

The Sex Offender Registry A Position Paper by Women Against Registry

Women Against Registry (WAR) is an organization dedicated to the abolition of the sex offender registry. This essay will outline the principal reasons for our stance and why we are resolute in our belief that the registry serves no purpose and is, therefore, a waste of taxpayer's money. Note: we acknowledge that every state operates its own separate registry and that they are sometimes quite different from the registries in other states. For the purpose of this essay, the term "sex offender registry" is a general reference to all registries.

The sex offender registry is ineffective in the prevention of crime, despite the fact that this is one of its primary intentions. Scientific studies have conclusively shown that the registry does *not* deter crime, it does *not* decrease the occurrence of sex offenses, and it does *not* increase public safety. In fact, quite to the contrary, the registry sometimes increases crime because it forces registrants into unemployment, homelessness, and desperation. The registry works to thwart rehabilitation efforts while its supporters fail to recognize recent studies proving that most registrants are at a very low risk of reoffending.

Collateral damage refers to the harm inflicted on the family members of registrants. Collateral damage was almost certainly an unintended consequence of the creation of the registry, but when the sex offender list became available to the public, collateral damage became a very real punishment for those who had not committed a crime. These punishments include verbal abuse, harassment, property damage and physical attack by vigilantes, loss of employment, loss of residence, reprisals for children at school, and public shaming. Sometimes these behaviors are even sanctioned, by authorities. The punishing effect of the registry on innocent family members was one of the primary reasons for the formation of Women Against Registry. This cruelty is unconscionable. Fear and ignorance drive the public outcry for increasingly harsh punishment and for the maintenance of the registry, but as we wait for logic and reason to win out, families are being torn apart and lives are being destroyed.

We believe the registry is a clear violation of the fifth amendment of the United States Constitution and its prohibition against double jeopardy. We believe that lifetime registration is cruel and unusual punishment, and a violation of the Constitution's eighth amendment. And, in far too many cases, we believe that the placement of individuals on the registry violates the Due Process clauses of the fifth and fourteenth amendments to the Constitution. Obviously, the vast majority of US courts do not currently agree with our interpretation.

It is logical, smart, and humane to help incarcerated individuals rebuild their lives after their debt to society has been paid. To do this, we could, and should offer them counseling while incarcerated and various forms of help after their release. At the very least, they deserve *not* to be hindered in their efforts.

We strongly support the need for public safety however, the current public outrage over the sex offender label is largely misplaced. It is a fallacy to think that all sex offenders fit neatly into a single classification. A disdainful response or a contemptuous look is the normal reaction to almost anyone labelled as a "sex offender" and yet, there are numerous individuals on the registry who are guilty of behavior that many of us would find innocent, silly, stupid, or juvenile; but certainly not criminal. Educating the public about this issue would go a long way toward changing the laws in this country. And in fact, educating the public is WAR's primary modus operandi to achieving its goals.

The Supreme Court of the United States, one of the world's most respected legal bodies, played an enormous role in promoting the fear and ignorance that has now become the bane of every sex offender across this country. In 2002, Justice Anthony Kennedy who still sits on the Supreme Court, erroneously wrote that the recidivism rate for sex offenders is as high as 80%, a number that is "frightening and high."

This statement has plagued American Jurisprudence for the last 15 years with seriously consequential results for those who have fallen under the broad umbrella that is defined as sex crimes. This erroneous statement has been used as justification in more than 100 state and federal sex offender cases since that time. Justice Kennedy's statement was traced to a single source in Psychology Today magazine, however, multiple scientific studies over the years, have conclusively debunked this statement. Actual recidivism rates vary for many reasons however, all of the studies place the value far below the 80% cited by Justice Kennedy. The US Department of Justice recently reported the re-arrest rate of convicted sex criminals was 5% with a re-conviction rate of only 3.5%, lower than most other crime categories. Other studies, by individual states reflect similar recidivism rates. Some studies show sex crime and recidivism rates are basically unchanged since the registry began; yet more evidence of the ineffectiveness of the registry.

Justice Kennedy's pronouncement has, in part, fueled some out-of-control state legislation that has pushed registrants to the fringes of society. Some states have enacted strict residency restrictions regarding such common facilities as schools, day cares, libraries, museums, parks, swimming pools, and more. Lawmakers are a big part of the problem as they strive to get reelected and to please a fearful public. But just as the system seems so wildly outside the norms of human decency and justice, there are glimmers of hope. There have been recent wins, or positive pending legislation in Colorado, Connecticut, Hawaii, Michigan, North Carolina, Ohio, and Pennsylvania.

The financial cost of monitoring sex offenders and maintaining the registry is prohibitively high. We can make that statement with absolute confidence because of the other factors stated in this paper. With the complete ineffectiveness of the registry, the threat to the registrant families, and the many pending and future lawsuits regarding constitutionality, *any* cost would be prohibitively high. When considering the financial burden of this program, we must also consider the high cost of incarceration and the loss of tax revenue from those in prison and from unemployed registrants. As of this writing, there are more than 861,000 men, women, and children on the sex offender registry in this country; that equates to some very large expenses and some very large revenue losses. Many law enforcement agencies freely admit that they cannot adequately maintain the registry because of a shortage of money and personnel. The registry is clearly not providing a good return on the investment. Wouldn't this money be better-spent on other programs?

Women Against Registry believes, without any hesitation, reservation, or doubt, that the sex offender registry is detrimental to our society and needs to be abolished. We understand that current public opinion, driven largely by fear and ignorance, creates a tremendous obstacle to the achievement of this goal. In lieu of the immediate sweeping changes we seek, WAR would welcome improvements to the registry such as restricting it to law enforcement use only, the removal of juveniles, and the inclusion of only those at high risk of re-offense as determined by a fair process run by independent professionals. However, despite any short-term victories in our fight for justice, we will continue to work toward the abolition of the registry because:

1. It is completely ineffective
2. It is the direct cause of deplorable and cruel collateral damage
3. It is unconstitutional
4. In its current form, it is largely the result of fear-mongering and a lack of knowledge about the facts surrounding this issue.
5. It is fiscally irresponsible and wasteful
6. We believe it to be immoral, unethical, and illegal

As a society, aren't we better than this?