 541 of these offenders who met the criteria to be included in the program were placed on a waiting list to be used as a control group. Sex offenders who completed the Cognitive Skills Training program had a 57.8% reduction in any form of reconviction and a 39.1% reduction in readmission to a correctional facility. Although the study expresses doubt about replicating these impressive results, the data do suggest that sex offenders would greatly benefit from Cognitive Skills Training. (John Howard Society of Alberta, 2002; Robinson, 1995)

Langevin (2006) conducted a long-term study examining the acceptance of and the desire to undergo treatment. The belief was that because the majority of offenders are not treated, the successes and failures of the treatment program may be overestimated, negating the effect of the

treatment. Langevin (2006) reviewed similar studies to identify important variables, suggesting that demographic and clinical features are relevant when designing the treatment for sex offenders. The study examined 778 male sex offenders listed in a Canadian forensic database. The participants' criminal files covering a 35-year period and their documented criminal histories were reviewed; additionally, the offenses of the participants ranged from indecent exposure to pedophilia to rape. Treatment participation was looked at as mandatory or voluntary in order to determine the acceptance of the treatment. The completion of the treatment program was also examined. The results of Langevin's (2006) study indicated that the expressed desire to undergo treatment continues to decline; however, treatment participants who did not admit their crimes had similar completion rates compared to those who admitted their criminal offenses. The results of this study also implied that the offenders who sought out treatment tended to be younger; moreover, while marital status did not affect the desire to complete the treatment, single men were more likely to participate than were married men (Langevin, 2006). The findings seem to indicate that the completion of treatment has a greater affect on lowering recidivism rates than not completing treatment or not undertaking any treatment.

Sex offender treatment has been shown to be successful in reducing the recidivism rates among sex offenders when it incorporates the following components. First, sex offenders must be properly categorized according to the type of offense they committed. Sex offenders are not a homogenous group, considering the distinction between hands-on and hands-off offenses and taking into account all relevant factors that effect this categorization. These factors may include unofficially recorded sexual offenses and erotic preferences for particular victim types. The treatment can be effective only through the proper categorization of sex offenders because it can be tailored to a particular group rather than standardized to the general sex offender population.

Second, once the offenders are properly categorized, matching treatment methods must be used.

For example, "incest child molesters require minimally intrusive forms of treatment that focus on

reintegrating the sex offender with their community" (John Howard Society of Alberta, 2002, p.

15). For rapists, more intensive treatment programs, like Cognitive Skills Training and

conditioning of deviant sexual behaviors, are needed to successfully reduce recidivism rates

(John Howard Society of Alberta, 2002). After determining the type of the treatment, it is

imperative to offer the treatment in an appropriate environment that offers adequate facilities,

competent staff, and appropriate activities for sex offenders with an aim to reduce recidivism

rates of sex offenders. Thus, the treatments that focus on the sex offenders' specific needs and

that are delivered in an appropriate environment via competent staff are likely to cause the

greatest decrease in recidivism among sex offenders. Relapse prevention has also been proven to

significantly lower recidivism rates, as it prepares offenders to face situations in which they

would be tempted to reoffend; therefore, it should also be a component of all sex offender

treatment programs. Long-term follow-up of offenders is also an important factor of successful

sex offender treatment. By following the steps described above, sex offender treatment programs

will likely have tremendous influence on lowering recidivism of treated offenders (John Howard

Society of Alberta, 2002).

Chapter 3: Methods

This chapter describes the methodology utilized in the current study, including the rationale, hypotheses, and methods. In addition, this chapter presents the measures, procedures, and the rationale for the hypotheses of the present study.

Rationale

This study focuses on the laws that developed based on the extreme and widely publicized sexual offense cases. First, it is important to have a thorough understanding of the definition of a sex offender. Subsequently, it is important to understand the problems that sex offenders face as they re-integrate into society. Finally, it is crucial to review the laws that affect sex offenders in order to fully understand their implications. Based on this knowledge, it would be possible to examine the psychological repercussions of the laws and propose suggestions to improve the psychological outcomes for the offenders. However, when reviewing the existing laws, it becomes clear that many are flawed, which can actually create more problems. The lawmakers who proposed these laws stated that they have evidence indicating the need for these laws, but the empirical data actually contradicts their claims. Therefore, the following hypothesis was proposed:

Hypothesis

> **HO**: Legislation is not based on current knowledge; therefore, the laws have no effect on recidivism rates.

> **Hypothesis**: The recidivism rate for sex offenders will decrease with each passing law.

Methods

Participants. This study will utilize data from several sources. Mainly, the legislative information will be gathered from the state and federal legislative institutions. Statistical data

will be gathered from previous research conducted by the Federal Bureau of Investigation through the Uniform Crime Reporting Program (UCR). The datasets cover the years 1980 through 2009.

Since the 1930s, the Uniform Crime Report has been collecting data from the city, state, university, college, tribal, and federal law enforcement agencies in order to use it in the operations and administration of law enforcement (U.S. Department of Justice, 2011). The data collected is available for public use.

Protections. The Institutional Review Board approved all materials and actions. Original datasets will be stored for seven years according to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct.

Measure. The aim of the study was to examine the effects of current legislation on sex offenders by conducting a quantitative examination. To determine whether the laws have a significant effect, it is necessary to examine the data provided by the UCR and run one-way ANOVAs to compare the rates of occurrence across different periods. Specifically, it is essential to compare the rates of reported rapes prior to the passage of a law and following the passage. This should demonstrate whether a significant effect within the rates of arrests occurred due to the laws.

Procedure

The proposed project accomplished the following tasks:

- Review available statistical data correlating to passage of legislation.
- Conduct statistical analysis to determine any significance.

A key aspect of this research was to determine the effect of the legislation on sex offender behavior. A comparison of arrest rates pre- and post-implementation of the different

laws was conducted in order to answer the questions presented in Chapter 1. A statistical analysis was used to determine possible significant effects of the laws on offender recidivism rates and treatment rates. The reasoning behind the choice of tests is due to the lack of independent variables within the data; if a person is arrested once, statistically they are likely to be arrested a second time. Thus, when comparing two or more years of arrest rates the variables are considered dependent.

The legislation that evolved from the reviewed cases was studied in order to identify the flaws as well as the possible ways to rectify the negative ramifications.

