Sex Offender Laws
Failed Policies, New Directions

Richard G. Wright, PhD
About the Editor

Richard G. Wright, PhD, is a nationally known expert on the issue of sex offender laws. He has been a practitioner, researcher, scholar, public speaker, and teacher on issues of sexual offending, federal crime control, racial inequality, and domestic violence for 20 years. After many years of community organizing, policy advocacy, and program development and implementation, he received his PhD in public policy from the University of Massachusetts Boston in 2004.

He has been published in peer-reviewed journals, including *Criminology & Public Policy*, and in legal journals on federal sex offender laws such as the Walsh Act, the 2003 Protect Act, and the 1994 enactment of the Wetterling Act.

He has been interviewed and cited by numerous media outlets, including *USA Today*, *Newsweek*, the *Boston Globe*, and National Public Radio. His intellectual and scholarly agenda includes examining the growth of preventive detention, the balance between civil liberties and the War on Terror, sexual assault, and moral agency.

His scholarly output is mediated by his enthusiastic pursuit in developing new and future scholars. Several of his students have been awarded prestigious research awards. Through his mentoring, his students have conducted studies on international dimensions of sexual assault, and the relationship between gender bias, sentencing, and filicide (i.e., the act of killing one’s son or daughter), presenting their work at international conferences. His vision includes a critical assessment of the role of government in crime control and reaffirming the power of young people, the individual, and the community in promoting an accountable, just, fair, and progressive democracy.
To my wife, Becky—There are no words that will ever convey how much I love you and appreciate you. Thank you for your many, many sacrifices. You have given me more than I ever could have conceived of. Thank you.

To my daughter, Sage—I am privileged to be your daddy. I know you have and will change the world forever. I love you.

To the Wetterling family, and in particular, Patty—Because you choose to seek wisdom and knowledge when faced with tragedy and loss, you are a source of affirmation about the goodness and power of humanity. I am sorry about Jacob. I am humbled by your strength and faith in the world. Nothing will replace your loss. I hope this book reminds you that we still care.
## Contents

Contributors ................................................................. viii  
Foreword ................................................................. ix

### Part I - Overview

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction: The Failure of Sex Offender Policies</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><em>Richard G. Wright</em></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The Problem of Sexual Assault</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td><em>Francis M. Williams</em></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>A Brief History of Major Sex Offender Laws</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td><em>Karen J. Terry &amp; Alissa R. Ackerman</em></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The Politics of Sex Offender Policies: An Interview with Patricia Wetterling</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td><em>Patricia Wetterling &amp; Richard G. Wright</em></td>
<td></td>
</tr>
</tbody>
</table>

### Part II - Sex Offender Policies

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Internet Sex Stings</td>
<td>115</td>
</tr>
<tr>
<td></td>
<td><em>Richard G. Wright</em></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Sex Offenders, Mandatory HIV Testing, and Intentional Transmission</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td><em>Cheryl Radeloff &amp; Erica Carnes</em></td>
<td></td>
</tr>
</tbody>
</table>
Chapter 7  Sex Offender Registration and Community Notification  211
  Lisa L. Sample & Mary K. Evans

Chapter 8  GPS Monitoring of Sex Offenders  243
  Michelle L. Meloy & Shareda Coleman

Chapter 9  Sex Offender Residence Restrictions  267
  Jill Levenson

Chapter 10  Chemical and Surgical Castration  291
  Charles Scott, MD, & Elena del Busto, MD

Chapter 11  The Civil Commitment of Sexual Predators: A Policy Review  339
  Andrew J. Harris

Chapter 12  The Death Penalty  373
  Corey Rayburn Yung

Part III - Policy Alternatives

Chapter 13  Leaders in Sex Offender Research and Policy  397
  Alissa R. Ackerman & Karen J. Terry

Chapter 14  The Containment Approach to Managing Sex Offenders  427
  Kim English

Chapter 15  Sexual Violence and Restorative Justice  449
  Jo-Ann Della Giustina

Chapter 16  The Impact of Sex Offender Policies on Victims  471
  Rachel Kate Bandy

Index  509
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The United States has since the 1970s experienced an anti-crime hysteria of unprecedented duration and intensity. It has precipitated adoption of crime-control policies that are conspicuously ill-informed and treat the worst possible incidents as if they are the run-of-the-mill norm. These social pathologies do little to help victims and do much unnecessary damage to offenders. They are most acute concerning sex offenders and sexual offenses.

