Percentage of Named Offenders on the Registry at the Time of the Assault: Reports From Sexual Assault Survivors

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Abstract

Sex offender registries were designed to protect the public from convicted sex offenders and future sexual violence. This study determines the percentage of clients seen at a sexual assault agency whose attacker was on the registry at the time the attack occurred. According to case files, only 3.7% of the identified offenders could possibly have been identified as a registered sex offender at the time of the attack. While considering the limitations of this methodology, the findings highlight a significant limitation of registries and support the idea that registries cannot be relied on exclusively to prevent sexual abuse.

Keywords

sex offender registration, sex offenders

Introduction

With the intent to protect the public from sexual offenders, sex offender registries allow government authorities to make available the location of convicted sex offenders' residences. Referred to as Megan's Law, registries were made public in response to the kidnapping, rape, and murder of 7-year-old Megan Kanka by a convicted repeat sex offender. Megan's parents contend that had they known about their neighbor's history, they could have warned their daughter to stay away and she would still be alive. Although the

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Wetterling Act requires law enforcement to track (and register) the locations of convicted sex offenders, at the time of Megan's murder this legislation did not require the registry to be public. To remedy this, New Jersey enacted Megan's Law, which called for the public to be notified whenever a sex offender moves into the community. In 1996, Megan's Law was enacted as a national statute requiring all states to have notification guidelines for the reentry of sex offenders into a community. The legislative support for registration policies was crystallized further in 2006 with the Adam Walsh Act, which includes the more stringent requirements of (a) a 3-tier system to classify registered sex offenders, (b) mandated timelines for offenders to update their whereabouts, and (c) minimum lengths of time the individual will remain on the registry.

The aim of sex offender registration is to provide information that keeps residents safe through either passive or active notification. Areas that use passive notification use registries as a mechanism for private citizens, on their own accord, to search online for the addresses of sex offenders in their area. Some jurisdictions also use active notification in which the jurisdiction purposefully attempts to inform residents of a convicted sex offender in the area. Proponents of sex offender registries contend that proper implementation, theoretically, will protect the public from recidivistic sexual offenders, which Hanson and Bussière (1998) calculated to be 13.4% of all sex offenders. From a practical standpoint, however, empirical support for the registries' usefulness is far from conclusive. The current descriptive exploratory study draws on secondary data from cases seen over the course of 1 year at a sexual assault resource center in a large urban area to determine the impact sex offender registries could have had in preventing the sexual assaults of survivors using the agency.

Do Sex Offender Registries Work?

When Megan's Law was enacted, there was little, if any, empirical evidence supporting the proposed goal of the law (Levenson & D'Amora, 2007; Welchans, 2005). Now that sex offender registration and notification laws have been in place for more than 10 years, there are data available to judge the ability of the registries to prevent sexual assaults by convicted sex offenders. Duwe and Donnay (2008) compared recidivism rates among three groups in Minnesota: (a) those who were subject to broad community notification under Megan's Law, (b) those who would have been subject to notification but were convicted before the law took place, and (c) those who were not subject to notification due to their lower risk assessment. They found that broad community notification did appear to reduce sexual recidivism for those offenders subject to such notification under Megan's Law (Duwe & Donnay, 2008).

However, not all studies have been supportive of the effectiveness of registries. In one study, for example, Vásquez, Maddan, and Walker (2008) evaluated changes in the number of reported rapes after registration and notification laws were implemented in 10 states. The results of their study were mixed with no significant changes in the reported number of rapes in 6 of 10 states. However, in 3 of 10 states, a significant decrease in the

number of rapes was reported after registration and notification laws were put into place. In one of the states, the reported number of rapes significantly increased. A second contrary example was a study that evaluated the efficacy of Megan's Law in the state of New Jersey (Veysey, Zgoba, & Dalessandro, 2008; Zgoba, Witt, Dalessandro, & Veysey, 2008). While this study did report a downward trend in the number of reported sexual assaults in New Jersey since 1994 when the sex offender registration and notification laws were implemented in that state, the authors concluded this may not have been due to Megan's Law; the results could have been an artifact of aggregation from county-level data (Veysey et al., 2008; Zgoba et al., 2008). Furthermore, Zgoba and colleagues (2008) reported that Megan's Law had no effect on the time until the offender's first arrest for a sexual crime, reducing sexual reoffenses, or reducing the number of victims involved in sexual offenses. Finally, Sandler, Freeman, and Socia (2008) completed an analysis of the effectiveness of sex offender registration in New York. They found that a strong majority of offenses were committed by first-time offenders, which limits the utility of sex offender registration.