Chapter 4: Results

The purpose of this study was to review the legislature related to sex offenders and investigate the effect of these laws on the offenders.

Using the data set provided by the Federal Bureau of Investigation, Bureau of Justice Statistics, the analyses revealed no significant changes associated with the passage of the specific sex offender laws. Using one-way ANOVAs, the researcher compared the data from the year prior to the passage of the laws to the data from the year following the passage of the laws, with the intention to assess whether the law's passage had any significant effect on the arrests of sex offenders. The data set provided information for three subgroups of rape, i.e., rape in general, attempted rapes, and rapes by force. Additionally, the data was separated into three categories, that is, the number of actual offenses, total offenses cleared by arrest, and number of clearances for offenders under the age of 18. The data provided was in a DAT format and had to be transferred into SPSS format for evaluation. The original data contained 196 variables and between 18,000 and 22,000 entries per year from 1980 to 2009. For the purpose of this study, the file was truncated to include only the restricted years, specifically 1993, 1994, 1995, 1996, 1997, 2005, 2006, 2007, and 2008. The extraneous data (additional crime, local information, etc.) was separated from the utilized data.

Statistical Analysis

The hypothesis in this study was tested at the $p = .05$ level of significance using the following statistical procedure. The hypothesis states that the recidivism rate for sex offenders will decrease with each passing law and was tested using analysis of variance (ANOVA). A one-way ANOVA is a statistical technique used to compare the means for independent groups on a single dependent variable. For this hypothesis, the independent variable was the year and the

dependent variable was the rates of rape. This hypothesis was tested four times, comparing 1993 with 1995, 1995 with 1997, 2005 with 2007, and a simplified version of 2005 versus 2007, which narrows to the 22 states that passed a version of Jessica's Law in 2006. The information for the later years was too limited to use for comparisons.

The first comparison, 1993 versus 1995, revealed no significant difference between the two variables (year vs. rates), $p > .05$. (See Table 1.) Therefore, we failed to reject the null. Specifically, there was no significant difference between the rate of rapes before or after the passage of the Jacob Wetterling Act.

Table 1

Summary of ANOVA Findings (1993 vs. 1995)

Table 1- Summary of ANOVA Findings

93 v 95

ANOVA

		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	66.109	1	66.109	.307	.581
	Within Groups	21527.076	100	215.271		
	Total	21593.185	101			
Actual Offense/ Rape by Force Rate	Between Groups	18.722	1	18.722	.108	.743
	Within Groups	17309.417	100	173.094		
	Total	17328.139	101			
Actual Offense/ Attempted Rape Rate	Between Groups	6.203	1	6.203	1.021	.315
	Within Groups	607.700	100	6.077		
	Total	613.904	101			
Cleared by Arrest/ Rape Total Rate	Between Groups	116.515	1	116.515	1.792	.184
	Within Groups	6502.529	100	65.025		
	Total	6619.044	101			
Cleared by Arrest/ Rape by Force Rate	Between Groups	81.544	1	81.544	1.559	.215
	Within Groups	5230.181	100	52.302		
	Total	5311.724	101			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	2.886	1	2.886	2.284	.134
	Within Groups	126.349	100	1.263		
	Total	129.235	101			
# Cleared Under 18/ Rape Total Rate	Between Groups	.068	1	.068	.016	.900
	Within Groups	427.631	100	4.276		
	Total	427.698	101			
# Cleared Under 18/ Rape by Force Rate	Between Groups	.027	1	.027	.007	.933
	Within Groups	386.206	100	3.862		
	Total	386.234	101			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.005	1	.005	.172	.679
	Within Groups	3.177	100	.032		
	Total	3.182	101			

The second comparison, 1995 versus 1997, revealed no significant difference between the two variables, p > .05. (See Table 2.) Therefore, we failed to reject the null. Specifically, there was no significant difference between the rate of rapes before or after the passage of the Megan's Law.

Table 2

Summary of ANOVA Findings (1995 vs. 1997)

Table 2- Summary of ANOVA Findings

95 v 97

ANOVA

		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	45.838	1	45.838	.210	.648
	Within Groups	21857.226	100	218.572		
	Total	21903.065	101			
Actual Offense/ Rape by Force Rate	Between Groups	50.495	1	50.495	.284	.595
	Within Groups	17775.483	100	177.755		
	Total	17825.978	101			
Actual Offense/ Attempted Rape Rate	Between Groups	10.319	1	10.319	2.478	.119
	Within Groups	416.371	100	4.164		
	Total	426.690	101			
Cleared by Arrest/ Rape Total Rate	Between Groups	3.387	1	3.387	.054	.817
	Within Groups	6307.704	100	63.077		
	Total	6311.090	101			
Cleared by Arrest/ Rape by Force Rate	Between Groups	9.625	1	9.625	.174	.677
	Within Groups	5527.615	100	55.276		
	Total	5537.240	101			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	.995	1	.995	1.197	.277
	Within Groups	83.151	100	.832		
	Total	84.146	101			
# Cleared Under 18/ Rape Total Rate	Between Groups	3.209	1	3.209	1.163	.283
	Within Groups	275.828	100	2.758		
	Total	279.036	101			
# Cleared Under 18/ Rape by Force Rate	Between Groups	4.002	1	4.002	1.643	.203
	Within Groups	243.489	100	2.435		
	Total	247.490	101			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.008	1	.008	.271	.604
	Within Groups	2.951	100	.030		
	Total	2.959	101			

The third comparison, 2005 versus 2007, revealed no significant difference between the two variables, p > .05. (See Table 3.) Therefore, we failed to reject the null. Specifically, there

was no significant difference between the rate of rapes before or after the passage of the Adam Walsh Act.

