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**Abstract** | Sexual offending has a significant impact on victims and can cause considerable angst within the community. The effective management of sex offenders in the community is of paramount importance.

This paper reviews the latest empirical evidence from Australia and overseas regarding the effectiveness of public and non-public sex offender registries. Results show that while public sex offender registries may have a small general deterrent effect on first time offenders, they do not reduce recidivism. Further, despite having strong public support, they appear to have little effect on levels of fear in the community.

While the evidence is limited to a small number of US studies, non-public sex offender registries do appear to reduce reoffending by assisting law enforcement.

The review concludes by highlighting important considerations to help inform future decisions about the feasibility of a public register in Australia.

## What impact do public sex offender registries have on community safety?

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Sexual offending is a serious and harmful crime, particularly when it affects children, and often sparks significant community interest in the response by law enforcement and government. The modus operandi of sex offenders can vary widely, and the causes of sexual offending are complex, which means combating sexual offending can present significant challenges. A variety of policies and programs have been trialled internationally with the goal of preventing sexual offending and deterring convicted sex offenders from reoffending once released back into the community. One of these policies has been the adoption of public sex offender registries.

In the United States, information on the name, appearance and location of high-risk sex offenders has been available to the public for 20 years. In 1994, the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act* was introduced, requiring convicted sex offenders released into the community to register with law enforcement. In 1996, Megan's Law was passed federally as a subsection of the Jacob Wetterling Act. Megan's Law requires law enforcement agencies to make information on registered sex offenders available to the public, which enables individuals to search for registered sex offenders living in their community.

Since 2000, when legislation was first introduced in New South Wales (NSW), Australia has operated under a different model. This has involved non-public registration, the primary purpose of which is to support monitoring of convicted sex offenders by law enforcement agencies. More recently, a restricted public sex offender registry was introduced in Western Australia (WA). However, recent calls for a national public sex offender register in Australia (ABC 2014; Skinner 2016) and for a state register in Victoria (Bell 2017) have brought the issue into public debate. Further, the Royal Commission into Institutional Responses to Child Sexual Abuse has brought into focus the lasting and tragic impact that child sexual assault can have on victims, and the importance of criminal justice responses to offending behaviour (Royal Commission into Institutional Responses to Child Sexual Abuse 2016).

The aim of this paper was to review the available empirical evidence to address three key research questions:

- To what extent do public and non-public sex offender registries reduce sexual offending and reoffending?
- To what extent do public sex offender registries influence perceptions of safety among the wider community?
- What additional issues need to be considered when discussing the feasibility of a national public sex offender registry?

## Background

There were 21,380 victims of sexual assault recorded by police in Australia in 2015, the highest recorded number in six years (ABS 2016). While there is significant media focus on sexual assault incidents committed by strangers, the vast majority of sexual assaults are perpetrated by someone known to the victim, and a large proportion by a family member. In 2015, around three-quarters of sexual assault victims knew their offender, while for around one-third of sexual assault victims the offender was a family member (ABS 2016).

Contrary to popular belief, recidivism rates among convicted sex offenders are generally low compared with those of other offenders, even accounting for the potential for under-reporting or low detection rates (Lievore 2004; Richards 2011). Lievore (2004) examined 17 studies on sexual offending conducted in five different countries, several of which produced recidivism rates lower than 10 percent. Conversely, relatively few produced recidivism rates higher than 20 percent (Lievore 2004). A meta-analysis of 82 studies by Hanson and Morton-Bourgon (2005) found that, overall, 14 percent of sex offenders had committed a further sexual offence, although certain offenders—such as those with antisocial orientation—are more likely to reoffend.

While the risk may be lower than for other crimes, the impact on victims may be much greater, with evidence showing that victims of child sexual abuse can experience serious mental health and adjustment problems, which have long-term effects well into adulthood (Cashmore & Shackel 2013). Further, when a sex offender does reoffend, it can create significant angst and concern within the community. For these reasons, the management of sex offenders in the community has received considerable attention.

