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Some Recent Research on Sex Offenders and Society's Responses to Them

Research Summaries Compiled from *Criminological Highlights*
by
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The materials summarized in this compilation come from *Criminological Highlights*, an information service produced by the Centre for Criminology & Sociolegal Studies at the University of Toronto. The project is directed by Anthony Doob and Rosemary Gartner.

Criminological Highlights is produced by a group of faculty (at the University of Toronto and at nearby universities), criminology doctoral students, and librarians. To find items appropriate for *Criminological Highlights*, we scan everything that comes into the Centre of Criminology library and over 100 journals that are available electronically. From time to time, we also consider papers published in journals in related fields. A short list (typically about 20-30 articles per issue) is chosen and the group reads and discusses each of these papers. For a paper to be included in *Criminological Highlights* it must be methodologically rigorous and it must have some (general) policy relevance.

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An Overview of *Criminological Highlights* Summaries of Research on Sex Offenders¹

The following is a very condensed summary of the *Criminological Highlights* summaries that follow. We strongly urge readers to read the summaries in addition to (or instead of) our summaries of this literature.

A. The Nature of Sex Offending.

Many people appear to believe that “once a sex offender, always a sex offender.” Operationally, this would suggest that the once people are identified as sex offenders and convicted of a sex offence, they would be very likely to commit more sex offences in the future.

The data do not support this belief. Sex offender recidivism rates are not generally higher than recidivism rates of other offenders. These data hold true for both adults (pages 4-6) and youths (page 7). Generally speaking, it would seem that if sex offenders do re-offend, their offences are not likely to be a sex offence. They are not a specialized group of offenders (page 8-9).

On a related issue, a recent study suggests that the assumption that users of child pornography are likely to commit ‘contact offences’ with children is not supported by the data (page 10).

One study (page 11) suggests that sex offending is best understood as a transitory phase in an offender’s life.

B. Societal Reactions to Sex Offenders

The search for simple solutions to complex problems is quite evident in the area of society’s response to sex offenders. Based partially on the notion that a “sex offender” is a special type of dangerous offender who is very likely to reoffend, one thing that some jurisdictions have done is to try to keep track of and notify the community of the whereabouts of sex offenders. These approaches are based, in part, on the notion that sex offenders have a high likelihood of re-offending.

In order for such policies to be effective tools to reduce sex offending, those responsible for sex offences would have to be on these registries and/or subject to community notification. However, the data suggest that many people who have been described as being serious sex offenders would not have been eligible for registration/ notification before the offence that led to their conviction. In part this is due to the fact that they might be first offenders and/or because their offences were not ‘predatory-stranger’ crimes. Many victims of sex offenders are related to their offender; in many other cases there are pre-existing relationships with the offender (page 12). The idea behind registration/ notification is that people can take protective actions, though it is not clear what these actions would be, nor do these approaches take into consideration the problems that such policies can create (pages 13-14).

Another problem with the registration/notification approach is that these programs do not necessarily identify sufficiently accurately those likely to reoffend (page 15). Not surprisingly, therefore, they do not seem to be effective in reducing re-offending (page 16-17).

¹ Page numbers for the attached *Criminological Highlights* summaries are on the bottom right of each page.

Furthermore, these programs may interfere with peaceful reintegration of sex offenders into society (page 18). Similarly, serious questions have been raised about the constant monitoring of sex offenders in the community (page 19).

One popular approach to sex offending is to restrict the places they can go or live. Once again, these approaches ignore what is known about sex offending (e.g., that many offenders are known to their victims). But in addition, these measures may be counter-productive in that they make it difficult for offenders (who have a low likelihood of re-offending in the first place) to be reintegrated into society (page 20-22). In some cases, these restrictions make it virtually impossible for a person to find a place to live (pages 23).

At times, society's responses to sex offenders appear to be counter-productive. In 2010 there were about 3244 people found guilty of sexual assault or another sex offence in Canada. Depending on the criteria that are used for registration and/or notification, within a few years, in large dense cities, almost everyone would be living near a registered or monitored, or restricted sex offender. Notifying neighbours of the presence of a sex offender assumes that there is something that can or should be done to avoid victimization.

It is often suggested that those who are in prison for sex offences should serve "their whole sentences" rather than being released on some form of conditional release. This suggestion, of course, ignores the fact that most incarcerated sex offenders will, in fact, be released at some point and will return to their communities. Nevertheless, data from Correctional Service of Canada suggest that a disproportionate number of those serving penitentiary sentences for sex offences are detained past their 'statutory release' date or until the last day of their sentences.

This practice has led to suggestions that sex offenders be civilly committed after the end of their sentences in order to protect society. Some of the support for this practice seems to be fed by the view that sex offenders are insufficiently punished (page 24). More importantly, perhaps, data suggest that experts cannot agree, when assessing individual sex offence cases, who the dangerous sexual predators are (page 25).

C. Treatment of Sex Offenders.

Treatment for sex offenders can be effective, though it would be wrong to conclude that *any* treatment will be effective. It appears that voluntary cognitive-behavioural treatments in the community have the highest rate of success (page 26). Furthermore, sex offenders released into the community after the end of their sentences can be effectively managed or treated with a program (developed and tested first in Canada) referred to as "Circles of Support and Accountability" (page 27-28).

An analysis of data from ten samples of sentenced sex offenders demonstrates that most sexual offenders who have been apprehended and sentenced do not commit further sexual offences.

Background. For reasons that are not clear, many commentators seem to assume that once a person commits a sex offence, he will, if not imprisoned, continue committing these offences until he dies. One difficulty in assessing the likelihood of recidivism is that recidivism is defined in different ways across studies. Different follow-up periods and different criteria of offending (typically either charges or convictions) are used in different studies. In addition, different definitions of sex offences are used. Different types of victims (children vs. adults, gender, incest vs. other types of relationships) are also studied. A previous study (*Criminological Highlights*, 6(3)#3) showed that recidivism rates for sexual offenders were generally no higher than recidivism rates for other types of offenders. This would suggest that a special focus on sex offenders (as opposed to other serious offenders) seems misplaced.

Rather than looking at recidivism rates in a single sample, this study looked at 10 different sub-samples of adult male offenders (total N=4,724; 7 Canadian, 2 U.S. and 1 U.K. sample) with follow-up periods ranging from an average of 2 years to an average of 23 years. Most used re-conviction as the measure of recidivism, but there did not appear to be dramatic differences between the studies that reported only charges and those that reported convictions.

The results demonstrate that pooling across all studies, 14% of the offenders had recidivated with another sexual offence after 5 years, 20% after 10 years, and 24% after 15 years. When one looks at the recidivism rate for different types of victims, “boy victim child molesters” showed a 10 year recidivism rate of 28% as compared to 13% for “girl victim child molesters.” Incest offenders had the lowest rate (9%) and rapists were about average (21%). Not surprisingly, those with a previous conviction for a sexual offence were considerably more likely to re-offend sexually than those without a previous sexual conviction (32% vs. 15%). Offenders over age 50 were considerably less likely to re-offend sexually within 10 years (11%) than were younger offenders (21%). Generally speaking, the longer a person had been in the community, the less likely it was that he would re-offend.

The recidivism results reported here are quite similar to those reported elsewhere. A recent U.S. study, for example, found a sexual re-offending rate after 3 years of only 5.3% (See also *Criminological Highlights*, 3(3)#3; 5(1)#4; and 6(3)#3).

Conclusion. It is suggested that in considering policy on how to deal with convicted sex offenders, there is a need to “differentiate between the high public concern about these offences and the relatively low probability of sexual re-offence” (p. 11). Other studies would suggest that incapacitation is an inefficient approach to crime prevention for these offences, in part because of the unpredictability of who will, if not incapacitated, re-offend (see *Criminological Highlights*, 3(1)#1). Given the difficulty in predicting re-offending, it would appear that incapacitating sex offenders will not be a more effective crime control measure than incapacitating any other type of offender.

Reference: Harris, Andrew J. R. and R. Karl Hanson (2004). Sex Offender Recidivism: A simple Question. Ottawa: Public Safety and Emergency Preparedness Canada. <http://www.psepc-sppcc.gc.ca>.

Sex offenders are not reconvicted at the rate that many people think they are. Parole boards over-predict re-offending for these prisoners. The notion that certain groups of sex offenders are driven to commit additional sex offences on release is challenged by this study.

Background. “There is a widespread assumption in the mass media and probably amongst the public... that sex offenders (especially those who offend against children) are particularly prone to repeat their crimes” (p.371). However, the data on *reconviction* tend to challenge this assumption (see, for examples, Highlights Vol. 3, No. 3, Item 3). It is not reconviction *per se* that is important. Rather, it is the type of offence that is clearly of most concern.

This study followed 174 male prisoners who had been convicted of a serious sex offence in the U.K. for at least 2 years after release and, in the case of 94 of them, for 6 years. These offenders were subsequently divided into groups (e.g., adult vs. child victim, male or female child victims, stranger or known victim, single vs. multiple victims, whether the offence against a child had taken place within the family unit). 60% of these offenders had at least one child victim, approximately one quarter of whom were male. Parole board hearings were also monitored which allowed the researchers to determine whether an offender had been described as posing a ‘high risk’ (p.373).

The results suggest a pattern of reconviction that is lower than most definitions of ‘high risk.’ [Note, of course, that the study deals only with *reconvictions*. Presumably there could have been some re-offending that was not reported or in which the offender was not apprehended.]

- 6.7% (11) of the 162 offenders who had been in the community for at least 4 years had been reconvicted of a sexual offence. Of the 6 who had previously been convicted of an offence involving an adult, all but one were reconvicted of an offence against an adult. Four of the other 5 whose original offences involved children were reconvicted for offences against children.
- An additional 5.6% (9) were reconvicted of a (non-sexual) violent offence.

