

Sex Offenders in Society

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In the effort to protect the public from sex offenders...

The issue of how to treat sex offenders causes unease for many people. Highly publicized crimes of the most heinous nature have understandably led to aggressive state and federal sanctions for sex offenders. These policies include sex offender registries, residency restrictions, and ineligibility for types of employment and licensing.

...reactionary policies have resulted in unjust and unsafe consequences.

Unfortunately, these reactionary policies not only lead to unjust sentences, but they also detract from public safety. First, many severe restrictions apply to both minor and serious offenders—teenagers who moon someone can be subject to some of the same consequences as rapists, including restrictions on where they can live and mistreatment from neighbors who recognize their names on a registry. Second, applying tough sanctions without regard to offenders' actual risk makes the community less safe by diverting police attention away from dangerous people to people who may have only committed youthful indiscretions. Third, sex offender policies assume that sex offenders have high recidivism rates, yet the rates are relatively low—according to one study, only 5.1% of sex offenders are re-arrested for a new sex offense in the three years following release. If anything, reactionary policies encourage recidivism by barring ex-offenders from employment and housing.

Justice Fellowship advocates for fair and restorative treatment for sex offenders.

Justice Fellowship advocates for common sense treatment for sex offenders so that law enforcement can focus on truly risky people; minor offenders can experience just sentencing; and all offenders have the opportunity to experience rehabilitation and restorative justice. Promising reforms include narrowing the requirements for who must be listed on sex offender databases and who must be subject to residency and licensing restrictions. Lawmakers must carefully consider the effects of sex-offender laws on offenders' ability to live productive lives. The church also must recognize that sex offenders, like other offenders, can be restored to society—and these individuals need the church to support their journey to restoration.

Justice eReports

How Should We Deal with Sex Offenders?

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One of the most vexing problems facing our society, and more particularly the Church, is how to deal with sex offenders. As one pastor expressed it to me, "Jesus taught us to be forgiving. However, He also has made me the shepherd of my flock, and it is my responsibility to protect them from the wolves."

As a parent, I am horrified with each press report of an abducted child. I can only imagine the pain those families feel. None of us want that to happen to any more children. Jesus taught us that "Whosoever shall hurt one of these little ones that believe in me, it would be better for him that a millstone were hanged about his neck, and that he were cast into the sea."

Of course, Jesus didn't advocate that we actually throw molesters into the sea. However, it is fair to say that most people, even most Christians, think that is the minimum they deserve. Fear of such horrifying incidents has led so many people to support tougher penalties for sex offenders.

Focus on the Real Threats to Safety

Unfortunately, the sex offender statutes are written so broadly that they lump many people convicted of relatively minor offenses in with the hard core sex offenders. Most states require **all** those convicted of a sexual offense to register with the local police and prohibit them from living anywhere near a school, day care center or park. We certainly want to keep child molesters away from children. The problem is that the term "sex offender" is so broad that it includes people we are mad at as well as those we fear will harm children or vulnerable people.

For instance, teenagers who "moon" someone as a prank or a 17 year old that has consensual sex with his girlfriend are deemed sex offenders for the rest of their lives. They have to register with the police and are restricted in where they can live forever. This is an extreme penalty for a youthful prank or premarital sex.

Applying these tough sanctions without regard to the actual danger posed by the offenders actually makes us less safe. The laws force law enforcement to spend a great deal of time and money keeping tabs on those who committed youthful indiscretions, when the police should be allowed to concentrate on monitoring hard core sexual offenders.

In addition, overly broad definitions of sex offenders divert public attention from those who truly pose a threat. In many states **all** individuals on the sex offender list are posted on the web and appear on maps of registered sex offenders. This causes tremendous fear among the public because they don't realize that their neighbor may only be on the list because they went skinny dipping as teenager over 30 years ago. The lists and maps don't distinguish between youthful indiscretions and those who are a real threat. So, the public assumes the worst.

