

Do Megan's Laws reduce sex crimes?

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## I. Introduction

Each year, somewhere between 3,000 and 5,000 children are abducted by a non-family member. Most of these cases are short-term sexually motivated cases (Allen 2002). One particular case that spurred the creation of new legislation was that of New Jersey resident Megan Kanka. In 1995 a convicted child molester was arrested for the murder and rape of 7 year-old Megan in the New Jersey suburb where she lived. The offender actually lived right across the street from the Kanka residence (Shaw 1998).

The police department in Megan's township was prohibited from disclosing the presence of this child molester because, at the time, the law did not allow the release of sex offender information to the public. After Megan's rape and murder, the law was changed to permit the release of this information to the public. Despite the violent crime rate that fell through most of the 1990s, there has been in recent years rising public support for punishment of criminals. A popular response requires notification of all community members when a sex offender becomes a community resident (Shaw 1998). Because of the publicity associated with the Megan Kanka case, these laws are known collectively as Megan's Laws.

The original Megan's Law, passed by the New Jersey Legislature is formally known as the Violent Crime Control Act of 1994 (Shaw 1998). On May 8, 1996, after it was approved by every state, President Clinton signed the federal version of the law. This law is formally known as the Violent Crime Control and Law Enforcement, Crimes Against Children, 1996. Megan's Law requires the

nations 386,000 convicted sex offenders to register their whereabouts with police. The police may then inform the public (Economist 2002).

This law was implemented to aid potential victims in protecting themselves and allow parents to protect their children. Despite the seemingly invasive nature of Megan's Law to the offender, it is not intended to punish the offender and specifically prohibits using the information to harass or commit any crime against the offender. It, however, recognizes that public safety is best served when registered sex offenders are not concealing their location to avoid harassment (Farmer 2000).

Megan's Law is actually a series of notification and withholding-of-notification regulations. When a *low-risk* offender moves into a community, only the police can be notified, and they cannot pass the information along to residents. For a *moderate risk* offender, certain school officials and organization leaders (i.e. the head of the local YMCA, Scout leaders) will be notified. Again, the local residents do not have access to the information. When it is a *high-risk* offender, the entire neighborhood is notified (Donnelly 1993).

This paper considers whether or not community notification statutes, such as Megan's Law, actually reduce the rape rate. In addition, it tests whether the posting of names of sex offenders on internet web sites has an impact on the rate rate. Such a reduction may be the result of the additional punishment implied by the posting or the improved flow of information that allows children and other potential targets to avoid sexual predators. According to many experts, these laws are basically useless in reducing the rape rate and the recidivism rates of convicted sex offenders. Some argue that these laws may actually add to the

problem of sex abuse and sex crimes. The data analyzed here show no evidence that Megan's Laws reduce the incidence of rape. In addition, there is no evidence that internet web sites that post information on convicted sex offenders have any impact on the incidence of rape.

## II. Background

Today every state has a registration law, and nearly 20 have notification of citizens. Some are listed under the name Megan's Law, while others have attached the name of local child victim (Simon 2000). For example, in California, you have to go to a police station to find the list of sex offenders. In contrast, a majority of other states have put the list on the Internet, often with accompanying pictures and street maps (Economist 2002).

Courts arbitrating community notification cases are working to define the particular mechanics of a state-civil society partnership. They are therefore attempting to operationalize the preventive state without making the state unnecessary or obsolete and without opening the state to new forms of legal and political accountability (Smith 2002). The dilemma lies in how to notify the public.

Current attention is focused on 5 products of this new punitive climate: the *3-strikes-and-you're-out laws*, *truth-in-sentencing reforms*, *Megan's Law disclosures*, *"10-20-life"* mandatory minimum sentences for gun crimes, and *chemical castration* schemes (Smith 2002). The question remains, are these new punitive measures succeeding in preventing crime? States are investing substantial effort addressing how to notify the public when they could be

spending time and money treating offenders or victims (Lotke 1997).

A recent essay and review explores the pros and cons of this legislation. In support of the act is the supposedly high recidivism rate among sex offenders, the inadequacy of supervision provisions, and the resulting need to "track" the dangerous offender for public protection. In practice, however, there is an overabundance of obstacles, such as cost and inadequate policing resources, which may impede the law's effectiveness in aiding law enforcement and reduce it to symbolic significance only. In addition, there is an array of ethical objections to the legislation, such as the fact that it breaches civil liberties and constitutes "double jeopardy," which may prevent meaningful responsibility (Planty 1997).

One study assesses the potential of Megan's Laws to prevent recidivist sex offenses. The laws' major vehicle for prevention is community notification of the local presence of a released sex offender. Data was coded from the criminal history records of 136 "sexual psychopaths" who were confined in a specialized prison facility for sex offenders. Twenty-seven percent of the sample had a prior conviction that met the requirements of the 1996 New Jersey Registry Law before their most recent sex crime. Among the 36 offenders who would have been eligible for the registry, 12 had committed a stranger-predatory sex offense; the remaining 24 had offended against family, friends and coworkers (Popkin 1994).