## Registration in the United Kingdom

In 1997, the United Kingdom passed the *Sex Offenders Act*, whereby convicted sex offenders were required to keep police notified of their address (Beard & Lipscombe 2016). In 2003 the *Sexual Offences Act (UK)* repealed and replaced the earlier legislation, mandating a more stringent register, although still without provision for public disclosure (Beard & Lipscombe 2016). In 2008 limited disclosure was piloted in four UK police districts, with the scheme being rolled out nationally in 2010. The amendment enabled members of the public to request information from police regarding whether an individual had a record for child sexual abuse (Beard & Lipscombe 2016); this differs from the United States and South Korea, where information is made accessible to the community via the internet (Day, Carson, Boni & Hobbs 2014)

## Registration in Australia

The UK *Sex Offenders Act 1997* formed the basis for Australian registration legislation. New South Wales was the first to implement the *Child Protection (Offenders Registration) Act 2000*, mandating that child sex offenders report to police their whereabouts and personal information (AIFS 2013). The NSW Act served as a model for future legislation (Victorian Law Reform Commission 2014), with all other Australian jurisdictions following suit between 2004 and 2007 (AIFS 2013). Although the legislation differs between states and territories, sex offenders are generally required to report similar types of information to police. This includes addresses and other contact details, and information on motor vehicles, employment, club memberships and any children with whom the offender has contact (AIFS 2013). This information is not made available to the public. The aims of the various acts are also similar—most notably:

- to reduce the likelihood that sex offenders will reoffend; and
- to facilitate the investigation and prosecution of any future offences they may commit (AIFS 2013).

The legislation in each state and territory forms the basis of the Australian Child Protection Offender Reporting scheme. In support of this scheme, the Australian Criminal Intelligence Commission maintains the National Child Offender System, a web-based application that enables police to record, case manage and share information on registered child sex offenders between police agencies (ACIC 2016). Although each jurisdictional registration scheme is based on the same model, differences do exist between the schemes. While some models focus exclusively on sexual offenders against children, others also register those who sexually offend against adults. Differences also exist in the offences included as criteria for mandatory registration, as well as the reporting obligations for offenders (Victorian Law Reform Commission 2014).

Powell et al. (2014a) interviewed police staff responsible for managing non-public sex offender registries in three Australian jurisdictions, identifying two distinct models. The first is a compliance model, whereby police ensure offenders comply with management conditions via face-to-face interviews, which is reportedly the more common approach. The second is a more intensive and proactive model whereby police engage regularly with offenders via face-to-face interviews and monitor their behaviour through observation, including home visits and covert surveillance. This involves an individualised case management plan designed to reduce the risk of reoffending, and requires significantly more policing resources and expertise.

There have been some recent developments towards making registries more accessible to the public. In 2012, a restricted access public sex offender registry was established in Western Australia, in which local residents are required to enter their name and drivers licence to request information on missing registered sex offenders and sex offenders living in their area. Parents may submit a request as to whether an individual who has contact with their child is a registered offender (Taylor 2017). In the Northern Territory, a bill was proposed that would introduce a public sex offender registry similar to those in the United States, in which the names, whereabouts, physical descriptions and photographs of convicted serious sex offenders would be made available to any member of the public (not just local residents who submit a request) via a website. The bill was to be named 'Daniel's Law', in memory of 13-year-old Daniel Morcombe, who was sexually assaulted and murdered by a sex offender released on parole (Elferink 2014). However, following concerns raised by stakeholder groups the legislation was deferred in 2015 (Elferink 2015).

### Public registration in the United States

In the early 1990s non-public registration of sex offenders was introduced in the US, a model that had not been in place since the 1930s, when criminals involved in gangs were required to register (Logan 2011). Then in 1994, seven-year-old Megan Kanka was sexually assaulted and murdered by her neighbour, a convicted sex offender who had been released into the community. This incident sparked considerable outcry among the American public, which resulted in the introduction of Megan's Law. Megan's Law required all US states to notify the public of details relating to registered sex offenders in the community, hereafter referred to as sex offender registration and community notification (SORN).

The considerable speed at which community notification was implemented across the United States has been noted (Logan 2011; Pawson 2002; Pawson 2006). By 2011, approximately 700,000 sex offenders were subject to SORN across the United States (Logan 2011). Later, the US Congress passed the *Adam Walsh Child Protection and Safety Act 2006*, which categorised sex offenders into three tiers, according to the type of sexual offence they had committed. Under this Act, sexual offences involving both adult and child victims can result in public registration and each tier has different requirements. Tier 3 offenders are registered for life (with 3-monthly reporting), Tier 2 offenders are registered for 25 years (with 6-monthly reporting) and Tier 1 offenders are registered for 15 years (with annual reporting) (*Adam Walsh Child Protection and Safety Act 2006*).