The current study approached the question of sex offender registry effectiveness from a different angle by looking at the case files of the survivors of sexual abuse or assault. The data source was suggested in previous research as a way to expand the body of knowledge on the prevention ability of sex offender registration (Freeman, 2009). Therefore, the current study builds on previous research by retrospectively determining what percentage of survivors named offenders who were on the registry at the time the attack occurred. The study draws from the cases seen over the course of 1 year in a large urban area at a sexual assault resource center, where forensic exams, counseling, and advocacy are provided to clients. It expands previous research as the cases in the current study did not have to be referred to the police for an exam to be completed, which broadens the scope of the sample to explore the following research questions:

> *Research Question 1:* What percentage of sexual assault cases had an offender listed on the sex offender registry at the time of the attack?
> *Research Question 2:* What are the characteristics of those cases where the offenders were on the registry at the time of the attack?

Method

To explore the stated research questions, secondary data analysis was conducted of files for all clients who were seen by an urban sexual assault resource center for a forensic exam, counseling, or advocacy in 2006 ($N = 1,267$). Client files were reviewed to determine the name of the alleged offender, which was then entered into the sex offender registry for the state in which the survivor resided and the two nearest neighboring states. From the registry matches, details are extrapolated concerning how many sexual assault survivors seen at this single agency named an offender who was on the registry at the time of the assault.

Sample Description

Of the cases seen for a sexual assault exam, counseling, or advocacy where the survivor's age was recorded, 68.7% ($n = 865$) of the cases were for children below the age of 18. The average age of clients below 18 was 9.3 years ($SD = 4.6$ years), whereas the average age of adult clients was 30.0 years ($SD = 11.1$ years). With regard to the gender breakdown of the sample, 89.4% of the clients seen were females. However, when examining the distribution of gender by adult and child clients, males were more likely to be a client if they were children (13.3% of clients below 18 were males compared with 4.9% of clients 18 and older; $\chi^2[1, n = 1,254] = 19.89, p < .001$).

The racial distribution of the total sample of survivors was heavily African American (66.4%), followed by White (28.0%), whereas Latinos/Latinas comprised only 2.8% of the study sample. In comparing the sample's racial distribution to the 2006 American Community Survey administered by the U.S. Bureau of the Census (2008), the county population where the agency is located had a slight majority of African Americans, whereas Whites were 42% of the population. Therefore, the study sample has an overrepresentation of African Americans and an underrepresentation of Whites as compared with the county. The percentage of Latinos/Latinas was similar to what one would expect in the study county.

Finally, 27.4% of the sample reported that the alleged offender was either a stranger or the relationship was unknown (e.g., a child is diagnosed with having a sexually transmitted infection but the offender was unknown). This indicates that a significant majority of the survivors knew the offender in some way, such as the offender being an acquaintance, friend, or family member.

Procedure

To accurately analyze the percentage of cases where the alleged offenders were on the registry at the time of the 2006 incident, only cases that had a first and last name for the offender were included in the sample that was checked against the registries ($n = 566$). Other cases, such as files with incomplete offender names, files that only included the gang name of an offender, or files including only descriptions, such as "stepfather" or "brother," without including the full name of this person, were excluded from further analysis.