Few reasonable people disagree that serious and repeat sexual offending are important problems that require adoption, funding, and implementation of effective public policies for responding to serious offenses and for preventing future ones. The difficulty in recent times has been that most such policies, whether concerning registration, notification, or punishment, have been ham-fisted, overbroad, and based on frightening and inaccurate stereotypes. They are polar instances of “expressive” policies meant primarily to stigmatize offenders and reassure a poorly informed but frightened and vindictive public.

To be effective and just, sex offender policies should be sensitive, narrowly tailored, and based on reliable evidence. Sound policies are required for dealing with predatory strangers, but comparatively few sex offenders are strangers to their victims. Sound policies are required for dealing with sexual offenders who cause serious physical injuries to their victims, but comparatively few victims of sexual offenses are seriously physically injured. Meaningful preventive measures and behavioral controls are required for sex offenders who pose substantial risks of serious reoffending, but comparatively few sex offenders pose such risks. Convicted sex offenders as a class are less likely overall to be convicted of new offenses than are most classes of offenders. Reconviction rates of sexual offenders for subsequent sexual offenses
are typically in the single digits or low teens (compared with 50–60 percent for any offender for any offense).

In most places in the world today, and in the United States at most times in its history, serious offenses have been seen as raising complicated issues requiring sensitive responses that take account of the needs and interests of victims, the larger society, and offenders. In recent American decades the need for sensitive, balanced, effective policies and practices has been obscured behind mists of emotion, oversimplification, political posturing, and punitiveness. The results in some places include requirements of registration and public notification of all convicted sex offenders no matter how unlikely they are to reoffend or how minor their offending: an infrequent but still too frequent example is the 16- or 17-year-old boy convicted of statutory rape for consensual sexual relations with their 15-year-old girlfriend. Registration and notification laws can stigmatize him for years and ruin his life. In California, the legislature’s refusal to differentiate serious and repeat offending from lesser acts makes tens of thousands of people vulnerable each year to preventive confinement as a sexual predator. In some states, laws forbidding sex offenders to live within specified distances of schools and other places where children congregate have effectively placed entire neighborhoods and sometimes entire towns off-limits.

The social pathology leading to adoption of overbroad and intemperate policies for dealing with sex offenses and offenders is well-known. Edwin Sutherland, one of the founding fathers of American criminology, described it in 1950 in his famous article “The Diffusion of Sexual Psychopath Laws” in the American Journal of Sociology. One or more notorious sexual crimes, often against child victims, receive enormous media attention, which precipitates law reform proposals based more on indignation and emotion than on evidence and experience, which are quickly enacted under the influence of the political pressures of the day. California’s sexual psychopath law was enacted in response to a horrible crime, as were California’s three-strikes law and the Megan’s Laws in every state.

Sutherland, and historian Philip Jenkins in Moral Panic: Changing Concepts of the Child Molester in Modern America (Yale 1998), however, described recurring cycles of political and media attention to sex crimes. The emotional outbursts
that produce over-broad, poorly-considered laws are in due course followed by a decline in political and media attention to the subject and a gradual decline in application of the laws, which come to be seen by most judges and prosecutors as unwise and immoderate, and to be applied if at all only to serious and repeat offenders. And then, in due course, horrible new crimes attract media and political attention and the pattern repeats.