Although the overall goals of US SORN policies—to deter sex offenders from reoffending, enhance law enforcement investigations and increase public safety (CSOM 2001)—are similar to those of non-public registration in Australia (Vess et al. 2011), the two approaches have different underlying theoretical bases. In undertaking a theory-driven review of US SORN policies to better understand how it was supposed to work, Pawson (2002) concluded that some of the key theories behind SORN policies centred on deterrence and opportunity reduction. Notifying people of the location of known sex offenders in their neighbourhood is expected to encourage community members to take precautionary measures, thereby reducing opportunities for offending. Similar to non-public registries, police are able to more closely monitor convicted sex offenders, meaning the real and perceived risk of arrest is likely to be higher, which in turn is expected to deter reoffending.

Further, community members are empowered to provide additional surveillance of sex offenders to

monitor suspicious behaviour and report it to police, which is also expected to aid deterrence. Finally, public shaming is expected to deter sex offenders from reoffending, while the perceived risk of public shaming may also deter first time offenders (Pawson 2002). Whether SORN actually works in these ways has been the subject of extensive empirical study.

## Review of empirical studies

### Effectiveness of non-public registration

The effectiveness of non-public sex offender registration has received considerably less attention, largely because of the difficulties of separating the effects of non-public registration and community notification among the US studies (Vess et al. 2014). Prescott and Rockoff (2011) were the first to adopt statistical models that distinguished the effects of the two components in their study of 15 US states. They found non-public registration of convicted sex offenders significantly decreased the overall number of sex offences. The reductions were primarily observed for sexual offences against victims who were known to the offender—namely friends, acquaintances and neighbours—rather than among strangers (Prescott & Rockoff 2011).

In a later study, Agan and Prescott (2014) conducted a geographical analysis using addresses of registered sex offenders in Baltimore County to determine whether the concentration of non-publicly registered sex offenders in an area was associated with the frequency of sexual offending. They found that, for some types of sexual offences against adults, non-public registration of sex offenders was associated with a decreased risk of sex offence victimisation. This relationship was not apparent for forcible rape or child sexual offences (Agan & Prescott 2014). The authors noted moderate limitations to their study, including ‘spillovers’ of sex offenders into other areas and alternative definitions of neighbourhoods (Agan & Prescott 2014). However, the study was unique in its specific targeting of non-public registration in the United States, and together with the earlier study provides some evidence of the benefits to law enforcement of having information about known sex offenders.

It is more difficult to determine the impact of non-public sex offender registration in Australia without any extensive reviews or evaluations having been conducted. Day, Carson, Newton and Hobbs (2014) conducted interviews with professionals who work with sex offenders in the community in Western Australia. They found there was broad support for non-public registration schemes; however, participants largely felt Western Australia’s current non-public registration model was over-inclusive and placed ‘unfair restrictions on some offenders’ (Day, Carson, Newton & Hobbs 2014: 183). Their findings supported the adoption of a tiered, risk-based model in which scope, registration periods and monitoring requirements are dependent on each individual offender’s level of risk to the community (Day, Carson, Newton & Hobbs 2014). Nevertheless, there have been calls for more research into the effectiveness of non-public registries to be conducted (Victorian Law Reform Commission 2014).

## Effectiveness of public sex offender registries

In the United States, where SORN has been operating under Megan's Law for 20 years, a number of studies have investigated the impact of the legislation on rates of sexual offending. Generally speaking, these studies have focused on two specific outcomes:

- specific deterrence (effect on recidivism among convicted sex offenders); and
- general deterrence (effect on general rates of sexual offending in the community).

In 2002, Pawson conducted a systematic review of studies measuring the effectiveness of Megan's Law. Pawson found that, prior to 2002, only one reliable outcome study existed that tested the effects of Megan's Law (Schram & Milloy 1995). This compared recidivism rates between two matched groups of sex offenders convicted pre-Megan's Law and post-Megan's Law, finding no significant difference in sex offence recidivism in the 4.5 year follow-up period (22% pre-Megan's Law vs 19% post-Megan's Law; Schram & Milloy 1995).

Seven years after Pawson's study, Drake and Aos (2009) conducted a systematic review of all published studies measuring the effect of Megan's Law on sexual offending and recidivism. They used a meta-analytic approach to measure effect sizes and compare the outcomes across studies. They included studies that used a non-treatment or treatment-as-usual comparison group that was well matched to the treatment group. The authors identified nine studies that were of sufficient methodological rigour for inclusion. Seven studies did not show any effect on sexual recidivism among convicted sex offenders as a result of SORN (ie no specific deterrent effect). The two remaining studies indicated a reduction in sex offences occurring in the general community among non-convicted sex offenders (ie a small general deterrent effect). While drawing these tentative conclusions, the authors suggested regarding the findings with caution due to the small number of studies (Drake & Aos 2009).