Assuming a registration and notification system of complete integrity, proactive police warnings could have potentially reached subsequent victims in 6

of the 12 stranger-predatory cases (Popkin 1994). Thus, the potential of the law to prevent stranger-predatory crimes is limited, according to this study.

Megan's Law was created as a result of an extreme sex crime that resulted in murder. Sex offenses range from non-violent acts such as the possession of child pornography or soliciting for prostitution to rape (Lotke 1997). This law and similar laws do not begin to address the problem of typical sexual offenses against children, most of which are committed by a family member or friend. Abuse by a parent typically constitutes between 6% and 16% of all cases. Abuse by any family member makes up one fourth of cases (Shaw 1998). A shocking 90% of rape victims under 12 years old knew their attacker (Lotke 1997).

While citizens and legislators try to find new ways to protect children and women from attack, critics' worry that branding sexual offenders might actually do more harm than good. Some argue that Megan's laws could have an adverse effect. Because most frequently, sexual assault is committed by someone close to the victim of molestation, like a family member, Megan's Laws may result in silencing victims of incest. They may fear that those molesting them (their parents or siblings) will become "pariahs" (Planty 1997).

Recent reports from New Jersey and Colorado show a decrease in the reporting of sex crimes against juveniles, including incest by family members. One possible reason for the drop is that people do not wish to subject their family to community notification. These studies show that Megan's Law may create a disincentive for victims to step forward (Lotke 1997).

Experts also say Megan's law and similar state measures could drive sexual predators themselves away from getting help. There is abundant evidence that not all pedophiles and rapists are equally likely to repeat their crimes. This would irreversibly harm released offenders who have served their time and truly are controlling their dangerous urges. Moreover, mental-health professionals report that rehabilitation can work under the right circumstances. The key is that the offender has to want to get help. Once subjected to Megan's Laws, they might refuse to admit they need the help (Popkin 1994).

A sound argument against Megan's Law is that community notification does not replace treatment for convicted sex offenders. However, treatment for sex offenders has not proven to consistently reduce recidivism. In fact, there is great variability of recidivism in treated sex offenders. Rates can range from 0% to 50% (Shaw 1998). The popular idea is that "nothing works". Many studies have failed to find conclusive evidence that treatment will lower recidivism rates (Lotke 1997).

Most experts agree that a person who has committed a sex crime needs to learn to function normally in society, more than anything else. The best way to achieve this is to help offenders cope with their problems, which may include lack of trust, feelings of rejection or isolation, poor anger management and/or social skills. The rejection that may be experienced after community notification may only make these issues worse and increase the risk of re-offense (Lotke 1997).

Also, treatment tends to be much more effective when the offender is required to take full responsibility for his/her actions. They must learn to change their thought processes and notify people in their life about their mental state.

Treatment and community re-integration are great ways of increasing personal responsibility, whereas notification laws are a means of surveillance.

Notifications alone shifts the responsibility from the offender to the community possibly leaving the impression that he/she can do whatever they can get away with (Lotke 1997).

When interviewed, a particular, convicted sex offender, said he actually supports community notification required by Megan's Law because "the best indicator of future behavior is past behavior." But, he noted that even intense scrutiny is often not enough to stop many offenders: "No external factor is going to keep me from re-offending--not the program, not my wife, not God. Only me (Planty 1997)."

There is also supporting evidence from Washington State's eight-year experience with preventative law which suggests that community notification has little, if any, impact on the likelihood that a convicted sex criminal will or will not strike again. According to a 1995 state study, in the period before Washington state's "Megan's law," 22 percent of sex offenders who had been arrested went out again and committed sex crimes. After the law went into effect, the number hardly budged - it was 19 percent (Nagin 1995).

Another reason Megan's Law and similar legislation may be perceived as ineffective is for economic reasons. James R. Acker and Catherine Cerulli discuss federal financial incentives for the states to enact Megan's Laws. They advise that registration and notification requirements may be adverse to the promotion of public safety. States may choose to forego the requirements because of the economic costs. Therefore, it seems that the laws are not making



a difference, when in actuality; they may not be being enforced properly (Nagin 1995).

The driving force behind Megan's Law is the prevention of re-offense. Yet, scholarly research does not support the claims that sex offenders will repeatedly re-offend. An analysis of 7,753 sex offenders completed by Elizabeth Alexander found re-offense rates of 10.9% among those that were treated and 18.5% among untreated offenders (Lotke 1997). Another similar study found overall re-offense rates of 12.7% in the 15,361 offenders surveyed. According to these and other similar surveys, the majority of convicted sex offenders do not re-offend.

Actually, the issue of sex abuse of children has been a growing aspect of government attention and moral panic since the 1980s (Simon 2000). Prior to Megan's Law in 1994, Washington State enacted the Community Protection Act. This act put into effect in 1990 included America's first law authorizing public notification when dangerous sex offenders are released into the community (Klaas 1996). According to supporters of Megan's Laws, rape rates should decrease after such a law is enacted.

