

THE IMPACT OF SEX OFFENDER REGISTRATION AND COMMUNITY
NOTIFICATION LEGISLATION IN THE UNITED STATES

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Jessica Leigh Beinlich

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THE IMPACT OF SEX OFFENDER REGISTRATION AND COMMUNITY
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Jessica Leigh Beinlich

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Abstract

This study addresses the sex offender registration and community notification legislation and whether it has an impact on the amount of rapes that take place in the United States. A meta-analysis will be done of previous studies before and after the enactment of the legislation to determine if they rate of recidivism has decreased. An analysis of the rate of rapes per capita since the passing the laws will also show if the laws deter individuals from committing sex offenses. This thesis uses a model of criminal behavior to predict what the effects of the laws will have on the choices the sex offender makes.

KEYWORDS: (Sex Offender Recidivism, Megan's Law, Registration and Community Notification Legislation)

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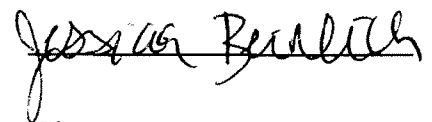

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CHAPTER I

INTRODUCTION

This thesis examines the impact sex offender registration and community notification laws have on preventing sex crimes. Throughout the creation of these laws, law enforcement has faced some challenges deciding what is the most effective way to provide protection to the public. The website for the National Center for Missing and Exploited Children expresses the difficulty in creating legislation for sex offenders: "Sex offenders pose an enormous challenge for policy makers: they evoke unparalleled fear among constituents; their offenses are associated with a great risk of psychological harm; and most of their victims are children and youth."¹ There is a public perception that sex-offenders pose a higher risk of recidivating than other types of criminals. New legislation was recently passed on this topic due to a number of highly publicized cases in the 1990's involving offenders with a prior criminal record. As is the case with any issue, arguments for and against these laws have been presented. Critics declare the laws are unconstitutional and do not allow for an offender to make a successful transition back

¹ "Sex-Offenders: History," (2008)
http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=3032.

into the community. In response advocates of these laws argue that the chance a convicted sex offender will re-offend is too high to risk the safety of the children. Ultimately, law enforcement has decided the safety of the children is of utmost importance. Currently, all 50 states have enacted registration and notification policies convicted sex-offenders must comply with. By interpreting studies that examine the amount of convicted sex offenders who recidivate and analyzing the rate of rapes committed before and after the passing of the laws, this thesis will assess whether these laws are an effective way to keep the public safe and reduce the occurrence of sex offenses.

The introduction of the sex offender registration and notification laws stemmed from a series of highly publicized events in the mid 1990's. The first policy dates back to 1994 with the passing of a federal law titled The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This legislation was created in response to the 1989 abduction of an 11 year old boy named Jacob Wetterling in Minnesota. Despite the fact that his murder has yet to be solved, many believe the individual responsible was a previously convicted sex offender. While the Jacob Wetterling Act is a countrywide set of guidelines, it is implemented at a state level creating variations of the legislation from state to state. This statute requires that states create a registry, listing the addresses and other information of convicted sex offenders. As a result, law enforcement agencies are now able to identify the location of known sex offenders, and if needed, the law assists them to take suspects into custody in a more timely fashion. Two years later the Jacob Wetterling Act was amended into Megan's Law. Megan's Law was introduced when a 7 year old girl in New Jersey named Megan

Kanka was kidnapped and murdered by Jesse Timmendequas, who lived across the street. Unknown to Megan's family, he had two previous convictions of sexual offenses. If they were aware, they argue, they would have warned Megan to be cautious of him. In response to this incident, the public felt that registration alone was not enough to keep their children safe. A notification policy was put into effect by the passing of Megan's Law in 1996. Now, in addition to requiring convicted sex offenders to register with local law enforcement, legislators created a community notification policy. The objective of this legislation is for law enforcement, any institution where children are present, and communities to be notified prior to a sex offender's presence in the area.

Within the past 13 years since legislation was enacted, all 50 states have developed a registry and a procedure for notifying communities when a convicted sex offender will be in close proximity. Even though Megan's Law requires all states to conduct some form of community notification, other than requiring the creation of internet sites with sex offender information, the regulations are not exact. Every state has a different process for informing the public and within each state it may differ from community to community. Louisiana for example, is considered to have the most aggressive notification laws. Their policies allow courts to require specially labeled clothing for offenders. Rhode Island on the other hand, has less stringent laws. Their sex offender database is not available to the public, law enforcement only notifies individuals likely to be at risk from a given offender.² Sex Offender Laws require convicted sex offenders to register for a set period of time, generally 10 years. Additionally, offenders who are already classified as recidivistic or have committed

² Leigh L. Linden and Jonah E. Rockoff, *There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property*, National Bureau of Economic Research, Inc, NBER Working Papers: 12253, 2006): 4.

exceptionally heinous offenses are deemed lifetime registers. Various states require any person convicted of any type of sexual assault to register while some only require individuals who commit certain types of sexual assaults. The severity of sexual assault crime that requires registry ranges, as does the amount of information communicated by the police to the communities. In most states the offender is required to provide their name, address, date of birth, social security number, fingerprints and photograph. In addition, they need to specify the offenses that they committed and include the date and place of their convictions.³ Depending on the potential danger posed by an offender some communities may require an offender to put signs in the windows of their home.

Due to highly publicized incidents, sex offenders living in a neighborhood make their neighbors nervous. The challenge for legislators is to find the right balance between a community's safety and the rights of the sex offender. According to Lieb, Quinsey, and Berliner (1998) in *Sexual Predators and Social Policy*, critics have three main arguments against the law: "it rests on a 'false sense of precision' because prediction of sexual recidivism is not accurate; it violates constitutional protections and is unfair to the offender; and it promotes vigilantism."⁴ People opposed to Megan's Law challenge the constitutionality of it, alleging that it does not protect the constitutional rights of the offenders. They argue that Megan's Law violates the Fourteenth Amendment of a citizen's right to due process. The *ex-post facto* clause of the Constitution is also challenged, arguing the law violates an individual's freedom from double jeopardy. They maintain the offender has already served their sentence, shaming them in the community

³ Abril R. Bedarf, "Examining Sex Offender Community Notification Laws," *California Law Review* 83, no. 3 (May 1995): 890.

⁴ Roxanne Lieb, Vernon Quinsey, and Lucy Berliner, "Sexual Predators and Social Policy," *Crime and Justice* 23 (1998): 47.

creates additional punishment. Those against Megan's Law are apprehensive that there will be harassment or violence toward the sex offender. Upon investigating the impact of registration and notification regulations on sex offenders, Levenson, D'Amora, and Hern (2007) found: "About one-third to one-half of sex offenders in Florida and Kentucky reported adverse events such as the loss of a job or home, threats, harassment, or property damage as a result of public disclosure."⁵ In addition, in her analysis of sex offender notification laws, Bedarf (1995) found evidence from Washington State that "26% of sex offenders identified under the community notification law have been subjected to some form of harassment."⁶ Cynics worry that the community notification laws do not allow for sex offenders to become rehabilitated. It has been reasoned that housing, social stability and employment are important factors in successful community re-entry. The notification policies create job and housing loss to offenders, ultimately producing an unstable life for an offender who will revert back to old ways. Bedarf states: "A reformed sex offender cannot become a productive member of society so long as the community treats him as a criminal."⁷ Apart from the rights of offenders, some worry that sex offender laws creates a false sense of security in neighborhoods. They are concerned parents will only focus on the sex offenders on state registries, distracting them from paying attention to individuals who may pose a greater risk. Walker and McLarty (2000) examined sex offenders on the Arkansas registry between 1997

⁵ Jill S. Levenson and Leo P. Cotter, "The Effect of Megan's Law on Sex Offender Reintegration," *Journal of Contemporary Criminal Justice* 21, no. 1 (02 2005): 52.

⁶ Abril R. Bedarf, "Examining Sex Offender Community Notification Laws," *California Law Review* 83, no. 3 (May 1995): 901.

⁷ Ibid.

and 1999. They found that 73% of sex offenders were first time offenders.⁸ If this is the case, legislation does not provide protection against a large portion of the individuals that pose a risk to the public.

Although some people argue against Megan's Law, many believe the safety of children and the community outweighs the repercussions the offender may experience. Bedarf stresses "registered offenders are less likely to commit sex crimes in the future if they believe their chances of detection are greater."⁹ Moreover, in a model of the addiction of sex offenders, Herman (1988) states "the offender clearly does retain some capacity for self-control, but he uses it only when he perceives that external controls are present."¹⁰ This statement leads people to support Megan's Law, believing that enforcement and community members need to keep close watch on offenders. Advocates of the law allege there is not enough confidence sex offenders can be cured. They imply that the recidivism rate for this group of criminals is very high and argue the need to keep offenders under police surveillance. A considerable amount of people oppose reintegrating sex offenders into society at all because they believe they are rarely successfully rehabilitated upon their release from prison. These individuals insist allowing a convicted sex offender back into society is a liability to the community. Those in favor of Megan's Law are hopeful that the monitoring generated by the policies is an adequate way to keep the children safe. They are hopeful that with the registration and notification laws neighbors will communicate any risky behavior by the offender,

⁸ Walker, J.T., G. Ervin-McLarty, *Sex Offenders in Arkansas* Little Rock: Arkansas Crime Information Center, 2000),

⁹ Abril R. Bedarf, "Examining Sex Offender Community Notification Laws," *California Law Review* 83, no. 3 (May 1995): 902.