Since Drake and Aos' systematic review, several studies have subsequently concluded that SORN did not reduce sex offence recidivism (Letourneau et al. 2009; Letourneau et al. 2010; Prescott & Rockoff 2011; Tewksbury, Jennings & Zgoba 2012; Zgoba, Veysey & Dalessandro 2010) or prevent sexual offending in the general community (Ragusa-Salerno & Zgoba 2012). Further, one study found no difference in sex offence recidivism between offenders who registered and those who did not (Levenson et al. 2010).

Conversely, Letourneau et al. (2010) analysed crime trends and the timing of legislation in South Carolina, finding SORN reduced first time sexual offences (general deterrence) by 11 percent from 1995 to 2005. Similarly, a well-cited study by Prescott and Rockoff (2011) found that community notification of sex offenders (as distinct from registration) was associated with a reduction in the frequency of sexual offences (general deterrence), but not a reduction in sex offence recidivism among registered sex offenders (specific deterrence). In fact, they found that an increase in the number of sex offenders subjected to community notification was associated with an increase in sex offence recidivism (Prescott & Rockoff 2011). These findings were replicated in Agan and Prescott's (2014) study of geographic variation, in which community notification was associated with an increased risk of victimisation in some neighbourhoods with a higher concentration of registered sex offenders.



### *Explaining these findings*

Overall, the findings from a review of studies into the effectiveness of SORN suggest mixed results. Several explanations for these findings have been offered.

In Schram and Milloy's (1995) study, the post-Megan's Law group of sex offenders (those subjected to SORN) reoffended at a significantly faster rate than the pre-Megan's Law group. Similarly, Letourneau et al. (2009) found that SORN increased the risk of sex offence recidivism among juveniles. Both Pawson (2002) and Letourneau et al. (2009) suggest these findings indicate a surveillance or detection effect, whereby police monitor sex offenders on a register more closely and, as a result, detect a higher number of offences or detect offences more quickly among monitored offenders than their non-monitored counterparts.

Prescott and Rockoff (2011) offered an alternative explanation, instead suggesting that convicted sex offenders are more likely to reoffend when their personal and offending information is made public due to the 'associated psychological, social, or financial costs' (Prescott & Rockoff 2011: 164). For example, research has found that being placed on a public sex offender registry can result in exclusion from a neighbourhood or residence, job loss, anxiety and other psychological problems (Lasher & McGrath 2012; Levenson & Cotter 2005), all of which are counterproductive in terms of reducing reoffending.

Public registries may also impact different types of offenders differently. Megan's Law was largely geared towards preventing sexual assaults committed by strangers. SORN assumes that members of the public can better protect themselves and their children when they become aware of a convicted sex offender in their neighbourhood. However, research shows that the majority of child sexual offences are committed by individuals known to the victim. Bureau of Justice Statistics figures from 12 US states showed that, among those who sexually assaulted a child (aged 0–17), 34 percent were a family member of the victim, 59 percent an acquaintance of the victim, and the remaining eight percent were not known to the victim (Snyder 2000). These findings are supported by more recent research (Ragusa-Salerno & Zgoba 2012). Thus, for the majority of incidents it is likely that any previous sexual offending history is already known to family members. Further, offenders who target family members are the least likely to reoffend (Hanson & Morton-Bourgon 2005). Community notification therefore offers fewer benefits in these cases.

Importantly, similar patterns of offending have been observed in Australia, where 83 percent of child victims of sexual assault aged 0–14 years are assaulted by someone they know (ABS 2016). Only 10 percent of child victims are assaulted by someone unknown (in the remaining 7% of cases the relationship was unknown; ABS 2016).

US SORN policies are also based on the assumption that sex offenders are likely to reoffend once released into the community. However, a study by Sandler, Freeman and Socia (2008) found that 95 percent of sexual offences occurring in New York were committed by those without prior sexual assault convictions. Overall, around one in seven sex offenders will go on to reoffend, and this varies by offender type (Hanson & Morton-Bourgon 2005). Some commentators have therefore argued that sex offender management in the United States would be improved by using risk assessment strategies to identify those at highest risk of recidivism and by reserving more intensive restrictions and interventions for these offenders (Levenson & D'Amora 2007).

Finally, as Prescott and Rockoff (2011) argue, the majority of studies conducted thus far do not separate the effects of non-public registration from the effects of community notification. In practice, these two components of Megan's Law activate different mechanisms, and may work in conflict with one another. At best, the apparent negative consequences of community notification may cancel out the specific deterrent effect of sex offender registration. At worst, these consequences may lead to higher rates of sexual recidivism in some neighbourhoods.