Table 3

Summary of ANOVA Findings (2005 vs. 2007)

Table 3- Summary of ANOVA Findings

05 v 07

ANOVA

		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	4.021	1	4.021	.029	.866
	Within Groups	13955.674	100	139.557		
	Total	13959.695	101			
Actual Offense/ Rape by Force Rate	Between Groups	.948	1	.948	.007	.932
	Within Groups	12853.444	100	128.534		
	Total	12854.392	101			
Actual Offense/ Attempted Rape Rate	Between Groups	.035	1	.035	.013	.908
	Within Groups	261.036	100	2.610		
	Total	261.071	101			
Cleared by Arrest/ Rape Total Rate	Between Groups	16.719	1	16.719	.534	.467
	Within Groups	3133.070	100	31.331		
	Total	3149.789	101			
Cleared by Arrest/ Rape by Force Rate	Between Groups	28.955	1	28.955	1.130	.290
	Within Groups	2561.976	100	25.620		
	Total	2590.930	101			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	.143	1	.143	.334	.565
	Within Groups	42.898	100	.429		
	Total	43.041	101			
# Cleared Under 18/ Rape Total Rate	Between Groups	.017	1	.017	.023	.879
	Within Groups	72.497	100	.725		
	Total	72.513	101			
# Cleared Under 18/ Rape by Force Rate	Between Groups	.001	1	.001	.001	.971
	Within Groups	62.837	100	.628		
	Total	62.838	101			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.000	1	.000	.044	.834
	Within Groups	.854	100	.009		
	Total	.855	101			

The fourth comparison, 2005 versus 2007 (with limited states), revealed no significant difference between the two variables, p > .05. (See Table 4.) This analysis included only 22 states that passed a version of Jessica's Law in 2006. The 22 states examined were Alaska, Arizona, Arkansas, California, Delaware, Georgia, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, Oregon, Pennsylvania, Rhode Island, South Carolina, Washington, West Virginia, and Wisconsin. Therefore, we failed to reject

the null. Specifically, there was no significant difference between the rate of rapes before or after the passage of the Jessica's Law.

Table 4

Summary of ANOVA Findings (2005 vs. 2007)

Table 4- Summary of ANOVA Findings
05 v 07- limited to 22 states that passed Jessica's Law in 06

		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	4.780	1	4.780	.029	.865
	Within Groups	6829.460	42	162.606		
	Total	6834.240	43			
Actual Offense/ Rape by Force Rate	Between Groups	.001	1	.001	.000	.998
	Within Groups	5828.418	42	138.772		
	Total	5828.419	43			
Actual Offense/ Attempted Rape Rate	Between Groups	.015	1	.015	.005	.945
	Within Groups	129.566	42	3.085		
	Total	129.581	43			
Cleared by Arrest/ Rape Total Rate	Between Groups	4.239	1	4.239	.122	.729
	Within Groups	1459.329	42	34.746		
	Total	1463.568	43			
Cleared by Arrest/ Rape by Force Rate	Between Groups	1.870	1	1.870	.065	.800
	Within Groups	1208.139	42	28.765		
	Total	1210.009	43			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	.010	1	.010	.016	.900
	Within Groups	26.766	42	.637		
	Total	26.777	43			
# Cleared Under 18/ Rape Total Rate	Between Groups	.002	1	.002	.002	.962
	Within Groups	39.369	42	.937		
	Total	39.371	43			
# Cleared Under 18/ Rape by Force Rate	Between Groups	.013	1	.013	.016	.901
	Within Groups	34.886	42	.831		
	Total	34.899	43			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.008	1	.008	.572	.454
	Within Groups	.591	42	.014		
	Total	.599	43			

To ensure that the rates were thoroughly examined, we compared the same years but included only California, Florida, Illinois, New York, and Texas in the analysis. These states were compared because they have all passed strict laws as well as have similar population types. Tables 5, 6, and 7 demonstrate that there is no significant difference in the rates of rapes between the examined years.

Table 5

Summary of ANOVA Findings

Table 5- Summary of ANOVA Findings
93 v 95, California, Florida, Illinois, New York, Texas

ANOVA

		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	54.718	1	54.718	.121	.736
	Within Groups	3604.862	8	450.608		
	Total	3659.581	9			
Actual Offense/ Rape by Force Rate	Between Groups	33.987	1	33.987	.093	.769
	Within Groups	2935.731	8	366.966		
	Total	2969.717	9			
Actual Offense/ Attempted Rape Rate	Between Groups	1.291	1	1.291	.196	.670
	Within Groups	52.663	8	6.583		
	Total	53.954	9			
Cleared by Arrest/ Rape Total Rate	Between Groups	19.013	1	19.013	.134	.724
	Within Groups	1135.768	8	141.971		
	Total	1154.782	9			
Cleared by Arrest/ Rape by Force Rate	Between Groups	12.858	1	12.858	.109	.750
	Within Groups	947.790	8	118.474		
	Total	960.649	9			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	.440	1	.440	.239	.638
	Within Groups	14.720	8	1.840		
	Total	15.160	9			
# Cleared Under 18/ Rape Total Rate	Between Groups	.381	1	.381	.012	.917
	Within Groups	260.786	8	32.598		
	Total	261.168	9			
# Cleared Under 18/ Rape by Force Rate	Between Groups	.331	1	.331	.011	.919
	Within Groups	243.691	8	30.461		
	Total	244.022	9			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.002	1	.002	.041	.845
	Within Groups	.345	8	.043		
	Total	.347	9			

Table 6

Summary of ANOVA Findings

Table 6- Summary of ANOVA Findings
95 v 97, California, Florida, Illinois, New York, Texas

		ANOVA				
		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	1.989	1	1.989	.005	.945
	Within Groups	3085.092	8	385.637		
	Total	3087.081	9			
Actual Offense/ Rape by Force Rate	Between Groups	23.767	1	23.767	.088	.775
	Within Groups	2169.643	8	271.205		
	Total	2193.411	9			
Actual Offense/ Attempted Rape Rate	Between Groups	.207	1	.207	.038	.850
	Within Groups	43.345	8	5.418		
	Total	43.552	9			
Cleared by Arrest/ Rape Total Rate	Between Groups	3.509	1	3.509	.033	.860
	Within Groups	851.744	8	106.468		
	Total	855.253	9			
Cleared by Arrest/ Rape by Force Rate	Between Groups	60.096	1	60.096	.641	.446
	Within Groups	750.017	8	93.752		
	Total	810.114	9			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	.252	1	.252	.157	.702
	Within Groups	12.781	8	1.598		
	Total	13.032	9			
# Cleared Under 18/ Rape Total Rate	Between Groups	11.125	1	11.125	.701	.427
	Within Groups	126.979	8	15.872		
	Total	138.104	9			
# Cleared Under 18/ Rape by Force Rate	Between Groups	16.395	1	16.395	1.127	.319
	Within Groups	116.413	8	14.552		
	Total	132.808	9			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.017	1	.017	.552	.479
	Within Groups	.243	8	.030		
	Total	.260	9			

