Five Myths about the Sex Offender Registry

1. Everyone on the public registry is a violent, child molesting predator.

Only a very small percentage of sex offenders have actually committed a predatory offense. In the vast majority of molestation and rape cases (90% of younger child victims, or 80% of all victims over 12), the offender is someone who is known and trusted by the victim: a family member, a friend, a spouse, or a date. These offenses certainly cause harm, but they cannot be considered predatory.

In reality, the majority of sex offenders are not violent. Many had consensual relationships in which one person was under-age, or were arrested for as few as one or two images of child pornography. People wind up on the public registry for exposing themselves, for a single inappropriate touch, for sending a sexy photo of themselves to a friend, or even grabbing a child by the arm to scold her after she walked in front of their moving car. These activities are of course illegal, may cause direct or indirect harm, and are therefore punishable. This does not, however, make these registrants dangerous predators.

Over one-third of registrants are children themselves, who in most cases simply committed a childish indiscretion. Even if they initially go through the juvenile justice system, successfully complete therapy, and have their official court records expunged, these youthful offenders may find themselves on the public registry for the rest of their lives.

2. Public registration is what sex offenders deserve for their crimes.

It is a common misconception that public registration is a suitable punishment for a terrible crime. In fact, lawmakers and the courts repeatedly claim that sex offender registration is a civil regulation, like prohibiting felons from owning a gun. It is not supposed to be punishment. The original purpose of a sex offender registry was to compile a database that would help law enforcement respond quickly in the event that a child was reported missing. When this database was first made public under Megan's Law, the intent was to give parents and concerned citizens a way to know if a convicted child predator was living nearby, so they could warn their children to stay away.

Unfortunately, this civil regulation scheme has continued to evolve. Registrants are required under threat of prosecution to appear at the registry office several times each year, and officers routinely visit their homes between times. Their names, addresses, and extensive personal information are posted for anyone in the world to see. As a result, employment opportunities are severely limited. Even fast food restaurants won't hire them, for fear of retaliation from customers who see the registrant’s work address on the internet. In many states, they cannot live with their families and support networks due to residency restrictions that prevent them from living near parks and schools.

Whether an individual’s offense was an ill-considered caress, or the accusation of a vindictive ex-spouse, or actual pathological rape, all “sex offenders” get the same scarlet letter by being listed on the public registry, after they have paid their judicially-imposed debt to society. That much of this myth is now true. Public registration is no longer a simple civil regulation: it is continued punishment, with NO means of petitioning the courts for removal.

3. The public sex offender registry prevents child molestation.

Over the past several years, a number of states have conducted studies on the effectiveness of their public registration laws. In every instance, those studies have shown that public registration has had no discernible effect on the number of reported instances of child sexual abuse. Violent crimes of all
sorts, including sex offenses, have been in decline across the United States, and this trend began almost a decade BEFORE most states had initiated public registration. A likely reason for this is that according to the Department of Justice, 93% of all sex-related crimes are actually committed by a first time offender, who of course is not on the public registry. Think about it: We could take every single registered sex offender, lock them up, and throw away the key – and at best we would see a mere 7% reduction in sex crimes. Public registration does not work.

4. Persons who have committed one sex offense are highly likely to commit more.

Studies show that first-time sexual offenders are significantly LESS likely to re-offend. The risk factor will vary depending on the age of the offender and the type of crime. Persons with non-contact, statutory, and incestuous convictions are far less likely to offend again, especially if they receive cognitive-behavioral therapy to address any underlying emotional or medical problems. Those at highest risk for re-offending are clinically-diagnosed pedophiles (a rare condition), and child molesters who are attracted to young boys. It is worth noting, however, that even this group has only about a 35% chance of re-offending. (Compare this to other crimes such as burglary, assault or drug crimes which average 60-80%).

Treatment providers report that first-time offenders are often so humiliated by being caught out in such a personal transgression, they are genuinely “scared straight,” and their punishment actually does serve as a deterrent. Even persons who are in the highest-risk categories can successfully change their behavior if they acknowledge responsibility, commit to treatment and personal accountability, and have a strong, stable community support network.

5. The public registry prevents high-risk sex offenders from committing another, worse sex offense.

Once again, public registration has had no noticeable effect on the number of offenses. Instead, what we are finding is that being placed on a public registry leaves these former offenders jobless, homeless, and frightened to leave their homes even to take a walk or buy groceries. Homelessness was addressed in Myth #3. Homelessness occurs regularly because “concerned citizens” routinely harass and threaten a registered person's landlord. Former offenders' innocent spouses and children are harassed and bullied, their houses and cars are vandalized. Their neighbors put up warning posters, call child protective services, and shoot at their pets. Strangers drive by their homes and shout obscenities or threaten to kill them. Sometimes strangers do kill them. Police visit several times a month: more visits than many convicts receive while on probation or parole.

All of this causes tremendous stress. In spite of this, the majority of low-risk offenders do their best to move on with their lives and become productive members of society. Unfortunately, this stress and instability increases the risk of another offense in that tiny percentage of sex offenders who most need stability, accountability, and a strong support network. Take a look at John Albert Gardner III, who recently raped and murdered two teens. California’s registration laws had rendered him homeless, cost him his job, and when he could no longer pay child support he lost visitation with his children. He knew the stress was making him unstable. He tried multiple times to get help – but was denied each time. He accepted full responsibility. Nobody thought to blame the state.

Where is the Justice in that?

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