### *Australian perspectives*

The recent introduction of a semi-public sex offender register in Western Australia has been the subject of some qualitative research exploring the perceived benefits of the registry among police and other professionals. Whitting, Day and Powell (2016) conducted interviews with specialist police officers responsible for the registration and monitoring of sex offenders in the community, and for managing the WA community notification scheme. They found police participants were sceptical as to whether the public registry would increase community safety, with some feeling the scheme could deter some offenders from reoffending, while potentially increasing the risk of reoffending for others (Whitting, Day & Powell 2016). There were mixed views overall—some police officers felt the scheme may increase perceptions of safety within the community, while others felt it could create a 'false sense of security' by focusing the community's attention towards individuals on the registry and away from non-convicted individuals who pose a potential threat (Whitting, Day & Powell 2016).

Similar concerns were raised in an earlier study involving police working in three jurisdictions. Specifically, police officers felt that registered sex offenders being publicly named and shamed and, as a result, denied social support would increase their risk of reoffending (Powell et al. 2014a). Similarly, in another study involving interviews with staff working with sex offenders in the community, participants generally viewed the planned WA public sex offender registry as 'counter-rehabilitative' (Day, Carson, Newton & Hobbs 2014: 182).

### **Impact on perceptions of safety**

While reducing reoffending among sex offenders is often cited publicly as a key outcome, a vital part of the impact of sex offender registries is on perceptions of safety in the community. While a number of media opinion polls and petitions have gauged support for a public sexual offender registry in Australia (eg Daniel Morcombe Foundation 2016; Hinch 2013), almost no empirical studies have been conducted. Taylor (2017) conducted a web-based survey of 162 users of Western Australia's online public sexual offender registry. Around two-thirds of respondents were supportive of an Australia-wide online public registry (67%) and believed that the public had a right to know if convicted child sexual offenders were living in the area (65%), while half believed that the community had a right to know the identity of all convicted child sexual offenders (56%). However, less than one in five respondents believed that this online public registry would prevent child sexual abuse (14%). Around one-quarter believed it would help police detect more sex offenders or offending (23%), and one-third felt that it would protect children from registered sex offenders (32%). Importantly, less than one-quarter reported that the registry made them feel safer (23%). This disparity between levels of support and feelings of safety could be due to a perceived lack of disclosure—only 19 percent of respondents felt that they had enough information about offenders, while another 51 percent were undecided.



In the United States, where public notification schemes (including online public sexual offender registries) typically disclose more detailed information on offenders, levels of support, and perceptions of safety and effectiveness, are somewhat higher. Rates of support among the US public typically exceed 75 percent (Brannon et al. 2007; Harris & Socia 2016; Koon-Magnin 2015; Lieb & Nunlist 2008; Schiavone & Jeglic 2009), while between 60 and 90 percent of those surveyed indicated they thought that some form of public notification scheme reduces sexual offending or recidivism and that it increases their feelings of safety (Brannon et al. 2007; Lieb & Nunlist 2008; Koon-Magnin 2015; but see Schiavone & Jeglic 2009).

However, a number of studies have found that, upon notification of a sexual offender residing nearby, community members on average indicate either no change in levels of fear (Harris & Cudmore 2016; Zevitz & Farkas 2000) or a moderate increase in fear (Koon-Magnin 2015; Levenson et al. 2007). Similarly, studies comparing groups of notified and non-notified community members have also found no differences in levels of fear (Beck et al. 2004; Beck & Travis 2004). Interestingly, some studies in which respondents were asked to gauge their feelings of *safety* upon notification of a nearby sexual offender, as opposed to fear or concern, have found that community members feel safer upon notification (Anderson & Sample 2008; Boyle et al. 2014; but see Harris & Cudmore 2016; Taylor 2017). This inconsistency may in part reflect differences in question wording across studies. Additionally, measures of fear and safety could be tapping into two different constructs, with increases in the former reflecting a heightened awareness of the danger of sexual victimisation, and increases in the latter reflecting an increased confidence in one's ability to monitor and respond to this danger. If this is the case, then a simultaneous increase in both upon notification of a sexual offender residing nearby is entirely plausible.

## Other issues associated with public sex offender registries

There are a number of other issues associated with the adoption of public sex offender registries, which are explored briefly below.

