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Public Perceptions Regarding Sex Offenders and Sex Offender Management

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A thesis

presented to

the faculty of the Department of Criminal Justice and Criminology

East Tennessee State University

In partial fulfillment

of the requirements for the degree

Master of Arts in Criminal Justice & Criminology

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by

Jessica Marie Duncan

December 2012

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Dennis Hamm, Ph.D.

Keywords: Sex Offender, Recidivism, Sexual Victimization, Rape

## ABSTRACT

### Public Perceptions Regarding Sex Offenders and Sex Offender Management

by

Jessica Marie Duncan

This study was an observation of the public's knowledge and perceptions on sex offenders, sex offenses, and sex offender management policies. A self-administered questionnaire was used to collect data from 282 students at East Tennessee State University. Along with the basic demographic variables, respondent's field of study was measured as a main independent variable. For example, it was hypothesized that students studying within the criminal justice field would hold more accurate beliefs concerning the sex offender population. Overall, the study proved to be statistically insignificant. Multivariate analysis did show, however, that certain demographic variables were more predictive in determining an individual's support towards sex offender management policies.

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## CHAPTER 1

### INTRODUCTION

Many misperceptions exist within society regarding the sex offender population. Issues concerning recidivism, offender characteristics, sex rates, treatment, and effective legislation are all areas misunderstood by the public. Society has become so engrossed in their fear of sexual victimization that proper reasoning of this offender population has been disregarded. Politicians, policy makers, and the mainstream media have recognized this concern within society and have played an influential role in sensationalizing the dangers of the sex offender population. As a result, the general public has become poorly informed about sex offenders and their crimes. Society now regards these offenders as a homogenous group, where the entire sex offender population poses a danger to communities. Similarly, legislatures have categorized these offenders into the same group, developing one-size-fits-all legislation in order to appease public sentiment.

Society's misperceptions of the sex offender population have many important implications on public policy that need to be addressed. Implementing legislation fueled by public sentiment alone can result in vulnerability, subjecting them to scrutiny based on their effectiveness. The proper development of policies intended to prevent future sexual victimization need to be based on empirical research. In fact, some researchers have recognized the application of social science statistics imperative in order to efficiently develop social policies. Ignoring this need for data has been referred to as ineffective and unethical towards the development of policy (Grove & Meehl, 1996). Unfortunately, the increase in restrictive policies towards the management of sex offenders has failed to be based on empirical research.

Community protection policies are now extremely broad in nature, where diversity in sex offense patterns are disregarded and applied homogenously.

Sex offenders represent a heterogeneous population, with offense patterns that are very diverse in nature. This population differs in risk assumption as well, where their ranges in reoffense patterns need to be properly assessed. However due to the broad, homogenous nature of community protection policies, nonviolent, small-risk offenders can be included in their implementation. These nonviolent sex offenders can be extremely costly to the system, draining financial resources. However, the effects these punitive policies have had on this small-risk offender population are not discriminatory towards any individual sex offender. In fact, they are extremely homogenous in nature, applying to every convicted sex offender. Unfortunately, sex offenders have fallen victim to some of the harshest, most stringent crime legislation in this country's history. As a result, successful reintegration of sex offenders has proven to be extremely unsuccessful due to the impeding social consequences from these laws.

#### Current Study

The purpose of this study was to evaluate the public's perceptions on sex offenders, sex crimes, and sex offender management laws. The current study is an important contribution to existing literature because of its focus on respondents' knowledge on sex offenders based on their field of study. This study's main hypothesis was designed to determine if students majoring in criminal justice were more accurate on sex offenders and sex crimes compared to students within other fields of study. Many studies have focused on the public's perceptions of sex offenders, but minimal existence focuses on education being a predictive variable. This researcher also sought to evaluate public perceptions on community protection policies. It was

hypothesized that respondent's misperceptions were significantly correlated with their support for sex offender laws.

### Theoretical Framework

The primary theory underlined within this research is the Moral Panic theory. Stanley Cohen produced the term moral panic in his book *Folk Devils & Moral Panics* (Cohen, 1972). He described moral panic as a result from a situation, incident, or group of individuals that have been recognized as a threat to society's norms and values. Cohen's central argument recognized the media's influential exploitation of a moral panic, where it is exploited in a sensationalized and stereotypical manner. He also recognized political arenas and special interest groups as key activists, where they employ the media in their attempt to advertise their concerns. The attention the sex offender population has received from the public's negative sentiment to punitive criminal action can absolutely be related to a moral panic phenomenon. Politicians and the mass media alike have exploited society's fear of sexual victimization. The general public's inability to accurately judge these offenders based on empirical research and current statistical data has had an astounding impact on legislative efforts. Sex offender management techniques and policies are a reactive response by legislatures, in an effort to ease public anxiety (Banks, 2012).

### Hypotheses

The current study tested five hypotheses regarding the public's perceptions and knowledge on sex offenders, as well as their support for sex offender management policies. Predictor variables such as audience traits and misperceptions were also analyzed. The hypotheses are as follows:

Hypothesis 1: Criminal justice majors will hold different perceptions on sex offenders and sex crimes compared to noncriminal justice majors

Hypothesis 2: Criminal justice majors will differ in their support for sex offender management laws compared to noncriminal justice majors

Hypothesis 3: Public perceptions on sex crimes and sex offenders will be predictive in their support of efficacy for sex offender management laws

Hypothesis 4: Gender and parenthood will be predictive in the support for sex offender management laws

Hypothesis 5: Audience traits (Political Affiliation, Income, and Age) will be predictive in the public's perceptions towards sex offenders and sex crimes

In order to test these hypotheses, data were collected through an administered survey to the East Tennessee State University student body. From the results, conclusions and comparisons were drawn to determine the effects of field of study, audience traits, and misperceptions.

### Limitations

Several limitations for consideration are present within this study that need to be properly recognized. First, this study's sample size was extremely small, with only 200 participants in the final analysis. This sample size cannot properly produce generalizations about other populations of college students or individuals within a field of study. Next, the homogenous division of the sample into 100 criminal justice majors and 100 noncriminal justice majors did not allow for diversity among class levels. More specifically, sample size restrictions hindered the ability to survey a diverse range of classes based on course level. The use of a self-report questionnaire is another possible limitation worth recognizing within this study. The use of this survey instrument forces the researcher to rely on the respondent to provide accurate, honest responses.

However, this survey focused on questions related to the sex offender population, which could have been offensive or controversial in nature for some participants.

### Definition of Key Terms

To ensure clarity for the purpose of this study, the following terms are defined:

*Moral Panic*: “a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests. Its nature is presented in a stylized and stereotypical fashion by the mass media” (Cohen, 1972).

*Recidivism*: “Recidivism results are presented using two substantive definitions. The first, or ‘primary,’ definition includes the first occurring of any one of the following three types of events during the offender’s initial 2 years back in the community: a reconviction for a new offense, a rearrest with no conviction disposition information available on the post release criminal history record, or a supervision revocation (probation or post prison supervision). The second ‘reconviction only’ recidivism definition limits recidivism to reconviction events during the 2-year follow-up period. As such, under this secondary definition, recidivism is measured as the first occurring reconviction for a new offense during the initial 2 years back in the community” (United States Sentencing Commission, 2004, p. 4).

*Sex Offender*: “a highly heterogeneous mixture of individuals who have committed violent sexual assaults on strangers, offenders who have had inappropriate sexual contact with family members, individuals who have molested children, and those who have engaged in a wide range of other inappropriate and criminal sexual behaviors” (CSOM, 2001, p. 98)

*Sexual Assault*: a legal term for rape, where behaviors apart from forced sexual intercourse are also included. Sexual assaults recognizes behavior that warrants any unwelcome sexual contact

*Rape*: "Forced sexual intercourse including both psychological coercion as well as physical force. Forced sexual intercourse means vaginal, anal, or oral penetration by the offender(s). This category also includes incidents where the penetration is from a foreign object such as a bottle. Rape includes attempted rapes, male as well as female victims, and both heterosexual and homosexual rape. Attempted rape includes verbal threats of rape" (Bureau of Justice Statistics, 2002, p. 3).

## CHAPTER 2

### LITERATURE REVIEW

Sex offenders and their crimes have long evoked concern from the public. Because of the national panic over sex offenses, politicians and legislatures alike have taken notice of the public's concern towards reentering sex offenders. As a result, no other reentering offender endures nearly as many challenges as the sex offender due to the widespread imposition of social sanctions directed at this specific offender population. Social and legal barriers specific to this offender type (e.g. challenges with residence restrictions and employment, negative community sentiment, enhanced regulations regarding both registration and community notification guidelines, disregard for recidivism reality) make the transition from prisons to communities extremely challenging. Because of the existing national panic, unfortunately, statistical data regarding sex offender recidivism rates are continually disregarded. Instead, the public insists on legislation meant to control these offenders. In all reality, research has consistently shown a correlation between this legislation and an increase in recidivism due to the social and financial costs associated with these restrictive policies (Prescott & Rockoff, 2011).

#### Public Perceptions of Sex Offenders

##### National Panic

Sex offenses have long generated enormous publicity from media outlets due to their heinous nature, irrefutable harm caused to victims, and the invoked fear amongst the communities. Such celebrated cases of sex offenses typically involve rape of children, sexual assault, child abduction, and sexual abuse. Many other sexual offenses continue to be publicized, but no matter their degree, have stigmatized the public's perception, judgment, comprehension, and mind-set of sex offenders in an extremely negative light. Sex crimes and



the depiction of the offenders portrayed by the media only intensify the perceptions of the public, disregarding current, accurate research and statistical data (Sample & Kadleck, 2008). As a result, the public has continued to respond with demands for many offender-specific policies and restrictions for the sex offender. Regardless of the effectiveness or negative implications associated with these new restrictive laws, the public continues to possess inaccurate beliefs, doubts, and reservations about sex offenders, their management, and recidivism rates.

Concern over the need of sex offender management and control through legislation has remained an issue within the national panic over sex offenses. The publicized cases involving children, however, were the first stepping-stones towards the creation of sex offender specific laws. The first celebrated case began with the 1981 abduction of Adam Walsh, age 6. He and his mother had been at the local Sears department store, where she had left him playing in the toy section. When she returned, Adam was missing, and after 2 hours of his disappearance, police were notified. Two weeks later, fishermen found his decapitated head in a nearby canal. It was not until 2006, however, until legislation, dedicated in Adam's name, was created towards the management of child predators. In 1989, another case, involving 11-year-old Jacob Wetterling, also involved the abduction of a child. Unfortunately, however, his remains were never discovered (Shaffer, 2010).

The next case to inspire the public's demand for sex offender management occurred in 1994, involving the rape and murder of New Jersey's Megan Kanka, age 7. While the first publicized case involved child abduction and murder, this involved crimes with the addition of rape. This also involved a case where the offender, her neighbor, had two prior convictions involving sex offenses. The next publicized case of Pam Lychner focused the public's attention on sexual crimes committed against adults. Pam Lychner was attacked, where the offender

attempted to choke and kidnap her. Luckily, her husband walked in on the attack and was able to save her life. As previously mentioned before, many cases involving sex crimes have made headlines. However, these four criminal cases were the first to evoke a response from the fearful public in order to bring about sex offender policies needed for supervision and control (Shaffer, 2010).

Regardless of the restrictive policies brought about from these celebrated cases (mentioned later in full detail), due to the generated fear and panic from these offenses, the public still holds many exacerbated views towards this offender population. Until recently, few studies existed where examination of society's perceptions on sex offenders, creation and implementation of sex offender management laws, and the effectiveness of such had been evaluated. Fortunately, more research efforts have continued to develop in order to understand the increasingly negative public responses towards sex offenders and their reentry into this country's communities. Public fear has played one of the most critical roles in how sex offenders are perceived within society; therefore, understanding the basis behind why these offenders are greatly feared is extremely important.

A recent study by Kernsmith, Craun, and Foster in 2007 was conducted to investigate the variety of sex offenders who elicited the greatest observed fear from participants. They examined the association concerning fear towards the different sexual offenders and the assumption that persons most feared within this population should be subjected to the sex offender registry. From their research, the authors concluded that surveyed respondents were most fearful of offenders who committed crimes against children. Convictions of incest, rape, or those with prior sexual offenses followed with significant feelings of fear as well. Even though the conclusion that all the various sex offender types had provoked feelings of fear within the

participants, fear towards pedophilia, rape, incest, and those with prior sexual offenses correlated with the support for required sex offender registration (Kernsmith, Craun, & Foster, 2009).

The media has also played an important role in how the public's perceptions towards sex crimes and sex offenders have been shaped. In 2002 Proctor, Badzinski, and Johnson wanted to determine how great of an impact the media played on shaping public opinions of sex offenders and sex offenses and whether or not the media was sufficiently educating the public on this criminal justice issue through proper exposure. More specifically, this particular study focused on Megan's Law and whether or not respondents obtained proper knowledge regarding the statute, and due to media exposure, whether or not respondents were found to typically support the statute's purpose. Overall, their results found that the media greatly exaggerates common myths and distorts information about sex offenders and sex offenses. More specifically, general knowledge regarding Megan's Law and its background was found to be extremely inaccurate. However, due to the media's exposure of its purpose, respondents were found to be very supportive of the statute and believed it to be very effective. As a result, other sex offender management policies and laws were concluded to similarly receive support and be perceived as effective. The media's interest on sex offenses continues to expose the public to misinterpreted data (Proctor et al., 2002).

The federal government has also taken notice of the national panic over sex offenders and their offenses and has recently participated in research efforts to evaluate the basis and extent of this negative phenomenon. In the U.S. Department of Justice's project through the Center for Sex Offender Management (CSOM), a national sample of 1,005 participants were surveyed based on their knowledge and assumed theories regarding sex offenders, opinions regarding the effectiveness of current sex offender management, and what factors influenced their knowledge

concerning sex offenders. The first area of the survey focused on their beliefs about convicted sex offenders and their recidivism rates. Their findings showed that 72% of their participants believed half of convicted sex offenders would commit more sex offenses in their future. On the other hand, 33% believed more than 75% of convicted sex offenders would commit more sex related offenses. They were also able to distinguish gender and age as contributing factors to these decisions, where women and participants above the age of 65 were more likely to believe sex offenders recidivate at higher rates (Center for Sex Offender Management, 2010).

Surveyed information regarding new crimes was also drawn from recidivism beliefs as well. Sixty percent of participants revealed their beliefs that if sex offenders committed new crimes, they would be similar to the previous sex offenses committed. Conversely, 33% of participants believed that if sex offenders did indeed recidivate, their crimes would involve a more violent nature compared to their past convictions. In conclusion, the results from the Department of Justice's national poll indicated that respondents within the community held some accurate views associated with current research in regards to sex offenders and sex offender management procedures. Unfortunately, more misperceptions were held by the respondents, which were concluded to potentially have a negative impact on how they properly viewed public safety initiatives towards sex offender management (Center for Sex Offender Management, 2010).