That cycle has been unusually protracted in our time but there are signs that the fever finally is abating in relation to crime generally and to sexual crime in particular. For crimes generally, law-and-order has by and large disappeared from election campaigns, California prosecutors have stopped invoking the three-strikes law except for really serious crimes and criminals, some states have started weakening their mandatory minimum sentence laws, and the US Supreme Court gutted the fearsome mandatory federal sentencing guidelines by making them advisory.

Most of the overreaching sex offender laws enacted in recent decades remain on the books but if Sutherland and Jenkins are right (as they are), a window of opportunity may be opening for reconsideration of the dumbest and cruelest sex offender laws of recent decades and for the development of evidence-based policies that distinguish among offenders in terms of the nature of their offenses, the risks they pose, the treatments they need, and the punishments they deserve.

Whether policy-makers pay attention to scientific evidence largely turns on whether windows of opportunity exist through which evidence can pass and be noted. There is a good chance that windows are opening in relation to crime generally and to sex offenders and sexual offenses in particular. If they do, this fine book by Richard Wright and his distinguished collaborators provides the evidence that wise policy-makers would want to consider. It covers every major field of research concerning sex offenders and sexual offenses and provides evidence of bad practices and policies in many places (and shows why they are bad) and of good ones in a few. Intellectually honest politicians should read this book.

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No volume this exhaustive, dealing with such emotionally charged subject matter, would be possible without a stellar cast of contributors, supporters, and colleagues. My deepest gratitude goes to Jennifer Perillo, my publisher at Springer. Thank you for your vision, your faith in my approach, your patience, and your overall tremendous positive nature. I wish all authors and editors would have the great fortune of working with you. Without your vision and initiative, this important work would not have happened.

This volume includes a plethora of gifted and brilliant scholars. They are both my colleagues and intellectuals I look up to. I am very appreciative of their commitment to the issue of sexual violence prevention and their willingness to take on this project. A heartfelt thank you to Karen Terry, Alissa Ackerman, Lisa Sample, Mary Evans, Jill Levenson, Rachel Bandy, Francis Williams, Michelle Meloy, Shareda Coleman, Charles Scott, Elena del Busto, Corey Rayburn Yung, Jo-Ann Della Giustina, Kim English, Andrew Harris, Cheryl Radeloff, Erica Carnes, and Patricia Wetterling. It is my sincere hope that we will continue our intellectual and scholarly paths to ending sexual violence.

I am very grateful to the support of Bridgewater State College. The support provided by the Center for the Advancement of Research and Teaching (CART), the Adrian Tinsley Program (ATP), the Office of Academic Affairs, and particularly former Vice President Ron Pitt, and the college as a whole, has been a vital part of this endeavor. A special appreciation goes to the Criminal Justice Department and most notably, Moira O’Brien, Meghan Chase, and Michelle Cubellis. As undergraduate students who assisted with this research, both Ms. Chase and Ms. Cubellis represent the best of our program. I was privileged to be your mentor, and I look
forward to seeing how you change the world. Maybe I’ll get to work on your book in a few years.

No editor is worth his salt without another critical pair of eyes. I am very appreciative to Barry Phillips for his help in editing my chapters. Thanks also to Nancy Ryan for her personal encouragement. Thanks are due to Carol Rose, John Reinstein, Norma Shapiro, Ann Lambert, and the Massachusetts Chapter of the American Civil Liberties Union. In this era of American history, the importance and role of the ACLU cannot be understated. A past-due thank to you Carole Upshur, who guided me through the process of becoming a scholar.

I am very appreciative of the assistance of Todd Shuster of the Zachary Shuster Harmsworth Literary Agency in making this work appear in print. Of course, no work such as this is possible without the lifetime guidance and support of one’s parents. To my mother, Gertrude Wright, I offer a perpetual, humble, thank you.