An examination of the 94 who had been out for *six years* or more shows that 8.5% had been reconvicted for a sexual offence and imprisoned during this period and another 4.3% (4) were reconvicted for a violent offence and also incarcerated. A total of 18.1% (17) were imprisoned for some offence. An additional 12.8% (12) were reconvicted for some other offence but not sent to prison. In total, 30.9% were reconvicted but most of these were clearly not for sexual offences.

Looking only at the 6-year follow-up of those who had originally offended against children, *none* of the 31 whose victims had been within the family were reconvicted of a sexual or violent offence and imprisoned. Of the 19 who were originally convicted for extra-familial offences against children, 6 (32%) were reconvicted for a sexual or violent offence and were incarcerated. The 6-year reconviction rates for offenders against children and offenders whose victims were exclusively adults were not dramatically different, with the exception of those whose child victim was in the family. None of these individuals were reconvicted for a violent or sexual offence.

92% of those identified as “high risk” by a member of the parole board were not reconvicted of a sexual offence within four years. However, the parole board had also labelled all but one of the repeat sexual offenders as high risk. By “over-predicting” risk, those who re-offended as well as those who did not were identified. A statistical device used to make predictions was moderately related to reconviction, although 13 of the 22 identified as “high risk” (59%) were not reconvicted.

Conclusion. Reconviction rates for most groups of sex offenders are lower than they are typically assumed to be. In particular, the notion that those who offend against children will, almost invariably, be reconvicted is challenged by these data. Parole board assessments of risk can be seen as “correct” because they have a high rate of seeing “high risk”. Hence, they accurately identify the repeat sexual and dangerous offenders but also identify a large number who are not, in fact, reconvicted.

Reference: Hood, Roger, Stephen Shute, Martina Feilzer, and Aidan Wilcox (2002). Sex Offenders Emerging from Long-Term Imprisonment. *British Journal of Criminology*, 42, 371-394.

Most sex offenders placed on probation do *not* reoffend. In particular, those with stable employment histories who receive sex-offence treatment are less likely to reoffend than those without such characteristics.

Background. Previous research has found that “incarceration had an indirect effect on reoffending: It reduced job stability, and this instability in turn contributed to continual involvement in crime” (p. 64). In contrast, other theoretical frameworks that focus largely on traits developed early in life view “crime as highly resistant to both informal social controls... and ... the formal controls exerted by the criminal justice system” (p. 64-5). Although sex offenders are, in many countries, increasingly subject to punitive approaches, many of those who have committed sex offences serve at least part of their sentences in the community. Hence it is possible to see whether social bonds to employment and family can reduce crime or, alternatively, if treatment strategies are a waste of time.

This study looked at 556 sex offenders in Minnesota from the time they were placed on probation in 1992 through June 1997. Hence it under-represents the worst sex offenders but does include the majority of those identified as sex offenders during the period of study. Formal social control was operationalized as drug testing, prohibitions against contact with minors, and compulsory treatment.

Results. Reoffending of *any* kind (as measured by official re-arrest measures) was more likely to occur soon after the offender was placed on probation. After a year, 83% had not reoffended, and after two years, 75% had not reoffended. Five years after being placed on probation 65% had not reoffended. During the five years, only 10% were ever rearrested for any offence against persons, and only 5.6% had committed a new sex offence. Those with a long criminal history and a history of drug use were more likely to re-offend. Not surprisingly, older probationers were less likely to commit any new offence. Even though 36% of the original offences involved family members, those living with their families during the probation period were not more likely to reoffend.

Generally speaking, job stability appeared to be related to lower rates of overall offending and crimes against persons. Sex offender treatment, alone, did not appear to be effective. However, for those with stable employment, sex offender treatment appeared to be useful in reducing all types of reoffending. “In fact, for the small number of respondents whose reoffence was a new sex offence, the only factor that even marginally reduces their risk of reoffending is the combined effect of stable employment and sex offender treatment” (p. 81).

Conclusion. For this group of sex offenders, who were given non-custodial sentences, it appears that community approaches can be effective in reducing reoffending and that scarce treatment resources can be effectively allocated. Most of these offenders did not reoffend and, when they did, it was most likely not a sex offence. The findings, showing a positive impact of stable employment (especially when combined with treatment), suggest that informal social controls can be important in understanding reoffending.

Reference: Kruttschnitt, Candace, Christopher Uggen, and Kelly Shelton. Predictors of desistance among sex offenders: The interaction of formal and informal social controls. *Justice Quarterly*, 2000, 17, 61-87.

Youths who commit sexual offences are not very likely to commit sex offences as young adults.

Special laws for sex offenders – e.g., registration, notification, special ‘peace bonds’ – are based in part on the assumption that once a person commits a sexual offence, that person will continue to commit such offences. As these policies are extended to include youths who commit sex offences, it is important to consider whether there is any special reason to target juvenile sex offenders.

Adult sex offenders are not especially likely to commit further sexual offences and do not look like the ‘specialist’ offenders they are sometimes believed to be (see, e.g., *Criminological Highlights* V3N3#3, V5N1#4, V6N3#3, V6N6#8, V8N3#3). Nevertheless, they are often subject to special conditions after serving their sentences. There seems to be an assumption that certain people are ‘born’ to be sex offenders and will not change.

This study looks at the criminal careers of males who were born in 1942, 1949, and 1955 in Racine, Wisconsin. Their involvement in the criminal justice system was tracked until they were 32, 25, and 22 years old, respectively. The first part of the study looked at these cohorts when they were juveniles. Compared to youths whose list of offences did not include sex offences, boys who committed sex offences in Racine were much more likely to have large numbers of police ‘contacts’ (for various kinds of offences). However, the vast majority of these contacts were not for sex offences. Forty-three percent of the youths with a juvenile sex offence record had 9 or more contacts with the police and an additional 23% of juvenile sex offenders had 4-8 contacts with the police. However,

more than three quarters of the youths with sex offence contacts only had one such contact. Juvenile sex offenders, it seems, are high rate offenders who commit various offences. For the most part, however, they commit few sex offences (typically only one).

The second part of the study tracked these cohorts into adulthood. Only 8.5% of the boys who had a juvenile sex offence record had *any* contact with the police, as adults, for sex offences. This was not significantly higher than the adult sex offence rate (6.2%) for boys who had juvenile records that did not include sex offences. Both of these rates were, however, higher than the rate of adult sex offences for those with no juvenile record (1.5%). It appears that “juvenile *sex offending* does nothing to predict the type of adult record, specifically adult sex offending, above and beyond the frequency of [overall] offending.... Sex offenders are frequent offenders who roll the dice more often and increase their chances of accumulating a sex offence in their career” (p. 526-7, emphasis added). When one looks at the backgrounds of males who have had contact with the police, as adults, for sex offences, it appears that only 4% of them had a juvenile sex offence. What does appear to predict adult sex

offending is simple: it is high rates of juvenile offending of any kind, whether that offending included a sex offence or not.

Conclusion: The data demonstrate quite clearly that addressing adult sex offending by concentrating one’s efforts on juveniles who have committed sex offences is a foolish strategy: it will miss most adult sex offenders and will mis-identify most of the targeted group. These findings are particularly relevant given that “most [U.S.] states currently require juvenile sex offenders to register.... These registries are inappropriate because those on the list may not be any more likely to commit another sexual offence as [adults than are those] who are not on these lists” (p. 530).

Reference: Zimring, Franklin E., Alex R. Piquero, and Wesley G. Jennings (2007). Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood. *Criminology and Public Policy*, 6(3), 507-534.

Sex offenders are *not* more likely than other types of lawbreakers to be re-arrested for a crime. In fact, the vast majority of them - if re-apprehended - are arrested for an offence that is not sexual in nature.

Background. In all 50 U.S. states, certain types of sex offenders are required to register their addresses with law enforcement agencies and are additionally liable - in many jurisdictions - to have their whereabouts disclosed to the public. The theory behind these practices appears to be that “without intervention or some sort of surveillance, sex offenders will never stop committing sex crimes” (p.60). However, previous research (e.g., *Criminological Highlights*, 5(1), #4) has suggested that the rate at which apprehended sex offenders commit subsequent sex crimes is low – typically less than 10% within 3-5 years of release. Nevertheless, some jurisdictions – working on the belief that sex offence registries and notification procedures are effective and that “gateway” crimes exist which predict sex offending – have begun considering the expansion of registration obligations to include other criminal activity such as burglary. Since many sex offenders also have records of burglary, the theory seems to rest upon the assumption that these other crimes (e.g., burglary) are predictors of sex offending. The difficulty with this logic is that most repeat offenders (of sexual crimes or otherwise) have records of property offences such as burglary.

This study examines ‘sex offence’ re-offending relative to the re-offending rates of other criminal groups in a cohort of people arrested in Illinois in 1990. Sex offences constituted only a small proportion (1.2%) of all criminal charges. Most of the sex offenders (69%) were not, in fact, incarcerated for their initial offences.

The results showed that those arrested for robbery were the most likely offence group to re-offend (for any offence) within a 5-year follow-up period (75%). In contrast, 45% of sexual offenders were rearrested within five years for some crime. Further, the theory that ‘once-a-sex-offender-always-a-sex-offender’ is challenged by the data on re-arrest for the same offence. Looking across 10 crime groupings, 6.5% of sex offenders were rearrested for the same offence within 5 years – a *same-offence* recidivism rate that was comparable to those initially charged with homicide, kidnapping, and stalking. In contrast, 18% of robbers, 23% of burglars and 37% of those initially arrested for non-sexual assaults were re-apprehended for the same offence within the identical follow-up period.

Not surprisingly, those initially arrested for sex crimes were more likely than other lawbreakers to be re-apprehended for a sex offence within 5 years. Since only 6.5% of sex offenders were re-arrested within this period for a crime of a sexual nature, it is not clear that registries for this type of offender would be an efficient means of reducing future criminal activity.