### Power of Public Opinion

The public's participation and involvement in legislative efforts has remained important to democracy within this country, where society's perceptions on certain issues remain very significant. The public's perception continues to play a powerful role in leading, informing, and influencing local, state, and federal actors and legislators in their creation of policies and laws.

When the public feels their concerns are properly given the opportunity to be heard by their government, the connection between the government and its citizens can be greatly strengthened. The criminal justice system is a spectrum within this country's government in which the public continues to express low levels of confidence. Politicians and legislators alike have increased their efforts to recognize and remedy the concerns of the public over many criminal justice issues. The management of sex offenders is a primary example of a criminal justice issue where legislators have noticed the public's concern and taken a great initiative to make it a key public policy interest and priority. As a result, legislators and government leaders have created an abundant amount of sex offender-specific policies and laws.

Scholars have long recognized the necessary component to achieving success within a democratic government: a linkage between the government and its citizens. The successful function and survival of legislators greatly depends on the approval of the public; therefore, efforts need to be constantly made to involve the public's views on important matters. By doing so, this process legitimizes the government's efforts within the policy-making process. Through great consideration of the public's perspective, legislators have established what social psychologist Daniel Yankelovich has referred to as the "the boundaries of political permission". This idea recognizes that the public will create its own boundaries on how society will accept, support, or reject a policy (Roberts & Hough, 2002). Legislators and government leaders have to constantly consider their need to obtain a minimum level of support from its citizens; otherwise, the laws will not be obeyed. Criminal justice issues invoke great concern from the public. Consequently, recent legislative initiatives have sought to accommodate the public demands for more severe sanctions, longer prison sentencing, intensive monitoring for released offenders, and many other protective measures intended to protect the community. In regards to the

management of sex offenders, the political background towards legislative initiatives has been transformed recently, where new “boundaries of political permission” have been given to legislators and politicians, due to the growing fearful sentiment expressed by society towards sex offenders and sex crimes. As a result, a vast range of sex offender management statutes have been implemented such as: community notification, sex offender registration, housing restrictions, GPS monitoring, and lifetime supervision requirements for certain reentering offenders within the sex offender population (Schiavone & Jeglic, 2009).

Even though “new boundaries of political permission” may exist for legislative efforts within some criminal justice issues, several jurisdictions continue to efficiently recognize the concerns of the public through the examination of public opinion studies. Through the examination of these studies, local and state legislatures and administrators can be informed, instructed, and influenced on how the public believes policies and laws should be created or enhanced for sufficient results. They have been able to process information from public opinion studies to develop criminal justice system laws and policies. For example, the Sentencing and Accountability Commission in Delaware wanted to determine how the public felt towards the development of new policies, implementation of alternative sentences, and other criminal justice reforms. From the public opinion study, they were able to determine that there was sufficient support for the proposals of reform, as well as a notion to decrease crime within the juvenile population (Doble, Immerwahr, & Richardson, 1991).

#### Early Policy Development for Sex Offenders

Public opinion towards sex offenders and their reentry process, due to the large volume of concern, have been greatly considered by politicians and legislatures alike. While all reentering offenders and their ensuing reoffending behavior should be of public concern,

legislatures and politicians have recognized the prevention of sexual violence to be absolutely imperative. These offenses cause irrefutable harm to their victims and generate fear within the communities. As a result, the public has demanded more restrictive policies for sex offenders. Politicians have recognized these concerns and have responded with the following: community supervision, severe sanctions, longer sentencing, and specialized treatment. All 50 states now, along with the federal government, have created their own sex-offender specific laws in order to promote public safety. These recent statutes have been designed to hold the offender accountable for his or her sex crimes, effectively track and manage sex offenders within the community, and instill a sense of peace to the community by organizing efficient crime control methods.

The punishment of sex offenses began with an early recognition in The Code of Hammurabi. Originating from the 1700s B.C., the code recognized incest as a serious offense. This crime either resulted in exile or even death through the “burning” of the accused’s body (Horne, 1915). The punishment of sex crimes has long existed within the fabric of this country’s civilization and penal codes as well. The earliest form of sex offender laws within the United States are traced back to the 1930s, where “sexual psychopath” laws had been adopted and recognized in over half of the states. These laws focused on individuals deemed “sex fiends”, “sexual degenerates”, or “sexual psychopaths” who were thought to persistently commit sexual offenses throughout their lives. Between 1937 and 1955 most of these laws would place the “sexual psychopath” into indefinite confinement within a state’s hospital for the mentally insane. At the time, the criminal courts did not order this confinement as a punishment (Gookin, 2007). Instead, the probate courts would order these individuals to be contained as a measure to protect society against these individuals deemed unable to control their sexual compulsions (Sutherland,

1950). By 1985, most of the states stopped implementing these laws, however, due to the many repeals made by the courts. Overall, most states stopped recognizing these laws due to the large public sentiment that stricter punishment and the use of incarceration would be more appropriate for these offenders (Cole, 2000).

Many restrictive policies have been created in recent legislative history to not only satisfy the public's need for safety assurance but also for the effective management against sex offender recidivism. This steady development in sex offender legislation can greatly be attributed to the large number of high-profiled sex offenses involving sexual assaults, abductions of children, and murders. Some of the most distinguished cases involved the following child abduction and murder cases: Jacob Wetterling, Polly Klass, Megan Kanka, Adam Walsh, and Jessica Lunsford. The largest contribution to restrictive policies for sex offenders in this country, however, can be associated with the crimes against Jacob Wetterling, Megan Kanka, and Pam Lychner. Based on these landmark cases, the federal government has enacted its own legislation. Most of the states have enacted their own sex offender-specific laws as well (Shaffer, 2010).

The first case mentioned involving Jacob Wetterling, age 11, inspired the first federal sex offender legislation. The legislation was dedicated in his honor and is known as the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (1994). The creation of this act mandated states to enforce their own organized program for registering sex offenders, where individuals convicted of a violent sex crime against children would appear. This federal mandate also forced states to track these offenders' residency for 10 years, during their reentry process, or if convicted of a violent crime, periodically for the duration of their lifetime. However, the use of registering an offender was not a new concept seen within this country; in fact, most states began using registration within the 1930s after the mobility of



criminals began to increase. These offender registries were used mostly as law enforcement tools in order to keep better track of the offenders deemed more high-risk. In 1947 California passed the first state registration law to explicitly focus on the sex offender population. The Jacob Wetterling Act was the federal government's response to the increase in legislation towards these offenders seen within most of the states. It became a part of the Federal Violent Crime Control and Law Enforcement Act of 1994 (H.R. Rep. No. 3355, 1994).

The next federal legislation towards the management of sex offenders was a dedication towards the abduction and murder of Megan Kanka, age 7. It is most commonly referred to as "Megan's Law" (1996). This was an amendment to the Jacob Wetterling Act, which had previously only required states to produce a state registry of sex offenders. With Megan's Law, the federal government mandated the states to release sex offender registries to the public in order for the communities to take necessary safety precautions against reentering sex offenders. Through the enactment of this law, a community notification system was established (H.R. Rep. No. 2137, 1996). The next amendment to the Jacob Wetterling Act also occurred in 1996, and was a dedication to the last celebrated case mentioned, known as The Pam Lychner Sex Offender Trafficking and Identification Act (1996). Through this act, the creation of a national sex offender registry was now a required obligation of the Attorney General. As a result, the FBI is able to nationally track sex offenders, who have either committed new crimes or committed certain aggravated offenses (Megan's Law, 1999). Through this new act, lifetime registration can be required for recidivated sex offenders who have committed definite serious crimes (S. Rep. No. 1675, 1996).

In 1997 an amendment to the federal Jacob Wetterling Act was approved as a measure within the Appropriations Act of 1998. This new law, The Jacob Wetterling Improvements Act,

improved the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Pam Lychner Sex Offender Tracking and Identification Act, and other federal statutes in regards to sex offenders. The most significant update within this law required each state to partake in the National Sex Offender Registry, which was first created through The Pam Lyncher Sex Offender Trafficking and Identification Act. This act also called for more stringent registration requirements for offenders convicted of violent sex offenses. It also required the registration of federal offenders, military offenders, and out-of-state offenders. Lastly, the registration of international offenders who lived within this country as a worker or student was also recognized as a requirement (H.R. Rep. No. 2267, 1997). In that same year, the federal government took another step towards securing the safety of children by passing the Protection of Children from Sexual Predators Act of 1998. With this law new criminal offenses were established, existing statutes were amended, and enhanced penalties were created. More specifically, the transfer of obscene material to minors was now prohibited, children were protected from child pornography abuse, and the use of parkway services to send out identifying information regarding a minor was also recognized as illegal (H.R. Rep. No. 3494, 1998).

#### Recent Sex Offender Management Policies

In accordance to the last major federal sex offender legislation initiative in 1998, the 21st century has seen a continuous expansion in legislation against sex offenses. As a response to the continued public demand for stricter laws, this country is now witnessing the most vigorous, all-encompassing legislative agenda on sex offenders to date. While the federal government has continued to respond to society's demand for protection from sex offenders with the creation of three new acts of legislation in the past decade, the state and local developments in sex offender management laws and policies have been astounding. As a result, laws are now encompassing

requirements of notification and registration, mandatory minimum sentences, residency limitations, GPS monitoring, and civil commitment. Some of these sex offender-specific laws and policies have been repealed or modified significantly. However, most of the policies seen today serve as the foundation for contemporary sex offender management techniques in a common aspiration to decrease sexual victimization within society.

Considering the creation of the Protection of Children from Sexual Predators Act of 1998, the federal government has continued its efforts in sex offender management through the implementation of three acts in the past decade. The first act came in 2000, known as The Campus Sex Crimes Prevention Act. This was passed as part of the Victims of Trafficking and Violence Act that “required any person who was obligated to register in a state's sex offender registry to notify the institution of higher education at which the sex offender worked or was a student of his or her status as a sex offender; and to notify the same institution if there was any change in his or her enrollment or employment status” (H.R. Rep. No. 3244, 2000). The next act was created in 2003, known as the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act. The results of this act mandated all states to maintain a website that included all sex offender registry information. This also required the Department of Justice to sustain a website where all state registries and their links were provided (S. Rep. No. 151, 2003). Lastly, in 2006 Congress passed the Adam Walsh Child Protection and Safety Act, more commonly known as the Sex Offender Registration and Notification Act (SORNA). This covered the protective areas for children, where minimum mandatory sentences were created for sex offenders, and upgrades were made to the national registry system. The upgrades made to the national registry system now required states to follow strict guidelines in their sex offender registries. These new guidelines include: a system of tiers based on sex

offense, amount of personal information required on an offender, and a new wide range of sex offenses for which an offender must register. As a result of its creation, SORNA extended the federal government's authority over sex offense policy. (H.R. Rep. No. 4472, 2006).

With the creation of the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, states were now obligated by Congress to produce their own registries, where offenders convicted of violent sexual offenses or crimes against children were to be included. If states did not establish these registries, or failed to comply with the provisions of the act, a reduction in grant funding by 10% was the result. By 1998 however, amendments were made that required states to partake in the National Sex Offender Registry. As a result, every state has a sex offender registry. The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act requires states to sustain a website that includes the state's sex offender registry. Accordingly, all state registries are now electronic which allows for easy access to an offender's identity and place of residence (Ragusa-Salerno & Zgoba, 2012).

Even with all of the federal requirements mandated to the states within their sex offender registries, many of the states have taken further measures in how their registries operate. For instance, the information collected within the registry varies from state to state. At the minimum, states will obtain the offender's basic identifying information (name, date of birth, social security number, inmate identification number). In some states, further information is collected, such as the employment information, a photograph, and a DNA sample. The duration of required registration also differs from state to state, even though the federal government has mandated that all sex offenders be mandated to register based on their tier classification by offense (tier I sex offender = 15 years, tier II sex offender= 25 years, and tier III sex offender = life). However, a few states have taken the length of the registration requirement a stricter step

forward, based on the seriousness of the offense or number of prior convictions. Lastly, state registries also vary on which individuals charged with a criminal offense is mandated to register. While federal guidelines have created the three tiers of offenses required for registry, many states have recognized more offenses as a sex crime. For instance, some states require registration for nonviolent offenses where offenders are mandated to register as a sex offender (statutory rape, solicitation, indecent exposure) (Ragusa-Salerno & Zgoba, 2012).

Community notification laws have become largely implemented and diverse within this country, due to the public's consistent demand to be informed about convicted sex offenders' immediacy to society. While the federal government has provided legislation that establishes the necessary provisions needed to provide substantial information to the public about these offenders, some states have taken further initiative to inform their residents. For some state registries, more information is provided about sex offenders on the database website. For instance, at the minimum, most states include the offender's name, address, and inmate identification number. Some states obtain a photograph of the offenders in order to make their identity easily known. However, most states recognize the need to omit any sensitive information that may harm the offender or victim (such as social security numbers, or identifying factors that may be used to identify a victim) (Sample, Evans, & Anderson, 2011).

Many states have also recognized the need to develop their own tiered system, similar to the federal government's already existing system, where sex offenders are assessed more properly on the levels of risk they pose. For example, a few states have recognized the need for active notification procedures for those offenders assessed as high-risk, where more information about these offenders and their crimes are released to the public. For offenders found to be of lower risk, less information may be revealed about them. Local jurisdictions in some states have

also increased in their efforts in community notification. Even though notification about a sex offender is primarily done through the state and national sex offender registries, some local jurisdictions have required law enforcement to more actively inform their communities through some of the following common efforts: posting flyers through the community neighborhoods, police door-to-door notification, issuing important bulletins, and holding meetings within town hall (Sample & Kadleck, 2008).

Implementation of mandatory minimum sentencing has greatly increased, because the detainment and proper management of sex offenders continues to be of great public concern. Statistics in 2007 regarding sentencing length for sex offenders showed that courts at both the federal and state levels were sentencing these offenders with longer prison sentences than any other violent offender (Durose & Langan, 2007). By 2008 more than half of the states in this country were participating in mandatory minimum sentences for certain felony sex offenses against children, with a sentence of 25 years (NCSL, 2008). Policymakers and legislatures alike have supported the notion to incarcerate sex offenders for longer periods of time. Mandatory minimum sentencing statutes are common among legislative techniques against sex offenders, due to the idea that even a threat of such a large sentence would deter individuals from sex offending. For policymakers, the intimidation of such a harsh consequence properly serves incapacitation and punishment concerns, while also serving as both a specific and general deterrence. Many state legislatures also support the use of mandatory minimum sentences in order to alleviate sentencing disparities between states.