### Adolescents and young people

One issue that would need to be resolved in developing a national public sex offender register in Australia is the response to adolescents and young people. For example, juveniles and young adults in the US have been convicted of child pornography offences and placed on public sex offender registries due to 'sexting', the taking and sending of nude photographs of themselves or others to their peers (Harripersad 2014). In response, some US states have attempted to address these legal complications by introducing (or attempting to introduce) legislation that reduces the penalty for juveniles convicted of child pornography offences or ensures they are not placed on sex offender registries (Harripersad 2014).

Similar legal problems with young people and ‘sexting’ have been highlighted in Australia (Brady 2011; Crofts & Lee 2013; Lee et al. 2015). In a survey of 2,000 young Australians, almost half reported they had sent a sexually explicit photo of themselves to another individual, with two-thirds reporting they had received one (Lee et al. 2015). Young people who send sexually explicit photos to one another are at risk of child pornography charges and being added to a sex offender registry (Lee et al. 2015). This is despite the fact that many (but not all) young people who engage in this activity may be above the age of consensual sex, according to current legislation. Similar legal implications apply to young people convicted of sexual offences for engaging in consenting sexual relationships with individuals in mid-adolescence, under the age of 16 years.

Being placed on a public sex offender registry can have a number of negative implications for a young person, particularly regarding future study and employment opportunities, and the permanent social stigma attached to being a registered sex offender (Richards & Calvert 2009). There have been calls in Australia to develop a way to protect juveniles and young people caught sexting from being placed on a sex offender registry, and some jurisdictions have responded to the issue. In Victoria, for example, the inclusion of juveniles is a discretionary decision—juveniles convicted of a sexual offence, including child pornography, are not automatically included on a sex offender registry but may be included by court order (Victorian Law Reform Commission 2014). New legislative changes in Victoria will also allow 18 and 19 year olds on the sex offender register to apply to the courts to have their name removed if they were in a consenting relationship with someone under the age of 16 (Preiss 2017). However, a nationally consistent approach has not yet been established and the protection of juveniles and young people from being unnecessarily stigmatised would be an important consideration in the implementation of a national public sex offender registry.

### Community and housing impact

One commonly overlooked implication of public sex offender registries is their potential impact on property values. When choosing where to live, homebuyers typically pay close attention to the risk of crime in a given area, as evidenced by the negative relationship between property sale prices and neighbourhood crime/perceptions of crime (Gibbons & Machin 2008). While few studies have examined this in relation to publicly registered sexual offenders, those that have report a two to eight percent decrease in the sale prices of residential properties near a registered sexual offender’s residence (Linden & Rockoff 2008; Pope 2008; Wentland, Waller & Brastow 2014; Yeh 2015), along with an 84 percent increase in the time residential properties spend on the market (Wentland, Waller & Brastow 2014). This is broadly consistent across properties of different type and value, and across different neighbourhoods, although the effect tends to be highly localised (ie limited to properties within 200 or 500 metres of a registered sexual offender’s residence) and time-dependent (ie limited to registered sexual offenders who have lived in an area for longer than six months). Examining the latter finding in further detail, Yeh (2015) found that the negative impact of a registered sexual offender on nearby residential property sale prices initially appeared after they had lived in the area for just under six months, with the downward price trend increasing in magnitude until they had lived there for just over two years. It has also been found that property sale prices return to original levels soon after registered sexual offenders leave an area, providing further evidence of a causal relationship (Pope 2008; Wentland, Waller & Brastow 2014; Yeh 2015).

## Implications for law enforcement

Prior research has found that public sex offender registries can place additional burden on the law enforcement agencies responsible for their operation (Whitting, Day & Powell 2014). Zevitz & Farkas (2000) undertook a survey of 188 police and sheriff agencies and an observation of law enforcement agencies in Wisconsin. Over two-thirds of the sample felt labour expenditure had become an issue of concern since community notification was introduced; 58 percent said it had increased their workload and more than one-quarter felt it placed a strain on agency resources (Zevitz & Farkas 2000).

Police officers across Australia have noted the complexity of maintaining the non-public registries in their state/territory jurisdictions, which require extensive knowledge of sexual offending and risk assessment, along with time to dedicate to checking and maintaining them (Powell et al. 2014a). Critically, many expressed support for the establishment of specialised teams with advanced training in order to more effectively manage and exploit these registries. Expansion to a public registry would have additional resource implications.

This additional cost associated with public sex offender registries is a second key impact noted in prior research. In their evaluation of New Jersey's public registry (which includes community notification schemes such as pamphlet drops in addition to an internet registry), Zgoba et al. (2008) found that, between its establishment in 1995 and 2007, running costs increased from slightly over US\$500,000 to US\$3.3 million.