Conclusion. The existing evidence suggests that sex offender registries are not likely to be effective in stopping crime. (See *Criminological Highlights*, 4(1), #2 and 5(6), #1). These registries, along with community notification laws, are based on the theory that the same-offence recidivism rates for sexual offenders are remarkably high. This study demonstrates exactly the opposite, with re-apprehension rates for this type of criminal activity being comparatively low. Clearly, policies based on misconceptions about the nature of sexual offending will inevitably be ineffective and divert attention and resources away from other more promising strategies.

Reference: Sample, Lisa L. and Timothy M. Bray (2003). Are Sex Offenders Dangerous? *Criminology and Public Policy*, 3, 59-82.

Compared to other groups of offenders, sex offenders are not a highly specialized group. They are no more likely to be “specialized” offenders than are other types of offenders (i.e., those who have committed violent, property or public order offences).

Sex offenders are the focus of many special criminal law provisions (e.g., dangerous offender laws, laws that require them to register their whereabouts after they have served their sentences). The common assumption seems to be that once a sex offender, always a sex offender. “These stereotyped images have been shown... to have serious negative consequences for the effective detection, treatment and control of sex offenders” (p. 205).

Several studies have found that “sex offenders... exhibit lower recidivism rates and have less extensive criminal histories” (p. 207) than other types of offenders (see, e.g., *Criminological Highlights*, 5(1)#4, 3(3)#3, 6(6)#8, 6(3)#3). This study examines data from 9806 male sex offenders released from state prisons in 15 states in 1994 and an additional 23,849 prisoners released for other violent offences, property offences, or drug and other public order (drug and other public order) offences. The data include information about offenders’ entire criminal history prior to their release from prison in 1994 and in the three years following release. Hence it was possible to look at the likelihood that the offence a person was arrested for the “next” time was the same as the previous one.

Overall, it would appear that sex offenders are no more likely to “specialize” than are other offenders. For example, starting with all of those who were arrested for sex offences, one can look at those arrested again and ask whether this next arrest was likely to be for a sex offence. The answer is that the probability of a person who was just arrested having his next offence be another sex offence was about 0.26. For those arrested

for violent offences, if they were re-arrested again, the likelihood of their next arrest being a violent offence was 0.33. “Specialization” for property offenders and public order (including drugs) offences was even higher (0.56 and 0.61, respectively).

Perhaps the most interesting finding is that “perfect specialization is rarely observed across all arrest cycles” (p. 216). Only about 5% of sex offenders could be described as ‘specialists’ (i.e., had only sex offences in their histories). Given that the group of offenders in this study tended to have substantial criminal records, it is not surprising that their re-offending rates tended to be quite high. When one looks at the proportion who never committed the same offence again, however, one finds that “the concentration of one-timers who did not repeated the same offence in any other cycle was substantially higher among sex offenders than any other offence type” (p. 216). Using a more restrictive typology of offences, a similar pattern emerges. Two types of sex offenders (rapists and those arrested for child molestation) were compared to those arrested for other specific offences (e.g., robbery, burglary, aggravated assault). About 74% of rapists and about 70% of those arrested for child molestation were

‘one timers’ compared to only 57% of robbers, 44% of those arrested for burglary, and 54% of those arrested for aggravated assault.

Conclusion. “As a group and across different measures, sex offenders... are not typically specialists or persistent offenders.... In fact... specialization among sex offenders drops substantially over successive stages of their criminal careers” (p. 222). Obviously, this study depends on ‘official’ data of offending and hence misses many offences. There is no reason, however, to expect that this problem is specific to sex offenders. The data suggest that the argument for special sexual predator laws (e.g., registries, etc.) may be based on false assumptions. “Given the major finding that the average sex offender... does not appear to be a persistent specialist over his arrest career, it seems somewhat unlikely that registration and notification policies will decrease sexual victimization” (p. 225).

Reference: : Miethe, Terance D., Jodi Olson, and Ojmarrh Mitchell. (2006) Specialization and Persistence in the Arrest Histories of Sex Offenders: A Comparative Analysis of Alternative Measures and Offence Types. *Journal of Research in Crime and Delinquency*, 43, 204-229.

It should not be assumed that users of child pornography either have committed 'contact' sexual offences in the past or are likely to do so in the future.

There is understandable concern that 'online' child pornography offenders (those whose offence involves possession or viewing of child pornography on their computers) have committed or will commit sexual offences with children involving actual physical contact with their victims. In addition, of course, there are other concerns about child pornography: the demand for child pornography encourages the exploitation of children to meet this demand, and its mere existence offends community standards and values.

This paper looks at the users of child pornography and asks two questions: (a) Are 'online offenders' likely to have committed offences in the past? (b) After being apprehended for an online child pornography offence, are 'online' child pornography offenders likely to commit further offences? These are important questions because the answers to them are likely to be helpful in shaping policies related to society's responses to online child pornography offenders.

The study identified 24 studies that examined the criminal histories of online offenders. One important finding from these studies is that there is substantial variation in the rates of previous offending. Not surprisingly, when one looks at a sample of those who are arrested, the rates are lower than they are for those who are identified because they are in a correctional institution. And both of these are lower than rates for those referred for clinical treatment. These differences are "probably the result of contact offence history having an effect on whether someone is incarcerated [or]... being referred for assessment or treatment" (p. 125). In addition, those who are incarcerated and in treatment programs are often encouraged to admit to offences [even if they did not take place

exactly as stated], since admitting to prior offences is sometimes seen by clinicians as a sign of progress in treatment.

Looking at the percent who had previously been charged or convicted of any contact sexual offence, the range was from 0% in one study to 43%. When official records are examined (for 4,464 online offenders), 12.2% had prior contact sex offences. Looking at all records (including self reports), 17.3% had reports of prior contact sex offences. For the (largely) clinical sample, using self reports, about 55% reported prior sexual contact with children.

The recidivism data are a bit more complicated, in part because the followup periods varied (from 1.5 years to 6 years, with most periods under 4 years). Looking at the recidivism of 1,247 online offenders, 2% reoffended with a contact sexual offence and 3.4% recidivated with another child pornography offence. Information about (non-sexual) violence recidivism was available for 983 online offenders. The rate was 4.2%. The relatively low rate of recidivism is consistent with other studies of sex offence recidivism (*Criminological Highlights* 6(6)#8, 5(1)#4, 3(3)#3, 6(3)#3, 9(2)#5).

Conclusion: It is almost certain that the arrest or charge data underestimate the involvement in contact sex offences. The self report measures suggest that up to about half of online sex offenders may have committed contact sex offences in the past. But whatever measure one looks at, it appears that "there is a distinct group of online offenders whose only sexual crimes involve illegal (most often child) pornography or, less frequently, illegal solicitations of minors using the Internet" (p. 136). But it is also true that "online offenders rarely go on to commit detected sexual offences" (p. 136) and "pedophilic interests do not necessarily result in contact sexual offences against children" (p. 140). Initial research evidence "suggests that the same risk factors matter for online or offline [contact] sexual offending" (p. 137). Policies, therefore, should reflect the fact that online offenders do not constitute a homogeneous group of offenders.

Reference: Seto, Michael, R. Karl Hanson, and Kelly M. Babchishin (2011). Contact Sexual Offending by Men with Online Sexual Offences. *Sexual Abuse: A Journal of Research and Treatment* 23(1), 124-145.

Sex offending typically represents a transitory phase in an offender's life, not a life-defining event.

A number of criminal justice policies have special provisions for sex offenders. These include dangerous offender provisions, restrictions on the use of certain sanctions (e.g., conditional sentences of imprisonment in Canada), registries, notification requirements, and restrictions on the availability of pardons (in Canada). These policies seem to be based in part on the notion that once a person commits a sexual offence, he is very likely to commit more. This assumption is challenged by a fair amount of research (see *Criminological Highlights* V5N1#4, V6N3#3, V6N6#8, V8N3#8, V9N2#5, V9N5#7, V11N4#7, V12N4#7).

Scales for the prediction of future offending have been shown to perform, statistically, better than chance, but have been criticized for being too inaccurate for individual decisions. Risk prediction in this field typically looks at static facts from the past (e.g., history of offending, age, type of offending). However, they typically do not take into account different *patterns* of behaviour leading up to the offence. Furthermore, they may not adequately capture one of the "most agreed upon clinical observations" (p. 536) about sex offenders: their heterogeneity.

In this study, rather than considering 'criminal history' as a static risk factor, the trajectories of offending of 237 sex offenders over age 35 at the time of their release from a Canadian penitentiary were examined. All had been sentenced to at least 2 years in prison. The number and pattern of charges for violent and sexual offences from age 18 onwards were used to group these offenders. Trajectories of offending (for the period age 18-35) were created separately for violent and sexual offences and then for the two types of offences combined. The vast majority of these offenders had committed very few offences.

The trajectory modeling showed that for sexual offending, the data were

best described by two groups: a group that showed an increasing rate of offending between age 18 to age 35 (4% of the total sample), and a group of very low rate offenders throughout this period of their lives (96% of the total sample). Sexual offence recidivism was defined as a new charge for any sexual offence within an average 5-year follow-up period after the offender was released from penitentiary. (All offenders were at least 35 years old when released.) The recidivism rate was 6.1% for the low rate sex offenders (n=229) and 38% for that very small group of offenders (n=8) with a high and increasing rate of offending when they were younger. The overall sexual offending recidivism rate for these 237 sex offenders released from a Canadian penitentiary was 7%. The results were similar when the offenders were classified according to their pattern of charges for sexual and violent offences combined. This analysis found three distinct groups: very low rate, low rate, and high rate increasers. Their overall sexual and violent recidivism rates were 8%, 24% and 38%, respectively. Overall sex or violent offending recidivism was 14%.