The use of civil commitment laws is another recent trend the states have begun to recognize towards the management of sex offenders. In the early 1990s legislatures in many states enacted these statutes based on the fear of releasing offenders who have been recognized

as unmanageable within the communities. Also commonly known as “Sexually Violent Predator” laws, these laws seek to civilly commit the more violent sexual offenders who have almost completed their sentence, and have been declared to have a mental condition. Lawmakers believe reoffending is more likely to occur among individuals with mental defects. Therefore, through the use of civil commitment laws these individuals receive an extension in their detainment (Deming, 2008).

As mentioned early in this paper, SVP laws were first used in the 1930s for individuals deemed “sexually psychopathic”. While most of these laws had been revoked by the 1980s in most states, the use of these laws through the civil commitment idea resurfaced in the 1990s due to the public’s growing fear of sex offenders. By 1998 eight states implemented the use of civil commitment statutes towards the management of sex offenders. By 2007 approximately 20 states had implemented their own civil commitment statutes, where over 4,500 sex offenders nationwide had been detained within civil commitment institutions (Gookin, 2007). In modern standards to place a sex offender in a psychiatric or mental health facility, civil proceedings usually have to occur, where the offenders have to meet common criteria to be involuntarily committed. For one, the offender must have already committed a sexual offense that was violent in nature. Second, a mental or psychological condition that prevents the individuals from controlling their behavior must have been previously diagnosed. Prohibiting the reentry of these unmanageable individuals into the communities is a major public safety concern for policymakers. Therefore, more and more legislatures are enacting these statutes in order to reduce recidivism rates among sex offenders deemed more susceptible to criminal behavior (Schneider, 2008).

Due to recent advances in technology, the last decade has witnessed a major increase in states that have passed legislation requiring electronic monitoring devices for sex offenders throughout the communities. Even though no federal guidelines exist towards the implementation of GPS monitoring, the use of this technology has dramatically increased within the last decade, where 35 states had actively used this global positioning system by 2008 (Velazquez, 2008). Through this electronic monitoring device, an offender's whereabouts can be tracked through the use of a portable electronic device. For many of the participating states, an electronic monitoring device is mandated towards any sex offender deemed high-risk. A case-by-case basis occurs in some states however where a judge determines an EM device as necessary or not.

There are many reasons why policymakers believe the use of GPS tracking devices is necessary towards the successful reintegration of sex offenders. In hopes to reduce or prevent recidivism from occurring, policymakers believe the EM device creates a fishbowl effect, where the monitored offender has an understanding that he or she is under continuous observation. For law enforcement, EM devices are also seen as a beneficial tool. Personnel can detect whether or not the monitored offender is compliant with their terms of probation or parole, maintaining distance from a victim, attending required rehabilitative meetings, and even monitor the activities and movement of an offender should that individual become a suspect in a criminal investigation.

Statutes regarding residency restrictions and zoning rules for sex offenders have also become recent restrictions implemented by states, cities, counties, and towns. Thirty states had participated in the enactment of residency restriction statutes as of August 2007, where residing in close proximity to children was prohibited for certain convicted sex offenders (Meloy, Miller,



& Curtis, 2008). Some states have even chosen to further these residency restrictions to include schools, parks, school bus stops, churches, and daycare centers. Typically these restrictions prohibit certain classified sex offenders from residing within 1,000 to 2,500 feet from these locations (Levenson, Zgoba, & Tewksbury, 2007). Through the implementation of these laws, legislatures believe these residency restrictions will decrease future victimization.

Supporters of these new residency restriction laws believe in this concept based on their perception of high recidivism rates within the sex offender population. These supporters also believe that sex offenders, once released, will target strangers if they do decide to reoffend. Overall, supporters fear future victimization and believe that through the enactment of residency restrictions, access to potential victims is eliminated for sex offenders through the use of geographical boundaries. Protection for more vulnerable citizens, particularly children, is of the greatest concern. Therefore, policymakers believe that by implementing residency restrictions, temptations to commit future sex offenses are now eliminated. In the end, advocates for residency restriction laws believe they are effective in improving community safety.

#### Policy Implications of Current Sex Offender Management Laws

While subsequent reoffending amongst reentering sex offenders should indeed be of major concern for the public, the recent laws required for sex offender management have had a great number of negative implications. Most of these offender-specific laws, such as the notification and registration laws, have been made contrary to existing empirical research supporting their ineffectiveness. Because of the overwhelming concern and skeptical response towards the successful reentry of sex offenders, legislators have overzealously responded by creating far-reaching and arbitrary requirements without appropriately considering effective management. Sex offenders are now disregarded for their low recidivism rates, and are instead

facing many social and financial costs due to the public's fear of reoffending sexual behavior. Reentering sex offenders, as well the criminal justice system, can now expect to experience laws of a homogenous nature, where residence and employment barriers exist, problems with enforcement are expected, and other collateral consequences occur.

### Homogeneity

Many supporters of sex-offender specific laws, as well as other public safety precautionary measures regarding reentry regulations, believe most sex offenders and their offenses are of a violent nature. As a result, policy specific to this population has assumed that the sex offender population is a homogenous group. It has assumed that anyone convicted of a sexual offense exhibits similar reoffending patterns regardless of the circumstances involved or the nature of the crimes. However, no other policy created towards the management of sex offenders has had a negative effect of homogeneity on this offender population like the implementation of notification and registration laws. Through the continued expansion of these laws, legislatures have improperly implied to all sex offenders that they are a part of a homogenous group. Instead of considering extenuating circumstances within their crimes, such as the age of their victims, or even the nature of their crimes, they are inferring that all offenders who commit criminal sexual acts have a high probability of committing another. While it is easily recognizable that both the legislatures and public alike have false assumptions regarding sex offenders, their crimes, and their recidivism rates, simply creating overzealous policies to ease the public's fear and anxiety of sexual injury is inexcusable criminal justice practice. Like all forms of offenders in this criminal justice system, sex offenders are composed of individuals in which a number are more apt to reoffend than others. Because of this fact, sex offenders need

to be considered a heterogeneous group instead of the common assumption that labels them as homogenous.

Due to this common belief that the sex offender population is a homogenous group, people who are not dangerous offenders are sometimes nonetheless required to abide by registration laws. As a result, most of the offenders are then subjected to the requirements of residency restrictions and community notification laws. These laws were originally created towards the effective management of convicted sex offenders who had previously victimized children. However, as the public's anxiety towards sex offenses continued to expand, notification and registration laws had increased to not only include offenders charged with violent acts against children and adults, but for nonviolent sex offenders as well. Individuals of the less dangerous nature categorized as sex offenders, for an example, could have engaged in consensual sex as an adult with a teenager, bought or sold sex with another, exposed themselves by urinating in public, solicitation involving a juvenile, or possessed, viewed, or manufactured child pornography. Many states, unfortunately, require these offenses to be noted and recognize these offenders as labeled sex offenders (Sample & Bray, 2006). As a result, many of these individuals are forced to comply to these registration requirements for the required duration due to federal and state levels.

The overbreadth nature of these registration and notification laws also includes the issue with the length of time convicted sex offenders are required to maintain registration on sex offender registries. In a very arbitrary manner, registration duration requirements are typically assessed from the nature of the sex crime committed, not from the actual threat of the offender, or the likeliness of recidivism. Again, due to reactionary responses of state legislators, based on the public's continued outcry for sex offender control, duration requirements for registration are

beginning to expand in their procedural scope as well. As of 1996 most states had placed a registration length requirement, averaging over 10 years. Also, as of 1996 only 15 states had participated in lifetime registration requirements for certain convictions (Matson & Lieb, 1996). Most recently in 2011, however, 17 states participate in the lifetime requirement of registration. Unfortunately, for these individuals who are subjected to a lifetime of registration, the only way to be removed from such requirement is to plead their case to the state legislatures, which proves to be a very difficult, and often, unsuccessful process (Walker, 2011).

The negative impacts on these offenders, due to the homogenous nature of these registration and community notification laws, also subjects them to the more recent provisions made in sex offender management policies and laws. The federal government first paved the way for early sex offender legislation in the early 1990s. States have also responded to a need for sex offender management policies with the implementation of more modern, stricter policies. As a result, those individuals convicted of the more nonviolent sexual offenses, depending on the various states' registration requirements, may in fact be subjected to the other sex-offender specific laws, if they are required to register. For example, a nonviolent offender, convicted of a sex offense and mandated to register, may now fall victim to residency restrictions, electronic monitoring (GPS), or even disqualified from receiving certain government assistance. Unfortunately, due to the requirements of registration for certain offenses outlined in some particular states, individuals convicted of a non-violent sexual offense may be labeled as a "registered sex offender".

#### Impact and Effectiveness Concerns

Even though policymakers have been quick to enact stringent laws towards the sex offender population, and by doing so have demonstrated a clear commitment towards the

management of these offenders, considering the effectiveness of these laws and policies have not been extensively discussed. The attempt to create public protection policies in a quick and punitive manner to appease the public's need for control over these offenders and the criminal justice system's need to prevent further sexual victimization has resulted in laws that have not been properly researched or evidence-based for effectiveness. As a result, these sex offender specific laws have placed substantial implications on the sex offender population. Unfortunately, to date little empirical evidence exists in order to properly determine whether or not the investment in these laws has yielded a substantial public safety return.

Registration and community notification laws were originally created as tools to deter sex offenders from committing further sexual offenses, aid law enforcement personnel with a proper investigative measure, and increase public safety for the communities. Ultimately, these laws were intended to reduce recidivism among this reentering offender population. Research evaluating registration and notification laws on efficacy may be limited, but the continuous studies conducted to test their effectiveness have revealed similar results. Fortunately, many larger scale efforts towards the evaluation of the effectiveness of these laws continue to be conducted in order to determine new changes within recidivism rates. In 2003, The Bureau of Justice Statistics was able to conclude that the majority of new sexual offenses that had been committed by offenders were not those that had been formally required to go through the registration process (individuals with prior sexual offenses). While the results of this study did show that sex offenders were four times more likely to commit another sex crime compared to other criminals, the major conclusion was that the Department of Justice found most of the new sex offenses committed were done by other offenders at 87%, compared to the registered sex offender population at only 13% (Bureau of Justice Statistics, 2003).

In 2006 Zevitz conducted a study in Wisconsin where he evaluated the impact of the state's community notification laws on sex offenders. During a period of 4.5 years, he tracked the offenders' reincarceration rates. After properly controlling for both the demographic and offender history variables, he was able to determine that the use of notification did not directly affect the probability of a sex offender being reincarcerated (Zevitz, 2006). In a larger research study conducted in 2008, Vasquez and colleagues (as cited in Duwe, Donnay, & Tewksbury 2008) conducted a multi-state analysis, where they examined the potential deterrent effect on rape rates that were distinguished before and after the enactment of registration and community notification laws within ten states. Their results were surprising, where only one state (California) had observed a substantial increase in reported rapes following the enforcement of registration laws, three states (Hawaii, Idaho, and Ohio) observed a substantial decline in their reported rape rates, and the remaining five states (Nebraska, Arkansas, Oklahoma, Connecticut, and Nevada) observed no statistically significant changes (Duwe et al., 2008).

The unintended impact the registration and community notification laws have had on this offender population has also revealed to be significant. According to several existing research, sex offenders have reported feelings of stigmatization, social scrutiny, isolation, and susceptibility. These offenders have also reported as had experienced harassment as a result of these offender-specific laws as well (Levenson & Cotter, 2005; Tewksbury, 2005). The increase in a negative public sentiment has also created barriers to employment and housing opportunities for these offenders. Unfortunately, this loss of a positive sense of community support greatly affects the successful reintegration of this offender population. In fact, research has recently demonstrated a correlation between these concerning factors and an increase in recidivism amongst the sex offender population (Hanson & Morton-Bourgon, 2005).

The use of electronic monitoring has become a recent, popular technology used by authorities. The public's safety is intended to be better protected when the whereabouts of sex offenders are supposed to always be known. However, many disadvantages have been revealed within this technological surveillance advancement, which discredits its effectiveness. Its time-consuming nature, typical malfunctions, and overall capabilities make this a device that cannot be solely held accountable for the proper management of sex offenders. The first issues that need to be properly recognized are that the use of GPS monitoring cannot completely inhibit an individual from committing a new crime. The devices are able to identify the location of an offender but cannot determine the following: the exact activity the offender is participating in, determine who an offender is speaking with or watching, or determine the exact location within a building (Brown & McCabe, 2008). Hardware malfunctions are another issue that need be recognized within the use of electronic monitoring. Alarm signals have been recognized as a hardware malfunction that cannot easily be distinguished between a false alarm and an actual violation that has occurred. Lastly, many people hold the common misconception that GPS is solely responsible for the monitoring of these offenders, when in all reality trained personnel are doing the tracking and monitoring of this offender population with the assistance of the necessary GPS software and equipment. Therefore, the use of this equipment only remains effective if the monitoring of these offenders is done diligently by trained supervisory staff (Morgan & Glover, 2008).

A supplementation to registration and notification laws, and a more recent policy practiced by most states, is the residency restriction requirements. This form of restriction for the sex offender, previously intended to only target those offenders convicted of acts against children, have not only become controversial due to their extremely difficult requirements

regarding residency but have also proven to be nearly impossible to abide by. Residency restrictions have instead proven to be a serious policy implication for both its offenders and public safety. Recent research has indicated these restrictions as having little effect on recidivism (discussed in the next section), and more importantly, severely impacting the reentry efforts of sex offenders. As the Human Rights Watch reported, “Among laws targeting sex offenders living in the community, residency restrictions may be the harshest as well as the most arbitrary” (Tofte & Fellner, 2007, p. 7). Residency restriction laws also have the common issue of homogeneity as well. Again, regardless of the criminal nature, or the age, sex, race of their victims, these implemented laws apply to all sex offenders. Homogeneity of these residence restriction laws, however, is the least concerning attribute of these policies.

About 20 states in the U.S., as of 2011, have acknowledged the use of residency restriction laws. (Walker, 2011) For reentering sex offenders, their biggest issue, which is an obvious factor, is the unavailability of housing due to regulations outlined in these restrictive laws. As previously mentioned, most residency restriction laws forbid a reentering sex offender from living within 1,000 to 2,500 feet from schools, daycares, churches, and many other common public areas where children may be found to congregate. These policy requirements have proven to be very difficult for reentering sex offenders, due to extreme limitations in residency dwellings. Diminishing the options of housing for these offenders is a very ineffective process to the successful reentry of these offenders, which should be noted as a key factor for homelessness, employment, and overall future behavioral methods.