¹⁰ Judith Lewis Herman, "Considering Sex Offenders: A Model of Addiction," *Signs* 13, no. 4 (Summer 1988): 695-724.

avoiding any type of tragedy. Although there has been some research done on the topic, whether this legislation is in fact effective in reducing the amount of sex crimes is still in dispute.

This thesis will combine statistics on the recidivism rate of sex offenders before and after the registration and community notification legislation was passed. It will seek to answer the question: Do the registration and notification policies have an effect on the recidivism of convicted sex offenders and do they influence the rate of rapes committed in the United States? Chapter 2 will discuss relevant literature of the impact registration and community notification laws have on the public and sex offenders. Chapter 3 will present the theory of research and examine what factors lead an individual to commit a crime. The methodology used to collect the data and test the theories discussed will be introduced in chapter 4. Chapter 5 will analyze the data and results. By using a Meta-Analysis of the data, it will sum up statistics from different studies to come to an overall conclusion. It will also do an analysis of the rate of sex crimes in the United States over the past 15 years. The measure of these offenses 3 years prior or legislation through 2006 will be evaluated in order to determine if the threat of community notification and requirement to register deter individuals from committing these types of crimes to begin with. Lastly, chapter 6 addresses the conclusions and any further research that can be done on this issue.

CHAPTER II

LITERATURE REVIEW

The sex offender registration and community notification laws were only enacted within the last 13 years. Because of this, research on the effectiveness of the legislation is limited. This chapter discusses previous studies examining public perception of sex offenders, rate of their recidivism, and how effective the policies are to decreasing sex crimes.

SEX OFFENDERS AND RECIDIVISM: A PUBLIC PERCEPTION

The sex offender registration and notification laws stem from the perception that sex offenders recidivate at higher levels than other types of offenders. Members of society are skeptical of an offender's ability to benefit from treatment. According to many studies this notion is false, nevertheless, this belief influences the public's opinions on the laws. From a questionnaire done in Florida, Levenson, Amora, and Hern (2007) found that community members hold inaccurate beliefs about sex offenders. The study

found respondents estimated recidivism to be around 75% when in fact the best available evidence suggests recidivism rates are only between 5 to 14% in a follow-up period of 3-6 years.¹ Due to the notion that sex offenders re-offend at high rates, countless people believe a majority of sex offenders will recidivate, thus residents in the community need to be warned of their presence.² Levenson, Amora and Hern found a majority of the individuals surveyed in Florida expressed they felt safer knowing where a sex offender lived. They believed community notification might help the offenders to keep their behavior in check because neighbors were watching them.³ Although the intent of enacting the legislation was to increase children's safety, critics argue it actually creates more fear in the community and leads to vigilantism toward offenders. Some parties view the highly publicized media events as the root of the perceptions of high levels of sex offender recidivism and argue the majority of offenders are not as dangerous as many believe.

Sample (2001) studied how much of an effect the media had on the opinions of the public toward sex offenders. She observed the social construction of sex offender laws and sex offenders. She performed her study by doing a content analysis of three newspapers, interviewing policy makers, and analyzing police records in an attempt to compare common media and policy maker beliefs. Sample noted an increase in articles pertaining to sex offenders and offending between the years of 1991 and 1998, a time when these offenses got a lot of publicity. She noted that of 35 legislators interviewed, 4

¹ Jill S. Levenson, David A. D'Amora, and Andrea L. Hern, "Megan's Law and its Impact on Community Re-Entry for Sex Offenders," *Behavioral Sciences and the Law* 25 (2007): 590.

² Ibid.

³ Ibid.

felt that current legislation successfully addressed the public's demand for action; however, they were not confident that the laws were effective. Sample learned that although sex offenders had a greater than 6% re-arrest rate most of the arrests were not sex related. In addition, sex offenders "with child victims had lower rates of re-arrest for any sex crime than those who victimized adults."⁴ The study revealed that the public is learning its information is from the media, as a result of a few highly publicized events. Due to this, the danger of a sex offender living out of custody is not necessarily as high as the public considers it to be.

Scholars have studied citizens' perceptions of the laws, as well as done research on how convicted the sex offenders who are subject to the legislation feel about them. While conducting a study of sex offenders' attitudes on the laws in the community, Zevitz and Farkas (2000) found a majority of sex offenders did not worry about the registration process, in fact they believed that because of the registration and DNA collection required, it would protect them from being falsely accused. The study also questioned sex offenders not yet released from prison, finding that 72% reported they felt community notification would give them strong incentive not to re-offend.⁵ This information shows that sex offenders feel that the requirement of registration and community notification will keep them honest and help them to control any demons that they may have to commit another crime.

While there are members of the public who support the registration and notification laws, some feel that the awareness created by the laws actually increases

⁴ L. L. Sample, "The Social Construction of the Sex Offender." (Ph.D. diss., Washington State Institute for Public Policy, 2001).

⁵ Zevitz, R.G., M.A. Farkas, "Sex Offender Community Notification: Assessing the Impact in Wisconsin," (2000).

anxiety in communities. Scholars believe community notification laws are driven by emotional responses to highly publicized events rather than empirical data and often give citizens a false sense of security. Members of the public may think that knowing there is an offender living in their neighborhood keeps them safe but may not know how to utilize the information to make it effective. Also, it is possible that individuals will focus their attention on registered offenders and forget about the individuals who are committing sex offenses for the first time. In England in 2005 a poll of 558 adults between the ages of 18 and 24 found that while they supported the legislation, only 11% of individuals believed children were safer today than they were 5 years ago.⁶ Matson and Lieb (1996) conducted a survey of law enforcement officials and found that occasionally neighborhoods overreact to notification, which may cause harassment and embarrassment to the sex offenders and their families.⁷ As is the case with any statute, there is recognition of unintended consequences to both sex offenders and the public created by the policies.

The aim of the legislation is to increase the protection of children, there are people that argue that the laws do not allow for sex offenders to successfully be reintegrated into the community. Eventually the inability to live a normal life will cause them to revert back to their old ways of committing these crimes. They are also concerned of the potential for unintended consequences toward these individuals in response to community notification, limiting opportunities for housing, employment and

⁶ Levenson, D'Amora, and Hern, *Megan's Law and its Impact on Community Re-Entry for Sex Offenders*, 593.

⁷ Matson S., R. Lieb, "Community Notification in Washington State: 1996 Survey of Law Enforcement," (1996).

social support.⁸ If they are subject to harassment from community members, it is impractical to think the offenders can live a normal life and get a job. In fact, creating a life and friendships is what is necessary to live a rehabilitated lifestyle, isolation and scrutiny will lead an offender back to old habits. In her evaluation of sex offender registries, Welchans (2005) attitude toward the policies is that they often times create stress in the lives of offenders, thus affecting their relationship with others.⁹ Consequently, they do not give a convicted sex offender an opportunity to start a new clean lifestyle. A common theme in the literature and studies are the effects of the notification laws on the convicted offenders and their ability to be rehabilitated and live a normal life.¹⁰ Some argue that the notification policy does not enable offenders to reintegrate into the community. They believe that in the end the offenders will turn against society and register false information reducing the effectiveness of the laws. Lieb, Quinsey and Berliner (1998) believe that instead of increasing safety in communities, notification will do more damage than benefit.¹¹ Bedarf states “When the community’s reaction to the offender is to shun him, harass him, force him out of town, or deny him housing and employment, thus barring him from participation in community life, his relationship to the community is severely damaged.”¹² Critics argue that by passing these laws and requiring offenders to be subject to certain guidelines they will not

⁸ Levenson, D'Amora, and Hern, *Megan's Law and its Impact on Community Re-Entry for Sex Offenders*, 590.

⁹ Sarah Welchans, "Megan's Law: Evaluations of Sexual Offender Registries," *Criminal Justice Policy Review* 16 (2005): 125.

¹¹ Roxanne Lieb, Vernon Quinsey, and Lucy Berliner, "Sexual Predators and Social Policy," *Crime and Justice* 23 (1998): 52.

¹² Abril R. Bedarf, "Examining Sex Offender Community Notification Laws," *California Law Review* 83, no. 3 (May 1995): 921.

have the opportunity to live a normal life, a right they are entitled to since they have already done their time in prison. With that said, how often do sex offender's recidivate once they are released from prison? Is the rate high enough that the only way to keep communities safe is to keep these offenders under supervision?

RECIDIVISM STUDIES

In response to the debate on the issues created by Megan's Law, studies have tried to determine the rate of re-offense rate of sex offenders and how it compares to that of other criminals. Bedarf maintains there are misconceived ideas that the recidivism rate of sex offenders is greater than other criminals. Research in the past few decades actually shows that the rate of re-offense for sex offenders is rather low. In their analysis the U.S. Department of Justice found "rapists have a lower recidivism rate for the same offense than any other class of offender except murderers."¹³ Lieb, Quinsey, and Berliner found the majority of sex offenders are actually far less likely to re-offend and less dangerous than other felons. They affirm there is no evidence to prove that sex offenders re-offend any more than any other criminal. In fact, those offenders considered extremely dangerous, and the ones likely to recidivate, have long prison sentences and are not living in communities.¹⁴ The Bureau of Justice Statistics did a study on the recidivism of sex offenders released from prison in 1994. 1,961 violent sex offenders were released from prison in 1994 in 15 different states. The follow-up period was 3 years and they measured the recidivism of the offenders by reconviction, rearrest, resentence to prison,

¹³ Ibid.