Lastly, it has been argued that the increased agency focus towards registered sex offenders, many of whom may pose a low risk to the community, could result in decreased allocation of resources towards other crime and undetected sex offenders who pose a high risk to the community (Sandler, Freeman & Socia 2008; Vess et al. 2014; Whitting, Day & Powell 2014). There would therefore need to be a balance found between these competing priorities.

## Vigilantism

Critics of public sex offender registries often highlight the potential for widespread public vigilantism, and concerns for the physical safety of registered sexual offenders. This is a plausible argument given the extremely negative public attitude towards sexual offenders in Australia. In the United States, Lasher & McGrath's (2012) review of multiple studies found that, on average, 44 percent of registered sexual offenders reported experiencing threats or harassment by neighbours, while around 20 percent experienced threats or harassment in general. Importantly, 16 percent of offenders reported that their family members or other cohabitants had been harassed, attacked or had property damaged as a result of their registration. Physical vigilantism (ie physical attack) targeting registered sexual offenders was less common, with (on average) eight percent experiencing physical attacks and 14 percent reporting some form of property damage. Policymakers and law enforcement should therefore be aware of the potential for a variety of forms of vigilantism to occur with a public sexual offender registry, along with the potential for vigilante activity targeting those related or otherwise close to registered sexual offenders.

Notably, a number of unofficial, community-run registries that attempt to compensate for the absence of a public registry in Australia have been established to keep members of the public informed of sexual offenders. These registries, while unreliable, essentially constitute online forms of vigilantism that have arguably resulted from the lack of a public sexual offender registry in Australia.

## Public awareness and use of registries

The effectiveness of an online public sex offender registry in preventing sexual offending is arguably reliant on the public's awareness and use of the information. The findings of US research in relation to public awareness vary widely, with 50 to 90 percent of samples indicating some knowledge of the existence of a public registry (Anderson & Sample 2008; Boyle et al. 2014; Schiavone & Jeglic 2009). However, among those who are aware of public registries, fewer than half ever access them, although those people at higher risk of sexual victimisation (ie females and those with children) are more likely to do so (Anderson & Sample 2008; Boyle et al. 2014; Harris & Cudmore 2016; Mancini 2014). Those who have accessed public registries, regardless of whether they find a sexual offender residing nearby, more often report being generally safety conscious in relation to sexual victimisation and aware of their surroundings, while around 30 to 60 percent implement prevention strategies to protect themselves and/or others from sexual offending (Anderson & Sample 2008; Harris & Cudmore 2016; Lieb & Nunlist 2008).

Becoming aware of a sexual offender residing nearby is also associated with an increase in the use of prevention strategies to protect oneself and/or others (Beck et al. 2004a; 2004b; 2006). Again, those people at higher risk of victimisation are more likely to adopt/use these strategies upon notification (Anderson & Sample 2008; Beck et al. 2004; Lieb & Nunlist 2008). Prevention strategies most often adopted by respondents include increased monitoring and education of children, and sharing the information they have on nearby sexual offenders with others, while changes to daily routines (eg avoiding certain areas, not going out alone at certain times) and improvements to home security are less common. Public sex offender registries appear to be somewhat effective at encouraging those who view them to be safety conscious and adopt simple prevention measures, although this does not apply to the relatively large number of people (in the United States at least) who are unaware of or do not use them. Increasing public awareness of public sex offender registries, and encouraging their use, is therefore important—but must be balanced against the risk of increasing levels of fear among users.

## Conclusion

This paper has summarised the evidence relating to the effectiveness of public and non-public sex offender registries in increasing public safety and reducing sex offending, and described several important issues to consider when discussing the feasibility of a national public sex offender registry in Australia. In doing so, this paper aims to help inform discussion surrounding the role of public sex offender registries in Australia, and also guide future empirical studies into both the prevention of and risk factors for sexual reoffending.

Research findings on the effectiveness of public sex offender registries are mixed. There is little evidence that the US SORN policies have reduced reoffending among registered sex offenders; in fact, some studies have shown that SORN increased sex offence recidivism. Conversely, there is some evidence that SORN has a general deterrent effect on first time or non-convicted sex offenders in the community, likely due to the perceived risk of being placed on a public register. The WA semi-public sex offender registry's impact on recidivism has yet to be measured. However, interviews with key stakeholders, including police and practitioners, have raised concerns that public registration is counter-rehabilitative and could increase the risk of reoffending.

