

Research in Brief

ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

UNIVERSITY OF MINNESOTA

June 2020

Use of Registration and Notification for Individuals Convicted of Sex Offenses

KEY POINTS

- All 50 states and Washington, D.C. maintain sex offender registries and make them available to the public.
- Research has shown that SORN laws have limited recidivism prevention and deterrent effects. While some studies suggest a positive benefit to the law (e.g., a reduction in sex crimes), others show no effect or even increases in rates of recidivism.
- Wide variations in how states implement SORN laws result in contrasting results based on location and outcome measure.
- Collateral consequences of SORN laws may make it more difficult for individuals on the registry to successfully re-enter society and become productive citizens.

Policy and Purpose

Sex Offenders Registration and Notification (SORN) policies initially emerged in the United States in the 1990's as a response to high-profile cases of sexual offending against minors. The Jacob Wetterling Act of 1994 mandated that each state create a sex offender registry for law enforcement use, and the Megan's Law Amendment of 1996 required that states release some information about individuals on the registry through community notification. In 2006, the Adam Walsh Child Protection and Safety Act put various notification and registration laws under one federal policy, mandated categorizing individuals convicted of sex offenses by the seriousness of their conviction offense, required that registrants update their whereabouts on a regular basis, and required states to enact a law making it a crime to fail to register or update information. Today, all 50 states and Washington, D.C. maintain sex offender registries and make them available to the public through the internet.

The main purpose of SORN laws is to increase law enforcement's ability to surveil and apprehend individuals on the registry and to alert the public about individuals on the registry who may live or work in their community. These laws are also meant to deter individuals from committing first-time sex offenses by creating public stigma against individuals who offend sexually. Individuals convicted of sex offenses must register with law enforcement upon starting their term of supervision, or after maxing out their sentence in prison. Registration length can vary from 10 years to a lifetime depending on the seriousness of the crime; and registrants are required to update the registry on a regular basis. Information in the registry generally includes the person's name, photo, conviction offense, last known address and place of work, which can be used by law enforcement to keep track of them. However, notification laws also require that every state make at least some of this information public. States first fulfilled this requirement by making a paper registry available to interested parties but have evolved to making the registry publicly available online. Depending on the state, notification requirements may also include active notification such as distributing flyers and holding community meetings when an individual convicted of a sex offense moves into the neighborhood.

Summary of Research

Numerous studies have examined both the effect of SORN laws on sexual recidivism rates for individuals on the registry and the deterrent effect of these laws on individuals not on the registry. **In general, research shows mixed evidence that registration and notification policies reduce rates of recidivism for those on the registry, deter first-time offending, or reduce rates of sex-related crimes.**

Registration and notification laws have separate purposes: registration laws were mainly used to assist law enforcement in tracking individuals convicted of sex offenses, while notification laws were meant to alert the public about individuals on the registry who are in their community. However, most studies examine their effect in unison, which makes it difficult to separate out the effects of each portion of the SORN policies. An exception to this, a high-quality, multi-state evaluation of SORN laws,¹ showed that the frequency of reported sexual offending was reduced by up to 13% after the passage of registration laws — possibly because the police were able to keep better track of individuals on the registry. The authors also found that the notification portion of the SORN laws reduced the incidence of first-time sexual offending through deterrence, but increased recidivism for those already on the registry - possibly due to the social and financial costs associated with the public release of their status. A smaller study by Loutrenau and colleagues² examined the effect of registration and notification on the incidence of violence against women in South Carolina and found that the implementation of these laws reduced first-time sex crime arrests by 11% between 1995-2005. However, the online notification policy, which was adopted a few years after the initial SORN policy went into effect, showed no additional deterrent effect on first-time sex crimes. The researchers also found a null effect for registration and notification laws in reducing sexual re-offending over the same time period, indicating that there was no impact on current registrants' behavior. These two studies **suggest that registration laws may have some benefit for reducing sex crimes in the community, but that the effects of public notification are mixed, in some cases showing a reduction in first-time offending, in some cases showing no effect, and in some cases showing an increase in recidivism.**

The original purpose of SORN laws is to reduce the re-offending rates of individuals on the registry, either through increased law enforcement surveillance or by making it harder for individuals on the registry to find victims. How-

ever, multiple studies show that the effects of SORN laws on recidivism vary by study and jurisdiction. Most studies show that the enactment of SORN laws either had no effect on re-arrest for those on the registry, or may have actually increased their recidivism rates.³ However, two high-quality studies show a small reduction in sexual re-offending for those on registry.⁴ At this point in time, **research shows that SORN laws have mixed effects on the recidivism rates of individuals on the registry.**

The secondary purpose of SORN laws is one of deterrence. Theoretically, SORN laws function to deter individuals not on the registry from committing sex crimes by increasing the sanction for sex offenses and stigmatizing registrants. This should be seen as a reduction in the rate of first-time sex offenses after passage of the laws. Two studies showed that SORN laws did not function as a deterrent for first time sexual offending after their passage in Minnesota and New York.⁵ However, another high-quality study analyzing multiple states found that the public notification portion of the law did deter individuals not on the registry from committing a first time sexual offense.⁶ **The evidence for the deterrent effects of SORN laws on first-time sexual offending is mixed.**

The widespread adoption of these laws allows researchers to examine the effect of these laws in multiple states. If the laws are working as intended, the rate of sex offenses should decrease the year after SORN laws are passed. Two large-scale, high-quality studies looked at whether the rates of reported rape in each state changed after the passage of SORN laws across the U.S. Vasquez and colleagues⁷ examined 37 states and determined that SORN laws show no uniform and observable influence on the number of rapes reported in the states analyzed. Three of the states showed significant reductions post-passage and one showed a steep increase, while the rest showed no statistically significant changes. Maurelli and Ronan⁸ examined 49 states and found reductions in 17 states and no significant changes in 32 states post-implementation.

