

Issues of Police Entrapment

Moore, Lee and Hunt (2007) provided a legal perspective on the entrapment defense in online police stings. The authors concluded that the success of this defense depends on whether there is evidence the police officer tried to convince the suspect to engage in a particular behavior, how long the interaction lasted, and whether the suspect showed evidence of reluctance to engage in the criminal acts.

Fulda (2007) suggested that proactive online investigations amount to preventative detention of individuals, some of whom may commit sexual offenses in the future, with many false positives and many false negatives as well.

In contrast, Mitchell et al. 2005 found that 13% had committed contact sexual offenses with real minors.

- 41% possessed child pornography
- Offenders often came to their contact-meeting with sex-related items. So it appeared they intended to meet a minor for sexual purposes.

These police stings lead to 90% conviction rates (Motivans and Kyckelhahn, 2007; Wolak, Finkelhor, & Mitchell, 2008). But the concern is these are “low-hanging fruit” involving novice contact offenders. Experienced predators are not likely to be captured in these sting operations.

Restricted Internet: Appropriate filtering and accountability technology should be applied his computer, tablet, and cell phone in order to prevent him from accessing Internet chat rooms or pornography online. The Internet Probation and Parole Control (IPPC) is sophisticated software used by the judicial system in various states to monitor an individual’s Internet use. If this high level of monitoring is not available, then his Internet use should be closely monitored by other means or disallowed completely. Regarding his cellphone, he should not have Internet connectivity without high level monitoring capability installed on the device.

Literature Regarding Registration and Community Living Restrictions

Who are the people in your neighborhood? A descriptive analysis of individuals on public sex offender registries.

Ackerman, Alissa R., Harris, Andrew J., Levenson, Jill S., Zgoba, Kristen
International Journal of Law and Psychiatry, Vol 34(3), May-Jun, 2011. pp. 149-159.

Abstract:

Despite growing focus on registration and notification systems as central elements of national sex offender management practice, there has been remarkably little systematic analysis of the content of these registries and the diversity of individuals contained within them. Specifically, little research attention has been paid to examining the heterogeneity of the population of registered sex offenders—a circumstance that may obscure important distinctions within the population and, in turn, may undermine the ostensible purpose of SORN to prevent sexual victimization. Addressing this significant gap in our current knowledge, this article sets forth a national profile of the registered sex offender (RSO) population, drawn from an analysis of data on 445,127 RSOs obtained from the public registries of 49 states, Washington, DC, Puerto Rico and Guam. In contrast with the homogenized perception about registered sex offenders that permeates much public discourse, the analysis illuminates the wide diversity of registrants across a range of demographic, offense-related, registry status, and risk-oriented variables. Policy and practice implications concerning risk, prevention, and the public safety utility of sex offender registries are discussed.

Desistance and attitudes towards sex offenders: Facilitation or hindrance?

Willis, Gwenda M., Levenson, Jill S., Ward, Tony
Journal of Family Violence, Vol 25(6), Aug, 2010. pp. 545-556.

Abstract:

In an ideal world, there would be a seamless relationship between interventions that focus on risk factors causally associated with sexual reoffending and the subsequent release of, and ongoing support for, offenders into the community. However, emotionally fueled and uninformed public responses to news of released sex offenders, and the legislation such responses have inspired, severely hinder this process. Our aims in this paper are to review findings of research on community attitudes about sex offenders within a desistance framework. More specifically, we provide a synthesis of the current research literature on attitudes towards sex offenders. Second, we consider in more detail those studies that include community member samples. Third, we review interventions aimed at promoting attitude change amongst professionals working with sex offenders and finally formulate some recommendations for promoting positive attitude change amongst the general public.

Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism.

Zandbergen, Paul A., Levenson, Jill S., Hart, Timothy C. *Criminal Justice and Behavior*, Vol 37(5), May, 2010. Special issue: Sex offenses and offenders: Toward evidence-based public policy. pp. 482-502.

Abstract:

Residential restrictions for sex offenders have become increasingly popular, despite the lack of empirical data suggesting that offenders' proximity to schools or daycares contributes to recidivism. Using a matched sample of recidivists and nonrecidivists from Florida ($n = 330$) for the period from 2004 through 2006, the authors investigated whether sex offenders who lived closer to schools or daycares were more likely to reoffend sexually against children than those who lived farther away. No significant differences were found between the distances that recidivists and nonrecidivists lived from schools and daycares. There was no significant relationship between reoffending and proximity to schools or daycares. The results indicate that proximity to schools and daycares, with other risk factors being comparable, does not appear to contribute to sexual recidivism. These data do not support the widespread enactment of residential restrictions for sexual offenders.

Widening the net: The effects of transitioning to the Adam Walsh Act's federally mandated sex offender classification system.

