

Registration and community notification of adults convicted of a sexual crime: Recommendations for evidence-based reform



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Introduction

Adults convicted of a sexual crime must register with the police for the sexual offender registry in the United States (U.S.), as well as several other countries around the world. Sometimes they have to register for the rest of their lives, and much of the information about them is posted on the internet for everyone to see.

These registration laws began in the U.S. in the 1930s. They were first used by the police to track adults who had committed sexual crimes, and only the police knew the names of people on the registries. Gradually, registration laws were expanded to include community notification and the registration information became available to the public. The federal government in the U.S. sets registry standards that most states, territories, and tribes follow. Other nations also have expanded their sexual offender registration laws, but very few have any form of community notification.

The Association for the Treatment of Sexual Abusers (ATSA) published a paper on the reform of sexual offender registration and community notification in September 2020. The full paper can be found at <https://www.atsa.com/policy/AdultSORN.pdf>. The following is a summary of the findings and recommendations. For a more comprehensive overview and references, readers are encouraged to review the full publication.

Facts about adults who commit sexual crimes

Most sex offenses are committed by acquaintances and family members, not by strangers.

More than 9 of 10 children, and approximately 3 of 4 victims ages 12 and older, were sexually assaulted by someone the victim knew before the sexual offense such as a family member, neighbor, or teacher (Bureau of Justice Statistics [BJS], 2000 & 2006).

Most adults who commit sexual offenses are not rearrested for another sexual offense.

Fewer than 1 in 10 adults convicted of a sexual offense were rearrested for a new sex offense after 9 years (BJS, 2019).

There are risk assessment tools that can accurately assess future risk of sexual reoffending.

Research-supported risk assessment instruments can accurately determine the risk for future sexual reoffending for an adult convicted of a sexual crime (Hanson & Morton-Bourgon, 2009). This allows the criminal justice system to use resources to monitor those most at risk.

Specialized treatment is effective for reducing future risk of sexual re-offense.

Participation in research-supported sexual-abuse-specific treatment has been shown to reduce the risk of re-offense by approximately 30% for adult males convicted of a sexual crime (Gannon et al., 2019).

The longer someone goes without reoffending, the less likely they are to reoffend in the future.

The risk for sexual re-offense significantly reduces when the person remains offense-free in the community, with the risk of sexual re-offense being cut in half after just five years, followed by continued decrease in risk potential over time (Hanson et al., 2017). Policies that address adults who have committed sexual offenses should account for this potential decrease in risk over time.

Most adults who are convicted of a sexual offense do not have a history of a previous conviction for the same crime.

95% of adults arrested for sexual offenses do not have a prior conviction for a sexual crime (Sandler et al., 2008).

The impacts of registration, community notification, and residence restrictions

Research has shown that sexual offender registries do little to deter first-time offending or reoffending on the part of those who are required to register. Adults convicted of sexual offenses present with a wide range of risk for further sexual reoffending and require an individualized rather than a one-size-fits-all approach.

While being on the registry does not reduce the likelihood of an adult convicted of a sexual crime committing a new re-offense, it does make it difficult for people on the registry to find jobs and housing. It also leads to instances of harassment and threats. Being on the registry also has a negative impact on family members who also experience harassment and threats, and often have the same feelings as the registrant, including depression and hopelessness.

Law enforcement agencies have identified the benefits of the registry for criminal investigation purposes. However, they are less sure of the benefits of community notification for the public.

There also have been numerous legal challenges regarding the registry and related laws. The courts have made findings regarding the fairness and legality of the sex offender registry, particularly when connected with

policies that limit where registrants can live, such as residence restrictions, or when new requirements are applied retroactively to those who already have certain registry responsibilities. While the result of these legal challenges varies, many of the legal challenges have been upheld by the courts.

Summary

The research to date on sexual offender registration and community notification (SORN) laws has not shown them to reduce the chance of someone committing a sexual offense for the first time or a re-offense for those who have already been convicted for a sexual crime. As a result, SORN as currently practiced in the U.S. does not achieve the intended goals of preventing sexual abuse, protecting the community, or reducing the risk of those required to register. Registration also has a negative impact on those required to register, which can actually increase rather than decrease their future risk. If the goals of SORN laws are the prevention of sexual abuse and reducing recidivism risk, legislative reform is needed.

ATSA recommends:

- **Do not use one-size-fits-all approaches** for the registration and notification of adults convicted of sexual crimes;
- **Individualize registration and notification requirements** based on the use of validated risk assessment instruments;
- **Develop avenues and criteria to allow adults convicted of sexual offenses to no longer have to register** based on the research related to future risk for sexual offending and how that risk potentially decreases over time;
- **Provide community notification only** on the highest risk registrants;
- **Do not use other restrictions on adults who register such as limiting where they can live;**
- **Use registration as part of a larger system** for adults convicted of sexual crimes that includes treatment;
- **Help law enforcement agencies obtain the necessary information they need on registrants for criminal investigations,** including making sure the information is accurate and registrants are tracked as they move from one city to another; and
- **Strengthen partnerships** between law enforcement agencies and professionals working with adults convicted of sexual crimes, including treatment providers.