

Patty Wetterling - The harm in sex-offender laws



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My son Jacob was kidnapped on Oct. 22, 1989. Neither his brother nor his friend saw the man's face. He was masked, he had a gun and he ordered them to run to the woods. By the time they looked back, Jacob was gone and so was the man. Since that day, I have been on a journey to find him and to stop this from ever happening to another child, another family. But I'm worried that we're focusing so much energy on naming and shaming convicted sex offenders that we're not doing as much as we should to protect our children from other real threats. Many states make former offenders register for life, restrict where they can live, and make their details known to the public. And yet the evidence suggests these laws may do more harm than good. Jacob's Law was the first federal attempt to prevent convicted sex offenders from repeating their crimes after release.

It was the outcome of my unwanted education in sexual violence against children. Soon after Jacob was taken, I learned that sexual motives are usually behind child kidnapping. That was a thought totally out of my realm of consciousness. Who would do that? Who would sexually harm a child? As the search for Jacob went on, I asked law enforcement, what do you need? An investigator told me: A ready list of potential suspects, a central database of offenders convicted of sexual violence against children. The Jacob Wetterling Crimes Against Children Sex Offender Registration Act was part of the 1994 Crime Bill signed by President Bill Clinton. Our goal was to give law enforcement a tool to help build safer communities. Back in 1990, when we first recommended registering convicted sex offenders, we were met with resistance: "You can't do that. These people have rights!" How times have changed. Few people today are concerned about the rights of sex offenders. Most now complain our laws are not tough enough.

But they might be missing some basic facts. First, in most states "sex offender" covers anyone, including juveniles, convicted of any sexual offense, including consensual teenage sex, public urination and other non-violent crimes. Second, Jacob was the exception, not the rule: more than 90 percent of sexual violence is committed by someone the child knows. And third, most shocking to me, sex offenders are less likely to re-offend than commonly thought. A Department of Justice study suggested ex-offenders have a recidivism rate of 3 percent to 5 percent within the first three years after release. Another study found that, after 15 years, three out of four do not re-offend. Shortly before Jacob's Law was passed, Megan Kanka was kidnapped, raped and murdered. Her parents felt it wasn't enough for law enforcement to know where sex offenders were: they thought we should all know. Maybe, if they'd known that there was a convicted sex offender living next door, their child would be alive today. Megan's Law was created to let people know when a violent offender was released into their community, so they could talk to their children and perhaps save another child from sexual violence. But the law has been expanded so that now anyone with an Internet connection can download details about almost any offender, whether or not they pose a risk, and whether or not they live nearby. Are these policies working? Are our "get tough on sex offenders" laws having the desired effect? Human Rights Watch has taken on the challenge of looking at sex offender policy to see what parts are working and what aren't. This week it published a 143-page report, "No Easy Answers: Sex Offender Laws in the United States." The researchers examined whether we are building safer communities with these laws, and what issues policy-makers should consider. HRW found that many laws may not prevent sexual attacks on children, but do lead to harassment, ostracism and even violence

against former offenders. That makes it nearly impossible to rehabilitate those people and reintegrate them safely into their communities -- and that may actually increase the risk that they'll repeat their crime. We need to keep sight of the goal: no more victims. We need to be realistic. Not all sex offenders are the same. Not all sex offenses are the same. We need to ask tougher questions: What can we do to help those who have offended so that they will not do it again? What are the social factors contributing to sexual violence and how can we turn things around? None of us want our loved ones to be victims of sexual violence. None of us want to be the parent or sibling or child of a sex offender. But since the vast majority of sexual assaults are committed by someone known to the family, sexual violence becomes personal very quickly. It affects all of us. We need better answers. We need to fund prevention programs that stop sexual violence before it happens. We need to look at what can help those released from prison to succeed so that they don't victimize again -- and that probably means housing and jobs and treatment and community support. Given that current laws are extremely popular, taking truly effective measures may exact a high political price. But that's surely not too much to pay to prevent the kidnap, rape or murder of another child.