Residency restrictions for the 20 participating states have also experienced counterproductive results due to their implementation of the laws. For both Iowa and Oklahoma, due to the restrictions placed on residency, an increase in homelessness and death were found



among most reentering sex offenders (Levenson, 2008). The state of Florida, as well, has proven to a very difficult state for housing availability. For Orange City, FL, 23% of the city's residential properties (137,944 total) were found within 1,000 feet of schools, and 64% were found within 2,500 feet. From this 64%, available residential properties for sex offenders went from 106,888 properties to about 50,108 properties. In conclusion, only 5% of Orange City's residential properties were available for sex offenders (Zandbergen & Hart, 2006). For Miami, FL, many news agencies began reporting the seriousness regarding homelessness for sex offenders. In a July 2009 news article from the *New York Times*, 67 sex offenders were found living under a bridge due to Miami's housing ordinances for these offenders (Cave, 2009). Unfortunately, for these residency restriction state participants, this is a common finding for their released sex offenders.

### Enforcement

As mentioned before, due to the overbreadth nature of sex offender regulations, such as registration, notification, and residency restriction polices, recent research has indicated these laws to be quite counterproductive. Specifically, enforcement of these laws is extremely difficult. Law enforcement personnel are now responsible for monitoring all registered sex offenders, and due to the homogeneity inference the criminal justice system exemplifies, an abundance of offenders convicted of sex crimes are within the system, regardless of their risk factor. Because of this issue, it can be very difficult for law enforcement to monitor sex offenders, especially when it comes to deciphering which offenders due to risk assessment need more monitoring than others. Keeping track of sex offenders in general has been a major issue due to volume. As a result, promoting public safety through this intended system is nonexistent due to its over-reaching laws that are not only impeding in nature but also ineffective.

Many issues contribute to why tracking these offenders remains extremely difficult under these laws. Offenders often move and do not report to state authorities where they have gone, and sometimes, they even lie about their criminal sex offender status when they arrive to their new location. From the Human Rights Watch report, the County Attorney Association in Iowa had reported that their local prosecutors had lost surveillance of over half the state's registered sex offenders. From Linn County in Iowa, Sheriff Don Zeller had also revealed to the organization that anywhere from 50% to 55% of sex offenders are monitored, while the remaining are not (Tofte & Fellner, 2007). Issues from community notification have also been related to tracking issues. An early study on Wisconsin's notification law revealed the time-consuming issues commonly found within these policies. In this study, probation and parole officers were given more time-consuming duties due to the intensive supervision required to track the state's sex offenders (Zevitz & Farkas, 2000).

Many additional concerns exist within the enforcement problems of notification and requirement laws. These other concerns deal with how sex offenders are affected due to the information made available to the community. Because registration and notification laws facilitate information to the public, community members are more prone to exclude or shun sex offenders. From this response, sex offenders often find it very difficult to find and hold employment, create new social networks, respond to treatment, or even exist as a normal law abiding citizens. Successful reintegration is important for all reentering offenders, but for sex offenders many obstacles prevent this process from performing smoothly. Building and sustaining new relationships within the community can help encourage new patterns of acceptable social behavior; however, due to the impeding nature of sex offender laws, these ideal relationships are not easily formed.

Enforcement through the implementation of residency restriction laws has proven to be very difficult in the tracking and monitoring of reentering sex offenders due to these laws unintended ability to drive these individuals into homelessness. After Iowa had implemented its 2,000-foot law, the state was seeing the results of the law after only 6 months, with thousands of offenders becoming homeless or transient. If the ability to track and monitor these offenders wasn't already an issue, the number of sex offenders within Iowa who were now unable to be located had more than doubled in size (Levenson & D'Amora, 2007). As a result, the legitimacy and dependability of the sex offender registry could now be seen as obsolete. California also encountered a very similar enforcement concern, where the tracking and monitoring of its sex offenders were greatly affected due to their own residency restriction laws. The California Sex Offender Management Board has even taken a step further towards the recognition of this problem, concluding that the sex offenders affected statewide due to the implementation of Jessica's Law has increased substantially. At the time of this declaration, they had also recognized that parolees, in particular, were increasingly declaring themselves as "transient". In early 2008 the board had found from the 3,884 paroled sex offenders who were subject to the residency restrictions outlined in Jessica's Law, 718 (18.5%) had registered their residency to be "transient". This number represented a 715% increase, when only 88 individuals had registered their address as "transient" in 2006 during the first month of the law's implementation (California Sex Offender Management Board, 2008).

The use of electronic monitoring has also experienced enforcement concerns, because it has shown to be extremely time consuming for law enforcement personnel, and again, only remains effective through the supervision of trained supervisory staff. Its time consuming nature, and need for special staff (which also includes the need to hire many

individuals in order properly manage all the registered sex offenders), places a costly strain on the states' criminal justice systems. The Minnesota Department of Corrections also weighed in on these disadvantages when they noted that the use of GPS devices in their state cost them \$14 per person, per day, which did not include the cost of supervisory staff (which could have been a probation or parole officer, etc.). A significant number of supervisory staff is required in order to properly respond to GPS alerts 24/7; therefore, the use of this monitoring device can be greatly expensive. The Minnesota Department of Corrections also recognized that the electronic monitoring system was dependent on its connections to satellite points. Should a monitored offender enter into a "dead spot", a satellite signal would not be reached or recognized, and the tracking of the offender was compromised (Minnesota Department of Corrections, 2006).

#### Fact v. Fiction

Many misconceptions about sex offenders and sex crimes exist today within society, where citizens, policymakers, and politicians alike hold false common assumptions regarding this offender population. The most important goals of effective sex offender management involves the protection of the communities from sex offenders and the prevention of new sex crimes from occurring; therefore, laws and policies need to be grounded in research and implemented based on their effectiveness. For more effective criminal justice interventions to occur for this offender population, however, the "myths" and the "facts" need to be properly addressed. The management of sex offenders has become a relatively new field; accordingly, new information about sex offenders and their behaviors has been revealed in the past decade. For the purposes of this paper, the most common "myths" are presented, where the summarized research concerning these issues will be provided.

## Sex Offender Population and Sex Crimes

Due to the overcoming fear amongst the public of becoming sexually victimized, as mentioned before, public perceptions tend to place the sex offender population into a homogenous group. As a result, many misconceptions are held against this offender population, pertaining to how the sex offender population is characterized and how sex offenses are understood to occur. One of the greatest myths against the sex offender population is that there exists a “typical” sex offender. However, that is simply not the case. Sex offenders are either gender, can be married or single, range across all ages, possess high levels of education or not, greatly involved within their communities or not, and possess prior criminal records for nonsexual offenses or sexual offenses, or have a completely clean criminal record. The characterization of the sex offender population greatly varies, where the reasons behind sex offending behavior, risks they pose to the communities, and individual personality traits possessed cannot be homogeneously considered.

As previously recognized several times in this paper, the public is extremely fearful of the possibility of being sexually victimized. Because of this fear, the majority of the public holds the common misperception that most sexual offenses are committed by strangers. Unfortunately, the fact of the matter is most sexual offenses are committed by family members or acquaintances known by the victim. According to a study conducted in 2000 by the Bureau of Justice Statistics, the U.S. Department of Justice was able to recognize from all of the sexual assault cases reported, 86% of the cases included an offender who was either a family member or someone familiar to the victim. To be more specific, the U.S. Department of Justice saw this phenomenon of family or acquaintance sexual abuse in 93% of reported victims under the age of 17, and 73% in reported victims age 18 and up. Further, it was also recognized that a family

member had assaulted 34% of the reported child victims, and 59% of child victims had been assaulted by someone they knew (Bureau of Justice Statistics, 2000).

The public also holds a great fear that those children who fall victim to sexual assault will only grow up to sexually assault others as well. This is an inaccurate perception, however, because even though a significant percentage of convicted sex offenders have been victims of abuse as children, this is not the case for the majority. In 1998 Becker and Murphy had projected that 30% of sex offenders had been sexually victimized as children, while 70% had not (Hanson & Bussiere, 1998). In Hindman and Peters's 2001 investigation, the researchers wanted empirical support for the hypothesis that the abused will become an abuser. From the participating offenders within this study, 67% had initially reported as had experienced sexual abuse as children. However, once these individuals were given a polygraph test, only 29% of these offenders had still reported as had been sexually abused as children. From this result, the researchers concluded that some of these offenders tend to exaggerate claims of childhood abuse as an attempt to explain their criminal behavior (Hindman & Peters, 2001).

### Recidivism of Sex Offenders

One of the greatest myths surrounding the sex offender population involves the idea that the majority of these offenders will eventually commit another sex offense, and that their offense rates are higher than ever, and only continue to increase. In reality, sex offenders have the lowest rearrest rates. According to the Bureau of Justice Statistics's 2008 crime analysis, from all the released violent felony offenders, sex offenders had the lowest rearrest percentage, at only 6%. Murderers, on the other hand, had the highest percentage at 39% (Walker, 2011). The Center for Sex Offender Management has also conducted national surveys about sex offender recidivism. Their results are consistent with the Bureau of Justice Statistics. The Bureau has

concluded that about 10% to 24% of released sex offenders will recidivate. In summary, this reveals that only 1/3 of released sex offenders will recidivate (Hanson & Morton-Bourgon, 2005). The CSOM further concluded that of those sex offenders that did recidivate, more often than not, the crimes did not include violent or sexual acts, and were instead due to a technical or parole violation (Drake & Barnoski, 2006).

The Bureau of Justice Statistics also conducted a study that followed released offenders across 15 states for a period of 3 years after their release from prison. The purpose of this study was to determine whether or not they were rearrested for any type of crime. Within the 3 years following their 1994 release from prison, only 5.3% of sex offenders were rearrested for committing another sex crime (these offenders included any male who had committed another rape or sexual assault). Sex offenders were also found to be the least likely to be rearrested for any offense at only 43%, compared to nonsex offenders at 68%. For nonsex offenders, their rearrest rates were as follows: 62% new violent crimes, 74% property crimes, 67% drug crimes, and 62% public-order crimes. The results of this study for the sex offender population translated as the following: While 43% of the released sex offenders may have been rearrested in this 3-year period, only 5% of the 9,691 total released sex offenders were rearrested for committing a new sexual offense. This revealed that even when sex offenders had been rearrested, the majority of the arrests did not include a new sexual offense (Bureau of Justice Statistics, 2003).

As many criminologists have concluded, the reasoning behind most sex offender recidivism involves the social and financial costs imposed on these offenders through the implementation of registration, notification, and residency restriction laws. While successful reentry is a challenging endeavor for all reintegrated individuals, the sex offender population encounters several barriers through the implementation of these offender-specific laws, which

has proven to result in an extremely difficult period of transition. As a result, due to the extremely restrictive nature of most of these laws, most sex offenders have found themselves in violation of probation or parole due to nonviolent offenses pertaining to these laws.

Unfortunately, these technical violations negatively affect the recidivism rates of sex offenders as a whole, where a “base rate” represents the entire recidivism rate for the sex offender population. Many critical issues exist in how recidivism is defined for all reintegrated offenders, however, for the sex offender population, how recidivism is currently measured has greatly had an impact on how they are managed within the communities. Technical violations, and even new criminal convictions that do not involve a sexual offense, continue to ultimately affect how conclusions are made about sex offender recidivism.

#### Summary

The national panic surrounding the sex offender population has led to the creation of a variety of offender-specific laws. The public’s anxiety over sex offenses has demanded strict action from the criminal justice system in order to protect society from future sexual victimization. Legislatures have responded to society’s concerns regarding the proper management of these offenders, and have enacted some of the most far-reaching and innovative community protection policies against this offender population. Unfortunately, these laws have been a reactive response to the public’s fear and misperceptions held against the sex offender population. Their inflexible and harsh nature has led to many unforeseen social consequences, hindering the successful efforts of reintegration and in some instances, increasing recidivism. The major costs imposed by these management policies have offset the benefits of strict surveillance for these offenders, hindering their main purpose of reducing recidivism and promoting public safety.



## CHAPTER 3

### THEORY

#### Moral Panic Theory

Due to the increased attention sex offenders have warranted from the public, these offenders and sex offenses have been subject to political, social, and ideological influences through recent sex offender legislation. This result can largely be traced back to the impact public perceptions have had on both the legislative and judicial responses to sex crimes. The continuous rise in fear over potential sexual victimization from the public, and its influence over sex offender legislation, can be better distinguished as a result from moral panic, or “sex panic”. The moral panic that has ensued due to the fear of sexual abuse has led policymakers to react by creating capricious and even arbitrary sex offender management policies that have been recognized as unreasonable and irrational. However, if legislators had chosen not to respond to the moral panics, which cite the need to be more stringent on sex crimes and sex offenders, the public would continue to doubt the effectiveness of the criminal justice system. Moral panics continue to arise within the public against sex offenders, leading to the creation of policy. These legislative attempts now resemble a reactionary response instead of evidence-based policies that focus on effectiveness.

#### Moral Panic Defined

The term “moral panic” was produced by Stanley Cohen in his book *Folk Devils & Moral Panics*. In this book he provides the following model of a moral panic foundation, which includes the separate components that make up this term:

- “(i) Concern (rather than fear) about the potential or imagined threat; (ii) Hostility – moral outrage towards the actors (folk devils) who embody the problem and

agencies (naïve social workers, spin-doctored politicians) who are ‘ultimately’ responsible (and may become folk devils themselves); (iii) Consensus – a widespread agreement (not necessarily total) that the threat exists, is serious and that ‘something should be done’. The majority of elite and influential groups, especially the mass media, should share this consensus. (iv) Disproportionally – an exaggeration of the number or strength of the cases, in terms of the damage caused, moral offensiveness, potential risk if ignored. Public concern is not directly proportionate to objective harm. (v) Volatility – the panic erupts and dissipates suddenly without warning. (Cohen, 1972, p. 41)”

Cohen believed moral panics resulted in a particular condition, event, or assembly of individuals that had developed as a danger to society’s instilled values and norms. He believed the mass media, groups of experts, and the more conservative of individuals placed these people, who were alleged to be a threat to the communities, in a stereotyped and biased group. He believed the influencers took certain moral positions, where judgment and suggestions towards the management of this situation greatly impacted the perceptions of society. Cohen also recognized that the circumstances behind the creation of the moral panic can either become a visible concern for the public or disappear altogether as a major issue. Cohen’s central argument behind the moral panic ideal, however, is that the media or groups of special interests employ the media greatly in an effort to broadcast their concerns (Cohen, 1972).