Finally, it is my deepest hope to all of those who have been victims of sexual violence: This book was intended to validate your pain and loss and to call for logic, reason, patience, justice, and persistence to guide the government’s response. Government’s foremost responsibility is to keep people safe. We hope this book will aid in that pursuit.
Overview
The right to control one’s body is one of the most fundamental, meaningful, and important human rights. How to respond when that right is violated by force, coercion, or threats is one of the most critical decisions that a government must make. In the United States, the sexual violation of children, adolescents, or adults is an all-too-common experience. Millions of women, children, and men have been sexually violated at some point in time. Yet, American policy responses to prevent or address sexual offending, particularly those enacted within the last twenty years, have largely failed. They have not done any of the following:

- reduced sex offenders’ recidivism rates;
- provided safety, healing, or support for victims;
reflected the scientific research on sexual victimization, offending, and risk; or
provided successful strategies for prevention.

The central thesis of this work is that these policies have failed by choice. Policymakers choose to focus on the most heinous sex offenders while ignoring the most common sexual threats that people face. Policymakers are disproportionately influenced by isolated, high-profile cases of sexual assault committed by strangers, to the neglect of the everyday sexual violence committed by known and familiar family, friends, and acquaintances. This choice gives lawmakers simple and clear political benefits but overall has made the public less safe.

Misguided Policies

As is documented throughout this book, policymakers have chosen to allow sex offender laws to be driven by the demonization of offenders, devastating grief experienced by a subset of victims, exaggerated claims by law enforcement, and media depictions of the most extreme and heinous sexual assaults. As a result of this choice, a tremendously expensive criminal justice apparatus has been created, victims have been deprived of resources that could aid their recovery, and efforts to treat and manage offenders have been undermined.

A dominant factor in the passage of these inefficacious sex offender laws is the impact of the tragic, high-profile, stranger-predator sexual assault. Thirty years’ worth of research has shown that sexual victimization occurs primarily in the context of a preexisting relationship. This research, described thoroughly in chapter 2, shows that the greatest risk of sexual violation comes from one’s partner, mother, father, sister, brother, family member, or family friend. As horrific as stranger-predator assaults are, they are far less common than violence committed by an intimate assailant. To the detriment of society, stranger-predator assaults are the guiding force behind today’s ineffective sex offender laws.

As discussed throughout this text, although the details vary, a common script can be found in the enactment of these laws. Typically, the process begins with an
influential criminal case involving the horrific abduction of a child or woman by a previously convicted sex offender, who then rapes, brutalizes, and murders the victim. Local and national media—particularly television—sensationalize the case and demonize the alleged offender. Once the identity of the perpetrator is known and proven, law enforcement officials, prosecutors, and legislators state definitively that new and amended laws would have prevented the murder from occurring. Authoritative claims are made that with legislative action, no child will be harmed in the future and offenders will be severely punished and prevented from further offenses. Grieving parents and survivors are asked to support the legislation, and many channel their trauma into the cause. New and amended sex offender laws are introduced with minimal debate, and no effective opposition is voiced, with those who do promote moderation dismissed as being soft on pedophiles. Federal and state laws are then enacted, memorialized by the name of the victim of the originating tragedy.

Cases such as the sexualized murders and abductions of Jessica Lunsford, Sarah Lunde, Polly Klaas, Megan Kanka, Alexandra Zapp, and Jetseta Gage involved all or portions of this pattern. There can be no doubt that these stranger-predator sexual attacks are horrific, tragic, and devastating. Yet in the face of such pain, the government has a responsibility to enact the laws that have the greatest chance of success. Unlike our current approach, these laws must balance grief with evidence, pain with fairness, anger with reason, and the desire for vengeance with a plan for prevention.

The Need for Effective Leadership

The government plays a critical role in defining, detecting, and punishing sexual deviance. Legislative efforts at controlling sexual behavior, scholars have noted, are strongly correlated with the mores, ethics, politics, and social conventions of each era (D’Emilio & Freedman, 1998; Jenkins, 2001). Although laws aimed at sex offenders can be traced back to the origin of the nation, the modern effort at identification of those deemed sexually dangerous began in earnest in the 1930s and ‘40s (Leib, 2003; Meloy, Saleh, & Wolff, 2007).
Some scholars have argued that there have been three waves of sex offender laws (Lieb, Quinsey, & Berliner, 1998). The current era of these laws began in 1994, when the Violent Crime Control and Law Enforcement Act included the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Windlesham, 1998). This was the first federal law upon which sex offender registration and notification programs were established. The Wetterling Act was amended a number of times to include mandatory community notification provisions, a national database of registered sex offenders, and a requirement that appropriate college students register (Wright, 2004).