Mixed result may be due to wide variations in how each state implements its SORN laws. For example, states differ in how they approach the public notification portion of the laws, as well as who they include in the registry and how long they keep them on.

In sum, the registration portion of the SORN laws shows some promise for reducing sex offense victimization. However, overall, SORN laws appear to have limited effects on preventing recidivism for individuals on the registry or on reducing the rate of sex crimes in general. Their deterrent or preventative effects on sex crime and recidivism varies across studies – with most studies showing either a null or a detrimental effect. This may be due to variations in the study methods but is also likely due to the wide variation in the registration and notification practices across states.

Research has also identified some of the collateral consequences individuals on the registry and their families experience as a result of these laws. Individuals on the registry often experience difficulty finding employment and housing, struggle with fulfilling parental duties, and forgo establishing relationships in the community due to stigmatization and fear of harassment.⁹ Their families often experience emotional and financial hardship as a result of their issues.¹⁰ Zevitz and Farkas¹¹ found that almost all registrants surveyed had experienced some form of harassment, loss of employment or housing, or other disruptive effects that may cut them off from prosocial communities and increase the likelihood of recidivism. There are also direct financial repercussions for states. The Justice Policy Institute estimates that it would cost states \$488 million to come into full compliance with SORNA in the first year, as well as millions to comply with the laws on a yearly basis.¹²

This brief was prepared with support from Arnold Ventures.



Endnotes

- 1 Prescott, J., & Rockoff, J. E. (2011). Do sex offender registration and notification laws affect criminal behavior? *Journal of Law & Economics*, 54(1), 161-206.
- 2 Letourneau, E., Levenson, J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2010). *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence Against Women*. National Institute of Justice. Washington, DC.
- 3 Sandler, J. C., Freeman, N. J., & Socia, K. M. (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, 284-302; Tewksbury, R., Jennings, W. G. (2010). Assessing the impact of sex offender registration and community notification on sex offending trajectories. *Criminal Justice and Behavior*, 37, 570-582; Zgoba, K., Veysey, B. M., & Dalessandro, M. (2010). An analysis of the effectiveness of community notification and registration: Do the best intentions predict the best practices? *Justice Quarterly*, 27, 667-691; Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. M. (2008, December). *Megan's Law: Assessing the practical and monetary efficacy* (Document No. 225370). Washington, DC: U.S. Department of Justice.
- 4 Duwe, G. & Donnay, W. (2008). The impact of Megan's Law on sex offender recidivism: The Minnesota experience. *Criminology*, 46(2), 411-446; Freeman, N. J. (2012). The public safety impact of community notification laws: Rearrest of convicted sex offenders. *Crime & Delinquency*, 58, 539-564.
- 5 Duwe & Donnay, 2008; Sandler, Freeman & Socia, 2008.
- 6 Prescott & Rockoff, 2011.
- 7 Vasquez, B. E., Maddan, S., & Walker, J. T. (2008). The influence of sex offender registration and notification laws in the United States. *Crime & Delinquency*, 54, 175-192.
- 8 Maurelli, K., & Ronan, G. (2013). A time-series analysis of the effectiveness of sex offender notification laws in the USA. *The Journal of Forensic Psychiatry & Psychology*, 24(1), 128-143.
- 9 Frenzel, E. D., Bowen, K. N., Spraitz, J. D., Bowers, J. H., & Phaneuf, S. (2014). Understanding collateral consequences of registry laws: An examination of the perceptions of sex offender registrants. *Justice Policy Journal*, 11(2), 1-22; Levenson, J. S., & Cotter, L. P. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21, 49-66; Tewksbury, R. (2005). Collateral consequences of sex offender registration. *Journal of Contemporary Criminal Justice*, 21, 67-81; Tewksbury, R., & Lees, M. (2006). Perceptions of sex offender registration: Collateral consequences and community experiences. *Sociological Spectrum*, 26(3), 309-334; Zevitz, R. G., & Farkas, M. A. (2000). Sex offender community notification: examining the importance of neighborhood meetings. *Behavioral Sciences and Law*, 18(2-3) 393-408.
- 10 Tewksbury, 2005.
- 11 Zevitz & Farkas, 2000.
- 12 Justice Policy Institute (2006). *What Will It Cost States to Comply with the Sex Offender and Registration Act?* (Brief). Washington, DC. Downloaded from http://www.justicepolicy.org/images/upload/08-08_FAC_SORNACosts_JJ.pdf.

The strength of the evidence reviewed in this brief is assessed according to our Evidence of Assessment Criteria and Hierarchy of Study Design, which are posted online: robinainstitute.umn.edu/research-brief.