Conclusion: The findings suggest that for these convicted sex offenders, "a sex crime might be best conceptualized

as a transitory phase in the criminal career rather than evidence of a sexual criminal career in the making" (p. 553). However, there was, at the same time, "evidence suggesting the presence of a very small group of offenders following an active, high rate sexual offending pattern between age 18 and 35" (p. 554). For them, the recidivism rate was higher than the rate for those who had been low rate offenders between age 18-35. But in addition, the recidivism data suggest that by the time this high rate group might be identified, "they might no longer constitute the most dangerous group of offenders" (p. 554). The overall rates of recidivism of all identified groups in this sample suggest that even among those with the most problematic patterns of previous offending (e.g., increasingly high rate offending when 18-35) the 5-year recidivism rates, when released from penitentiary, are fairly low and the number of such offenders is very small.

Reference: Lussier, Patrick and Garth Davies (2011). A Person-Oriented Perspective on Sexual Offenders, Offending Trajectories, and Risk of Recidivism. *Psychology, Public Policy and Law*, 17 (4), 530-561.

Community notification laws appear to be more effective than they really are. Even if a community has a law requiring “community notification” of the presence of sex offenders, few, if any, crimes would be prevented.

Background. It is attractive to think that “if only we knew who the offenders living in our communities were”, we would be safe. The problem is that the creation of a registry is one issue, and the effectiveness of that registry in reducing predatory crimes is quite another. Knowing that there is a person living in the neighbourhood who has committed sex crimes may sound useful, but what one does with this information to avoid victimization is another. Additionally, the implicit underlying theory of these laws is that a centralized database would exist which would help solve sex crimes rapidly. However, there are costs. First, fear and concern may be raised that are not offset by comparable crime reduction effects. Second, there are obvious financial costs of notification projects. Finally, concerns exist that the information may be used by communities in ways that decrease the likelihood of offenders being integrated back into society.

Massachusetts law requires the state to keep a registry of those convicted of any of 11 sexual or kidnapping crimes. The law also obligates those who have served their sentence to register with local police departments. Citizens can inquire as to whether any individual is a “sex offender.” Moreover, depending on the perceived risk of reoffending, the police have an obligation to carry out various levels of community notification.

This study is “an optimistic assessment” (p. 145) of the public safety *potential* of the Massachusetts law. It assumes that all offenders will comply completely with the law and that the police will carry out all of the required notification. Hence, it explicitly “overestimates the law’s public safety potential” (p. 146). It looked at a sample of 136 “clinically diagnosed... habitual or compulsive” (p. 146) sex offenders. Again, these subjects provided an “overly generous assessment of the preventive potential” (p. 147) of the law since the study examines what notification would have done for this group of the “worst of the worst.”

Only 36 (27%) of these 136 offenders had a prior registry-eligible crime conviction. Said differently, 73% of these “habitual or compulsive sex offenders” could not have been in the registry before their current offence. When one looks at the sex offences that they committed (which lead to their imprisonment), only 12 of these 36 committed “predatory-stranger” crimes while the others committed offences against those known to them (e.g., close family friends, close family incest). A careful examination of these 12 “predatory-stranger crimes” suggests that in only 4 of the 12 would there have been a good chance of notification providing positive effects (and in 2 of the other cases, there was a “poor to moderate” chance). These results are due, in large part, to the fact that the other offences were committed in an area beyond the limits of which the notification would have taken place (e.g., the offender lived in a different jurisdiction from the victim). However, even in these cases, it would have depended on an aggressive and expensive notification effort on the part of the police. Furthermore, it would have depended on the victim acting effectively to avoid the crime.

Conclusion. A careful examination of the criminal histories of a sample of the worst sex offenders concludes that “the public safety potential of the... registry law to prevent stranger-predatory crimes.. is limited” (p. 154). In only 4 of 136 cases *could* the law have stood a good chance of avoiding the victimization *and only then if great effort had been expended*.

Reference: Petrosino, Anthony J. and Carolyn Petrosino. The Public Safety Potential of Megan’s Law in Massachusetts: An Assessment from a Sample of Criminal Sexual Psychopaths. *Crime and Delinquency*, January 1999, 45 (1), 140-158.

Sex offender registries and community notification of the presence of a convicted sex offender in a particular neighbourhood are of questionable value.

Background. Members of the public and politicians alike are constantly on the lookout for the silver bullet that will deal a deadly blow to serious crime. Sex offender registries and community notification systems have recently been heralded as the panacea for sexual offences (especially against children). This positive assessment is held in spite of research which has shown that reoffending rates for this type of crime are low (see *Criminological Highlights*, 5(1)#4, and 3(3)#3) and that even with properly functioning notification systems, almost no sex offences would be averted (*Criminological Highlights*, 4(1)#2). Currently, registries have been established in all 51 U.S. jurisdictions (References #1,4,5) and have begun to be implemented in Canada as well. Notification is also allowed under certain provincial laws (Reference #4, pp.136-7). Despite this extensive adoption, the debate over the value of these strategies has yet to be resolved.

These papers present arguments both in favour of and against the use of sex offender registries. More specifically, several of the identified virtues of this criminal justice approach are as follows:

- By making names public, practices such as those which occurred within the Catholic Church over the past several years of simply moving offending priests from one location to another may be discouraged (Reference #3).
- No “cure” is perfect for all offenders (Reference #3).
- The harassment of identified sex offenders in the community is relatively low (3.5%) (Reference #3).
- Registries and notification give parents an opportunity to protect their children (Reference #3).

The difficulties with the registry-notification approach appear to include the following:

- The registries are incomplete. A U.S. survey showed that only 32 of 51 jurisdictions were able to provide “failure to register” statistics. Further, the overall ‘failure’ rate for these 32 jurisdictions was 24%, with that of some states (*e.g.*, California) being even higher (44%) (Reference #1).
- These registries give an illusion of safety by implicitly communicating the (erroneous) idea that all sex offenders are known and that this type of crime is more likely to be committed by strangers than by trusted others (References #2&4). As such, these registries may be used simply “to appease the fears of the average citizen” (Reference #4, p.155).
- Sex offender registries may interfere with rehabilitation and reintegration (References #2&4). For example, one study (Reference #5) of sex offenders who had been subject to registration, news media releases, flyers and/or community notification meetings showed that 83% of the sample had not been allowed to rent residences and 77% had been ostracized by neighbours or acquaintances.
- Sex offender registries may drive offenders underground (Reference #2). Aside from anything else, registration systems are seen by many registered offenders (57% in the survey reported in Reference #5) as being responsible for loss of employment.
- Registries and notification systems have been known to promote vigilantism. In a study of registered sex offenders (Reference #5), 77% of those surveyed had received threats or had been subject to harassment while 3% had received vigilante attacks. Further, almost all registered sex offenders reported fear for their safety. These risks are even more problematic when one recalls that the information in the registries may be inaccurate. In these cases, non-offenders may be targeted because they live at an address that has incorrectly been identified as that of an ex-offender (Reference #4).

- Costs of registry systems are considerable. Further, law enforcement agencies are typically not given additional resources for implementing and updating these registries (Reference #5, pp. 377-8).
- Registry and notification can also lead to collateral harm to the family members of those subject to them (Reference #5, pp. 382-4).

Conclusion. Clearly, registries and notification systems are not without their own problems and, as such, demand careful scrutiny before being implemented. This warning gains even more salience when one recognizes that their proclaimed benefits have yet to receive empirical support. Within this context, it would seem particularly important to consider the non-trivial costs of these approaches to public safety in light of the opportunity costs – that is, alternative avenues to crime prevention that are ignored because of a focus on these largely untested strategies.

References: (1) Survey Finds Large Gaps in Megan’s Law Enforcement. (2003). *Criminal Justice Newsletter*, February 18, 5-6. (2) Jacobs, Deborah. (2003). Why Sex Offender Notification Won’t Keep Our Children Safe. *Corrections Today*, February, 22. (3) Klaas, Marc. (2003). Sex Offender Registries Protect Our Children. *Corrections Today*, February, 23. (4) Cuffley, Natalie. (2003). Tattooing Sex Offender on His Forehead. *Criminal Reports* (6th), 134-155. (5) Zevitz, Richard G. and Farkas, Mary Ann. (2000). Sex Offender Community Notification: Managing High Risk Criminals or Exacting Further Vengeance? *Behavioral Sciences and the Law*, 18, 375-391.

Juvenile sex offenders who met the criteria of the US federal law requiring registration as sex offenders were no more likely to reoffend – sexually or otherwise – than were offenders who did not meet the registration criteria.

Even though sex offenders are not especially likely to re-offend (*Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5), many jurisdictions have special restrictions or monitoring programs for sex offenders after they are released that are designed, in part, to reduce reoffending (*Criminological Highlights*, 4(1)#2, 5(6)#1, 7(4)#4, 8(6)#5, 9(2)#7, 10(3)#7, 11(4)#7, 11(6)#6, 12(2)#4). They have not, however, been shown to be effective in reducing crime. The American *Sex Offender Registration and Notification Act* puts financial pressure on states to comply with its requirements, including the requirement that certain juveniles be subject to registration and notification laws. After they are registered as sex offenders, some juvenile sex offenders can have this registration terminated only after 10 or 25 years of offence-free living in the community. For others, the registration lasts forever.

The problem raised by such an approach with youths is that “sexual behaviour that is often defined as illegal is common among youth” (p. 456), including non-coercive peer (teen) sexual activity, and the posting of suggestive sexual photographs of themselves (which can, under some laws, be considered trafficking in child pornography). In one national study, it was found that over one third of children and adolescents in the US reported engaging in sexual intercourse before they were of legal age (as defined by the state in which they lived). Hence the law has “the potential to inappropriately include normative youth not at risk for continued sexual offending on sex offence registries” (p. 457). This is especially a problem given that juvenile sex offending is not predictive of adult sex offending (*Criminological Highlights* 9(2)#5). As of 2010, only a few states, not including Pennsylvania (where this study was carried out), had implemented juvenile registration and notification.