Erich Goode and Nachman Ben Yehuda were the next developers in the idea of a moral panic phenomenon. They proposed a second moral panic theory in 1994, where they believed three individual theories in themselves were responsible for the outbreaks of moral panic, known as: grassroots, elite-engineered, and interest group theories. This theory was a further adaptation

from Hall and colleagues (1978) first proposal, which focused on the media's role in shaping the public's perceptions on controversial issues. Hall first argued a new definition for moral panic, believing a moral panic involved the idea of an irrational response and panic that was not proportionate to the threat perceived (Hall, Critcher, Jefferson, Clarke, & Roberts, 1978). Goode and Ben-Yehuda further agreed with Hall's new assessment of moral panic, believing "substantial numbers of the members of societies are subject to intense feelings of concern about a given threat which a sober assessment of the evidence suggests is either nonexistent or considerably less than would be expected from the concrete harm posed by the threat"(pg. 149). This new adaptation to Cohen's original view on moral panic differed greatly, where Cohen believed "cultural strain and ambiguity" was the ultimate cause for moral panic (Goode & Ben-Yehuda, 1994).

Goode and Ben-Yehuda proposed a third theory for moral panic in that same year, where it focused on the public's participation in moral panics as a popular phenomenon. This new idea was coined the "grass-roots model". According to this third rendition of the moral panics theory, moral panics are derived from legitimate public concern. As a result, the theorists believe media has recognized moral panic trends and promoted their existence vehemently. Therefore, a shift exists between the public's attention on political efforts towards the perceptions of society. This theory recognizes that moral panics represent a cultural phenomenon (Goode & Ben-Yehuda, 1994). Stuart Scheingold recognized this theoretical construct in his conclusion regarding moral panics over street crime. He concluded the public's concern for street crime was not proportionate with actual crime, therefore representing an overall concern for violence within America's modern culture (Scheingold, 2011).

## Media and Moral Panic

Early theorists and recent collaborators of the moral panic theory have continuously recognized the media's contribution to moral panics. Regarding the public's perceptions on sex offenders, media coverage on these offenders has resulted in many damaging and adverse effects on the popular mindset. In Hall and colleagues' early interpretation of the theory, they recognized the powerful influence the media has in shaping the public's perceptions towards controversial concerns. Greer (2003) further concluded this idea, when he argued how the representation of sex offenses by the media played an extremely significant role. He believed these representations provided the public with the necessary cues on how the nature and degree of sex crimes should be perceived. As a result, the public would have a better understanding of how they feel towards these offenders and crimes, therefore recognizing the proper solutions in how to manage these offenses (Greer, 2003).

The misrepresentation of sex offenders and sex offenses by the media has further produced a moral panic against this offender population. Newspapers and many other media outlets continue to increase in how their attention is spent towards sex crimes. The ideal that an extraordinary increase in sex crimes exists and that children and women remain targets for sexual victimization, continue to be the running headlines used by the media. Unfortunately, these perpetuated myths by the media have demonized the sexual offender as a monster or a sex fiend. As a result, their influence has prompted society to view these offenders in an extremely punitive and resentful light. A perfect example of this occurred in Portsmouth, U.K. after the abduction and murder of Sarah Payne (age 8) was publicized in 2000. The media campaigned against all pedophiles within the area, dedicating themselves to publishing names, addresses, and photographs of convicted child sex offenders within the area. Unfortunately, the media's

continuous crusade against these offenders provoked hysteria and vigilante behavior within the public. Residents were found protesting in front of pedophiles' homes, issuing threats, and destroying personal property. After the activity subsided, one pedophile had disappeared, and two others suspected of pedophilia had committed suicide (McAlinden, 2006).

### Morality Policy Making

A distinctive link can be established between moral panics and the creation of moral policies. Typically, if a substantial moral panic exists within society, policy changes or the creation of new legislation will occur. A decision-making procedure should exist in order for legislators and policy-makers to effectively assess and analyze the efforts needed to resolve moral panic. Unfortunately, the social anxiety held against the sex offender population has prevented legislators from creating moral, empirically effective policies. The public attitudes towards sex offenders remain typically punitive in nature. These public perceptions have predominately focused on controlling danger and providing protection to society from violent, dangerous sex offenders. As a result, the public's fear of these offenders has been reflective in modern criminal justice policies.

The policy efforts against the sex offender population have been arguably recognized as a product of the public's negative sentiment. Many criminologists who have studied sex offender legislation have found those that restrict housing, mobility, and require registration or notification to be an inappropriate response. Opponents of these laws believe they were primarily created in order to ease the social uneasiness that surrounds the sex offender population (Levenson & Cotter, 2005). Unfortunately, the sex offender population has become a group targeted for policy making. These policies directed at this offender population, however, have been fueled by panic and fear. As a result, legislatures have failed in their efforts to examine the

vulnerable nature of these policies. Efficacies of these laws, as well as the social consequences that have resulted, are increasingly becoming more of an issue within the implementation of these policies. Unfortunately, the implications that follow their implementation have greatly impacted the successful reintegration of these offenders (Maguire & Singer, 2010).

### Summary

Legislation and management techniques directed toward the sex offender population have been greatly influenced by moral panic. Politicians and the media alike have recognized society's fear of possible sexual victimization and have taken the opportunity to sensationalize their concern. Therefore, the public has maintained a general lack of understanding towards sex offenders, sex offenses, and the proper means necessary in managing these offenders. Instead, the moral panic, which exists against this offender population, has ultimately resulted in modern legislation based on faulty postulations. Legislatures have disregarded the empirical data needed to create effective policy in order to ease public sentiment. However, if sex offender policy continues to operate on the basis of moral panic rather than in knowledge, successful reintegration of these offenders will continue to be a failed endeavor.

CHAPTER 4  
METHODOLOGY

Data

Sample Selection

The population used for the current study was students currently enrolled at East Tennessee State University for the fall term of 2012. The goal in this study was to determine the effects of the students' field of study on their perceptions and knowledge of sex offenders and sex crimes. Therefore, stratified random sampling was used to compare students majoring in the criminal justice field with students enrolled in a general education course offered within the university's history department. Both the criminal justice and history departments were contacted verbally or via email, where the purpose of the study was explained, and permission was requested to distribute a questionnaire to students during their class period. Five criminal justice courses (approximately 132 students) and three history courses (approximately 150 students) were surveyed to gather a total of 282 surveys. After the division of this population, systematic random sampling was then employed to get 100 surveys from individuals majoring in criminal justice and 100 surveys from noncriminal justice majors.

Procedure

This conducted study properly followed the federal guidelines established towards the ethical treatment of human research subjects. Prior to conducting this study, approval was obtained from East Tennessee State University's Institutional Review Board (IRB). Once IRB's approval was received, a request was sent to the instructors within both the departments of criminal justice and history for permission to survey their enrolled students. Permission was then obtained, and data were collected in eight classes. The researcher introduced herself, explained

the purpose of the study, sought participation, answered posed questions, provided the questionnaire with an attached informed consent form, and made certain participants were aware of the voluntary participation and anonymous nature of the questionnaire. The researcher collected completed surveys and placed them in two marked envelopes (criminal justice courses and history courses).

### Data Collection Instrument

A self-administered opinion poll was used as the data collection instrument in the current study. This questionnaire was devised to gather information on the public's perceptions and knowledge of sex offenders and sex crimes as well as their opinions on sex offender management laws. The survey incorporated considerations deemed significant from prior research, which examined the public's perceptions on sex offenders, their crimes, and sex offender management strategies. Several of the questions and methods were borrowed adaptations from Levenson, Brannon, Fortney, and Baker to further evaluate an individual's educational background as an influential factor in shaping perceptions. (2007). The questionnaire was four pages long and contained 41 questions (included in Appendix). Five sections were assessed within this questionnaire, where their order is as follows:

1) Demographic Measures Scale: The first portion of the survey asked respondents to identify their personal demographic constructs that included the following independent variables: gender, race, age, political affiliation, income, parenthood, marital status, and for the purpose of this variable's placement, major of study. Gender, race, political affiliation, income, and marital status were all measured categorically, where respondents were asked to mark the appropriate box most fitting. Age was measured at the interval or ratio level, where respondents were simply asked to indicate their age. Parenthood was



measured at the nominal level where respondents were first asked if they had children, and subsequently provided an interval or ratio level of measurement where they were asked to indicate how many children they had. Major of study was measure at the nominal level also, where the respondents were asked if they were majoring or minoring in criminal justice. For those not majoring or minoring in criminal justice, an interval or ratio measure was provided for the respondent to specify their field of study.

2) Knowledge of Sex Offenders/Sex Offenses Scale: Participants were asked a series of eight questions based on their beliefs and perceptions regarding the sex offender population on an interval or ratio scale. In this particular section, the questions were designed to determine the precision of the respondents' knowledge on sex offenders, sex crime statistics, sex offender recidivism rates, and victim or offender dynamics. This portion of the survey asked the respondents to choose an answer that best represented their perception, which ranged on a scale of 0% to 100%, with 10% increments (1=1%-10%, 2=11%-20%, 3=21%-30%, 4=31%-40%, 5=41%-50%, 6=51%-60%, 7=61%-70%, 8=71%-80%, 9=81%-90%, 10=91%-100%). For an example, participants were asked, "What percentages of sex offenders commit another sexual offense?" and were then requested to choose the most fitting percentage that coincided with their beliefs. The mean responses were then tabulated for the purposes of testing both Hypothesis 1 and Hypothesis 3.

3) Perceptions of Sex Offenders/Sex Offenses Scale: Participants were surveyed again on their beliefs and perceptions about sex offenders and sex crimes; however, these questions did not seek to determine accuracy. In this section, participants were asked to rate their agreement on seven different statements about sex offender recidivism, offender

population characteristics, and treatment. For example, statements such as “treatment is not effective for sex offenders” and “most sexual assaults are not committed by strangers” were posed. These statements were rated on a Likert scale, where participants were asked how much they agreed or disagreed (1=strongly disagree, 2=disagree, 3=neutral, 4= somewhat agree, 5=agree). Scores were then tabulated and summed, where higher scores represented more negative perceptions held by the public against the sex offender population.

4) Efficacy Support for Sex Offender Management Scale: Participants were given a list of eight sex offender management strategies, and were asked whether or not they believed the following strategies were effective in reducing reoffending among sex offenders. For example, respondents were asked to indicate “yes” or “no” as their answer with a strategy such as “GPS/Electronic Monitoring” and “Registration/Community Notification Laws”. This section was created to determine if confidence within these protections strategies existed.

5) Perceptions of Sex Offender Management Scale: Six scenarios were given to respondents that included many of the implications seen within the implementation of sex offender management laws. These questions were designed to measure the respondent’s support for punitive outcomes associated with sex offender management laws. These statements were rated on a Likert scale, where participants were asked how much they agreed or disagreed (1=strongly disagree, 2=disagree, 3=neutral, 4= somewhat agree, 5=agree) with scenarios such as “Residency restrictions should be imposed on all reentering sex offenders, even if that means they are unable to return home due to close

proximity of a school, playground, or park” and “GPS tracking devices violate sex offenders’ individual rights protected by the Constitution”.

### Variables

Among the sample questionnaire, both dependent and independent variables were included. The three dependent variables in this study were knowledge of sex offenders/sex offenses, perceptions of sex offenders/sex offenses, and support for sex offender management strategies. The main independent variables in this study included demographic measures and whether the surveyed individual was a criminal justice major or otherwise. For the purpose of this study, the respondents’ knowledge of sex offenders and sex crimes (Hypothesis 3), as well as their support for sex offender management laws (Hypothesis 2), were also used as independent variables for the purpose of testing the mentioned hypotheses.

### Dependent

In the current study the effects of audience traits and field of study were investigated on three dependent variables: knowledge of sex offenders/sex offenses, perceptions of sex offenders/sex offenses, and support for sex offender management strategies. Knowledge of sex offenders/sex offenses were measured by using a series of eight questions designed to determine the accuracy of the respondent’s knowledge on this subject, at the interval-ratio level. Perceptions of sex offenders/sex offenses were measured by using a series of seven questions, where the respondent’s agreement was rated on a Likert scale at the ordinal level. Support for sex offender management strategies was measured in two different occasions. In the first section, a series of eight questions were exercised at the nominal level. The second section used six questions, where the respondent’s agreement was rated on a Likert scale at the ordinal level.

## Independent

Many independent variables were present in the current study. The majority of these variables were the demographic constructs such as gender, race, age, political affiliation, income, parenthood, and marital status. Age was measured at the interval or ratio level, where the respondents were simply asked to indicate their age in the blank space provided. Gender, race, political affiliation, income, and marital status were all measured categorically, where the respondents were asked to check the most suitable box which most accurately described themselves. Parenthood was initially measured at the nominal level, where respondents were asked to indicate with a “yes” or “no” whether or not they had any children. For data purposes however, this variable was measured at an interval or ratio level where the respondent’s answer of how many children they had, provided in the blank space, was configured (1=0, 2=1-2, 3=3-4, 4=4-5, 5=6).

The principal independent variable of interest within the current study is field of study (CJ Major, Non-CJ Major). The initial question regarding the respondent’s field of study asked the respondent “Are you currently majoring or minoring in criminal justice”, and asked the respondent to indicate “yes” or “no” as his or her response. If the respondent was not a major or minor in the criminal justice field, a blank space was provided for the respondent to simply indicate his or her major. Their responses were then tabulated at an interval or ratio level to determine the composition of the “Non CJ-Major” group. For data purposes, however, field of study was measured nominally in the final analysis of the variable (1=CJ Major, 2=Non-CJ Major).

Two other variables, previously labeled dependent variables, were included within this study as independent control variables. Knowledge of sex offenders/sex offenses were first

measured by using a series of eight questions designed to determine the accuracy of the respondent's knowledge on this subject, at the interval-ratio level, but were later recoded at the nominal measurement in order to best evaluate hypothesis 3 (1=correct, 2=not correct). Support for sex offender management laws was also used as an independent variable in order to test hypothesis 2. A series of eight questions were measured at the nominal level.

### Analysis

The data in this research were examined using Statistical Package for the Social Sciences, version 19 (SPSS, 2012). The methodical techniques engaged within this research included descriptive statistics, correlation, independent samples t-test, and multiple regression.