Harris, Andrew J., Lobanov-Rostovsky, Christopher, Levenson, Jill S. *Criminal Justice and Behavior*, Vol 37(5), May, 2010. Special issue: Sex offenses and offenders: Toward evidence-based public policy. pp. 503-519.

Abstract:

With the 2006 passage of the Adam Walsh Child Protection and Safety Act (AWA), the U.S. Congress set forth a range of minimum standards governing the operation of sex offender registration and notification (SORN) systems throughout the nation. Many of these standards are based on the AWA's uniform system of registrant classification, which distinguishes registrants solely based on offense history and the nature of the conviction offense, without regard for additional risk factors. The current study evaluates the impact of the federal registration classification system on the distribution of individuals within state sex offender registries, specifically drawing on the experiences of Ohio and Oklahoma, two of the first states to undertake a reclassification of their registrant populations under the new federal guidelines. The findings indicate that the federal reclassification process produces a redistribution of registrants from lower SORN levels to higher ones and reveals statistically significant differences between newly reclassified "high-risk" individuals and those designated as high risk under prior registration classification systems. Findings also suggest that juveniles and those potentially subject to AWA's retroactivity provisions may be disproportionately placed into the highest SORN tiers. Implications of these findings for practice and public policy are discussed.

Effects of South Carolina's sex offender registration and notification policy on deterrence of adult sex crimes.

Letourneau, Elizabeth J., Levenson, Jill S., Bandyopadhyay, Dipankar, Armstrong, Kevin S.

Criminal Justice and Behavior, Vol 37(5), May, 2010. Special issue: Sex offenses and offenders: Toward evidence-based public policy. pp. 537-552.

Abstract:

This study examined whether South Carolina's sex offender registration and notification (SORN) policy was associated with a general deterrent effect on adult sex crimes. Using adult arrest data from 1990 through 2005, trend analyses modeled the intervention effects of 1995 (the year South Carolina's SORN policy was initially implemented) and 1999 (the year the policy was revised to include online registration). Results supported a significant deterrent effect for the 1995 intervention year, with an approximately 11% reduction in first-time sex crime arrests in the post-SORN period (1995-2005) relative to the pre-SORN period (1990-1994). This decline equated to averting approximately three new sex crime arrests per month. Comparison analyses with serious nonsex offenses against persons (assault and robbery) failed to identify similar effects, suggesting that the 1995 effect is attributable to sex offense-specific legislation. Findings are compared with the existing literature on general deterrent effects of SORN and discussed in the context of research examining other effects of SORN.

Views of sexual abuse professionals about sex offender notification policies.

Levenson, Jill S., Fortney, Timothy, Baker, Juanita N.

International Journal of Offender Therapy and Comparative Criminology, Vol 54(2), Apr, 2010. pp. 150-168.

Abstract:

This study examines the views of 261 sexual abuse professionals regarding sex crime policies. Few participants believe that community notification is very effective in reducing sex offenses, but about half believe that all sex offenders should be subject to public disclosure. About one quarter of respondents opine that sex offenders should not be allowed to live in their communities, but a majority do not view residential housing restrictions for sex offenders as effective at reducing recidivism. Most believe in the helpfulness of therapeutic intervention. More than half say that they will support sex offender policies even without scientific evidence of their effectiveness. Criminal justice professionals are more likely to approve of these laws compared to mental health professionals. Those with more conservative political leanings also favor more restrictive policies. There are few differences attributable to gender, parenting status, or victimization experiences.

Collateral consequences of sex offender residence restrictions.

Levenson, Jill S. Criminal Justice Studies: A Critical Journal of Crime, Law & Society, Vol 21(2), Jun, 2008. pp.

Abstract:

The purpose of this study was to investigate the unintended consequences of policies that restrict where sex offenders can live. In Broward County, FL, 109 sex offenders were surveyed regarding the psychosocial, economic, and practical impact of such laws on their daily lives. Results revealed that sex offenders subjected to residence restrictions reported decreased housing availability, increased homelessness and transience, and financial hardship. Residence restrictions forced them to live farther away from employment opportunities, treatment services, and public transportation. Younger offenders were particularly impacted. Low risk offenders were affected equally to higher risk offenders. The vast majority reported that they did not believe that such laws prevent child sexual abuse or assist sex offenders with risk management. The implications of the findings are discussed, including the potential for these laws to create psychosocial stressors that increase risk for recidivism, and to interfere with effective monitoring and supervision of sex offenders. Alternative community protection strategies are recommended.

Public perceptions about sex offenders and community protection policies.

Levenson, Jill S., Brannon, Yolanda N., Fortney, Timothy, Baker, Juanita. Analyses of Social Issues and Public Policy (ASAP), Vol 7(1), Dec, 2007. pp. 137-161.

