

“Using Research Evidence and Data as the Basis for Abolishing Sex Offense Registries”

Talking Points about the Registry

Introductory Comments: The following is a summary of talking points made at the FAC Membership Call Thursday, Feb. 7, 2019, with guest Dr. Emily Horowitz. The Topic was “Using Research Evidence and Data as the Basis for Abolishing Sex Offense Registries”. An important purpose of the Florida Action Committee (FAC) is to educate. As members and advocates for change in the draconian sex offender registry laws, it is important that each of us do our part. This includes being well-informed as we exercise every opportunity to engage with others in matters about the registry. Dr. Horowitz also references that when she is speaking about the registry she is speaking of the public registries.

Background: The sex offense registry is essentially a naming and shaming scheme that doesn't protect anyone. Over 20 years of studies and research show our sex offense label doesn't make us safer or protect anyone.

The Registry costs millions and destroys lives. There are nearly one million people on the sex offender registries in the United States, and the number increases each year. Those interested in criminal justice reform must consider the draconian sex offense legal regime in advocating for change.

The registry is an issue that is often orphaned in the bipartisan efforts to reduce mass incarceration. Our guest speaker Emily Horowitz, is a sociologist and the author of **“Protecting Our Kids: How Sex Offender Laws are Failing Us.”** (2015) She also serves as a professor and chairperson of sociology and criminal justice at St Francis College in Brooklyn New York where she directs a program that helps formerly incarcerated men and women obtain college degrees. Professor Horowitz reviewed some of the research and evidence about sex offense registries and the harm they cause and summarized and highlighted some of the specific research findings about the registry that are useful for us to be aware of as we engage in advocacy efforts.

The talking points are written not in an order of preference or importance but as they were provided in Dr. Horowitz’s presentation. They are being provided with the expectation that the reader will elect the points that best fit the circumstances at the time you are communicating with someone regarding the registry.

Point 1: The 1st way you can open up people's thinking, is saying, "look we all know that because people do know that most sex offenses against both adults and children, are not stranger offenses. They're committed within the family circle known by the victim, so the registry is based on this idea that offenses are committed by strangers. So the 1st thing I would say is that most offenses have nothing to do with stranger danger, and therefore the registry doesn't help people. It doesn't help 95 percent of the people that are harmed by people they know.

Point 2: The 2nd thing I would say is that almost all sex offenses are committed by 1st time offenders.

Point 3: The 3rd thing I would say is that people make mistakes, people do bad things, but people deserve a 2nd chance and when you make it impossible for people to turn their lives around and unable to get housing and get employment you are not helping. When you create laws that increase homelessness, you're setting the stage for making people less safe. The public safety piece is really important. You can say, "Look! We don't oppose consequences. And we believe sexual harm is a reality and that people are hurt. But we do oppose lifetime banishment for people who have made mistakes. I think the biggest battle is that a lot of people are very supportive of criminal justice reform, but sex offenses are often orphans! People say, "well, those are different; that's different you know."

Point 4: Part of the conversation should be that *"you know even the research clearly shows that when having anybody come back to the community, it's important that we provide adequate community integration through sound reentry processes by allowing people to have resources for housing, going back with families, having their community support, making them you know through training so that they are equipped for job opportunities that would be available to them, because the most important thing that we need to recognize across every classification whether it be sexual or otherwise, is that these are all human beings."*

Point 5: Throughout the book previously referenced, the term sex offender was used. Now, Dr. Horowitz makes a real effort to call it the *Sex Offender Registry* and talk about men and women who have convictions for sex offenses, and no longer call people sex offenders. So, I think whenever you talk to people, that's really important to say/use it with these words "A person who has a prior sex offense conviction." The words we use are very important. No longer speak of someone as a sex offender!

Point 6: Dr. Horowitz has looked at over 300 studies over the recent two-three years which were peer reviewed, meaning reviews by multiple people who are experts in the field. They are NOT blog posts, etc.! They are Not opinions either! There are virtually no studies that find that the registry substantially reduces new sex offenses, protects children, prevents re-arrests, or has benefits to the communities. This is important to note because these are the primary claims of the registry.

Point 7: The Registry costs millions and destroys lives. There are nearly one million people on the sex offender registries in the United States, and the number increases each year. Negative consequences result in public shaming and specifically creates difficulty in maintaining families. Finding employment and housing.

Point 8: While there are some situations where someone is taken off the registry, we should avoid calling attention to these as typically it results in negative press, etc. Rather, we should keep our emphases on efforts to end the registry.