Table 7

Summary of ANOVA Findings

Table 7- Summary of ANOVA Findings
05 v 07, California, Florida, Illinois, New York, Texas

ANOVA		Sum of Squares	df	Mean Square	F	Sig.
Actual Offense/ Rape Total Rate	Between Groups	8.350	1	8.350	.037	.853
	Within Groups	1816.148	8	227.019		
	Total	1824.498	9			
Actual Offense/ Rape by Force Rate	Between Groups	3.308	1	3.308	.015	.904
	Within Groups	1720.531	8	215.066		
	Total	1723.839	9			
Actual Offense/ Attempted Rape Rate	Between Groups	.080	1	.080	.042	.844
	Within Groups	15.344	8	1.918		
	Total	15.423	9			
Cleared by Arrest/ Rape Total Rate	Between Groups	1.447	1	1.447	.026	.875
	Within Groups	440.514	8	55.064		
	Total	441.961	9			
Cleared by Arrest/ Rape by Force Rate	Between Groups	2.084	1	2.084	.060	.813
	Within Groups	278.446	8	34.806		
	Total	280.529	9			
Cleared by Arrest/ Attempted Rape Rate	Between Groups	.008	1	.008	.021	.887
	Within Groups	3.131	8	.391		
	Total	3.139	9			
# Cleared Under 18/ Rape Total Rate	Between Groups	.035	1	.035	.038	.850
	Within Groups	7.387	8	.923		
	Total	7.423	9			
# Cleared Under 18/ Rape by Force Rate	Between Groups	.032	1	.032	.055	.820
	Within Groups	4.560	8	.570		
	Total	4.592	9			
# Cleared Under 18/ Attempted Rape Rate	Between Groups	.000	1	.000	.007	.933
	Within Groups	.020	8	.003		
	Total	.020	9			

To gain a more thorough understanding of the effects of legislation on arrest rates, it would be plausible to conduct a linear regression. Due to the limited data available, the linear regression was set up with the year 2000 as the reference midpoint. No true conclusions are possible with the reviewed data; however, the findings demonstrate a rate of change. There were a few significant points within the data (p > .05); overall, the data is not significant. The regression showed a decreasing pattern in the rates; the magnitude of the decrease has lessened appreciably. Tables 8 through 11c demonstrate the decrease and indicate the significance.

Table 8

Summary of Linear Regression

Table 8- Summary of Linear Regression

	Pre2000	Sig.	95% CI	Post2000	Sig.	95% CI
Rape Total-Total Offenses	-25.007	0.006	(-39.709, -10.305)	-0.527	0.761	(-4.463, 3.410)
Rape Total-Cleared by Arrest	-17.960	0.033	(-33.941, -1.978)	3.866	0.086	(-0.893, 8.625)
Rape Total-Number of Clearances Under 18	-11.778	0.000	(-15.267, -8.288)	-4.211	0.008	(-6.929, -1.493)
Rape with Force-Total Offenses	-22.570	0.003	(-34.278, -10.863)	-9.264	0.002	(-13.836, -4.691)
Rape with Force-Cleared by Arrest	-20.735	0.002	(-30.707, -10.764)	-5.486	0.066	(-11.449, 0.476)
Rape with Force-Number of Clearances Under 18	-6.404	0.000	(-7.022, -5.786)	-1.881	0.008	(-3.106, -0.656)
Attempted Rape-Total Offenses	-4.984	0.000	(-6.502, -3.465)	-0.355	0.265	(-1.048, 0.338)
Attempted Rape-Cleared by Arrest	-4.814	0.000	(-6.278, -3.350)	-0.179	0.548	(-0.848, 0.490)
Attempted Rape-Number of Clearances Under 18	-0.548	0.001	(-0.774, -0.321)	-0.311	0.003	(-0.479, -0.142)

Table 9

Linear Regression – Number of Actual Offenses

Table 9- Linear Regression- Number of Actual Offenses

year	Rape Total-Total Offenses Pre 2000	Rape Total-Total Offenses Post 2000	Rape Total-Cleared by Arrest Pre 2000	Rape Total-Cleared by Arrest Post 2000	Rape Total-Number of Clearances Under 18 Pre 2000	Rape Total-Number of Clearances Under 18 Post 2000
1993	1741.71		1486.29		225.72	
1994	1748.24		1491.1		213.97	
1995	1659.6		1442.59		200.57	
1996	1586.21		1336.74		176.47	
1997	1591.22		1370.83		168.12	
1998	1602.5		1365.87		163.85	
1999	1589.48		1372.58		140.24	
2000	1578.78		1383.44		153.98	
2001		1583.24		1405.91		138.41
2002		1567.43		1421.28		118.53
2003		1564.53		1395.36		141.89
2004		1573.4		1425.12		127.23
2005		1588.4		1411.02		116.82
2006		1598.44		1436.57		124.9
2007		1568.15		1401.18		114.93
2008		1562.74		1431.71		110.26
2009		1570.79		1450.3		95.51

Table 9-A

Linear Regression – Number of Actual Offenses Pre-2000 v. Post-2000
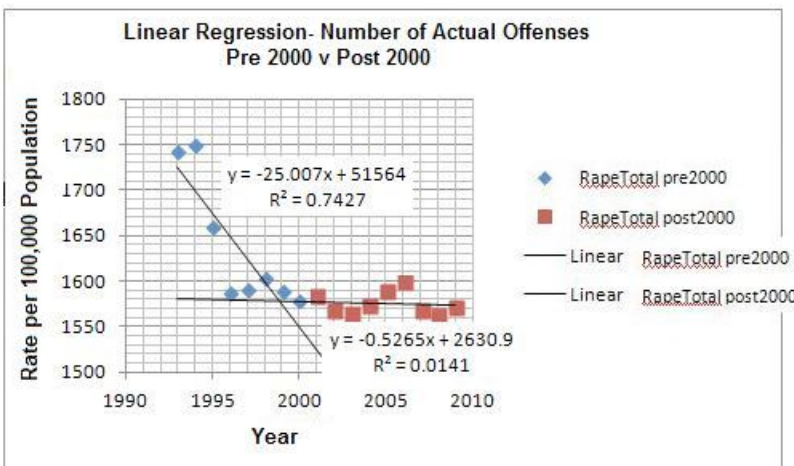
Table 9-B