The Wetterling Act was superseded in 2006 by the Adam Walsh Child Protection and Safety Act, Public Law 109-248. Although the scholarly literature on the Walsh Act is scant due its newness, some authors have argued that it is a tremendously harmful expansion of federal power (Chaffin, 2008; Young, 2008; Wright, 2008). Among the numerous points within the Walsh Act are these:

- a federal requirement that states register juveniles over the age of 14 adjudicated for a sex offense;
- a conviction-based scheme distinguishing low, medium, and high-risk offenders;
- an expansion of mandatory sentences for federal sex offenders;
- an increasing role for the federal government, specifically the U.S. Marshals, in locating unregistered sex offenders (109th Congress, 2006).

According to Levinson and D’Amaro, the most common sex offender policies in use include registration, community notification, civil commitment, residence restrictions, and electronic surveillance (Levenson & D’Amaro, 2007). Meloy et al. (2007) concur with the assessment that civil commitment, registration, and notification have become common legislative responses. Yet states have gone well beyond that package of tools. States have also enacted laws requiring mandatory HIV testing of (in some cases, alleged) sex offenders; laws permitting chemical and surgical castration; and, as of July 2008, unconstitutional laws authorizing the execution of sex offenders. The scope of sex offender legislation has also reached through the Internet. As discussed in Chapter
Five, the federal government’s creation of an “enticement” charge allows for proactive undercover policing to prevent sex offenders from recruiting children online. Additionally, the government has begun to use preventive detention to arrest alleged offenders before they commit a crime. With all these laws dedicated exclusively to sex offenders, this book seeks to answer one question: Are they effective?

Choosing Sensationalism Over Substance

Legislators often accept inaccurate depictions of the causes and motivations of sex offenders. In their examination of Illinois legislators’ views of sex offender laws, Sample and Kadleck (2008) reported that much of legislators’ understanding of sex offenders comes from mainstream media depictions, particularly those reported in the news. Their findings are consistent with Wright’s interviews with Massachusetts policymakers on their sex offender laws (Wright, 2004). Levenson and D’Amaro (2007) also noted the critical role that media play in the construction, framing, and understanding of sexual offending, as did Wright’s chapter on Internet sex stings.

In his commentary on juvenile sex offender laws, Chaffin (2008) argued that policymakers routinely choose to ignore empirical evidence in pursuit of punitive, simplistic policies designed to win political points. Chaffin argued that the enactment of the Walsh Act’s requirement that states subject juveniles over the age of 14 to the same registration and notification mandates as adults is directly contradictory to the research findings, which point to improvements in treatments and recidivism of juvenile sex offenders. Chaffin argued that policymakers’ motivations may include satisfying a public desire for revenge, or simply using these punishments as a general deterrent. He concluded his analysis with the belief that these policies have ostracized children and made their rehabilitation and recovery much more difficult.

Even with the enormous disconnect between public policy and sexual assault research, many of those who must implement these sex offender laws are trying to make them work. Meloy and colleagues (2007) noted that since this era of sex offender laws, states have varied significantly in their approaches. In their examination of eight states, Meloy et al.
reported that Vermont, Washington, Colorado, and Texas have distinguished themselves in numerous ways. Most importantly, several of these states rely on risk-assessment analysis in delineating sex offenders’ dangerousness, and they integrate clinical and empirical research continually in the policy process. Terry and Ackerman’s examination of Colorado, Minnesota, and Washington State in chapter 13 provides a discussion of how some states have used this era of big-government sex offender laws to incorporate critically and thoughtfully the issues of dangerousness, recidivism, and treatment.