To fully understand the sample and how the reduction to only those who provided full names could possibly affect the results, it is important to consider the differences in demographics (age, race, and gender) of survivors in the cases where a full first and last name of the alleged offender was provided to those cases without a full name. Using bivariate analyses, we found that male survivors were more likely than female survivors to provide the full name of the offender, $\chi^2(1, n = 1,231) = 6.26, p < .05$, and cases where survivors were children were also more likely to have the full offender's name as compared with adult survivors, $\chi^2(1, n = 1,230) = 62.15, p < .001$. An examination followed to determine if the relationship between the offender and survivor made a difference in providing the

full name, by comparing those who were listed as strangers with nonstrangers (family, friends, and acquaintances), as well as cases where the relationship was not provided in the case files. As would be expected, 60.8% of nonstrangers had their full names provided, compared with less than 5% of strangers and 6.3% of those for whom no relationship was listed, $\chi^2(2, n = 1,236) = 302.54, p < .001$. There was no statistically significant difference with full names when considering survivors' ethnicity, $\chi^2(5, n = 1,234) = 3.66, p = .60$. All of the variables included in bivariate analyses (age, race, gender, and relationship to offender) were included in a multivariate logistic regression with the dependent variable being if the offender in the case file was fully identified or not. The model as a whole was significant ($p < .001$). It was found that when all variables were included, the only demographics that remained significant were age, with child survivors being more likely to have the full names of offenders listed ($p < .001$), and relationship to the offender, with nonstrangers being significantly more likely to provide the full names of the offenders as those who listed their relationship with the offender as stranger ($p < .001$).

   The cases with full names were checked against the registry of the state in which the agency was located. In addition, the names were also checked against the registry of the two states that were geographically closest to the sample county as well. This was done using the Dru Sjodin National Sex Offender Public Website (www.nsopr.gov). If a match on the first and last name was found, the ethnicity and age of the offender listed in the case file were then checked against what was listed on the website. This was done to ensure that common surnames, along with common first names, were not confused and therefore did not provide a false positive. All of the offenders matched with this procedure were listed as residents in the study county or one of the neighboring counties, adding credibility that the name, age, and race listed in the case file are from the same person listed on the registry.

Results

Of the 566 cases where the full name of the alleged sex offender was provided, only 4.8% ($n = 27$) were found on the registry during the summer of 2008. Of the 27 that were listed on the registry, 21, or 77.8%, contained conviction dates before the 2006 alleged sexual assault, and therefore the offenders should have been on the public registry for viewing at the time of the assault. Therefore, only 21, or 3.7%, of the 566 fully identified offenders could possibly have been identified as a sex offender with a previous history of a sex crime using the registry.

   Of the 21 cases where the offender could have been identified, 85.7% ($n = 18$) had female survivors, 81.0% ($n = 17$) listed the survivors as below 18 years old ($M = 11.3$, $SD = 3.4$), and 71.45% ($n = 15$) had African American survivors. Finally, 95.2% ($n = 20$) of the survivors listed their relationship with the offender as someone who was known to them with 33.3% ($n = 7$) identifying an acquaintance, 23.8% ($n = 5$) identifying their father, and 14% ($n = 3$) identifying another family member or household member. Using case variables in a logistic regression in an attempt to predict which cases had offenders on the registry before the 2006 offense was not possible due to the small number of cases with

offenders on the registry ($n = 21$). In order not to overfit the logistic regression model, a maximum of two independent variables could have been included, which would have provided limited additional information.

As this study was conducted a minimum of 1.5 years from the last case in 2006 (December 31, 2006), it is important to note the number of offenders who were listed on the registry due to a conviction for the offense for which the survivor sought contact at the study agency. In other words, how many of the 27 offenders listed were convicted for their 2006 offense? Ten out of the 27 offenders listed on the registry (37%) included a conviction whose date corresponded to the offense reported by the survivor in this study. All of those cases involved female survivors, 33.3% ($n = 7$) of whom were below the age of 18 ($M = 12.6$, $SD = 3.5$), and 28.5% ($n = 6$) of whom listed the relationship with the offender as an acquaintance.

Discussion

By examining the case files of a sexual assault resource center that conducts sexual assault exams, counseling, and advocacy, it was found that very few of the cases (3.7%) appear as though they could have been prevented if the survivor or the guardian of the survivor had viewed the online registry and known of the offender's status before the 2006 episode of sexual abuse. The limited prevention potential may be due to the fact that only those convicted of a sexual crime are listed on the registries, which needs to factor in the low percentage of sexual violence cases that are reported to law enforcement (Rand & Catalano, 2007) and the percentage that make it through the criminal justice system to a conviction for a sexual crime (Cross, Whitcomb, & DeVos, 1995). Moreover, in a study of the arrest rates of registered sex offenders, 95.9% of those arrested for rape and 94.1% of those arrested for child molestation were first-time sex offenders (Sandler et al., 2008), which again limits the prevention potential of sex offender registries.

