

Editorial: Is This Any Way to Develop Policy?

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In the last two decades, in the United States, a number of laws have been enacted that purport to protect women and children from repeat sex offenders. In general, these laws are based on public fear and misperception of both the nature of sexual crimes and the risk that is posed by convicted sexual offenders. As these laws become more and more draconian, their unintended outcomes are changing both the nature of sexual offender treatment and the viability of providing such treatment.

In this issue, Fortney, Levenson, Brannon, and Baker present analyses of both general public and our clients' perceptions of reoffending rates, treatment impact and other myths that drive public policy, at least in the United States. While this information is important, it simply highlights what is already too evident. That is, public policy in the United States regarding sexual offenders is based on misinformation and fear, and ignores what we know about sexual offenders and sexual crimes.

Sex offender registries first came into existence in 1994. This law was enacted after the abduction of an 11 year old boy in rural Minnesota. Later that year, a 7-year old New Jersey girl was sexually assaulted and murdered in the home of a convicted sex offender in the neighborhood in which she lived. This resulted in the first community notification law being enacted in New Jersey (Levenson & D'Amora, 2007). Sexual Predator Laws, which allow for the civil commitment of sexual offenders after completion of their prison terms, if they meet certain requirements, began with the State of Washington in 1990. Again, the law was enacted in response to a heinous crime, the sodomizing, stabbing and mutilation of a 7-year old boy by a released sex offender with a long history of sexual violence (LaFond, 2005). The common theme is that these laws, which form the basis for sex offender management in most states in the United States, were not enacted after careful consideration and empirical investigation. Nor were they enacted after considering what the empirical research available in the mid to late 1990s told us about sexual crimes and the effectiveness of sexual offender treatment. They were enacted to respond to public outcry following terrible, but anomalous, incidents. In fact, while each new law was justified by the high risk posed by repeat sex offenders, the empirical data indicated that at the time these laws were enacted, the rates of child sexual abuse were declining in the United States (Finkelhor & Jones, 2006) and the risk posed by convicted, identified sexual offenders was, and currently remains, actually quite low ranging from a high of 24% (Harris & Hanson, 2004) to 5.3% (Bureau of Justice Statistics, 2003).

The above process continues, unabated, here in the United States. We keep coming up with new ideas, such as residence restrictions, which have resulted in parolees in Florida living under a causeway and registered sexual offenders in Iowa living at interstate rest stops. Such residences would appear to increase public risk, rather than protect the public. Sex offender treatment, in such circumstances, would certainly appear to be a waste of time and resources, in that individuals concerned about where they can live and whether they can get a job, are in no place to work on the types of issues addressed by most treatment interventions.


However, with each new heinous incident, our law makers do not appear to consider the possibility that the already enacted legislation is at best useless and at worst iatrogenic, they simply assume

that the laws are not strict enough and must be strengthened. Thus, we in the U.S.A find ourselves in an environment where sexual offenders are society's worst villains (although that might change now that our Federal government seems more focused on terrorists), they are all the same, and they will always be dangerous. Any suggestion that this is not the case, even though all of the available data indicate that none of these assertions are true, is met with anger and ridicule, or simply ignored. The results are that the costs of sex offender management is spiraling out of control and the resources are being spent to prevent crimes that are of extremely low frequency anyway, which diverts resources from interventions, like etiological research and primary prevention, which could potentially have more far reaching effects on victimization rates than civil commitment, registries, or GPS monitoring. The lesson to be learned from looking at all of this, is that legislation driven by the infrequent, but heinous, results in poor public policy and that once the process begins, it is almost impossible to inject reason into the debate. As individuals concerned about the prevention of sexual violence and abuse, we must collaborate with our natural allies, the victims' advocacy groups, to reframe the debate away myths and pre-conceptions and toward what we know. That is, most identified sexual offenders pose little risk to the community. However, sexual abuse and violence are important public health problems that require resources be invested in identifying risk and protective factors, and implementing and evaluating primary, secondary and tertiary prevention strategies.

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