**Narrative and Structure of This Volume**

This book is divided into three sections. Part 1 provides an overview of sexual assault’s prevalence, incidence, and patterns; and empirical findings of the last twenty years of research on sexual assault. Specifically in chapter 1, Wright discusses the tragic and powerful impacts of sexual assault, the critical need for effective government response, and the major flaws with contemporary sex offender policies. Wright identifies several common factors influencing the passage of sex offender laws. These include an overreliance on less common, high-profile, stranger-initiated sexual assaults and murders; quick legislative action; and exaggerated claims from law enforcement about the preventive aspects of future legislation. Additionally, Wright discusses how the unmitigated pain and grief of survivors affect the policy-making process and policymakers’ selective use of often-inaccurate statistics to enact and justify stranger-based sexual assault laws.

In chapter 2, Williams summarizes what researchers know about sexual assault and victimization. He looks at the national data provided by the Uniform Crime Reports, the National Crime Victimization Survey, and the National Violence Against Women Survey. Through Williams’s analysis of sexual assault data and seminal studies, one of the fundamental flaws of sex offender legislation becomes apparent. His review, consistent with numerous other studies, finds that most sexual assaults are committed by someone who had a pre-existing relationship with the victim. In essence, most sexual assaults occur within a context of a
relationship. The stranger-based sexual assault is a tragic, devastating, but low-frequency event. The data show that husbands, boyfriends, uncles, aunts, mothers, family friends, and dating partners represent a greater threat of sexual violence than do the stranger-predator for whom legislation is developed.

Williams also summarizes recent research on the efficacy of treatment and on specific issues associated with sexual offenses committed by juveniles and female offenders. In doing so, he provides an overview of a central issue in the sex offender debate: the question of differences among sex offenders. Critics of sex offender laws often argue that the laws are overly broad and make poor, if any, distinctions amongst sex offenders, thus overinflating the dangerousness of most (Lieb, Quinsey, & Berliner, 1998; Meloy et al., 2007; Levenson & D’Amaro, 2007; Wright, 2008; Chaffin, 2008).

In chapter 3, Terry and Ackerman analyze the evolution of major sex offender laws. They provide the historical context with an examination of early sexual psychopath laws and continue their analysis up to the 2006 passage of the Walsh Act. With their review of the voluminous literature, they provide a comprehensive understanding of the general lack of empirical support for these policies. As Welchans noted in her 2005 article on evaluations of twelve state sex offender registries, there is a disconnect between public perception and empirical efficacy. She noted that although the general public approves of the laws, there is little to no evidence of their impact in reducing recidivism. Terry and Ackerman expand on Welchans’s assessments.

As with the formation of all criminal justice policies, there is an appropriate and important place for the stories, words, and experiences of victims. A common criticism of sex offender laws, however, is that policymakers have allowed a subset of victims and their tragic, heartbreaking cases to define national policy (Wright, 2004; Zgoba, 2004; Sample & Kadleck, 2008). Effective policy should balance the stories and pain of the victims with empirical evidence and evaluated best practices.

One of the most important voices in the recent sex offender debate has been Patricia (Patty) Wetterling, who, with her husband Jerry, went through the tragic and devastating experience of having their 11-year-old son, Jacob, abducted near their home in Minnesota in 1989. With their son still
missing, Patty Wetterling has spent the last twenty years of her life working to end sexual violence. Chapter 4 represents Patty Wetterling in her own words. In a question-and-answer interview with this volume’s editor, Ms. Wetterling discusses why these laws are enacted despite their focus on the lower-frequency stranger assault, the interface between distraught victims and policymakers, her and her family’s experiences during the trauma and recovery from Jacob’s disappearance, and her current work in sexual assault prevention.