### Hypotheses

The current study was used to test five hypotheses regarding the public's perceptions and knowledge on sex offenders as well as their support for sex offender management policies. The hypotheses are as follows:

Hypothesis 1: Criminal justice majors will hold different perceptions on sex offenders and sex crimes compared to noncriminal justice majors

Hypothesis 2: Criminal justice majors will differ in their support for sex offender management laws compared to noncriminal justice majors

Hypothesis 3: Public perceptions on sex crimes and sex offenders will be predictive in their support of efficacy for sex offender management laws

Hypothesis 4: Gender and parenthood will be predictive in the support for sex offender management laws

Hypothesis 5: Audience traits (Political Affiliation, Income, and Age) will be predictive in the public's perceptions towards sex offenders and sex crimes

### Univariate Statistics

The basic demographic composition of the sample was determined through descriptive statistics. Through the use of univariate analysis, the distribution, central tendency, and dispersion of the independent demographic variables were determined. A primary goal of this study was to achieve a sample where the demographic makeup was similar to the composition of the University. The results were intended to best generalize the views of the remainder of ETSU students (where 100 of those surveyed criminal justice students best represented those of the entire enrolled criminal justice majors or minors, and the remaining 100 of those surveyed in general education courses represented the rest of the university).

### Bivariate Statistics

Bivariate analyses were conducted several times within this study to examine association and causality between the variables. Independent samples t-tests and correlations were used to test the relationships between the variables. Correlations were used to evaluate the notion that the independent variables covaried with the dependent variables. To test hypothesis 3, a correlations test was used to determine if the respondents' perceptions on sex offenders was associated to their support for sex offender laws. A correlations analysis was also used for hypothesis 5 in order to determine if the respondents' age, political affiliation, or age was associated with their perceptions on sex offenders and sex crimes. Finally, correlations were tested on every independent variable within the study to determine if any multicollinearity existed among the variables, before their ultimate placement within the multivariate analyses.

Several independent samples t-tests were used to examine the differences between two groups on a variable of interest. To examine hypothesis 1, two independent samples t-tests were used to look at the differences between CJ Majors and Non-CJ Majors in their knowledge on sex

offenders/sex crimes and their perceptions of sex offenders/sex crimes. An independent samples t-test was also used to examine hypothesis 2, in order to determine the differences between CJ Majors and Non-CJ majors in their support for sex offender management laws. Finally, an independent samples t-test was analyzed for hypothesis 4 to compare the differences of gender and parenthood between their support for sex offender management laws.

### Multivariate Statistics

Several regression analyses were used to simultaneously test a number of independent variables on a dependent variable in order to determine which independent variables had the greatest influence on the dependent variable in question. Multiple regression analysis was used to determine the effects of the independent variables. Multiple regression was first used to evaluate hypothesis 3. This test was used to determine if the respondents' perceptions on sex crimes/sex offenses were predictive in their support for sex offender management laws. Multiple regression analysis was also used to evaluate hypothesis 5. This test was used to determine if audience traits (political affiliation, income, and age) affects their perceptions on sex offenders and sex crimes.

### Summary

The current study assessed the effects of the participants' field of study and audience traits on the perceptions of sex offenders and sex offender management policies. Many variables were examined, which had been previously shown to affect the public's perceptions on sex offenders, sex crimes, and community protection policies. However, the researcher sought to determine the independent effects that the field of study and demographic constructs had on each of the dependent variables within this study. After a questionnaire was determined to be the most proper instrument needed to gather information on the public's perceptions of sex offenders

and sex offender management strategies, the proper scales were assessed in order to measure both the dependent and independent variables. Systematic random sampling was used to affectively ensure the reliability within both of the control groups (CJ Major, Non-CJ Major). Finally, Chronbach alpha levels were measured to test the reliability of each hypothesis tested.



## CHAPTER 5

### RESULTS

The purpose of this research was to examine the public's perceptions on sex offenders and sex offender management techniques. While focusing on the opinions of those surveyed, another goal of this research was to determine whether or not an educational background within the criminal justice field played a significant role in their perceptions. From the research obtained on the surveyor's basic opinions and knowledge on sex offenders and sex crimes, the evaluation of the public's confidence in sex offender management policies and laws were also evaluated. Several analytical techniques were applied in order to determine the existence of a relationship between the independent and dependent variables. First, the basic composition of the sample was determined through the computation of univariate statistics. Because this analysis provides statistics that are predominately descriptive in nature, the results cannot be used to determine if relationships exist between variables. Next, Bivariate analyses were conducted in order to determine if there were any relationships among the variables. A correlation model was performed specifically to depict any significant relationships between interval-ratio variables. To compare differences between groups, independent samples t-tests were used. To conclude the tests, a series of multivariate statistics was executed to define significant independent variables when tested with each dependent variable. For the purposes of this research, several regressions models were created to determine which independent variables had the greatest impact on each dependent variable.

#### Univariate Statistics

Frequency distributions were conducted for some of the nominal variables within this research. More specifically, frequencies for gender, race, age, and number of children

respondent has were found. There were 200 participants within this study (n=200). For the respondents' gender, there were 52% males, and 48% females. The respondents' race was distributed as follows: 83.5% (167) were White, and 16.5% were Non-White (This category included (15) Black, (9) Hispanic, (4) Asian, and (5) Other). The age category revealed that 51% of the respondents surveyed were within the ages of 10-20, 41% were between the ages of 21-30, and 8% of the respondents were found in within the other age categories. The frequency distribution for parenthood showed that 91.5% of respondents did not have any children, while the remaining 8.5% did have children.

The study also asked whether or not the respondent was a criminal justice major or minor. The researcher wanted to determine the effects an education within the field of criminal justice has on the perceptions of sex offenders compared to those individuals who do not study within the field, 50% (100) respondents were criminal justice majors or minors, and 50% (100) respondents were noncriminal justice majors. For those who fell within the noncriminal justice major category, the distributions were as followed: 15% Undeclared Majors, 13% Nursing, 13% History, 10% Clinical & Rehabilitative Health Sciences, 10% Technology, 8% Psychology, 5% Mass Communication, 5% Literature & Language, 5% Education, 4% Social Work, 4% Music, 3% Business, 2% Biology, 1% Math, 1% Women's Studies, and 1% Political Science. (See

Table 1)

Table 1

*Frequencies*

	Variable	Frequency	Percent
Gender	Male	104	52%
	Female	96	48%
Race	White	167	83.5%
	Non-White	33	16.5%

Table 1 (continued)

Variable	Frequency	Percent
<b>Political Affiliation</b>		
Democrat	52	26%
Independent	39	19.5%
Republican	86	43%
Other	23	11.5%
<b>Parenthood</b>		
Children	17	8.5%
No Children	183	91.5%

Descriptive statistics were used to measure the interval-ratio variables, age and income. Minimum score, maximum score, mean, standard deviation, median, and mode were reported for both variables. For the respondents' age, the mean fell into the category of ages 10-20, with the same category representing the median, and a standard deviation of 1.24. The mean income for the respondents was under \$20,000, with the same category representing the median, and with a standard deviation of 1.58 (See Table 2).

Table 2

*Descriptive Statistics*

Variable	Min.	Max.	Mean	Std. Deviation	Median	Mode
Age	1	5	1.574	.731	1.000	1.000
Income	1	5	1.272	.723	1.000	1.000

*Age Coding: 1) 10-20, 2) 21-30, 3) 31-40, 4) 41-50, 5) 51-60*

*Income Coding: 1) \$0-20,000, 2) \$20,001-30,000, 3) \$30,001-40,000, 4) \$40,001-50,000, 5) \$50,000+*

Bivariate Statistics

Correlation

Correlation models were used to determine if significant linear relationships existed between some of the interval-ratio variables within this research. The product of a correlation test is signified as a Pearson's *r* value and ranges from negative one to positive one. A positive

one value represents a perfect positive linear relationship, while a negative one value represents a perfect negative linear relationship. If the correlation test yields a Pearson's  $r$  value of zero, then the conclusion of no relationship between variables can be reached. The sign placed in front of the Pearson's  $r$  value indicates whether the relationship is positive or negative. A positive  $r$  value (positive relationship) means as one variable increases or decreases, the other variable correspondingly increases or decreases. If the relationship is negative, the variables are shown as moving in opposing direction. If one variable increases, the other decreases and vice versa. A single correlation matrix was performed in two different instances within this study.

The third hypothesis was used to determine an association between respondents' perceptions on sex offenders and their support for sex offender laws. The variables included within the correlation matrix were: recidivism, treatment, sex offense rates, conviction, offenses committed by strangers, sex offender rates, violent offense, residency restrictions, registration or community notification, GPS monitoring, and chemical castration. The results of this correlation matrix bore an overall insignificant relationship ( $p > .05$ ) with most  $r$  values close to zero (See Table 3). However, many of the perception variables were correlated with the support variables, which will be further evaluated in a multiple regression analysis. However, in the examination of hypothesis 3 for strong correlation, perceptions on sex offenses did not have a significant impact on support for management laws.

Table 3

*Pearson Correlation Matrix*

		Impose	SexHarr	GPS	Employ2	Chem2	Shame
SexReoff	Pearson Correlation	.290**	.206**	-.057	.252**	-.036	.186*
	Sig. (2-tailed)	.000	.003	.424	.000	.613	.009

Table 3 (continued)

		Impose	SexHarr	GPS	Employ2	Chem2	Shame
Treatment	Pearson Correlation	.229**	.334**	-.111	.203**	-.222**	.132
	Sig. (2-tailed)	.001	.000	.117	.002	.002	.063
SexRate	Pearson Correlation	.235**	.148*	-.018	.208**	-.028	.049
	Sig. (2-tailed)	.001	.037	.801	.003	.697	.488
SexCaught	Pearson Correlation	-.011	.031	.105	.032	.114	.011
	Sig. (2-tailed)	.879	.668	.138	.652	.107	.872
SexAssault	Pearson Correlation	-.060	-.031	-.001	.049	.039	.066
	Sig. (2-tailed)	.396	.668	.990	.491	.580	.355
SexComm	Pearson Correlation	.253**	.246**	.066	.282**	-.207**	.058
	Sig. (2-tailed)	.000	.000	.352	.000	.003	.415
NewOffense	Pearson Correlation	.305**	.153*	-.085	.199*	-.118	.174*
	Sig. (2-tailed)	.000	.030	.233	.005	.095	.014

\*\*p&lt;.01

\*p&lt;.05

The next correlation test was used to examine hypothesis 5 in order to determine if a relationship existed between certain audience traits and their perceptions on sex offenders and sex crimes. The variables included within the correlation matrix were: political affiliation, income, age, recidivism, treatment, sex offense rates, conviction, offenses committed by strangers, sex offender rates, and violent offense. The results of this correlation matrix bore an overall insignificant relationship ( $p > .05$ ) with most  $r$  values close to zero. Only Income and Perceptions on Recidivism revealed significance, with a  $p = .047$  (See Table 4). Overall, respondents' political affiliation, income, and age had no significant impact on their perceptions of sex offenders and sex crimes.

Table 4

*Pearson Correlation Matrix*

		Political Affiliation	Income	Age
SexReoffend	Pearson Correlation	.086	.141*	.016
	Sig. (2-tailed)	.224	.047	.822
Treatment	Pearson Correlation	.077	.121	.095
	Sig. (2-tailed)	.276	.089	.183
SexRate	Pearson Correlation	.011	.010	.066
	Sig. (2-tailed)	.880	.888	.356
SexCaught	Pearson Correlation	-.013	.023	-.081
	Sig. (2-tailed)	.852	.750	.257
SexAssault	Pearson Correlation	-.099	-.022	.006
	Sig. (2-tailed)	.162	.760	.928
SexComm	Pearson Correlation	-.074	.030	.095
	Sig. (2-tailed)	.297	.675	.180
NewOffense	Pearson Correlation	.021	.012	.063
	Sig. (2-tailed)	.767	.866	.372

\*\*p&lt;.01

\*p&lt;.05

Independent Samples t-test

An independent samples t-test is appropriate when the selected independent variable is dichotomous. These tests are able to group the data of the dependent variables in accordance to the dichotomous independent variable, in order to determine whether any significant differences exist based on the surveyor's membership within a particular group. Independent samples t-tests were used to test hypothesis 1, hypothesis 2, and hypothesis 4. In the examination of hypothesis 1, two t-tests were run to evaluate the differences between the respondents' field of study (criminal justice major vs. noncriminal justice major) and their knowledge or perceptions of sex offenders and sex crimes. In the analysis of respondents' accuracy, only two out of the eight

questions yielded a significant difference between groups, where major (CJ Major vs. Non-CJ Major) significantly affected the respondent's knowledge on sex offenders/sex crimes (See Table 5). For the first question, "What percentages of child molesters sexually reoffend?" CJ Major or Minors had a mean of 1.81, while the mean for Non-CJ Majors was 1.88. In this particular question, the overall  $p=.006$  represented a significant difference between the group means. For the second significant question, "What percentages of sex crimes are committed by strangers?" CJ Majors had a mean of 1.76, while Non-CJ Majors had a mean of 1.85. This too represented a significant difference between the group means, with the overall  $p=.001$ . Even though two out of the eight questions yielded significant results, the overall conclusion for this portion of hypothesis 1 was that no significant differences exist between field of study and knowledge of sex offenders.

Table 5

*Independent Samples t-test*

	Major of Respondent	Mean	t	Df	Sig.
What percentages of sex offenders commit another sex offense?	CJ Major	1.8700	-.213	198	.671
	Non-CJ Major	1.8800			
What percentages of rapists sexually reoffend?	CJ Major	1.8900	-.721	198	.149
	Non-CJ Major	1.9200			
What percentages of child molesters sexually reoffend?	CJ Major	1.8100	-1.367**	198	.006
	Non-CJ Major	1.8800			
What percentages of adult sex offenders were sexually abused as children?	CJ Major	1.8500	.000	198	1.000
	Non-CJ Major	1.8500			

Table 5 (continued)

	Major of Respondent	Mean	t	Df	Sig.
What percentages of sex offenders are severely mentally ill?	CJ Major	1.6300	-.741	198	.143
	Non-CJ Major	1.6800			
What percentages of sex offenses are brought to the attention of authorities?	CJ Major	1.9300	.000	198	1.000
	Non-CJ Major	1.9300			
What percentages of sex crimes are committed by strangers?	CJ Major	1.7600	-1.609**	198	.001
	Non-CJ Major	1.8500			
What percentages of sex crimes are committed by individuals familiar to the victim?	CJ Major	1.4500	-.423	198	.437
	Non-CJ Major	1.4800			

\*\*p<.01

\*p<.05

To examine the second portion of hypothesis 1, the same analysis was used to determine significant differences between respondent's field of study and their perceptions on sex offenders and sex crimes. Three questions regarding perceptions yielded significant differences between the two majors. The first statement, "Most sex offenders reoffend" had a mean of 2.71 for CJ Majors, and a mean of 2.84 for Non-CJ Majors. The overall significance was  $p<.002$ . The second question, "Sexual offense rates continue to increase" had a significance of  $p<.000$ , with a mean of 2.29 for CJ Majors, and 2.60 for Non-CJ Majors. Lastly, the third significant question, "Most sexual assaults are not committed by strangers" was significant at  $p<.017$ , with means of 2.41 for CJ Majors, and 2.43 for Non-CJ Majors (See Table 6). Even though three out of the



seven questions yielded significant differences between criminal justice majors and non-criminal justice majors, the conclusion for this portion of hypothesis 1 is insignificant. In concluding for hypothesis 1, there are no significant differences in respondent's field of study on their perceptions/knowledge of sex offenders.

