“Sex offender registries don’t make us any safer; abolishing them would”

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By Emily Horowitz . . . Watching the Senate hearings for Supreme Court nominee Ketanji Brown Jackson, I was struck by how Republican senators pounced on the judge’s thoughtful, considered, and mainstream sex offense sentencing. My research examines why our sex offense policies are based on fear-driven myths and how excessive criminal-legal responses do not genuinely and effectively address sexual violence — and do create new harm. And at the time, based on this knowledge, I wrote about the spectacle, where politicians like Josh Hawley accused Jackson of “endangering our children” and not “protecting the most vulnerable,” while those voting in her favor were branded “pro-pedophile” by the likes of Margorie Taylor Greene.

The message was clear: Supporting sex offense policy as it exists on the books is the same as supporting sexual violence, not caring for children, and, as in Salem, the equivalent of

being someone who sexually offends.

Since 1994, ostensibly in the name of public safety, legislators passed sweeping federal, state, and local laws imposing onerous requirements and restrictions on people who have completed sentences for sex-offense convictions. On pain of further punishment and incarceration, these provisions require their names' inscription on registries easily consultable by the public, notification of their moving into a new community, and restrictions on residency, travel, work, and presence. In practice, these burdens fail to reduce recidivism while subjecting those on them to never-ending state surveillance; even after sentence completion, not adhering to the myriad of complex and ever-changing rules, such as failure to update personal information to law enforcement, can result in reincarceration. An example: A 62-year-old, last convicted of a sex offense in 1989, and off probation since the mid-1990s with no sexual re-offense, received two years in prison for failing to update his registration in 2020.

For almost three decades, the Sex-Offender Registration and Notification Act, also known as SORNA, has subjected millions with sex-offense convictions to a period or even a lifetime of being openly named, shamed, and essentially banished from society.

As I argue here, and in greater detail in my forthcoming book, ***From Rage to Reason: Why We Need Sex Crime Laws Based on Facts, Not Fear***, the experiences of those convicted of sex offenses starkly reveal what happens when our society gets drunk on punishment. In my work, I focus exclusively on the post-sentence, public, and specialized punishments to which those convicted of sex offenses are subject. I do not question the need for them to be held accountable or to be prosecuted in the criminal legal system. Those decisions have their place, but they are not the focus of my work. What I address, instead, is the enhanced and extraordinary civil and criminal

punishments for this group of people beyond the already extensive range of collateral consequences faced by others with criminal histories.

Public and political support for registries remains high. There is little evidence that attitudes have been impacted by a growing body of research showing that public registration, community notification, and residency restrictions do not decrease the incidence of sexual offense. Rates of sexual re-offense have been low both before and after registries, and sex offenses have lower recidivism than almost all other crimes. Further, decades of data consistently show that the majority of sex offenses involve non-strangers and those without prior sex-offense convictions. In other words, there's scant proof that sex offender registries make us any safer.

Read the rest of Emily's piece here at Inquest***.***