Abstract:

Sex offenders and sex crimes provoke a great deal of anxiety in our society, and over the past decade, lawmakers have passed a variety of social policies designed to protect the public from sexual victimization. The purpose of this study was to examine public perceptions about sex offenders and community protection policies. Data were obtained from a sample of 193 residents in Melbourne, Florida. It was hypothesized that the public holds some inaccurate beliefs about sex offenders, and that there is strong public support for community protection policies. It was found that community members believe that sex offenders have very high recidivism rates, view sex offenders as a homogeneous group with regard to risk, and are skeptical about the benefits of sex offender treatment. The hypothesis that public perceptions contradict empirical research was supported. Community members were overwhelmingly in favor of public disclosure of information about registered sex offenders, although they did not express as much support for residence restrictions. Implications for public policy, and for the media's role in shaping public perceptions, are discussed.

Megan's Law and its impact on community re-entry for sex offenders.

Levenson, Jill S., D'Amora, David A., Hern, Andrea L. Behavioral Sciences & the Law, Vol 25(4), 2007. pp. 587-602.

Abstract:

Community notification, known as "Megan's Law," provides the public with information about known sex offenders in an effort to assist parents and potential victims to protect themselves from dangerous predators. The purpose of this study was to explore the impact of community notification on the lives of registered sex offenders. Two hundred and thirty-nine sex offenders in Connecticut and Indiana were surveyed. The negative consequences that occurred with the greatest frequency included job loss, threats and harassment, property damage, and suffering of household members. A minority of sex offenders reported housing disruption or physical violence following community notification. The majority experienced psychosocial distress such as depression, shame, and hopelessness. Recommendations are made for community notification policies that rely on empirically derived risk assessment classification systems in order to better inform the public about sex offenders' danger while minimizing the obstacles that interfere with successful community reintegration.

The Impact of Sex Offender Residence Restrictions: 1,000 Feet From Danger or One Step From Absurd?

Levenson, Jill S., Cotter, Leo P. International Journal of Offender Therapy and Comparative Criminology, Vol 49(2), Apr, 2005.

Abstract:

Several states have enacted public policies that prohibit sex offenders who have abused children from living within close proximity to a school, park, day care center, or school bus stop. The purpose of this exploratory study was to describe the impact of residence restrictions on sex offender reintegration and to better understand sex offenders' perceptions of these laws. A survey of 135 sex offenders in Florida was conducted. Most of the molesters who responded to the survey indicated that housing restrictions increased isolation, created financial and emotional stress, and led to decreased stability. Respondents also indicated that they did not perceive residence restrictions as helpful in risk management and, in fact, reported that such restrictions may inadvertently increase triggers for reoffense. Implications for policy and practice are discussed.

The Effect of Megan's Law on Sex Offender Reintegration.

Levenson, Jill S., Cotter, Leo P. Journal of Contemporary Criminal Justice, Vol 21(1), Feb, 2005. pp. 49-66.

Abstract:

The purpose of this study is to better understand the positive and negative, intended and unintended, consequences of community notification on sex offenders' rehabilitation and reintegration. A sample of 183 convicted male sex offenders from Florida completed the survey. Overall, about one third of participants had experienced dire events, such as the loss of a job or home, threats or

harassment, or property damage. Physical assault was a relatively rare occurrence. The majority identified negative effects, such as stress, isolation, loss of relationships, fear, shame, embarrassment, and hopelessness. Some participants noted positive effects of Megan's Law, including motivation to prevent reoffense and increased honesty with friends and family. Few sex offenders believed that communities are safer because of Megan's Law, and more than half reported that the information posted about them on Florida's Internet registry was incorrect. Implications for practice and policy are discussed.

Family experiences of young adult sex offender registration.

Comartin, Erin B., Kernsmith, Poco D., Miles, Bart W. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, Vol 19(2), Mar, 2010. pp. 204-225.

Abstract:

Since 1994, policies have been instituted throughout the United States that require sex offenders to register their personal information with law enforcement officials (Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Program, 1994). With the passage of additional laws, this information is now available to the public via the Internet or a request to a police department. These laws have brought about consequences for both the registrants and for members of their families. A focus group was held with four mothers who have sons listed on the Michigan Sex Offender Registry. Psychological and social consequences of registration were found and policy implications are discussed.

Sex offender registration: Balancing the rights of the individual with the public good—A commentary on Comartin, Kernsmith, and Miles (2010).

Berkowitz, Carol D. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, Vol 19(2), Mar, 2010. pp. 226-230.