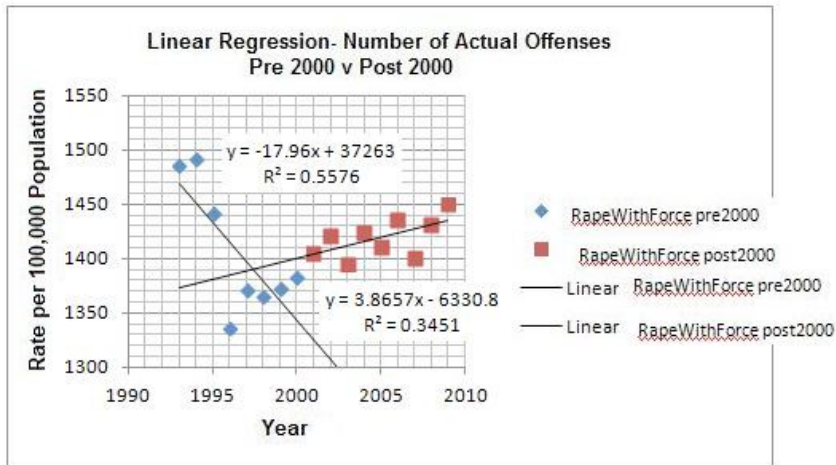*Linear Regression – Number of Actual Offenses Pre-2000 v. Post-2000*

Table 9-C

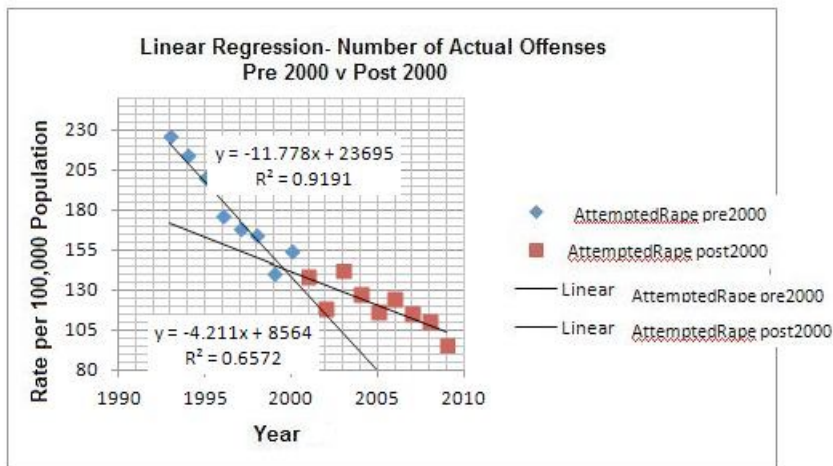*Linear Regression – Number of Actual Offenses Pre-2000 v. Post-2000*

Table 10

Linear Regression – Number of Offenses Cleared by Arrest

Table 10- Linear Regression- Number of Offenses Cleared by Arrest

year	Rape with Force- Total Offenses Pre 2000	Rape with Force - Total Offenses Post 2000	Rape with Force - Cleared by Arrest Pre 2000	Rape with Force - Cleared by Arrest Post 2000	Rape with Force - Number of Clearances Under 18 Pre 2000	Rape with Force - Number of Clearances Under 18 Post 2000
1993	862.13		758.76		102.57	
1994	834.35		735.95		94.83	
1995	753.12		667.56		85.14	
1996	722.86		630.44		79.77	
1997	734.53		636.23		75.34	
1998	754.88		634.58		68.54	
1999	700.87		628.67		61.72	
2000	684.21		599.87		57.12	
2001		633.49		545.55		56.19
2002		647.59		566.43		48.69
2003		605.67		548.27		42.78
2004		604.31		548.64		39.39
2005		596.85		537.48		44.71
2006		585.47		521.97		46.65
2007		555.55		483.14		40.89
2008		572.93		522.64		38.49
2009		580.3		535.33		34.76

Table 10-A

Linear Regression – Number of Cleared by Arrest Pre-2000 v. Post-2000
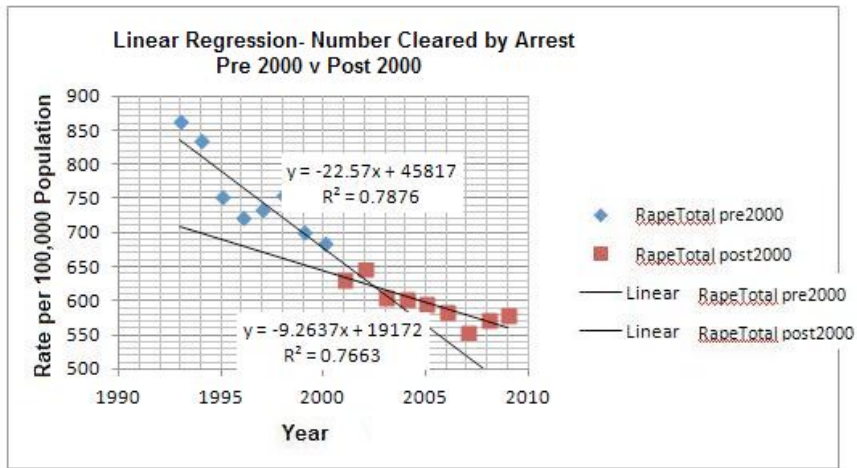

Table 10B

Linear Regression – Number Cleared by Arrest Pre-2000 v. Post-2000
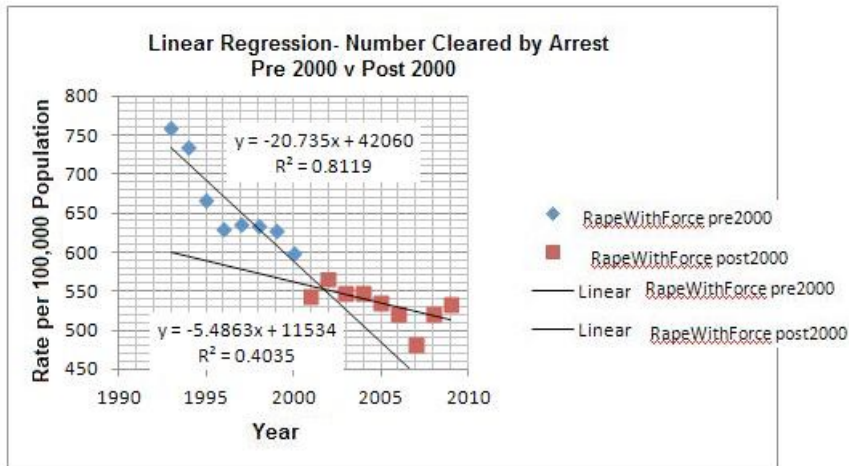
Table 10-C