¹⁴ Lieb, Quinsey, and Berliner, *Sexual Predators and Social Policy*, 55.

and return to prison. Within the 3 years 3.5% of the offenders were reconvicted for a sex crime and 24% were reconvicted for a new offense of any type.¹⁵ Studies have indicated that the perception that sex offenders have a high rate of re-offense is false. That there is no clear evidence to prove the theory and they are no more likely than any other criminal to commit another crime. In fact, if they do commit another one, studies have shown it is most likely to be a non-sex offense.

ARE SEX OFFENDER POLICIES EFFECTIVE?

Members of society are skeptical as to whether or not Megan's Law is beneficial to keeping children safe. Due to the fact that the sex offender legislation is fairly new, only being passed in the last 13 years, research examining how effective the laws are is restricted. Studies have compared the rate of recidivism before and after the registration and community notification legislation was enacted in attempt to determine if they are effective. Because there is not much information available and the follow-up periods following an offender's release from prison are not universal, it is difficult to come to a conclusive result. Sample argued that because of "methodological difficulties, differences in sample size, and variability in follow-up lengths, most studies report inconsistent levels of reoffending among sexual offenders."¹⁶ While past research has given scholars an idea of the recidivism rate of sex offenders once they are released to the public, there has yet to be a universal agreement on the statistics.

¹⁵ Patrick A. Langan, Ericka L. Schmitt, and Mathew R. Durose, *Recidivism of Sex Offenders Released from Prison in 1994* (Washington, D.C: U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, 2003), 1.

¹⁶ Sample, *The Social Construction of the Sex Offender*.

Advocates of the laws argue by making the public more aware with community notification, any suspicious activity will be reported. The statistic stated earlier in this thesis found by Walker and McLarty, that 73% of sex offenders are first time offenders, stresses to the point that the majority of sex offenses would not be avoided by registration and community notification.¹⁷ Some people worry that parents will pay too much attention to convicted sex offenders and not enough awareness on the people who are not on the registry but could potentially harm their children. An examination conducted by Bedarf demonstrates that “community notification laws are an ineffective response to the problems which plague registration laws” and goes on to comment that “the public’s false or misleading perception of recidivism rates is reason to question whether registration (and community notification) laws should exist.”¹⁸ The effectiveness of the legislation is questioned causing people to doubt the current laws should continue to be enforced.

CONCLUSION

There are arguments for and against the registration and notification laws, nonetheless at this point in time, there has not been enough research done to come to a definite understanding as to whether they are effective in what they are intended to do, keep children safe. Unfortunately, data on the recidivism rate of sex offenders once they are released from prison is lacking. Due to different follow-up periods, small sample

¹⁷ Jeffery T. Walker et al., *The Influence of Sex Offender Registration and Notification Laws in the United States* (Little Rock, AR: Arkansas Crime Information Center).

¹⁸ Bedarf, *Examining Sex Offender Community Notification Laws*, 892.

sizes, and variations in definitions of what constitutes as recidivism, the studies are difficult to compare. The present analysis will summarize the rate of recidivism by incorporating statistics from previous literature. Although the information cannot be directly compared, this thesis will sum up the data as best as possible to measure the recidivism of sex offenders before and after sex offender legislation was enacted.

CHAPTER III

THEORY

The theory of criminal behavior is based on the assumption that individuals are coherent decision makers who engage in legal or illegal activities according to the expected utility they will receive from each activity. Therefore many of the economic theories of criminal behavior are based on the analysis of utility. Individuals are considered to be rational decision makers who respond to incentives and punishments. For a criminal, the participation in a criminal activity is explained by the probability of being caught and convicted. The opportunity cost of engaging in the illegal activity is weighed against what would be gained in legal acts. It is assumed for a criminal to involve himself in illegal activity he is optimizing his own individual responses to incentives. The model expects a criminal will commit a crime if the expected gain from the activity is greater than that he would receive from engaging in legal activities. Factors that influence and individuals decision to engage in a criminal act include:

- 1) The expected gain from crime relative to legal earnings
- 2) The risk of being caught and convicted

3) The extent of punishment

4) The opportunities in legal activities¹

Due to this an individual will be more likely to commit a crime if the utility he receives from it is greater than the utility he gets from living a clean and legal lifestyle.

Gary Becker created a model with the assumption that a criminal is like anyone else and will act in order to maximize expected utility. He provides that an economist's analysis of choice assumes that a person will commit an offense if "the expected utility to him exceeds the utility he could get by using his time and other resources at other activities."² Becker bases his model on the idea that there is a relationship between the number of offenses a person commits to the probability of conviction, punishment if convicted, and other variables such as income available to the offender in legal and other illegal activities. This function is represented by:

$$O = O (P, f, u)$$

Where:

O = the number of offenses an individual would commit over a particular time

P = the probability of conviction per offense

f = his punishment per offense

u = a variable representing all other influences

¹ Crime-Causation-Economic-Theories-Economic-model-criminal-behavior-basic-theory. Economic Model Of Criminal Behavior: Basic Theory

² Gary S. Becker, "Crime and Punishment: An Economic Approach," *The Journal of Political Economy* 76, no. 2 (Mar. - Apr. 1968): 171.

When all other variables are held constant, an increase in either the punishment (f) or probability of being convicted (p) would generally decrease the number of offenses committed. The same response to an increase in the other variables is the same, for example if u represents the amount of money gained from engaging in legal activities, as that increases, there would be more incentive for an individual to stay away from criminal activities and the amount of offenses will decrease. Based on these ideas, Becker created a utility maximization function:

$$E(U) = PU(Y-F) + (1-P) U(Y)^3$$

Where:

U(x) = individual's utility

P = subjective probability of being caught and convicted

Y = monetary equivalent of an offense

F = monetary equivalent of punishment

The argument is that an individual will commit a crime if the expected utility of that action is larger than the utility of another action. For example if a sex offender's expected utility E(U) for committing a sex crime is smaller than the utility expected to have from obeying the law the offender will abstain from the illegal activity. Individuals

³ Ibid.

are presumed to be risk-averse, meaning an increase in the probability of being caught and an increase in the severity of the punishment will deter an individual from committing that crime. The change in the probability of being caught or the severity of the punishment will decrease the utility of committing a sex offense and shift in favor toward legal activities. As this happens the person will decide not to commit the illegal act.

Becker's theory of criminal behavior will be used to model the choices a sex offender makes when committing a sex offense. The utility they receive from committing a sex crime is weighed against their next best option. With the registration and community notification laws an individual may make different choices than before this legislation was enacted. The passing of these laws increases the probability of being caught and convicted and P will increase. Holding all other variables constant an increase in P would reduce the expected utility of committing a sex crime, thus the number of offenses. Legislation would also affect the F variable, the monetary equivalent of being subject to registration and notification laws would increase because an individual's punishment would extend past serving time in prison. An increase in F and P decreases the expected utility of committing a crime, thus the model predicts the amount of sex offenses will decrease with the enactment of the laws. Obeying the law will have a greater utility than committing illegal acts and an individual will prefer to obey the law.

Some challenges faced with this theory are that it is assuming that offenders have risk preference, if an individual does not have aversion to risk then the model will not hold. In the case that a criminal is not rational and increasing the risk of being caught

and the extent of punishment does not deter them from committing a crime then the model of criminal behavior will not work. In general though economists view even criminals as being rational decision makers, they will base their choices on the activities that give them the greatest utility. As the probability of being caught and the monetary equivalent of the punishment increases, the model predicts that an individuals' utility of committing a crime will be less than that of not committing the crime, reducing the amount of sex offenses committed.

A criminal is assumed to be a rational decision maker and makes choices based on what actions provide them with the greatest utility. While a criminal may usually get a higher utility from committing an illegal act in theory the sex offender registration and notification laws should decrease their expected utility of such an act. With the enactment of the legislation, a criminal's utility of engaging in legal acts should increase and there should be less sex crimes.

CHAPTER IV

DATA SOURCES

This thesis will use two methods to examine the impact of sex offender registration and community notification legislation. A meta-analysis will be done to determine whether the laws reduce the rate of sex offender recidivism. An analysis can be done to see if there is a change in the rate of recidivism by comparing previous research of recidivism of convicted sex offenders before legislation was enacted and the rate of recidivism after legislation was enacted,. In addition, this thesis will do an analysis of the amount of rapes per capita before and after state legislation to examine if the threat of being subject to registration and community notification laws deters individuals from committing sex crimes.

META-ANALYSIS

The following table summarizes the studies used for the meta-analysis:

TABLE 4.1
STUDIES ANALYZED

State	Number of Observations	Year of Offender's Release	Follow-up Period
Ohio	879	1989	10 years
Delaware	78	2001	3 years
Iowa (pre-registry)	201	On or before June 30, 1995	4.3 years
Iowa (post-registry)	233	July 1, 1995-June 30, 1996	4.3 years
New York	556	1986	9 years
Minnesota	3,166	1990-2002	Average of 8.4 years

The analysis of past recidivism studies includes 6,399 combined sex offenders released before the notification laws were enacted and 715 sex offenders released after. The data was taken from 5 states measuring the amount of sex offenders that recidivated in their state. This analysis combines the recidivism rates from Delaware, Iowa, Minnesota, New York, and Ohio. Other than Iowa, the studies measure recidivism by an offender taken back into custody for any type crime, sex or non-sex. This includes an entirely new crime or violation of parole. Iowa's study differs from the others in that in order for an offender to be considered to have recidivated, they need to actually be reconvicted for a crime, not just arrested.

Because individual states don't have sufficient information on offenders that recidivate in states other than their own, the data was only obtained on offenders who were released from custody and then recidivated in the same state. The lack of information on offenders arrested out of state is judged to be rather small and not critical. Data on the amount of released offenders who recidivated within a particular follow-up

period was collected from all 5 studies. Within these, the minimum follow-up period was 3 years and the maximum 10 years. Due to the fact that statistics are not collected during the same time frame, this analysis will focus only on comparing the information taken on offenders released before the notification policies were enacted to those offenders released after the policies were enacted. The studies that evaluated sex offenders in Iowa, Minnesota, and New York contained offenders who were not required to register. Delaware, Iowa, and Ohio's statistics involved sex offenders who were released after the notification policies were passed, requiring them to register with law enforcement.

DATA

Delaware compiled information on 78 offenders since their release from prison in 2001. 56 of the 78 offenders were rearrested within 3 years of their return to the community.¹ Ohio's sex offender registration began in 1997. They investigated the recidivism rate of 879 sex offenders released in 1989 for a period of 10 years.²

Iowa's information measured 2 separate groups of offenders. The first group contained 233 sex offenders that were required to be placed on the sex offender registry in the first year it was enacted. The second group, consisting of 201 released sex offenders, convicted their offense before community registry was enacted and no registration took place. Had the policy been enacted at the time of their conviction, these

¹ Devon B. Adams and United States, *Summary of State Sex Offender Registries, 2001* (Washington, D.C.: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2002).

² Maureen S. Black, Evalyn Parks, and Paul Konicek, *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases* (Ohio: State of Ohio Department of Rehabilitation and Correction, 2001), 1.

individuals would have been required to register. Unlike the data from the other reports, the Iowa study only considers an individual to have recidivated if they were arrested and reconvicted for a crime. Of the 233 individuals required to register, 57 recidivated within the follow-up period of about 4.3 years.

New York's report analyzes 556 convicted sex offenders released into the community in 1986. Within the 9 year follow-up period, 273 were returned to the department for committing a new offense or for violations of parole.³ Minnesota examined 3,166 sex offenders released from custody in a 12 year period between 1990 and 2002. They analyzed the offenders after a 3-year time frame and discovered 30% of the offenders were rearrested for a new crime. Additionally, a follow-up period averaging 8.4 years was also examined, by that time, 49% of the offenders had been rearrested for a crime.⁴

This meta-analysis will compile the recidivism rates of the offenders in Iowa, Minnesota, and New York before they enacted their legislation. It will then compare that information with the combined data obtained from Delaware, Ohio, and Iowa's figures after their laws were passed. Comparing the two groups provides an indicator of whether the sex offender notification policies are effective. Putting any outside factors aside, if the recidivism rate for the group of sex offenders required to register is less than the group not required, in essence, the laws are effective.

³ Kathy Canestrini, *Profile and Follow-Up of Sex Offenders Released in 1986* (Albany, NY: New York Dept. of Correctional Services, Division of Program Planning, Research and Evaluation, 1996), 1.

⁴ *Sex Offender Recidivism in Minnesota* (St. Paul, MN: Minnesota Department of Corrections, 2007), 1.

RAPES PER CAPITA ANALYSIS

In order to determine if sex offender registration and community notification policies deter individuals from committing a rape, the rate of rape per capita for every state will be analyzed. Statistics of the occurrence of rapes 3 years prior to legislation through 2006 for all 50 states will be examined. The data used for the analysis was taken from the *Disaster Center of the United States: Crime Report*. On this database there is crime statistics on all 50 states from the years 1960-2006. The categories included in the data consist of property, murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and vehicle theft. The population of the state for each year is also included. For the purpose of this study, only the population and rape data is used. The years each state enacted their legislation will be used to analyze if the amount of rapes per capita changed once the legislation was enacted. The Following table is a list of all 50 states and when they enacted their community notification polices:

TABLE 4.2
STATES BY YEAR REGISTRATION
AND NOTIFICATION POLICIES ENACTED

Washington (1990)	North Carolina (1996)
Louisiana (1992)	Pennsylvania (1996)
New Jersey (1993)	Rhode Island (1996)
Oregon (1993)	New Hampshire (1996)
West Virginia (1993)	Utah (1996)
Idaho (1993)	Vermont (1996)
Alaska (1994)	Arkansas (1997)
Delaware (1994)	Florida (1997)
Kansas (1994)	Nebraska (1997)
Kentucky (1994)	Ohio (1997)
Iowa (1995)	Tennessee (1997)
Maine (1995)	Virginia (1997)
Maryland (1995)	Wisconsin (1997)
Michigan (1995)	Alabama (1998)
Mississippi (1995)	Colorado (1998)
Missouri (1995)	Connecticut (1998)
Montana (1995)	Hawaii (1998)
New Mexico (1995)	Indiana (1998)
New York (1995)	Minnesota (1998)
North Dakota (1995)	Nevada (1998)
South Dakota (1995)	Oklahoma (1998)
Arizona (1996)	Massachusetts (1999)
California (1996)	South Carolina (1999)
Georgia (1996)	Texas (1999)
Illinois (1996)	Wyoming (1999)

Source: Data adapted from Jeffery T. Walker, Sean Madden, Bob E. Vasquez, Amy C. VanHouten, and Gwen Ervin-McLarty, *The Influence of Sex Offender Registration and Notification Laws in the United States*. Little Rock, AR: Arkansas Crime Information Center, 7.

CHAPTER V

METHODOLOGY

This chapter will describe the application and offer an analysis of the data used for this study. It will explain the reasoning for the use of the information to test the hypothesis. There are two analyses that will be done, a meta-analysis of past research on the recidivism of sex offenders once released from prison and rapes per capita analysis on the number of rapes that occur in each state three years prior to when legislation was enacted through 2006. This number will be used to determine whether sex offender registry and notification legislation deters individuals from committing sex crimes.

META-ANALYSIS

In order to determine whether or not the rate of recidivism has decreased since the sex offender registration and community notification legislation was enacted this thesis performs a meta-analysis on previous studies. The data for this analysis is taken from past research of five states, each has information on the general recidivism rate of sex

offenders for any crime and the recidivism rate of sex crimes once they are released from prison.

OHIO

In this study, the Ohio Department of Rehabilitation and Corrections conducted a 10-year follow-up study of sex offenders released from prison in 1989. Recidivism was to be determined by the reincarceration rate. Therefore, the study states one limitation of the data is that only offenses serious enough for the individual to get a new prison sentence are included. It is also possible that some individuals may have committed a crime but were not caught, perhaps providing a lower rate of recidivism than may actually be the case.¹ Table 5.1 shows the rate of recidivism for 879 sex offenders released from prison in Ohio in 1989.

¹ Maureen S. Black, Evalyn Parks, and Paul Konicek, *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases* (Ohio: State of Ohio Department of Rehabilitation and Correction, 2001), 1.

TABLE 5.1
 RECIDIVISM RATES OF SEX OFFENDERS
 RELEASED IN OHIO

Recommitment for a New Crime		
	Percent	
Sex Offense	8.0%	
Non-Sex Offense	14.3%	
Total	22.3%	
Sex Offender Recidivism		
	Frequency	Percent
No Recidivism	580	66.0%
Recidivism	299	34.0%
Total	879	100.0%
Sex Offender Recidivism for Sex Offense		
	Frequency	Percent
No Recidivism	782	89.0%
New Sex Offense	97	11.0%
Total	879	100.0%
Time of Sex Recidivism		
	Percent	Cumulative Percent
Up to 1 year	25.8%	25.8%
1-2 years	27.8%	53.6%
2-3 years	13.4%	67.0%
3-4 years	6.2%	73.2%
4-5 years	5.2%	78.4%
5-6 years	5.2%	83.5%
6-7 years	7.2%	90.7%
7-8 years	6.2%	96.9%
8-9 years	2.1%	99.0%
9-10 years	1.0%	100.0%

Source: Data adapted from Maureen S. Black, Evalyn Parks, and Paul Konicek, *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases* (Ohio: State of Ohio Department of Rehabilitation and Correction, 2001), 8, 11, 12.

Within the 10 year follow-up period for the sex offenders released from Ohio, 22.3% of the offenders had returned to prison with 8% returning for a sex crime. 34% of the sex offenders returned to prison for any reason within the follow-up period. It should

also be noted that a little over 50% of the sex offenders who recidivated sexually did so within 2 years.²

NEW YORK

The State of New York Department of Correctional Services focused their report on 556 sex offenders released in 1986 with a follow-up period of 8 to 9 years. They were followed from their day of release in 1986 through August 2005. Within the ten years data on 10 of the offenders was lost, resulting in a new sample size of 546 sex offenders. In their research, recidivism includes all returns to prison for a new offense or violation of an individual's condition of parole. Table 5.2 displays the findings of the study after the 9-year follow-up period:

TABLE 5.2

RATE OF RECIDIVISM OF SEX OFFENDERS IN NEW YORK

	N	Percent
No Return	284	52%
New Commitment	115	21%
Violation of Parole	147	27%
Total Offenders	546	100%
Overall Rate of Recidivism	262	48%
Of the Offenders who Recidivated, Amount Returned for New Sex Crime	34	6%

Source: Data adapted from Kathy Canestrini, *Profile and Follow-Up of Sex Offenders Released in 1986* (Albany, NY: New York Dept. of Correctional Services, Division of Program Planning, Research and Evaluation, 1996), 23.

² Ibid.

The overall rate of return of the sex offenders released from prison in New York in 1986 is 48%, of those 21% of those were returned for a new crime and 27% were returned for a violation of condition of parole. Furthermore, of the 21% of offenders returned for a new crime, only 6% of those were returned for a new sex crime.³

IOWA

The Iowa Department of Human Rights Division of Criminal and Juvenile Justice Planning and Statistical Analysis Center came out with a report in 2000 comparing two groups of sex offenders. The first group included 233 individuals who were required to be placed on the Sex Offender Registry. The other group consisted of 231 individuals who committed crimes that would require them to be on the registry however, their crimes were before the legislation was enacted and were not on the registry. In the study recidivism is defined a reconviction for any sex crime, reconviction for any non-sex crime, and a revocation of an individual's parole or probation. Thus, the primary source of recidivism in the study is new convictions. Table 5.3 exhibits the findings of the rate of recidivism over a 3-4 year period of individuals in both sample groups for a new sex offense and non-sex offense:

³ Kathy Canestrini, *Profile and Follow-Up of Sex Offenders Released in 1986* (Albany, NY: New York Dept. of Correctional Services. Division of Program Planning, Research and Evaluation, 1996), 1.

TABLE 5.3

RECIDIVISM RATE OF REGISTRY AND PRE-REGISTRY
SEX OFFENDERS BY SEX AND NON-SEX OFFENSE

		Recidivism Rate		Sex Offense		Non-Sex Offense	
				n	Percent	n	Percent
Pre-Registry	201	24.5%	7	3.5%	60	29.8%	
Registry	233	33.3%	7	3.0%	50	21.5%	

Source adapted from Geneva, Adkins, David Huff, and Paul Stageberg, *The Iowa Sex Offender Registry and Recidivism* (IA: Iowa Department of Human Right, Division of Criminal and Juvenile Justice Planning and Statistical Analysis Center, 2000), 10.

Of the 233 offenders required to register, 21.5% (50 of 233) recidivated with a non-sex crime and 3% (7 of 233) recidivated with a new sex crime. Of the 201 offenders not subjected to registry, 29.8% (60 of 201) recidivated with a non-sex crime and 3.5% (7 of 201) recidivated with a sex crime within the follow-up period of 4.3 years.⁴

MINNESOTA

Like Iowa, the Minnesota Department of Corrections researched recidivism rates of sex offenders who were released before and after the legislation was passed in Minnesota. The subjects were 3,166 sex offenders released between 1990 and 2002. The follow-up period varied for the study depending on when the prisoner was released but the average time frame was 8.4 years. Three years was the minimum and 16 years the maximum. Recidivism was measured as a rearrest, reconviction or reincarceration for a

⁴ Geneva Adkins, David Huff, and Paul Stageberg, *The Iowa Sex Offender Registry and Recidivism* 2000), 1.

new crime. For each crime, whether it was a sex offense, non-sex offense and any offense was distinguished. Table 5.4 displays the percent of offenders that committed a sex crime within a certain follow-up period:

TABLE 5.4

RECIDIVISM RATES IN MINNESOTA BY
LENGTH OF FOLLOW-UP AND TYPE
OF RECIDIVISM

Follow-Up Period	Sex Rearrest	Sex Reconviction	Sex Reincarceration
	Percent	Percent	Percent
One Year	3.2	2.2	0.7
Two Years	5.5	3.7	1.9
Three Years	7.3	5.7	3.2
Four Years	9.3	7.4	4.7
Five Years	11.3	9.1	6.6
Total	11.8	9.6	7.0

Source: Data adapted from *Sex Offender Recidivism in Minnesota* (St. Paul, MN: Minnesota Department of Corrections, 2007), 20.

In order to keep the variable between studies as similar as possible for the analysis of this thesis it will focus on the three-year follow-up period. After three years 7.3% of the sex offenders in Minnesota were rearrested, 5.7% were reconvicted of a new sex crime, and 3.2% were reincarcerated. Table 5.5 shows the amount of sexual recidivism of the offenders by year of their release with a 3-year follow-up period:

TABLE 5.5

THREE-YEAR SEXUAL RECIDIVISM RATES OF SEX
OFFENDERS IN MINNESOTA

Release Year	Sex Rearrest	Sex Reconviction	Sex Reincarceration	Number of Offenders
1990	19.0%	16.7%	4.8%	126
1991	15.3%	11.7%	5.4%	111
1992	10.9%	7.4%	4.7%	256
1993	13.1%	11.9%	5.1%	176
1994	10.7%	9.8%	6.7%	225
1995	8.2%	6.5%	4.5%	245
1996	6.5%	4.5%	2.4%	246
1997	8.6%	6.2%	3.5%	257
1998	4.2%	2.9%	2.6%	312
1999	4.3%	3.3%	2.6%	303
2000	3.3%	2.6%	1.3%	302
2001	2.7%	1.7%	1.4%	292
2002	3.8%	2.5%	1.0%	315
Total	7.3%	5.7%	3.2%	3,166

	Rearrest	Reincarceration	Reconviction
Non-Sex Recidivism			
	23.6%	18.8%	8.6%
General Recidivism			
	29.8%	25.4%	9.5%

Source: Data adapted from *Sex Offender Recidivism in Minnesota* (St. Paul, MN: Minnesota Department of Corrections, 2007), 21, 25, 28.

In Minnesota sex offender legislation was passed in 1998, the shaded area shows the amount of recidivism of offenders released before the policies were enacted. There was a total of 1,954 sex offenders released before the policies were enacted. Adding up the amount of offenses in the 8 years prior to the legislation it is found 77.6% of the sex offenders were reconvicted for a new sex offense within 3 years. After the policies were

passed, between 1999 and 2002, 1,212 sex offenders were released, of those 10.1% were reconvicted for a new sex offense.⁵

DELAWARE

The Justice Research and Statistics Association chose Delaware to do an analysis on sex offender recidivism in 2006. For the purpose of the analysis 78 sex offenders released from prison in 2001 were observed. Recidivism was measured by a rearrest within 3 years of the offender's 2001 release. Table 5.6 shows the recidivism rate of the 78 sex offenders released from prison in Delaware in 2001:

TABLE 5.6

RECIDIVISM RATE OF SEX OFFENDERS IN DELAWARE WITHIN 3 YEARS

Rearrested for any New Sex-Offense	3.8%
Any New Crime or Violation of Parole	71.8%

Source: Data adapted from Charles J. Huenke, Jr., John P. O'Connell, Spencer B. Price, and Philisa Weidlein-Crist, *Recidivism of Delaware Adult Sex Offenders Released from Prison in 2001* (Delaware: Office of Management and Budget Statistical Analysis Center, 2007), 11.

After 3 years, 3.8% of the sex offenders were reconvicted for a new sex-crime and 71.8% were back for any type of reconviction.⁶

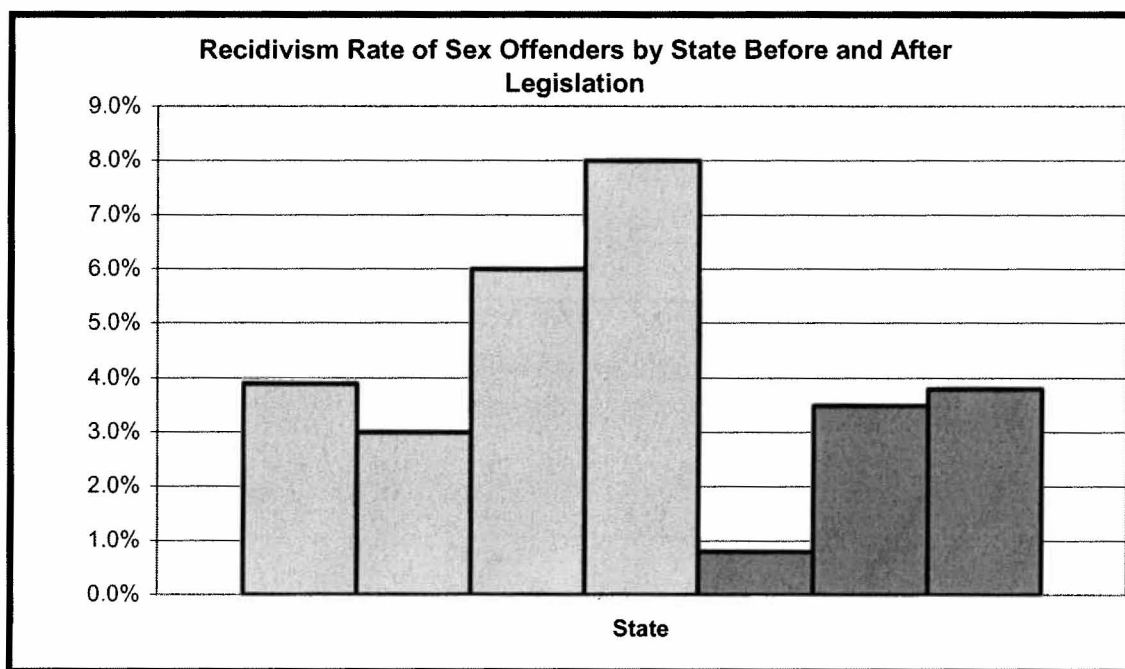
⁵ *Sex Offender Recidivism in Minnesota* (St. Paul, MN: Minnesota Department of Corrections, 2007), 1.

RESULTS

With the exception of New York and Ohio, 3 years was the average follow-up period. More time for follow-up may make the data a more accurate reflection on the recidivism rate of sex offenders. Due to the differences in follow-up period and the definitions of what constitutes recidivism putting this data together is complicated. Even though they cannot be directly compared, trends can be found to study the overall effect the laws have on the recidivism of convicted sex offenders. The following chart gives an idea of the rate of recidivism of prisoners released before and after 1996, when Megan's Law was passed.

⁶ Huenke, Charles J. Jr., John P. O'Connell, Spencer B. Price, and Philisa Weidlein-Crist, *Recidivism of Delaware Adult Sex Offenders Released from Prison in 2001* (Delaware: Office of Management and Budget Statistical Analysis Center, 2007), 1.

FIGURE 5.1



The light grey area is the rate of recidivism from the studies before legislation was passed and the dark grey is the rate of recidivism after. To get an idea of the rate of sex offenses, only the re-offense of a sex crime is included in this chart. Although it is impossible to directly compare the information in the chart due to differences in the sample size, definition of recidivism and follow-up period, the figure gives an idea of the change in sex offender re-offending. As one can see from the graph the amount of sex offender recidivism is less after the legislation was enacted than before it was enacted. By averaging the amount of recidivism of the states before and after legislation one can see there is an average of about 5% recidivism before and 2.7% recidivism after. Although this is a general idea of the amount of recidivism, this information cannot be taken as

totally true. The follow-up periods of the different states vary so directly comparing the statistics does not offer an exact rate.

RAPE ANALYSIS

Past research has shown that a large amount of sex crimes committed are committed by an individual without a previous sex conviction and are not on the sex offender registry. With that in mind, creating registration and community notification policies does not keep children safe from this group of people. However, what these statutes may successfully accomplish is to deter individuals from committing sex crimes in order to avoid having to comply with registration and community notification. This section investigates this theory by doing an analysis on the rapes per capita, comparing the amount of rapes that are committed in each state in the last 15 years. The analysis is measured by the incidence of rapes in relation to year the state implemented the legislation. The goal of this analysis is to see if the laws reduce the number of rapes committed in each state since their passage of the laws. Although the registration legislation was passed in 1994 and the community notification was enacted in 1996, the 50 states each passed their own legislation in different years. Data on the year each state enacted their legislation was then used to determine which years to analyze. Information on the number of rapes per state was applied from 3 years prior to the year the state enacted their legislation and applied after legislation was passed through 2006. The

number of rapes each year was divided by the state population to get the number of rapes per capita for each year studied. The following table shows all 50 states and their rapes per capita. The bold line shows the year that the states enacted their policies. Any shaded areas illustrate when the rape per capita of the state is less than when they enacted their policies.

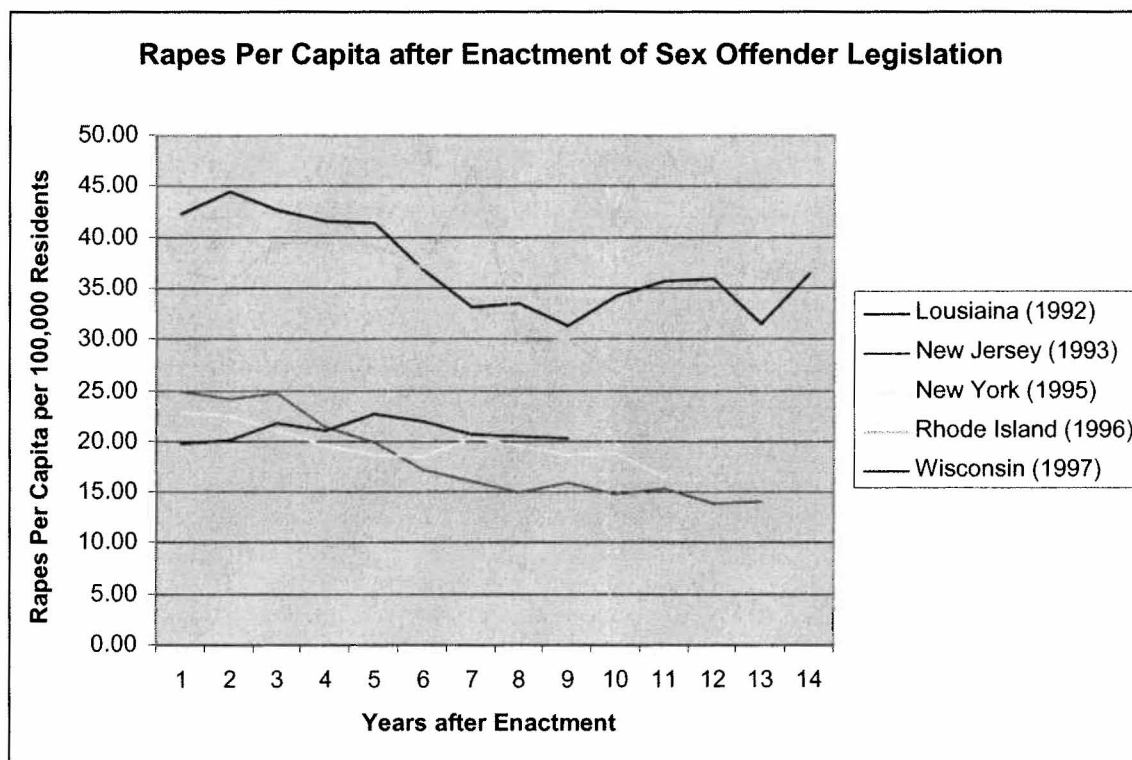
TABLE 5.7
RAPES PER CAPITA OVER TIME

State by Year of Implementation of Registration and Notification Laws	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006	2006
Washington	0.0703%	0.0720%	0.0544%	0.0605%	0.0592%	0.0511%	0.0514%	0.0482%	0.0471%	0.0464%	0.0434%	0.0451%	0.0467%	0.0460%	0.0447%	0.0409%
Louisiana	0.0409%	0.0423%	0.0446%	0.0446%	0.0427%	0.0419%	0.0413%	0.0389%	0.0331%	0.0335%	0.0314%	0.0342%	0.0350%	0.0359%	0.0317%	0.0284%
New Jersey	0.0261%	0.0307%	0.0280%	0.0269%	0.0243%	0.0247%	0.0219%	0.0200%	0.0173%	0.0161%	0.0150%	0.0159%	0.0149%	0.0153%	0.0138%	0.0142%
Oregon (1993)	0.0534%	0.0531%	0.0513%	0.0432%	0.0417%	0.0387%	0.0402%	0.0369%	0.0308%	0.0379%	0.0335%	0.0352%	0.0342%	0.0357%	0.0346%	0.0322%
West Virginia	0.0230%	0.0217%	0.0201%	0.0203%	0.0217%	0.0199%	0.0195%	0.0187%	0.0187%	0.0182%	0.0178%	0.0182%	0.0172%	0.0181%	0.0189%	0.0214%
Idaho (1993)	0.0289%	0.0318%	0.0353%	0.0279%	0.0284%	0.0263%	0.0289%	0.0314%	0.0333%	0.0267%	0.0222%	0.0370%	0.0361%	0.4269%	0.0404%	0.0400%
Alaska (1994)	0.0918%	0.0866%	0.0838%	0.0900%	0.0803%	0.0699%	0.0662%	0.0660%	0.0639%	0.0793%	0.0623%	0.0622%	0.0620%	0.0648%	0.0611%	0.0780%
Delaware	0.0865%	0.0858%	0.0770%	0.0773%	0.0802%	0.0629%	0.0690%	0.0671%	0.0702%	0.0541%	0.0527%	0.0444%	0.0452%	0.0420%	0.0448%	0.0469%
Kansas (1994)	0.0448%	0.0413%	0.0401%	0.0413%	0.0369%	0.0426%	0.0424%	0.0439%	0.0401%	0.0380%	0.0355%	0.0382%	0.0369%	0.0416%	0.0400%	0.0448%
Kentucky	0.0354%	0.0322%	0.0343%	0.0353%	0.0319%	0.0426%	0.0334%	0.0293%	0.0260%	0.0270%	0.0258%	0.0269%	0.0272%	0.0269%	0.0341%	0.0309%
Iowa (1995)	0.0209%	0.0186%	0.0244%	0.0235%	0.0218%	0.0197%	0.0203%	0.0254%	0.0211%	0.0211%	0.0221%	0.0271%	0.0271%	0.0265%	0.0266%	0.0279%
Maine (1995)	0.0219%	0.0238%	0.0269%	0.0250%	0.0214%	0.0200%	0.0225%	0.0181%	0.0191%	0.0251%	0.0254%	0.0261%	0.0270%	0.0240%	0.0247%	0.0315%
Maryland	0.0458%	0.0464%	0.0440%	0.0407%	0.0422%	0.0379%	0.0355%	0.0344%	0.0300%	0.0291%	0.0269%	0.0291%	0.0346%	0.0337%	0.0226%	0.0210%
Massachusetts	0.0278%	0.0280%	0.0211%	0.0208%	0.0202%	0.0220%	0.0212%	0.0244%	0.0196%	0.0209%	0.0209%	0.0256%	0.0243%	0.0243%	0.0215%	0.0222%
Minnesota	0.0492%	0.0446%	0.0420%	0.0454%	0.0391%	0.0301%	0.0360%	0.0372%	0.0416%	0.0358%	0.0401%	0.0393%	0.0374%	0.0400%	0.0394%	0.0344%
Missouri	0.0340%	0.0355%	0.0362%	0.0370%	0.0371%	0.0260%	0.0282%	0.0269%	0.0263%	0.0241%	0.0249%	0.0258%	0.0245%	0.0237%	0.0260%	0.0262%
Montana	0.0198%	0.0265%	0.0279%	0.0272%	0.0289%	0.0271%	0.0184%	0.0178%	0.0125%	0.0322%	0.0207%	0.0269%	0.0269%	0.0262%	0.0322%	0.0267%
New Mexico	0.0524%	0.0462%	0.0521%	0.0524%	0.0568%	0.0603%	0.0564%	0.0551%	0.0543%	0.0507%	0.0464%	0.0555%	0.0600%	0.0549%	0.0541%	0.0592%
New York	0.0282%	0.0284%	0.0275%	0.0295%	0.0237%	0.0220%	0.0212%	0.0211%	0.0196%	0.0189%	0.0189%	0.0203%	0.0195%	0.0187%	0.0189%	0.0184%
North Dakota	0.0183%	0.0233%	0.0235%	0.0234%	0.0228%	0.0241%	0.0248%	0.0322%	0.0224%	0.0293%	0.0254%	0.0297%	0.0253%	0.0278%	0.0284%	0.0304%
South Dakota	0.0397%	0.0518%	0.0445%	0.0439%	0.0410%	0.0410%	0.0484%	0.0360%	0.0458%	0.0464%	0.0463%	0.0475%	0.0465%	0.0436%	0.0467%	0.0430%
Arizona (1995)	0.0424%	0.0430%	0.0378%	0.0360%	0.0326%	0.0312%	0.0328%	0.0311%	0.0289%	0.0307%	0.0286%	0.0268%	0.0268%	0.0333%	0.0330%	0.0371%
California	0.0424%	0.0413%	0.0377%	0.0346%	0.0334%	0.0321%	0.0310%	0.0296%	0.0285%	0.0268%	0.0303%	0.0310%	0.0304%	0.0292%	0.0266%	0.0260%
Georgia	0.0423%	0.0463%	0.0354%	0.0347%	0.0353%	0.0321%	0.0311%	0.0344%	0.0308%	0.0249%	0.0258%	0.0247%	0.0227%	0.0262%	0.0235%	0.0222%
Illinois (1995)	0.0409%	0.0271%	0.0346%	0.0333%	0.0369%	0.0384%	0.0271%	0.0240%	0.0264%	0.0329%	0.0320%	0.0347%	0.0331%	0.0322%	0.0339%	0.0316%
North Carolina	0.0346%	0.0359%	0.0343%	0.0339%	0.0322%	0.0313%	0.0316%	0.0309%	0.0282%	0.0271%	0.0254%	0.0264%	0.0264%	0.0274%	0.0266%	0.0282%
Pennsylvania	0.0287%	0.0277%	0.0265%	0.0261%	0.0262%	0.0252%	0.0274%	0.0269%	0.0273%	0.0264%	0.0283%	0.0303%	0.0287%	0.0285%	0.0289%	0.0273%
Rhode Island	0.0309%	0.0309%	0.0286%	0.0274%	0.0270%	0.0290%	0.0368%	0.0355%	0.0395%	0.0383%	0.0393%	0.0370%	0.0466%	0.0296%	0.0301%	0.0287%
New Hampshire	0.0269%	0.0382%	0.0444%	0.0358%	0.0260%	0.0348%	0.0307%	0.0358%	0.0287%	0.0422%	0.0364%	0.0350%	0.0340%	0.0359%	0.0311%	0.0262%
Utah (1995)	0.0551%	0.0559%	0.0586%	0.0696%	0.0671%	0.0689%	0.0684%	0.0660%	0.0644%	0.0559%	0.0529%	0.0462%	0.0635%	0.0511%	0.0441%	0.0488%
Vermont	0.0305%	0.0249%	0.0366%	0.0276%	0.0262%	0.0270%	0.0289%	0.0276%	0.0229%	0.0230%	0.0179%	0.0264%	0.0203%	0.0269%	0.0249%	0.0240%
Arkansas	0.0448%	0.0413%	0.0424%	0.0419%	0.0372%	0.0417%	0.0435%	0.0352%	0.0378%	0.0317%	0.0331%	0.0279%	0.0334%	0.0430%	0.0432%	0.0465%
Florida (1997)	0.0517%	0.0542%	0.0538%	0.0523%	0.0486%	0.0521%	0.0519%	0.0499%	0.0463%	0.0442%	0.0406%	0.0405%	0.0398%	0.0380%	0.0371%	0.0358%
Nebraska	0.0281%	0.0314%	0.0278%	0.0308%	0.0194%	0.0271%	0.0245%	0.0251%	0.0248%	0.0255%	0.0251%	0.0289%	0.0260%	0.0365%	0.0320%	0.0310%
Ohio (1997)	0.0529%	0.0521%	0.0491%	0.0471%	0.0434%	0.0413%	0.0408%	0.0409%	0.0367%	0.0378%	0.0362%	0.0422%	0.0407%	0.0318%	0.0407%	0.0399%
Tennessee	0.0464%	0.0473%	0.0489%	0.0492%	0.0471%	0.0465%	0.0569%	0.0456%	0.0440%	0.0384%	0.0382%	0.0369%	0.0364%	0.0367%	0.0369%	0.0365%
Virginia (1997)	0.0299%	0.0315%	0.0321%	0.0285%	0.0272%	0.0267%	0.0270%	0.0287%	0.0260%	0.0287%	0.0248%	0.0252%	0.0248%	0.0243%	0.0233%	0.0234%
Wisconsin	0.0254%	0.0263%	0.0252%	0.0255%	0.0233%	0.0210%	0.0203%	0.0199%	0.0201%	0.0217%	0.0211%	0.0227%	0.0220%	0.0266%	0.0205%	0.0204%
Alabama	0.0356%	0.0412%	0.0351%	0.0352%	0.0317%	0.0327%	0.0323%	0.0324%	0.0346%	0.0333%	0.0306%	0.0322%	0.0358%	0.0365%	0.0344%	0.0359%
Colorado	0.0479%	0.0473%	0.0456%	0.0432%	0.0395%	0.0402%	0.0431%	0.0474%	0.0414%	0.0412%	0.0456%	0.0456%	0.0421%	0.0423%	0.0454%	0.0437%
Connecticut	0.0292%	0.0269%	0.0244%	0.0246%	0.0237%	0.0221%	0.0226%	0.0199%	0.0196%	0.0196%	0.0186%	0.0214%	0.0200%	0.0216%	0.0203%	0.0181%
Hawaii (1995)	0.0330%	0.0379%	0.0336%	0.0304%	0.0283%	0.0275%	0.0313%	0.0266%	0.0299%	0.0288%	0.0333%	0.0300%	0.0284%	0.0284%	0.0269%	0.0276%
Indiana (1999)	0.0413%	0.0424%	0.0391%	0.0366%	0.0333%	0.0241%	0.0326%	0.0331%	0.0279%	0.0289%	0.0260%	0.0299%	0.0277%	0.0290%	0.0269%	0.0291%
Minnesota	0.0398%	0.0411%	0.0352%	0.0397%	0.0502%	0.0500%	0.0522%	0.0466%	0.0427%	0.0455%	0.0449%	0.0452%	0.0413%	0.0417%	0.0440%	0.0318%
Nevada (1998)	0.0690%	0.0628%	0.0609%	0.0687%	0.0612%	0.0534%	0.0599%	0.0531%	0.0521%	0.0430%	0.0421%	0.0428%	0.0389%	0.0409%	0.0423%	0.0422%
Oklahoma	0.0501%	0.0484%	0.0483%	0.0489%	0.0446%	0.0468%	0.0467%	0.0452%	0.0409%	0.0412%	0.0428%	0.0451%	0.0428%	0.0442%	0.0416%	0.0416%
Massachusetts	0.0321%	0.0361%	0.0334%	0.0302%	0.0290%	0.0290%	0.0269%	0.0274%	0.0269%	0.0267%	0.0290%	0.0277%	0.0288%	0.0280%	0.0272%	0.0271%
South Carolina	0.0689%	0.0675%	0.0523%	0.0543%	0.0473%	0.0492%	0.0489%	0.0457%	0.0408%	0.0377%	0.0435%	0.0477%	0.0471%	0.0422%	0.0438%	0.0408%
Texas (1999)	0.0524%	0.0534%	0.0550%	0.0495%	0.0457%	0.0438%	0.0412%	0.0400%	0.0362%	0.0377%	0.0382%	0.0391%	0.0363%	0.0373%	0.0371%	0.0399%
Wyoming	0.0259%	0.0350%	0.0343%	0.0339%	0.0344%	0.0291%	0.0285%	0.0277%	0.0285%	0.0324%	0.0310%	0.0297%	0.0271%	0.0221%	0.0240%	0.0272%

Source: FBI, Uniform Crime Reports, *United States Crime Rates 1960 – 2006*.

Because a graph of 50 different states and their rapes per capita would be too cluttered 5 states were chosen to represent the affect the sex offender legislation has on the number of rapes committed in the United States. The states chosen for the graph were chosen randomly except for Louisiana and Rhode Island. These 2 states were chosen because Louisiana is considered to have some of the strictest policies and Rhode Island has been reported to have some of the least strict registration and community notification policies for sex offenders. Due to this, this thesis will investigate the legislation's effect on the amount of rapes committed in these states. The following chart includes the rapes per capita for 5 states after they passed their registrations and community notification legislation:

FIGURE 5.2



By viewing the chart it can be seen that other than Rhode Island, there is a consistency in the amount of rapes per capita with a general downward slope. Although there was not a consistent decrease in the rapes per capita for Rhode Island, the number of rapes in their state decreased within 7 years after passing their legislation. Louisiana, Rhode Island, New Jersey, and New York all ended up in 2006 with fewer rapes than the year their legislation was enacted. On average between the 4 states the rape per capita decreased by 1% between the time legislation was enacted and 2006. Wisconsin, being the only of the five states to see an increase in rapes per capita, ended up with .0001% more rapes in 2006 than in 1997 when they enacted their legislation. This data can be hard to interpret

because for some states there was 14 years for the amount of rape per capita to change between when legislation was enacted and 2006. In some states there was only 9 years between the enactment of the laws and 2006. States that enacted their policies earlier may have had more time to revise and tweak their statutes to make them more efficient. This study does not take into account whether the length of time since legislation was passed is an advantage or disadvantage to deterring sex crimes.