### III. Data and Analysis

To test the impact of sex offender notification laws, data from Washington and Oregon was compared. Washington and Oregon have similar demographic, economic, and political make-ups. Washington enacted a community notification act in 1990, while Oregon was without such a law at that time. These factors

made the two states ideal to compare and test for a change in the rape rate after the implementation of the community notification legislation in 1990 in Washington. The actual rape rates in Washington and Oregon for the years 1984-2000 were found and plotted in a graph to compare the trend. The data used in this comparison of Washington and Oregon was compiled by the Federal Bureau of Investigation. It is expected that the rates in Washington State would decrease relative to the rate in Oregon after the implementation of the Community Protection Act, a sex offender registration law, in 1990. However, the rates do not decrease and a consistent gap remains between the states, indicating that such laws may not reduce or even effect the rape rate.

Another way to understand whether posting the names of sex offenders on the Internet is by forming an equation and running a simple regression. It is also possible to test if laws like Megan's law actually reduce the rape rate. First data was collected for each of the fifty states using the statistical abstract of the US. Alaska, Delaware and New Mexico have the highest rape rates in the country, while New Jersey, West Virginia and Maine have the lowest as of 2001. For each of the fifty states, income, percent of the population: white, percent of the population: under 18, poverty rate, unemployment rate, and population density were found and used in the model to test rape rate. Also, a dummy variable was used to account for the presence of Internet access to the names of convicted sex offenders.

Each of these variables seem to have an effect on crime rates in general, so they were chosen to test the particular crime of rape. Generally, income and percent of the population: white and the poverty rate have an inverse effect on crime rates. Higher population densities may produce conditions that support

criminal activity. Likewise, the unemployed may be more prone to violent crime as low earnings and idle time make crime relatively more attractive. Finally, a younger cohort is more prone to violent crime.

It is important to note that income and percent of the population: white were highly correlated. This correlation does not seem to affect the results of the regression. Subsequent regressions that deleted only income or percent of the population: white failed to show any significant parameter estimates. The regression results appear in Table 2. The regression was used to see which, if any, factors affected the rape rate and also to test for the impact of Internet access to convicted sex offender names on the rape rate. According to the results, Internet access to a sex offender database does not significantly affect the rape rate. In fact, all of the variables are insignificant and therefore none of the independent variables could account for differences in the rape rate across states.

#### IV. Conclusion

Since the early nineties, there has been increased awareness of sex crimes in the US. As a result, many community notification laws have been enacted, many bearing the name of a victim like New Jersey's Megan's Law. These laws, which intend to identify convicted sex offenders once released into society, seem to appease the public and provide a sense of security. However, it is clearly a false sense of security. According to many experts and to the findings of this paper, community notification laws do not have an effect on the overall rape rate of a state. Surprisingly, the rape rate stayed consistent after the implementation of a community notification law in most states. Even the extra

feature of public Internet access to convicted sex offender names and information did not have an impact on the rape rate. Clearly, community notification laws, which may include Internet access to sex offender databases, is not an adequate way to protect our communities and stop repeat sex offenders.

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Statistical Abstract of the US ([www.census.gov/statab](http://www.census.gov/statab))

**Table 1 – Simple Statistics**

<i>variable</i>	<i>mean</i>	<i>standard deviation</i>	<i>minimum</i>	<i>maximum</i>
<b>rape rate</b>	0.0003354	0.0001047	0.0001610	0.0007030
<b>Income</b>	20767.0000000	2849.0000000	15853.0000000	28766.0000000
<b>percent of the population: white</b>	79.5820000	12.8973000	24.3000000	96.9000000
<b>poverty rate</b>	11.9420000	3.1248900	6.5000000	19.9000000
<b>percent of the population: under 18</b>	25.6760000	1.7415200	22.3000000	32.2000000
<b>internet access</b>	0.7600000	0.4314200	0.0000000	1.0000000
<b>unemployment rate</b>	3.9160000	0.9333600	2.2000000	6.7000000
<b>Population density</b>	181.8960000	250.1548100	1.1000000	1134.0000000

## Table 2 - Cross-Section Regression of Rape Rates by State

*Dependent Variable: Rape Rate*

	<i>Rape Rate 2000</i>
<i>Coefficients:</i>	
income	2.07915E-09 (1.186882E-8)
percent of the population: white	-1.51261E-7 (0.00000151)
poverty rate	0.00000115 (0.00000980)
percent of the population: under 18	0.00000665 (0.00001015)
internet access	0.00002595 (0.00003819)
unemployment rate	0.00001264 (0.00002041)
population density	-6.30601E-8 (9.168524E-8)
R-Square	0.0903
Adj. R-Sq.	-0.0614
F-value	0.60
n	50



**Rape Trends in Washington and Oregon from 1984-2000**