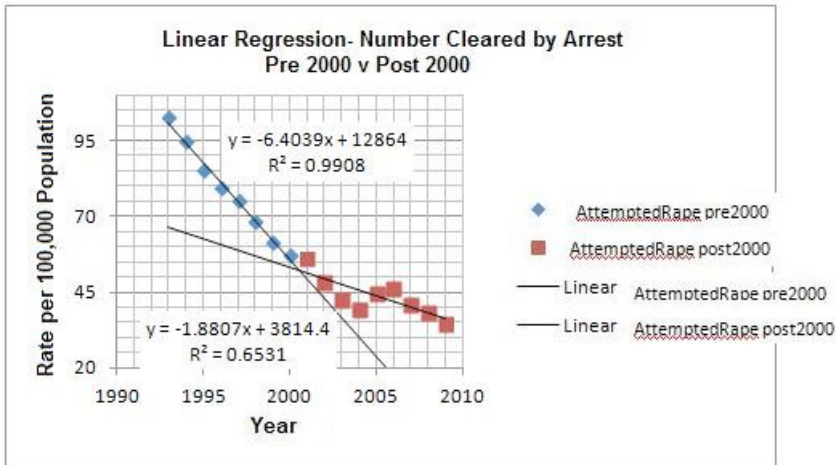*Linear Regression – Number Cleared by Arrest Pre-2000 v. Post-2000*

Table 11

Linear Regression – Number of Clearances Under 18

Table 11- Linear Regression- Number of Clearances Under 18

year	Attempted Rape- Total Offenses Pre 2000	Attempted Rape- Total Offenses Post 2000	Attempted Rape- Cleared by Arrest Pre 2000	Attempted Rape- Cleared by Arrest Post 2000	Attempted Rape- Number of Clearances Under 18 Pre 2000	Attempted Rape- Number of Clearances Under 18 Post 2000
1993	105.28		94.63		10.57	
1994	106.36		93.83		11.7	
1995	102.66		92.96		9.83	
1996	87.41		78.33		8.81	
1997	84.56		72.75		8.92	
1998	80.11		70.45		8.21	
1999	78.24		68.89		7.69	
2000	75.63		65.12		7.54	
2001		72.41		65.87		6.61
2002		68.08		64.33		5.87
2003		66.27		59.89		5.13
2004		71.4		62.37		4.75
2005		67.58		61.42		4.13
2006		70.33		64.32		4.86
2007		66.27		61.71		4.64
2008		66.13		60.37		4.64
2009		68.81		64.76		3.09

Table 11-A

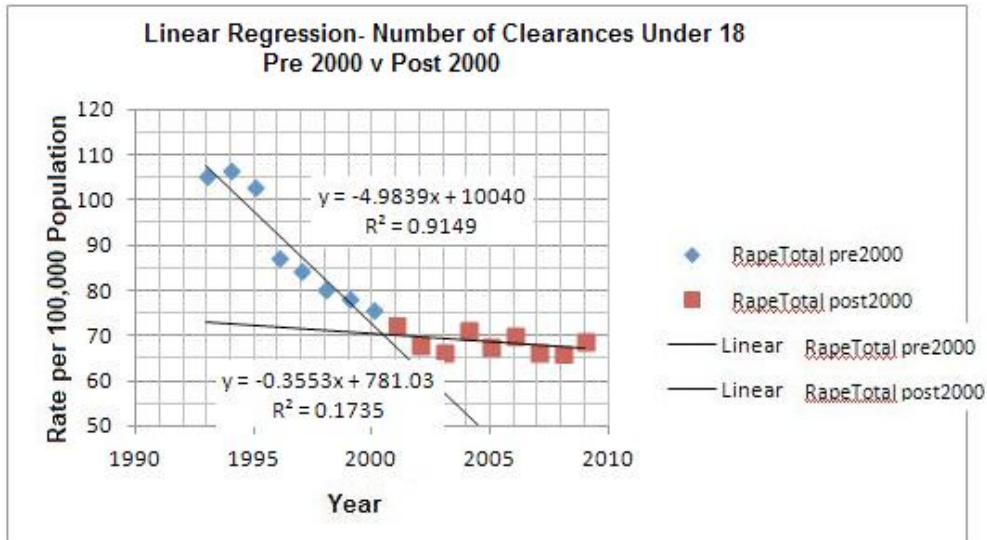*Linear Regression – Number of Clearances Under 18 Pre-2000 v. Post-2000*

