



CELEBRATING
THIRTY YEARS



1981-2011

Myth v. Reality:
Towards a More Informed Understanding of Issues Facing People Convicted of Sex
Offenses and the Communities to Which They Return

Examining Our Assumptions: What is the reality?

Assumption One:

People convicted of a sex offense have a high likelihood of re-offending.

Reality:

- The majority of those convicted of a sex offense are not arrested for new crimes. According to a 2003 U.S. Department of Justice study which examined data from 15 states, over a 3 year period after being released from prison, 5.3% of people convicted of a sex offense were rearrested for a new crime. This compared with 73.8% and 66.7% re-arrest rates for people convicted of property crimes and drug crimes respectively.
- In 1998, two researchers conducted a meta-analysis of studies on sex offense recidivism, reviewing 87 research projects representing 28,972 people convicted of a sex offense. These researchers found that the average recidivism rate for people convicted of a sex offense was only 13.4%, while the average recidivism rate for any offense was 36.3%. These researchers noted that their findings “contradict the popular view that sexual offenders inevitably re-offend ... even in studies with thorough searches and long follow-up periods of the recidivism rate never exceeded 40%.”
- More recently, a judge on Missouri’s highest court wrote the following: “[R]ather than assuming that the [recidivism rates of sex offenders] are high, one should look at the data. Of the five categories of felony offenders in Missouri’s correctional population – drugs, non-violent felonies, violent felonies, DWI (driving while intoxicated), felonies, and sex and child abuse – *sex offenders have the lowest rates of recidivism*. Their rate of recidivism after two years is 5.3 percent, while recidivism rates for other categories of offenders are 9.6 for violent offenders, 11.7 percent for drug offenders, and 11.4 percent for felony DWI offenders. The rate of recidivism includes the likelihood of a convicted sex offender to commit any future crime, not just a sex offense.”

Sources of Information:

- U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, Recidivism of Sex Offender Released from Prison in 1994 (2003)
- Hanson and Bussiere, “Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies,” *Journal of Consulting and Clinical Psychology*, (1998)
- F.R. v. St. Charles County Sheriff’s Department, 301 S.W.3d 56 (Missouri Sup. Ct. 2010)

Assumption Two:

Most people convicted of sex offenses are pedophiles or sexual predators.

Reality:

- Not all people convicted of a sex offense offend against children. Most do not. But even amongst the group of people who sexually offend against children, there is great diversity. As one expert stated: "The sex abuser population is much more diverse and less uniformly insidious and intractable than the stereotype might suggest... Most are not pedophiles.... Moreover, about a third of offenders against juveniles are themselves juveniles... In sum, the child sex offender population is diverse. It ranges from a small group with a serious pathology and high recidivism risk to a large group, including other youth, whose offending may be situational or transitory and who pose a lower risk." (David Finkelhor)
- It is also important to consider the types of convictions that can result in a person being labeled a "sex offender." For example, Wendy Whitaker is on the sex offender registry because when she was a 17 year old high school student, she engaged in oral sex with a 15 year old fellow student. Does she fit the profile of a pedophile or a sexual predator? Or is her conduct instead that of an impulsive teenager who did not use good judgment? (Patricia Salkin)

Sources of Information:

- David Finkelhor, "The Prevention of Childhood Sexual Abuse," *The Future of Children* (Fall 2009).
- Patricia Salkin, "Residency Restrictions for Convicted Sex Offenders: A Popular Approach on Questionable Footing," *9 NY Zoning Law and Practice Report* (January/February 2008)
- Center for Community Alternatives, "Responding to Sexual Offenses: Research, Reason, and Public Safety," available at www.communityalternatives.org.

Assumption Three:

Treatment does not work.

Reality:

Earlier treatment modalities treated all people convicted of a sex offense the same. Not surprisingly, these programs were not very effective. But the rich research that has emerged over the years has led to the development of more effective treatment programs. "Researchers are beginning to identify the relevant factors associated with the risk of sexual offending, and identify what approaches work for which type of offenders." (CCA)

The following from the Division of Criminal Justice Services' website discusses some studies about the effectiveness of treatment:

- Research that looks at groups of treated and untreated sex offenders, and matches them on similar characteristics, has shown that treatment is moderately effective at reducing sexual reoffense (Thornton, 2008).
- Several studies have shown significantly lower rates of repeat sex offenses for those offenders who successfully completed treatment goals, compared to those who did not (Gallagher, Wilson, Hirschfield, Coggeshall, & MacKenzie, 1999; Hanson, Gordon, Harris, Marques, Murphy, Quinsey, & Seto, 2002; Lösel & Schmucker, 2005; Nicholaichuk, Gordon, Gu, & Wong, 2000; Looman, Abracen, & Nicholaichuk, 2000; McGrath, Cumming, & Burchard 2003).