In a very dangerous confluence of bureaucratic inefficiency combined with zeal to warn the public about sex offenders, some agencies have listed innocent people. Their names were the same or similar to convicted sex offenders, and the bureaucrats didn't bother to sort them out. In January 2008, the State Controller audited New York's registry and found that one-fourth of the records they surveyed had mismatched driver's license information. Even worse, details of licenses for the wrong people were given out as those of offenders.

We need to change the laws so that the tough sanctions are focused on offenders who have committed horrible crimes rather than on innocent people or teenagers who have acted up.

Stringent Residency Restrictions Backfire

Probation agents and police officers tell me that, though well intended, residency restrictions have made it harder to keep track of sex offenders. In many urban areas, every square foot of the city is off limits because a school, day care center, churches or other place where children gather is within the restricted zone. In California, offenders cannot live within 2000 feet of any school or park. How does an ex offender comply with the law? Many end up sleeping under

bridges, in parks or behind trash bins in industrial areas. As a spokesperson for Florida Department of Corrections told USA Today, "If we drive these offenders so far underground or we can't supervise them because they become so transient, it's not making us safer."

Minnesota studied the impact of residency restrictions and concluded that:

[t]here [was] no evidence in Minnesota that *residential* proximity to schools or parks affects re-offense. Thirteen level three offenders released between 1997 and 1999 have been rearrested for a new sex offense since their release from prison, and in none of the cases has residential proximity to schools or parks been a factor in the re-offense. Level III Sex Offenders: Residential Placement Issues

Yet, despite the evidence to the contrary, legislators keep trying to expand the reach of sex offender laws. In Virginia one proposal would prevent them from ever entering a church. While that is not the intent, the proposed bill would ban sex offenders from "the premises of any child or day care center or any other type of school both during and after school hours." Since many churches have a day care center or school on the premises, this bill would ban offenders from church *even when children were not present*.

No Easy Answers

To understand the many complex issues surrounding sex offenses, I highly recommend that you read "No Easy Answers" a report by Human Rights Watch. It counteracts many myths surrounding sex offenses. One of them is that "[s]ome politicians cite recidivism rates for sex offenders that are as high as 80-90 percent. In fact, most (three out of four) former sex offenders do not reoffend and most sex crimes are not committed by former offenders."

The report provides real life examples of the overreach of the statutes. One profiled offender said,

What the registry doesn't tell people is that I was convicted at age 17 of sex with my 14-year-old girlfriend, that I have been offense-free for over a decade, that I have completed my therapy, and that the judge and my probation officer didn't even think I was at risk of reoffending. My life is in ruins, not because I had sex as a teenager, and not because I was convicted, but because of how my neighbors have reacted to the information on the internet.

But the report doesn't just criticize. It also gives examples of policies that protect the public by concentrating on those who pose the greatest risk. For instance, Minnesota's community notification law provides that, "The extent of the information disclosed and the community to whom disclosure is made must be related to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety."

I serve on the Prison Rape Elimination Commission with Jamie Fellner, the director of the U.S. program at Human Rights Watch. She is a brilliant and passionate defender of vulnerable people. Her summation of what our priorities should be in dealing with sex offenders hits the mark: "Children deserve laws that work. And former offenders need laws that allow them to rebuild their lives because when they succeed in safely rejoining their communities, we are all safer."

I have listed many resources below that will help inform you about the complex issues surrounding sexual offenses. There are also several helpful resources, including some Christian ministries that work to bring healing to sex offenders, their victims and communities, available on Justice Fellowship's sex offender website.

I have heard it said that sex offenders are modern day lepers. That is probably pretty accurate. And we know that Jesus didn't shun lepers. Instead, He loved them and healed them. He expects us to do the same.

In His service,



Pat Nolan
Vice President, Prison Fellowship

Resources

Justice Fellowship's Sex Offender Website

Level III Sex Offenders: Residential Placement Issues
Minnesota Department of Corrections

Miami Sex Offenders Living Under Bridge
USA Today, 4-6-2007

No Easy Answers
Report by Human Rights Watch, 2007

States Examine Residency Restrictions for Individuals Convicted of Sex Crimes
Reentry Policy Council

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