Table 11-B

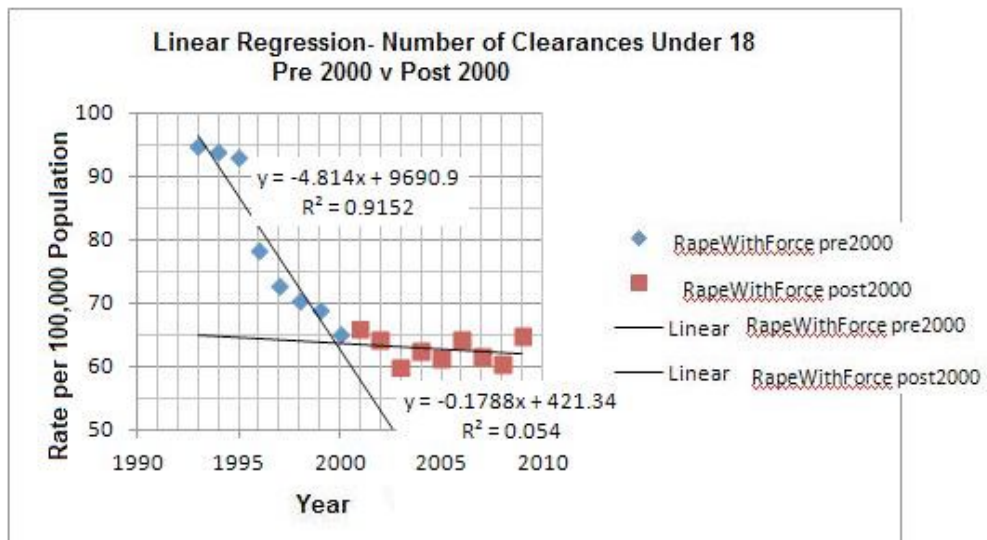*Linear Regression – Number of Clearances Under 18 Pre-2000 v. Post-2000*
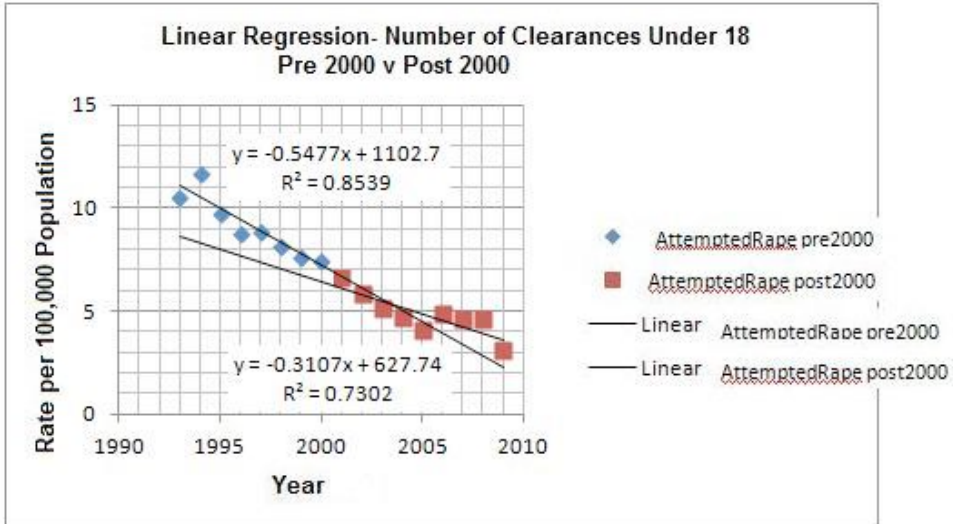
Table 11-C

Linear Regression – Number of Clearances Under 18 Pre-2000 v. Post-2000

Chapter 5: Discussion

This chapter summarizes the present study, discusses the findings, suggests forensic implications, reviews the limitations present, and expounds the implications for future research.

The interpretation of sex offender laws is neither black and white, nor is it all good or all bad. This study demonstrates that none of the four laws that were statistically examined had a positive effect on recidivism rates. The most recent law, Chelsea's Law, which was passed in California in 2010, was too recent to be included in the statistical analysis because the relevant data has not been collected. However, simply assessing the four laws that have been enforced for some time demonstrates that it is crucial to create legislation based on empirical data rather than the emotional outcry of the public.

The four laws led to the creation of registration legislation, community notification laws, universal legislation at the federal level, and residency restrictions; additionally, Jessica's Law tightened the penalties for sex offenses to an almost extreme level. It has already been stated in this document that no empirical evidence exists to support the development of the laws; instead, legislators pushed misinformation on their constituents to emotionally drive them into passing poorly written and ill-conceived laws. It is worth considering that if major supporters of sex offender legislation are changing their opinions and referring to recent laws as ridiculous, perhaps there is something wrong with the legislation.

Patricia Wetterling has become an opponent of some sex offender legislation in recent years due to her belief that the laws "do not reflect the more common sexual violence committed by family members, friends, and known assailants" (Wetterling & Wright, 2009, p. 100). "Many of the policies and the public attitude toward sex offenders tend to be very much about demonization, revenge, and retribution. Many sex offender laws really don't work. They don't

solve a thing" (Wetterling & Wright, 2009, p. 105–107). Wetterling and Wright pointed out that the perceptions of those who have experienced this situation are different from those who have not. The demonization does not exist to her and others like her, according to Wetterling, and instead there is a desire for prevention (Wetterling & Wright, 2009, p. 105). Simply asking questions ("Will this make our communities safer? Will this make our children safer?") may help create legislation that is more appropriate (Wetterling & Wright, 2009, p. 103).

Limitations

This study has some limitations. It included only data for a single type of sex offense; moreover, the data on sex crimes against children were unavailable. Because the crimes against children inspired the creation of the laws examined in this study, it would be beneficial to have information on these sex crimes. Additionally, this study did not have information on sex crimes other than rape. It would be useful to review information on other sex crimes in order to conduct a more thorough comparison. The efficacy of the laws should be examined by considering other crimes, like voyeurism or molestation.

Another limitation is that the information analyzed did not incorporate any demographic information, other than offenders' age or re-arrest information. Because of this, questions were left unanswered: How many offenders were women? How many victims were male? How many of the arrested offenders recidivated or had a prior sex offense? Specifically, data that focused solely on recidivism would be useful because with the strengthening of the laws, it becomes more difficult for the offenders to comply with their parole/probation. Many offenders reach a point of psychological stress in attempting to meet their parole or probation requirements and fall back on their past behavior, which increases the likelihood of arrest for a sex offense.

Further, the Uniform Crime Report has multiple inherent flaws in the data available. "The UCR reports only crimes known to the police" (Regoli & Hewitt, 2008, p. 63). Thus, the numbers are only estimates of the actual crime rates, as many crimes are not reported to law enforcement. This fact is especially true with sex crimes. "The UCR reports only on the most serious crime" (Regoli & Hewitt, 2008, p. 63). If multiple offenses occur within the same crime, only the most serious is reported to the UCR. For example, if a rape and murder occur, only the homicide is reported. Additionally, not all of the data is collected regarding each crime and not all relevent data is provided to the UCR. Information on weapons is rarely collected and rape is only recorded when the victim is female (Regoli & Hewitt, 2008).

Another area of limitation to this study is the question of punishment. No information is available through the data provided by the UCR regarding the punishment an offender received. This would assist in determining if treatment played an effect on recidivation or tied into the passage of the laws.

Forensic Implications

Future research should design a more detailed, non-archival study in multiple metropolitan areas in order to gain a more detailed understanding of the legislation's effect on sex offender arrests. Utilizing several of points discussed in the limitations, future research may be able to provide a more focused study looking at the effect of specific laws or how the laws connect to treatment and thus effect recidivism.