- Treatment can help many offenders to learn to control their behavior by recognizing and changing the thoughts that rationalize sexually abusive behavior in their own minds (ATSA, “Ten Things”; ATSA, “Facts,” undated).

Sources of Information:

- Center for Community Alternatives, “Responding to Sexual Offenses: Research, Reason, and Public Safety,” available at www.communityalternatives.org.
- Division of Criminal Justice Services, Facts and Myths, available at: http://criminaljustice.state.ny.us/nsor/som_mythsandfacts.htm.

Assumption Four:

People with a prior sex offense conviction pose the most danger to our children.

Reality:

The significant majority of sex offenses are not committed by people with a prior sex offense conviction, but instead by people who have never before been convicted of a crime. Researchers examined 21 years worth of arrest data in New York and discovered that nearly all – about 95% of arrests for sexual offenses – involved first time offenders. This finding caused these researchers to question the efficacy of our current policies, which devote considerable attention to people who have a past sex offense conviction.

Source of Information:

- Sandler, Freeman, and Socia, “Does A Watched Pot Boil? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law,” *Psychology, Public Policy, and Law* (2008).

Assumption Five:

People with a prior sex offense conviction chose to reside in close proximity to places where children congregate so they can target children who are strangers to them.

Reality:

- The research clearly tells us that economic factors rather than proximity to areas where children congregate are what drive where people convicted of sex offenses live.
- Research also reveals that for the small percentage of people who re-offend sexually, proximity to schools, parks, and playgrounds played no role in the re-offense. For example, in 2003 the Minnesota Department of Corrections examined all of the re-offenses of registered sex offenders who had been deemed a risk level 3 that occurred over a two year period. Researchers could not find any “examples that residential proximity to a park or school was a contributing factor in any of the sexual re-offenses” researchers had evaluated.
- Notably, most crimes against children are committed by people known to the children and not strangers. According to a Department of Justice study, 93% of children who were sexually abused knew their abuser – who was a family member or family acquaintance.

Sources of Information:

- Duwe, G., Donnay, W., and Tewksbury, R., “Does Residential Proximity Matter: A Geographic Analysis of Sex Offenses,” *Criminal Justice and Behavior* (2008)

- Minnesota Department of Corrections (2003). "Level 3 Sex Offenders Residential Placement Issues," St. Paul Minnesota, available at: <http://www.leg.state.mn.us/docs/2003/mandated/030175.pdf>
- U.S. Department of Justice, "Sexual Assault of Young Children as Reported to Law Enforcement: Victim Incident and offender Characteristics" (2000)

Assumption Six:

When using the Internet, children face significant danger of being preyed upon by sexual predators.

Reality:

- The issue of adolescent internet use and exposure to sex or sexual predators was explored at length in a 2008 Frontline documentary, "*Growing up Online.*" In an interview, co-producer and co-director Rachel Dretzin, a mother of three children, stated as follows: "One of the biggest surprises in making this film was the discovery that the threat of online predators is misunderstood and overblown... [A]ll the kids we met, without exception, told us the same thing: They would never dream of meeting someone in person they'd met online." (This interview is available at: <http://www.pbs.org/wgbh/pages/frontline/kidsonline/etc/notebook.html>)
- The "*Growing Up Online*" producers consulted with expert, David Finkelhor, Director of the Crimes Against Children Research Center at the University of New Hampshire, who believes that, with regard to the incidents of online sexual solicitation of minors, "considerable numbers of them are undoubtedly coming from other kids, or just people acting weird online." He further stated: "We have this idea that these Internet pedophiles are targeting young children through the online hookup, that they've moved into your living room, that they're misleading kids by pretending to be other kids and getting them to give out personal information. And then these kids go to meet someone who they think is a friend, and at that point they get abducted, assaulted or even murdered. That's really not what's going on in most of these crimes. ... [M]ost kids are really handling these solicitations quite responsibly and not responding, and that they're not all that affected by them, either; that they regard them as litter on their information superhighway and just kind of blow them off." (This interview, as well as excerpts from interviews with other experts, is at: <http://www.pbs.org/wgbh/pages/frontline/kidsonline/safe/predator.html>)