Prevention or Problem

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This paper was prepared by the Safer Society Foundation, Inc., regarding the issue of public notification of convicted sexual offenders' release to the community. It does not represent the views or opinions of any other organization or group, professional or otherwise. The Safer Society advocates for community safety, victim restitution and treatment, and quality comprehensive sexual offender treatment. While the Safer Society supports adult sexual offender registration laws in general, it is totally opposed to public notification laws. Presently, 47 states have sexual offender registration laws, 30 states have sexual offender public notification laws, and 15 states have laws allowing indefinite civil commitment of sexual offenders to state mental institutions. This document is designed to assist states considering public notification, or states that have enacted such laws, and to explore related issues and the impact of public notification on the greater community, including citizens, families, victims, and offenders. Numbers preceding the following points do not indicate relative importance, but are used for ease of reference.

KEY WORDS: public notification; legislation; child sexual abuse; punishment.

In the mid 1970s, sexual abuse began to be recognized as a serious social problem. Today, American statistics suggest that as many as one in five children, both male and female, risks being sexually abused before their 18th birthday. Some professionals consider sexual abuse to be of epidemic proportions.

Over the past 25 years, sexual abuse has been viewed primarily as a criminal problem. In recent years, however, professionals working with sexual abuse victims and offenders have begun to consider sexual abuse as a public health problem. From a crime standpoint, the primary issue appears...
to be punishment of the offender. From a public health viewpoint, critical issues are focused on understanding the etiology, treatment, and prevention of sexually abusive behavior.

Sexual crimes against adults and children have been making headline news for more than two decades. Every year, more facts, figures, and information regarding child sexual abuse is released to the public. Sensationalized cases, such as the rape-murder of 7-year-old Megan Kanka of Hamilton, New Jersey, have shocked and angered our society. The public is so outraged at the nation's level of crime, particularly sexual crime, that the response is often more emotional than logical. The result of this emotional reaction has been a wave of law-making efforts to stiffen penalties, increase sentence lengths, and most recently require registration and public notification of sexual offenders released into the community.

Many recent legislative actions appear to be the result of emotional public response to violent crime rather than being based upon research that these laws will make any difference in the frequency of a particular crime. Public notification of sexual offender release is one example of what may be "feel-good legislation" that in the long run may result in consequences we will live to regret.

Public notification of sexual offender release laws have been developed to alert the public, specifically members of the local community, that they are living in the presence of a dangerous offender. By increasing community awareness through these laws, it is believed that (1) parents will be able to inform their children about who is dangerous and whom to avoid and (2) public notification will reduce the likelihood that the sexual offender will reoffend because everyone will know that he is a sexual offender and it will be more difficult for him to lure a potential victim.

Public notification seems logical to its supporters. It gives the impression of being a workable solution to the child sexual abuse problem that will make people feel safer. If, however, one begins to closely examine this type of legislation, it becomes apparent that there are serious flaws in these laws and many possible negative consequences that must be considered. One of the greatest concerns is the potential to victimize others who are not sexual abusers.

We have already seen instances of violence as a result of enacting such laws. In Washington State, an angry community burned down the house of a known sexual offender. In New Jersey, an innocent man was mistakenly beaten when his home was entered by angry persons who mistook him to be a sexual offender. In other instances, offenders have given

\footnote{It is recognized that both men and women sexually abuse children. For purposes of this commentary, male gender words are used in referring to sexual offenders.}