Part 2 of this volume presents the evidence—the controversial, legal, and policy issues associated with specific sex offender laws. This section expands the current literature in several areas. Wright’s exploratory examination of Internet sex stings in chapter 5 presents a thorough assessment of a new and complex investigative and policy tool. As he discusses, the federal government and the states created a crime known as “enticement” to allow police agencies to prevent sex offenders from using the Internet to meet and potentially assault children. Because of this legislation, law enforcement officials have utilized their undercover expertise to identify and arrest would-be sex offenders. This approach, Wright notes, is fraught with ethical problems. He argues that this strategy, well-meaning though it is, represents a form of preventive detention and net widening justified by the heinous actions of a few.

In chapter 6, Radeloff and Carnes examine an often-ignored set of sex offender laws: mandatory HIV testing and intentional transmission of HIV. With 46 of 50 states passing statutes that require those accused (or convicted) of sex crimes to undergo an HIV test, it is clear that this is a commonly used sex offender policy. Radeloff and Carnes’s examination is, to the editor’s knowledge, one of the first to appear in the criminological and sociological literature. They frame this issue with a review of other policy efforts at mandatory HIV testing, with an analytic look at the experiences of pregnant women and sex workers. Radeloff and Carnes raise the numerous privacy concerns of mandatory HIV testing. Turning their attention to sex offenders, they examine the issues of victim notification, due process, and the conflict between solid public health practices and the criminal justice approach. Through Radeloff and Carnes’s chapter, it is apparent that this widespread policy deserves further empirical and analytic evaluation.
As previously mentioned, federal sex offender laws were expanded with the 2006 passage of the Walsh Act. Sample and Evans’s chapter 7 takes a detailed look at one major provision of the new law: the Sex Offender Registration & Notification Act (SORNA). They include a discussion on the final SORNA guidelines published by Attorney General Michael Mukasey in July 2008. Sample and Evans also discuss the numerous studies on the limited and sometimes negative impact of sex offender registration and notification.

A relatively recent trend in state-level policy initiatives has been the passage of laws requiring offenders to be electronically monitored upon their probationary or parole release. In chapter 8, Meloy and Coleman review the findings about the impact of electronic monitoring, also known as GPS (Global Positioning Satellite) monitoring. They report that there are still significant issues with GPS monitoring, including public misperception, exaggerated promises from law enforcement, probation and parole, lag time, and overutilization. They conclude that, within the appropriate probation and parole settings, GPS monitoring can be an effective tool in sex offender management.

Perhaps the most popular and empirically ineffective sex offender policy is that of residence restrictions. These laws, which have been enacted at the city, county and state level, restrict where sex offenders may live. Although they vary in their specific range, these statues generally limit offenders to living outside 1,000 feet from a school, park, public pool, or other place children may congregate. In chapter 9, Levenson provides a candid discussion of residence restrictions, their efficacy, and their unintended consequences. Examining numerous local, county, and state efforts, Levenson provides the reader with a well-documented conclusion that despite their growing popularity, these laws are divisive and counterproductive. Levenson also examines the impact of these laws on offenders’ ability to reintegrate and on their attempts at living an offense-free life.

As noted earlier, reliable evidence exists that another controversial set of sex offender laws may be appropriate for select offenders but is overutilized in its current form. In chapter 10, Scott and del Busto discuss state laws on chemical and surgical castration. The authors review the historical role of castration in sexual assault prevention, the biological basis for the laws, the biochemical impact on offenders, and the
associated legal issues. Similar to the issues raised in Radel-off and Carnes's chapter on mandatory HIV testing, Scott and del Busto discuss the conflicts that exist between the medical community's views on the role of castration and the demands of public safety policies. Their assessment concludes that in select conditions, with a defined subgroup of offenders, castration may be an effective management strategy.

In chapter 11, Harris provides a comprehensive analysis of civil commitment legislation. Initiated in 1990 in Washington State, these laws provide for the perpetual detention of sex offenders after their criminal sentence has been completed. With the 1997 Supreme Court ruling in Kansas v. Hendricks upholding the constitutionality of these laws, numerous states enacted statutes focusing on the most dangerous sex offenders. As Harris notes, these states have varying criteria to determine what constitutes a “sexually violent predator” eligible for civil commitment. Harris also examines the conflict between the treatment goals of the psychiatric community and the detention demands of the criminal justice apparatus. Harris concludes his analysis with a discussion of the costs of civil commitment and the long-term viability of the policy.