Table 6

*Independent Samples t-test*

	Major of Respondent	Mean	t	Df	Sig.
SexReoffend	CJ Major	2.7100	-1.760**	198	.002
	Non-CJ Major	2.8400			
Treatment	CJ Major	2.0500	-.622	198	.344
	Non-CJ Major	2.1200			
SexRates	CJ Major	2.2900	-3.436**	198	.000
	Non-CJ Major	2.6000			
SexCaught	CJ Major	1.4000	.309	198	.427
	Non-CJ Major	1.3700			
SexAssault	CJ Major	2.4100	-.178*	198	.017
	Non-CJ Major	2.4300			
SexComm	CJ Major	2.2800	-1.325	198	.980
	Non-CJ Major	2.4200			
NewOffense	CJ Major	2.4600	-.296	198	.311
	Non-CJ Major	2.4900			

\*\*p<.01

\*p<.05

To examine hypothesis 2, an independent samples t-test was used to determine if there were significant differences between respondent's field of study (CJ Major v. Non-CJ Major) and their support for sex offender management laws. In the analysis of respondents' responses, only one out of the eight questions yielded a significant difference between groups, where major significantly affected their support for these laws. This question, "Does respondent think paying restitution to victims is effective?" had an overall  $p=.013$ , with a mean of 1.67 for CJ Majors, and a mean of 1.58 for Non-CJ Majors. This significant factor, however, did not lend any support for hypothesis 2. Therefore, respondent's major did not make a significant difference in an individual's support for sex offender management laws (See Table 7).

Table 7

*Independent Samples t-test*

	Major of Respondent	Mean	t	Df	Sig.
GPS/Electronic Monitoring	CJ Major	1.2000	-.844	198	.092
	Non-CJ Major	1.2500			
Registration/Community Notification	CJ Major	1.2800	-.156	198	.756
	Non-CJ Major	1.2900			
Probation/Parole	CJ Major	1.3100	-.746	198	.139
	Non-CJ Major	1.3600			
Chemical Castration	CJ Major	1.4300	.429	198	.399
	Non-CJ Major	1.4000			
Restitution	CJ Major	1.6700	1.314*	198	.013
	Non-CJ Major	1.5800			

Table 7 (continued)

	Major of Respondent	Mean	t	Df	Sig.
Residency Restrictions	CJ Major	1.2800	.317	198	.527
	Non-CJ Major	1.2600			
Incarceration	CJ Major	1.1600	-.734	198	.143
	Non-CJ Major	1.2000			
Treatment	CJ Major	1.3400	.299	198	.550
	Non-CJ Major	1.3200			

\*\*p<.01

\*p<.05

An independent samples t-test was also performed to examine hypothesis four. Accordingly, this assessment wanted to identify the differences between gender (Male & Female) and parenthood (Children & No Children) towards the support for sex offender management laws. For the independent variable gender, only three out of the eight dependent variables yielded significant differences between males and females (See Table 8). In the first question, “Does respondent think community notification laws are effective?” Males had a mean of 1.25, while Females had a mean of 1.32. For this particular question, the overall  $p=.025$  represented a significant difference between gender. In the second question, “Does respondent think probation/parole supervision is effective” Males had a mean of 1.27, while Females had a mean of 1.41. The overall  $p=.000$  showed a significant difference between gender. Finally, the third question “Does respondent think paying restitution to victims is effective” had a mean of 1.58 for Males and a mean of 1.68 for Females. The overall significance was  $p=.005$ .

Table 8

*Independent Samples t-test*

	Gender of Respondent	Mean	t	Df	Sig.
GPS/Electronic Monitoring	Male	1.2115	-.472	198	.346
	Female	1.2396			
Registration/Community Notification	Male	1.2500	-1.139	198	.025*
	Female	1.3229			
Probation/Parole	Male	1.2692	-2.063	198	.000**
	Female	1.4063			
Chemical Castration	Male	1.3942	-.618	198	.236
	Female	1.4375			
Restitution	Male	1.5769	-1.462	198	.005*
	Female	1.6771			
Residency Restrictions	Male	1.2596	-.343	198	.495
	Female	1.2813			
Incarceration	Male	1.1923	.469	198	.347
	Female	1.1667			
Treatment	Male	1.3173	-.395	198	.432
	Female	1.3438			

\*\*p&lt;.01

\*p&lt;.05

The independent samples t-test performed for the second portion of hypothesis four focused on the difference between parenthood (Children & No children) towards their support for sex offender management laws. These results also yielded only three differences out of the

eight questions (Table 9). The first question, “Does respondent think registration/community notification laws are effective?” had a mean of 1.27 for individuals without children and a mean of 1.48 for individuals with children. The overall significance was  $p=.036$ . The second question “Does respondent think chemical castration is effective?” had a mean of 1.43 for individuals with no children, and a mean of 1.24 for individuals with children, with an overall  $p=.000$ . The last question, “Does respondent think paying restitution to victims is effective?” had an overall  $p=.000$  as well, with a mean of 1.61 for individuals without children, and individuals with children 1.76. Even though three out of the eight questions yielded significant differences in both of the compared variables, both models did not produce an overall significant result. Therefore, there were no significant differences in gender or parenthood towards respondents’ support for sex offender management laws.

Table 9

*Independent Samples t-test*

	Parenthood Variable	Mean	t	Df	Sig.
GPS/Electronic Monitoring	No Children	1.2295	.499	198	.282
	Children	1.1765			
Registration/Community Notification	No Children	1.2678	-1.777	198	.036*
	Children	1.4706			
Probation/Parole	No Children	1.3115	-2.332	198	.199
	Children	1.5882			
Chemical Castration	No Children	1.4317	1.574	198	.000**
	Children	1.2353			

Table 9 (continued)

	Parenthood Variable	Mean	t	Df	Sig.
Restitution	No Children	1.6120	-1.242	198	.000**
	Children	1.7647			
Residency Restrictions	No Children	1.2623	-.803	198	.182
	Children	1.3529			
Incarceration	No Children	1.1858	.129	198	.129
	Children	1.1176			
Treatment	No Children	1.3279	-.209	198	.695
	Children	1.3529			

\*\*p<.01

\*p<.05

### Multivariate Statistics

#### Multiple Regression

Regression analysis is the next appropriate step after conducting correlation analyses. Multiple regression allows the relative importance of multiple independent variables to be concurrently analyzed in predicting the dependent variable. One multiple regression tests was conducted within this study to further examine hypothesis 3. From the results, the coefficient of determination (R<sup>2</sup>) was examined to determine the proportion of variance in the dependent variable. The significance for the multiple regression model as a whole was then examined based on the F-test within the ANOVA table. The adjusted R square value was then evaluated to explain the overall success of our model. Finally, to determine the contribution of each predictor variable on the dependent variable, the beta regression coefficient was computed.

For hypothesis 3, the regression test examined whether a respondent's perceptions on sex offenders and sex crimes is predictive towards their support for sex offender management policies. Six separate regression models were created to test the ability of seven independent variables to explain support for these laws. The independent variables included perceptions on recidivism, treatment, sex offense rates, conviction, offenses committed by strangers, sex offender rates, and violent offense. The separate independent variables included were residency restrictions, registration/community notification, GPS monitoring, and chemical castration. Using the enter method, four out of the six models yielded overall significance, where  $p < .05$  (Model 1:  $F=5.987$ ,  $p<.000$ , Model 2: $F=5.202$ ,  $p<.000$ , Model 4:  $F=4.251$ ,  $p<.000$ , Model 5:  $F=3.156$ ,  $p<.004$ ). The significant variables within each model are shown below in Table 10. As shown below, respondent's perceptions on recidivism and treatment were the two strongest factors relating to one's support for sex offender management laws. In conclusion, the results lent support to hypothesis 3, rejecting the null. Therefore, respondent's perceptions on sex offenders and sex crimes are predictive in their support for sex offender management policies.

Table 10

*Standardized Regression Coefficients*

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Predictor Variable:	Beta	Beta	Beta	Beta	Beta	Beta
SexRe2	.141	.085	-.052	.122	.100	.169*
Treat2	.132	.286*	-.112	.124	-.210*	.084
SexRate2	.123	.037	-.015	.082	.037	-.034
SexCau2	.015	.042	.119	.063	.119	.026
SexAss2	-.097	-.048	.005	.023	.046	.062

Table 10 (continued)

Predictor Variable:	Beta	Beta	Beta	Beta	Beta	Beta
SexCom2	.071	.158*	.158	.170*	-.201*	-.061
NewOff2	.182*	-.004	-.093	.051	-.035	.126

\*\*p<.01

\*p<.05

### Summary

While some of the existing literature within Chapter 1 was supported through the analyses of this study's hypotheses, most of the hypotheses were not supported. The main hypothesis was used to determine if differences existed between respondents' field of study and their perceptions on sex offenders, sex offenses, and community protection laws. Independent samples t-tests revealed no significant differences between individuals majoring in criminal justice and their perceptions compared to noncriminal justice majors. Multiple regression analysis did however lend support to existing research regarding the public's perceptions towards sex offenders and sex crimes and its influence over their support for sex offender management laws. However, an evaluation of audience traits revealed that these variables were not significantly predictive towards their perceptions on sex offenders or sex offender laws. The results of every analysis are examined more at length in chapter 6.



## CHAPTER 6

### DISCUSSION

The purpose of conducting this research was to examine the public's perception of sex offenders, sex offenses, and sex offender management policies. A review of previous research suggests the public possesses many negative and inaccurate views against the sex offender population. Existing data further suggests that certain demographic variables such as gender and parenthood are predictors in determining public perceptions towards sex offenders and their support for community protection policies (Levenson, Brannon, Fortney, & Baker, 2007). Particular topics regarding the sex offender population and their offenses have also been found to play a crucial role in the public's perceptions of these offenders. These issues were recognized within the current study and were translated into variables concerning recidivism, offender traits, crime statistics, crime characteristics, and policy techniques.

Educational background has been generally disregarded as a possible predictor in shaping the public's views towards the sex offender population. The primary thesis in this research was used to determine if an individual studying within the criminal justice field would hold different knowledge and opinions towards sex offenders, sex offenses, and sex offender policies compared to individuals studying within other fields. Prior research has determined the most common misperceptions held by the public against these offenders. Existing literature has also revealed the public's support for the most common sex offender management policies. Therefore, the analyses of these factors were conducted in order to determine if education played a significant role in shaping public perceptions.

## Methodology

A self-administered questionnaire was used in this research, where it was distributed to participating classes at East Tennessee State University. The questionnaire was designed to measure audience traits and public perceptions. Scales were included to properly measure demographics, knowledge on sex offenders/sex crimes, perceptions on sex offenders/sex crimes, and support for community protection policies. The scale used to determine the accuracy of participants' knowledge, as well as their opinions on sex offenders/sex crimes was a borrowed adaptation from questions in the *CSOM Facts About Sex Offending Behavior Survey* (Center for Sex Offender Management, 2000a). The support for sex offender management policies scale was borrowed from Levenson, Brannon, Fortney, and Baker where a list of popular sex offender management strategies was listed (2007). This researcher created the other scale used to determine support for sex offender management policies, where scenarios of management strategies and their implications were provided. Reliability analyses were conducted in order to determine the reliability of each measurement scale.

## Findings

### Knowledge and Perceptions of Sex Offenders

The belief that public perceptions about sex offenders are inaccurate was supported; however, the main hypothesis focused on a difference between individuals majoring in criminal justice and those who were not. The level of respondent's accuracy towards sex offenders and sex offenses was not normally distributed, with the mean, median, and mode all being around 2, on a scale of 1 to 2. This represents that the typical response from respondents was inaccurate; therefore, criminal justice majors did not hold more knowledge about sex offenders compared to students with other majors.

In accounting for audience traits (political affiliation, income, age) to evaluate hypothesis 5, misperceptions were present. However, hypothesis 5 was not supported because there were not any significant differences between the differing levels within these variables. For instance, the level of respondents' ages towards their accuracy of sex offenders and sex crimes was not normally distributed, with the mean, median, and mode being around 3 on a scale of 1 to 3. This represented that the average students, disregarding their age, agreed with the common myths outlined in section 3 of the survey. This was the exact occurrence for both political affiliation and income, where their accuracy of sex offenders and sex crimes were not normally distributed, with their mean, median, and modes being around 3. Therefore, regardless of a respondent's particular age, political affiliation, or income, the majority agreed with the most common myths about sex offenders and sex crimes.

Respondents had estimated recidivism of sex offenders at a rate around 82%. However, the Bureau of Justice Statistics has provided the best existing evidence on sex offender recidivism rates, where percentages had ranged from 5% to 14% in follow-up intervals of 3 to 6 years (Bureau of Justice Statistics, 2003). Another study has suggested that recidivism rates were at a range of 24% in a follow-up period of 15 years (Hanson & Bussiere, 1998). In general, respondents categorized sex offenders into a homogenous group, believing all types of sex offenders were most likely to reoffend (rapists, child molesters, etc.). However, the sex offender population has the lower rearrest rates, regardless of their sex crime, than any other type of offender (Bureau of Justice Statistics, 2003; Walker, 2011). For example, an individual arrested for burglary is more likely to be rearrested for burglary than sex offenders are to repeat their sexual offenses (Bureau of Justice Statistics, 2003). Even though official data regarding the recidivism of sex offenders underestimates true recidivism rates, it is important to recognize the

amount of evidence that suggests that the majority of these offenders do not continue to commit new sex offenses.

The results from our sample also indicated a common misconception among respondents, where 85% believed the majority of sex offenders had been sexually abused as children. This is a common assumption, where experiences of early sexual abuse are a precursor to future sex offending behavior. However, a previously conducted meta-analysis of other empirical research regarding this subject found that out of the 1,717 sex offenders examined, only 28% had reported experiences with sexual abuse as children. This study also found that many extenuating variables were responsible. Therefore, an association between childhood sexual abuse and adult sex offending behavior remains extremely multifaceted, where a cause and effect paradigm is not an easy explanation (Hanson & Slater, 1988).