Non-public sex offender registration and its impact on reoffending have received relatively little attention, largely because of the speed at which SORN policies were rolled out across the US. Where studies have been conducted, they provide some evidence that sex offender registration may reduce reoffending through specific deterrence. The most likely explanation for this is that information on local sex offenders aids law enforcement and increases the risk, both real and perceived, of apprehension.

The findings in terms of community safety are mixed. There are high levels of support for public sex offender registries within the broader community. While there is no evidence that they have any impact on the level of fear of becoming a victim, there is some evidence that they make people feel safer. This seemingly contradictory finding is likely the result of people feeling empowered and able to make informed decisions, based on the information they can access.

This paper has highlighted a number of significant issues that need to be considered when discussing the feasibility of a national public sex offender registry in Australia, including the impact on law enforcement resources, property markets and adolescents and young people caught 'sexting', the potential for vigilantism and the under-use of registries. What this highlights is the need to be clear about the goals of any future national public registry, should one be developed. It is important to take into account both the benefits and drawbacks of such a scheme, informed by empirical research.

In the event that a decision is made to develop a national public sex offender registry, it would be paramount to consider a model whereby police have discretionary power to decide which individuals are placed on the registry, as suggested by Whitting, Day and Powell (2016) in relation to the WA scheme. Under this model individuals who are particularly compliant, cooperative with rehabilitation and considered to have a low risk of reoffending could be exempt from being placed on a public registry. Adopting these suggestions would likely increase the feasibility of a national public sex offender registration scheme and ensure it only targets sex offenders who pose a risk to the community.

This paper has identified several gaps in the literature on sex offender registration, with regard to both US SORN policies and non-public registration in Australia. Among the evaluation studies into US SORN policies, very few separate the effects of non-public registration from community notification, with the majority of research to date measuring the melded effects of both initiatives. Of benefit would be more research focused specifically on the effects of community notification (public sex offender registries) on sex offence recidivism while controlling for the effects of non-public registration and monitoring.

Even less evidence exists that focuses specifically on the effects of non-public registration on sex offence recidivism, with no studies having evaluated Australia's current model in terms of its impact on reoffending. It is apparent the non-public nature of registration will remain a feature of the Australian legal system, at least for the time being, which brings with it a responsibility for best practice. Australia may provide an ideal context for a recidivism study focused on non-public registration and monitoring of sex offenders, given data from most jurisdictions has not been compromised by additional effects from community notification. In any case, it is imperative that any future policies be supported by an impact evaluation, something that has long been advocated in this area.

In the interim, given the limited evidence of the effectiveness of current registration models, researchers have suggested developing multi-agency risk-management initiatives that are tailored to individual offenders and their varying levels of reoffending risk and susceptibility to rehabilitation (Day, Carson, Newton & Hobbs 2014).

The high rate of under-reporting and attrition of sexual offences in the justice system makes responding to sexual offending particularly complex. Australian figures suggest that less than one-third of sexual assault victims report to police (ABS 2017) and that only one in 10 sexual assaults reported to police results in a conviction (BOCSAR 2015; Fitzgerald 2006). Preventing and responding to the vast majority of sexual offences occurring in the community therefore also requires intervention from outside the criminal justice system, and may not be influenced by the public registration of convicted sex offenders.

Ultimately, sex offender registration—be it public or non-public—represents one part of an overall response to sex offending. It needs to be considered alongside other methods for reducing sexual recidivism. That way, the right mix of responses can be implemented, taking into consideration the evidence of effectiveness and strengths and weaknesses of different approaches. For example, there is evidence that sex offender treatment, both in community and prison settings, is cost effective in reducing reoffending (Lösel & Schmucker 2005; WSIPP 2016), including in an Australian context (Woodrow & Bright 2011). Similarly, there is evidence in support of electronic monitoring of sex offenders (Padgett, Bales & Blomberg 2006), while high quality community-based supervision and parole supervision have also been shown to reduce reoffending among high-risk offenders (Drake 2011; Wan et al. 2014).

Preventing sexual offending and reoffending is complex. Sexual offending causes heightened community concern and has serious and detrimental effects on victims. However, sexual reoffending is relatively rare, and variation in sex offenders and the nature of sexual offending is not well understood. One of the key lessons learned from the US experience is that policies introduced rapidly in response to single, widely publicised incidents are generally not successful in achieving their aims. Policy responses to sexual offending need to be carefully considered and must be based on strong theoretical foundations, supported by evidence.



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