This study tracked a group of 108 male juvenile sex offenders in Pennsylvania for two years after they completed court-ordered treatment. About two thirds had been found guilty of indecent assault. Both adult and juvenile re-offending was recorded. Only two of the youths reoffended sexually – one of the 67 who would have met registration and notification requirements and one of the 41 who did not meet sexual registration and notification requirements. Their sexual offences were indecent assault or indecent exposure. The overall reoffending rate (for any offence) did not differ significantly for the two groups (15% for those who would have been eligible for registration and 19.5% for those who would not have been eligible for registration). Indeed, as with other studies, the ‘sexual reoffending’ rate was very low for both groups.

Conclusion: It seems that simple ‘offence based’ registration requirements for juvenile sex offenders

are not likely to identify those who are going to offend again. Those subject to registration requirements were no more likely to reoffend than those not subject to registration requirements. This study, like others, demonstrates that the likelihood of reoffending for juvenile sex offenders is very low. The concern, then, of requiring registration of these offenders is that registration will have an impact on youths’ “ability to become productive members of society by diminishing social bonds and placing restrictions on employment, housing, and education” (p. 460).

Reference: Batastini, Ashley B., Elizabeth Hunt, Julie Present-Koller and David DeMatteo (2011). Federal Standards for Community Registration of Juvenile Sex Offenders: an Evaluation of Risk Prediction and Future Implications. *Psychology, Public Policy, and Law*, 17 (3), 451-474.

Two common policies for dealing with sex offenders do not reduce the incidence of sex crime recidivism: (1) the requirement that sex offenders register their whereabouts with the police and (2) the requirement that police notify people who live in the same neighbourhood as convicted sex offenders of the sex offender's whereabouts.

Simple solutions to serious problems are often politically attractive. Sex offenders, in particular, appear to be a magnet for ineffective approaches at reducing crime. Previous research has suggested most of these special 'sex offender' policies don't work. Residence restrictions are ineffective (see *Criminological Highlights*, 11(4)#7). Registration and public notification of the whereabouts of sex offenders have negative effects (see *Criminological Highlights* 7(4)#4, 8(6)#5, 9(2)#7) or are ineffective (see *Criminological Highlights* 4(1)#2, 5(6)#1, 10(3)#7). Policies such as these are based on the false assumption that a sex offender has an atypically high likelihood of reoffending (See *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5). This paper examines the impact of South Carolina's sex offender registration and notification policy on recidivism.

The study examines recidivism rates of 6,064 males 16 years old or older who were convicted of sex offences for the first time between 1990 and 2004. About half were registered at some point during the follow-up period. Some had prior convictions, but not for sex offences. South Carolina's registration and notification law came into effect in 1995, applied retroactively, and lasts for life. "Survival" (no recidivism) was measured from the conviction (or end of incarceration period). The study controlled for age, race, prior (non-sex offence) record, and whether the original crime involved an underage victim. The analysis examined the relative risk of recidivism.

Recidivism was defined, in separate analyses, as either a new charge or a conviction for sex crimes, other person offences, or non-person offences. Across the whole sample, there was an

8% sex crime charge recidivism rate, a rate that is comparable to a U.S. national study which showed a 3-year recidivism rate of 5.3%. The most important finding is simple: for all six measures (charge/conviction by 3 types of offences) there was no impact on recidivism of being registered when other factors were controlled.

Conclusion: Once again, it has been shown that special restrictions and attempts to track sex offenders in the community are ineffective. This is not surprising in part because recidivism rates for sex offenders are typically very low. But in addition, most sex offenders are known to their victims before the offence; hence registration and notification logically add nothing to the ability to identify who is a risk to the community. Sex offender registration and notification systems use "substantial resources for rigorous monitoring of all sex offenders rather

than targeted and intensive supervision of those most likely to reoffend" (p. 455). Finally, focusing on ineffective solutions to serious problems distracts policy makers from searching for more effective and more cost effective ways to reduce victimization.

Reference: Letourneau, Elizabeth J, Jill S. Levenson, Dipankar Bandyopadhyay, Debajyoti Sinha, and Kevin S. Armstrong (2010). Effects of South Carolina's Sex Offender Registration and Notification on Adult Recidivism (2010). *Criminal Justice Policy Review*, 21(4), 415-458.

New York's Sex Offender Registration and Notification Law had no impact on reducing sexual re-offending by rapists, child molesters, or other sex offenders.

Special laws requiring the registration of those in the community who have a history of sex offending and/or notification of citizens of their presence in the neighbourhood are based on the false assumption that recidivism rates of sex offenders are especially high (e.g., *Criminological Highlights*, 6(6)#8, 5(1)#4, 8(3)#8, 6(3)3, 9(2)#5). Previous studies (e.g., *Criminological Highlights* 4(1)#2) have suggested that these laws are unlikely to have any impact on crime, just as restrictions on where sex offenders can live are likely to be ineffective or counterproductive (e.g., *Criminological Highlights*, 7(4)#4, 5(6)#1, 8(6)#5). This study examines the impact, on those who had been convicted of sex offences, of New York's Sex Offender Registration Act which requires registration and community notification of convicted sex offenders who live in the community.

New York's law requires sex offenders to register, and, for those deemed to pose more serious risks, it requires some form of community notification. This study analyzed monthly arrest data for a 21 year period – 10 years before the law came into effect in January 1996 and 11 years after. The simple hypothesis would be that if the law kept people from being victimized, there should be a reduction in the criminal involvement of those who were subject to registration after the law came into effect. For a number of different offences (for this 21 year period) the number of arrests of those previously convicted of a (registration-required) sex offence and the number of arrests of those without a previous sex offence conviction were examined.

The results for total registerable sex offences (all offences that required registration under the 1996 law) are typical of all findings. There was no significant impact on total arrests of the registration law. Furthermore,

there was no impact on the number of arrests for those who had previously committed sex offences or on the number of first time arrests for sex offending. The data demonstrate, however, an important limitation on *any* attempt to reduce sex offending which focuses its attention on those who have a record of sex offences. Approximately 96% of those arrested for registerable sex offences throughout the 21 year period did *not* have a record that included any registerable sex offence. When smaller groupings of sex offences were examined results were very similar: There was no apparent impact of the law on rape or child molestations. The number of repeat rape or child molestation arrests did not change when the law came into effect and in about 95% of all cases, the person arrested had no record of a previous registerable sex offences.

Conclusion: One of the main reasons that sex offence registries and community notification schemes

do not have any impact is that the recidivism rate for sex offenders is not remarkably high. Most sex offences, it appears, are committed by those who have not previously been convicted of a sex offence. "Because registration and community notification laws were based on false assumptions regarding sex offenders and sexual offences, attention and resources are diverted from those most common types of sex offences – those committed by first-time sex offenders and those who have a pre-established relationship with the victim – to ones perpetrated by the stereotypical sex offender" (p. 298).

Reference: Sandler, Jeffrey C., Naomi J. Freeman, and Kelly M. Socia. (2008). Does a Watched Pot Boil: A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law. *Psychology, Public Policy, and Law*, 14(4), 284-302.

Community notification about the whereabouts of sexual offenders released from prison has a negative impact on the very factors that appear to be important for their peaceful reintegration into society.

The special procedures for sex offenders coming out of prison in many jurisdictions appear to be based on the false assumption that sex offenders are particularly likely to re-offend (see *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8). Generally, there appear to be two related procedures imposed on this group when they are released from prison: legislative restrictions on such matters as where they can live, and registries of 'known sex offenders' (see *Criminological Highlights*, 5(6)#17(4)#4, 8(6)#5) which may or may not include public notification procedures. From what is known about sex offences, it is not surprising that these procedures seem to be of dubious value (see *Criminological Highlights*, 4(1)#2).

Procedures such as restrictions on the locations where offenders are allowed to live have been shown to create difficulties in the reintegration of ex-prisoners. This paper looks at the impact of community notification procedures on the sex offenders themselves. 239 sex offenders living in Connecticut and Indiana were interviewed. In both states, names, addresses, descriptions and colour pictures as well as some information about their criminal records are available to anyone with internet access and are searchable by address.

A number of offenders mentioned that they felt that there were some positive consequences of the notification laws. For example, a sizable number (74%) of offenders indicated that being publicly identified made them more motivated to avoid re-offending so as to prove to others that they were not bad people. Some (34%) believed that communities were safer when people know where sex offenders live. About a third (31%) indicated that they thought that the notification

procedures helped them manage risk factors (because they believed that neighbours were watching). There is, however, no evidence that notification laws actually reduce re-offending rates.

On the other hand, large numbers of offenders perceived there to be negative consequences that could interfere with peaceful reintegration into the community. More than half indicated that being identified as a sex offender had each of the following impacts: it increased stress; it kept them from participating in certain activities; it isolated them from others; and it gave them less hope for the future. Almost half (46%) indicated that they feared for their safety, a feeling that was consistent with the fact that as a result of the notification laws 10% had been physically assaulted or injured, 21% had been threatened or harassed by neighbours, 18% experienced having their property damaged, and 16% reported that a person living with them had been harmed (as a result of their association with a known sex

offender). One in five sex offenders (21%) reported that they had lost a job because a boss or co-workers found out about their past. The results did not differ appreciably between the two states in which the research was carried out.

Conclusion: Clearly there are negative consequences of efforts to publicize the identity of those who have been released from prison after serving time for sex offences. Given the absence of convincing data on the efficacy of these procedures in reducing recidivism, it would appear that these broad notification policies "are more likely to undermine the stability of sex offenders than to provide the sweeping protection they intend to achieve" (p. 599).

Reference: Levenson, Jill S., David A. D'Amora, and Andrea L. Hern (2007). Megan's Law and its Impact on Community Re-Entry for Sex Offenders. *Behavioural Sciences and the Law*, 25, 587-602.

There are good reasons to believe that monitoring sex offenders with GPS devices will waste money and have no effect on reoffending.