Abstract:

Comments on an article by E. B. Comartin, P. D. Kernsmith and P. W. Miles (see record 2010-07579-007). The authors put forth a telling argument about the impact of the sex offender registry (SOR) on the offender and his or her family. Their report is based on a comprehensive review of the literature and the views expressed by family members during a focused group experience. It is easy to dismiss the opinions of the participants as being one-sided and failing to appreciate the impact of the offense on the victim or realistically weigh the risk of future offenses. This would be simplistic and unfair, though perhaps up until now, the voices on the other side have been equally unilateral. The challenge in the end is balancing the rights of an individual, even one convicted of a criminal act, with the safety and well-being of the community and, in particular, children. The authors are to be commended for bringing a controversial topic to the attention of the child maltreatment community. It is important to maintain a dialogue about the unforeseen consequences of all approaches aimed at reducing child abuse. There is no benefit if we create more victims in our attempt to save children.

The North Carolina online sex offender registry: Awareness and utilization by childcare providers.

White, Jennifer L., Malesky, L. Alvin, Jr. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, Vol 18(6), Nov, 2009. pp. 673-684.

Abstract:

This study examined childcare providers' usage of the North Carolina Sex Offender and Public Protection Registry. One hundred twenty three childcare providers in 76 counties in North Carolina were surveyed via telephone interview about their utilization of the registry Web site. Responses revealed that most providers knew about the registry (87.9%). However, over half of these providers (53.2%) did not access the Web site for work purposes. In addition, very few centers (3.2%) had a policy mandating that employees check the Web site. Based on the results of this study, the majority of childcare centers are not effectively utilizing the registry.

Public attitudes toward sexual offenders and sex offender registration.

Kernsmith, Poco D., Craun, Sarah W., Foster, Jonathan. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, Vol 18(3), May, 2009. pp. 290-301.

Abstract:

This study explores the relationship between fear of various types of sexual offenders and a belief that those sexual offenders should be subject to sex offender registration. We hypothesized that those who offend against children would elicit the most fear; consequently, the most feared offenders would be rated as most requiring registration. As part of a telephone survey, 733 participants answered questions about fear of sex offenders and agreement with requirements about registration for offenders convicted of incest, statutory rape, marital rape, pedophilia, date rape, and an offense committed more than 10 years prior. Results indicated that all types of sexual offenders elicited some fear from respondents, and fear was related to support of registration requirements.

A survey to assess therapeutic and anti-therapeutic effects of sex offender registration and community notification.

Audet, Danielle Charlotte. *Dissertation Abstracts International: Section B: The Sciences and Engineering*, Vol 70(10-B), 2010. pp. 6537.

Abstract:

When the government, in particular, the legislature and law enforcement, try to prevent crime, they often look to the social sciences for some assistance. This provides psychologists with an opportunity to participate in creating and refining policy and law that is effective. One way in which the social sciences and the legal system have begun to collaboratively think about these issues is through Therapeutic Jurisprudence (TJ). This theory or perspective states that the law can have a positive (therapeutic), negative (anti-therapeutic) or a neutral impact on persons involved. Given the highly emotionally and politically charged nature of sex offender management and treatment, an analysis of the intended, versus the actual impact of the Sex Offender Registration and Community Notification Act (SORNA) is crucial in determining the effectiveness of the policy. This demonstration project uses a TJ perspective in that it does not advocate for particular goals or values regarding the management of sex offenders in the community, but rather, examines the stated goals of SORNA and applies the interdisciplinary study of the law and psychology to understand how these goals might be achieved. It also examines potential unintended effects of SORNA. This demonstration project included two phases. The first was the creation of a survey to be distributed to professionals who work with persons subject to sex offender registration and notification. Largely, the survey focuses on the possible therapeutic and anti-therapeutic effects of the law. The second phase of the project included interviews with persons involved in the treatment and management of registrants and solicited their feedback in refining the survey. Once distributed and analyzed, this survey would provide valuable data for sex offender management, forensic assessments, policy creation and modification as well as clinical applications in treatment and discharge planning.

Sex Offenders on Campus: University-based Sex Offender Registries and the Collateral Consequences of Registration.

Tewksbury, Richard, Lees, Matthew B. *Federal Probation*, Vol 70(3), Dec, 2006. pp. 50-56.A

Abstract:

The expressed goals of sex offender registries are to reduce recidivism and promote public safety. This study is intended to promote a better understanding of college- and university-based sex offender registries, allowing for the transfer of important practical and ideological knowledge about such entities to policymakers and the public. Data for the current study were collected through mailed, anonymous surveys sent to all persons listed on a sex offender registry maintained by a four-year public college or university in the United States. Results of the present study closely correspond with the existing literature examining collateral consequences of sex offender

registration. Overall, it is necessary for assessments and evaluations of sex offender registration to continue in order to best inform and shape policy and practice.