The participants in this sample were accurate in their estimation that individuals familiar to the victim commit most sex offenses. However, 81% of participants overestimated in their assumption of how many sex crimes are committed by strangers. Sixty-six percent of the participants were inaccurate in their estimation of mental illness within the sex offender population and further agreed that treatment was not effective for these offenders. However, mental illnesses among the sex offender population have not been found to be a prevalent factor. In terms of recidivism, a major mental illness has not been a predictive factor in recidivism (Hanson & Morton-Bourgon, 2005). This sample's respondents confirmed the common misperception that sex offense rates continue to increase where only 18% of participants disagreed. This was further confirmed with the responses regarding the offense rates of child molesters and rapists. Fortunately, arrest rates for rape have had a steady decrease from 1991, and those for child molestation have also decreased (Finkelhor & Jones, 2004; Maguire &

Pastore, 2003). Finally participants were inaccurate in their estimation of how many sex offenses are brought to the attention of law enforcement. Respondents believed most sex offenses are reported to authorities; however, it is difficult to assess how many sex crimes are reported and investigated. Unfortunately, research has suggested that more rates of perpetration exist than those of recognition (Heil, Ahlmeyere, & Simons, 2003).

### Perceptions of Sex Offender Management Laws

As previous research has suggested, public perceptions possess an extremely punitive attitude towards the sex offender population. As a result the majority of community protection policies are greatly supported by the public regardless of the resulting social consequences. The evaluations of the public's perceptions on these laws were divided into two sections within the questionnaire. The first section asked the respondents to indicate their support of these laws, while the second section asked them to indicate their agreement with common social consequences. Overall, the level of support for sex offender laws were not normally distributed, with a mean, median, and mode of 1, on a scale of 1-2. This represented great support of these community protection policies from the majority of respondents. The level of respondent's agreement with the resulted social consequences were not normally distributed, with a mean, median, and mode of 3, on a scale of 1-3. This indicated that the majority of respondents agreed with the implications that may result from the enforcement of these laws regardless of the consequences.

The examination of hypothesis 2 revealed that criminal justice majors did not have a significant difference in opinions regarding these laws compared to noncriminal justice majors. The overall mean, median and mode was at 1, on a scale of 1-2. More specifically, both groups strongly supported these laws. In the evaluation of hypothesis 4, minimal statistical differences

were present between males and females and between individuals with children and without. In the analysis of the two variables, the mean, median, and mode was at 1, on a scale of 1-3. This signified that regardless of gender or parenthood support for community protection laws were comparatively equal between groups.

Existing literature has recognized a strong correlation between misperceptions held by the public and their support for punitive management techniques towards the sex offender population (Levenson, Brannon, Fortney, & Baker, 2007). Hypothesis 3 confirmed this, where many predictive variables were associated with their support for these laws. More specifically, their misperceptions on reoffending behavior, success of treatment, sex offense rates, and recidivism were highly predictive in their support for community protection policies. The more misperceived they were on sex offenders and sex crimes, the more likely they were to support these laws.

#### Limitations

The present study did have important limitations that must be acknowledged. The small sample size of this study had profound limitations on this research. Data were collected from only 282 currently enrolled students at East Tennessee State University. Considering college students were the primary questioned subjects, their responses cannot be generalized as a fair representation of the general public's perceptions. Also, this sample of college students cannot be used to generalize a representation of all college students within this country. East Tennessee State University is a relatively small college when compared to the larger universities in the United States. Results would have been more representative of a college population if it had been taken at a larger institution of higher education. However, the use of systematic random

sampling did help to ensure a valid representation of East Tennessee State University's student population.

Most of the scales used within this study were adaptations from previous research. However, the validity of some of these measurements could still be questioned. First, knowledge on sex offenders/sex crimes was measured through the use of eight questions designed to determine accuracy. However, the respondent's option to choose an answer was based on a scale that ranged from 0%-100% in increments of 10%. Therefore, the respondents were unable to provide a specific, single percent to represent their assumption. Next, the perception of sex offender management scale was an original design created by this study's researcher. Every necessary precaution was taken in order to properly determine the most consequential implications associated with sex offender management policies. However, many other consequences may exist that had been unintentionally disregarding within the questionnaire.

The primary thesis of this study was created to determine the effects an individual's field of study has on his or her perceptions towards sex offenders and community notification policies. In consideration of this, threats to internal validity regarding the major variable (CJ Major v. Non-CJ Major) should be greatly considered. Due to the division of this population into the two categories totaling only 100 surveys each, a generalization cannot be made as a fair representation of each group. The limit in sample size also hindered the opportunity to obtain questionnaires from within the different course levels in each comparison group. Therefore, the individuals obtained for the criminal justice comparison group had not taken more than an average of three criminal justice courses. In fact, 92 of the surveyed participants had revealed that they had only taken 1-3 criminal justice courses. Therefore, assuming that the majority of

respondents within the CJ Major group are sufficiently educated on sex offenders is an inaccurate assumption.

### Implications

The research data have important implications for how the sex offender population is successfully reintegrated into society and managed through policy. The overall consensus of chapter 1 showed how misinformed the public is regarding sex offenders, and the results of this study show consistency with this misinformation. Misperceptions regarding high recidivism, reoffending patterns of rapists and child molesters, sexual abuse history, mental illness, detection of sexual offenses, treatment, and rise in sexual offenses are extremely common among the public. Unfortunately, these inaccurate and negative sentiments have been responsible for the increase in restrictive community protection policies. As a result, the sex offender population has been disregarded for its diverse offense patterns and has been subjected to homogenous policies. These policies fail to assess an offender based on risk and largely ignore empirical research discrediting their efficacy.

Educating the public about sexual offenses, sexual victimization, and sexual offenders needs to be an imperative issue for legislatures and politicians. Anxiety the public possesses towards sexual victimization has led to a sensationalized response by these main actors. The public could greatly benefit from obtaining precise, empirically based information regarding this offender population. Issues in recidivism, diversity among sex offenses, and successful rehabilitation could be influential in reshaping public perceptions. In fact, existing research suggests that the disclosure of factual information has greatly assisted in changing public sentiment towards prominent social concerns (Cochran & Chamlin, 2005). Due to the public's influential effect on legislation, policies targeted at these offenders have been over-reaching and



punitive in nature. Therefore, educating society could lead to a significant change in social policy for these offenders and possibly have a great impact on community support.

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## APPENDIX

### Data Collection Instrument

Dear Participant,

Thank you in advance for your assistance and participation in this research. I am a graduate student at East Tennessee State University, where I am working on a Master of Arts degree in Criminal Justice and Criminology. In order to fulfill the thesis requirements for this degree, the results of this study will be used. The name of my study is, “Public Perceptions Regarding Sex Offenders and Sex Offender Management”.

The purpose of this study is to examine the public’s perception regarding sex offenders and the community protection policies that have been enacted. I would like to obtain this information by administering a brief survey questionnaire to the student body of East Tennessee State University. It should take approximately 15 minutes to complete the questionnaire. You will be asked questions regarding your perceptions of sex offenders, notification and registration laws, and their effectiveness. The project deals with sex offenders, therefore it may cause minor stress. However, you may also feel better once you have had the opportunity to express your personal feelings regarding sex offenders and crime control policies. This study may provide benefit by providing more information about reentering sex offenders.

This survey method is completely anonymous and confidential. In other words, there will not be a way to connect your name to your responses. Although your rights and privacy will be maintained, the Secretary of the Department of Health and Human Services, the ETSU IRB, and personnel particular to this research (myself and ETSU’s Criminal Justice Department) have access to the study records.

Choosing to not participate in this survey will not affect you in any way. No alternative procedures exist, except to choose not to participate in the study.

Participation in this research experiment is voluntary. You may refuse to participate. You may quit at any time. If you quit or refuse to participate, the benefits or treatment to which you are otherwise entitled will not be affected.

If you have any questions regarding this research study, please feel free to contact me via email at [zjmd40@goldmail.etsu.edu](mailto:zjmd40@goldmail.etsu.edu). I am working on this project under the supervision of Dr. Nicole Prior. You may contact her with further questions via email at [priorn@etsu.edu](mailto:priorn@etsu.edu). Below you will find a list of resources available to individuals who are experiencing problems related to sex offenders or experienced sexual abuse. Also, the chairperson of the Institutional Review Board at ETSU is available at (423) 439-6054 if you have questions about your rights as a research subject. If you have any questions or concerns about the research and want to talk to someone independent of the research team or you can’t reach the study staff, you may call an IRB Coordinator at (423) 439-6055 or (423) 439-6002.

Sincerely,

Jessica Duncan

**RESOURCES:**

Tennessee Sex Offender Registry Hotline 1(888) 837-4170  
Victim-Witness Services (423) 279-3288  
Johnson City Bureau of Police Crisis Intervention Unit (423) 975-2654  
Johnson City Police Department (423) 434-6000  
24 Hr. Crisis Intervention Hotline (423) 926-0144  
National Sexual Assault Hotline 1(800) 656-HOPE

**Section 1**

**Please answer each question by marking the selection with the appropriate response or by filling in the blank space provided.**

What is your gender? <input type="checkbox"/> Male <input type="checkbox"/> Female
Which best describes your race? <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other (please specify): _____
What is your age? _____
Which category best describes you? <input type="checkbox"/> Liberal <input type="checkbox"/> Democrat <input type="checkbox"/> Independent <input type="checkbox"/> Conservative <input type="checkbox"/> Republican <input type="checkbox"/> Other
Which category best describes your approximate income last year (in dollars)? <input type="checkbox"/> Under 20,000 <input type="checkbox"/> 20,001 to 30,000 <input type="checkbox"/> 30,001 to 40,000 <input type="checkbox"/> 40,001 to 50,000 <input type="checkbox"/> Over 51,000 <input type="checkbox"/> Other
Which of the following is your primary news source? (Select <b>only</b> one) <input type="checkbox"/> Television <input type="checkbox"/> Radio <input type="checkbox"/> Newspaper <input type="checkbox"/> Internet Source <input type="checkbox"/> Peer Interaction

Do you have any children?  Yes  No

If so, how many? \_\_\_\_\_

What is your marital status?  Single  Married  Divorced  Widowed

Are you currently majoring or minoring in criminal justice?  Yes  No

If not, what is your major? \_\_\_\_\_

If so, how many criminal justice courses have you taken? \_\_\_\_\_

## Section 2

**Below is a series of questions about your perceptions on sex offenders and sex crimes. Please fill in the blank space provided with your estimated percentage, based on a scale that ranges from 1-100%.**

What percentages of sex offenders commit another sexual offense? \_\_\_\_\_

1-10%  11-20%  21-30%  31-40%  41-50%

51-60%  61-70%  71-80%  81-90%  91-100%

What percentages of rapists sexually reoffend? \_\_\_\_\_

1-10%  11-20%  21-30%  31-40%  41-50%

51-60%  61-70%  71-80%  81-90%  91-100%

What percentages of child molesters sexually reoffend? \_\_\_\_\_

1-10%  11-20%  21-30%  31-40%  41-50%

51-60%  61-70%  71-80%  81-90%  91-100%

What percentages of adult sex offenders were sexually abused as children? \_\_\_\_\_

1-10%  11-20%  21-30%  31-40%  41-50%

51-60%  61-70%  71-80%  81-90%  91-100%

What percentages of sex offenders are severely mentally ill? \_\_\_\_\_

1-10%  11-20%  21-30%  31-40%  41-50%

51-60%  61-70%  71-80%  81-90%  91-100%

What percentages of sex offenses are brought to the attention of authorities? \_\_\_\_\_

1-10%     11-20%     21-30%     31-40%     41-50%

51-60%     61-70%     71-80%     81-90%     91-100%

---

What percentages of sex crimes are committed by strangers? \_\_\_\_\_

1-10%     11-20%     21-30%     31-40%     41-50%

51-60%     61-70%     71-80%     81-90%     91-100%

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What percentages of sex crimes are committed by individuals familiar to the victim? \_\_\_\_\_

1-10%     11-20%     21-30%     31-40%     41-50%

51-60%     61-70%     71-80%     81-90%     91-100%

### Section 3

Please indicate how strongly you agree or disagree with the following statements about sex offenders and sex offenses by circling the number that best represents your opinion.

Strongly Disagree 1	Disagree 2	Neutral 3	Somewhat Agree 4	Agree 5
Most sex offenders re-offend				
Treatment is not effective for sex offenders				
Sexual offense rates continue to increase				
The majority of sex offenders are caught by the authorities, convicted, then placed in prison				
Most sexual assaults are not committed by strangers				
Sex offenders reoffend at higher rates compared to other criminal offenders				
When sex offenders do re-offend, they are more likely to commit a crime that is more violent and serious than their prior offense				

### Section 4

Listed below are the most commonly used sex offender-specific laws and management policies. Please indicate by choosing “yes” or “no” whether or not you believe the following strategies are effective in reducing reoffending among sex offenders.

GPS/Electronic Monitoring	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Registration/Community Notification Laws	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Probation/Parole Supervision	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Chemical Castration	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Paying Restitution to Victims	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Residency Restrictions	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Incarceration	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Specialized Sex Offender Treatment	<input type="checkbox"/> Yes	<input type="checkbox"/> No

### Section 5

**Please indicate how strongly you agree or disagree with the following statements about sex offender management and policies by circling the number that best represents your opinion.**

Strongly Disagree 1	Disagree 2	Neutral 3	Somewhat Agree 4	Agree 5
Residency restrictions should be imposed on all reentering sex offenders, even if that means they are unable to return home due to close proximity of a school, playground, or park.				
1 2 3 4 5				
Sex offenders should be prepared to endure threats and harassment from their neighbors once they have been found out due to the sex offender registry				
1 2 3 4 5				
GPS tracking devices violate sex offenders' individual rights protected by the Constitution				
1 2 3 4 5				
Because of registration laws, sex offenders should accept the fact that employment opportunities may be difficult to find				
1 2 3 4 5				
Chemical castration violates a sex offender's fundamental right to privacy and procreation				
1 2 3 4 5				
Experiencing shame and embarrassment due to the sex offender registry is a consequence sex offenders should learn to accept				
1 2 3 4 5				

VITA

JESSICA M. DUNCAN

Personal Data:

Date of Birth: September 9, 1988

Place of Birth: Memphis, Tennessee

Marital Status: Single

Education:

Public Schools, Knoxville, Tennessee, 2007

East Tennessee State University, Johnson City, Tennessee;

B.S. Criminal Justice & Criminology, December 2010

M.A. Criminal Justice & Criminology, December 2012

Professional Experience:

Instructor

Department of Criminal Justice/Criminology, 2011-2012

Graduate Assistant

Department of Criminal Justice/Criminology, 2011-2012

Honors and Awards:

TELS Scholarship (2007-2010)

James H. Quillen Scholar (2011-2012)

Graduate Assistantship

Distinguished Student Service Award (2011, 2012)

President, Alpha Omega Chapter of Alpha Phi Sigma (National Criminal Justice Honor Society) (2011-2012)