Most popular approaches to sex offender recidivism ignore what is known about sex offenders. Sex offenders are no more likely to reoffend than other offenders (*Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5). Given that most sex offences are committed by people known to their victims, residence restrictions, registration and notification schemes are ineffective (*Criminological Highlights*, 4(1)#2, 5(6)#1, 7(4)#4, 8(6)#5, 9(2)#7, 10(3)#7, 11(4)#7, 11(6)#6).

This paper looks at one of the newer technological approaches to sex offence recidivism: GPS (global positioning system) monitoring of sex offenders (GPS-MSO). GPS-MSO is obviously based on the notion that there are 'safe' and 'dangerous' places for sex offenders to be. These approaches fail to notice that these restrictions, themselves, are inconsistent with what is known about sex offending (e.g., that it typically occurs between people known to one another) and, empirically, do not contribute to public safety.

GPS-MSO has been proposed in some locations as the next stage of control of sex offenders in the community. However, what evidence there is on its effectiveness does not support the view that GPS-MSO is effective. Nevertheless, because it is 'new' and 'high tech' it is seen as 'good.' One problem, of course, is by treating all sex offenders the same, jurisdictions fail to discover whether there are any highly specified circumstances in which GPS-MSO could be useful.

Public surveys suggest that the vast majority of ordinary citizens (who are likely not to be informed about basic facts concerning sex offences or sex offenders) say that they would feel safer if GPS-MSO were to be broadly instituted. This belief ignores findings

such as the fact that the vast majority of sex crimes targeting children (96% in one study) are committed by people known to the victim. These findings also ignore the fact that GPS technology does not stop someone from offending. GPS technology can be used to determine – after the fact – where an offender has been. It can be checked at regular intervals (e.g. daily or weekly) to monitor compliance with conditions or, in the much more expensive version, it can involve constant real-time monitoring. Both of these approaches involve a substantial amount of error (e.g., if a train carrying a sex offender were to pass close to a school or park that was 'off limits' because of the presence of children).

There are other concerns, however. Rather than attempting to reintegrate sex offenders (see *Criminological Highlights* 9(3)#6, 11(2)#6) which can be effective at reducing recidivism, or provide effective treatment (*Criminological Highlights* 9(5)#7), GPS-MSO appears to be an effective way of funneling resources into unproven approaches. Violation alerts – many being false alarms – occur frequently. Furthermore, when they do occur, those given the task of monitoring must follow up, especially if the offender is subject to real-time monitoring. One agency with this task

noted that "uncovering non-compliant behaviour patterns in GPS data is not always easy, but rather entails sifting through roughly 2 million data points per offender annually" (p. 184). From the perspective of a community corrections office, if someone subject to GPS-MSO were about to commit an offence, it could be very difficult for those monitoring him to respond to an alert quickly enough to stop the offence from happening, especially given the number of false alarms.

Conclusion: Almost certainly, "the incapacitative and public safety potential of this sanction has been overstated" (p. 185). Proposals for its use are based on the notion that sex offending is caused by opportunity and location. "Most research, however, shows that sexual assaults of all types are rarely impulsive events; rather, offenders plan their assaults and use strategies to gain access to victims, acquire their trust, and commit the assault" (p. 185) – behaviours and crimes that would be unaffected by GPS monitoring.

Reference: Payne, Brian K. and Matthew DeMichele (2011). Sex offender policies: Considering unanticipated consequences of GPS sex offender monitoring. *Aggression and Violent Behaviour*, 16, 177-187.

Residency restrictions imposed on sex offenders in the community make little sense.

“One of the most hotly debated issues in criminal law today is how to manage the perceived risk of sex offenders [who are living] in the community” (p. 317). Aside from concerns about the nature of their offences, sex offenders are believed to have very high rates of recidivism, notwithstanding the fact that their rates of recidivism are in reality no different from those of other offenders (see *Criminological Highlights*, 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8). Indeed, the level of concern about sex offenders appears to be higher than that associated with violent offenders, more generally.

One of the problems shared by all of the ‘special’ procedures for sex offenders is that most sex offences (notably those in which children are the victims) involve offenders known to the victim. Nevertheless, most of the special procedures that have been put in place in various jurisdictions implicitly assume that sex offences are committed largely by offenders not known by their victims. These include registries and public notification laws (see *Criminological Highlights* 4(1)#2, 5(6)#1), residence restrictions (*Criminological Highlights* 7(4)#4) as well as incapacitative approaches such as civil commitment (*Criminological Highlights*, 7(2)#7). This paper examines residence restrictions, noting that many of these restrictions are likely to impair safe reintegration of offenders into their communities.

Restrictions on where offenders can live – such as the restrictions in Illinois which prohibit offenders from living within certain distances of such institutions as schools or day care centres for the rest of their lives – mean that former offenders can be, and have been, restricted from living with their parents. In one Illinois case, a man who had been convicted of a sex offence in 1987 when he was 18 was charged in 2002 with violating a law the state had put in place in 2000. He was living with his mother in a house

owned by her that was within 500 feet of a school. Since his 1987 conviction, he had committed no further sex offences. He had lived in that house for all of his non-incarcerated life including about 10 years after his conviction. Appeals courts upheld the prohibition on him. Sex offenders are also prohibited from living in federally subsidized public housing.

These laws appear to be based on the assumption that sex offences against children largely involve offenders who are strangers to their victims and victims’ families, and that these strangers target children in their own neighbourhoods. However, studies suggest that between 60% and 90% of sex offences against children are committed by people known to the child. The laws also assume that sex offenders target children who live near them. One study of almost 500 ex-sex-offenders living in ordinary neighbourhoods found that none committed sex offences in their own neighbourhoods. A restriction on *residency* does not, of course, mean that an offender cannot travel to or through an otherwise restricted neighbourhood.

Depending on the size of the restrictions, substantial parts of cities can be out-of-bounds for ex-sex offenders. One consequence of

this is that sex offenders who try to live within these restrictive laws find themselves concentrated in those few neighbourhoods in a city that have both affordable housing and no schools, parks, playgrounds, daycare centres, etc., which form the basis of the restrictions. These tend to be very poor neighbourhoods. One such neighbourhood in Chicago has 10% of the *state’s* paroled sex offenders because it is one of the few in which these offenders can live legally.

Conclusion. The approach many jurisdictions take toward sex offenders who are not in prison is to look for ways of banishing them from ‘respectable’ communities. The idea seems to be to force former sex offenders to live elsewhere – but ‘elsewhere’ is not defined and may not exist. Generally speaking the restrictions that are placed on sex offenders are not tailored to the individual offender. Indeed they tend to be based on stereotypes (e.g., the out-of-control demon who will attack any attractive target) that have little basis in reality.

Reference: Daring, Caleb (2006). Never Going Home: Does it Make Us Safer? Does it Make Sense? Sex Offenders, Residency Restrictions, and Reforming Risk Management Law. *Journal of Criminal Law & Criminology*, 97(1), 317-363.

Conditions that are placed on sex offenders prohibiting them from living near schools and daycares do not contribute to public safety.

Governments like simple intuitive solutions to problems even if there is no evidence that they are effective. The manner in which many countries deal with sex offenders provides an obvious example of this problem. Registration and public notification of the whereabouts of sex offenders clearly have negative effects (see *Criminological Highlights* 7(4)#4, 8(6)#5, 9(2)#7), are ineffective (see *Criminological Highlights* 4(1)#2, 5(6)#1, 10(3)#7), and, in any case, are typically based on the false assumption that a sex offender has an atypically high likelihood of reoffending (See *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5). This paper examines the impact of laws that prohibit those convicted of sex offences from living near schools and daycares.

The theory behind residence restrictions on sex offenders is a simple one: it is assumed that the more children who are locally available as victims, the higher the likelihood that a former sex offender will re-offend. The theory implies that if a sex offender lives physically distant from large groups of children, he will be less likely to offend than if he were to live near institutions with large groups of children (e.g., daycare centres or schools). This assumption, of course, ignores the fact that most victims of sex offenders are known to the offender before the offence takes place (See *Criminological Highlights* 4(1)#2). It also assumes that sex offenders are likely to offend against strangers who live near the sex offender's home.

To test the hypothesis that sex offenders who live close to schools or daycares are more likely to re-offend, this study first identified 165 registered sex offenders living in the community in Florida who were arrested for a subsequent sex offence in 2004-2006. Each of these sex offenders had apparently committed at least one offence against

a young person. From state records, a comparable group of sex offenders who did not reoffend during this period was located. These two groups were almost identical on whether or not they had committed a 'predator' sex offence in the past (about 23% of the sample), the number of previous sex offences, total prior convictions of any kind, race, age and marital status.

Using a list of all schools (public and private) and licensed daycares in the state, the researchers then examined for each person in each of these two groups (those re-arrested or not re-arrested for a sex offence) the number of schools and daycares within 1000 feet (305m) and 2500 feet (762m) of the sex offender's residence. An equal number of recidivists and non-recidivists (about 30%) lived within 1000 feet of a daycare. About a quarter of recidivists and non-recidivists lived within 1000 feet of a school. Recidivists were, contrary to the 'proximity' hypothesis, slightly *less* likely than non-recidivists to have at least one school within 2500 feet (762m) of their residence.

Conclusion: "Living close to a school or daycare does not appear to increase access to children in a way that facilitates recidivism for known sex offenders" (p. 499). Hence it would appear that such restrictions do not accomplish the goal for which they are designed. However, "residence restriction zones create barriers to re-entry and inhibit the factors known to contribute to successful reintegration, such as employment, housing stability, prosocial relationships and civic engagement" (p. 499).

Reference: Zandbergen, Paul A., Jill S. Levenson, and Timothy C. Hart (2010). Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism. *Criminal Justice and Behavior*, 37(5), 482-502.

For sex offenders released from prison and living in the community, residence restrictions prohibiting them from living in certain areas seldom make sense.