Point 9: The most useful point to make when talking to legislators and policy makers is that the registry *does not prevent re-offending*. Two ways to address this is 1) people with sex offense convictions have lower reaffirmed rates than any other type of conviction, ranging between 3.5 to 5.3 percent. One study in Connecticut resulted in a rate of 1.7 per cent with sex offenses who actually returned to prison. Numbers are higher when you look are arrests but many arrests are for technical violations as a result of the registry. A California study in 2015, which is also a really, really good study, found that fewer than one percent of people on the California registry were returned to prison for a new sex offense. Others were returned for parole violations and other non-sex crimes.

Point 10: The belief that some people are hard wired to reoffend, and they need special post-conviction monitoring is completely false. People with sex offense convictions commit offenses for a variety of reasons, some for reasons that we don't fully understand. Reasons for low reoffending include the shame, harsh treatment and punishment through incarceration, parole and probation, etc. that many consequences are already experienced before one is actually faced with having to a life on the registry.

Point 11: It is better to talk about the realities of sex offenses and talk about how the reasons why the recidivism rates are so low. Over 90 percent of sex offenses are non-stranger crimes, so the sex offense registry is really only geared for Stranger Danger cases--- cases of people you know. So almost all sex offenses are non-stranger offenses. In addition, most people who commit sex offenses will have no prior sex offense conviction, therefore are 1st time offenders.

Point 12: One really important thing that Dr. Horowitz pointed out in arguing against registries and arguing against extra laws for people with sex offenses is that with crime rates in general, sexual abuse rate, sexual assault rates, and in particular rates of child sexual abuse have been declining steadily for decades and **the decline started before registry laws**. So, when people talk about the registry, even though many people are on the registry for crimes involving adult victims, the general public is thinking about child victims. They're thinking about child sexual abuse and are thinking about protecting kids. When people say, "well you know, how are you to protect kids if we don't know who in our community has committed a sex offense?" We must be prepared to point out one that the decline in child sexual abuse started before excessive sentencing and a registry allowing for people with sex offense conviction.

Point 13: It's really important to point out that child sexual abuse, just like all kinds of crimes, are largely influenced by social and economic factors and even people who work with victims and are not necessarily our allies, recognize that social and economic factors are what drove the initial decline in child sexual abuse.

Point 14:

In discussions about reoffending rates, reliable studies show it ranges from about 3.5 to 5.3 percent. In a Connecticut study that's a very good, strongly reviewed body of work, that found only 1.7 percent of people with sex offenses actually returned to prison. It's a little bit higher if you just look at the numbers of those we arrest on charges, but when you look at people who are convicted and then return to prison the number is low.

Point 15: Dr Horowitz introduces to many of us the "Ellman and Ellman Study" (Mark Ellman and Tara Ellman (<https://conservancy.umn.edu/handle/11299/188087>)) The importance of this study is that it counters the strongly held belief by some that those who commit sex offenses are destined to recommit another similar offense and are hard wired to re-commit and can never be cured. In a very significant Supreme Court Case ruling, the phrase "Frightening and high recidivism rates" was used and largely influenced the ruling that the registry was not punitive. As it has been studied, the phrase was in Psychology Today, which is a rather pop culture publication and was written by a treatment provider who supported the reasoning that those with sex offense convictions would need treatment for life, because they are destined to react!" Not one researcher was interviewed which is why it is so important that peer reviewed research be used for credibility purposes. Unfortunately, this phrase caught hold and has been repeated with unfortunate results. Again, no data or evidence from the Department of Justice was used in this decision.

While this study is not going to solely reverse the court decisions, it is the reason why courts have justified these laws even though based on really flimsy evidence.

Point 16: It has been found that residency restrictions neither increase or decrease rates of re-offense. In fact, residency restrictions and community notification in general, runs against everything we know and have known for 50-60 years about recidivism for our offense. A Minnesota study found that they looked at every single case where somebody on a registry who committed a new sex offense and found that residency restriction could not have prevented any of them. One of the effects of residency restrictions is homelessness and also banishment, especially social banishment. There's also some evidence that community notification policies might even increase sex offenses because when somebody is publicly branded as having a sex offense, it makes them less likely able to integrate or to want to integrate, and in all of Criminology we know the number one way to keep people from returning to prison is to give them housing, give them employment, and help them succeed in turning their lives around so.

Point 17: Dr. Horowitz cautions about talking too much about the research and especially attempting to classify according to risk assessment, etc. and speak favorable of one group within the registry as that defeats the purpose. The purpose is to make it clear that the registry does not accomplish what it purports to do---keeping the public, especially children safe. It results in so many collateral consequences. If someone DOES reoffend, they will face the consequences of their behavior and the registry has nothing to do with it.



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