Of those cases that appeared as though they could have been prevented, the overwhelming majority had a relationship between the survivor and the offender, where the offender was someone known to survivor. The strong majority of these identified cases involved child survivors of sexual violence. The combination of the two findings of the known relationship between the survivors and their offenders, along with the young age of the survivors, is important. Craun and Theriot (2009) found that in a sample of residents in another urban county, participants who reported being aware of a neighborhood resident being arrested for a sex crime reported more concern about strangers sexually abusing children, as compared with someone known to the child. This appears to be in direct contradiction to what the findings from the current study demonstrate; namely, that the prevention potential of sex offender registries, although small, is focused on those with a known relationship to the potential child victim. Furthermore, even though the raw numbers of sexual abuse cases that might have been prevented was low, the logistic regression to determine what characteristics led to full disclosure of the offender's name suggests the possibility that the registry has the most protection potential for sexual violence against children. In other words, as

cases with child survivors and those who knew the offender were most likely to contain full names of the offender in this study, it is these two demographic groups that appear to have the best ability to search the sex offender registry for offenders, which could lead to successful sex abuse prevention.

It is important to note here that by determining that 3.7% of cases seen at a sexual assault resource center named alleged offenders who were already on the registry, one might believe there is an element of blame for the survivor or, if the survivor was a child, the survivor's guardian, for either not checking the registry or not heeding the registry if they were aware the offender was a registered sex offender. The goal of this research is not to place blame on the survivor for the attack when the offender was previously on the registry; culpability is always on the attacker. Rather, the purpose of learning this information it to determine if the sex offender registry could be a useful tool in the prevention of sexual violence. Even if used as intended, the prevention ability of the registry currently appears limited.

Limitations

Before an argument can be made for the lack of utility of the registry, it is important to examine the limitations of this study. To start with, the sample was only composed of those abuse survivors who went for a forensic exam or counseling or who used the agency's advocacy services. According to one report, only about 30% of females who are 12 and older receive medical treatment after a sexual assault, attempted rape, or completed rape (Rennison, 2002). Therefore, a significant portion of sexual abuse survivors are not included in this sample.

In addition, as this was a secondary analysis of case files, it was not possible to determine if the survivors or guardians had previously viewed the sex offender registry, were aware of the offender's status and continued the relationship, or if they were completely unaware of the offender's status on the registry. Moreover, the survivors did not provide confirmation that the individuals matched from the registry to the case files were indeed the same people.

Finally, juvenile sex offender registration was not publicly available in the state where the county was located or in one of the neighboring states during the summer of 2008. This signified that a considerable portion of the fully named offenders listed in the case files who were below the age of 18 ($n = 134$) could not have been seen by the survivors or their guardians. New guidelines under the Sex Offender Registration and Notification Act (SORNA) will now require that jurisdictions register juveniles who are at least 14 years of age and who have committed a sexual act where force or the threat of serious violence was used or where the victim was drugged (U.S. Department of Justice, 2008). As this study was done before the SORNA guidelines were implemented, a replication study should be conducted to determine whether having juveniles listed on the registry improves the percentage of offenders who could have been identified before their most recent attack.

Conclusion

Findings of the current study indicate limited prevention potential of online sex offender registries. Very few of the cases seen at one agency appear to have been preventable if the survivor or the guardian of the survivor had viewed the online registry and known of the offender before the 2006 episode of sexual abuse. Also, it appears that in most of the cases where the attacker was on the registry the attacker was also known to the survivor. This study confirms that more than just sex offender registries are needed to protect the public from sexual abuse. Due to the political and public popularity of sex offender registries (Anderson & Sample, 2008; Kernsmith, Craun, & Foster, 2009; Levenson, Brannon, Fortney, & Baker, 2007; Proctor, Badzinski, & Johnson, 2002), it is important that the public understand the limitations of this mechanism and consider other methods to help prevent sexual assault rather than relying on registries alone.

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Bios

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