In Florida, residence restrictions apply to sex offenders sentenced for crimes involving victims under age 18. These restrictions typically prohibit those released from prison for these offences from living within 1000 feet of a school, daycare centre, park, playground, school bus stop, or “other place where children regularly congregate” (p. 170). One convicted sex offender noted, “I couldn’t live in an adult mobile home park because a church was 880 feet away and had a children’s class that met once a week. I was forced to move to a motel where right next door to my room was a family with three children – but it qualified under the rule.”

This study examined the perceptions of 135 men who were convicted of sex offences in Florida and who were subject to restrictive residency restrictions. The statutes under which such restrictions are imposed exist in 14 U.S. states and are based on the questionable presumption that sex offenders have a very high rate of re-offending (See *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8).

From a public safety perspective, one of the most basic problems with such rules is that prisoners have difficulty finding a place to live. Approximately half of the offenders who were interviewed for this study could not return to their owned or rented homes after being released. Forty-four percent reported that they could not live with supportive family members because of the residency restrictions, and approximately half indicated that they had suffered financially and/or emotionally because of the rules. Only 2 of the 135 reported that they saw these restrictions as an effective way to reduce the temptation to offend. Most noted that the restrictions were silly. As one respondent noted, “It doesn’t matter where a sex offender lives if he sets his mind on reoffending...

He can just get closer by walking or driving. The 1000-foot rule is just a longer leash; I don’t see the point” (p. 174). “Many respondents pointed out that they have always been careful not to reoffend in close proximity to their homes, so geographic restrictions provided little deterrence. The rule ‘serves no purpose but to give some people the illusion of safety’ said one respondent” (p. 174). Another respondent noted, “I never noticed how many schools and parks there were until I had to stay away from them” (p. 174). The Florida rule allows those subject to the restriction to appeal to the court for an exception. Those who reported being successful in their appeals (typically because of the hardship that the rule imposed) were given exemptions without any assessment of their risk factors or other background characteristics.

Conclusion. Legislatures often pass laws that sound like ‘quick fixes’ to complex problems. Sex offender recidivism, whatever its rate, is obviously a serious problem. The difficulty with laws such as these residence restrictions is that they may make it more difficult for offenders to reintegrate safely into the community. Blanket restrictions such as these “may

fail to address individualized risk factors that are related to potential offending patterns” (p. 175). It is suggested that restrictions should be “sensible and feasible and should be based on a thorough assessment of past offence patterns and current risk factors” (p. 176).

Reference: Levenson, Jill S. and Leo P. Cotter. (2005) The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168-178..

One problem with sex offender residency restrictions is that they can make it impossible for a sex offender to find a legal place to live.

Even though reoffending rates by sex offenders are not much different from reoffending rates of other offenders (See *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8, 9(2)#5), many jurisdictions have imposed special conditions on sex offenders who are released into the community. Sex offence residence restrictions are now quite common even though they have been demonstrated to be ineffective (*Criminological Highlights*, 11(4)#7, 11(6)#6). This paper demonstrates that ordinary residence restrictions placed routinely on sex offenders can also make it almost impossible for them to find a place to live.

Residence restrictions are based on the theory that sex offenders commit their offences close to where they live, and that residency restrictions will keep offenders away from potential victims. The problem is that the evidence does not support the view that re-offending, when it does take place, involves victims who live near the offender. On the other hand it has been pointed out that “forcing offenders to live away from family, friends, and community resources can result in social isolation and difficulty reintegrating into the community” (p. 237). Another problem is that ordinary restrictions (e.g., not living within 1000 feet of a location where children are likely to be found) mean that most parts of a city may be off-limits for sex offenders who have returned to the community.

This study looks at two areas of New York State: Erie County and Schenectady County. The restrictions on sex offenders vary across location and typically involve prohibitions against living within 1000 to 2000 feet of schools, daycare centres, playgrounds, parks, and in the case of at least one municipality, additional institutions such as libraries, skating rinks, and senior citizens’ residences.

In this study, the targeted locations were identified, and the prohibited areas around them were identified. On the surface, these counties (which include rural and urban areas) would appear to have plenty of places for sex offenders to live: Less than 20% of the total *county* area, and less than 25% of the space zoned for residences were off-limits. However, when *actual* residences were examined, it was found that 89% of the residences in one county and 73% in the other were off-limits for sex offenders. Only in rural areas (and, in one county, trailer parks) were the majority of residences legal for sex offenders. In the two cities (Schenectady and Buffalo) 96% and 94%, respectively, of the actual residences were legally off limits to those who had been convicted of a sex offence.

Registered sex offenders live in each of these two counties. Because they are required to register their residence with the police, it is straightforward to see if they live in restricted areas. About 90% live in restricted areas, perhaps because they were resident there before the law was enacted in 2005. But in addition, local police departments may not have the resources or motivation to enforce

these restrictions (or even determine if they were resident in that location before 2005) in part because of the effort involved to amass the data needed to demonstrate proximity of the residence to a prohibited location. It has also been suggested that these residence restriction laws were never meant to be enforced and were enacted purely for symbolic purposes.

Conclusion: In addition to not being effective in reducing reoffending, it would appear that residency restrictions that are imposed on sex offenders are largely unenforceable in part because they would leave sex offenders almost no place to live. The problem, of course, is that residency restrictions – like public notification requirements – make it harder for sex offenders to reintegrate peacefully into the community.

Reference: Berenson, Jacqueline A. and Paul S. Appelbaum (2011). A Geospatial Analysis of the Impact of Sex Offender Residency Restrictions in Two New York Counties. *Law and Human Behavior*, 35, 235-246.

Ordinary citizens want sex offenders to be subject to civil commitment procedures largely in order to ensure that they are punished sufficiently.

It is well established that recidivism rates for sex offenders do not differ substantially from the recidivism rates of other offenders (see *Criminological Highlights* 3(3)#3, 5(1)#4, 6(3)#3, 6(6)#8, 8(3)#8). Nevertheless, there are many policies that appear to assume that special programs are needed to control sex offenders when they are released into the community (see *Criminological Highlights* 8(6)#5). One such procedure is the civil commitment of offenders after they are released from prison because they are thought to be likely to commit another offence. Even though the identification of repeat sex offenders has been shown not to be reliable (see *Criminological Highlights* 8(6)#5), such practices appear to be popular.

This paper tries to understand the motives that underlie popular support for the civil commitment of those who have already served their sentences for a sex offence. One possibility is that the public believes that such procedures are necessary for public safety. A second possibility is that the public simply wants an opportunity to increase the punishment that these offenders receive.

The assumption behind the study was that if members of the public were concerned about public safety, then professional estimates of the likelihood that a particular prisoner would re-offend would affect their judgements of whether that offender should be civilly committed. On the other hand, if those same members of the public supported civil commitment because they considered the sentences that these offenders received to be insufficient, the only thing that should matter in their decision making would be the severity of the sentence that the offender was serving.

Two groups of people (jury eligible Americans with a median age of 47 and university students) were given vignettes describing a sex offender who was completing a sentence for two sex offences. For approximately

half of the participants, the sentence was described as harsh (25 years); for the others it was described as relatively lenient (3 years in a minimum security institution). Different groups of participants were told that a careful assessment of the offender estimated his likelihood of re-offending as 0%, 4% or 70%. Participants were then asked whether they supported or opposed civil commitment of the offender after the offender had served his complete sentence.

Generally speaking, support for civil commitment was higher when the offender was described as having received a lenient sentence. Support for civil commitment was affected by the professional estimate of the likelihood of re-offending, however, only when the original sentence was seen as sufficient. When the sentence he was completing was seen as lenient, the offender's probability of recidivism had a much smaller impact. Further support for the hypothesis that the desire for civil commitment was really a desire for a harsher sentence came also from another finding: substantially more people thought the offender should be civilly committed to a psychiatric hospital rather than a prison when he was seen as having been adequately punished.

Conclusion: The study provides evidence suggesting that public support for the civil commitment of sex offenders after they serve their sentences comes largely from the belief that they have not been punished enough. The public safety goal of avoiding further offending through incapacitation appears to be relevant largely for those who are seen as already having been adequately punished.

Reference: Carlsmith, Kevin M., John Monahan, and Alison Evans (2007). The Function of Punishment in the "Civil" Commitment of Sexually Violent Predators. *Behavioural Sciences and the Law*, 25, 437-448.

One problem with civil commitment laws as an approach to incarcerating those thought to be sexually violent predators is that experts cannot agree, when assessing individual cases, who a dangerous sexual predator is.

Sixteen U.S. states have laws that allow for the civil commitment after incarceration of those thought to be dangerous sexual predators. The U.S. Supreme Court has required that the targets of such laws have (1) a history of criminal sexual behaviour, (2) “a mental abnormality or personality disorder predisposing the individual to sexual violence, and (3) a likelihood of future sexually violent behaviour” (p. 357).

This study examined the most basic statistical requirement of such commitment laws: the likelihood that two “experts” would give the same assessments to a potential “Sexually Violent Predator.” The records of all 295 male convicted sex offenders in Florida who were assessed by at least two professionals under this provision during one year (1 July 2001-30 June 2002) were examined. A total of 25 different experts (licensed psychologists or psychiatrists) assessed at least one prisoner. The focus of the study is simple: did the two professional assessors come to similar conclusions? If they did not, the question of validity becomes irrelevant: Reliability of assessment is a necessary, but not sufficient, condition for predictive validity.

The results were not encouraging. Using an accepted standard for assessing the strength of the agreement between the two assessors, only the risk assessment instruments achieved good reliability. The reliability of the risk measure is not surprising: high risk scores can be obtained on the basis of criminal history or demographic factors alone (factors that are reliably assessed and may predict reoffending

in any prisoner but not necessarily sexual reoffending).

Most importantly, reliability was poor for most diagnostic categories. Only “pedophilia” and “other mental illness” had fair reliability. Collapsing the “mental illness” measures into one overall diagnostic measure “to see if evaluators can agree that an individual meets criteria for some paraphilia” (p. 363) resulted, again, in poor reliability. Probably the most important single finding was that “the inter-rater reliability of the civil commitment recommendation proved to be poor.” Given that these laws typically require that the individual “suffer a mental disorder that predisposes the individual to future sexual violence” the unreliability of the diagnosis is a serious problem.

Conclusion. The fact that mental health professionals cannot agree on whether a prisoner has or does not have a mental disorder that predisposes him to commit a sexual offence suggests that civil commitment laws such as this one – whose purpose it is to incarcerate people for crimes they might commit – cannot fulfill their purpose. Reliability of assessment

or diagnosis must be achieved before it is worth even considering issues of the validity of the assessments. Given the poor showing on the reliability measures, it is clear that the laws which civilly commit those thought to be sexually violent predators cannot achieve their stated function.

Reference: Levenson, Jill S. (2004). Reliability of Sexually Violent Predator Civil Commitment Criteria in Florida. *Law and Human Behaviour*, 28, 357-367.

Treatment can reduce the likelihood that sex offenders will re-offend.

Many people appear to believe that sex offenders are different from other offenders on two important dimensions: recidivism rates and treatability. They are often seen as being very likely to reoffend and to be untreatable. It is well established that sex offenders do not have especially high rates of recidivism (See *Criminological Highlights*, V3N3#3, V5N1#4, V6N3#3, V6N6#8, V8N3#8, V9N2#5). This paper addresses the second issue: Can sex offenders be effectively treated?

Research on the effectiveness of treatment programs for sex offenders is often difficult to carry out in progressive prison systems because, as serious offenders, they are often universally required to participate in treatment programs, making it difficult to find an equivalent comparison group. This review looked at studies of treatment programs for sex offenders that had the following characteristics: the treatment had to include a therapeutic, not simply a deterrent, intervention; recidivism had to be measured; there had to be a comparison group; and both the treatment and control group had to have a plausible number of offenders to allow for comparisons to be made. Sixty-nine papers containing 80 separate studies were located, most having been published since 1990. Thirty-seven of the 80 studies examined cognitive-behavioural programs.

Looking at 'treatment programs' overall, there was an average rate of sexual recidivism for the untreated control offenders of 17.5%. This was reduced to a rate of 11.1%

re-offending for the treated offenders. Results for other types of offending were similar. Looking at overall recidivism, among those who had not been treated, about 33% of the offenders committed a new offence; with treatment, this rate was reduced to about 22%. The physical treatments that were examined (surgical castration or hormonal treatments) had the largest impacts. For psychosocial treatments, only cognitive-behavioural treatments and classic behaviour therapy had significant impacts on sexual recidivism. Insight and other psychosocial therapies as well as therapeutic communities had no overall impact. Outpatient and voluntary treatments had significant impacts in reducing recidivism but prison based programs did not have an overall impact.

Though these findings are encouraging in that they suggest that certain types of treatment can reduce offending, it should be noted that the quality of the studies was only moderate. Nevertheless, unlike other research using non-equivalent comparison groups, it should be noted that

non-equivalence works 'against' finding a program to be effective. In this type of research, the treatment group is likely to include the worst offenders. Hence when comparisons are made with a 'control' group, the treatment group starts off being, if anything, worse than the comparison group.

Conclusion: Overall it appears that treatments for sex offenders can be effective, though it would be wrong to conclude that any treatment will necessarily work. It appears that voluntary cognitive-behavioural or classic behavioural treatments that take place in the community have shown the most success in the past.

Reference: Lösel, Friedrich and Martin Schmucker (2005). The Effectiveness of Treatment for Sexual Offenders: A Comprehensive Meta-Analysis. *Journal of Experimental Criminology*, 1, 117-146.

A volunteer community-based program for sex offenders reduces re-offending.

Although sex offenders do not have unusually high recidivism rates (see *Criminological Highlights*, 9(2)#5, 8(3)#8, 6(6)#8, 6(3)#3, 5(1)#4, 3(3)#3), and, when they do re-offend are likely to commit offences other than sex offences, the belief that they are extremely likely to reoffend has led to a number of special procedures aimed at reducing further offending. Circles of Support and Accountability (COSA) is one such approach used in parts of Ontario, Canada. The program focuses on individual sex offenders who are released from penitentiary at the end of their sentences (i.e., who are not released on parole and not released under normal 'statutory release' at the 2/3 point in their sentences). The offender 'voluntarily' agrees to meet regularly with a group (or circle) of 4-7 trained volunteers and often meet individually with members of the 'circle' outside these sessions. The group provides support and attempts to help the offender follow a written set of rules. The group also provides help with issues that arise as the offender re-enters society. The Correctional Service of Canada indicates on its website that the work of the circles is supported by "community agencies, treatment providers like psychologists, sometimes parole or probation officers, the police, and the courts." Courts have often imposed 'peace bonds' on the offenders with various restrictive conditions.

This study compared recidivism rates of 60 offenders who had participated in this program with a matched set of 60 sex offenders (matched on the best available measure of the likelihood of recidivism) released at more or less the same time. Both groups were detained until the end of their sentences, indicating that in the opinion of both the correctional and parole authorities, they had high likelihood of re-offending. The matching also ensured that members of the two groups had received similar treatment while in penitentiary. The only pre-existing differences between the groups were that members of the COSA group had victimized more people, and were less likely to have victimized only women and on one of the measures of predicted recidivism were predicted to be slightly *more* likely to re-offend. The follow-up period averaged about 4.5 years for the two groups. Sexual and other violent recidivism was defined as being charged with any offence. In addition, any form of offending (including breaching a condition of a 'peace

bond' if the offender was subject to such an order) was measured.

Only 5% of the COSA group was charged with committing a sexual offence during the follow-up period, a rate that was significantly lower than that of the comparison group (17%). The offences of the three COSA group members who were charged were "qualitatively less severe or invasive than the offence for which they had most recently served a sentence" (p. 332). This was not true for the comparison group. Their offences were just as serious as the offences that resulted in their initial incarceration. Similarly, the rate of violent (including sexual) recidivism for the COSA group (15%) was less than half the violent recidivism rate of the comparison group (35%).

Conclusion: The Circles of Support and Accountability project is highly structured. Volunteers are trained; a detailed manual exists; and there are clear rules about how supervision is to take place. Within this context,

therefore, it is reasonably clear that the program can reduce sexual and violent re-offending dramatically when its outcomes are compared to a comparable group of offenders who were not offered the program. Though the program results appear to suggest that the program is effective, it is not perfect: some re-offending still occurs. From a policy perspective, however, it is important to place this decreased rate of re-offending in its proper comparative context.

Reference: Wilson, Robin J., Janice E. Picheca, and Michelle Prinzo. (2007) Evaluating the Effectiveness of Professionally-Facilitated Volunteerism in the Community-Based Management of High-Risk Sexual Offenders: Part Two – A Comparison of Recidivism Rates. *The Howard Journal*, 46 (4), 327-337.

A multi-site replication of a high intensity community program reduces recidivism for sex offenders after release from penitentiaries.

Sex offenders are frequently said to have high rates of recidivism, especially for sexual offences. The major problem with that belief is that it is not supported by available data (see *Criminological Highlights*, 9(2)#5, 8(3)#8, 6(6)#8, 6(3)#3, 5(1)#4, 3(3)#3, 9(3)#6). Furthermore, even though many people appear to believe otherwise, certain kinds of treatment programs for sex offenders appear to be effective (*Criminological Highlights* 9(5)#7). One such program is “Circles of Support and Accountability” [COSA] (*Criminological Highlights* 9(3)#6). This paper reports on a 7-location replication of an evaluation of this program.

The COSA program is very intensive. A group of 4-6 ordinary citizens (who have received special training) volunteers to work with a ‘core member’ – a sex offender released from a penitentiary at the end of his sentence. During the first 2-3 months after an offender is released from penitentiary, the offender meets with at least one volunteer circle member every day. Other circle members meet individually with the offender at least once per week. In addition, they meet as a group at least once per week. “A COSA is a relationship scheme based on friendship and accountability for behaviour” (p. 415). Circles continue to meet regularly with their “core member” for months or, in some cases, years after his release from penitentiary.

This paper examines COSAs that were organized in seven Canadian locations in 6 provinces. Forty-four offenders who volunteered to participate in COSAs were matched with other sex offenders who were also released at the end of their sentences (i.e., with no legally mandated supervision). Matching criteria included various recidivism-predicting measures, measures of sexual deviance, age,

participation in programming in prison, and the date and location of the release. Obviously this is not a perfect comparison group in that the comparison group members were not given an opportunity to volunteer to participate in COSAs. However, their backgrounds, experiences, and treatment in penitentiary, etc., appeared to be relatively comparable to the COSA members.

During the 3-year follow-up period, significantly fewer (5) of the 44 (11%) COSA offenders re-offended than in the comparison group (17 of the 44 or 39%). Looking at violent (including sexual offences), a significantly higher proportion of the comparison group (34%) reoffended compared to the COSA treatment group (9%). Very few offenders in either group committed sexual offences (1, or 2%, in the COSA group and 6, or 14%, in the comparison group) a difference that was not significant at the 5% level.

It is not known exactly why COSAs are effective, but it is likely that it relates to the social support and the positive social influences of the group on the offender. The success may also

be a result of the help circle members give with fundamental problems such as housing and employment. But in addition, “with its concurrent focus on accountability on the part of the offender, it targets issues related to distorted cognitions that support offending and minimize risk...” (p. 426).

Conclusion: Circles of Support and Accountability, an intensive program for sex offenders released from penitentiary, appear to reduce subsequent offending. As is clear from numerous other studies, sex offenders can be treated and their reoffending rates – which initially were not very different from re-offending rates of other offenders – can be reduced significantly.

Reference: Wilson, Robin J., Franca Cortoni, and Andrew J. McWhinnie (2009) Circles of Support and Accountability: A Canadian National Replication of Outcome Findings. *Sexual Abuse: A Journal of Research and Treatment*, 21 (4), 412-430.