A secondary consideration is that the Federal Bureau of Investigation recently changed the definition of rape from "carnal knowledge of a female forcibly and against her will" (Johnson, 2012, para. 3) to "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of

the victim" (Federal Bureau of Investigation, 2012). The major alteration is that the definition now includes male victims. This will likely alter the information collected in the UCR, making it more inclusive and valuable.

Summary

As the research on recidivism and understanding sex offender behavior continues, it is imperative that changes are made at the current level of treatment and legislation. For example, when offenders are released from prison, it is important to conduct thorough risk assessments to better determine the risk of release. It is important to note that those conducting risk assessments need to be fully trained and licensed to do so. Gardner and Sawell were both deemed to be at "no risk" at the time of their release, but in reality they were extremely dangerous.

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Appendix A

Form C – Proposal Review

![TheChicagoSchool of Professional Psychology logo]

Form C – Proposal Review Form

This form documents the status of the student's proposal.

STUDENT: PLEASE FORWARD TO YOUR DEPARTMENT DISSERTATION DESIGNEE

Student Information		
Name: Elizabeth Kus, M.A.	Student ID: 05012381	Campus: LA
Dissertation Chair: Debra Warner, PsyD	Reader(s): Loren Hill, PhD	Academic Advisor: Clive Kennedy, PhD
Proposal Title: Sex Offender Legislation: The Downside of Emotional Lawmaking	Estimated Dissertation Completion Date: 2014	

We, the Dissertation Committee, have read the Proposal noted above and deem:

☒ **the student's Proposal has been reviewed for plagiarism**

☒ **the Proposal is passed**

☐ (if provisional approval) **the Proposal** requires the revisions detailed below which must be submitted by ▢ to be given final approval.

Requested revisions: ▢

*Following completion of requested revisions, student will re-submit Form C.

Dissertation Chair Signature
You understand that typing your name will serve as an electronic signature

Signature: Debra Warner   Date: 6/6/11

Reader Signature
You understand that typing your name will serve as an electronic signature

Signature: Loren M. Hill   Date: 6/6/11

Reader Signature (if applicable)
You understand that typing your name will serve as an electronic signature

Appendix B

Institutional Review Board Letter of Approval

TheChicagoSchool
of Professional Psychology

INSTITUTIONAL REVIEW BOARD

December 1, 2010

TO: LA/Westwood/Irvine Faculty

FROM: Alicia Cook, IRB Coordinator *A. Cook*

Re: Non Human Subjects Research

Per 45 CFR 46.102(d), an activity is considered to be "research" if it involves a "systematic investigation designed to develop or contribute to generalizable knowledge." Activities not systematic, not designed to contribute to general knowledge, or done only for personal use (i.e. not shared with *anyone* else, including other members of the lab or department) do not meet this definition.

Per 45 CFR 46.102(f), research is considered to involve "human subjects" if it entails obtaining information about living individuals, either through intervention or interaction with the individuals or if the research involves the use or receipt of *individually identifiable* information originally obtained in a context in which the individuals could reasonably expect privacy.

In order for a proposal to require IRB review, it must both be research and involve "human subjects." The following applied research dissertation proposals do not meet the definition of human subjects research and therefore do not need to be submitted to the IRB for review.

    Comprehensive Review and Evaluation of the Literature (CORAL)
    Development of a Grant Proposal
    Theory of Clinical Application and Conceptualization
    Public Policy or Legislative Analysis

A complete description of these applied research methods is included in Chapter 3 of the Institutional Dissertation Manual. Anyone who is unsure as to whether an activity meets the regulatory definition of human subjects research should contact the IRB Office for assistance in making this determination.

Appendix C

Form D – Dissertation Review

TheChicagoSchool
of Professional Psychology

Form D – Dissertation Review Form
This form documents the status of the above student's dissertation.

STUDENT: PLEASE FORWARD TO YOUR DEPARTMENT DISSERTATION DESIGNEE

Student Information		
Name: Elizabeth Kus, M.A.	Student ID: 05012381	Campus: LA
Dissertation Chair: Debra Warner, PsyD	Reader(s): Loren Hill, PhD	Academic Advisor: Clive Kennedy, PhD
Dissertation Title: The Relationship between Sex Offender Legislation and Psychosocial Factors		

We, the Dissertation Committee, have read the Dissertation noted above and deem:

X☐   the written Dissertation is passed and ready to proceed to oral defense

☐   the written Dissertation requires the revisions detailed below which must be submitted to the Dissertation Committee by   to be given final approval for defense. The student may not proceed until the following conditions are met:

*Following completion of requested revisions, student will re-submit Form D.

Dissertation Chair Signature
You understand that typing your name will serve as an electronic signature

Signature: Debra Warner, Psy.D.   Date: 4/4/14

Reader Signature
You understand that typing your name will serve as an electronic signature

Signature: Loren M. Hill   Date: 04/16/2014

Reader Signature (if applicable)
You understand that typing your name will serve as an electronic signature

Signature: Date:

Form E – Oral Defense

TheChicagoSchool
of Professional Psychology

Form E – Oral Defense
STUDENT: PLEASE FORWARD TO YOUR DEPARTMENT DISSERTATION DESIGNEE

Student Information		
Name: Elizabeth Kus, M.A.	Student ID: 05012381	Campus: LA
Dissertation Chair: Debra Warner, PsyD	Reader(s): Loren Hill, PhD	Academic Advisor: Clive Kennedy, PhD
Dissertation Title: The Relationship between Sex Offender Legislation and Psychosocial Factors		

Overall Evaluation   1   2   3   4

Total: 3.5 (Average of written materials [see Form D] and oral defense)

The Committee has determined that this student has: passed the oral defense

Specify concerns:

    *If the oral defense is failed, student must re-submit form E by   (date of re-scheduled oral defense).

Dissertation Chair Signature
You understand that typing your name will serve as an electronic signature

Signature: Debra Warner, Psy.D.   Date: 4/5/14

Reader Signature
You understand that typing your name will serve as an electronic signature

Signature: Loren M. Hill   Date: 04/16/2014

Reader Signature (if applicable)
You understand that typing your name will serve as an electronic signature

Signature: Date: