RAMAPO COLLEGE OF NEW JERSEY

The Impact of Megan's Law on Sexual Offenders: A Life Sentence
Tammy Smith, BSW Program   Eileen Klein, Ph.D., L.C.S.W.

ABSTRACT

Megan's Law, enacted in 1994, was a legislative response to the murder and rape of a seven- year old New Jersey girl, Megan Kanka, by a neighbor with a criminal sexual history. Since Megan's family claimed they could have prevented their daughter's death if they knew about the man's criminal past, they petitioned to promote awareness about sexual offenders living in the community. As a result , this law insures that the public has access to pictures and other identifying information about these individuals. Sex offenders, while being sanctioned for their offense, have to face severe consequences in every aspect of their lives which may be detrimental to their well being.

INTRODUCTION

The history and passage of sexual offender legislation are problematic in that the laws were a reaction to an outcry of public fear as opposed to empirical evidence.

Research indicates that Megan's Law, federally known as the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act of 1994, has not proven effective in reducing or preventing sexual crimes committed against children.

The legislation perpetuates both political and public perceptions that all sex offenders are similar in nature and will inevitably reoffend.

This information is erroneous and counterproductive. In fact the recidivism rate for sex offenders for new sex crimes is much lower than it is for those convicted of felony drug and property crimes.

Counterintuitively, it is more likely that the negative consequences of Megan's Law and their impact on the life of the sex offender will be the catalyst that spurs the chance one will reoffend.

Under Megan's Law, convicted sex offenders must register their addresses and other identifying information with local law enforcement agencies. The negative impact on registrants' lives in the form of losing jobs, housing and becoming the target of violence has been substantial.

Bratina, MP. (2013). Sex offender residency requirements: an effective prevention strategy or a false of security? International Journal of Police Science & Management, 15 (3). 200-213

The Impact of Sex Offender Registration

Widespread community notification can lead to community actions which adversely affect sex offenders

-Trigger sex offenders to relapse.
-Privacy is shattered
- They aren't allowed to live near parks, schools, playgrounds or any place that serves children
-Their spouses and children are harassed.
-Registrants have been beaten, and had their homes set on fire
-Some are driven to suicide or crime because they cannot find a place to live or employment
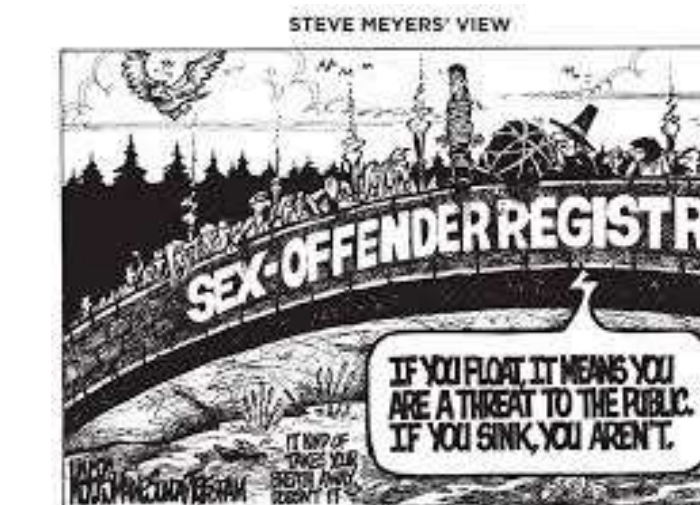
Information or Data on Reoffenders

"Politicians didn't do their homework of Humans Rights Watch before enacting these sex offender laws. Instead they have perpetuated myths about sex offenders and failed to deal with the complex realities of sexual violence against children."
Sarah Tofte for the US Human Rights Watch

There are nearly 740,000 registered sexual offenders in the United States. According to the data, **there is no support that that the public is safer from sexual offenders due to the community notification laws.**

Most sex offenders are not likely to commit crimes in their neighborhoods. Most sex offenses are committed by family members or acquaintances rather than the strangers implied in notification laws.

Myth: Sex offenders have a high rate of recidivism and should never enter back in the community.

Fact: Contrary to popular belief, sex offenders have the lowest rates of recidivism of all crime categories.

Reports from the Bureau of Justice Statistics show when sex offenders do recidivate with a sexual offense, 75% victimize an acquaintance. Current residential restrictions do not account for this data.

Evidence Based Practice

There needs to be more evidence based research on the rehabilitation interventions for sex offenders. Although research supports cognitive-behavioral therapy, the risk, need, and responsivity (RNR) model, the relapse prevention (RP) approach, and the self-regulation model (SRM) as viable treatment options, all of these interventions have significant shortcomings. Combining strengths-based and risk management approaches will likely be the most effective treatment for sexual offenders.

There is some support for the strengths-based good lives model (GLM) theory in which mental health professionals promote the well-being and recovery of the offender that is likely the best-known intervention to prevent recidivism.

The GLM aims to assist sexual offenders to determine and reach important life goals in non-harmful ways through motivational approaches rather than utilizing the avoidance techniques to target maladaptive behaviors. Offenders participating in GLM treatment were more motivated, had better coping skills, perceived the program as more positive and were more likely to complete treatment.

Yates, P. (2013). Treatment of sexual offenders: research, best practices, and emerging models, International Journal of Behavioral Consultation and Therapy, 8(3-4).

DISCUSSION

Until recently there has been minimal research about the rights of sexual offenders. Megan's Law and other correctional policies focus on community protection and risk management and neglect the core interests of the offender. Reducing community risk is contingent upon integrating rights-based values and principles such as inclusion and shared responsibility into therapeutic work with sex offenders.

Ward, T & Connolly, M. (2008). A human rights=based practice framework for sexual offenders. Journal of Sexual Aggression, 14(2), 87-98. Doi: 10.10801/13552600802007874