DISCUSSION

The primary reason for the sex offender registration and community notification laws is because of the perception that sex offenders pose a high risk of re-offense. Past research reviewed has provided little evidence to support this theory. The aim of this research is to examine the effects sex offender registration and community notification policies have on the number of sex offenses committed in the United States. By using a meta-analysis of the rate of recidivism of sex offenders released from prison before and after legislation it examines whether the laws are effective in reducing the amount that offenders re-offend once they are released from prison. In addition, analyzing the amount of rapes per capita it explores the effect the laws have on deterring individuals from committing rape so as to avoid being subject to the laws.

The principal reasoning behind the legislation is to keep the children safe from offenders that pose a risk of harming them. In theory, criminal behavior is based on the assumption that individuals are rational decision makers who engage in legal or illegal activities according to the expected utility they will receive from each activity. One

would assume from this that an increase in legislation for sex offenders would discourage an individual from committing a sex offense. The threat of having to register and be subject to community notification should cause the expected utility from the illegal activity to decrease and the likelihood of the activity should decrease. Because being on the registry makes it easier for law enforcement to catch sex offenders and in a more timely fashion, there should be a trend of decreasing sex re-offending. It is hard to tell from the data to draw precise conclusions due to difference in the variables of the studies but there does seem to be a trend toward decreased recidivism. More research needs to be done but by viewing the chart of recidivism before and after legislation there does appear to be a reduction in the rate of recidivism.

With the theory of criminal behavior in mind it is also assumed that a greater the risk of being caught and the threat of registration and community notification would cause the expected utility of committing a sex crime to be negative. Hence, the individual would decide their gain would be greater participating in legal activities. If this is the case the data on the amount of rapes should show a decreasing trend of rapes taking place in the United States. From the sample of five states there does seem to be a general downward slope of the rapes per capita, supporting the theory. There is some fluctuation in Rhode Island, however it was mentioned earlier in this thesis that Rhode Island is considered to have some of the least strict policies. This is something that can be taken into consideration and studied in the future, does the strictness of the policies have an affect on whether the rate of recidivism has more or less of a change?

LIMITATIONS AND SUGGESTIONS FOR FUTURE RESEARCH

The intention of the thesis was to use data of sex offender recidivism before and after sex offender registration and community notification policies were enacted in order to determine whether or not the policies are effective in reducing sex crimes. However, because the legislation has only been enacted in the last 15 years the amount of data on this topic is limited. Research on sex offender recidivism varies greatly and is difficult to combine into one analysis. The quality of the research design, sample size of sex offenders and behaviors, the length of follow-up and differences in the definition of recidivism create a lack of consistency across studies. There is no simple way to measure sex reoffending, thus making it difficult to compare studies due to the lack of consistency of variables. Furthermore, it is important to keep in mind when comparing recidivism rates from different states variations in statutes and policies, treatment, probation and community supervision exist.⁷ Moreover the definition of recidivism varies across studies causing fluctuations in the estimates in recidivism. Because there is very little data on the amount of offenders who reoffend after being released from prison and the problems associated with comparing the data, coming to a conclusive finding is difficult.

Of the data from the studies compared in this thesis, only two had data on recidivism before AND after the legislation. Contrasting the rate of recidivism before and after legislation between different states creates a challenge because each state has some differences in their regulations of the laws potentially creating errors. Additionally, because of the fact that Ohio and New York have 9 and 10 year follow-up periods, there is more time for the offenders in their studies to commit another crime. This discrepancy makes it tough to directly compare to the other studies that use a 3 year follow-up period.

⁷ Black, Parks, and Konicek, *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases*, 14.

When examining the data it is important to keep in mind what is causing the changes in the number of sex offenses. Although the laws should generally be a deterrent to the commission of a sex crime, it is not known if this is certain. One question to ask is: Is the reason for an increase in sex crimes because more are being committed or because there is more attention brought to sex offenders resulting in more reporting to law enforcement? Another thing to consider is in any change that there may be in the amount of recidivism or rapes in general how much of that has to do with other factors other than the legislation. Maybe the laws are not being used properly and any change that has taken place has nothing to do with the passing of them.

As mentioned earlier in this thesis, data on sex offender recidivism is not easily available and due to the fact that the amount of follow-up periods and other factors vary from one set of data to the next makes it hard to come to an overall conclusion. To make the research more accurate a larger sample can be used. Data on the amount of recidivism for a larger number if not all states would be helpful and the definition of recidivism and other variables could be held constant. Statistics on sex offenders released in a large sample of states, in the same year, and with the same length of follow-up period would produce the most accurate results. By doing this, data from different states could be directly compared. The aggressiveness of the laws in each particular state can be taken into account to determine how the laws affect the rate of sex crimes. Future research needs to be done in order to be able to conclude the effects of the registration and community notification policies on the amount of sex crimes committed, until then only trends in the data can be formed.

CHAPTER VI

CONCLUSION

This thesis examines whether the sex offender registration and notification laws have affected the number of sex offenses committed in the United States. The foundation for this hypothesis stems from the belief that sex crimes have a considerable impact on communities due to the brutality of the crimes and vulnerability of the victims.¹ An analysis of the number of sex offenders who re-offend once released from prison before and after legislation in addition to a time series analysis on the amount of rape per capita once legislation has been passed between every state is included. While more sufficient data on the amount of offenders who re-offend, for sex and non-sex crimes, once released from prison is needed, there is no conclusive analysis of this topic.

This study's primary purpose was to do research on whether sex offender legislation is effective in reducing the amount of sex crimes committed. The principal reasoning behind the legislation is to keep the children safe from offenders that pose a risk of harming them. In theory, criminal behavior is based on the assumption that

¹ Maureen S. Black, Evalyn Parks, and Paul Konicek, *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases* (Ohio: State of Ohio Department of Rehabilitation and Correction, 2001), 1

individuals are rational decision makers who engage in legal or illegal activities according to the expected utility they will receive from each activity. With the enactment of the statutes one would think that the utility of committing a sex offense, knowing that one would be subject to registration and community notification would decrease the expected utility of the illegal activity making it less attractive and give the individual an incentive not to commit the crime. While there have been some studies on individual states, there has been no major methodological developments or empirical findings on the topic.

The first chapter introduced the history of the sex offender registration and community notification legislation. The first legislation was passed in 1994 in response to the murder of Jacob Wetterling, then 2 years later in 1996, Megan's Law, and probably the most well known portion of the legislation, was passed. Both statutes being a result of the criminal being an individual with past convictions of sex offenses. The importance of the topic because of the type of victims of these offenses is addressed as well as what influences the public's beliefs. The requirements for registration are included, although they vary from state to state.

Chapter 2 reviews the literature of previous work done on the topic. The opinions and views on the legislation by the public, law enforcement, and sex offenders themselves is summarized. Past research shows that the public perception is that sex offenders recidivate at higher rates than other offenders. This being one of the main arguments for the laws, it nonetheless has not been proven. In fact studies have found

that sex offenders re-offend at lower rates than other criminals. Some research has also found that most of the re-offenses committed by sex offenders are non-sex related. It is more common for an offender to be put back in prison for a violation of conditions of their parole or for a non-sex related offense. Previous research on the effectiveness of the registration and notification policies is reviewed. Some indicate that a large amount of sex offenses committed are by first time sex offenders and the sex offender policies do not take these types of criminals into consideration, in turn leaving the public feeling safer than they necessarily are.

Chapter 3 includes the theory of criminal behavior. There are certain factors that a rational person takes into account when making decisions on what kind of activities to engage in. The theory is based on the idea of utility, if an individual's expected utility is greater for a criminal act than what they would gain from acting in a legal manner they will chose the criminal lifestyle. It should be assumed that with the sex offender legislation the expected utility from committing a sex crime should decrease because of the threat of being subject to registration, community notification, increased sentences, and higher risk of being caught. Ideally the goal of the legislation is to decrease the utility enough that the gain from engaging in legal activities is high enough to deter an individual from committing a sex offense.

The data used for this thesis is included in chapter 4. For the meta analysis there are data from 5 past studies done in Iowa, Minnesota, New York, Delaware, and Ohio. Included in the data is information on the rate of recidivism of sex offenders once

released from prison both before and after legislation was passed in the states.

Additionally data from the crimes rates of all 50 states is incorporated to view the amount of rapes per capita between the years of 1991-2006. With this data it is possible to create a time series analysis to create an assessment on whether the legislation deters individuals from committing sex crimes.

The methodology and analysis takes place in chapter 5. It addresses the way in which the data is used to create a Meta-Analysis and an analysis rapes per capita of the information compiled. Although there is flaws in the data and cannot be directly compared, there did appear to be an inclination of fewer cases of recidivism after legislation was enacted. In the Time Series Analysis there was a downward slope in the amount of rapes per capita in the years following the passing of legislation. A analysis of all 50 states rather than just 5 would be a more accurate measure of this trend though.

Even though this thesis was not able to come to conclusive findings due to the variations in variables and lack of complete data on the topic it was able to find some trends in the elements. The research performed in this thesis did find that there does seem to be a trend in the amount of sex offender recidivism after the legislation was enacted. There does seem to be a decrease in the amount of rapes since sex offender legislation was created. In the future more thorough research needs to be done to make a definite conclusion as to what effect the registration and notification laws have in the United States. More complete data and larger sample sizes with longer follow-up periods would create a more accurate study.

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