In the final chapter of Part 2, Rayburn Yung discusses the timely and recent issue of the execution of sex offenders. As of 2008, six states had expanded their capital punishment statues to allow for the execution of those convicted of child rape. This policy trend was an apparent direct challenge to the Supreme Court’s 1977 ruling in Coker v. Georgia that such laws were an unconstitutionally disproportionate punishment. Rayburn Yung discusses the Supreme Court's 2008 ruling in Kennedy v. Louisiana, upholding its previous decision, that these existing state statutes are unconstitutional. Rayburn Yung also discusses why many victims and victim advocates oppose expanding the death penalty to include sex offenders.

Having documented the generally poor efficacy of sex offender laws, the book examines policy alternatives in its final section. Specifically, it examines state leaders in sexual offense management, the viability of the containment model, preliminary assessments of if and how restorative justice may fit in sex offender management, and the still-unmet needs of sexual assault victims.
Terry and Ackerman return in chapter 13 to examine a handful of visionary states and programs. The authors demonstrate that Washington State, Minnesota, and Colorado turned the demands of the federal mandate into a push for empirically driven laws balanced with victim input. Since some of their efforts predated the 1994 Wetterling Act, these states have also demonstrated leadership and vision in sexual assault prevention, offending, and treatment.

The authors do not limit their discussions to state efforts. They examine the Center for Sex Offender Management, an initiative of the federal government. This training and technical assistance center utilizes research and evaluation in helping communities implement thoughtful sex offender management programs. Additionally, Terry and Ackerman profile Stop It Now!, a sexual abuse prevention program based in a public health framework. Summarizing the evaluative literature on this approach, they demonstrate that in the face of punitive, overreaching laws, some communities are implementing and evaluating risk-based clinically and legally sound alternatives.

In chapter 14, English discusses the containment model, a policy approach in use in select communities. This approach focuses on victim safety, interagency collaboration, and risk assessment. English provides the reader with evaluative evidence that the containment model does reduce offender recidivism.

Given the numerous problems with today’s legislative onslaught, Della Giustina examines if, why, and how restorative justice can be used in addressing sexual violence. Chapter 15’s examination of restorative justice and sex offending begins with an overview of the restorative justice model and its approach. The author provides insight into how reintegrative shaming may impact victims’ recovery and enhance offender accountability. Given the numerous practical and ethical limits in using restorative justice in sexual offending, Della Giustina provides an interesting template for practitioners and researchers to develop and assess.

As noted earlier in discussion of chapter 4’s interview with Patty Wetterling, the voices of sexual assault victims and their families are critically important in policy planning and implementation. Effective policy making includes victims and their advocates and seeks to balance their hurt and needs
with constitutional limits, empirical evidence, budgetary constraints, and the input of law enforcement and the criminal justice community. In the concluding chapter, 16, Bandy provides an illuminative discussion of the unmet needs of sexual assault victims. Through interviews with advocates, victims, and victim service agencies, Bandy documents that many of those directly affected by sex offender laws do not find the laws particularly helpful. Bandy provides evidence that victims and victim advocates find sex offender laws a distraction from the dominant issues of intimate-partner and familial sexual assault. Bandy’s chapter reminds the reader of the needs sexual assault victims still have and the critical importance of evidence-based policy.

It is the authors’ hope that this volume of essays will help improve the United States’ ability to prevent and respond to sexual assault. Given how tragic rape and molestation are, it is critical that government efforts become more effective. We believe that by incorporating the empirical evidence and the voices of all victims, and balancing those with constitutional protections, budgetary constraints, and a long-term holistic approach, sexual violence can be reduced and prevented. The U.S. government has a responsibility to make victims, their families, and their allies safer.

References


Introduction: The Failure of Sex Offender Policies


